

IN RE: PETITION SPECIAL HEARING	*	BEFORE THE
S/S of Berkfield Road, approx-	*	ZONING COMMISSIONER
imately 50' E of the center-	*	
line of Landover Road	*	OF BALTIMORE COUNTY
(8407 Berkfield Road) -	*	
15th Election District	*	Case No. 86-178-SPH
Philip E. Giannino, et ux,	*	
	*	
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval to construct a two-family dwelling and to permit a Class A group child day care center (center), as more particularly shown on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Phyllis Giannino, the Petitioners' daughter and Director of the proposed center; Kenneth Tag, a contractor; and John Kratz and Graham Ruley, nearby residents, also testified on behalf of the Petitioners. Robert Murphy, a nearby resident, and numerous other individuals appeared in opposition. See Protestants' Exhibit 9.

Testimony indicated that the subject property, zoned D.R.5.5 and located off Pulaski Highway and Old Philadelphia Road, was first purchased by the Petitioners in 1955 and was improved with a single-family detached dwelling. In 1966, the State condemned the property for the purpose of extending Route 702 and the house was removed. However, the State decided not to proceed and the Petitioners bought the vacant lot back in 1984. They now wish to construct a two-family dwelling with a day-care center on the lot, which is located on Berkfield Road.

The proposed plan is for Ms. Giannino to reside in one apartment and operate the center located in the rear of the dwelling and to rent the second

Issues raised by the Protestants include the application of the Residential Transition Area (RTA); the language of Section 424.4.A, which limits Class A group child day care centers to single-family detached dwellings; failure of the Baltimore County Zoning Plans Advisory Committee (ZPAC) to review the proposed center, and failure to advertise the center in two newspapers.

Section 424.4.A.6.d, BCZR, addresses the RTA issue by permitting the Zoning Commissioner to modify Section 1B01.1.B.1.b.3, BCZR, as it pertains to such use in D.R. zones. The fact that the proposed center, as an accessory use, is a residential transition use does not preclude it from being permitted.

The fact that the ZPAC did not consider the center in its comments to the Zoning Commissioner also does not preclude its consideration and determination by the Zoning Commissioner after a public hearing. The ZPAC is an outgrowth of the Joint Zoning Advisory Committee (JZAC), which was established by Section 22-22(i), now Section 22-24(i), Baltimore County Code (BCC). The JZAC was created to advise the Zoning Commissioner on all zoning reclassification petitions. Section 22-26, BCC, requires that all variance and special exception petitions be forwarded to the Director of Planning for his consideration and written comments.

Since the Zoning Commissioner no longer entertains reclassification petitions and since the Petition filed herein is not for a variance or special exception, no regulation exists requiring a petition such as the instant one to be forwarded to anyone or any committee before the Zoning Commissioner may conduct a hearing. Indeed, reference to the ZPAC is only found in the Rules of Practice and Procedure of the Zoning Commissioner, Rule II, Sections A and C, promulgated pursuant to Section 500.8, BCZR, and its purpose is to prepare written comments for the Zoning Commissioner's consideration.

The "child day care" legislation imposes certain statutory requirements and limitations on such facilities and requires that owners of such facilities file

The remaining issue raised by the Protestants is that a Class A group child day care center is not permitted in a two-family dwelling. They are correct. Section 424.4.A is clear and unambiguous.

There is a strong presumption of the correctness of original zones and of comprehensive zoning. Howard County v. Dorsey, 438 A.2d 1339 (1982). There is a presumption of validity that must be accepted. Johnson & Wales College v. DiPiete, 448 A.2d 1271 (R.I., 1982). When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Bevilacqua, 432 A.2d 661 (R.I., 1981). Section 413.2, BCZR, is clear and unambiguous.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be 'considered in its entirety, and in

"Zoning regulations are in derogation of common law rights and they cannot be construed to include or to exclude by implication that which is not clearly within their express terms." Yokely, Zoning Law & Practice, Sections 1-4 and 25-8; Aspen Hill Venture v. Montgomery County, 265 Md. 303 (1972). Landay v. MacWilliams, 173 Md. 460 (1938) a/k/a Landay v. Bd. of Zoning Appeals. Zoning regulations must be strictly construed and cannot be extended by implication to prohibit uses not clearly within their scope. Gino's of Maryland, Inc. v. Baltimore, 250 Md. 621 (1968); McQuillin, Municipal Corp., Section 25.72.

They also argued that the request for a multi-family dwelling should not be permitted.

Testimony was uncontroverted that such dwellings do not exist anywhere throughout Section 2 of Berkfield, which was approved by the Planning Commission of Baltimore County on October 29, 1952. See Record Plat Book, G.L.B. No. 18, page 65. In 1952, developments were approved under the 1945 BCZR, which permitted single-family and two-family dwellings, defined as a detached dwelling arranged or used for occupancy by not more than two families as separate house-keeping units, with not more than one entrance on any side and with one house-keeping unit over the other. The Petitioners propose such a dwelling here. Section 103.1 provides that the 1955 BCZR would not apply to any development, subdivision, or parcel of land for which the preliminary plan was originally submitted and approved or tentatively approved by the Planning Commission and would be governed by the law then in effect. Although the record plat does not show envelopes, it is obvious that the intent was to construct single-family dwellings by the subsequent construction undertaken by the developer.

