

IN RE: PETITION FOR SPECIAL HEARING
SW/S Putty Hill Ave., 500'
NW of the c/l of Wilson Ave.
(3031 Putty Hill Avenue)
14th Election District
6th Councilmanic District
Donald G. Kammerer, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-7-SPH

The Petitioners herein request a special hearing to approve an amendment to the Order and restrictions in Case #2699-SA in order to permit the transfer of the special permit to a future purchaser.

Testimony by and on behalf of the Petitioners indicated that the Kammerers purchased the subject property in 1969 contingent upon licensing and zoning for a day care nursery. At that time they were represented by Counsel and files revealed a letter to the Office of Zoning regarding the zoning status (Petitioner's Exhibit 2) but did not reveal a reply. The site has been operated as a full day care center for children since that time and has never had its license suspended by the Baltimore County Health Department. Complaints to that Department have been reported to be "unfounded" and Fire Department requirements have been met. Mr. Kammerer has a masters degree plus additional credits; Mrs. Kammerer is an RN, and has a BS and 9 Credits in early childhood education. Although the licensing is for 50 children, the average attendance is approximately 40. A rented apartment above the center, once occupied by the owners, is now rented. It does include the office. The Petitioners are willing to eliminate the apartment and provide a front yard turn-around as indicated on Petitioner's Exhibit 8, if required.

Three residents to the rear of the property spoke in protest. In their opinion the situation has changed since the original special exception was granted. Traffic on Putty Hill has increased and the number of children served has grown from a few to 50. Lack of parking, safety for the children, old and

rusty equipment and devaluation of surrounding property were cited. Two persons noted the noise from the children.

Pursuant to the advertisement, posting of property, and public hearing held on this case and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, granting the relief requested would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the health, safety and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 18th day of August, 1987, that approval of an amendment to the Order and restrictions in Case #2699-SA in order to permit the transfer of the special permit to Donald G. and/or Janice A. Kammerer for a day care center, in accordance with Petitioner's Exhibit 8, be and is hereby GRANTED subject to the following restrictions:

- 1) Any unused play equipment shall be removed from the premises within thirty (30) days from the date of this Order.
- 2) A fence shall be installed to define the limits of the play area for the children.
- 3) Landscaping shall be installed at the rear of the property so that it will provide a visual barrier within five (5) years. The landscaping shall be approved by the Office of Current Planning.
- 4) Use of the second floor as a residential apartment must be discontinued immediately.
- 5) The 18' front yard turn-around must be provided within ninety (90) days from the date of this Order.
- 6) A Special Hearing will be required to transfer this special permit to anyone other than the Kammerers. At that time, the burden of proof will be upon the Petitioners to prove why they should be granted a special exception/permit under the BCZR in effect at that time.

John M. H. Ding
Deputy Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2566
494-4500

SAUL H. REINCKE
CHIEF

April 7, 1987

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

RE: Property Owner: Donald G. Kammerer, et ux

Location: SW/S Putty Hill Ave., 500' NW of centerline of Wilson Ave.

Item No. 392

Zoning Agenda: Meeting of 4/6/87

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 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. See Section 10-1.1.5 minimum construction requirements.

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

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

REVIEWER: *John F. O'Neill*
Planning Group
Special Inspection Division

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau

/mb

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

STEPHEN E. COLLINS
DIRECTOR

April 27, 1987

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

Item No. 392 -ZAC-
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Meeting of April 6, 1987
Donald G. Kammerer, et ux
SW/S Putty Hill Avenue, 500 feet NW of
centerline of Wilson Avenue
D.R. 5.5
Special Hearing to approve an amendment to
the Order and restrictions for Case 2699
in order to permit the transfer of the
special permit to a future purchaser
.385 acres
14th Election District

Area:
District:

Dear Mr. Jablon:

We have reviewed the plan and have the following comments:

1. The County is planning a major widening of Putty Hill Rd., and it must be shown on the plan.
2. The site must provide a safe off-street loading area for children.
3. No parking plan that requires vehicles to back out into Putty Hill Rd. can be approved.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

ORDER RECEIVED FOR FILING
Date *8/18/87*
By *John F. O'Neill*

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

May 5, 1987

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

Dear Mr. Jablon:

Comments on Item # 392 Zoning Advisory Committee Meeting are as follows:

Property Owner: Donald G. Kammerer
Location: SW/S Putty Hill Ave, 500 ft NW of centerline of Wilson Ave.
District: 14th

APPLICABLE ITEMS ARE CHECKED:

() All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #11-85, the Maryland Code for the Handicapped and Aged (A.D.A.), #12-1 - 1980 and other applicable Codes and Standards.

