# PETITION FOR ZONING RE-CLASSIFICATION 76.167× AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALITMORE COUNTY:

LeBoy Peddy, Dennis Peddy a

I, or we. Thomas. L. Peddy 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 (1) that the zoning status of the herein described property be re-classified, pursuant

to the Zoning Law of Baltimore County, from an.

To allow expansion of the existing tennis facility due to the added interest and desires of the public. More court time is being demanded by the members which the present facilities cannot meet. Fotential members are being denied membership because most of the court time is allocated. Public is demanding more such facilities in this area and this expanded facility will help to meet this need.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltin County, to use the herein described property, for A Community building (tennis harn)

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

GREEN SPRING RACGAST CLUB Warren Smith

- P. M

OFFICE OF PERSONS & COUNTY

Story all Fall Ma as green Spren, Valle, Ky

, 19876..., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-dut/Baltimore County, that property be posted, and that the public hearing be had before the Zoning ner of Baltimore County in Room 106, County Office Building in Towson, Baltimore .... 19976 11300 clock County, on the 23rd ..day of Pebruary

Veni de Mens Zoning Commissioner of Ball

March 15, 1976

James D. Nolan, Esquire 204 West Pennsylvania Avenue Towson, Maryland 21204

RE: Petition for Special Exception
Beginning 332' from the E/S of Falls
Road, 475' N of Greenspring Valley
Road - 8th Election District
Leroy Peddy, et al. Petitioners
NO. 76-167-X (Item No. 128)

I have this date passed my Order in the above captioned matter in rdance with the attached.

GJM/me

cc: Mr. Montgomery Lewis Executive Director Valley Planning Council 212 Washington Avenue Towson, Maryland 21204

Mrs. Lane Burke Barlane Farms Lutherville, Maryland 21093

John W. Hessian, III, Esquire, People's Counsel  $\sqrt{\phantom{a}}$ 

RE: PETITION FOR SPECIAL EXCEPTION Beginning 332' from the E/S of Falls Road, 475' N of Greenspring Valley Road : State Lection District Leroy Peddy, et al - Petitioners NO. 76-167-X (Item No. 120)

BEFORE THE DEPUTY ZONING OF

: BALTIMORE COUNTY

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This matter comes before the Deputy Zoning Commissioner as a resul of a Petition for a Special Exception for a community building in a R.D.P. Zone, said structure to comprise an addition to an existing building complex situated in a B. R. Zone. The subject property is located 332 feet from the east side of Falls Road and 475 feet north of Greenspring Valley Road, in the Eighth Election District of Baltimore County

Testimony on behalf of the Petitioners indicated that the proposed addition would be attached to existing tennis barns and would result in six addition al courts at the subject location. The contemplated structure would not add "service" buildings, but would utilize the presently provided ancillary service of saunas, steam baths, and lounge and vending areas

Further testimony by Mr. Warren Smith, a partner in the Greensprin Racquet Club, the leasee of the subject property, indicated that the proposed additional lease for the . 69 acre tract, would result in a total area comprisin 5.5 acres, under a 60-year lease, for the club, if said Special Exception is

Expert testimony presented by Mr. Paul Lee, Senior Vice-President o MCA Engineering Corporation, indicated that the subject property is adequate

nately 50 members at any one time, although it now numbers about 1,060 members; the playing facilities are indoors; it has been in operation since

The Protestants indicated their concern with regard to increased traffic congestion on Greenspring Vailey, Joppa, and Falls Roads; possible overhurdening of sewage lines resulting from the addition; incode upon the rura

Comments submitted by the Baltimore County Department of Traffic Engineering to the Zoning Plans Advisory Committee stated that the propo-Special Exception "is not expected to cause any major traffic problems. Favorable comments were also proferred by the Director of Planning

The Deputy Zoning Commissioner calls attention to what, in his opin this Special Exception would, in fact, establish a precedent and thereby encourage future commercial inroads upon the Valley area. The subject Petit is unique, in that the basic complex enjoys its use as a matter of right in a B. R. Zone while only 2.07 acres falls within a R.D.P. Zone.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the opinion of the Deputy Zoning Com missioner, evidence and testimony, conclusively, indicated that the prerequisites of Section 502.1 have been met by the Petitioners, and the Special

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this \_\_\_\_\_ day of March, 1976, that the Special Exception for a community building in a R.D.P. Zone should be and the same GRANTED, from and after the date of this Order, subject to the approval of ite plan by the Department of Public Works. State Highway Administration and the Office of Planning and Zoning

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. REFORE THE ZONING COMMISSIONER

RE: PETITION FOR SPECIAL EXCEPTION Beginning 332 feet from the east s of Falls Road 475 feet North of

OF BALTIMORE COUNTY

LEROY PEDDY, et al, Petitioners · Case No. 76-167-X

ORDER TO ENTER APPEARANCE

ant to the authority contained in Section 524.1 of the Baltimore County Charter, rance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the ssage of any preliminary or final Order in connection therewith.

Charles E. Lounty fr. Charles E. Kountz, Jr. Deputy People's Counsel

John W. Hessien, III People's Counsel County Office Building

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Mr. LeRoy Peddy, Green Spring Inn, Falls Road at Greenspring Valley Road, Baltimore, Maryland

~ Yo. Henrin II



MCA FOR

DESCRIPTION

2,07 ACRE PARCEL, EAST OF FALLS ROAD, NORTH OF JOPPA ROAD. SOUTH OF SEMINARY AVENUE. EIGHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description Is For Special Exception.

Beginning for the same at a point on the dividing line between the area zoned "RDP" and the area zoned "BR-CR", as shown on the Zoning Map of Baltimore County, at the distance of 332 feet, more or less. as measured easterly along said dividing line from its intersection with the east side of Falls Road, said point of intersection being distant 475 feet, more or less, as measured northerly along said east side of Falls Road from its intersection with the center line of Greenspring Valley Road, as extended easterly, running from said beginning point, binding on the south line of said area zoned "RDP", (1) easterly, 423 feet, more or less, thenc three courses: (2) northerly 225 feet, more or less, (3) westerly, at right angles with the second line of this description, 422 feet, more or less, and (4) southerly, parallel with said second line, 203 feet, more or less, to the place of beginning.

Water Sirpply ■ Sewerage ● Drainage ➤ Highways ■ Structures ● Developments ➤ Planning ■ Reports

MCA □○▷

Containing 2,07 acres of land, more or less,

December 4, 1975

BALTIMORE COUNTY, MARYEND

TO S. Eric DiNenna, Zoning Commissioner Date February 9, 1976

FROM Milliam R. From Director of Planning

SUBJECT. Petition #76-167-X. Petition for Special Exception for a Community
Building, or other uses of a civic, social, recreational or educational
character (tennis barn). Beginning 312 feet from the East side of
Falls Road 475 feet North of Greenspring Valley Road.
Petitioner - LeRoy Peddy, Dennis Peddy and Thomas J. Peddy.