It is clear that the language contained in Section 103.1 applies only to those plats submitted and approved and where substantial construction was begun prior to the adoption of the 1955 BCZR. The issue in this case is whether the

the mixture of single-family and two-family dwellings. If so, such a mixture would have been reflected on the plan itself and in the construction of the homes pursuant thereto.

Therefore, after due consideration of the testimony and evidence presented, construction of a two-family dwelling on this lot will not be approved. However, the Petitioners have presented sufficient evidence and have met their burden under Section 424.4 to establish a Class A group child day care center on this lot if accessory to a single-family detached dwelling, provided the conditions precedent to the granting of the center, as they are delineated below, are satisfied. A Class A group child day care center is permitted as a matter of right in a D.R.5.5 Zone, subject to certain conditions which must be met to the satisfaction of the Zoning Commissioner. These are delineated by legislation, and the Petitioners have satisfied these conditions.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the request to construct a two-family dwelling on the instant lot should not be granted and the request for a Class A group child day care center, accessory to a single-family detached dwelling, should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of November, 1985, that a single-family dwelling and a Class A group child day care center is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. A revised site plan shall be submitted to the Zoning Commissioner for approval showing the following:
 - a. the size of the play area in the rear of the lot, which shall satisfy the requirements of the Department of Health;

APPLICATION FOR
CHILD CARE CENTER

USE PERMIT

This Use Permit is requested in accordance with Sections 424.5 and 500.4 of the Baltimore County Zoning Regulations.

Proposed Child Care Center Location:

Election District 15th
Subdivision Berkfield
Lot Number #4 Block Number C
Street Address 8407 Berkfield Rd.
If no Lot or Block Number, give distance to nearest
intersecting street 50 feet, North/South/East East of Centerline
West of Landover Street/Road/Avenue
Lot Size 57 x 155

Existing Nearest Child Care Center Location: (Lot Number, Street Address, etc.)

Prince of Peace Day Care Center
8212 Philadelphia Rd.
Baltimore, Md. 21237 866-1585

General Information:

- A. Name & Address of applicant/operator
Philip E. and Marie R. Giannino applicants operator: Phyllis Giannino
8015 Caradoc Drive same
Baltimore, Md. 21237 866-2445
- B. No. of employees 2 Hrs. of operation 7:00 a.m. - 5:30 p.m.
- C. Number of children enrolled 12
- D. Estimated amount of traffic generated:
Morning Max. 12 Afternoon Max. 12
- E. A Site Plan, drawn to scale, indicating location and type of structure on the lot in question, location and dimensions of play area(s), parking arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit
- NOTE → F. A snapshot of the structure Building has not been constructed

I am aware that the Zoning Regulations require that the above property be posted for a period of thirty (30) days prior to the Zoning Commissioner taking any action, that said posting (sign) shall include information relative to the number of children, hours of operation, and number of employees, and that I am responsible for, and hereby agree, to pay expenses for all posting, advertising and filing fees.

Philip E. Giannino 7/25/85
Marie R. Giannino 7/25/85
(Applicant's Signature)

ZONING PLAT FOR PROPOSED TWO-FAMILY DWLG.

MR. + MRS. PHILIP
GIANNINO

15+L E.D.

