

MICROFILMED

DRAINFIELD No. 1

WASTE-SANITARY DESIGN CRITERIA

USE: BALTIMORE COUNTY, CHART 16, PLUMBING
 USE: DAY SCHOOL WITHOUT CATERING, GYMNASIUM AND SHOWER(S)
 RATE: 15 GAL PER DAY PER STUDENT, 20 GAL/DAY/TEACHER
 LOAD: 150 STUDENTS = 2,250 GALS PER DAY; 14 TEACHERS = 280 GALS/DAY
 FUTURE: 45 STUDENTS = 675 GALS/DAY; 2 TEACHERS = 40 GALS/DAY
 TOTAL = 3,245 GALS/DAY
 SEPTIC TANKS (12) 2,000 GALS

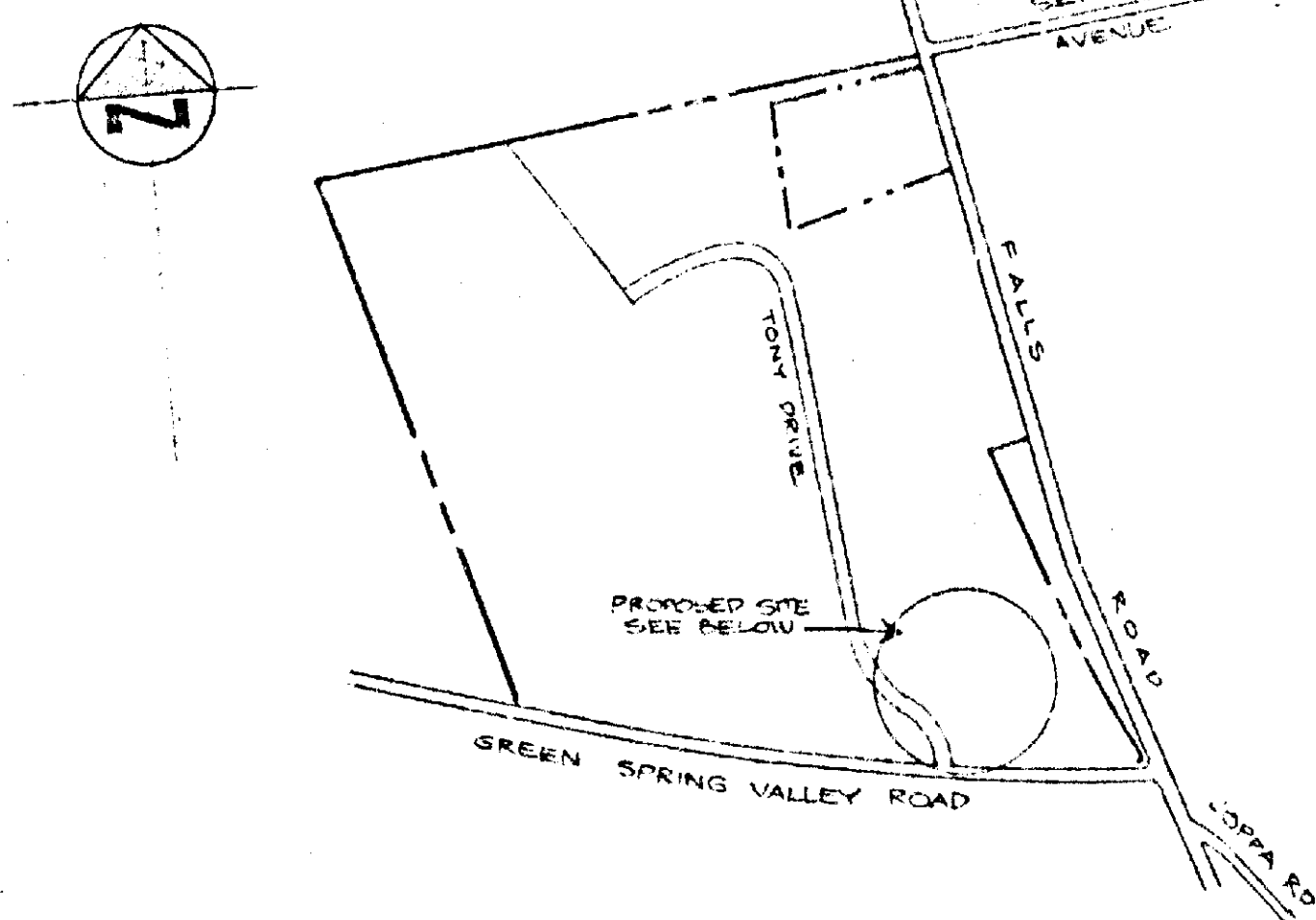
ABSORPTION RATE
 ONE (1) MINUTE AT 3.0" (PER TEST) = 2 GALS/DAY/SQ FT
 PROVIDE 2.0" WIDE TRENCHES AT 5'0" O.C.
 3.0" DEEP FOR TOTAL OF 813' LIN. FT

MINIMUM SLOPE SHALL BE 2" TO 4" PER 100'0"
 FUTURE: PROVIDE 8 SQ FT/GAL/DAY FOR FUTURE FIELDS MIN OF 26,000 SQ FT
 FUTURE (LOTS ONE & TWO)
 PROVIDE ADDITIONAL 30,000 SQ FT FUTURE ON LOT THREE
 TOTAL FUTURE: 56,000 SQ FT

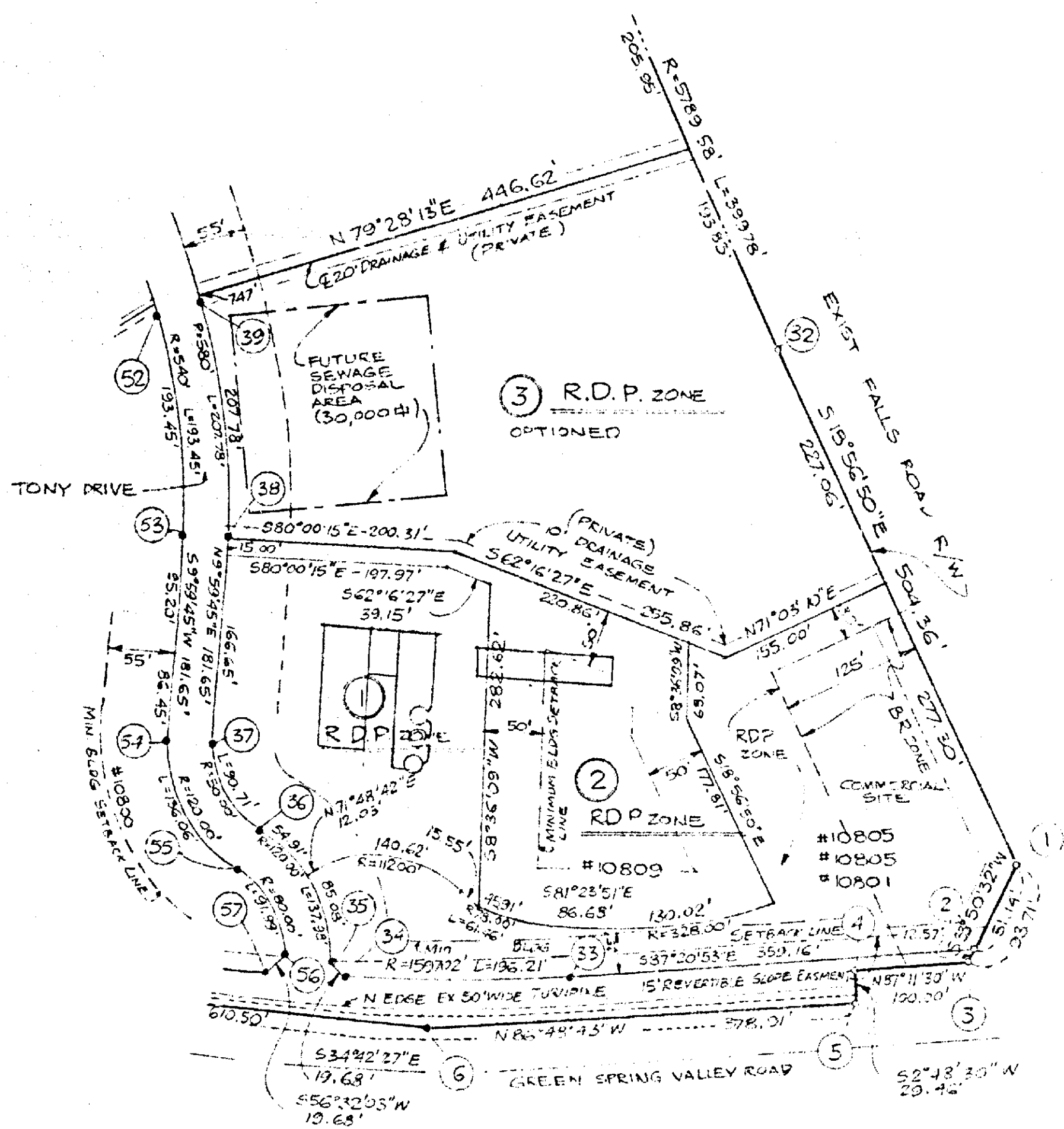
NOTE: NO KITCHEN
 NO FOOD SERVICE FACILITIES

THE AREA TO BE USED FOR THE INITIAL PERSONAL SYSTEM
 SHALL NOT BE USED FOR PARKING OR DRIVEWAYS AREAS
 RESERVED FOR FUTURE EXPANSION SHALL NOT BE USED
 FOR CONSTRUCTION OF PERMANENT STRUCTURES ABOVE
 OR BELOW GROUND

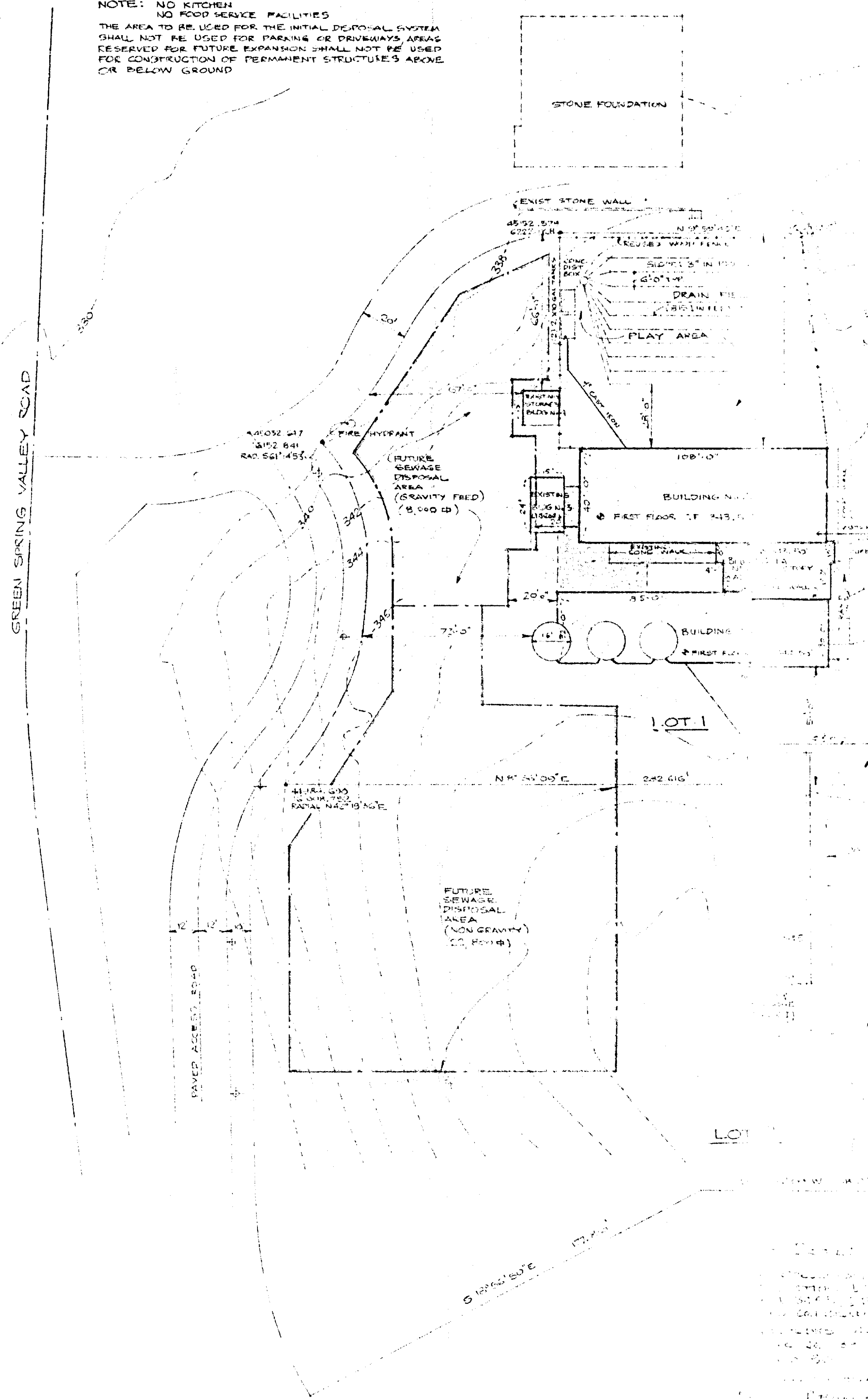
SEE: WASTE-SANITARY DESIGN CRITERIA
 USE: DAY SCHOOL WITHOUT CATERING, GYMNASIUM AND SHOWER(S)
 RATE: 15 GAL PER DAY PER STUDENT, 20 GAL/DAY/TEACHER
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LOCATION MAP
 SCALE 1" = 500'

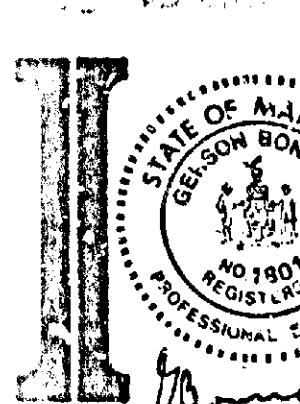


SITE LOT PLAN
 SCALE 1" = 100'



LOT 1

SEE: WASTE-SANITARY DESIGN CRITERIA
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Pursuant to the administrative posting of property, and public hearing on the petition and its appearing that by reason of the following finding of facts:

17-00-007381

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

10811 TONY DRIVE

OWNER'S NAME: MONTESSORI SOCIETY OF CENTRAL MD., INC.
BUILDING ADDRESS: TONY DRIVE, LUTHERVILLE, MD. 21093
CITY: LUTHERVILLE, MD. 21093
COUNTY: BALTIMORE, MD.

PETITIONER'S EXHIBIT

1. S. TONY DRIVE 331' N. GREENSPRING VALLEY

A. TYPE OF IMPROVEMENT
1. NEW BUILDING CONSTRUCTION
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING EXISTING NO UNITS DEDUCTED
6. OTHER
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B. OWNERSHIP
1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. OTHER
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C. TYPE OF USE
1. RESIDENTIAL
2. NON-RESIDENTIAL
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D. TYPE OF CONSTRUCTION
1. MASONRY
2. WOOD FRAME
3. CONCRETE
4. STEEL
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E. RESIDENTIAL ONLY
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G. MONTESSORI SOCIETY OF CENTRAL MD., INC.
215-25/420-89X611-11/1428-8611
FALLS GREENSPRING VALLEY RD., 21093
S. COOPER
321-6553

10270 E C 04749A

PLANNING AND ZONING

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Item # 52, Zoning Advisory Committee Meeting of Aug. 23, 1983

Property Owner: Montessori Society of Central Maryland, Inc.

