#### PETITION FOR ZONING RE-CLASSIFICATION 1.68-151X AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or wellie. Whatery Land Corp. ... legal owner. . of the property situate in Baltimore /6 774 

to the Zening Law of Baltimore County, from an ..... \_tone; for the following reasons:

SE1.3-D

Y

THE VICKERY LAND CORP.
N/S Bardon Rd. 601' from
Road

×

See attached description

and 2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for . Community Swimming Pool

Property is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above re-classification and or Special Exception 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

Sugger Hill Club, Inc.

The Victory Land Corporation 375 P Schiffwerlas Pro 31: Wowardle Contract purchaser Address 305 Allegheny Avenue

Address Royal Orest Bood.

Phoenix, Marriand 91131 Petitioner's Attorney

ORDERED By The Zoning Commissiones of Baltimore County, this 12th , 196 ... 7, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimere 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 15th

Towson, Maryland

Protestant's Attorney

6-921 See Zoning Commissioner of Baltimore County

KE: PETITION FOR SPECIAL EXCEPTION

N/S Bardon Road 601' from Manda Mili Road - 10th District The Vickery Land Corporation, Pet. NO. 68-151-X

· BALTIMORE COUNTY

111 111 111

This is a Petition for a Special Exception requesting permission to construct a community swimming pool on the subject property, which consists of 2, 4 acres.

A large number of people appeared at the hearing, most of whom were in favor of the requested Special Exception. There was some dissent, hewever, and the Deputy Zoning Commissioner advired that no formal Order would be signed until the Summer Hill Community Association had a chance to discuss the Dettion at a meeting. On January 23, 1968, a letter from the improvement association signed by Mr. Kohert J. Quinn, President, was submitted sea in exhibit in the "ubject proceeding. It would appear that the majority of the neighborhood wants a community wimming pool. Various other letters from concerned property oners were received.

Without reviewing the ....dence in detail, the Deputy Zoning Commissione: feels the granting of this Special Exception for a community pool would not have an adverse effect on the reighborhood and the requirements of Section 502.1 of the Bal timore County Zoning Regulations having been met, the Special Exception should be granted.

Speed would not nave...

The ments of Section 502.1 of the Bal timore comments of Section 502.1 of the Bal timore comments of Section 502.1 of the Bal timore of Baltonere County this day of February, 1968, that a Special Exception for a community swimming pool about the and the same is granted, from and after the date of this order, subject to the following restrictions:

No lighting shall be permitted with the exception the arriving and this light

- shall be directed away so as not to reflect on the Thomas residence
- Hours of operation shall be from 11 a.m. to 8 p.m. on any given day.
- 3. There shall be no playing of music.

PETITION

Appellants, by POWER AND MOSNER, their Attorneys, pursuant

1. The action appealed from is the Order of the County

2. Appellants contend that the County Board of Appeals

oard of Appeals of Baltimore County dated May 22, 1963, in Case

to, 68-151-X, which granted a special exception to construct a co. unity swimming pool on Bardon Road in the Summer Hill dev in the Tenth Election District of Baltimore County.

as in error in passing said Order for the following reasons:

 There was no substantial evidence upon which to page such a decision. (b) Patitioner failed to show the proposed use would be in harmony with the zoning plan. Petitioner failed to show the proposed use would not "he detrimental to the health, safety or gen-welfare of the locality involved."

TO THE HONORABLE, THE JUDGE OF SAID COURT:

to Rule B2 [e] file the following petition:

JARRY R. THORNTON and

MILLIAM S. BALDWIN JOHN A. MILLER WALTER A. REITER, Jr. Constituting the County Board of Appeals of Baltimore County

hoenix, Maryland 21131

PEGGY THORNTON Summer Hill Drive

et al

- 4. Alcoholic beverages on the premises are pro-
- No loud speaking equipment shall be permitted except in the case of emergency.

IN THE

FOR

Pile:

COVER\_AND MOSTER Ardon of Green

Docket: Folio:

BALTIMORE COUN

Miscellaneous

7. The site plan is subject to approval of the Bureau of Public Services, the Baltimore County Health Department and the Office of Planning and Zoning

I HEREBY CERTIFY that on this 20 day of W. , 1968.