Eighth District

Hearing: Monday, February 23, 1976 at 1:30 P.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comment to offer.

The proposed expansion of this existing use would be appropriate here

FFB 10 76 8M

WDF:NEG:mjs

DELLE HE SLIDING

William D. Fromm Director of Planning

William / hom

MAY 1 3 1976

PETITION FOR SPECIAL EXCEPTION : BEFORE THE for Leroy Feddy, et al, For Extension of Green Spring : DEPUTY ZONING COMMISSIONER Racquet Club · OF BALTIMORE COUNTY

: Petition No. 76-167-X

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#### PETITIONERS' MEMORANDUM

Petitioners Leroy Peddy, Thomas H. Peddy, and Dennis Peddy, legal owners, and the Green Spring Racquet Club, by its partners Warren Smith, William Hirshfeld and Lee Paul Der, long term lessee, by their attorneys James D. Nolan, Newton A. Williams and Nolan, Plumhoff and Williams, respectfully offer this Memorandum for the consideration of the Deputy Zoning Commissioner in the above entitled matter.

#### STATEMENT OF THE CASE

This case involves a Petition by three members of the Peddy family, as legal owners, and the Green Spring Racquet Club as a long term lessee, for a special exception to permit the extension of an existing indoor tennis facility constructed on B.E.-zoned land into adjoining undeveloped property classified in an R.D.P. zone. This request is made pursuant to Section 1A00.2B.6. of the Baltimore County Zoning Regulations (1975 Ed.) which permits "community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational or educational activities" in an R.D.P. zone. The parcel of lanfor which this special exception is sought is a 2.07-acre parcel located 332 feet east of Falls Road, immediately adjacent to the existing B.R. zoned land developed as the Green Spring Racquet Club There are no side yard variances, parking variances, Or other zoning relief of any kind sought by these Petitioners. This Petition has been fully reviewed by the Zoning Advisory

Committee, which Committee has furnished Comments to the Deputy Zoning Commissioner and Commissioner. The matter has been duly advertised, and the property properly posted, and a public hearing was held by the Deputy Zoning Commissioner in this matter at 1:30 p.m. on Monday, Pebruary 23, 1976, in Room 106 of the County Office Building in Towson.

The Petitioners in this matter were represented by James D. Nolan and Newton A. Williams, while Montgomery Lewis, Executive Director of the Valley's Planning Council appeared on behalf of the Council. Mrs. Lane Burke of Burlane Farms, Lutherville, Maryland 21093, also appeared in protest of this Petition. According to her testimony, Mrs. Burke's farm property is located approximately one mile west of the subject property off of Valley Road. Several other persons attended the public hearing, but eccording to our hearing notes, did not indicate that they were protestants, nor did they testify.

#### SUMMARY OF TESTIMONY

The Petitioners' case consisted of the testimony of three persons, namely Mr. Warren Smith, a one-third partner in the Green Spring Racquet Club, Mr. Paul Lee, a registered professional engineer and a principal in the firm of MCA, and finally, Mr. Lawrence B. Fenneman, Jr., a recognized authority in the fields of real estate, appraisal work, and zoning. Two persons testified in protest of this Petition, namely Montgomery Lewis, the Executive Director of the Valley's Planning Council and Mrs. Lan Burke, a Lutherville resident and a concerned citizen.

#### Mr. Warren Smith

Mr. Warren Smith, one of the Petitioners, testified that e is a one-third partner in the Green Spring Racquet Club, with the other two partners being Mr. William Hirshfeld and Mr. Lee aul Der. While all three partners are quite active in this Clu

Mr. William Hirshfeld is particularly active in the day to da

Mr. Smith testified that he and his partners originally leased approximately 4.81 acres of land from the Peddys, and that this lease has a duration of 60 years. In connection with the proposed improvements to the existing indoor tennis facility, it was found to require an additional .69 acres of land for a total of 5.5 acres under lease. According to Petitioners' Exhibit 7. the MCA Site Plan dated December 3, 1975, as revised February 20 1976, the special exception area encompasses 2.07 acres more or

Mr. Smith testified that he and his partners prior to the design of the existing tennis facility had toured the country looking at various tennis clubs in order to build the best possib. club, utilizing the combination of good ideas from other locations. Both the existing club building and the proposed club building are of a steel construction manufactured by Armon Steel Corporation, and according to Mr. Smith, this building is support to be the best available in the field, and certainly the most expensive according to their information. The existing building is of an earth brown color, and was chosen with professional hel of a member of the staff of the Maryland Institute. This color was chosen because it blends well with the foliage on a year-ro basis, particularly during the winter months when the surroundin fields and woods are such a color. This color would be utilized on the proposed extension as well.

As shown on Petitioners' Exhibit 7, and as covered by Mr. Smith in his testimony, the present building is essentially in the shape of an "H", with two buildings containing four court each on either side to the east and west respectively, while the enter section of the "H" is formed by the lounge and the locker oom, office and pro shop areas. These areas are shown extensive

on Petitioners' Exhibits 1 through 5, consisting of various archiectural renderings covering various areas of the building, including the lounge area, the tennis office area, the front entrance, and the pro shop. The witness went on to testify that the present building contains eight indoor tennis courts in two banks of four each on either side of the "H", as well as three indoor handball, racketball and squash courts located on the north end of the center "H" section. In addition to the mens' and womens' locke room areas, there is a communal whirlpool bath, two saunas, one for each sex, and a total of four steam baths with two in each

Mr. Smith went on to testify that since their opening in September of 1975, the public response to the club has been verwhelming and they are presently fully booked. At the present time the club has 1,060 members, and with the additional facilities would be able to accommodate a proportionate increase. How ever, due to the nature of the game of tennis itself, the number of persons on the property at any one time is fairly constant. being equal to 32 persons, assuming that all eight existing courts are in use for doubles play as well as persons waiting to play or persons who are lingering following playing. Assuming that all six new courts would be occupied for doubles play, this would mean an additional 24 players on the property, with a small additional increase perhaps in employees and persons waiting to play and persons remaining to socialize following their play. It was testified that assuming all fourteen courts might be in use approximately 75 persons or so would be on the property at any one time.

Mr. Smith outlined that the club hours are presently 7:00 a.m. to midnight on a daily basis, and that all hours are virtually spoken for. With regard to the details concerning membership, etc., see Petitioners Exhibit 6, a Brochure concerning

the club which was offered in evidence.