Location: 4/5 Falls Road District 8

Water Supply: public Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any charcoal operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1) Received after hearing & not considered!
10/27/83

Zoning Item # 52
Page 2

() Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

() Soil percolation tests have been conducted.
{ } The results are valid until
{ } Revised plans must be submitted prior to approval of the percolation tests.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Application.

() All roads and parking areas should be surfaced with a dustless, bonding material.

() No health hazards are anticipated.

(X) Others This site is served by public water and private sewage disposal systems. In order to make any recommendations regarding the proposed addition, another inspection is needed by this office. The applicant has been advised to submit the information requested prior to consideration for approval of the project by this office.

Jan J. Portney, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon
Zoning Commissioner
Date: September 21, 1983

Catherine Drayton
FROM: Child Day Care Coordinator Cdd.

SUBJECT: Montessori Society of Central Maryland, Inc.
Falls and Greenspring Valley Roads
Lutherville, Maryland 21093

This is a statement in favor of additional improvements on the campus of Emerson Farms, Montessori. It would be desirable for new structures to provide for children's activities. Child development specialists recommend room enough for children to exercise their whole bodies when they spend time, as they do in school, confined to shared spaces. The proposed multipurpose building with additional indoor space will allow for gross motor activity which present structures do not provide.

PETITIONER'S EXHIBIT 5

10270 E C 04749A

PERSONS PRESENT ON BEHALF OF
THE MONTESSORI SOCIETY OF CENTRAL MARYLAND

Lawrence J. Serin, Lawrence J. Serin, Boileau
P.O. Box 18732 Balto. Md. 21206

Mark D. Levin, Mark David Levin AIA, Architect
1900 Spring Spring Road Suite #150
Baltimore, MD 21227

Calvin Schutman, Administrator
3123 COPENHAGEN ROAD
STREET, MD 21154

Marcia Hettinger, President of Board of Directors
1401 Clarke Ave.
Lutherville, Md 21093

Louis A. Stein, Treasurer of Board of Directors
Elvin & Tucker, Chartered
36 SOUTH CHARLES ST. SUITE 300
BALTIMORE, MARYLAND 21201

PETITIONER'S EXHIBIT 8

10270 E C 04749A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date: September 21, 1983

Norman E. Gerber
FROM: Director of Planning and Zoning

Montessori Society of Central Maryland, Inc.
SUBJECT: 84-99-SFH

In view of the nature of this request, this office offers no comment.

Thomas E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 28, 1983

Marshall B. Paul, Esquire
326 St. Paul Place
Baltimore, Maryland 21202

IN RE: Petition Special Hearing
E/S of Tony Drive, 85.08' N of
Greenspring Valley Road - 8th
Election District
Montessori Society of Central
Maryland, Inc., Petitioner
Case No. 84-99-SFH

Dear Mr. Paul:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,
Arnold Jablon
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

10270 E C 04749A

IN RE: PETITION SPECIAL HEARING
E/S of Tony Drive, 85.08' N of
Greenspring Valley Road - 8th
Election District
Montessori Society of Central
Maryland, Inc.,
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-99-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Montessori Society of Central Maryland, Inc., comes before the Zoning Commissioner to request a determination that it may further expand its school, which exists as a nonconforming use in its present location.

The Petitioner, represented by Counsel, presented three witnesses: Mark Levin, architect; Marcia Hettinger, President of the Board of Directors (Board); and Dr. Calvin Schutzman, Chief Administrator. Also testifying was Douglas A. Swam of the Zoning Office.

Testimony was presented that the property was purchased in 1976 by the Petitioner who then commenced renovation. There was, at that time, 16,297 square feet of interior space which was to be used as a school which was then a permitted use. As identified on Petitioner's Exhibit 6, Building Nos. 1 and 2, existing at the time of purchase, were renovated. Later, other buildings were renovated and additions made. In July, 1982, Mr. Levin requested permission from the Zoning Office to renovate Building No. 7 and add Building No. 7A, as shown on Petitioner's Exhibit 6. Mr. Levin was told that the previous renovation of Building No. 6 had consumed the allowable 25% expansion of a nonconforming use allowed by law; Buildings Nos. 1 and 2 were considered the nonconforming use and the renovation of Building No. 6 used up the 25% allotment. After meeting with the then Zoning Commissioner, James E. Dyer, Supervisor of the Zoning Office; and Mr. Swam, Mr. Levin left with the impression that the Zoning Commissioner would effect a compromise

by allowing the renovation of Building No. 7 and the addition of Building No. 7A but prohibiting any further expansion. Later, in fact, Mr. Swam confirmed with Mr. Levin this intention of the Zoning Commissioner and told Mr. Levin that such a notation had been placed on the site plan submitted by Mr. Levin. See Petitioner's Exhibit 6. The notation, actually written by Mr. Swam, was so placed at the direction of the Zoning Commissioner and represented the language of the Zoning Commissioner. The Zoning Commissioner included, for purposes of determining the 25% expansion allotment, 1,920 square feet of Building No. 6, 758 square feet for the renovation of Building No. 7, and 1,250 square feet for the addition of Building No. 7A. In fact, the Zoning Commissioner calculated the 25% from the 16,297 square feet, which was the total of the original buildings, but he did not add this amount to that figure but subtracted it and allowed 4,074 square feet for expansion. The Zoning Commissioner found that 3,928 square feet had been used, using the same figures for all practical purposes twice, and allowed 146 square feet to be carried over. Mr. Levin did not actually see the amended site plan, but, by his own admission, understood exactly what Mr. Swam had told him.

Mr. Levin, either that day or the next, told Dr. Schutzman. Dr. Schutzman admitted that he was told and that he knew of the Zoning Commissioner's decision. The Board of Directors were not told then and did not find out until sometime in the Spring or Summer of 1983 when a decision was made to consider further expansion. Both Dr. Schutzman and Mr. Levin testified that no thought was being given to further expansion at the time so no action was taken to object to the Zoning Commissioner's decision. Another reason to take no action was the concern that any objection would require delays and hearings.

The Petitioner now wishes to expand again but faces the limiting language found on Petitioner's Exhibit 6. The Petitioner argues that the architect had

no authority to consent to the Zoning Commissioner's decision, nor did Dr. Schutzman. The Board did not consent because it had no actual knowledge and neither Mr. Levin nor Dr. Schutzman had the authority to bind it. Further, the Petitioner contends that the Zoning Commissioner's interpretation of the nonconforming use was wrong in that the Zoning Commissioner looked to the use the buildings were put to rather than the envelope within which the buildings were located. The Petitioner argues that no waiver of its rights can be found from the actions of Mr. Levin or Dr. Schutzman.

It is also noted that a copy of the amended site plan was never received by Mr. Levin or the school, and the Petitioner argues that the notice given to Dr. Schutzman by Mr. Levin is not sufficient to bind the Petitioner.

The Petitioner wants the right to expand from 16,297 square feet to 20,371 square feet and this Zoning Commissioner to hold that the notation on Petitioner's Exhibit 6 does not constitute a waiver by the Petitioner of any objection to the decision of the then Zoning Commissioner.

A nonconforming use is an exception to generally applicable zoning requirements for a previously lawful, existing use. See, generally, 1 Anderson, American Law of Zoning, 2nd Ed., Section 6.01 to 6.73; 3 Rathkopf, The Law of Zoning and Planning, Section 58-1 to 61-18. The government recognizes a nonconforming use in derogation of the general zoning scheme in order to protect the interests of property owners. 1 Anderson, supra, Section 6.02 to 6.07; 3 Rathkopf, supra, Sections 58-1 to 58-3, 61-1. Nevertheless, the ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due respect to the legitimate interests of all concerned. A permissible aim of the zoning regulations is to limit and forbid expansion of a nonconforming use and to forfeit the right to it upon abandonment of the use or the destruction of the improvements housing the use. Grant v. Mayor and City Council of Balto., 129

A.2d 363 (1957). Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable ordinances and regulations. Feldstein v. Lisle Zoning Board, 227 A.2d 731 (1967). These regulations and ordinances must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948).

Section 104 of the Baltimore County Zoning Regulations (BCZR) is clear that a nonconforming use can be extended by 25% of the ground floor area of buildings used; therefore, it must be strictly construed.

By having his decision noted on the site plan submitted by Mr. Levin, the Zoning Commissioner had interpreted Section 104. Whether that interpretation is correct is a moot point if the Petitioner is held to have effectively waived any objections thereto when no appeal therefrom was taken.

Section 500.1, BCZR, requires all building permits to be submitted to the Zoning Commissioner for approval and that the Zoning Commissioner insure that the proposed building or use comply with the zoning regulations. Mr. Levin, pursuant to that regulation, submitted his plans for approval, and the Zoning Commissioner approved the proposal with the noted limitation. If a petitioner is not satisfied with the Zoning Commissioner's decision, pursuant to Section 500.7, BCZR, a request for a special hearing may be filed to have the Zoning Commissioner interpret the zoning regulations, subject to the right of appeal to the County Board of Appeals. In the alternative, pursuant to Section 500.10, BCZR, and Section 22-32, Baltimore County Code, the decision of the Zoning Commissioner to limit the expansion of the Petitioner's school could have been appealed to the County Board of Appeals directly within 30 days of the decision. Also, Section 124.1 of the Building Code of Baltimore County provides for appeals to the County Board of Appeals of any decision within 30 days of that decision.

It is agreed that no appeal was made. It is further agreed that no appeal was made for the following reasons: 1. fear of delay, and 2. no thought to additional expansion. Neither Dr. Schutzman nor Mr. Levin told the Board of the Zoning Commissioner's decision.

The Petitioner now argues that there was no final "Order" issued by the Zoning Commissioner to appeal from and, even if there were, only the Board could make that decision and it did not know of the Zoning Commissioner's notation.

As a general rule, the relationship of an architect and his principal is one of an independent contractor, at least as far as preparation of plans is concerned. With regard to performance of supervisory functions, however, an architect ordinarily acts as agent and representative of an owner. Edward Barron Estate Co. v. Woodruff Co., 126 P. 351. Whether an agency relationship in fact has been created is to be determined by the relation of the parties as they exist pursuant to any agreement or acts undertaken by the parties and, ultimately, the question is one of intention. Ramsburg v. Sykes, 158 A.2d 106 (1960).

Mr. Levin was retained by the Petitioner not only to prepare the plans for development but also to deal with the Zoning Office, as manifested by Mr. Levin's role in gaining approval for a permit, first by meeting with personnel of that office and second by meeting with the Zoning Commissioner. It is clear that Mr. Levin had been given the authority to request the permit and to submit all documentation necessary to gain that objective.

There must be something more than a mere holding out by an apparent agent of the appearance of an agency relationship to hold an apparent principal responsible for the acts of that agent; it must be shown that the principal knew, or should have known, that an agency relationship was being so espoused. Mabe v. B. P. Oil Corp., 370 A.2d 554 (1976).

The Petitioner knew, or should have known, that the architect, sent in the Petitioner's stead to gain the necessary permission to expand, construct, and/or renovate its school, had the authority to do what was necessary to obtain that permission. Therefore, it must be concluded that his acquiescence with the Zoning Commissioner's decision was imputed to his principal, the Petitioner.

A principal/agent relationship may arise in two ways. A person may expressly or impliedly authorize another to act on his behalf or he may engage in a course of conduct which misleads another to his detriment into relying on an apparent agency relationship. Borg-Warner Acceptance Corp. v. Rossi, 365 F. Supp. 56 (Md., 1972). Mr. Levin certainly acted with the implied authorization to accept or reject the restriction placed on the proposed expansion by the Zoning Commissioner, and he chose to accept it.

The Petitioner argues that the Board never received a copy of the restricted site plan. Although Mr. Swam testified that a copy of the approved site plan is always returned to the applicant in the normal course of business, in this case, there is nothing to doubt the statement that a copy was never received either by the Petitioner or by the architect. Mr. Levin did know of the restriction on the site plan and understood its import quite clearly. There can be no doubt that the failure to tell the Board was a calculated decision made by Dr. Schutzman after being told of the restriction by Mr. Levin. Mr. Levin met with personnel of the Zoning Office and with the Zoning Commissioner and was told later by Mr. Swam of the restriction being placed on the site plan, all because they believed Mr. Levin had the authority to act for the Petitioner. If actual authority to accept the Zoning Commissioner's decision without objection did not actually exist, certainly ostensible authority, or apparent authority, did. The conduct of the Petitioner authorizing Mr. Levin to obtain the permit established the agency relationship. Mes. Mut. Liability Ins. Soc. of Md. v. National Fire, Marine & Inland Ins. Co., 379 A.2d 739 (1977).

An agent who has been "held out" as possessing certain powers is authorized to exercise such powers. Fuller v. Howath, 402 A.2d 134 (1979). The Petitioner placed the architect in a position which caused the Zoning Office and the Zoning Commissioner to reasonably believe that the Petitioner consented to the exercise of authority Mr. Levin purported to hold, i.e., accept the restriction as imposed. Indeed, the Petitioner cannot now escape liability for the acts of its agent by placing limitations on his authority not known to others dealing with him nor properly inferable from the nature of his employment. Ralph Pritts & Sons, Inc. v. Bulter, 403 A.2d 830 (1979).

Therefore, it is concluded that the Petitioner is bound by a failure to object to the restriction imposed by the Zoning Commissioner.

The Petitioner is charged with constructive knowledge of the Zoning Commissioner's decision. There is no need to determine the existence of a principal/agent relationship between Dr. Schutzman and the Board.

An issue left to be decided is whether the restriction noted on the site plan at the instruction of the Zoning Commissioner and the verbal communication to Mr. Levin, first by the Zoning Commissioner and later by Mr. Swam of his interpretation as noted, constitutes an Order subject to appeal.

Section 124.1 of the Building Code provides for an appeal by any "aggrieved" person of any order, decision, interpretation, or action of a building official. Inasmuch as all applications for a building permit must be submitted to the Zoning Commissioner for approval before any permit can be issued, it is obvious that the building official must deny the permit without this approval. See Section 500.1, BCZR. Equally obvious is that if the Zoning Commissioner places restrictions on a permit, the building official must issue the permit with such restrictions. If there is a disagreement, an appeal might flow pursuant to Section 124.1 of the Building Code.

In addition, it is also clear from Section 22-32 of the Baltimore County Code that any decision of the Zoning Commissioner may be appealed to the County Board of Appeals. The authority vested in the Zoning Commissioner by Section 500.1, BCZR, to approve a building permit is final. However, any person may appeal to the County Board of Appeals if aggrieved by the determination of the Zoning Commissioner that the proposed use does or does not comply with the zoning regulations.

Therefore, the notation on the site plan limiting future expansion does in fact amount to an "Order", subject to appeal.