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

() 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.

() 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.

() All Use Groups except B-4 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 1'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 1001, Section 1007, Section 1006.2 and Table 1005. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

() 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.

() The requested variance appears to conflict with Section(s) 307.3, table 501 of the Baltimore County Building Code.

Additional information is required to properly classify the structure to its Use Group. 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 & Engineering 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.

() The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 316.0 of the Building Code as adopted by Bill #11-85. Site plans shall show the current elevations above sea level for the lot and the finished floor levels including basement.

() Comments: Show ages of children. A nursery is for children under 24 years of age, and is classified as an Institutional Use Section 307.3. Should the existing house be of wood frame construction (type SB-table 101), the use would not be permitted.

() 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. The applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Michael S. Flanagan
271 E. E. Flanagan, 2nd
Building Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: June 8, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 88-4-SpH, 88-7-SpH, 88-13-SpH and 88-14-SpH

In view of the subject of these petitions, this office offers no comments.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 18th day of May, 1987.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Donald G. Kammerer, et ux
Petitioner's Attorney: Patrick J. Perkins, Esquire

James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 15, 1987

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

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

Patrick J. Perkins, Esquire
220 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 392 - Case No. 88-7-A
Petitioners: Donald G. Kammerer, et ux
Petition Special Hearing

Dear Mr. Perkins:

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer
TO: Zoning Supervisor
Date: 3-30-87
James Thompson
FROM: Zoning Enforcement Coordinator
Item No. 392 (if known)
SUBJECT: Petitioner: Kammerer, et ux (if known)

VIOLATION CASE # 87-81 CV
LOCATION OF VIOLATION 3031 Putty Hill Ave
DEFENDANT Kammerer ADDRESS 3031 Putty Hill Ave

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Stuart Simpson 3104 Hiss Ave
Baltimore 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

The property is left unattended on nights, weekends, and holidays, at which time it presents an attractive nuisance to our neighborhood's children. Rusty play equipment, rusted fencing, debris, old toys, old tires, a junk automobile and a garage filled with trash present dangers, not assets, to this community.

* **Traffic Hazard:** Putty Hill Avenue is a busy commuting route. The population and congestion in our area and to the North have increased greatly since the original exception was granted. The school is located on the outside of a sharp curve that has seen its share of accidents. During peak rush hours, traffic is often hindered by cars stopping to drop off and pick up children. There is no designated parking area, nor a safe place to stop on, pull off, or re-enter Putty Hill Avenue. When the driveway is not blocked by staff's cars, parents will pull in and then back out, but this often blocks both lanes of traffic. With fifty children to drop off and pick up each week day, this creates an obvious hazard to the children, their parents, and other commuters. Once construction begins to widen Putty Hill Avenue, the situation can only get worse.

Use as a Preschool: We ask that the file, kept by the Baltimore County Board of Health on the Belvedere Preschool, be considered in this decision. The number and nature of complaints therein, particularly regarding sanitation and maintenance, substantiate our concerns for what exactly this business brings to our neighborhood.

The operators of the school have demonstrated, prior to applying for a special exception, that it does adversely affect the safety, well being and value of the neighborhood, that it does present a traffic hazard, that they do willingly ignore local regulations and do provoke an adversary relationship with their neighbors. We ask that consideration be given to the neighborhood affected by your decision, and that you not rezone part of it merely for the convenience of those who have been operating their business illegally for so long. There are countless reasons for preserving a peaceful, well established and stable neighborhood, and not one valid reason to reward a long time violator of that community's rights and your own commission's regulations.

