(1) 113

PETITION FOR SPECIAL HEARING 84-329-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 amendments to the Special Exception, and the site plans filed therein, granted in Case No. 64-105X, and as amended by Case No. 80-117SPH, to permit: 1) the construction of a second story addition which will increase the maximum number of children; 2) a reduction in the time the children shall be kept inside the building; 3) the construction of a vestibule for the conservation of energy by limiting heat losses; 4) to determine that RTA (residential transition area) requirements are not applicable to a day nursery existing prior to adoption of such requirements.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Gloria L. Dorsey
(Type or Print Name)

Gloria L. Dorsey
Signature Gloria L. Dorsey

(Type or Print Name)

Signature

Attorney for Petitioner:

William E. Hammond
(Type or Print Name)

Signature

107 Main Street
Address

Reisterstown, Maryland 21136
City and State

Attorney's Telephone No.: 833-1322

330 South 46th Street
Address Phone No.

Baltimore, Maryland 21224
City and State

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

Name

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of April, 19 84, 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 28th day of May, 19 84 at 10:45 o'clock A.M.

Arnold Jablon
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

ORDER RECEIVED FOR FILING
DATE 4/24/84
BY

Contract Purchaser: Gloria L. Dorsey
W/S South 46th St. 841.85' S. Eastern Ave. (530 S. 46th Street)
84-329-SPH
84-329-SPH
#173

84-329-SPH

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 24th day of April, 1984.

ARNOLD JABLON
Zoning Commissioner

Petitioner Gloria L. Dorsey Received by: Nicholas B. Commodari
Petitioner's Attorney William E. Hammond, Esquire
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner Date May 10, 1984

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

SUBJECT 84-329-SPH, 84-330-A, 84-331-A, 84-332-A and 84-333-A

There are no comprehensive planning factors requiring comment on these petitions.

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

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 23, 1984

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

000

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

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

RE: Item No. 173 - Case No. 84-329-SPH
Petitioner - Gloria L. Dorsey
Special Hearing Petition

Dear Mr. Hammond:

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

In view of your proposal to construct a second story addition to the existing day care center by amending the previous hearings on this property, and to have other questions answered, this hearing is required.

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

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

February 29, 1984

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

Re: Item #173 (1983-1984)
Property Owner: Gloria L. Dorsey
W/S 46th St. 841.85' S. Eastern Avenue
Acres: 0.141 District: 12th

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:

Comments were supplied in conjunction with the Zoning Advisory Committee review of this property for Item 33 (1979-1980).

Baltimore County highway and utility improvements exist and are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 173 (1983-1984).

Very truly yours,

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

RAM:EAM:FWR:ss

F-NE Key Sheet
5 SE 17 Pos. Sheet
SE 2 E Topo
96 Tax Map

Encl.

September 18, 1979

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

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

Dear Mr. Hammond:

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

General:

Baltimore County highway and utility improvements are not directly involved.

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

Very truly yours,

(SIGNED) EDWARD A. MCDONOUGH

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

END:EAM:FWR:ss

F-NE Key Sheet
5 SE 17 Pos. Sheet
SE 2 E Topo
96 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

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

Re: Zoning Advisory Meeting of 1/10/84
Item # 173
Property Owner: Gloria L. Dorsey
Location: W/S 46th St., 841.85' East of Eastern Ave.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

(✓) There are no site planning factors requiring comment.
( ) A County Review Group Meeting is required.
( ) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior to issuance of a building permit.
( ) The access is not satisfactory.
( ) The circulation on this site is not satisfactory.
( ) The parking arrangement is not satisfactory.
( ) Parking calculations must be shown on the plan.
( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
( ) The amended Development Plan was approved by the Planning Board on
( ) Landscaping should be provided on this site and shown on the plan.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
( ) Additional comments:

Eugene A. Bober
Eugene A. Bober
Chief, Current Planning and Development

cc: James Hoswell

AUG 13 1985

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

WITNESS SUMMONS

Please summons the following:

Officer John Stankowski
7 Shipping Place
Dundalk, Maryland 21222

to testify at a zoning appeal hearing to be conducted, as a continued hearing, at 9:00 A.M. on January 30, 1985 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

COST $ 5.00
SUMMONED 1-26 19 85
NOT SERVED _____ 19
$0

SHERIFF
OF BALTIMORE COUNTY
ALEDWARD MALONE

RECEIVED
FEB 5 AM 11 22 PM 2 69
SHERIFF'S OFFICE
BALTO. CO.

COUNTY BOARD OF APPEALS
RECEIVED
JAN 21 P 1:54

Mr. Sheriff:

Please issue the aBOVE SUMMONS.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

SEMMES, BOWEN & SEMMES
ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202

TELEPHONE 301-539-5040
TELECOPIER 301-539-5223
CABLE TREVLAC
TELEX 87-478

P. O. BOX 6705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21285
301-296-4400

1025 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036
TELEPHONE 202-822-8250
TELECOPIER 202-822-8258

February 8, 1985

County Board of Appeals
of Baltimore County
Room 200
Court House
Towson, Maryland 21204

Attention: June Holman, Secretary

Re: Case Number 84-328-SPH
Gloria L. Dorsey, Petitioner
Assigned for February 13, 1985, at 9:00 a.m.

Dear Ms. Holman:

Enclosed please find this firm's check payable to Baltimore County in the amount of $5.00. This is to cover what I understand to be the charge for photocopying the exhibits which I previously requested.

Thank you for your cooperation.

Sincerely,

David McI. Williams

Enclosure

DMW/eja

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

No. 85179

DATE Feb. 8, 1985 ACCOUNT 01-712

AMOUNT $ 5.00

RECEIVED David Williams, Esq., 401 Washington Ave. (21204)
FROM

FOR copies from File No. 84-328-SPH, Gloria Dorsey

B B056******5.00a 8085F
VALIDATION OR SIGNATURE OF CASHIER

SEMMES, BOWEN & SEMMES
ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202

TELEPHONE 301-539-5040

DAVID McINTOSH WILLIAMS

DIRECT DIAL 301-576-4736

TELECOPIER 301-539-5223
CABLE TREVLAC
TELEX 87-478

P. O. BOX 6705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21285
TELEPHONE 301-296-4400

1025 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036
TELEPHONE 202-822-8250
TELECOPIER 202-822-8258

February 5, 1985

County Board of Appeals of
Baltimore County
Room 200
Court House
Towson, Maryland 21204

Attention: June Holmen, Secretary

RE: Case No. 84-328-S.
Gloria L. Dorsey, petitioner
Assigned for February 13, 1985 at 9:00 a.m.

Dear Ms. Holmen:

Enclosed please find an original and two copies of a Subpoena to be issued and served on Cathy Fernandes. Could you please have this Subpoena issued promptly and forward it to the Sheriff together with my enclosed letter to the Sheriff.

This matter is assigned for Wednesday, February 13, 1985 at 9:00 a.m.

One other difficulty concerns copies of certain exhibits which have been admitted during the course of this case. If possibile, could you kindly make copies of these for me? They are the following exhibits admitted before the County Board of Appeals:

Petitioner's Exhibit 2	(Waiting List)
Petitioner's Exhibit 5	(Rules for Employees)
Protestants Exhibit 2	(List of Protestants Attending Hearing)
Protestants Exhibit 3B	(Fire Evacuation Plan)
Protestants Exhibit 4	(Staffing Plan)
Protestants Exhibit 5	(Correspondence with Maryland State Dept. of Health)

SEMMES, BOWEN & SEMMES

County Board of Appeals
of Baltimore County
February 5, 1985
Page Two

Protestants Exhibit 6	(List of Children)
Protestants Exhibit 11	(Photograph of Day Care Center - 1965)
Protestants Exhibit 12	(2 Photos - Additions to 530 S. 46th)
Protestants Exhibit 13	(Back Yard - 528 S. 46th)

Thank you most sincerely for your cooperation.

Very truly yours,

David McI. Williams

DMW/mrd
enclosure

c.c. - Ms. Barbara Ares
Ms. Cathy Fernandes (w/enclosure)

RECEIVED
COUNTY BOARD OF APPEALS
FEB 6 A 8:38

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

CONTINUED HEARING

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-329- SPH

GLORIA L. DORSEY

W/S SOUTH 46th ST. 841.85' S. OF EASTERN AVE. (530) S. 46th ST.)

12th DISTRICT

SPH-Amendments to special exception and site plans granted in Case #64-105-X and as amended in Case #80-117-SPH

6/18/84 - Z.C. GRANTED w/restrictions

ASSIGNED FOR: WEDNESDAY, JANUARY 30, 1985 at 9 A.M.

cc: William E. Hammond, Esq,	Counsel for Petitioner
Gloria L. Dorsey	Petitioner
Raymond Tallon, Jr.	Protestant
Barbara Ares, et al	"
David Williams, Esq.	Counsel for Protestants (Barbara Ares, et al)
Phyllis Cole Friedman	People's Counsel
Arnold Jablon	
Jean M. H. Jung	
Norman E. Gerber	
James G. Hoswell	
James E. Dyer	

Edith T. Eisenhart, Adm. Secretary

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following:

Mr. Wayne Schafer
1520 Dellaway Road
Towson, Maryland 21204

to appear and testify at a zoning appeal hearing to be conducted, as a continued hearing, at 9:00 A. M. on January 30, 1985 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing and to bring with him the construction drawings for an addition to the day care center located at the above property, to wit, 530 South 46th Street, and owned by Gloria L. Dorsey.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

COST $ 5.00
SUMMONED 1-26 19 85
NOT SERVED _____ 19
REASON NOT SERVED _____

SHERIFF
OF BALTIMORE COUNTY
ALEDWARD MALONE

COUNTY BOARD OF APPEALS RECEIVED
JAN 21 P 1:54
JAN 22 PM 2:09
SHERIFF'S OFFICE
BALTO. CO.

Mr. Sheriff:

Please issue the above summons.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

COST $
SUMMONED _____ 19
NOT SERVED _____ 19
REASON NOT SERVED _____

SHERIFF
OF BALTIMORE COUNTY
ALEDWARD MALONE

IN RE: PETITION FOR SPECIAL HEARING
W/S of South 46th St., 841.85' S. of Eastern Ave. (530 South 46th Street) - 12th Election District
Gloria L. Dorsey, Petitioner.

* BEFORE THE BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. 84-329-SPH

SUBPOENA

TO: Cathy Fernandes
1702 Holaview Road, Apt. A-1
Baltimore, Maryland 21222

You are commanded to appear at the County Board of Appeals of Baltimore County, Room 200 Old Court House (Hearing Room No. 218), Towson, Maryland 21204 at 9:00 o'clock a.m. on February 13, 1985 to testify in the above-referenced matter.

COST $ 5.00
SUMMONED 2/7 19 85
NOT SERVED _____ 19
REASON NOT SERVED _____

SHERIFF
OF BALTIMORE COUNTY
ALEDWARD MALONE

David McI. Williams
SEMMES, BOWEN & SEMMES
10 Light Street
Baltimore, Maryland 21202
(301) 539-5040

Attorney for Protestants/ Appellants Barbara L. Ares, et al.

Certified and Ordered

June Holman
Clerk
County Board of Appeals of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
FEB 6 A 8:38

AUG 14 '85

IN RE: PETITION FOR SPECIAL HEARING W/S of South 46th St., 841.85' S. of Eastern Ave. (530 South 46th Street) - 12th Election District
Gloria L. Dorsey, Petitioner.

* BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY
* Case No. 84-329-SPH

* * * * * * * * * * *

SUBPOENA

TO: Cathy Fernandes
1702 Holaview Road, Apt. A-1
Baltimore, Maryland 21222

You are commanded to appear at the County Board of Appeals of Baltimore County, Room 200 Old Court House (Hearing Room No. 218), Towson, Maryland 21204 at 9:00 o'clock a.m. on February 13, 1985 to testify in the above-referenced matter.

David McI. Williams

SEMMES, BOWEN & SEMMES
10 Light Street
Baltimore, Maryland 21202
(301) 539-5040

Attorney for Protestants/ Appellants Barbara L. Ares, et al.

Certified and Ordered

Clerk
County Board of Appeals of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
FEB -6 A 10: 38

SEMMES, BOWEN & SEMMES
ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202

TELEPHONE 301-539-5040
TELECOPIER 301-539-5223
CABLE TREVLAC
TELEX 87 478

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TOWSON, MARYLAND 21285
TELEPHONE 301-296-4400

1025 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036
TELEPHONE 202-822-8250
TELECOPIER 202-822-8258

DAVID McINTOSH WILLIAMS

DIRECT DIAL 301-576-4736

February 5, 1985

Sheriff Charles H. Hickey, Jr.
Sheriff of Baltimore County
County Courts Building
Towson, Maryland 21204

RE: Subpoena to Cathy Fernandez
County Board of Appeals
Case No. 84-329-SPH

Dear Sheriff Hickey:

I have asked the Clerk of the County Board of Zoning Appeals to forward this letter to you together with the Subpoena forms for service upon Cathy Fernandes.

If possible, I would appreciate your serving Cathy Fernandes at her home at:

1702 Holaview Road - Apt. A-1
Baltimore, Maryland 21222

This address is on Holaview Road just off of Holabird Avenue, East of Dundalk Avenue.

Cathy Fernandes does work all day each day at the Koppers Plant and therefore it may be necessary to come to her home either early in the morning or late in the evening in order to serve her. Cathy is a cooperative witness.

Only if you cannot accomplish service at Cathy's home, would you please serve her at her work address at:

Koppers Company
Bush and Hamburg Streets
Baltimore, Maryland 21230

Please call me at 576-4736 if you should have any questions.

Thank you for your cooperation.

Sincerely,

David McI. Williams

DMW/mrd
c.c. - Ms. Cathy Fernandes

1702 Holaview

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

January 30, 1985

NOTICE OF ASSIGNMENT

(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-329-SPH — GLORIA L. DORSEY

W/s South 46th St., 841.85' S. of Eastern Ave., (530) S. 46th St.

12th District

SPH-Amendments to special exception and site plans granted in Case #64-105-X and as amended in Case #80-117-SPH

6/18/84 - Z.C. GRANTED w/restrictions

ASSIGNED FOR: WEDNESDAY, FEBRUARY 13, 1985, at 9 a.m.

CC: William E. Hammond, Esq.	Counsel for Petitioner
Gloria L. Dorsey	Petitioner
Raymond Tallon, Jr.	Protestant
Barbara Ares, et al	"
David Williams, Esq.	Counsel for Protestants (Barbara Ares, et al)
Phyllis C. Friedman	People's Counsel
A old Jablon	
Jean Jung	
Norman Gerber	
James Hoswell	
James Dyer	

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

March 19, 1985

William E. Hammond, Esq.
107 Main Street
Reisterstown, Md. 21136

Re: Case No. 84-329-SPH
Gloria L. Dorsey

Dear Mr. Hammond:

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

Very truly yours,

June Holmen, Secretary

Encl.
cc: Gloria L. Dorsey
Raymond Tallon, Jr.
Barbara Ares, et al
Phyllis Friedman
David M. Williams, Esq.
Arnold Jablon
Jean Jung
Norman Gerber
James Hoswell
James Dyer

IN THE MATTER OF THE APPLICATION OF GLORIA L. DORSEY RE PETITION FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE WEST SIDE OF SOUTH 46th STREET, 841.85 FT. SOUTH OF EASTERN AVENUE, (530 S. 46th ST.) 12th DISTRICT : BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 84-329-SPH

O P I N I O N

This case comes before this Board on an appeal by the Protestants for a Special Hearing to amend and modify the Special Exception granted in Case No. 64-105-X and amended in Case No. 80-117-SPH. The Zoning Commissioner granted the petition with restrictions. The subject property is located on the west side of 46th Street in the 12th Election District.

Testimony indicated that in 1964 a Special Exception for a day care center for twenty (20) children was granted. In 1977, Mrs. Gloria Dorsey, purchased the property, continued the operation of the Eastwood Day Care Center and in 1979 was allowed to increase her hours of operation and number of children from twenty (20) to twenty-nine (29). Mrs. Dorsey is now requesting an amendment to the site plan so as to build a second story, further increase the number of children to fifty-nine (59) and lengthen the hours the children would be allowed to use the playground outside.

Testimony by expert and many lay witnesses was heard by the Board over a four day period. The Petitioner's case involved a substantial amount of testimony as to the need for additional day care centers in this area as well as county-wide. The Board in interpreting Section 502 of the Baltimore County Zoning Regulations and in light of Rockville Fuel & Feed Co. vs. Board of Appeals of City of Gaithersburg, 257 Md. 183 (1970), interpreting county codes such as those existing in Baltimore County, finds that need is not an issue which should become the basis of any decision for a Special Exception in Baltimore County. It is clear, in reviewing

Section 502, that the County Council does not find that a need for the proposal has to be demonstrated by the Petitioner. On the contrary, Section 502 merely states that the Petitioner must show that the proposal will not be a detriment.

It is apparent to the Board that Mrs. Dorsey runs an excellent day care center. However, the Board must consider if an increase of thirty (30) more children would be a detriment to the neighborhood. Neighbors on both sides, across the street, and to the rear of the center convinced the Board that an increase in the number of students would indeed be a detriment to this quiet residential neighborhood. Clearly, the health, safety and welfare of these neighbors and the children enrolled in the center would be adversely affected.

Mrs. Catherine Drayton, a child development specialist with Baltimore County, alleged that the center is already crowded. Further, the Board believes the use of an off-site park for the children on a regular basis is not a practical solution to the problem of the outside play area. A real estate expert, Mr. Gregory Jones, explained that the value of the homes in the area, while already somewhat depreciated because of the existing use of the subject site, would be further devalued if the center was enlarged.

The character of the traffic, the dropping off and picking up of young children is such as to already present some danger to the public. Doubling the amount of this type of traffic in a residential neighborhood would greatly increase the dangers.

The Board is of the opinion that the proposal to amend the site plan and increase the number of children by thirty (30), because of the increased noise and traffic in such a small area, would be detrimental to the health, safety, and general welfare of the community, and further would tend to create congestion beyond that which already exists. Therefore, the Board will deny the petition.

O R D E R

For the reasons set forth in the aforegoing Opinion, it is this 19th day of March, 1985, by the County Board of Appeals, ORDERED that the decision of the Zoning Commissioner, dated June 18, 1984, be REVERSED, and the Special Hearing re amendments to the Special Exception and Site Plans petitioned for, be and is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

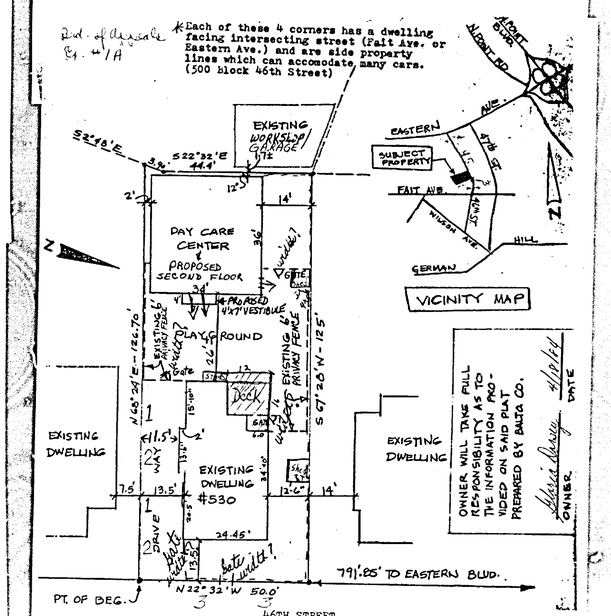
William T. Hackett, Chairman

Patricia Phipps

Diana K. Vincent

Bd. of Appeals Ex. #1/A

*Each of these 4 corners has a dwelling facing intersecting street (Fait Ave. or Eastern Ave.) and are side property lines which can accomodate many cars. (500 Block 46th Street)



46TH STREET
50' R/W & 30' Paving

Petition for Special Hearing Owner: Gloria Dorsey Scale: 1" = 20'
Harbor View, WPC No. 5, Folio 80, Lot Nos. 858 & 859 12 Election District

Restrictions:
1. Compliance with the Order of 4/9/64 except to the extent that said order is amended by the Order in case #80-117SPH.
2. No vehicle delivering children shall double park on S. 46th Street and the parents of the children shall be so informed.
3. The children shall be kept in the day nursery facility until 10:00 a.m. so as to minimize noise in the immediate area.
4. Capacity is limited to 29 children at one time.
5. Hours of operation are 6:30 a.m. to 6:00 p.m.

Present Staff: 2 full time and 3 part time
Proposed Staff: 3 full time - First Floor
2 full time and 1 part time - Second Floor

Present Staff Parking (Shown in Red on Plot Plan)	Proposed Staff Parking (Shown in Red on Plot Plan)
1 & 2 - In driveway	Same as Present except ADD:
3 - In front of property	6 (and any additional) will be
4 & 5 - In front of vacant lot loc. at 525 46th St. (See Vicinity Map)	restricted to parking on corners of 500 Blk. 46th St. (where houses front Fait Ave. and/or Eastern Ave.) (See Vicinity Map)

Drop Off Area: (Shown in Blue on Plot Plan)
1 & 2 - In driveway 3 - In front of property
Empty parking spaces in immed. area might also be used momentarily.

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:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner — Date: February 17, 1984

FROM: Catherine Drayton, Child Day Care Coordinator

SUBJECT: Special Exception Case No. 64-105 X
Amended Case No. 80-117-SPH

The property owned by Gloria Dorsey, 530 S. 46th Street, Baltimore, 21224, is currently licensed for 29 children. The Child Day Care office in the Health Department recommends that the outdoor play area measure at least 100 square feet per child. It is not apparent that an expanded play area can be provided for an increase in enrollment capacity.

CD/jt

Z.A.C.
Item 173
Meeting of Jan 10, 84

RECEIVED
FEB 17 1984
ZONING OFFICE

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

STEPHEN E. COLLINS
DIRECTOR

February 9, 1984

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

Item No. 173 -ZAC- Meeting of January 10, 1984
Property Owner: Gloria L. Dorsey
Location: W/S 46th Street 841.85' S. Eastern Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: SEE CRG COMMENTS

Acres: 0.141
District: 12th

Dear Mr. Jablon:

A safe on site loading zone should be provided for the children.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/cm

Feb 22, 1984
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 173, Zoning Advisory Committee Meeting of Jan 10, 1984

Property Owner: Gloria Dorsey
Location: w/s 46th Street District 12
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)

Zoning Item # 173
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 from the Child Day Care office

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

February 14, 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: Gloria L. Dorsey
Location: W/S 46th Street 841.85' S. Eastern Avenue
Item No.: 173 Zoning Agenda: Meeting of January 10, 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.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 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: Noted and Approved: George M. Regandt
Planning Group — Fire Prevention Bureau
Special Inspection Division

/mb

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

TED ZALESKI, JR.
DIRECTOR

January 23, 1984

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

Dear Mr. Jablon:

Comments on Item # 173 Zoning Advisory Committee Meeting are as follows:

Property Owner: Gloria L. Dorsey
Location: W/S 46th. Street 841.85' S. Eastern Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Special hearing to approve amendments to special exception Case No. 64-105X and as amended by Case No. 80-117-SPH.

Acres: 0.141
District: 12th.

The items checked below are applicable:

(A.) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

(B.) A building/ & other miscellaneous permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

(D.) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

(E.) An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

Note: (F.) Requested variance appeals to conflict with the Baltimore County Building Code, Section/s 802.1.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 601.

(I.) Comments - See attached letter of comment.

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

Very truly yours,

Charles E. Burnham, Chief
Plans Review

CEB:ss

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

TED ZALESKI, JR.
DIRECTOR

January 23, 1984

ITEM #173

Property Owner: Gloria L. Dorsey
Location: W/S 46th. Street 841.85' S. Eastern Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Special hearing to approve amendments to special exception Case No. 64-105X and as amended by Case No. 80-117-SPH

Acres: 0.141
District 12th.

1) The south and west walls of the structure will be required to be a minimum one hour fire rated assembly.

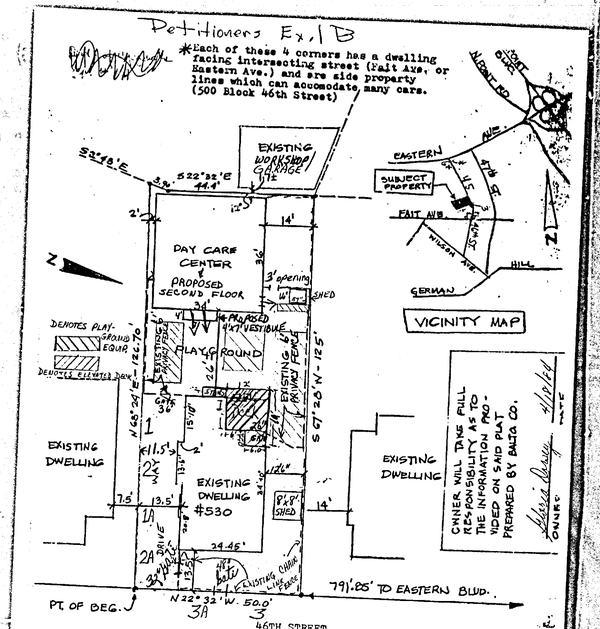
2) No openings are permitted within 3 feet of an interior property line.

3) This building required a minimum of two exits located remote from one another and shall open to a street or other open space leading to a street or public space. A six foot fence would not allow the occupants to flee from a possible fire to the street or safe area. For this reason the plan as shown will not be acceptable to the Code requirements of Baltimore County. Exiting is not permitted across property lines, as owners of these properties can build up to the property line, have fences, etc., the same as this applicant is proposing to do, thus the exit would be blocked. See Section 809.2, 802.1, 805.1 of the 1981 B.O.C.A. Code.

A redesign of the plan could probably be worked out to meet the code. I would recommend professional assistance.

AUG 13 695

Pet-Hioners Ex. 1B



Petition for Special Hearing Owner: Gloria Dorsey Scale: 1" = 20'
Harbor View, WPC No. 5, Folio 80, Lot Nos. 858 & 859 12 Election District

Restrictions:
1. Compliance with the Order of 4/9/64 except to the extent that said order is amended by the Order in case #80-117SPH.
2. No vehicle delivering children shall double park on S 46th Street and the parents of the children shall be so informed.
3. The children shall be kept in the day nursery facility until 10:00 a.m. so as to minimize noise in the immediate area.
4. Capacity is limited to 29 children at one time.
5. Hours of operation are 6:30 a.m. to 6:00 p.m.

Present Staff: 2 full time and 3 part time
Proposed Staff: 3 full time - First Floor
2 full time and 1 part time - Second Floor

Present Staff Parking
1 & 2 - In driveway
3 - In front of property
4 & 5 - In front of vacant lot loc. at 525 46th St. (See VICINITY MAP)
Drop Off Area:
1A & 2A - In driveway
3A - In front of property
Empty parking spaces in immed. area might also be used momentarily.

Proposed Staff Parking
Same as Present except ADD:
6 (and any additional) will be restricted to parking on corners of 500 Blk. 46th St. (where houses front Fait Ave. and/or Eastern Ave.) OR PUBLICLY LEASED PARKING. (SEE VICINITY MAP)

PETITIONER'S EXHIBIT ✓

Petitioners

Wayne Schafer	1005 E. Lake Ave Balto Md 21204	magnolia 532-2222
Jaroslaw Jackiak	1412 Stengel Ave. Balto Md 21222	282-2417
STEPHEN SLAUGHAUGH	7169 EASTBROOK AVE BALTO MD 21224	285-5136
Marie Piotrowski	3 Cloudy Crest Ct Balto Md 21222	285-0916
Nora Hennebery	1644 Gray Haven Ct, Balto Md 21237	285-0916
Donna Krauss	3544 Rubicity Pkwy, Baltimore 21222	284-3616
Fred Lambert	7515 Hilabird Ave Balto Md 21222	
Margaret Lambert	7515 Hilabird Ave. Balto. md 21222	282-2533
Betty J. Stahm	6808 Fifth Ave Balto Md 21222	285-4681
Joe Maria Jessie	2604 Jefferson St Baltimore, Md 21205	327-6249
Patricia Zafferata	7007 Fait Ave Baltimore MD 21224	282-7816
Carol Sudbrake	328 S Glenlee St. Balto MD 21224	3-4524
Edna Jacurak	1412 Stengel Ave. Balto, Md 21222	288-2616
Sally Jantz	7815 St Gregory Dr Balto Md 21234	477-9427
MARQUETTE A. PAPPAGOTTA	1016 PONTAB Drive BALTIMORE, 21221	574-3211
Rose Jacob (ACCIA)	7965 St Gregory Dr " " 21222	477-9715
Gayle Smoot	5.36 S. 46th ST BALT 21224	Md
Linda Ann Kelly	2807 4th ST Balto, Md 21219	
Arnold J. Albrecht	10313 Greentop Rd, Ellicott City, Md.	

CASE #84-339-SPH
GLORIA DORSEY

EXHIBITS
LETTERS
PHOTOS

PETITIONER'S EXHIBIT 4

Waite

1. Mr Burrell	285-8685	3 yrs old
2. "		4 yrs old
3. Diane Fillings	284-3291	3 yrs old
4.		5 yrs old
5. Mrs Baker - Kelly (GPA)	661-3918	
6. Anne Whitford -		4 yrs old (Mrs Barbara Whitford)
	235-7200 ext 2290	Mt Washington 664-0800
7. Thomas Syracuse	396-8232	3 yrs old (Ar-city Hop
8. Elizabeth Stouten -	Keith 2½ yrs old	327-3716
9. Nancy Holman -	Eddie 3 yrs old	574-5149
10. Kyri Sly -	Leigh 3 yrs old	342-3214
11. Beverly Trotta -	Katrina - 2½ yrs	282-8842
12. Denise Perry -	boy (3/11)	477-1439
13. Mrs Wing	682-3858 W	284-3491 H 4 yrs old
14. " "	" "	9 yrs old
15. Valerie Phythyon	686-4432	2 yrs old - Sarah
16. "	"	5 yrs old Jason
17. "	"	7 yrs old Robby
18. Gloria Hammond -	Dirk Alyssa	563-0287 H 968-6076 W
19. Heather Olivier	276-2089 H	276-7755 W
20. Mrs Cathy Fry -	Holly 4 yrs old	282-1607
21. Cindy Bardens	687-7868	boy 11/80
22. Edna Rykaczewska -	Wendy	284-4966 11/3/64 D.O.B.
23. Debra Todd	388-0401	Jason 3 yrs old
24. Terry Miller	633-5839 H	522-0100 W.
25. Debra Cowman	827 Decker Ave	327-6588 Joshua 3 yrs
26. Denise Hammon -	Scott - 4 yrs old	288-5290
27. Cheryl Hagen -	675-6944	Kristina 6/81
28. Melody Allen	477-8369	2 yrs old
29. Marsie Liker -	547-3724	Lyan 7 Annie 5

30. Dora Hennebery 285-0410 boy 2 girl 4
31. Debbie James - Natalie 4 yrs old 47th St. 282-9563
32. Barbara Fourtenakis - Vicki 3 yrs old 633-5252
33. Susan Haase (Boy 2½) 282-2618
34. Donna Leitmiller 660½ 46th St Evan 2½ 288-5674 H 631-1000 ext 3187
35. Denise Mancinelli - Melissa 4/11/81 282-8663 H
36. Pat Perun - Stefan 4 yrs old 935 Gorsuch Ave. 396-4455 W 366-1875 H
37. Mary Betz - John 3 yrs old 523-0756 H 955-3574 W
38. Debbie Adams 303 E 46th St 282-4836
39. Paula Mattes - Andy 3 yrs old 282-8539 H 633-7340 W
40. Donna Abt - Nicole 2½ 821-5600 W
41. Susan Hagel - Jessica 2 yrs old 244-1151 W
42. Anna Marie Priulla 488-0434 2 yrs old
43. " " 4 yrs old
44. Linda Kraatt Priulla 2½ 675-7819
45. Karen Alt 574-6658 - Frances 3 yrs old (Mwsun 21-7x)
46. Joanna Fritz - Dawn 2 yrs old (325-5843)
47. Belinda Keener 2½ Mrs Brenda Keener 6503 Gelston Dr 633-3254
48. Mary Virginakis - Courtny 2½ 391-3529
49. Mrs Madras - Michael 2½ 282-2618
50. Debbie James - Natalie 4 yrs old 47th St. 282-9563
51. Joy Bailey - Jodie 3 yrs old 332-3525 W
Jason 5 yrs old 284-5111 H

PETITIONER'S EXHIBIT 5

Per Barbara Ebersberger Md. State Health Dept Day Care Office 383-4009

There is a steady increase in the need for day care. Usually about 20 new centers per year

1974 - 23,000 children in day care
1984 - 31,000 children in day care

1984 Federal Census - Licensed day care service only ⅓ of those in need. There is an extreme lack of licensed day care in Md.

Per Barbara Ebler of Institute for School Age Child Care
In Balto appr. 40,000 school age children come home to empty houses because of working parents

Per Draft Report by Dr Irene Ciselin at Md Committee for Children "Children, their Families, and Day Care in Md"

Per U.S. Bureau Census 45% of children under 6 yrs old have working mothers. A 55% increase of 55% over 1970 figure.

In Md (from Md State Data Center) 122,400 children under 6 yrs old over 55,000 only 31,000 in State Day Care Centers but over 55,000 in need. Supply has not increased to make a possible 20 new centers per year as said.

Per Dept of Human Resources
1982 - 29,944 children under 6 yrs
In 1980 - 168,054 children group day care 5 yrs under have working mothers
349,062 school age children have working mothers

In Balto Co only 35 centers provide school age
In Balto City only 27 centers provide school age

PETITIONER'S EXHIBIT 6

Mrs. Joan Nerling
520 South 46th Street
Baltimore, Md. 21224

May 23, 1984

TO WHOM IT MAY CONCERN:

I have been a resident of 520 South 46th Street for eleven years. Eastwood Day Nurseries, located at 530 South 46th Street, has been in operation for over twenty years. It is the nicest day care center I have seen. It is well-maintained, clean and attractive. In fact, since Gloria Dorsey purchased the property in 1978, she has continued to improve it, making it one of the most attractive properties in our block. She has kept the property looking residential, even though there is a business operating in the back building. It is so residential looking that it is difficult to find the day care center even when you have the address and are looking for it. Many neighbors do not even realize that the day care center is there.

The center is open from 6:30 a.m. to 6:00 p.m. on weekdays, which is when most people are away at their own jobs. I do not feel the business is an inconvenience in any way to our neighborhood, but rather is an asset, providing a much-needed service.

Very truly yours,

Mrs Joan Nerling
Mrs. Joan Nerling

EASTWOOD COMMUNITY CIVIC ASSOCIATION
BALTIMORE COUNTY, MARYLAND

May 23, 1984

Baltimore County Zoning Commission
Towson, Maryland 21204

Gentlemen:

As President of the Eastwood Community Association, I would like to go on record as being completely supportive of the Eastwood Day Nursery which is located at 530 S. 46th Street.

Each day the number of parents looking for child day care for their pre-school youngsters is increasing; more important is the fact that these parents are being seriously selective in their choice of child care.

