99-1675

Baltimore County Zoning Review Request

To: Arnold Jablon, Director
Permits & Development Management
Room 111, Co. Office Bldg.
111 West Chesapeake Avenue
Towson, Maryland 21204
Telephone - 410-887-3391

NOTICE TO APPLICANT: Please be aware Section 424 Balto. Co. Zoning Regulations controls these uses. If you are not certain of the requirements necessary for complying with these regulations, please contact the P.D.M. Office before submitting this form.

to ULL 6/27/99 #1061

A NEW CHILD CARE CENTER LICENSE has been requested for the following facility:

NAME OF CENTER: Hillendale Child Development Center

ADDRESS OF CENTER: 7860 Hillsway Ave. Baltimore MD 21234

NAME OF APPLICANT/LICENSEE: Susy John Altumalil

TELEPHONE: 410-583-2515

EXISTING USE OF BUILDING: Child Care Center

IF NEW BUILDING, PROPOSED USE: Child Care Center

COUNTY BUILDING AND/OR CHANGE OF USE/OCCUPANCY PERMIT NUMBER: 64540
(non-residential only)

6/22/99 WCR

PROPOSED CHILD CARE USE: CHECK ONE

Class A Group Child Care (9-12 Children) ____
Class B Group Child Care (13 or More Children) ____
Nursery School ✓

Along with this form the following information is required for zoning review. Completing this form does not guarantee zoning approval. Other information or particular requirements may be necessary.

1. IF ANY, list zoning history/zoning hearing case numbers or prior zoning approval actions relating to the child care use: _____

Provide photocopies of the latest zoning public hearing order, use permit or letter.

2. Provide an as-built scaled site plan (1 inch = 30 FT or larger) with existing and proposed uses shown and street vicinity map showing the location and outline of the site. Show all fence requirements to comply with Section 424.1.B (BCZR) for fences abutting residential property.

3. Provide a copy of the 1" = 200' scale official zoning map* with the adjacent street names, site, and building outlines and all uses and play areas drawn to scale and properly identified. Also identify all existing and proposed uses on adjacent properties and note if any child care uses exist on these adjacent properties. *Copy available at the P.D.M. (Zoning Review) information counter during normal working hours.

4. Provide a $40 review fee (money order or check, fee subject to change without notice) made payable to Baltimore County, Maryland.

After review, please complete the following and send to the Child Care Administration at the address listed below:

CCA, Region III
409 Washington Avenue
Suite LL8
Towson, Maryland 21204
Mail Stop 64

A CHILD CARE CENTER MAY OPERATE AT THE ABOVE-NAMED ADDRESS:
Yes ✓ No ____ (If No, please specify the grounds for disapproval and additional action required of the applicant.)

Pursuant to zoning case # 81-73-XA and 84-232 SPH and subject to restrictions of same.

NAME/TITLE: ARNOLD JABLON DIRECTOR P.D.M.
(Please print)

SIGNATURE: For Arnold Jablon

DATE: 6/24/99

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 069216

DATE 6/23/99 ACCOUNT 001A150

AMOUNT $ 40.00 (JLL)

RECEIVED FROM: John & Susy & Alex Attumalil

FOR: #99-1675
Child Care Center License
Hillendale Child Dev Ctr - 7860 Hillsway Avenue

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
06/23/1999 06/23/1999 13:13:24
ACCT CASHIER LGHT LOG CASHIER
5 528 ZONING VERIFICATION
Rec# 069216 JLL
Rept Tot 40.00
40.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

#1

BUILDING PERMIT NO. 64540

COMMERCIAL OCCUPANCY INSPECTION RECORD

	PARTIAL	FINAL
BUILDING	3/8/85	
ELECTRICAL	2/10/85	4/22/85
FIRE PREVENT.	3/8/85	P.S.
MECHANICAL		
PLUMBING	2/15/85 P.D.	
PUBLIC WORKS		
SEDIMENT CONT.		
SPRINKLER SYS.		

~~Permit Expiration~~

NOTICE

ALL ABOVE INSPECTIONS MUST BE MADE AND SIGNED BEFORE THE CERTIFICATE OF USE AND OCCUPANCY CAN BE ISSUED.

DO NOT REMOVE THIS STICKER.
Baltimore County Buildings Engineer

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

February 7, 1984

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

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

Dear Mr. Simons:

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

Very truly yours,

Edith T. Eisenhart,
Adm. Secretary

Encl.

cc: St. Andrews Evangelical Lutheran Church
Thomas F. McDonough, Esquire
Mr. Wm. R. Carlile
Mary A. Poehlman
Mr. & Mrs. Wm. Frederick
Mr. & Mrs. B. Kirkpatrick
Mr. & Mrs. J. B. Grady
Mr. & Mrs. S. V. Barnaba
Mr. & Mrs. B. A. Meluh
Mr. & Mrs. A. F. Thorpe
Jack Sturgill, Jr., Esq.
Phyllis C. Friedman
A. Jablon
J. E. Dyer
J. Jung
N. E. Gerber
J. G. Hoswell

Case No. 84-232-SPH

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

October 1, 1985

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

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

Dear Mr. DiNenna:

By letter dated September 24, 1985, you have requested that this office advise you as to the applicability of the Zoning Regulations regarding an expansion of a parking area for the nursery school at Taylor and Hillsway Avenues. The nursery school was granted a Special Exception by the Board of Appeals of Baltimore County, Case No. 81-73-XA, on February 4, 1982. The Order granting the Special Exception placed several restrictions on parking and drop-off points for children.

In order to rectify an oversight on the original Opinion and Order, the Board issued a second Opinion and Order under the same case, No. 81-73-XA, dated February 7, 1984. This Order reads as follows:

> "For the reasons set forth above, it is this 7th day of February, 1984, by the County Board of Appeals, ORDERED that the variance to permit six (6) parking spaces instead of the twenty-one (21) parking spaces required by County standards be and the same is hereby GRANTED; and it is FURTHER ORDERED that the variance requesting a fifteen (15) foot setback for the front building line in lieu of the required County Standards be and the same is hereby GRANTED; and it is FURTHER ORDERED that the request for a seventy-five (75) foot buffer zone be declared moot and not required, it having been eliminated by County Council Bill No. 124-81."

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

Very truly yours,

James E. Dyer

JAMES E. DYER
Zoning Supervisor

JED:nr

cc: Board of Appeals of Baltimore County
Mr. Arnold Jablon, Zoning Commissioner
Case File

Case No. 84-232-SPH

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

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ZONING COMMISSIONER

JEAN M. H. JUNG
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Very truly yours,

James E. Dyer

JAMES E. DYER
Zoning Supervisor

JED:nr

cc: Board of Appeals of Baltimore County
Mr. Arnold Jablon, Zoning Commissioner
Case File

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

Daft, McCune & Walker
530 E. Joppa Road
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 8th day of February, 1984

ARNOLD JABLON
Zoning Commissioner

Petitioner: St. Andrews Evan. Luth. Ch.
Petitioner's Attorney: R. Taylor McLean, Esq.

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

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
Chairman

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

April 13, 1984

R. Taylor McLean, Esq.
102 W. Pennsylvania Ave
Towson, Md. 21204

84-232-SPH (198)
St Andrews Lutheran Ch.
Special Hearing

Dear Mr. McLean:

Enclosed please find additional comments submitted after my original comments of March 6, 1984. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,

Nicholas B. Commodari

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

Daft, McCune, Walker
530 E. Joppa Rd
21204

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner Date March 7, 1984

FROM Norman E. Gerber, Director, Office of Planning and Zoning

SUBJECT St. Andrews Evangelical Lutheran Church, 84-232-SPH

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

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
Chairman

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

March 6, 1984

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

RE: Item No. 198 - Case No. 84-232-SPH
St. Andrews Evangelical Lutheran Church
Special Hearing Petition

Dear Mr. McLean:

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 plnas 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.

In view of your client's proposal to extend the time for utilization of the special exception, Case No. 81-73-XA, which granted the right to construct a nursery school on the subject property, this hearing is being requested.

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. Commodari

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: Daft, McCune & Walker
530 E. Joppa Road
Towson, Md. 21204

MICROFILMED

Feb 29, 1984
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 198, Zoning Advisory Committee Meeting of Feb. 7, 1984

Property Owner: St. Andrews Evangelical Lutheran Church

Location: SW/Cor. Taylor Avenue and Hillsway Ave. District 9

Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

(✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

(✓) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

(✓) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

3/12
84-232 SPH

Zoning Item # 198
Page 2

( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

( ) Soil percolation tests have been conducted.
( ) The results are valid until
( ) Revised plans must be submitted prior to approval of the percolation tests.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.

( ) All roads and parking areas should be surfaced with a dustless, bonding material.

(✓) No health hazards are anticipated.

(✓) Others See attached comments

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

MICROFILMED

SS 20 1080 (2)

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

February 13, 1984

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: St. Andrews Evangelical Luthern Church

Location: SW/Cor. Taylor Avenue and Hillsway Avenue

Item No.: 198 Zoning Agenda: Meeting of February 7, 1984

Gentlemen:

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

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

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

( ) 3. The vehicle dead end condition shown at ____ EXCEEDS the maximum allowed by the Fire Department.

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

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

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

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

REVIEWER: Planning Group, Special Inspection Division

Noted and Approved: George M. Kegandt, Fire Prevention Bureau

/mb

MICROFILMED

JUN 2 1987

9-590-85

JED Reid
9-25-85

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

(301) 296-6820

SEP 25 AM

ZONING DEPARTMENT
By .....

September 24, 1985

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

RE: Zoning - Day Care Center

Dear Mr. Dyer:

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

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

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

Very truly yours,

S. ERIC DiNENNA

SED:bk
cc: Mr. Kamal Gadde

IN RE: PETITION SPECIAL HEARING
SW/corner of Taylor and Hillsway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church,
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 84-232-SPH

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an extension of the period of time within which to utilize a special exception previously granted by Order of the County Board of Appeals for Baltimore County on February 4, 1982 in Case No. 81-73-XA.

The Petitioner appeared and was represented by Counsel. Many supporters of the proposed extension appeared. There were no Protestants.

The property in question, owned by the Petitioner and zoned D.R.16 and D.R.10.5, was granted a special exception for a nursery school/day care center. Subsequent thereto, the Petitioner entered into an agreement with Hillsway Day Care Associates to have Hillsway manage a day care center and lease it to a professional operator. Due to difficulties in finding a suitable operator, the special exception has not been utilized. Because of the delay, this request is made.

[illegible] extension would not cause any adverse effects on the health, safety, and general welfare of the community. The concerns as delineated in Section 502.1 of the Baltimore County Zoning Regulations (BCZR) were considered in depth by the Board in its decision, and there is no evidence presented now to contradict or counteract the conclusions reached at that time.

The Petitioner seeks relief from Section 502.3, pursuant to Section 500.7, BCZR.