Name William C. Cline
Address 3124 Haver Ave

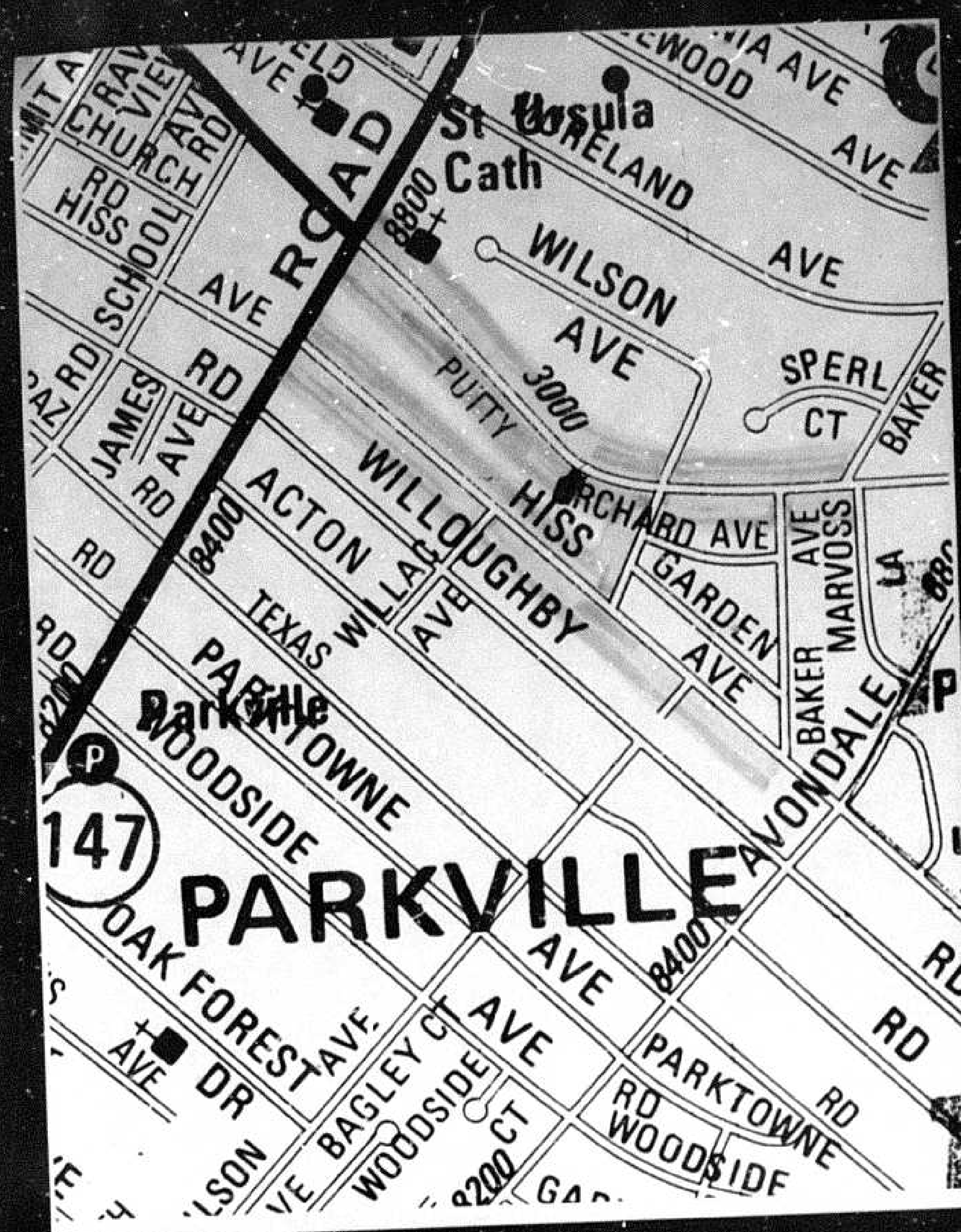
Name Rich Stokes
Address 3106 Haver Ave

Name Edna Schultz
Address 3104 Haver Ave

Name Dora L. Lamm
Address 3104 Haver Ave

Name Elizabeth E. Daley
Address 3117 Haver Ave

Name Dorothy Splatt
Address 3117 Haver Ave



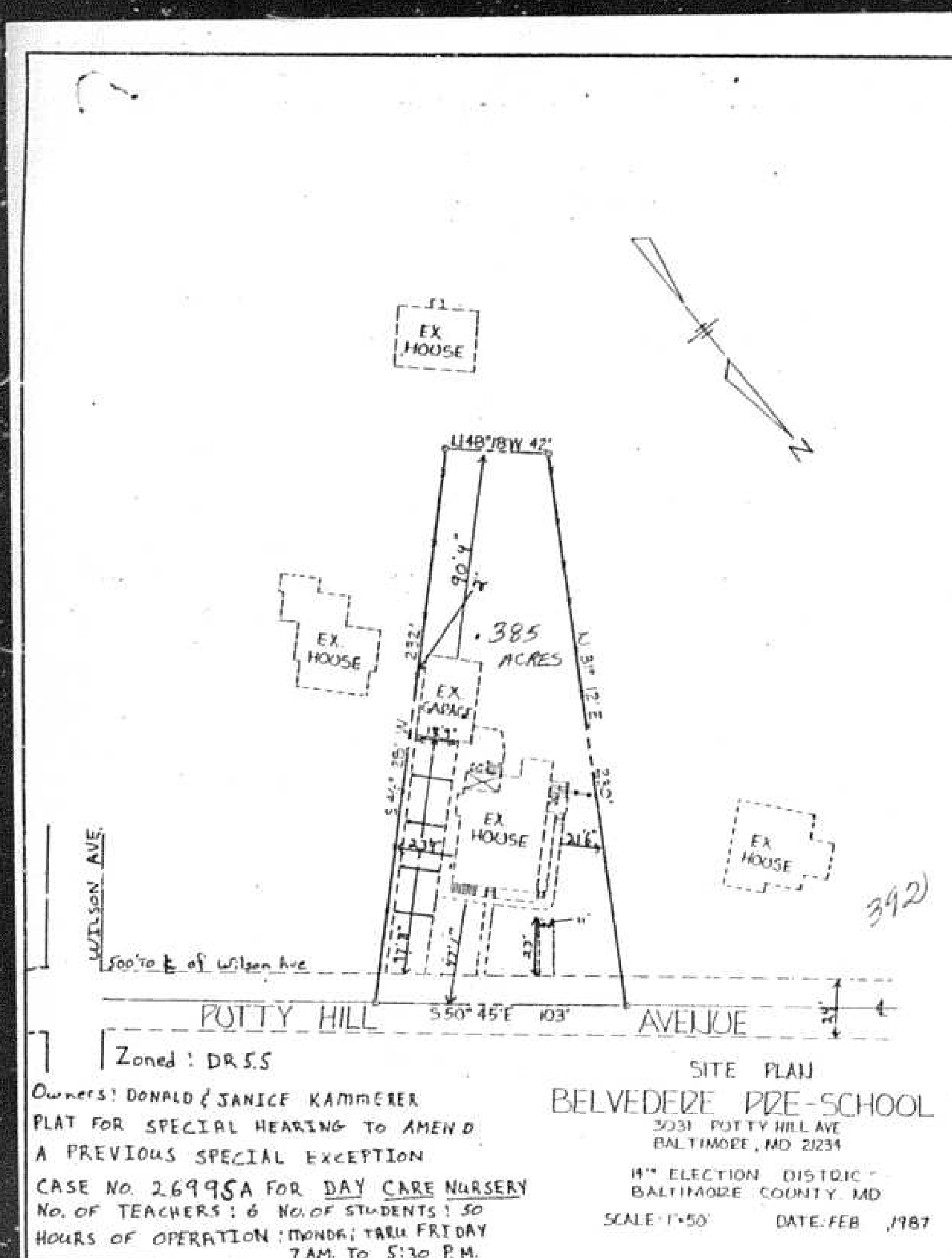
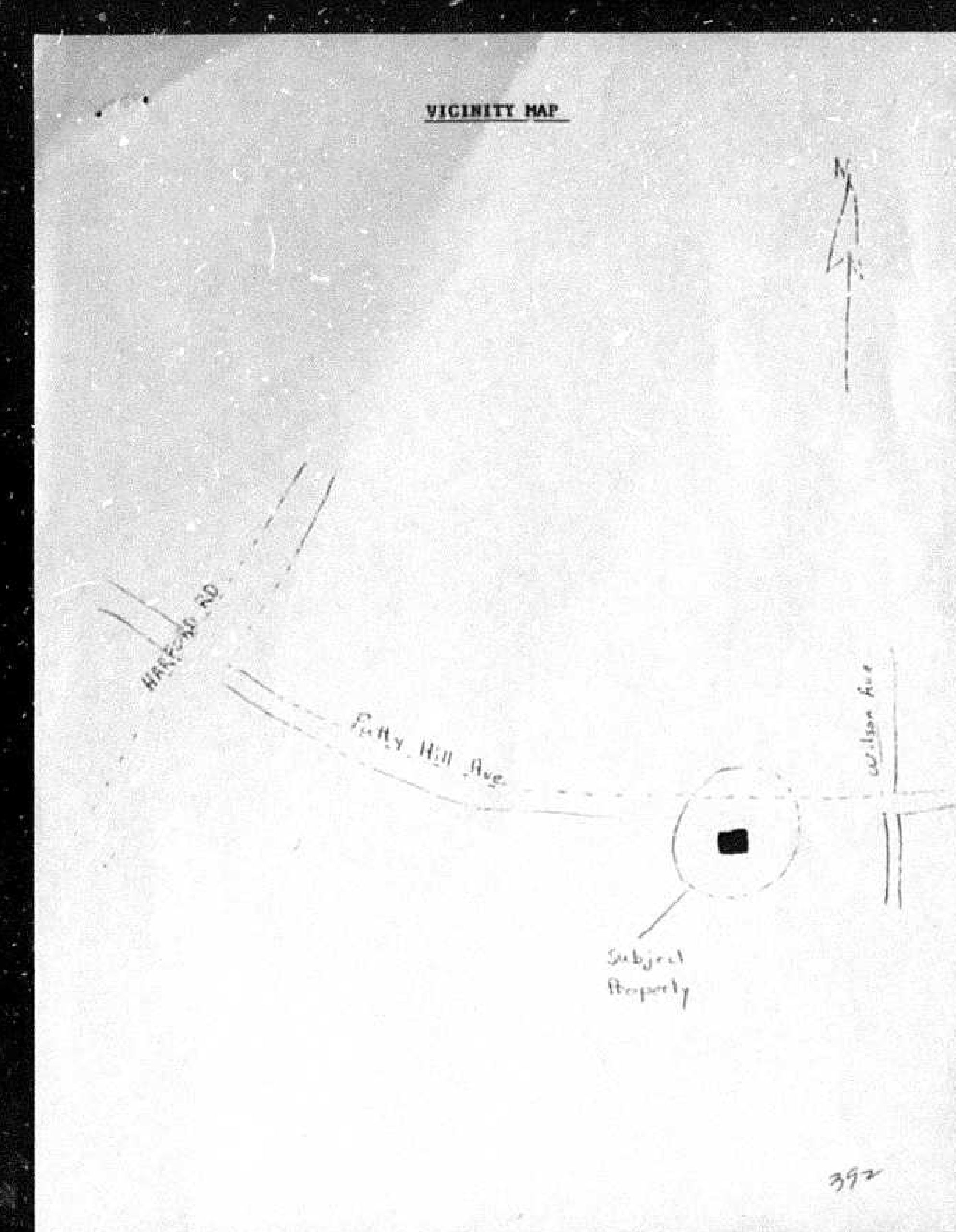
ORDERED by the Zoning Commissioner of Baltimore County this 18th day of September, 1965, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing be held in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 23rd day of September, 1965, at 2:00 o'clock.

Upon hearing on petition for a special permit to use the property described therein for the operation of a Day Nursery and it appearing that by reason of location, the safety and general welfare of the community not being adversely affected and no traffic hazard being created, the said petition should be granted, therefore:

It is this 18th day of September, 1965, ORDERED by the Deputy Zoning Commissioner of Baltimore County, that the aforesaid petition for a special permit, be and it is hereby granted, subject, however, to the terms and conditions set forth in the resolution of the Baltimore County Health Department. The terms of this special permit to operate a day nursery are as follows:

William C. Cline
Deputy Zoning Commissioner
of Baltimore County

2699-SA
MPP
H11/14A
SA



88-7-5 P.H.



PETIT'S
EXHIBIT 2

SCALE 1"=50'	KEY SHEET N	LOCALITY PARKVILLE	SHEET 31 N.E.
DATE STARTED			16