

76-361-XS# #191 **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, FRANCES HAUSER, legal owner, 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 N/A zone to an N/A zone, for the following reasons:

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 BUILDING, SWIMMING POOL, OR OTHER STRUCTURAL OR LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL OR EDUCATIONAL ACTIVITIES. 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, filing, 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, on the 21st day of June, 1976, at 10:00 o'clock.

Contract Purchaser Frances Hauser Legal Owner
Address 4002 Greenway
Baltimore, Md. 21218
Petitioner's Attorney James W. Byrnes, Jr. Protestor's Attorney James W. Byrnes, Jr.
Address 305 N. Chesapeake Avenue

ORDERED By the Zoning Commissioner of Baltimore County, this 20th day of May, 1976, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of June, 1976, at 10:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

76-361-XS# #191 **PETITION FOR SPECIAL HEARING**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, FRANCES HAUSER, legal owner, 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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the amendment of the Order of the Zoning Commissioner in Case No. 76-182-XS, dated 2/27/76, to include all those uses requested in the accompanying Special Exception petition for Community Bldg., swimming pool, or other structural or land uses devoted to civic, social, recreational, or educational activities.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of 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.

Contract Purchaser Frances Hauser Legal Owner
Address 4002 Greenway
Baltimore, Md. 21218
Petitioner's Attorney James W. Byrnes, Jr. Protestor's Attorney James W. Byrnes, Jr.
Address 305 N. Chesapeake Avenue

ORDERED By the Zoning Commissioner of Baltimore County, this 20th day of May, 1976, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of June, 1976, at 10:00 o'clock.

Zoning Commissioner of Baltimore County

(over)

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, FRANCES HAUSER, legal owner of the property situate in Baltimore County, the property outline of which is shown to scale, complete with required and optional 1/4" scale map, shown and approved under IDCA Application to file for a Special Exception.

EXCEPTION: WALDOLEIGH TO USE THE HEREIN DESCRIBED PROPERTY FOR CIVIC, SOCIAL, RECREATIONAL, EDUCATIONAL AND ARTISTIC ACTIVITIES

THE PROPERTY IS SUBMITTED FOR APPROVAL AS FOLLOWS:

GROSS SITE AREA 112.71 ACRES
GRAZING 0 % OF OVERALL SITE WILL REQUIRE GRAZING
BUILDING SIZE
GROUND FLOOR 38' x 128'8" and 12,875 sq. ft.
NUMBER OF FLOORS 2 TOTAL HEIGHT 40'
FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = 120.67

BUILDING USE
GROUND FLOOR CRESSING ROOMS OTHER FLOORS SUBMISSION AND CLASSROOM AREAS

REQUIRED NUMBER OF PARKING SPACES
GROUND FLOOR 0 OTHER FLOORS 0 TOTAL 43

PAVING
IN AREA OF SITE SHALL BE PROVIDED TO ACCOMMODATE REQUIRED PARKING SPACES 22,000 sq. ft. (15,480 sq. ft. required)

UTILITIES
WATER: CHUCK (PRIVATE, TYPE OF SYSTEM ACROSS WALL - 17 GALL. PER MIN.
SEWER: PUBLIC (PRIVATE, TYPE OF SYSTEM CHUCK - 17 GALL. PER MIN. EXISTING WITH ALTERN. DISTRIBUTION BOX AND 5 SEWERAGE LINES (1' x 12" x 10")

UNLESS OTHERWISE APPROVED

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CELESTY INTERNATIONAL
SPORTS EDUCATION, INC.
APPLICANT
4402 GREENWAY
BALTIMORE, MD. 21218
Phone 664-0405

THE PLANNING BOARD HAS DETERMINED ON 2-16-76 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SECTION 20-101 OF THE BALTIMORE COUNTY CODE.

DATE: 2-16-76 BY: James W. Byrnes, Jr.
ZONING AGENDA
RECEIVED

NOV 25 1971
OFFICE OF
PLANNING & ZONING

IDCA FORM NO. 2 REVISED 9-2-77

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OFFICE OF
PLANNING & ZONING

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

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

June 17, 1976

Franklin P. Byrnes, Jr.
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROAD COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

RE: Special Exception Petition

Item 191

Frances Hauser - Petitioner

Dear Mr. Byrnes:

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.

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 on the northeast side of Sparks Road, 2485 feet west of Carroll Road. The petitioner is requesting a Special Exception for a community building, swimming pool, for other civic, social, recreational, educational and artistic activities, as well as a Special Hearing to amend the previously granted Special Exception for this property for a day camp (Hearing Case #7-182-X).

The petitioner proposes to expand the membership of his existing operation to include not only children, but also adults. This request does not change the existing facilities on the property, except in the case of proposed tennis courts in addition to those existing.

The properties in the immediate area of the site are rural residential in character.

J. Norris Byrnes, Esq.

No: Item 191

June 17, 1976

Page 2

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,

FRANKLIN P. BYRNES, JR.

Chairman, Zoning Plans Advisory Committee

PMH:JD

cc: George William Stephens, Jr. and

P.O. Box 6828 Associates, Inc.

Towson, Maryland 21204

Baltimore County

111 N. Chesapeake Ave.

Towson, Maryland 21204

(301) 825-7310

Paul H. Reincke

Chief

Office of Planning and Zoning

Baltimore County Office Building

Towson, Maryland 21204

Attention: Mr. Jack Billon, Chairman

Zoning Advisory Committee

Re: Property Owner: Frances Hauser

Location: 2485 Sparks Road 2485' W Carroll Road

Item No. 191

Zoning Agenda

March 23, 1976

Gentlemen:

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

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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

() 3. The vehicle dead end condition shown at the site

EXCEEDED the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

() 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 "The Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

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

Reviewed: Paul H. Reincke Noted and

Planning Group Acting Deputy Chief

Special Inspection Division Fire Prevention Bureau

Baltimore County

Department of Public Works

111 N. Chesapeake Ave.

Towson, Maryland 21204

April 14, 1976

Mr. S. Eric Doherty,

Zoning Commissioner

County Office Building

Towson, Maryland 21204

Re: Item #191 (1975-1976)

Property Owner: Frances Hauser

N/ES Sparks Rd. 2485' W. Carroll Rd.

Existing Zoning: R.D.P.

Proposed Zoning: Special Exception for civic, social, recreational, educational and artistic activities.

Acres: 112.71 District: 8th

Dear Mr. Doherty:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item #191 (1975-1976) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #191 (1975-1976).

Very truly yours,

Eric Doherty

Chief, Bureau of Engineering

END: EAM: FNG: ER

DO-NE & SE Key Sheets

30 - 93 NW 2 & 3 Pos. Sheets

1M 23 & 24 A Top

28 & 34 Top Maps

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

May 3, 1976

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

Dear Mr. DiNenna:

Comments on Item #191, Zoning Advisory Committee Meeting, March 23, 1976, are as follows:

Property Owner: Frances Haussner
Location: NE/S Sparks Rd. 2485' W. Carroll Rd.
Existing Zoning: R.D.P.
Proposed Zoning: Special Exception for civic, social, recreational, educational and artistic activities.

Acres: 112.71
District: 8th

Since this site has an approved septic system and water well, no health hazard is anticipated.

Very truly yours,

Thomas H. Bevil
Thomas H. Bevil, Director
BUREAU OF ENVIRONMENTAL SERVICES

RJM:FB

STEPHEN E. COLLINS
DIRECTOR

April 26, 1976

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

Re: Item 191 - ZAC - March 23, 1976
Property Owner: Frances Haussner
Location: NE/S Sparks Rd. 2485' W. Carroll Road
Existing Zoning: R.D.P.
Proposed Zoning: Special exception for civic, social, recreational, educational and artistic activities.
Acres: 112.71
District: 8th

Dear Mr. DiNenna:

No major traffic engineering problem are anticipated by the requested expansion of the existing special exception for civic, social, recreational, educational and artistic activities.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF:BC

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: March 24, 1976

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

Z.A.C. Meeting of: March 23, 1976

Re: Item 191
Property Owner: Frances Haussner
Location: NE/S Sparks Rd. 2485' W. Carroll Rd.
Present Zoning: R.D.P.
Proposed Zoning: Special Exception for civic, social, recreational, educational and artistic activities.

District: 8th
No. Acres: 112.71

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Nick Petrich
W. Nick Petrich,
Field Representative.

NDP:nl

WILLIAM D. FROMM
DIRECTOR

April 13, 1976

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

Dear Mr. DiNenna:

Comments on Item 191, Zoning Advisory Committee Meeting, March 23, 1976, are as follows:

Property Owner: Frances Haussner
Location: NE/S Sparks Road 2485' W. Carroll Road
Existing Zoning: R.D.P.
Proposed Zoning: Special Exception for civic, social, recreational, educational and artistic activities
Acres: 112.71
District: 8th

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 bearing on this petition.

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

Very truly yours,

John L. Wimbly
John L. Wimbly
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Robert L. Gilland, Esquire, Date: September 21, 1976
County Board of Appeals
FROM: John W. Hession, III
People's Counsel
SUBJECT: FRANCES HAUSSNER - Case No. 76-261-XSPH

In accordance with your direction at the conclusion of the hearing, we have reviewed the possible impact of the "tennis facilities bill" on this petition, and have prepared our submission in the form of the attached Memorandum, with exhibits.

cc: J. Norris Byrnes, Esquire
J. Martin McDonough, Jr., Esquire
W. Lee Thoron, Esquire
Harris James George, Esquire

Item 191
Harris Byrnes, Esq.
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
305 N. Pennsylvania Avenue
Towson, Maryland 21204
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 22th day of May 1976.

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Frances Haussner
Petitioner's Attorney: J. Harris Byrnes
cc: George William Hession, Jr. and Associates, Inc.
P.O. Box 621
Towson, MD. 21204
Reviewed by: *Franklin P. Hession, Jr.*
Franklin P. Hession, Jr.
Chairman, Zoning Planning
Advisory Committee

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
PETITION FOR SPECIAL HEARING
NE side of Sparks Rd. 2485'
W of Carroll Rd., 10th District : OF BALTIMORE COUNTY

FRANCES HAUSSNER, Petitioner : Case No. 76-261-XSPH

MEMORANDUM

Bill No. 62-78 was passed by the County Council on July 3, 1978, and became effective on August 17, 1978. Commonly known as the "Tennis Facilities Bill," the provisions impact the so-called "community building" provision in the Baltimore County Zoning Regulations under which this Petition is brought.

This case reflects Petitioner's desire to expand the facilities beyond the scope authorized in 1973 (i.e., 73-182-XI). We assume that all of the facilities so authorized in 1973 are in place and are thus not jeopardized by Section 502.3, which imposes a limit on the life of a dormant authorization. Given this assumption, the presently authorized facility appears protected by Section 406A.6 of the Bill, which provides:

"Effort on previously granted special exceptions. Nothing herein above contained shall apply to any parcel of land for which a special exception has been granted under any previous ordinance or regulation by a final order of the Zoning Commissioner or the County Board of Appeals, as the case may be, or extension thereof, for the construction, maintenance, or operation of a tennis court or courts."

The Board's present inquiry is therefore focused on the proposed expansion of the presently authorized facilities. The Petitioner's property is bisected by a zone line, part being in an R.C. 2 zone, the balance being in an R.C. 4 category. The facilities, both those present and those contemplated, are located in that portion of the parcel lying in the R.C. 2 zone, although, in the event, the new regulation applies with equal vigor to both zones, and the category thus becomes a secondary consideration,

- 2 -

Section 1A01.2.C.7, applicable to the R.C. 2 zone, and under which Petitioner is proceeding, now reads:

"Community buildings, swimming pools, or other uses of a civic, social, recreation or educational nature, including tennis facilities, provided that no tennis facility shall comprise more than 4 courts (see Section 406A). (New matter underlined)"

Section 1A01.3.B.3, applicable to R.C. 4 zones, reads similarly except that it also permits "picnic grounds."

Section 101 of the Regulations now includes the definition of a "tennis facility" as:

"A single court, or 2 or more adjoining courts on a single lot, for playing tennis, paddleball, handball, squash, jai alai, or other, similar games or sports."

Section 406A.1 then restricts the proprietary entity for a tennis facility to a homes or residents' association, a neighborhood improvement association, or a neighborhood tennis club. These terms are defined in the new Regulations; since the record in this case clearly shows that the Petitioner's tenant is a commercial enterprise, obviously not within those terms, no further explanation would appear necessary to suggest that Petitioner's tenant is not qualify as a suitable applicant for expansion under the new Regulation.

The second impediment to the Petition is that Petitioner's Exhibit No. 1, the plat, clearly shows the presence of three (3) existing tennis courts and two (2) paddle tennis courts, for the total of five (5), which tallies one (1) more than the now permissible four (4) in either of the R.C. zones.

It thus appears that the Petitioner fails to qualify under the new Regulation and that the proposal itself exceeds the permissible limit for expansion by Petition. A copy of both the Bill and of the Planning Board Report upon which the County Council's action was based is attached hereto.

Rec'd 4-22-78
11:40 AM

The new Regulations inhibit only that portion of the Petitioner's proposal dealing with tennis facilities, as defined, and in our view have no impact on the Board's consideration of the remaining features thereof under the standards established in Section 502.1.

Respectfully submitted,

John W. Heslon, III
John W. Heslon, III
People's Counsel

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY THAT on this 24th day of September, 1978, a copy of the foregoing Memorandum and attachments was mailed to J. Norris Byrnes, Esquire, 305 W. Pennsylvania Avenue, Towson, Maryland 21204; J. Martin McDonough, Jr., Esquire, 1011 Fidelity Building, Baltimore, Maryland 21201; W. Lee Thomas, Esquire, 409 Washington Avenue, Suite 314, Towson, Maryland 21204; and Harris James George, Esquire, 905 Mercantile Towson Building, Towson, Maryland 21204.

John W. Heslon, III
John W. Heslon, III

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1978, Legislative Day No. 16
BILL NO. 62-78

Mr. Murphy, Councilman

By the County Council, June 5, 1978

A BILL
ENTITLED

ORDINANCE to specially provide for tennis and similar facilities in residential zones, by repealing and re-enacting with amendments, the definition of "open space, common" of Section 101 and subsections 1A01.2.C.7, 1A02.2.B.7, 1A03.3.B.3, 1A04.2.B.5, 1B01.1.C.6, of the Baltimore County Zoning Regulations and by adding the definition of country club and tennis facilities to Section 101, Section 406A and subsections 406A.1, 406A.2, 406A.3, 406A.4, 406A.5, and 406A.6 thereto.

