

IN RE: PETITION FOR SPECIAL HEARING
 SW/S Rayton Road, 140' SE of
 Marriottsville Road
 (3829 Rayton Road)
 2nd Election District
 2nd Councilmanic District
 Gertrude J. Edwards
 Petitioner

BEFORE THE
 COUNTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 91-241-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the special exception previously granted in Case No. 88-283-XA for a Class B Group Day Care Center, to remove Restriction 2 thereof and to change the maximum number of children from 15 to 40, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, Gertrude J. Edwards, appeared, testified and was represented by Phyllis J. Winston, Esquire. Also appearing on behalf of the Petition were Mickey Cornelius, Traffic Engineer with the Traffic Group, Anthony J. Cortese, Engineer with STV/Lyon Associates, Catherine Drayton, Child Development Specialist with the Baltimore County Department of Community Development and Patricia Xavier, Licensed Supervisor, Child Care Administration, Maryland State Department of Human Resources, Ella Campbell, President of the Liberty Road Community Council, Inc., and Charles L. Taylor, a nearby property owner. Phyllis Friedman, Esquire, People's Counsel for Baltimore County, also appeared. Appearing as interested Parties were Laurence and Catherine Sang, Blanche Capriolo, and Isiah and Helen Hudson.

Testimony indicated that the subject property, known as 3829 Rayton Road, consists of 7,029.43 sq. ft. split zoned D.R. 5.5 and B.L.-C.C.C. and is improved with a two-story frame dwelling. Said property was

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the subject of previous Case No. 88-283-XA in which a special exception for a Class B Group Day Care Center was granted by the County Board of Appeals on December 8, 1988, subject to restrictions. Petitioners are desirous of removing Restriction 2 thereof which restricts the number of children enrolled in the center to 15 at any one time.

On October 15, 1990, the Baltimore County Council adopted Bill No. 200-90 which amended Sections 424 and 1801 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a Class B Group Child Care Center by right in D.R. zones with a lot size of at least one acre. Petitioner argued that despite her inability to meet the one-acre requirement, the use of the subject property for a Class B Group Child Care Center had existed prior to the enactment of said Bill and Petitioner was entitled to a modification of the restriction as to the number of children permitted to be enrolled in the center at any one time. It is Petitioner's position that the use is a nonconforming use not subject to Bill No. 200-90 and that in light of there being no physical change to the property, the requested modification is a permitted intensification and not an expansion of the nonconforming use.

Mrs. Edwards testified as to the actual operation since obtaining a license and opening the center in 1989. She testified in detail as to the current operation and use of existing and proposed space. In addressing the requirements of Section 502.1 of the B.C.Z.R., Petitioner concluded that the proposed increase in the number of children permitted would not result in any violation of any of the requirements set forth in said regulations. Further, it was Petitioner's contention that the granting of the relief requested will not create any detriment to the health, safety or general welfare of the surrounding community.

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The testimony presented by the neighboring property owners, many of whom candidly admitted that they appeared at the original hearing in opposition, indicated that the subject day care center is well-run and has not created any detriment to the health, safety or general welfare of the community. Their testimony was conditioned upon the required continuation of the placement of the barricade-type posts on the eastern property line, which was a condition of the original granting. Many of the neighbors testified as to their visiting the Center unannounced and that in their opinion, it was well run. All neighbors noted the importance of the placement of the barricade posts for the operation of the day care center not to be detrimental to the surrounding community.

Catherine Drayton, Day Care Coordinator for Baltimore County's Department of Community Development, testified that she has been working with Mrs. Edwards since 1982 in her efforts to establish a day care center. Mrs. Drayton concluded after reviewing her file and a recent unannounced inspection of the subject site that there could be an increase in the number of children permitted without any detriment to the health, safety or general welfare of the community or the care of the children. However, she indicated State regulations may limit the number of children to approximately 35 and not 40 as requested. Mrs. Drayton testified that Petitioner operated a clean, orderly, and well-supervised day care center.

Patricia Xavier, Licensing Supervisor with the Child Care Administration, appeared and testified. Ms. Xavier concurred with the testimony of Mrs. Drayton and indicated that in reviewing this case, the capacity permitted under State regulations may not be 40 but closer to between 35 and 37 children.

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Mr. Cornelius testified that in his opinion, there would not be any traffic problems created if the requested modification were granted.

It is clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 would still be satisfied if the number of children was modified as requested.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

After due consideration of the testimony and evidence presented, it appears that the relief requested in the special hearing, as hereinafter modified, should be granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested, as modified, will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted, subject to restrictions as hereinafter set forth.

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 Date 4/11/91
 By [Signature]

PETITION FOR SPECIAL HEARING
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

An amendment to the Special Exception for Class B group day care center granted in Case No. 88-283-XA (Dec. 8, 1988) to remove Restriction No. 2, and to change the maximum number of children from 15 to 40.
 Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser: _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____

Legal Owner(s):
 Gertrude J. Edwards
 (Type or Print Name)
 Signature: *Gertrude J. Edwards*
 (Type or Print Name)
 Signature: _____

#244
 91-241-SPH

Stamp: E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-33, E-34, E-35, E-36, E-37, E-38, E-39, E-40, E-41, E-42, E-43, E-44, E-45, E-46, E-47, E-48, E-49, E-50, E-51, E-52, E-53, E-54, E-55, E-56, E-57, E-58, E-59, E-60, E-61, E-62, E-63, E-64, E-65, E-66, E-67, E-68, E-69, E-70, E-71, E-72, E-73, E-74, E-75, E-76, E-77, E-78, E-79, E-80, E-81, E-82, E-83, E-84, E-85, E-86, E-87, E-88, E-89, E-90, E-91, E-92, E-93, E-94, E-95, E-96, E-97, E-98, E-99, E-100.

Attorney for Petitioner:
 Phyllis J. Winston
 (Type or Print Name)
 Signature: *Phyllis J. Winston*
 Address: 18 E. Eager Street
 Baltimore, MD 21202
 City and State: _____
 Attorney's Telephone No.: (301) 837-3120
 Address: 3827 Rayton Road (301) 655-5327 (H)
 Phone No.: 301.922-3303 (W)
 Address: Randallstown, MD 21133

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1991, 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 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1991, at _____ o'clock _____ M.

J. Robert Hines
 Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
 Date 4/11/91
 By [Signature]

Z.C.O. No. 1 (over)

NOTE - 12/17/90
 about anything
 est time - 1 hr.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1991 that the Petition for Special Hearing to approve an amendment to the special exception previously granted in Case No. 88-283-XA for a Class B Group Day Care Center to modify Restriction 2 thereof to permit an increase in the maximum number of children permitted to be enrolled at the center at any one time, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the maximum number of children to be enrolled in the center shall be changed from 15 to 35, in accordance with Petitioner's Exhibit 1, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits and/or increase in the number of children from 15, Petitioner shall obtain approval from all federal, state and local authorities.
- 3) The relief granted herein is limited to the operation of a Class B Child Day Care Center on the subject property by Gertrude Edwards. Any future property owner and/or operator of the subject Day Care Center must file a new Petition for Special Hearing to determine the appropriateness of continuing such use.
- 4) The relief granted herein is conditioned upon the continued placement of the barricade-type posts in the street to the east of the subject property line as depicted on Petitioner's Exhibit 1.
- 5) When applying for a permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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 Date 4/11/91
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning
 111 West Chesapeake Avenue
 Towson, MD 21204 887-3553