The granting of permission to expand would enable the Eastwood Day Nursery to meet all standards necessary to fulfill the needs and desires of parents who work outside the home and must place children into the care of others during work hours.

Those of us who have lived many years in Eastwood have seen the present owner, Mrs. Gloria Dorsey, in the past six years take a shabby, rundown piece of property and develop and improve it into a desirable, neat and clean, well-organized facility for the protection, care and training of young children.

Parents whose children are cared for at Eastwood Day Nursery do nothing but sing praise and support of Mrs. Dorsey and those who help her in the daily care and instruction of the little ones.

The word protection, as it relates to young children, has taken on a new meaning lately and more and more parents are looking for something more than the casual "baby-sitter" type service. It follows then that all of us as individual community residents, as well as organized governmental agencies, should give well-organized and seriously managed facilities all of our support.

Eastwood Day Nursery has come a long way and, with the requested go-ahead, can go still further. They render our community a fine service; we should support them.

It is our urgent wish that they will be granted the permission they need to expand so that they can take more children and continue to care and train them as they have for the past several years. We hope that Baltimore County Zoning Commission will help them resolve whatever opposition there is to this expansion and improvement.

Sincerely,

Fred V. Demski
7283 Bridgewood Dr.
Baltimore, MD 21224

Maryland Early Childhood Council, Inc.
102 CROMWELL AVENUE, FERNDALE, MARYLAND 21061

May 23, 1984

PETITIONER'S EXHIBIT 1

Baltimore County Zoning Commission
Towson, Maryland 21204

Gentlemen:

I am writing regarding the upcoming hearing on 5/28/84 for the expansion of Eastwood Day Nurseries. I would like to point out that our organization first came in contact with Eastwood Day Nurseries in 1978 when Mrs. Gloria Dorsey purchased the property. At that time, the property was a real eyesore! The residence, as well as the business, was extremely run down, dirty and generally under par. During the past six years, we have seen Mrs. Dorsey transform the entire property into one of the most attractive sites in the neighborhood. Both of the structures are modern, attractive, well-maintained and clean. She maintains a well organized facility with excellent programs for the children. Mrs. Dorsey and her staff go far beyond the usual in handling children with special needs and/or emotional problems. Parents and professionals who are involved with Eastwood Day Nurseries rave about their wonderful experiences with the center.

These are just a few of the reasons why in the last six years there has never been a vacancy and there has constantly been a lengthy waiting list for enrollment. It is obvious that the community wants and needs the expansion of the facility. We have urged Mrs. Dorsey to expand.

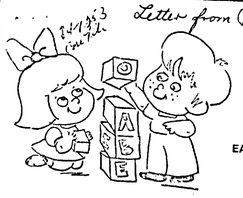
In most neighborhoods there is usually one or more trouble-some residents who will oppose just about anything. Getting others riled up can be stimulating and can even become a way of life. Even neutral and/or pro neighbors can be incited to oppose by a friend or neighbor painting a grim picture. We realize that your office has witnessed this frequently and hope that you will keep this in mind, should it occur.

Day care needs have been steadily increasing; however, facilities have not been able to keep pace with the growing need. After more than twenty years, it seems justified to expect a business such as this to expand. When there is such a great demand and such a fine facility willing to fill that demand with quality service, everyone able should assist them. The expansion will be an asset to the community in many ways. It will create new jobs. We ask that you assist Eastwood Day Nurseries and Mrs. Gloria Dorsey in this endeavor.

Very truly yours,
MARYLAND EARLY CHILDHOOD COUNCIL, INC.
M. L. Mingioni
M. L. Mingioni, President

MLM/mac

Letter from Petitioners 6/11/84



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

May 31, 1984

JUN 1 1984
ZONING DEPARTMENT

Commissioner Jablon
Baltimore County Zoning Department
111 W. Chesapeake Avenue
Towson, Maryland 21204

Gloria L. Dorsey

RE: SPECIAL HEARING #84-329-SPH

Dear Commissioner Jablon:

I am writing this letter to clarify several points regarding the above-referenced hearing. First of all, I would like to point out that "many" of the neighbors who were supposedly against me do not work, have no small children, and could easily have attended the hearing if they really felt threatened by the expansion. It is much easier to obtain action when people are threatened by an action than when they feel it does not affect them one way or the other. I again would like to point out that Bob and Elsie Staab told me that they had signed my petition that "Edna" had brought around. When I explained that I took mine around personally, they insisted that Edna (a resident of the 600 block of 46th Street) told them the petition was for the 600 block of the expansion. When Elsie Staab said she had already signed mine, she claims that Edna told her to put a star next to her name to indicate that. Even though the petition clearly states that is was in opposition, few people read them. With Edna being a resident of the 600 block, it may have been difficult for people to know whether she was for or against me. I personally took my petition around so that it was sure my petition was for the expansion. Only three people actually read my petition.

As far as parking, there is no problem, nor do I forsee a problem if I enroll an additional 25-30 children. My customers come and go on a staggered basis -- usually 6:30 - 9:00 a.m. and 2:30 - 6:00 p.m. As I explained, even if they work the same hours, travel time and distance makes a difference in the hours that they use my service.

Many people own only one car on my block. Some own two; some own none. There are vacant lots, corner lots and many, many driveways which make on-street parking easily available for everyone. Many people prefer parking in their driveways. Parking is a much easier

---

Commissioner Jablon
May 31, 1984
SPECIAL HEARING NO. 84-329-SPH
Page Two

task than in most neighborhoods, even with my center. The owner of 523 S. 46th Street allows two of my staff to park in front of his property with no complaints. I have enclosed photos of the parking situation with comments. My customers park briefly, when necessary, and while most people are at work.

Another issue is the noise. My children do make noise. If they did not, something must be wrong. However, since I had the 6-ft. privacy fence installed, the noise has been decreased. It also keeps the balls out of neighboring yards. The noise level is no higher than a group of neighborhood children playing. I have enclosed a copy of our schedule for the pre-school group, which is also on file at the Health Department. As you can see, outdoor play is not all day long. The summer schedule is different in that the school age children do not take naps and may be outside during part or all of that time. School age children are limited to five now and possibly ten with the expansion.

My next door neighbors have a grown daughter who resides with them full time. There are also two other young adult children who reside with them off and on. They play the radio and stereo loudly and frequently. Our children are not so loud that we do not hear the loud music. This is common in most neighborhoods, as is the sound of children playing. We do not complain about this loud music played day and night. We accept it as part of life. Our children are supervised and monitored at all times. They do not run wild or I obviously would have injured children and lawsuits. They do not play unsupervised, nor do they trespass or vandalize neighboring property.

Concerning the appearance of the neighborhood, the exterior of the adjacent row homes needs much repair and/or cleaning, as do many of the individual homes. Sidewalks are crumbled, paint is peeling, wood is rotting, etc. I have never thought to complain, either to them or to authorities. Again, I accept it as part of life. I cannot tell my neighbors what to do. I have enclosed photos of Mr. Tallon's property. He resides directly behind Mr. and Mrs. Ares, my next door neighbors. Both Mr. Tallon and the Ares made such an issue of my cement, neglecting to mention that much of his yard is also cement. Many people cement their back yards and use them as patios. My reason for the cement is because of the fact that my property is on a hill from the front and one side. It was impossible to keep grass growing with the children's traffic. When it rained, the yard turned into mud, and because of the slant, took forever to dry. Every little hole dug by the children stayed full of water. It would be days after each rain before the children could go outside to play.

When I went for the Special Hearing in 1980, Mr. Ares had signed my petition in favor of the additional hours and children. Prior to the actual hearing, I encountered legal difficulties with The Ares when the roots of their tree came through my basement floor and

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Commissioner Jablon
May 31, 1984
SPECIAL HEARING NO. 84-329-SPH
Page Three

and wall. When I was threatened with a lawsuit if I cut the roots, I retained the services of my friend and attorney (Dutch Ruppersberger if you wish to verify) and followed his advice. Mr. and Mrs. Ares's insurance company settled out of court for approximately $4,000. From that time on, I have experienced much difficulty with them.

I am asking that you or your representative come to visit the day care center one or more times before making your decision so that you may see first hand the parking situation and the noise situation. You would also be able to determine whether or not my property is an asset to the community. If and when you visit, please feel free to come into the center. You will be able to see the fine quality service I render at a price much lower than any other day care center in Dundalk, Highlandtown or Essex. The expansion will help me to maintain these low rates. You will also be able to see that I do everything I can possibly think of to maintain high quality and consideration of others; however, it seems these few neighbors will not be satisfied until the day care center is closed completely.

Very truly yours,

Gloria Dorsey

Enclosures

84-329-SPH

Maryland Early Childhood Council, Inc.
102 CROMWELL AVENUE, FERNDALE, MARYLAND 21061

May 23, 1984

Baltimore County Zoning Commission
Towson, Maryland 21204

Gentlemen:

I am writing regarding the upcoming hearing on 5/28/84 for the expansion of Eastwood Day Nurseries. I would like to point out that our organization first came in contact with Eastwood Day Nurseries in 1978 when Mrs. Gloria Dorsey purchased the property. At that time, the property was a real eyesore! The residence, as well as the business, was extremely run down, dirty and generally under par. During the past six years, we have seen Mrs. Dorsey transform the entire property into one of the most attractive sites in the neighborhood. Both of the structures are modern, attractive, well-maintained and clean. She maintains a well organized facility with excellent programs for the children. Mrs. Dorsey and her staff go far beyond the usual in handling children with special needs and/or emotional problems. Parents and professionals who are involved with Eastwood Day Nurseries rave about their wonderful experiences with the center.

These are just a few of the reasons why in the last six years there has never been a vacancy and there has constantly been a lengthy waiting list for enrollment. It is obvious that the community wants and needs the expansion of the facility. We have urged Mrs. Dorsey to expand.

In most neighborhoods there is usually one or more trouble-some residents who will oppose just about anything. Getting others riled up can be stimulating and can even become a way of life. Even neutral and/or pro neighbors can be incited to oppose by a friend or neighbor painting a grim picture. We realize that your office has witnessed this frequently and hope that you will keep this in mind, should it occur.

Day care needs have been steadily increasing; however, facilities have not been able to keep pace with the growing need. After more than twenty years, it seems justified to expect a business such as this to expand. When there is such a great demand and such a fine facility willing to fill that demand with quality service, everyone able should assist them. The expansion will be an asset to the community in many ways. It will create new jobs. We ask that you assist Eastwood Day Nurseries and Mrs. Gloria Dorsey in this endeavor.

Very truly yours,
MARYLAND EARLY CHILDHOOD COUNCIL, INC.
M. L. Mingioni
M. L. Mingioni, President

MLM/mac

6/8/84

PROGRAM PLAN

	GROUP I	GROUP II
6:30-7:30	Rest, television, table games	Rest, television, table games
7:30-8:30	Table games, free play incide	Table games, free play inside
8:30-9:00	Breakfast, free play inside table games, television	Breakfast, free play inside table games, television
9:00-9:15	Clean up time	Clean up time
9:15-10:00	Planned lesson-arts & crafts, science, math, vocabulary, etc.	Group activity-music, story, exercises, games, etc.
10:00-10:45	Group activity-music, story, exercises, games, etc.	Planned lesson-arts & crafts, science, math, vocabulary, etc.
10:45-11:00	Free Play - Outside	Free Play - Outside
11:00-11:30	Toilet time and prepare for lunch	Toilet time and prepare for lunch
11:30-12:00	Lunch time	Lunch time
12:00-12:30	Clean up lunch, put lunch boxes away, free play - in or out	Clean up lunch, put lunch boxes away, free play - in or out
12:30-3:00	Lay down cots, toilet time, nap time	Lay down cots, toilet time, nap time
3:00-3:30	Snack time	Snack time
3:30-5:00	Free play - inside & outside	Free play - inside & outside
5:00-5:15	Clean up time	Clean up time
5:15-6:00	Television, quiet play	Television, quiet play

84-329-SPH

84-329-SPH

May 25 1984

To Whom It May Concern:

As working parents, quality child care has been a major concern and top priority when it became necessary for us to look outside our families. Eastwood Nursery is a new area and always has a good reputation. Before I registered my son, I visited Eastwood Nursery one afternoon unannounced and found Gloria to be very pleasant, impressive and clean. She seemed to stay priority of the day and my visit was unhurried. Since my son has been attending Eastwood my husband and myself can go to work with a good feeling that my child is in good hands. The most important factor is that my son thoroughly enjoys attending the center. We are in favor of the additional and improvements Gloria Dorsey purchase to make.

Yours truly,

Jan Matheson

Scott M. Matheson

84-329-SPH

To whom it may concern:

It is very hard to put into words what it means to have my daughter Chrissy enrolled at Eastwood Day Nursery. She has learned so much since she has been going to nursery school, which I feel is preparing her for elementary school. She has made a lot of new friends, which is very important for her. There are not many children of her age in our neighborhood, so this has given her an opportunity to make a lot of friends & also learning how to get along with other children.

Another strong point is the teachers who work at the nursery school. They have always been polite to me & very informative, keeping me up on all the days happenings & events. I have also seen how patient they are with the children, taking time to talk with them individually when there is a problem & making sure they understand them.

It is also reassuring to know that Chrissy is not cooped up inside school all the time. There is a nice playground outside & they go for walks which they could not do if located elsewhere. There is also a lot of other activities that the children are involved in such as field trips, parties & little projects.

I think the society in which we live in today is changing due to economics, there are more & more working mothers who need child care that they can really, really depend on & trust. Therefore I feel it is so important to have expanded nursery school facilities for today & tomorrow.

Thank you

Ellen J. Karacsony

84-329-SPH

84-329-SPH

To Whom It May Concern:

My step-daughter attends the Eastwood Day Nursery and has for several years. She has made very good progress in learning to share with other children and basic preperation for beginning school.

The women running the nursery handle the children very well and are concerned with their learning as well as their play.

In my comparison of the few nice day care centers offered in my area I found the Eastwood Day Nursery to be the best. Along with the bus service to and from school, the center allows the children to play in an "at home" atmosphere. The center also has convienant hours for the parents.

Prices are inexpensive and flexible. I dread the thought of rising prices as do many working parents.

Expansion of our nursery would keep the prices of this necessary program to a minimum. It would also give other caring parents the opportunity to enroll their young ones.

It gives me peace of mind knowing my child is being cared for in this fashion while I must be at work.

Thank you.

Jessie Hunt

84-329-SPH

May 23, 1984
Ruth A. Meisling
1935 Stanhope Road
Baltimore, Maryland 2122

To whom it may concern,

As a single parent, I cannot overemphasize the peace of mind I have obtained and sustained from the quality daycare service consistently provided by Gloria Dorsey.

Eastwood Daycare Center is my daughter's home away from home and has been for going on five years. The wonderful staff are my daughter's family while Mommy is working. My daughter is happy at Eastwood Daycare Center. She feels comfortable and loved. I want to keep it this way.

It's difficult to protect our children from this fast moving, constantly changing world. Eastwood Daycare Center has enabled me to provide a stable, secure, and safe environment to sustain my child in my necessary absence. This means alot to me. To threaten my child's happiness or cloud her development because of unnecessary adjustment would in this parent's opinion, be a gross injustice.

I declare my family's need for this facility and my desire that Eastwood Daycare Center remain a part of our life.

Sincerely,

Ruth A. Meisling

Ruth A. Meisling

84-329-SPH

Heritage
MERIDIAN
NURSING CENTER

Linda Ann Kalb,RN, BN
2007 4th street
Baltimore, Md, 21219

To Whom It May Concern;

My name is Linda Ann Kalb and my daughter, Lauren, attends Eastwood Day Nursery. She has been attending the school for almost two years. I would like to take a minute of your time to explain to you what Eastwood means to me.

I am a full time employee, working as a Director of Nurses for the Meridian Corporation. Before I started working full time I looked around for a nursery school for Lauren. I would say I looked at five schools in the same basic area. Eastwood was superior over all.

The atmosphere is very warm and friendly. The children trust all the teachers. As a parent, I can feel secure in knowing my child is taken care of appropriately. The center is always clean. Nutritional snacks are always provided. Exciting and educational field trips are offered every month. The price of attendance is certainly within reason. The center hours are very convenient for me. They offer me the peace of mind I need to continue working as a professional and as a mother.

Even on days off, when Lauren could stay at home, she likes to go to school. She has learned how to interact with other children and adults. She has learned her alphabet, colors, numbers, manners, prayers, songs, and general concern for other people.

I respect the teachers thoroughly. They communicate with me about Lauren on a daily basis. This helps me in raising Lauren and teaching her what is right and wrong. She has grown so much and gained so much since she went to Eastwood. I plan on letting her continue at Eastwood for years to come. She will go there before and after school until I can pick her up. She will have somewhere to go if schools are closed.

Eastwood is the peace of mind I need to be able to continue my career as a mother, wife and professional. Thank You.

Very truly yours,

Linda Ann Kalb

Linda Ann Kalb RN, BN

Meridian Nursing Center Heritage
7212 German Hill Road Dundalk, MD 21222 301-282-6310

84-329-SPH

May 24, 1984

To Whom It May Concern:

I'm writing in reference to the Eastwood Day Nurseries, located at 530 S. 46th St. in Dundalk.

I like the idea of a day care center in a residential area. I know that I don't have to worry about my daughter running out into the street or parking lot. She is given the best of care and supervision at Eastwood. I know that when I drop Tabitha off at Eastwood every morning at 6:30, she will have a full day of learning experiences, exercise and inter-action with children near her age; which she can not receive from a babysitter.

I have peace of mind, knowing that Tabitha is getting the best care available. My daughter's doctor and various health care specialists I have talked with have nothing but the highest praise for Eastwood Day Nurseries. Since Tabitha has been at Eastwood, her eating habits have improved 100% and Tabitha is finally gaining much need weight. Her coordination and motor skills are also vastly improved. Tabitha loves her school and looks forward to each new day at Eastwood. The field trips offered are an added bonus, which my daughter enjoys tremendously.

I feel Eastwood Day Nurseries is beneficial to the community and certainly should be considered a valuable asset.

Sincerely,

Brenda E. Hayes

Brenda E. Hayes, Mother
1641-H Richenbacker Road
Baltimore, MD 21221

84-329-SPH

May 16, 1984

To Whom It May Concern:

I am writing in reference to the Eastwood Day Nursery, located at 530 S. 46th Street.

My son Donny has been with the school for 3 months. This is not a considerably long period of time but, in three months his vocabulary, attention span, and eagerness to learn has increased greatly. I doubt very much that without the Day Care this would have happened.

This has been our families first contact with a Day Nursery and at first all parties concerned (Mom, Dad and Donny) were a little hesitant about sending Donny to strangers for the day. But, immediately there was an instand bond formed between his new found friends and teachers.

Our experiences so far have been very pleasant. The staff at Eastwood are neat, pleasant and do show a genuine concern for all of the children.

As a working mother, I consider myself very lucky to have a conveniently located Day Care facility at a weekly rate that doesn't take half of my pay check.

Eastwood has eased tons of guilt that parents like my husband and myself feel when they must work and leave their children. Without the school not only would parents suffer but more importantly, many of our children would also suffer a severe loss.

Sincerely,

Penny Hess

(Mrs.) Penny Hess
801 S. Eaton Street
Baltimore, MD 21224

5/25/84 84-329-SPH

To whom it may concern:

My children and I are new to the Eastwood Day Nursery for a couple of years now and I have not ever been more pleased. Location aside, the nursery is much more suitable.

I think an interview to the Nursery School would be a real good move. More children would be able to enjoy, learn and respect themselves as my daughter has. The teachers are great because they treat the kids as if they were their own.

As my opinion traffic at and around the Nursery School is not a problem. I have never had to wait to park to get to the Nursery or I have never been a victim of an Edmondson park ticket. The hours are so flexible you come and go at all different times which eliminates car problems.

In my opinion an extension to the Nursery would benefit the Neighbor as well as the Nursery.

Cindy Stefferry
7112 East Biddle Ave
21224

84-329-SPH

3701 Fait Avenue
Baltimore, Md. 21224

May 29, 1984

To whom it may concern:

Re: Eastwood Day Nursery

During the late winter of this year, my daughter asked me to help her to find a suitable day care facilty for my three year old grandson. I asked around and several people where I worked told me of the Eastwood Day Nursery which, I was delighted to discover was located only about four blocks from where I worked.

I hadn't heard of the nursery before and I actually almost missed it when I drove over to talk with the director about registering my grandson and to tour the facility. It sits in a neat, well-tended residential area and looks like any other home from the street. Actually, the day care sits behind the owner's home and the entrance area (also the play area) is surrounded by at least a six-foot high wooden fence. The only reference to a day care facility from the street is a small neatly carved sign that says, "Eastwood Day Nursery in the rear." I was impressed with what the center had to offer and told my daughter who also visited and agreed that the center was what she was looking for. She enrolled my grandson and he began attending regularly. When the weather got warmer, the children were allowed to play in the area outside. I expected to hear loud noises from the children playing when I pulled up to get my grandson in the afternoons but did not hear any of this from where I parked (which was across the street from the center). I did not hear any sounds at all until I was better than half-way down the driveway leading to the gate and play area and then--I only could hear the normal talking and laughing of small children playing. This was certainly at a normal level or below (considering that about 50 children were at play at the time.)

I have not had any difficulty during the several months that I have been takng and picking up my grandson from the nursery school--either in parking close by or in encountering noises that were too loud by the children.

I feel that Eastwood maintains a very neat, controlled, and caring facility. They care about the children who are left in their charge and they care about their facility. I would think they would be no less than good neighbors towards their whole community.

Sincerely,

Barbara Sullivan

(Mrs.) Barbara Sullivan

May 31, 1984

To whom it may concern:

My daughter has been going to Eastwood Day Nursery since August of '83'. In that period of time I have never had any problems picking/there are always plenty of spaces to park. I have picked my daughter up at various times of the day with no problems. Also the noise of the children is no louder than a regular neighborhood of children. I have never heard any loud screaming - noises when the children are outside or indoors.

Sincerely

Mrs. Jacqueline Hurlbut

84-329-SPH

84-329-SPH

Dear Commissioner Jablon,

I have been an employee at Eastwood at both area two years. During this time I have never found problems with parking nor the noise level. At one time we had a problem with a parent who became abusive to another parent in the driveway because a child trapped there straw under his car. Because of this parents conduct Mr. Dorsey, told this parent he was not to pick up his child anymore. Mr. Dorsey has always been fair to the parents and the neighbors. I have arrived at the Nursery at many different hours and I have never found parking problems. I have noticed that neighbors might have to park one house down, just the same as any residential neighborhood. I would also like to explain my opinion

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SPH-329-84

May 31, 1984

To The Commissioner of Zoning

Pertaining to the Zoning Variance of Mr. Mrs. Allen Dorsey, I have had my son attending Eastwood Day Care for approximately 3 years and during this time I have found the Day Care and parking facilities to be adequate. We have never had any problems with noise level. We have also never seen any car blocking a child's path of entry, nor a neighbors driveway, nor any traffic problems. We also feel that the noise level of the children playing outside is minimal and only during daylight hours. Parking is adequate for the number of children attending the facility.

Margaret Hurlbut
Paul Hurlbut
7515 Whelchville Rd.
Balto. Md 21222

Page 2

play area. Most of the time the children are not there because they are playing in the park that is behind the school. If I could not hear the children playing until school starts they were playing in.

I feel that Mrs. Dorsey and all of the staff do an excellent job of keeping the noise level to a minimum in the play area. They are constantly telling the children to keep the noise down.

84-329-SPH

Mr. Jablon,

My name is Carol Burbacke I have a son attending since February '84 Eastwood Day Day Care Center. But I have been parking on 46th street for over a year shopping at the sewing store. Parking is not bad there, like in my neighborhood with a famous restaurant 2 blocks away parking is bad there. I arrive at 8:45 am, there is parking places all over. At 11:15 am pick him up there is a nother lady that picks her son up at that time and let her park in the Driveway and I park on side of Gloria's House there is always a parking place there.

I can usually tell when the kids are playing out side when I get up. The driveway it is difficult to hear them on the street because there is a huge wooden fence surrounding the yard. My house is on the same block as the public school; when it lets out there is a lot of noise from 1st to 6th graders walking home, than the is from 2 to 3 or day care kids playing I right to know I time with this every day of the school year.

Carol Burbacke
2284 Clinton St. 21224

May 30, 1984
84-329-SPH

Dear Commissioner Jablon

I have been an employee of Eastwood for about a year, and I have substituted for a year prior to that. Mrs. Dorsey suggested that I park in her driveway along with one of the other employees, so we would not monopolize the parking places on the street. There are always enough empty parking places in the area for the parent to dropoff and pick up their children. The parents are only in the Nursery for a short time. If the driveway is full they park on the street, but their cars are only there a few minutes.

I work from 8:15 to 5:15 and I leave the premises for an hour at lunch time. Whenever I am leaving or returning I do not feel the noise level to be very high. From 11:30 Am through 3:00 PM the pre school children are in doors. In the summer months we have a couple of school age children who are out side part

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84-329-SPH

Dear Commissioner Jablon

I have been an employee of Eastwood for about a year. I work the late shift which is 12:30 to 8p. During the first hours of my time it is extremly quiet because the children sleep from 12:30 - 3:00 pm. It is at that time the children start lunch from 11:30 - to 12:30. After nap time we have snack which takes about ½ hour, then on pretty days we go outside for a snack hour, then we usually bring the children in to have quiet time & rest period, we usually watch T.V. During this time alot of parents are picking up their children, at the most it takes 5 min to do this. By 5:30 most of the children are gone. generally I might have this until six o'clock. Because of the wide range of time that the children are picked up, there is no traffic problem at all. There couldn't be any problems even with twice as many children because of the staggered pick up schedule and abundance of parking area. Also the noise level is no greater than any neighborhood, there are always children and stress and other evendence of life.

84-329-SPH

May 29, 1984

Dear Commissioner,

Our son has attended Eastwood Day Nursery since February 1982. We feel the nursery is an asset to the community, not a hindrance. They have a very good curriculum, which includes lesson, group work, crafts and play time. They are given love and disciplined.

The children are never unruly when playing outside. There is a privacy fence surrounding the entire play area to help minimize the noise.

When the children are being brought to school and picked up, it is done in an orderly fashion. Parents park in the drive area provided or in parking places on the street. I have never seen a car double parked or blocking someones driveway.

We hope this letter will help the Eastwood Nursery obtain the needed license and/or permit to extend its service, since it is a much needed and worthwhile service to the community.

Sincerely,

Mr. & Mrs. Robert Bossle

Mr. & Mrs. Robert Bossle
2062 Jasmine Road
Baltimore, MD 21222
301-388-1517

VB/an

84-329-SPH

TO WHOM IT MAY CONCERN:

In writing this letter I have taken into consideration the fact that I do not live in the neighborhood. I have been taking my older child to Eastwood Day Nursery for four (4) years at various times in the morning and have never had a problem with parking spaces being available. I have also never seen other cars have any problems. I mainly pick up my children (I now have two) between 5:00 p.m. and 5:15 p.m. but I have been there all times to pick them up with still plenty of parking. I live in Baltimore City and I have lived in Baltimore County no matter what neighborhood you choice to live in you will always have problems with parking, people taking up two parking spaces, people parking in that live around the corner and so on.

When there are children together there will always be noise. I park across the street from the Nursery and walk down and I do not know until I get to the middle of the driveway that the children are out. I am glad they have a yard to play in and are not turned into the streets which is done often. There is nothing that says ten children can not play together and will have to break up if the noise level is to great or if you have six children of your own do you have to limit there time outside at one time.

Thank you,

Rose Marie Hosier
3602 Jefferson St.
Baltimore, Maryland 21205
327-8549

on the noise level. During the summer I have lived at 5308 46th Street, I could hear the boys over our nursery then our children couldn't have been that loud. In any neighborhood there is many children. And not always is the level of noise controlled but it is at the nursery. We do not let children scream outdoors as if they were in the park. We conduct them. How many parents conduct children blocks away from them on the street! I feel the neighbors are exaggerating the story about parking and the noise level.

Thankyou.
Patricia Kinsedrer
9165 Mid Haven Rd.
Balt Md. 21222
788-3147

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of that time - But it is just a couple.

Thank you
Beverly Lieuth
7715 Peggy Road
Baltimore Md 21222

Thank You
Marilyn Kraemer
3315 W. Inez Rd
Dundalk or Bal MD 21222

EASTWOOD COMMUNITY CIVIC ASSOCIATION
BALTIMORE COUNTY, MARYLAND

MAY 25 AM

MAY 29 1984
ZONING DEPARTMENT

Baltimore County Zoning Commission
Towson, Maryland 21204

Gentlemen: 84-329-SPH
GLORIA L. DORSEY

As President of the Eastwood Community Association, I would like to go on record as being completely supportive of the Eastwood Day Nursery which is located at 530 S. 46th Street.

Each day the number of parents looking for child day care for their pre-school youngsters is increasing; more important is the fact that these parents are being seriously selective in their choice of child care.

The granting of permission to expand would enable the Eastwood Day Nursery to meet all standards necessary to fulfill the needs and desires of parents who work outside the home and must place children into the care of others during work hours.

Those of us who have lived many years in Eastwood have seen the present owner, Mrs. Gloria Dorsey, in the past six years take a shabby, rundown piece of property and develop and improve it into a desirable, neat and clean, well-organized facility for the protection, care and training of young children.

Parents whose children are cared for at Eastwood Day Nursery do nothing but sing praise and support of Mrs. Dorsey and those who help her in the daily care and instruction of the little ones.

The word protection, as it relates to young children, has taken on a new meaning lately and more and more parents are looking for something more than the casual "baby-sitter" type service. It follows then that all of us as individual community residents, as well as organized governmental agencies, should give well-organized and seriously managed facilities all of our support.

Eastwood Day Nursery has come a long way and, with the requested go-ahead, can go still further. They render our community a fine service; we should support them.

It is our urgent wish that they will be granted the permission they need to expand so that they can take more children and continue to care and train them as they have for the past several years. We hope that Baltimore County Zoning Commission will help them resolve whatever opposition there is to this expansion and improvement.

Sincerely,
Fred V. Demski
Fred V. Demski
7283 Bridgewood Dr.
Baltimore, MD 21224

8/1/1304 Ltr
Nr Case file

CR'd not considered

May 30, 1984
Ruth A. Meisling
1935 Starhope Road
Baltimore, MD 21222

To the attention of Mr. Jablon
Baltimore County Commissioner

Dear Commissioner,

My child has happily spent almost five years with Eastwood Daycare Nursery. I work flexible hours and arrive anywhere from 6:30 AM to 9:00 AM and depart from 4:00 PM to 6:00 PM. Five years of arrivals and departures have elapsed without mishap or complication. I've yet to encounter an extreme situation that has prevented my simply pulling into the driveway and leaving my child or picking her up.

I live in a neighborhood of privately owned homes. My neighborhood has many children and the local noise level exceeds that of the area surrounding this facility. I'm right at the gate in the driveway before my sense of sound can determine if the children are outside playing.

I'm surprised at the allegations of the neighbors on 46th Street. I hope that Eastwood Daycare Center can continue to provide the consistent, safe, and secure atmosphere my child requires in my absence. Eastwood Daycare Center is my daughter's home away from home. She has felt loved and comfortable here for the past five years. I want to keep it this way.

With Hope,
Ruth A. Meisling
Ruth A. Meisling

JUN 7 AM

84-1393 Ord file

CR'd not considered

Robert S. Jacobs, CMA
Tax Consultant

JUN 8 '84 AM

Empire Financial Group
Post Office Box 29007
Baltimore, Md 21234
Telephone (301) 477-1850
(301) 237-0052

June 1, 1984

Mr. Jablon
Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon;

This letter is being written in response to questions that arose at the hearing pertaining to case #84-329-SPH. I was in attendance at that hearing as a supporter of the petitioner.

Please be advised that the questions I will address include the following: 1) Parking availability; 2) Noise level: and 3) Traffic congestion.

I have been transporting my child to and from Eastwood on a daily basis for the past six months and have not been confronted with any problems associated with any of the above three variables. During the time that I was at Eastwood I never had parking problems. There were always vacant parking spots: either on the side of the road or in the driveway. Upon approaching the perimeter fence I never heard any noise associated with playing children until I was within two feet. Also, the traffic congestion in that area is no more than the traffic congestion in a similar area with other business establishments. In my opinion the existance of Eastwood in no way adds to the traffic congestion.

In my capacity as a member of the Baltimore County Auxilliary Police (badge #A-0310) I have had occassion to drive through the neighborhood in question. I never noticed double parking nor have I noticed unusually congested traffic during daylight hours.

I hope that the above facts will aide you in your decision to grant the additional variance.

Respectfully submitted,
Robert S. Jacobs, CMA

cc. Gloria Dorsey

84-1393 Ord file

CR'd not considered

May 31, 1984

To whom it may concern,

I would like to comment on the parking issue concerning Eastwood Day Nursery. In the five years my daughter has attended Eastwood I have never had a problem with parking. Early mornings, as any other parents, their all in the same time element. Schedules are different. I have never seen anyone double parked, blocking driveways, parking on grass, or in a position where it would cause a safety problem. I have always found parking in the driveway or on the side of the road. Although, sometimes I do have to park on the grass on the day when I have an early appointment. Parking is not a problem. The neighbors are always invited in and there is always a safe place to park.

Sincerely yours,
Cynthia Ann Fields

JUN 5 AM

84-329-SPH

May 29, 1984

84-329-SPH

Dear Mr. Jablon,

I do not understand why these people are complaining as they are. All of us were children ourselves at one time. It is necessary to us as parents to be able to take our children to a quality child care facility while we work. During the year my son has been attending Eastwood. I have been a student for six months and am currently working full time. As a student, I arrived at different times and have not had the problems indicated by these neighbors. I have parked in the driveway or in front of the nursery every day (with the exception of -- road maintenance was done & new curbs were installed up & down the street. The day care center cannot be held responsible for that). I was not able to tell whether the children were outside or not until I reached the driveway. I currently arrive early and pick up my son late. Working for NSA in Gaithersburg requires that my son be cared for in a safe environment for very long days. Young teenagers, play their music much louder than the noises that can be heard from Eastwood Day Care Center. My son has an older sister who attended

AUG 14

nursery school from the time she was three until she started first grade. The advantages of attending could run for pages and pages. A facility that has survived, and existed through twenty years of children is necessary to the care and raising of healthy, happy individuals. I am deeply concerned about my children and hope that the day care will be allowed to continue offering the excellent service it has been providing over the years. We need more quality care for our children in these times where working mothers are a necessity and not a temperamental whim.

How much trouble can we create by parking in parking spaces for 5 to 10 minutes at the most. The days of curb service went out when 7-11 closed in the stores and stopped delivering ice at the curb back in the '30's. I don't think our children should be shoved in the door, nor do I think that anyone takes more than 5 minutes to get their child settled unless they have questions. I still can't understand the roadway issue now and there are always many vacant areas along the curbs for parking. Are we being blamed for the

confusion of the new curbs recently installed in the neighborhood.

Anyway, I hope you will allow Gloria the extension to her facility that she needs. If some of these problems exist, an awareness may alleviate them. Parking has not been a problem that I have experienced and loud noises have never been heard during my arrivals.