The witness went on to testify that if this special exception is granted, the new addition will be erected by Southwestern Contractors, who erected the original building, and that it will be of the same type of construction by Armco Steel Corporation. Mr. Smith testified that the building is 40 feet high at the eave, and that it can be seen with some difficulty from falls Road if one looks for it. This testimony concerning visibility from Falls Road was questioned by the third witness for the Petitioners, namely Mr. Fenneman, who stated that it could not be seen from Falls Road due to the fact that the elevation of the subject property is considerably lower than Falls Road as well as the fact that the facility is screened by the existing Green Spring Inn to the southwest and an extensive vooded area and other buildings along the east side of Falls Road to the west and northwest. Mr. Smith also noted in his testimony that the propert is traversed by a 66-f ot wide Baltimore Gas & Electric Company right-of-way containing high power transmission lines and towers. This transmission line can be readily seen on the MCA site plan, Petitioners' Exhibit 7.

In response to a question from the Deputy Zoning Commissioner, Mr. Smith stated that the existing pro shop is constructed in the B.R.-zoned area, and that it is used primarily by members. However, he stated that members of the public would not be turned away but that there was no effort to bring members of the public in, rather that the pro shop is offered as a convenience to mem-

### Mr. Paul Lee

The next witness to testify on behalf of the Petitioners was Mr. Paul Lee, a registered professional engineer with the engineering firm of MCA. Mr. Lee's qualifications are known to

the Deputy Zoning Commissioner as well as to the public and will be made available in written form. Mr. Lee testified that MCA had done all of the engineering on the project since early in 1975. The extensive work done on this project by MCA was described by Mr. Lee as including engineering studies, a floor plain study of the stream, Deep Run, which traverses the Peddy property a short distance to the west of the special exception area, as well as extensive engineering work concerning sedimentation and water resources

As shown on Petitioners' Exhibit 7, the MCA Site Plan the requested sprcial exception area is located some 332 feet eas of Falls Road, and immediately adjoining a large area zoned B.R which contains, among other uses, the existing tennis facility, the existing Green Spring Inn, a home improvement concern specializing in kitchens immediately to the south of Green Spring Inn. a gasoline service station, immediately to the south of the kitch ens outlet, the site of a future wine and cheese shop immediately to the southeast of Deep Run, again on the east side of Falls Road and Joppa Road, and also the existing Windy Valley Drivein There is also an Exxon Station in the triangular-snaped parcel formed by the intersection of Joppa Road with the north end of the Jones Falls Expressway where it joins Falls Road.

The proposed addition to the existing tennis facility would consist of the extension of either side of the "H" formed by the building by the addition of three additional courts for total of seven indoor courts on each side, that is to the east and to the west. As can be seen on Petitioners' Exhibit 7, the two proposed courts are surrounded by extensive side and rear yards, and extensive areas have been left open by these side and rear yards. As can be seen on the site plan, Petitioners' Exhibit 7, and as was testified to by Mr. Lee, there are extensive wooded areas on the vacant land to the west, northwest and north

which all have a screening effect insofar as Falls Road and Seminary Avenue are concerned. Furthermore, this special excep tion area is completely surrounded by lands owned by the Peddys and the extent of the Peddy ownership is generally shown Petitioners' Exhibit 7, the Site Plan, and as can be seen there mounts to considerable acreage.

Mr. Lee went on to testify that all Zoning Advisory Com mittee Comments had been complied with, including a minor revision at the request of the State Highway Administration to the entrance at the intersection of Old Joppa Road and the Jones Falls Expressway. This revision is shown in the lower left hand corner of the Site Plan, Petitioners' Exhibit 7. As was also noted during the course of the testimony, there were no adverse commen as to either public water or public sewer by the Department of Public Works in their Comments, and in like manner, Mr. Flanigan of Traffic Engineering Department stated that no major problems were to be anticipated as a result of this special exception. Mr. Planigan's conclusion as to traffic was buttressed both by Mr. Smith's testimony and by Mr. Lee's testimony, stating that by nature a tennis facility attracts club members throughout the day and that it does not have peaks due to the built in limitation on the number of persons that can play at any one time.

Insofar as parking is concerned, Petitioners' Exhibit 7 indicates that a total of 180 parking spaces are required for the restaurant and tennis facility as proposed to be expanded, and that 221 will be provided. Furthermore, Mr. Lee noted in his testimony that the tennis facility enjoys three points of access namely from the north side of the Green Spring Inn, the south side of the Green Spring Inn, and by means of a 20-foot private access road paralleling the transmission lines running out to Old Joppa Road and the Jones Falls Expressway to the southwest.

The 2.07 acres covered by the request for a special

exception were stated to be basically level, by Mr. Lee, and he further stated that only a few smaller trees would be required to be removed as a consequence of this proposed expansion. The screening effect of the existing trees, as well as the basically open and vacant nature of the area involved can all be readily seen on the aerial photograph dated April 9, 1972, which was offered as a part of Mr. Lee's testimony, as Petitioners' Exhibit 8. As covered by Mr. Lee, and as shown on Petitioners' Exhibit 7. the existing tennis facility is constructed on land zoned B.R.-C.R and B.R., while the proposed 2.07-acre special exception area is presently zoned R.D.P. It was also testified that the proposed zoning maps propose to place this in an R.C. 5 zone, and that the requested special exception is permitted in an R.C. 5 zone as

Mr. Lee's testimony with regard to utilities was that the site is served both by public water and public sewer as noted by the Department of Public Works Comments as well. As can be seen on Petitioners' Exhibit 7, there is an existing 16-inch water line running along the east side of Falls Road which has been extended into the site and two hydrants have been constructed on the site for fire protection. The site is connected to public sewer by means of a 6-inch private line leading to a 15-inch line generally following the bed of Deep Run and leading in a southwesterly direction from the subject site. Although there was some controversy regarding the size of this line, whether it is a 10-inch line as maintained by Mr. Lewis or a 15-inch line as maintained by Mr. Lee, it is shown as a 15-inch line both or Petitioners' Exhibit 7, the Site Plan, as well as on the Baltimore County key shouts introduced as Petitioners' Exhibits 9 and 10 respectively.

With regard to the utilization of public sever, it should

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be noted first of all that no new locker room or sewer connection are proposed as a part of this special exception. Furthermore. Mr. Lee testified that there is absolutely no doubt in his mind that the additional flows to be expected by the increased use of the tennis facility would in any way overload this line. Among other things, he stated that the line had been designed for the existing R.D.P. zoning, or one-acre lots, while the proposed R.C.5 zoning would only permit two-acre lots, a considerable decrease in density. Furthermore, as previously noted, there were no adverse comments from the Department of Public Works concerning either water or sewer capacity.

As for screening and landscaping, Mr. Lee testified that the existing tree cover would be augmented by additional landscaping along the access road in such a manner as to meet all Baltimore County requirements.

