

IN THE MATTER OF  
THE APPLICATION OF  
JANET LEE SIMPSON, ET AL.  
FOR SPECIAL HEARING ON  
PROPERTY LOCATED ON THE NORTH  
SIDE OF BOYCE AVENUE, 175' EAST  
OF THE NORTH SIDE OF BOYCE AVENUE  
(1506 BOYCE AVENUE)  
9th ELECTION DISTRICT  
4th COUNCILMANIC DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
CASE NO. 87-367-SPH

AMENDED ORDER

On March 21, 1988, the Circuit Court for Baltimore County ordered that Case No. 87-367-SPH be remanded to this Board for further consideration. Accompanying this Request for Remand is an agreed-to list of amendments and restrictions. A comparison between the agreed-to list and the original Order indicates no changes as to the intent and purposes of the original Order of the Board but merely the addition and clarification of certain restrictions.

This Board is of the opinion that this Amended Order is therefore in order.

ORDER

It is therefore this 8th day of April, 1988 by the County Board of Appeals of Baltimore County ORDERED that the following amendments and restrictions to the original Order of the Board dated August 25, 1987 be and the same are GRANTED:

1. That the amendment to the original site plan granting the transfer from the mother, Blanche Hutchinson, to the daughter, Janet Lee Simpson, be granted.
2. That the amendment to the original special exception requesting the operating hours of 7:00 a.m. to 9:00 a.m. and 1:00 p.m. to 5:30 p.m. for the day care center be granted.
3. That the amendment to permit the nursery school to operate from 9:00 a.m. to 1:00 p.m. be granted.
4. That any change in operation or ownership of the nursery, kindergarten, or pre-school shall require a special hearing pursuant to Section 500.7.

Case No. 87-367-SPH  
Janet Lee Simpson, et al

5. The special exception granted in 1962, Case No. 56-47-XA, shall terminate if the owner/operator of the facility does not reside on the property.
6. That the loading area as designed on the attached plat by Century Engineering, Inc., be constructed within ninety (90) days from the date of this Order; this loading area to be as depicted on the attached plat noted as Appellee's Amended Order Exhibit No. 1 dated April 8, 1988.
7. That the parties follow any and all recommendations of the Baltimore County Bureau of Traffic Engineering regarding parking along Boyce Avenue.
8. That any and all trees/shrubbery which impede the visibility of traffic on Boyce Avenue be pruned or trimmed.
9. That a privacy fence be constructed along the existing fence line between that part of Lot 115 as shown on the attached plat by Century Engineering, Inc., owned by Janet Lee Simpson which borders Lot 110, owned by Kenneth Knapp and between that part of Parcel #2, leased by Janet Lee Simpson which borders Lot 110, owned by Kenneth Knapp and between that part of Parcel #2, leased by Janet Lee Simpson, which borders Lots 111 and 112, owned by Lawrence Melfa, all of the above being depicted on Appellee's Amended Order Exhibit No. 1 dated April 8, 1988.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Patricia Phipps*  
Patricia Phipps

*Lawrence E. Schmidt*  
Lawrence E. Schmidt

PEOPLES COUNSEL FOR BALTIMORE COUNTY \* IN THE  
Appellant \* CIRCUIT COURT  
and \* FOR  
LAWRENCE & MARGARET MELFA \* BALTIMORE COUNTY  
SUSAN HEMMINGWAY \* AT LAW  
KENNETH & CAROLYN KNAPP \*  
FREDERICK & ANNA FUNKHOUSER \* CG Docket No. 46  
THOMAS & NANCY SPIES \* Folio No. 312  
JOHN & JANE POWELL \*  
RUXTON RIDERWOOD LAKE ROLAND AREA \* File No. 87 CG 4042  
IMPROVEMENT ASSOCIATION, INCORPORATED \*  
Co-Appellants \*  
vs. \*  
JANET L. SIMPSON, et al., \*  
Appellee \*  
Zoning File No. 87-367-SPH \* \* \* \* \*

ORDER

It is this 21 day of March, 1988, by the Circuit Court for Baltimore County hereby

ORDERED, that the Request for Remand be and the same is hereby granted.

*John H. White*  
JUDGE

*Gloria Butts*

PEOPLES COUNSEL FOR BALTIMORE COUNTY \* IN THE  
Appellant \* CIRCUIT COURT  
and \* FOR  
LAWRENCE & MARGARET MELFA \* BALTIMORE COUNTY  
SUSAN HEMMINGWAY \* AT LAW  
KENNETH & CAROLYN KNAPP \*  
FREDERICK & ANNA FUNKHOUSER \* CG Docket No. 46  
THOMAS & NANCY SPIES \* Folio No. 312  
JOHN & JANE POWELL \*  
RUXTON RIDERWOOD LAKE ROLAND AREA \* File No. 87 CG 4042  
IMPROVEMENT ASSOCIATION, INCORPORATED \*  
Co-Appellants \*  
vs. \*  
JANET L. SIMPSON, et al., \*  
Appellee \*  
Zoning File No. 87-367-SPH \* \* \* \* \*

REQUEST FOR REMAND

It is hereby requested by and between the parties that the above captioned matter be remanded to the Baltimore County Board of Appeals for the entry of an Order pursuant to the following:

1. That the amendment to the original site plan granting the transfer from the mother, Blanche Hutchinson, to the daughter, Janet Lee Simpson be granted.
2. That the amendment to the original special exception requesting the operating hours of 7:00 a.m. to 9:00 a.m. and 1:00 p.m. to 5:30 p.m. for the day care center be granted.

3. That the amendment to permit the nursery school to operate from 9:00 a.m. to 1:00 p.m. be granted.
4. That any change in operation or ownership of the nursery, kindergarten, or pre-school shall require a special hearing pursuant to Section 500.7.

5. The special exception granted in 1962, Case No. 56-47-XA, shall terminate if the owner/operator of the facility does not reside on the property.

6. That the loading area as designed on the attached plat by Century Engineering Incorporated be constructed within ninety (90) days from the date of the Order.

7. That the parties follow any and all recommendations of the Baltimore County Bureau of Traffic Engineering regarding parking along Boyce Avenue.

8. That any and all trees shrubry which impede the visibility of traffic on Boyce Avenue be pruned or trimmed.

9. That a privacy fence be constructed along the existing fence line between that part of Lot 115 as shown on the attached plat by Century Engineering Incorporated, owned by Janet Lee Simpson which borders Lot 110, owned by Kenneth Knapp and between that part of Parcel #2, leased by Janet Lee Simpson which borders Lot 110, owned by Kenneth Knapp and between that part of Parcel 2, leased by Janet Simpson which borders Lots 111 and 112, owned by Lawrence Melfa.

*Susan McMillan Davis*  
SUSAN McMILLAN DAVIS  
Attorney for Appellee

*Phyllis Cole Friedman*  
PHYLLIS COLE FRIEDMAN  
Peoples Counsel For Baltimore County

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
Deputy Peoples Counsel

*Lawrence A. Melfa*  
LAWRENCE A. MELFA  
Attorney for Appellants

Case No. 87-367-SPH  
Janet Lee Simpson, et al  
N/S of Boyce Avenue, 175' E of the  
N/S of Boyce Avenue (1506 Boyce Avenue)  
SPH -to approve amndmt to original site plan  
zoning case 05647-X-A  
9th Election District  
4th Councilmanic District

- |                  |                                                                                                                                                                                                                                                                                                                                                                           |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 29, 1987 | Petition of Janet Lee Simpson, et al, for special hearing to approve amendment to original site plan for zoning case #05647-X-A, by reducing area encompassed by special exception to area shown by submitted site plan; by eliminating ownership restriction contained in special exception; and by amending restriction on hours of operation to 7:00 a.m. to 5:30 p.m. |
| March 16         | Hearing held on petition by Zoning Commissioner.                                                                                                                                                                                                                                                                                                                          |
| March 23         | Order of the Z.C. that amendment to original site plan and amendments to restrictions re ownership and increase of hours of operation from 7:00 a.m. to 1:00 p.m. be GRANTED subject to restrictions.                                                                                                                                                                     |
| April 22         | Order of Z.C. stating that restrictions imposed by Order of Z.C. dated March 23 be and the same is stayed pending outcome of appeal.                                                                                                                                                                                                                                      |
| April 22         | Order for Appeal to C.B. of A. by Susan Davis and Russell White, Esq on behalf of Petitioners.                                                                                                                                                                                                                                                                            |
| August 12        | Hearing on appeal before C.B. of A.                                                                                                                                                                                                                                                                                                                                       |
| August 25        | Order of C.B. of A. that amendment to original site plan be GRANTED and hours of operation be granted from 7:00 a.m. to 5:30 p.m., conditions be contingent upon restrictions.                                                                                                                                                                                            |
| September 15     | Order for Appeal to CCT, BCo by People's Counsel for Baltimore County.                                                                                                                                                                                                                                                                                                    |
| September 15     | Petition to accompany Order for Appeal filed in CCT, BCo.                                                                                                                                                                                                                                                                                                                 |
| September 16     | Certificate of Notice sent to interested parties.                                                                                                                                                                                                                                                                                                                         |
| September 25     | Order for Appeal to CCT, BCo filed by Lawrence A. Melfa, Esq, for Protestants                                                                                                                                                                                                                                                                                             |
| September 25     | Petition to accompany Order for appeal filed in CCT, BCo.                                                                                                                                                                                                                                                                                                                 |
| September 25     | Certificate of Notice sent to interested parties.                                                                                                                                                                                                                                                                                                                         |
| October 15       | Record of Proceedings filed in CCT, BCo; transcript of testimony filed.                                                                                                                                                                                                                                                                                                   |

Page 2  
Case No. 87-367-SPH  
Janet Lee Simpson, et al

- |                |                                                                                                                                                       |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| March 18, 1988 | Request for Remand filed in CCT for BCo by Susan McMillan Davis, Counsel for Janet Lee Simpson, et al                                                 |
| March 21       | Order of the Circuit Court for Baltimore County REMANDING case to the Board of Appeals per Request filed on March 18, 1988 and signed by all parties. |



Arnold Jablon  
Page 2  
March 12, 1987

3. The surrounding neighborhood is residential in nature with only the Church of the Good Shepherd (which is entered via Carrollton Avenue) not fulfilling this description;

4. Several other nursery schools and kindergartens also operate in the Ruxton-Riderwood community under hours that are substantially less than those being requested; and

5. Only one other similar facility, Good Shepherd, operates a summer camp (during the hours 9:00 am to 1:00 pm).

Sincerely,  
*Robert W. Locke*  
Robert W. Locke  
President

cc: Janet Lee Simpson

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA  
IMPROVEMENT ASSOCIATION, INC.

Box 204  
Riderwood, Md. 21139

RECEIVED  
MAR 13 1987  
ZONING OFFICE

March 11, 1987

Re: Case#87-367 SPH  
Janet Lee Simpson, et al  
March 16, 1987

Board of Governors  
Robert W. Locke  
President  
Frances P. Saybolt  
1st Vice President  
Mary Michael Klumt  
2nd Vice President  
Virginia M. Schmidt  
Treasurer  
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Nancy Cammack  
John C. Gordon  
Valery Havard, III  
Nancy-Bets Hay  
Judith Krenner  
Jane S. B. Lawrence  
Anerette Nigler  
Paula Nowell  
Carl B. O'Donovan  
John Riggs Orrick  
Carol Rose Palmer  
John C. Ruxton  
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Robert E. Scott, Jr.  
Gordon B. Shelton  
E. Richard Warr, Jr.  
Christopher R. West  
Edwin K. Conitum  
Governor Emeritus

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

Dear Commissioner Jablon:

This will confirm the authority of Nancy-Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., to speak on behalf of and otherwise represent the Association in a non-legal capacity in the above mentioned case.

Sincerely,

*Robert W. Locke*

Robert W. Locke  
President

RWL/lms

RECEIVED  
MAR 13 1987  
ZONING OFFICE

Mrs. Bradlee W. Harrison  
1505 Carrollton Avenue  
Ruxton, Maryland 21204

March 10, 1987

Re: Case No. 87-367-SPH  
Item No. 247

Mr. Arnold Jablon,  
Zoning Commissioner,  
Baltimore County,  
Towson, Maryland 21204

Dear Sir:

It has come to my attention that there will be a special hearing on Monday, March 16, to approve an amendment to the original site plan for Kiddie Kollege, approved in Case No. 56-47-2A, located at 1506 Boyce Avenue.

As a very near neighbor of Kiddie Kollege, I am opposed to having a day care facility at my back door. Furthermore, the traffic situation on Boyce Avenue now is very dangerous when the children are brought to the kindergarten in the morning and picked up in the afternoon. The new hours they are applying for, 7 A.M. to 5:30 P.M. can only make this condition more hazardous.

There are any number of day care centers, nursery schools and kindergartens in the area and I can see no need for another one in a strictly neighborhood community.

Sincerely,

*Bradlee W. Harrison*

Mr. Arnold Jablon  
Zoning Commissioner  
Baltimore County  
111 W. Chesapeake Ave.  
Towson, Md. 21204

RECEIVED  
MAR 13 1987  
ZONING OFFICE

March 11, 1987

Dear Mr. Jablon,  
I am writing to you in reference to case # 87-367-SPH.  
My home is adjacent to the property in consideration. I would like to express my concern by objecting to the proposal to approve the amendment to the original site plan. The existing zoning is acceptable.

Mrs. Peter Dischinger  
1504 Carrollton Avenue  
Ruxton, Maryland 21204

RECEIVED  
MAR 13 1987  
ZONING OFFICE

Arnold Jablon  
Zoning Commissioner  
Baltimore County  
111 W. Chesapeake Ave.  
Towson, Md. 21204

RE: Case# 87-367-SPH

Dear Mr. Jablon:  
I am strongly opposed to Kiddie Kollege extending their hours of operation. They are already running their operation during hours not stated in their zoning permit. The traffic problem this poses on Boyce Ave. at 5:00 - 5:30 every afternoon is incredible. As I understand it their hours are to end at 1:00.

March 10, 1987  
Arnold Jablon  
Zoning Commissioner  
Baltimore County  
111 W. Chesapeake Ave.  
Towson, Md. 21204  
Dear Mr. Jablon:  
As an adjoining property owner,  
I wish to voice my objection to the  
requested zoning change requested by:  
Janet Lee Simpson  
1506 Boyce Avenue  
Case # 87-367-SPH  
I have no objection to the zoning  
staying as it is now, but I feel  
should the property be sold, it should  
be only single residential zoning and  
also subject to the increased hours are  
also subject to the increased hours are  
also subject to the increased hours are  
also subject to the increased hours are  
Sincerely,  
Clara J. Linhard

Dear Mr. Jablon,

I live at 1500 Boyce Ave just one  
property away from Kiddie Kollege. Boyce is just  
two lanes wide and any parking along it even  
for a short period is a hazard. I am getting to  
Beltway Ave. involves crossing the double yellow  
lines. Approximately 20 years ago now, the neighbors  
requested that no parking signs be posted and the  
county cooperated. The signs by Kiddie Kollege have  
still in place. The signs by Kiddie Kollege have  
been removed and the traffic presents a problem at  
times. It seems especially bad from 3 P.M. on until after  
dark. I need not remind you that Boyce and  
Beltway are the two streets that connect Beltway  
and Charles so that these streets are used by emergency  
equipment. Please look in to this before you allow the  
school to expand in any way.

Sincerely,  
Janis Orr

Re: Case # 87-367-SPH.

RECEIVED  
MAR 13 1987  
ZONING OFFICE

Petition

RECEIVED  
MAR 13 1987  
ZONING OFFICE

We, the undersigned are opposed to the  
approval of an amendment referred to  
in Case # 87-367-SPH

| SIGNATURE                   | NAME                 | ADDRESS          | ZIP CODE |
|-----------------------------|----------------------|------------------|----------|
| <i>Colby S. Hawks</i>       | COLBY S. HAWKS       | 7809 BELMONT AVE | 21204    |
| <i>Russell A. Harrison</i>  | RUSSELL A. HARRISON  | 1505 CARROLLTON  | 21204    |
| <i>Sutton B. Dischinger</i> | SUTTON B. DISCHINGER | 1504 CARROLLTON  | 21204    |
| <i>Leg. Stinchhoff</i>      | LEG. STINCHHOFF      | 1510 CARROLLTON  | 21204    |
| <i>John B. Russell</i>      | JOHN B. RUSSELL      | 1504 BOYCE AVE   | 21204    |
| <i>Clara J. Linhard</i>     | CLARA J. LINHARD     | 1507 CARROLLTON  | 21204    |
| <i>Mrs. Mary Ann Miller</i> | MRS. MARY ANN MILLER | 1510 BOYCE AVE   | 21204    |
| <i>Linna Sue Hemminger</i>  | LINNA SUE HEMMINGER  | 1512 BOYCE AVE   | 21204    |
| <i>Karen J. Curlett</i>     | KAREN J. CURLETT     | 1510 LOCUST AVE  | 21204    |
| <i>Kenneth W. Knapp</i>     | KENNETH W. KNAPP     | 7807 BELMONT AVE | 21204    |

Petition

RECEIVED  
MAR 13 1987  
ZONING OFFICE

We, the undersigned are opposed to the  
approval of an amendment referred to  
in Case # 87-367-SPH

| SIGNATURE               | NAME             | ADDRESS          | ZIP CODE |
|-------------------------|------------------|------------------|----------|
| <i>William K. Kirby</i> | WILLIAM K. KIRBY | 7812 BELMONT AVE | 21204    |
| <i>Janis C. Orr</i>     | JANIS C. ORR     | 1500 BOYCE AVE   | 21204    |
| <i>Judith L. Smith</i>  | JUDITH L. SMITH  | 1607 DORSET AVE  | 21204    |



RECEIVED  
MAR 13 1987

ZONING OFFICE

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

RE: Case # 87-367-SPH  
Item # 247

Dear Mr. Jablon:

Kenneth W. Knapp  
1887 Bellows Avenue  
Baltimore, Maryland 21204

March 10, 1987

It is with hesitancy that I write this letter as I do not want to cause any hostility between Janet Lee Simpson and myself and I do not want to hinder Ms. Simpson from earning a living.

However, I have serious concerns about the way Kiddie Kollege operates and the intent of the petition to eliminate the ownership restriction.

My concerns are as follows:

- Noise** - The sound of children playing is certainly not a problem, but the sound of children screaming and the very unpleasant sound of the "teacher" screaming back is very annoying. Unfortunately, this is not uncommon when the children are playing outside. My fence is a noise who upon occasion screams and bawls all day long. This noise is very difficult for me.
- Lack of Privacy** - My fence wants me to build a deck on the back of the house. My back yard borders Kiddie Kollege where the deck could never be used for a quiet lunch, taking a nap or sunbathing while Kiddie Kollege is in session. My only door neighbor, whose back yard also borders Kiddie Kollege, has actually had obscene remarks while gardening.
- Traffic** - Not only has the automobile traffic become unsafe on Boyce Avenue during the dropping off of the children, but pedestrian traffic through my property was simply taken for granted.

a good neighbor, I overlooked the pedestrian traffic for some time until recently when I employed a lawn service and at their advice put up a temporary fence to give the grass a better chance. I do think it would have been appropriate for Ms. Simpson to have asked my permission for her employees to use my property as a thoroughfare.