Sincerely,
MC Frankel

P.S. Child - Bobby Frankel
8025 Lansdale Road
Baltimore, MD. 21224.

84-329-SPH

6/15/84
not counted

Dear Commissioner:

Regarding Eastwood Day Nursery, I believe consider these facts:

1. Cement in a backyard is an asset and increases property as evidenced by increased property taxes.

2. Most homemakers today require both incomes to work. A day care in the neighborhood would be a welcomed asset.

3. 530 46th Street is clean, attractive and well maintained by a woman who is a divorced single parent. She does a lot of it herself and tries out what she can't. She deserves a lot of praise.

4. Patch as many dingies, replacing the weeds, grass and mud was a necessary and welcomed move. Many people do it.

5. Most neighborhoods are plagued with children's graffiti, vandalism, malicious mischief, property disrespect, disregard, bikes through gardens and paths worn in lawns (by gone but not all children). The day care prevents that. The children are supervised, disciplined and taught manners.

6. A family with several children moving next to anyone could cause constant noise. Noise in the day care is extremely limited - kept to a minimum and stopped at a reasonable daytime hour. There is no noise or music all night!

7. An unconcerned person could move next door to one of the protestors and actually depreciate the property value by allowing it to become unsightly. An attractive home and business increases property value. We're not talking about a bar, we're talking about children!

If someone is so concerned about the neighborhood's appearance, it seems out of character for that very person to leave a house vacant for a decade, in hideous condition, with grass and weeds over my head and unused and discarded building materials overwhelming the yard. Could they have another motive for protesting?

8. Parking in most neighborhoods leaves a lot to be desired. Parking on the 500 block of 46th Street is redundant. There always are 10 parking spaces available whenever I'm there!

9. We need, appreciate and have grown to depend on Eastwood. Our children deserve the best when we have to leave them. Eastwood is the best.

10. Eastwood is $10 - $30 less per week than the other local centers. They need the increase to continue low prices. They offer the best for less. By granting an additional 30 children, you will be helping Mrs. Carney her present and future customers and countless children. This certainly far outweighs unjust accusations of 2 or 3 close neighbors. Please help us.

Sincerely yours,
Marie DeMarina
16 Lombardy Drive
Dundalk, Md. 21222

84-329-SPH

6/15/84
Case Tried
to be considered
5-30-84

To whom it may concern,

I have been taking my son Jarrett to Eastwood Day Nursery for about two years now. Before that, my daughter also attended for approximately the same amount of time. During both times, I have not seen any parking problems whatsoever. Except being that I arrive between 6:30 and 6:40 a.m. there is no problem finding space anywhere on the street or in Edna's driveway. If a car or two have already parked in her driveway, I can always find a space on either side of the street without blocking anyone in or illegally parking. Since the drop-off time seems to be between 8 and 10 minutes, and I do not know where a problem arises as I have never seen anyone else who has children at the day care have any more difficulty than I do. After work I usually pick my child up around 4:00 - 4:30 p.m. again, I must stress there is no difficulty in finding parking spaces, also I do not feel the children are any louder than most children at play in their own yards. I do find that are better mannered and perhaps even a little quieter than they

84-329-SPH

6/15/84
not counted

Marguerite A. Parrotta
1016 Punjab Drive
Baltimore, MD 21221

May 31, 1984

Commissioner Jablon:

I am writing in behalf of the Eastwood Day Nursery. I attended the hearing on May 28, 1984 but was unable to testify.

My children have attended Eastwood Day Nursery since March 1982. Since that time I have experienced no traffic problems during pick-up or dropping off my children. Parents seem more than willing to utilize street parking when necessary without infringing on the rights of the neighbors. A point not made at the hearing is that several parents have more than one child at the center and therefore account for less traffic. At one point in time I was picking up and dropping off my nephew with my two or my sister did the same which would account for 3 children per 1 vehicle. I arrive at the center approximately 0630 each morning and usually come and go without passing another parent.

I agree with your statement made at the hearing that healthy children make noise, but the sound heard when approaching the nursery are that of children playing and are not what I would call disruptive or aggravating "noise".

Please rule favorably in this case as the benefits it would bring the community far outweigh any adverse impact it could produce.

Sincerely,
Marguerite Parrotta

JUN 4 AM
...S DEPARTMENT

84-329-SPH

LOCATION: front side South 46th Street, 84.26' E. South of Eastern Avenue (S.E. South 46th Street)
DATE & TIME: Monday, May 28, 1984 at 10:45 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 amendments to the Special Exception, and the site plans filed thereto, granted in Case No. 64-195-X, and as amended by Case No. 80-117-SPH, to permit (1) the construction of a second story addition which will increase the maximum number of children (2) a reduction in the time the children shall be kept inside the building (3) the construction of a vestibule for the conservation of energy by limiting heat loss (4) as determine that residential transition area (RTA) requirements are not applicable to a day nursery existing prior to adoption of such requirements.

In the event that the property of Elona L. Ely, 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

THE UNDERSIGNED OPPOSE THE PETITION TO PERMIT
(1) THE CONSTRUCTION OF A SECOND STORY ADDITION WHICH WILL INCREASE THE MAXIMUM NUMBER OF CHILDREN
(2) A REDUCTION IN THE TIME THE CHILDREN SHALL BE KEPT INSIDE THE BUILDING
(3) THE CONSTRUCTION OF A VESTIBULE FOR THE CONSERVATION OF ENERGY BY LIMITING HEAT LOSS
(4) TO DETERMINE THAT RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS ARE NOT APPLICABLE TO A DAY NURSERY EXISTING PRIOR TO ADOPTION OF SUCH REQUIREMENTS.

WE SIGN THIS PETITION BECAUSE WE MAY NOT BE ABLE TO ATTEND THE HEARING ON MAY 28, 1984.

NAME	ADDRESS	OWNER
Thomas W. Bond	532 S. 46th Street	Yes
Josephine Koontz	532 S. 46th Street	yes
Jerry Pawinski	527 S. 45th St	Yes
E. Kowinski	527 S. 45th St	yes
Jennie Cook	501 S. 46th ST	Yes
Mr. Frederick T. Pellot	531 S. 46th St	Yes
Mrs. Marie L. Pellot	531 S. 46th St	Yes
Mrs. Isabelle Curry	546 S. 46th St	Yes
Mr. Frank T. Cross	529 S. 46th ST	yes
Mrs. Ursula Gross	529 S. 46th St	yes
Phillip A. Brubaker	540 S. 46th St.	yes
Rosie A. Randolph	540 S. 46th St	yes
Irvin G. Mee	519 S. 46th St	yes
Lottie M. Douglas	600 Eastern Ave	yes
* George E. Lynch	600-46 St	yes
* Haden Bond	518-46th St	yes
Delores A. Schell	527 S. 46th St	yes
Kathy Smithsland	523 S. 45 St.	Yes
Luke Smithsland	523 S. 45 ST	Yes
Raymond Talley Sr.	525 S. 45th St	Yes
Richard P. Adams	503 S. 46th St	no

84-329-SPH

LOCATION: front side South 46th Street, 84.26' E. South of Eastern Avenue (S.E. South 46th Street)
DATE & TIME: Monday, May 28, 1984 at 10:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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In the event that the property of Elona L. Ely, 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.

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(4) TO DETERMINE THAT RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS ARE NOT APPLICABLE TO A DAY NURSERY EXISTING PRIOR TO ADOPTION OF SUCH REQUIREMENTS.

WE SIGN THIS PETITION BECAUSE WE MAY NOT BE ABLE TO ATTEND THE HEARING ON MAY 28, 1984.

NAME	ADDRESS	DATE	OWNER
Stanley Gerber	617 S. 46th	May 25, 1984	Yes
* Nikki Hutton	621 S. 46th		Yes
Henry Mason	535 46th St		Yes
Lynda Mason	119 So. 46th St		yes
* Harry Mayo	109 S. 46th St		Yes
* Ida Mish	601 S. 46th St		yes
Ronnie Wirth	613 S. 46th St		No
Kathleen Hollingswood	601 S. 46th St.		No
Elizabeth Flowers	609 S. 46th St		Yes
Rose Sellers	613 S. 46th		No
Lillian Jones	505 S. 46th St		yes
* Shirley Bobby	508 S. 46th St		yes
* Ella C. Bish	526 S. 46th St.		yes
Michael J. Sykes	506 S. 46th St		yes
Marilyn Lynch	500 46th St		yes
Jeannie Lynch	500 46th St		yes
Joanne Szaybowicz	7004 Fait Ave		Yes
Joe Szaybowicz	7004 Fait Ave		Yes
* Gladys J. Sibal	535 46th St		Yes
Mrs. Eldora Fritz	603 S. 46th St		no
Maurice Fritz	603 S. 46th St		no

AUG 14

LOCATION: West side South 46th St. 5 ft. NORTH & South of Fairmont Avenue (530 South 46th Street)

DATE & TIME: Monday, May 28, 1984 at 10:45 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 amendments to the Special Exception, and the site plans filed thereto, granted in Case No. 84-105-X, and as amended by Case No. 80-137-SPH, to permit: (1) the construction of a second story addition which will increase the maximum number of children (2) a reduction in the time the children shall be kept inside the building (3) the construction of a vestibule for the conservation of energy by limiting heat loss (4) to determine that residential transition area (RTA) requirements are not applicable to a day nursery existing prior to adoption of such requirements.

Being the property of Gloria L. Lee 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

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(1) THE CONSTRUCTION OF A SECOND STORY ADDITION WHICH WILL INCREASE THE MAXIMUM NUMBER OF CHILDREN
(2) A REDUCTION IN THE TIME THE CHILDREN SHALL BE KEPT INSIDE THE BUILDING
(3) THE CONSTRUCTION OF A VESTIBULE FOR THE CONSERVATION OF ENERGY BY LIMITING HEAT LOSS
(4) TO DETERMINE THAT RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS ARE NOT APPLICABLE TO A DAY NURSERY EXISTING PRIOR TO ADOPTION OF SUCH REQUIREMENTS.

WE SIGN THIS PETITION BECAUSE WE MAY NOT BE ABLE TO ATTEND THE HEARING ON MAY 28, 1984.

NAME	ADDRESS	DATE	OWNER
Sonata Francisco	526 S 46th St	may 25	yes
Barbara Area	528 S 46th St	May 25	yes
Joseph Area	528 S 46th St	May 25	yes
Kelly Schlothauer	539 S 45th St	May 27	No
Mrs. Samuel A. Cook	601 S. 46th St		yes

PROTESTING:

PROTESTANT'S EXHIBIT 4

Thomas W Ross	532 S 46th St	21224	
Kathy Southerland	523 S 45th St	21224	
Jeanette Simms	527 Union St	21224	
Raymond Tallon Jr.	525 S. 45th	21224	
Barbara Jones	525 S 46th	21224	

PETITIONER'S EXHIBIT 4a

neighbors

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and an asset to our community.

NAME	ADDRESS
Edna Staab	535 46th St.
Paul Laaf	534 S. 46th St
G. Franchetowsky	526 S 46 St
Sherry Lebkey	528 S 46th St.
Ted Adams	503 S 46th St.
Anne Ferrara	502 46 St.
Cindy Tolen	525 45th St.
Laura Pergune	533 S 45th St.
Mrs. Madeline Shinsky	531 S. 45th St.
Mr. & Mrs. Mark Sollenberger	529 South 45th St.
Myrtle Stanley	534 S. 46th St 21224
Mrs. Mount	541 S 46 St
Richard Klaft	548 S 46th St.
Geo Frank	500 S 46th St.
Robert Lee Maddox	523 S. 46 St.
Lonza Dorsey	530 S 46 St.

neighbors

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and an asset to our community.

NAME	ADDRESS
Robert L Miller	608 Wilbon Ave.
Debbie Mitchell	544 S. 46th St.
Pat Wolfe	6916 Fait Ave
Barbara Miller	600 S 46th St
Richard Boggiano	602 S 46th ST.
William L. Scruggs	606 S 46TH ST.
Harry Morgan	6195 46th ST
George Gasparge	631 S. 45th St
Cathy Marsh	615 S 46th St
Emily Bingley	613 S 46th St
V. Ruttkowski	609 S. 46th, ST.
Rita Webb	601 S 46 st
Mr. Mrs P. Blackstock	7001 Fait ave
C Palanch	7002 Fait ave
Mrs Ruble	539 S. 46th St
Nancy Nash	537 46th St

neighbors

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and an asset to our community.

NAME	ADDRESS
L C Jafonis	6802 Peabody Ave
A. Shafer	6852 Norman Hill Rd
Edward Stallings	6852 Norman Hill Rd

neighbors

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and an asset to our community.

NAME	ADDRESS
Wayne Hartman	520 46th st.
John Mueling	520 S 46th St
Wagner Mueling	520 S 46 St
Ray Banks	518 S 46 St
Ms. Helen Banks	518 S 46 St
Debbie Brookshire	512 S 46 St.
Ellen C Roob	506 S 46 St
Phil Ault	7001 E Astern AVE
G W Downes Jr.	507 S 46th St 21224
C C Pacheta	513 S 46th St
Charlotte DeNelbe	517 S 46th St
Anne Albrecht	517 S 46th St
Mrs. Ault	501 46 th ST
Merton Snead	536 S 46th Street
Donna Reed	536 46th St.
Martha Hill	542 46th St

customers

PETITIONER'S EXHIBIT 5 (c)

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and considered an asset to our community.

NAME	ADDRESS
Terry Spurlock	2812 Southbrook Rd.
Robert H Bozalis	2062 Jasmine Rd #22
Kathy H Depp	734 LONNEGAN RD.
Stephen Lenhardt	7169 EASTBROOK AVE 21224
Gerald J Albrecht	10313 Greenloch Rd
Teresa Albrecht	10313 Greenloch Rd.
Marilyn Kraemer	1315 Willow Rd.
Patricia Capp	4713 Lexington Pl.
Michelle Skowkowski	734 Drew St.
R. P. Sansovich	7805 St Gregory Dr.
Jane Hopkins	3602 Jefferson St. 21205
Charles E Powell	7009 Fairfax Ave.
Betty J Stahm	6608 Fifth Ave
Ella M J Lazares	936 Oakleigh Road Rd
Kathy Kimberman	6819 Duluth Ave. 21222
Rose Swingers	30 N. Curley St. 21224
Richard C Ochlager	809 JEANNETTE AVE. 21222
Brenda B Stokes	1641-H Rockaway Rd 21221

customers

5 (d)

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and considered an asset to our community.

NAME	ADDRESS
Jackie Spurlock	2812 Southbrook Rodd Baltimore 21222
Diana Brick	14 Bayship Rd. Balto. Md. 21222
Angie Fitzhenry	7118 Eastbrook Ave Balto Md 21224
Michelle Long	525 Lindenwood 21224
Barbara Sullivan	3701 Fait Ave 21224
Doreen Bryant	7407 H Hendy Ave. 21222
Patricia Depp	7007 Fait Avenue 21224
Patricia A. Fleetwood	7818 St. Clare Lane 21222

Per Dept of Human Resources
1982 - 29,944 children under 6 in group day care
In 1980 168,054 children 5+ under have working mothers

349,062 school age Children have working mothers

In Balto Co only 35 centers provide school age
In Balto City only 27 centers service school age

PETITIONER'S EXHIBIT

Petitioners		
Wayne Schafer	1005 E. Lake Ave Balto Md 21204	532-2222
Jaroslaw Jaciuk	1012 Stengel Ave. Balto Md 21222	288-2414
STEPHEN SLAUGHT	7168 EASTBROOK AVE BALTO MD 21224	285-5188
Marie Piotrowski	3 Cloudy Cove Ct. Balto Md 21220	335-9058
Nora Hexmberg	1644 Long Haven Ct, Balto Md 21222	285-0910
Diana Krauss	2544 Kibitz Pkwy Lutherville 21093	337-3613
Fred Lambert	7515 Holabird Ave Balto MD 21222	
Margaret Lambert	7515 Holabird Ave. Balto md 21222	284-2336
Betty J Dahm	6808 Fifth Ave Balto Md 21222	285-4686
Geo Mario Iannis	2604 Jefferson St. Baltimore, MD 21205	327-6249
Patricia Esposito	7007 Fen. Ave Baltimore, MD 21224	282-7816
Carol Budzacki	3238 Gloster St. Balto, MD 21224	342-5248
Edna Jaciuk	1412 Stengel Ave. Balto, Md 21222	288-2814
Sally Jantz	7865 St Gregory Dr Balto Md 21220	477-4057
Marguerite A. Pascotta	1016 PUNJAB Drive BALTIMORE, 21221	574-3005
Revd. Jacob (Rosie)	7865 St Gregory Dr " 21222	477-4057
Gayle Lenard	5361 S. 46TH ST BALT 21224 Md	
Leslie Ann Kelly	2807 4th ST Balto MD 21219	
Arnold J Albrecht	10313 Greentop Rd, Balto, Md.	

PROTESTING:

Joseph Cohen Jr. 528 S. 46th Street
Jane Louise Kraut 532 S. 46th Street
Thomas W Kraut 532 S 46th St 21224
Kathy Southerland 523 S. 45th St. 21224
Joanne Jankalski 607 Umbra St 21224
Raymond Talton Jr 525 S. 45th St 21224
Barbara Gross 525 S 46th 21224

PROTESTANT'S EXHIBIT 14

EASTWOOD COMMUNITY CIVIC ASSOCIATION
BALTIMORE COUNTY, MARYLAND

MAY 25 AM

Baltimore County Zoning Commission
Towson, Maryland 21204

Gentlemen: 84-329-SPH
GLORIA L. DORSEY

As President of the Eastwood Community Association I would like to go on record as being completely supportive of the Eastwood Day Nursery which is located at 530 S. 46th Street.

Each day the number of parents looking for child day care for their pre-school youngsters is increasing; more important is the fact that these parents are being seriously selective in their choice of child care.

The granting of permission to expand would enable the Eastwood Day Nursery to meet all standards necessary to fulfill the needs and desires of parents who work outside the home and must place children into the care of others during work hours.

Those of us who have lived many years in Eastwood have seen the present owner, Mrs. Gloria Dorsey, in the past six years take a shabby, rundown piece of property and develop and improve it into a desirable, neat and clean, well-organized facility for the protection, care and training of young children.

Parents whose children are cared for at Eastwood Day Nursery do nothing but sing praise and support of Mrs. Dorsey and those who help her in the daily care and instruction of the little ones.

The word protection, as it relates to young children, has taken on a new meaning lately and more and more parents are looking for something more than the casual "baby-sitter" type service. It follows then that all of us as individual community residents, as well as organized governmental agencies, should give well-organized and seriously managed facilities all of our support.

Eastwood Day Nursery has come a long way and, with the requested go-ahead, can go still further. They render our community a fine service; we should support them.

It is our urgent wish that they will be granted the permission they need to expand so that they can take more children and continue to care and train them as they have for the past several years. We hope that Baltimore County Zoning Commission will help them resolve whatever opposition there is to this expansion and improvement.

Sincerely,
Fred V. Denski
Fred V. Denski
7283 Bridgewood Dr.
Baltimore, MD 21224

84-1983
Case file

6/15/84
not considered
cc

May 30, 1984

To Whom it may concern,

I would like to comment on the parking issue concerning Eastwood Day Nursery. In the two years my daughter has attended Eastwood I have never had a problem with parking. In nearly all cases, we are the parents there at the same time. Everyone's schedule is different. I have never seen anyone double parked or blocking driveways. Parking can't possibly be a problem when it is spread out on both sides of the street within a five minute radius. No one parks their car and leaves it for the day, when I leave my daughter off, or pick her up, there is always ample parking. The neighbors we always parked in front of their homes are also there during the day. I sincerely see no problem. Thank you!

Linda Ann Kolb

JUN 5 AM

89-329-SPH

84-1983
Case file

6/15/84
& not considered

Marguerite A. Pascotta
1016 Punjab Drive
Baltimore, MD 21221

May 31, 1984

Commissioner Jablon

I am writing in behalf of the Eastwood Day Nursery. I attended the hearing on May 28, 1984 but was unable to testify.

My children have attended Eastwood Day Nursery since March 1982. Since that time I have experienced no traffic problems during pick-up or dropping off my children. Parents seem more than willing to utilize street parking when necessary without infringing on the rights of the neighbors. A point not made at the hearing is that several parents have more than one child at the center and therefore account for less traffic. At one point in time I was picking up and dropping off my nephew with my two or my sister did the same which would account for 3 children per 1 vehicle. I arrive at the center approximately 0630 each morning and usually come and go without passing another parent.

I agree with your statement made at the hearing that healthy children make noise, but the sound heard when approaching the nursery are that of children playing and are not what I would call disruptive or aggrivating "noise".

Please rule favorably in this case as the benefits it would bring the community far outweigh any adverse impact it could produce.

Sincerely,
Marguerite Pascotta

JUN 4 AM

84-329-SPH

84-1964
Case file

6/15/84
cc
not considered

5-30-84

To whom is may concern,

I have been taking my son Jarrett to Eastwood Day Nursery for about two years now. Before that, my daughter also attended for approximately the same amount of time. During both times, I have not seen any parking problems whatsoever. Perhaps during the hours between 6:30 and 6:45 a.m. there is no problem finding space anywhere on the street or in Edna's driveway. If a car or two have already parked in her driveway, I can always find a space on either side of the street without blocking anyone in or illegally parking. Since the drop-off time seems to be between 5 and 10 minutes, and I do not know where a problem arises as I have never seen anyone else who has children at the day care have any more difficulty than I do. After work I usually pick my child up around 4:00 - 4:30 p.m. again, I must stress there is no difficulty in finding parking spaces, also I do not feel the children are any louder than most children at play in their own yards. I do find that are little mannered and perhaps even a little quieter than they

6/15/84
not considered
a)

84-329-SPH

JUN 5 AM

Dear Commissioner:

Regarding Eastwood Day Nursery, please consider these facts:

1. Cement in a backyard is an asset and increases property as evidenced by increased property taxes.

2. Most homemakers today require both spouses to work. A day care in the neighborhood would be a welcomed asset.

3. 530 46th Street is clean, attractive and well maintained by a woman who is a divorced single parent. She does a lot of it herself and lives out what she can't. She deserves a lot of praise.

4. With so many allergies, replacing the weeds, grass and mud was a necessary and welcomed move. Many people do it.

5. Most neighborhoods are plagued with children's graffiti, vandalism, malicious mischief, profanity, disrespect, disregard, bike through gardens and paths worn in lawns (by some but not all children). The day care prevents that. The children are supervised, disciplined and taught manners.

6. A family with several children moving next to Loyola would cause constant noise. Noise in the day care is extremely limited, kept to a minimum and stopped at a reasonable daytime hour. There is no noise or music all night.

7. An unconcerned person could move next door to one of the protestors and actually depreciate the property value by allowing it to become unsightly. An attractive home and business increases property value. We're not talking about a bar, we're talking about children.

If someone is so concerned about the neighborhood & appearance, it seems out of character for that very person to leave a house vacant for a decade, in dilapidated condition, with grass and weeds over my head

AUG 14 '84

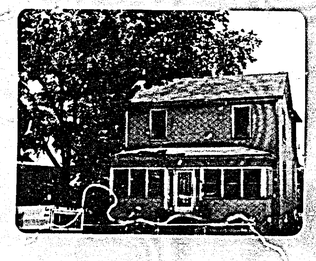
trees cut down by vandals

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

Petitioner's Exhibits 1, 3 & 8a-f and 9

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

9 Photos with Descriptions



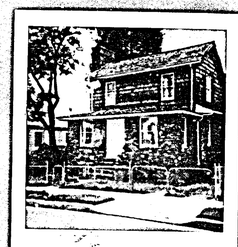


EXHIBIT 3

This is my block from my house up to 500 S. 46th St. As you can see, there are not many cars, and there are large driveways at each house which usually go all the way back. There is always PLENTY of on-street parking, especially during working hours. 84-339-SPH

1

This car belongs to the Ares & is usually driven by Mrs. Ares. It is parked across the street from their property, in front of a neighbor's house, while the Ares's property has 2 spaces in front of it and also has a long driveway! Mrs. Ares feels justified to complain about my customers parking for 2-5 minutes if my driveway is full; however, their car is parked in front of their neighbor's approximately 50% of the time and for long periods! 84-339-SPH

2

527 (L) and 529 (R) S. 46th Street. This was taken on a Sunday (5/27/84). 527 owns NO cars. 529 owns one car which is parked in their driveway, by their choice, as it is Sunday & my center is closed. 84-339-SPH

3

Rear 532 S. 46

531 S. 46th St. They own only one car -- the gray one in the driveway, where it is always kept. The blue Ford in front of their house belongs to the Koontz's (my next door neighbors) who reside at 532 on the other side of the street! Mr. Koontz spoke of my customers monopolizing parking; however, they have CONSTANTLY used this space as long as I have lived here. My customers use spaces for only a couple minutes, when needed. 84-339-SPH

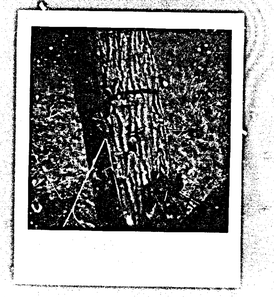
4

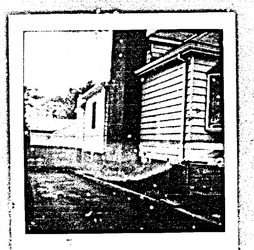
This is my block from my driveway towards the higher numbers. The road curves. The picture of the rest of it is separate. Again as I have explained before, there are large driveways, and plenty of on-street parking. Next to the green house is a vacant lot. There is another vacant lot at 525 S. 46th Street. 84-339-SPH

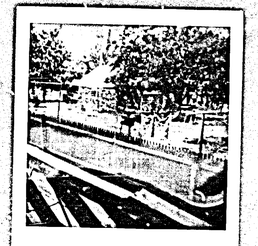
5

This is a photo of the high numbers on my block. As you can again see, there is plenty parking. The last two houses face the intersecting street, and provide space for several cars on each side of the street, which the residents of these houses do not use. (This is the part that curves.) Also in back of the row homes is an empty lot which many cars have used for parking. 84-339-SPH

6







Back of 532 S. 46

Back of 528 S. 46

528 S. 46th

532 S. 46th

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

Protestant's Exhibits 1 to 13

This is the property of Mr. Tallon of 45th Street, who lives directly behind Mr. & Mrs. Ares (528 S. 46th Street) Both the Ares and Mr. Tallon complained of the concrete being commercial and depreciating to the property value. Mr. Tallon has a large amount of concrete on his property. What makes his different?!? 84-339-SPH

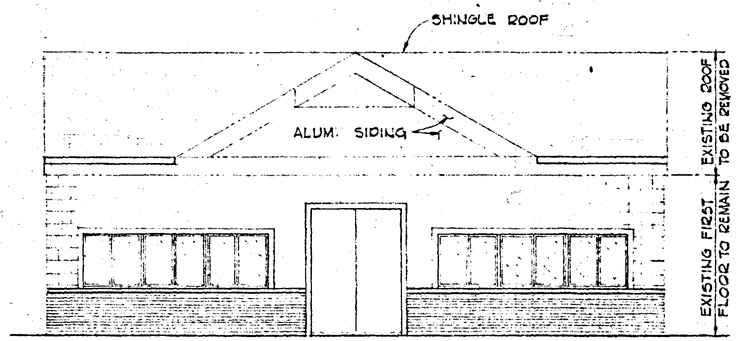
7

This is the Tallon Property. As you can see, their concrete takes up quite a large section of their yard. Does this mean they are commercializing the neighborhood, or does that only apply to me? I don't see what makes their concrete different than mine! 84-339-SPH

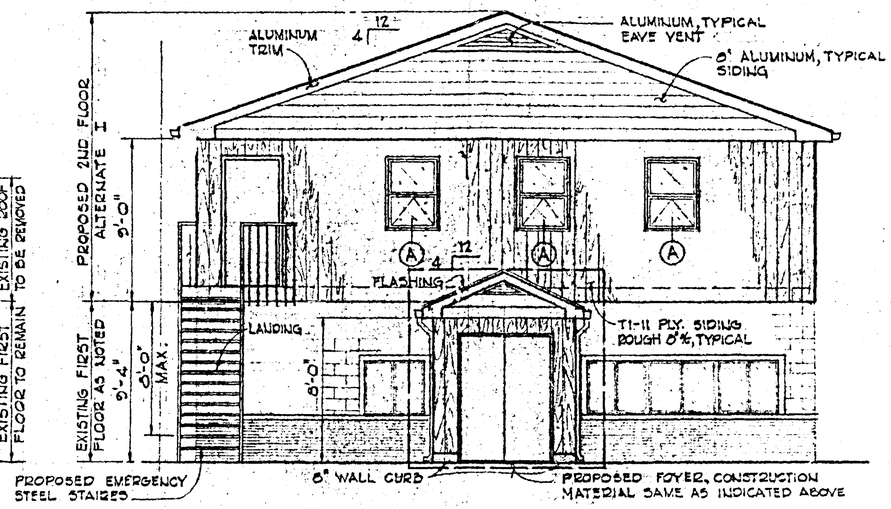
8

The Tallon property has a full length driveway that leads to what I think was a garage but now appears to be used as living quarters for someone. It widens in the back to quite a large area of the yard, but part of it is hidden by trees & brick piles in the Ares's yard. 84-339-SPH

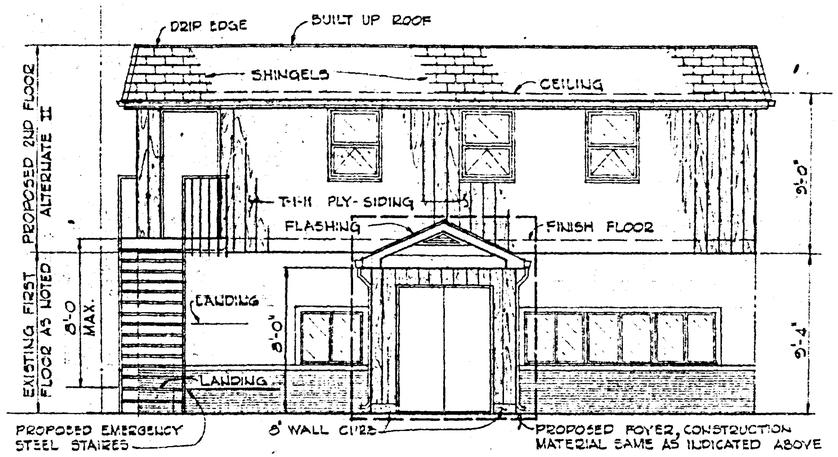
9



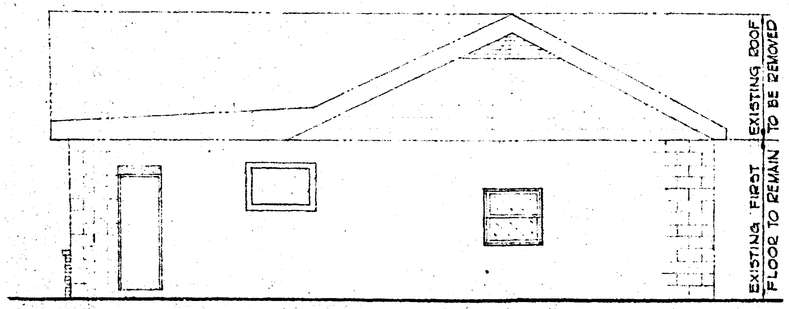
EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"



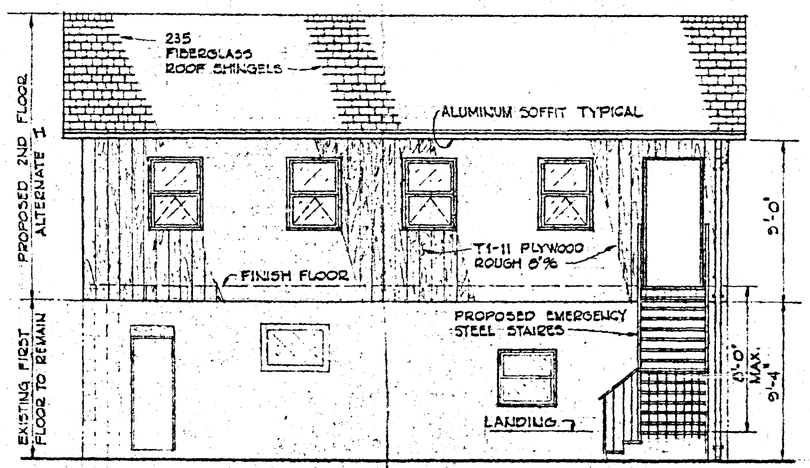
PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"
ALTERNATE I



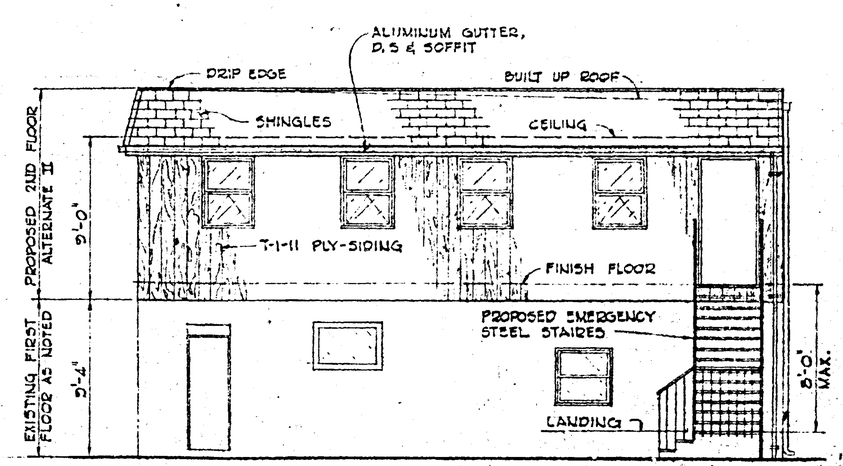
PROPOSED RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"
ALTERNATE II