ORDER RECEIVED FOR FILING
DATE March 19 1984
BY Mathew Carey ack
ADMINISTRATIVE ASSISTANT

After due consideration of the testimony and evidence presented, it is clear that the Petitioner is entitled to have the special exception granted in Case No. 81-73-XA extended.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception should be extended.

herefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of March, 1984, that the relief prayed for in the Petition for Special Hearing to extend the time within which the Petitioner shall be entitled to utilize the special exception granted in Case No. 81-73-XA be and is hereby GRANTED, from and after the date of this Order, for an additional three years beginning February 4, 1984 and terminati. February 4, 1987.

Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE March 19 1984
BY Mathew Carey ack
ADMINISTRATIVE ASSISTANT

DAFT-McCUNE-W[illegible]KER, INC.

530 East [illegible]oppa Road
Towson, [illegible] 21204
Telephone: 301-296-3333

Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

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

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

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

April 28, 1980
Job Order No. B-8011

STATE OF MARYLAND
WILSON F. OUTEN
No. 10213
REGISTERED
LAND SURVEYOR

84-232-SPH

CERTIFICATE OF PUBLICATION

PETITION FOR SPECIAL HEARING
9th Election District

ZONING: Petition for Special Hearing
LOCATION: Southwest corner Taylor and Hillsway Avenue
DATE & TIME: Thursday, March 15, 1984 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

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 request for extension of time in which to utilize the Special Exception granted in Case No. 81-73-XA.

Being the property of St. Andrews Evangelical Lutheran Church, 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

Feb. 23.

TOWSON, MD., February 23, 19 84

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once in each~~ of one time ~~successive weeks~~ before the 15th day of March, 19 84, the ~~first~~ publication appearing on the 23rd day of February 19 84

THE JEFFERSONIAN,
L. Frank Griffith
Manager.

Cost of Advertisement, $ 20.00

84-232-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9 Date of Posting 2/26/84
Posted for: Petition for Special Hearing
Petitioner: St. Andrews Evangelical Lutheran Church
Location of property: S/W Taylor Ave. and Hillsway Ave.

Location of Signs: Lawn on Facing of Hillsway and Dartmouth Ave.
Remarks:
Posted by Gerald L. Wildman Date of return: 3/4/84
Signature
Number of Signs: 1

DUPLICATE

CERTIFICATE OF PUBLICATION

PETITION FOR SPECIAL HEARING
9th Election District

ZONING: Petition for Special Hearing
LOCATION: Southwest corner Taylor and Hillsway Avenue
DATE & TIME: Thursday, March 15, 1984 at 11:00 A.M.
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By ORDER OF
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Zoning Commissioner
of Baltimore County

Feb. 23.

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THE JEFFERSONIAN,
L. Frank Griffith
Manager.

Cost of Advertisement, $ 20.00

February 14, 1984

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

NOTICE OF HEARING

Re: Petition for Special Hearing
SW/corner Taylor and Hillsway Avenues
St. Andrews Evangelical Lutheran Church - Petitioner
Case No. 84-232-SPH

TIME: 11:00 A.M.

DATE: Thursday, March 15, 1984

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

cc: Hillway Day Care Associates
c/o John O. Simons, Jr.
521 E. Joppa Road
Towson, Maryland 21204

Zoning Commissioner
of Baltimore County

PETITION FOR SPECIAL HEARING

9th Election District

ZONING: Petition for Special Hearing

LOCATION: Southwest corner Taylor and Hillsway Avenues

DATE & TIME: Thursday, March 15, 1984 at 11:00 A.M.

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

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

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 request for extension of time in which to utilize the Special Exception granted in Case No. 81-73-XA

Being the property of St. Andrews Evangelical Lutheran Church, 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
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 25th day of January, 19 84

Filing Fee $ 150.00 Received: ___ Check ___ Cash ___ Other

Item # 198

William E. Hammond, Zoning Commissioner

Petitioner St. Andrews Evangelical Church Submitted by Kolb, Muller, Holzman & Reid
Petitioner's Attorney R. Taylor McLean Reviewed by WEH

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

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

No. 124096

DATE 1/25/84 ACCOUNT R-01-615-000
AMOUNT $150.00
RECEIVED FROM: Kolb, Muller, Holzman & Reid
FOR: Filing Fee for Special Exception
Item # 198

B 013*****100*****150*****

VALIDATION OR SIGNATURE OF CASHIER

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

ARNOLD JABLON
ZONING COMMISSIONER

March 6, 1984

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

Re: Petition for Special Hearing
SW/corner Taylor & Hillsway Avenues
St. Andrews Evangelical Lutheran Church - Petitioner
Case No. 84-232-SPH

Dear Mr. McLean:

This is to advise you that $46.12 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

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,

ARNOLD JABLON
Zoning Commissioner

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

No. 128222

DATE 3-15-84 ACCOUNT R-01-615-000
AMOUNT $46.12
RECEIVED FROM: Simons Building, Inc.
FOR: advertising & posting Case #84-232-SPH (St. Andrews)

B 031*****4632*****6152A

VALIDATION OR SIGNATURE OF CASHIER

[redacted]

MAP 84-86
3C
E.D. 9
DATE 2-9-87
200 PC
1000
DP

Petition for Special Hearing - 84-232-SPH
St. Andrews Evangelical Lutheran Church
SW/corner of Taylor and Hillsway Aves.
9th District

84-232-SPH
#148

(3C) ① Docketing
John
② Has to be remicrofilmed
Not everything got done.

84-232-SPH
#148

IN RE: PETITION SPECIAL HEARING
SW/corner of Taylor and Hillsway Avenues - 9th Election District

St. Andrews Evangelical Lutheran Church,
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 84-232-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an extension of the period of time within which to utilize a special exception previously granted by Order of the County Board of Appeals for Baltimore County on February 4, 1982 in Case No. 81-73-XA.

The Petitioner appeared and was represented by Counsel. Many supporters of the proposed extension appeared. There are no Protestants.

The property in question, owned by the Petitioner and zoned D.R.16 and D.R.10.5, was granted a special exception for a nursery school/day care center. Subsequent thereto, the Petitioner entered into an agreement with Hillsway Day Care Associates to have Hillsway manage a day care center and lease it to a professional operator. Due to difficulties in finding a suitable operator, the special exception has not been utilized. Because of the delay, this request is made.

The extension would not cause any adverse effects on the health, safety, and general welfare of the community. The concerns as delineated in Section 502.1 of the Baltimore County Zoning Regulations (BCZR) were considered in depth by the Board in its decision, and there is no evidence presented now to contradict or counteract the conclusions reached at that time.

The Petitioner seeks relief from Section 502.3, pursuant to Section 500.7, BCZR.

ORDER RECEIVED FOR FILING
DATE March 19, 1984
BY Stella C. Sowyerk
ADMINISTRATIVE ASSISTANT

MICROFILMED

After due consideration of the testimony and evidence presented, it is clear that the Petitioner is entitled to have the special exception granted in Case No. 81-73-XA extended.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception should be extended.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of March, 1984, that the relief prayed for in the Petition for Special Hearing to extend the time within which the Petitioner shall be entitled to utilize the special exception granted in Case No. 81-73-XA be and is hereby GRANTED, from and after the date of this Order, for an additional three years beginning February 4, 1984 and terminating February 4, 1987.

Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE March 19, 1984
BY Stella C. Sowyerk
ADMINISTRATIVE ASSISTANT

MICROFILMED

- 2 -

March 19, 1984

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

IN RE: Petition Special Hearing
SW/corner of Taylor and Hillsway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church, Petitioner
Case No. 84-232-SPH

Dear Mr. McLean:

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

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel

MICROFILMED

PETITION FOR SPECIAL HEARING 84-232-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

a request for extension of time in which to utilize the Special Exception granted in Case No. 81-73-XA

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

Hillsway Day Care Associates (A.M.H.)

I/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:
Hillsway Day Care Associates
(Type or Print Name)
By: John O. Simons, Jr.
Signature
General Partner
Address
521 E. Joppa Road
City and State Towson, MD 21204

Attorney for Petitioner:
R. Taylor McLean
(Type or Print Name)
Signature
102 W. Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-1800

Legal Owner(s):
St. Andrews Evangelical Lutheran Church
(Type or Print Name)
By: Anna Marie Howser
Signature Anna Marie Howser,
Chairman, Day Care Committee
(Type or Print Name)
Signature

1201 Taylor Avenue
Address Phone No.
Parkville, Maryland 21234
City and State

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

Name
Address Phone No.

ZONING: Var. 3C
LOCATION: SW/Cor. Taylor & Hillsway
DATE: 2/10/84
HEARING: 6PM
BY: [illegible]
FINAL: BY:

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of February, 1984, 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 15th day of March, 1984, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

ECO-04.1 (over)

ORDER RECEIVED FOR FILING
DATE 2-8-84
BY Stella C. Sowyerk

MICROFILMED

3/15/84?

PETITION FOR EXTENSION OF TIME TO UTILIZE SPECIAL EXCEPTION
SW corner of Taylor and Hillsway Aves., 9th District

ST. ANDREWS EVANGELICAL LUTHERAN CHURCH, et al.
Petitioners

* BEFORE THE ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 81-73-XA

* * * * * *

PETITION TO EXTEND TIME
TO UTILIZE SPECIAL EXCEPTION

The Petition of St. Andrews Evangelical Lutheran Church, et al., Petitioners, by their attorney, R. Taylor McLean, respectfully represents.

1. By Order dated February 4, 1982, the Board of Appeals of Baltimore County granted the Special Exception sought by the Petitioners in the above-referred-to case. In such Order, no time limit on the utilization of the Special Exception was specified and, as a result, under the provisions of Section 502.3 of the Baltimore County Zoning Regulations, such Special Exception must be utilized within a period of two years from the date of the Board's Order, February 4, 1982, or else the right to use the Special Exception will be lost unless the time for utilization is extended by the Zoning Commissioner.

2. More specifically, Section 502.3 of the Baltimore County Zoning Regulations provides that after a final Order granting a Special Exception, the Zoning Commissioner may grant one or more extensions of the period of time authorized for the utilization of the Special Exception provided such extension is granted prior to the expiration of the utilization period and provided, further, that the extensions do not extend for a period of more than five years from the date of the final Order granting the Special Exception.

BOYSTON, MUELLER, McLEAN & REID
SUITE 400
102 W. PENN. AVE.
TOWSON, MD. 21204
823-1800

MICROFILMED

3. Your Petitioners are continuing negotiations for satisfactory financing and operations for the Day Care Center for which the Special Exception was granted, and it is anticipated that it will be a number of months before such negotiations are consummated. Petitioners accordingly are requesting a twelve month extension of the time in which to utilize the Special Exception to February 4, 1985.

St. ANDREWS EVANGELICAL LUTHERAN CHURCH

By: Anna Marie Howser
Anna Marie Howser, Chairman,
Day Care Committee

Attorney for Petitioners
R. Taylor McLean

HILLSWAY DAY CARE ASSOCIATES

By: John O. Simons, Jr.
General Partner

BOYSTON, MUELLER, McLEAN & REID
SUITE 400
102 W. PENN. AVE.
TOWSON, MARYLAND
823-1800

-2-

MICROFILMED

JUN 2 1987

DAFT-McCUNEY-WALKER, INC.

530 East Joppa Road
Towson, Maryland 21204
Telephone (301)—296-3333

Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

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

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

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

April 28, 1980
Job Order No. B-80.