WHEREAS, the County Council has received a final report from the Baltimore County Planning Board and has held a public hearing thereon recommending the adoption of legislation regarding tennis and similar facilities in residential zones; and WHEREAS, the County Council has determined that the adoption of the legislation referred to herein is in the best interests of the citizens of Baltimore County and that it affects the health, safety, morals and general welfare of its citizens; now therefore

SECTION 1. Be it ordained by the County Council of Baltimore County, Maryland, that the definition of "open space, common" of Section 101 and subsections 1A01.2.C.7, 1A02.2.B.7, 1A03.3.B.3, 1A04.2.B.5 and 1B01.1.C.6 of the Baltimore County Zoning Regulations be and they are hereby repealed and re-enacted with amendments, to read as follows:

Sec. 101.

Open space, common: Local open space, public parks, or other amenity open space, including such recreational facilities as are customarily found in public parks, reserved for public use and enjoyment, whether privately owned or owned by the County, State, or Federal government or other agencies. Upon the adoption of appropriate

- standards pursuant to the authority of Section 504, nontidal streams and lakes and
2. other nontidal watercourses or bodies of water lying within, lying partially within,
3. or abutting common-open space land areas are to be considered part of the common open
4. space to the extent permitted under those standards.
5. 1A01.2.C.7 Community buildings, swimming pools, or other uses of a civic, social,
6. recreational, or educational nature, including tennis facilities, provided that no
7. tennis facility shall comprise more than 4 courts (see Section 406A).
8. 1A02.2.B.7 Community buildings, swimming pools, or other uses of a civic, social,
9. recreational, or educational nature, including tennis facilities, provided that no
10. tennis facility shall comprise more than 4 courts (see Section 406A).
11. 1A03.3.B.3 Community buildings, swimming pools, or other [structural or land]
12. uses [devoted to] of a civic, social, recreational, or educational [activities]
13. nature, including picnic grounds and tennis facilities, provided that no tennis facility
14. shall comprise more than 4 courts (see Section 406A).
15. 1A04.2.B.5 Community buildings, swimming pools, or other uses of a civic, social,
16. recreational, or educational nature, including tennis facilities, provided that no
17. tennis facility shall comprise more than 4 courts (see Section 406A).
18. 1B01.1.C.6 Community buildings, swimming pools, commercial beaches, golf courses,
19. country clubs, or other [similar civic, social, recreational, or educational uses,
20. including tennis facilities, provided that no tennis facility in a D.R. 1 or D.R. 2 zone
21. shall comprise more than 4 courts and no tennis facility in a D.R. 3.5, D.R. 5.5, D.R. 10,
22. or D.R. 16 zone shall comprise more than 6 courts (see Section 406A).
23. SECTION 2. Be it further ordained, that the definitions of country club and tennis
24. facilities are added to Section 101 and subsections 406A.1, 406A.2, 406A.3, 406A.4,
25. 406A.5 and 406A.6 are hereby added to the Baltimore County Zoning Regulations, to read
26. as follows:
27. Sec. 101
28. Country club: A 9- or 18-hole golf course with a clubhouse and other appropriate
29. facilities, which may include other recreational facilities (see Section 406A).
30. Tennis facility: A single court, or 2 or more adjoining courts on a single lot.

-2-

or playing tennis, paddleball, handball, squash, jai alai, or other, similar games or sports.

Section 406A - TENNIS FACILITIES

- 406A.1 - A tennis facility may be established as a principal use in an R.C. or D.R. zone only if it is owned by a homes or residents' association, as defined in the Comprehensive Manual of Development Policies adopted pursuant to Section 504 of these Regulations, by a neighborhood improvement association, or by a neighborhood tennis club. For the purposes of this subsection, a "neighborhood improvement association" is an incorporated association, the purpose of which is to promote the common good and general welfare of its members, who reside within the association's boundaries as defined in its charter or bylaws; a "neighborhood tennis club" is a non-profit incorporated association, the purpose of which is to own or maintain a tennis facility for the exclusive use of its members and non-paying guests and having a majority of the club's members residing or employed within the neighborhood.
- 406A.2 - No tennis facility established in conjunction with a 9-hole country club shall comprise more than 8 courts, and no tennis facility established in conjunction with an 18-hole country club shall comprise more than 12 courts. THESE COUNTRY CLUBS IN EXISTENCE AS OF JULY 1, 1970 SHALL NOT BE LIMITED IN THEIR ABILITY TO CONSTRUCT ADDITIONAL TENNIS FACILITIES PROVIDED THAT THEY COMPLY WITH ALL SITE AND SETBACK REQUIREMENTS AS ESTABLISHED IN SECTION 406A.1 THROUGH SECTION 406A.6 OF THIS BILL.
- 406A.3 - Site Area Distance to Residential Site Boundaries. The area of the site of any tennis facility shall be at least 15,000 square feet per court. No tennis facility shall be established within 100 feet of any site boundary line of an R.C. or D.R. zoned property, and no variance in the requirements may be granted under the provisions of Section 307 of these regulations.
- 406A.4 - Parking. Parking spaces shall be provided on the site of a tennis facility at a rate of not less than 2 nor more than 4 spaces per court. In considering a petition for a special exception for a tennis facility, the Zoning Commissioner, in addition to making the determinations required by Subsection 502.1, shall consider whether the proposed facility would create additional on-street parking in the neighborhood.
- 406A.5 - Appearance; Miscellaneous Provisions.
- A. General Design. The Zoning Commissioner may require any changes in building

-3-

FINAL Report of the
Baltimore County Planning Board
Adopted December 15, 1977

PROPOSED AMENDMENTS TO THE
BALTIMORE COUNTY ZONING REGULATIONS:
TENNIS FACILITIES IN RESIDENTIAL ZONES

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS:
TENNIS FACILITIES IN RESIDENTIAL ZONES

A Final Report of the Baltimore County Planning Board*

- DISCUSSION With the continually increasing popularity of tennis and similar games, facilities for playing are becoming ever larger and more numerous. A large tennis barn or open multiple-court facility is likely to attract players from far beyond the neighborhood it supposedly serves, creating traffic congestion, noise, and other impacts totally out of character with its residential environment.
- The Zoning Regulations furnish no guides for dealing with these facilities. Currently, the regulations allow the following by special exception in all D.R. zones:
- Community buildings, swimming pools, commercial beaches, golf courses[s], country clubs, or other, similar civic, social, recreational, or educational uses [Item 1B01.1.C.6].
- No special restrictions are offered for any of these uses to ensure their compatibility with nearby residences, and equally general provisions are included in the listings of uses permitted by special exception in the various R.C. zones. Because the provisions are so broadly worded, there is a continuing danger that the establishment of inappropriate uses will be authorized.
- The recommendations contained in this report would address this problem by instituting restrictions applicable to recreation facilities in R.C. and D.R. zones. These restrictions, embodied in a proposed new section of the "Special Regulations," are intended to ensure that new facilities will be appropriate to the neighborhoods in which they are situated. The Planning Board feels that recreational facilities should be so located and of such size that a significant proportion of their users can walk to them. Opportunities for recreation should be accessible to people without the necessity for long automobile trips.
- RECOMMENDATIONS It is recommended that the Baltimore County Zoning Regulations 195, as amended, be further amended as set forth below.
1. Insert the following terms and definitions in Section 101, in alphabetical order:
Country club: A 9- or 18-hole golf course with a clubhouse and other appropriate facilities, which may include other recreational facilities (see Section 406A).
 - Tennis facility: A single court, or 2 or more adjoining courts on a single lot, for playing tennis, paddleball, handball, squash, jai alai, or other, similar games or sports.

*Adopted December 15, 1977

Published by the Baltimore County Office of Planning and Zoning
Towson, Maryland 21204
Printed by Central Reproduction Services Division
Baltimore County Office of Central Services
December, 1977

Baltimore County Office of Planning and Zoning
Towson, Maryland

or site design which would make the facility more compatible with its surroundings or more attractive.

B. Any practice board provided shall be constructed of masonry or other sound-absorbing material and shall be designed to minimize noise.

C. The Zoning Commissioner shall stipulate the hours of operation of a tennis facility as a condition for granting a special exception necessary for its establishment.

D. Landscaping.

1. At least 15 percent of the total area of the site of any tennis facility shall be landscaped.

2. Landscaping shall include trees of substantial size. Until specific regulations concerning landscaping are developed, the Director of Planning may specify the types and placement of trees to be used in landscaping.

3. Plantings shall be well maintained and shall be replaced as necessary.

E. Lighting. All lighting shall be of such a size and so arranged and shielded as to prevent direct or reflected glare onto any portion of any adjacent roadway, into the path of oncoming vehicles, or onto any portion of adjoining residential properties.

406A.6 - Effect on previously granted special exceptions. Nothing herein above contained shall apply to any parcel of land for which a special exception has been granted under any previous ordinance or regulation by a final order of the Zoning Commissioner or the County Board of Appeals, as the case may be, or extension thereof, for the construction, maintenance, or operation of a tennis court or courts.

SECTION 3. And be it further ordained, that this ordinance shall take effect forty-five days after its enactment.

2. Amend the definition of "Open space, common" in Section 101 as follows, by adding the underscored material:

Open space, common: Local open space, public parks, or other amenity open space, including such recreational facilities as are customarily found in public parks, reserved for public use and enjoyment, whether privately owned or owned by the County, State, or Federal government or other agencies. Upon the adoption of appropriate standards pursuant to the authority of Section 504, non-tidal streams and lakes and other nontidal watercourses or bodies of water lying within, lying partially within, or abutting common-open space land areas are to be considered part of the common open space to the extent permitted under those standards.

3. Revise Item 1A01.2.C.7 as follows, by adding the underscored material:

7. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature, including tennis facilities, provided that no tennis facility shall comprise more than 4 courts (see Section 406A).

4. Revise Item 1A02.2.B.7 as follows, by adding the underscored material:

7. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature, including tennis facilities, provided that no tennis facility shall comprise more than 4 courts (see Section 406A).

5. Revise Item 1A03.1.B.3 to read as follows:

3. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature, including picnic grounds and tennis facilities, provided that no tennis facility shall comprise more than 4 courts (see Section 406A).

6. Revise Item 1A04.2.B.5 as follows, by adding the underscored material:

5. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature, including tennis facilities, provided that no tennis facility shall comprise more than 4 courts (see Section 406A).

7. Revise Item 1B01.1.C.6 as follows, by adding the underscored material:

6. Community buildings, swimming pools, commercial beaches, golf courses, country clubs, or other similar civic, social, recreational, or educational uses, including tennis facilities, provided that no tennis facility in a D.R. 1 or D.R. 2 zone shall comprise more than 4 courts and no tennis facility in a D.R. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 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962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

-2-

must determine, therefore, that the granting of the special exception will not:

- Be detrimental to the health, safety or the general welfare of the locality involved;
 - Tend to create congestion in roads, streets or alleys therein;
 - Create a potential hazard from fire, panic or other damage;
 - Tend to overcrowd land and cause undue concentration of population;
 - Interfere with adequate provisions for schools, parks, water sewage, transportation or other public requirements, conveniences or improvements.
 - Interfere with adequate light and air.
- It is clear from the testimony that the granting of the special exception would not violate the provisions of 502.1 a., c., d., or f.

It is uncontradicted in the evidence that there is a need in the community, both locally and on a statewide basis, for adult physical education facilities. It is also uncontradicted that Mr. Gerstung is an expert in his field and runs an orderly and successful day camp.

The protestants readily admitted that up to date, they had no complaint with the way the camp is presently operated. Their objections are directed to the increase in hours of the camp from 8:00 in the morning to 10:00 in the evening and from 4:00 in the afternoon to 10:00 in the evening.

-2-

8. In Article 4, insert the following new section immediately after Section 406:

Section 406A—TENNIS FACILITIES

406A.1—A tennis facility may be established as a principal use in an R.C. or D.R. zone only if it is owned by a home or residents' association, as defined in the Comprehensive Manual of Development Policies adopted pursuant to Section 504 of these Regulations, or by a neighborhood improvement association. For the purposes of this subsection, a "neighborhood improvement association" is an incorporated association, the purpose of which is to promote the common good and general welfare of its members, who reside within the association's boundaries as defined in its charter or bylaws.

406A.2—No tennis facility established in conjunction with a 9-hole country club shall comprise more than 8 courts, and no tennis facility established in conjunction with an 18-hole country club shall comprise more than 12 courts.

406A.3—Site Area Distance to Residential Site Boundaries. The area of the site of any tennis facility shall be at least 15,000 square feet per court.

No tennis facility shall be established within 100 feet of any site boundary line of an R.C. or D.R. zoned property.

406A.4—Parking. Parking spaces shall be provided on the site of a tennis facility at a rate of not less than 2 nor more than 4 spaces per court. In considering a petition for a special exception for a tennis facility, the Zoning Commissioner, in addition to making the determinations required by Subsection 502.1, shall consider whether the proposed facility would create additional on-street parking in the neighborhood.

406A.5—Appearance; Miscellaneous Provisions.

A. General Design. The Zoning Commissioner may require any changes in building or site design which would make the facility more compatible with its surroundings or more attractive.

B. Any practice board provided shall be constructed of masonry or other sound-absorbing material and shall be designed to minimize noise.

C. The Zoning Commissioner shall stipulate the hours of operation of a tennis facility as a condition for granting a special exception necessary for its establishment.

D. Landscaping.

1. At least 15 percent of the total area of the site of any tennis facility shall be landscaped.

2. Landscaping shall include trees of substantial size. Until specific regulations concerning landscaping.

-3-

There was much ado made about the question of traffic.

Richard Moore, a member of the Baltimore County Department of Traffic Engineering, testified on behalf of the Petitioner. He was not hired by the Petitioner but had come to his conclusions serving as a public official. He testified that there was no major traffic problem connected with the requested expansion of the facilities. In reaching his conclusion he considered the Application, visited the site, talked with Mr. Gerstung and concluded that as long as there were no more than two hundred fifty (250) persons on the property at any one time, there would be no problem.