In response to a question regarding the various requirements of Section 502.1. Mr. Lee testified as follows:

- a. As to the health, safety and general welfare of the area involved, he testified that it would not harm the health. safety and general welfare of the area involved, that it would involve only the expansion of an existing tennis facility to be conducted entirely indoors with no noise emanating therefrom and no outside lights or disturbance of any kind, other than appropriate lights for the parking area.
- b. As to traffic, Mr. Lee agreed with the Baltimore County Traffic Engineering Comments and noted that a tennis faci lity is a moderate generator of traffic on a constant basis rather than causing traffic peaks like many other uses which might be placed on the property, including residences.
- c. As far as fire, panic and other dangers are concer-Mr. Lee testified that the property has full fire protection via

two hydrants on the site, and that it is a steel building which will be built according to the BOCA Building Code now in force in Baltimore County.

- d. The proposed building will not tend to overcrowd land or cause undue concentration of population he testified, since no one will reside on the property, be it on a one-acre lot under the present R.D.P. Regulations, or on a two-acre under the proposed R.C.5 Regulations, but rather it will be used for a recreational purpose by a number of persons, many of whom reside
- e. Mr. Lee testified that the proposed facility will not interfere in any way with adequate provisions for schools parks, water, sewerage, or other public requirements, convenience or improvements since it will be an additional recreational asset to the community which will not in any way overtax existing public facilities, be they roads, utilities or otherwise.
- f. Finally, Mr. Lee testified that it will not interfere with anyone's adequate light and air, since it will be surrounded, as shown on Petitioners' Exhibit 7, the Site Plan, by extensive side and rear yards, and there are no other buildings or uses close by.

Mr. Lawrence B. Fenneman, Jr.

The final witness to testify on behalf of the Petitioner was Mr. Lawrence B. Fenneman, Jr., an acknowledged expert in the field of real estate, appraising, and zoning. Mr. Penneman's written qualifications were included in the file and made available to all parties concerned.

Mr. Penneman first testified that he had been familiar with this area of Palls Road in excess of 30 years. He defined the neighborhood involved in this request as Joppa Road at Palls Road to the south, the Baltimore Gas & Electric Transmission Lines to the east, the various uses along Falls Road to the

northwest, including several nonconforming uses, among those being a truck repair yard and a florist shop, and vacant land owned by the Peddy Samily including extensive wooded areas to the north. The tennis facility itself as presently existing as well as proposed to be expanded was felt to be well described by previous testimony and was not augmented by Mr. Fenneman.

Mr. Penneman did describe the B.R.-zoned land which includes the existing tennis facility as a commercial pocket which had existed for many years, and the numerous uses therein have already been previously noted, and are shown on Petitioners' Exhibit 7, site plan.

The witness testified that in his opinion the existing club had had no adverse effects upon the area and this conclusion was reinforced by the fact that Mr. Smith testified he had had no complaints since the opening in September, 1975. Purthermore Mr. Penneman felt that the proposed special exception represents only a minor addition to existing club facilities, which again will have no adverse effect upon the area involved. The witness conclusions as to no adverse effect upon the area involved, including area property values, is based upon the fact that the property is very difficult to see from Falls Road since it lies at a lower elevation, and that the existing club facility is entirely compatible with the primarily commercial nature of the area to the east of Falls Road and the west of the transmission line previously described. He also pointed out that in the preent case there are no homes close to the existing tennis facility or the proposed addition, but that in other areas tennis barns had been compatibly developed close to existing homes and he included in this examples such as Columbia, The Perring Racque Club off of Perring Parkway, at Oakleigh Road, and counsel would point out as well that the Yorktowne Tennis Club in Cockeysville is also built immediately adjoining residences.

The witness went on to state that he considers a tennis facility a very light type of use from a realtor's point of view and that with the good access, the significant setbacks, and the screening due to natural and manmade features of the area, the facility would have no adverse effect whatsoever on the area. Mr. Fenneman also noted that his daughter attends nearby St. Paul's School for Girls, and thus he has a very good knowledge, based upon several years of driving into the area upon an almost daily basis during the school year

With regard to Section 502.1 of the Zoning Regulations, Mr. Fenneman testified as follows:

- a. As to the health, safety and general welfare of the area involved, he noted all of the reasons which he had proviously given, including setback, screening, nearby commercial uses, lack of nearby homes, the transmission line, and the basic light nature of the usage and stated that it would not have an
- b. As for causing congestion in roads, streets and highways, his opinion was bolstered by the favorable Comments from the Department of Traffic Engineering and the basic nature of the tennis facility itself.
- c. As for fire, panic and other dangers, he, like the engineer, noted the presence of fire protection via two hydrants on the property, the steel construction of the building, and counsel would point as well to the nearby Baltimore County Fire Station located at Falls Road just south of Ruxton Road.
- d. Mr. Fenneman testified that it would not overcrowd land or tend to cause undue concentration of population for the same reasons given by the engineer, namely no one would live on the property and the tennis courts occupy a large amount of space for a relatively unintensive use.

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e. As far as public facilities are concerned he relied

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Although Mr. Lewis termed this proposal a "foot in the

door", it was pointed out both by counsel and by the Deputy Zoning

Commissioner that a special exception is not a change of zoning

under Maryland law, but rather is a permitted use which has peen

legislatively deemed compatible, subject to meeting the require-

502.1 of the Zoning Regulations. It was also noted in the cours

of cross examination that the requested special exception for a

tennis facility is permitted under the proposed R.C. 5 zone as

well as under the R.D.P. zone presently existing on the subject

tant and the last protestant to testify. She testified that she

and her family have a tennis court on their property and that she

with the entire area surrounding Falls Road, Valley Road and the

terminus of the Jones Falls Expressway, more than with the tennis

facility itself. Mrs. Burke likened the situation to stopping

for one hitchhiker and picking up thirteen, or the tip of an ice

berg, but again it must be pointed out that a special exception

is not a zoning change and cannot lead to further changes in the

area. Mrs. Burke went on to express concern about the widening

and straightening of Valley Road, but her fears in this regard

were not connected by her testimony to this proposed special

in this case nor those of the State Highway Administration.

exception. In fact, such fears are not substantiated by either

not shared by those members and residents of the Valley area who

have chosen to join the club in such numbers that this request i

adores tennis. Like Mr. Lewis, Mrs. Burke was most concerned

Mrs. Lane Burke of Burlane Farms was the second protes-

ments of the applicable section of the law, including Section

LEGAL AUTHORITIES AND ARGUMENT

The Petitioners feel with conviction that their case mor than met the requirements of Section 502.1 of the Zoning Regulations and that the requested special exception will in fact be o benefit to the area involved and will in no way be detrimental to it. These conclusions are based upon a number of factors including the basic nature of the special exception device itself, the particular nature of the special exception requested in this case and finally, the nature of the area involved.