After due consideration of the evidence and testimony presented, it is found that the Petitioner did not appeal the decision of the Zoning Commissioner to restrict the Petitioner's future expansion, as is more fully set forth on Petitioner's Exhibit 6, and that the Petitioner is now bound by the language found thereon. Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that there was in fact a waiver of the Petitioner's right to appeal the decision to restrict potential further expansion from and as noted on Petitioner's Exhibit 6, the relief requested should be denied.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of October, 1983, that the relief requested by the Petition for Special Hearing to have the decision made by the then Zoning Commissioner on August 4, 1982, and noted on the site plan identified as Petitioner's Exhibit 6 set aside and to decide that the Petitioner did not waive its right to appeal said decision be and is hereby DENIED, from and after the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

PETITION FOR SPECIAL HEARING

8th Election District

ZONING: Petition for Special Hearing
 LOCATION: East side Tony Drive, 85.08 ft. North of Greenspring Valley Drive
 DATE & TIME: Thursday, October 13, 1983 at 1:30 P.M.
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the operation of its school on 16,297 sq. ft. of existing buildings, plus 25% expansion to 20,371 sq. ft. of interior space and to determine that the notation made by the Zoning Commissioner on the plat previously submitted by the petitioner with building permit (C-808-82) does not constitute a waiver by the petitioner of its right to operate its school on all of such area

All that parcel of land in the Eighth District of Baltimore County

Being the property of Montessori Society of Central Maryland, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
 ARNOLD JABLON
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

MICROFILMED

Montessori

75 Years of Commitment to Children

Dr. Calvin Schutman, Administrator

DESCRIPTION OF PROPERTY OWNED

BY

MONTESSORI SOCIETY OF CENTRAL MARYLAND, INC.

Six and one-half acre tract on the west side of Falls Road 407.5' N.W. of Greenspring Valley Road. Beginning at a point on the East Side of Tony Drive 85.08' North of Greenspring Valley Road at a radius of 137.98' and known and designated as Lot Nos. 1, 2 and 3 on the Plat of "Brooklandwood", which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 39, folio 80 in the 8th Election District of Baltimore County.

Being part of the tract of land described in a Deed dated December 29, 1975, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5596, folio 591, was granted and conveyed by Mercantile-Safe, Deposit and Trust Company, Trustee, et al, to the Grantor herein.



MICROFILMED

Montessori Society of Central Maryland
 Falls and Greenspring Valley Roads, Baltimore/Luttrellville, Maryland 21093 Telephone: 301-321-8555

September 14, 1983

Marshall B. Paul, Esquire
 326 St. Paul Place
 Baltimore, Maryland 21202

NOTICE OF HEARING
 Re: Petition for Special Hearing
 East side Tony Dr., 85.08' N of
 Greenspring Valley Drive
 Montessori Society of Central
 Maryland, Inc. - Petitioner
 Case No. 84-99-SPH

TIME: 1:30 P.M.
 DATE: Thursday, October 13, 1983
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
 Zoning Commissioner
 of Baltimore County

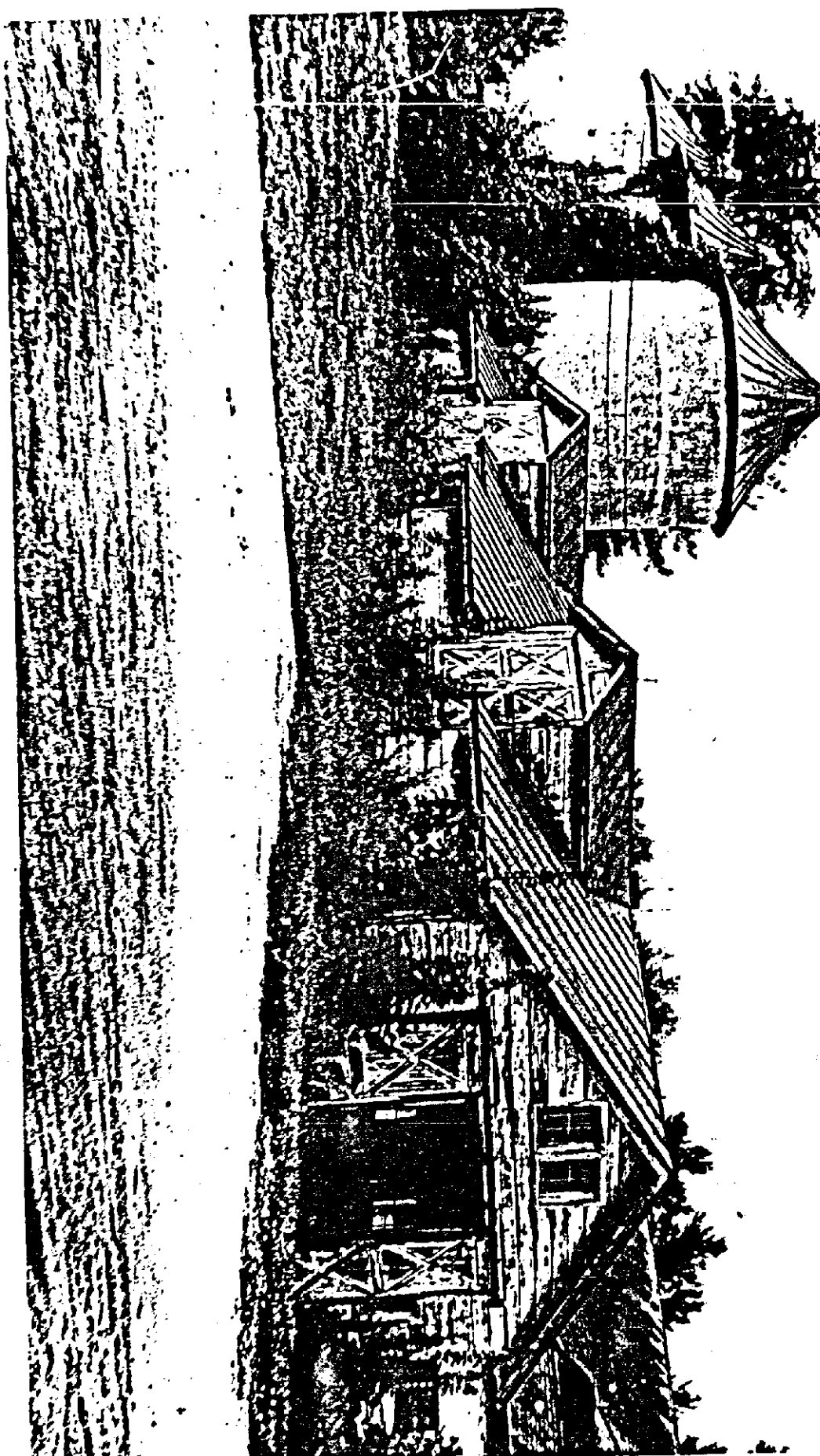
BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: 8-10-83 ACCOUNT: R-01-615-000
 AMOUNT: 120.00

RECEIVED FROM: *John F. ...*
 FOR: *...*

6 035*****1000000 8125A

VALIDATION OR SIGNATURE OF CASHIER



SEPTEMBER 14 1983

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/17 1983
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 17th day of Sept 1983.

THE TOWSON TIMES
M. J. ...
 Cost of Advertisement, \$ 36.48

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 22, 1983
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week of 100 times before the 22nd day of September, 1983, the first publication appearing on the 22nd day of September, 1983.

THE JEFFERSONIAN
L. ...
 Manager.
 Cost of Advertisement, \$ 29.75

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: *8th* Date of Posting: *Sept 22 - 83*
 Posted for: *Special Hearing*
 Petitioner: *Montessori Society of Central Maryland, Inc.*
 Location of property: *E/S of Tony Dr. 85.08' N of Greenspring Valley Dr.*
 Location of Signs: *E/S of Tony Dr. approx 70' north of Greenspring Valley Drive*
 Remarks:
 Posted by: *M. J. ...* Date of return: *Sept 30 - 83*
 Number of Signs: *1*

MICROFILMED



BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3353

ARNOLD JABLON
 ZONING COMMISSIONER

September 29, 1983

Marshall B. Paul, Esquire
 326 St. Paul Place
 Baltimore, Maryland 21202

Re: Petition for Special Hearing
 E/S Tony Dr., 85.08' N of Greenspring Valley Drive
 Montessori Society of Central Md., Inc. -
 Petitioner
 Case No. 84-99-SPH

Dear Mr. Paul:

This is to advise you that \$71.23 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
 ARNOLD JABLON
 Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 121565

DATE: 10/10/83 ACCOUNT: R-01-615-000

AMOUNT: \$71.23

RECEIVED FROM: *Montessori Society of Central Maryland*
 FOR: *Advertising & Posting Case #84-99-SPH*

6 035*****712310 5112A

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

PETITIONER'S
 EXHIBIT 3



MICROFILMED

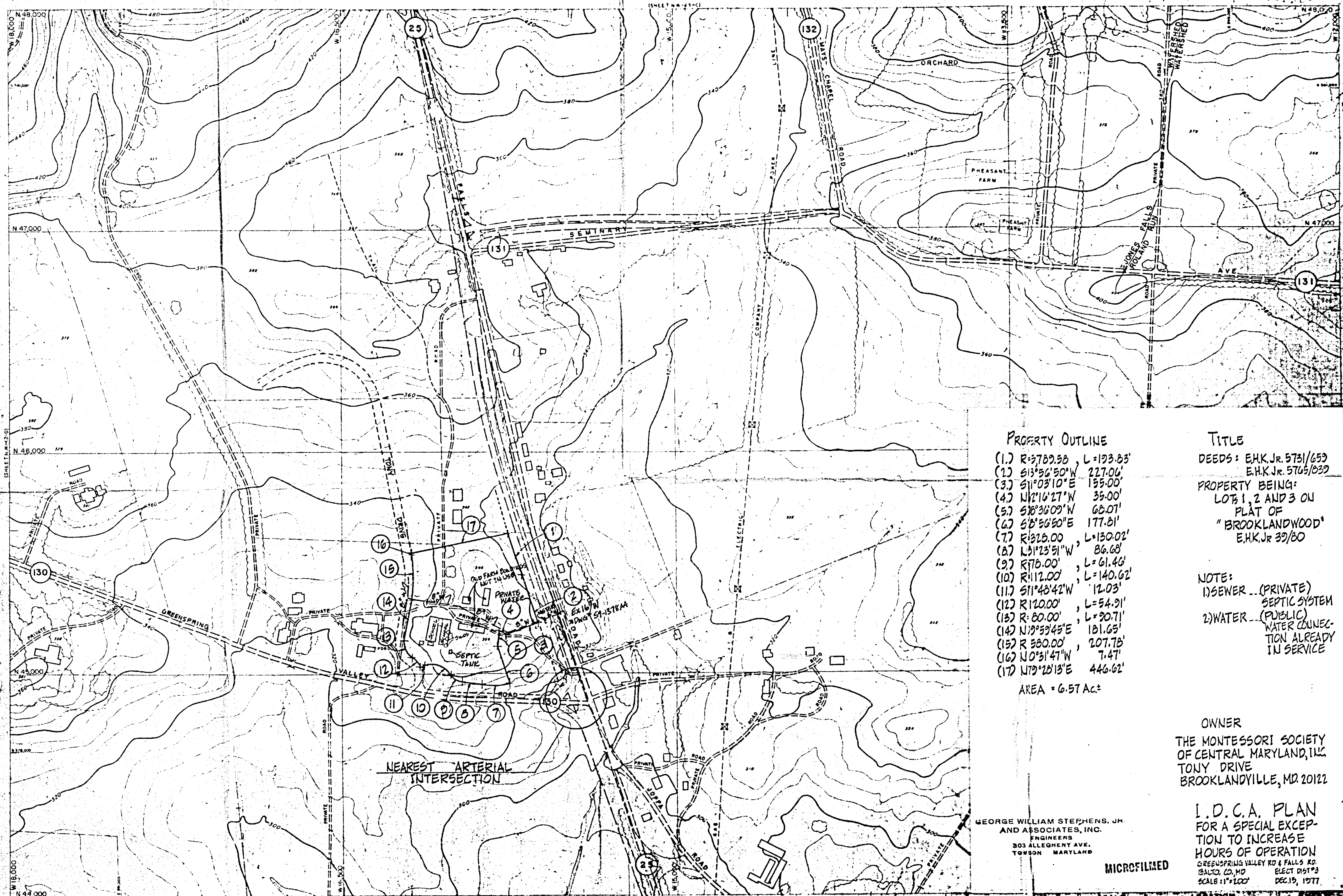


PETITIONER'S
EXHIBIT 4



MICROFILMED





PROPERTY OUTLINE

- (1) R=3789.58, L=193.83'
- (2) S13°56'50"W 227.06'
- (3) S11°03'10"E 155.00'
- (4) N21°16'27"W 35.00'
- (5) S38°36'09"W 68.01'
- (6) S5°56'50"E 177.81'
- (7) R325.00, L=130.02'
- (8) L31°23'51"W 86.68'
- (9) R76.00, L=61.46'
- (10) R112.00, L=140.62'
- (11) S11°48'42"W 12.03'
- (12) R120.00, L=54.91'
- (13) R=80.00, L=90.71'
- (14) N19°53'45"E 181.65'
- (15) R380.00, L=207.78'
- (16) N0°31'47"W 7.47'
- (17) N79°28'13"E 446.62'

AREA = 6.57 Ac±

TITLE

DEEDS: E.H.K.Jr. 5731/659
E.H.K.Jr. 5765/639
PROPERTY BEING:
LOTS 1, 2 AND 3 ON
PLAT OF
"BROOKLANDWOOD"
E.H.K.Jr. 39/80

NOTE:

- 1) SEWER... (PRIVATE) SEPTIC SYSTEM
- 2) WATER... (PUBLIC) WATER CONNECTION ALREADY IN SERVICE

OWNER

THE MONTESSORI SOCIETY
OF CENTRAL MARYLAND, INC.
TONY DRIVE
BROOKLANDVILLE, MD. 21022

I.D.C.A. PLAN
FOR A SPECIAL EXCEP-
TION TO INCREASE
HOURS OF OPERATION
GREENSPRING VALLEY RD & FALLS RD.
BALTO. CO. MD. ELECT DIST #3
SCALE 1"=100' DEC. 15, 1977