He further testified that the roads were adequate and that although he did not encounter any farm equipment on the day he visited the property, he considered that one would from time to time run into such equipment in the area. Mr. Gerstung emphasized several times in his testimony that there would never be more than one hundred seventy-five (175) persons on the premises at any one time and quite candidly admitted that in the early morning hours from 8:00 to 10:00 he hoped to get from forty (40) to fifty (50) people there at the most.

There was additional testimony that the roads were safe and adequate for those people who presently live in the area and that the speed of the vehicles are well within the speed limit. There was no testimony that the use of the property as a day camp had caused any traffic problems either through congestion or danger. As a matter of fact, there was no testimony whatever that the granting of this Application would create congestion in the roadway.

-3-

scaping are developed, the Director of Planning may specify the types and placement of trees to be used in landscaping.

3. Plantings shall be well maintained and shall be replaced as necessary.

E. Lighting. All lighting shall be of such a size and so arranged and shielded as to prevent direct or reflected glare onto any portion of any adjacent motorway, into the path of oncoming vehicles, or onto any portion of adjoining residential properties.

PETITIONER'S MEMORANDUM

At the outset, it should be borne in mind that Petitioner is presently operating a day camp on the subject property under authority of an Order of the Deputy Zoning Commissioner dated February 27, 1973 in case no. 73-162-X. This use was granted without any objection by the community.

Petitioner now seeks merely to expand the exception to include the hours of 8:00 in the morning until 10:00 in the morning and from 4:00 in the afternoon until 10:00 in the evening. In addition, Petitioner seeks to include adult education programs for civic, social, recreational and educational activities.

The property is presently zoned RC4 with a portion zoned RC2. The requested uses are permitted as a special exception. Thus, the zoning authorities have conceded that the uses are proper uses of the land, "but have certain aspects which call for special consideration..." Baltimore County Regulations, Section 502.

In granting a special exception, this Board is required to determine that the granting of the exception will not violate the provisions of Section 502.1 of the Zoning Regulations. It

-4-

The Court of Appeals has had occasion to discuss the impact of traffic on a request for a special exception.

In Gow v. Atlantic Richfield Co., 27 Md. App. 410, 417 (1975):

"We recognize that traffic impact is a sufficient basis to deny a zoning application, including an application for a special exception. Templeton v. County Council, 21 Md. App. 636, 321 A. 2d 778 (1974); Templeton v. Board of Zoning Appeals, 212 Md. 6, 126 A. 2d 256 (1956); Hardisty v. Zoning Board, 211 Md. 172, 126 A. 2d 621 (1956). But traffic impact on an application for a special exception ought to be measured against that which could arise under permissible use, and not merely on existing traffic loads around the undeveloped premises. Where, as here, the potential volume of traffic under the requested use would appear to be no greater than that which would arise from permitted uses, we believe it arbitrary, capricious and illegal to deny the application for special exception on vehicular traffic grounds."

It is obvious from the testimony that the peak hours of the camp will be during the summer daylight hours. The children who attend the day camp are presently brought to the site by minibuses. The additional traffic which would be generated, therefore, would be minimal. In addition, it should be pointed out that there are uses which are permitted as a matter of right in the RC zone which could easily generate more traffic than the proposed use. Miller v. Kiwanis Club of Loch Raven, 29 Md. App. 285 (1975).

There was contradictory testimony as to the number of people the septic system which is presently installed on the premises would adequately handle. It is submitted at the outset

-4-

that this issue is a red herring. Notwithstanding the granting of the special exception, Petitioner would still need approval from the Baltimore County Health Department in order to proceed with the expanded use.

James Petrica testified for the Petitioner. His testimony was that after discussing the situation with Mr. Gerstung and familiarizing himself with the proposal, he felt that the system that was presently installed would easily handle two hundred seventy (270) persons. He took into account that some people would arrive early and leave and others would follow in their footsteps and leave on through the day until the early evening hours. It was his opinion that the system is quite adequate to handle the use proposed by the Petitioner.

There was also evidence that the Baltimore County Health Department had recently inspected the system and that it was operating in a more than adequate manner. This test was conducted during the peak hours of the day camp. In short, there is no evidence that the system which is presently installed on the premises cannot handle the needs of the proposed use, nor is there any evidence that the system could not be expanded if, in fact, such a need arose. To deny the Petition under these circumstances would be to do so on mere speculative ground. Montgomery County v. Merlands Club, 202 Md. 279 (1953).

The testimony is clear that the property is located in a rural area not only far from the maddening crowd but also a substantial distance from most of the neighbors. The site of the camp is located in a hollow, and is thus shielded to a large degree by the topography of the land. Although there was testimony from several neighbors that they did not want the use

-5-

expanded, there was no probative testimony that the expanded use would have any detrimental effect on the neighborhood.

The Court of Appeals has held in Rockville Fuel and Feed Company v. Board of Appeals of the City of Gaithersburg, 257 Md. 183 at 187:

"If [Petitioner] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely effect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and use is, of course, material but if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the functioning of the comprehensive plan, a denial of an Application for a Special Exception is arbitrary, capricious and illegal."

One final item was raised at the conclusion of all of the evidence by People's Counsel. The County Council of Baltimore County passed a Bill, no. 62-78, which deals with the implementation of tennis and similar facilities in residential zones. It is submitted that the Bill seeks to prohibit the building of tennis barns and similar facilities in residential areas. That is not applicable to the present situation.

Notwithstanding this, if, in fact the law is applicable to the instant situation, then it should be dealt with by the appropriate County authorities. It certainly should not be determinative as to whether or not the requested use should be granted.

-6-

Petitioner believes that he has fully met his burden and that the denial of the requested expansion of the use by this Board would be arbitrary, capricious and illegal.

Respectfully submitted,
J. Morris Byrnes
J. Morris Byrnes
Attorney for Petitioner

I HEREBY CERTIFY that a copy of the foregoing Petitioner's Memorandum was mailed this 2nd day of November, 1978 to W. Lee Thomas, Esquire, 409 Washington Avenue, Suite 314, Towson, Maryland 21204; Harris J. George, Esquire, 102 West Pennsylvania Avenue, 507 Alex. Brown & Sons Building, Towson, Maryland 21204; John W. Heslian, III, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204 and to J. Martin McDonough, Jr., Esquire, 1011 Fidelity Building, Baltimore, Maryland 21201.

J. Morris Byrnes
J. Morris Byrnes

-7-

Petition For Special
Exception and
Special Hearing
NE/S of Sparks Road,
2485' W of Carroll Road
10th Election District
Frances Hausner -
Petitioner
NO. 76-261-KSPH
(Item No. 191)

BEFORE THE
BALTIMORE COUNTY
BOARD OF APPEALS

PROTESTANTS' BRIEF

This Brief is submitted to the Baltimore County Board of Appeals on behalf of Milton J. Dance, Jr., et al, Protestants in the above matter.

1. What is Requested by Petitioner?

In order to properly consider whether or not the proposal advanced by the property owner and lessee will contravene the provisions of Section 502.1 of the Baltimore County Zoning Regulations, it is first necessary to establish (1) what use of the land is now being requested and how does such use differ from the use of the land allowed by the February 27, 1973 grant of special exception; and (2) what is the maximum population that could be expected under the Petitioner's present proposal.

As to the difference in use requested from the 1973 grant of special exception, the following table illustrates the extensive nature of such difference:

	As Allowed By the 1973 Order	As Now Requested
Hours of Operation	10:00 a.m. to 4:00 p.m.	8:00 a.m. to 10:00 p.m.
Days of Operation	Monday through Friday	Seven days a week
Season of Operation	Summer only	Year long
Supervision	One adult counselor for each 6 children	Unknown
Means of Transportation	Vehicles supplied by the camp	Private transportation whether bus or auto- the responsibility of attendees

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As Allowed By
the 1973 Order

As Now Requested

Parking	44 spaces	57 spaces
Uses	Day camp for children	Community building, social, recreation education or artistic activities, indoor & outdoor recreational uses, classes, public sports uses
Plant	3 tennis courts, 2 swimming pools	6 tennis courts, 2 saddle ball courts, 2 swimming pools, outdoor gym, indoor gym, play areas
Clientele	children only	Children and adults
Potential number of Users	100 to 300 children	850 - 1,000 children and adults on any particular day
Sewerage Disposal	Septic tanks - 4,000 gal. total seepage pits - 5	No change

From the above, it is apparent that the Petitioner's present request is not merely an extension of what has previously been granted but is a completely different use than that proposed in 1973 and presently allowed by the 1973 grant of special exception. A day camp for children is to become a "country club" type of facility for children and adults.

2. How Many Persons Can Be Expected to Use the Proposed New Facility?

A vital point to consider is the number of persons expected to use the facility if the Petitioner's request is granted. We can look only to the operator, Mr. Gerstung, and his testimony in determining such number. Only he can tell the Board his intentions and hopes for the country club. Mr. Gerstung, in his testimony, was less than consistent. For example, he stated at different points in the record that (i) between 8:00 a.m. and 10:00 a.m., he would have 20 students and 30 tennis players, and (ii) he would have only 30 people on the premises during that

-2-

8:00 a.m. to 10:00 a.m. segment and (iii) he would have 50 customers during that 8:00 a.m. to 10:00 a.m. period and an undetermined number of counselors and support personnel. His testimony was also inconsistent in explaining to the Board the number of people expected in each two-hour segment between 10:00 a.m. and 8:00 p.m. At one point, he stated that 150 people would be present during each segment, at another point, 175 people would be present at each segment and at another point, that he could have up to 25 classes with "six to ten people per class," which means between 150 and 250 people and in addition to adults attending class during certain of the two-hour segments, children would also be on the premises for general day camp activities.

In view of this uncertainty, all of it stemming from Mr. Gerstung's testimony, we believe and contend that we are justified in reviewing his testimony as to the number of people expected on any given day during any given time period and attempting ourselves to determine the exact number that Mr. Gerstung hopes to attract to his new facility.

In response to a direct question on cross-examination, "You say you are going to have 175 people as a maximum?" (at any one time), he answered "that is right." In response to a further question on cross-examination, "... You want no more than 175 people and instructors on the property at a given time?", he answered "I am saying that." In response to yet another question on cross-examination, "... You are saying this is going to have a maximum of 175 people on the property at one given time. That does not mean that you are going to have 175 people, the same 175 people there all day long...?", he answered "that is right." Taking into account the specific answers given by Mr. Gerstung and taking into account further his division of the operating day into two-hour segments, it is apparent that there could be 175 people on the premises during each of the even two-hour segments and, although his further testimony indicates that approximately 20 of those on the premises might be staff and support personnel, the remainder would all be customers. It is also important to note that the customers would be different individuals during each of the two-hour

-3-

segments and that in the case of children, at least, they would be transported to the site by parents or others who might remain for a period of time. It is easily apparent, therefore, that at least 1,085 individuals (155 per segment times 7 segments) could use the camp facilities on a particular day and that there could be anywhere from 20 to 140 different counselors, supervisors or support personnel using the facilities on a particular day. These are the numbers which must be considered in determining whether or not the proposed use of the facility would be detrimental to the health, safety or general welfare of the community, would tend to create congestion in roads, would tend to overcrowd the land and would interfere with adequate provisions for sewerage requirements mandated by Section 502.1.

3. Has Section 502.1 Been Satisfied?

A. Burden of Proof

It is axiomatic that a Petitioner bears the burden of proving to the Board that the requirements of Section 502 would be met were the Petition granted. This burden has not been met. In certain instances the Petitioner made no attempt to meet his burden and, in those instances where such an attempt was made, the attempt failed inasmuch as the data on which the conclusions of Petitioner's witnesses were based was faulty.

B. Traffic

We know that Mr. Moore of the Baltimore County Department of Traffic stated that, in his opinion, use of the facility by 150 persons would not present a traffic hazard. Mr. Moore, however, was given and used faulty figures. The record is clear that he was under the impression that there would be a total of 150 people using the facility on any one day and, using his trip ratio of 2.5 for each person, the resulting 375 trips per day did not cause him concern. Petitioner's Exhibit B from Mr. Moore's Department is incontestable proof as to his use of faulty trip per day figures. That Exhibit also evidences his support of the 2.5 trip ratio. We do not and never will know what Mr. Moore's testimony would have been had he realized that there could be 1,085 customers using the facility on a given day and anywhere from 20 to 140 counselors and support personnel using the facility on a given day, the combination of users being between 1,105 and 1,225. Using the trip ratio established by Mr. Moore, this could

mean between 2,762 and 3,062 traffic movements on a particular day. We contend that it is not only possible but virtually a certainty that Mr. Moore's testimony would have been appreciably different had he been given by the Petitioner the correct figure of those expected to use the facility rather than being led to believe that there would be 150 people only on any given day. We do not fault Mr. Moore for his logic, but his information and facts were completely erroneous and thus his testimony must be disregarded.

The Petitioner, on the other hand, presented an eminently qualified independent traffic expert, Mr. Robert Morris. His qualifications, including education, experience, membership in professional organizations, lecturing activities at universities and his previous testimony as an expert witness in over 15 States, are extremely impressive and must lend great weight to his testimony. Mr. Morris did many things that the Petitioner neglected to do. He studied carefully the area road conditions, the means of access into the community, the present users of the community roads, and average speeds possible. Only then did he reach his unqualified opinion that if Petitioner were allowed to use the property as requested, grave traffic hazards would result. He informed the Board that the bridges which provide the only access into the community are respectively 14, 15 and 16 feet wide and that all must be considered one-lane bridges where it is unsafe to have automobiles pass on the bridge. Two of the bridges are, in fact, so posted. He further testified as to the weight limitations on certain of the bridges and to the fact that busses attempting to use such bridges would risk the collapse of the structure. He further testified that Sparks Road, which the Petitioner has described as the main access road, is only 18 feet wide, is without shoulders and, along most of its extent, has deep ditches on both sides. He stated categorically that the minimum acceptable width by ADT and all other standards for such roads is 20 feet wide and that the minimum width of level shoulders for a two-lane rural highway is four feet for each shoulder. Sparks Road falls in all categories. He further testified as to the location of numerous culverts 2 feet or more high immediately adjacent to the paved portion of the area roads and testified as to the grave

W LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-286-1177
286-6177

-5-

danger presented by such culverts, especially to those not familiar with the region and without specific knowledge as to culvert locations. His testimony, buttressed by Protestants' Exhibit D, the aerial photograph, and Protestants' Exhibits C1 through C30, the photographs of actual road conditions, should make it apparent that the twists and turns of the area roads, the vertical drops or bumps, the lack of shoulders, the deficiencies in sight distance, the presence of deep ditches on either side of the road immediately next to the paved portion and the poor overall condition of the road make it imperative to keep traffic in the area at a minimum. He added to his testimony as to hazards by telling us that farm equipment necessarily uses the area roadways, and, in view of the twists and turns and hills encountered, the situation presents a clear and present danger to those users unfamiliar with the roads. His opinion finally was that granting of the Petition would definitely adversely affect area traffic and that there would be exceedingly hazardous conditions unless and until the area roads were brought up to minimum accepted standards.