April 9, 1991
 Phyllis J. Winston, Esquire
 18 E. Eager Street
 Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
 SW/S Rayton Road, 140' SE of Marriottsville Road
 (3829 Rayton Road)
 2nd Election District - 2nd Councilmanic District
 Gertrude J. Edwards - Petitioner
 Case No. 91-241-SPH

Dear Ms. Winston:
 Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
Ann M. Nastarowicz
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

- cc: Mr. & Mrs. Laurence Sang
 3902 Rayton Road, Randallstown, Md. 21133
 Ms. Blanche Capriolo
 3901 Rayton Road, Randallstown, Md. 21133
 Mr. & Mrs. Isiah Hudson
 3905 Rayton Road, Randallstown, Md. 21133
 People's Counsel
 File

ZONING DESCRIPTION
 GERTRUDE LUVINIA JOHNSON
 (AK/A GERTRUDE J. EDWARDS) PROPERTY
 NO. 3829 RAYTON ROAD
 ELECTION DISTRICT NO. 2, C2
 BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point along the southwesterly side of Rayton Road (50 feet wide), at the line of division between Lot 1 and Lot 2, Block D, Section 2, "THE WOODLANDS", recorded among the Land Records of Baltimore County, Maryland in Plat Book O.T.G. No. 31, folio 95, said point being distant North 59°49'05" West 78.07 feet from a southwesterly projection of the centerline of Byers Court (50 feet wide), thence along said southwest side of Rayton Road, as follows:

1. South 59°49'05" East 61.77 feet to a point, thence leaving Rayton Road and running along the boundaries of said Lot 2, the three following courses and distances,
 2. South 30°10'55" West 93.79 feet to a point, thence,
 3. South 87°07'40" West 73.70 feet to a point, thence,
 4. North 30°10'55" East 133.99 feet to the point of beginning . . . containing 7,035 square feet or 0.1615 acre of land, more or less.
- The improvements thereon being known as No. 3829 Rayton Road.

#244
 91-241-SPH

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: February 11, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Gertrude J. Edwards, Item No. 244

In reference to the petitioner's request for a Special Hearing, the staff offers the following comments:

Bill No. 200-90 was adopted by the County Council on October 15, 1990. The bill permits a Class B group child care center by right in D.R. zones with a one acre minimum lot size. In addition, a 20 ft. perimeter vegetative buffer must be provided. Attached is the Planning Board's report which explains the one acre minimum lot requirement.

The petitioner's lot size is only .16 acres. From a land use point of view, the lot is not large enough to allow sufficient play area for the children and a buffer to protect nearby neighbors from noise. Also, the site is not large enough to accommodate the extra parking spaces that will be needed.

The issue of the number of children at the facility was addressed at a zoning hearing and a subsequent appeal (Case No. 88-283). The appropriateness of increasing the number of children cared for is of concern to this office.

Therefore, to ensure that the health and welfare of the children are protected, staff recommends that any decision be based on the testimony of a number of qualified experts in the field.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM244/ZAC1
Attachment

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500 (301) 887-4500
JANUARY 11, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GERTRUDE J. EDWARDS
Location: #3829 RAYTON ROAD
Item No.: 244 Zoning Agenda: JANUARY 8, 1991
Gentlemen:

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

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", 1988 edition prior to occupancy, SEC. 10-7. SEE SEC. 10-7.1.6.1 FOR MINIMUM CONSTRUCTION REQUIREMENTS.

REVIEWER: Pat Keller 1-11-91 Noted and Approved Pat Keller
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 22, 1990

Phyllis J. Winston, Esq.
18 E. Eager Street
Baltimore, Maryland 21202

RE: Case No. 88-283-XA
Deer Park Children's Center
3829 Rayton Road, 21133

Dear Ms. Winston:

Enclosed are the forms which you requested to amend the special exception hearing plan and order in the referenced case. The accompanying checklist will also assist you in understanding filing requirements.

The amount of time necessary for assembling the required plans, petitions, and meeting other requirements may vary so please contact me for an appointment to file shortly before your paperwork is ready and an appointment time can then be set.

Should you require further assistance, please do not hesitate to call me at 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planning & Zoning Associate

JLL:jat
cc: File

LEFT BY 10/19/90
CALLED 3 AGENTS
MONTGOMERY 10/20/90
BZV.

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reinecke
Chief

December 6, 1990

TO WHOM IT MAY CONCERN,

Based on the 1988 Life Safety Code, Sec. 11-7, Day Care Centers, the property located at Rayton Rd., which is now operating as the Deer Park Childrens Center would be allowed children on the second floor if the following requirements were met. Total occupant load not to exceed thirty nine children.

1. Sprinkler entire building - Table 11-7.1.6.1
2. Emergency lighting must be installed on second floor. Sec. 11-7.2.9
3. Install smoke detectors on second floor in accordance with Sec. 11-7.3.4.5
4. Must have two separate exits serving each floor. Sec. 10-7.2.4.1
5. All exits shall discharge directly to the outside. Sec. 10-7.2.7
6. Any vertical opening shall be enclosed. Sec. 10-7.3.1

#244
91-244-SPH

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE Corner Rayton Rd. & Kings Pt.
Rd (3829 Rayton Rd.), : OF BALTIMORE COUNTY
2nd Election District
2nd Councilmanic District
GERTRUDE J. EDWARDS, Petitioner: Case No. 91-141-SPH

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 13th day of March, 1991, a copy of the foregoing Entry of Appearance was mailed to Phyllis Winston, Esquire, 18 E. Eager St., Baltimore, MD 21202, Attorney for Petitioner; and Lawrence E. Seng, 3902 Rayton Rd., Randallstown, MD 21133; Don Kibble, 3906 Rayton Rd., Randallstown, MD 21133; Blanche Capriolo, 8536 Brest Rd., Randallstown, MD 21133; Alfred B. Miller, 3808 Peter Max Zimmerman Rayton Rd., Randallstown, Peter Max Zimmerman MD 21133; and Edward Dudley, 3831 Rayton Rd., Randallstown, MD 21133.

IN THE MATTER OF THE * BEFORE THE
APPLICATION OF GERTRUDE * ZONING COMMISSION
J. EDWARDS FOR AN AMENDMENT * OF BALTIMORE COUNTY
TO CONDITION OF SPECIAL *
EXCEPTION ON PROPERTY LOCATED *
AT 3829 RAYTON ROAD * CASE NO.: 91-241-SPH
SECOND ELECTION DISTRICT, *
SECOND COUNCILMANIC DISTRICT *

SUBPOENA DUCES TECUM

TO: Custodian of Records
Baltimore County Fire Department
700 E. Joppa Road
Suite 901
Towson, Maryland 21204-5500

Pursuant to the authority granted to the Zoning Commissioner under Sections 500.7 and 500.8 of the Baltimore County Zoning Regulations, you are hereby summoned and ordered to appear in person, with the documents requested, on March 15, 1991 at 2:00 p.m. at the following location:

Baltimore County Zoning Commission
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Issue Date: 3/1/91

J. Robert Haines
J. Robert Haines
Zoning Commissioner

Subpoena requested by Petitioner, Gertrude Edwards, through her attorney, Phyllis J. Winston, 18 E. Eager Street, Baltimore, Maryland, 21202, (301) 837-3120.