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

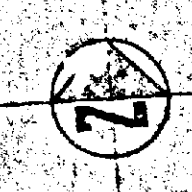
MICROFILMED

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

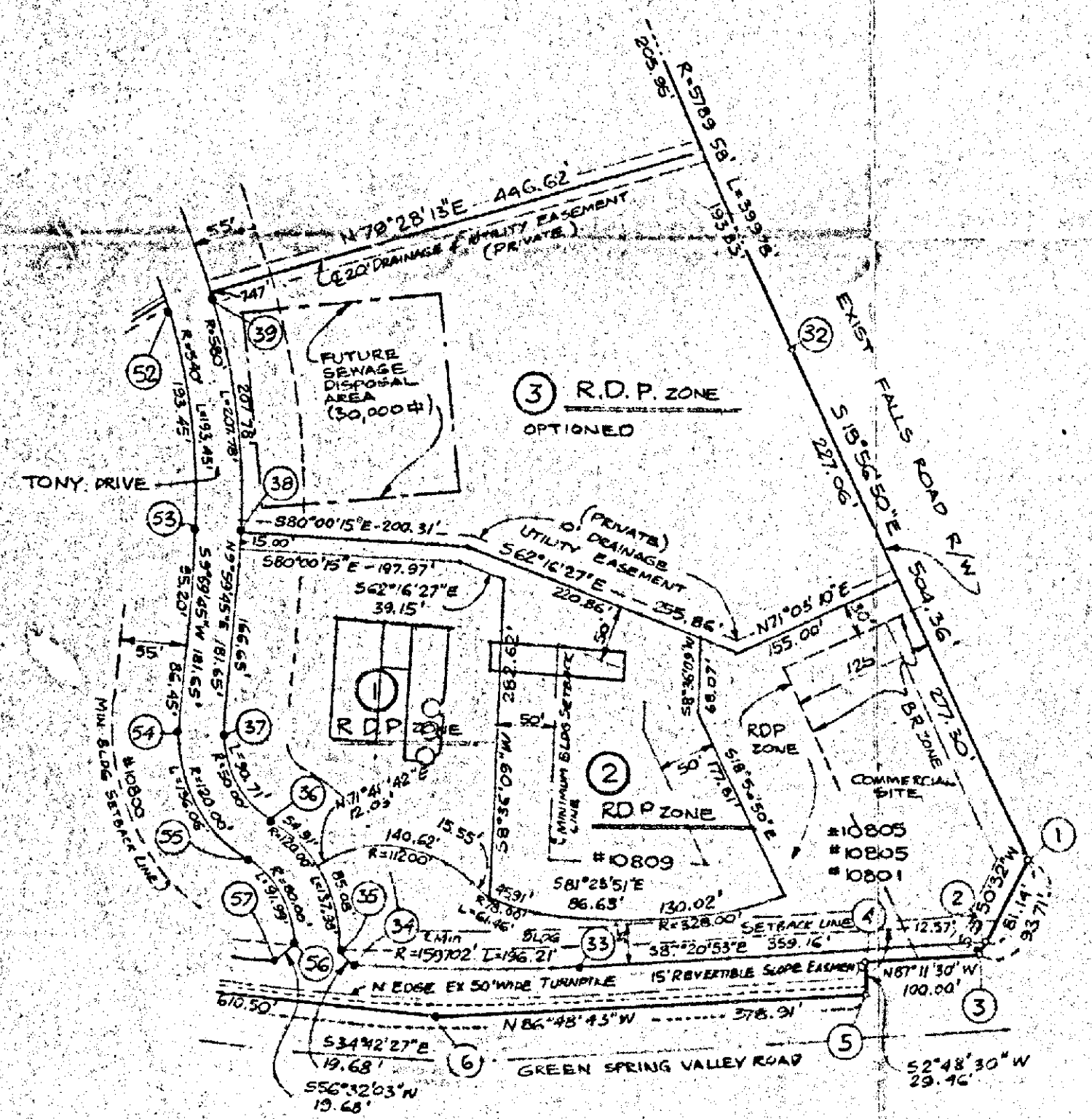
REVISION	DATE	BY	SCALE	LOCATION
1	4/1/78	ST	1"=100'	BROOKLANDVILLE
2	4/1/78	ST	1"=100'	BROOKLANDVILLE
3	4/1/78	ST	1"=100'	BROOKLANDVILLE
4	4/1/78	ST	1"=100'	BROOKLANDVILLE
5	4/1/78	ST	1"=100'	BROOKLANDVILLE
6	4/1/78	ST	1"=100'	BROOKLANDVILLE
7	4/1/78	ST	1"=100'	BROOKLANDVILLE
8	4/1/78	ST	1"=100'	BROOKLANDVILLE
9	4/1/78	ST	1"=100'	BROOKLANDVILLE
10	4/1/78	ST	1"=100'	BROOKLANDVILLE
11	4/1/78	ST	1"=100'	BROOKLANDVILLE
12	4/1/78	ST	1"=100'	BROOKLANDVILLE
13	4/1/78	ST	1"=100'	BROOKLANDVILLE
14	4/1/78	ST	1"=100'	BROOKLANDVILLE
15	4/1/78	ST	1"=100'	BROOKLANDVILLE
16	4/1/78	ST	1"=100'	BROOKLANDVILLE
17	4/1/78	ST	1"=100'	BROOKLANDVILLE

1953 Toro

1970 Toro



LOCATION MAP
SCALE 1" = 500'

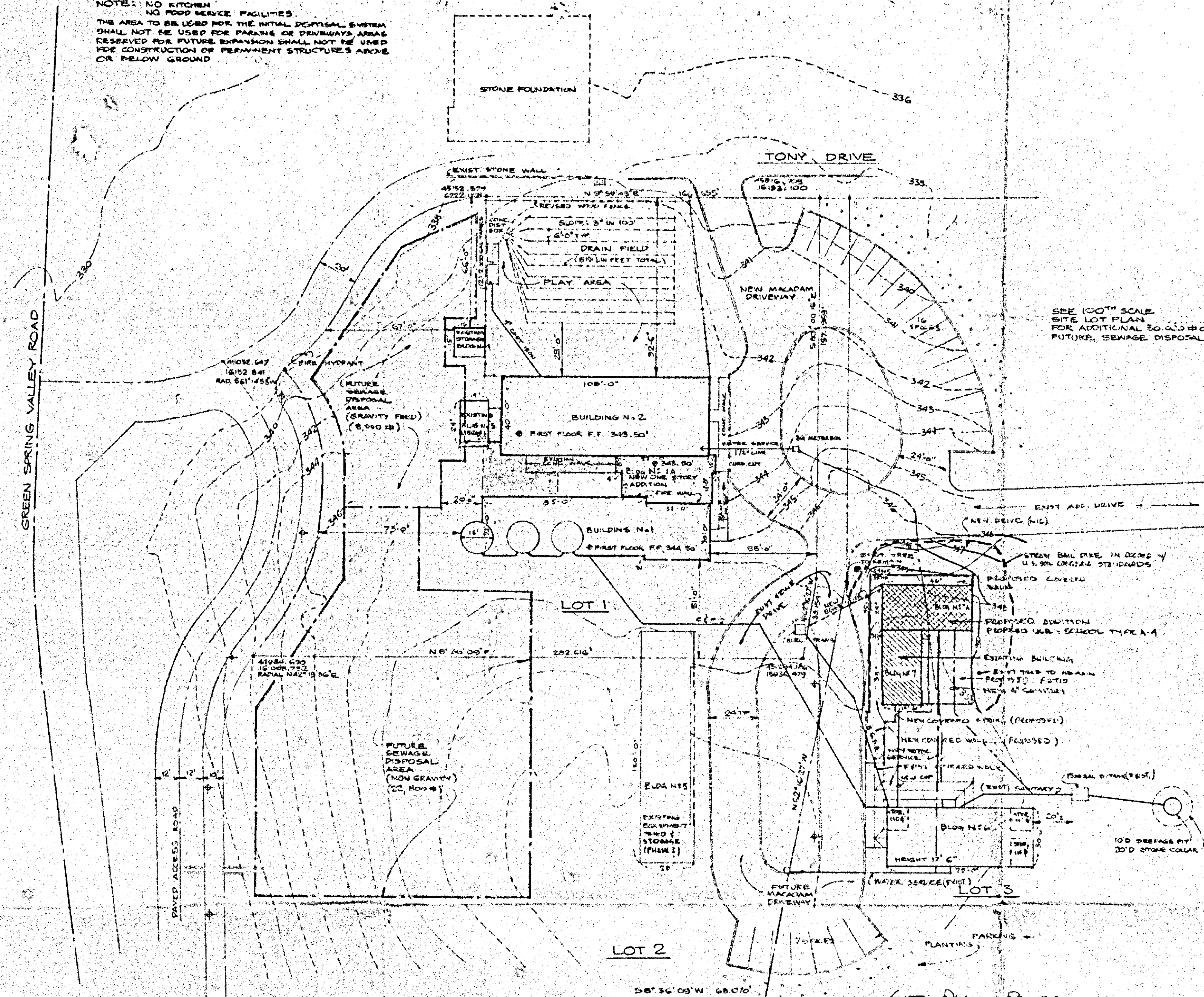


SITE LOT PLAN
SCALE 1" = 100'

DRAINFIELD NO. 1
WASTE-SANITARY DESIGN CRITERIA
CODE: BALTIMORE COUNTY, CHART 16, PLUMBING
USE: DAY SCHOOL WITHIN CAPACITY, GYMNASIUM AND SHOWERS
RATE: 15 GAL. PER DAY PER STUDENT, 20 GAL. / DAY / TEACHER
LOAD: 100 STUDENTS = 1,500 GAL. / DAY; 10 TEACHERS = 200 GAL. / DAY
FUTURE: 1. 25 STUDENTS @ 15 GAL. / DAY; 2. 10 TEACHERS @ 20 GAL. / DAY
TOTAL = 3,500 GAL. / DAY
DEPTH TANKS (2) 2,000 GAL.
ABSORPTION RATE
ONE (1) MINUTE AT 5.4" (PER HOUR) = 2 GAL. / DAY / SQ. FT.
PROVIDE 2.0' WIDE TRENCHES AT 6" W. C.
2.0' DEEP FOR TOTAL OF 815 LIN. FT.
MINIMUM SLOPE SHALL BE 1" TO 1' PER 100.0'
FUTURE: PROVIDE 8.00 FT. / DAY FOR FUTURE FIELDS MINOR 25,000 SQ. FT.
FUTURE (LOTS ONE & TWO)
PROVIDE ADDITIONAL 30,000 SQ. FT. FUTURE ON LOT THREE
TOTAL FUTURE: 65,000 SQ. FT.

NOTE: NO KITCHEN
NO FOOD SERVICE FACILITIES
THE AREA TO BE USED FOR THE INITIAL DISPOSAL SYSTEM
SHALL NOT BE USED FOR PARKING OR DRIVEWAYS AREAS
RESERVED FOR FUTURE EXPANSION SHALL NOT BE USED
FOR CONSTRUCTION OF PERMANENT STRUCTURES ABOVE
OR BELOW GROUND

DEEPAGE PIT
10" DIAMETER, 8' BELOW MULET (MOOSE FLICK)
BACKFILL ON OUTSIDE OF DEEPAGE PIT TO MEET STONE OR
OTHER PER. 8' DEEP
NOTE: SEE NOTE FOR DRAINFIELD NO. 1
W. CUMULATIVE OF PLUMBED LOCATIONS & DETERMINATION (FREQUENTLY ASSAILED)



PETITIONER'S
EXHIBIT 6

SEE 1000' SCALE
SITE LOT PLAN
FOR ADDITIONAL 30,000 SQ. FT.
FUTURE SEWAGE DISPOSAL AREA

CONSTRUCTION SEQUENCE

1. INITIAL SEWAGE CONTROL MEASURES	7-19-82
2. REVISION OF FOOTINGS	7-20-82
3. CONSTRUCTION OF FOUNDATION WALLS	7-21-82
4. SKEL. FILL & EXCAVATION	7-22-82
5. BUILDING CONSTRUCTION	8-2-82
6. STABILIZATION	8-16-82
7. REMOVAL OF SEWAGE CONTROL MEASURES & CONSTRUCTION	9-1-82

Proposed Use Data

BUILDING NO.	USE	AREA (SQ. FT.)	DATE	REMARKS
1	Classroom	1,179	1979	1,179
2	Classroom	1,179	1979	1,179
3	Classroom	1,179	1979	1,179
4	Classroom	1,179	1979	1,179
5	Classroom	1,179	1979	1,179
6	Classroom	1,179	1979	1,179
7	Classroom	1,179	1979	1,179
7A	Classroom	1,179	1979	1,179
TOTALS		1,179	1979	1,179

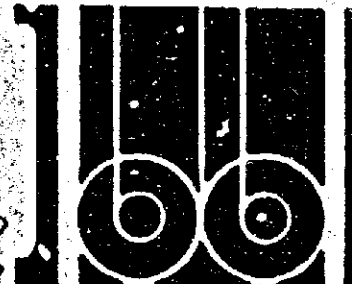
SITE DATA:
BROOKLANDWOOD - BALTIMORE CO. / MD
ELECTION DISTRICT NO. 8
P.N. 3458, DEC. 1975
3RD CONGRESSIONAL DISTRICT
RECORDED 4-29-76
E.L. 44 35
Folio 50
MAINT. SOL. BEARING 1,000 PSF
BASED ON PLE SCHOOL & GRADES 1 THRU 3
BUILDINGS:
NUMBER OF TEACHERS - 10
@ 1/TEACHER - 10
OFFICE AREA 450 SQ. FT.
@ 1/300 SF - 2
EXISTING REQUIRED
PROPOSED
NUMBER OF TEACHERS - 2
@ 1/TEACHER - 3
TOTAL PARKING REQUIREMENT - 23
TOTAL PARKING EXISTING - 22

CODE DATA:
BUILDING USE GROUP: TYPE A-4 SCHOOL
CONSTRUCTION TYPE: 40 UNMORTARED
ALLOWABLE AREA: 6000 1981 - 7200 SQ. FT.
PROPOSED AREA:
GRADE FLOOR LEVEL - 2032 SQ. FT.
MEASURING LEVEL - 535 SQ. FT.
TOTAL - 2567 SQ. FT.
* NOTE: USE OF MEASURING IS RESTRICTED
TO ONE SQUARE FOOT OR OLDER IN DEPENDANCE
MINIMUM 10'