No attempt was made to refute Mr. Morris' testimony or his conclusions. The only evidence before this Board from others consists of testimony from area residents which confirm his observations and his conclusions and testimony from Mr. Bernard Willemain, a site planner and planning expert, who not only confirmed the testimony of Mr. Morris, but added his own observations as to the hazardous conditions to be expected if the Petition were granted.

C. Detriment to Health, Safety and General Welfare.

As to the general effect on the community if the Petition were granted, the Board has heard from several area residents including those residing on the north, east and west of Petitioner's property. Mr. Milton J. Dance, Jr. testified as to the scope and extent of his horse breeding operation and his fears of danger not only to his peace and general well-being, but to his property. Mr. Sharp testified as to similar fears and added that his property immediately abutting Petitioner's property is a regulated shooting area where game is stocked under the

-6-

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410-286-1177
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auspices of the State of Maryland and may be shot from March through November of each year. His fears were, in general, as to the disruption of his peace and quiet, but were specifically directed to the very real possibility of danger to individuals using Petitioner's property but trespassing, deliberately or inadvertently, into a dangerous area of regulated shooting. Mrs. Vendall, the nearest neighbor, testified that she is presently annoyed by the noise and lights emanating from the subject property and expressed her fear that expanded hours of use and numbers of users will be more detrimental to her peace and quiet and to her property values.

Mr. Bernard Willemain, a recognized expert in land planning, a recognized real estate appraiser and former Baltimore County Director of Planning and Zoning, whose qualifications were admitted by Protestants and the Board, testified, in summary, that the area roads and bridges were such that expanded use of Petitioner's property would present a definite hazard to those using Petitioner's property and to area residents. Further, he expressed his concern that the periodic flooding of bridge approaches if encountered by those unfamiliar with the situation, could lead to fatal accidents by users of Petitioner's property. He testified that, of his own personal knowledge, area bridges are often encumbered by fishermen, boaters and others who use the bridges and park vehicles near or on bridge approaches. Finally, he specifically testified that the proposed use of property by Petitioner would have an adverse effect on the value of the property owned by Milton J. Dance, Jr. and, in fact, an adverse effect on the value of the property owned by others in the area.

Perhaps the testimony of Mr. Willemain most damaging to Petitioner's case is his disclosure to the Board that the various Departments of Baltimore County, in making their comments as to the appropriateness of Petitioner's proposed use, were misled as to the extent of the use. Mr. Willemain testified without contradiction that the County Departments and especially the Department of Traffic Engineering and the Department of Sanitary Engineering were told respectively that 150 and 175 people per day would use the facilities. No County Department was informed that as many as 1,085 to 1,225 people per day could use the

-7-

RE: PETITION FOR SPECIAL
EXEMPTION AND SPECIAL
HEARING
Sparks Road, Sparks, Maryland
SIEGFRIED GERSTUNG, Lessee
No. 76-261 XSH Item 191
76-261 XSH

PETITIONER'S REPLY MEMORANDUM

This Reply Memorandum is submitted on behalf of the Petitioner in response to the Protestants' Brief which was filed on or about October 2, 1978. It should be pointed out that although the Certification of Mailing indicates that a copy was mailed to counsel for the Petitioner on October 2, 1978, it was not in fact mailed until January 30, 1979 in response to a letter from Petitioner's counsel. This is pointed out in order to explain the delay in the filing of this Reply Memorandum.

Several errors appear in the Protestants' Brief, and although Petitioner believes they are obvious to the Board, they nonetheless should be pointed out.

To begin with, there is nothing in the previous Order by the Zoning Commissioner which restricts either the number of days of operation nor the season of the year in which the Camp may operate. Reason and logic dictate the time and season in which children would be available to participate in a day camp. Reason and logic would likewise dictate when the Camp would be used by adults.

property under Petitioner's plan. It was, therefore, Mr. Willemain's expert opinion that the comments of the various County Departments, being based on false information, were valueless. Valueless comments should not be considered by this Board.

The Protestants proved beyond doubt that Mr. Willemain's expert opinion was correct by presenting as a witness Mr. Greenwalt, Chief of the Department of Sanitary Engineering for Baltimore County, and an employee in that Department for 21 years. He testified that the tentative approval given the sewerage design by his Department was based on a maximum use of 175 persons per day. Although vigorous attempts were made to discredit his testimony, they were not successful. His testimony stands in the record as follows: (1) The two 2,000 gallon tanks and 5 "seepage pits" shown on Petitioner's proposal are sufficient to service a maximum of 175 people per day; (2) that if 900 people per day were to use the facilities, the 4,000 gallon tank capacity would necessarily be increased to 22,500 gallons and there would be needed an additional 32 seepage pits or septic tanks; (3) that this area is within the Loch Raven Watershed and that any installation of septic tanks within 200 feet of a stream leading to the watershed must be viewed very carefully; and (4) that the Baltimore County required holding and disposal capacity is for 25 gallons per person per day. In addition to the specific statements, Mr. Greenwalt made it absolutely clear that the minimum capacities required by Baltimore County are based on the total number of different people using the facility in one day and are not based on the number that may be on the premises at any one time. His explanation as to why this requirement must necessarily be imposed was not contradicted. On being questioned about a memo issued by his Department on 5/3/75, which contained the comment "no health hazard anticipated," Mr. Greenwalt informed the Board that that comment was based on use of the premises by no more than 175 different people per day and he informed the Board that that figure was used since that figure was supplied to his Department by the Petitioner. When asked specifically if use of the premises by 900 persons per day would present a health hazard to the watershed and the environment, he stated that it

-8-

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Suite 314
409 Washington Avenue
Towson, Maryland 21204
Area Code 410
284-6177

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ATTORNEY AT LAW
Suite 314
409 Washington Avenue
Towson, Maryland 21204
Area Code 410
284-6177

would be such a health hazard. When asked if a new system could be designed to eliminate a health hazard, he stated that he had no knowledge whether it could, in fact, be so designed because of uncertainty as to the soil texture at that location, the proximity to the Loch Raven watershed and other unknown factors. Over an objection by Petitioner's counsel, he stated, "I don't know if the Department would approve any expansion of the facility due to the watershed," and in response to a further question posed by a Board member, he reiterated that he did not think his Department would approve that larger number of people but that such approval would be withheld in order to protect the watershed.

4. Baltimore County Council Bill 662-78

Protestants in this matter are not unmindful that County Council Bill 662-78, effective August 17, 1978, would prohibit certain of the uses proposed by Petitioner for the subject property; however, in view of the fact that we believe that the Petition should be denied in whole, we withhold further comment on the effect of Bill 662-78.

For the reasons set forth above, the Protestants believe and aver that Petitioners have failed to meet their required burden of proof in that they have failed to satisfy the requirements of Section 502.1 of the Baltimore County Zoning Regulations. Therefore, this Board should deny, in full, the Petition requests.

W. Lee Thomas
W. Lee Thomas
Attorney for the Protestants

CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on this 2nd day of October, 1978, a copy of the foregoing Brief was mailed to J. Norris Byrnes, Esquire, 305 West Pennsylvania Avenue, Towson, Maryland 21204 and to John W. Hessian, III, Esquire, 102 West Pennsylvania Avenue, Towson, Maryland 21204.

W. Lee Thomas
W. Lee Thomas

-9-

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
Suite 314
409 Washington Avenue
Towson, Maryland 21204
Area Code 410
284-6177

FOOTNOTES

1 Page 120 of transcript
2 Pages 60, 61, 121 of transcript
3 Page 123 of transcript
4 Page 123 of transcript
5 Pages 61, 69, 103, 119, 121 of transcript
6 Pages 117, 146 of transcript
7 Page 104 of transcript
8 Page 118 of transcript
9 Page 119 of transcript

"It's OK to play" is a catchy little phrase used by the Maryland State Lottery when promoting its Numbers Game. Taking a page from the book of the State Lottery's advertisers, Protestants attempt to play the game with the number of persons who "could" use the facilities. Mr. Gerstung made it clear in his testimony that there would never be more than one hundred seventy-five (175) persons on the premises at any one time, and he also made it clear that this maximum figure would include the children in the Day Camp during the summer period. Since they now arrive at 10:00 and leave at 4:00, it is clear that assuming the absurd proposition, i.e., that one hundred seventy-five (175) persons would come and leave during each two-hour segment, to be true, this could never happen between the hours of 10:00 and 4:00. Coupling this with the fact that Mr. Gerstung testified that he could not reasonably expect more than thirty (30) people in the early morning hours and would be ecstatic with fifty (50), the Numbers Game falls flat.

Protestants also seek to compare the roads surrounding the Camp site to those on Mexico's Baja Peninsula coupled with the traffic flow of the Baltimore Beltway at 5:00 p.m. As noted above, it is clear that the maximum use of the property would be during the daylight hours when the summer camp is in full swing. Since there is obviously no problem with traffic in this regard to date, the additional traffic which would result from the granting of this Petition would be minimal.

The transparency of the Protestants' argument that the roads are adequate if you have driven them for a life time, and inadequate if you have not, is obvious. The roads are adequate

for the neighborhood as it now exists, are adequate for the neighborhood if it were to be developed under its present zoning and are adequate for the use requested by Petitioner. This is so notwithstanding the testimony of Protestants' experts. Reduced to its lowest common denominator, their testimony merely described the roads as they exist today, and concluded that the roads were not hazardous to the people who live in the area but were hazardous to people who did not without any factual support for this proposition.

Touching finally on the question of the adequacy of the septic system, it is submitted that whether or not the system is adequate to support the proposed use (and it is submitted that there is ample testimony that it is) cannot be a determining factor in whether or not the Petition should be granted. Certainly the Board can insist that adequate precautions be taken in this area and, as a matter of fact, it is undeniable but that the County would insist on the same thing. For these reasons and the reasons set forth in Petitioner's Memorandum, the Petitioner believes that he has satisfied the requirements of Section 502.1 of the Baltimore County Zoning Regulations.

Respectfully submitted,
J. Norris Byrnes
J. Norris Byrnes
Attorney for Petitioner

I HEREBY CERTIFY that a copy of the foregoing Petitioner's Reply Memorandum was mailed this 22nd day of February, 1979 to W. Lee Thomas, Esquire, 409 Washington Avenue, Suite 314, Towson, Maryland 21204; Harris J. George, Esquire, 102 West

Pennsylvania Avenue, 507 Alex. Brown & Sons Building, Towson, Maryland 21204; John W. Hessian, III, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204 and to J. Martin McDonough, Jr., Esquire, Attorney Grievance Commission of Maryland, District Court Building, 4th Floor, Taylor Avenue and Rowe Boulevard, Annapolis, Maryland 21401.

J. Norris Byrnes
J. Norris Byrnes

-4-

-2-

-3-

LAW OFFICES
O'DONNERTY, GALLAGHER & WHITE

101 FIDELITY BUILDING
BALTIMORE, MARYLAND 21201

TELEPHONE
AREA CODE 301
837-1828

May 4th, 1978

RECEIVED

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

MAY 9 1978

BALTIMORE COUNTY
BUREAU OF ENGINEERING

Re: Case No. 76-261-XSHF
Frances Hausner (Sigfried Gerstung,
lessee)
Assigned: May 9, 1978, at 10:00 A.M.
Property: Sparks Road, Sparks, Maryland
21152

Gentlemen:

Please issue a Summons for the following, for the above

hearing:
ELSWORTH N. DIVER, P.E.
CHIEF, BUREAU OF ENGINEERING
DEPARTMENT OF PUBLIC WORKS
Towson, Maryland 21204

To bring with him to testify on the above date, any and all records maintained by his department pertaining to the property owned by Frances Hausner and leased by Sigfried Gerstung, including but not limited to any and all permits, and applications therefor made by the owner and/or lessee, any and all inspection and/or completion reports with regard to the property above described; reports of any and all tests performed by or on behalf of his department relating to said property; any and all data maintained by or on behalf of his department relating in any way to the above described property; whether retrospective or prospective.

Where the words "data" and "report" are above used, the word contemplates the inclusion of memoranda, work sheets, interdepartmental memoranda, time sheets notes and messages.

LAW OFFICES

O'DONNERTY, GALLAGHER & WHITE

County Board of Appeals

May 4th, 1978

Page 2.

And, to bring with him to testify on said date, all persons from his department who personally inspected the above property on behalf of his department as a foundation for the above reports and data.

Very truly yours,

Martin McDonough, Jr.
J. Martin McDonough, Jr.

Rec'd. 5/4/78
3:15 p.m.

Mr. Sheriff:

Please issue the above summons.

Edith T. Elenhart
Edith T. Elenhart, Administrative Secretary
County Board of Appeals of Baltimore County

LAW OFFICES
O'DONNERTY, GALLAGHER & WHITE

101 FIDELITY BUILDING
BALTIMORE, MARYLAND 21201

TELEPHONE
AREA CODE 301
837-1828

May 4th, 1978

RECEIVED

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

MAY 9 1978

BALTIMORE COUNTY
BUREAU OF PERMITS & LICENSES

Re: Case No. 76-261-XSHF
Frances Hausner (Sigfried Gerstung,
lessee)
Assigned: May 9, 1978, at 10:00 A.M.
Property: Sparks Road, Sparks, Maryland
21152

Gentlemen:

Please issue a Summons for the following, for the above

hearing:
JOHN EDWARD SEYFERT, DIRECTOR
BALTIMORE COUNTY BUREAU OF PERMITS & LICENSES
Towson, Maryland 21204

To bring with him to testify on the above date, any and all records maintained by his department pertaining to the property owned by Frances Hausner and leased by Sigfried Gerstung, including but not limited to any and all permits, and applications therefor made by the owner and/or lessee, any and all inspection and/or completion reports with regard to the property above described; reports of any and all tests performed by or on behalf of his department relating to said property; any and all data maintained by or on behalf of his department relating in any way to the above described property; whether retrospective or prospective.