Phyllis J. Winston
Phyllis J. Winston
Attorney for Petitioner

IN RE: * BEFORE THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSION
TO AMEND SPECIAL EXCEPTION * OF BALTIMORE COUNTY
FOR CLASS B GROUP DAY *
CARE CENTER * CASE NO.: 91-241-SPH

MEMORANDUM OF LAW OF
MRS. GERTRUDE J. EDWARDS

Petitioner, Gertrude J. Edwards, is the Director of Deer Park Childrens' Center, located in a residence at 3829 Rayton Road. On December 8, 1988, the Board of Appeals of Baltimore County granted a Special Exception to Mrs. Edwards to operate a child care center in the residential building at 3829 Rayton Road with two restrictions: (1) that the barricade-type posts would have to be relocated to the east property line of 3829 Rayton Road and (2) that no more than 15 children can be enrolled at any time on the site.

Mrs. Edwards obtained a license to operate a Class B Group Child Care Center in 1989, and is now operating a child care center in the residence. The barricade-type posts were moved to the east property line before she began operating the center.

On December 14, 1990, Mrs. Edwards filed a Petition for

Special Hearing for an amendment to Special Exception to remove Restriction No. 2 and to change the maximum number of children on the site at any time from 15 to 40. Mrs. Edwards is not proposing any exterior structural alterations to the building. She plans to make the interior alterations as necessary to meet licensing requirements for child care centers.

On October 15, 1990, Baltimore County Council adopted Bill No. 200-90 which amends Section 424 and Section 1B01 of the Baltimore County Zoning Regulations. The bill permits a Class B group child care center by right in D.R. zones with one acre minimum lot size, and requires that there be a 20 foot minimum vegetative buffer.

Petitioner contends that Bill 200-90 is not applicable to her request to increase the number of children in the child care center, because the Special Exception to operate the center was granted on December 8, 1988, before the bill was enacted by the Baltimore County Council. In the instant case, Petitioner requests an amendment to one of the conditions of the Special Exception, in order to increase the maximum number of children at the center from 15 to 40.

Petitioner contends that her right to use the residential building for a Class B group child care center has vested prior to the enactment of Bill 200-90, and that it would be arbitrary

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and capricious for the Zoning Commission to apply the standards of this Bill to her property retroactively.

It is well-established under Maryland law that a statute is presumed to operate prospectively in the absence of a clear manifestation to the contrary, where the statute affects vested rights. See, Janda vs. General Motors Corp., 237 Md. 161, 205 A.2d 228, (1964). In the instant case, Petitioner has met her burden showing that the use for which she requested a Special Exception would not have an adverse effect on the neighborhood.

The proposed increase in the number of children will not adversely affect the adjoining residential neighborhood. The Maryland courts have held that where the applicant shows that the proposed use will not be a real detriment to the neighborhood, and would not adversely affect the public interest, the special exception should be granted. See, Anderson vs. Sawyer, 23 Md. App. 612, 329 A.2d 716 (1974); Schultz vs. Pritts, 129 Md. 1, 432, A.2d 1319 (1981). The center has been in operation for almost two years, without any harm to the neighborhood.

For the reasons stated above, Petitioner, Gertude J. Edwards respectfully requests that this Commission rule that Bill 200-90 (enacted October 15, 1990, by the Baltimore County Council) is not applicable to her request to amend one of the

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restrictions of the Special Exception granted in Case Number 88-283-XA, and that the condition be amended as requested.

Respectfully submitted,

Phyllis J. Winston
Phyllis J. Winston, Esquire
18 E. Eager Street
Baltimore, MD 21202
(301) 837-3120

Attorney for Gertrude Edwards

4

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21284-5500

(301) 887-4500

April 3, 1991

Ms. Phyllis J. Winston
Attorney At Law
18 East Eager Street
Baltimore, Maryland 21202

RE: Deer Park Childrens Center
3829 Rayton Road

Dear Ms. Winston:

Attached is a certified copy of the letter dated December 6, 1990, that was hand delivered to Mrs. Edwards. These requirements were requested after a verbal consultation with Mrs. Edwards by Inspector Glenn Blackwell during a license renewal inspection on July 31, 1990.

If this office can be of any further assistance, please contact us at 887-4880.

Sincerely,

Roy W. Kemmer
Roy A. Kemmer, Battalion Chief
Fire Prevention Division
INVESTIGATIVE SERVICES

RWK/dal

cc: Western Fire Prevention
Master File
Reader File

PHYLLIS J. WINSTON
ATTORNEY AT LAW
18 EAST EAGER STREET
BALTIMORE, MARYLAND 21202
(301) 837-3120
752-4444

October 9, 1990

Mr. J. Robert Haines
Zoning Commission of Baltimore County
Office of Planning & Zoning
111 W. Chesapeake Avenue
Room 113
Towson, MD 21204

RE: Case No.: 88-283-XA
Deer Park Childrens' Center
3829 Rayton Road, 21133

Dear Mr. Haines:

My client, Gertrude Edwards, operates Deer Park Childrens' Center, Inc., a Day Care Center in Baltimore County. On December 9, 1988, the Baltimore County Board of Appeals granted the Special Exception for a child care center at 3829 Rayton Road, with the restriction that no more than fifteen children shall be enrolled in the Day Care Center at one time, and that the barricade type posts would have to be relocated. Ms. Edwards has complied with these restrictions, and has operated the Day Care Center successfully for the past year. She now seeks to amend the Special Exception so that she will be able to have up to forty (40) children at the Day Care Center including before and after school care. Please send me the Zoning Commission forms for filing a petition to Amend the Special Exception.

In addition, please call me to discuss when Mrs. Edwards and I can meet with a member of your staff to discuss her Petition.

Thank you for your cooperation in this matter.

Very truly yours,

Phyllis J. Winston
Phyllis J. Winston

PJW/cfh

RECEIVED OCT 12 1990

PHYLLIS J. WINSTON
ATTORNEY AT LAW
18 EAST EAGER STREET
BALTIMORE, MARYLAND 21202
(301) 837-3120
752-4444

February 28, 1991

J. Robert Haines, Zoning Commissioner
Baltimore County Zoning Office
111 W. Chesapeake Avenue
Room 113
Towson, MD 21204

RE: Deer Park Childrens' Center
Hearing Date: March 15, 1991
Case No.: 91-241-SPH

Dear Mr. Haines:

Enclosed are five (5) Subpoenas Duces Tecum for your signature. Please sign them and return for service by private process on the witnesses.

Thank you for your cooperation in this matter.

Very truly yours,

Phyllis J. Winston
Phyllis J. Winston

PJW/cfh
Enclosures
CC: Ms. Gertrude Edwards

MAR 1 1991

PHYLLIS J. WINSTON
ATTORNEY AT LAW
18 EAST EAGER STREET
BALTIMORE, MARYLAND 21202
(301) 837-3120
752-4444

March 7, 1991

J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning and Zoning
Towson, MD 21204

RE: Case No.: 91-241-SPH

Dear Mr. Haines:

I represent Gertrude Edwards, who is the owner of the Deer Park Childrens' Center. This letter is to request that the file from the Zoning Commissioner's hearing in Case No. 88-283-XA, and the file from the two hearings before the Board of Appeals, in the appeal of the same case, be brought to the hearing on March 15, 1991 at 2:00 p.m., in the above-referenced case.

Thank you for your cooperation in this matter.