EXISTING RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



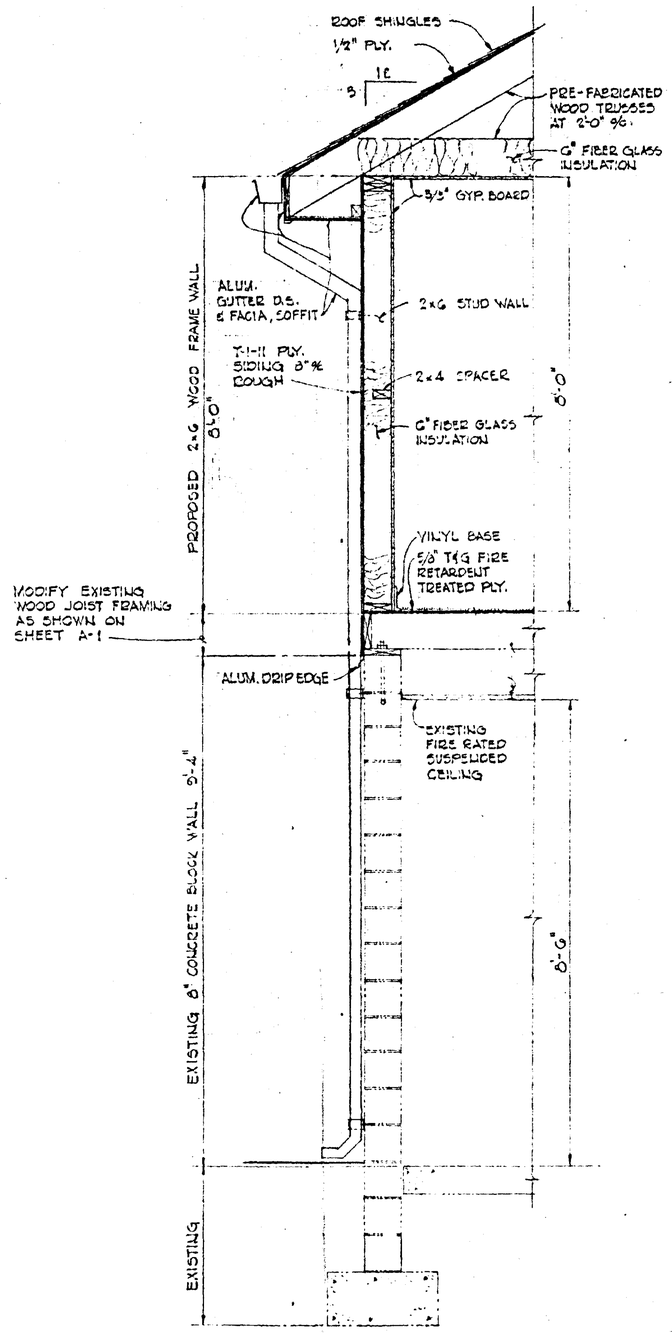
PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"
ALTERNATE II

PETITIONER'S EXHIBIT 10

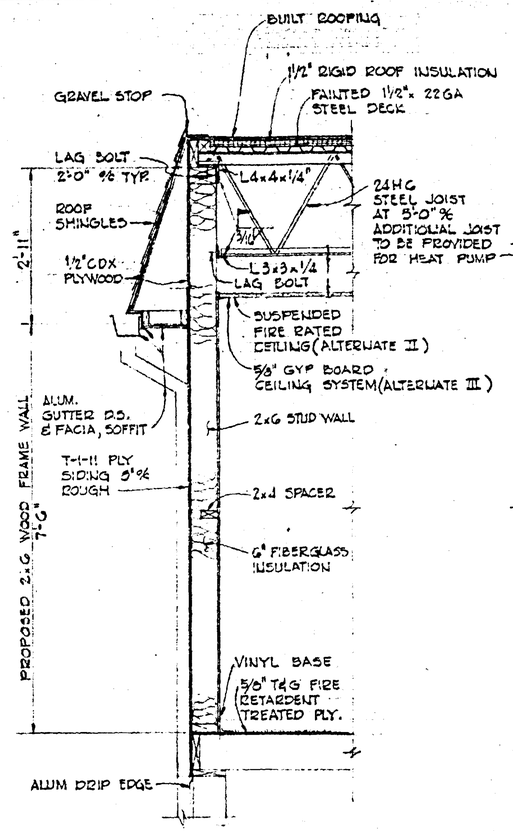
A-2



SECTION 53A/51

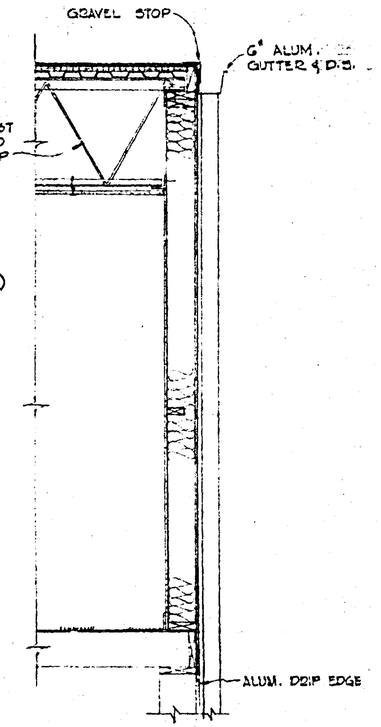
SCALE: 3/4"=1'-0"

ALTERNATE I



SECTION A3B/A1

SCALE: 3/4"=1'-0"



SECTION A3C/A1

SCALE: 3/4"=1'-0"

A-3

BALTIMORE COUNTY PUBLIC SCHOOLS

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

Date: January 10, 1984

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

Z.A.C. Meeting of: January 10, 1984

RE: Item No: 169, 170, 171, 172, (173)
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/ih

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S South 46th St., 841.85' S of Eastern Ave. (530 South 46th St.), 12th District : OF BALTIMORE COUNTY
:
GLORIA L. DORSEY, Petitioner : Case No. 84-329-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
People's Counsel for Baltimore County

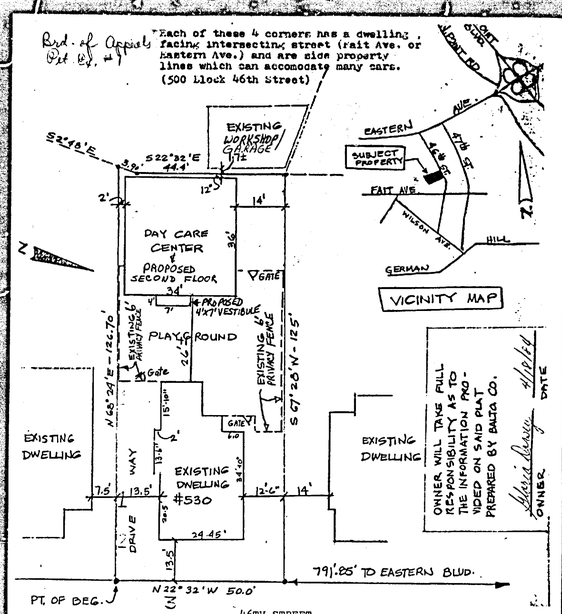
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of May, 1984, a copy of the foregoing Entry of Appearance was mailed to William E. Hammond, Esquire, 107 Main Street, Reisterstown, MD 21136, Attorney for Petitioner.

Peter Max Zimmerman

Bd. of Appeals Pet Ex. #1

"Each of these 4 corners has a dwelling facing intersecting street (Fait Ave. or Eastern Ave.) and are side property lines which can accomodate many cars. (500 block 46th Street)



Petition for Special Hearing Owner: Gloria Dorsey Scale: 1" = 20'
Harbor View, WPC No. 5, Folio 80, Lot Nos. 858 & 859 12 Election District

Restrictions:
1. Compliance with the Order of 4/9/64 except to the extent that said order is amended by the Order in case #80-117SPH.
2. No vehicle delivering children shall double park on S. 46th Street and the parents of the children shall be so informed.
3. The children shall be kept in the day nursery facility until 10:00 a.m. so as to minimize noise in the immediate area.
4. Capacity is limited to 29 children at one time.
5. Hours of operation are 6:30 a.m. to 6:00 p.m.

Revised Plan Item #173 4/24/84

Present Staff: 2 full time and 3 part time
Proposed Staff: 3 full time - First Floor
2 full time and 1 part time - Second Floor

Present Staff Parking (Shown in Red on Plot Plan)
In driveway
In front of property
4 & 5 - In front of vacant lot loc. at 525 46th St. (See Vicinity Map)

Proposed Staff Parking (Shown in Red on Plot Plan)
Same as Present except ADD:
6 (and any additional) will be restricted to parking on corners of 500 Blk. 46th St. (where houses front Fait Ave. and/or Eastern Ave.) (See Vicinity Map)

Drop Off Area: (Shown in Blue on Plot Plan)
1 & 2 - In driveway
3 - In front of property
Empty parking spaces in immed. area might also be used momentarily.

Pet. 9.3V
Ny-10E
Duly Advert'd

WILLIAM E. HAMMOND
Attorney At Law
107 Main Street
Reisterstown, Maryland 21136
(301) 833-1322

April 24, 1984

4/24/84 To DC ? cc to ? APR 25

HAND DELIVERED

Honorable Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
Gloria L. Dorsey
Item No. 173

Dear Commissioner Jablon:

With reference to the above, this is to respectfully request consideration be given to our request for an early hearing.

Mrs. Dorsey has received many requests from parents for admission of their children to her day nursery program being presently conducted from a one story improvement at the rear of 530 South 46th Street, but without the construction of a second story to the existing facility she will be unable to meet the demands for such a service.

Considering the normal delay in the hearing process, unless an early hearing is provided the proposed new addition, should it be granted, would not be available for an increase in September, 1984.

Thank you for any consideration given this request.

Very truly yours,

William E. Hammond

WEH:dd
Encl.
cc: Mr. Nicholas B. Commodari

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 27, 1984

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

ooo

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

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

RE: Item No. 173 - Gloria L. Dorsey
W/S 46th St. S Eastern Avenue
Special Hearing Petition

Dear Mr. Hammond:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Charles E. Burnham - Permits & Licenses - 494-3987

Captain Kelly - Fire Department - 494-3985

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S of South 46th St., 841.85' S of Eastern Ave. (530 South 46th St.) 12th District : OF BALTIMORE COUNTY
: Case No. 84-329-SPH

GLORIA L. DORSEY, Petitioner :

: : : : : : :

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of June 18, 1984, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

JUL 17 AM
Acad
Rec'd
Filed
Cked
ZONING DEPARTMENT
By

Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 17th day of July, 1984, a copy of the foregoing Notice of Appeal was mailed to William E. Hammond, Esquire, 107 Main Street, Reisterstown, MD 21136.

Phyllis Cole Friedman

Gloria Dorsey
530 S 46th St.
Balto, Md 21224

July 16, 1984

Zoning Commissioner
County Office Building
Towson, Md 21204

Re: 84-329-SPH

Gentlemen:

I wish to appeal the decision rendered in the Special Hearing Case # 84-329-SPH.

Very truly yours
Gloria Dorsey
530 South 46th St.
Balto, Md 21224

JUL 16 PM
Acad
Rec'd
Filed
Cked
ZONING DEPARTMENT
By

---

cc: William E. Hammond, Esquire
Phyllis Friedman, Esquire

528 S. 46th St, 21224

JUL 17 AM
ZONING DEPARTMENT

July 16, 1984

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: A Notice of Appeal
Gloria L. Dorsey, Petitioner
Case #84-329-SPH
530 South 46th Street

Dear Sir:

Please note an appeal from the decision in the above case of June 18, 1984 to the Baltimore County Board of Zoning Appeals, and forward all papers to the Board for hearing.

Enclosed is our check in the amount of $80.00 in payment of the fee to file this appeal.

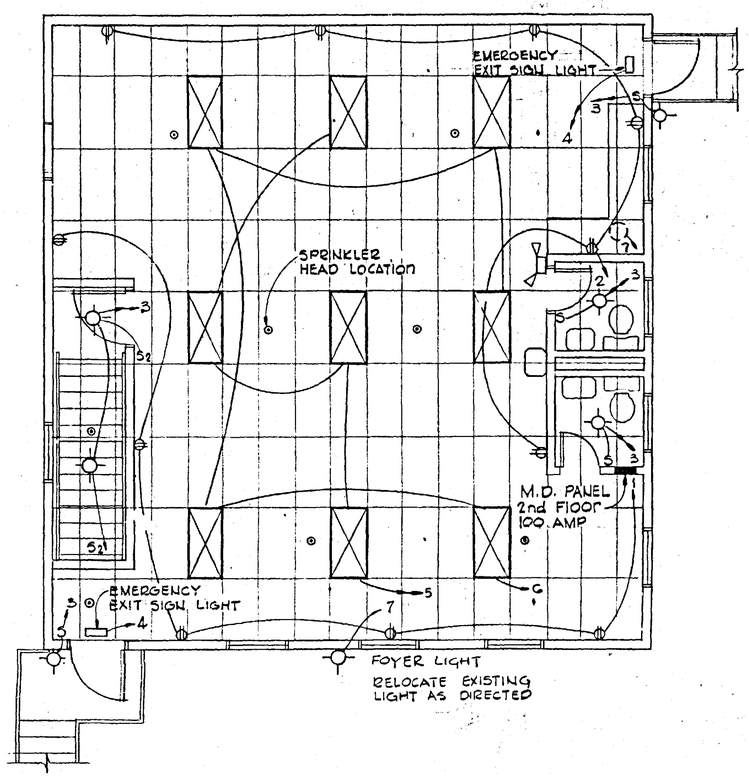
Sincerely,

Gloria Dorsey, 530 South 46th Street, 21224

Mr + Mrs Frederick R. Pebbel
Mrs Dobbs Schell
Mrs Lorette Franchewitz
James Cook 501
Merle Cook 501
M. J. Como 515
Frances E Como
Ulmer E. Mills 519
Kathy Southerland
Wm. A. Wainright 540
Doris H. Rawleigh 540
Isabelle Curry 546
Robert Curry

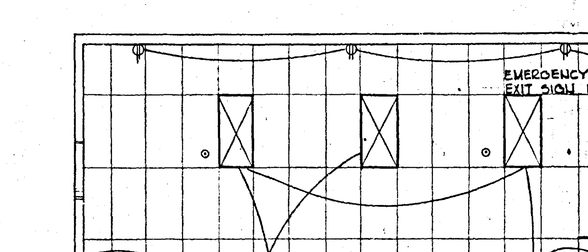
Gloria W Rooks
Josephine Rooks
Guy Konieski
Geo E Lynch
Mary Lynch
Mrs Ursula Gross
Dianne Hemelt
Richard Hemelt

AUG 13 695



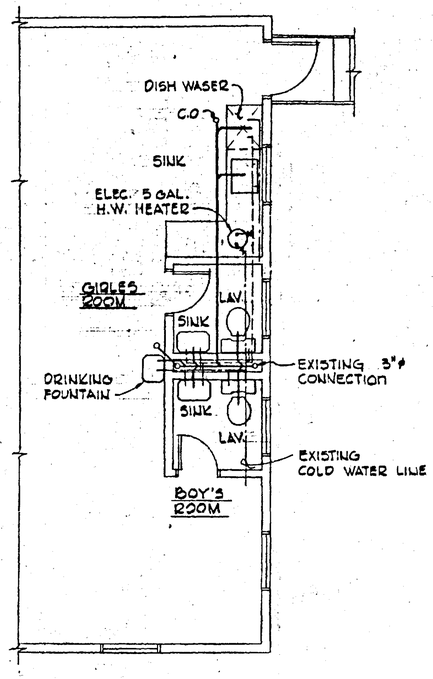
PROPOSED 2ND FLOOR ELECTRICAL PLAN

SCALE: 1/4"=1'-0"



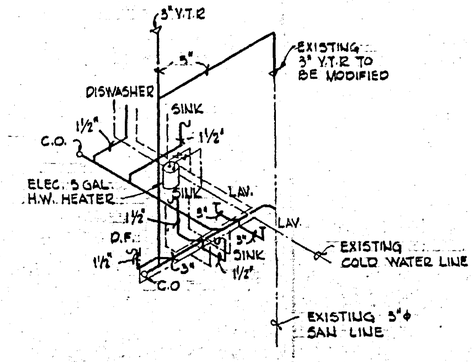
NOTES.

1. DUPLEX CONVIENCE OUTLET, WALL MTD 15" A.F.F UNLESS OTHERWISE NOTED
2. CEILING LIGHT FIXTURE INTERIOR & EXTERIOR SELECTION MADE (BY OWNER)
3. EMERGENCY LIGHTING POWER PACK
4. 4-TUBE FLORESCENT LIGHT FIXTURE
5. EMERGENCY EXIT SIGN LIGHT



PROPOSED 2ND FLOOR PLUMBING PLAN

SCALE: 1/4"=1'-0"

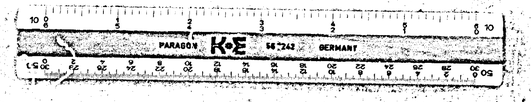


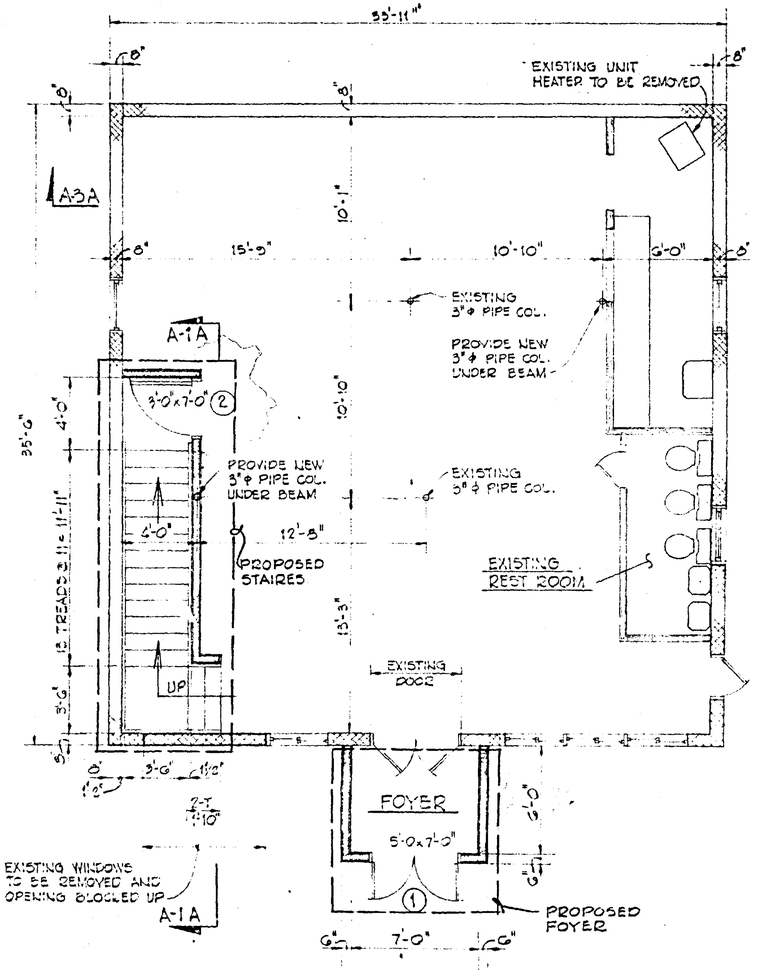
PLUMBING RISER DIAGRAM

SCALE: 1/4"=1'-0"

NOTES

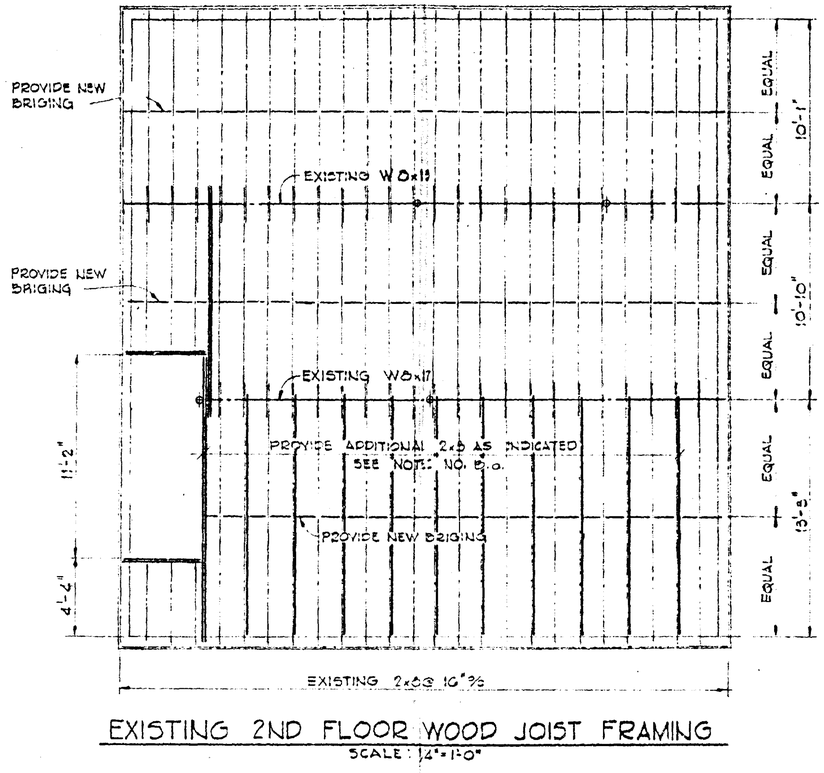
1. WATER SUPPLY LINES SHALL BE 1/2"ϕ MIN.





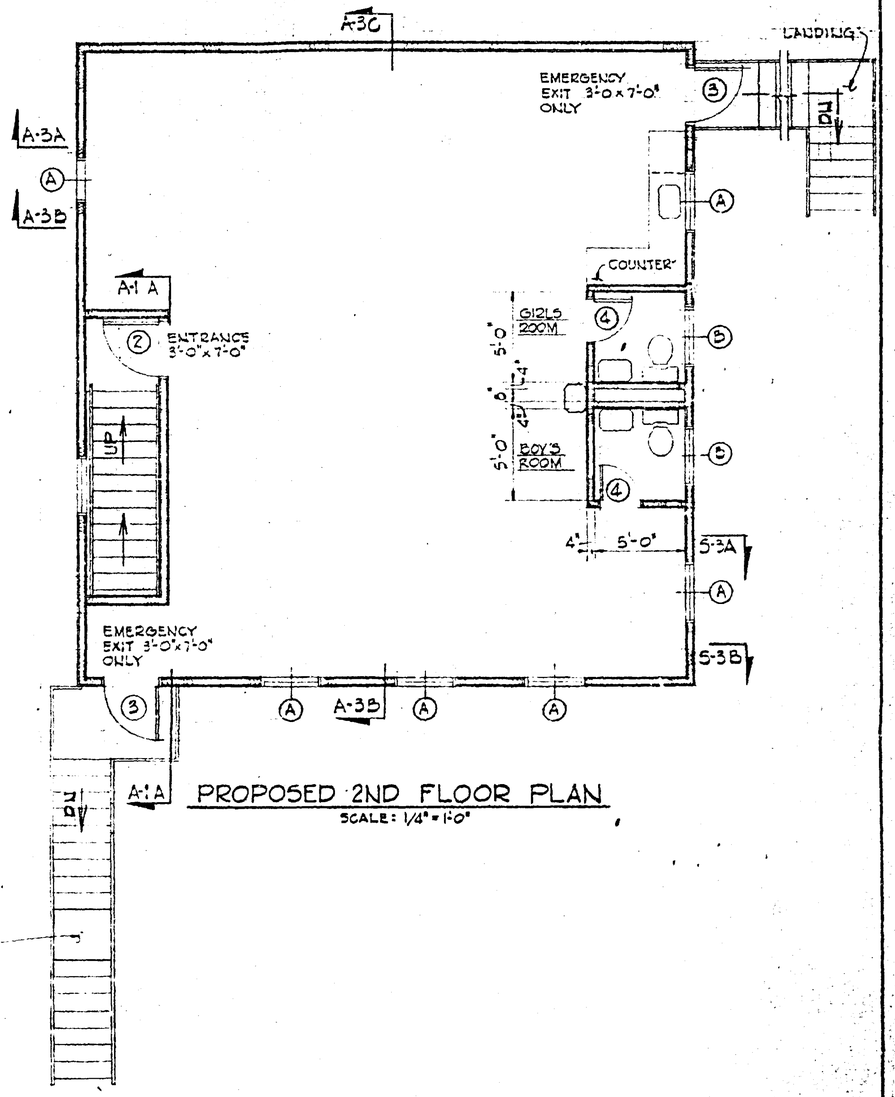
EXISTING FIRST FLOOR PLAN AS NOTED

SCALE: 1/4"=1'-0"



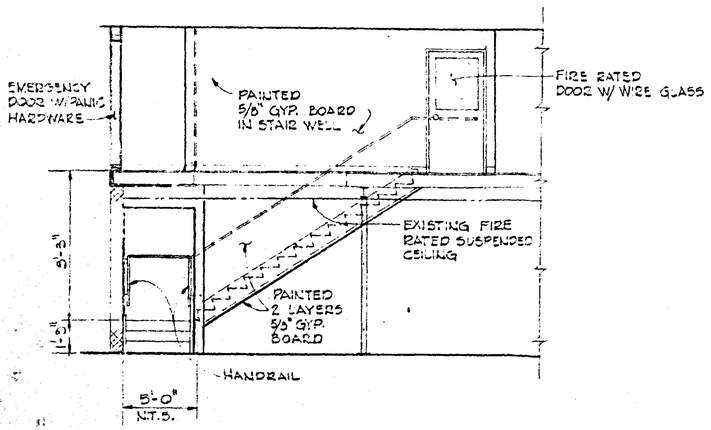
EXISTING 2ND FLOOR WOOD JOIST FRAMING

SCALE: 1/4"=1'-0"



PROPOSED 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"



SECTION 5-1A/5-1

SCALE: 1/4"=1'-0"

STRUCTURAL NOTES:

1. ROOF LIVE LOAD 30#/□'
   WIND LOAD 20#/□'
2. TRUSS TOP CHORD DEAD LOAD = 10#/□', 5/8" PLYWOOD DECK
   BOTTOM CHORD DEAD LOAD = 10#/□', BRACE AT 10'0 O.C.
3. LUMBER NO.1 DENSE KILN DRIED SOUTHERN PINE E=2,00,000, Fc = 1700 psi. & Fb (SINGLE) = 2250 psi.
4. FRAME WALLS SHALL CONSIST OF 2x6 STUDS AT 2'0" o/c WITH 4'-0" LEVEL OF BRIGING.
5. FLOOR LOADING - LIVE 50#/□'
   2ND FLOOR - DEAD 10#/□'

GENERAL NOTES:

PROPOSED 2ND FLOOR

A. a. ROOF PREFABRICATED TRUSSES
   c. 5/8" DRYWALL TAPED SPACKLED & PAINTED (ALTERNATE I) & III
   c. FIRE RATED SUSPENDED CEILING (ALTERNATE) II
   d. FIBERGLASS INSULATION FACTOR R-35
   e. 1/2"x22 GA. METAL DECK
   f. 1/2" R-3.0 ROOF INSULATION
   g. BUILT UP ROOFING
   h. ROOF UG SHINGLES

B. a. FLOOR 5/8 T&G FIRE RATED PLYWOOD ON EXISTING 2x8 @ AS DIRECTED ON 2ND FLOOR WOOD JOIST PLAN TO PLACE ADDITIONAL 2x8 ALONG EXISTING JOIST ALO WITH 2" 12 COMMON NAILS AT 16" o/c

C. a. FIRE EXIST PROVIDED FOR EMEMERGENCY USE ONLY. STEEL STAIRES WITH LANDING, CLOSED TREADS AND CLOSED SIDE HANDRAILS WITH MESH OR 1.0x1/2 FLAT POST @ 6" o/c.

D. a. INTERIOR ENTRACE TO SECOND FLOOR: STAIR WELL 5/8" DRYWALL WALLS & CEILING, STEEL STAIR OR HEAVY TIMBER AS NOTED ON DWG.

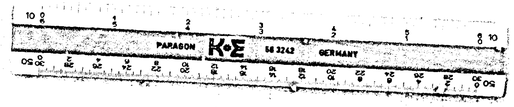
E. a. EMERGENCY DOOR: FIRE RATED DOOR W/ PANIC HARDWARE

F. a. WINDOWS: ANDERSON PERMA SHIELD AWNING TYPE A-32 TERRATONE W/ SCREEN

G. a. FOYER INTERIOR 5/8" DRYWALL TAPE, SPACKLED, PAINTED
   EXTERIOR T-1-11 PLY-SIDING.

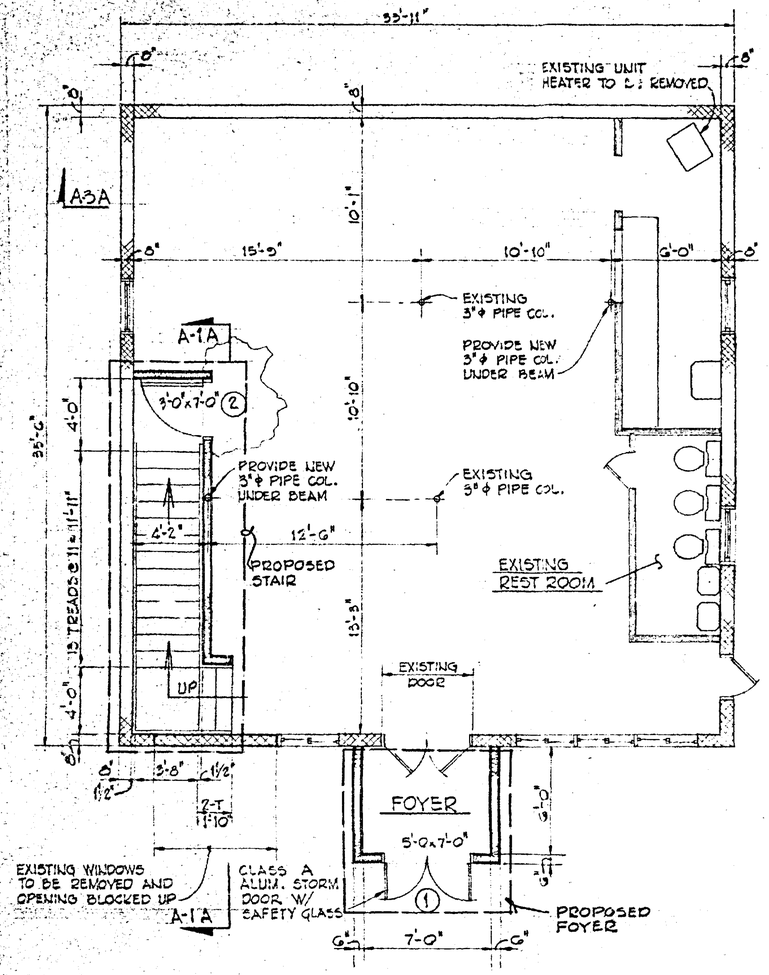
NOTE:

THIS BUILDING WILL BE FULLY PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM. SPRINKLER SYSTEM SHALL BE DESIGNED TO MEET REQUIREMENTS OF BALTIMORE COUNTY AND THE NATIONAL FIRE PROTECTION ASSOCIATION. SPRINKLER CONTRACTOR WILL SUBMIT SHOP DRAWINGS & APPLY FOR SPRINKLER PERMIT PRIOR TO INSTALLATION.



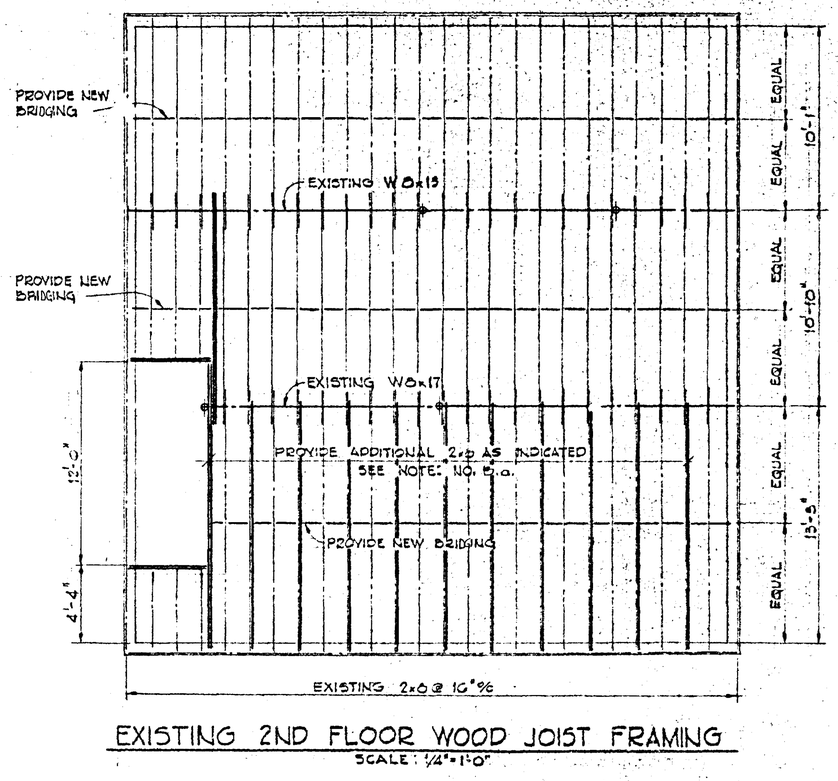
EASTWOOD DAY NURSERIES
6310 South 40th Street
Baltimore, Maryland 21224
284-7636

A-1



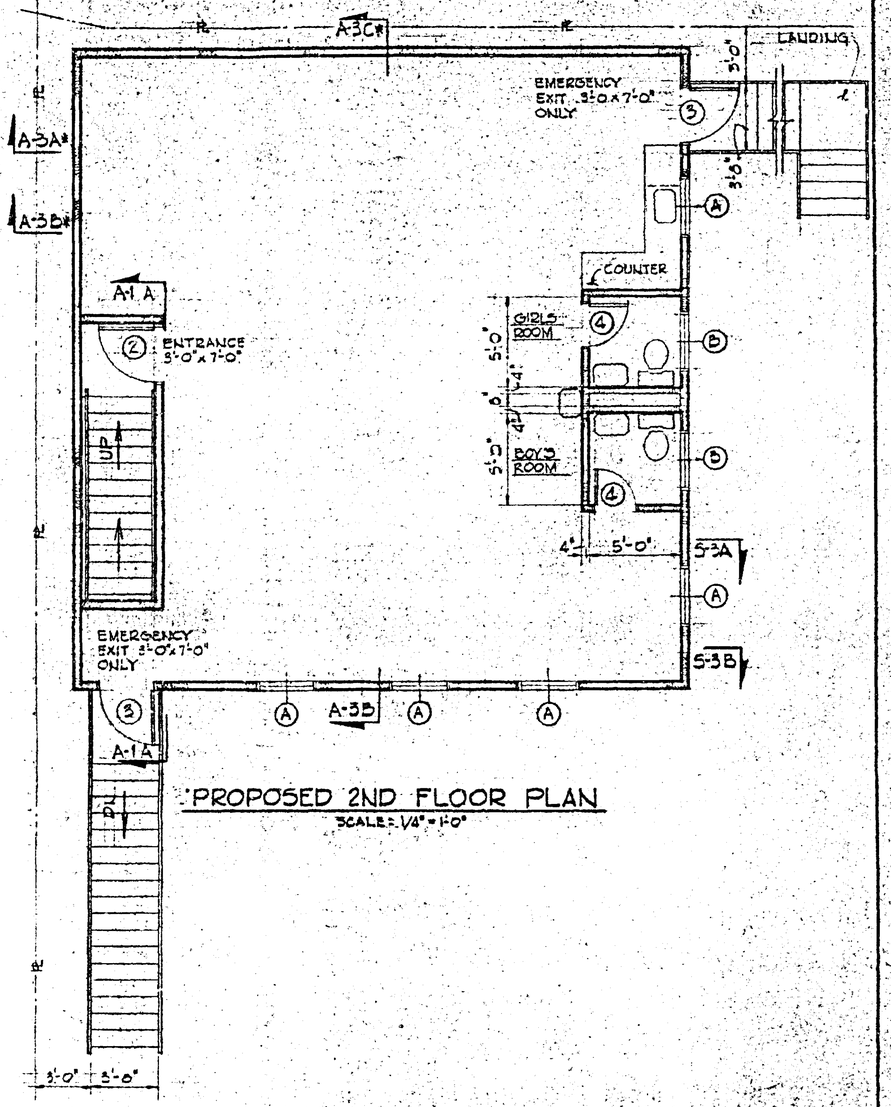
EXISTING FIRST FLOOR PLAN AS NOTED

SCALE: 1/4"=1'-0"



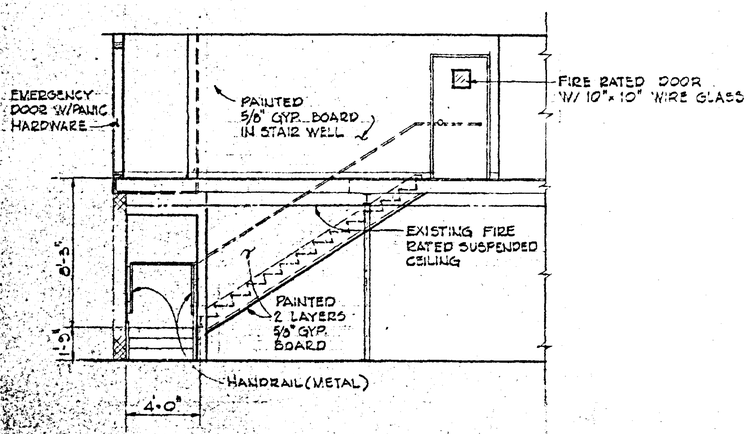
EXISTING 2ND FLOOR WOOD JOIST FRAMING

SCALE: 1/4"=1'-0"



PROPOSED 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"



SECTION S-1A/S-1

SCALE: 1/4"=1'-0"

STRUCTURAL NOTES:

1. 200F LIVE LOAD 30#/□'
   WIND LOAD 20#/□'
2. TRUSS TOP CHORD DEAD LOAD = 10# □'. 5/8' PLYWOOD DECK
   BOTTOM CHORD DEAD LOAD = 10# □'. (BRACE AT 10' O.C.
3. LUMBER NO.1 DENSE KILN DRIED SOUTHERN PINE E=2,00,000,
   Fc = 1700 psi. & Fb (SINGLE) = 2250 psi.
4. FRAME WALLS SHALL CONSIST OF 2x6 STUDS AT 2'-0" %
   WITH LEVEL BRIDGING 4'-0" OF FLOOR
5. FLOOR LOADING ~ LIVE 50#/□'
   ~ DEAD 10#/□'

GENERAL NOTES:

PROPOSED 2ND FLOOR

A a. 200F PREFABRICATED TRUSSES
   b. 5/8" DRYWALL TAPED SPACKLED & PAINTED (ALTERNATE I) & III
   c. FIRE RATED SUSPENDED CELEING (ALTERNATE)
   d. FIBERGLASS INSULATION FACTOR R-35
   e. 1 1/2" x 22 GA. METAL DECK
   f. 1/2" RIGID 200F INSULATION
   g. BUILT UP ROOFING
   h. ROOFING SHINGLES

B a. FLOOR 5/8" T&G FIRE RATED PLYWOOD ON EXISTING 2x8 & AS DIRECTED ON 2ND FLOOR WOOD JOIST PLAN TO PLACE ADDITIONAL 2x8 ALONG EXISTING JOIST AND NAILED WITH 2" 12 COMMON NAILS AT 16" %

C a. FIRE EXITS PROVIDED FOR EMERGENCY USE ONLY. STEEL STAIRS WITH LANDING, CLOSED TREADS AND CLOSED SIDE HANDRAILS WITH MESH OR 1/2 x 1/2 B. POST 6" %.