**4. ELIMINATING THE OWNERSHIP RESTRICTION** This is the most serious of all of my concerns. The original special exception granted to Kiddie Kollege was granted to operate as a Kindergarten during the hours from 9:00 AM to 1:00 PM. Over the years Kiddie Kollege has evolved into a full day care center operating from about 7:00 AM to 6:00 PM without ever asking the community for their approval through the zoning process. I think it is obvious, now that we've been asked, that the community is opposed to the approval of this amendment. Furthermore, it is my greatest fear that if the ownership restriction is eliminated then the Kiddie Kollege property could be transferred as a commercial day care center. As previously stated, I do not want to hinder Ms. Simpson from earning a living, however I do not think it fair that she earn her living at this neighborhood's expense, and I certainly do not want to see the privileges contained in

this special exception transferred on to some new owner. The Hutchinsons and Ms. Simpson were here before we operating Kiddie Kollege, and I think it could be argued that it is fair for them to continue their operation of Kiddie Kollege. On the other hand, it is only fair that Kiddie Kollege be operated within the restrictions of the special exception and in accordance with the neighborhood's approval. This unfortunately has not been the case. It is therefore my hope that you deny the approval of this amendment and further that you terminate the original special exception at the time of the retirement of Janet Lee Simpson thereby making it non-transferable and reverting the property back to a standard residence as it was originally intended.

I am, sir,

Very truly yours,  
Kenneth W. Knapp

cc: Barbara Bachman  
Councilwoman  
4th District  
Baltimore County  
Court House  
Towson, Maryland 21204

From

DIVERSIFIED INSURANCE INDUSTRIES, INC.  
Suite 155 West Quadrangle  
2 Hamill Rd., Village Of Cross Keys  
Baltimore, Maryland 21210  
Phone 433-3000

To: Arnold Jablon Zoning Commissioner  
111 W. Chesapeake Ave.  
Towson Md 21204

DATE  
3/10/87  
SUBJECT  
CASE # 87-367 SPH  
Item # 247

① Message

Dear Mr. Jablon

It has been brought to my attention that there is to be a zoning hearing on 3/16/87 relating to the elimination of the ownership restriction at Kiddie Kollege, and expanding the hours of operation and the ages attending to include day care. This hearing came as a surprise to me since I have by Kiddie Kollege fairly regularly and have never seen a zoning appeal sign. I stopped by today & realized why since a car was parked in front of it. It is my understanding that such a sign must be placed in clear sight.

I am respectfully requesting that the petition be denied.

First I fear that the traffic flow which is already busy around the house of 7am, 1pm & 5pm will increase. We have 2 young children who safely respect is in jeopardy by parents either late in delivering or picking up their children or late themselves to work or getting home. Many parents must drive up Carrollton Ave & across Clarks + go down Boyce Ave in order to pick up their children on the proper side of the street. In reality I would prefer a reduction in the numbers over time to reduce the traffic flow.

From

DIVERSIFIED INSURANCE INDUSTRIES, INC.  
Suite 155 West Quadrangle  
2 Hamill Rd., Village Of Cross Keys  
Baltimore, Maryland 21210  
Phone 433-3000

To: Arnold Jablon  
Zoning

DATE  
3/10/87  
SUBJECT  
CASE # 87-367 SPH  
Item # 247

② Message

Continued:

Secondly I feel a change would set an unwanted precedent allowing commercial zoning in a residential area. I want the area to remain strictly residential and feel the special exception currently governing the location has been abused by its owners since it appears activities go on there well beyond the 1pm limitation to 5pm. In fact this special exception is long outdated in light of the residential expansion in the area since it was originally granted.

Thirdly, I fear the impact on property values in the Kiddie Kollege vicinity would be negative leaving only the owners to benefit.

Sincerely,  
Lee Stierhoff  
1510 Carrollton Ave  
Roxton Md 21204

RECEIVED  
MAR 13 1987

ZONING OFFICE

Case # 87-367-SPH  
Item No 247

RECEIVED  
MAR 13 1987

ZONING OFFICE March 12, 1987

Dear Commissioner Jablon,

In January 1979, we purchased a lot at 1510 Boyce Ave from George and Blanche Hutchinson, the owners of Kiddie Kollege and parents of Janet Simpson. We built a home and moved in July 1979. At that time we were under the impression that Kiddie Kollege, which is adjacent to our property, offered only a nursery and kindergarten program for approximately 25 neighborhood children from 9am to 1pm. Soon we learned there is also a day care program. Children arrive as early as 7am and leave as late as 6pm. The current enrollment is approximately 60 children. We have certain concerns about Kiddie Kollege.

① Noise - Sixty children make a lot of noise. There is also the sound of adults yelling at the children. This is especially a problem during warm weather when we would like to open our windows. I must close the windows during my toddler's naps in order to decrease the noise.

② Privacy - It is uncomfortable to have lunch on our deck or wash our car with children hanging over the picket fence. At times we hear obscene language and several times it has been directed at our family. We suggested a privacy fence but this idea was refused by the Kiddie Kollege. We have planted a hedge but it will be ten years before it affords sufficient protection.

③ Traffic - The children load and unload from cars that stop on Boyce Ave in front of Kiddie Kollege. There is usually a staff member to greet them but sometimes parents arrive at odd hours or drop off the children further down the road. At peak hours, a line of 8-10 cars wait on Boyce Ave to load or unload. This 2 lane road is then narrowed to one lane denying normal traffic passage. It is interesting to note Kiddie Kollege never complied with the parking spaces depicted on the original site plan of July 1962.

④ Ownership - We are most concerned that elimination of the ownership restriction would allow Kiddie Kollege to be sold and expanded. This is a quiet residential neighborhood and the original zoning was specifically designed to maintain this quality. If Janet Simpson wishes to transfer official ownership from Blanche Hutchinson to herself this should be permitted. However, we would not want the ownership restriction eliminated.

The original nursery school license and zoning specifics concurred as to hours of operation. In 1978 or 1979, a license for expanded day care was issued even though no change



PEOPLES COUNSEL FOR BALTIMORE COUNTY \* IN THE  
Appellant \* CIRCUIT COURT  
and \* FGR  
LAWRENCE & MARGARET MELFA \* BALTIMORE COUNTY  
SUSAN HEMMINGWAY \* AT LAW  
KENNETH & CAROLYN KNAPP \*  
FREDERICK & ANNA FUNKHOUSER \* CG Docket No. 46  
THOMAS & NANCY SPIES \*  
JOHN & JANE POWELL \* Folio No. 312  
RUXTON RIDERWOOD LAKE ROLAND AREA \* File No. 87 CG 4042  
IMPROVEMENT ASSOCIATION, INCORPORATED \*  
Co-Appellants \*  
vs. \*  
JANET L. SIMPSON, et al., \*  
Appellee \*  
Zoning File No. 87-367-SPH \* \* \* \* \*

ORDER  
It is this 21 day of March, 1988, by the  
Circuit Court for Baltimore County hereby  
ORDERED, that the Request For Remand be and the same is hereby granted.

Judge  
Glenn Butler

- The special exception granted in Case No. 5647-XA shall terminate if the operator/owner of the nursery-kindergarten and pre-school does not reside on the property.
- The Petitioner shall construct a privacy fence around the lot boundaries.
- The Petitioner shall be permitted to continue to operate the facility between the hours of 7:00 a.m. and 5:30 p.m. until June 30, 1987, at which time they shall be reduced to between 7:00 a.m. and 1:00 p.m.

Zoning Commissioner of  
Baltimore County

AJ/scl  
cc: Susan M. Reutershan, Esquire  
Ms. Nancy-Bets Hay  
Ms. Peggy Melfa  
People's Counsel

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175' E \* ZONING COMMISSIONER  
of the N/S of Boyce Avenue \* OF BALTIMORE COUNTY  
(1506 Boyce Avenue)  
9th Election District  
Janet Lee Simpson, et al., \* Case No. 87-367-SPH  
Petitioners \*  
\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request an amendment to the original site plan in Case No. 5647-XA to reduce the area encompassed by the special exception, as shown on Petitioners' Exhibit 1, and amendments to the restrictions contained in the Order rendered therein to eliminate the ownership restriction and to increase the hours of operation from 9:00 a.m.-1:00 p.m. to 7:00 a.m.-5:30 p.m.

The Petitioners, by Janet Lee Simpson, appeared and testified and were represented by Counsel. Catherine Hutchinson James, Mrs. Simpson's sister, also testified on behalf of the Petitioners. Nancy-Bets Hay of the Ruxton-Riderwood-Lake Roland Area Improvement Association, and Peggy Melfa, an adjacent property owner, testified in opposition. Other protestants also appeared.

Testimony indicated that the subject property, zoned D.R.3.5 and located on Boyce Avenue, is improved with a nursery-kindergarten and pre-school, as certified by the State Department of Education. It was granted a special exception for a nursery-kindergarten in Case No. 5647-XA in 1962, with certain restrictions delineated therein, i.e., the exterior of the property could not change; it could only be used by Blanche Hutchinson, Mrs. Simpson's and Mrs. James' mother; and the hours of use were restricted to between 9:00 a.m. and 1:00 p.m. In or around 1972, the pre-school began operating and the

ORDER RECEIVED FOR FILING  
Date March 23, 1988  
By [Signature]

PETITION FOR SPECIAL HEARING  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 87-367-SPH  
4/23/87

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 an amendment to the original site plan for Kiddie Kollege, approved in zoning Case No. 5647-XA, by reducing the area encompassed by the special exception to the area shown by the enclosed site plan, by eliminating the ownership restriction contained in the special exception, and by amending the restriction on hours of operation from 9:00 a.m.-1:00 p.m. to 7:00 a.m.-5:30 p.m.

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: N/A<br>(Type or Print Name)                                                                                                                                                        | Legal Owner(s):<br>Janet Lee Simpson/owner of Lot 115,<br>(Type or Print Name) Lessee of play area<br>Signature [Signature]<br>Blanche and George Hutchinson/owners of<br>(Type or Print Name) play area<br>Signature [Signature]                                                               |
| Address: 1506 Boyce Ave<br>City and State: Ruxton, Md. 21204                                                                                                                                           |                                                                                                                                                                                                                                                                                                 |
| Attorney for Petitioner:<br>Susan M. Reutershan<br>(Type or Print Name)<br>Signature [Signature]<br>8700 Georgia Avenue<br>P.O. Box 8728<br>Address<br>Silver Spring, Maryland 20907<br>City and State | 1506 Boyce Avenue (301) 296-6518<br>Address Phone No.<br>Ruxton, Maryland 21204<br>City and State<br>Name, address and phone number of legal owner, contract purchaser or representative to be contacted<br>Janet Lee Simpson<br>Name<br>P.O. Box 174, Riderwood, MD 21139<br>Address Phone No. |
| Attorney's Telephone No.: (301) 588-8580                                                                                                                                                               |                                                                                                                                                                                                                                                                                                 |

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of January, 1987, 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 16th day of March, 1987, at 11:00 o'clock a.m.

ESTIMATED LENGTH OF HEARING 1/2HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
OTHER (over)  
REVIEWED BY: RLM DATE: 12/1/86  
\*1987 Zoning Commissioner of Baltimore County.

hours were expanded to between 7:00 a.m. and 5:30 p.m. Mrs. Hutchinson has not actively participated in the operation since 1975. Mrs. Simpson simply wants to delete her mother's name as sole operator and substitute her name to enable the continuation of the facility and to legalize the hours of operation which have been in effect for almost 15 years.

The site originally included lots bordering on Bellona Avenue, but sometime in the late 1970's, they were sold, thereby reducing the overall size of the property to its present size, as shown on Petitioners' Exhibit 1. When the facility began, it served approximately 130 children but that number has been reduced to 50 children. In addition, the original site plan submitted with Case No. 5647-XA required 15 parking spaces, which were never provided. Only three spaces presently exist on the site.

The Protestants argued that there is a great deal of noise emanating from the outdoor play area, that they have been forced to give up the quiet enjoyment of their homes and privacy, and that traffic problems are further complicated by parents who drop off and pick up their children by parking in the street. They are also concerned about the future development of the property once the Hutchinson family decides to cease operation.

The Petitioners seek relief pursuant to Section 500.7, BCZR.

The special exception for a nursery-kindergarten was granted in 1962, and the purpose of the relief prayed for here cannot permit the reopening of that special exception. Notwithstanding any reasons, no complaints were even made regarding this site or the operation of the nursery pursuant to the special exception granted. The change in operator from Mrs. Hutchinson to Mrs. Simpson is reasonable since the site has enjoyed continued utilization by the family for over 25 years. A substitution by a daughter for her mother changes nothing, and least of all, does not disturb the inherent spirit and

ORDER RECEIVED FOR FILING  
Date March 23, 1988  
By [Signature]

- 2 -

SPELLMAN, LARSON  
& ASSOCIATES, INC.  
247  
ROBERT E. SPELLMAN, P.L.S.  
JOSEPH L. LARSON  
LOUIS J. PASECKI, P.E.  
ALBERT REHY  
SUITE 107 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
823-3535

DESCRIPTION FOR A SPECIAL HEARING TO AMEND A SPECIAL EXCEPTION, KIDDIE KOLLEGE,  
BOYCE AVENUE, 9TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the North side of Boyce Avenue at (30.00' ±) the distance of 175 feet more or less, measured Easterly along the North side of Boyce Avenue from the East side of Bellona Avenue and running thence and binding on the North side of Boyce Avenue North 80 Degrees 25 Minutes East 51.04 feet thence leaving the North side of Boyce Avenue and running North 2 Degrees 00 Minutes East 215.75 feet North 88 Degrees 00 Seconds West 50.00 feet South 2 Degrees 00 Minutes West 50.00 feet North 88 Degrees 00 Minutes West 36.70 feet South 7 Degrees 25 Minutes West 100.45 feet South 88 Degrees 00 Minutes East 46.18 feet and South 2 Degrees 00 Minutes West 76.00 feet to the place of beginning.

Containing 0.3487 acres of land, more or less.

10/1/86



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

intent of the Zoning Commissioner's Order in Case No. 5647-XA. The Petitioners' request to amend the site plan to show a reduced area also does not disturb the spirit and intent of that Order. However, the change in hours is extremely egregious. Simply because the Petitioners added an approved State Department of Education program in 1972 did not, and does not, permit the expansion of hours without approval by the Zoning Commissioner. Although the change in hours has been in effect for many years, that existence does not make it legal. In fact, by doing so, the Petitioners violated the explicit Order of the Zoning Commissioner.

After due consideration of the evidence and testimony presented, it is found that amendments would not adversely affect the health, safety, and general welfare of the community.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of March, 1987, that the amendment to the original site plan in Case No. 5647-XA to reduce the area encompassed by the special exception, as shown on Petitioners' Exhibit 1, and amendments to the restrictions contained in the Order rendered therein to substitute Janet Lee Simpson for Blanche Hutchinson as operator of the facility and to increase the hours of operation from 9:00 a.m.-1:00 p.m. to 7:00 a.m.-1:00 p.m. be GRANTED, from and after the date of this Order, subject to the following restrictions which are conditions precedent to the relief granted herein:

- Any change in operation or ownership of the nursery-kindergarten and pre-school shall require a special hearing, pursuant to Section 500.7, BCZR.

ORDER RECEIVED FOR FILING  
Date March 23, 1988  
By [Signature]

- 3 -

LAW OFFICES  
WHITE & KARCESKI  
HAMPTON PLAZA  
SUITE 1110  
306 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204

TELEPHONE: (301) 583-1325

March 21, 1988

Mr. William T. Hackett  
Baltimore County Board of Appeals  
Court House  
Towson, Maryland 21204

RE: Peoples Counsel For Baltimore  
County, et al. v. Janet L.  
Simpson, et al.  
Zoning File Number: 87-367-SPH

Dear Mr. Hackett:

Enclosed please find a Request For Remand which was filed in the Circuit Court on March 18, 1988. It is requested, upon the granting of this Order by the Circuit Court, that a hearing be scheduled before the County Board of Appeals to consider the possible entry of a revised Order in this matter.

Kindest regards.

Very truly yours,

Susan McMillan Davis  
Susan McMillan Davis

SMD/pdb  
Enclosure

cc: Lawrence Melfa, Esquire  
Peter Max Zimmerman

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BALTIMORE COUNTY BOARD OF APPEALS  
MARCH 23 1988

ORDER RECEIVED FOR FILING  
Date March 23, 1988  
By [Signature]

- 4 -



was applied to the Zoning Department. The immediate neighborhood and extended community were never given an opportunity to voice opinion about the extended hours or expanded number of pupils.

We would like to see:

- ① no further expansion of the facility
- ② maintenance of the ownership restriction
- ③ erection of a privacy fence
- ④ some way to assure safety of the children as they load and to facilitate normal traffic on Boyce Ave.

Respectfully submitted,

*Laura A. Melfa*  
Peg Melfa

1510 Boyce Ave  
Ruxton, MD 21204  
1-301-828-8060

Commissioner Jablon  
Zoning Commission, Baltimore County  
Re: Case # 87-367-SPH

Dear Commissioner,

We oppose the zoning changes requested in this case as they threaten both the residential character and the property values of our neighborhood in general and of our home in particular, as we are next door neighbors of Kiddie Kollege.

Expansion of the operating hours of Kiddie Kollege will worsen the traffic problems already caused by the school and lessen our enjoyment of the afternoon and early evening. Cars dropping off and picking up children at Kiddie Kollege stop in the street to do so, obstructing the west bound lane of Boyce Avenue. 9:00 A.M. to 1:00 P.M. hours for the school (if observed, as they currently are not) would cause this obstruction to occur mostly between the peak local traffic periods when residents leave for and return from work and schools. As the eastern next door neighbors of the school, we find having to dodge a line of cars stopped in the road in traffic difficult and dangerous.

During warm weather, when our windows must be open, the afternoon outside activities and play of the Kiddie Kollege children can be both a distraction from after school homework for our children and a damper on any quiet endeavor, indoors or out (unwinding from a day's work, for example).

Removing the restriction on transferring the right to operate a nursery school on the site would change our neighborhood from a residential one which happens to have one neighbor who runs a nursery school (a temporary phenomenon) to one which has a permanent school in its midst. We believe this would damage neighborhood property values, particularly those of the immediately adjacent properties, such as our own.

Thank you for considering our views.