SERVICE of the foregoing P ition admitted this \_\_\_\_

I HEREBY CERTIFY that on this 20th day of the .1968.

a copy of the foregoing Petition was mailed to H. Robert Simon.

Esquire, 9th Ploor Tower Building, Baltimore, Maryland 21201

and Lee S. Thomson, Esquire, 414 Jufferson Building, Towson,

Maryland 21204, Attorneys for the Vickery Land Corporation.

GORDOS G. POWER Of Counsel for Appellants and Processing

GO: DON G. POWER

a copy of the foregoing Petition was served upon the county

Board of Appeals of Baltimore County

Church D. Hardesty Deputy Zoning Commissione

3/13/68 DATE

ВУ

Water to be used in filling the pool shall be brought in by means of tank trucks.

The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offers

BUREAU OF ENGINEERING: Roads to be developed as shown on the submitted plan.

BALTIMORE COUNTY OFFICE OF PLANNING AND JOHING COUNTY OFFICE ENTENING AND JOHING TOWGEN, MARTLAND 21204 1 Alleghany Avenue

Alleghany Avenue on, Maryland 21204

STATE ROADS COMMISSION: There are no State roads involved - therefore this office his no comment.

Dear Sire

IRLAIN OPERATORS.

Folic millioner not evaluable to this site, therefore, private inter sell, seeing disposal facilities and disposal for bedownh water from the pool filter must be provided. A revised plus should be submitted showing proposed locations of the shows utilities.

Attens Hr, Preston Scheffenscher,Pres.

SUBJECT: Special Exception for a

Special Exception for a Community swimming pool, for the Wickery Land Corporation, located Wi Bardon Road, 3W of Handa Mill Lane Sth District (Item 43, December 12, 1967;

Prior to approval of a building application for the pool and bathhouse two complete acts of plans and specifications must be submitted to this office for review and approval. Also, sell tests must be conducted to determine the switability of the self for underground swenge disposal.

ZONING ADMINISTRATION DIVISION: Revised plans must be submitted in accordance with Health Dept, comments prior

If the patition is granted, no occupancy may be mad until such time as have been submitted and approved and the property inspected for compliance approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to easure that all parties are side water of plans or Director of the order of plans or Director of the office of Planning and Soning will substit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offers

Project Planning Sivision Suresu of Traffic Engr. Suresu of Fire Prevention Building Engineer Board of Education Industrial Development

ZONING DESCRIPTION

SUMMER HILL CLUB
LOT 17 BLOCK B
ADDITION TO SUMMER HILL SUBDIVISION

\$68-151X

Beginning for the same at a point situate on the northerly right of way line of Bardon Road, said point being also situate the following courses and distances from the interacction of the northerly right of way line of lines are stated to a point of the said to the said of beginning

Containing 2.4 Acres

Subject to one half of a 10 foot drainage and utility casement along the mortherly and westerly most lines and a 10 foot drainage and utility easement along the southerly most line.

6-22-70

## BALLMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

my Mr. James Dyer

Date December 13, 1967

William Greenwalt Department of Health

Item No. 43 of Zoning Advisory Committee on Tuesday, December 12, 1967 regarding special exception for swimping pool to be located on Bardon Road - 8th District

Public utilities are not available to this site, therefore, private water well, sewage disposal facilities and disposal for backwash water from the pool filter must be provided. A revised plan should be submitted showing proposed locations of the above utilities.

Prior to approval of a building application for the pool thhouse two complete sets of plans and specifications must be ted to this office for review and approval. Also, soil tests conducted to determine the suitability of the soil for must be conducted to determin underground sewage disposal.