D a. INTERIOR ENTRANCE TO SECOND FLOOR: STAIR WELL 5/8" DRYWALL WALLS & CEILING, STEEL STAIRS OR HEAVY TIMBER AS NOTED ON DWG.

E a. EMERGENCY DOORS: FIRE RATED DOORS WOOD OR H.M. W/ PANIC HARDWARE

F a. WINDOWS: ANDERSON PERMA SHIELD AWNING TYPE A-32 TERRATONE W/ SCREEN

G a. FOYER INTERIOR 5/8" DRYWALL TAPE, SPACKLED, PAINTED
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NOTE:

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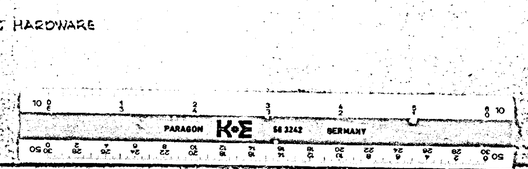
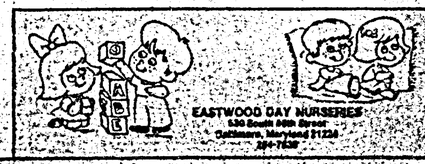
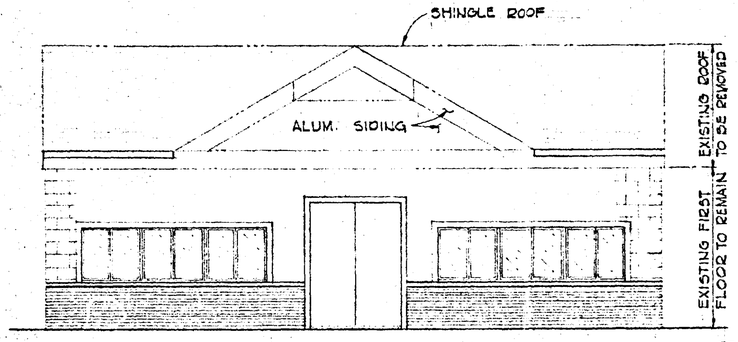


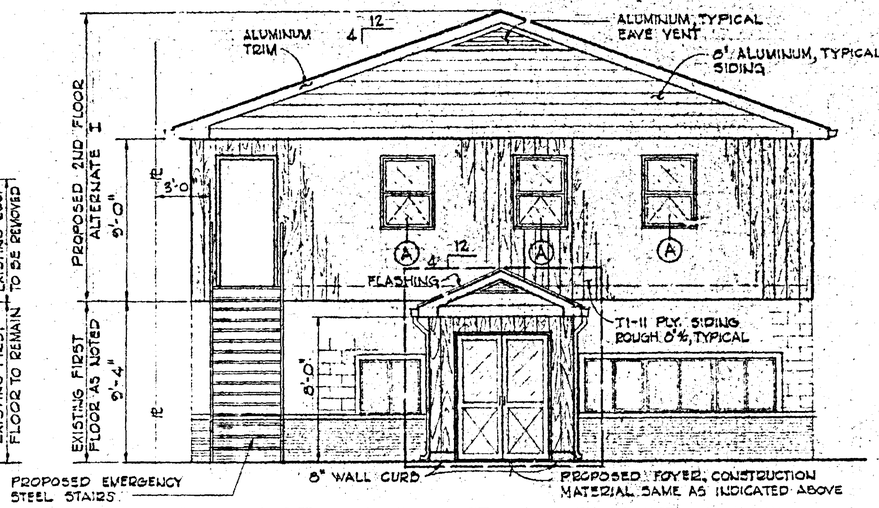


A-1



EXISTING FRONT ELEVATION

SCALE: 1/4" = 1'-0"

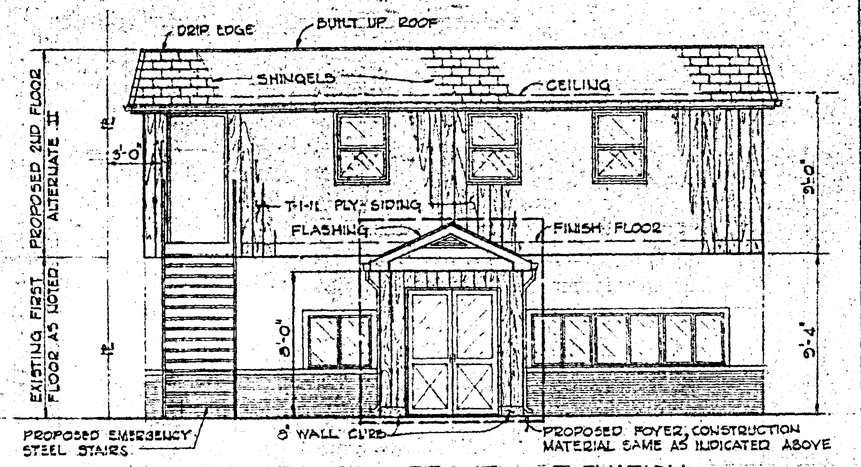


PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"

ALTERNATE I

SEE NOTE: 1 ON THIS DWG.

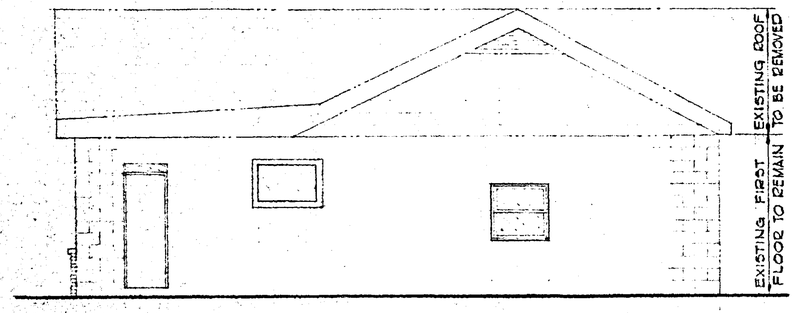


PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"

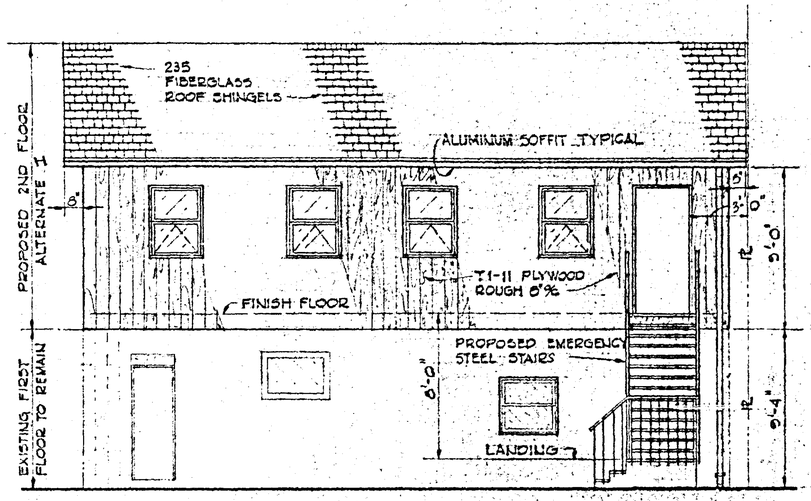
ALTERNATE II

SEE NOTE: 1 ON THIS DWG.



EXISTING RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

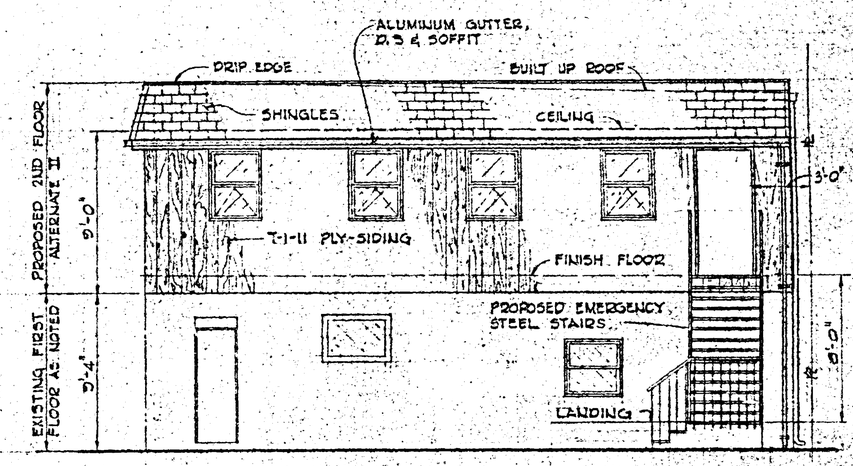


PROPOSED RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

ALTERNATE I

NOTE: 1. 2nd FLOOR, LEFT & REAR SIDE WALL NO DOOR OR WINDOWS TYPE WALL CONSTRUCTION SEE DETAIL A-3A*, A-3B*, A-3C*.

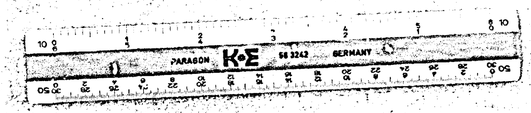


PROPOSED RIGHT SIDE ELEVATION

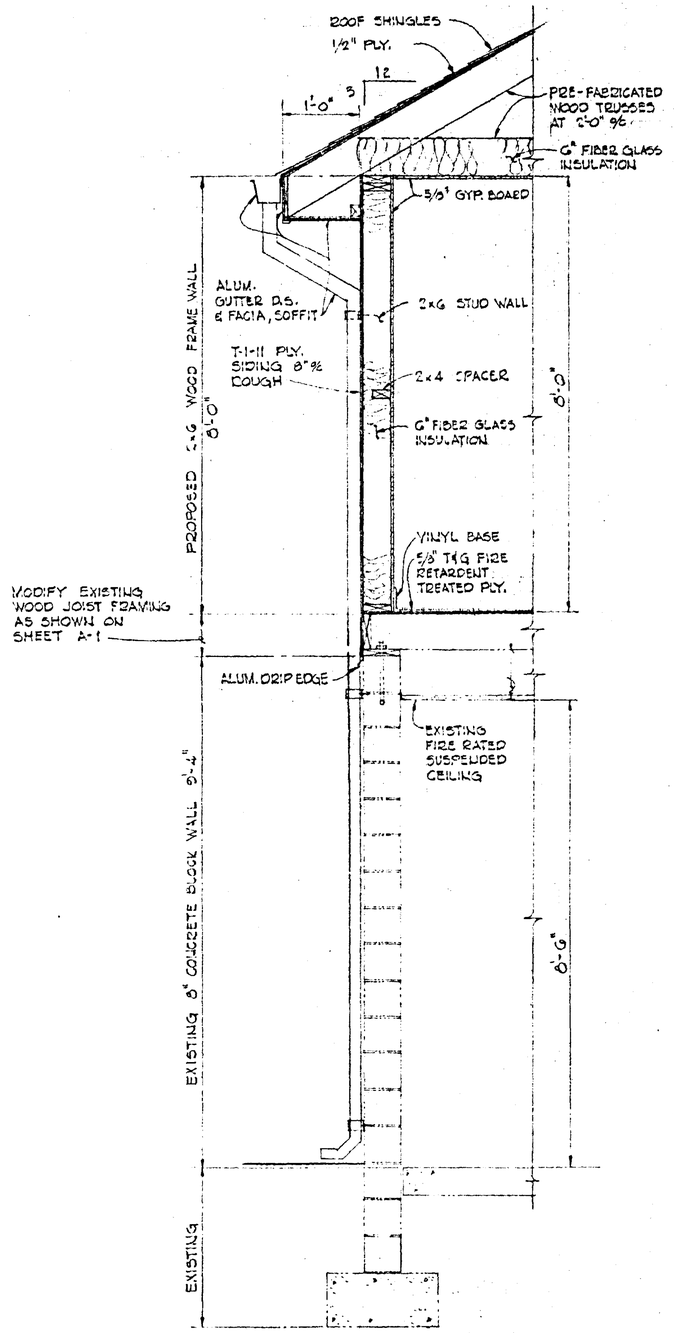
SCALE: 1/4" = 1'-0"

ALTERNATE II

SEE NOTE: 1 ON THIS DWG.

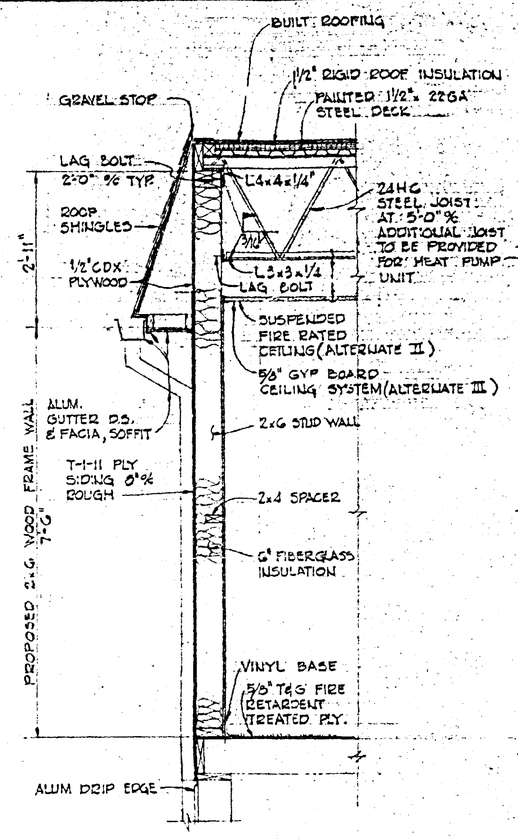


A-2



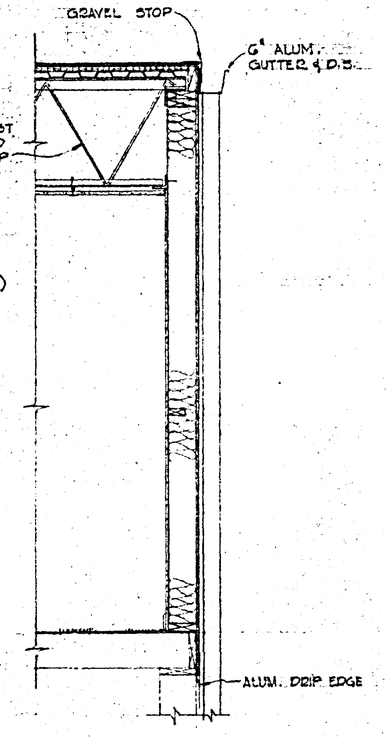
SECTION A3B/A1

SCALE: 3/4"=1'-0"



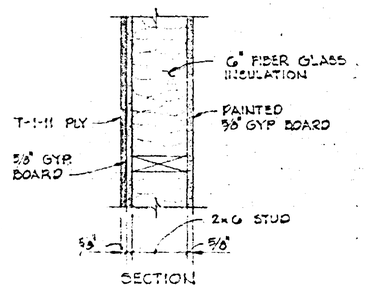
SECTION A3B/A1

SCALE: 3/4"=1'-0"



SECTION A3C/A1

SCALE: 3/4"=1'-0"



SECTION

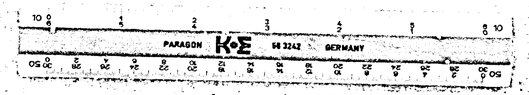
DETAIL A-3A*, A-3B*, A-3C*/A-1

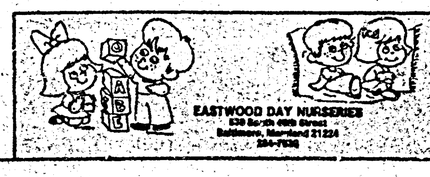
SCALE: 1½"=1'-0"

SECTION 53A/51

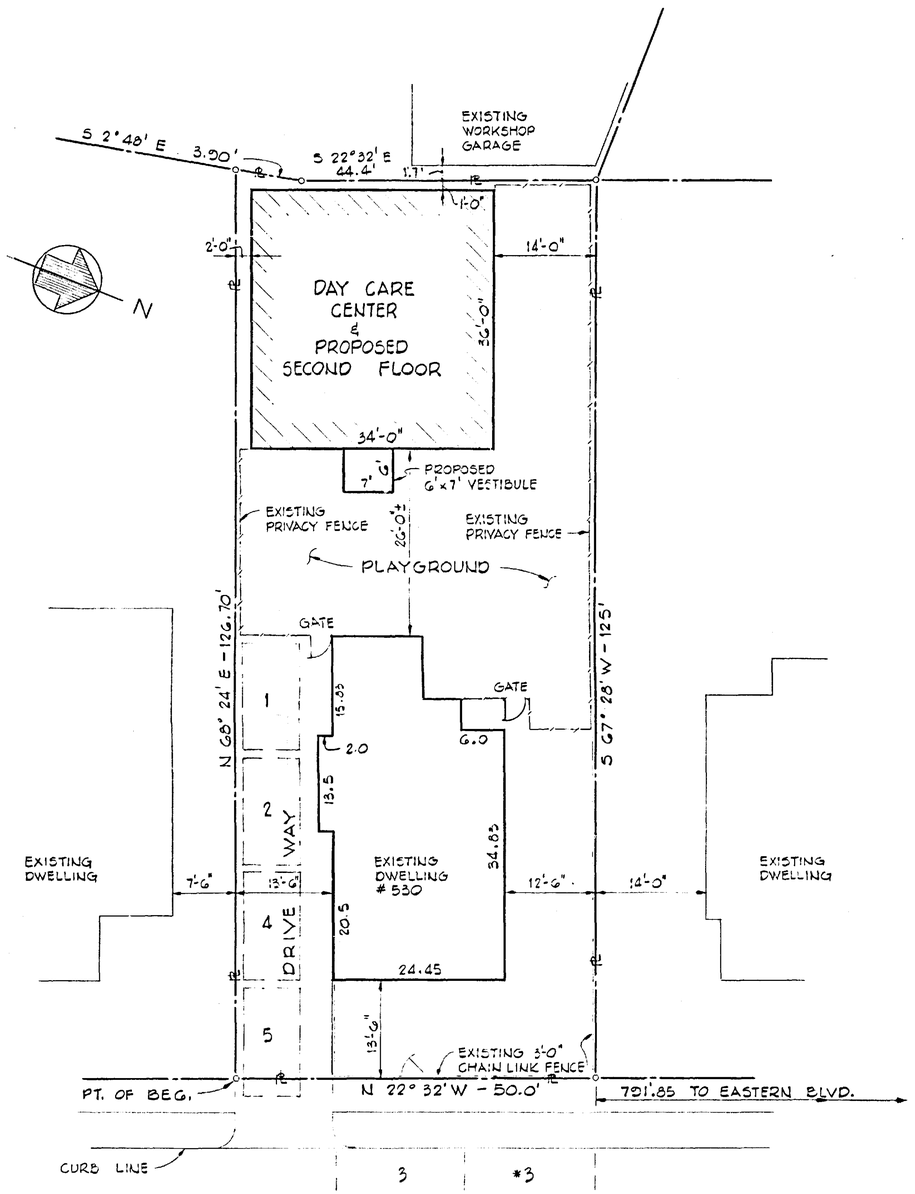
SCALE: 3/4"=1'-0"

ALTERNATE I





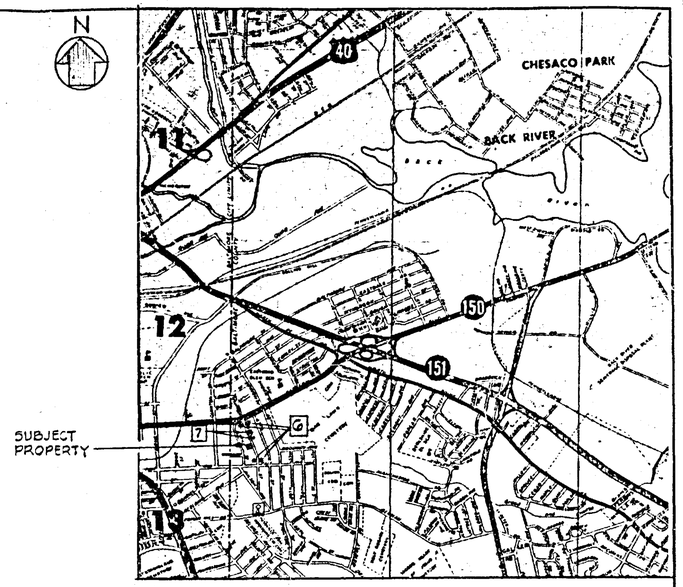
A-3



46th STREET
50' R/W & 30' PAVING

HARBOR VIEW, WPC NO. 5, FOLIO 80
LOT NOS. 858 AND 859 - 12 ELECTION DISTRICT

PLOT PLAN
SCALE: 1"=1'-0"



VICINITY MAP

PRESENT STAFF PARKING (SEE PLOT PLAN)

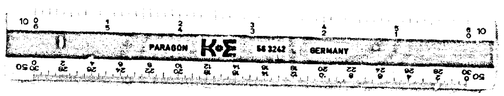
1 & 2 - IN DRIVEWAY
*3 - IN FRONT OF PROPERTY
7 - IN FRONT OF VACANT LOT
LOC. AT 526 46th. ST. (SEE VICINITY MAP)

DROP OFF AREA:

4 & 5 - IN DRIVEWAY
3 - IN FRONT OF PROPERTY EMPTY PARKING
[7] - SPACES IN IMMEDIATE AREA MIGHT ALSO BE USED MOMENTARILY. (SEE VICINITY MAP)

PROPOSED STAFF PARKING (SEE VICINITY MAP)

SAME AS PRESENT EXCEPT: ADD [6] (AND ANY ADDITIONAL) RESTRICTED TO PARKING ON CORNERS OF 500 BLK. 46th. ST. AND/OR ON LOT [8]



EASTWOOD DAY NURSERIES
530 South 46th Street
Baltimore, Maryland 21224
284-7830

C-1

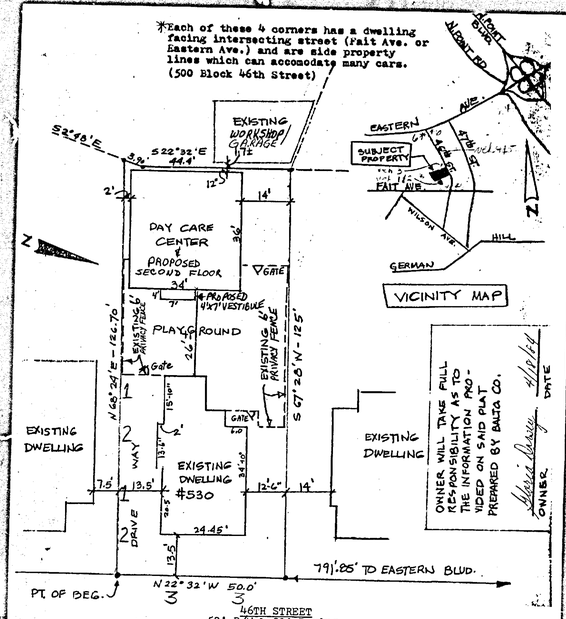
are all their own homes. I usually can hear the children playing, or about the distance from Gloria's driveway. I have had the misfortune of parking a few times away on occasion and did not hear the children until I was at the driveway of the nursery. By Gloria putting up the privacy fence, I feel the noise has been cut down to a real minimum.

Eastwood Day Nursery is a family run establishment and I highly praise its staff for a fantastic job both in the educational and social development of the children they attend.

Sincerely,
Mrs. Ann B. Gresovich
7908 So. Gregory Ln
Balto, MD 21222

JUN 7 AM
ZONING DEPARTMENT
By

*Each of these 4 corners has a dwelling facing intersecting street (Fait Ave. or Eastern Ave.) and are side property lines which can accomodate many cars. (500 Block 46th Street)



Petition for Special Hearing Owners: Gloria Dorsey Scale: 1" = 20'
Harbor View, WPC No. 5, Folio 80, Lot Nos. 858 & 859 12 Election District

Restrictions:
1. Compliance with the Order of 4/9/64 except to the extent that said order is amended by the Order in case #80-117SPH.
2. No vehicle delivering children shall double park on S. 46th Street and the parents of the children shall be so informed.
3. The children shall be kept in the day nursery facility until 10:00 a.m. so as to minimize noise in the immediate area.
4. Capacity is limited to 29 children at one time.
5. Hours of operation are 6:30 a.m. to 6:00 p.m.

Present Staff: 2 full time and 3 part time
Proposed Staff: 3 full time - First Floor
2 full time and 1 part time - Second Floor

Revised Plan Order # 173 4/24/84

Present Staff Parking (Shown in Red on Plot Plan)
1 & 2 - In driveway
3 - In front of property
4 & 5 - In front of vacant lot loc. at 525 46th St. (See Vicinity Map)

Proposed Staff Parking (Shown in Red on Plot Plan)
Same as Present except ADD:
6 (and any additional) will be restricted to parking on corners of 500 Blk. 46th St. (where houses front Fait Ave. and/or Eastern Ave.) (See Vicinity Map)

Drop Off Area: (Shown in Blue on Plot Plan)
1 & 2 - In driveway
3 - In front of property
Empty parking spaces in immed. area might also be used momentarily.

and unused and discarded builder's materials overwhelming the yard. Could they have another motive for protesting?

8. Parking in most neighborhoods leaves a lot to be desired. Parking on the 500 Block of 46th Street is abundant. There are always over 100 parking spaces available whenever I'm there!

9. We need, appreciate and have grown to depend on Eastwood. Our children deserve the best when we have to leave them. Eastwood is the best.

10. Eastwood is $10 - $30 less per week than the other local centers. They need the increase to continue low prices. They offer the best for less. By granting an additional 30 children, you will be helping Mrs. Dorsey, her present and future customers and countless children. This certainly far outweighs unjust accusations by 2 or 3 close neighbors. Please help us.

Sincerely yours,
Marie DeMarino
10 Lombardy Drive
Dundalk, Md. 21222

84-329-SPH

TO WHOM IT MAY CONCERN:

In writing this letter I have taken into consideration the fact that I do not live in the neighborhood. I have been taking my older child to Eastwood Day Nursery for four (4) years at various times in the morning and have never had a problem with parking spaces being available. I have also never seen other cars have any problems. I mainly pick up my children (I now have two) between 5:00 p.m. and 5:15 p.m. but I have been there all times to pick them up with still plenty of parking. I live in Baltimore City and I have lived in Baltimore County no matter what neighborhood you choice to live in you will always have problems with parking, people taking up two parking spaces, people parking in that live around the corner and so on.

When there are children together there will always be noise. I park across the street from the Nursery and walk down and I do not know until I get to the middle of the driveway that the children are out. I am glad they have a yard to play in and are not turned into the streets which is done often. There is nothing that says ten children can not play together and will have to break up if the noise level is to great or if you have six children of your own do you have to limit there time outside at one time.

Thank you,
Rose Marie Hosein
2602 Jefferson St.
Baltimore (Maryland) 21205
327-8349

84-132-A
Case file

Robert S. Jacobs, CMA
Tax Consultant

JUN 8 '84 AM
ZONING DEPARTMENT
By

6/6/84 not considered

Empire Financial Group
Post Office Box 20007
Baltimore, Md. 21222
Telephone (301) 477-1821
(301) 237-0024

June 1, 1984

Mr. Jablon
Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon;

This letter is being written in response to questions that arose at the hearing pertaining to case #84-329-SPH. I was in attendance at that hearing as a supporter of the petitioner.

Please be advised that the questions I will address include the following: 1) Parking availability; 2) Noise level; and 3) Traffic congestion.

I have been transporting my child to and from Eastwood on a daily basis for the past six months and have not been confronted with any problems associated with any of the above three variables. During the time that I was at Eastwood I never had parking problems. There were always vacant parking spots; either on the side of the road or in the driveway. Upon approaching the perimeter fence I never heard any noise associated with playing children until I was within two feet. Also, the traffic congestion in that area is no more than the traffic congestion in a similar area with other business establishments. In my opinion the existance of Eastwood in no way adds to the traffic congestion.

In my capacity as a member of the Baltimore County Auxilliary Police (badge #A-0310) I have had occassion to drive through the neighborhood in question. I never noticed double parking nor have I noticed unusually congested traffic during daylight hours.

I hope that the above facts will aide you in your decision to grant the additional variance.

Respectfully submitted,
Robert S. Jacobs, CMA

cc. Gloria Dorsey

84-132-A
No Case file

6/6/84 not considered

May 30, 1984
Ruth A. Meisling
1935 Stanhope Road
Baltimore, MD 21222

To the attention of Mr. Jablon
Baltimore County Commissioner

Dear Commissioner,

My child has happily spent almost five years with Eastwood Daycare Nursery. I work flexible hours and arrive anywhere from 6:30 AM to 9:00 AM and depart from 4:00 PM to 6:00 PM. Five years of arrivals and departures have elapsed without mishap or complication. I've yet to encounter an extreme situation that has prevented my simply pulling into the driveway and leaving my child or picking her up.

I live in a neighborhood of privately owned homes. My neighborhood has many children and the local noise level exceeds that of the area surrounding this facility. I'm right at the gate in the driveway before my sense of sound can determine if the children are outside playing.

I'm surprised at the allegations of the neighbors on 46th Street. I hope that Eastwood Daycare Center can continue to provide the consistent, safe, and secure atmosphere my child requires in my abscence. Eastwood Daycare Center is my daughter's home away from home. She has felt loved and comfortable here for the past five years. I want to keep it this way.