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LAW OFFICES

O'DONNERTY, GALLAGHER & WHITE

County Board of Appeals

May 4th, 1978

Page 2.

And, to bring with him to testify on said date, all persons from his department who personally inspected the above property on behalf of his department as a foundation for the above reports and data.

Very truly yours,

Martin McDonough, Jr.
J. Martin McDonough, Jr.

Rec'd. 5/4/78
3:15 p.m.

Mr. Sheriff:

Please issue the above summons.

Edith T. Elenhart
Edith T. Elenhart, Administrative Secretary
County Board of Appeals of Baltimore County

LAW OFFICES

O'DONNERTY, GALLAGHER & WHITE

101 FIDELITY BUILDING
BALTIMORE, MARYLAND 21201

TELEPHONE
AREA CODE 301
837-1828

May 4th, 1978

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

Re: Case No. 76-261-XSHF
Frances Hausner (Sigfried Gerstung,
lessee)
Assigned: May 9, 1978, at 10:00 A.M.
Property: Sparks Road, Sparks, Maryland
21152

Gentlemen:

Please issue a Summons for the following, for the above

hearing:
DEPUTY CHIEF GEORGE WEIDMANN
FIRE PREVENTION BUREAU
BALTIMORE COUNTY FIRE DEPARTMENT
Towson, Maryland 21204

To bring with him to testify on the above date, any and all records maintained by his department pertaining to the property owned by Frances Hausner and leased by Sigfried Gerstung, including but not limited to any and all permits, and applications therefor made by the owner and/or lessee, any and all inspection and/or completion reports with regard to the property above described; reports of any and all tests performed by or on behalf of his department relating to said property; any and all data maintained by or on behalf of his department relating in any way to the above described property; whether retrospective or prospective.

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LAW OFFICES

O'DONNERTY, GALLAGHER & WHITE

County Board of Appeals

May 4th, 1978

Page 2.

And, to bring with him to testify on said date, all persons from his department who personally inspected the above property on behalf of his department as a foundation for the above reports and data.

Very truly yours,

Martin McDonough, Jr.
J. Martin McDonough, Jr.

Rec'd. 5/4/78
3:15 p.m.

Mr. Sheriff:

Please issue the above summons.

Edith T. Elenhart
Edith T. Elenhart, Administrative Secretary
County Board of Appeals of Baltimore County

LAW OFFICES

O'DONNERTY, GALLAGHER & WHITE

101 FIDELITY BUILDING
BALTIMORE, MARYLAND 21201

TELEPHONE
AREA CODE 301
837-1828

May 4th, 1978

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

Re: Case No. 76-261-XSHF
Frances Hausner (Sigfried Gerstung,
lessee)
Assigned: May 9, 1978, at 10:00 A.M.
Property: Sparks Road, Sparks, Maryland
21152

Gentlemen:

Please issue a Summons for the following, for the above

hearing:
DR. DONALD J. ROOP
BALTIMORE COUNTY HEALTH DEPARTMENT
Towson, Maryland 21204

To bring with him to testify on the above date, any and all records maintained by his department pertaining to the property owned by Frances Hausner and leased by Sigfried Gerstung, including but not limited to any and all permits, and applications therefor made by the owner and/or lessee, any and all inspection and/or completion reports with regard to the property above described; reports of any and all tests performed by or on behalf of his department relating to said property; any and all data maintained by or on behalf of his department relating in any way to the above described property; whether retrospective or prospective.

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LAW OFFICES

O'DONNERTY, GALLAGHER & WHITE

County Board of Appeals

May 4th, 1978

Page 2.

And, to bring with him to testify on said date, all persons from his department who personally inspected the above property on behalf of his department as a foundation for the above reports and data.

Very truly yours,

Martin McDonough, Jr.
J. Martin McDonough, Jr.

Rec'd. 5/4/78
3:15 p.m.

Mr. Sheriff:

Please issue the above summons.

Edith T. Elenhart
Edith T. Elenhart, Administrative Secretary
County Board of Appeals of Baltimore County

February 21, 1976

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
DRI-66-300
S. ERIC DINENIA
ZONING COMMISSIONER

Walter A. Reiter, Jr., Esq.
Chairman, Baltimore County
Board of Appeals
Room 215, Courthouse
Towson, Maryland 21201

Re: Case #76-261-XSH (Item #191)
NE/S Sparks Road 21.85' W of Carroll Road
10th Election District
Frances Haussner - Petitioner
IDCA #77-65-X

Dear Sir:

Please find a copy of IDCA Application for Special Exception (#77-65-X). The application was approved by the Baltimore County Planning Board on February 16, 1976, and signed by Leslie H. Graf, Director of Planning and Secretary to the Baltimore County Planning Board, indicating the determination by the Board that the requested Special Exception conforms to the requirements of Section 22-15.1 (f) of the Baltimore County Code.

Very truly yours,

S. Eric Dinenia
S. ERIC DINENIA
ZONING COMMISSIONER

SD/la
cc: J. Morris Byrnes, Esq.
305 W. Pennsylvania Ave.
Towson, Maryland 21204

Gerstung International Post
Education, Inc.
5550 Newbury Street
Baltimore, Md. 21209

DEPARTMENT OF TRAFFIC ENGINEERING

IDCA NO. 77-65-X

LOCATION: SPARKS RD

IDCA Analysis

- 1) Nearest Arterial Intersection YORK RD + SPARKS RD.
 - a) Level of Service C
- 2) Trip Generation from Site 150 PERSONS x 2.5 TRIP/DAY = 375 TRIP/DAY PER SIEGFRIED GERSTUNG
 - a) Proposed Level of Service C
- 3) Proposed Road Improvements Programmed for Construction Within Next Two Years. NONE

Recommendation

Approval: *[Signature]*

Denial:

Remarks:

RECEIVED

DEC 2 1977

OFFICE OF
PLANNING & ZONING

BALTIMORE COUNTY, MARYLAND

SUBJECT: SIEGFRIED GERSTUNG COMMENTS

DATE: JANUARY 27, 1978

FROM: Edmonth N. Diver, P.E.
Chief, Bureau of Engineering

PROJECT NAME:	Haussner Property	IDCA PLAN	X
PROJECT NUMBER:	IDCA 77-65X	PRELIMINARY PLAN	
LOCATION:	Sparks Road	TENTATIVE PLAN	
DISTRICT:	10 C3	DEVELOPMENT PLAN	
		FINAL PLAN	

This application for special exception (No. 77-65X) was received by the Developer Design and Approval Section on November 29, 1977 and we comment as follows:

WATER AND SANITARY SERVICE: NON-URBAN AREA

Public water supply and sanitary sewerage are not available to serve this property which is beyond the Urban Rural Reservation Line and in an area designated "no planned service" on Baltimore County Water and Sewerage Plans B-100 and S-100, as amended. The Petitioner indicates an estimated average daily sewage flow of 4,375 gpd, utilizing private onsite water and sewage disposal facilities.

This property meets RC-2 and RC-4 per subsection e(3)(b)(i) of Bill 12-77 (IDCA) is not subject to the provision of subsection e(1) A and B. This project is recommended for approval.

STORM DRAIN: (Carroll Branch - Gunpowder Falls - Loch Raven Reservoir - Gunpowder Falls - Gunpowder River - Chesapeake Bay)

This property drains to Carroll Branch and Gunpowder Falls, tributary to Loch Raven Reservoir. There are known flooding problems downstream. The Petitioner indicates the onsite impervious area is proposed to be increased by approximately 1/2 acre. Any increase in 100 year design storm runoff would be increased by approximately 1/2 acre. Any subject to the Baltimore County Storm Water Management Policy; therefore, there will be no impact downstream of this property. This project is recommended for approval.

EDMONT N. DIVER, P.E.

[Signature]
EDMONT N. DIVER, P.E.
Chief, Bureau of Engineering

RECEIVED
FEB 3 1978
OFFICE OF
PLANNING & ZONING

Special Hearing
BEFORE THE ZONING
COMMISSIONER
COMMISSIONER
OF BALTIMORE COUNTY

NOTICE OF APPEAL

Mr. Commissioner:

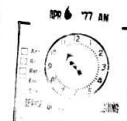
Please note an Appeal to the County Board of Appeals from the Order of the Zoning Commissioner of Baltimore County on March 8, 1977.

Frances Haussner, Owner
4402 Greenway
Baltimore, Maryland 21218
Siegfried Gerstung, Lessee
5550 Newbury Street
Baltimore, Maryland 21209

[Signature]
J. Morris Byrnes
305 W. Pennsylvania Ave.
Towson, Maryland 21204
Attorney for Petitioner

I HEREBY CERTIFY that a copy of the foregoing Notice of Appeal was mailed this 4th day of April, 1977 to W. Lee Thomas, P.A., Suite 314, 409 Washington Avenue, Towson, Maryland 21204 and to John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204.

[Signature]
J. Morris Byrnes
J. Morris Byrnes



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RE: PETITION FOR SPECIAL EXCEPTION
and
PETITION FOR SPECIAL HEARING
NE side of Sparks Rd. 2485' W of
Carroll Rd., 10th District
FRANCES HAUSSNER, Petitioner
OF BALTIMORE COUNTY
Case No. 76-261-XSPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance 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 passage of any preliminary or final Order in connection therewith.

[Signature]
Charles E. Kaunitz, Jr.
Deputy People's Counsel

John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland, 21204
494-2188

I HEREBY CERTIFY that on this 17th day of June, 1976, a copy of the foregoing

Order was mailed to J. Morris Byrnes, Esquire, 305 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

[Signature]
John W. Hession, III

TO: S. Eric Dinenia, Zoning Commissioner Date: June 2, 1976
FROM: William D. From, Director of Planning

SUBJECT: Petition #76-261-XSPH, Petitioner for Special Exception for Community Building, swimming pool, or other structural or land uses devoted to civic, social, recreational or educational activities.
Petitioner for Special Hearing for Amendment of the Order of the Deputy Zoning Commissioner dated February 27, 1975.

Northeast side of Sparks Road 2485 feet West of Carroll Road
Petitioner: Frances Haussner

10th District

HEARING: Monday, June 21, 1976 (1:00 P.M.)

This office is not opposed to the petitioner's request.

[Signature]
William D. From, Director of Planning
Office of Planning and Zoning

WDF:JGH/rw

February 22, 1977

J. Morris Byrnes, Esq.
305 W. Pennsylvania Ave.
Towson, Md. 21204

Re: File No. 76-261-XSPH
Frances Haussner (Petitioner)

Dear Mr. Byrnes:

Enclosed herewith is a copy of the Opinion and

Order passed today by the County Board of Appeals in the above case.

Very truly yours,

[Signature]

End.

cc: J. Lee Thomas, Esq.
J. Morris McDermott, Jr., Esq.
John W. Hession, III, Esq.
Mr. Frances Haussner
Mr. Siegfried Gerstung
Mr. J. L. Dinenna
Mr. James Dyer
Mr. Leslie Graf
Mr. J. Howell

DEAR NEIGHBOR,

BY NOW YOU HAVE PROBABLY HEARD ABOUT MR. SIEGFRIED GERSTUNG AND THE EFFORTS HE IS MAKING TO ESTABLISH A SCHOOL OF MOTOR-LEARNING AND INDIVIDUAL SPORTS ON MY PROPERTY ON SPARKS ROAD. I HOPE YOU HAVE TAKEN THE INTEREST TO SPEAK TO HIM PERSONALLY, SO THAT YOU MAY BE INFORMED FIRST HAND, OF HIS INTENTIONS FOR THIS PROPERTY. YOU MAY OR MAY NOT BE AWARE OF THE FINE REPUTATION HE AND HIS STAFF HAVE BUILT OVER THE PAST 13 YEARS THROUGH THEIR PHYSICAL EDUCATION PROGRAMS, CONDUCTED AT MANY OF OUR LOCAL PRIVATE SCHOOLS, AND HIS SUMMER ACTIVITIES. MR. GERSTUNG IS ALSO NATIONALLY KNOWN AS A LECTURER AND AUTHORITY ON MOVEMENT EDUCATION.

FOR THE PAST 6 YEARS I HAVE OBSERVED HIS ENTHUSIASTIC WORK WITH PEOPLE OF ALL AGES, BUT ESPECIALLY CHILDREN, AND I FIRMLY BELIEVE THAT NO BETTER INDIVIDUAL PHYSICAL EDUCATION INSTRUCTION IS AVAILABLE IN OUR AREA. PLEASE COME AND SEE THE PLACE, AND OBSERVE FIRST HAND, WHAT MR. GERSTUNG HAS ACCOMPLISHED. IT IS ONLY FAIR THAT YOU FORM YOUR OWN OPINIONS.

SINCERELY,

[Signature]
(Mrs. W. H.)

PETITIONER'S
EXHIBIT #2

JUN 6 1979

TO: Residents and Owners of properties in the neighborhood of the Sport-Hof
(Frances W. Haussemer property, Sparks Road, Sparks, Maryland)

FROM: Siegfried Gerstung, owner and president of Gerstung Inter-Sport

RE: Proposed activities at the Sport-Hof, and herewith connected applications for a special exception in the existing R.H.2.Zone.

For the past few years I have been trying to develop a private country school of motor learning and individual sports, on the 112.71 acre property owned by Mrs. Frances W. Hausman, located on Spurke Road, 1 1/2 miles east of York Road. None of the existing buildings (some over 100 years old) were removed, and the exterior structure remains. A great many rotten and decayed windows had to be replaced, roofs and floors repaired, and the interior completely redecorated like a human facility. Swimming pools, tennis courts, and other recreations were placed so that the impact on the neighborhood was minimal. This was accomplished with the assistance of a handful of hard working individuals, under most difficult conditions, not to mention financial hardships.