First of all, the highest Courts of our State have on a number of occasions stated that a special exception which is enacted as a part of the Zoning Ordinance is entitled to the same presumption of validity as other parts of the Comprehensive Zoning Plan and that it is in the interest of the general welfare and therefore valid. On this point, see for instance Rockville Fuel vs. Board of Appeals, 257 Md. 183 at page 187; as well as Anderson vs. Sawyer, Court of Special Appeals, No. 98, September Term. 1974, with the decision having been filed December 16, 1976 and having appeared in The Daily Record on January 27, 1975. To the same effect is another recent Court of Special Appeals decision, namely Gowl vs. Atlantic Richfield Company, No. 676, September Term, 1974, filed July 3, 1975, which appeared in The Daily Record on August 22, 1975. In Gowl, the Court, in addition to commenting on the nature of the special exception device, noted that in judging traffic to be generated from a property, is must be judged as proposed to be developed against all of the various uses which are permitted as a matter of right under the existing zoning and not judged as vacant land if it is undeveloped

A review of the protestants' testimony in this case will indicate that it is in the nature of fears primarily, and that they are not really concerned so much about this particular spe-

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cial exception, but rather are concerned about this entire area. As to the weight to be given such testimony, see Judge Davison's statements in the so-called "Dundalk Funeral Home Case", that is, Anderson vs. Sawver, previously cited

In summary, the Petitioners believe that the requested special exception is in the best interests of the area involved, since it will provide an additional recreational asset at no cost to the County, and of course, this recreational asset will be taxed as a private enterprise rather than being a liability, as would be a public facility. Furthermore, the Petitioners believe that all of the requirements of Section 502.1 have been met for the following reasons:

- 1. As to health, safety and general welfare of the area involved, this request represents merely a minor expansion of an existing indoor tennis facility, and it will be conducted entirely indoors, with no disturbance to the outdoors whatsoever and it will be surrounded by significant setb cks and it is screened from both Falls Road and from areas to the north by manmade and natural features.
- 2. As for the creation of any congestion in roads, streets and highways, it should be noted that three points of access are provided, and that traffic can disperse itself in a number of directions from the site, including the use of the Jones Falls Expressway to the south, Falls Road to the north, Valley Road to the west, the Beltway to the west, Seminary Avenue to the east, Joppa Road to the south and southeast, the Beltway to the east, as well as other parts of the road network in the area Purthermore, Baltimore County Traffic Engineer has stated that there will be no problems, and there are no adverse Comments from the State Highway Administration. In like manner, all of the testimony is to the effect that a tennis facility, while it

that this facility would augment the recreational opportunities f. As for adequate light and air. Mr. Fenneman noted

that there are no homes at all close to the proposed or the existing facility as well as the adequate side and rear vards provided. As previously stated, Mr. Fenneman was the final witness for the Petitioners and with his testimony, the Petitioners' case was closed.

upon the testimony of the other witnesses, as well as the fact

available in the area.

Two persons testified in protest of this application, namely Montgomery Lewis, the Executive Director of the Valley Planning Council, with offices located at 212 Washington Avenue Towson, Maryland 21204, and Mrs. Lane Burke of Burlane Farms, Lutherville, Maryland, who testified that her property, Burland Farms, is located off Green Spring Avenue at least one mile to the west off Valley Road and that she cannot see the subject pro perty from her home.

Both Mr. Lewis and Mrs. Burke seemed to be more concerned about future plans for the commercial area to the south than about the tennis facility itself. Mr. Lewis testified that this area forms the entrance to the Green Spring Valley, and that the Valley Planning Council is concerned by the increasing tempo of development both in the Valley itself and at the entrance in the area of the subject property. With regard to his concern fo sever capacity. Mr. Lewis offered a letter from the then County Executive, Dale Anderson, dated November 3, 1971, which was admitted as Protestants' Exhibit A. Mr. Lewis is of the belief an testified that the sewer line serving the subject property is 10 inches in diameter, although this is contradicted by Mr. Lee's testimony and the official Baltimore County key sheets, Pecitioners' Exhibits 9 and 10.

the comments of Baltimore County Department of Traffic Engineerin Finally, the fears of both Mr. Lewis and Mrs. Burke are apparently

-14-

will create some traffic, is an even generator of traffic through out the day, and that it will not impact the roads at peak hours as would residential homes for instance.

- 3. The proposed facility will not create a potential hazard from fire, panic or other dangers since it enjoys public water on the site, including two hydrants, it is located a short distance to the north of a public fire station located at Falls Road south of Valley Road, it will be constructed with the BOCA Code, and will be of steel construction as opposed to frame construction.
- 4. The proposed tennis facility will not tend to overcrowd land and cause undue concentration of population, since no one will live on the property and adequate side and rear yards have been provided with no variances being requested and surrounding property is either vacant or located at an elevation above the subject property in such a manner that it has little effect on them.
- 5. The proposed facility will in no way interfere with adequate provisions for public facilities, and it will in effect augment the recreational facilities available in the area and will not according to the testimony of the engineer, Mr. Lee, and the Comments from Baltimore County, in any way overtax the existing public water or public sewer facilities nor the public roads, according to Mr. Flanigan.
- 6. Finally, the proposed facility will not interfere with adequate light and air to any nearby properties since adequate provision has been made for open land surrounding the proposed building, and as previously pointed out, the open land nearby is primarily vacant and if reclassified on the new zoning maps to R.C. 5, the utilization of two-acre lots will insure that the residential development in the area will not crowd nor er-

-17-

CONCLUSION

croach upon the proposed tennis facility.

For all of the reasons outlined herein, as well as the reasons outlined in the course of the hearing, Petitioners respectfully submit that the requested special exception has been fully demonstrated to be fully compatible with the area and to be an asset to the area. Accordingly, Petitioners would respectfully ask that their Petition for a Spec al Exception be granted

> James D. Nolan Vicilia a Mallans Newton A. Williams

Notes Planty Mills Mills Notan Plumboff and Williams

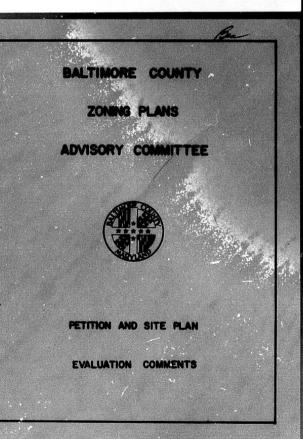
I HEREBY CERTIFY that on this ist day of mach. 1976, a copy of the aforegoing PETITIONERS' MEMORANDUM was mailed, postage prepaid to the following:

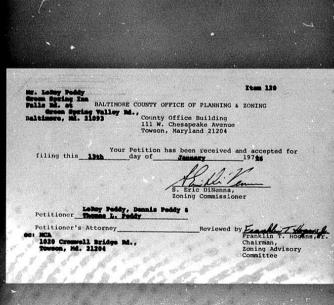
Montgomery Lewis, Executive Director Valley Planning Council 212 Washington Avenue Towson, Maryland 21204

and

Mrs. Lane Burke c/o Burlane Farms Green Spring Avenue Lutherville, Maryland 21093

-18-







BALTIMORE COUNTY, MARYLAND EXECUTIVE OFFICE TOWSON, MARYLAND 21204 November 3, 1971

RECEIVED NOV 4 - 1971 EPARIMENT OF PUBLIC WORK OF SALTIMORE COUNTY

Dear Concerned Citizens

I appreciate your interest and advice in the matter of the proposed sewer extension from Rockland to a point located approximately at Falls and Valley Roads. This extension is considered necessary to serve Heatherfield, a portion of Seminary Ridge, the State Roads Commission Building and the Valley and Green Spring lans.

It is my opinion that my past record concerning open spaces and proper planning and controlled developlment should indicate that I am just as interested in the Green Spring Valley as any of the property owners who

My interest in the proper planning and controlled development of this area does not stem from the personal or private interest of any individual or groups of individuals but because I believe it to be in the best interest of everyone in this county and, indeed, the best interest of everyone in this county and, indeed, the best interest of everyone

I think unquestionably that under the provisions of the Baltimore County Code, 1968 Edition, Section 34-28, Section 34-62 and Section 34-69, that the people mentioned above whose property will be served by this extension are entitled under the law to the convenience of this proposed sewer system primarily because the entire area is a health hazard not only to the people who reside or work there but also those people who visit the area and those customers who patronize the Valley and Green Spring

The Baltimore County Health Department has made a declaration The Baltimore County Health Department has made a declaration of this fact. However, there are no existing health hazards of any major proportion obvious at this time in other sections of the Valley within sewerable distance, and I feel no obligation on the part of the county government to provide any sewer capacity other than that which is necessary to sewer the immediate hazardous area.

(PROTESTANTS) RESERVED NOV R 1971 BALTIAUTE OF JATY BUHEAU CF ENGINEERING

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Mr. LeRoy Peddy Green Spring Inn Falls Road at Green Spring Valley Rd., Baltimore, Maryland 21093

Franklin'T: Hogan

**HEMILES** ZONING ADMINISTRATION BEALTH DEPARTNER

BUREAU OF FIRE PREVENTION STATE HIGHWAY

BUREAU OF PROJECT AND

SOASD OF EDUCATION

OFFICE OF THE

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

RE: Special Exception Petition Item 120 LeRoy Peddy, Dennis Peddy & Thomas L. Peddy - Petitioners

February 10, 1976

These comments are not intended to indicate These 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 appropriateness of the requested zoning.

The subject property is located 332 feet east of a point in the center line of Falls Road, said point lying 475 feet morth of the center line of Green Spring Valley Road, and is currently a vacant pareal of land zoned RDP. The petitioner is requesting a Special Exception to permit a community building (tennis barn) in order that additional indoor court areas may be constructed in conjunction with an existing tennis barn operation. The existing tennis barn operation is zoned Business, Roadside, and lies approximately to the rear of the existing Green Spring Inn restaurant.

At the time of field inspection, the existing tennis barn complex was in the final stages

-2-

I have, therefore, this day, after consultation with a staff of I have, therefore, this day, after consultation with a stati of competent advisors, directed Mr. Albert B, Kaltenback, Director of Public Works for Baltimore County, to arrange for the design and the installation, with the approval of the County Council, of a sewer line with a necessary capacity to dispose of the sewage waste for approximately 43 houses in Heatherfield, approximately 40 houses in Seminary Ridge, the State Roads Building, the Valley and Green Spring Inns, and those few miscellaneous properties which will be able to the in to this system. We believe that this line can be held to a maximum size of 8 inches.

I think all of you who have an interest in this matter should realize that we are dealing here with the sacrosanct property rights of other people very clearly set out in the Constitution of the United States and the State of Maryland and various other laws and that the policies of this Administration will not necessarily hold up when the great legal battles for the development of the Valley begin raging in the courts.

Nale auderson

DA/k

cc: County Councilmen William E. Fornoff, Baltimore County Administrative Officer /Mr. A. B. Kaltenback, Director of the Dept. of Public Works The Valley Planning Council
Worthington Improvement Association, Inc.

Mr. LeRoy Peddy Re: Item 120 February 10, 1976 Page 2

of construction, and it was noted that a variety of access points exist to serve the property. The petitioner's plan heroin submitted indicates a 20 foot private access road for the racket club, which originates at the intersection of Old Joppa Road and Falls Road.

The petitioner should note with particular interest the comments of the State Highway Administration.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Frach T. HOGANS, JR. Chairman, Zoning Plans Advisory Committee

PTH: JD

Enclosure

cc: MCA 1020 Cromwell Bridge Road Towson, Md. 21204



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

January 12, 1976

Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Comments on Item #120, Zoning Advisory Committee Meeting, December 30, 1975, are as follows:

Property Owner: LeRoy, Dennis, Thomas L. Peddy
Location: E/S of Falls Rd. 475 N of Greenspring Valley Rd.
Existing Zoning: RR-CR, DR 26 RDP
Proposed Zoning: Special Exception for a community bldg.
(tennis barn)
No. of Acres: 2.07
District; 8th

Metropolitan water and sewer are existing.

Very truly yours,

Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

RJW:dlse



January 8, 1976

Mr. S. Eric DiNenna Zoning Commissioner County Office Bldg. Towson, Md. 21204

Attention: Mr. Franklin Hogans

Res Z.A.C. Meeting, December 30, 1975
ITEM: 120.
Property Owner: LeRoy, Dennis, Thomas L.
Peddy
Location: E/s of Falls Rd. (Route 25)
475's N of Greenspring Valley Rd.
Existing Zoning: BR-CR, DR 2 580P
Proposed Zoning: Special Exception for
a community Bldg. (tennis barn)
No. of Acres: 2.07
District: Bth

Dear Mr. DiNenna:

The plan indicates access by way of a section of Old Joppa Road and from thence to Falls Road. This section of Old Joppa Road is no longer a public facility and was barricaded from Falls Road. As far as the State Highway Administration is concerned, the proposed and existing access connection is a commercial entrance, connecting directly into Falls Road, therefore, the connection must be improved with standard paving and concrete curb and gutter. The opening must be reduced to a maximum width of 351. The curb must extend along Falls Road to the existing guardrafl. The construction must be done under permit from the State Highway Administration. The plan must be revised prior to the hearing.