Very truly yours,

Phyllis J. Winston
Phyllis J. Winston

PJW/cfh
CC: Ms. Gertrude Edwards

PHYLLIS J. WINSTON
ATTORNEY AT LAW
18 EAST EAGER STREET
BALTIMORE, MARYLAND 21202
(301) 837-3120
752-4444

April 11, 1991

J. Robert Haines
Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petition for Special Hearing
Case No.: 91-241-SPH

Dear Mr. Haines:

Please include the enclosed letter and Certified copy of letter dated December 6, 1990, as Petitioner's Exhibit Number 4 and enter it into evidence in the record of the Special Hearing that was held on March 15, 1991 in the above-referenced case.

Thank you for your cooperation in this matter.

Very truly yours,

Phyllis J. Winston
Phyllis J. Edwards

PJW/cfh
Enclosure
CC: Ms. Gertrude Edwards

LEGAL PAPERS, INC.

Private Process Service
P.O. Box 52825
Pikesville, Maryland 21208
Phone: (410) 823-4444

BEFORE THE ZONING COMMISSION OF BALTIMORE COUNTY
111 WEST CHESAPEAKE AVENUE, BALTO., MD 21204

Case# 91-241-SPH
Plaintiff- IN THE MATTER OF THE APPLICATION OF GERTRUDE J. EDWARDS
Defendant- CUSTODIAN OF RECORDS, BALTIMORE DEPARTMENT OF HUMAN
RESOURCES

Person Served / Description / Date, Time / Address
ROSE MARIE HEYER, OFFICE OF CHILD CARE LICENSING
WHITE, PENNS., 5 11, 1071, 42
TOWSON PARK
03-05-91 / 1:30 pm
Pleadings
SUBPOENA DUCES TECUM, DOCUMENTS REQUESTED

I HAVE EFFECTED PERSONAL SERVICE UPON THE INDIVIDUAL NAMED ABOVE AT THE ADDRESS LISTED ABOVE, AND HAS INSTRUCTED ME THAT THEY ARE FULLY AUTHORIZED TO ACCEPT SERVICE OF PROCESS. I HEREBY CERTIFY TO BE A COMPETENT PERSON OVER 18 YEARS OF AGE AND NOT A PARTY TO THE AFORESAID ACTION. I FURTHER DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Jonathan H. Hamilton / Our File#- 8040
Served Birth Date-05-30-53
Attorney File#-

CLIENT'S COPY

Pursuant to the authority granted to the Zoning Commissioner under Sections 500.7 and 500.8 of the Baltimore County Zoning Regulations, you are hereby summoned and ordered to appear in person, with the documents requested, on March 15, 1991 at 2:00 p.m. at the following location:

Baltimore County Zoning Commission
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

LEGAL PAPERS, INC.

Private Process Service
P.O. Box 52825
Pikesville, Maryland 21208
Phone: (410) 823-4444

BEFORE THE ZONING COMMISSION OF BALTIMORE COUNTY
111 WEST CHESAPEAKE AVENUE, BALTO., MD 21204

Case# 91-241-SPH
Plaintiff- IN THE MATTER OF THE APPLICATION OF GERTRUDE J. EDWARDS
Defendant- MS. CATHERINE DEAYTON

Person Served / Description / Date, Time / Address
MS. CATHERINE DEAYTON, BALTO. CO. OFFICE FOR CHILDREN
BLACK, PENNS., 5 11, 106, 39
BLACK HATER
03-05-91 / 1:30 pm
Pleadings
SUBPOENA DUCES TECUM, DOCUMENTS REQUESTED

I HAVE EFFECTED PERSONAL SERVICE UPON THE INDIVIDUAL NAMED ABOVE AT THE ADDRESS LISTED ABOVE. I HEREBY CERTIFY TO BE A COMPETENT PERSON OVER 18 YEARS OF AGE AND NOT A PARTY TO THE AFORESAID ACTION. I FURTHER DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Jonathan H. Hamilton / Our File#- 8041
Served Birth Date-05-30-53
Attorney File#-

CLIENT'S COPY

Pursuant to the authority granted to the Zoning Commissioner under Sections 500.7 and 500.8 of the Baltimore County Zoning Regulations, you are hereby summoned and ordered to appear in person, with the documents requested, on March 15, 1991 at 2:00 p.m. at the following location:

Baltimore County Zoning Commission
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

LEGAL PAPERS, INC.

Private Process Service
P.O. Box 52825
Pikesville, Maryland 21208
Phone: (410) 823-4444

BEFORE THE ZONING COMMISSION OF BALTIMORE COUNTY
111 WEST CHESAPEAKE AVENUE, BALTO., MD 21204

Case# 91-241-SPH
Plaintiff- IN THE MATTER OF THE APPLICATION OF GERTRUDE J. EDWARDS
Defendant- REBEKAH SEIB

Person Served / Description / Date, Time / Address
REBEKAH SEIB
WHITE, PENNS., 5 11, 109, 57
BLACK HATER
03-05-91 / 10:30 am
BALTO COUNTY PLANS REVIEW OFFICE, 111 W. CHESAPEAKE AVE., TOWSON, MD 21204
Pleadings
SUBPOENA DUCES TECUM, DOCUMENTS REQUESTED

I HAVE EFFECTED PERSONAL SERVICE UPON THE INDIVIDUAL NAMED ABOVE AT THE ADDRESS LISTED ABOVE. I HEREBY CERTIFY TO BE A COMPETENT PERSON OVER 18 YEARS OF AGE AND NOT A PARTY TO THE AFORESAID ACTION. I FURTHER DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Jonathan H. Hamilton / Our File#- 8039
Served Birth Date-05-30-53
Attorney File#-

CLIENT'S COPY

Pursuant to the authority granted to the Zoning Commissioner under Sections 500.7 and 500.8 of the Baltimore County Zoning Regulations, you are hereby summoned and ordered to appear in person, with the documents requested, on March 15, 1991 at 2:00 p.m. at the following location:

Baltimore County Zoning Commission
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

LEGAL PAPERS, INC.

Private Process Service
P.O. Box 52825
Pikesville, Maryland 21208
Phone: (410) 823-4444

BEFORE THE ZONING COMMISSION OF BALTIMORE COUNTY
111 WEST CHESAPEAKE AVENUE, BALTO., MD 21204

Case# 91-241-SPH
Plaintiff- IN THE MATTER OF THE APPLICATION OF GERTRUDE J. EDWARDS
Defendant- REBEKAH SEIB, BALTIMORE INSPECTION DIVISION

Person Served / Description / Date, Time / Address
REBEKAH SEIB, BALTIMORE INSPECTION DIVISION
WHITE, PENNS., 5 11, 109, 57
BLACK HATER
03-05-91 / 10:30 am
BALTO COUNTY PLANS REVIEW OFFICE, 111 W. CHESAPEAKE AVE., TOWSON, MD 21204
Pleadings
SUBPOENA DUCES TECUM, DOCUMENTS REQUESTED

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Jonathan H. Hamilton / Our File#- 8038
Served Birth Date-05-30-53
Attorney File#-

CLIENT'S COPY

Pursuant to the authority granted to the Zoning Commissioner under Sections 500.7 and 500.8 of the Baltimore County Zoning Regulations, you are hereby summoned and ordered to appear in person, with the documents requested, on March 15, 1991 at 2:00 p.m. at the following location:

Baltimore County Zoning Commission
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Two Ryans Court
Randallstown, Md. 21133
March 3, 1990

Mrs. Gertrude Marie Mitchell
3827 Rayton Rd
Randallstown, Maryland 21133

My Dear Mrs. Mitchell:
Because I know of some of the love that you have had to get your day care project off the ground, I thought I let you know of some of my feelings concerning said center today.
I have seen almost all of the parents as they either drop off or pick up their little ones and they have always greeted me with a smile. It did my heart good to talk with the father who helped you remove snow.
One day after I had started my car in order to go to work, I looked up and saw some of the children and their teacher at the window waving good-bye to me. That set the tone for my day. But the best experience in my life was when I went into the center and the little ones said in a sing-song manner "Good morning Mr. Taylor" and one of the little girls came to me with her arms held high. I picked her up, hugged her, and had to do the same to three or four others. That's joy.
My wife and I like what we see and wish you continued success.