The property had to produce some revenue early in the building process in order to meet its expenses. Since the Baltimore County Zoning Code did not specifically provide for a school of physical education and motor learning, I applied for permission to operate a Day Camp. I believed that this classification encompassed both, physical education and motor learning. I felt that area residents knew of our existing summer camp at the CVO Retreat House on York Road. There were no objections to this request and the zoning was granted on February 27, 1973. I have been in operation since the summer of 1974.

A year later, at the request of various members and parents of our students, I opened the facilities to the whole family. It had been my intention to eventually provide facilities in which the whole family could share. A question arose as to

whether or not our zoning permitted this. In order to erase any doubts I recently filed for a special exception for civic, social, recreational, educational, and artistic activities. These activities include:

Gymnastics (Competitive)	Modern Dance
Tennis and other Racquet Games	Ballet
Aquatics	Drama
Wrestling	Music
Fencing	Fine Arts
Educational Gymnastics	
Archery	

Professional Courses:

Health and physical education for elementary school students

Perceptual motor development

Movement education and motor learning

I.P.S.E. for the slow learner

In order to insure a private operation in its true sense, the students, young or old, must be members of Carsting Inter-Sport. Furthermore, the facility is not planned to be used for team sport activities (field games). As noted above, my interest in the teaching of individual sports, movement education, motor learning, the arts and research of cognitive physical education for the specialist. Hopefully the facility will serve to better physical education within the home and in our private schools. To do this the facility should be available for your round operation, on a daily basis, with some occasional night sessions or courses.

May it be understood that the property shall be conserved as a whole, it will not be divided or developed. The rolling hills and open meadows attracted me to this particular location, and it will be kept the way I found it, although better maintained.

If I have not had the opportunity to meet you or give you the "Grand Tour" of the Sport-Hof, please call me. I am always proud to show what we have accomplished with an unlimited amount of enthusiasm. A moving hearing is scheduled in the Baltimore County Office Building, on June 21st at 1:00 . and I most certainly hope you will join the other neighbors in their support of the Sport-Hof. If for some reason you can not attend, please drop me a note expressing your support for this worthwhile educational venture.

Should you have any specific objection, I would appreciate it if you would let me know what it is in the hope that together we can work it out.

I appreciate your concern and if there are any questions please do not hesitate to call.

Siegfried Gerstung
19 W. Pennsylvania Ave
Towson, Maryland 21204
Telephone 823-3707

RE: PETITION FOR SPECIAL EXCEPTION :
for Community Building, Swimming :
Pool, etc. :
SPECIAL HEARING for Amendment of :
Ordinance of Deputy Zoning Commissioner :
dated February 27, 1972 :
NE 1/4 of Sparks Road 2485 ft. W. of :
Corroll Road :
10th District :

Frances Macomber :
Petitioner :
Sigfried Garstang :
Lessee :

BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
File No. 76-261-XSPH

OPINION

This case comes before this Board on an appeal by the Petitioners from a denial of a special exception for a community building, swimming pool, or other structural or land uses devoted to civic, social, recreational or educational activities, by the Zoning Commissioner; and for special hearing for amendment of Order of Deputy Zoning Commissioner dated February 27, 1973. The property is located on the north-east side of Sparks Road 2485 feet west of Carroll Road, in the 10th Election District of Baltimore County, contains 112.7 acres more or less, and is zoned R.C. 4 and R.C.2. Mr. Siegfried Gerstung, lessee, now operates a day camp for children, under authority of an Order of the Deputy Zoning Commissioner, dated February 27, 1973, in case #73-182-C granting a special exception for this use. The request before the Board at this time is for an expansion of this use to extend the hours, increase the activities, and to include adults. These requested uses are permitted by a special exception in the designated zones, provided all the requirements of Section 502.1 of the Baltimore County Zoning Regulations are satisfied.

Since testimony in this case consumed three days of hearing, no attempt will be made in this opinion to cite same in its entirety. Four persons presented testimony for the Petitioner and were the subject of extensive questioning and cross-examination. Ten persons presented testimony for the Protestants and were also subjected to extensive questioning and cross-examination. Except for five directly affected neighbors, all of the above was in the category of "expert" testimony.

Frances Rikansky - 76-261-XSPH

2.

A brief synopsis of the Petitioner's proposal is as follows: Mr. Gerstung would increase his hours of operation from 10:00 A.M. to 4:00 P.M. to 8:00 A.M. till 10:00 P.M.; he would increase his days of operation from Monday through Friday to a seven day a week operation; he would change his clientele from a day camp for children to a full recreational and educational program for children and adults; and would increase his facilities by adding three more tennis courts and enclosing the swimming pool. Testimony by the Petitioner as to the potential number of people who would avail themselves of the proposed facility varied, apparently as to the success or failure of the proposed facility. It would seem that the normal use of any new one person would amount to

facility. It would seem that the normal span of use by any one person would approximate two hours, and that he would consider one hundred seventy-five persons per two hour session as a maximum. Naturally some less desirable two hour periods would have fewer people, while during prime time periods one hundred seventy-five people could be anticipated. In summation, it actually boils down to the success of the program.

facility determining the actual number of people present at any one time, or any total fourteen hour period. Mr. Gerstung presented his arguments for the granting of this special exception through the testimony of Father John Zeller, a Catholic priest, who also conducts a day camp for children; Mr. John H. Lorasauer, Executive Director, State of Maryland Department of Health and Hygiene; Mr. Richard C. Moore, a traffic engineer for Baltimore County, Maryland; and his own testimony.

Protestants then presented their arguments in opposition to the granting of this special exception. In addition to the expert testimony to be discussed later, five neighbors testified in opposition to the granting of the special exception. Their testimony in general expressed the same fears. All opposed the proposition because of the increase of traffic on the "country roads" providing the only access to this property. All cited the use of these roads by large farm machinery and the hazard created by them, some hazard being greatly increased by additional traffic. All abutting property owners stated they could no longer care the children's present activity from the property and would not want the use or the hours of use increased. All expressed the detrimental effect

Frances Housner - #76-261-XSPH

3.

of increased use on the animals associated with normal farming activities, since their properties and pastures, etc. directly abut this proposed operation. All objected to the more commercial use proposed in this rural area, and to the possible effect on the values of their holdings and the general welfare of the area.

Expert testimony for the Protestants consisted of testimony by Mr. William M. Greenwalt, Chief of the Department of Sanitary Engineering, Baltimore County, Mr. Robert L. Morris, Traffic Engineer, Mr. Bernard Willemin, Planning Expert, Mr. James Petrica, Consulting Engineer, and Mr. David Flowers, Area Planner, Baltimore County.

Mr. Greenwalt testified as to the adequacy of the present sewerage system. He described in detail the system, and agreed that it was more than adequate for its present use. He stated that the proposed use would require a complete new survey of the entire system, and probably a considerable enlargement of some. He noted that this whole area is in the Loch Raven watershed, and stated that the increased proposed use might possibly necessitate disapproval of the required enlargement. Mr. Patricia's testimony generally was in the same vein, and augmented Mr. Greenwalt's testimony.

Mr. Robert J. Morris presented testimony about road conditions, culverts, potential traffic trouble areas, and general road use. He emphasized that the road is only eighteen feet wide, has deep ditches on both sides, and no shoulders. He noted that there are three bridges on access roads to the property, and that all are basically one lane bridges, being between fourteen and sixteen feet wide, and submitted photographs of same. He noted that the culverts on these access roads were only twenty feet between abutments and should be at least twenty-six to be minimum. He expressed particular concern about the use of this road by relative newcomers because of sight distances, farm machinery use, and all of the above conditions. Mr. Bernard Williamson's testimony generally agreed with Mr. Morris, and in addition he noted the flooding conditions that occur periodically at these bridges, some being of such magnitude that one bridge had to be replaced with a "Baitery Bridge". Mr. Williamson also

Frances Haussner - #76-261-XSPH

4

noted that the comments from various County departments, especially Traffic and Sanitation, predicated their comments on considerably fewer people using the facility than is hoped for if the special exception as proposed is granted.

In reviewing all of the testimony presented in three days of hearing, the Board will attempt to confine its opinion to those Sections of 502.1 most directly affected. It is the opinion of this Board that the neighbors' fears about Section 502.1 c. are well founded. The granting of this special exception to allow a more major or commercial use of this property would be detrimental to the general welfare of the locality involved.

The fact that the Comprehensive Map designates this entire area R.C. indicates that a predominantly rural or agrarian use for this area is desired. The increased demands for potable water and sewerage disposal could also cause the granting of this special exception to be detrimental to the health and safety, not only of this locality but of a greater area, since the subject property lies within the Loch Raven watershed area.

The testimony as to traffic effects by Mr. C. Richard Moore was based on use of the property by about two hundred fifty persons per day. Since Mr. Gerstung obviously anticipates many more people than this, Mr. Moore's testimony does not truly present the potential traffic picture.

Mr. Robert J. Morris' testimony related more to road conditions, bridges, etc. and presented real problems presently existing that will only be compounded regardless of the increase in traffic, which logically seems to be considerable. Since no improvements to the road system in this area are planned, the Board feels that the requirements of Section 502, I. b., have not been satisfied.

The Board also feels that some consideration must be afforded to Section 502.1.e. Obviously the sewerage system for the proposed use would have to meet Baltimore County's standards before a permit would be issued. The Board is particularly concerned because this property is in the Loch Raven watershed area. Any potential danger to the drinking water system for the City of Baltimore and its environs, however

Frances Haussner - #76-261-XSPH

5

slight, or from whatever unforeseen reason, should be considered. While the design or operation of any sewerage system is not an issue before us, we feel obligated to mention that it was considered.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 22nd day of February, 1979, by the County Board of Appeals ORDERED, that the Special Exception for community building, swimming pool, or other structural or land uses devoted to civic, social, recreational or educational activities, and the Special Hearing for amendment of the Order of the Deputy Zoning Commissioner, dated February 27, 1973, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilland, Vice Chairman

John A. Miller

William T. Washburn

William T. Hackett

2076 TELEPHONE
407-10000
AREA CODE

☐ U
☐ S
☐ B
☐ C
☐ O
☐ D



ZONING DEPARTMENT

By _____

J. Wayne Wheeler
1699 Glenview Road
Glenview, Maryland 21152
June 16, 1976

Mr. S. Eric DiNenna
Baltimore County Office of
Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Gerstung Sport-Hof.

Dear Mr. DiNenna:

We have been briefed on the exception to zoning application prepared by Mr. Gerstung. We have also heard the neighborhood objections to the program. While we are sympathetic to the objections presented it is our feeling that the plans of Mr. Gerstung are reasonable and provide better utilization of the land area than may occur if other development activities were pursued. Therefore, we have no objections to the Gerstung Inter-sport activities as they are presently proposed.

Should there be again a future expansion request we would certainly hope to reserve judgment on the merits of that program.

For the records you may wish to note that our property is immediately adjacent to the area under zoning consideration.

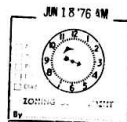
Yours very truly,

J. Wayne Wheeler
J. Wayne Wheeler
Date 6/16/76

JWW:lba

cc: Mr. S. Gerstung

Lillian E. Wheeler
Lillian E. Wheeler
Date 6/16/76



1531 Sparks Road
Sparks, Maryland 21152
June 19, 1976

Eric S. DiNenna, Esquire
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Hausner Property - Sparks Road

Dear Mr. DiNenna:

Since I am unable to attend the hearing scheduled for June 21 on the Special Zoning Exception application for the Hausner Property, I am writing to offer my position in this matter.

My property is on the south side of Sparks Road, directly opposite from the "Sports Bar" complex on the Hausner property. I am quite naturally affected by any change which you might permit on that property.

My principal interests are: future subdivision, traffic safety and volume, hours of activity, exterior lighting, and disturbing noise.

I am firmly opposed to any subdivision or any additional building within view of my property. As long as no additional construction or exterior remodeling is permitted on this property for the Sport-Bar activities, I am satisfied on that aspect of this matter. My concern turns now to the potential development of the other properties in this immediate area.

In your ruling in this case, please incorporate specific, measurable provisions which will serve to limit the petitioner's discretion to make certain changes. These are:

- i. No outdoor activities after 6:30 p.m., except for the private activities and entertainment of the families who reside on the property.
- ii. No outdoor lighting in addition to that which now exists; particularly, no lighting for the tennis courts, either present or future.
- iii. No food service or sale of alcoholic beverages.

I would also like to see some specific, reasonable provision which would serve to minimize the extra traffic which the operation of this facility might have on Sparks Road. However, I know of no easy formula for that.

Eric S. DiNenna, Esquire

June 19, 1976

I am not concerned with activities in the evening hours at this facility, so long as such activity is indoors and does not otherwise create any nuisance noise.

To date, I have not been bothered by the added noise from the Hausner property since it began to be used as a physical education facility. The normal noise which accompanied the construction equipment used during alterations has, of course, ceased.

In summary, I believe that, should this exception application be granted, it should be written so as to place unambiguous restrictions on the kinds of activity permitted, the related activities thereof, and the physical alterations to the existing facility. And I would much prefer to be able to view these old barn buildings and pastures than their possible alternative -- that of a cluster of twentieth-century private dwellings.

I hope that you will consider these factors in your deliberations in this matter.

Yours very truly,

Eric S. DiNenna, Jr.

cc: Mrs. Frances Hausner
Mr. Milton J. Dasso, Jr.

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
NOTES: 34
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

August 4, 1978

Baltimore County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

Re: Case No. 76-261-XKHP
Frances Hausner
Sparks Road, Sparks, Maryland
Date of Continued Hearing: August 15, 1978
at 10:00 a.m.

Gentlemen:

Please issue a Summons for the following for the above hearing:

Mr. William M. Greenwalt
Baltimore County Bureau of Environmental
Services (Sanitary Engineering)
Towson, Maryland 21204

To bring with him to testify on the above date any and all records maintained by his Department pertaining to the property owned by Frances Hausner and leased by Siegfried Gerstung, including but not limited to any and all permits, and applications therefor made by the owner and/or lessee, any and all inspection and/or completion reports with regard to the property above described; reports of any and all tests performed by or on behalf of his Department relating to said property; any and all data maintained by or on behalf of his Department relating in any way to the above described property; whether retrospective or prospective.