Sincerely,

*John A. Powell*  
John A. Powell  
Jane B. Powell  
1504 Boyce Avenue

RECEIVED  
MAR 13 1987  
ZONING OFFICE

Arnold Jablon  
Zoning Commissioner  
Baltimore County  
111 W. Chesapeake Ave.  
Towson, MD. 21204

Subj: Case No. 87-367-SPH; Item No. 247

Dear Sir,

In response to the above referenced subject, I wish to strongly protest any elimination of the ownership restriction. Secondly, an amendment to the restriction of hours of operation to 7:00am to 5:30pm is another problem. These are in fact the actual hours in which Kiddie Kollege is operating today and has been since I purchased the property next door, 1512 Boyce Ave., in January of 1986. During this past year, I have on at least two occasions been unable to leave the driveway due to cars parked across it, left unattended, while the parent walked their child next door to school. When I am home on a weekday and in the warmer months would like to work or relax in my yard, I choose not to due to lack of privacy. Another problem I have encountered is with my dog who when tied up in the yard is a basket case because children running and playing and hollering are in his sight and this torments him because he is restrained.

To amend the original site plan would require the county to prove they made a mistake in classification on the site or to prove that there has been a significant change in the neighborhood. I grew up one street over from Boyce Ave., on Locust Ave. and I feel that the property does not meet that criteria.

If the county grants any concessions on this property, the site should be required to conform to present day county standards for new construction, ie, parking requirements, sprinkler system, privacy fence etc.

We have our zoning laws to protect residents and as a taxpayer I feel we should be.

Very truly yours,

*Linda Sue Hemingway*  
Linda Sue Hemingway  
1512 Boyce Ave.  
Ruxton, MD. 21204

cc: Barbara Bachur  
Councilwoman  
4th District  
Baltimore County  
Court House  
Towson, MD. 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 2, 1987

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

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

Susan M. Reutershan, Esquire  
8720 George Avenue  
P.O. Box 8728  
Silver Spring, Maryland 20907

RE: Item No. 247 - Case No. 87-367-SPH  
Petitioner: Janet Lee Simpson, et al  
Petition for Special Hearing

Dear Ms. Reutershan:

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

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

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Spellman, Larson & Associates, Inc.  
107 Jefferson Building  
Towson, Maryland 21204

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

STEPHEN E. COLLINS  
DIRECTOR

FEB 3 1987

January 22, 1987

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

Item No. 247 -ZAC- Meeting of December 23, 1986  
Property Owner: Janet Lee Simpson, et al (Kiddie Kollege)  
Location: N/S Boyce Avenue, 175 feet ± E of Bellona Avenue  
Existing Zoning: D.R. 3.5  
Proposed Zoning: Special Hearing to approve an amendment to the original site plan for Kiddie Kollege approved in case #05647XA, by reducing the area encompassed by the special exception to the area shown by the enclosed site plan, by eliminating the ownership restriction contained in the special exception and by amending the restriction on hours of operation from 9:00 a.m. - 1:00 p.m. to 7:00 a.m. to 5:30 p.m.  
Area: 0.3487 acres  
District: 9th Election District

Dear Mr. Jablon:

The Department of Traffic Engineering has reviewed the site plan for this site and has the following comments:

1. Parking: The proposed parking fails to meet County regulations; the spaces are of insufficient size and area, and require backing out onto Boyce Avenue, which is extremely dangerous.
2. The site fails to provide a safe off-street loading area for children.
3. The proposed extending of the hours of operation from 9:00 a.m. - 1:00 p.m. to 7:00 a.m. - 5:30 p.m. will mean that the loading and unloading of children will be in direct conflict with peak-hour traffic.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt

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

PAUL H. REINCKE  
CHIEF

December 23, 1986

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

RE: Property Owner: Janet Lee Simpson, et al (Kiddie Kollege)  
Location: N/S Boyce Ave., 175 ft. ± E of Bellona Ave.  
Item No.: 247 Zoning Agenda: Meeting of 12/23/86  
Gentlemen:

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

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( X ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204

TED ZALESKI, JR.  
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 247 Zoning Advisory Committee Meeting are as follows:

Property Owner:  
Location:  
District:

APPLICABLE ITEMS ARE CIRCLED

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107, Section 106.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_ to Use \_\_\_\_\_ or to Mixed Use \_\_\_\_\_. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site Plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments: No Comments.
- K. These abbreviated 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, the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

BY: *C. E. Dyer*, Chief  
Building Plans Review

1/22/87



RECEIVED  
COUNTY BOARD OF APPEALS  
1987 OCT 20 10:01

PEOPLES COUNSEL FOR BALTIMORE COUNTY \* IN THE  
Appellant \*  
and \* CIRCUIT COURT  
LAWRENCE & MARGARET MELFA \*  
SUSAN HEMMINGWAY \* FOR  
KENNETH & CAROLYN KNAPP \* BALTIMORE COUNTY  
WILEY & COLBY HAWKS \* AT LAW  
FREDERICK & ANNA FUNKHOUSER \* CG Docket No. 46  
THOMAS & NANCY SPIES \*  
JOHN & JANE POWELL \* Folio No. 312  
RUXTON RIDERWOOD LAKE ROLAND AREA \* File No. 87 CG 4042  
IMPROVEMENT ASSOCIATION, INCORPORATED \*  
Co-Appellants \*  
vs. \*  
JANET L. SIMPSON, et. al., \*  
Appellee \*  
Zoning File No. 87-367-SPH \* \* \* \* \*

ORDER

Having considered Appellee's Petition to Stay the Order of the Board of Appeals, it is this 1<sup>st</sup> day of November, 1987, by the Circuit Court for Baltimore County hereby

ORDERED that the Order of the County Board of Appeals entered August 25, 1987 in case number 87-367-SPH be and the same is hereby stayed pending the outcome of the appeal in this matter.

JUDGE  
*[Signature]*

True Copy Test  
SUZANNE MENSCH, Clerk  
Per *[Signature]*  
Deputy Clerk

RUSSELL J. WHITE  
RICHARD M. KARCESKI  
SUSAN MCMILLAN DAVIS

WHITE & KARCESKI  
ATTORNEYS AT LAW  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
SUITE 1104  
201 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21201

TOWSON: (301) 823-7800  
BALTIMORE: (301) 685-0600  
REPLY TO: TOWSON

October 30, 1987

Civil General Clerk  
Circuit Court for Baltimore County  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

RE: Peoples County for Baltimore County,  
et. al., v. Janet L. Simpson, et. al.  
Case: 87 CG 4042, Docket 46, Folio 312

Dear Mr./Ms. Clerk:

Enclosed please find a Petition to Stay Order Of Board of Appeals and Order to be filed in the above-entitled case.

Thank you for your assistance in this matter.

Very truly yours,

/s/  
Susan McMillan Davis

SMD/pdb  
Enclosures

cc: Administrative Secretary  
Peter Max Zimmerman  
Lawrence A. Melfa, Esquire

83 OCT 20 - AON 1861

RECEIVED  
COUNTY BOARD OF APPEALS  
OCT 20 1987

PEOPLES COUNSEL FOR BALTIMORE COUNTY \* IN THE  
Appellant \*  
and \* CIRCUIT COURT  
LAWRENCE & MARGARET MELFA \*  
SUSAN HEMMINGWAY \* FOR  
KENNETH & CAROLYN KNAPP \* BALTIMORE COUNTY  
WILEY & COLBY HAWKS \* AT LAW  
FREDERICK & ANNA FUNKHOUSER \* CG Docket No. 46  
THOMAS & NANCY SPIES \*  
JOHN & JANE POWELL \* Folio No. 312  
RUXTON RIDERWOOD LAKE ROLAND AREA IMPROVEMENT \* File No. 87 CG 4042  
ASSOCIATION, INCORPORATED \*  
Co-Appellants \*  
vs. \*  
JANET L. SIMPSON, et. al., \*  
Appellee \*  
Zoning File No. 87-367-SPH \* \* \* \* \*

PETITION TO STAY ORDER OF BOARD OF APPEALS

Comes now, Janet Lee Simpson, et. al., Petitioners by their attorneys, Russell J. White and Susan McMillan Davis, and respectfully requests this Honorable Court to stay the restrictions contained in the Order of the County Board of Appeals entered August 25, 1987 and in support thereof states as follows:

1. On August 25, 1987, the County Board of Appeals granted Appellees Petition For Special Exception subject to the following conditions:

1. A 51-foot frontage as shown on the plat by Spellman, Larson and Associates and entered as Joint Exhibit No. 2 be widened and paved to permit those automobiles delivering and retrieving children to pull off of Boyce Avenue so that other traffic does not have to cross a double yellow line to proceed, this grading and paving to be accomplished within ninety (90) days from the date of this Order;
  2. Any change in operation or ownership of the nursery, kindergarten, or pre-school shall require a special hearing pursuant to Section 500.7; and
  3. A special exception granted in 1962, Case No. 56-47-XA, shall terminate if the owner/operator of the facility does not reside on the property.
2. Subsequently, Appellants filed a Petition On Appeal to the Circuit Court for Baltimore County.
3. Pursuant to the Order of the Board of Appeals, Appellee is required to complete construction of a paved expansion of Boyce Avenue by November 25, 1987.
4. The Appeal will not be heard until well after the November 25, 1987 deadline.
- WHEREFORE, Appellee respectfully requests:
- A. That the restrictions contained in the Order of the County Board of Appeals in case number 87-367-SPH be stayed pending a decision on the appeal.
- B. For such other and further relief as the nature of the cause requires.

/s/  
SUSAN MCMILLAN DAVIS

/s/  
RUSSELL J. WHITE  
204 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 823-7800  
Attorneys for Appellee

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of November, 1987, a copy of the foregoing Petition to Stay Order of the Board of Appeals was mailed, postage prepaid, to Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204, Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204, and Lawrence A. Melfa, Esquire, 401 Allegheny Avenue, Towson, Maryland 21204.

/s/  
SUSAN MCMILLAN DAVIS

People's Counsel for Balto., County

IN THE CIRCUIT COURT

FOR

BALTIMORE COUNTY

Docket 46 Folio 312

Case No. 87-CG-4042

NOTICE OF FILING OF RECORD

TO: Phyllis Cole Friedman June Holmen  
Peter Max Zimmerman County Board of Appeals  
Room 223, Court House Court House  
Baltimore, Maryland 21204 Towson, Md. 21204

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on October 15, 1987.

Clerk  
*[Signature]*

FILED OCT 15 1987

RECEIVED  
COUNTY BOARD OF APPEALS  
OCT 20 1987

APPEAL

Petition for Special Hearing  
N/S of Boyce Avenue, 175' E of the N/S of Boyce Avenue  
(1506 Boyce Avenue)  
9th Election District - 4th Councilmanic District  
Janet Lee Simpson, et al - Petitioner  
Case No. 87-367-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1 - Plat of Property

2 - Letter of Support from Terry R. Verger dated 3/13/87

3 - Traffic Log taken from March 11 - 13, 1987

Statement In Support of Petition from Susan M. Reutershan, Esquire, attorney for Petitioner

Letters in Support of Petition submitted by various residents in the area

Protestant's Exhibits: 1 - Rough location drawing of parking area

Letters in Opposition to Petition submitted by various residents in the area including the Ruxton-Riderwood-Lake Roland Area Imp. Assoc., Inc.

Zoning Commissioner's Order dated March 23, 1987

Notice of Appeal received April 22, 1987 from Susan McMillan Davis, Esquire, and Russell J. White, Esquire, Attorneys for Petitioner, with an attached Petition to Stay the Order of the Zoning Commissioner dated April 16, 1987 and Order agreeing to same to be signed by the Zoning Commissioner.\*

\* Please note that the Zoning Commissioner revised the Order submitted for his signature to "stay the restrictions imposed" in his Order dated April 22, 1987.

Ms. Peggy Melfa, Protestant  
1510 Boyce Avenue, Ruxton, Maryland 21204

Ms. Nancy-Bets Hay, Chairman  
Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Imp. Assoc., Inc.  
Box 204, Riderwood, Md. 21139

Phyllis Cole Friedman, Esquire,  
People's Counsel of Baltimore County  
Rm. 223, Old Courthouse, Towson, Maryland 21204

\* Susan M. Davis, Esq., Counsel for Janet Lee Simpson, et al  
Russell J. White, Esq.  
204 W. Penna. Ave. (21204)

Susan M. Reutershan, Counsel for Petitioner  
8720 Georgia Ave., P. O. Box 8728  
Silver Spring, MD. 20907

Janet Lee Simpson, P. O. Box 174, Riderwood, Md. 21139

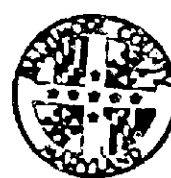
Request Notification: Norman E. Gerber, Director of Planning  
\* James Howell, Office of Planning & Zoning  
\* Arnold Jackson, Zoning Commissioner

\* J. R. Hines, \* Frank Fisher  
\* Alan M. Heston, \* Sean H. Jung, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Margaret E. Dubois, Docket Clerk

\* D. Col. George Hutchinson  
1508 Boyce Ave. - Ruxton, Md. 21204

\* Change per  
J. Howell 8/1/87





County Board of Appeals of Baltimore County

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

September 25, 1987

Susan M. Davis, Esq.  
Russell J. White, Esq.  
204 W. Pennsylvania Ave.  
Towson, MD. 21204

Dear Sir and Madam:

Re: Case No. 87-367-SPH  
Janet Lee Simpson, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Encl.  
cc: Phyllis C. Friedman, Esq.  
Susan M. Reutershan, Esq.  
Janet Lee Simpson  
Lt. Col. George Hutchinson  
Norman E. Gerber  
Frank Fisher  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
Margaret E. duBois

RECEIVED  
SEP 29 1987

ZONING OFFICE

IN THE MATTER OF : IN THE  
THE APPLICATION OF : CIRCUIT COURT  
JANET LEE SIMPSON, ET AL :  
FOR SPECIAL HEARING ON :  
PROPERTY LOCATED ON THE NORTH :  
SIDE OF BOYCE AVE., 175' EAST :  
OF THE NORTH SIDE OF BOYCE AVE. :  
(1506 BOYCE AVENUE) : BALTIMORE COUNTY  
9th ELECTION DISTRICT :  
4th COUNCILMANIC DISTRICT : AT LAW  
PEOPLE'S COUNSEL FOR BALTIMORE :  
COUNTY, PLAINTIFF : CG Doc. No. 46  
AND : Folio No. 312  
File No. 87-CG-4042  
LAWRENCE AND MARGARET MELFA, :  
ET AL, CO-PLAINTIFFS :  
ZONING FILE N O. 87-367-SPH :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Patricia Phipps and Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Susan M. Davis, Esq. and Russell J. White, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioners; Janet Lee Simpson, et al, P. O. Box 174, Riderwood, Md. 21139, Petitioners; Lawrence and Margaret Melfa, et al, 1510 Boyce Ave., Ruxton, Md. 21204, Co-Plaintiffs; Susan M. Reutershan, 8720 Georgia Ave., P. O. Box 8728, Silver Spring, Md. 20907, Counsel for Petitioner; Ms. Nancy Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Assoc., Inc., Box 204, Riderwood, Md. 21139; and Phyllis C. Friedman, Esq., Rm. 223, Old Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

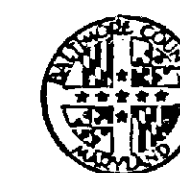
*June Holmen*  
June Holmen  
County Board of Appeals  
Court House, Towson, Md. 21204  
494-3180

Janet Lee Simpson, et al  
Case No. 87-367-SPH

I HEREBY CERTIFY that a copy of the foregoing Certificate of

Notice has been mailed to Susan M. Davis, Esq. and Russell J. White, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioners; Janet Lee Simpson, et al, P. O. Box 174, Riderwood, Md. 21139, Petitioners; Lawrence and Margaret Melfa, et al, 1510 Boyce Ave., Ruxton, Md. 21204, Co-Plaintiffs; Susan M. Reutershan, 8720 Georgia Ave., P. O. Box 8728, Silver Spring, Md. 20907, Counsel for Petitioner; Ms. Nancy-Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Assoc., Inc., Box 204, Riderwood, Md. 21139; and Phyllis C. Friedman, Esq., Rm. 223, Old Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff, on this 25th day of September, 1987.

*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County



County Board of Appeals of Baltimore County

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

September 16, 1987

Ms. Peggy Melfa  
1510 Boyce Avenue  
Ruxton, Md. 21204

Dear Ms. Melfa:

Re: Case No. 87-367-SPH  
Janet Lee Simpson, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Encl.  
cc: Ms. Nancy-Bets Hay  
Phyllis C. Friedman  
Norman E. Gerber  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
Margaret E. duBois  
Frank H. Fisher

RECEIVED  
SEP 16 1987

ZONING OFFICE

IN THE MATTER OF : IN THE  
THE APPLICATION OF : CIRCUIT COURT  
JANET LEE SIMPSON, ET AL :  
FOR SPECIAL HEARING ON :  
PROPERTY LOCATED ON THE NORTH :  
SIDE OF BOYCE AVENUE, 175' EAST :  
OF THE NORTH SIDE OF BOYCE AVE. :  
(1506 BOYCE AVENUE) : BALTIMORE COUNTY  
9th ELECTION DISTRICT :  
4th COUNCILMANIC DISTRICT : AT LAW  
ZONING FILE NO. 87-367-SPH :  
CG Docket No. 46  
Folio No. 312  
File No. 87-CG-4042

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Patricia Phipps and Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Susan M. Davis, Esq. and Russell J. White, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioners; Janet Lee Simpson, et al, P. O. Box 174, Riderwood, Md. 21139, Petitioners; Susan M. Reutershan, 8720 Georgia Ave., P. O. Box 8728, Silver Spring, Md. 20907, Counsel for Petitioner; Ms. Peggy Melfa, 1510 Boyce Ave., Ruxton, Md. 21204, Protestant; Ms. Nancy-Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improve. Assoc., Inc., Box 204, Riderwood, Md. 21139; and Phyllis C. Friedman, Esq., Rm. 223, Old Court House, Towson, Md. 21204, People's Counsel of Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County  
Rm. 200, Court House, Towson, Md. 21204  
494-3180

Janet Lee Simpson, et al  
Case No. 87-367-SPH

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Susan M. Davis, Esq. and Russell J. White, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Janet Lee Simpson, et al, Petitioners; Janet Lee Simpson, et al, P. O. Box 174, Riderwood, Md. 21139, Petitioners; Susan M. Reutershan, 8720 Georgia Ave., P. O. Box 8728, Silver Spring, Md. 20907, Counsel for Petitioner; Ms. Peggy Melfa, 1510 Boyce Ave., Ruxton, Md. 21204, Protestant; Ms. Nancy-Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improve. Assoc., Inc., Box 204, Riderwood, Md. 21139; and Phyllis C. Friedman, Esq., Rm. 223, Old Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 16th day of September, 1987.

*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County



County Board of Appeals of Baltimore County

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

June 1, 1987

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.

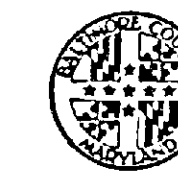
CASE NO. 87-367-SPH JANET LEE SIMPSON, ET AL  
N/s of Boyce Avenue, 175' E of the N/s of Boyce Avenue (1506 Boyce Avenue)  
9th Election District  
4th Councilmanic District  
SPH -Amndt to original site plan in Case No. 5647-XA and amendments to restrictions  
3/23/87 -Z.C. GRANTED amendment to original site plan; GRANTED amendments to restrictions in part.