Sincerely,
Charles L. Taylor
Charles L. Taylor

4 A Fortnum Court
Randallstown, Maryland 21133
March 4, 1991

Robert Haines, Commissioner
Baltimore County Zoning
111 West Chesapeake Avenue
Towson Maryland, 21204

Dear Mr. Haines:
This letter is in support of the zoning hearing scheduled March 15, 1991, Deer Park Children Center, Inc.

Two years ago my family and I moved to the Randallstown community. As working parents, my husband and I needed to find a before and after school program for our 7 yr old daughter. Thanks to Mrs. Edwards-Mitchell and her caring, dedicated staff, we were able to continue our daily routine. Our daughter, as well as all the children at Deer Park Children's Center receive quality day care services. Please consider her request for rezoning, so that other parents can benefit from the exceptional services Mrs. Edwards-Mitchell and her staff provides.

Sincerely,
Eva Wilkins
Eva Wilkins

RECEIVED
MARCH 7 1991
ZONING DEPT

DATE: April 4, 1990
TO: Ms. Trudy Mitchell
FROM: Ms. Leslie Banks
SUBJECT: Day Care

Thank you for the excellent care you have provided my children. Unfortunately, my children had to be relocated to a different facility due to personal conflicts in the area. Unfortunately, I have not been able to find a day-care center that offers the care and commitment you so diligently provided. Again, thank you for your help.

Love Always,
Leslie

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
MICKEY CORNELIUS 40 W. CHESAPEAKE AVE.
ANNEXA J. CORTEAL 21 GOVERNORS ST.
Gertrude J. Edwards 3827 Rayton Rd. 21133
Charles L. Taylor Two Ryans Ct 21133
Ella Campbell 8544 Stevenson Rd 21207

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Eva Wilkins 3927 Rayton Rd Randallstown Md 21133
Gertrude J. Edwards 3827 Rayton Rd 21133
Leslie J. Hudson 3705 Rayton Rd 21133
Leslie Hudson " " "

GERTRUDE JOHNSON EDWARDS MITCHELL, CRNA, BA, MPA
3827 RAYTON ROAD
RANDALLSTOWN, MD 21133

PETITIONER'S EXHIBIT 2

EDUCATION

1955-1958 Medical College of Virginia School of Nursing, graduated September, 1958.

1059-1961 St. Joseph Hospital School of Anesthesia, graduated March, 1961.

1976-1979 University of Baltimore, Bachelor of Arts Degree, June, 1979.

1979-1985 University of Baltimore, Graduate School: Major-Public Administration. Concentration Health Policy.

EXPERIENCE

1973-1979 1977-1979 Captain, U.S. Airforce Reserves (Nurse Corps) Instructor, Cardio-pulmonary Resuscitation, For the Red Cross.

1978 Guest Lecturer, Community College of Baltimore, to Operating Room Technicians, "The Administration of Anesthesia and: The Responsibility of the O.R.T. to the Anesthetized Patient."

1981 Guest Lecturer for Home-Makers of America, "The Triangle of Success," Mayo High School, Darlington, South Carolina.

1981 Chairperson, Maryland Association of Nurse Anesthetists, Fall Meeting, Gaithersburg, Maryland, October.

1982 Guest Lecturer, Dunbar High School, Nurse Anesthesia Career Day, "The Role of the Nurse Anesthetist", April

DEER PARK CHILDREN'S CENTER, INC.
3829 Rayton Rd.
Randallstown, MD 21133
(301) 887-4500

March 14, 1991
Deer Park Children's Center, Inc.
Increase in Enrollment:

Class Rm. A

Number of children 15 (increase from 6 to 15) age 3 years
Staff child ratio required by DHR one staff ten children
Additional staff needed none
(two staff members presently employed)

Class Rm. B

Before and school (increase from 3 to 8)

Class Rm. B also will be utilized for 4 and 5 year old

number 10
Staff child ratio one staff/ 10 children

Additional staff needed none
one staff member presently employed

Class Rm. C (upstairs) will not utilize before Sept. 1991
number 6 age 4 and 5 year old
staff child ratio one staff for 10 children
Additional staff needed none
one staff member presently employed.

Total number students-----39
Total staff-----4

Report prepared by

PETITIONER'S EXHIBIT 3

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21284-5500
(301) 887-4500

Paul H. Reincke
Chief



Dennis F. Rasmussen
County Executive

December 6, 1990

TO WHOM IT MAY CONCERN,

Based on the 1988 Life Safety Code, Sec. 11-7, Day Care Centers, the property located at Rayton Rd. which is now operating as the Deer Park Childrens Center would be allowed children on the second floor if the following requirements were met. Total occupant load not to exceed thirty nine children.

1. Sprinkler entire building - Table 11-7.1.6.1
2. Emergency lighting must be installed on second floor. Sec. 11-7.2.9
3. Install smoke detectors on second floor in accordance with Sec. 11-7.3.4.5
4. Must have two separate exits serving each floor. Sec. 10-7.2.4.1
5. All exits shall discharge directly to the outside. Sec. 10-7.2.7
6. Any vertical opening shall be enclosed. Sec. 10-7.3.1

PETITIONER'S EXHIBIT 4

The Town Court
Randallstown, Md. 21122
March 2, 1990

Trudy Mitchell
3827 Rayton Road
Randallstown, Maryland 21133

Mr. Paul H. Reincke

Request: I have a request of the DHR that I get your help with project on the ground, I would like to see you have a look at my building and see if it is safe.

There are about 15 of the parents of my children off or pick up their little ones at 3:00 pm. They have always picked up with a smile. It has been a great joy to see the children and help you secure them.

The last time I had a child pick up in order to go to work, I had a child pick up at the children's center. The teacher at the center had a problem that got into the program and the little ones were not safe. I remember "Don't worry Mr. Taylor" and one of the little ones came to me with her arms held out. I picked her up, hugged her, and had to go to the office to check on some other matters.

I hope you will be able to help me and my children.

Sincerely,
Charles R. Taylor
Charles R. Taylor

PETITIONER'S EXHIBIT 5A

DATE: April 4, 1990
TO: Ms. Trudy Mitchell
FROM: Ms. Leslie Banks
SUBJECT: Day Care

Thank you for the excellent care you have provided my children. Unfortunately, my children had to be relocated to a different facility due to personal conflicts in the area. Unfortunately, I have not been able to find a day-care center that offers the care and commitment you so diligently provided. Again, thank you for your help.