STATE OF MARYLAND — WILSON F. OUTEN — No. 2493 — REGISTERED PROFESSIONAL LAND SURVEYOR

OFFICE COPY

MICROFILMED

84-232-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9 Date of Posting 2/26/84
Posted for: Petition for Special Hearing
Petitioner: St. Andrews Evangelical Lutheran Church
Location of property: S.W.C. Taylor Ave. and Hillsway Ave.
Location of Signs: facing intersection of Hillsway and Dartmouth Ave.
Remarks:
Posted by Gerald L. Coleman (Signature) Date of return: 3/1/84
Number of Signs: 1

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 25th day of January, 1984*
Filing Fee $ 100.00 Received: ___ Check ___ Cash ___ Other

Item # 198

William E. Hammond, Zoning Commissioner

Petitioner St. Andrews Evangelical Lutheran Church Submitted by Rystov, Miller, Holzer & Reid
Petitioner's Attorney R. Taylor McLean Reviewed by WEH

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

MICROFILMED

84-232-SPH

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 23, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time before the 25th day of March, 1984, the first publication appearing on the 23rd day of February, 1984.

THE JEFFERSONIAN
S. Frank Smith
Manager.

Cost of Advertisement, $ 20.00

PETITION FOR SPECIAL HEARING
9th Election District
ZONING: Petition for Special Hearing
LOCATION: Southwest corner Taylor and Hillsway Avenues
DATE & TIME: Thursday, March 15, 1984 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
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 request for extension of time in which to utilize the Special Exception granted in Case No. 81-73-XA
Being the property of St. Andrews Evangelical Lutheran Church, 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

MICROFILMED

PETITION FOR SPECIAL HEARING
9th Election District

ZONING: Petition for Special Hearing

LOCATION: Southwest corner Taylor and Hillsway Avenues

DATE & TIME: Thursday, March 15, 1984 at 11:00 A.M.

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

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

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 request for extension of time in which to utilize the Special Exception granted in Case No. 81-73-XA

Being the property of St. Andrews Evangelical Lutheran Church, 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

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SW Corner Taylor & Hillsway Aves., 9th District : OF BALTIMORE COUNTY

ST. ANDREWS EVANGELICAL LUTHERAN CHURCH, Petitioner : Case No. 84-232-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to R. Taylor McLean, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

MICROFILMED

February 14, 1984

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

NOTICE OF HEARING

Re: Petition for Special Hearing
SW/corner Taylor and Hillsway Avenues
St. Andrews Evangelical Lutheran Church - Petitioner
Case No. 84-232-SPH

TIME: 11:00 A.M.

DATE: Thursday, March 15, 1984

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

cc: Hillsway Day Care Associates
c/o John O. Simons, Jr.
521 E. Joppa Road
Towson, Maryland 21204

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 124096
DATE 1/25/84 ACCOUNT R-01-615-000
AMOUNT $100.00
RECEIVED Rolston, Miller, Holzer & Reid
FOR Filing Fee for Special Exception
Item # 198
VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

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

ARNOLD JABLON
ZONING COMMISSIONER

March 6, 1984

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

Re: Petition for Special Hearing
SW/corner Taylor & Hillsway Avenues
St. Andrews Evangelical Lutheran Church - Petitioner
Case No. 84-232-SPH

Dear Mr. McLean:

This is to advise you that $46.12 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

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,

ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 128222
DATE 3-15-84 ACCOUNT R-01-615-000
AMOUNT $46.12
RECEIVED Simons Builders, Inc.
FOR advertising & posting Case #84-232-SPH (St. Andrews)
VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

3-15-84 84-232-SPH

Members of St. Andrew's Church

John Bryant	3621 Drumwood Rd.	21204
Edw G. Mueller	7912 Oakdale Ave	21234
John C. Heing	6807 Collingdale Road	21234
Mrs. Richard G. Goff	8751 Nestle Rd.	21234
Louis M. Tortorice	1819 Briarcliff Rd	21234
Anne Marie Howes	59 Belmar Rd.	21093
L. Arthur Fundis	7125 Chambers Rd	21234
Laura J. Blumer	7908 Bay View Rd	21234
Lynn W. Roehl III	18 Genoa Court	21234
Mrs. Wm. J. Schott	521 Regester Ave	21212
Capt. & Mrs. Burkhardt	114 Glendale Rd	21139
Virginia C. Burkhardt	114 Glendale Rd	21139
Doris Schott	521 Regester Ave.	21212
Sister M. Le Horn	104 Mercy Rd	21093
Sylvia Faust	2624 Canterbury Rd	21234
Mrs. Letter	10 Felton Rd	21093
George E. Harris	8100 Deborford Rd.	21234
Madelyn Pugh	8111 Oakleigh Rd	21234
Mary Lee Shofield	7201 Sisdall Rd.	21234
Evelyn V. Fitzer	1715 Goodview Rd.	21234
James H. Fitzer	1715 Goodview Rd	21234

Pet Ex 2.

MICROFILMED

JUN 2 1987

9-590-85

J.E.D. Reid 9-25-85

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

(301) 296-0030

SEP 25 AM

ZONING DEPARTMENT

September 24, 1985

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

RE: Zoning - Day Care Center

Dear Mr. Dyer:

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

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

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

Very truly yours,

S. ERIC DINENNA

SED:bk
cc: Mr. Kamal Gadde

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Nicholas Commodari, Zoning Department Date February 7, 1984

FROM Charles E. Burnham, Chief, Plans Review C.E.B

SUBJECT Zoning Advisory Committee
Meeting of February 7, 1984

Item #195	Standard Comments
Item #196	Standard Comments
Item #197	Standard Comments
Item #198	No Comment
Item #199	See Comments
Item #200	See Comments
Item #201	See Comments
Item #202	See Comments

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner Date February 29, 1984

FROM Catherine Drayton, Child Day Care Coordinator

SUBJECT Item # 198; Case #0.81-73-XA

This Case involves the business venture of three principals:

1. St. Andrews Church - Which owns the property.
2. Jack Simons - A builder (limited partnership) with some knowledge and experience in Day Care operations.
3. George Miller - Prospective leasor and licensee of Towson Day Care/Learning Center, who already owns two licensed centers in Baltimore County.

The trio are meticulous in details at developing the site in a good area for child care services. Although no application has been filed, numerous contacts have been made with this office by the principals.

CD:amm

cc: John Krager, M.D., Director
Bureau of Preventive Services

MICROFILMED

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 21, 1984

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

Re: Item #198 (1983-1984)
Property Owner: St. Andrews Evangelical Lutheran Church
S/W corner Taylor Ave. and Hillsway Ave.
District: 9th Acres: 0.91

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:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 14 (1980-1981) are referred to for your consideration.

This office has no further comment in regard to this Item 198 (1983-1984).

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

Encls.

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

84-232

MICROFILMED

September 8, 1980

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

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

Dear Mr. Hammond:

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

General:

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

Highways:

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

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

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

Sediment Control:

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

Storm Drains:

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

MICROFILMED

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

Storm Drains: (Cont'd)

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

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

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

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

Water and Sanitary Sewer:

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

Very truly yours,

(SIGNED) EDWARD A. MCDONOUGH
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Somers, J. Winkley

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

MICROFILMED

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: February 2, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: February 7, 1984

RE: Item No: 195, 196, 197, 198 199, 200, 201, & 202.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/lh

MICROFILMED

84-267 NOC

2/1/84

84-232-SPH

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

CARROLL W. ROYSTON
M. ANTHONY MUELLER
R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. A. KLINGELHOFER III
THOMAS F. McDONOUGH

LAWRENCE F. HAISLIP

FEB 9 AM

ZONING DEPARTMENT

February 8, 1984

Arnold Jablon, Esq.
Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Early Date for Special Hearing
Hillsway Day Care - Case No. 81-73-XA
ST. ANDREWS EVANGELICAL LUTHERAN CHURCH
Item No. 198

Dear Mr. Jablon:

This is to request that the Special Hearing pending in the above-referred to matter be scheduled as soon as possible on or after February 24, 1984. The reason why the Petitioner is seeking an advanced hearing date is that a Day Care Center, somewhat like a school, must open in the early Fall (September or early October) if it is to open successfully. Thus, an early hearing date is needed so that, if the Petitioner is successful, construction can commence to permit a September opening. The representative from St. Andrews Evangelical Lutheran Church will be available to attend the hearing on or after February 24. Any advancement of the hearing date would be greatly appreciated.

Sincerely yours,

R. Taylor McLean

RTMcL:tmy

MICROFILMED

JUN 2 1987

PETITION FOR SPECIAL HEARING 84-232-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

a request for extension of time in which to utilize the Special Exception granted in Case No. 81-73-XA

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

Hillsway Day Care Associates (A.M.H.) 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:
Hillsway Day Care Associates
(Type or Print Name)
By: Stewart John O. Simons, Jr.
General Partner
Address
521 E. Joppa Road
City and State Towson, MD 21204

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

Legal Owner(s):
St. Andrews Evangelical Lutheran Church
(Type or Print Name)
By: x Anna Marie Howser
Signature Anna Marie Howser,
Chairman, Day Care Committee
(Type or Print Name)
Signature
1201 Taylor Avenue
Address Phone No.
Parkville, Maryland 21234
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

ORDER RECEIVED FOR FILING
DATE March 15, 1984
BY

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of February, 1984, 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 15th day of March, 1984, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

84-232-SPH
St. Andrews Evangelical Lutheran Church
SW cor Taylor & Hillsway Avenues 9th
84-232-SPH
#198

PETITION FOR SPECIAL HEARING 84-232-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

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(Type or Print Name)
Signature John O. Simons, Jr.
General Partner
Address
521 E. Joppa Road
City and State Towson, MD 21204

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

Legal Owner(s):
St. Andrews Evangelical Lutheran Church
(Type or Print Name)
By: x Anna Marie Howser
Signature Anna Marie Howser,
Chairman, Day Care Committee
(Type or Print Name)
Signature
1201 Taylor Avenue
Address Phone No.
Parkville, Maryland 21234
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

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Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

PETITION FOR SPECIAL HEARING 84-232-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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a request for extension of time in which to utilize the Special Exception granted in Case No. 81-73-XA

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Hillsway Day Care Associates (A.M.H.) 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:
Hillsway Day Care Associates
(Type or Print Name)
Signature John O. Simons, Jr.
General Partner
Address
521 E. Joppa Road
City and State Towson, MD 21204

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

Legal Owner(s):
St. Andrews Evangelical Lutheran Church
(Type or Print Name)
By: x Anna Marie Howser
Signature Anna Marie Howser,
Chairman, Day Care Committee
(Type or Print Name)
Signature
1201 Taylor Avenue
Address Phone No.
Parkville, Maryland 21234
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

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Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

PETITION FOR EXTENSION OF TIME TO UTILIZE SPECIAL EXCEPTION
SW corner of Taylor and Hillsway Aves., 9th District

ST. ANDREWS EVANGELICAL LUTHERAN CHURCH, et al.
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 81-73-XA

PETITION TO EXTEND TIME
TO UTILIZE SPECIAL EXCEPTION

The Petition of St. Andrews Evangelical Lutheran Church, et al., Petitioners, by their attorney, R. Taylor McLean, respectfully represents.