> William Greenwell Water and Sewer Section
> BUREAU OF ENVIRONMENTAL HEALTH

## The Mickey Land Corp. - 68-151-X

that the protestants seriously contend that the special exception, if granted, would violate subsections c, d, and f of the above mentioned section

- 3 -

For the reasons given above the Board finds as a fact that the special exception will not in any way violate Section 502.1 of the zoning regulations and, therefore, should be granted

### OR DER

For the reasons set forth in the aforegoing Opinion, it is this 22nd day of May, 1968 by the County Board of Appeals, OR DERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

- No lighting shall be permitted with the exception of one night light on the parking lot, and this light shall be directed away so as not to reflect on nearby
- Hours of operation shall be from 11 a.m. to 8 p.m. on any given day
- There shall be no playing of music
- Alcoholic bevarages on the premises are prohibited
- No loud speaking equipment shall be permitted except in the case of emergency
- Water to be used in filling the pool shall be brought in by means of tank trucks
- That membership to the pool shall be limited to not more than 200 family memberships
- That total membership of families living outside of the Summer Hill development shall be limited to not more than 15% of the total «lub membership
- The site plan is subject to approval of the Bureau of Public Services, the Baltimere County Health Department, and the Office of Planning and Zoning

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of Maryland Rules of Procedure, 1961 edition.

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date January 3, 1968

FROM George E. Gavrelis, Director of Planning

Pet. (68-151-X. North side of Bardon Road 601 feet from Manda Mill Road. Petition for Special Exception for a Community Swimming Pool.
The Vickery Land Corporation - Petitioners.

10th District

HEARING: Monday, January 15, 1°68. (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a community swimming pool. It has the following advisory comments to make with respect to pertinent planning factors:

- As a special exception, the proposed swimming pool will have to meet the proofs
  required in Section 500.2 of the Zoning Regulations. Will a wimming pool here
  have an adverse effect of a spring properties? In light of the general situation
  in the area for each to each or ground water supply, will a wimming pool here have
  an adverse effect on water supply in the area? Is the site such that it so accomnode
  the water from club members on a lot that was essentially established for one family?
- 2. The staff notes that access to the proposed facility would be by means of a driveway through Harcum Road. It appears that access from Bardon Road would be more feasible and would have load, the impact on adjoining properties. The staff also notes that parking is found to the staff and the staff also to the staff also better that no screening for that parking is proposed. The staff also is uncertain as to whether or not the parking for 60 cars would in fact be adequate to accommodate the proposed use here.

- 4 -

GEG:cm

The Vickery Land Corp. - #68-151-X

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

John A. Miller

PETITION FOR SPECIAL EXCEPTION for a Community Swimming N/S Bardon Road 601' from Manda Mill Road, 10th District The Vickery Land Corp. . Petitions Summer Hill Club. Inc. Contract Purchase SHEET 3-D

REFORE COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY No 68-151-X

#### OPINION

The petitioner in this case seeks a special exception to construct a mmunity swimming pool on Bardon Road in the Summer Hill development, in the Tenth Election District of Bultimore County

The Summer Hill development is a fine residential community zoned R-6, but being without public and water facilities the lot sizes in the subdivision are all one acre or mor . A community swimming pool is a permitted use in all residential zones except R-G as a special exception. The only question before the Soard is whether or not the construction of the community swimming pool proposed by the petitioner would violate Section 502.1 of the Zoning Regulations

Testimony produced by the petitioner indicated that a large number of the residents in the Summer Hill development desire a community swimming pool primarily for the use of the residents of the Summer Hill subdivision. The developer of Summer Hill testified that the subdivision as platted (petitioner's exhibit \*1) is laid out in 189 lots, and that 112 to 115 homes have been built. He also testified that the corporation owns an additional 25 acres next to the existing subdivision which it interes to develop in the near future. He testified that many residents of the community have expressed the desire for a community swimming pool, and that as a consequence a swimming club corporation was formed and had agreed to purchase the subject site from him, which is lot #17 on Book B of the plat of an addition to Summer Hill. He further testified that he had no interest whatsoever in the swimming club other than to sell the corporation the land on which the pool is proposed to be constructed

Mr. Jerry Weiss, an expert in the business of constructing and managing swimming pools, testifying on behalf of the petitioner, stated that he has a contract to build the pool and introduced patitioner's exhibit #2 showing the proposed construction. In his opinion the sanitary facilities are more than adequate to conform to the Health Department regulations, and the water use of the pool (confirmed by a later witness) would be in all probability considerably less than if the property were improved with He and other witnesses further testified that in their opinion the pool would be a financial success, and that there are adequate assurances of support among the residents of Summer Hill to insure this.