Love Always,
Leslie

PETITIONER'S EXHIBIT 5B

March 15, 1991
J. Robert Haines
Zoning Commission
Balto. Co. Office of Planning & Zoning
11 W. Chesapeake Ave.
Towson, Md. 21284

Dear Commission Members;

The Deer Park Children's Center Inc. is located in my neighborhood, convenient to many families. It has been brought to my attention that Ms. Trudy Edwards is urging an expansion with some opposition.

I have seen no evidence of her center activities disrupting my neighborhood. Given the understandable need for child care centers nationwide, I would support her efforts to enlarge her facility within my community.

Ms. Trudy Edwards seems a responsible, educated teacher who is providing a necessary service within a neighborhood of people who need it. I would support her expansion efforts.

Sincerely,
Cynthia Talley
2980 South Hill Rd.
Randallstown, Md. 21133

PETITIONER'S EXHIBIT 5C

MARCH 15, 1991

MR. J. ROBERT HAINES
ZONING COMMISSIONER
OF PLANNING AND ZONING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21284

DEAR MR. HAINES,

THOUGH I AM HOME NOW RAISING MY 10 MONTH OLD AND 2 YEAR OLD, IT WOULD BE COMFORTING TO KNOW THAT WHEN I DECIDE TO GO BACK TO WORK, THAT I WOULD HAVE A QUALITY DAY CARE CENTER LIKE DEER PARK CHILDREN'S CENTER, INC. TO SEND MY CHILDREN TO. PEOPLE WHO OPPOSED THE CENTER IN THE BEGINNING, NOW SEND THEIR CHILDREN THERE, SO I KNOW THAT THE COMPETITION WILL BE GREAT FOR PLACEMENT IN THE FUTURE. I WALK BY THE CENTER ON MY WAY TO THE STORE ALL TIMES OF THE MORNING AND EVENING AND I HAVE NEVER SEEN A CONGESTION PROBLEM WITH TRAFFIC - I'M WONDERING IF THIS REALLY "THE PROBLEM." PLEASE ALLOW THE CENTER TO ACCOMMODATE MORE CHILDREN. OUR CHILDREN NEED WHAT THE CENTER OFFERS.

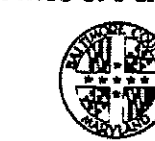
THANK YOU FOR YOUR TIME.
SINCERELY,
Karen Yarn

PETITIONER'S EXHIBIT 5D

Catherine Drayton
Child Development Specialist

Baltimore County Government
Office of Personnel

Baltimore County
Department of Community Development
Office for Children
One Investment Place, Suite 105
Towson, Maryland 21284
(301) 887-0854



March 14, 1991

887-3135

TO WHOM IT MAY CONCERN:

This is to certify that Catherine D. Drayton, SS#212-34-1655, is employed by Baltimore County Government. Ms. Drayton has been a Day Care Coordinator since April 14, 1990.

Please contact the Office of Personnel at 887-3120 should further information be necessary.

Sincerely,

Gloria Kincer
35 Anne Kincer
Chief, Personnel Records Management

JAK:elh
VERIFY21

PETITIONER'S EXHIBIT 6

LOCATE: Child Care, Baltimore County Public Library
 Twelve Month Summary

Statistics: 7/1/89 - 6/30/90

Number of Referrals Given, by Child's Age

unborn:	540	8%
0-23 months:	2407	38%
2-5 years:	2530	37%
6 and over:	1148	17%
Total referral calls:	5545	74%
Total served:	6822	100%

Children needing full-time care: 4112 60%

Children needing part-time care: 2713 40%

The following types of school age care are included in the part-time care:

Children needing before school care only:	61	1%
Children needing after school care only:	232	3%
Children needing before & after school care:	842	12%

Group care preferred: 1130 17%

Family day care preferred: 5695 83%

Special needs children and types: 56

No. of children receiving DSS subsidy: 1365 20%

Calls from providers for information: 598

From the total referral calls, the following were repeat calls:

Found care but needs further help:	432	6%
Did not find care and needs more help:	291	4%
Other:	257	4%

Page 1

PETITIONER'S EXHIBIT 1

The Traffic Group

March 13, 1991

Ms. Phyllis J. Winston
 18 E. Eager Street
 Baltimore, Maryland 21202

RE: Deer Park Children's Center
 Baltimore County, Maryland
 Our Job No. 10220

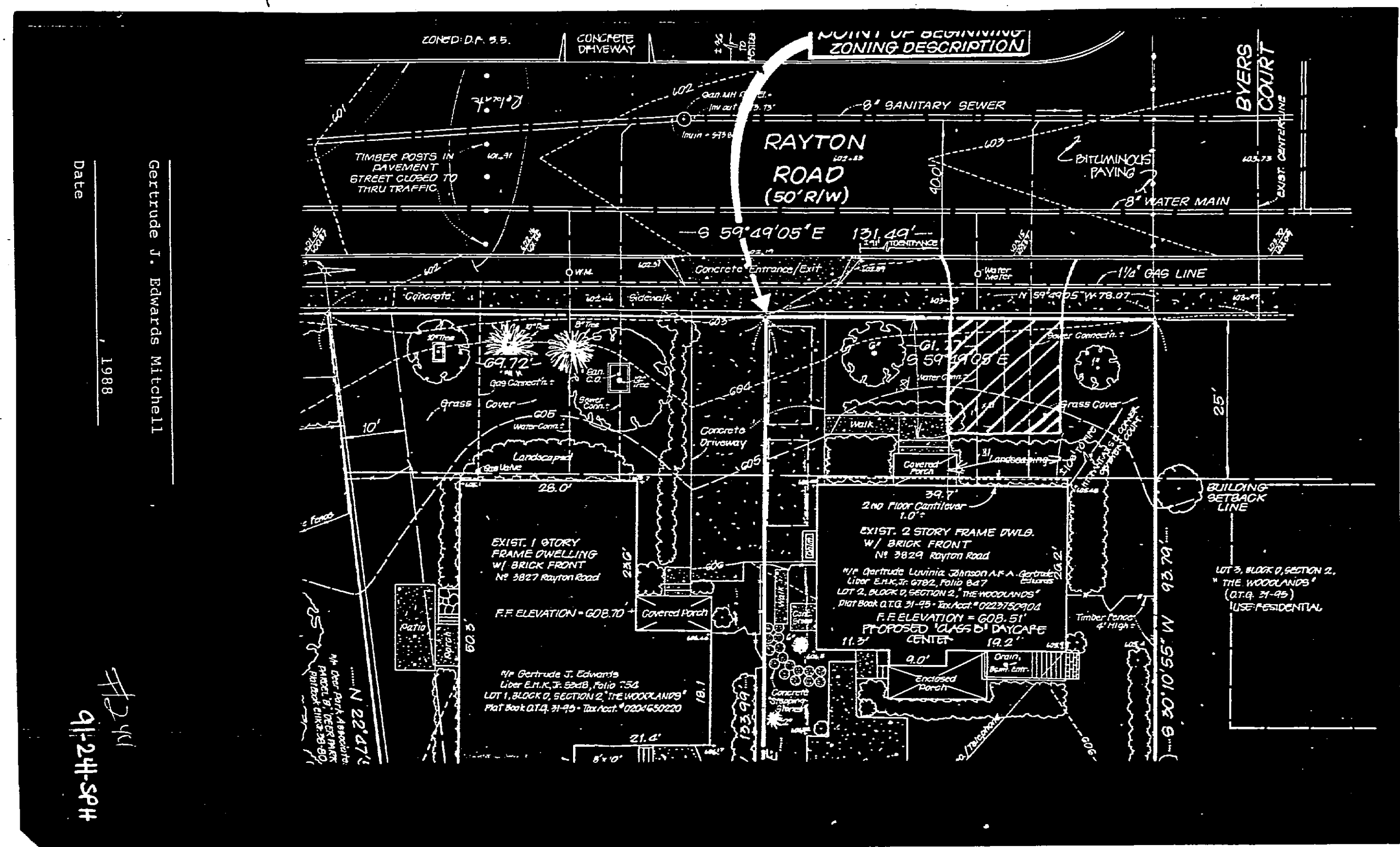
Dear Ms. Winston:

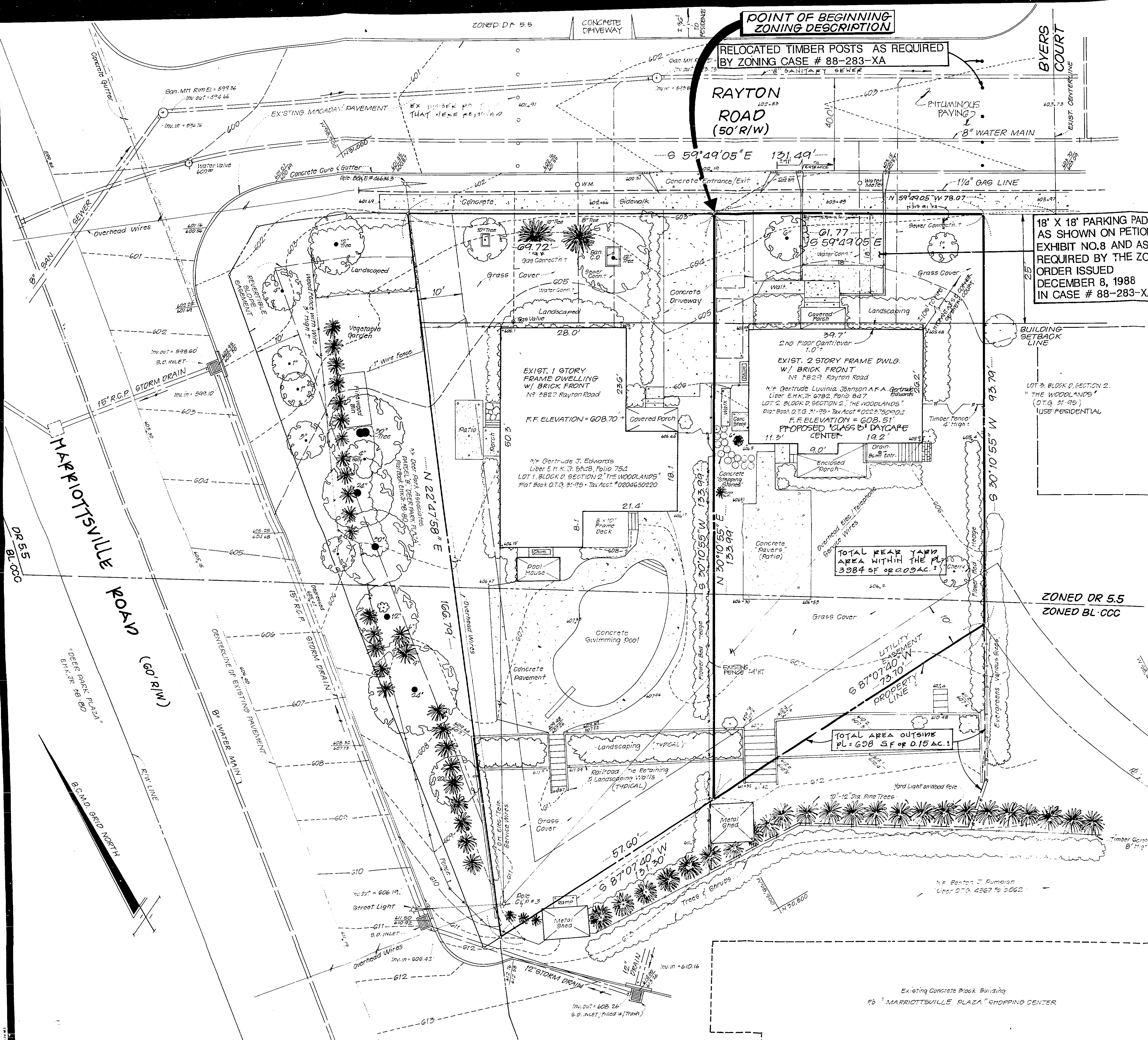
The Traffic Group, Inc. has conducted an evaluation of the trip generation characteristics of the existing Deer Park Children's Center and the projected impact of increasing the total number of children allowed on the site from 15 to 40. This evaluation shows that the existing Children's Center operation does not adversely impact the surrounding area road system, and the addition of 25 children at the subject site would not significantly change traffic operations in the study area. The methodology used to arrive at this conclusion is detailed herein.

The existing Deer Park Children's Center is located along the south side of Rayton Road, just east of Marriottsville Road. In July of 1988, The Traffic Group, Inc. conducted an evaluation of the surrounding area road system prior to the existence of the Deer Park Children's Center. That evaluation was conducted in order to project the impact that the proposed Center would have on the surrounding area road system. At the time of the approval for the Deer Park Children's Center, which limited the site to a maximum of 15 children at any one time, Rayton Road was closed to through traffic from Marriottsville Road, with timber posts placed along Rayton Road approximately 90 feet east of Marriottsville Road. The 90-foot stub of Rayton Road did not serve any parcels or driveways, and all access to existing parcels along Rayton Road and the proposed Children's Center was provided from Southhall Road.

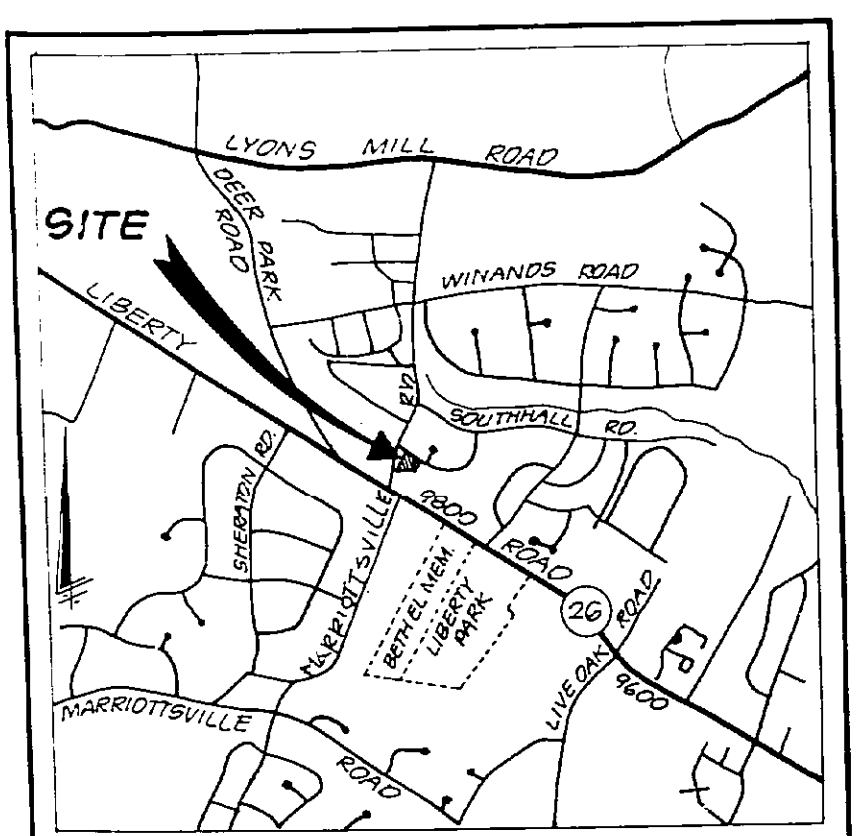
PETITIONER'S EXHIBIT 8

The Traffic Group, Inc.
 4011 Glenmont Road
 Baltimore, Maryland 21214
 301.533.3403
 Fax: 301.533.3458