Bys John E. Meyers

Charles Lee, Chief Bureau of Engineering Access Permits It Emen

CL:JEH:vrd

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



January 8, 1976

WILLIAM D. FROMM DIRECTOR

Dear Mr. DiNenna

Mr. S. Eric DiNenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Mr. S. Eric DiMenna Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item 120 - ZAC - December 30, 1975
Property Owner: LeRoy, Dennis, Thomas L. Peddy
Location: E/S of Falls Rd. 475°N of Greenspring Valley Rd.
Existing Zoning: BR-CR, DR 2 & RDP
Proposed Zoning: Special exception for a community bldg. (tennis barn)
No. of Acres: 2.07
District: 8th

MSF:no

The requested Special Exception for a tennis barn is not expected to cause any major traffic problems.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

This plan has been reviewed and there are no site-planning factors requiring comment.

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a

Comments on Item #120, Zoning Advisory Committee Maeting, December 30, 1975, are as follows:

Property Owner: LeRoy, Dennis, Thomas L. Peddy
Location: E/S of Falls Road 475' N. of Greenspring Valley Road
Existing Zoning: B.R.-C.R., D.R.2 and R.D.P.
Proposed Zoning: Se-cial Exception for a community building (tennis born)
No. of Acres: 2.07

Very truly yours,

January 12, 1976

John L. Wimbley Planning Specialist II Project and Development Planning

and Levelly

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 7, 1976

Mr. S. Eric DiNenna Zoning Commissioner Beitimore County Office Building son, Mary and 21204

Z.A.C. Meeting of: December 30, 1975

Re: Item 120
Property Owner: LeRoy, Dennis, Thomas L. Peddy
Location: Delta E/S of Falls Rd. 475' N. of Greenspring Valley Rd.
Present Zoning: B.R.-C.R., D.R. 2, & R.D.P.
Proposed Zoning: Special Exception for a community bldg. (tennis barn)

District: No. Acres:

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours, W. Time Farmel. W. Nick Petrovich., Field Representative.

MRS ROBERT L. BERNEY

WNP/ml

JOSEP .. N. MEGOWAN

T. BAYARD WILLIAMS, JR RICHARD W. TRACEY, V.M.D.





RANDALLSTOWN, MD. 21133 Feb. 5, 1976

THIS IS TO CERTIFY, that the annexed advertisement of

Petition for Special Exception- Peddy

- □ Catonsville Times
  □ Dundalk Times
  □ Essex Times
- ➤ Towson Times

  ☐ Arbutus Times
  ☐ Community Times

weekly newspapers published in Baltimore County, Maryland, once a weeks before the 23md day of Pohrung 19.76, that it to say, the same was inserted in the issues of Feb. 5, 1976.

STROMBERG PUBLICATIONS, INC.

By Patt Smink

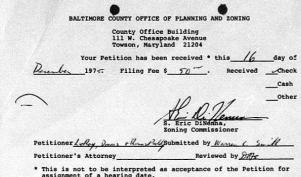
# CERTIFICATE OF PUBLICATION

10.76

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PETITION	M	APPI	NG	PRO	PROGRESS SHEET					
FUNCTION		Wall Map		Original		Duplicate date by		Tracing date by		Sheet
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Petition number added to outline				1 L						
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: D. A.	l.						or des	cripti		Yes No

111 W. Ches	ice Building sapoake Avenue ryland 21204
	peen received * this 16 day of
Deurber 1975. Filing Fo	ee \$ 50 - Received _Check
	Cash
	S. Eric DiNenna, Zoning Commissioner
Petitioner Lolley Downs + Thouse	Collsubmitted by Warren C. Smill
Petitioner's Attorney	

BALTIMORE COUNTY, MARYLAND WE. 28282  OFFICE OF FINAL REVENUE DIVISION MISCRELARCOUS CASH RECEIPT  DATE 705. 2, 1976 ACCOUNT (1-662		BALTIMORE COUNTY, OFFICE OF FINANCE - RE MISCELLANEOUS CAS
AMOUNT \$50.00  AMOUNT \$50.00  Warren Smith, 6035 Hollins Ave., Baltimore, Md.  Petition for Special Emeption for LeRoy Peddy.	W. Harrison	Peb. 23
2 50,00 Mg		FOR LeRay P. #76-167-



FFICE OF	RE COUNTY, MARYLAND FINANCE - REVENUE DIVISION NEOUS CASH RECEIPT	No. 31632
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	AMOUNT	\$57.25
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FOR	Advertising and posti LeRoy Poddy, et al #76-167-X	a . X 图
	29907210	5725



2-SIGNS .

ERTIFICATE OF POSTING

District. 9. Date of Posting FCB. 7 1976

Posted for: Settition For Secrat Exception

Le Roy Hebby, et At.

Jacobs of Posting FCB. 7 1976

Location of property Be6. 332 FROM THE ES OF FALLS RD. 475

N OF GREEN SPRING VALLEY RD.