The Vickery Land Corp. - #68-151-X

Mr. William Wendler, President of the Summer Hill Club, Inc. (the pool ration) testified that they presently have 65 paid up members, and have stapped taking applications for further memberships pending the autome of obtaining proper zoning He further testified that the subject site, lot \$17, was selected because of its distance from existing homes in the development. The witness went into great detail as to the intents and purposes of the Summer Hill Club, Inc. and the financial details of constructing and maintaining the pool.

-2-

An expert land planner, Mr. Bernard Willemain, testified that the construction of the pool as proposed would not in any way violate Section 502. Laf the zoning regulations, and that indeed it could be a benefit to the community in that it would meet what he described as a group need for a recreational facility in the neighborhood.

The petitioners, in a further effort to insure that the pool would not be detrimental to the general community, agreed to an effective set of restrictions on the use of the pool, which restrictions were incorporated into the Order of the Deputy Zoning Commissioner

George E. Gavrelis, Director of Planning for Baltimore County, testified and his comments dated January 5, 1968, were introduced into the record as protestants swhibit "B". Mr. Gavrelis took no position either for or against the proposed pool, merely stating that the burden was an the petitioner to show that the pool would not have any adverse effect on surrounding property or violate Section 502.1 of the zoning regula-

The protestants generally feared an increase in traffic on the streets within the development, a lowering of the water table, and a fear that children in axing from their homes to the pool would cut across private property rather than use the public streets to reach the facility. There was also testimony by some of the protestants that they feared the pool would interrupt the peace and tranquility of the community.

The Board finds as a fact from the testimony of the witnesses, that wi. proper restrictions placed upon the special exception the pool will not violate Section 502.1(e) of the regulations. Further, due to the fact that there are no through streets in the development and with proper restrictions there would be practically no additional traffic generated from outside the development, the proposed use would not violate Section 502.1(b) of the regulations. The Board also finds from all of the testimony that the special exception, if granted, would not "be detrimental to the health, safety and general welfare of the locality involved". We particularly deal with these three subsections of Section 502.1 as there is nothing in the testimony that would indicate



RE: PETITION FOR SPECIAL EXCEPTION BEFORE THE PETITION FOR SPECIAL EXCEPTION
N/S Bardon Road 601 from Manda Mill
Road - 10th District
The Vickery Land Corporation, Pet.
No. 68-151-X · ZONING COMMISSIONER OP

: BAL'TIMORE COUNTY 

ZONING COMMISSIONER JOHN G. ROSE:

Please enter an appeal from the decision rendered by the Deputy Zoning Commissioner, Mr. Edward D. Hardesty, dated February 13, 1968 wherein he granted a special exception for a community swimming pool in the above-entitled cause.

Please enter appeal on behalf of the following people, individually and severally: Larry R. Thomton and Peggy Thomton, Summer Hill Drive, Phoenix, Maryland 21131; Norman J. Sickels and Betty H. Sickels, Summer Hill Drive, Phoenix, Maryland 21131: E. Allan Zimmerman and Barbara E. Zimmerman, Summer Hill Drive, Phoenix, Maryland 21131; John V. Amy and Regina S. Amy, Stanwick Road, Phoenix, Maryland 21131; William W. Woolston, Jr. and Inez S. Woolston, Summer Hill Drive, Phoenix, Maryland 21151: Etta Pewder, Bardon & Stanwick Roads, Phoenix, Maryland 21131; Paul C. Hock and Talitha H. Hock, Bardon Road, Phoenix, Maryland 21121; William T. Sewell and Elizabeth Sewell, Stanwick Read, Phoenix, Maryland 21121; Albert E. Schaible and Elizabeth b. Schaible, Bardon Road, Phoeniz, Maryland 21731; Thomas Eader and Elizabeth Eader, Summer Hill Drive, Phoenix, Maryland 21131;

Jean R. Moser, Summer Hill Drive, Phoenix, Maryland 21131. Lurov W. Lovett and Doris V. Lovett, Summer Hill Drive, Phoenix. Maryland 21131; Howard E. Bosley and Lora Bosley, 581 Brock Road, Towson, Maryland 21204; and Charles Clayton McNally, Bardon Road, Phoenix, Maryland 21131.