1. By Order dated February 4, 1982, the Board of Appeals of Baltimore County granted the Special Exception sought by the Petitioners in the above-referred-to case. In such Order, no time limit on the utilization of the Special Exception was specified and, as a result, under the provisions of Section 502.3 of the Baltimore County Zoning Regulations, such Special Exception must be utilized within a period of two years from the date of the Board's Order, February 4, 1982, or else the right to use the Special Exception will be lost unless the time for utilization is extended by the Zoning Commissioner.

2. More specifically, Section 502.3 of the Baltimore County Zoning Regulations provides that after a final Order granting a Special Exception, the Zoning Commissioner may grant one or more extensions of the period of time authorized for the utilization of the Special Exception provided such extension is granted prior to the expiration of the utilization period and provided, further, that the extensions do not extend for a period of more than five years from the date of the final Order granting the Special Exception.

ROYSTON, MUTLER, McLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4575
823-1800

3. Your Petitioners are continuing negotiations for satisfactory financing and operations for the Day Care Center for which the Special Exception was granted, and it is anticipated that it will be a number of months before such negotiations are consummated. Petitioners accordingly are requesting a twelve month extension of the time in which to utilize the Special Exception to February 4, 1985.

St. ANDREWS EVANGELICAL LUTHERAN CHURCH

By: Anna Marie Howser
Anna Marie Howser, Chairman, Day Care Committee

Attorney for Petitioners
R. Taylor McLean

HILLSWAY DAY CARE ASSOCIATES

By:
John O. Simons, Jr.
General Partner

ROYSTON, MUTLER, McLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4575
823-1800

-2-

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SW Corner Taylor & Hillsway Aves., 9th District : OF BALTIMORE COUNTY

ST. ANDREWS EVANGELICAL LUTHERAN CHURCH, Petitioner : Case No. 84-232-SPH
: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to R. Taylor McLean, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILMED

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

Daft, McCune & Walker
530 E. Joppa Road
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 8th day of February, 19 84

ARNOLD JABLON
Zoning Commissioner

Petitioner St. Andrews Evan. Luth. Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

Petitioner's Attorney R. Taylor McLean, Esq.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner — Date: March 7, 1984

FROM: Norman E. Gerber, Director, Office of Planning and Zoning

SUBJECT: St. Andrews Evangelical Lutheran Church, 84-232-SPH

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

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner — Date: March 7, 1984

FROM: Norman E. Gerber, Director, Office of Planning and Zoning

SUBJECT: St. Andrews Evangelical Lutheran Church, 84-232-SPH

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

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 21, 1984

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

Re: Item #198 (1983-1984)
Property Owner: St. Andrews Evangelical Lutheran Church
S/W corner Taylor Ave. and Hillsway Ave.
District: 9th Acres: 0.91

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:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 14 (1980-1981) are referred to for your consideration.

This office has no further comment in regard to this Item 198 (1983-1984).

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

Encls.

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

84-232

September 8, 1980

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

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

Dear Mr. Hammond:

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

General:

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

Highways:

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

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

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

Sediment Control:

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

Storm Drains:

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

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

Storm Drains: (Cont'd)

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

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

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

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

Water and Sanitary Sewer:

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

Very truly yours,

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

END:EAM:FWR:ss

cc: J. Somers, J. Winkley

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cdo

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

March 6, 1984

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

RE: Item No. 198 - Case No. 84-232-SPH
St. Andrews Evangelical Lutheran Church
Special Hearing Petition

Dear Mr. McLean:

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 plnas 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.

In view of your client's proposal to extend the time for utilization of the special exception, Case No. 81-73-XA, which granted the right to construct a nursery school on the subject property, this hearing is being requested.

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. Commodari, Lee
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: Daft, McCune & Walker
530 E. Joppa Road
Towson, Md. 21204

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

February 15, 1984

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: St. Andrews Evangelical Luthern Church

Location: SW/Cor. Taylor Avenue and Hillsway Avenue

Item No.: 198 Zoning Agenda: Meeting of February 7, 1984

Gentlemen:

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

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

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

( ) 3. The vehicle dead end condition shown at ____ EXCEEDS the maximum allowed by the Fire Department.

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

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

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

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

REVIEWER: [signature] Feb 2-14-84 Noted and Approved: George M Wagandt
Planning Group — Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Nicholas Commodari, Zoning Department Date February 7, 1984

FROM Charles E. Burnham, Chief, Plans Review C.E.B

SUBJECT Zoning Advisory Committee
Meeting of February 7, 1984

Item #195	Standard Comments
Item #196	Standard Comments
Item #197	Standard Comments
Item #198	No Comment
Item #199	See Comments
Item #200	See Comments
Item #201	See Comments
Item #202	See Comments

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent — Towson, Maryland - 21204

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Date: February 2, 1984

Z.A.C. Meeting of: February 7, 1984

RE: Item No: 195, 196, 197, 198, 199, 200, 201, & 202.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/lh

4-19-84

IN RE: PETITION SPECIAL HEARING
SW/corner of Taylor and Hillsway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church,
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 84-232-SPH

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an extension of the period of time within which to utilize a special exception previously granted by Order of the County Board of Appeals for Baltimore County on February 4, 1982 in Case No. 81-73-XA.

The Petitioner appeared and was represented by Counsel. Many supporters of the proposed extension appeared. There were no Protestants.

The property in question, owned by the Petitioner and zoned D.R.16 and D.R.10.5, was granted a special exception for a nursery school/day care center. Subsequent thereto, the Petitioner entered into an agreement with Hillsway Day Care Associates to have Hillsway manage a day care center and lease it to a professional operator. Due to difficulties in finding a suitable operator, the special exception has not been utilized. Because of the delay, this request is made.

The extension would not cause any adverse effects on the health, safety, and general welfare of the community. The concerns as delineated in Section 502.1 of the Baltimore County Zoning Regulations (BCZR) were considered in depth by the Board in its decision, and there is no evidence presented now to contradict or counteract the conclusions reached at that time.

The Petitioner seeks relief from Section 502.3, pursuant to Section 500.7, BCZR.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cdo

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

April 19, 1984

R. Taylor McLean, Esq.
102 W. Pennsylvania Ave
Towson, Md. 21204

84-232-SPH (198)
St Andrews Lutheran Ch.
Special Hearing

Dear Mr. McLean

Enclosed please find additional comments submitted after my original comments of March 6, 1984. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,
Nicholas B. Commodari, Lee
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

Daft, McCune, Walker
530 E. Joppa Rd
21204

Feb. 29, 1984
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 198, Zoning Advisory Committee Meeting of Feb 7, 1984
Property Owner: St. Andrew's Evangelical Lutheran Church
Location: SW/Cor. Taylor Avenue and Hillway Ave District 9
Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

(✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

(✓) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

(✓) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

3/2
84-232 SPH

Zoning Item # 198
Page 2

( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

( ) Soil percolation tests have been conducted.
( ) The results are valid until ____.
( ) Revised plans must be submitted prior to approval of the percolation tests.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until ____.
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.

( ) All roads and parking areas should be surfaced with a dustless, bonding material.

(✓) No health hazards are anticipated.

(✓) Others See attached comments

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: February 29, 1984

FROM: Catherine Drayton, Child Day Care Coordinator

SUBJECT: Item # 198; Case NO.81-73-XA

This Case involves the business venture of three principals:

1. St. Andrews Church - Which owns the property.
2. Jack Simons - A builder (limited partnership) with some knowledge and experience in Day Care operations.
3. George Miller - Prospective leasor and licensee of Towson Day Care/Learning Center, who already owns two licensed centers in Baltimore County.

The trio are meticulous in details at developing the site in a good area for child care services. Although no application has been filed, numerous contacts have been made with this office by the principals.

CD:amm

cc: John Krager, M.D., Director
Bureau of Preventive Services

March 19, 1984

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

IN RE: Petition Special Hearing
SW/corner of Taylor and Hillsway
Avenues - 9th Election District
St. Andrews Evangelical Lutheran
Church, Petitioner
Case No. 84-232-SPH

Dear Mr. McLean:

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

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel

84-237 NOL

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 300
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

CARLTON W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON B. SMITH JR.
C. B. KINGSHEPHERD III
THOMAS F. McDONOUGH
LAWRENCE P. HAINLIP

February 8, 1984

Arnold Jablon, Esq.
Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Early Date for Special Hearing
Hillsway Day Care - Case No. 81-73-XA
ST. ANDREWS EVANGELICAL LUTHERAN CHURCH
Item No. 198

Dear Mr. Jablon:

This is to request that the Special Hearing pending in the above-referred to matter be scheduled as soon as possible on or after February 24, 1984. The reason why the Petitioner is seeking an advanced hearing date is that a Day Care Center, somewhat like a school, must open in the early Fall (September or early October) if it is to open successfully. Thus, an early hearing date is needed so that, if the Petitioner is successful, construction can commence to permit a September opening. The representative from St. Andrews Evangelical Lutheran Church will be available to attend the hearing on or after February 24. Any advancement of the hearing date would be greatly appreciated.

Sincerely yours,

R. Taylor McLean

RTMcL:tmy

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

March 6, 1984

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

RE: Item No. 198 - Case No. 84-232-SPH
St. Andrews Evangelical Lutheran Church
Special Hearing Petition

Dear Mr. McLean:

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 plnas 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.

In view of your client's proposal to extend the time for utilization of the special exception, Case No. 81-73-XA, which granted the right to construct a nursery school on the subject property, this hearing is being requested.

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. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: Daft, McCune & Walker
530 E. Joppa Road
Towson, Md. 21204

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

February 13, 1984

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: St. Andrews Evangelical Luthern Church

Location: SW/Cor. Taylor Avenue and Hillsway Avenue

Item No.: 198 Zoning Agenda: Meeting of February 7, 1984

Gentlemen:

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

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

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

( ) 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

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

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

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

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

REVIEWER: [illegible] 2-14-84 Noted and Approved: George M. Regenold
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

DAFT-McCUNE-WALKER, INC.

530 East Joppa Road
Towson, Md. 21204
Telephone: 301-296-3333

Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

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

Beginning for the same at a point on the southernmost side of Taylor Avenue, 100 feet wide, at the northwesternmost end of a filet curve, connecting said southernmost side of Taylor Avenue with the westernmost side of Hillsway Avenue, 80 feet wide, and running thence along said filet curve (1) 22.42 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 42° 53' 08" East 20.39 feet, to the westernmost side of Hillsway Avenue, thence binding along said westernmost side of Hillsway Avenue (2) South 01° 04' 16" East 225.27 feet to the beginning of a filet curve connecting said westernmost side of Hillsway Avenue with the northernmost side of Dartmouth Avenue, 60 feet wide, thence binding along said filet curve (3) 23.32 feet in a southwesterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 28' 26" West 21.05 feet, to the northernmost side of Dartmouth Avenue, thence binding along said northernmost side of Dartmouth Avenue (4) South 88° 01' 06" West 84.38 feet and (5) 146.16 feet in a southwesterly direction along an arc of a curve to the left having a radius of 180.00 feet, said arc being subtended by a chord bearing South 64° 45' 36" West 142.14 feet, thence leaving Dartmouth Avenue and running (6) North 11° 17' 20" West 86.22 feet, (7) North 48° 47' 20" East 133.05 feet and (8) North 30° 13' 50" East 172.54 feet to a point on the aforesaid southernmost side of Taylor Avenue, thence binding thereon (9) 23.01 feet in an easterly direction along an arc of a curve to the left having a radius of 810.00 feet, said arc being subtended by a chord bearing South 85° 56' 40" East 23.00 feet and (10) South 86° 45' 30" East 16.05 feet to the place of beginning, containing 0.91 acre of land, more or less.