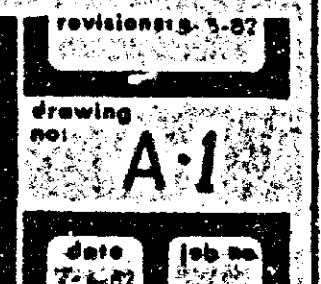
SITE & UTILITY PLAN

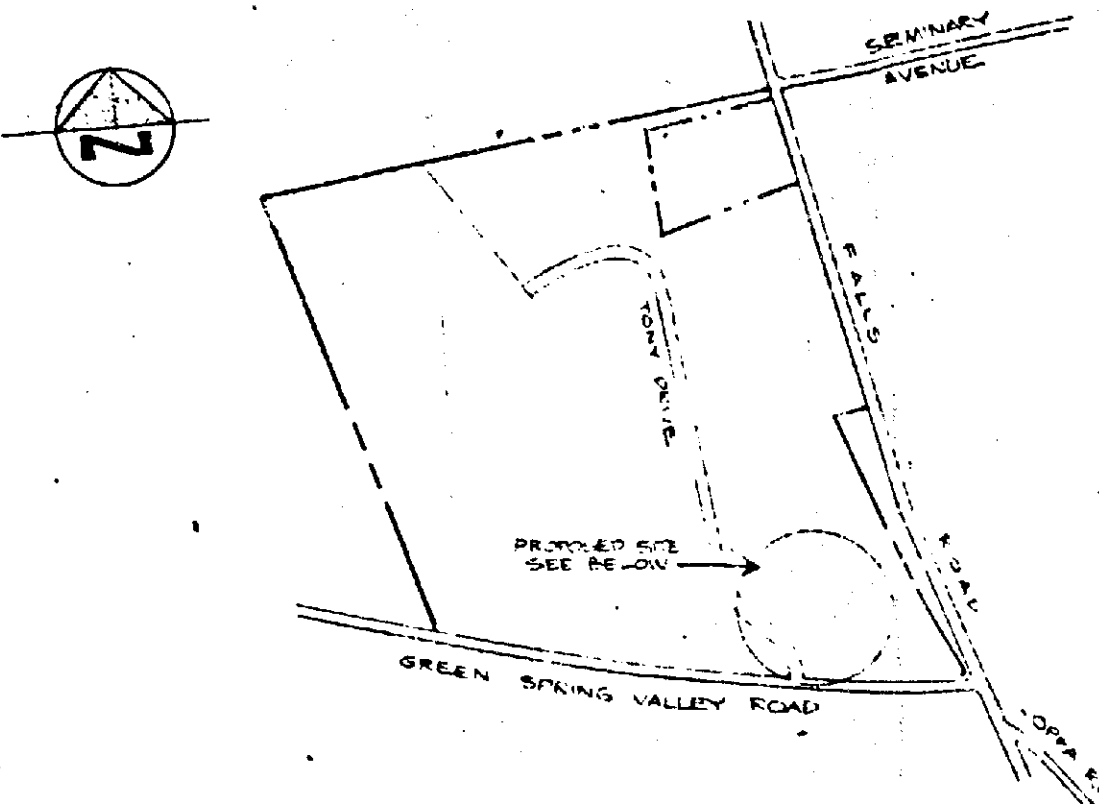


ALTERATIONS & ADDITION
TO
STUD. BARN
FOR
MONTESORI SOCIETY OF CENTRAL MARYLAND
BALTIMORE COUNTY, MARYLAND

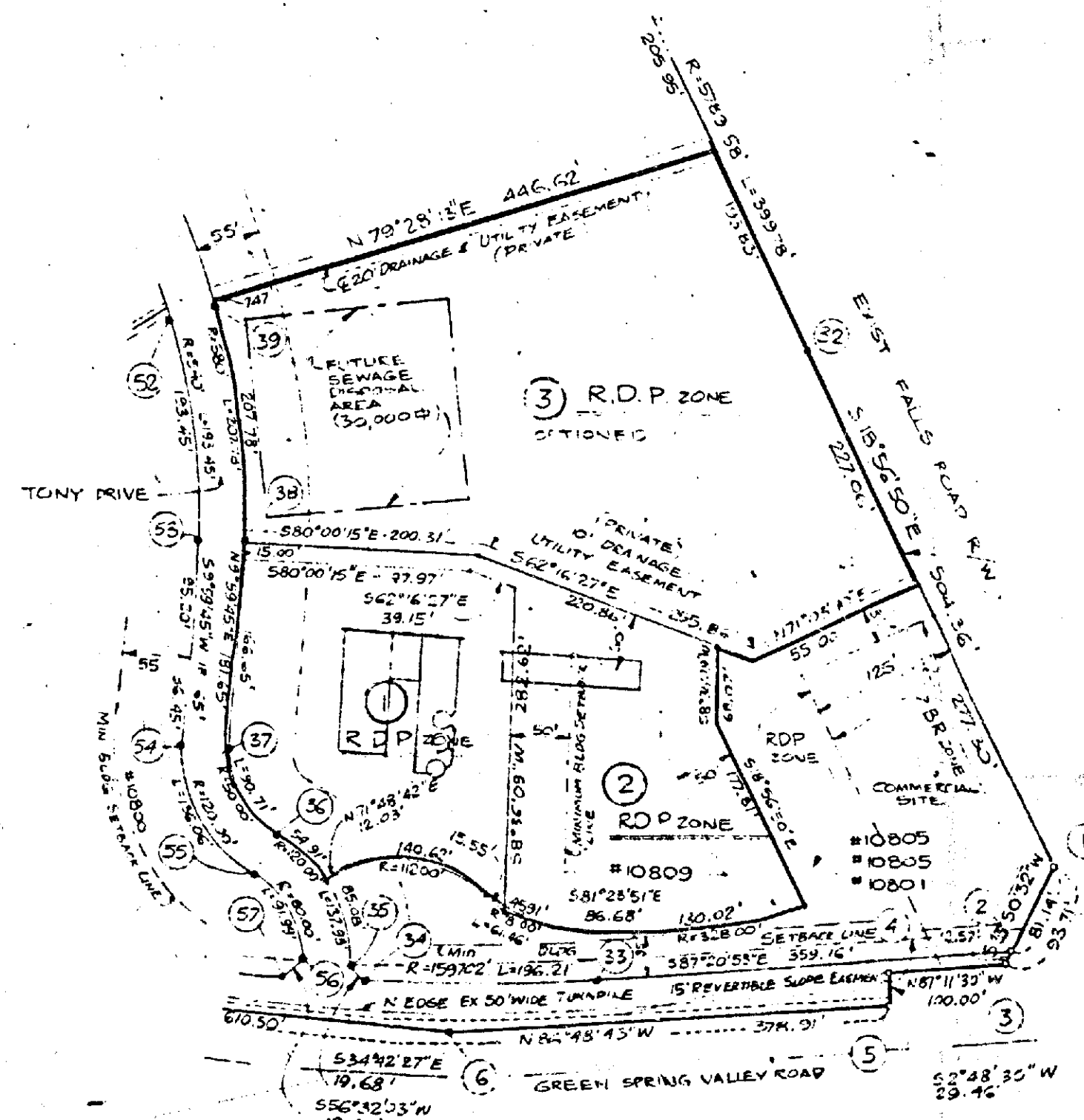


Bonnett & Brandt Inc.
Architects - Engineers - Planners
100 West Centre Street
Baltimore, Maryland
(301) 727-0456





LOCATION MAP
SCALE 1"=500'

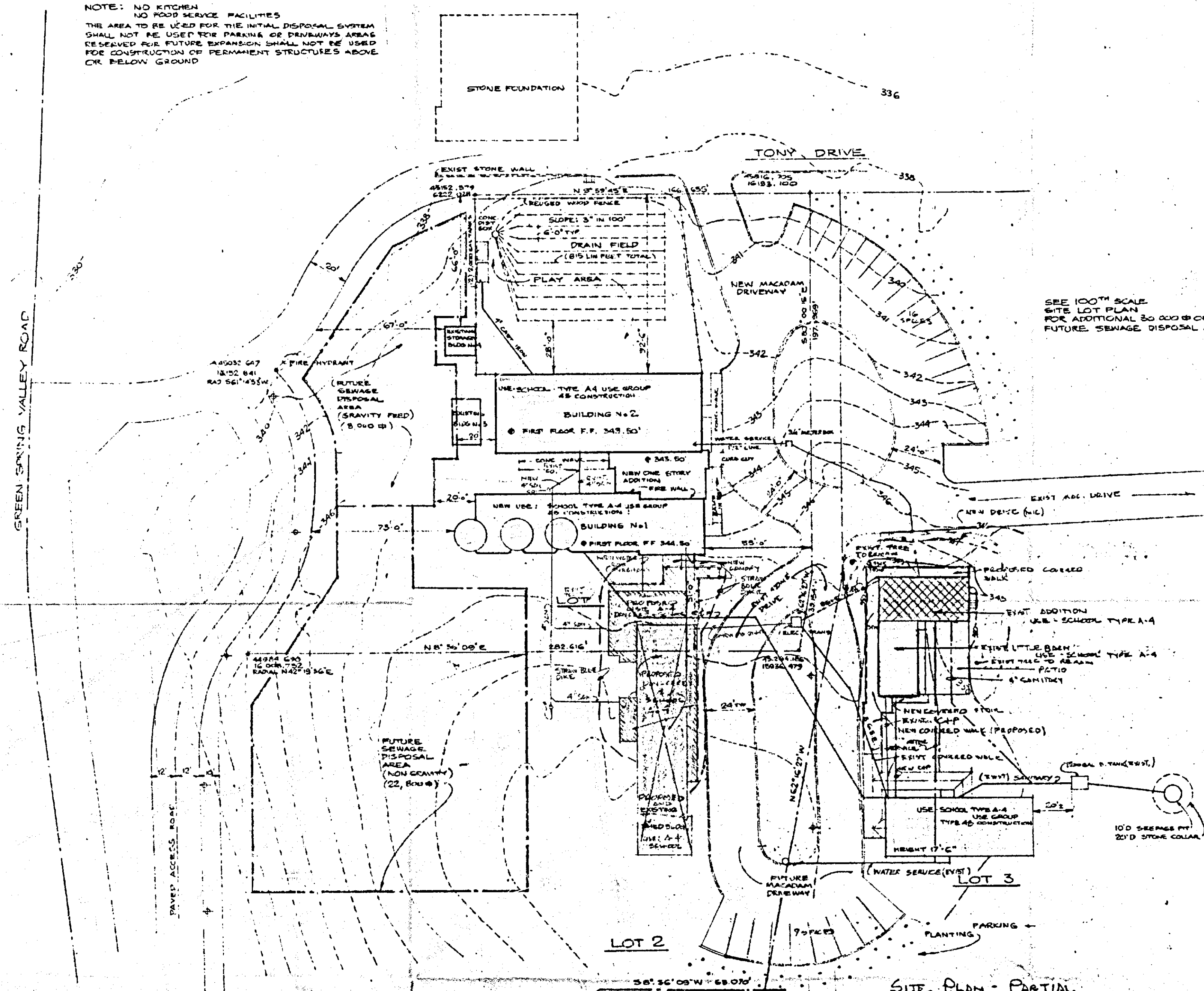


SITE LOT PLAN
SCALE 1"=100'

DRAINFIELD No.1
WASTE-SANITARY DESIGN CRITERIA
CODE: BALTIMORE COUNTY, CHARTER PLUMBING
USE: DAY SCHOOL WITHOUT CAFETERIA, GYMNASIUM AND SHOWER(S)
RATE: 15 GAL PER DAY PER STUDENT, 20 GAL/DAY/TEACHER
LOAD: 150 STUDENTS = 2,250 GALS PER DAY; 14 TEACHERS = 280 GALS/DAY
FLOOR: 30 STUDENTS = 450 GALS/DAY; 2 TEACHERS = 40 GALS/DAY
TOTAL = 3,070 GALS/DAY
SEPTIC TANKS (2) 2,000 GALS
ASSUMPTION RATE: ONE (1) MINUTE AT 1.0" PER TEST = 2 GALS/DAY/SQ FT
PROVIDE: 2'-0" WIDE TRENCHES AT 6'-0" P.C.
2'-0" DEEP FOR TOTAL OF 813' LIN FT
MINIMUM SLOPE SHALL BE 2'-0" PER 100'-0"
FUTURE: PROVIDE 8' 0" F/GAL/DAY FOR FUTURE FIELDS MINOR 26,000 SQ FT
FUTURE (LOTS ONE & TWO)
PROVIDE ADDITIONAL 30,000 GALS FUTURE ON LOT THREE
TOTAL FUTURE: 60,000 GALS

NOTE: NO KITCHEN
NO FOOD SERVICE FACILITIES
THE AREA TO BE USED FOR THE INITIAL DISPOSAL SYSTEM
SHALL NOT BE USED FOR PARKING OR DRIVEWAYS ABOVE
REARVED FOR FUTURE EXPANSION SHALL NOT BE USED
FOR CONSTRUCTION OF PERMANENT STRUCTURES ABOVE
OR BELOW GROUND

SEEPAGE PIT #1
WASTE-SANITARY DESIGN CRITERIA
CODE: BALTIMORE COUNTY, CHARTER PLUMBING
USE: DAY SCHOOL WITHOUT CAFETERIA, GYMNASIUM AND SHOWER(S)
RATE: 15 GALS PER DAY PER STUDENT; 20 GALS/DAY/TEACHER
LOAD: 150 STUDENTS = 2,250 GALS/DAY; 14 TEACHERS = 280 GALS/DAY
FLOOR: 30 STUDENTS = 450 GALS/DAY; 2 TEACHERS = 40 GALS/DAY
TOTAL: 3,070 GALS/DAY
SEPTIC TANKS (2) 2,000 GALS
SEEPAGE PIT
0' DIAMETER, 8' BELOW INLET (MOOSE BLOCK)
BACKFILL ON OUTSIDE OF SEEPAGE PIT TO BE #2 STONE OR
OTHER PER R. DIERER
NOTE: SEE NOTE FOR DRAINFIELD No.1



CONSTRUCTION SEQUENCE
1. INSTALL SEWAGE TRENCH AND PIPES 6-1-83
2. EXCAVATION OF FOOTINGS 6-5-83
3. CONSTRUCTION OF FOUNDATION WALLS 6-12-83
4. BUILT WALL AND FLOOR SLAB 6-15-83
5. BUILDING CONSTRUCTION 6-15-83
6. STABILIZATION 6-20-83
7. REMOVAL OF RESIDUAL CONTROL MEASURES & COMPLETION 7-1-83

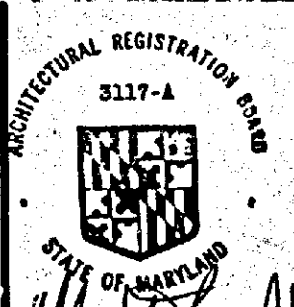
EXHIBIT 1
PITIONER'S

SITE DATA:
BROOKLANDWOOD, BALTIMORE CO. MD.
ELECTION DISTRICT N-8
EN 3458, DEC 1975
3RD CONGRESSIONAL DISTRICT
RECORDED 4-29-76
EVL 46 39
Folio 80
Assessed: 2000 S.F.
PARKING REQUIREMENTS
BASED ON ONE SCHOOL GRADES (THRU 3)
EXISTING:
NUMBER OF TEACHERS 21 21
@ 1/TEACHER 21 21
OFFICE AREA 450 S.F. 2 2
@ 1/200 S.F. 2 2
EXISTING REQUIRED 23 23
PROPOSED 23 23
MANAGER OF TEACHERS 2 2
@ 1/TEACHER 2 2
TOTAL PARKING REQUIRED 25 25
TOTAL PARKING EXISTING 25 25

CODE DATA:
BUILDING USE GROUP: TYPE A-4 SCHOOL
CONSTRUCTION TYPE: 4.0 UNIMPROVED
ALLOWABLE AREA: 6024 1981 - 7200 SQ FT
PROPOSED AREA:
GRADE FLOOR LEVEL: +575.63 FT.

SITE & UTILITY PLAN
SCALE: 1"=30'-0"

ADDITIONS & ALTERATIONS
TO
RUN-IN SHED
FOR
MONTESSORI
SOCIETY OF CENTRAL MARYLAND



Mark David Levin, AIA - Design Consultant
Architecture Planning Urban Design
1900 Sulphur Spring Road - Suite 150 Baltimore, Maryland
Phone (301) 242-2755

10/16/1983
A-1
03-4

PETITION FOR SPECIAL HEARING 84-99-SPH
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve operation of its school on 16,297 sq. ft. of existing buildings, plus 25% expansion to 20,371 sq. ft. of interior space and to determine that the notation made by the Zoning Commissioner on the plat previously submitted by the petitioner with building permit (C-808-82) does not constitute a waiver by the petitioner of its right to operate its school on all of such area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser: (Type or Print Name)
Signature
Address
City and State
Home for Petitioner:
Marshall B. Paul
(Type or Print Name)
Signature
Address
City and State
Telephone No. 752-1230

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Falls & Greenspring Valley Roads 321-8555
Lutherville, Maryland 21093
Marshall B. Paul
326 St. Paul Place, Balto., Md. 21202
752-1230

ORDERED BY The Zoning Commissioner of Baltimore County, this 23rd day of August, 1983, 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 13th day of October, 1983, at 1:30 o'clock P.M.

Cal John
Zoning Commissioner of Baltimore County.

Z.C.O.-No.1

(over)



HARRY J. PISTEL, P.E.
DIRECTOR

September 16, 1983

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

Re: Item #52 (1983-1984)
Property Owner: Montessori Society of Central Maryland, Inc.
W/S Falls Rd. 407.5' N/W Greenspring Valley Rd.
Acres: 6.5 District: 8th

Dear Mr. Jablon:

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

General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 3 (1978-1979) are referred to for your consideration.

This office has no further comment in regard to the Zoning Advisory Committee review in connection with this Item 52 (1983-1984).