> Elmer L. Reese, Jr. Towson, Maryland 21204 823-1800

Attorney for Larry R. Thornton and Peggy Thornton; Norman J. Sickels and Fetty H. Sickels; E. Allan Zimmerman and Barbara E. Zimmerman; John V. Amy and Regina S. Amy; William W. Woolston, Jr. and Inez S. Woolston: Etta Powder: Paul C. Hock and Talitha H. Hock: William T. Sewell and Elizabeth Sewell: Albert E. Schaible and Elizabeth L. Schaible; Thomas Eader and Elizabeth Eader: Jean R. Moser: Lerov W. Lovett and Doris V. Loyett Howard E. Bosley and Lora Bosley; and Charles Clayton McNally.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING bery Land Corp. County Office Building III W. Chesapeake Avenue Fowson, Maryland 21204 Your petition has been received and accepted for filing this 12th day of John G. Rose, Zoning Commissioner Petitioner Webery Land Corp. Reviewed by Mill & Ware Chairman of Advisory Com. Petitioner's Attorney

No.	OFFICE OF FINAL Division of Continue and Receipt COURT HOUSE TOWSON, MARYLAND 21204 mar L. Reese, Jr., Esq., stitusham Building versen, Md. 21204	Cffice	CE DATE 3/14/68  ENLED  Critice of Planting & Zoning 119 County Office Bidg., Towson, Md. 21204		
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G	Cost of appeal - property of The Vickery Lar No. 68-151-X	nd Corp. 2 algae	\$70.00 10,00	\$80.	
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50,00 m		

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204 IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND 6738 W.70 TOWSON, MARYLAND 21205 COURT HOUSE OFFICE OF FINANCE BALTIMORE COUNTY, MARYLAND M 21726 Offeel of CERTIFICATE OF POSTING #68-151-X ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland District 10 M Date of Posting Nove 23-65 Petitioner the Wickey Soul Part Location of property Mis See dow Black from Misselle Worte Lord Location of Signs I Syn South Alto Borden Ad They Sect ford Louis Section Alle Mark H New Date of return Watth 22-68. #68-151-X CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 2 dyn Towson, Maryland Date of Posting Lbc 21.62 1965 C 10,00 AM Posted for Harry Monday Jan W.
Pestuloner the Kinkery Land Confe Location of property 11/15 19 Beacher Good Gold from March Mich Location of Signa Of Stated when Howard Rosel and Joseph Bishowe. However, Red & State State State and from Howard Mariem B. Posted by Mark M. Segular Date of return Jan. 50 1963

PETITION FOR SPECIAL EXCEPTION—1006 DISTRICT

EXCEPTION—1648 DISTRICT
ZONING Petition for Execution for a Constminity Scienning
Pond
Decrease of the Petition for Management
Road, 601 feet from Manda Mill
Road,
DATE & THE Monday, January 11.
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Hearing Date: Monday, January 11 364 : t 10:00 A.M.

CERTIFICATE OF PUBLICATION

UEC 28 1967

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and publisher in Towson, Baltimore County, Md., once in each

day of January 19.68, the first publication appearing on the 26th day of December 19.67.

THE JEFFERSONIAN,

True Copy Tests

PRATTING FOR SPECIAL LEAVING PROCESSION OF SPECIAL LEAVING PROCESS

on note a ratios of 61,000 feet to the defermentation point of bodies, there is not the sign of the si Containing 2.4 Acres more

AD INA THE BALTIMORE COUNTIAN

No. 1 Newburg Avenue

CATONSVILLE, MD.