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

STATE OF MARYLAND
WILSON F. OUTEN
No. 2493
REGISTERED
LAND SURVEYOR

April 28, 1980
Job Order No. B-8011

3-15-84

Members of St. Andrew's Church

John Bryant, Jr.	7621 Drumwood Rd. 21204	
Edward G. Mueller	7912 Oakdale Ave	21234
John E. Heing	6807 Collinsdale Road	21234
Hope Rev. Richard G. Goff	8201 Loch Raven Rd.	21234
Louis M. Tortorice	1819 Briarcliff Rd	21234
Anne Marie Howar	59 Belmar Rd.	21093
L. Arthur Fungis	7125 Chambers Rd	21234
Laura J. Plummer	7903 Ben Ali Rd	21234
Lawrence W. Hoel III	18 Lemon Court	21234
Hillary E. Schott	521 Rogester Ave	21212
Carl H. Burkhardt	1147 Glendale Rd.	21239
Virginia A. Burkhardt	1147 Glendale Rd	21239
Doris Schott	521 Rogester Ave.	21212
Shirley M. DeHaven	104 Mary Ray Rd.	21093
Sylvia Faust	2624 Canterbury Rd	21234
Flora Fetters	10 Felton Rd.	21093
George E. Hauser	8100 Delaford Rd.	21234
Madelyn Pugh	8111 Delaford Rd	21234
Mary Ann Hopkins	7203 Sindall Rd.	21234
Evelyn V. Fetze	1715 Goodview Rd.	21234
James H. Fitz	1715 Goodview Rd	21234

Pet Ex 2.

PETITION FOR SPECIAL HEARING

9th Election District

ZONING: Petition for Special Hearing

LOCATION: Southwest corner Taylor and Hillsway Avenues

DATE & TIME: Thursday, March 15, 1984 at 11:00 A.M.

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

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

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 request for extension of time in which to utilize the Special Exception granted in Case No. 81-73-XA

Being the property of St. Andrews Evangelical Lutheran Church, 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

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCES
SW corner of Taylor and Hillsway Aves.,
9th District

: BEFORE THE ZONING COMMISSIONER

: OF BALTIMORE COUNTY

ST. ANDREWS EVANGELICAL LUTHERAN CHURCH, Petitioner

: Case No. 81-73-XA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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

Peter Max Zimmerman
Deputy People's Counsel

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

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

John W. Hessian, III

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES
SW/corner of Taylor and Hillsway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church, Petitioner

: BEFORE
: COUNTY BOARD OF APPEALS
: OF
: BALTIMORE COUNTY
: No. 81-73-XA

OPINION

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

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

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

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

2.

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

The Protestants most difficult argument states that if the request is granted and if either the Petitioner nor the Contract Purchaser live up to the requirements set out in the variance and special exception by this Board, that the enforcement by the County of any violations would be difficult, if not impossible. The Board recognizes the difficulty of the County enforcing its zoning regulations, particularly where perhaps 100 families would be using the day care center and the substantial investment of the contract purchaser. Nevertheless, to agree that the County was unable to enforce its zone regulations and therefore should deny this petition, puts the Board in an untenable position. The Board must believe that when it grants the special exception, the County can and will enforce the law.

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

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

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

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

After testimony was taken in this case, the Board became aware of the recent case of Schultz v Pritts 291 Md. 1, decided July 16, 1981, which in Part III of the decision, restructures the standards by which special exceptions are to be granted, particularly where, as in this case, the primary issue is traffic. In Schultz, the Court of Appeals specifically overruled the standards established in Gaul v Atlantic Richfield Co. 27 Md. App. 410, 341 A2d 222 (1975) which looked to the traffic generated by permitted uses in the zone, and if the special exception generated less traffic, directed this Board to grant the special exception. In Schultz, the Court said that we should look to the special exception specified by the Code rather than permitted uses as the traffic standard, and if this particular request does no more harm than any such special exception, the request must be granted.

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

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

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

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

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

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

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

ORDER

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

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

6.

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

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Wm. Cat Wilkinson

Jean A. Miller

IN SUPPORT

D.F. Whelan Jr.	1510 Taylor Ave	21234
David Scott	521 Regatta Ave	21212
Will Scott	521 Regatta Ave	21212
Mary Miller Brown	59 Rehoboth Rd.	21093
Sylvia Spurrier	3628 Centerline Rd	21234
Mildred Hillemann	6 Array Court	21204
Hans Lachmann	6 Array Court	21204
Joyce Bleemer	9911 Bow Tie Rd	21234
Louis Francis	2303 Harminer	21234
Ralph Clough	3626 Silkworth	21234
John E. Kenny	8877 Collingdale Rd	21234
Charles Hillemann	6 Array Court	21204
Nancy Gauer	1912 Dartmouth Ave	21234
Esther Bond	1809 Taylor Avenue	21234
Leon W. Hall III	19 Town Court	21234

Baltimore
Ex. 3 Jan 29, 1982

AUG 13 '82

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

: BEFORE THE
: ZONING COMMISSIONER
: OF
: BALTIMORE COUNTY

July 27, 1981
81-73-XA

::: ::: :::

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

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

ORDER RECEIVED FOR FILING
DATE [illegible]
BY [illegible]

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required 376 spaces (Case No. 65-177-R), but the property was never utilized for offices.

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

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

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

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

> Section 1B01.1.B.1.a.1 - "A residential transition area is any D.R.1, D.R.2, D.R.3.5, D.R.5.5, or D.R.10.5 zone or part thereof which lies (a) within 300 feet of any point on a dwelling other than an apartment building, or (b) within 250 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area."
>
> Section 1B01.1.B.1.a.2 - "A residential transition use is any one of the uses listed as such in the following table and hereby classified as set forth therein:" (Table referred to is incorporated herein as if fully set forth.)
>
> Section 1B01.1.B.1.b - "Restrictions in Residential Transition Areas. In any residential transition area situated as described in the following table, only residential transition uses shall be permitted, and only as indicated:" (Table referred to is incorporated herein as if fully set forth.)

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

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

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

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

Zoning Commissioner of
Baltimore County

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

: BEFORE THE
: ZONING COMMISSIONER
: OF
: BALTIMORE COUNTY

::: ::: :::

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required 376 spaces (Case No. 65-177-R), but the property was never utilized for offices.

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

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

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

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

> Section 1B01.1.B.1.a.1 - "A residential transition area is any D.R.1, D.R.2, D.R.3.5, D.R.5.5, or D.R.10.5 zone or part thereof which lies (a) within 300 feet of any point on a dwelling other than an apartment building, or (b) within 250 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area."
>
> Section 1B01.1.B.1.a.2 - "A residential transition use is any one of the uses listed as such in the following table and hereby classified as set forth therein:" (Table referred to is incorporated herein as if fully set forth.)
>
> Section 1B01.1.B.1.b - "Restrictions in Residential Transition Areas. In any residential transition area situated as described in the following table, only residential transition uses shall be permitted, and only as indicated:" (Table referred to is incorporated herein as if fully set forth.)

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

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of June, 1981, that the herein Petition for Special Exception for a nursery school (day care center) be and the same is hereby DENIED.

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

Zoning Commissioner of
Baltimore County

AUG 11 '82

IN THE MATTER OF THE APPLICATION OF ST. ANDREWS EVANGELICAL LUTHERAN CHURCH FOR SPECIAL EXCEPTION AND VARIANCES SW CORNER OF TAYLOR AND HILLSWAY AVENUES 9th DISTRICT	: : : : : : : :	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY NO. 81-73-XA

: :

OPINION

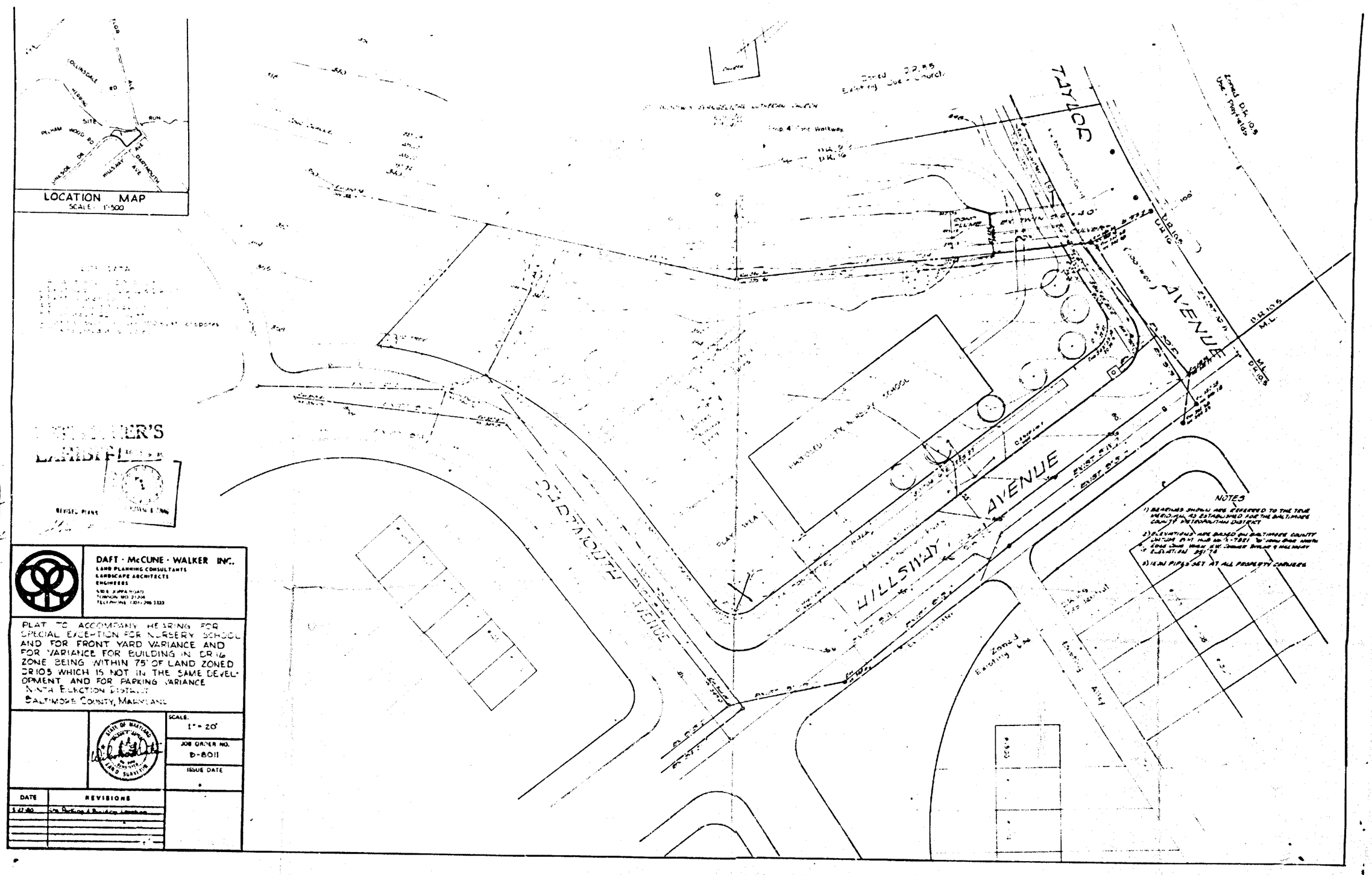
Case No. 81-73-XA was heard before the County Board of Appeals in early 1982. On February 4, 1982, an Opinion and Order was issued. The matter before the Board was a request for a special exception for a nursery school day care center and three variances. The Order issued in February, 1982, addressed only the special exception and did not specifically address the variances, however, these variances were considered at length in the Opinion. In order to rectify this oversight and after carefully reviewing the testimony and evidence presented at the hearing, it is obvious that the special exception cannot be utilized unless the variances are granted. The Board will, therefore, issue this additional Opinion and Order to complete this case.