ASSIGNED FOR: WEDNESDAY, August 12, 1987 at 10:00 a.m.

cc: Susan M. Davis, Esquire Counsel for Petitioner  
Russell J. White, Esquire " " "  
Janet Lee Simpson Petitioner/Appellant  
Phyllis Cole Friedman, Esq. People's Counsel  
Ms. Peggy Melfa Protestant  
Ms. Nancy-Bets Hay  
Susan M. Reutershan, Esq.

Norman E. Gerber  
James G. Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
Margaret E. du Bois

Kathi Weidenhammer  
Administrative Secretary



County Board of Appeals of Baltimore County

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

August 25, 1987

Susan M. Davis, Esquire  
204 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Case No. 87-367-SPH  
Janet Lee Simpson, et al

Dear Ms. Davis:

Enclosed is a copy of the final Opinion and Order passed today by the Board of Appeals regarding the subject matter.

Sincerely,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Secretary

Encl.

cc: Russell J. White, Esquire  
Susan M. Reutershan, Esquire  
Ms. Janet Lee Simpson  
Ms. Peggy Melfa  
Ms. Nancy-Bets Hay  
Phyllis Cole Friedman, Esquire  
Norman E. Gerber  
Frank H. Fisher  
J. Robert Haines  
James E. Dyer  
Margaret E. du Bois

RECEIVED  
AUG 26 1987

ZONING OFFICE



IN THE MATTER OF  
THE APPLICATION OF  
JANET LEE SIMPSON, ET AL  
FOR SPECIAL HEARING ON  
PROPERTY LOCATED ON THE NORTH  
SIDE OF BOYCE AVENUE, 175' EAST  
OF THE NORTH SIDE OF BOYCE AVE.  
(1506 BOYCE AVENUE)  
9th ELECTION DISTRICT  
4th COUNCILMANIC DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
CASE NO. 87-367-SPH

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner granting the requested amendments to the original site plan and granting amendments to the restrictions in part. The case was heard this day in its entirety.

Petitioner, Janet Lee Simpson, was represented by Counsel and the Protestants, Mr. & Mrs. Melfa, were also represented by Counsel, and the Office of People's Counsel was represented at this hearing. A brief history of this project would seem to be appropriate.

In 1953, a special exception was granted this site for a day-care center with a limit of 15 children. In 1962, a further special exception was granted to allow the operation of a nursery school with hours 9:00 a.m. to 1:00 p.m. on lots #111, #112, #113, #114 and #115. Baltimore County Regulations permit the operation of a day-care center with 5 or fewer children without a day-care license. On or about 1978, the number of children being cared for exceeded 5 and a license for a day-care operation was petitioned for and granted, with the hours restricted from 7:00 a.m. to 1:00 p.m. In or around the late 1970's, lots #111, #112, #113 and #114 were transferred to other ownership, leaving lot #115 for the operation of the day-care center. The matter before the Board concerns a request for the transfer of ownership of this lot from the mother to the

Case No. 87-367-SPH  
Janet Lee Simpson, et al

daughter, the continuation of the day-care license and the extension of the hours from 7:00 a.m. to 5:30 p.m.

Catherine Drayton, Chief of the Day Care License operation, testified for the Petitioner. She testified that the existing license permits a nursery school from 9:00 a.m. to 12:00 noon and a day-care center from 7:00 a.m. to 9:00 a.m. and 12:00 noon to 5:30 p.m. and that a license is required for each operation. Ms. Drayton testified that her file shows no restriction on hours for these operations. She further testified that in 1979 is the first evidence in her file in which a license for the day-care center has been issued and that such license is reviewed yearly by all pertinent Baltimore County departments, and has routinely been approved. She testified that 25 children are allowed for the day-care center and 50 children for the nursery school, but that the total capacity cannot exceed 50 children.

Testimony from Catherine James, Petitioner's sister, indicated that Janet Simpson has operated this place since 1978, taking over from her mother, and that at one time there were 150 children, but after the sale of the lots, this was reduced to a maximum of 50 children.

Edward Griffiths, real estate appraiser and area resident, testified as to his long association with this property and the need for day-care centers and the excellence of the operation of this one.

Janet Lee Simpson, Petitioner, testified as to the operation of the day-care center and the nursery school and her long association in its operation.

Allan Waller testified in favor of the request, indicating that he was an alumni of this day-care center and to the high quality of its operation.

People's Counsel presented Michael Flannigan, Associate Traffic Engineer, who reported on the traffic problems created at this location by automobiles

Case No. 87-367-SPH  
Janet Lee Simpson, et al

delivering the children and picking them up, the narrowness of the road and the hazard created by this operation, and that there were no plans to upgrade this road at this time.

Protestants presented John Powell, a next-door neighbor to the west, who purchased his property in 1986 and who testified to these traffic problems created by the parking of automobiles to discharge or pick up children, and to the noise from the children during its operation.

Larry Melfa, also a next-door neighbor who purchased his property in 1979, also went into great detail about the traffic problems and his concern that the special exception restriction of 1962 limiting the hours to 1:00 p.m. have not been complied with.

Louise Schultz, representing the Ruxton-Riderwood-Lake Roland Area Improvement Association, testified as to her Association's objection to the petition because of the potential for traffic problems and the desire to see a turn-around construction on this site.

Peggy Melfa, wife of Larry Melfa, testified that she was told when they purchased their property that the hours were 9:00 a.m. to 12:00 noon and that she objects to the noise from the children next door and the traffic problems created as of the present.

The Board does not intend these brief summaries of the testimony to in any way indicate the entirety of the testimony but will let the record speak for itself as to that.

The Board gathered from the testimony presented that this day-care operation began in 1953 with the maximum of 15 children. In 1962, there apparently arose a need for a nursery school and a special exception to permit same was applied for and granted, its hours being 9:00 a.m. to 12:00 noon. Sometime in

Case No. 87-367-SPH  
Janet Lee Simpson, et al

the late 1970's, the number of day-care children exceeded the 5 allowed by law and a license to permit this was applied for and obtained. No attempt was made to amend the 1962 special exception to permit the increased number of children or the increased hours. This license application, however, was reviewed by all proper Baltimore County departments and approved and has been renewed annually every year since. The Board will note from the testimony several extenuating factors. The nursery school and day-care center were in full operation as they are today when the Protestants purchased their properties. While much testimony regarded the extreme hazardous condition created by the delivery and pick up of the children, there was no testimony that there had ever been any accidents no matter how minor nor any police reports concerning any complaints about the alleged traffic situation. While the operation of this facility from 7:00 a.m. till 5:30 p.m. is technically in violation of the 1962 special exception granted, the Petitioner applied for and received a license from Baltimore County to operate exactly as it has been operated every year since the late 1970's. The Board is also well aware of the extreme need for competent day-care centers in today's society in which it is not a matter of choice but a matter of necessity that both parents be employed. The Board will also make note of the fact that all the testimony and evidence presented both by the County inspectors and by testimony that this is a well run nursery school and day care center. To reduce the hours of operation to what was allowed in the 1962 special exception would mean that the majority of the children now attending the school would have to be relocated to another day-care center, a virtual impossibility, or one of the parents would have to cease employment to take care of their off-spring. While Mrs. Simpson, for whatever reason, neglected to petition for an amendment to her special exception, she did petition and was granted the required licenses to operate this

Case No. 87-367-SPH  
Janet Lee Simpson, et al

day-care center and has been regularly inspected by all proper authorities and been given full authority to continue its use. It is therefore the opinion of this Board that the amendment to increase the hours from 7:00 a.m. to 5:30 p.m. with a maximum of 50 children should be permitted and will so order with restrictions.

ORDER

It is therefore this 25th day of August, 1987, by the County Board of Appeals of Baltimore County ORDERED that the amendment to the original site plan granting the transfer from the mother, Mrs. Blanche Hutchinson, to the daughter, Janet Lee Simpson, be and the same is GRANTED.

IT IS FURTHER ORDERED that the amendment to the original special exception requesting the operating hours of 7:00 a.m. to 9:00 a.m. and 1:00 p.m. to 5:30 p.m. for the day-care center be and the same is GRANTED.

AND IT IS FURTHER ORDERED that the amendment to permit the nursery school to operate from 9:00 a.m. to 1:00 p.m. be and the same is GRANTED.

IT IS FURTHER ORDERED that these conditions be contingent upon the following restrictions:

1. A 51-foot frontage as shown on the plat by Spellman, Larson and Associates and entered as Joint Exhibit No. 2 be widened and paved to permit those automobiles delivering and retrieving children to pull off of Boyce Avenue so that other traffic does not have to cross a double yellow line to proceed, this grading and paving to be accomplished within ninety (90) days from the date of this order;
2. Any change in operation or ownership of the nursery, kindergarten, or pre-school shall require a special hearing pursuant to Section 500.7; and
3. A special exception granted in 1962, Case No. 56-47-XA, shall terminate if the owner/operator of the facility does not reside on the property.

Case No. 87-367-SPH  
Janet Lee Simpson, et al

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

COUNTY BOARD OF APPEALS OF  
BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Patricia Phipps*  
Patricia Phipps

*Lawrence E. Schmidt*  
Lawrence E. Schmidt

April 22, 1987

Baltimore County Board of Appeals  
Old Courthouse, Room #205  
Towson, Maryland 21204

RE: Petition for Special Hearing  
N/S of Boyce Avenue, 175' E of the N/S of Boyce Avenue (1506 Boyce Avenue)  
9th Election District, 4th Councilmanic District  
Janet Lee Simpson, et al - Petitioner  
Case No. 87-367-SPH

Dear Board:

Please be advised that on April 22, 1987, an appeal of the decision rendered in the above-referenced case was filed by Susan McMillan Davis, Esquire, and Russell J. White, Esquire on behalf of Janet Lee Simpson, et al, the Petitioners.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJrbjs

cc: Susan McMillan Davis, Esquire  
Russell J. White, Esquire  
204 W. Pennsylvania Avenue, Towson, Md. 21204

Ms. Nancy-Beta Hay,  
Chairman, Zoning Committee  
The Ruxton-Riderwood-Lake Roland Area Imp. Assoc., Inc.  
Box 204, Riderwood, Md. 21139

Phyllis Cole Friedman, Esquire  
People's Counsel for Baltimore County  
Old Courthouse, Rm. 223  
Towson, Maryland 21204

APPEAL

Petition for Special Hearing  
N/S of Boyce Avenue, 175' E of the N/S of Boyce Avenue  
(1506 Boyce Avenue)  
9th Election District - 4th Councilmanic District  
Janet Lee Simpson, et al - Petitioner  
Case No. 87-367-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1 - Plat of Property

2 - Letter of Support from Terry R. Verger dated 3/13/87

3 - Traffic Log taken from March 11 - 13, 1987

Statement in Support of Petition from Susan M. Reutershan, Esquire, attorney for Petitioner

Letters in Support of Petition submitted by various residents in the area

Protestant's Exhibits: 1 - Rough location drawing of parking area

Letters in Opposition to Petition submitted by various residents in the area including the Ruxton-Riderwood-Lake Roland Area Imp. Assoc., Inc.

Zoning Commissioner's Order dated March 23, 1987

Notice of Appeal received April 22, 1987 from Susan McMillan Davis, Esquire, and Russell J. White, Esquire, Attorneys for Petitioner, with an attached Petition to Stay the Order of the Zoning Commissioner dated April 16, 1987 and Order agreeing to same to be signed by the Zoning Commissioner.\*

\* Please note that the Zoning Commissioner revised the Order submitted for his signature to "stay the restrictions imposed" in his Order dated April 22, 1987.



Ms. Peggy Melfa, Protestant  
1510 Boyce Avenue, Ruxton, Maryland 21204

Ms. Nancy-Bets Hay, Chairman  
Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Imp. Assoc., Inc.  
Box 204, Riderwood, Md. 21139

Phyllis Cole Friedman, Esquire,  
People's Counsel of Baltimore County  
Rm. 223, Old Courthouse, Towson, Maryland 21204

Request Notification: Norman E. Gerber, Director of Planning  
James Hoswell, Office of Planning & Zoning  
Arnold Jablon, Zoning Commissioner  
Jean M. H. Jung, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Margaret E. duBois, Docket Clerk

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 823-7800  
J. EARLE PLUMHOFF  
NEWTON A. WILLIAMS  
WILLIAM M. HESSON, JR.  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHANKOW  
DOUGLAS L. BURGESS  
LOUIS G. CLOSE, III  
\*ALSO ADMITTED IN D.C.  
OF COUNSEL  
RALPH E. DEITZ  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 822-2281  
RUSSELL J. WHITE

April 16, 1987

Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: In re: Petition Special Hearing  
Janet Lee Simpson, et al.  
Case: 87-367-SPH

Dear Sir or Madam:

Enclosed please find an original and one (1) copy of a Notice of Appeal and Petition To Stay The Order Of The Zoning Commissioner to be filed in the above-entitled case. Also enclosed please find a check in the amount of Seventy-Five Dollars (\$75.00) to cover the cost of filing.

Thank you for your assistance in this matter.

Very truly yours,

*Susan McMillan Davis*  
Susan McMillan Davis

SMD/pdb

Enclosures

RECEIVED  
APR 22 1987  
ZONING OFFICE

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175'E \* ZONING COMMISSIONER  
of the N/S Boyce Avenue \*  
(1506 Boyce Avenue) \* OF BALTIMORE COUNTY  
9th Election District \*  
JANET LEE SIMPSON, et al. \* Case: 87-367-SPH  
Petitioners \*  
\* \* \* \* \*

NOTICE OF APPEAL

Pursuant to the Baltimore County Code, Title 22-32, please enter an Appeal on behalf of the Petitioners to the Baltimore County Board of Appeals from Condition No. 4 of an Order of the Zoning Commissioner entered March 23, 1987.

*Susan McMillan Davis*  
SUSAN McMILLAN DAVIS

*Russell J. White*  
RUSSELL J. WHITE  
204 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 823-7800  
Attorneys for Petitioners

I HEREBY CERTIFY, that on this 16<sup>th</sup> day of April, 1987, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to People's Counsel, Old Courthouse, Towson, Maryland 21204.

*Susan McMillan Davis*  
SUSAN McMILLAN DAVIS

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175'E \* ZONING COMMISSIONER  
of the N/S Boyce Avenue \*  
(1506 Boyce Avenue) \* OF BALTIMORE COUNTY  
9th Election District \*  
JANET LEE SIMPSON, et al. \* Case: 87-367-SPH  
Petitioners \*  
\* \* \* \* \*

PETITION TO STAY  
THE ORDER OF THE ZONING COMMISSIONER

Comes now, Janet Lee Simpson, et al, Petitioners by their attorneys, Susan McMillan Davis and Russell J. White, and respectfully petitions the Commission to Stay the Order of the Zoning Commissioner entered March 23, 1987 and in support thereof states as follows:

1. Janet Lee Simpson is the owner/operator of Kiddie Kollege, a pre-school and day care center located at 1506 Boyce Avenue, Baltimore County, Maryland.

2. The property upon which Kiddie Kollege exists is zoned DR 3,5.

3. In 1962, Ms. Blanche Hutchinson, Ms. Simpson's mother, obtained a special exception for the operation of a private nursery, Kindergarten school at 1506 Boyce Avenue. This special exception was granted to Blanche Hutchinson personally and restricted the hours of operation from 9:00 a.m. to 1:00 p.m.

4. The ownership and operation of Kiddie Kollege were transferred to Ms. Janet Lee Simpson and in 1977 the hours of operation of Kiddie Kollege were extended from 9:00 a.m. to 5:30 p.m.

5. In 1985, Ms. Janet Lee Simpson was advised, by her counsel, of the time restrictions imposed in 1962 and she filed a petition to amend the special exception to reflect the current ownership and use of the property.

6. On March 16, 1987, a hearing was held before the zoning commissioner (Arnold Jablon) and it was ordered that the special exception granted in 1962 be transferred to Janet Lee Simpson and that the area encompassed in that exception be reduced with the following special conditions:

- Any change in operation or ownership of the nursery-kindergarten and pre-school shall require a special hearing, pursuant to Section 500.7, BCZR.
- The special exception granted in Case No. 5647-XA shall terminate if the operator/owner of the nursery-kindergarten and pre-school does not reside on the property.
- The Petitioner shall construct a privacy fence around the lot boundaries.
- The Petitioner shall be permitted to continue to operate the facility between the hours of 7:00 a.m. and 5:30 p.m. until June 30, 1987, at which time they shall be reduced to between 7:00 a.m. and 1:00 p.m.

7. During the fall and spring school sessions, Kiddie Kollege has a total of fifty (50) children enrolled in the

pre-school and nursery school classes. In the summer session, Kiddie Kollege has an enrollment of approximately thirty (30) children.

8. If Kiddie Kollege is forced to reduce its hours from 7:00 a.m. to 1:00 p.m. effective June 30, 1987 approximately twenty-five (25) families whose children currently attend Kiddie Kollege will be forced to find alternative day care with after-noon hours because the parents are employed full time.

9. Prior to Ms. Simpson initiating this exception hearing, no complaints were ever filed against Kiddie Kollege.

10. Ms. Simpson has filed a Notice of Appeal from the order of the Zoning Commissioner.

WHEREFORE, Petitioners respectfully request:

A. That the Order of the Zoning Commissioner filed March 23, 1987 in Case No. 87-367-SPH be stayed pending a decision on the appeal.

B. For such other and further relief as the nature of their cause requires.

*Susan McMillan Davis*  
SUSAN McMILLAN DAVIS

*Russell J. White*  
RUSSELL J. WHITE  
204 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 823-7800  
Attorneys for Petitioners

I HEREBY CERTIFY, that on this 16<sup>th</sup> day of April, 1987, a copy of the foregoing Petition To Stay The Order Of The Zoning Commissioner was mailed, postage prepaid, to People's Counsel, Old Courthouse, Towson, Maryland 21204.

*Susan McMillan Davis*  
SUSAN McMILLAN DAVIS

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175'E \* ZONING COMMISSIONER  
of the N/S Boyce Avenue \*  
(1506 Boyce Avenue) \* OF BALTIMORE COUNTY  
9th Election District \*  
JANET LEE SIMPSON, et al. \* Case: 87-367-SPH  
Petitioners \*  
\* \* \* \* \*

ORDER

Having considered Petitioners' Petition To <sup>stay the restrictions</sup> ~~stay the~~ ~~order~~ ~~of the order~~ of the Zoning Commissioner it is this 27 day of April, 1987, by the Zoning Commission hereby <sup>restrictions imposed by order</sup> ~~order~~ ORDERED that the ~~order~~ of the Zoning Commissioner entered March 23, 1987, be and the same is hereby stayed pending the outcome of the appeal in this matter.