With Hope,
Ruth A. Meisling
Ruth A. Meisling

JUN 7 AM
ZONING DEPARTMENT

84-329-SPH

PROGRAM PLAN

	GROUP I	GROUP II
6:30-7:30	Rest, television, table games	Rest, television, table games
7:30-8:30	Table games, free play inside	Table games, free play inside
8:30-9:00	Breakfast, free play inside table games, television	Breakfast, free play inside table games, television
9:00-9:15	Clean up time	Clean up time
9:15-10:00	Planned lesson-arts & crafts, science, math, vocabulary, etc.	Group activity-music, story, exercises, games, etc.
10:00-10:45	Group activity-music, story, exercises, games, etc.	Planned lesson-arts & crafts, science, math, vocabulary, etc.
10:45-11:00	Free Play - Outside	Free Play - Outside
11:00-11:30	Toilet time and prepare for lunch	Toilet time and prepare for lunch
11:30-12:00	Lunch time	Lunch time
12:00-12:30	Clean up lunch, put lunch boxes away, free play - in or out	Clean up lunch, put lunch boxes away, free play - in or out
12:30-3:00	Lay down cots, toilet time, nap time	Lay down cots, toilet time, nap time
3:00-3:30	Snack time	Snack time
3:30-5:00	Free play - inside & outside	Free play - inside & outside
5:00-5:15	Clean up time	Clean up time
5:15-6:00	Television, quiet play	Television, quiet play

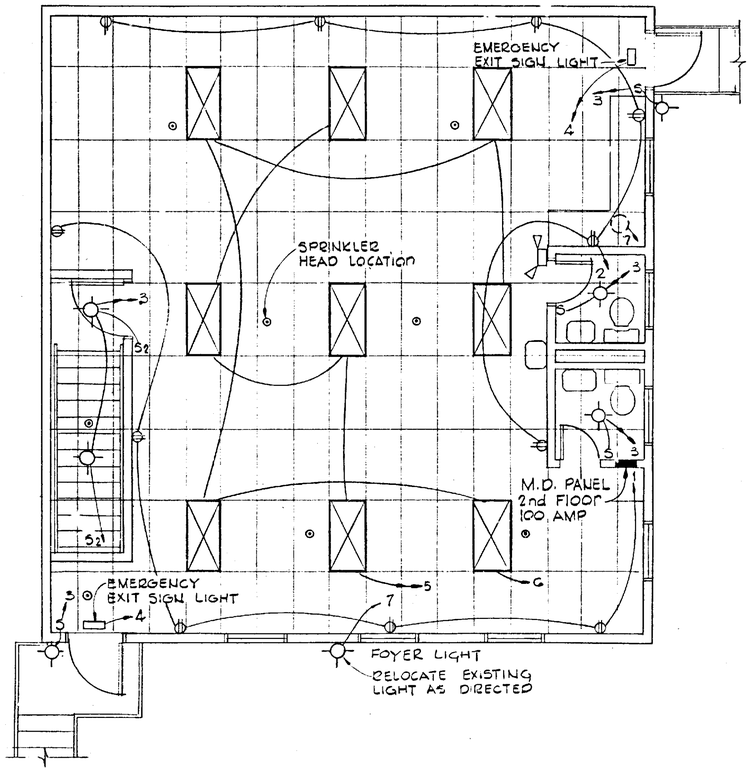
84-329-SPH

May 29, 1984
84-329-SPH

Dear Mr. Jablon,

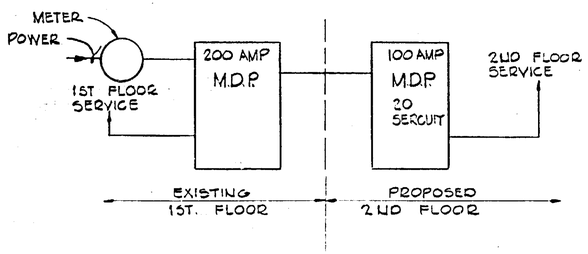
I do not understand why these people are complaining as they are. All of us were children ourselves at one time. It is necessary to us as parents to be able to take our children to a quality child care facility while we work. During the year my son has been attending Eastwood. I have been a student for six months and am currently working full time. As a student, I arrived at different times and have not had the problems indicated by these neighbors. I have parked in the driveway or in front of the nursery every day (with the exception of ---road maintenance was done & new curbs were installed up & down this street & the day care center cannot be held responsible for that). It was not able to tell whether the children were outside or not until I reached the driveway. I currently arrive early and pick up my son late. Working for NBS in Gaithersburg requires that my son be cared for in a safe environment for very long days. Young teenagers play their music much louder than the noises that can be heard from Eastwood Day Care Center. My son has an older sister who attended

AUG 14 1984



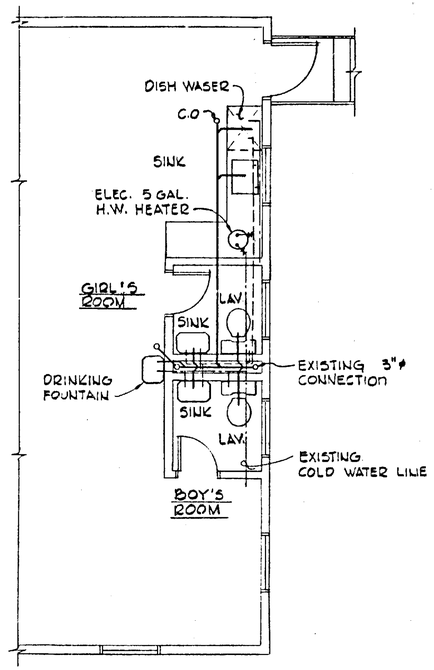
PROPOSED 2ND FLOOR ELECTRICAL PLAN

SCALE: 1/4"=1'-0"



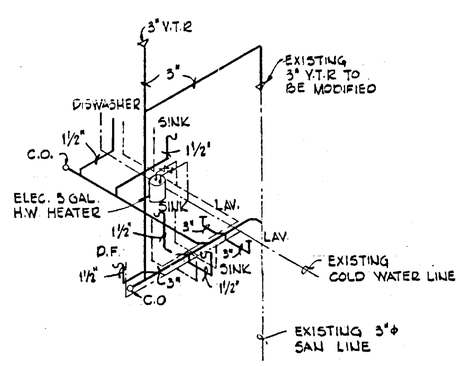
NOTES.

1. DUPLEX CONVENIENCE OUTLET, WALL MTD 15" A.F.F. UNLESS OTHERWISE NOTED
2. CEILING LIGHT FIXTURE INTERIOR & EXTERIOR SELECTION MADE (BY OWNER)
3. EMERGENCY LIGHTING POWER PACK
4. 4-TUBE FLUORESCENT LIGHT FIXTURE
5. EMERGENCY EXIT SIGN LIGHT



PROPOSED 2ND FLOOR PLUMBING PLAN

SCALE: 1/4"=1'-0"



PLUMBING RISER DIAGRAM

SCALE: 1/4"=1'-0"

NOTES

1. WATER SUPPLY LINES SHALL BE 1/2" ϕ MIN.

PARAGON K+E 68 3243 GERMANY

ME-1

IN RE: PETITION FOR SPECIAL HEARING
W/S of South 46th St., 841.85' S of Eastern Ave. (530 South 46th Street) - 12th Election District
Gloria L. Dorsey,
Petitioner

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. 84-329-SPH

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

Entry of Appearance

Please enter my appearance as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to my office, including but not limited to hearing dates and/or preliminary or final Orders.

Arnold Jablon/aj
Arnold Jablon
Zoning Commissioner of Baltimore County
Room 109 - 111 West Chesapeake Avenue
Towson, Maryland 21204
494-3353

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 19th day of July 1984, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to the County Attorney of Baltimore County, People's Counsel for Baltimore County, Petitioner(s) and/or Protestant(s) in the above captioned matter.

Arnold Jablon/aj
Arnold Jablon

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

ARNOLD JABLON
ZONING COMMISSIONER

July 19, 1984

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

Re: Petition for Special Hearing
W/S of South 46th St., 841.85' S of Eastern Avenue (530 South 46th St.)
Gloria L. Dorsey - Petitioner
Case No. 84-329-SPH

Dear Mr. Hammond:

Please be advised that the following appeals have been filed from the decision rendered by the Zoning Commissioner of Baltimore County, in the above referenced matter:

1) Appeal from Gloria L. Dorsey, petitioner

2) Appeal from Phyllis C. Friedman, People's Counsel

3) Appeal from Barbara Ares, et al, protestants

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

Very truly yours,

ARNOLD JABLON
Zoning Commissioner

AJ:aj

cc: Gloria L. Dorsey, 530 S. 46th Street, Baltimore, Maryland 21224
Phyllis C. Friedman, People's Counsel
Barbara Ares, et al, 528 S. 46th Street, Baltimore, Md. 21224
Raymond Tallon, Jr., 525 S. 45th Street, Baltimore, Md. 21224

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

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

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following:

Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building - Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

to appear and testify at a zoning appeal hearing to be conducted at 10:00 A.M. on December 4, 1984 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing and to bring with him Zoning Office Case No.64-105X and No. 80-117SPH and any and all notes and records compiled by him during his hearing on Case No. 84-329-SPH.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

BUREAU OF
FIELD'S OFFICE
COMMONS BN S.35
RECEIVED

May 2, 1984

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

NOTICE OF HEARING

Re: Petition for Special Hearing
W/S South 46th St., 841.85 ft. South of Eastern Ave. (530 South 46th Street)
Gloria L. Dorsey - Petitioner
Case No. 84-329-SPH

TIME: 10:45 A.M.

DATE: Monday, May 28, 1984

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

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 123271

DATE 1/3/83 ACCOUNT R-01-615-000
AMOUNT $10.00
RECEIVED FROM: Gloria L. Dorsey
FOR: Filing Fee for Petition

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

May 11, 1984

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of P.O. #55180 Req. #160755. was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~successive~~ week before the 11th day of May 1984; that is to say, the same was inserted in the issues of May 10, 1984

Kimbel Publication, Inc.
per
By K.E. Nelbe

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 131919

DATE 7/16/84 ACCOUNT R-01-615-000
AMOUNT $80.00
RECEIVED FROM: Gloria Dorsey
FOR: Appeal fee on Case #84-329-SPH

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 131925

DATE 7/18/84 ACCOUNT R-01-615-000
AMOUNT $80.00
RECEIVED FROM: Barbara Ares
FOR: Appeal of Case No. 84-329-SPH (Gloria Dorsey)

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL HEARING
12th Election District
ZONING: Petition for Special Hearing
LOCATION: West side South 46th Street, 841.85 ft. South of Eastern Avenue (530 South 46th Street)
DATE & TIME: Monday, May 28, 1984 at 10:45 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 amendments to the Special Exception, and the site plan filed thereon, granted in Case No. 64-105-X, and as amended by Case No. 80-117-SPH, to permit (1) the construction of a second story addition which will increase the maximum number of children (2) a reduction in the time the children shall be kept inside the building (3) the construction of a vestibule for the connection of energy by limiting heat loss (4) to determine that residential transition area (RTA) requirements are not applicable to a day nursery existing prior to adoption of such requirements.

Being the property of Gloria L. Dorsey, 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

84-329-SPH

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th Date of Posting 5/13/84
Posted for: Petition for Special Hearing
Petitioner: Gloria L. Dorsey
Location of property: W/S South 46th St., 841.85'S & Eastern Ave.
Location of Sign: Front of property (At 530 S. 46th St.)
Remarks:
Posted by Beach J. Coleman (Signature) Date of return: 5/17/84
Number of Signs: 2

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

May 11, 1984

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of P.O. #55180 Req. #160755. was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~successive~~ week before the 11th day of May 1984; that is to say, the same was inserted in the issues of May 10, 1984

Kimbel Publication, Inc.
per
By K.E. Nelbe

PETITION FOR SPECIAL HEARING
12th Election District
ZONING: Petition for Special Hearing
LOCATION: West side South 46th Street, 841.85 ft. South of Eastern Avenue (530 South 46th Street)
DATE & TIME: Monday, May 28, 1984 at 10:45 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 amendments to the Special Exception, and the site plan filed thereon, granted in Case No. 64-105-X, and as amended by Case No. 80-117-SPH, to permit (1) the construction of a second story addition which will increase the maximum number of children (2) a reduction in the time the children shall be kept inside the building (3) the construction of a vestibule for the connection of energy by limiting heat loss (4) to determine that residential transition area (RTA) requirements are not applicable to a day nursery existing prior to adoption of such requirements.

Being the property of Gloria L. Dorsey, 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

84-329-SPH

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 10, 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 ~~successive weeks~~ before the 28th day of May, 1984, the first publication appearing on the 10th day of May, 19 84.

THE JEFFERSONIAN,
L. Frank Settle
Manager.

Cost of Advertisement, $ 20.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130500

DATE 5/28/84 ACCOUNT R-01-615-000
AMOUNT $80.00
RECEIVED FROM: Gloria L. Dorsey
FOR: Advertising and posting Case #84-329-SPH

VALIDATION OR SIGNATURE OF CASHIER

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

ARNOLD JABLON
ZONING COMMISSIONER

May 22, 1984

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

Re: Petition for Special Hearing
W/S South 46th St., 841.85' S of Eastern Avenue (530 South 46th Street)
Gloria L. Dorsey - Petitioner
Case No. 84-329-SPH

Dear Mr. Hammond:

This is to advise you that $80.00 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

AUG 13 1985

PETITION FOR SPECIAL HEARING

12th Election District

ZONING: Petition for Special Hearing

LOCATION: West side South 46th Street, 841.85 ft. South of Eastern Avenue (530 South 46th Street)

DATE & TIME: Monday, May 28, 1984 at 10:45 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 amendments to the Special Exception, and the site plans filed therein, granted in Case No. 64-105-X, and as amended by Case No. 80-117-SPH, to permit (1) the contruction of a second story addition which will increase the maximum number of children (2) a reduction in the time the children shall be kept inside the building (3) the construction of a vestibule for the conservation of energy by limiting heat loss (4) to determine that residential transition area (RTA) requirements are not applicable to a day nursery existing prior to adoption of such requirements

Being the property of Gloria L. Dorsey, 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

ORDER RECEIVED FOR FILING
DATE June 28 1984
BY Susan K. Lamarck

IN RE: PETITION SPECIAL HEARING
W/S of South 46th Street,
841.85' S of Eastern Avenue
(530 South 46th Street) -
12th Election District

Gloria L. Dorsey,

Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 84-329-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests to amend and modify the special exception granted in Case No. 64-105-X, later amended by Case No. 80-117-SPH, as more fully described on Petitioner's Exhibit 2.

The Petitioner appeared and testified and was represented by Counsel. Appearing on her behalf were Jaroslaw Jacurak, a structural designer and architect; Wayne Shaeffer, a contractor; Donna Krause, a representative of the Maryland Early Childhood Council, Inc., a non-profit corporation; Newton Snead, a neighbor; Betty Stahm, a parent of a child enrolled in the Petitioner's child-care center; and Linda Kalb, another very satisfied customer. Also appearing but not testifying were many who supported the Petitioner's requests and agreed with the testimony presented. See Petitioner's Exhibit 12.

Appearing and testifying as Protestants were Barbara Ares, Raymond Tallon, Jr., and Thomas Koontz, adjacent property owners. Other Protestants appeared but did not testify since they agreed with the Protestants who testified. See Protestants' Exhibit 14.

Testimony indicated that in Case No. 64-105-X, a special exception was granted to operate a day nursery on the subject property with a maximum of 20 children allowed. In Case No. 80-117-SPH, the Petitioner was allowed to increase the number of children to 29 and the hours of operation to 6:30 a.m. and 6:00 p.m., but with certain restrictions not pertinent here. The Petitioner is

ORDER RECEIVED FOR FILING
DATE June 28 1984
BY Susan K. Lamarck

now requesting permission to increase the number of children to a number contingent on that allowed by the Department of Health and determined by the total usable floor area after completion of a 34' x 36' second story to the day care center, which is made as a request herein, and is also requesting expansion of the hours the children may be allowed outdoors from 10:00 a.m. to 9:00 a.m. In addition to the second story, the Petitioner is also requesting permission to add a 4' x 7' vestibule to permit an energy efficient area for the ingress and egress of parents and their children and for a determination as to the applicability of the residential transition area (RTA) to the proposed additions.

The Petitioner purchased the property and business in 1978 from the original owners who were granted the special exception in 1964. Apparently, the property's physical appearance had deteriorated prior to the Petitioner's purchase of the property. After taking possession, she spent much money to repair and maintain the property in an excellent condition. The Petitioner lives in a residence located in the front of the property. The day care center, a separate structure, is located to the rear of the property, which is 50' x 125', more or less.

The evidence was clear that there is a definite need for more, not less, day care for pre-school and school age children. Another point was also clear. Mrs. Dorsey wants a day care center in his neighborhood. The Petitioner's right to continue the existing use cannot be disputed; the Petitioner's right to expand can be and is. Testimony and evidence were presented that undisputably underscored the general need to expand and, specifically, the Petitioner's need to do so since she has a list of about 51 children waiting for vacancies to occur. The only way to satisfy this need is to add a second floor to the day care center. The proposed addition would mirror the size of the first floor. Although the

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BY Susan K. Lamarck

exact increase in children cannot be determined at this time, it would be at least 20 with the addition.

The purpose of the addition, costing about $60,000 according to the contractor, is to provide the space needed for more children. More children require more staff; more staff requires more parking, but there is none except on the street. The Petitioner states her employees will park on the corners of the 500 block of 46th Street where the houses front Fait Avenue and/or Eastern Avenue and, if necessary, the driveway of a neighbor. It is presumed that this arrangement is an attempt to abate neighborhood concern. However, no alternative was presented if those areas are taken by others.

The request to expand the hours for outside play time from 10:00 a.m. to 9:00 a.m. would be necessitated by the expansion in the number of children and the need to provide adequate play time. The Department of Health recommends 100 square feet of outdoor play area per child. Inasmuch as there is a limited play area, only a limited number of children can be outside at any one time.

Mr. Jacurak testified that the second story would actually extend only 3½ feet above the existing building (including its pitched roof) if a flat roof were used or about six feet if a pitched roof were used.

The Petitioner also presented testimony and petitions (Petitioner's Exhibits 5(a) and (b), 6, and 7) that extol her operation of the school and her cooperation as a neighbor.

Conversely, the Protestants testified to their unequivocal opposition to any expansion. They point to the size, or lack thereof, of their lots; the lack of on-site parking; the possibility of additional traffic congestion; and the noise generated by the children if the expansion is allowed.

Mrs. Ares pointed out that there are already about 290 additional cars each week dropping off and picking up children because of the day care center. This

ORDER RECEIVED FOR FILING
DATE June 28 1984
BY Susan K. Lamarck

number would increase proportionally if the expansion is allowed. She testified that since the Petitioner received permission to expand to 29 children in 1980, traffic has increased tremendously. She believes that the values of the homes in the neighborhood have decreased and will continue to decrease.

Mr. Koontz, an adjacent property owner who has lived on his property since 1948, testified that he also opposes the petition. He objects to the noise and to the proposed expansion.

Mr. Tallon's property adjoins the subject property in the rear, and his home is only about 20 feet from the nursery. He strongly believes that the nursery has degraded the residential character of the area. He pointed to the noise and its potential increase and the traffic which will impact adversely on the immediate area.

The Petitioner seeks relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR).

The Petitioner's right to the day nursery by special exception is a continuing one. There is no question that the permitted use runs with the land and that subsequent changes in ownership do not abrogate that permission. Kastendike v. Balto. Assn. for Retarded Citizens, 297 A.2d 745 (1972). Although the Petitioner's proposed intensification of use in and of itself does not change the previously granted special exception, the proposals do change the character of the restrictions originally and later imposed by the Zoning Commissioners. The Commissioner's right to add restrictions and/or conditions is unambiguous, Sec. 502.2, BCZR. See Exxon, Inc. v. City of Frederick, 36 Md. App. 703 (1974). The special exception granted and the subsequent amendments allowed were conditional. The proposed changes are no more than an intensification of use, which does not affect the validity of the special exception. The use as proposed continues in conformance with the use granted. See Prince George's

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BY Susan K. Lamarck

County v. Gardner, 424 A.2d 392 (1981). The issues therefore do not relate to the specific use but to the intensification of that use as limited by conditions imposed. The flexibility of these restrictions is at issue.

The addition of the second story and the vestibule does not conflict with the original intent of either the special exception granted or of its restrictions nor with the intent of the modifications granted in 1980 which allowed for expansion. The homes in the neighborhood are two stories and a second-story addition would be consistent and in harmony. Regardless of whether a flat or pitched roof is used, the increase in overall height would have no adverse impact on the community. Additionally, the proposed vestibule would have no negative impact. The Petitioner has obviously spent much money to maintain her property in good condition, and the cost of the proposed improvements confirm her intent to insure that the property is well kept.

The RTA requirements as delineated by the BCZR are not applicable to a use existing before their effective date, notwithstanding the proposed intensification of such use. The intensification does not change the use or alter its valid approval. Gardner, supra. The granting of the relief requested to construct the second story and vestibule and to rule that the RTA is inapplicable does not mitigate the difficulty in making a determination to amend the restriction limiting the number of children. The Protestants raise significant objections, i.e., noise, traffic, and the adverse impact on the neighborhood. These objections contrast the Petitioner's wish to expand in order to accept more children and make higher profits. A definite need exists and the Petitioner wants to meet that need. The Protestants do not disagree with the Petitioner's patent capitalism, but they do not want this lesson in economics taught in their neighborhood.

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DATE June 28 1984
BY Susan K. Lamarck

The Protestants had no evidence to substantiate their testimony regarding the decrease in property values. The opinions or conclusions of witnesses must be measured by the soundness of their underlying reasons or facts. Surkovich v. Doub, 265 A.2d 447 (1960). They negate this argument by pointing out that the neighborhood is an old one with little turnover. There is no basis for such a projection. Their testimony concerning the probable increase in traffic due to the increased number of children was not refuted by the Petitioner.

When the Petitioner purchased the property, there were 34 full-time children. The Department of Health ordered her to reduce the number to 20 by attrition. Although her license was for 25 children, the special exception restricted her to 20. In 1980, the Petitioner was allowed to increase the number to 29. She now wants at least 50 children. Although times have changed and needs have become more intense, the physical size of the property has not. The lots are still the same size. The neighbors' homes have not been relocated.

The parking plan proposed by the Petitioner to accommodate this increase is entirely unsatisfactory. It just is not possible or practical to carve out a portion of the public streets to meet a prospective need nor is it legal. The progression of more children, more staff, more cars is obvious, and its effect on the neighborhood debilitating if a certain point is reached, i.e., the point of diminishing returns. Testimony indicated that this point has not yet been reached. Traffic congestion, albeit a legitimate concern, has not yet created a problem for those who live in the neighborhood. The traffic generated by the 29 children at the peak hours of 6:30 to 9:00 a.m. and 2:30 to 6:00 p.m. is sufficiently staggered to prevent conflicts with the normal traffic borne by the neighborhood.

Noise is an issue of a different mettle. The neighbors are already bothered by the noise inflicted by 29 children, and they rue the potential

ORDER RECEIVED FOR FILING
DATE June 28 1984
BY Susan K. Lamarck

conflagration caused by another 20 or more. However, only a limited number of children are outside at any one time due to the Health Department's recommended limit of 100 square feet per child. Therefore, it is expected that the number of children playing outside on the property at any one time would increase very little, if at all. Due to a restriction imposed by the Zoning Commissioner, children are not allowed outside earlier than 10:00 a.m. Of course, if an expansion were permitted, an earlier starting time would be required to facilitate the increase in children with the limited play area available. Testimony revealed, though, that there is a convenient park which is used by the day care center. It will be necessary to use it even more with an expansion in the number of children, but the time allowed outside will not be extended.

After due consideration and careful thought given to the concerns raised by the Protestants, the number of children allowed should be increased from 29 to 45 full-time and part-time children. The traffic generated by an increase of 16 children will not cause that point of diminishing return to be reached. The streets in this area, as more fully described on Petitioner's Exhibit 2, can handle such an increase, but no more. The neighborhood will not be adversely effected by this increase.

The noise level should not increase dramatically since the children will not be allowed outside before 10:00 a.m. The recommended play area, which will be adopted as a restriction herein, should maintain the number allowed outside on the site at any one time. The additional children can be taken to the park for their play time, thus not increasing the discomfiture now suffered by the Protestants.

The proposals as limited herein will not be detrimental to the health, safety, and general welfare of the community nor tend to create congestion

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DATE June 28 1984
BY Susan K. Lamarck

AUG 13 1985

beyond that which the Baltimore County Council determined to be satisfactory when it allowed a day nursery by special exception in a residential area. There will be no adverse effect above and beyond that ordinarily associated with day nurseries.

Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that the requirements of the BCZR having been met, the relief prayed for should be granted in part, limited in part, and denied in part as herebefore described.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of June, 1984, that amendments to and modifications of the special exception granted in Case No. 64-105-X, later amended by Case No. 80-117-SPH, to provide a second-story addition and vestibule to the day care center and an increase in the number of children to 45 full-time and part-time children be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Complaince with the terms and provisions of the Orders in Case Nos. 64-105-X and 80-117-SPH, except to the extent that this Order amends the terms and provisions thereof.

3. No vehicles delivering or picking up children shall double-park on South 46th Street, and the parents of the children shall be so informed.

4. The outdoor play area shall measure at least 100 square feet per child. Such play area may be satisfied by utilization of off-site locations.

ORDER RECEIVED FOR FILING
DATE June 15, 1984
BY Shirley Lewick
ADMINISTRATIVE ASSISTANT

- 8 -

5. The number of children allowed to play outside on the property at any one time shall not increase by more than two.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: William E. Hammond, Esquire
Ms. Barbara Ares
Mr. Raymond Tallon, Jr.
People's Counsel

ORDER RECEIVED FOR FILING
DATE June 15, 1984
BY Shirley Lewick
ADMINISTRATIVE ASSISTANT

- 9 -

84-329-SPH

Dear Commissioner Jablon

I have been an employee of Eastwood for about a year. I work the late shift which is 12:30 to 8:30. During the first hours of my time it is extremly quiet because the Children sleep from 12:30 - 3:00 pm. To that time the Children start lunch from 11:30 - to 12:30. After nap time we have snack which takes about ½ hour, then on pretty days we go outside for around hour, this we usually bring the Children in to have quiet time & rest periods, we usually watch T.V. During this time alot of parents are picking up their Children, at the most it takes 5 min to do this. By 5:30 most of the Children are gone. generally I might have 5 to 8 until 8:30 o'clock. Because of the wide range of time that the Children are picked up, there is no traffic problem at all. There wouldn't be any problems even with twice as many Children because of the staggered pick up schedule and abundance of parking area. Also the noise level is no greater than any neighborhood, there are always Children and stress and other evidence of life.

84-329-SPH

Dear Commissioner Jablon,

I have been an employee at Eastwood a little over two years. During this time I have never found problems with parking nor the noise level. At one time we had a problem with a parent who became abusive to another parent in the driveway because a child napped there (straw under his car. Because of this parents conduct Ms. Dorsey, told this parent she was not to pick up his child anymore. Ms. Dorsey has always been fair to the Parents and the neighbors. I have arrived at the nursery at many different hours and I have never found parking problems. I have noticed that neighbors might have to park one house down, just the same as any residential neighborhood. I would also like to explain my opinion

May 30, 1984
84-329-SPH

Dear Commissioner Jablon
I have been an employee of Eastwood for about 2 years, and I have substituted for a year prior to that. Mrs. Dorsey suggested that I park in her driveway along with one of the other employees, so we would not monopolize the parking places on the street. There are always enough empty parking places in the area for the parents to drop off and pick up their children. The parent are only in the Nursery for a short time. If the driveway is full they park on the street, but children usually are only there a few minutes.
I work from 8:15 to 5:15 and I leave the premises for an hour at lunch time. Whenever I am leaving or returning I do not find the noise level to be very high.
From 11:30 Am through 3:00 PM the pre school children are in doors. In the summer months we have a couple of school age children who are out with part

SPH-329-84
May 31, 1984
To The Commissioner of Zoning,

Pertaining to the Zoning Hearing case of Ms. Elbia Dorsey, I have had my son attending Eastwood Day Care for approximately 3 years and during this time I have driven him to the Day Care and picked him up 5 days a week. At no time, have I ever seen any car delivering a child to the day care, blocking a neighbors driveway or causing a traffic problem whatsoever.
It was also stated at the Zoning Hearing about the noise level of the Children playing outside in the yard. At no time, did I ever hear and loudness coming from the outside

Page 2
play area. Most of the time I could not hear the Children playing until I had entered the yard that they were playing in.
I think that Ms. Dorsey and all of her staff do an excellent job of keeping the noise level to a minimum in the play area. They are constantly telling the Children to keep the noise down.

Margaret Lambert
&
Fred Lambert
7515 Holabird Ave.
Balto. Md. 21222

May 29, 1984

Dear Commissioner,

Our son has attended Eastwood Day Nursery since February 1982. We feel the nursery is an asset to the community, not a hindrance. They have a very good curriculum, which includes lesson, group work, crafts and play time. They are given love and disciplined.

The children are never unruly when playing outside. There is a privacy fence surrounding the entire play area to help minimize the noise.

When the children are being brought to school and picked up, it is done in an orderly fashion. Parents park in the drive area provided or in parking places on the street. I have never seen a car double parked or blocking someones driveway.

We hope this letter will help the Eastwood Nursery obtain the needed license and/or permit to extend its service, since it is a much needed and worthwhile service to the community.

Sincerely,

Mr. & Mrs. Robert Bossle

Mr. & Mrs. Robert Bossle
2062 Jasmine Road
Baltimore, MD 21222
301-388-1517

VB/an

84-329-SPH

Mr. Jablon,

My name is Carol Burbacki & have a son attending since February 1982 Eastwood Day Care Center. But I have been parking on 46th street for over a year stopping at the sewing store. Parking is not bad there, like in my neighborhood with a famous restaurant 2 blocks away parking is bad there. I arrive at 8:45 am, there is parking places all over. At 11:15 am I pick him up there is a nurse lady that picks her son up at that time and let her parking the driveway and I park out side. This is house there has always a parking place there.

I can usually tell when the kids are playing out side when I start walking up the driveway. It is difficult to hear them on the street because there is a large wooden fence surrounding the yard. My home is on the same block as a public school; when it lets out there is a lot of noise from 1st to 6th graders walking home, then there is from 2 or 3 day care kids playing & I ought to know I live with this every day of the school year.

Carol Burbacki
208 A Chesta St. 21224

May 29, 1984
84-329-SPH

To whom it may concern:
My daughter has been going to Eastwood Day Nursery since August of '82. In that period of time I have never had any problems parking there are always plenty of space to park. I have picked my daughter up at various times of the day and I see no problems. Also the noise of the children is no louder than a regular neighborhood of children. I have never heard any loud screaming or noise when the children are outside or indoors.

Sincerely yours,
Mrs. Jacqueline Yourstone

84-329-SPH

AUG 14 '84

84-329-SPH

3701 Fait Avenue
Baltimore, Md. 21224

May 29, 1984

To whom it may concern:

Re: Eastwood Day Nursery

During the late winter of this year, my daughter asked me to help her to find a suitable day care facility for my three year old grandson. I asked around and several people where I worked told me of the Eastwood Day Nursery which, I was delighted to discover was located only about four blocks from where I worked.

I hadn't heard of the nursery before and I actually almost missed it when I drove over to talk with the director about registering my grandson and to tour the facility. It sits in a neat, well-tended residential area and looks like any other home from the street. Actually, the day care sits behind the owner's home and the entrance area (also the play area) is surrounded by at least a six-foot high wooden fence. The only reference to a day care facility from the street is a small neatly carved sign that says, "Eastwood Day Nursery in the rear." I was impressed with what the center had to offer and told my daughter who also visited and agreed that the center was what she was looking for. She enrolled my grandson and he began attending regularly. When the weather got warmer, the children were allowed to play in the area outside. I expected to hear loud noises from the children playing when I pulled up to get my grandson in the afternoons but did not hear any of this from where I parked (which was across the street from the center). I did not hear any sounds at all until I was better than half-way down the driveway leading to the gate and play area and then--I only could hear the normal talking and laughing of small children playing. This was certainly at a normal level or below (considering that about 30 children were at play at the time.)

I have not had any difficulty during the several months that I have been taking and picking up my grandson from the nursery school--either in parking close by or in encountering noises that were too loud by the children.

I feel that Eastwood maintains a very neat, controlled, and caring facility. They care about the children who are left in their charge and they care about their facility. I would think they would be no less than good neighbors towards their whole community.

Sincerely,

Barbara Sullivan
(Mrs.) Barbara Sullivan

5/25/84 84-329-SPH

To Whom it May Concern:

My daughter has been attending Eastwood day Nursery for a couple of years now and would not ever consider a babysitter again. The Nursery is much more reliable.

I think an extension to the Nursery school would be a real good move. More children would be able to enjoy, learn and expand themselves as my daughter has. The teachers are great because they treat the kids as if they were their own.

In my opinion traffic at and around the Nursery school is not a problem. I have never had to wait to park to get to the Nursery and I have never been in search of said double park. Since the hours are so flexible people come and go at all different times which eliminate car problems.

In my opinion an extension to the Nursery would benefit the Neighbor as well as the Nursery.

Cindy Fitzhenry
7112 Eastbrook Ave
21224

84-329-SPH

May 16, 1984

To Whom It May Concern:

I am writing in reference to the Eastwood Day Nursery, located at 530 S. 46th Street.

My son Donny has been with the school for 3 months. This is not a considerably long period of time but, in three months his vocabulary, attention span, and eagerness to learn has increased greatly. I doubt very much that without the Day Care this would have happened.

This has been our families first contact with a Day Nursery and at first all parties concerned (Mom, Dad and Donny) were a little hesitant about sending Donny to strangers for the day. But, immediately there was an instand bond formed between his new found friends and teachers.

Our experiences so far have been very pleasant. The staff at Eastwood are neat, pleasant and do show a genuine concern for all of the children.

As a working mother, I consider myself very lucky to have a conveniently located Day Care facility at a weekly rate that doesn't take half of my pay check.

Eastwood has eased tons of guilt that parents like my husband and myself feel when they must work and leave their children. Without the school not only would parents suffer but more importantly, many of our children would also suffer a severe loss.

Sincerely,

Penny Hess
(Mrs.) Penny Hess
801 S. Eaton Street
Baltimore, MD 21224

84-329-SPH

To Whom It May Concern:

My step-daughter attends the Eastwood Day Nursery and has for several years. She has made very good progress in learning to share with other children and basic preperation for beginning school.

The women running the nursery handle the children very well and are concerned with their learning as well as their play.

In my comparison of the few nice day care centers offered in my area I found the Eastwood Day Nursery to be the best. Along with the bus service to and from school the center allows the children to play in an "at home" atmosphere. The center also has convienant hours for the parents.

Prices are inexpensive and flexible. I dread the thought of rising prices as do many working parents.

Expansion of our nursery would keep the prices of this necessary program to a minimum. It would also give other caring parents the opportunity to enroll their young ones.

It gives me peace of mind knowing my child is being cared for in this fashion while I must be at work.

Thank you.

Jessi Hurst

84-329-SPH

May 24, 1984

To Whom It May Concern:

I'm writing in reference to the Eastwood Day Nurseries, located at 530 S. 46th St. in Dundalk.

I like the idea of a day care center in a residential area. I know that I don't have to worry about my daughter running out into the street or parking lot. She is given the best of care and supervision at Eastwood. I know that when I drop Tabitha off at Eastwood every morning at 6:30, she will have a full day of learning experiences, exercise and inter-action with children near her age; which she can not receive from a babysitter.

I have peace of mind, knowing that Tabitha is getting the best care available. My daughter's doctor and various health care specialists I have talked with have nothing but the highest praise for Eastwood Day Nurseries. Since Tabitha has been at Eastwood, her eating habits have improved 100% and Tabitha is finally gaining much need weight. Her coordination and motor skills are also vastly improved. Tabitha loves her school and looks forward to each new day at Eastwood. The field trips offered are an added bonus, which my daughter enjoys tremendously.

I feel Eastwood Day Nurseries is beneficial to the community and certainly should be considered a valuable asset.

Sincerely,

Brenda E. Hayes

Brenda E. Hayes, Mother
1641-H Richenbacker Road
Baltimore, MD 21221

84-329-SPH

Heritage
MERIDIAN
NURSING CENTER

Linda Ann Kalb, RN, BN
2807 4th street
Baltimore, Md, 21219

To Whom It May Concern;

My name is Linda Ann Kalb and my daughter, Lauren, attends Eastwood Day Nursery. She has been attending the school for almost two years. I would like to take a minute of your time to explain to you what Eastwood means to me.

I am a full time employee, working as a Director of Nurses for the Meridian Corporation. Before I started working full time I looked around for a nursery school for Lauren. I would say I looked at five schools in the same basic area. Eastwood was superior over all.