Very truly yours,

Robert A. Morison, P.E., Chief
Bureau of Public Services

RAM:EM:FW:SS

Attachment:

S-SW Key Sheet
45 & 46 NW 11 Pos. Sheets
NW 12 C Topo
60 Tax Map

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
E/S Tony Dr., 85.03' N of
Greenspring Valley Dr.,
8th District : OF BALTIMORE COUNTY

MONTESSORI SOCIETY OF
CENTRAL MARYLAND, INC.,
Petitioner : Case No. 84-99-SPH

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman John W. Hession, III
Peter Max Zimmerman John W. Hession, III
Deputy People's Counsel People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 23rd day of September, 1983, a copy of the foregoing Order was mailed to Marshall B. Paul, Esquire, 326 St. Paul Place, Baltimore, MD 21202, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 30, 1983

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

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Marshall B. Paul, Esquire
326 St. Paul Place
Baltimore, Maryland 21202

RE: Item No. 52 - Case No. 84-99-SPH
Montessori Society of Central Md., Inc.
Special Hearing Petition

Dear Mr. Paul:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

A previous building permit (C-808-82) was issued to construct an addition to one of the existing buildings on this property. At that time the plan was approved with a notation, concerning Section 104 of the zoning regulations; i.e., nonconforming uses. In view of your client's present proposal to expand the existing school operation and determine the allowed extent of this expansion, this hearing is now required.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: August 22, 1983

Z.A.C. Meeting of: August 23, 1983

RE: Item No: 49, 50, 51, 52, 53 & 54
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

District:
No. Acres:

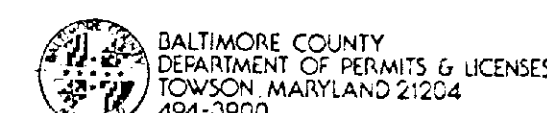
Dear Mr. Hammond:

The above mentioned item numbers have no adverse effect on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp



TED ZALESKI, JR.
DIRECTOR
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

September 21, 1983

Dear Mr. Hammond:
Comments on Item # 52 Zoning Advisory Committee Meeting are as follows:

Property Owner: Montessori Society of Central Maryland, Inc.
Location: W/S Falls Road 407.5' N/W Greenspring Valley Road
Bulding Zoning: R-2
Proposed Zoning: Special Hearing to approve operation of its school on a full 20,000 sq. ft. of interior space, and to determine that the notation made by the Commissioner on a plat previously submitted does not constitute a waiver by Petitioner of its right to operate its school on all of such area.

- Acres: 6.5
District: 8th
- The items checked below are applicable:
- All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 14-82 State of Maryland Code for the Handicapped and Aged and other applicable Codes. (No plans)
 - A building and other miscellaneous permits shall be required before beginning construction.
 - Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
 - Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
 - An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A fire wall is required if construction is on the lot line, See Table 101, line 2, Section 1107 and Table 1102.
 - Requested variance conflicts with the Baltimore County Building Code, Section/s.
 - A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
 - Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed con comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Burnham, Chief
Plans Review

CEB:rsd
FORM 01-82

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:

Montessori

75 Years of Commitment to Children

Calvin Schutzman, Administrator

DESCRIPTION OF PROPERTY OWNED

MONTESSORI SOCIETY OF CENTRAL MARYLAND, INC.

Six and one-half acre tract on the west side of Falls Road 407.5' N.W. of Greenspring Valley Road. Beginning at a point on the East Side of Tony Drive 85.08' North of Greenspring Valley Road at a radius of 137.98' and Known and Designated as Lot Nos. 1, 2 and 3 on the Plat of "Brooklandwood", which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 39, folio 80 in the 8th Election District of Baltimore County.

Being part of the tract of land described in a Deed dated December 29, 1975, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5596, folio 591, was granted and conveyed by Mercantile-Safe, Deposit and Trust Company, Trustee, et al, to the Grantor herein.



Montessori Society of Central Maryland
Falls and Greenspring Valley Roads, Baltimore/Catonsville, Maryland 21093 Telephone: 301-321-8555

PETITION FOR SPECIAL HEARING

8th Election District

ZONING: Petition for Special Hearing
LOCATION: East side Tony Drive, 85.08 ft. North of Greenspring Valley Drive
DATE & TIME: Thursday, October 13, 1983 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the operation of its school on 16,297 sq. ft. of existing buildings, plus 25% expansion to 20,371 sq. ft. of interior space and to determine that the notation made by the Zoning Commissioner on the plat previously submitted by the petitioner with building permit (C-808-82) does not constitute a waiver by the petitioner of its right to operate its school on all of such area

All that parcel of land in the Eighth District of Baltimore County

Being the property of Montessori Society of Central Maryland, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION SPECIAL HEARING
E/S of Tony Drive, 85.08' N of
Greenspring Valley Road - 8th
Election District
Montessori Society of Central
Maryland, Inc.,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-99-SFH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Montessori Society of Central Maryland, Inc., comes before the Zoning Commissioner to request a determination that it may further expand its school, which exists as a nonconforming use in its present location.

The Petitioner, represented by Counsel, presented three witnesses: Mark Levin, architect; Marcia Hettinger, President of the Board of Directors (Board); and Dr. Calvin Schutzman, Chief Administrator. Also testifying was Douglas A. Swam of the Zoning Office.

Testimony was presented that the property was purchased in 1976 by the Petitioner who then commenced renovation. There was, at that time, 16,297 square feet of interior space which was to be used as a school which was then a permitted use. As identified on Petitioner's Exhibit 6, Building Nos. 1 and 2, existing at the time of purchase, were renovated. Later, other buildings were renovated and additions made. In July, 1982, Mr. Levin requested permission from the Zoning Office to renovate Building No. 7 and add Building No. 7A, as shown on Petitioner's Exhibit 6. Mr. Levin was told that the previous renovation of Building No. 6 had consumed the allowable 25% expansion of a nonconforming use allowed by law; Building Nos. 1 and 2 were considered the nonconforming use and the renovation of Building No. 6 used up the 25% allotment. After meeting with the then Zoning Commissioner, James E. Dyer, Supervisor of the Zoning Office; and Mr. Swam, Mr. Levin left with the impression that the Zoning Commissioner would effect a compromise

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BY *John P. Langley*

by allowing the renovation of Building No. 7 and the addition of Building No. 7A but prohibiting any further expansion. Later, in fact, Mr. Swam confirmed with Mr. Levin this intention of the Zoning Commissioner and told Mr. Levin that such a notation had been placed on the site plan submitted by Mr. Levin. See Petitioner's Exhibit 6. The notation, actually written by Mr. Swam, was so placed at the direction of the Zoning Commissioner and represented the language of the Zoning Commissioner. The Zoning Commissioner included, for purposes of determining the 25% expansion allotment, 1,920 square feet of Building No. 6, 758 square feet for the renovation of Building No. 7, and 1,250 square feet for the addition of Building No. 7A. In fact, the Zoning Commissioner calculated the 25% from the 16,297 square feet, which was the total of the original buildings, but he did not add this amount to that figure but subtracted it and allowed 4,074 square feet for expansion. The Zoning Commissioner found that 3,928 square feet had been used, using the same figures for all practical purposes twice, and allowed 146 square feet to be carried over. Mr. Levin did not actually see the amended site plan, but, by his own admission, understood exactly what Mr. Swam had told him.

Mr. Levin, either that day or the next, told Dr. Schutzman. Dr. Schutzman admitted that he was told and that he knew of the Zoning Commissioner's decision. The Board of Directors were not told then and did not find out until sometime in the Spring or Summer of 1983 when a decision was made to consider further expansion. Both Dr. Schutzman and Mr. Levin testified that no thought was being given to further expansion at the time so no action was taken to object to the Zoning Commissioner's decision. Another reason to take no action was the concern that any objection would require delays and hearings.

The Petitioner now wishes to expand again but faces the limiting language found on Petitioner's Exhibit 6. The Petitioner argues that the architect had

no authority to consent to the Zoning Commissioner's decision, nor did Dr. Schutzman. The Board did not consent because it had no actual knowledge and neither Mr. Levin nor Dr. Schutzman had the authority to bind it. Further, the Petitioner contends that the Zoning Commissioner's interpretation of the nonconforming use was wrong in that the Zoning Commissioner looked to the use the buildings were put to rather than the envelope within which the buildings were located. The Petitioner argues that no waiver of its rights can be found from the actions of Mr. Levin or Dr. Schutzman.

It is also noted that a copy of the amended site plan was never received by Mr. Levin or the school, and the Petitioner argues that the notice given to Dr. Schutzman by Mr. Levin is not sufficient to bind the Petitioner.

The Petitioner wants the right to expand from 16,297 square feet to 20,371 square feet and this Zoning Commissioner to hold that the notation on Petitioner's Exhibit 6 does not constitute a waiver by the Petitioner of any objection to the decision of the then Zoning Commissioner.

A nonconforming use is an exception to generally applicable zoning requirements for a previously lawful, existing use. See, generally, 1 Anderson, *American Law of Zoning*, 2nd Ed., Section 6.01 to 6.73; 3 Rathkopf, *The Law of Zoning and Planning*, Section 58-1 to 61-18. The government recognizes a nonconforming use in derogation of the general zoning scheme in order to protect the interests of property owners. 1 Anderson, supra, Section 6.02 to 6.07; 3 Rathkopf, supra, Sections 58-1 to 58-3, 61-1. Nevertheless, the ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due respect to the legitimate interests of all concerned. A permissible aim of the zoning regulations is to limit and forbid expansion of a nonconforming use and to forfeit the right to it upon abandonment of the use or the destruction of the improvements housing the use. *Grant v. Mayor and City Council of Balto.*, 129

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BY *John P. Langley*

A.2d 363 (1957)). Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable ordinances and regulations. *Feldstein v. LaVale Zoning Board*, 227 A.2d 731 (1967). These regulations and ordinances must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. *Mayor of Balto. v. Byrd*, 62 A.2d 588 (1948).

Section 104 of the Baltimore County Zoning Regulations (BCZR) is clear that a nonconforming use can be extended by 25% of the ground floor area of buildings used; therefore, it must be strictly construed.

By having his decision noted on the site plan submitted by Mr. Levin, the Zoning Commissioner had interpreted Section 104. Whether that interpretation is correct is a moot point if the Petitioner is held to have effectively waived any objections thereto when no appeal therefrom was taken.

Section 500.1, BCZR, requires all building permits to be submitted to the Zoning Commissioner for approval and that the Zoning Commissioner insure that the proposed building or use comply with the zoning regulations. Mr. Levin, pursuant to that regulation, submitted his plans for approval, and the Zoning Commissioner approved the proposal with the noted limitation. If a petitioner is not satisfied with the Zoning Commissioner's decision, pursuant to Section 500.7, BCZR, a request for a special hearing may be filed to have the Zoning Commissioner interpret the zoning regulations, subject to the right of appeal to the County Board of Appeals. In the alternative, pursuant to Section 500.10, BCZR, and Section 22-32, Baltimore County Code, the decision of the Zoning Commissioner to limit the expansion of the Petitioner's school could have been appealed to the County Board of Appeals directly within 30 days of the decision. Also, Section 24.1 of the Building Code of Baltimore County provides for appeals to the County Board of Appeals of any decision within 30 days of that decision.

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It is agreed that no appeal was made. It is further agreed that no appeal was made for the following reasons: 1. fear of delay, and 2. no thought to additional expansion. Neither Dr. Schutzman nor Mr. Levin told the Board of the Zoning Commissioner's decision.

The Petitioner now argues that there was no final "Order" issued by the Zoning Commissioner to appeal from and, even if there were, only the Board could make that decision and it did not know of the Zoning Commissioner's notation.

As a general rule, the relationship of an architect and his principal is one of an independent contractor, at least as far as preparation of plans is concerned. With regard to performance of supervisory functions, however, an architect ordinarily acts as agent and representative of an owner. *Edward Barron Estate Co. v. Woodruff Co.*, 126 P. 351. Whether an agency relationship in fact has been created is to be determined by the relation of the parties as they exist pursuant to any agreement or acts undertaken by the parties and, ultimately, the question is one of intention. *Ramsburg v. Sykes*, 158 A.2d 106 (1960).

Mr. Levin was retained by the Petitioner not only to prepare the plans for development but also to deal with the Zoning Office, as manifested by Mr. Levin's role in gaining approval for a permit, first by meeting with personnel of that office and second by meeting with the Zoning Commissioner. It is clear that Mr. Levin had been given the authority to request the permit and to submit all documentation necessary to gain that objective.

There must be something more than a mere holding out by an apparent agent of the appearance of an agency relationship to hold an apparent principal responsible for the acts of that agent; it must be shown that the principal knew, or should have known, that an agency relationship was being so espoused. *Mabe v. B. P. Oil Corp.*, 370 A.2d 554 (1976).

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DATE *October 23, 1983*
BY *John P. Langley*

The Petitioner knew, or should have known, that the architect, sent in the Petitioner's stead to gain the necessary permission to expand, construct, and/or renovate its school, had the authority to do what was necessary to obtain that permission. Therefore, it must be concluded that his acquiescence with the Zoning Commissioner's decision was imputed to his principal, the Petitioner.

A principal/agent relationship may arise in two ways. A person may expressly or impliedly authorize another to act on his behalf or he may engage in a course of conduct which misleads another to his detriment into relying on an apparent agency relationship. Borg-Warner Acceptance Corp. v. Rossi, 365 F. Supp. 56 (Md., 1972). Mr. Levin certainly acted with the implied authorization to accept or reject the restriction placed on the proposed expansion by the Zoning Commissioner, and he chose to accept it.

The Petitioner argues that the Board never received a copy of the restricted site plan. Although Mr. Swam testified that a copy of the approved site plan is always returned to the applicant in the normal course of business, in this case, there is nothing to doubt the statement that a copy was never received either by the Petitioner or by the architect. Mr. Levin did know of the restriction on the site plan and understood its import quite clearly. There can be no doubt that the failure to tell the Board was a calculated decision made by Dr. Schutzman after being told of the restriction by Mr. Levin. Mr. Levin met with personnel of the Zoning Office and with the Zoning Commissioner and was told later by Mr. Swam of the restriction being placed on the site plan, all because they believed Mr. Levin had the authority to act for the Petitioner. If actual authority to accept the Zoning Commissioner's decision without objection did not actually exist, certainly no ostensible authority, or apparent authority, did. The conduct of the Petitioner authorizing Mr. Levin to obtain the permit established the agency relationship. Mut. Liability Ins. Soc. of Md. v. National Fire, Marine & Inland Ins. Co., 379 A.2d 739 (1977).

- 6 -

An agent who has been "held out" as possessing certain powers is authorized to exercise such powers. Fuller v. Howarth, 402 A.2d 134 (1979). The Petitioner placed the architect in a position which caused the Zoning Office and the Zoning Commissioner to reasonably believe that the Petitioner consented to the exercise of authority Mr. Levin purported to hold, i.e., accept the restriction as imposed. Indeed, the Petitioner cannot now escape liability for the acts of its agent by placing limitations on his authority not known to others dealing with him nor properly inferable from the nature of his employment. Ralph Pritts & Sons, Inc. v. Bulter, 403 A.2d 830 (1979).

Therefore, it is concluded that the Petitioner is bound by a failure to object to the restriction imposed by the Zoning Commissioner.

The Petitioner is charged with constructive knowledge of the Zoning Commissioner's decision. There is no need to determine the existence of a principal/agent relationship between Dr. Schutzman and the Board.

An issue left to be decided is whether the restriction noted on the site plan at the instruction of the Zoning Commissioner and the verbal communication to Mr. Levin, first by the Zoning Commissioner and later by Mr. Swam of his interpretation as noted, constitutes an Order subject to appeal.