*Russell J. White*



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
N/S of Boyce Ave., 175' E of N/S  
of Boyce Ave. (2506 Boyce Ave.) : OF BALTIMORE COUNTY  
9th District

JANET LEE SIMPSON, et al., Case No. 87-367-SPH  
Petitioners

ENTRY OF APPEARANCE

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

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

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 13th day of February, 1987, a copy of the foregoing Entry of Appearance was mailed to Susan M. Reutershan, Esquire, 8720 Georgia Ave., P.O. Box 8728, Silver Spring, MD 20907, Attorney for Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
FEB 17 1987  
ZONING OFFICE

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 9th Date of Posting: 2-27-87  
Posted for: Special Hearing  
Petitioner: Janet Lee Simpson, et al.  
Location of Property: N/S of Boyce Ave. 175' E of N/S of Boyce Ave. (2506 Boyce Ave.)  
Location of Sign: North Side of Boyce Ave. on part of 2506 Boyce Ave.  
Remarks: *[Signature]*  
Posted by: *[Signature]* Date of return: 3-6-87  
Number of Signs: 1

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD., February 25, 1987.  
THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 25, 1987.

TOWSON TIMES,

*Susan Sander*  
Publisher

49.72

RECEIVED  
COUNTY BOARD OF APPEALS  
1987 JAN 11 AD 44

Kathy Rushton - 494-2680  
Assignment - Jury - Motion  
Marcia Farnell  
Assistant Clerk Typist  
Irene Summers - 494-2681  
Assignment - Non-Jury - Motion  
Freddie Grove  
Assistant Clerk Typist

CIRCUIT COURT FOR BALTIMORE COUNTY  
ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 Bosley Avenue  
P.O. Box 6754  
Towson, Maryland 21285-6754  
January 4, 1988

From CJA  
Jobi Adams - 494-2680  
County Court Commissioner  
Sawmills Court  
Maria Ercolano - 494-2682  
Masters Assignment Clerk  
Medical Records

TO: Phyllis Cole Friedman, Esq.  
Peter Max Zimmerman, Esq.  
Lawrence A. Wolfe, Esq.  
June Holman, Esq.  
Russell J. White, Esq.  
Susan M. Davis, Esq.

RE: NON JURY - 87 CC 4042 - PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, ET AL. VS. JANET L. SIMPSON

HEARING DATE: THURSDAY, MARCH 5, 1988, @ 9:30 A.M., CORRECTED NOTICE  
ON THE FOLLOWING: APPEALS 3 to 3/4 HOUR

Please see the below notations.

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTONEMENTS PRIOR TO 15 DAYS OF TRIAL should be directed to the attention of Jobi Adams. POSTONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Ginn - 494-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

RECEIVED  
COUNTY BOARD OF APPEALS  
1987 JAN 19 AD 43

Kathy Rushton - 494-2680  
Assignment - Jury - Motion  
Marcia Farnell  
Assistant Clerk Typist  
Irene Summers - 494-2681  
Assignment - Non-Jury - Motion  
Freddie Grove  
Assistant Clerk Typist

CIRCUIT COURT FOR BALTIMORE COUNTY  
ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 Bosley Avenue  
P.O. Box 6754  
Towson, Maryland 21285-6754  
January 4, 1988

TO: Phyllis Cole Friedman, Esq.  
Peter Max Zimmerman, Esq.  
Lawrence A. Wolfe, Esq.  
June Holman, Esq.  
Russell J. White, Esq.  
Susan M. Davis, Esq.

NOTE - CORRECTED NOTICE

RE: NON JURY - 87 CC 4042 - PEOPLE'S COUNSEL FOR BALTIMORE COUNTY VS. LAWRENCE WOLFE, ET AL.  
HEARING DATE: TUESDAY, MARCH 8, 1988, @ 9:30 A.M.  
ON THE FOLLOWING: APPEALS 3 to 3/4 HOUR

Please see the below notations.

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTONEMENTS PRIOR TO 15 DAYS OF TRIAL should be directed to the attention of Jobi Adams. POSTONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Ginn - 494-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

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

March 10, 1987

Susan M. Reutershan, Esquire  
8720 Georgia Avenue  
P.O. Box 8728  
Silver Spring, Maryland 20907

RE: PETITION FOR SPECIAL HEARING  
N/S of Boyce Ave., 175' E of the N/S of Boyce Ave.  
(1506 Boyce Ave.)  
9th Election District - 4th Councilmanic District  
Janet Lee Simpson, et al - Petitioners  
Case No. 87-367-SPH

Dear Ms. Reutershan:

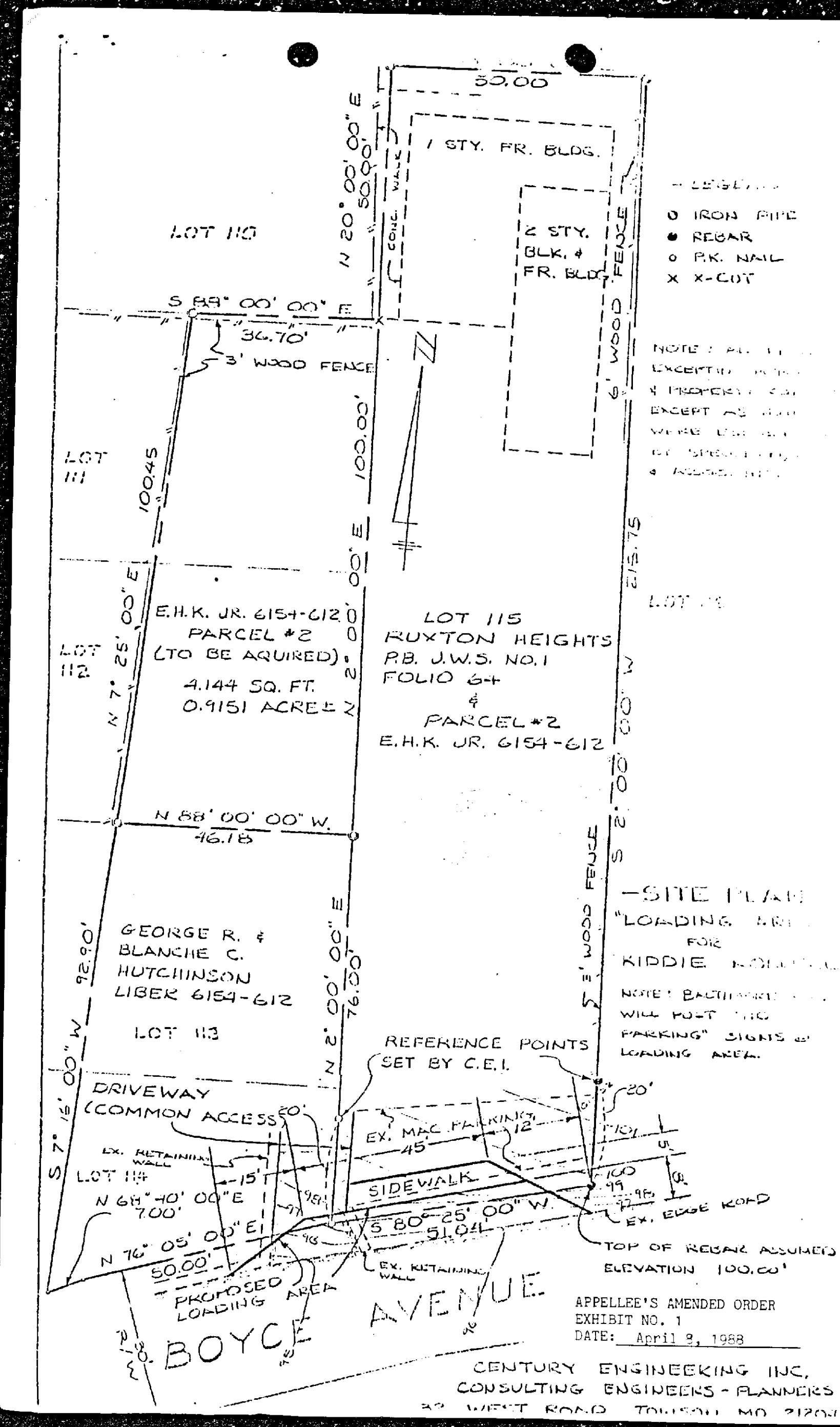
This is to advise you that \$96.89 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing.

By Baltimore County, Maryland  
Office of Finance - Revenue Division  
Miscellaneous Cash Receipt  
No. 33074  
re County, Maryland, and remit  
Towson, Maryland

DATE: 2/17/87 ACCOUNT: 067-519-000  
SIGN & POST RETURNED AMOUNT: \$ 96.89  
Kiddie College, Inc., 1506 Boyce Avenue,  
Ruxton, Md. 21204  
RECEIVED FROM: ADVERTISING & POSTING COSTS RE CASE: 487-367-SPH  
FOR: 8125\*\*\*\*\*067-519-000  
VALIDATION OR SIGNATURE OF CASHIER



CERTIFICATE OF PUBLICATION

TOWSON, MD., February 25, 1987.  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 25, 1987.

THE JEFFERSONIAN,

*Susan Sander*  
Publisher

of Advertising

32.17



Susan M. Reutershan, Esquire  
8720 Georgia Avenue  
P.O. Box 8728  
Silver Spring, Maryland 20907

January 30, 1987

**NOTICE OF HEARING**

RE: PETITION FOR SPECIAL HEARING  
N/S of Boyce Ave., 175' E of the N/S of Boyce Ave.  
(1506 Boyce Ave.)  
9th Election District  
Janet Lee Simpson, et al - Petitioners  
Case No. 87-367-SPH

TIME: 11:00 a.m.

DATE: Monday, March 16, 1987

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

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

No. 29869

DATE: 12/16/87 ACCOUNT: 100-00

AMOUNT: \$ 100.00

RECEIVED FROM: Susan Reutershan Esquire

FOR: SPECIAL HEARING 87

VALIDATION OR SIGNATURE OF CASHIER

WHITE & KARCESKI  
ATTORNEYS AT LAW  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

RUSSELL J. WHITE  
RICHARD M. KARCESKI  
SUSAN MCMILLAN DAVIS

SUITE 1504  
201 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21201

TOWSON: (301) 823-7800  
BALTIMORE: (301) 823-0600  
REPLY TO: TOWSON

October 29, 1987

Civil General Clerk  
Circuit Court for Baltimore County  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

RE: People's Counsel for Baltimore  
County, et al. v. Janet Simpson,  
et al. Zoning File No. 87-367-SPH  
File No. 87 CG 4042, Docket 46, Folio 312

Dear Mr./Ms. Clerk:

Enclosed please find two original Answers to be filed in the  
above-entitled matter.

Thank you for your cooperation in this matter.

Very truly yours,

*[Signature]*  
Susan McMillan Davis

SMD/pdb  
Enclosures

cc: Peter Max Zimmerman  
Lawrence A. Melfa, Esquire  
Administrative Secretary, Board of Appeals

RECEIVED  
COUNTY BOARD OF APPEALS  
NOV 2 1987

PEOPLES COUNSEL FOR  
BALTIMORE COUNTY

Appellant

and

LAWRENCE & MARGARET MELFA

SUSAN HEMMINGWAY

KENNETH & CAROLYN KNAPP

WILEY & COLBY HAWKS

FREDERICK & ANNA FUNKHOUSER

THOMAS & NANCY SPIES

JOHN & JANE POWELL

RUXTON RIDERWOOD LAKE  
ROLAND AREA IMPROVEMENT  
ASSOCIATION, INCORPORATED

Co-Appellants

vs.

JANET L. SIMPSON, et al.,

Appellee

Zoning File No. 87-367-SPH

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
AT LAW  
CG Docket No. 46  
Folio No. 312  
File No. 87 CG 4042

**ANSWER**

Appellee, Janet L. Simpson, et al., by her attorneys, Russell J.  
White and Susan McMillan Davis, in response to the Petition On Appeal filed  
by People's Counsel for Baltimore County answer as follows:

1. That the Order granting the amendment to the original site plan,  
amendment to the original special exception and amendment to permit nursery  
school expansion was not arbitrary or capricious and was based on sufficient  
evidence.

2. The conditions placed upon the special exception permit serve to  
alleviate any serious traffic hazard connected to the proposed use.  
WHEREFORE, Appellee prays that the Opinion and Order of the County  
Board of Appeals under date August 25, 1987 be affirmed.

*[Signature]*  
RUSSELL J. WHITE

*[Signature]*  
SUSAN MCMILLAN DAVIS  
204 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 823-7800  
Attorneys for Appellee

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1987, a copy  
of the foregoing Answer was mailed, postage prepaid, to Peter Max Zimmerman,  
Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204,  
Lawrence A. Melfa, Esquire, 410 Allegheny Avenue, Towson, Maryland 21204,  
and the Administrative Secretary, County Board of Appeals, Room 200, Court  
House, Towson, Maryland 21204.

*[Signature]*  
SUSAN MCMILLAN DAVIS

PEOPLES COUNSEL FOR  
BALTIMORE COUNTY

Appellant

and

LAWRENCE & MARGARET MELFA

SUSAN HEMMINGWAY

KENNETH & CAROLYN KNAPP

WILEY & COLBY HAWKS

FREDERICK & ANNA FUNKHOUSER

THOMAS & NANCY SPIES

JOHN & JANE POWELL

RUXTON RIDERWOOD LAKE  
ROLAND AREA IMPROVEMENT  
ASSOCIATION, INCORPORATED

Co-Appellants

vs.

JANET L. SIMPSON, et al.,

Appellee

Zoning File No. 87-367-SPH

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
AT LAW  
CG Docket No. 46  
Folio No. 312  
File No. 87 CG 4042

**ANSWER**

Appellee, Janet L. Simpson, et al., by her attorneys, Russell J.  
White and Susan McMillan Davis, in response to the Petition of Appeal filed  
by the abutting and adjoining neighbors to the property known as Kiddie  
Kollege answer as follows:

1. Appellee denies the allegations contained in paragraph 1.
2. Appellee denies the allegations contained in paragraph 2.
3. Appellee denies the allegations contained in paragraph 3.

Having fully answered, Appellee further asserts:

4. That the Order granting the amendment to the original special  
exception, the amendment to the original site plan was not arbitrary or  
capricious and was based on sufficient evidence.

5. That the Order of the Board of Appeals did comply with the  
standards set forth in the Baltimore County Zoning Regulations, 502.1 in  
that the evidence adduced at the hearing showed that the granting of the  
special exception would not be detrimental to the health, safety and general  
welfare of the community and further that the conditions placed on the  
special exception permit by the Board of Appeals would alleviate any  
congestion in the roads, streets and alleys and finally that the evidence  
adduced below showed that there was no tendency to overcrowd the land, that  
such was strictly regulated by the Baltimore County Department of Health  
and always complied with by Kiddie Kollege.

6. That the Board of Appeals heard ample testimony of the neighbors  
concerning noise and privacy and properly considered it in their decision.

WHEREFORE, Appellee prays that the Opinion and Order of the County  
Board of Appeals of August 25, 1987 be affirmed. Costs to be assessed to  
Appellants.

*[Signature]*  
RUSSELL J. WHITE

*[Signature]*  
SUSAN MCMILLAN DAVIS  
204 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 823-7800  
Attorneys for Appellee

**CERTIFICATION**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1987, a  
copy of the foregoing Answer was mailed, postage prepaid, to Peter Max  
Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland  
21204, Lawrence A. Melfa, Esquire, 410 Allegheny Avenue, Towson, Maryland  
21204, and the Administrative Secretary, County Board of Appeals, Room 200,  
Court House, Towson, Maryland 21204.

*[Signature]*  
SUSAN MCMILLAN DAVIS

IN THE MATTER OF  
THE APPLICATION OF  
JANET LEE SIMPSON, ET AL.  
FOR SPECIAL HEARING ON  
PROPERTY LOCATED ON THE NORTH  
SIDE OF BOYCE AVE., 175' EAST  
OF THE NORTH SIDE OF BOYCE AVE.  
(1506 BOYCE AVENUE)  
9th ELECTION DISTRICT  
4th COUNCILMANIC DISTRICT

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
AT LAW  
CG Doc. No. 46  
Folio No. 312  
File No. 87-CG-4042

ZONING FILE NO. 87-367-SPH

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING  
COMMISSIONER AND THE BOARD OF APPEALS OF  
BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Patricia Phipps and  
Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore  
County, and in answer to the Order for Appeal directed against them in this  
case, herewith return the record of proceedings had in the above entitled  
matter, consisting of the following certified copies or original papers from  
the Zoning Commissioner's Office:

No. 87-367-SPH

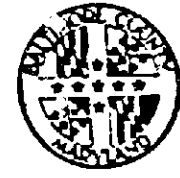
January 29, 1987 Petition of Janet Lee Simpson, et al, special hearing  
to approve an amendment to the original site plan for  
Kiddie Kollege, approved in zoning case #05647-X-A, by  
reducing the area encompassed by the special exception  
to the area shown by the enclosed site plan, by eliminating  
the ownership restriction contained in the special exception,  
and by amending the restriction on hours of operation from  
9:00 a.m. - 1:00 p.m. to 7:00 a.m. to 5:30 p.m.

January 29 Order of Zoning Commissioner directing advertisement and  
posting of property - date of hearing set for March 16,  
1987, at 11:00 a.m.

February 26, 1987 Certificate of Publication in newspaper - filed

February 27, 1987 " " Posting of property - filed





County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180  
September 25, 1987

Lawrence and Margaret Melfa, et al  
1510 Boyce Avenue  
Ruxton, Md. 21204

Re: Case No. 87-367-SPH  
Janet Lee Simpson, et al

Dear Sir and Madam:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

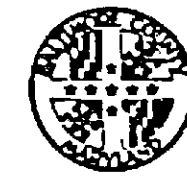
The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Enclosures  
cc: Ms. Nancy-Bets Hay



County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180  
September 25, 1987

Susan M. Davis, Esq.  
Russell J. White, Esq.  
204 W. Pennsylvania Ave.  
Towson, MD. 21204

Re: Case No. 87-367-SPH  
Janet Lee Simpson, et al

Dear Sir and Madam:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Encl.  
cc: Phyllis C. Friedman, Esq.  
Susan M. Reutershan, Esq.  
Janet Lee Simpson  
Lt. Col. George Hutchinson  
Norman E. Gerber  
Frank Fisher  
J. Robert Haines  
Ann M. Naskerowicz  
James E. Dyer  
Margaret E. duBois

PEOPLES COUNSEL FOR  
BALTIMORE COUNTY  
Appellant  
and  
LAWRENCE & MARGARET MELFA  
LINDA SUE HEMMINGWAY  
KENNETH & CAROLYN KNAPP  
WILEY & COLBY HAWKS  
FREDERICK & ANNA FUNKHOUSER  
THOMAS & NANCY SPIES  
JOHN & JANE POWELL  
RUXTON RIDERWOOD LAKE  
ROLAND AREA IMPROVEMENT  
ASSOCIATION, INCORPORATED  
Co-Appellants  
v.  
JANET L. SIMPSON, et al.,  
Appellee  
Zoning File No. 87-367-SPH

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
AT LAW  
CG Docket No. 46  
Folio No. 312  
File No. 87CG4042

NOTICE OF APPEAL

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals under date of August 25, 1987, in the above-captioned matter.