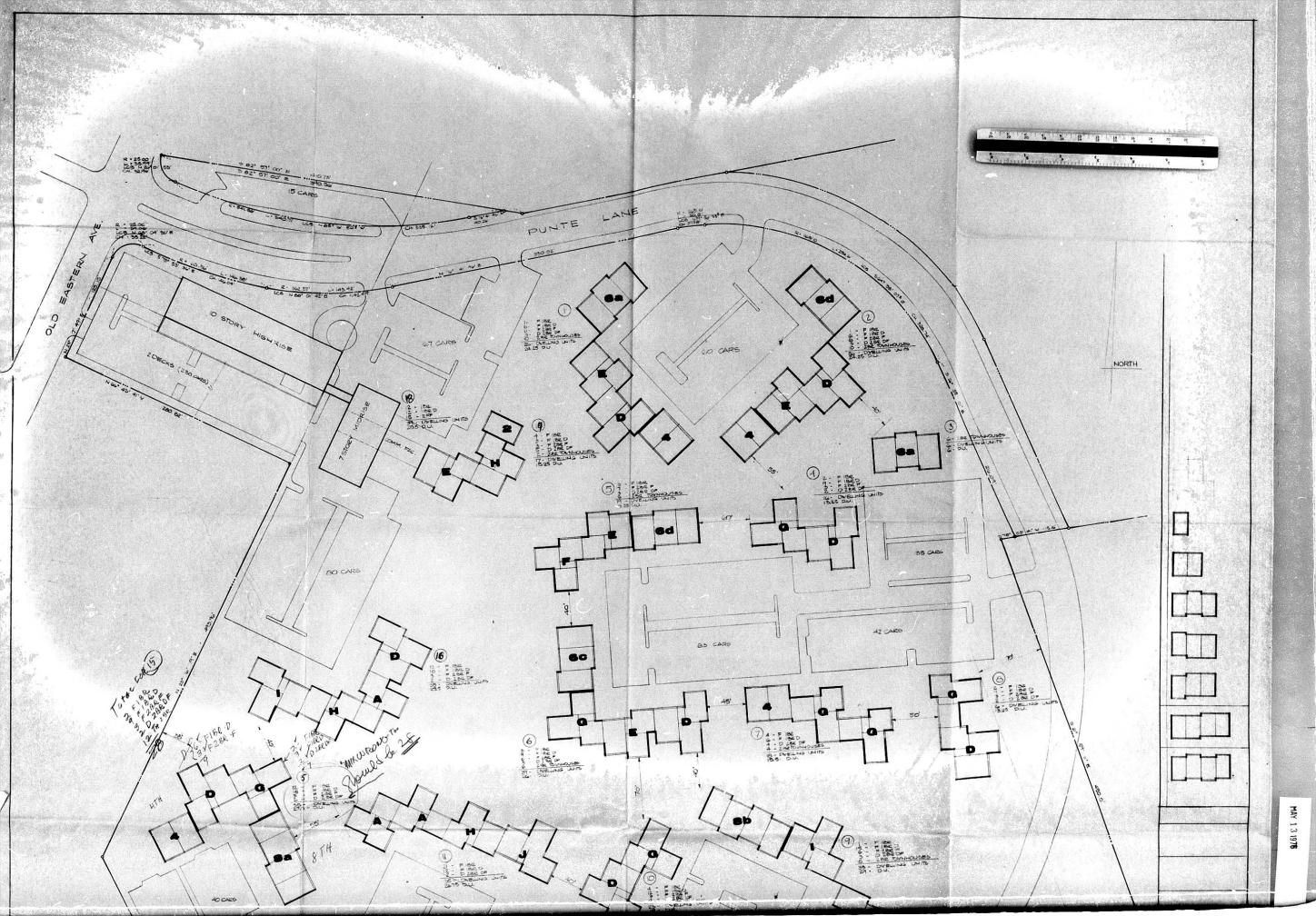
Location of Separation of FALLS Rd. 200 for N OF GREENSPRING WILL Y RD.

1. 500 for - F OF FALLS Rd. 200 for - N OF GREENSPRING WILL Y RD.

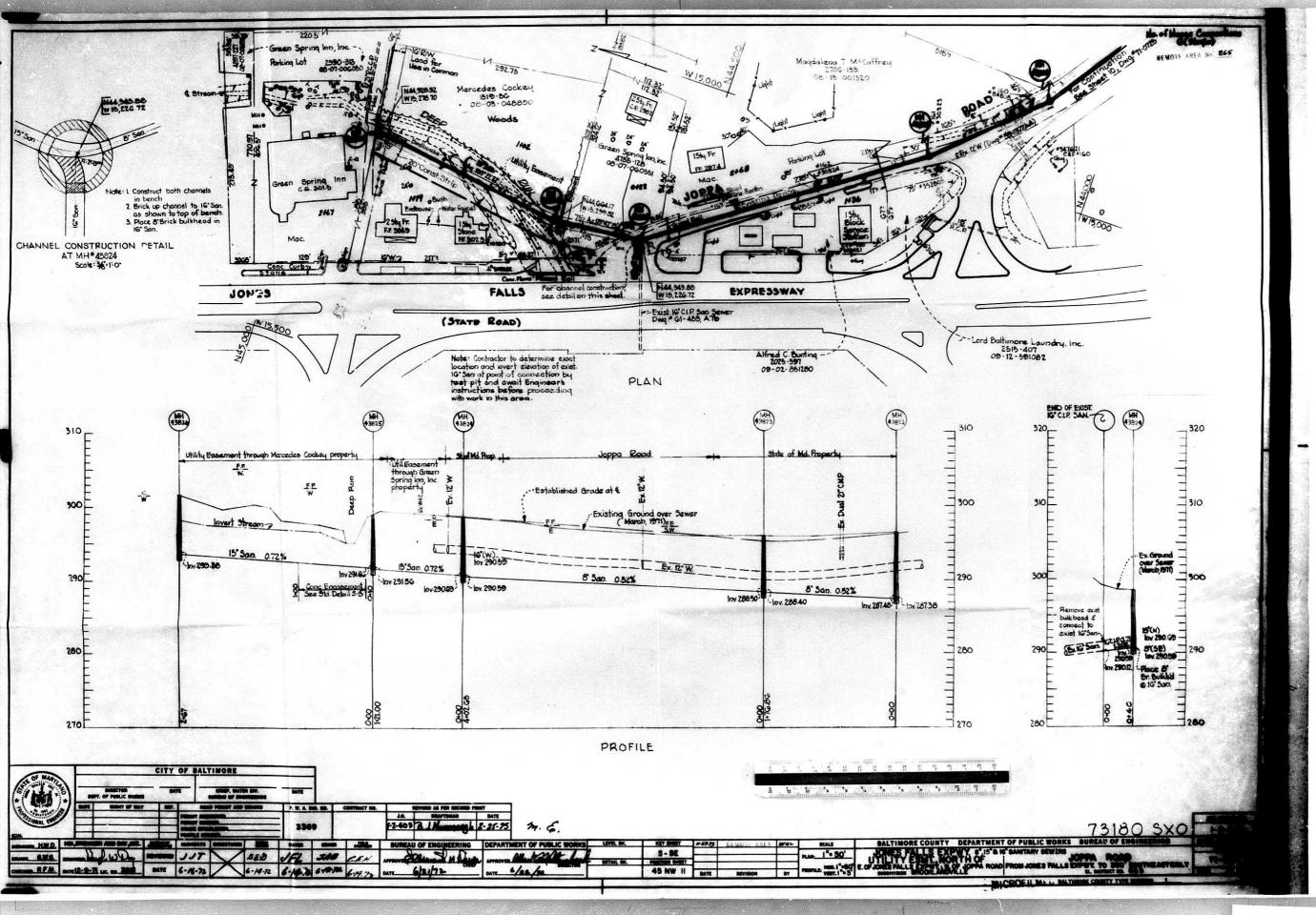
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(c) SESSON POPULATION OF S.R.C. SEWAGE TREATMENT PLANT.
(d) VELOCITY BASED ON PUPE PLOYING FULL

## BENCH MARKS (County Hubs)

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٠	•	No.	X-3126	-¥ Cut on S. Readwell on Joseph Read 200'+ W. of Telly-Re Read S.S'W. of E. End of Well	200.044
	•	No.	X-3110	-R.R. Table in Mes. on S.S. Jappe Read appealin & of White Manual Drive. Elex.	285.747
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