Where the words "data" and "report" are above used, the word contemplates the inclusion of memoranda, worksheets, interdepartmental memoranda, time sheets, notes and messages.

Rec'd 8/17/78
10:45 AM

W. LEE THOMAS, P.A.

Baltimore County Board of Appeals

August 4, 1978

And, to bring with him to testify on said date all persons from his Department who personally inspected the above property on behalf of his Department as a foundation for the above reports and data.

Very truly yours,

W. Lee Thomas
W. Lee Thomas

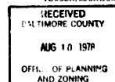
WLT:gr

MIL SHERIFF:

Please issue summons in accordance with above.

Muriel E. Budde
County Board of Appeals of Baltimore County

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
NOTES: 34
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204



August 7, 1978

County Board of Appeals
Room 218 - Court House
Towson, Maryland 21204

Re: Case No. 76-261-XKHP
Frances Hausner (Siegfried Gerstung, Lessee)
Assigned: August 15, 1978, at 10:00 a.m.
Property: Sparks Road, Sparks, Maryland 21152

Gentlemen:

Please issue a summons for the following, for the above hearing:

Leslie Graef, Director
Baltimore County Office of Planning
and Zoning
401 Bosley Avenue
Towson, Maryland 21204.

To bring with him to testify on the above date, any and all IDCA comments relating to IDCA Number 77-65X, including, but not limited to, the comments from the Department of Traffic Engineering, which comments are maintained by and on behalf of his Department.

Very truly yours,

W. Lee Thomas
W. Lee Thomas

WLT:gr

Rec'd 8/9/78 Mr. Sheriff:

11 am

Please issue summons in accordance with above.

Muriel E. Budde
County Board of Appeals of Baltimore County

JAMES PETRICA

PROFESSIONAL BACKGROUND

Mr. Petrica started his engineering career with the Triborough Bridge and Tunnel Authority, New York, New York as Junior Civil Engineer. He worked on the Brooklyn Battery Tunnel both in the field on a line and grade survey party and in the office on progress reports, payment estimates, and engineering calculations.

In 1948, Mr. Petrica joined the Solvay Process Company, Hopewell, Virginia, as a structural detailer on industrial buildings, foundations for tanks and pumps, and utilities.

During graduate study at the University of Illinois, he was successively a Research Graduate Assistant and Graduate Assistant. He performed research on diatomite filters for the U.S. Engineer Center, Fort Belvoir, Virginia. He taught undergraduate design courses in water supply and sewerage.

In 1951, Mr. Petrica joined the consulting firm of Whitman, Reardon and Associates, Baltimore, Maryland. He prepared reports, preliminary and final design, and specifications for pumping stations, water supply, storage and treatment facilities, swimming pools, municipal and industrial waste treatment plants, and storm drainage systems.

In 1955, he was appointed Principal Engineer in charge of the Engineering Bureau of the Department of Public Works, City of White Plains, New York. He supervised the design, review, surveys, land acquisition and construction of all public improvements for a city of 55,000 population.

Mr. Petrica joined the Benjamin E. Reavin Company, Baltimore, Maryland in 1956. As Principal Engineer, he was in charge of the sanitary engineering division on master planning and reports for water and sewerage systems; design of distribution and collection systems, treatment plants, interceptors, and hydraulic investigations.

In 1963, Mr. Petrica established a private consulting practice in sanitary engineering in Baltimore, Maryland. His assignments included water supply, sewerage, site development, hydraulic and hydrologic investigations, reports, planning and design.

In 1964, Mr. Petrica joined the firm of Jerome B. Wolff and Associates as an associate.

In 1967, Mr. Petrica became president of James Petrica and Associates, Inc., specializing in water supply and sewerage.

JAMES PETRICA

PERSONAL

Born - Philadelphia, Pennsylvania, September 24, 1924
Married, 3 children

EDUCATION

Rhode Island State College (Kingston, Rhode Island) and University of Connecticut, (Storrs, Connecticut), 1945
Certificate in Civil Engineering
College of the City of New York (New York, New York), 1947,
Bachelor of Civil Engineering.
University of Illinois (Urbana, Illinois), 1951, Master of Science in Sanitary Engineering.

TECHNICAL SOCIETIES

American Water Works Association
Water Pollution Control Federation (Member, Glossary Committee)
American Society of Civil Engineers
Society of American Military Engineers
Chesapeake Water Pollution Control Association
American Water Resources Association
Engineering Society of Baltimore
Water and Waste Operators Association of Maryland-Delaware-D.C.

PROFESSIONAL REGISTRATIONS

Registered Professional Engineer in Maryland, New York and Pennsylvania
Diplomate - American Academy of Environmental Engineers
Certified Fallout Shelter Analyst, Department of Defense, Office of Civil Defense

PUBLICATIONS

"Relation of Frost Penetration to Underground Water Lines", Journal AWWA, Volume 43, 11 (November, 1951).

PROFESSIONAL ADVANCEMENT

Instructor in Fluid Mechanics for course in Engineering Fundamentals (1966 to 1977.) Engineering Society of Baltimore

MILITARY SERVICE

87th Infantry Division, European Theatre; Army Specialized Training Program; occupational counselor (1943-1946).



BALTIMORE COUNTY, MARYLAND
OFFICE OF THE COMPTROLLER
MISCELLANEOUS CASH RECEIPT

No. 33413

DATE: May 15, 1976 ACCOUNT: 03-663

AMOUNT: \$50.00

RECEIVED: Baltimore, Inc., 19 W. Penn. Ave., Towson, Md. 21204

FOR: Petition for Special Exception and Special Zoning for Planned Development

757-663-3891

757-663-3891 500.00

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE COMPTROLLER
MISCELLANEOUS CASH RECEIPT

No. 46529

DATE: April 6, 1977 ACCOUNT: 03-663

AMOUNT: \$75.00

RECEIVED: Hensley, Whiteford, Taylor, Frank, Struble and Johnston, 305 W. Penn. Ave., Towson, Md. 21204

FOR: Cost of Appeal for Planned Development

777-663-3891

777-663-3891 75.00

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE COMPTROLLER
MISCELLANEOUS CASH RECEIPT

No. 38912

DATE: July 22, 1976 ACCOUNT: 03-663

AMOUNT: \$80.50

RECEIVED: Baltimore, Inc., 19 W. Penn. Ave., Towson, Md. 21204

FOR: Advertising and posting of property for Planned Development

777-663-3891

777-663-3891 80.50

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

April 1976 Your Petition has been received * this 23rd day of April 1976. Filing Fee \$ 50. Received ☒ Check ☐ Cash ☐ Other

S. Eric Dinkins
Zoning Commissioner

Petitioner: Hanson Submitted by: George
Petitioner's Attorney: J. N. B. B. Reviewed by: [Signature]

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY #76-201-25 PM
Towson, Maryland

District: 104 Date of Posting: 4-14-76

Posted for: [Signature]

Petitioner: [Signature]

Location of property: 116 1/2 S. of Apple Rd. 2815 W. of Carroll Rd.

Location of Sign: 1. Sign on Apple Rd. 2. Sign on Carroll Rd.

Remarks: [Signature]

Posted by: [Signature] Date of return: 4-26-76

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY #76-201-25 PM
Towson, Maryland

District: 104 Date of Posting: 6-3-76

Posted for: [Signature]

Petitioner: [Signature]

Location of property: 116 1/2 S. of Apple Rd. 2815 W. of Carroll Rd.

Location of Sign: 1. Sign on Apple Rd. 2. Sign on Carroll Rd.

Remarks: [Signature]

Posted by: [Signature] Date of return: 6-10-76

OFFICE OF THE TIMES
TOWSON, MD. 21204 June 3, 1976

THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Special Exception and Special was inserted in the following: Hearings-- Haussner

☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for 21st successive weeks before the 21st day of June 1976, that is to say, the same was inserted in the issues of June 3, 1976.

STROMBERG PUBLICATIONS, INC.
BY: [Signature]

CERTIFICATE OF PUBLICATION

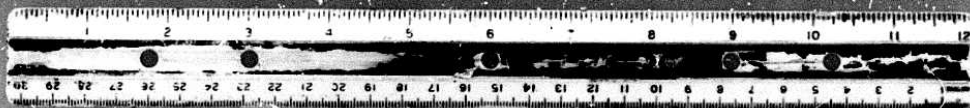
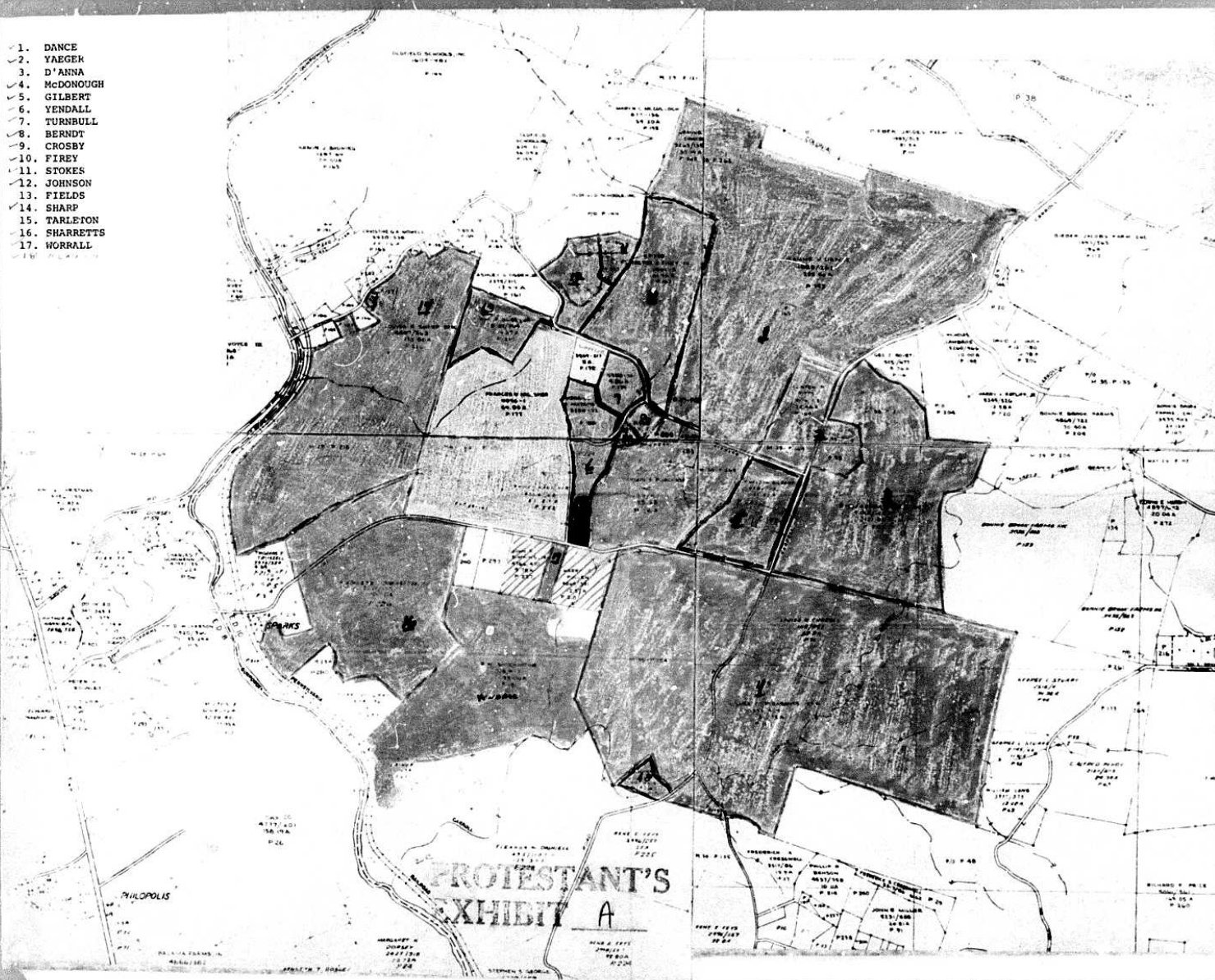
TOWSON, MD. June 3, 1976

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time, 1976, before the 21st day of June 1976, the first publication appearing on the 24th day of June 1976.