ZONED D.R.5.5

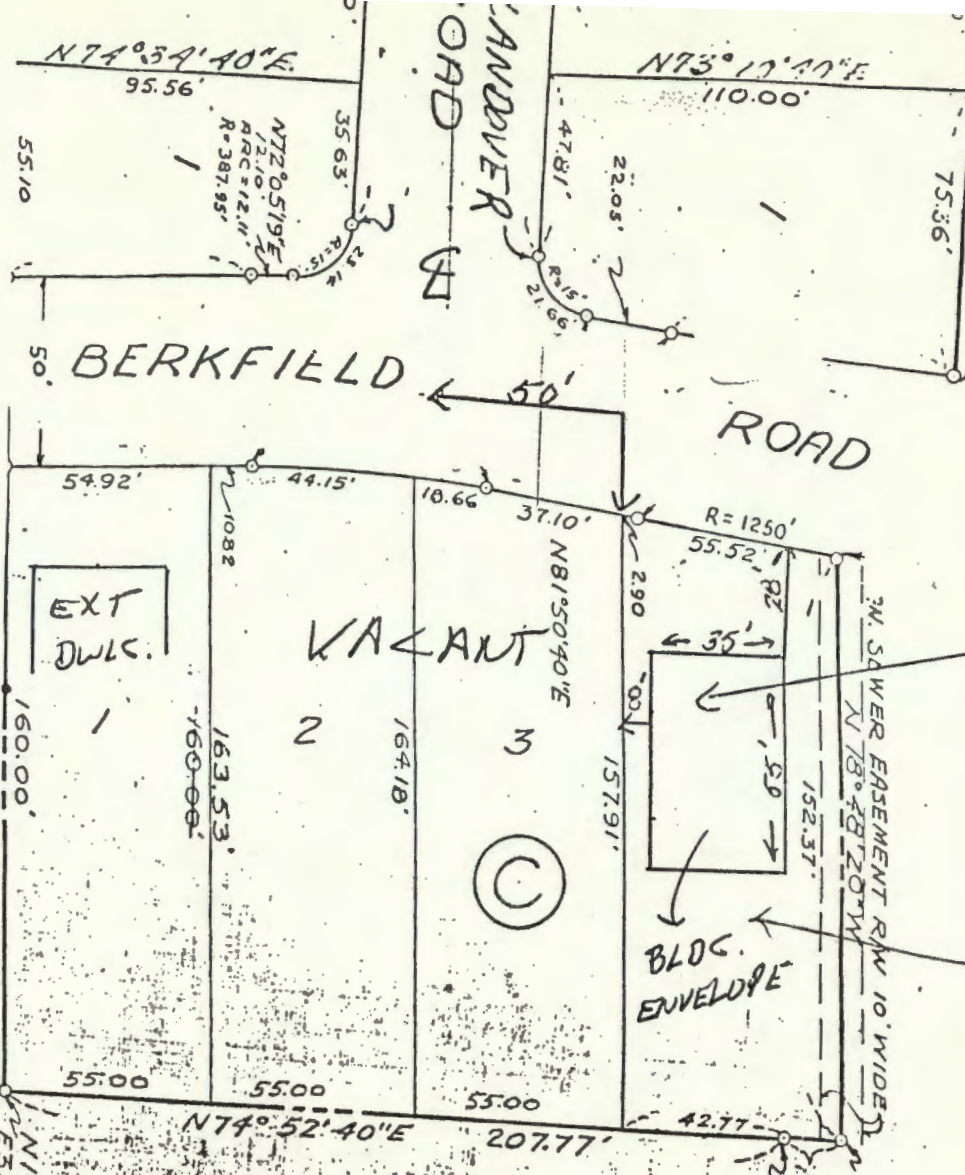
LOT #4

BERKFIELD SECTION 2

BOOK 18 FOLIO 65

EXISTING UTILITIES
IN ROAD

SCALE 1" = 50'



PROPOSED
TWO-FAMILY
DWELLING
WITH
GROUP CHILD
CARE CENTER
CLASS A (1ST FL)

PROPOSED
PLAY
AREA

OWNERS WILL TAKE FULL RESPONSIBILITY
AS TO THE INFORMATION PROVIDED ON
SAID PLOT PREPARED BY BALTO. CO.

Philip Giannino 7-25-85
OWNER DATE

Philip Giannino

8015 ~~Canada~~ Ave

21237

806-2445

P62 fby
The 950d
Berkfield Rd
& Homers Rd
Post AS. AP
Asst
30062

8015 Canada Ave
Com. Ind. Bldg.
of Homers Rd

IT WOULD LEAD TO COMMERCIALIZATION OF WHAT IS NOW A STRICTLY RESIDENTIAL NEIGHBORHOOD.

Day Care Center would be residential.

Before building, any other property would have to post signs as to intent.

THE PEACE AND TRANQUILITY OF THE NEIGHBORHOOD WOULD BE DISRUPTED BY THE ADDITIONAL NOISE THAT WOULD RESULT.

The children would be confined to the back yard, which would be enclosed by a privacy fence.

The fence would have a two fold purpose.

1. To keep children in.
2. To ~~keep~~ animals away from the children and to keep people from feeding the children.

There no no houses in the back of the immediate property.

Children would not be outdoors during the entire dayonly at scheduled times.

OVER A PERIOD OF TIME, CHILD DAY CARE CENTERS DEVELOP AN UNSIGHTLY APPEARANCE WHICH WOULD RESULT IN A NEGATIVE IMPACT ON PROPERTY VALUES.

Since the day care center will be in the back, I foresee no unsightly appearance in the front of the house, and in the event that this should occur, a letter or phone call to the proper authorities would clear up the matter.

ADEQUATE PARKING DOES NOT EXIST TO ALLOW PARENTS TO SAFELY DROP OFF AND PICKUP CHILDREN.

The center would only be licensed for 12 children. They would not all arrive at the same time. Only a max. of 12 cars would come, twice each day.

The lady at 1235 Kendrick Rd. took care of 8 children in her home. She had adequate parking. No one got a petition against her.

BERKFIELD ROAD LEAD TO HEAVILY USED ROSEDALE PARK. THE HIGH VOLUME OF TRAFFIC, PARTICULARLY FOR SPORTING EVENTS, COULD POSE SERIOUS THREAT TO THE SAFETY OF THE CHILDREN.

How come it did not pose a threat to the property of 1235 Kendrick Rd. which is closer to the park.

The Park has 2 entrances.