Jasuary 5, 1968

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Louise Commissioner of Sultimore Column

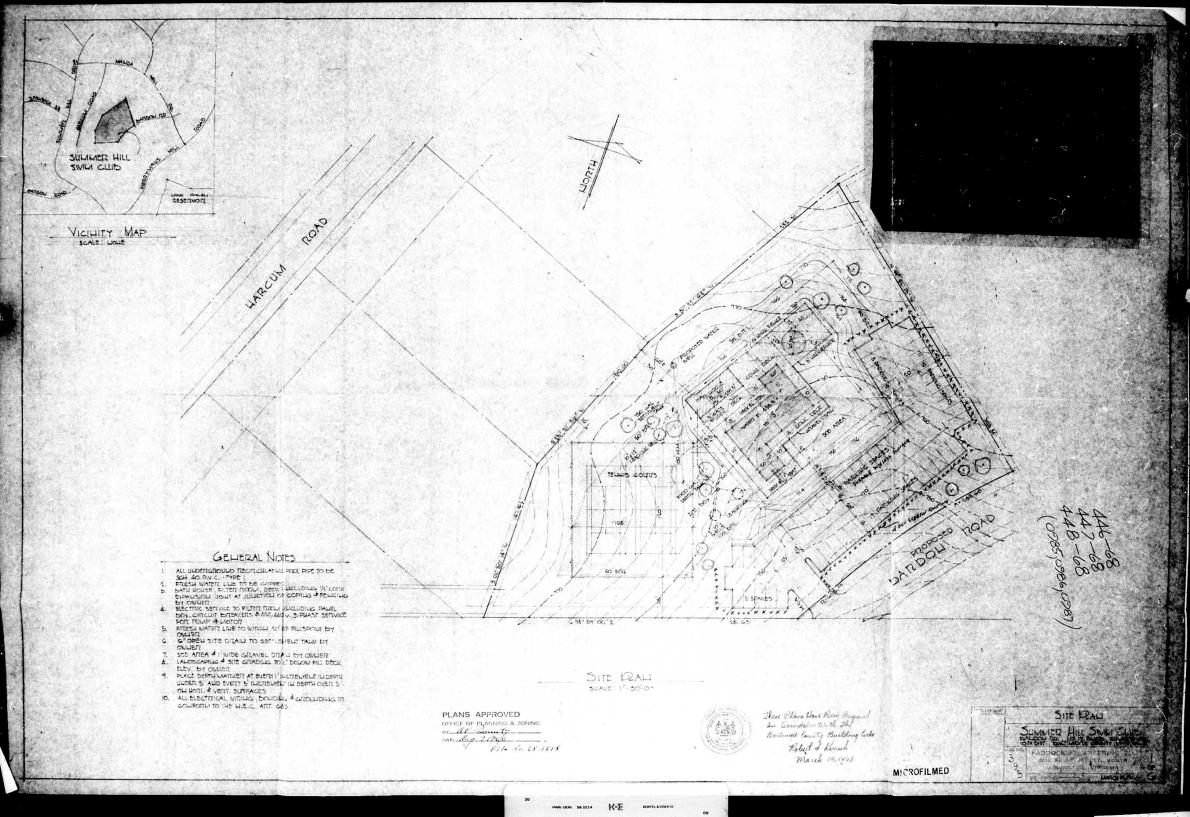
was inserted in THE BALTIMORE COUNTIAN, a group of there weekly newspapers published in Baltimore County, Maryland, once a week for One supposetive weeks before the Oth day of January, 1968, that is to say

the same was inserted in the issues of December 25, 1967.