The atmosphere is very warm and friendly. The children trust all the teachers. As a parent, I can feel secure in knowing my child is taken care of appropriately. The center is always clean. Nutritional snacks are always provided. Exciting and educational field trips are offered every month. The price of attendance is certainly within reason. The center hours are very convenient for me. They offer me the peace of mind I need to continue working as a professional and as a mother.

Even on days off, when Lauren could stay at home, she likes to go to school. She has learned how to interact with other children and adults. She has learned her alphabet, colors, numbers, manners, prayers, songs, and general concern for other people.

I respect the teachers thoroughly. They communicate with me about Lauren on a daily basis. This helps me in raising Lauren and teaching her what is right and wrong. She has grown so much and gained so much since she went to Eastwood. I plan on letting her continue at Eastwood for years to come. She will go there before and after school until I can pick her up. She will have somewhere to go if schools are closed.

Eastwood is the peace of mind I need to be able to continue my career as a mother, wife and professional. Thank You.

Very truly yours,

Linda Ann Kalb

Linda Ann Kalb RN, BN

84-329-SPH

May 23, 1984
Ruth A. Meisling
1935 Stanhope Road
Baltimore, Maryland 2122

To whom it may concern,

As a single parent, I cannot overemphasize the peace of mind I have obtained and sustained from the quality daycare service consistently provided by Gloria Dorsey.

Eastwood Daycare Center is my daughter's home away from home and has been for going on five years. The wonderful staff are my daughter's family while Mrmy is working. My daughter is happy at Eastwood Daycare Center. She feels comfortable and loved. I want to keep it this way.

It's difficult to protect our children from this fast moving, constantly changing world. Eastwood Daycare Center has enabled me to provide a stable, secure, and safe environment to sustain my child in my necessary absence. This means alot to me. To threaten my child's happiness or cloud her development because of unnecessary adjustment would in this parent's opinion, be a gross injustice.

I declare my family's need for this facility and my desire that Eastwood Daycare Center remain a part of our life.

Sincerely,

Ruth A. Meisling

Ruth A. Meisling

84-329-SPH

To whom it may concern:

It is very hard to put into words what it means to me to have my daughter Chrissy enrolled at Eastwood Day Nursery. She has learned so much since she has been going to nursery school, which I feel is preparing her for elementary school. She has made a lot of new friends, which is very beneficial for her. There are not many children of her age in our neighborhood, so this has given her an opportunity to make a lot of friends & also learning how to get along with other children.

Another strong point is the teachers who work at the nursery school. They have always been polite to me & very informative, keeping me up to all the days happenings & events. I have also seen how patient they are with the children taking time to talk with them individually when there is a problem & making sure they understand her.

It is also reassuring to know that Chrissy is not cooped up inside school all the time. There is a nice playground outside & they go for walks when the could never do if located elsewhere. There is also a lot of other activities that the children are involved in such as field trips, parties & little projects.

I think the society in which we live in today is changing due to economics, there are more & more working mothers who need child care that they can really, really depend on & trust. Therefore I feel it is so important to have upgraded nursery school facilities for today & tomorrow.

Thank you

Ellen J. Karacki

AUG 14 '85

84-324-SPH

May 25, 1984

To Whom It May Concern:

As working parents, quality child care has been a major concern and top priority when it became necessary for us to seek help outside our families. Eastwood Nursery is in our area and always had a good reputation. Before I registered my son, I visited Eastwood Nursery one afternoon unannounced and found conditions to be very pleasant. Supervision and cleanliness seemed of top priority of the staff and my visit has only bolstered. Since my son has been attending Eastwood, my husband and myself can go to work with a good feeling that my child is in good hands. The most important factor is that my son thoroughly enjoys attending the center. We are in favor of the additions and improvements Gloria Dorsey wishes to make.

Yours truly,

Jill Gutterman

Edward P. Gutterman

Maryland Early Childhood Council, Inc.
102 CROMWELL AVENUE, FERNDALE, MARYLAND 21061

May 23, 1984

Baltimore County Zoning Commission
Towson, Maryland 21204

PETITIONER'S EXHIBIT 3

Gentlemen:

I am writing regarding the upcoming hearing on 5/28/84 for the expansion of Eastwood Day Nurseries. I would like to point out that our organization first came in contact with Eastwood Day Nurseries in 1978 when Mrs. Gloria Dorsey purchased the property. At that time, the property was a real eyesore! The residence, as well as the business, was extremely run down, dirty and generally under par. During the past six years, we have seen Mrs. Dorsey transform the entire property into one of the most attractive sites in the neighborhood. Both of the structures are modern, attractive, well-maintained and clean. She maintains a well organized facility with excellent programs for the children. Mrs. Dorsey and her staff go far beyond the usual in handling children with special needs and/or emotional problems. Parents and professionals who are involved with Eastwood Day Nurseries rave about their wonderful experiences with the center.

These are just a few of the reasons why in the last six years there has never been a vacancy and there has constantly been a lengthy waiting list for enrollment. It is obvious that the community wants and needs the expansion of the facility. We have urged Mrs. Dorsey to expand.

In most neighborhoods there is usually one or more troublesome residents who will oppose just about anything. Getting others rilled up can be stimulating and can even become a way of life. Even neutral and/or pro neighbors can be incited to oppose by a friend or neighbor painting a grim picture. We realize that your office has witnessed this frequently and hope that you will keep this in mind, should it occur.

Day care needs have been steadily increasing; however, facilities have not been able to keep pace with the growing need. After more than twenty years, it seems justified to expect a business such as this to expand. When there is such a great demand and such a fine facility willing to fill that demand with quality service, everyone able should assist them. The expansion will be an asset to the community in many ways. It will create new jobs. We ask that you assist Eastwood Day Nurseries and Mrs. Gloria Dorsey in this endeavor.

Very truly yours,
MARYLAND EARLY CHILDHOOD COUNCIL, INC.
M. L. Mingioni
M. L. Mingioni, President

MLM/nac

12th Election District
2nd Councilmanic Petition for Special Hearing

LOCATION: West side South 46th Street, 341.85 ft. South of Eastern Avenue (530 South 46th Street)
DATE & TIME: Monday, May 28, 1984 at 10:45 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 should approve amendments to the Special Exception, and the site plans filed thereto, granted in Case No. 84-105-X, and as amended by Case No. 80-117-SPH, to permit (1) the construction of a second story addition which will increase the maximum number of children (2) a reduction in the time the children shall be kept inside the building (3) the construction of a vestibule for the conservation of energy by limiting heat loss (4) to determine that residential transition area (RTA) requirements are not applicable to a day nursery existing prior to adoption of such requirements.

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

THE UNDERSIGNED OPPOSE THE PETITION TO PERMIT
(1) THE CONSTRUCTION OF A SECOND STORY ADDITION WHICH WILL INCREASE THE MAXIMUM NUMBER OF CHILDREN
(2) A REDUCTION IN THE TIME THE CHILDREN SHALL BE KEPT INSIDE THE BUILDING
(3) THE CONSTRUCTION OF A VESTIBULE FOR THE CONSERVATION OF ENERGY BY LIMITING HEAT LOSS
(4) TO DETERMINE THAT RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS ARE NOT APPLICABLE TO A DAY NURSERY EXISTING PRIOR TO ADOPTION OF SUCH REQUIREMENTS.

WE SIGN THIS PETITION BECAUSE WE MAY NOT BE ABLE TO ATTEND THE HEARING ON MAY 28, 1984.

NAME	ADDRESS	OWNER
Thomas W. Koontz	532 S. 46th Street	yes
Josephine Koontz	532 S. 46th Street	yes
E. Gary Sauerwein	527 S. 45th St	yes
E. Kumasaka	527 S. 45th St	yes
Janice Cook	521 S. 46th St	yes
Mr. Frederick T. Pribbel	521 S. 46th St	yes
Mrs. Marie T. Pribbel	521 S. 46th St	yes
Mrs. Isabelle Curry	516 S. 46th St	yes
Mr. Frank T. Curry	529 S. 46th St	yes
Mrs. Frank T. Curry	529 S. 46th St	yes
Wilkins A. Dunlap	540 S. 46th St	yes
Doris H. Rawleigh	542 S. 46th St	yes
Mrs. E. Mee	519 S. 46th St	yes
Lottie V. Douglas	605 Eastern Ave	yes
* George E. Lynch	500-46 St	yes
* Gaston Bonds	518 S. 46th St	yes
Dolores A. Schell	537 S. 46th St	yes
Kathy Sauerbrunn	523 S. 45th St.	yes
Lottie Southerland	523 S. 45th St	yes
Raymond Talton Sr.	525 S. 45th St	yes
* Richard P. Adams	503 S. 46th St	no

12th Election District
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NAME	ADDRESS	DATE	OWNER
Stanley Potter	617 S. 46th St	May 25, 1984	Yes
* Ethel Hutton	621 S. 46th St		Yes
Henry Block	535 46th St		Yes
Janet S. Mazer	619 So. 46th St		Yes
* Barry Mazer	619 S. 46th St		Yes
* Lisa Wirth	601 S. 46th St		yes
Renee Wirth	613 S. 46th St		No
Kathleen Hollingsworth	601 S. 46th St.		No
Elizabeth Flowers	608 S. 46th St		yes
Rose Sellers	613 S. 46th St		No
* Lillian Jones	505 S. 46th St		yes
* Sherry Dorsey	508 S. 46th St		yes
* Ulla C. Rigl	506 S. 46th St		yes
Michael J. Supus	506 S. 46th St		yes
Marilyn Lynch	500 46th St		yes
Jeannie Lynch	500 46th St		yes
Joanne Zmachinski	7004 Fait Ave.		Yes
Joe Zmachinski	7004 Fait Ave.		Yes
* Elden J. Stahl	535 46th St.		Yes
Mrs. Edna Fritz	603 S. 46th St		no
Maurice Fritz	603 S. 46th St		no

12th Election District
2nd Councilmanic Petition for Special Hearing

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NAME	ADDRESS	DATE	OWNER
Mary Ann Gutterman	826 S. 46th St	May 25	yes
Gretchen Greer	528 S. 46th St	May 25	yes
Joseph Greer	528 S. 46th St	May 25	yes
Judy Gutterman	529 S. 45th St	May 27	No
Mrs. James A. Cook	501 S. 46th St		yes

PETITIONER'S EXHIBIT 4

Waiting

1.	Mr Burrell	285-5685	3 yrs old
2.	"	"	4 yrs old
3.	Diane Sellers	284-3291	3 yrs old
4			5 yrs old
5.	Mrs Baker - Kelly (GBB)		687-3918
6.	Anne H. Sifford - 4 yrs old (Mrs Barbara H. Sifford)		235-7200 ext 2290 Mike Schmidt 687-088
7.	Thomas Szabousse	396-5832	3 yrs old (Ar-actually)
8.	Elizabeth Stouten - Keith 2½ Brad	327-3716	
9.	Nancy Holman - Eddie 3 yrs old		574-5149
10.	Kim Sly - Leigh 3 yrs old		342-3214
11.	Beverly Grotta - Katrina - 2½ DOB		282-8842
12.	Dennis Berry - boy (3/81)		477-1439
13.	Mrs Ming - 6 B2-3888W		284-3491 H 4 yrs old
14	" " "		9 yrs old
15.	Valerie Pihythyon	686-4432	2 yrs old - Sarah
16.	"	"	5 yrs old Jason
17.	"	"	7 yrs old Robby
18.	Gloria Hammond - Dirk Ayers		563-0287 H 968-6076 W
19.	Heather Oliver	276-2099 H	276-7555 W
20.	Mrs Cathy Fry - Holly 4 yrs old		282-7607
21.	Cindy Bhardiers	633-7864	boy 11/80
22.	Edna Rykoczewski - Wendy	284-4966	4/5/84 DOB
23.	Debra Todd	388-0401	Jason 3 yrs old
24.	Terry Miller	633-5829 H	525-0100 W.
25.	Debra Cowman	827 Decker Ave	327-6588 Joshua 2 yrs
26.	Denise Hammen - Scott 4 yrs old		288-5290
27.	Cheryl Hager -	675-6444	Kristina 6/81
28.	Melody Allen -	477-8369	2 yrs old
29.	Margie Lilly -	547-3722 W	Ryan 7 + Amie 5

30.	Dora Hernandez	285-0410	boy 2 girl 4
31.	Debbie James - Natalie 4 yrs old		477 St. 282-9563
32.	Barbara Fourtiraki - Vicki - 3 yrs old		633-8582
33.	Susan Maaro (Boy 2½)		282-2618
34.	Donna Leitmiller	666½ 46th St.	Brian 3½ 288-5674 H 828-7000 ext 387
35.	Denise Marcinelli - Melissa 4/11/81		282-8663 H
36.	Pat Perun - Stefan 4 yrs old		435 S. 33rd St. 327-9488 W 284-1035 H
37.	Mary Dietz - John 7 yrs old		583-0256 H 955-3874 W
38.	Debbie Adams	503 S. 46th St	282-4836
39.	Paula Mattes - Andy 3 yrs old		282-8539 H 633-7300 W
40.	Donna Abt - Nicole 2½		821-5600 W.
41.	Susan Hagel - Jessica 2 yrs old		244-1151 W
42.	Anna Marie Faiella	485-0434	2 yrs old
43.	"	"	4 yrs old
44.	Linda Kratt Priella 2½		675-7819
45.	Karen Alt	574-6658 - Frances 3 yrs old	
46.	Tiarra Fritz - Dawn 2 yrs old		(Nursery - 6-7 mos) (325-5845)
47.	Belinda Keener 2½	Mrs Brenda Keener	655-5484 Eagle Ave 633-4251
48.	Nancy Verginakis - Courtney 2½		391-3529
49	Mrs Manns - Michael 2½		282-2618
50.	Debbie James - Natalie 4 yrs old	477 St.	282-9563
51.	Jo Ann Bailey - Jodie 7 yrs old		332-3525 W
	Jason 5 yrs old		284-5111 H

PETITIONER'S EXHIBIT 5

neighbors

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups.

I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and an asset to our community.

NAME	ADDRESS
Elsie Staab	535 46th St.
Paul Karp	534 S. 46th St
A. Trueschweig	526 S. 46th St
Sherry Libby	528 S. 46th St.
[illegible]	501 S. 46th St.
Anne Ferrara	502 46 St.
Kathy Tolen	535 45th St.
Teresa Perrone	533 S. 45th St.
Mrs. Madeline Shinsky	531 S. 45th St
Mr. & Mrs. Mark Saltzman	529 South 45th St.
Mrs. Joan Stanley	524 S. Stetson St 21224
Myra Spencer	541 - S. 46th St
Richard Klapp	548 S. 46th St.
Leo Lynch	500 S. 46th St.
Robert Lee Maddox	523 S. 46th St.
Tonya Dorsey	530 S. 46th St.

AUG 14 '85

neighbors 5(a)

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and an asset to our community.

NAME	ADDRESS
Robert L Miller	608 Wilson Ave.
Debbie Pritchett	544 S. 46th St
Pat Walsh	6916 Fait Ave
Barbara Miller	600 S. 46th St
Richard Bezgrinski	602 S 46th ST.
William F. Scruggs	606 S 46TH ST.
Harry Morgan	6195 46TH ST.
George Bezgrinski	631 S. 46th St
Cathy Morgan	615 S 46th St
Earl Hinckley	613 S 46th St.
W. Ruth Zwirski	609 S 46th, ST.
Rita Webb	601 S 46th
Mr Mrs P Hackett	7001 Fait ave
O P Palanish	7002 Fait ave
Mrs Reilly	539 S 46th St
Nancy Novak	537 46th St

neighbors 5(b)

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and considered an asset to our community.

NAME	ADDRESS
F C Jafonis	6802 Duluth Ave
A. Shuler	6852 Barmon Hill Rd
Edward Stallings	6852 Barmon Hill Rd

neighbors 5(a)

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and an asset to our community.

NAME	ADDRESS
Wayne Hartman	520 46th st.
John Merling	520 S 46th St
Nazzer Merling	520 S 46 St
Ray Banks	518 S 46 St.
Mrs Helen Banks	518 S 46 St.
Nebbie Brookshire	512 S 46 St.
Helen C Roach	506 S 46 St
Phil Hart	7001 Eastern Ave
S W Downes Jr	507 S 46th St 21224
E C Pachuta	513 S 46th St
Charlotte McKelvey	514 S 46th St
Anna Albrecht	517 S 46th St
Willie Hall	521 46th ST
Newton Snead	536 S 46th Street
Donna Read	536 46th St.
Martha Hill	542 46th St.

customers

PETITIONER'S EXHIBIT 5 (a)

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and considered an asset to our community.

NAME	ADDRESS
Jerry Spurlock	2812 Southbrook Rd.
Robert Bozzle	2062 Joppa Rd #22
Gary R Clapp	734 LOWNEBON RD.
Stephen Spurlock	7169 EASTBROOK AVE 21224
Gerald J Albrecht	10313 Greentop Rd
Teresa Albrecht	10313 Greentop Rd.
Marilyn Kreemer	1315 Willow Rd.
Patricia Capp	4713 Lexington Pl.
Michele Hawkowski	734 Drew St
R. P. Dansovich	7805 St Gregory Dr.
Jane Hoppes	2602 Jefferson St. 21205
Charles E. Powell	7009 Fait Ave.
Betty J. Stahon	6808 Fifth Ave
Edna J. Parsons	926 Old King Royal Rd.
Kathy Timberman	6819 Duluth Ave. 21222
Pete Jorgensen	30 N. Curley St 21224
Rachel C. Rehkagen	809 JEANNETTE AVE. 21222
Brenda B. Hughes	1641-H Rockaback Rd 21221

customers

5 (b)

TO WHOM IT MAY CONCERN:

By signature below, I/we acknowledge that I/we have no objections to the expansion of the day care facility located at 530 South 46th Street, realizing that the number of children enrolled will increase and that the amount of time spent outdoors will be increased to 9:00 a.m. to allow for alternating groups. I/We also have no objections to the construction of a vestibule for heat conservation. I/We further acknowledge that the subject property is very attractive, well-maintained, and considered an asset to our community.

NAME	ADDRESS
Jackie Spurlock	2812 Southbrook Road Balto. Md 21222
Diane Gluck	14 Bayship Rd Balty Md. 21222
Mindy Heffernan	7118 Eastbrook Ave Balto Md 21224
Michele Hoag	1325 Beechgrove 21234
Barbara Sullivan	3701 Fait Ave 21224
Joann Hart	7407 H Shady Ave. 21222
Patricia Capps	7007 Fait Avenue 21224
Patricia A. Kreutzer	7818 St. Clair Lane 21222

PETITIONER'S EXHIBIT 6

Mrs. Joan Merling
520 South 46th Street
Baltimore, Md. 21224

May 23, 1984

TO WHOM IT MAY CONCERN:

I have been a resident of 520 South 46th Street for eleven years. Eastwood Day Nurseries, located at 530 South 46th Street, has been in operation for over twenty years. It is the nicest day care center I have seen. It is well-maintained, clean and attractive. In fact, since Gloria Dorsey purchased the property in 1978, she has continued to improve it, making it one of the most attractive properties in our block. She has kept the property looking residential, even though there is a business operating in the back building. It is so residential looking that it is difficult to find the day care center even when you have the address and are looking for it. Many neighbors do not even realize that the day care center is there.

The center is open from 6:30 a.m. to 6:00 p.m. on weekdays, which is when most people are away at their own jobs. I do not feel the business is an inconvenience in any way to our neighborhood, but rather is an asset, providing a much-needed service.

Very truly yours,

Mrs Joan Merling
Mrs. Joan Merling

EASTWOOD COMMUNITY CIVIC ASSOCIATION
BALTIMORE COUNTY, MARYLAND

May 23, 1984

Baltimore County Zoning Commission
Towson, Maryland 21204

Gentlemen:

As President of the Eastwood Community Association, I would like to go on record as being completely supportive of the Eastwood Day Nursery which is located at 530 S. 46th Street.

Each day the number of parents looking for child day care for their pre-school youngsters is increasing; more important is the fact that these parents are being seriously selective in their choice of child care.

The granting of permission to expand would enable the Eastwood Day Nursery to meet all standards necessary to fulfill the needs and desires of parents who work outside the home and must place children into the care of others during work hours.

Those of us who have lived many years in Eastwood have seen the present owner, Mrs. Gloria Dorsey, in the past six years take a shabby, rundown piece of property and develop and improve it into a desirable, neat and clean, well-organized facility for the protection, care and training of young children.

Parents whose children are cared for at Eastwood Day Nursery do nothing but sing praise and support of Mrs. Dorsey and those who help her in the daily care and instruction of the little ones.

The word protection, as it relates to young children, has taken on a new meaning lately and more and more parents are looking for something more than the casual "baby-sitter" type service. It follows then that all of us as individual community residents, as well as organized governmental agencies, should give well-organized and seriously managed facilities all of our support.

Eastwood Day Nursery has come a long way and, with the requested go-ahead, can go still further. They render our community a fine service; we should support them.

It is our urgent wish that they will be granted the permission they need to expand so that they can take more children and continue to care and train them as they have for the past several years. We hope that Baltimore County Zoning Commission will help them resolve whatever opposition there is to this expansion and improvement.

Sincerely,

Fred V. Demski

Fred V. Demski
7283 Bridgewood Dr.
Baltimore, MD 21224

PETITIONER'S EXHIBIT 7

Per Barbara Bachkosky Md. State Health Dept Day Care Office

There is a steady increase in the need for day care. Usually about 20 new centers per year

1974 - 22,000 children in day care
1984 31,000 children in day care

1984 Federal Census - Licensed day care service only 1/3 of those in need. There is an extreme lack of licensed day care in Md.

Per Barbara Siller of Institute for School Age Child Care in Balto, approx 45,000 school age children come home to empty houses because of working parents

Per Draft Report by Dr Irene Cloutier at Md Committee for Children "Children, their Families, and Day Care in Md"

Per U.S. Bureau Census 45% of children under 6 yrs old have working mothers. It's an increase of 55% over 1970 figure

In Md (from Md State Data Center) 122,400 children under 6 & over 55,000. Only 31,000 in State Day Care Centers but over 55,000 in need. Supply has not increased nearly as rapidly as need.

AUG 14 '84

nursery school from the time she was two until she started first grade. The advantages of attending could run for pages and pages. A facility that has survived and assisted through twenty years of children is necessary to the care and raising of healthy, happy individuals. I am deeply concerned about my children and hope that the day care will be allowed to continue offering the excellent service it has been providing over the years. We need more quality care for our children in these times when working mothers are a necessity and not a supplemental whim.

How much trouble can we create by parking in parking spaces for 5 to 10 minutes at the most? On days of curb service went out when 7-11 closed in the stores and stopped delivering ice at the curb back in the 30's. I don't think our children should be shoved in the door, nor do I think that if anyone takes more than 5 minutes to get their child settled unless they have questions. I still can't understand the roadway is narrow and there are always many vacant areas along the curbs for parking. Are we being blamed for the confusion of the new curbs recently installed in the neighborhood.

Anyway, I hope you will allow Gloria the extension to her facility that she needs. If some of these problems exist, an awareness may alleviate them. Parking has not been a problem that I have experienced and loud noises have never been heard during my arrivals.

Sincerely,
MC Frankel

P.S. Child - Bobby Frankel
8025 Lansdale Road
Baltimore, MD. 21224.

84-329-SPH

Maryland Early Childhood Council, Inc.
102 CROMWELL AVENUE, FERNDALE, MARYLAND 21061

May 23, 1984

Baltimore County Zoning Commission
Towson, Maryland 21204

Gentlemen:

I am writing regarding the upcoming hearing on 5/28/84 for the expansion of Eastwood Day Nurseries. I would like to point out that our organization first came in contact with Eastwood Day Nurseries in 1978 when Mrs. Gloria Dorsey purchased the property. At that time, the property was a real eyesore! The residence, as well as the business, was extremely run down, dirty and generally under par. During the past six years, we have seen Mrs. Dorsey transform the entire property into one of the most attractive sites in the neighborhood. Both of the structures are modern, attractive, well-maintained and clean. She maintains a well organized facility with excellent programs for the children. Mrs. Dorsey and her staff go far beyond the usual in handling children with special needs and/or emotional problems. Parents and professionals who are involved with Eastwood Day Nurseries rave about their wonderful experiences with the center.

These are just a few of the reasons why in the last six years there has never been a vacancy and there has constantly been a lengthy waiting list for enrollment. It is obvious that the community wants and needs the expansion of the facility. We have urged Mrs. Dorsey to expand.

In most neighborhoods there is usually one or more trouble-some residents who will oppose just about anything. Getting others riled up can be stimulating and can even become a way of life. Even neutral and/or pro neighbors can be incited to oppose by a friend or neighbor painting a grim picture. We realize that your office has witnessed this frequently and hope that you will keep this in mind, should it occur.

Day care needs have been steadily increasing; however, facilities have not been able to keep pace with the growing need. After more than twenty years, it seems justified to expect a business such as this to expand. When there is such a great demand and such a fine facility willing to fill that demand with quality service, everyone able should assist them. The expansion will be an asset to the community in many ways. It will create new jobs. We ask that you assist Eastwood Day Nurseries and Mrs. Gloria Dorsey in this endeavor.

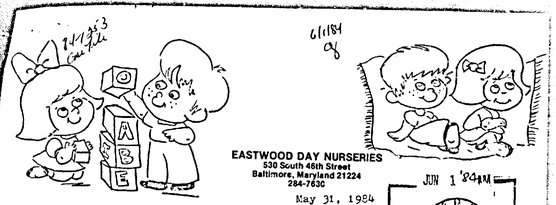
Very truly yours,

MARYLAND EARLY CHILDHOOD COUNCIL, INC.

M. L. Mingichi

M. L. Mingichi, President

MLM/mac



6/1/84 ag

JUN 1 '84 AM

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

May 31, 1984

ZONING DEPARTMENT

Commissioner Jablon
Baltimore County Zoning Department
111 W. Chesapeake Avenue
Towson, Maryland 21204

Gloria L. Dorsey

RE: SPECIAL HEARING ~~No. 84-329-SPH~~

Dear Commissioner Jablon:

I am writing this letter to clarify several points regarding the above-referenced hearing. First of all, I would like to point out that "many" of the neighbors who were supposedly against me do not work, have no small children, and could easily have attended the hearing if they really felt threatened by the expansion. It is much easier to obtain action when people are threatened by an action than when they feel it does not affect them one way or the other. I again would like to point out that Bob and Elsie Staab told me that they had signed my petition that "Edna" had brought around. When I explained that I took mine around personally, they insisted that Edna (a resident of the 600 Block of 46th Street) told them the petition was for the expansion. When Elsie Staab said she had already signed mine, she claims that Edna told her to put a star next to her name to indicate that. Even though the petition clearly states that is was in opposition, few people read them. With Edna being a resident of the 600 Block, it may have been difficult for people to know whether she was for or against me. I personally took my petition around so that it was sure my petition was for the expansion. Only three people actually read my petition.

As far as parking, there is no problem, nor do I forsee a problem if I enroll an additional 25-30 children. My customers come and go on a staggered basis -- usually 6:30 - 9:00 a.m. and 2:30 - 6:00 p.m. As I explained, even if they work the same hours, travel time and distance makes a difference in the hours that they use my service.

Many people own only one car on my block. Some own two; some own none. There are vacant lots, corner lots and many, many driveways which make on-street parking easily available for everyone. Many people prefer parking in their driveways. Parking is a much easier

Commissioner Jablon
May 31, 1984
SPECIAL HEARING NO. 84-329-SPH
Page Two

task than in most neighborhoods, even with my center. The owner of 523 S. 46th Street allows two of my staff to park in front of his property with no complaints. I have enclosed photos of the parking situation with comments. My customers park briefly, when necessary, and while most people are at work.

Another issue is the noise. My children do make noise. If they did not, something must be wrong. However, since I had the 6-ft. privacy fence installed, the noise has been decreased. It also keeps the balls out of neighboring yards. The noise level is no higher than a group of neighborhood children playing. I have enclosed a copy of our schedule for the pre-school group, which is also on file at the Health Department. As you can see, outdoor play is not all day long. The summer schedule is different in that the school age children do not take naps and may be outside during part or all of that time. School age children are limited to five now and possibly ten with the expansion.

My next door neighbors have a grown daughter who resides with them full time. There are also two other young adult children who reside with them off and on. They play the radio and stereo loudly and frequently. Our children are not so loud that we do not hear the loud music. This is common in most neighborhoods, as is the sound of children playing. We do not complain about this loud music played day and night. We accept it as part of life. Our children are supervised and monitored at all times. They do not run wild or I obviously would have injured children and lawsuits. They do not play unsupervised, nor do they trespass or vandalize neighboring property.

Concerning the appearance of the neighborhood, the exterior of the adjacent row homes needs much repair and/or cleaning, as do many of the individual homes. Sidewalks are crumbled, paint is peeling, wood is rotting, etc. I have never thought to complain, either to them or to authorities. Again, I accept it as part of life. I cannot tell my neighbors what to do. I have enclosed photos of Mr. Tallon's property. He resides directly behind Mr. and Mrs. Ares, my next door neighbors. Both Mr. Tallon and the Ares made such an issue of my cement, neglecting to mention that much of his yard is also cement. Many people cement their back yards and use them as patios. My reason for the cement is because of the fact that my property is on a hill from the front and one side. It was impossible to keep grass growing with the children's traffic. When it rained, the yard turned into mud, and because of the slant, took forever to dry. Every little hole dug by the children stayed full of water. It would be days after each rain before the children could go outside to play.

When I went for the Special Hearing in 1980, Mr. Ares had signed my petition in favor of the additional hours and children. Prior to the actual hearing, I encountered legal difficulties with The Ares when the roots of their tree came through my basement floor and

Commissioner Jablon
May 31, 1984
SPECIAL HEARING NO. 84-329-SPH
Page Three

and wall. When I was threatened with a lawsuit if I cut the roots, I retained the services of my friend and attorney (Dutch Ruppersberger if you wish to verify) and followed his advice. Mr. and Mrs. Ares's insurance company settled out of court for approximately $4.000. From that time on, I have experienced much difficulty with them.

I am asking that you or your representative come to visit the day care center one or more times before making your decision so that you may see first hand the parking situation and the noise situation. You would also be able to determine whether or not my property is an asset to the community. If and when you visit, please feel free to come into the center. You will be able to see the fine quality service I render at a price much lower than any other day care center in Dundalk, Highlandtown or Essex. The expansion will help me to maintain these low rates. You will also be able to see that I do everything I can possibly think of to maintain high quality and consideration of others; however, it seems these few neighbors will not be satisfied until the day care center is closed completely.

Very truly yours,
Gloria Dorsey
Gloria Dorsey

Enclosures

8/16/84 TO 8/22

AUG 16 AM

SEMMES, BOWEN & SEMMES
ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202

BALTIMORE COUNTY OFFICE
P.O. BUX 6705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21285
TELEPHONE 301-296-4400

TELEPHONE 301 539 5040
TELECOPIER 301 539 5223
CABLE TREVLAC
TELEX 87-478

DISTRICT OF COLUMBIA OFFICE
1025 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036
TELEPHONE 202 822-8250
TELECOPIER 202-822-8258

DAVID McINTOSH WILLIAMS
PARTNER

DIRECT DIAL 301-576-4736

August 14, 1984

County Board of Appeals
of Baltimore County
Room 200 - Court House
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S of South 46th wtreet, 841.85'
S. of Eastern Ave. (530 South 46th
Street) - 12th Election District
Case No. 84-329-SPH

Dear Sirs:

Enclosed please find a written notice for the entry of my appearance on behalf of protestants/appellants Barbara Ares, et al. in the above-referenced proceedings.

Please send me copies of all notices, orders, etc. at the address noted on my Entry of Appearance.

Thank you for your cooperation.

Very truly yours,
David McI. Williams

DMW/mrd
enclosure

c.c. - Arnold Jablon, Esq.
Gloria L. Dorsey
Raymond Talon, Jr.
Phyllis C. Friedman, Esq.
William E. Hammond, Esq.

IN RE: PETITION FOR SPECIAL HEARING
W/S of South 46th St., 841.85' S of Eastern Ave. (530 South 46th Street) - 12th Election District
Gloria L. Dorsey, Petitioner

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. 84-329-SPH

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter my appearance as counsel of record for Protestants and Appellants Barbara Ares, et al. (see Exhibit A attached) from the decision of the Zoning Commissioner of Baltimore County dated June 18, 1984 in this matter. A Notice of Appeal was filed by Protestants/Appellants on July 16, 1984.

David McI. Williams

SEMMES, BOWEN & SEMMES
10 Light Street
Baltimore, Maryland 21202
(301) 539-5040

Attorney for Protestants/
Appellants Barbara L. Ares,
et al.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August,

AUG 14

1984, a copy of the foregoing Entry of Appearance and Exhibit A was mailed, first class, postage prepaid, to the following:

Arnold Jablon, Esq.
Zoning Commissioner of Baltimore County
Room 109-111 West Chesapeake Avenue
Towson, Maryland 21204

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

Raymond Talon, Jr.
525 South 45th Street
Baltimore, Maryland 21224

Phyllis C. Friedman, Esq.
People's Counsel
Room 223 - Court House
Towson, Maryland 21204

William E. Hammond, Esq.
107 Main Street
Reisterstown, Maryland 21136

David McI. Williams

EXHIBIT A TO ENTRY OF APPEARANCE

Protestants & Appellants

Barbara, Joseph and Lucinda Ares	528 S. 46th St.	Baltimore, MD
Josephine and Thomas Koontz	532 S. 46th St.	Baltimore, MD
Raymond Tallon	525 S. 45th St	Baltimore, MD
Gary Kaminski	527 S. 45th St.	Baltimore, MD
George & Marilyn Lynch	500 S. 46th St.	Baltimore, MD
Ursula Gross	529 S. 46th St.	Baltimore, MD
Richard & Dianne Hemelt	611 S. 47th St.	Baltimore, MD
Mr. & Mrs. Frederick Rebbel	531 S. 46th St.	Baltimore, MD
Loretta Franckewitz	526 S. 46th St.	Baltimore, MD
James Cook & Merle	501 S. 46th St.	Baltimore, MD
Michael & Frances Como	515 S. 46th St.	Baltimore, MD
Mr. Miller	519 S. 46th St.	Baltimore, MD
Kathy Southerland	523 S. 45th St.	Baltimore, MD
Wm. R. & Doris Rawleigh	540 S. 46th St.	Baltimore, MD
Isabelle & Robert Curry	546 S. 46th St.	Baltimore, MD
Dolores Schell	527 S. 46th St.	Baltimore, MD

PETITION FOR SPECIAL HEARING
for GLORIA L. DORSEY
DESCRIPTION

All that parcel of land in the Twelfth District of Baltimore County, beginning for the same on the west side of 46th Street, said point being distant 841.85 feet measured southerly from the south side of Eastern Avenue, thence binding on the west side of said 46th Street North 22 degrees 32 minutes West 50.00 feet, thence binding on said division line South 67 degrees 28 minutes West 125.00 feet, thence South 22 degrees 32 minutes East 44.40 feet and South 2 degrees 48 minutes East 3.50 feet, thence binding on said division line North 68 degrees 24 minutes East 126.70 feet to the place of beginning.