The center is located by ⁴~~X~~ NO THRU STREETS, which means the parents would not even go up any streets in the development.

slow
Printed
7/31/85

MUST BE
POSTED BY
AUG. 5

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

DAY CARE CENTER

Your proposed petition for ~~amendment~~ has been reviewed and
accepted by this office on 7/30.

A decision concerning this amendment is tentatively scheduled
to be rendered on 8/9/4.

Anyone who desires a public hearing concerning said amendment
has until the close of business on 8/29 to demand
said hearing.

A sign indicating the proposed amendment will be posted on
this property for fifteen ~~(15)~~ days before the above date
at a cost of \$5.00. 30

If a hearing is not requested, the tentative decision date
shall cease to be tentative and the decision shall be
rendered on this date.

USE PERMIT

E. Play area will be to the rear of the first floor.

It will be enclosed by a privacy fence and will include:

swing set

sand box

and

possibly a sliding board.

The privacy fence will extend only ~~from~~ the back of the house.

Philip E. Giannino 7/25/85
Marie Giannino 7/25/85

Case: 86-178- SPH

2 Family Dwelling

Section III, A3,

Day Care Center: Sec. 424.4.A.3

October 28th, Room 106

111 Chesapeake Ave. County Office Building

PEOPLE IN FAVOR OF DAY CARE CENTER

Graham Ruley - 687-5266

(Call 6:00 or 6:30 p.m.)

John Kratz - 686-7708

Ken Tag - 435-3763

(Builder)



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 14, 1984

Mr. Phillip E. and Marie R. Giannino
8015 Caradoc Dr.
Baltimore, Maryland 21237

RE: Demand for a public hearing on a
proposed class A child care center
8407 Berkfield Road
S/S Berkfield Road, 50 ft. E of the
centerline of Landover Road extended
15 th Election District

Dear Mr. and Mrs Giannino,

The purpose of this letter is to notify you that the posting of your property for the above-referenced proposed child care center has resulted in a demand for a public hearing by Robert C. Murphy, Jr. on August 12, 1985.

If you wish to proceed, you must apply for a public special hearing without delay before the Zoning Commissioner. This procedure takes about 90 days to complete, and you would be responsible for paying \$100.00 filing fee plus the posting and advertising.

Since you have already filed for a special hearing on July 30, 1985 for the erection of a two-family dwelling, you may amend your request to include the child care center to be processed concurrently and no additional fees will be charged. If you wish to proceed, you should see me in this office as soon as possible to make these changes in the petition. If we do not hear from you within thirty days, it will be assumed that you have withdrawn your request for a child care center.

If you have any questions concerning this procedure, please call me in this office at 494-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Associate 111

cc: Mr. Robert C. Murphy Jr.
1222 Landover Road
Baltimore, Maryland 21237



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 14, 1985

Mr. Robert C. Murphy, Jr.
1272 Landover Road
Baltimore, Maryland 21237

RE: Demand for a Public Hearing on a
Proposed Class A Child Care Center
8407 Berkfield Road
S/S of Berkfield Road, 50 feet E of
the Centerline of Landover Road Extended
15th Election District

Dear Mr. Murphy:

This office has accepted your demand for a public special hearing on the above-referenced proposed child care center. Therefore, pursuant to Sections 424.4.A.3 and 500.7 of the Baltimore County Zoning Regulations, a public hearing is required if the applicant wishes to pursue the request.

I have enclosed a copy of the notification letter and, as you have requested, a copy of the procedural steps for all petitions. If the applicants decide to proceed, there will be another sign posted on the property 15 days prior to the hearing, giving the date, time, and place, as outlined in paragraph 5 of the enclosed procedural steps.

If you need any additional information concerning this procedure, you may visit this office and review the case file, or call me at 494-3391.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", is written over the typed name.

W. CARL RICHARDS, JR.
Zoning Associate III

WCR:nr

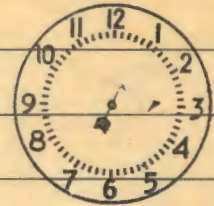
Enclosures

cc: File

Zoning Commissioner
Baltimore County Office Bldg.
Towson, Maryland 21204

8/12/85
to JD
g
R.C. Murphy, Jr.
1222 Landover Rd.
Baltimore, Maryland 21204
8-6-85
AUG 12 AM

86-394 ucr



Dear Sir:

I am writing in reference to a zoning notice recently posted in my neighborhood. The notice is for 804 Berkfield Rd, in the Berkfield development, Rosedale 21237.

I request as required on this notice that this zoning matter please be set for a hearing. This is my formal request of a hearing.

I request that your office please promptly supply guide or rules for procedure at this hearing and guide or rules of evidence for same.