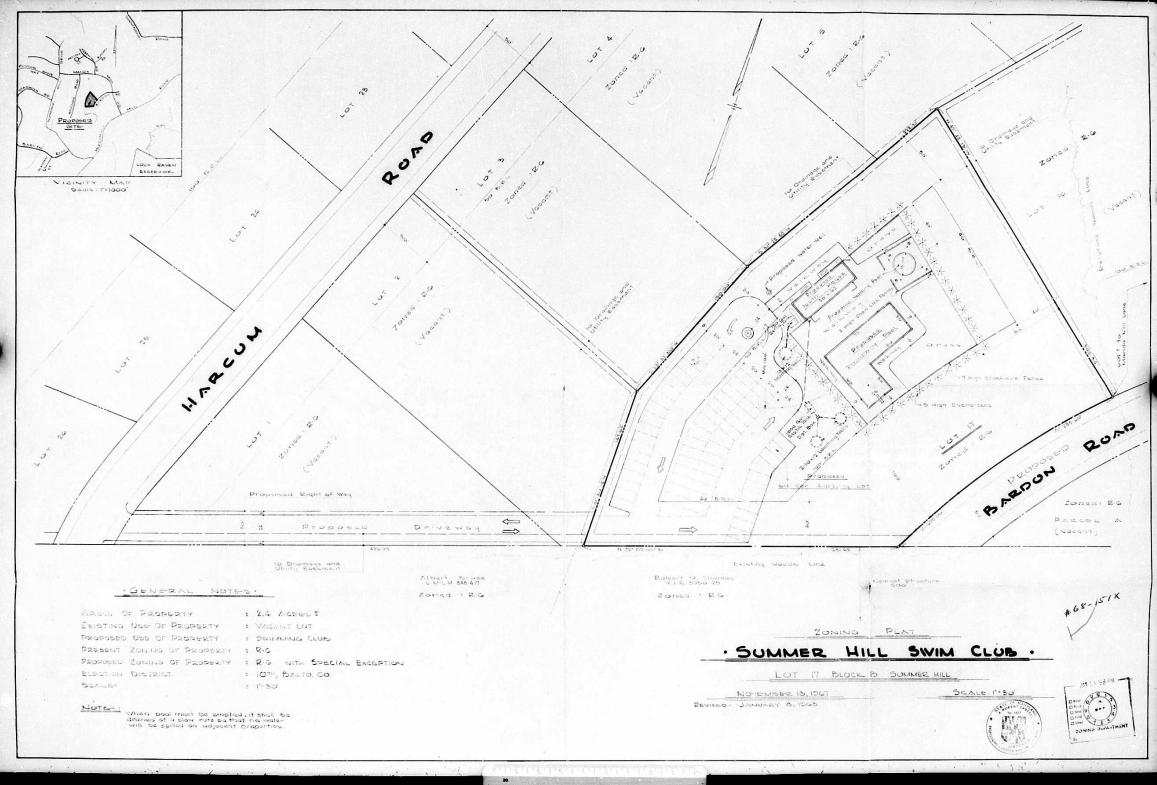
THE BALTIMORE COUNTIAN

By Paul ! Morgan

Editor and Manager



6-22-7



# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVE. TOWSON, MD. 21204 VA. 3-3000

November 17, 1970

GEORGE E. GAVRELIS

Edward D. Hardesty

ZON'NG COMMISSIONER

Michael G. Ventura, Esquire 601 North Broadway Baltimore, Maryland 21205

Re: Summer Hill Club, Inc.
N/S of Bordon Road 600'+ from
Manda Mill Road
10th Election District
Baltimore County, Maryland

Dear Mr. Ventura:

As a result of a personal field examination of the subject property and after careful consideration of all pertinent facts relative to the site, I am this day approving a revised site plan.

A copy of this revised site plan will be on file in the Zoning Office for your perusal.

Very truly yours,

GEOLGE E. GAVRELIS,

**○ Di**/ector

CC: Messrs. Edward D. Hardesty George H. Pryor, Jr.

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
V4. 3-3000

November 19, 1970

GEORGE E. GAVRELIS

Edward D. Hardesty

Lee Stuart Thomson, Esquire Attorney, Summer Hill Swim Club Jefferson Building Towson, Maryland 21:204

Re: File No. 68-151-x
Summer Hill Club, Inc.
N/S of Bardan Road 600' + from
Manda Mill Road
10th Election District
Baltimore County, Maryland

Dear Mr. Thomson:

The revised site plan for the subject property submitted by you to the Office of Planning was approved by Mr. George E. Gavrelis, Director of Planning, on November 17, 1970.

Enclosed please find a copy of the aforementioned approved plan for your records.

Very truly yours,

Edward D. Hardesty Zaning Commissioner

CC. County Board of Appeals (Enclosure)

> Mr. George H. Pryor (Enclosure)