ORDER

For the reasons set forth above, it is this 7th day of February, 1984, by the County Board of Appeals, ORDERED that the variance to permit six (6) parking spaces instead of the twenty-one (21) parking spaces required by County standards be and the same is hereby GRANTED; and it is

FURTHER ORDERED that the variance requesting a fifteen (15) foot setback for the front building line in lieu of the required County standards be and the same is hereby GRANTED; and it is

FURTHER ORDERED that the request for a seventy-five (75) foot buffer zone be declared moot and not required, it having been eliminated by County Council Bill No. 124-81.



PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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

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

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

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

Contract Purchaser: Hillsway Day Care Associates (Type or Print Name) — Charles O. Simons, General Partner — 7220 Belair Road, Baltimore, Maryland 21236

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

Attorney for Petitioner: R. Taylor McLean (Type or Print Name) — 102 West Pennsylvania Avenue, Towson, Maryland 21204

Name and telephone number of legal owner, contract purchaser or representative to be contacted: Name — Attorney's Telephone No.: (301) 823-1800 — Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of August, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of October, 1980, at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, St. Andrews Evangelical Lutheran Church, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2 B (V.I.2) to permit a front yard setback of 15' instead of the required 40'; 1802.2 C to permit a minimum setback from DR16/DR10.5 line of 55' instead of the required 75'; Sect. 409.2 b(5) to permit 6 parking spaces instead of the required 21 spaces, of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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

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

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Hillsway Day Care Associates — Charles O. Simons, Jr., General Partner — Contract purchaser — 7220 Belair Road, Baltimore, Maryland 21236

St. Andrews Evangelical Lutheran Church — by Charles L. Hellemann, President of St. Andrews Evangelical Lutheran Church — Legal Owner — Address 1201 Taylor Avenue, Parkville, Maryland 21234

R. Taylor McLean — Petitioner's Attorney — Address 102 West Pennsylvania Avenue, Towson, Maryland 21204 — Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of August, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of October, 1980 at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE
PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 25, 1980

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

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

Dear Mr. McLean:

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 insure 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.

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

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

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

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

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

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,
NICHOLAS B. COMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Daft-McCune-Walker, Inc.
200 E. Joppa Road
Towson, Md. 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

September 8, 1980

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

Re: Item 814 (1980-1981)
Property Owner: St. Andrews Evangelical Lutheran Church
S/W cor. Taylor Avenue and Hillsway Avenue
Acres: 0.91 Acre District: 9th

Dear Mr. Hammond:

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

General:

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

Highways:

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

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

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

Sediment Control:

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

Storm Drains:

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

Item 814 (1980-1981)
Property Owner: St. Andrews Evangelical Lutheran Church
Page 2
September 8, 1980

Storm Drains: (Cont'd)

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

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

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

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

Water and Sanitary Sewer:

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

Very truly yours,
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:SS

cc: J. Somers, J. Wimbley

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

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

August 11, 1980

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

Item No. 14 - SPEC - July 15, 1980
Property Owner: St. Andrews Evangelical Lutheran Church
Location: SW/Cor. Taylor Ave. & Hillsway Ave.
Existing Zoning: D.R. 16 & D.R. 10.5
Proposed Zoning: Special Exception for day care center and Variance to permit a front yard setback of 15' in lieu of the required 40' and a side yard setback of 17' in lieu of the required 25' and to permit a setback from D.R. 16/D.R. 10.5 line of 15' in lieu of the required 75'.
Acres: 0.91
District: 9th

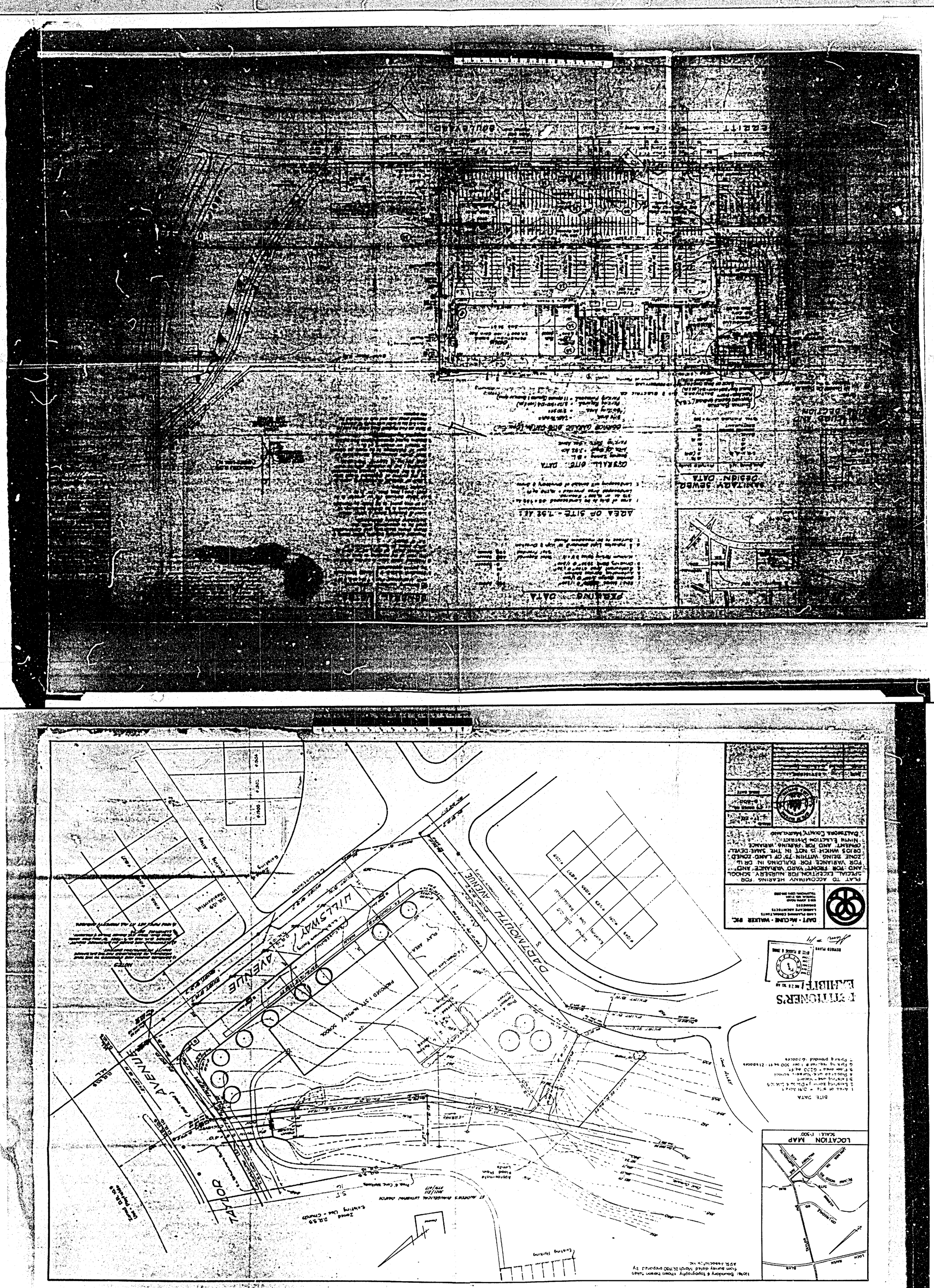
Dear Mr. Hammond:

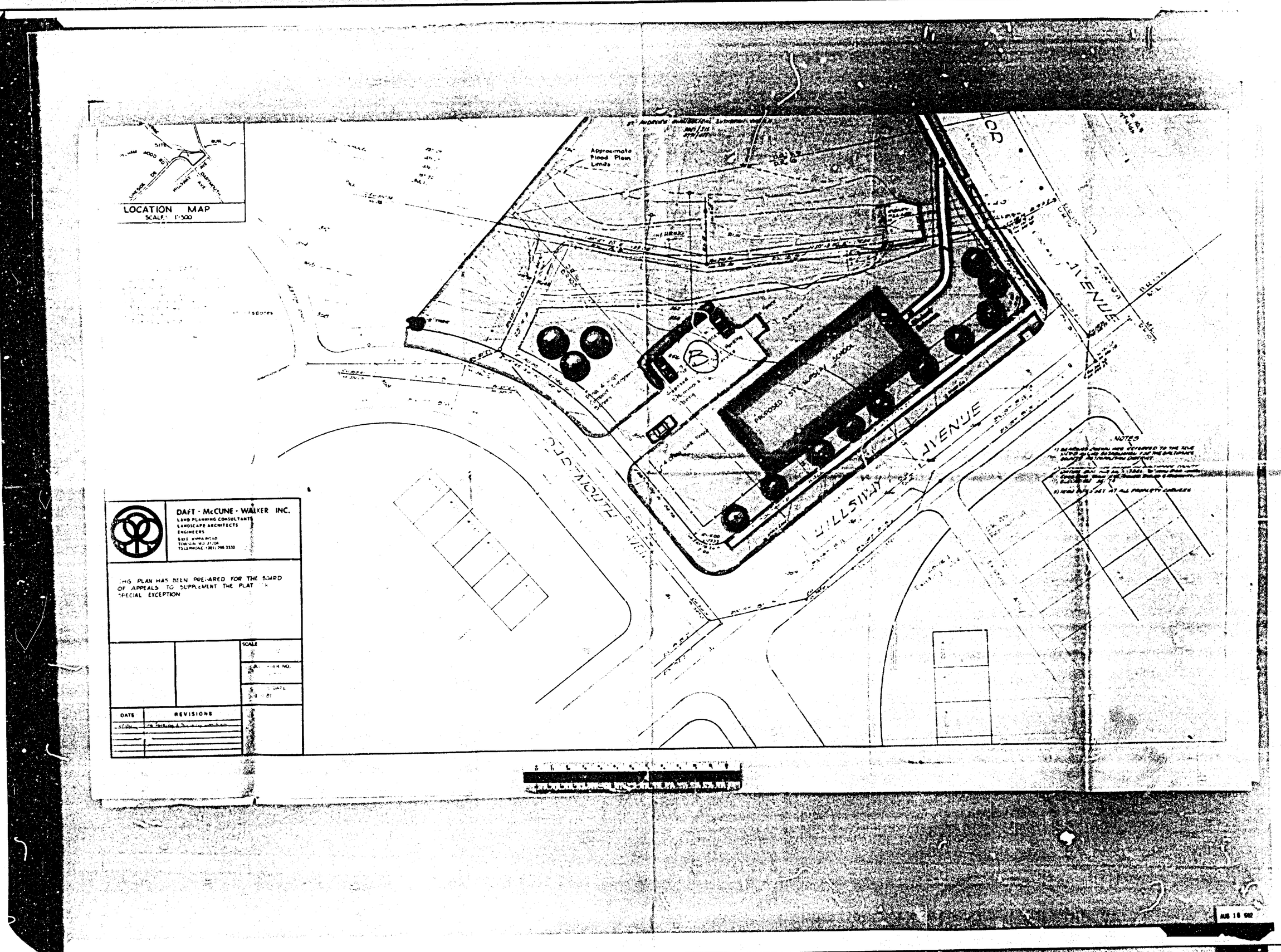
The requested Special Exception for a day care center is not expected to cause any major traffic problems.