Thank you for your assistance & co-operation

Appl. for Class D Day Care Center
8407 Berkfield Road

Yours Truly
Robert C. Murphy

Lot # 2 Blk B

Sect 2 Blk 18-65 Berkfield

15-19-848523

(110'-120' from Prop. Day Care)
ucr 8/13/85

86-503
NCK

1 of 5

August 9, 1985 26 AM

Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake
Towson, Maryland 21204

Ref: Zoning Notice for 8400 Block Berkfield Road
Rosedale, Maryland 21237
Request for use permit for Child Day Care Center

☐ Ans
☐ Rec
☐ PAI
☐ Entd
☐ Chkd



ZONING DEPARTMENT
By

To Whom It May Concern:

The below signed neighbors protest the use of the above mentioned property as a Child Day Care Center for the following reasons;

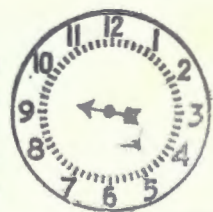
1. Residents have an inherent fear of commercialization of a strictly residential community.
2. Child Day Care Centers, over a period of time, have a tendency to develop an unsightly appearance which would detract from the atmosphere of our neighborhood as well as negatively impacting property values.
3. Sufficient room does not exist to provide adequate parking for parents dropping off and picking up children.
4. The peace and tranquility of a quite residential neighborhood would be disrupted by the additional noise.
5. There is serious concern over the safety of the children themselves. Berkfield Road is a heavily traveled direct route to a public park. Rosedale Park and its adjoining athletic fields are heavily used during all sports seasons and the resulting high volume traffic poses a threat to the safety of all present residents. Establishment of a Child Day Care Center here would possibly set the stage for a tragedy.

For these reasons the following neighbors feel that any request for a Child Day Care Center Permit should be denied.

**PROTESTANTS
EXHIBIT**

AUG 26 '85 AM

☐ Ansd
☐ Recd
☐ Retd
☐ Entd
☐ Chkd



ZONING DEPARTMENT
By

William C. Barker	1225 Kendrick Rd.	21237
Helen E Barker	1225 Kendrick Rd.	21237
James W. Elgenfutz	1226 Kendrick Rd.	21237
Helma M. Elgenfutz	1226 Kendrick Rd.	21237
Thomas J. Elusse	1228 Kendrick Rd.	21237
John F. McElmough	1232 Kendrick Rd.	21237
Catherine M. McElmough	1232 Kendrick Rd.	21237
Fredrick A. Hamel	1238 Kendrick Rd.	21237
Rita M. Hamel	1238 Kendrick Rd.	21237
Ronal E. Rouch Jr.	1241 Kendrick Rd.	21237
Norma Rouch	1241 Kendrick Rd.	21237
John Ruth	1239 Kendrick Rd.	21237
Donna Ruth	1239 Kendrick Rd.	21237
Richard J. Haney Sr.	1235 Kendrick Rd.	21237
Eileen J. Haney	1235 Kendrick Rd.	21237
Mary Albert	1227 Kendrick Rd.	
Anthony J. Albert	1227 Kendrick Rd.	
John J. Kith Jr.	1229 Kendrick Rd.	
Charles Walfe	1230 Kendrick Rd.	
Kathryn Walfe	1230 Kendrick Rd.	
Tommy Stuchillo	1222 Kendrick Rd.	21237
Ann Kowalski	1240 Kendrick Rd.	21237

Uerna B. Murphy	1222 Landover Rd 21237	682-3581
Robert J. Starnett	1219 Landover Rd 21237	686-5783
Alma Jane Starn	1221 Landover Rd. 21237	686-5166
Mary K. Stachurski	1227 Landover Rd. 21237	682-2926
Ann J. Tabak	1229 Landover Rd 21237	574-1917
Mr & Mrs Charles Mainick	1233 Landover Rd 21237	686-0699
Mr. & Mrs. Wm. F. Roehlitz	1235 Landover Rd. 21237	686-1046
Mrs and Mrs J. Boehlman	1239 Landover Rd. 21237	687-4915
Edward Plack	1238 Landover Rd 21237	687-4052
Harriet Plack	1240 Landover Rd 21237	687-6999
Mr. & Mrs. John Cury	1236 Landover Rd. 21237	391-6158
Eric DeLa	1234 Landover 21237	686-5887 686-5770
Mary Hersel	1223 Landover Rd. 21237	391-3219
Mr J.A. Mennahan	1228 Landover Rd 21237	686-7250
Virginia Mennahan	1228 Landover Rd. 21237	686 7250
Chas Hulseberg	1226 LANDOVER Rd 21237	686-9295
Stephen Turner	1232 LANDOVER Rd 21237	682-3895
Benjamin Brenshaw	1231 Landover Rd 21237	686-8922
Robert C. Murphy, Jr.	1222 Landover Rd 21237	682-3581
Mr & Mrs Charles Bohrer	1224 Landover Rd 21237	686-75
Miss Gloria J. Bohrer	1224 Landover Rd. 21237	
Mr. Francis Sowienski	1237 Landover Rd 21237	
Mrs. Mary E. Sowienski	1237 Landover Rd. 21237	
Miss Carol Sowienski	1237 Landover Rd. 21237	391-3364
Miss Paula A. Sowienski	1237 Landover Rd. 21237	