*Lawrence A. Melfa*  
LAWRENCE A. MELFA  
Counsel for Co-Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of Sept., 1987, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to Peter Max Zimmermar, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204; to Russel J. White, Esquire and Susan M. Davis, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204; and to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204.

*Lawrence A. Melfa*  
LAWRENCE A. MELFA

RECEIVED  
COUNTY BOARD OF APPEALS  
1987 SEP 25 A 10-00

2

PEOPLES COUNSEL FOR  
BALTIMORE COUNTY  
Appellant  
and  
LAWRENCE & MARGARET MELFA  
SUSAN HEMMINGWAY  
KENNETH & CAROLYN KNAPP  
WILEY & COLBY HAWKS  
FREDERICK & ANNA FUNKHOUSER  
THOMAS & NANCY SPIES  
JOHN & JANE POWELL  
RUXTON RIDERWOOD LAKE  
ROLAND AREA IMPROVEMENT  
ASSOCIATION, INCORPORATED  
Co-Appellants  
v.  
JANET L. SIMPSON, et al.,  
Appellee  
Zoning File No. 87-367-SPH

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
AT LAW  
CG Docket No. 46  
Folio No. 312  
File No. 87CG4042

PETITION ON APPEAL

The abutting and adjoining neighbors to the property located at 1506-08 Boyce Avenue known as the Kiddie Kollege protesters below and appellants herein through their counsel Lawrence A. Melfa have heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals under date of August 25, 1987, in compliance with Maryland Rule B-2(e),

files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, to wit:

1. That the Order granting the amendment to the original site plan, amendment to the original special exception, and amendment to permit nursery school expansion, as set forth in further detail therein, amounting to a substantial expansion of the day care center and nursery school use, was arbitrary and capricious, and not based on sufficient evidence, and was specifically objectionable because of the serious traffic problems connected with the proposed use.

2. That the Opinion and Order cited above additionally failed to comply with the standards of set for in the granting of a special exception pursuant to 502.1 of the Baltimore County Zoning Regulations specifically in that the evidence adduced at the hearings below showed that the granting of the special exception was detrimental to the health, safety, and general welfare of the locality involved and further that it tended to create congestion in roads, streets, and alleys nearby and created a potential hazard from fire, panic, or other dangers such as traffic accidents, and further that the evidence adduced below showed that there was a tendency to overcrowd the land and that the owners of the Kiddie Kollege sold off half of their land but nevertheless increased the size of their operation thus causing an overcrowding situation for the children who attend the school as well as an undo

concentration of population and congestion for the surrounding community.

3. And further that the granting of the special exception below failed to take into consideration the valid concerns of the immediate neighborhood with reference to noise, privacy, and the quite and peaceful enjoyment of their land.

WHEREFORE, Co-Appellants pray that the Opinion and Order of the County Board of Appeals under date of August 25, 1987 be reversed. Cost to be assessed against the Appellees.

*Lawrence A. Melfa*  
LAWRENCE A. MELFA  
Counsel for Co-Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of Sept., 1987, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204; to Russel J. White, Esquire and Susan M. Davis, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204; and to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204.

*Lawrence A. Melfa*  
LAWRENCE A. MELFA

WHITE & KARCESKI  
ATTORNEYS AT LAW  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
SUITE 1504  
201 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21201

TOWSON: (301) 833-7800  
BALTIMORE: (301) 885-0600  
REPLY TO TOWSON

September 21, 1987

Ms. June Holmen  
County Board of Appeals  
of Baltimore County  
Court House  
Towson, Maryland 21204

RE: People's Counsel for Baltimore  
County v. Janet L. Simpson  
Case: 87 CG 4042  
Board of Appeals Case: 87 - 367 - SPH

Dear Ms. Holmen:

Thank you for your letter of September 16, 1987 concerning the above-entitled case. However, please be advised that the Appellant in this matter is now the People's Counsel for Baltimore County and pursuant to Rule B7 (a) the cost of the transcript of record is to be paid by that office.

Your prompt attention in correcting that matter is appreciated.

Very truly yours,

*Susan McMillan Davis*  
Susan McMillan Davis

SMD/pdb

cc: Janet L. Simpson

RECEIVED  
COUNTY BOARD OF APPEALS  
1987 SEP 23 A 9-51

RECEIVED  
COUNTY BOARD OF APPEALS  
1987 SEP 25 A 10-00



Janet Lee Simpson, et al  
Case No. 87-367-SPH

March 2, 1987 Comments of Baltimore County Zoning Plans Advisory Committee - filed

March 6 Comments of Baltimore County Director of Planning, filed

March 16 At 11 a.m., hearing held on petition by Zoning Commissioner

March 23 Order of Zoning Commissioner that the amendment to the original site plan in Case No. 5647-XA and amendments to the restrictions contained in the Order rendered therein to substitute Janet Lee Simpson for Blanch Hutchinson as operator of the facility and increase the hours of operation from 9 a.m. - 1 p.m. to 7 a.m. - 1 p.m. be GRANTED, subj to restrictions.

April 22 Order of Z. C. stating that the restrictions imposed by Order of the Zoning Commissioner entered March 23, 1987, be and the same is stayed pending the outcome of the appeal in this matter.

April 22 Order for Appeal to C.B. of A. from Susan Davis and Russell White, Esq., on behalf of Petitioners.

April 22 Petition to Stay the Order of the Zoning Commissioner

August 12 Hearing on appeal before County Board of Appeals

August 25 Order of the Board of Appeals that the amendment to the original site plan granting the transfer from the mother, Mrs. B. Hutchinson to the daughter, Janet Lee Simpson, be GRANTED; FURTHER ORDERED that the amendment to the original special exception requesting the operating hrs. of 7 a.m. to 9 a.m. and 1 p.m. to 5:30 p.m. for the day care center be GRANTED; FURTHER ORDERED that the amendment to permit the nursery school to operate from 9 a.m. to 1 p.m. be GRANTED; FURTHER ORDERED that the conditions be contingent upon restrictions.

September 15 Order for Appeal to Circuit Ct. for Baltimore County by Phyllis C. Friedman and Peter Max Zimmerman, People's Counsel for Baltimore County.

September 15 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County.

September 16 Certificate of Notice sent to interested parties

September 25 Order for Appeal to the Circuit Ct. for Balto. County by Lawrence A. Melfa, Esq., for Plaintiffs.

September 25 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County.

September 25 Certificate of Notice sent to interested parties

October 15, 1987 Transcript of testimony filed

Janet Lee Simpson, et al - Case No. 87-367-SPH

Petitioner's Exhibit No. 1 - Copy of license, 1985-86 dated 7/23/85 w/dates of operation

Protestants' Exhibit No. 1A & 1B - Photos of site, 11 photos

Protestants' Exhibit No. 2 - Excerpts of Mrs. Drayton's file

" " " 3 - Map of area site by Ms. Melfa

" " " 4 - Oct. 1, 1953, Spec. Ex.

" " " 5 - Oct. 4, 1962, Spec. Ex.

" " " 6A,B,C - Rule 8 Compliance by Ruxton-Riderwood-Lake Roland

Joint Exhibit No. 1 - Plat of site in 1962, lot 111 to 115 are given spec. ex.

" " " 2 - Spellman, Larson, 7/11/86, site plan of current site.

People's Counsel's Exhibit No. 1 - Traffic Report 1/22/87

" " " 2A-F - Photos of traffic

" " " 3 - Traffic Regs. of 9/16/86 by Stephen Collins.

" " " 4 - Road map of area

" " " 5 - Mylar of turn around

October 15, 1987 Record of proceedings filed in the Circuit Court for Baltimore County.

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office, and upon request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Respectfully submitted,

*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 Bayley Avenue  
P.O. Box 6754  
Towson, Maryland 21286-6754  
November 10, 1987

Bl Adams - 494-2660  
Assignment Commissioner  
Baltimore County

Mia Ecolino - 494-2662  
Assignment Clerk  
Baltimore County

Phyllis C. Friedman, Esq.  
Peter M. Zimmerman, Esq.  
June Holmen, Esq.

Kathy Flusson - 494-2660  
Assignment - Jury - Motors  
Marcia Fennell  
Assistant Clerk Typist

Irene Summers - 494-2661  
Assignment - Non-Jury - Motors  
Freddie Grove  
Assistant Clerk Typist

NON JURY - 87-CG-4042 - PEOPLES COUNSEL FOR BALTIMORE COUNTY VS. SIMPSON

ARING DATE: WEDNESDAY, JANUARY 20, 1988, @9:30 A.M.

THE FOLLOWING: APPEAL - 1/4 Hour

Please see the below notations.

ON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to confirm calendars. Claim of not receiving notice will not constitute reason for postponement.

the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel. POSTPONEMENTS PRIOR TO 15 DAYS OF TRIAL should be directed to the attention of Bl Adams. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grinn - 494-2497.

TITLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put in the record in the order of satisfaction is filed prior to trial.

IN THE MATTER OF : IN THE  
THE APPLICATION OF : CIRCUIT COURT  
JANET LEE SIMPSON, ET AL :  
FOR SPECIAL HEARING ON : FOR  
PROPERTY LOCATED ON THE NORTH :  
SIDE OF BOYCE AVE., 175' EAST : BALTIMORE COUNTY  
OF THE NORTH SIDE OF BOYCE AVE. :  
(1506 BOYCE AVENUE) : AT LAW  
9th ELECTION DISTRICT :  
4th COUNCILMANIC DISTRICT : CG Doc. No. 46  
PEOPLE'S COUNSEL FOR BALTIMORE : Folio No. 312  
COUNTY, PLAINTIFF : File No. 87-CG-4042  
AND :  
LAWRENCE AND MARGARET MELFA, :  
ET AL, CO-PLAINTIFFS :  
ZONING FILE N O. 87-367-SPH :  
: : : : :  
: : : : :  
CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Patricia Phipps and Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before 1 t; namely, Susan M. Davis, Esq. and Russell J. White, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioners; Janet Lee Simpson, et al, P. O. Box 174, Riderwood, Md. 21139, Petitioners; Lawrence and Margaret Melfa, et al, 1510 Boyce Ave., Ruxton, Md. 21204, Co-Plaintiffs; Susan M. Reutershan, 8720 Georgia Ave., P. O. Box 8728, Silver Spring, Md. 20907, Counsel for Petitioner; Ms. Nancy Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Assoc., Inc., Box 204, Riderwood, Md. 21139; and Phyllis C. Friedman, Esq., Rm. 223, Old Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

*June Holmen*  
June Holmen  
County Board of Appeals  
Court House, Towson, Md. 21204  
444-3180

Janet Lee Simpson, et al  
Case No. 87-367-SPH

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Susan M. Davis, Esq. and Russell J. White, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioners; Janet Lee Simpson, et al, P. O. Box 174, Riderwood, Md. 21139, Petitioners; Lawrence and Margaret Melfa, et al, 1510 Boyce Ave., Ruxton, Md. 21204, Co-Plaintiffs; Susan M. Reutershan, 8720 Georgia Ave., P. O. Box 8728, Silver Spring, Md. 20907, Counsel for Petitioner; Ms. Nancy-Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Assoc., Inc., Box 204, Riderwood, Md. 21139; and Phyllis C. Friedman, Esq., Rm. 223, Old Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff, on this 25th day of September, 1987.

*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County

Janet Lee Simpson, et al  
Case No. 87-367-SPH

March 2, 1987 Comments of Baltimore County Zoning Plans Advisory Committee - filed

March 6 Comments of Baltimore County Director of Planning, filed

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Janet Lee Simpson, et al - Case No. 87-367-SPH

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" " " 5 - Mylar of turn around

October 15, 1987 Record of proceedings filed in the Circuit Court for Baltimore County.

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Respectfully submitted,

*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County



IN THE MATTER OF : IN THE  
THE APPLICATION OF : CIRCUIT COURT  
JANET LEE SIMPSON, ET AL :  
FOR SPECIAL HEARING ON :  
PROPERTY LOCATED ON THE NORTH :  
SIDE OF BOYCE AVENUE, 175' EAST :  
OF THE NORTH SIDE OF BOYCE AVE. : BALTIMORE COUNTY  
(1506 BOYCE AVENUE) :  
9th ELECTION DISTRICT : AT LAW  
4th COUNCILMANIC DISTRICT :  
ZONING FILE NO. 87-367-SPH : CG Docket No. 46  
Folio No. 312  
File No. 87-CG-4042

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Patricia Phipps and Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Susan M. Davis, Esq. and Russell J. White, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioners; Janet Lee Simpson, et al, P. O. Box 174, Riderwood, Md. 21139, Petitioners; Susan M. Reutershan, 8720 Georgia Ave., P. O. Box 8728, Silver Spring, Md. 20907, Counsel for Petitioner; Ms. Peggy Melfa, 1510 Boyce Ave., Ruxton, Md. 21204, Protestant; Ms. Nancy-Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improve. Assoc., Inc., Box 204, Riderwood, Md. 21139; and Phyllis C. Friedman, Esq., Rm. 223, Old Court House, Towson, Md. 21204, People's Counsel of Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County  
Rm. 200, Court House, Towson, Md. 21204  
494-3180

Janet Lee Simpson, et al  
Case No. 87-367-SPH

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Susan M. Davis, Esq. and Russell J. White, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Janet Lee Simpson, et al, Petitioners; Janet Lee Simpson, et al, P. O. Box 174, Riderwood, Md. 21139, Petitioners; Susan M. Reutershan, 8720 Georgia Ave., P. O. Box 8728, Silver Spring, Md. 20907, Counsel for Petitioner; Ms. Peggy Melfa, 1510 Boyce Ave., Ruxton, Md. 21204, Protestant; Ms. Nancy-Bets Hay, Chairman, Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improve. Assoc., Inc., Box 204, Riderwood, Md. 21139; and Phyllis C. Friedman, Esq., Rm. 223, Old Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 16th day of September, 1987.

*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County

IN THE MATTER OF : IN THE  
THE APPLICATION OF : CIRCUIT COURT  
JANET LEE SIMPSON, ET AL :  
FOR SPECIAL HEARING ON :  
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SIDE OF BOYCE AVENUE, 175' EAST :  
OF THE NORTH SIDE OF BOYCE AVE. : BALTIMORE COUNTY  
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*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County  
Rm. 200, Court House, Towson, Md. 21204  
494-3180

Janet Lee Simpson, et al  
Case No. 87-367-SPH

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*June Holmen*  
June Holmen  
County Board of Appeals of Baltimore County



County Board of Appeals of Baltimore County

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

September 16, 1987

Susan M. Davis, Esq.  
Russell J. White, Esq.  
204 W. Pennsylvania Ave.  
Towson, Md. 21204

Dear Sir and Madam:

Re: Janet Lee Simpson, et al  
Case No. 87-367-SPH

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Enclosures  
cc: Janet Lee Simpson, et al  
Susan M. Reutershan



County Board of Appeals of Baltimore County

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

September 16, 1987

Ms. Peggy Melfa  
1510 Boyce Avenue  
Ruxton, Md. 21204

Dear Ms. Melfa:

Re: Case No. 87-367-SPH  
Janet Lee Simpson, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Encl.  
cc: Ms. Nancy-Bets Hay  
Phyllis C. Friedman  
Norman E. Gerber  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
Margaret E. duBois  
Frank H. Fisher

PEOPLE'S COUNSEL FOR : IN THE CIRCUIT COURT  
BALTIMORE COUNTY, :  
Appellant : FOR BALTIMORE COUNTY  
v. : AT LAW  
JANET L. SIMPSON, et al., : CG Docket No. 46  
Appellee : Folio No. 312  
Zoning File No. 87-367-SPH : File No. 87CG4042

NOTICE OF APPEAL

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals under date of August 25, 1987, in the above-captioned matter.

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

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 15th day of September, 1987, a copy of the foregoing Notice of Appeal was served on the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy mailed to Russell J. White, Esquire, and Susan M. Davis, Esquire, 204 W. Pennsylvania Ave., Towson, MD 21204.

*Peter Max Zimmerman*  
Peter Max Zimmerman

PEOPLE'S COUNSEL FOR : IN THE CIRCUIT COURT  
BALTIMORE COUNTY, :  
Appellant : FOR BALTIMORE COUNTY  
v. : AT LAW  
JANET L. SIMPSON, et al., : CG Docket No. 46  
Appellee : Folio No. 312  
Zoning File No. 87-367-SPH : File No. 87CG4042

PETITION ON APPEAL

People's Counsel for Baltimore County, Protestants below and Appellants herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals under date of August 25, 1987, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

That the Order granting the amendment to the original site plan, amendment to the original special exception, and amendment to permit nursery school expansion, as set forth in further detail therein, amounting to a substantial expansion of the day care center and nursery school use, was arbitrary and capricious, and not based on sufficient evidence, generally as well as specifically because of the serious traffic hazard connected to the proposed use.

WHEREFORE, Appellant prays that the Opinion and Order of the County Board of Appeals under date of August 25, 1987 be reversed.

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



Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 15th day of September, 1987, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy mailed to Russell J. White, Esquire, and Susan M. Davis, Esquire, 204 W. Pennsylvania Ave., Towson, MD 21204.

Peter Max Zimmerman  
Peter Max Zimmerman



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

August 25, 1987

Susan M. Davis, Esquire  
204 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Case No. 87-367-SPH  
Janet Lee Simpson, et al

Dear Ms. Davis:

Enclosed is a copy of the final Opinion and Order passed today by the Board of Appeals regarding the subject matter.

Sincerely,

Kathleen C. Weidenhammer  
Kathleen C. Weidenhammer  
Administrative Secretary

Encl.

cc: Russell J. White, Esquire  
Susan M. Reutershan, Esquire  
Ms. Janet Lee Simpson  
Ms. Peggy Melfa  
Ms. Nancy-Bets Hay  
Phyllis Cole Friedman, Esquire  
Norman E. Gerber  
Frank H. Fisher  
J. Robert Haines  
James E. Dyer  
Margaret E. du Bois



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

June 1, 1987

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. 87-367-SPH

JANET LEE SIMPSON, ET AL  
N/s of Boyce Avenue, 175' E of the N/s of Boyce Avenue (1506 Boyce Avenue)  
9th Election District  
4th Councilmanic District  
SPH -Ammdt to original site plan in Case No. 5647-XA and amends to restrictions 3/23/87 -Z.C. GRANTED amendment to original site plan; GRANTED amendments to restrictions in part.