Very truly yours,
Michael S. Flanigan
Engineer Associate II

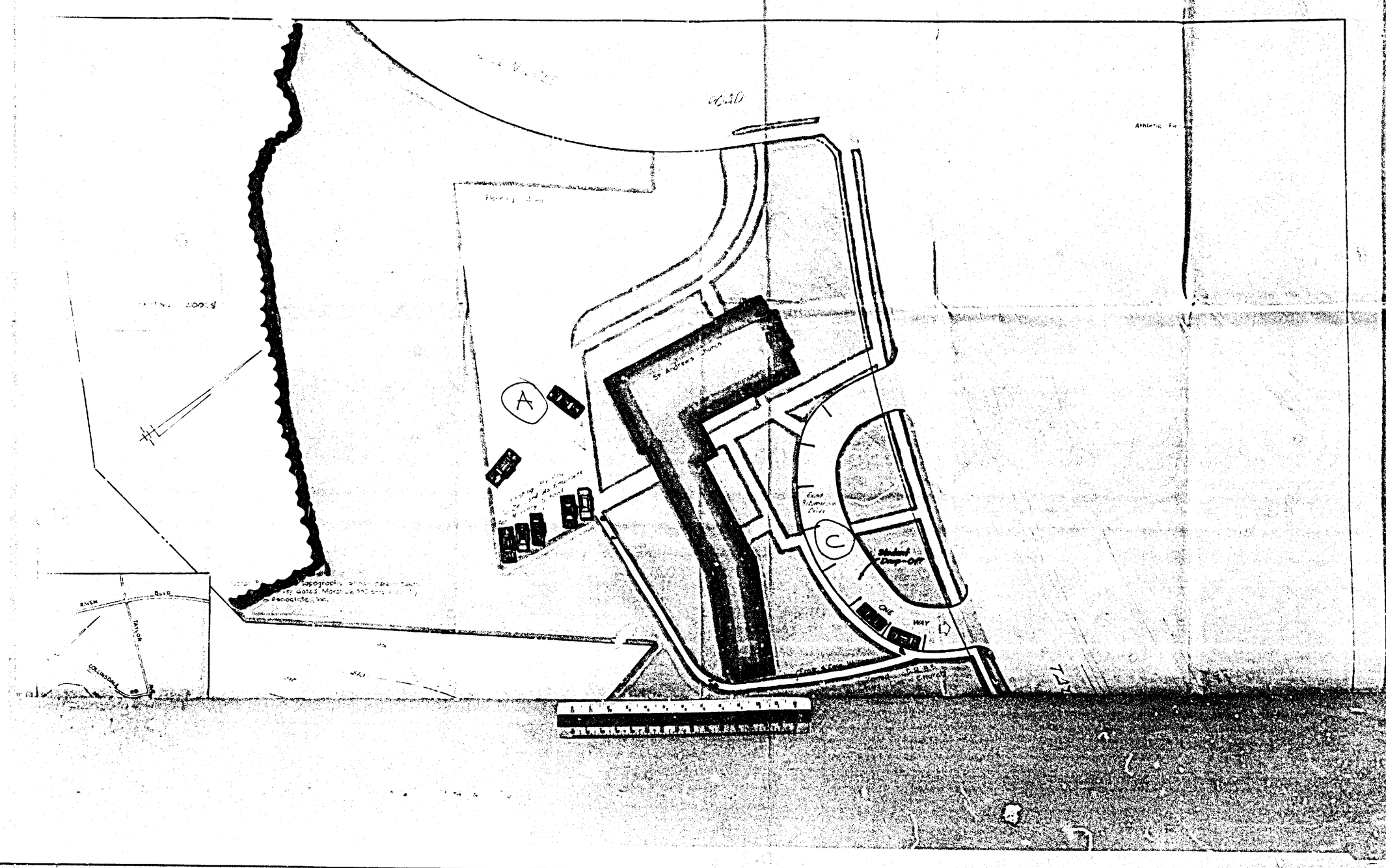
MSF/bsd

AUG 18 1980

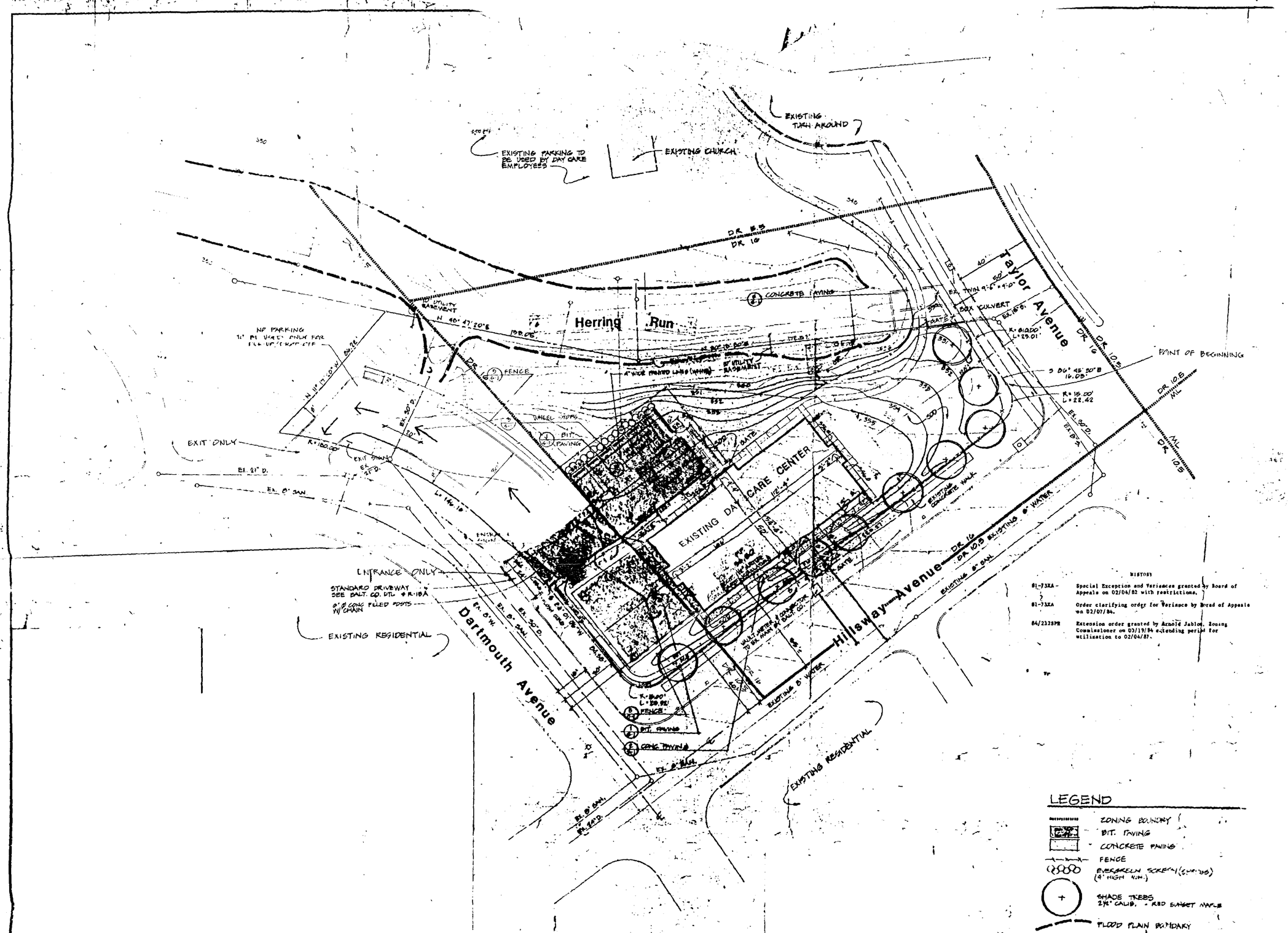

PETITIONER'S EXHIBIT 1
PLAT TO ACCOMPANY HEARING FOR SPECIAL EXCEPTION FOR NURSERY SCHOOL AND FOR FRONT YARD VARIANCE AND FOR VARIANCE FOR BUILDING IN DR 16 ZONE BEING WITHIN 75' OF LAND ZONED DR 10.5 WHICH IS NOT IN THE SAME DEVELOPMENT AND FOR PARKING VARIANCE
NINTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DAFT · McCUNE · WALKER INC.
LAND PLANNERS CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
SITE DATA
1 Area of site - 0.91 Acres
2 Existing zone DR 16 & DR 10.5
3 Existing use - Vacant
4 Proposed use - Nursery school
5 Floor area - 6230 sq.ft.
6 Parking required @ 1 per 300 sq.ft. - 21 spaces
7 Parking provided - 6 spaces
LOCATION MAP
SCALE: 1"=300'
DADTMOUTH AVENUE
WILLSWAY AVENUE
TAYLOR AVENUE
PROPOSED SITE MASTER PLAN
PLAY AREA
SCHOOL
Existing Dwelling
Existing Parking
Approximate Flood Plain Limits
Zoned D.R. 10.5 Residential
Zoned D.R. 3.5 Existing Use - Church
ST. ALOYSIUS EVANGELICAL LUTHERAN CHURCH
NOTES

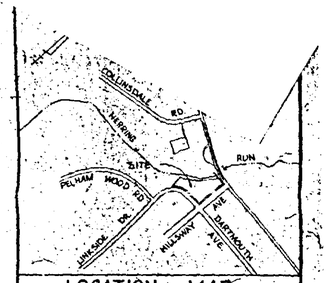

LOCATION MAP
SCALE: 1"=500
Approximate Flood Plain Limits
PROPOSED ST. MARY'S SCHOOL
HILLSWAY AVENUE
DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
THIS PLAN HAS BEEN PREPARED FOR THE BOARD OF APPEALS TO SUPPLEMENT THE PLAT
SPECIAL EXCEPTION
SCALE
DATE
REVISIONS
NOTES
AUG 18 1982

BD. EXH. 2


ROAD
A
C
Student Drop-Off
ONE WAY

#2





LOCATION MAP
SCALE: 1"=500'

HILLENDALE CHILD CARE CENTER

RESTRICTIONS AS PER CASE NO.: 81-73-XA

1. That the student drop-off, pick-up point be restricted to Area D, as shown on Petitioner's Exhibit #2 and that no students be allowed to be picked up or dropped off on Hillsway or Dartmouth Avenue.