Section 124.1 of the Building Code provides for an appeal by any "aggrieved" person of any order, decision, interpretation, or action of a building official. Inasmuch as all applications for a building permit must be submitted to the Zoning Commissioner for approval before any permit can be issued, it is obvious that the building official must deny the permit without this approval. See Section 500.1, BCZM. Equally obvious is that if the Zoning Commissioner places restrictions on a permit, the building official must issue the permit with such restrictions. If there is a disagreement, an appeal might flow pursuant to Section 124.1 of the Building Code.

- 7 -

In addition, it is also clear from Section 22-32 of the Baltimore County Code that any decision of the Zoning Commissioner may be appealed to the County Board of Appeals. The authority vested in the Zoning Commissioner by Section 500.1, BCZM, to approve a building permit is final. However, any person may appeal to the County Board of Appeals if aggrieved by the determination of the Zoning Commissioner that the proposed use does or does not comply with the zoning regulations.

Therefore, the notation on the site plan limiting future expansion does in fact amount to an "Order", subject to appeal.

After due consideration of the evidence and testimony presented, it is found that the Petitioner did not appeal the decision of the Zoning Commissioner to restrict the Petitioner's future expansion, as is more fully set forth on Petitioner's Exhibit 6, and that the Petitioner is now bound by the language found thereon.

Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that there was in fact a waiver of the Petitioner's right to appeal the decision to restrict potential further expansion from and as noted on Petitioner's Exhibit 6, the relief requested should be denied.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27 day of October, 1983, that the relief requested by the Petition for Special Hearing to have the decision made by the then Zoning Commissioner on August 4, 1982, and noted on the site plan identified as Petitioner's Exhibit 6 set aside and to decide that the Petitioner did not waive its right to appeal said decision be and is hereby DENIED, from and after the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

- 8 -

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 52, Zoning Advisory Committee Meeting of Aug. 23, 1983

Property Owner: Montessori Society of Central Maryland, Inc.

Location: 413 Falls Road District 8

Water Supply public Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1) Received after hearing & not considered!
10/27/83
Lec

Zoning Item # 52
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
() The results are valid until _____
() Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others This site is served by public water and private sewage disposal systems. In order to make any recommendations regarding the proposed additions, further information is needed by this office. The applicant has been advised to submit the information requested prior to consideration for approval of the project by this office.

[Signature]
T. J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY, MARYLAND

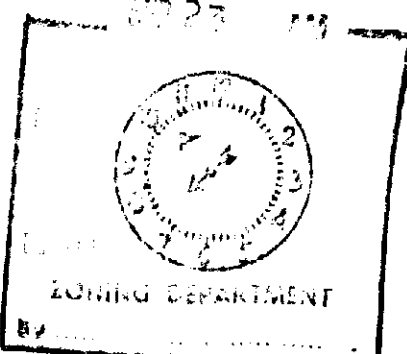
INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon
Zoning Commissioner
TO: _____ Date: September 21, 1983
Catherine Drayton
FROM: Child Day Care Coordinator CDB.
SUBJECT: Montessori Society of Central Maryland, Inc.
Falls and Greenspring Valley Roads
Lutherville, Maryland 21093

This is a statement in favor of additional improvements on the campus of Emerson Farms, Montessori. It would be desirable for new structures to provide for children's activities. Child development specialists recommend room enough for children to exercise their whole bodies when they spend time, as they do in school, confined to shared spaces. The proposed multi-purpose building with additional indoor space will allow for gross motor activity which present structures do not provide.

CD/jt

PETITIONER'S
EXHIBIT 5



PERSONS PRESENT ON BEHALF OF
THE MONTESSORI SOCIETY OF CENTRAL MARYLAND

Lawrence J. Sera, Lawrence J. Sera Builder
P.O. Box 18732 Balto. Md. 21206

Mark D. Levin, Mark David Levin AIA, Architect
1900 Sunrise Square Road Suite #150
Baltimore, MD 21227

Calvin Schutzman, Administrator
3123 COPENHAGEN ROAD
STREET, MD 21154

Marcia Hettinger, President of Board of Directors
1401 Clarke Ave.
Lutherville, Md 21093

Louis A. Stein, Treasurer of Board of Directors
Elwin & Tucker, Chartered
36 South Charles St. Suite 300
BALTIMORE, MARYLAND 21201

PETITIONER'S
EXHIBIT 8



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 28, 1983

Marshall B. Paul, Esquire
326 St. Paul Place
Baltimore, Maryland 21202

IN RE: Petition Special Hearing
E/S of Tony Drive, 85.08' N of
Greenspring Valley Road - 8th
Election District
Montessori Society of Central
Maryland, Inc., Petitioner
Case No. 84-99-SFH

Dear Mr. Paul:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

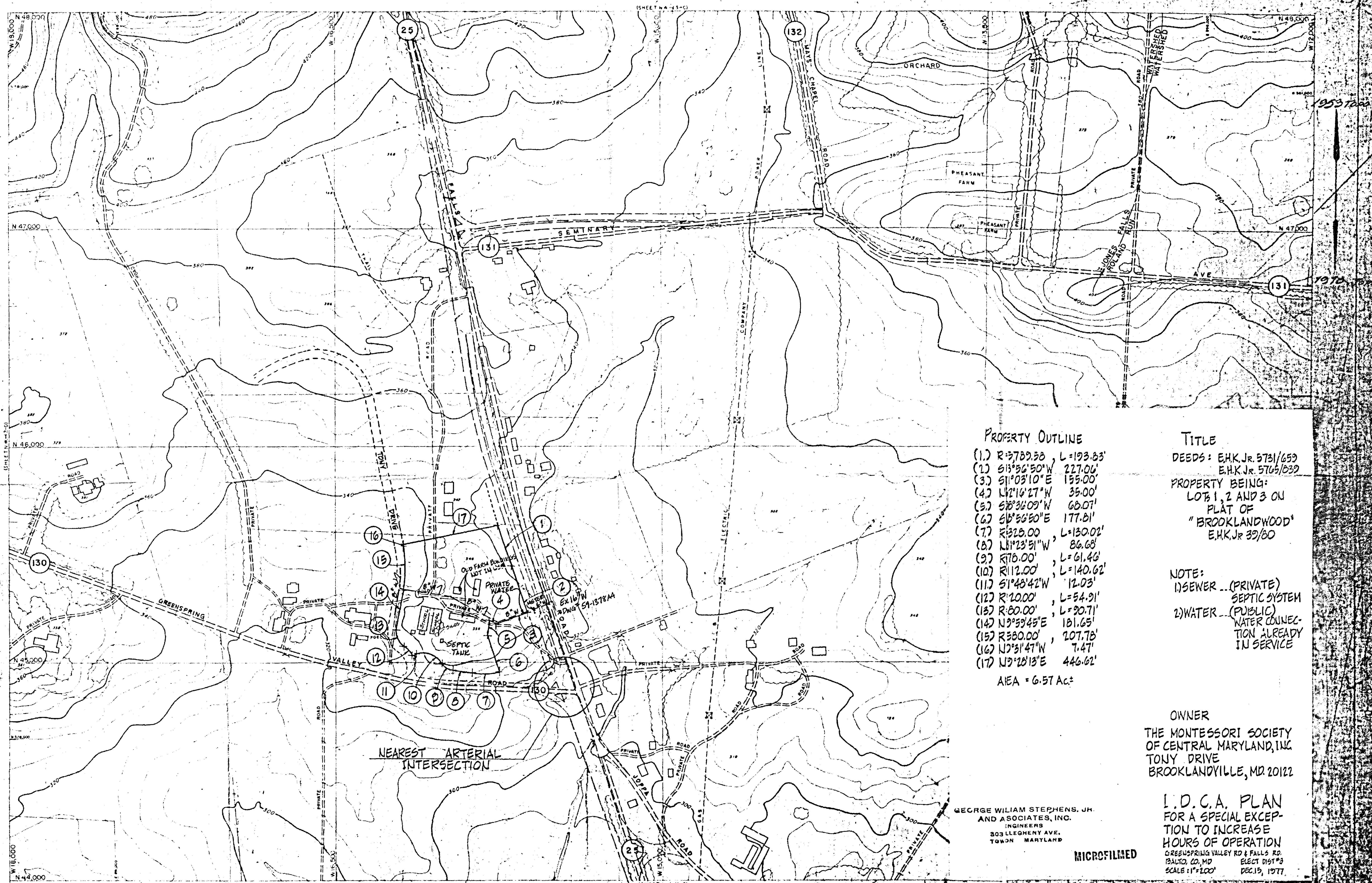
cc: John W. Hessian, III, Esquire
People's Counsel



PETITIONER'S
EXHIBIT 4

PETITIONER'S
EXHIBIT 3





PROPERTY OUTLINE

- (1) R=3789.53, L=193.83'
- (2) S13°36'50"W 227.06'
- (3) S1°03'10"E 155.00'
- (4) N42°16'27"W 35.00'
- (5) S78°36'09"W 68.07'
- (6) S6°56'50"E 177.81'
- (7) R=325.00, L=130.02'
- (8) N6°23'51"W 86.68'
- (9) R176.00', L=61.46'
- (10) R112.00', L=140.62'
- (11) S1°48'42"W 12.03'
- (12) R=20.00', L=54.91'
- (13) R=80.00', L=20.71'
- (14) N9°59'45"E 181.65'
- (15) R=580.00', L=207.78'
- (16) N7°31'47"W 7.47'
- (17) N7°28'13"E 446.62'

AREA = 6.57 AC.

TITLE

DEEDS: E.H.K. JR. 5731/659
E.H.K. JR. 5765/639
PROPERTY BEING:
LOTS 1, 2 AND 3 ON
PLAT OF
"BROOKLANDWOOD"
E.H.K. JR. 33/60

NOTE:

- 1) SEWER... (PRIVATE)
SEPTIC SYSTEM
- 2) WATER... (PUBLIC)
WATER CONNECTION
ALREADY IN SERVICE

OWNER
THE MONTESSORI SOCIETY
OF CENTRAL MARYLAND, INC.
TONY DRIVE
BROOKLANDVILLE, MD 21022

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

MICROFILMED

I.D.C.A. PLAN
FOR A SPECIAL EXCEPTION
TO INCREASE
HOURS OF OPERATION
GREENSPRING VALLEY RD & FALLS RD
BALTO, CO, MD ELECT DIST #3
SCALE: 1"=100' DEC 15, 1977

S-SW S-SE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISION	DATE	SCALE	LOCATION	SHEET
1	4/11/70	1"=200'	BROOKLANDVILLE	1
2	4/11/70	1"=200'	BROOKLANDVILLE	1
3	4/11/70	1"=200'	BROOKLANDVILLE	1
4	4/11/70	1"=200'	BROOKLANDVILLE	1
5	4/11/70	1"=200'	BROOKLANDVILLE	1
6	4/11/70	1"=200'	BROOKLANDVILLE	1
7	4/11/70	1"=200'	BROOKLANDVILLE	1
8	4/11/70	1"=200'	BROOKLANDVILLE	1
9	4/11/70	1"=200'	BROOKLANDVILLE	1
10	4/11/70	1"=200'	BROOKLANDVILLE	1
11	4/11/70	1"=200'	BROOKLANDVILLE	1
12	4/11/70	1"=200'	BROOKLANDVILLE	1
13	4/11/70	1"=200'	BROOKLANDVILLE	1
14	4/11/70	1"=200'	BROOKLANDVILLE	1
15	4/11/70	1"=200'	BROOKLANDVILLE	1
16	4/11/70	1"=200'	BROOKLANDVILLE	1
17	4/11/70	1"=200'	BROOKLANDVILLE	1

1953 Topo 1970 Topo

DRAINFIELD No. 1 WASTE-SANITARY DESIGN CRITERIA

TYPE: BALTIMORE COUNTY, CHARTER 16, PLUMBING
USE: DAY SCHOOL WITHOUT CAFETERIA, GYMNASIUM AND SHOWERS
RATE: 15 GAL PER DAY PER STUDENT, 20 GAL/DAY/TEACHER
LOAD: 150 STUDENTS = 2,250 GALS/DAY; 14 TEACHERS = 280 GALS/DAY
* PROPOSED: 30 STUDENTS = 450 GALS/DAY; 2 TEACHERS = 40 GALS/DAY
TOTAL = 3,020 GALS/DAY
SEPTIC TANKS (2) 2,000 GALS

ASSUMPTION RATE: ONE (1) MINUTE AT 3'-0" PERK TEST = 2 GAL/DAY/SQ. FT.
PROVIDE: 2'-0" WIDE TRENCHES AT 6'-0" O.C.
2'-0" DEEP FOR TOTAL OF 813 LIN. FT.
MINIMUM SLOPE SHALL BE 2" TO 4" PER 100'-0"
FUTURE: PROVIDE 3 SQ. FT./GAL/DAY FOR FUTURE FIELDS MIN OF 26,000 SQ. FT.
FUTURE (LOTS ONE & TWO)
PROVIDE ADDITIONAL 30,000 SQ. FT. FUTURE ON LOT THREE
TOTAL FUTURE: 56,000 SQ. FT.