POINT OF BEGINNING ZONING DESCRIPTION
 RELOCATED TIMBER POSTS AS REQUIRED BY ZONING CASE # 88-283-XA



Revisions		
No.	Description	Date
1	PARKING PAD NOTE-TIMBER POSTS	11-15-88
2	REVISED LABEL	9-24-89
3	REVISED PER COUNTY COMMENTS	5-23-90
4	SITE SURVEY	12-12-90
5	REVISED S.F.	3-15-91

18' X 18' PARKING PAD AS SHOWN ON PETITIONER'S EXHIBIT NO.8 AND AS REQUIRED BY THE ZONING ORDER ISSUED DECEMBER 8, 1988 IN CASE # 88-283-XA

LOCATION MAP
SCALE: 1" = 2000'

- NOTES:
- OWNER: GERTRUDE LUVINA JOHNSON, 11828 L.W.A., DR. 6782, FOLIO 847, LOT 2, BLOCK D, SECTION 2, "THE WOODLANDS", PLAT BOOK D.T.G. 31-95
 - TAX ACCOUNT NUMBER: 02237094
 - SITE AREA: ± 7,029.43 S.F. OR ± .16 ACRE
 - ELECTION DISTRICT: 2
 - EXISTING ZONING: D.R. 5.5 / BL-CCC
PROPOSED ZONING: NO CHANGE
 - EXISTING USE: DAY CARE CENTER
 - PROPOSED BUILDING HEIGHT: NO CHANGE, CURRENTLY ± 30 FEET.
 - PARKING REQUIRED: 1 SPACE PER FULL-TIME EMPLOYEE & FULL-TIME EMPLOYEES = 4 SPACES
VARIANCE REQUESTED: SEE ABOVE.
ON-STREET PARKING IS PERMITTED. RAYTON ROAD IS NOT A THROUGH STREET. ON-STREET PARKING WOULD NOT IMPAIR TRAFFIC FLOW.
 - PARKING PROVIDED: 2 SPACES ON SITE, PARKING ALONG RAYTON ROAD.
 - NUMBER OF EMPLOYEES: 4
 - NUMBER OF CHILDREN: NOT TO EXCEED 40
 - HOURS OF OPERATION: 7:00 A.M. TO 6:00 P.M.
 - THERE WILL BE NO ALTERATIONS TO THE EXTERIOR OF THE STRUCTURE.

ZONING HISTORY

It is therefore this 8th day of December, 1986 by the County Board of Appeals of Baltimore County ORDERED that the Special Exception for a child care center be and the same is GRANTED with the following restrictions:

- Agreement must be reached with Baltimore County, the State of Maryland, and any other involved governmental agencies to have the barricade-type posts relocated to the east property line of 3829 Rayton Road, and that the child care center shall not operate until these posts are physically relocated.
 - The maximum number of children enrolled in the day care center shall be no more than 15 at any time on the site.
- and
- IT IS FURTHER ORDERED that the variance to permit two parking spaces in lieu of the required four be and the same is GRANTED with the restriction that no child care center use be afforded the site until the 16-foot by 16-foot parking pad shown on Petitioner's Exhibit No. 8 is installed.
- AS SHOWN ON THIS PLAN, THE TIMBER BARRICADE POSTS HAVE BEEN RELOCATED BY THE BALTIMORE COUNTY BUREAU OF HIGHWAYS. REFERENCE THEIR LETTER OF 1/31/89 TO GERTRUDE EDWARDS AND THE 18' X 18' PARKING PAD HAS BEEN CONSTRUCTED IN COMPLIANCE WITH THE ZONING ORDER.

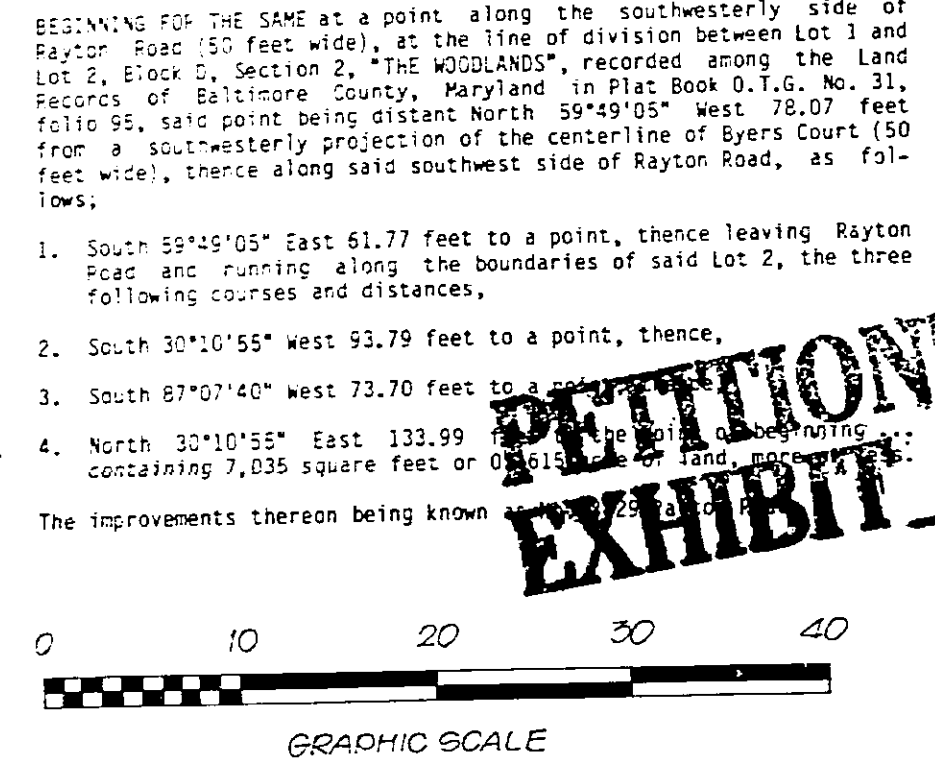
GERTRUDE J. EDWARDS PROPERTY
 NOS. 3827-3829 RAYTON ROAD
 ELECTION DISTRICT NO. 2, C2
 BALTIMORE COUNTY, MARYLAND.

STV/Lyon Associates
 Architects • Planners
 Engineers • Surveyors

21 Governors Court
 Baltimore, Maryland 21207
 (301) 544-9112

Sheet Title
PLAT TO ACCOMPANY SPECIAL HEARING

Scale: 1" = 10'
 Date: MAY 23, 1989
 Drawn By: ACM / MAR / MJF
 Job Number: 81-8047-59-001



PETITIONER'S EXHIBIT 7

Sheet: 1 of 1