4 of 5

Pearl M. Pierson	1213 Berk Ave.	687-3916
Edward P. Kacon	1220 Berk Ave	686-8113
Valerie E. Rosenfeld	1219 Berk Ave.	686-5113
Frank Pierson	1213 Berk Ave	687-3916
Bruce D. Rosenfeld	1219 Berk Ave.	686-5113
Nawn Rosenfeld	1219 Berk Ave-	686-5113
Eric J. Rosenfeld	1219 Berk Ave.	686-5113
Ana M. Lazzari	1223 Berk Ave.	686-3629
Louis J. Lazzari	1223 Berk Ave.	686-3629
Mary E. Medsker	1225 Berk Ave.	687-0911
Ann Medsker	1225 Berk Ave	687-0911
Ann Medsker	1227 Berk Ave.	574 8164
Linda Delphore	1227 Berk Ave	574 8164
Barbara J. Delph	1233 Berk Ave	574-3173
Erin Shaw	1230 Berk Ave	487-2350

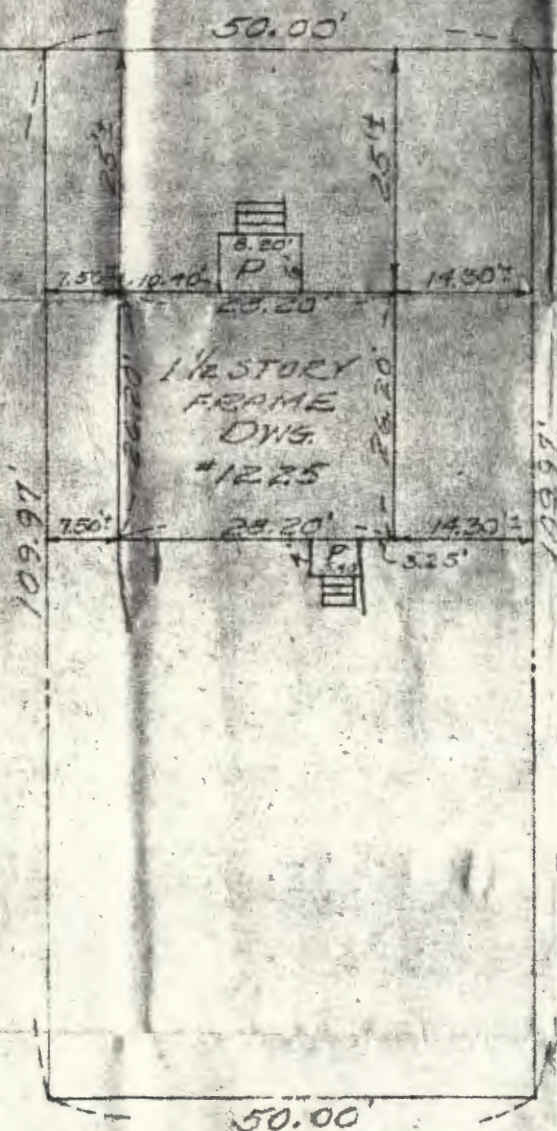
Ida Nowicz	1232 Berk. Ave.	574 -
Frank J. Nowicz	1232, BERK AVE	832 1

Margaret Leane	1234 Berk Ave	686-1361
Charlotte Litton	1228 Berk Ave	686-0494
Helen Shaw	1230 Berk Ave	687-2550
Beverly Shaw	1230 Berk Ave	687-2350
Nancy D. Westfall	1226 Berk Ave	686-4725
Ellen Breeden	1224 Berk Ave.	687-0434
Dorothy Breeden	1224 Berk Ave	687-0434
Marge Breeden	1224 Berk Ave.	687-0434
Ruth Z. Leane	1211 Berk Ave.	391-1038

Paul Ineiga	1222 BERK AVE	514-7149
Thelma Koon	1220 Berk ave	686-8113
Morothy Sickenberger	1214 Berk Ave.	682-3780
Mrs Frances Ann Amiger	1212 Berk Ave	687-2817
Stella B Jager	1208 Berk ave	687-7653
Frank Janiewicz	1208 Berk Ave	687-7653
Thomas A Smith	1209 Berk Ave	391-2891
James Leonard	1207 Berk ave	687-6968
George Amiger	1212 Berk Ave	687-2817
Patricia J. Maly	1221 Berk Ave.	391-1548
Sharon A. Shickell	1221 BERK AVE	391-1548
Mary K. Smith	1209 Berk Ave	391-2891
Frank Sickenberger	1214 Berk Ave	682-3780
James R. Deibel	1215 BERK AVE	687-0356
Walter Williams	1217 BERK AVE	686-7280
Ronis Thomas	1218 Berk Ave.	687-4842
Catherine Kropp	1216 Berk Ave	686-6185
Margaret Kozlowski	1218 Berk Ave.	687-4842
Leon P. Hampski	8401 BERKFIELD R.	391-6139
Silvian Lumnash	SAME	SAME
Francis M. Kozlowski	1218 BERK AVE.	687-4842
William Donald Reese	1211 BERK AVE	391 1038
Karol J. Kropp	1216 BERK AVE	686-6185

15TH ELECTION DISTRICT OF BALTO. CO., MD.