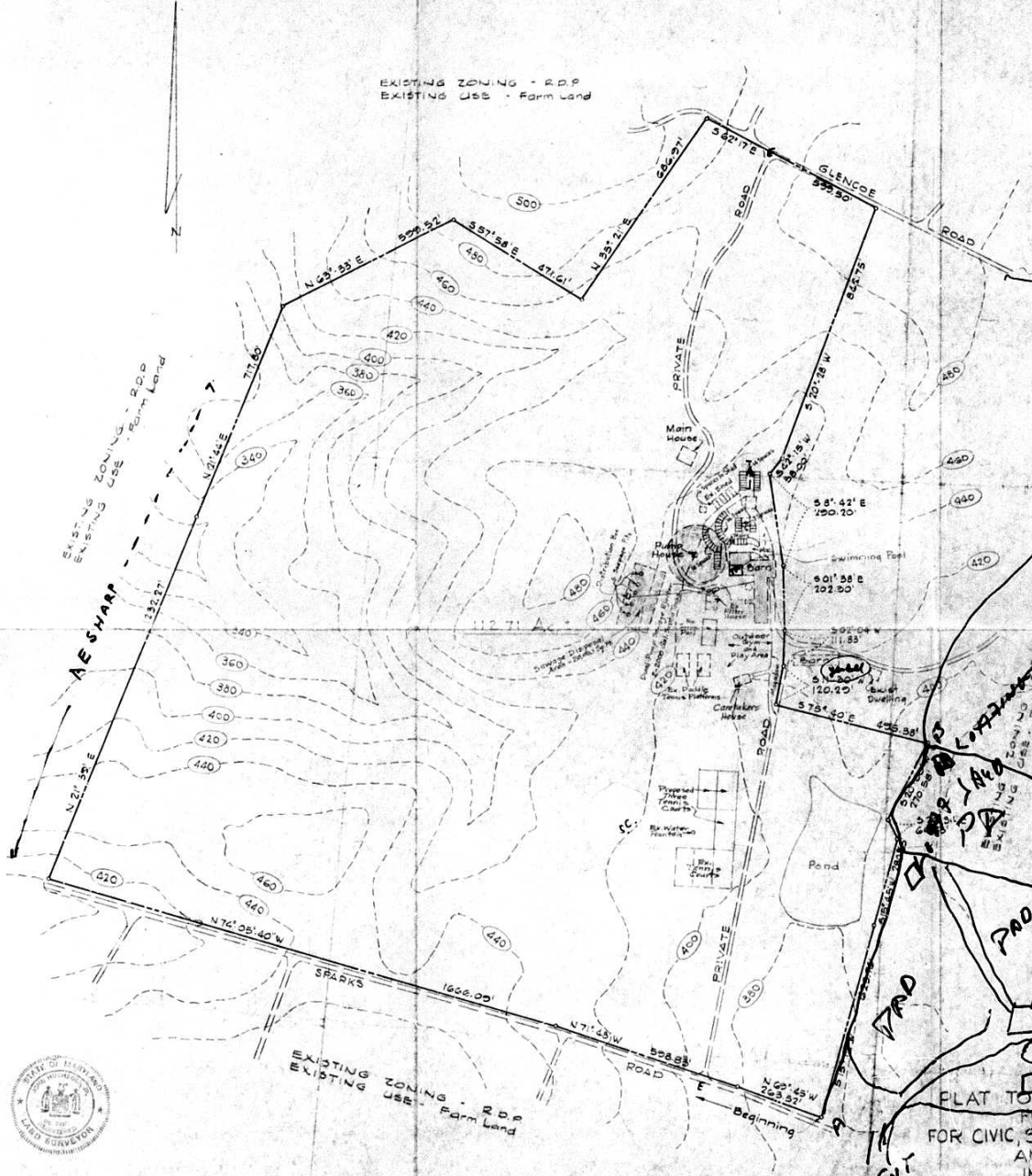
THE JEFFERSONIAN
[Signature] Manager

Cost of Advertisement, \$.....

- ✓ 1. DANCE
- ✓ 2. YAEGER
- ✓ 3. D'ANNA
- ✓ 4. McDONOUGH
- ✓ 5. GILBERT
- ✓ 6. YENDALL
- ✓ 7. TURNBULL
- ✓ 8. BERNET
- ✓ 9. CROSBY
- ✓ 10. FIREY
- ✓ 11. STOKES
- ✓ 12. JOHNSON
- ✓ 13. FIELDS
- ✓ 14. SHARP
- ✓ 15. TARLETON
- ✓ 16. SHARRETT
- ✓ 17. WORRALL



EXISTING ZONING - R.D.P.
EXISTING USE - Farm Land



TABULATION

EXISTING ZONING	R.D.P.
AREA OF BUILDING	12,875 SQ. FT.
PARKING REQUIRED @ 1/500'	45
PARKING PROVIDED	57
HOURS OF OPERATION	8 AM to 10 PM
MEALS TO BE PROVIDED	(Only Snacks & Refreshments From Vending Machines)
TRANSPORTATION	BUSSES & PRIVATE CARS.

NOTE: TERRACE TO BE OF DURABLE CUSTLESS SURFACE.

ESTIMATED SEWAGE FLOW

175 PERSONS x 25 GAL. = 4,375 GAL. PER DAY
2 SEPTIC TANKS - 2,000 GAL. EACH
DUAL SEWAGE EJECTOR PUMPS WITH ALARM SYSTEM.
DISTRIBUTION BOX TO BE LOCATED AT ELEVATION 450.
5 SEEPAGE PITS - 8'x12'x10' AS PER PLOT PLAN.

BOARD OF APPEALS
PETITIONER'S EXHIBIT #1

PLAT TO ACCOMPANY ZONING PETITION
FOR SPECIAL EXCEPTION
FOR CIVIC, SOCIAL, RECREATIONAL, EDUCATIONAL
AND ARTISTIC ACTIVITIES
IN EXISTING R.D.P. ZONE

SPARKS ROAD, SPARKS, MARYLAND

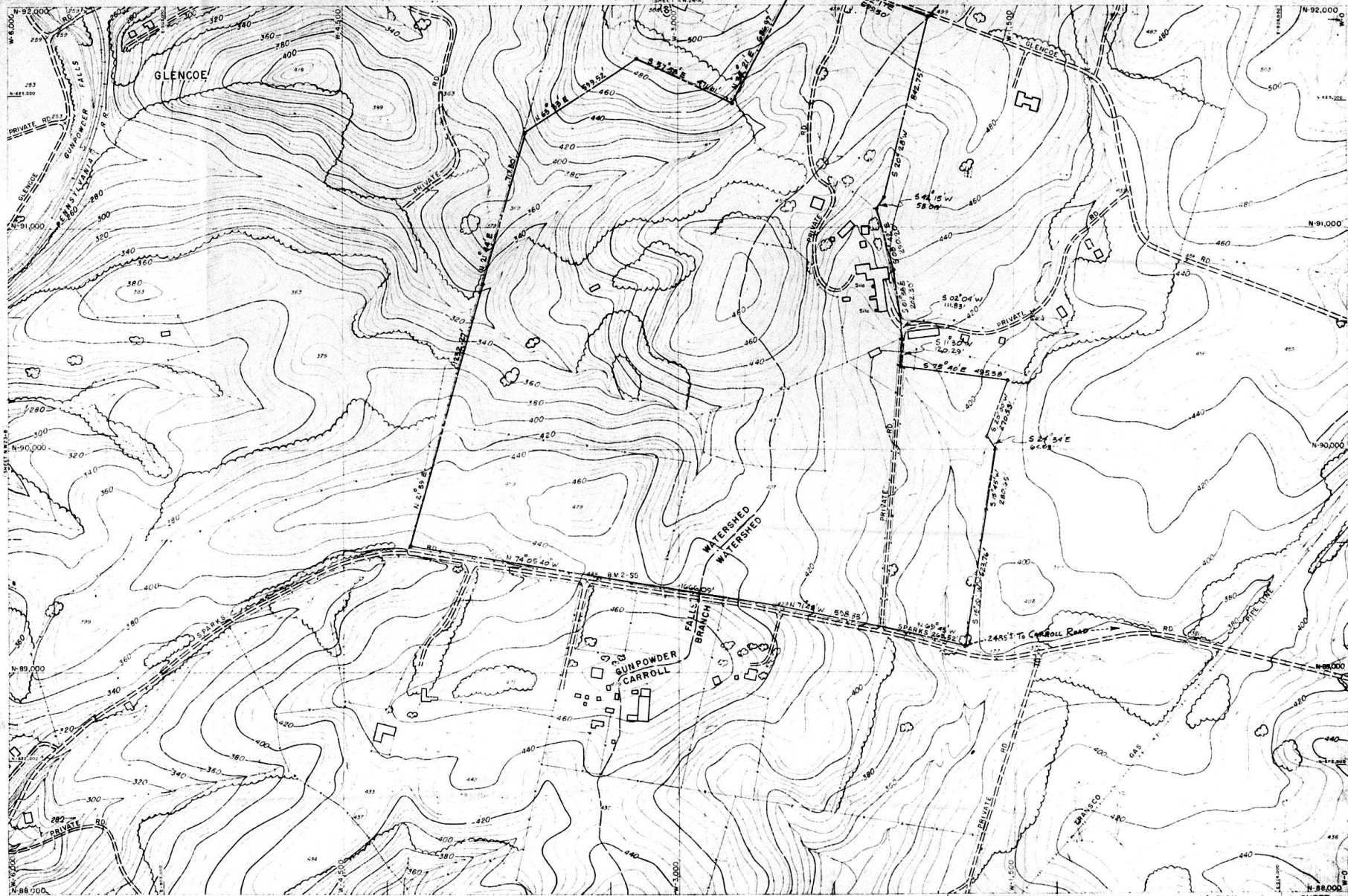
BALTO. CO. MD.
SCALE: 1"=200'

ELECT. DIST. #3
DATE: MARCH 16, 1976



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVE.
TOWSON 4, MARYLAND





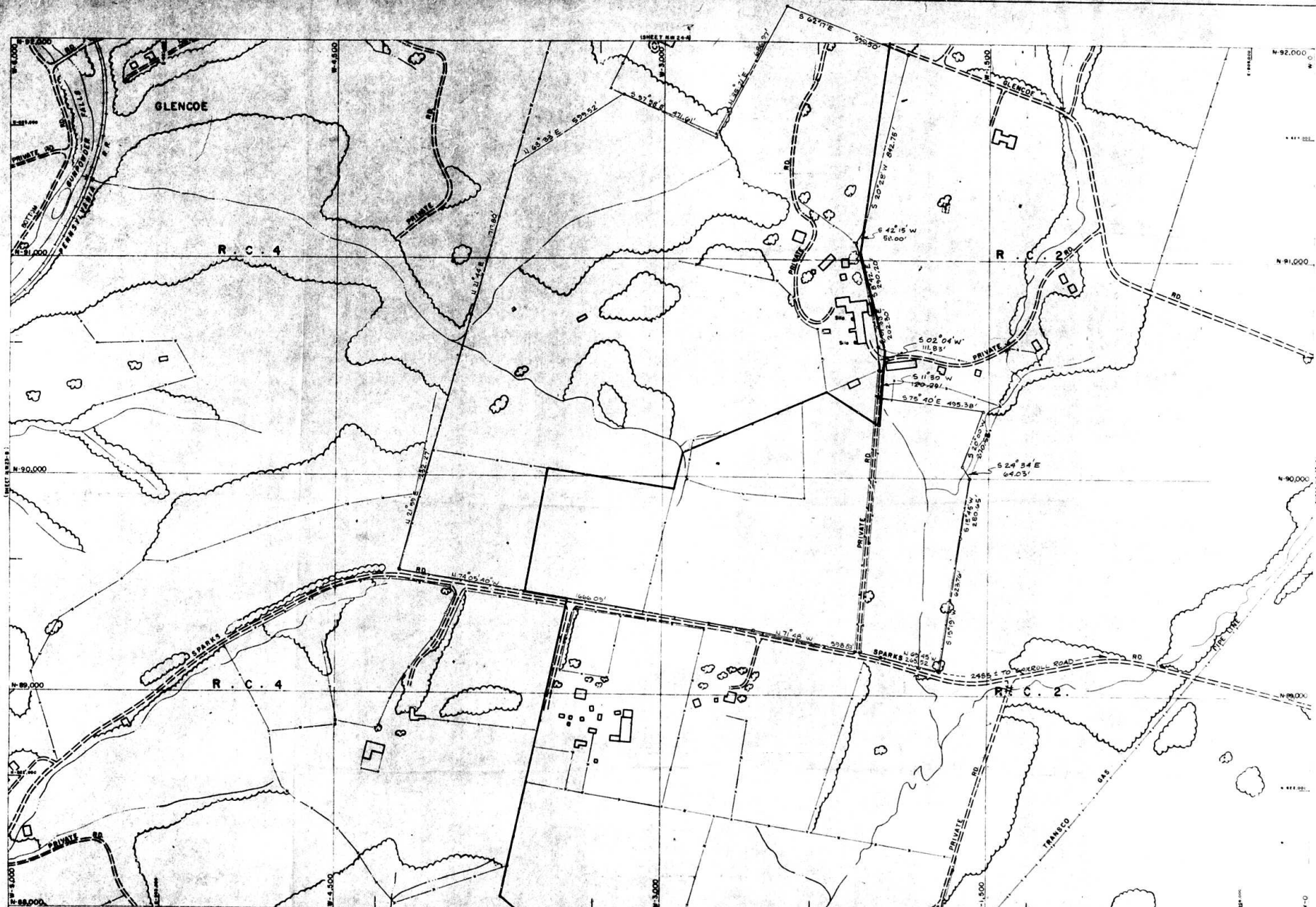
DD-SE EE-SW
DD-NE EE-NW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS	BY	DATE	SCALE	LOCATION	SHEET
			1" = 200'	GLENCOE	N.W.
			DATE OF PHOTOGRAPHY		23-A
			DECEMBER 1958		

Topography Compiled by Photogrammetric Methods
MAPS INCORPORATED - BALTIMORE 22, MARYLAND





DD-SE EE-SW
DD-NE EE-NW

1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
1977-8-20 11:2-177
10076-10076 110-76-1174
1576-0001176

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS		SCALE 1" = 200'	DATE OF PHOTOGRAPHY DECEMBER 1959
BY	DATE		
Compiled By Photogrammetric Methods MAPS, INCORPORATED-BALTIMORE 22, MARYLAND			



EXISTING ZONING - R.D.P.
EXISTING USE - Farm Land



TABULATION

EXISTING ZONING - R.D.P.
AREA OF BUILDING - 12,875 SQ. FT.
PARKING PROVIDED - 45
HOURS OF OPERATION - 8 AM. to 10 PM
NO MEALS TO BE PROVIDED (Only Snacks & Refreshments From Vending Machines).
TRANSPORTATION - BUSES & PRIVATE CARS.

NOTE
ALL PARKING AREAS TO BE OF
DURABLE, DUSTLESS SURFACE.

ESTIMATED SEWAGE FLOW

175 PERSONS X 25 GAL. = 4375 GAL. PER DAY
2 SEPTIC TANKS - 2,000 GAL. EACH
DUAL SEWAGE EJECTOR PUMPS WITH ALARM SYSTEM.
DISTRIBUTION BOX TO BE LOCATED AT ELEVATION 450.
5 SEEPAGE PITS - 8' X 12' X 10' AS PER PLOT PLAN.

Plat CX #1

PLAT TO ACCOMPANY ZONING PETITION
FOR SPECIAL EXCEPTION
FOR CIVIC, SOCIAL, RECREATIONAL, EDUCATIONAL
AND ARTISTIC ACTIVITIES
IN EXISTING R.D.P. ZONE



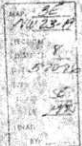
SPARKS ROAD, SPARKS, MARYLAND

BALTO. CO. NO.
SCALE: 1" = 200'

ELEC. DIST. #8
DATE: MARCH 16, 1976



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
203 ALLEGHENY AVE.
TOWSON 4, MARYLAND





14-24 NE

4