2. That suitable fencing shall enclose the proposed site as defined by Petitioner's Exhibit #2 with the exception that the fencing shall continue along Taylor Avenue thereby preventing any discharge of students from Taylor Avenue. A separate sidewalk will therefore be required from student drop-off point, Lot C, across the flood plain and to the student entrance of the new building;

3. That the entrance driveway to the rear parking lot designated as Lot D on Petitioner's Exhibit #2 shall be blocked off by a suitable gate or chain from 8 a.m. to 10 a.m. and from 3 p.m. to 6 p.m., whenever the nursery school is in operation. At all other times, this lot shall be open to use for parking by visitors to the nursery school, emergency vehicles and by the general public;

4. Employees shall be required to park entirely on Parking Lot A as indicated on Petitioner's Exhibit #2;

5. Students shall be accompanied from their drop-off/pick-up point, Lot C on Petitioner's Exhibit #2, by faculty, and staff from the nursery and shall at no time be allowed to walk to the student entrance unaccompanied by an adult; and

6. That the building and screening shall be accomplished in accord with the Petitioner's plan.

1. THAT SUITABLE FENCING SHALL ENCLOSE THE SITE AS DEFINED ON THIS SUBJECT PLAT INCLUDING THE CONTINUATION OF THE FENCING ALONG TAYLOR AVENUE TO PREVENT ANY DISCHARGE OR PICK-UP FOR STUDENTS FROM TAYLOR AVENUE.

2. LANDSCAPING SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE LANDSCAPE MANUAL.

HISTORY

81-73XA -	Special Exception and Variances granted by Board of Appeals on 02/04/82 with restrictions.
81-73XA	Order clarifying order for Variance by Board of Appeals on 02/07/84.
84/2328PR	Extension order granted by Arnold Jablon, Zoning Commissioner on 03/19/84 extending period for utilization to 02/04/87.

LEGEND

- ZONING BOUNDRY
- BIT. PAVING
- CONCRETE PAVING
- FENCE
- EVERGREEN SCREEN (EVE'GRS) (4' HIGH MIN.)
- SHADE TREES 2½" CALIP. - RED SUNSET MAPLE
- FLOOD PLAIN BOUNDARY

HILLENDALE CHILD DEVELOPMENT CENTER
7860 HILLSWAY AVE.

9th ELECTION DISTRICT, BALTIMORE COUNTY

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 PENNSYLVANIA AVE
TOWSON, MD 21204
TELEPHONE (301) 296 3333

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO AMEND SITE PLAN AND MODIFY ORDER IN CASE NO. 81-73XA

SCALE: 1" = 20'-0"

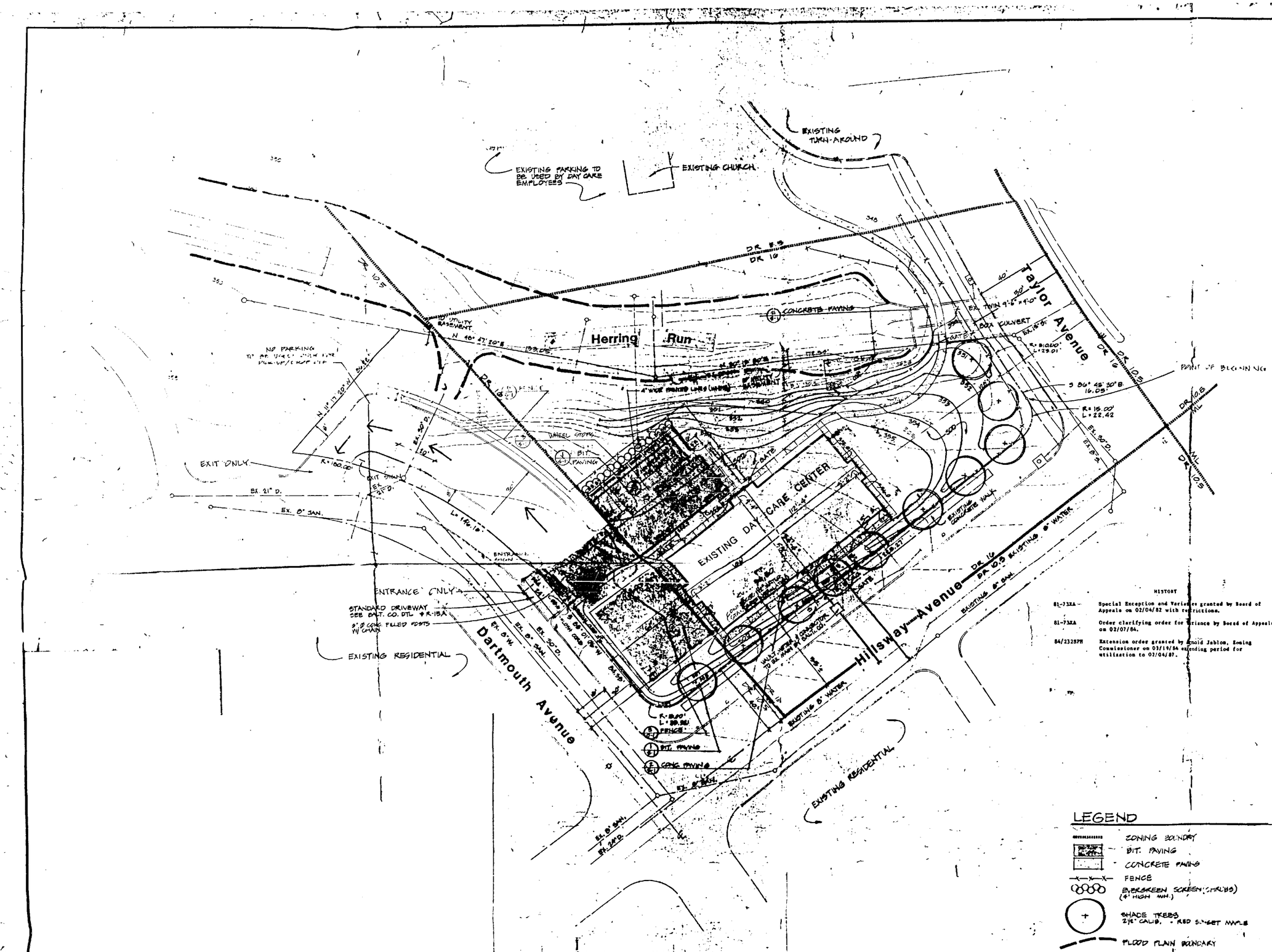
JOB ORDER NO. 84-003

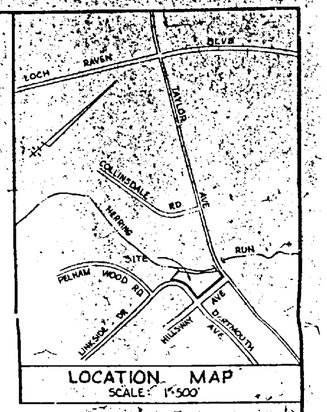
ISSUE DATE MAY 1, 1984

DATE	REVISIONS
8-17-84	INDICATED FENCING
6-18-84	NOTES & [illegible]
12-22-84	GENERAL [illegible]
11-4-85	PICK-UP/DROP-OFF AREA
1-10-86	NOTES [illegible]
5-10-86	NOTES [illegible]

S-1

#3





HILLENDALE CHILD CARE CENTER

RESTRICTIONS AS PER CASE NO.: 81-73-XA

1. That the student drop-off, pick-up point be restricted to Area F as shown on Petitioner's Exhibit #2 and that no students be allowed to be picked up or dropped off on Hillsway or Dartmouth Avenues;

2. That suitable fencing shall enclose the proposed site as defined by Petitioner's Exhibit #2 with the exception that the fencing shall continue along Taylor Avenue thereby preventing any discharge of students from Taylor Avenue. A separate sidewalk will thereby be required from student drop-off point, Lot C, across the flood plain and to the student entrance of the new building.

3. That the entrance driveway to the rear parking lot designated as Lot D on Petitioner's Exhibit #2 shall be blocked off by a suitable gate or chain from 8 a.m. to 10 a.m. and from 3 p.m. to 6 p.m., where the nursery school is in operation. At all other times, this lot shall be open to use for parking by visitors to the nursery school, emergency vehicles and by the general public;

4. Employees shall be required to park entirely on Parking Lot A as indicated on Petitioner's Exhibit #2;

5. Students shall be accompanied from their drop-off/pick-up point, Lot C on Petitioner's Exhibit #2, by faculty, and staff from the nursery and shall at no time be allowed to walk to the student entrance unaccompanied by an adult; and

6. That the building and screening shall be accomplished in accord with the Petitioner's plan.

~~ADDITIONAL~~ RESTRICTIONS

1. THAT SUITABLE FENCING SHALL ENCLOSE THE SITE AS DEFINED ON THIS SUBJECT PLAT INCLUDING THE CONTINUATION OF THE FENCING ALONG TAYLOR AVENUE TO PREVENT ANY DISCHARGE OR PICK-UP OF STUDENTS FROM TAYLOR AVENUE.

2. LANDSCAPING SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE LANDSCAPE MANUAL.

HISTORY

81-73XA	Special Exception and Variance granted by Board of Appeals on 02/04/82 with restrictions.
81-73XA	Order clarifying order for Variance by Board of Appeals on 02/07/84.
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LEGEND

- ZONING BOUNDRY
- BIT. PAVING
- CONCRETE PAVING
- FENCE
- EVERGREEN SCREEN (SHRUBS) (4' HIGH MIN.)
- SHADE TREES 2½" CALIP. - RED SUNSET MAPLE
- FLOOD PLAIN BOUNDARY

HILLENDALE CHILD DEVELOPMENT CENTER
7860 HILLSWAY AVE.

9th ELECTION DISTRICT 7th BALTIMORE COUNTY

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
300 E. PENNSYLVANIA AVE
TOWSON, MD. 21204
TELEPHONE (301) 296 3333

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO AMEND SITE PLAN AND MODIFY ORDER IN CASE NO. 81-73XA

PRINTED NOV 11 1986
DAFT McCUNE WALKER, INC.

SCALE 1" = 20'-0"
JOB ORDER NO. 84-003
ISSUE DATE MAY 1, 1984

DATE	REVISIONS
9-17-84	LANDSCAPE PLANS
6-14-85	NOTES 6-7
12-30-85	GEN. REVISIONS
11-4-85	PICK-UP/DROP-OFF AREA
1-10-86	NOTES - TITLE
5-10-86	NOTES

6-1