KENDRICK ROAD
(50 FT. WIDE)

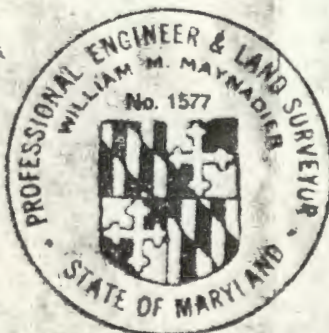


HOUSE LOCATION PLAT

LOT 4 BLOCK "E"
SECTION No. 3
"DERRFIELD"

PLAT BOOK B.L.B. No. 20 FOLIO 105
#1225 KENDRICK ROAD

PROTESTANT'S
EXHIBIT 2



THE INFORMATION ON THIS PLAT SHOWS
ONLY THAT THE IMPROVEMENTS INDICATED
HEREON ARE CONTAINED WITHIN THE OUT-
LINES OF THE LOT UPON WHICH THEY ARE
ERECTED, AND IS NOT TO BE CONSTRUED
AS AN ESTABLISHMENT OF PROPERTY LINES.

WM. M. MAYNADIER - COUNTY SURVEYOR
REGISTERED ENGINEER'S LAND SURVEYOR
ROOM 4 CLYDEMAN BLDG. TOWSON 7, MD.
SCALE 1" = 20' JULY 16, 1955

YEAR

SCHEDULE OF SCHOOL EVENTS

DATE	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
1		Yom Kippur			New Year's Day			Passover		
2										
3	Labor Day off									
4	1st day of school							Good Fri.		
5										
6								Easter		
7										
8		Columbus Day								
9										
10										
11									Mother's Day	
12						Lincoln				
13										
14						Valentine's Day				
15										Father's Day

PETITIONER'S
EXHIBIT

SCHEDULE OF SCHOOL EVENTS

[illegible]

SCHEDULE OF SCHOOL EVENTS

[illegible]

86-4/4
AG-929-156

8/14/85
TO C
8

PROTESTANT'S EXHIBIT 3

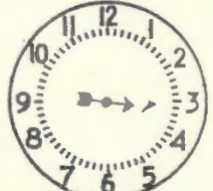
T. J. Crusse 686-7813
1228 Kendrick Road
Rosedale, Maryland 21237

August 12, 1985

AUG 14 AM

Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake
Towson, Maryland 21204

☐
☐
☐ Re
☐
☐ Chkd



ZONING DEPARTMENT
By

To Whom It May Concern:

Ref: Zoning Notice 8400 Block Berkfield Road
Rosedale, Maryland 21237

Request for permit for use as a Child Day Care Center

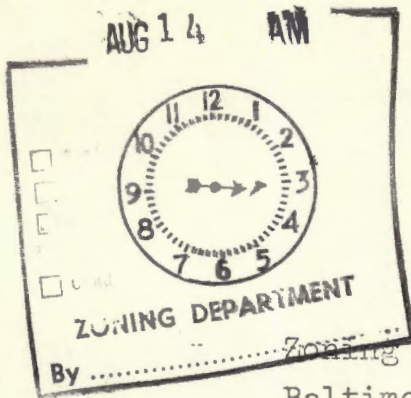
I would like to protest the issuance of any such permit for the following reasons;

1. It would lead to commercialization of what is now a strictly residential neighborhood.
2. The peace and tranquility of the neighborhood would be disrupted by the additional noise that would result.
3. Over a period of time, Child Day Care Centers develop an unsightly appearance which would result in a negative impact on property values.
4. Adequate parking does not exist to allow parents to safely drop off and pick up children.
5. Berkfield Road leads to heavily used Rosedale Park. The high volume of traffic, particularly for sporting events, would pose a serious threat to the safety of the children.

For these reasons I protest any permit for use as a Child Day Care Center in my neighborhood.

Called 8/15/85
WCR

Sincerely,
Thomas James Crusse



86-414
AG-900-WCR

8226 Kendrick Rd.
Balto. Md. 21237

August 12, 1985

Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake
Towson, Maryland 21204

**PROTESTANT'S
EXHIBIT**

To Whom It May Concern:

Ref: Zoning Notice 8400 Block Berkfield Road
Rosedale, Maryland 21237

Request for permit for use as a Child Day Care Center

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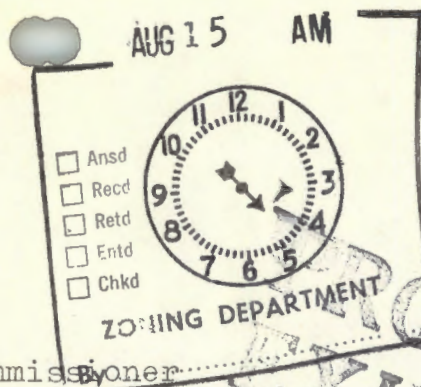
JAMES W. ILGENFRITZ
THELMA M. ILGENFRITZ
1226 KENDRICK ROAD
BALTIMORE, MD 21237