ASSIGNED FOR:

cc: Susan M. Davis, Esquire  
Russell J. White, Esquire  
Janet Lee Simpson  
Phyllis Cole Friedman, Esq.  
Ms. Peggy Melfa  
Ms. Nancy-Bets Hay  
Susan M. Reutershan, Esq.  
Norman E. Gerber  
James G. Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
Margaret E. du Bois

Counsel for Petitioner  
" " "  
Petitioner/Appellant  
People's Counsel

Protestant

Kathi Weidenhammer  
Administrative Secretary

87-367-SPH  
Date of Filing: May 6-8-87  
Petitioner: Janet Lee Simpson et al  
Location of Property: N/S of Boyce Ave. 175' E of the N/S of Boyce Ave. (1506 Boyce Avenue)  
Location of Sign: on property 1506 Boyce Ave.  
Remarks: SPH -Ammdt to original site plan in Case No. 5647-XA and amends to restrictions 3/23/87 -Z.C. GRANTED amendment to original site plan; GRANTED amendments to restrictions in part.  
Number of Signs: 1  
Signed by: K. Weidenhammer  
Date of return: May 6-8-87

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175' E \* ZONING COMMISSIONER  
of the N/S Boyce Avenue \* OF BALTIMORE COUNTY  
(1506 Boyce Avenue)  
9th Election District \*  
JANET LEE SIMPSON, et al, \* Case: 87-367-SPH  
Petitioners \*

NOTICE OF APPEAL

Pursuant to the Baltimore County Code, Title 22-32, please enter an Appeal on behalf of the Petitioners to the Baltimore County Board of Appeals from Condition No. 4 of an Order of the Zoning Commissioner entered March 23, 1987.

RECEIVED  
APR 22 1987

ZONING OFFICE

I HEREBY CERTIFY, that on this 16th day of April, 1987, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to People's Counsel, Old Courthouse, Towson, Maryland 21204.

Susan McMillan Davis  
SUSAN McMILLAN DAVIS

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175' E \* ZONING COMMISSIONER  
of the N/S Boyce Avenue \* OF BALTIMORE COUNTY  
(1506 Boyce Avenue)  
9th Election District \*  
JANET LEE SIMPSON, et al, \* Case: 87-367-SPH  
Petitioners \*

PETITION TO STAY  
THE ORDER OF THE ZONING COMMISSIONER

Comes now, Janet Lee Simpson, et al, Petitioners by their attorneys, Susan McMillan Davis and Russell J. White, and respectfully petitions the Commission to Stay the Order of the Zoning Commissioner entered March 23, 1987 and in support thereof states as follows:

1. Janet Lee Simpson is the owner/operator of Kiddie Kollege, a pre-school and day care center located at 1506 Boyce Avenue, Baltimore County, Maryland.
2. The property upon which Kiddie Kollege exists is zoned DR 3,5.
3. In 1962, Ms. Blanche Hutchinson, Ms. Simpson's mother, obtained a special exception for the operation of a private nursery, Kindergarten school at 1506 Boyce Avenue. This special exception was granted to Blanche Hutchinson personally and restricted the hours of operation from 9:00 a.m. to 1:00 p.m.

4. The ownership and operation of Kiddie Kollege were transferred to Ms. Janet Lee Simpson and in 1977 the hours of operation of Kiddie Kollege were extended from 9:00 a.m. to 5:30 p.m.

5. In 1985, Ms. Janet Lee Simpson was advised, by her counsel, of the time restrictions imposed in 1962 and she filed a petition to amend the special exception to reflect the current ownership and use of the property.

6. On March 16, 1987, a hearing was held before the zoning commissioner (Arnold Jablon) and it was ordered that the special exception granted in 1962 be transferred to Janet Lee Simpson and that the area encompassed in that exception be reduced with the following special conditions:

- A. Any change in operation or ownership of the nursery-kindergarten and pre-school shall require a special hearing, pursuant to Section 500.7, BCZR.
- B. The special exception granted in Case No. 5647-XA shall terminate if the operator/owner of the nursery-kindergarten and pre-school does not reside on the property.
- C. The Petitioner shall construct a privacy fence around the lot boundaries.
- D. The Petitioner shall be permitted to continue to operate the facility between the hours of 7:00 a.m. and 5:30 p.m. until June 30, 1987, at which time they shall be reduced to between 7:00 a.m. and 1:00 p.m.
- E. During the fall and spring school sessions, Kiddie Kollege has a total of fifty (50) children enrolled in the

pre-school and nursery school classes. In the summer session, Kiddie Kollege has an enrollment of approximately thirty (30) children.

8. If Kiddie Kollege is forced to reduce its hours from 7:00 a.m. to 1:00 p.m. effective June 30, 1987 approximately twenty-five (25) families whose children currently attend Kiddie Kollege will be forced to find alternative day care with after-noon hours because the parents are employed full time.

9. Prior to Ms. Simpson initiating this exception hearing, no complaints were ever filed against Kiddie Kollege.

10. Ms. Simpson has filed a Notice of Appeal from the order of the Zoning Commissioner.

WHEREFORE, Petitioners respectfully request:

- A. That the Order of the Zoning Commissioner filed March 23, 1987 in Case No. 87-367-SPH be stayed pending a decision on the appeal.
- B. For such other and further relief as the nature of their cause requires.

Susan McMillan Davis  
SUSAN McMILLAN DAVIS

Russell J. White  
RUSSELL J. WHITE  
204 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 823-7800  
Attorneys for Petitioners



I HEREBY CERTIFY, that on this 16<sup>th</sup> day of April, 1987, a copy of the foregoing Petition To Stay The Order Of The Zoning Commissioner was mailed, postage prepaid, to People's Counsel, Old Courthouse, Towson, Maryland 21204.

Susan McMillan Davis  
SUSAN McMILLAN DAVIS

6/01/87 -Following notified of hearing scheduled for Wednesday, August 12, 1987 at 10 am:

Susan M. Davis, Esquire  
Russell J. White, Esquire  
Janet Lee Simpson  
Phyllis Cole Friedman, Esquire  
Patty Melfa  
Nancy-Bets Hay  
Susan M. Reutershan, Esquire  
Norman E. Gerber  
James G. Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
Margaret E. du Bois

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
Arnold Jablon  
Zoning Commissioner

April 22, 1987

Baltimore County Board of Appeals  
Old Courthouse, Room #205  
Towson, Maryland 21204

RE: Petition for Special Hearing  
N/S of Boyce Avenue, 175' E of the N/S of Boyce Avenue (1506 Boyce Avenue)  
9th Election District, 4th Councilmanic District  
Janet Lee Simpson, et al - Petitioner  
Case No. 87-367-SPH

Dear Board:

Please be advised that on April 22, 1987, an appeal of the decision rendered in the above-referenced case was filed by Susan McMillan Davis, Esquire, and Russell J. White, Esquire on behalf of Janet Lee Simpson, et al, the Petitioners.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon  
ARNOLD JABLON  
Zoning Commissioner

AJ:bjs

cc: Susan McMillan Davis, Esquire  
Russell J. White, Esquire  
204 W. Pennsylvania Avenue, Towson, Md. 21204

Ms. Nancy-Bets Hay,  
Chairman, Zoning Committee  
The Ruxton-Riderwood-Lake Roland Area Imp. Assoc., Inc.  
Box 204, Riderwood, Md. 21139

Phyllis Cole Friedman, Esquire  
People's Counsel for Baltimore County  
Old Courthouse, Rm. 223  
Towson, Maryland 21204

File

RECEIVED  
COUNTY BOARD OF APPEALS  
101 APR 24 P 4 02

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175' E \* ZONING COMMISSIONER  
of the N/S Boyce Avenue \* OF BALTIMORE COUNTY  
(1506 Boyce Avenue)  
9th Election District \*  
JANET LEE SIMPSON, et al, \* Case: 87-367-SPH  
Petitioners \*

ORDER

Having considered Petitioners' Petition To <sup>stay the restrictions</sup> ~~stay the~~ ~~order~~ of the Zoning Commissioner it is this 22 day of April, 1987, by the Zoning Commission hereby

ORDERED that the ~~order~~ <sup>restrictions imposed by order</sup> of the Zoning Commissioner entered March 23, 1987, be and the same is hereby stayed pending the outcome of the appeal in this matter.

Susan McMillan Davis

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175' E \* ZONING COMMISSIONER  
of the N/S Boyce Avenue \* OF BALTIMORE COUNTY  
(1506 Boyce Avenue)  
9th Election District \*  
JANET LEE SIMPSON, et al, \* Case: 87-367-SPH  
Petitioners \*

NOTICE OF APPEAL

Pursuant to the Baltimore County Code, Title 22-32, please enter an Appeal on behalf of the Petitioners to the Baltimore County Board of Appeals from Condition No. 4 of an Order of the Zoning Commissioner entered March 23, 1987.

Susan McMillan Davis  
SUSAN McMILLAN DAVIS

Russell J. White  
RUSSELL J. WHITE  
204 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 823-7800  
Attorneys for Petitioners

I HEREBY CERTIFY, that on this 16<sup>th</sup> day of April, 1987, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to People's Counsel, Old Courthouse, Towson, Maryland 21204.

Susan McMillan Davis  
SUSAN McMILLAN DAVIS

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175' E \* ZONING COMMISSIONER  
of the N/S Boyce Avenue \* OF BALTIMORE COUNTY  
(1506 Boyce Avenue)  
9th Election District \*  
JANET LEE SIMPSON, et al, \* Case: 87-367-SPH  
Petitioners \*

PETITION TO STAY  
THE ORDER OF THE ZONING COMMISSIONER

Comes now, Janet Lee Simpson, et al, petitioners by their attorneys, Susan McMillan Davis and Russell J. White, and respectfully petitions the Commission to Stay the Order of the Zoning Commissioner entered March 23, 1987 and in support thereof states as follows:

1. Janet Lee Simpson is the owner/operator of Kiddie Kollege, a pre-school and day care center located at 1506 Boyce Avenue, Baltimore County, Maryland.
2. The property upon which Kiddie Kollege exists is zoned DR 3,5.
3. In 1962, Ms. Blanche Hutchinson, Ms. Simpson's mother, obtained a special exception for the operation of a private nursery, Kindergarten school at 1506 Boyce Avenue. This special exception was granted to Blanche Hutchinson personally and restricted the hours of operation from 9:00 a.m. to 1:00 p.m.

4. The ownership and operation of Kiddie Kollege were transferred to Ms. Janet Lee Simpson and in 1977 the hours of operation of Kiddie Kollege were extended from 9:00 a.m. to 5:30 p.m.

5. In 1985, Ms. Janet Lee Simpson was advised, by her counsel, of the time restrictions imposed in 1962 and she filed a petition to amend the special exception to reflect the current ownership and use of the property.

6. On March 16, 1987, a hearing was held before the zoning commissioner (Arnold Jablon) and it was ordered that the special exception granted in 1962 be transferred to Janet Lee Simpson and that the area encompassed in that exception be reduced with the following special conditions:

- A. Any change in operation or ownership of the nursery-kindergarten and pre-school shall require a special hearing, pursuant to Section 500.7, BCZR.
- B. The special exception granted in Case No. 5647-XA shall terminate if the operator/owner of the nursery-kindergarten and pre-school does not reside on the property.
- C. The Petitioner shall construct a privacy fence around the lot boundaries.
- D. The Petitioner shall be permitted to continue to operate the facility between the hours of 7:00 a.m. and 5:30 p.m. until June 30, 1987, at which time they shall be reduced to between 7:00 a.m. and 1:00 p.m.
7. During the fall and spring school sessions, Kiddie Kollege has a total of fifty (50) children enrolled in the

pre-school and nursery school classes. In the summer session, Kiddie Kollege has an enrollment of approximately thirty (30) children.

8. If Kiddie Kollege is forced to reduce its hours from 7:00 a.m. to 1:00 p.m. effective June 30, 1987 approximately twenty-five (25) families whose children currently attend Kiddie Kollege will be forced to find alternative day care with after-noon hours because the parents are employed full time.

9. Prior to Ms. Simpson initiating this exception hearing, no complaints were ever filed against Kiddie Kollege.

10. Ms. Simpson has filed a Notice of Appeal from the order of the Zoning Commissioner.

WHEREFORE, Petitioners respectfully request:

A. That the Order of the Zoning Commissioner filed March 23, 1987 in Case No. 87-367-SPH be stayed pending a decision on the appeal.

B. For such other and further relief as the nature of their cause requires.

Susan McMillan Davis  
SUSAN McMILLAN DAVIS

Russell J. White  
RUSSELL J. WHITE  
204 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 823-7800  
Attorneys for Petitioners



I HEREBY CERTIFY, that on this 14<sup>th</sup> day of April 1987, a copy of the foregoing Petition To Stay The Order Of The Zoning Commissioner was mailed, postage prepaid, to People's Counsel, Old Courthouse, Towson, Maryland 21204.

14  
SUSAN McMILLAN DAVIS

IN RE: PETITION SPECIAL HEARING \* BEFORE THE  
N/S of Boyce Avenue, 175' E \* ZONING COMMISSIONER  
of the N/S of Boyce Avenue \* OF BALTIMORE COUNTY  
(1506 Boyce Avenue) - \*  
9th Election District \*  
Janet Lee Simpson, et al, \* Case No. 87-367-SPH  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request an amendment to the original site plan in Case No. 5647-XA to reduce the area encompassed by the special exception, as shown on Petitioners' Exhibit 1, and amendments to the restrictions contained in the Order rendered therein to eliminate the ownership restriction and to increase the hours of operation from 9:00 a.m.-1:00 p.m. to 7:00 a.m.-5:30 p.m.

The Petitioners, by Janet Lee Simpson, appeared and testified and were represented by Counsel. Catherine Hutchinson James, Mrs. Simpson's sister, also testified on behalf of the Petitioners. Nancy-Bets Hay of the Ruxton-Riderwood-Lake Roland Area Improvement Association, and Peggy Melfa, an adjacent property owner, testified in opposition. Other protestants also appeared.

Testimony indicated that the subject property, zoned D.R.3.5 and located on Boyce Avenue, is improved with a nursery-kindergarten and pre-school, as certified by the State Department of Education. It was granted a special exception for a nursery-kindergarten in Case No. 5647-XA in 1962, with certain restrictions delineated therein, i.e., the exterior of the property could not change; it could only be used by Blanche Hutchinson, Mrs. Simpson's and Mrs. James' mother; and the hours of use were restricted to between 9:00 a.m. and 1:00 p.m. In or around 1972, the pre-school began operating and the

hours were expanded to between 7:00 a.m. and 5:30 p.m. Mrs. Hutchinson has not actively participated in the operation since 1975. Mrs. Simpson simply wants to delete her mother's name as sole operator and substitute her name to enable the continuation of the facility and to legalize the hours of operation which have been in effect for almost 15 years.

The site originally included lots bordering on Bellona Avenue, but sometime in the late 1970's, they were sold, thereby reducing the overall size of the property to its present size, as shown on Petitioners' Exhibit 1. When the facility began, it served approximately 130 children but that number has been reduced to 50 children. In addition, the original site plan submitted with Case No. 5647-XA required 15 parking spaces, which were never provided. Only three spaces presently exist on the site.

The Protestants argued that there is a great deal of noise emanating from the outdoor play area, that they have been forced to give up the quiet enjoyment of their homes and privacy, and that traffic problems are further complicated by parents who drop off and pick up their children by parking in the street. They are also concerned about the future development of the property once the Hutchinson family decides to cease operation.

The Petitioners seek relief pursuant to Section 500.7, BCZR.

The special exception for a nursery-kindergarten was granted in 1962, and the purpose of the relief prayed for here cannot permit the reopening of that special exception. Notwithstanding any reasons, no complaints were even made regarding this site or the operation of the nursery pursuant to the special exception granted. The change in operator from Mrs. Hutchinson to Mrs. Simpson is reasonable since the site has enjoyed continued utilization by the family for over 25 years. A substitution by a daughter for her mother changes nothing, and least of all, does not disturb the inherent spirit and

- 2 -

intent of the Zoning Commissioner's Order in Case No. 5647-XA. The Petitioners' request to amend the site plan to show a reduced area also does not disturb the spirit and intent of that Order. However, the change in hours is extremely egregious. Simply because the Petitioners added an approved State Department of Education program in 1972 did not, and does not, permit the expansion of hours without approval by the Zoning Commissioner. Although the change in hours has been in effect for many years, that existence does not make it legal. In fact, by doing so, the Petitioners violated the explicit Order of the Zoning Commissioner.

After due consideration of the evidence and testimony presented, it is found that amendments would not adversely affect the health, safety, and general welfare of the community.

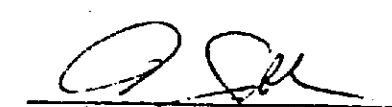
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, relief should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23<sup>rd</sup> day of March, 1987, that the amendment to the original site plan in Case No. 5647-XA to reduce the area encompassed by the special exception, as shown on Petitioners' Exhibit 1, and amendments to the restrictions contained in the Order rendered therein to substitute Janet Lee Simpson for Blanche Hutchinson as operator of the facility and to increase the hours of operation from 9:00 a.m.-1:00 p.m. to 7:00 a.m.-1:00 p.m. be GRANTED, from and after the date of this Order, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Any change in operation or ownership of the nursery-kindergarten and pre-school shall require a special hearing, pursuant to Section 500.7, BCZR.

- 3 -

2. The special exception granted in Case No. 5647-XA shall terminate if the operator/owner of the nursery-kindergarten and pre-school does not reside on the property.
3. The Petitioner shall construct a privacy fence around the lot boundaries.
4. The Petitioner shall be permitted to continue to operate the facility between the hours of 7:00 a.m. and 5:30 p.m. until June 30, 1987, at which time they shall be reduced to between 7:00 a.m. and 1:00 p.m.

  
Zoning Commissioner of  
Baltimore County

AJ/srl

cc: Susan M. Reutershan, Esquire

Ms. Nancy-Bets Hay

Ms. Peggy Melfa

People's Counsel

- 4 -

ZONING COMMISSIONER OF BALTIMORE COUNTY, MARYLAND

IN RE: :  
PETITION OF JANET LEE SIMPSON :  
FOR A SPECIAL HEARING : Zoning case  
no. 05647-X-A

STATEMENT IN SUPPORT OF PETITION FOR SPECIAL HEARING

Petitioner, Janet Lee Simpson, is the owner of Lot 115, Ruxton Heights, and the lessee of Parcel 2 of E.H.K., Jr., 6154/612 in the Ninth Election District of Baltimore County, Maryland. The combined properties contain .3487 acres and house Kiddie Kollege, a private nursery school and kindergarden. The property is known as 1508 Boyce Avenue and is located approximately 150 feet east of the intersection of Bellona and Boyce Avenues in Ruxton, Maryland ("Subject Property"). The Subject Property is zoned DR 3.5. Petitioner desires this special hearing in order to modify the special exception granted in 1962 for the operation of Kiddie Kollege (Case No. 05647-X-A).

Petitioner and witnesses on her behalf will describe in detail the operation of Kiddie Kollege. Petitioner will testify that the operation of Kiddie Kollege will not be detrimental to the health, safety or general welfare of the locality involved; would not tend to create congestion in roads, streets or alleys; would not create a potential hazard from fire, panic or other dangers; would not overcrowd the

land or cause undue concentration of population; would not interfere with adequate provisions of schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; would not interfere with adequate light or air; would not be inconsistent with the purposes of the property zoning classification; nor in any other way inconsistent with the spirit and intent of the zoning regulations; that it would not be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations.