Containing 0.141 acres of land, more or less.

Being Lots Nos. 858 and 859 as shown on the Plat of Harbor View filed as aforesaid. Being the property of Gloria Dorsey, as shown on plat plan filed with the Zoning Department.

84-324-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th Date of Posting 7/24/84
Posted for: Board of Appeals
Petitioner: Gloria L. Dorsey
Location of property: N/S 46th 841.85' S of Eastern Ave.
Location of Signs: front of property (530 S. 46th St.)
Remarks:
Posted by [signature] Date of return: 8/3/84
Number of Signs: 1

#84-329-SPH 12th District

W/S OF SOUTH 46th STREET, 841.85'
S. OF EASTERN AVENUE
(530 South 46th Street)

GLORIA L. DORSEY, PETITIONER

1 - SIGN

SEMMES, BOWEN & SEMMES
ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202

TELEPHONE 301-539-5040
TELECOPIER 301-539-5223
CABLE TREVLAC
TELEX 87-478

BALTIMORE COUNTY OFFICE
P. O. BOX 6705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21285
TELEPHONE 301 296-4400

DISTRICT OF COLUMBIA OFFICE
1025 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036
TELEPHONE 202-822-8250
TELECOPIER 202-822-8258

DAVID McINTOSH WILLIAMS
PARTNER

DIRECT DIAL 301-576-4736

August 14, 1984

County Board of Appeals
of Baltimore County
Room 200 - Court House
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S of South 46th wtreet, 841.85'
S. of Eastern Ave. (530 South 46th
Street) - 12th Election District
Case No. 84-329-SPH

Dear Sirs:

Enclosed please find a written notice for the entry of my appearance on behalf of protestants/appellants Barbara Ares, et al. in the above-referenced proceedings.

Please send me copies of all notices, orders, etc. at the address noted on my Entry of Appearance.

Thank you for your cooperation.

Very truly yours,

David McI. Williams

RECEIVED
COUNTY BOARD OF APPEALS
AUG 15 10 AM '84

DMW/mrd
enclosure

c.c. - Arnold Jablon, Esq.
Gloria L. Dorsey
Raymond Talon, Jr.
Phyllis C. Friedman, Esq.
William E. Hammond, Esq.

IN RE: PETITION FOR SPECIAL HEARING
W/S of South 46th St., 841.85' S of Eastern Ave. (530 South 46th Street) - 12th Election District
Gloria L. Dorsey, Petitioner

* BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY
* Case No. 84-329-SPH

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter my appearance as counsel of record for Protestants and Appellants Barbara Ares, et al. (see Exhibit A attached) from the decision of the Zoning Commissioner of Baltimore County dated June 18, 1984 in this matter. A Notice of Appeal was filed by Protestants/Appellants on July 16, 1984.

David McI. Williams

SEMMES, BOWEN & SEMMES
10 Light Street
Baltimore, Maryland 21202
(301) 539-5040

Attorney for Protestants/
Appellants Barbara L. Ares,
et al.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August.

1984, a copy of the foregoing Entry of Appearance and Exhibit A was mailed, first class, postage prepaid, to the following:

Arnold Jablon, Esq.
Zoning Commissioner of Baltimore County
Room 109-111 West Chesapeake Avenue
Towson, Maryland 21204

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

Raymond Talon, Jr.
525 South 45th Street
Baltimore, Maryland 21224

Phyllis C. Friedman, Esq.
People's Counsel
Room 223 - Court House
Towson, Maryland 21204

William E. Hammond, Esq.
107 Main Street
Reisterstown, Maryland 21136

David McI. Williams

EXHIBIT A TO ENTRY OF APPEARANCE

Protestants & Appellants

Barbara, Joseph and Lucinda Ares	528 S. 46th St.	Baltimore, MD
Josephine and Thomas Koontz	532 S. 46th St.	Baltimore, MD
Raymond Tallon	525 S. 45th St	Baltimore, MD
Gary Kaminski	527 S. 45th St.	Baltimore, MD
George & Marilyn Lynch	500 S. 46th St.	Baltimore, MD
Ursula Gross	529 S. 46th St.	Baltimore, MD
Richard & Dianne Hemelt	611 S. 47th St.	Baltimore, MD
Mr. & Mrs. Frederick Rebbel	531 S. 46th St.	Baltimore, MD
Loretta Franckewitz	526 S. 46th St.	Baltimore, MD
James Cook & Merle	501 S. 46th St.	Baltimore, MD
Michael & Frances Como	515 S. 46th St.	Baltimore, MD
Mr. Miller	519 S. 46th St.	Baltimore, MD
Kathy Southerland	523 S. 45th St.	Baltimore, MD
Wm. R. & Doris Rawleigh	540 S. 46th St.	Baltimore, MD
Isabelle & Robert Curry	546 S. 46th St.	Baltimore, MD
Dolores Schell	527 S. 46th St.	Baltimore, MD

AUG 14

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

September 7, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-329-SPH — GLORIA L. DORSEY

W/S South 46th St., 841.85' S of Eastern Ave. (530 S. 46th St.)

12th District

SH-Amendments to Special Exception and Site Plans granted in Case #64-105-X and as amended in Case #80-117-SPH

6/18/84 - Z.C.'s Order - GRANTED w/restrictions

ASSIGNED FOR: TUESDAY, DECEMBER 4, 1984, at 10 a.m.

cc: William E. Hammond, Esq. — Counsel for Petitioner
Gloria L. Dorsey — Petitioner
Raymond Tallon, Jr. — Protestant
Barbara Ares, et al — "
David Williams, Esq. — Counsel for Protestants (Barbara Ares, et al)
Phyllis C. Friedman — People's Counsel
Arnold Jablon
Jean Jung
Norman Gerber
James Hoswell
James Dyer

June Holmes, Secy.

EXHIBIT A

DOCUMENTS SUBJECT TO SUBPOENA

The following documents shall pertain to the day care center at 530 South 46th Street, Baltimore, Maryland unless otherwise noted.

(1) All correspondence between Gloria L. Dorsey and any person other than her attorney and concerning the day care center or its operation or resulting noise, traffic congestion, or the health, safety, and welfare of children enrolled in it.

(2) All complaints received by Gloria L. Dorsey from any person, including local health officers, concerning the day care center or its operation or resulting noise, traffic congestion, or the health, safety and welfare of children enrolled in it.

(3) All leases by Gloria Dorsey of all or part of the premises at 530 South 46th Street, Baltimore, Maryland.

(4) All records of enrollment of children in the day care center currently maintained in the center.

(5) All daily records of children in attendance at the day care center since the last inspection for licensure.

(6) All records of current staff members kept on file in the day care center.

(7) The projected weekly menu and past weekly menus "as served" kept on file in the day care center for the past four-week period

(8) The staffing pattern kept on file in the day care center.

(9) The personal record of each child kept on file in the day care center.

(10) The fire evacuation plan of the day care center.

(11) The real estate contract for the purchase of 530 South 46th Street, Baltimore, Maryland by Gloria L. Dorsey.

(12) All correspondence between Gloria L. Dorsey and the owner(s) of 530 South 46th Street, Baltimore, Maryland prior to Gloria L. Dorsey.

(13) All records of inspections by the Department of Health and Mental Hygiene kept on file in the day care center in accordance with the instructions of that Department.

IN RE: PETITION FOR SPECIAL HEARING W/S of South 46th St., 841.85' S. of Eastern Ave. (530 South 46th Street) - 12th Election District — BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY

Gloria L. Dorsey, Petitioner. — Case No. 84-329-SPH

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

SUBPOENA DUCES TECUM

TO: Gloria L. Dorsey
530 South 46th Street
Baltimore, Maryland 2122

530 46th St

You are commanded to appear at the Board of Zoning Appeals of Baltimore County, Room 200 Old Court House, Towson, Maryland 21204 at 10:00 o'clock a.m. on December 4, 1984 and to bring with you the documents in your possession, custody and control and listed on the attached Exhibit A, documents subject to subpoena.

David McI. Williams

SEMMES, BOWEN & SEMMES
10 Light Street
Baltimore, Maryland 21202
(301) 539-5040

Attorney for Protestants/Appellants Barbara L. Ares, et al.

SUMMONED 12/2 19
NOT SERVED 19
REASON NOT SERVED

SEMMES, BOWEN & SEMMES
ATTORNEYS AT LAW

Certified and Ordered

Clerk
Board of Zoning Appeals of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS NOV 28 P 1:34

EXHIBIT A

DOCUMENTS SUBJECT TO SUBPOENA

The following documents shall pertain to the day care center at 530 South 46th Street, Baltimore, Maryland unless otherwise noted.

(1) All correspondence between Gloria L. Dorsey and any person other than her attorney and concerning the day care center or its operation or resulting noise, traffic congestion, or the health, safety, and welfare of children enrolled in it.

(2) All complaints received by Gloria L. Dorsey from any person, including local health officers, concerning the day care center or its operation or resulting noise, traffic congestion, or the health, safety and welfare of children enrolled in it.

(3) All leases by Gloria Dorsey of all or part of the premises at 530 South 46th Street, Baltimore, Maryland.

(4) All records of enrollment of children in the day care center currently maintained in the center.

(5) All daily records of children in attendance at the day care center since the last inspection for licensure.

(6) All records of current staff members kept on file in the day care center.

(7) The projected weekly menu and past weekly menus "as served" kept on file in the day care center for the past four-week period

(8) The staffing pattern kept on file in the day care center.

(9) The personal record of each child kept on file in the day care center.

(10) The fire evacuation plan of the day care center.

(11) The real estate contract for the purchase of 530 South 46th Street, Baltimore, Maryland by Gloria L. Dorsey.

(12) All correspondence between Gloria L. Dorsey and the owner(s) of 530 South 46th Street, Baltimore, Maryland prior to Gloria L. Dorsey.

(13) All records of inspections by the Department of Health and Mental Hygiene kept on file in the day care center in accordance with the instructions of that Department.

IN RE: PETITION FOR SPECIAL HEARING W/S of South 46th St., 841.85' S. of Eastern Ave. (530 South 46th Street) - 12th Election District — BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY

Gloria L. Dorsey, Petitioner. — Case No. 84-329-SPH

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

SUBPOENA DUCES TECUM

TO: Gloria L. Dorsey
530 South 46th Street
Baltimore, Maryland 21224

You are commanded to appear at the Board of Zoning Appeals of Baltimore County, Room 200 Old Court House, Towson, Maryland 21204 at 10:00 o'clock a.m. on December 4, 1984 and to bring with you the documents in your possession, custody and control and listed on the attached Exhibit A, documents subject to subpoena.

David McI. Williams

SEMMES, BOWEN & SEMMES
10 Light Street
Baltimore, Maryland 21202
(301) 539-5040

Attorney for Protestants/Appellants Barbara L. Ares, et al.

SEMMES, BOWEN & SEMMES
ATTORNEYS AT LAW

Certified and Ordered

Clerk
Board of Zoning Appeals of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS NOV 28 P 1:34

EXHIBIT A

DOCUMENTS SUBJECT TO SUBPOENA

The following documents shall pertain to the day care center at 530 South 46th Street, Baltimore, Maryland unless otherwise noted.

(1) All correspondence between Gloria L. Dorsey and any person other than her attorney and concerning the day care center or its operation or resulting noise, traffic congestion, or the health, safety and welfare of children enrolled in it.

(2) All complaints received by Gloria L. Dorsey from any person, including local health officers, concerning the day care center or its operation or resulting noise, traffic congestion, or the health, safety and welfare of children enrolled in it.

(3) All leases by Gloria Dorsey of all or part of the premises at 530 South 46th Street, Baltimore, Maryland.

(4) All records of enrollment of children in the day care center currently maintained in the center.

(5) All daily records of children in attendance at the day care center since the last inspection for licensure.

(6) All records of current staff members kept on file in the day care center.

(7) The projected weekly menu and past weekly menus "as served" kept on file in the day care center for the past four-week period

(8) The staffing pattern kept on file in the day care center.

(9) The personal record of each child kept on file in the day care center.

(10) The fire evacuation plan of the day care center.

(11) The real estate contract for the purchase of 530 South 46th Street, Baltimore, Maryland by Gloria L. Dorsey.

(12) All correspondence between Gloria L. Dorsey and the owner(s) of 530 South 46th Street, Baltimore, Maryland prior to Gloria L. Dorsey.

(13) All records of inspections by the Department of Health and Mental Hygiene kept on file in the day care center in accordance with the instructions of that Department.

SEMMES, BOWEN & SEMMES
ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202

TELEPHONE 301-539-5040
TELECOPIER 301-539-5223
LABEL: TREVLAC
TELEX 87-478

P.O. BOX 6705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21285
TELEPHONE 301-296-4400

1025 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036
TELEPHONE 202-822-8250
TELECOPIER 202-822-8258

DAVID McINTOSH WILLIAMS

DIRECT DIAL 301-576-4736

November 28, 1984

Board of Zoning Appeals of
Baltimore County
Room 200 Old Court House
Towson, Maryland 21204

Attention: Ms. Holman

RE: Gloria L. Dorsey, Petitioner
Case No. 84-329-SPH

Dear Ms. Holman:

Enclosed is an original and two copies of a Subpoena Duces Tecum to be served upon Gloria L. Dorsey, Petitioner.

Please certify order and forward to the Sheriff for service.

Thank you for your prompt attention to this.

Sincerely,

David McI. Williams

DMW/mrd
enclosures

c.c. - Phyllis Cole Friedman, Esquire
Ms. Barbara Ares

RECEIVED COUNTY BOARD OF APPEALS NOV 28 P 1:34

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

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

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following:

Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building - Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

to appear and testify at a zoning appeal hearing to be conducted at 10:00 A.M. on December 4, 1984 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing and to bring with him Zoning Office Case No.64-105X and No. 80-117SPH and any and all notes and records compiled by him during his hearing on Case No. 84-329-SPH.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

SUMMONED 11-30 19 BY
NOT SERVED 19
REASON NOT SERVED

SHERIFF
OF BALTIMORE COUNTY
EDWARD MALONE

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS NOV 26 A 9:19

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

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

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following:

Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building - Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

to appear and testify at a zoning appeal hearing to be conducted at 10:00 A.M. on December 4, 1984 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing and to bring with him Zoning Office Case No.64-105X and No. 80-117SPH and any and all notes and records compiled by him during his hearing on Case No. 84-329-SPH.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS NOV 26 A 9:19

AUG 14 '85

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* of BALTIMORE COUNTY
* CASE NO. 84-329-SPH

WITNESS SUMMONS

Please summons the following:

Officer John Stankowski
7 Shipping Place
Dundalk, Maryland 21222

to testify for the said Petitioner, Gloria L. Dorsey, at the hearing in this matter at 10:00 A.M. on December 4, 1984 in Room #218, Court House, Towson, Maryland 21204.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

COST $ 5.00
SUMMONED 11-26-84 19
NOT SERVED ____ 19
SHERIFF
OF BALTIMORE COUNTY

RECEIVED
COUNTY BOARD OF APPEALS
'84 NOV 21 A 9 04

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* of BALTIMORE COUNTY
* CASE NO. 84-329-SPH

WITNESS SUMMONS

Please summons the following:

Officer John Stankowski
7 Shipping Place
Dundalk, Maryland 21222

to testify for the said Petitioner, Gloria L. Dorsey, at the hearing in this matter at 10:00 A.M. on December 4, 1984 in Room #218, Court House, Towson, Maryland 21204.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(53/ South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following:

Stephen E. Collins, Director
Department of Traffic Engineering
County Courts Building
Towson, Maryland 21204,

or his designated representative, to appear and testify at a zoning appeal hearing to be conducted at 10:00 A.M. on December 4, 1984 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing and to bring with him, or with his designated representative, any and all traffic counts in the area of the Petitioner's property at 530 South 46th Street, the property which is the subject of the aforementioned appeal, and any office records and correspondence dealing therewith.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

9/7/84 - Following were notified of hearing set for Tues. Dec. 4, 1984, at 10 a.m.:

William Hammond
Gloria Dorsey
Raymond Tallon
Barbara Ares, et al
David Williams
Phyllis Friedman
A. Jablon, J. Jung, J. Dyer
N. Gerber and J. Hoswell

12/5/84 - Above were notified of 2nd day hearing set for Wed. Jan. 16, '85, at 10 a.m.

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

WITNESS SUMMONS

Please summons the following:

Officer John Stankowski
7 Shipping Place
Dundalk, Maryland 21222

to testify at a zoning appeal hearing to be conducted, as a continued hearing, at 10:00 A.M. on January 16, 1985 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
'84 NOV 21 A 9 03

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following

Margaret Steele
Office of John W. O'Rourke
10 Dunmanway
Dundalk, Maryland 21222

to appear and testify at a zoning appeal hearing to be conducted, as a continued hearing, at 10:00 A.M. on January 16, 1985 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing and to bring with her any and all notes and records made by her during or after her visit to the day care center owned and operated by Gloria L. Dorsey, the Petitioner.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following:

Stephen E. Collins, Director
Department of Traffic Engineering
County Courts Building
Towson, Maryland 21204,

or his designated representative, to appear and testify at a zoning appeal hearing to be conducted at 10:00 A.M. on December 4, 1984 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing and to bring with him, or with his designated representative, any and all traffic counts in the area of the Petitioner's property at 530 South 46th Street, the property which is the subject of the aforementioned appeal, and any office records and correspondence dealing therewith.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

COST $ 5.00
SUMMONED 11/23 19 84
NOT SERVED ____ 19
PERSON NOT FOUND ____
SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE

RECEIVED
COUNTY BOARD OF APPEALS
'84 NOV 21 A 9 04

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

WITNESS SUMMONS

Please summons the following:

Officer John Stankowski
7 Shipping Place
Dundalk, Maryland 21222

to testify at a zoning appeal hearing to be conducted, as a continued hearing, at 10:00 A.M. on January 16, 1985 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
'85 JAN -3 A 10 03

COST $ 5.00
SUMMONED 1-7 19 85
NOT SERVED ____ 19
SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE

RECEIVED
SHERIFF'S OFFICE
BALTIMORE CO.
'85 JAN -3 PM 2:34

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 84-329-SPH

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

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following

Margaret Steele
Office of John W. O'Rourke
10 Dunmanway
Dundalk, Maryland 21222

to appear and testify at a zoning appeal hearing to be conducted, as a continued hearing, at 10:00 A.M. on January 16, 1985 in Room 218, Court House, Towson, Maryland 21204, and day to day thereafter until the completion of said hearing and to bring with her any and all notes and records made by her during or after her visit to the day care center owned and operated by Gloria L. Dorsey, the Petitioner.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

COST $5.00
SUMMONED 1-7 19 85
NOT SERVED 19
REASON NOT SERVED

SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE

RECEIVED
COUNTY BOARD OF APPEALS
'85 JAN -3 A 9 55

RECEIVED
SHERIFF'S OFFICE
BALTIMORE COUNTY
'85 JAN -3 PM 12:04

RE: PETITION FOR SPECIAL HEARING
W/S South 46th Street
841.85' South of Eastern Ave.
(530 South 46th Street)
12th District
GLORIA L. DORSEY, Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 84-329-SPH

* * * * * * *

WITNESS SUMMONS

Please summons the following:

Mrs. Dora Henneberry
307 Baylor Road
Glen Burnie, Maryland 21061

to testify for the said Petitioner, Gloria L. Dorsey, at the hearing in this matter at 10:00 A.M. on January 16, 1985 in Room #218, Court House, Towson, Maryland 21204.

William E. Hammond
Attorney for Petitioner
107 Main Street
Reisterstown, Maryland 21136
833-1322

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

December 5, 1984

NOTICE OF ASSIGNMENT

(CONTINUED)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-325-SPH

GLORIA L. DORSEY

W/s South 46th St., 841.85' S of Eastern Ave. (530 S. 46th St.)

12th District

SH-Amendments to Special Exception and Site Plans granted in Case #64-105-X and as amended in Case #80-117-SPH

6/18/84 - Z.C.'s Order - GRANTED w/restrictions

ASSIGNED FOR: WEDNESDAY, JANUARY 16, 1985, at 10 a.m. (Cont'd. from 12/4/84)

cc: William E. Hammond, Esq. — Counsel for Petitioner
Gloria L. Dorsey — Petitioner
Raymond Tallon, Jr. — Protestant
Barbara Ares, et al — "
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Phyllis C. Friedman — People's Counsel
Arnold Jablon
Jean Jung
Norman Gerber
James Hoswell
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June Holmen, Secretary

IN RE: PETITION FOR SPECIAL HEARING
W/S of South 46th St., 841.85' S. of Eastern Ave. (530 South 46th Street) - 12th Election District
Gloria L. Dorsey,
Petitioner.

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. 84-329-SPH

* * * * * * * * * * *

PROTESTANTS' HEARING MEMORANDUM

Protestants submit this Memorandum in support of their Opposition to the Petition for an Amendment and Modification of the Special Exception granted in Case No. 64-105-X, later amended by Case No. 80-117-SPH, granted by Order of the Zoning Commissioner of Baltimore County dated June 18, 1984, from which Protestants appeal.

A Special Exception requires this Board's consideration because in its "uncontrolled occurrence [it] might cause unsatisfactory results of one kind or another" B.C.Z.R., 1955, §502, Note. The standards for this Board's consideration are mandatory as set out in Section 502.1 of the Baltimore County Zoning Regulations. (A copy of Section 502.1 is attached.)

The Court of Special Appeals of Maryland very recently issued a decision in Gotach Center for Health v. Board of Co. Comr's of Frederick Co., No. 170, September Term, 1984, November 15, 1983, explaining the standard of analysis to be applied by this Board. The Court upheld the rationale of Schultz v. Pritz, 291 Md. 1 (1981), explaining that the test is whether the effect of the Special Exception will be more adverse on the particular location at issue than it would have generally elsewhere in the zone:

> Under Schultz the possible effects of permitted uses are not considered; the focus, rather, is on whether, with respect to that factor, the proposed conditional use would have a more adverse effect on the particular location at issue than it would have generally in the zone.

A copy of the text of the Court's opinion in Gotech Center is attached.

If the Board finds that as to any particular factor, the effect of the proposed Special Exception would be more adverse if located at 530 South 46th Street than it would be if located elsewhere in the zone, the petition must be denied.

Protestants will show that the effect of the proposed expansion of the day care center at 530 South 46th Street measured in accordance with the standards of §502.1, B.C.Z.R., will be much more adverse at that location than if elsewhere within the zone. Some of the factors which aggravate the effect of the proposed day care expansion at 530 South 46th Street are as follows:

(a) The lot is small with a minimum of outdoor play area;

(b) The combination of two licensed day care centers on the prmises creates an unusual congestion of children;

(c) The noise level naturally resulting from more than 40 children congested into the small premises is invasive and unhealthy for nearby residents;

(d) The nearby residents are primarily elderly and retired or about to be retired and spend most of their time at home with the result that the effect of the children's noise on them is aggravated and invasive;

(e) The heights of the proposed new construction combined with its proximity to the edge of the lot on which it stands would mean that the proposed addition would loom up and overshadow the neighbors' yards interfering with light and air and depreciating the character and value of the neighborhood;

(f) The expansion and number of children would increase the traffic congestion difficulties already experienced on South 46th Street from the existing day care facilities;

(g) The proposed increase in number of children would aggravate the existing potential difficulty of evacuation of the children in the event of fire;

(h) The proposed increase in number of children would make even more clearly inadequate the size of the play area on the facilities to the detriment of the health and welfare of children (the nearest off-sight play area being too far away to be properly useable);

(i) The proposed increase in number of children would aggravate the difficulties Petitioner Dorsey has previously experienced in complying with the Baltimore County Day Care Service regulations; and

(j) The proposed increase in number of children would aggravate the difficulties the Petitioner has previously experienced in complying with the Rules and Regulations of the Department of Health.

In support of the Petition, Petitioner offers only the premise that there is need for additional day care. Petitioner has not shown, however, any need to nearly double the number of children cared for here at 530 South 46th Street. Petitioner could operate a day care elsewhere in the zone for

these twenty children without any of the aggravating, detrimental factors listed. Petitioner cannot meet her burden of proof. Marino v. City of Baltimore, 215 Md. 206, 137 A.2d 198 (1958).

For these reasons and others to be shown at the hearing before this Board, the Zoning Commissioner was in error in ruling in favor of Petitioner. The petition to modify and amend this Special Exception should be denied.

Respectfully submitted,

David McI. Williams

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Attorneys for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 1984, a copy of the foregoing Hearing Memorandum was mailed, first class, postage prepaid, or hand-delivered to the following:

Arnold Jablon, Esquire
Zoning Commissioner of
Baltimore County
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Towson, Md. 21204

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Section 502-SPECIAL EXCEPTIONS [B.C.Z.R., 1955.]

(See Section 270-Schedule of Special Exceptions) [B.C.Z R., 1955.]

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the Board of Zoning Appeals . [B.C.Z.R., 1955.]

In granting any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions. [B.C.Z.R., 1955.]

502.1-Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: [B.C.Z.R., 1955; Bill No. 45, 1982.]

a. Be detrimental to the health, safety, or general welfare of the locality involved; [B.C.Z.R., 1955.]
b. Tend to create congestion in roads, streets or alleys therein; [B.C.Z.R., 1955.]
c. Create a potential hazard from fire, panic or other dangers; [B.C.Z.R, 1955.]
d. Tend to overcrowd land and cause undue concentration of population; [B.C.Z.R., 1955.]
e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; [B.C.Z.R., 1955.]
f. Interfere with adequate light and air; [B.C.Z.R., 1955, No. 45, 1982.]
g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor [Bill No. 45, 1982.]
h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. [Bill No. 45, 1982.]

1. Superseded by County Board of Appeals—see note 1, Section 401.
2. Superseded by County Board of Appeals—see note 1, Section 401.

Zoning Law:
Holistic Health Center Denied Special Exception

HELD: The Frederick County Board of Appeals's decision to deny a special exception application by a physician, so that he can operate a holistic health center in a residential neighborhood, is affirmed.

RATIONALE: The Court examines five factors, set forth in the Frederick County zoning law, which must be considered in deciding whether to grant a special exception, and then applies to each one the Schultz v. Pritts standard of qualities developed by the Court of Appeals. Under Schultz the focus is on whether, with respect to the factor, the proposed conditions use would have a more adverse effect on the particular location, or area than it would have generally in the zone. The Court finds that, the proposed private holistic health center would have a greater adverse impact on the road system zone of the factors in the proposed location than would be the case generally in a res dential zone.

Judgment affirmed.

Court of Special Appeals of Maryland

THE GOTACH CENTER FOR HEALTH

v.

THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY

No. 170, September Term, 1984
Filed November 15, 1984

Appeal from the Circuit Court for Frederick County. William W. Wenner, Judge.

Argued by Lawrence E. Finegan, with whom were Rosenstock, Burgee & Welty, P.A. on the brief, for appellant.

Argued by Joseph E. Emerson, Assistant County Attorney for Frederick County, for appellee.

Argued before WILNER, BISHOP, and ADKINS, JJ.

WILNER, J.—

The Gotach Center for Health, through its founder, Dr. Nicola M. Tauraso, applied to the Frederick County Board of Appeals for a special exception in order to operate a private school. The property in question is a fourteen-acre tract currently zoned R-3 (Residential). The board denied the application; on appeal, the Circuit Court for Frederick County affirmed. Hence, this appeal.

Until 1980, Dr. Tauraso conducted his pediatric practice from the property. In that year, he gave up medical practice and began to devote himself to the teaching and propagation of holistic medicine. The private school that he proposed would have four components (1) an adult education program for health professionals to operate year round, (2) a children's school, to operate chiefly in the summer and perhaps one week at Christmastime, (3) "an administrative base for our national seminar and home study programs, which is essentially what we are using the property for now," and (4) a "spiritual studies and research center."

Dr. Tauraso's intent, we are told, is that the two educational programs, together, would not have more than fifty students at any one time, although the record, in some instances, suggested that the fifty-student maximum applies only to the adult program. The children's program would extend for one to three weeks, the parents would bring the children to the center on a Sunday, leave them, and retrieve them on a Friday. The adult program, also residential, would be a three-week program. Dr. Tauraso expected to have between twenty and twenty-five employees working on the property.

The Gotach property is surrounded on three sides by the Cloverhill subdivision, a community of single-family residences. The community organization and many of the individual residents opposed the application on the principal grounds that the addition of their well-water supply, traffic safety, and commercialization. Those were the issues before the Board of Appeals.

Gotach produced four witnesses on its behalf. Dr. Tauraso described the four programs he expected to operate. He stated that there would be no more than fifty students at a time, and that they would not be allowed to leave the property during the one-, two-, or three-week period of their respective courses. Upon those assumptions, Edward Smariga and John Laughland, civil engineers, testified that the road system was adequate to support the proposed use. That conclusion was based, at least in part, on the premise that there would be less traffic from that use than was generated from Dr. Tauraso's former pediatric practice or that would be generated by other permitted uses in an R-3 zone. Frank Rothenhofer, also a civil engineer, testified that the well on the property was adequate for the proposed use and that less water would be used for that use than for other uses permitted in the R-3 zone. He and Smariga opined that the private school envisioned by Dr. Tauraso would be in harmony with the county's comprehensive development plan and would not adversely affect the nearby community.

A number of residents from the Cloverhill development came to quite different conclusions. Unlike Gotach's experts, they did not seek to compare the proposed use with other uses to which the property might be put, but expressed their concern over the effect that the proposed use itself would have on traffic safety, the adequacy of their well-water supply, and the residential character of the neighborhood. A particular concern expressed by a number of the protestants, including one who was a State Trooper, was over the hazardous nature of Poole Jones Road, which is the access road to the community and the Tauraso property. The board members personally inspected the site, including the adjacent roads.

A private school is a permitted use in an R-3 zone by special exception. The procedural and substantive standards for considering and granting special exceptions are set forth in § 11-19-48 of the Frederick County zoning law. In relevant part, that section states:

"(b) A grant of special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The board of appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the board finds that:

"(1) The proposed use is in harmony with the purpose and intent of the comprehensive development plan and of this chapter; and

"(2) The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and

"(3) Operations in connection with any special exception use will not be more objectionable to the nearby properties by reason of noise, fumes, vibration, or other characteristics, than would be the operations of any permitted use not requiring special exception approval; and

"(4) Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

"(5) The road system providing access to the proposed use is adequate to serve the site for the intended use."

After considering the evidence presented at the public hearing and the impressions gained from its own inspection, the board found:

"1. That the proposed use of the property as a private school is not in harmony with the purpose and intent of the Comprehensive Development Plan and of the Zoning Ordinance in the fact that the subject area is an existing developed area of single family residential homes and in order to be in harmony with the purpose and intent of the Comprehensive Development Plan the development of residential single family dwellings would be appropriate.

2. That the nature and intensity of the operation of the property for a private school in conjunction with the size of the property are not particularly with its location to the streets that give access to the property would not be in harmony with the appropriate and orderly development of the neighborhood in which it is located in the fact that the Board, after a reinspection of the property for a second time, found that the slight distance at the intersection of Runnymeade Drive and Poole Jones Road to the west is extremely poor due to the steepness of the road going in the westerly direction and is also extremely poor in the easterly direction due to the fact that there is almost a 90 degree bend in Poole Jones Road as it heads towards Oposumtown Pike.

3. The Board further finds that the special exception would be more objectionable to nearby properties by reasons of noise generated by occupants of the private school, in the facilities that the occupants would be utilizing are not screened from the adjacent residential properties.

4. The Board further finds that the proposed use of the property as a private school could create a potential inadequate water supply that would adversely affect all the residents of Cloverhill Subdivision.

5. The Board feels that the use as outlined by the Applicant seems to be commercial and would be encroaching on the residential character of the neighborhood. The fact is supported by testimony from the Applicant when he stated that his monthly postage bill for mailing out pamphlets, books and other printed material is approximately $20.000 a month and that the administrative offices for the Gotach Center and for the national foundation of holistic medicine would be operated from the subject property."

The circuit court found that there was substantial evidence before the board to support those findings, and on that basis affirmed. Gotach now asks us:

"I. Did the Board of Appeals fail to apply the proper legal standard in considering the impact of Appellant's proposed special exception on adjoining properties?

II. Was the decision of the Board of Appeals, denying Appellant's request for a special exception to operate a private school, unsupported by the evidence and as a result, arbitrary, capricious and illegal?"

The first issue raised by Gotach is based on the supposition that, in considering the application, the board improperly applied the standard enunciated by the Court of Appeals in *Schultz v. Pritts*, 291 Md. 1 (1981), rather than that set forth in the county zoning ordinance (§ 11-19-48, *supra*), which, it argues, follows the test stated by this Court in *Gaul v. Atlantic Refining Co.*, 27 Md.App. 410 (1975).

In *Gaul*, the county zoning board had denied a special exception on a number of grounds, one of which was its conclusion that the proposed use would adversely affect the surrounding property by creating undue traffic congestion on a presently inadequate and hazardous road network. In reviewing that determination, we said, at 417-18, that "[w]here . . . the potential volume of traffic under the requested use would appear to be no greater than that which would arise from permitted uses, we believe it arbitrary, capricious and illegal to deny the application for special exception on vehicular traffic grounds." The comparison, then, under *Gaul*, as to traffic, was whether the proposed use would create conditions worse than any use permitted without special exception. That, for the most part, was the analysis used by Messrs. Smariga, Laughland, and Rothenhofer on behalf of Gotach as to traffic, water usage, and general compatibility.

In *Schultz v. Pritts*, the Court of Appeals, proceeding upon a different analysis, concluded that, ordinarily, the test stated in *Gaul* was not the proper one to use in considering special exceptions. It held, in relevant part, at 20-23:

"Generally, when a use district is established, the zoning regulations prescribe that certain uses are permitted as of right (permitted use), while other uses are permitted only under certain conditions (conditional or special exception use). In determining which uses should be designated as permitted or conditional in a given use district, a legislative body considers the variety of possible uses available, examines the impact of the use upon the various purposes of the zoning ordinance, determines which uses are compatible with each other and can share reciprocal benefits, and decides which uses will provide for coordinated, adjusted, and harmonious development of the district.

Because the legislative body, in reaching its determination, is engaged in a balancing process, certain uses may be designated as permitted although they may not foster all of the purposes of the zoning regulations and, indeed, may have adverse effect with respect to some of these purposes. Thus, when the legislative body determines that the beneficial purposes that certain uses serve outweigh their possible adverse effect, such uses are designated as permitted uses and may be developed as a matter of right although a particular permitted use at the particular location proposed would have an adverse effect above and beyond that ordinarily associated with such uses. . . .

When the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses.

* * *

We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." [Footnote omitted; emphasis added.]

In summary, the distinction between the *Gaul* and *Schultz* tests is this: under *Gaul*, the focus is on whether, with respect to a given factor stated in the ordinance, the proposed conditional use would affect the neighborhood more adversely than any of the uses permitted without special exception. Under *Schultz*, the possible effects of permitted uses are not considered; the focus, rather, is on whether, with respect to that factor, the proposed conditional use would have a more adverse effect on the particular location at issue than it would have generally in the zone. However, why a county