686-4413
Called 8/15
WCR

Sincerely,

James W. Ilgenfritz
Thelma M. Ilgenfritz

86-427
HCR



86-427
HCR
687-3687

W. C. Barker
1225 Kendrick Road
Rosedale, Maryland 21237
August 12, 1985

Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake
Towson, Maryland 21204

PROTESTANT'S
EXHIBIT

To Whom It May Concern:

Ref: Zoning Notice 8400 Block Berkfield Road
Rosedale, Maryland 21237

Request for permit for use as a Child Day Care Center

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For these reasons I protest any permit for use as a Child Day Care Center in my neighborhood.

Sincerely,

W. C. Barker

Called 8/15/85
WCR

86-488
XCR

AUG 22 AM



Filed
Chkd

ZONING DEPARTMENT

By

August 12, 1985

8106 Pinecrest Avenue
Baltimore, Maryland 21237

PROTESTANT'S EXHIBIT 6

Zoning Commissioner of Baltimore County
Zoning Commissioners Office
11 N. Chesapeake Avenue
Towson, MD 21204

Appl. for Cclass to Day Care Center

RE: 8405 & 8407 Berkfield Road,
Rosedale, Maryland 21237

Dear Sir:

I am writing regarding the zoning notice which is posted on 8407 Berkfield Road, Rosedale, Maryland referring to the construction of a day care center. My property is located at 8405 Berkfield Road, adjacent to where the proposed day care center is to be located.

When my property was first put up for sale, I was receiving 3-4 calls per day inquiring about the lot. Since the notice has been posted, I have lost 3 very good prospects who say they do not want to live next to a day care center and declined their offers to purchase the lot. Within the last 3 weeks, my calls regarding the purchase of the property have declined to 2-3 per week.

Therefore, I am contesting the construction of this day care center as it has greatly inhibited the sale of my lot and is depreciating the value of my property.

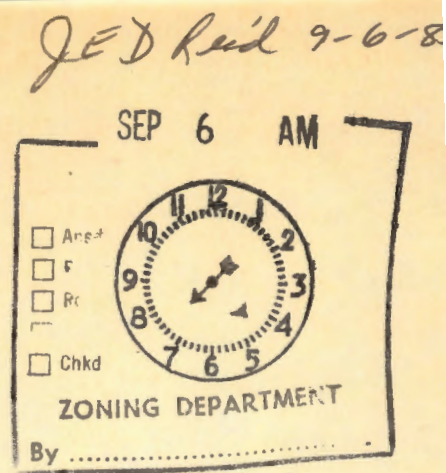
Very truly yours,

John J. Welsch Sr.

John J. Welsch, Sr.

9-546-85

September 5, 1985



Mr. Carl Richards
Dept. of Zoning
111 W. Chesapeake Ave.
Towson, Maryland 21204

Dear Carl,

Enclosed please find check in the amt of two dollars (\$2.00)
to cover xerox copies of the 4 page petition on the
Berkfield Day Care Center dispute.

I have enclosed a stamped self-addressed envelope for your
convenience.

Thank you.

Marie R. Giannino

Marie R. Giannino

8015 Canadoc Drive

Baltimore, Md. 21237

866-2445

SENT COPIES
9-6-85 SWJ



1
Closeup of Existing
Dwelling in
Berkfield Development



2
West side Sandover Rd

~~PETITIONER'S
EXHIBIT~~
PROTESTANT'S
EXHIBIT



3

Eastside Landover Rd



4

Westside Kendrick Rd



5

Eastside Berk Ave



6

facing West on Berkfield



9

Parking control signs on
South side of Berkfield Rd



10

Parking control sign on
North side of Berkfield Rd



11

Close Up of Sign

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

No. 007413

DATE

7/30/85

ACCOUNT

R-0-015-000

AMOUNT

\$

5.00

RECEIVED
FROM:

Mr. & Mrs. Guarnino

FOR:

Posting fee for Day Care Center
0859*****
Date Permit

VALIDATION OR SIGNATURE OF CASHIER

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

No. 012571

DATE 9-6-85 ACCOUNT R-01-615-000

AMOUNT \$ 2.00

RECEIVED Philip Giannino
FROM: _____

Xerox Copies
FOR: _____

8 814 ***000027013 2002F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Amendment

District: _____

Date of Posting: *8/3/85*

Posted for: *Amendment - for Day Care Center*

Petitioner: *Mr. + Mrs. Philip Giannino*

Location of property: *5/3 Borkfield Rd. 43' SE of center line of Landover Rd.*

Location of Signs: *Facing Borkfield Rd, approx. 10' Fr. roadway + 89' E from center line of Landover Rd. on property of Petitioner*

Remarks: _____

Posted by: *W. J. Healy*
Signature

Date of return: *8/9/85*

Number of Signs: *1*