In addition, Petitioner will testify that Kiddie Kollege has been operated by Mrs. Simpson and her family at its present location since 1953 and that a special exception was granted for Kiddie Kollege in 1962. The Kollege has been licensed at all times by the State of Maryland. Petitioner will testify that when the special exception was originally granted in 1962 it was granted to the entire quadrant in which the property is located. She will further testify that the special exception was granted to Blanche Hutchinson, who is her mother. Mrs. Hutchinson has retired and conveyed Lot 115 and the nursery school to Petitioner.

Petitioner requests that the special exception be modified as follows:

1. That the special exception be revised to encompass

- 2 -

only the property which is the subject of this application. The other portions of the quadrant have been transferred to other property owners since 1962;

2. That the condition of ownership be removed from the special exception; and

3. That the hours of operation be extended from 9:00 a.m. to 1:00 p.m. to 7:00 a.m. to 5:30 p.m. because of the public need for full time child care during the day.

Petitioner estimates that it will take approximately one-half hour to present this case.

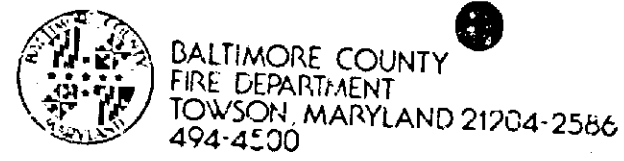
LINOWES AND BLOCHER

By:   
Susan M. Reutershan

8720 Georgia Avenue  
P.O. Box 8728  
Silver Spring, MD 20907  
(301) 588-8580  
Attorney for Petitioner,  
Janet Lee Simpson,  
and Kiddie Kollege, Inc.

- 3 -





PAUL H. REINCKE  
CHIEF

December 23, 1986

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

RE: Property Owner: Janet Lee Simpson, et al (Kiddie Kollege)  
Location: N/S Boyce Ave., 175 ft. E of Bellona Ave.  
Item No.: 247 Zoning Agenda: Meeting of 12/23/86

Continued:

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

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

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

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of 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: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



TED ZALESKI, JR.  
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 247 Zoning Advisory Committee Meeting are as follows:

Property Owner:

Location:

District:

APPLICABLE ITEMS ARE CIRCLED:

A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.C. 11-117-1 - 1180) and other applicable Codes and Standards.

B. A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107, Section 106.5 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_ to Use \_\_\_\_\_ or to Mixed Use \_\_\_\_\_ See Section 102 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, tidal/riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

Comments: No Comments.

K. These abbreviated 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 the applicant may obtain additional information by visiting Room 212 of the County Office Building at 211 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *John F. O'Neill*  
Building Plans Review

4/22/86

TERRY R. VERGER  
12337 BONNET PLACE  
REISTERSTOWN, MARYLAND 21136

MARCH 13, 1987

KIDDIE KOLLEGE, INC.  
1506 BOYCE AVENUE  
RUXTON, MARYLAND 21204  
ATTN: JANET SIMPSON, DIRECTOR

DEAR JANET:

I WOULD LIKE TO CONGRATULATE YOU AND THE STAFF AT KIDDIE KOLLEGE FOR THE SUPERB PRE-SCHOOL EDUCATION AND DAY CARE PROVIDED FOR MY DAUGHTER. SHE RECEIVED A LOT OF INDIVIDUAL ATTENTION DURING SCHOOL AND DAY CARE. HER INTERACTION WITH OTHER CHILDREN WAS A BIG FACTOR IN HER GROWTH OVER THE THREE YEARS SHE ATTENDED YOUR SCHOOL.

THE HOURS WERE A TREMENDOUS CONVENIENCE SINCE I WORK EVERY DAY. THE FACT THAT YOUR SCHOOL OFFERED DAY CARE, WAS IN A NICE QUIET NEIGHBORHOOD AND ON A SLOW TRAFFIC STREET, DEFINITELY SWAYED ME IN KIDDIE KOLLEGE'S FAVOR.

THANK YOU FOR ALL YOU DID FOR MY SON AND GOOD LUCK IN FUTURE YEARS.

SINCERELY,

*Terry R. Verger*  
TERRY R. VERGER

PETITIONER'S  
EXHIBIT 2

Log of Actual Traffic at Kiddie Kollege Location in Ruxton

Morning - Wednesday, March 11, 1987

|              |      |          |                   |
|--------------|------|----------|-------------------|
| 1. Amanda    | 7:20 | street   | 2 min.            |
| 2. Brandon   | 7:25 | street   | 1 min.            |
| 3. Quinton   | 7:30 | street   | 1 min.            |
| 4. Jason     | 7:35 | driveway |                   |
| 5. Jeremy    | 7:36 | street   | 1 min.            |
| 6. Megan     | 7:45 | street   | 1 min.            |
| 7. Billy A.  | 7:50 | street   | 4 min. lost glove |
| 8. Jenny G.  | 7:52 | driveway |                   |
| 9. Rab       | 7:55 | driveway |                   |
| 10. Karen    | 8:10 | driveway |                   |
| 11. Anna     | 8:15 | street   | 3 min.            |
| 12. Dustin   | 8:16 | street   | 2 min.            |
| 13. Gina     | 8:20 | street   | 3 min.            |
| 14. Andrew   | 8:20 | street   | 3 min.            |
| 15. Courtney | 8:25 | street   | 3 min.            |
| 16. Maegan   | 8:27 | driveway |                   |
| 17. Patrick  | 8:30 | driveway | 30 sec.           |
| 18. Katie    | 8:34 | driveway |                   |
| 19. Shane    | 8:35 |          |                   |
| 20. Allen    | 8:40 |          |                   |
| 21. Kevin    | 8:50 |          |                   |
| 22. Terri    | 8:55 |          |                   |
| 23. Lia      | 8:55 |          |                   |
| 24. Brendan  | 9:00 |          |                   |

All teachers park beside the railroad tracks.

Afternoon - March 11, 1987

|      |          |
|------|----------|
| 4:15 | Courtney |
| 4:30 | Brandon  |
| 4:35 | Amanda   |
| 4:37 | Charles  |
| 4:40 | Jason    |
| 4:45 | Quinton  |
| 4:47 | Gina     |
| 4:50 | Billy    |
| 5:00 | Karen    |
| 5:05 | Heather  |
| 5:25 | Justin   |

All children were down front; nobody had to park.  
All parents pulled into driveway.

Log of Actual Traffic at Kiddie Kollege Location in Ruxton

Thursday Morning - March 12, 1987

|              |      |          |                          |
|--------------|------|----------|--------------------------|
| 1. Billy     | 7:20 | street   | 3 min.; no cars went by  |
| 2. Quenton   | 7:25 | driveway | 30 sec.                  |
| 3. Jenny G.  | 7:30 | driveway | 30 sec.                  |
| 4. Rab       | 7:33 | driveway | 30 sec.                  |
| 5. Jason     | 7:34 | street   | 30 sec.; no cars went by |
| 6. Charles   | 7:45 | driveway |                          |
| 7. Dustin    | 7:49 | driveway |                          |
| 8. Megan     | 7:55 | street   | 1 min.; no cars went by  |
| 9. Karen     | 8:00 | driveway |                          |
| 10. Anna S.  | 8:10 | driveway |                          |
| 11. Feily    | 8:20 | street   | 30 sec.; no cars went by |
| 12. Courtney | 8:25 | street   | 30 sec.; no cars went by |
| 13. Adam     | 8:30 | street   | 1 min.                   |
| 14. Patrick  | 8:35 | driveway |                          |
| 15. Allen    | 8:40 | street   | 15 sec.                  |
| 16. Charc    | 8:45 | driveway |                          |
| 17. Erin     | 8:46 | street   | 30 sec.                  |
| 18. Lia      | 8:50 | street   | 15 sec.                  |
| 19. Jeremy   | 8:55 | street   | 30 sec.                  |
| 20. Marri    | 9:05 | street   | 1 min.                   |
| 21. Brandon  | 9:06 | street   | 15 sec.                  |
| 22. Jenny    | 9:08 | street   | 30 sec.                  |
| 23. Bobbi    | 9:09 | street   | 15 sec.                  |

Log of Actual Traffic at Kiddie Kollege Location in Ruxton

Friday morning drop-off - March 13, 1987

|              |      |                 |         |
|--------------|------|-----------------|---------|
| 1. Brandon   | 7:22 | street          | 15 sec. |
| 2. Jason     | 7:30 | street          | 1 min.  |
| 3. Billy     | 7:30 | driveway        |         |
| 4. Rab       | 7:40 | driveway        |         |
| 5. Jeremy    | 7:42 | street          | 15 sec. |
| 6. Megan     | 8:00 | street          | 1 min.  |
| 7. Karen     | 8:01 | driveway        |         |
| 8. Quinton   | 8:14 | end of driveway | 15 sec. |
| 9. Gina      | 8:20 | driveway        |         |
| 10. Dustin   | 8:20 | driveway        |         |
| 11. Derek    | 8:21 | street          | 15 sec. |
| 12. Courtney | 8:24 | end of driveway | 15 sec. |
| 13. Andrew   | 8:25 | end of driveway | 15 sec. |
| 14. Paul     | 8:35 | end of driveway |         |
| 15. Allen    | 8:45 | end of driveway |         |
| 16. Shane    | 8:46 | end of driveway |         |
| 17. Michael  | 8:55 | end of driveway |         |
| 18. Marshall | 8:55 | end of driveway |         |
| 19. Lisa     | 8:52 | end of driveway |         |
| 20. Clayton  | 9:00 | end of driveway |         |

Thursday afternoon - March 12

|               |      |          |         |
|---------------|------|----------|---------|
| Courtney      | 4:10 | street   | 15 sec. |
| Billy         | 4:15 | driveway |         |
| Brae          | 4:47 | driveway |         |
| Machi         | 4:50 | driveway |         |
| Quinton       | 4:51 | street   | 30 sec. |
| Gina & Joseph | 4:57 | street   | 30 sec. |
| Meghan        | 5:01 | street   | 15 sec. |
| Karen         | 5:10 | driveway |         |
| Kelly         | 5:16 | street   | 10 sec. |
| Shane         | 5:25 | driveway |         |

KIDDIE KOLLEGE, INC.  
1506 BOYCE AVENUE  
RUXTON, Md. 21204

Janet Lee Simpson  
Administrative Head

Phone: 296-6518  
Friday Afternoon - March 13

Log of Actual Traffic at Kiddie Kollege Location in Ruxton

|              |      |        |         |
|--------------|------|--------|---------|
| 1. Brae      | 4:05 | Street | 10 sec. |
| 2. Erin      | 4:10 | Street | 10 sec. |
| 3. Derek     | 4:30 | Street | 20 sec. |
| 4. Gina      | 4:45 | Street | 40 sec. |
| 5. Paul      | 4:47 | Street | 15 sec. |
| 6. Charles   | 4:53 | Street | 10 sec. |
| 7. Karen     | 5:00 | Street | 10 sec. |
| 8. Machi     | 5:02 | Street | 5 sec.  |
| 9. Clayton   | 5:02 | Street | 10 sec. |
| 10. Billy    | 5:03 | Street | 20 sec. |
| 11. Brandon  | 5:06 | Street | 1 sec.  |
| 12. Quinton  | 5:08 | Street | 10 sec. |
| 13. Joseph   | 5:14 | Street | 5 sec.  |
| 14. Dustin   | 5:17 | Street | 10 sec. |
| 15. Marshall | 5:30 | Street | 10 sec. |
| 16. Shane    | 5:25 | Street | 5 sec.  |

All Children were down front; nobody had to park.

Sandra K. Argabright  
8203 Jeffers Circle  
Towson, Maryland 21204

March 13, 1987

Kiddie Kollege, Inc.  
1506 Boyce Avenue  
Ruxton, Maryland 21204  
Attn: Janet Simpson, Director

Dear Janet:

I just wanted to take this opportunity to thank you for being in business. My son, Billy, has shown real growth in his social and emotional skills since he has been in your care. I feel that this growth is a direct result of the stable, caring environment at Kiddie Kollege. This environment is especially important to Billy because, as an only child, most of his time is spent in the adult world. Thus Kiddie Kollege provides his only opportunity to interact with other small children.

I also appreciate the fact that your hours are compatible with my long working day. It is necessary that he arrive at school at 7:30 AM and remain until 5:30 PM to conform with my schedule. I have never noticed any traffic problems while my car is parked on Boyce Avenue. As a matter of fact, I am comforted by the lack of traffic because it is hard to corral a boisterous, active 3 year old and enter a car carrying all of the items necessary to a toddler.

We are looking forward to two more years of learning and growth for Billy at Kiddie Kollege and with you. Thanks again for being there.

Sincerely,

*Sandra K. Argabright*  
Sandra K. Argabright

228 Stevenson Lane  
Baltimore, Md 21212  
March 12, 1987

Dear Sir:

We strongly urge you to approve the zoning requests of Kiddie Kollege. As the parents of both former and current students, we can attest to the superior educational program and day care service Kiddie Kollege provides. As is well documented in the press and elsewhere, quality day care is very difficult to find. The loving care that Kiddie Kollege children receive is second to none. In many cases, a safe, adequate alternative simply doesn't exist.

The following should be considered as well:

1. The traffic generated is of relatively brief duration.
2. Kiddie Kollege staff meet the students at the driveway at peak times of arrival and dismissal, thus effectively eliminating any significant traffic congestion.
3. Kiddie Kollege doesn't hold classes at all if the county schools delay opening due to weather. Therefore, only a tiny portion of



2  
students are present on "snow days," e.g. the few children whose parents' jobs make it impossible to keep them home on snow days. Thus the traffic generated during inclement weather is negligible.

4. The area where Kiddie Kollege is located has functioned quite well over many years with a number of schools within its confines. In addition to Kiddie Kollege, one finds the Church of the Good Shepherd School and Ruxton Country Day School nearby.

5. Kiddie Kollege parents are more than happy to cooperate with the school and the community to maintain a reasonable traffic flow for everyone's convenience.

Thank you for your consideration.

Sincerely,  
Dr. and Mrs. Gary Chenoweth

PAUL G. WIST  
523 ST. FRANCIS ROAD  
TOWSON, MARYLAND 21204

March 11, 1987

Dear Mrs. Simpson

Our four children attended Kiddie Kollege as four and five year olds. Ami, our youngest, graduated from college last year. Marylee and I have always known that all of our children enjoyed the days they spent at Kiddie Kollege, and benefited immensely in many ways.

Now it pleases us that our granddaughter Heather is receiving this great experience.

We wish you and Kiddie Kollege continued success in all your endeavors.

Sincerely,  
Paul G. Wist

Ralph H. Bourquin Jr.  
22248 Tufton Ridge Rd.  
Reisterstown, MD 21136

To Whom It May Concern:

My son Kevin attended Kiddie Kollege beginning in 1983. My daughter began in 1985 and will graduate next year. Kiddie Kollege has provided valuable preschool education and child care for many years. The staff helps their students develop social and learning skills, providing a firm foundation for future education. Child care is a necessary service for families with two working parents.

My wife and I hope these essential services provided by Kiddie Kollege are properly considered in any decision affecting the school's operation on Boyce Avenue. The impact on that road is minimal and not a safety issue. It would be an injustice if legal maneuvering prevented Kiddie Kollege from operating as it has for the last twenty-five years. The benefits of preschool education and child care for many far outweigh the occasional inconvenience of a few.

Thank you for considering our opinions in this matter.

Janet Bourquin  
Ralph H. Bourquin Jr.  
3/16/87

March 14, 1987

To Whom it may concern:

This is just a short letter to acknowledge the outstanding quality of the Kiddie Kollege School. This Institution is an exceptional learning center for children. The teachers and staff are well qualified and very efficient. They are extremely caring & loving toward all the children, which I feel is very important for a child's <sup>early</sup> development. Kiddie Kollege also offers extended child care after school for working mothers which is very beneficial to me. Two of my children have attended Kiddie Kollege and their years spent at this school have been beneficial to their emotional and academic growth. I highly recommend this school to anyone who has young children between the ages of 3 & 6 years old.

Concerning the parking problem in front of school, I feel that no one has in any way abused the parking restrictions and I just hope the matter can be resolved quickly because it is putting a strain on the staff and parents.

Sincerely,  
Doree Bullock

March 13, 1987

At a time when there is so much concern of children's welfare in child care institutions, myself and other parents at Kiddie Kollege are assured of the quality, service and integrity of the staff here. We hope Kiddie Kollege will continue to do as they have done for so many years being afforded the opportunity to put our minds at peace knowing the care our children are receiving.

Our oldest son is a graduate of Kiddie Kollege. Because of the training he received from the teachers here, he has grown to be an achiever. Our middle son (Quinton) is now attending Kiddie Kollege. In just the short time he has been in attendance, he has developed into a responsive, well-rounded little boy. Next year our youngest will hopefully be afforded an opportunity to experience

the positive, loving surroundings at Kiddie Kollege.

For these reasons we are really concerned for the future of Kiddie Kollege. It has proved to us to be an invaluable institution of social and educational benefits.

Mr. & Mrs. William Crenshaw

March 16, 1987

To Whom it May Concern:

I am a Baltimore County teacher with two children enrolled at Kiddie Kollege. Up until last summer I worked only part-time, believing I could provide the best environment for my children. Beginning in the Fall of 1986 I needed to work full-time. Most of my summer was spent looking for daycare (and pre-schools) that would provide an environment that was most similar to my philosophy. My children chose Kiddie Kollege. Of all the schools, they were most interested in staying at Kiddie Kollege. My eldest had always had problems separating from me. This seemed like a place "sent from heaven." If children learn nothing else from preschool, they learn to interact as part of a group. Kiddie Kollege allows children to feel loved as individuals and as parts of small groups. Both of my children have greatly improved in social skills and independence since beginning Kiddie Kollege. Most important, I feel comfortable having them spend their days there. Please allow Kiddie Kollege to remain as it is.

Sincerely,

Kathy G. Volk  
24 Blessing Court  
Timonium, Md. 21093  
561-0895

3/12/87  
to file  
THE RUXTON - RIDERWOOD - LAKE ROLAND AREA  
IMPROVEMENT ASSOCIATION, INC.

Box 204  
Riderwood, Md. 21139

RECEIVED  
MAR 13 1987

ZONING OFFICE

March 12, 1987

Re: Case #87-367SPH  
Janet Lee Simpson, et al  
March 16, 1987

Board of Governors  
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Arnold Jablon  
Zoning Commissioner  
Baltimore County  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Commissioner Jablon:

The Ruxton-Riderwood-Lake Roland Area Improvement Association hereby expresses its opposition to the proposed amendment to the original Special Exception granted in Case #56-47-XA.

There has existed for some time a serious and potentially dangerous traffic problem along Boyce Avenue at the site of Kiddie Kollege when parents park along Boyce Avenue dropping off or picking up their small children, while there is some supervision provided by the school. It does not obviate the problem either for the children involved or the traffic attempting to pass. This situation is at its worst in the late afternoon when the pick up coincides with the rush hour.

The community in no way wishes to create an unreasonable burden for the school. It must be noted however, that:

1. The school already operates outside the hours approved in the Special Exception:

2. The facility has only a 50' wide frontage on Boyce Avenue, a narrow two lane, paved road running between Bellona Avenue and Charles Street;