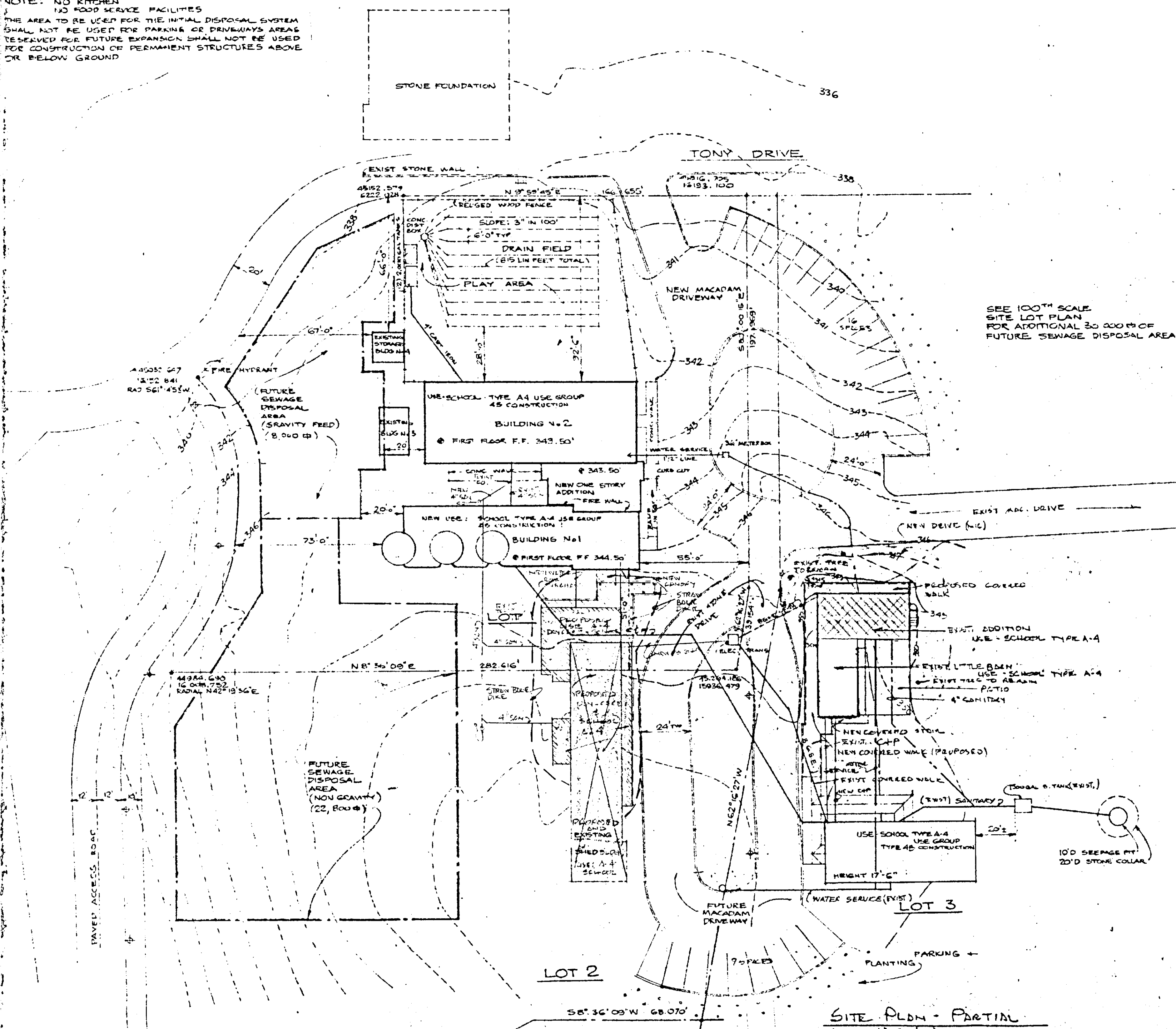
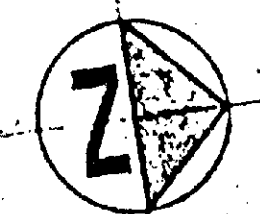
NOTE: NO KITCHEN
NO FOOD SERVICE FACILITIES
THE AREA TO BE USED FOR THE INITIAL DISPOSAL SYSTEM
SHALL NOT BE USED FOR PARKING OR DRIVEWAYS AREAS
RESERVED FOR FUTURE EXPANSION SHALL NOT BE USED
FOR CONSTRUCTION OF PERMANENT STRUCTURES ABOVE
OR BELOW GROUND

SEEPAGE PIT #1

WASTE-SANITARY DESIGN CRITERIA
TYPE: BALTIMORE COUNTY, CHARTER 16, PLUMBING
USE: DAY SCHOOL WITHOUT CAFETERIA, GYMNASIUM & SHOWERS
RATE: 15 GAL PER DAY PER STUDENT; 20 GAL/DAY/TEACHER
LOAD: 150 STUDENTS = 2,250 GALS/DAY; 14 TEACHERS = 280 GALS/DAY
* PROPOSED: 30 STUDENTS = 450 GALS/DAY; 2 TEACHERS = 40 GALS/DAY
TOTAL = 3,020 GALS/DAY
SEPTIC TANK = (1) 2,000 GALS

SEEPAGE PIT
Ø DIAMETER, 8' BELOW INLET (HOOSE BLOCK)
BACKFILL ON OUTSIDE OF SEEPAGE PIT TO BE #2 STONE OR
OTHER PER P. DIRMER

NOTE: SEE NOTE FOR DRAINFIELD No. 1



SEE 100TH SCALE
SITE LOT PLAN
FOR ADDITIONAL 30,000 SQ. FT.
FUTURE SEWAGE DISPOSAL AREA

CONSTRUCTION SEQUENCE

1. INSTALL SEDIMENT CONTROL MEASURES 6-1-83
2. EXCAVATION OF FOOTINGS 6-5-83
3. CONSTRUCTION OF FOUNDATION WALLS 6-12-83
4. BACK FILL & GRADING 6-15-83
5. BUILDING CONSTRUCTION 8-15-83
6. STABILIZATION 8-20-83
7. REMOVAL OF SEDIMENT CONTROL MEASURES & COMPLETION 9-1-83

EXHIBIT 1
PETITIONER'S

SITE PLAN - PARTIAL SCALE: 1"=30'-0"

NOTE: SITE INTERPRETATION OF EXISTING CONDITIONS
TAKEN FROM DVA 51-1 "SITE PLAN" DATED
10-18-76, REVISED 1-10-77, 5-23-79, 11-10-79 PREPARED
BY JAMES R. GRIFFIN ARCHITECTS

SITE DATA:

BROOKLANDWOOD - BALTIMORE CO. 1130
ELECTION DISTRICT N:8
P.N. 3458, DEC 1975
3RD COUNCILMANIC DISTRICT
RECORDED 4-29-76
E.H. 36 39
Folio 80
ASSUMED SOIL SEEDING 2000 RS.F

PARKING REQUIREMENTS

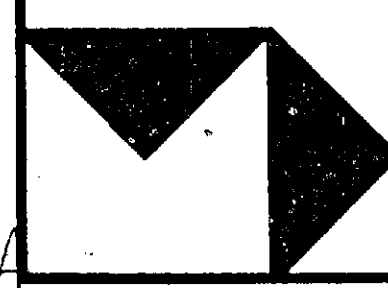
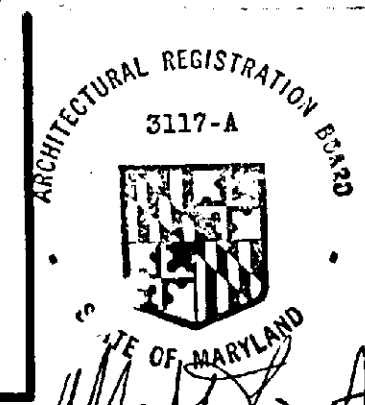
BASED ON PRE-SCHOOL GRADES 1 THRU 3
EXISTING:
NUMBER OF TEACHERS - 21
① 1/TEACHER 21
OFFICE AREA 450 S.F.
① 1/200 S.F. 2
EXISTING REQUIRED 23
PROPOSED
NUMBER OF TEACHERS - 2
① 1/TEACHER 2
TOTAL PARKING REQUIRED 25
TOTAL PARKING EXISTING 25

CODE DATA:

BUILDING USE GROUP: TYPE A-4 SCHOOL
CONSTRUCTION TYPE: 40 UNMORTARED
ALLOWABLE AREA: BOCA 1981 - 7200 SQ. FT.
PROPOSED AREA:
GRADE FLOOR LEVEL - 45.75 S.F.

SITE & UTILITY PLAN SCALE: 1"=30'-0"

ADDITIONS & ALTERATIONS TO RUN-IN SHED FOR MONTESSORI SOCIETY OF CENTRAL MARYLAND



Mark David Levin, AIA - Design Consultant

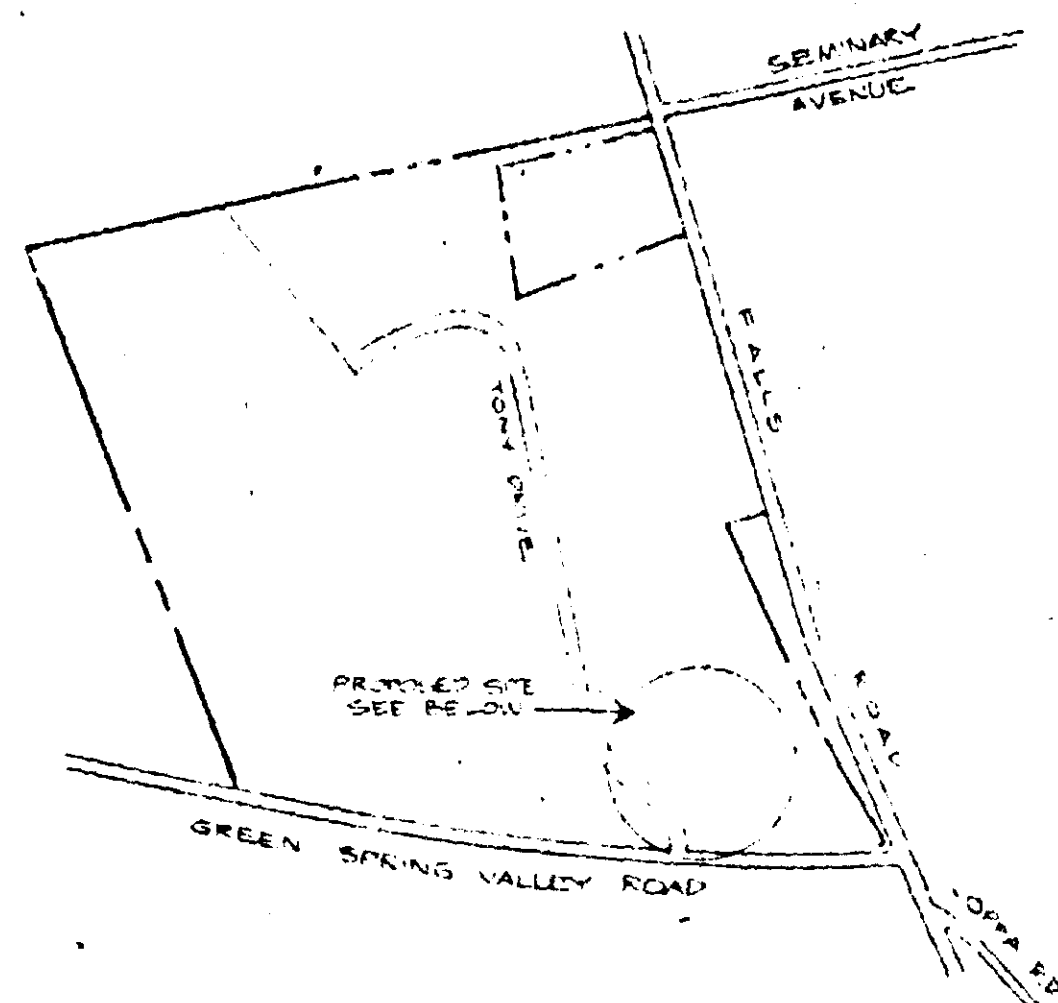
Architecture Planning Urban Design
1900 Sulphur Spring Road - Suite 150 Baltimore, Maryland
Phone: (301) 242-2755



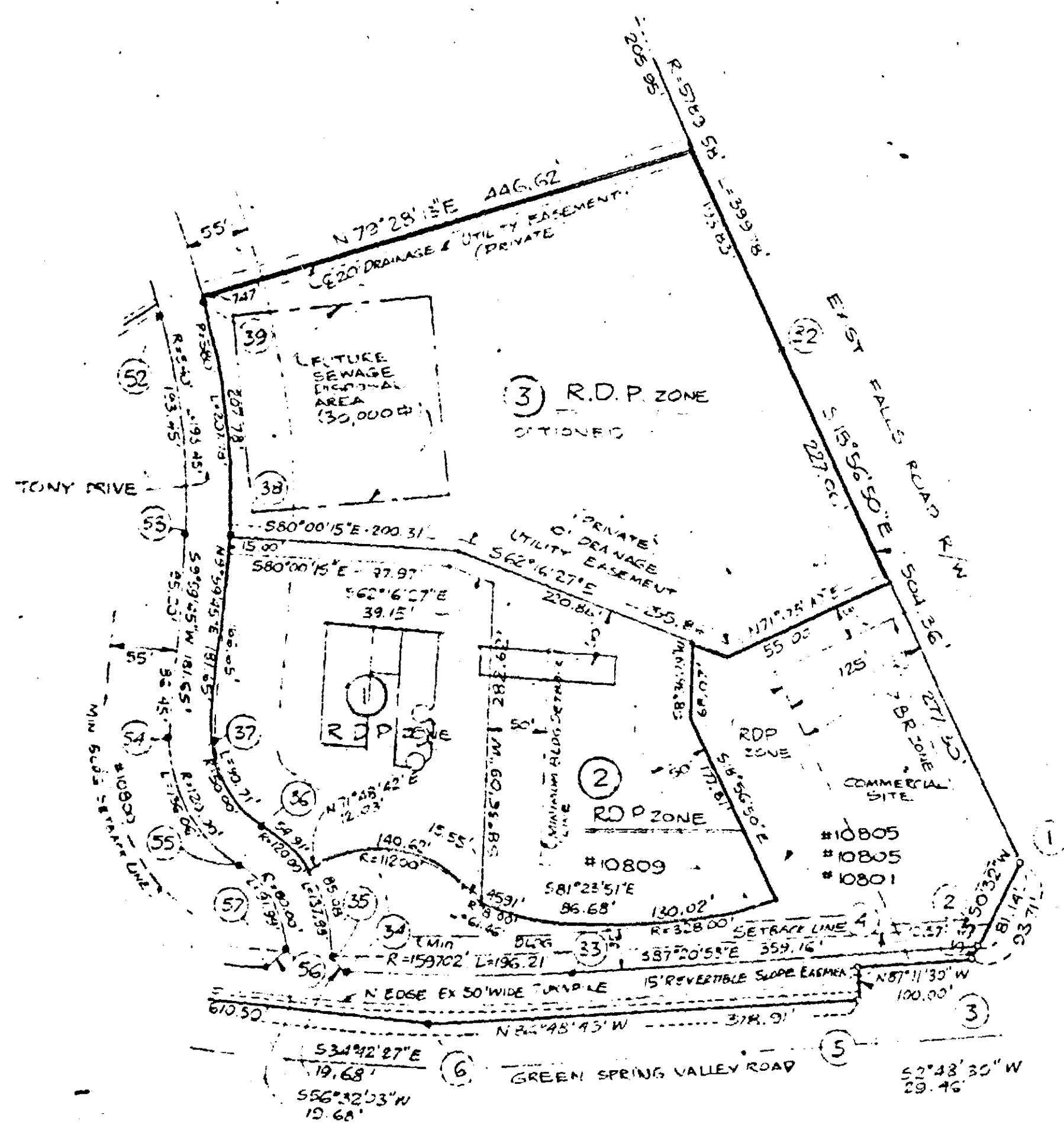
MAY 16, 1983

A-1

83-4



LOCATION MAP
SCALE 1" = 500'



SITE LOT PLAN
SCALE 1" = 100'

DRAINFIELD No. 1 WASTE-SANITARY DESIGN CRITERIA

COPE: BALTIMORE COUNTY, CHART 16-PLUMBING
USE: DAY SCHOOL WITHOUT CAFETERIA, GYMNASIUM AND SHOWER(S)
RATES: 15 GAL PER DAY PER STUDENT, 20 GAL/DAY/TEACHER
LOAD: 150 STUDENTS = 2,250 GALS PER DAY; 14 TEACHERS = 280 GALS/DAY
* PROPOSED: 30 STUDENTS = 450 GALS/DAY; 2 TEACHERS = 40 GALS/DAY
TOTAL = 5,020 GALS/DAY
SEPTIC TANKS (2) 2,000 GALS

ASSORPTION RATE:
ONE (1) MINUTE AT 2'-0" (PERK TEST) = 2 GAL/DAY/SQ. FT.
PROVIDE: 2'-0" WIDE TRENCHES AT 6'-0" O.C.
2'-0" DEEP FOR TOTAL OF 813 LIN. FT.
MINIMUM SLOPE SHALL BE 2" TO 4" PER 100'-0"
FUTURE: PROVIDE 8.54 FT/GAL/DAY FOR FUTURE FIELDS - MIN OF 26,000 SQ. FT.
FUTURE (LOTS ONE & TWO)
PROVIDE ADDITIONAL 30,000 sq. ft. FUTURE ON LOT THREE
TOTAL FUTURE: 66,000 sq. ft.

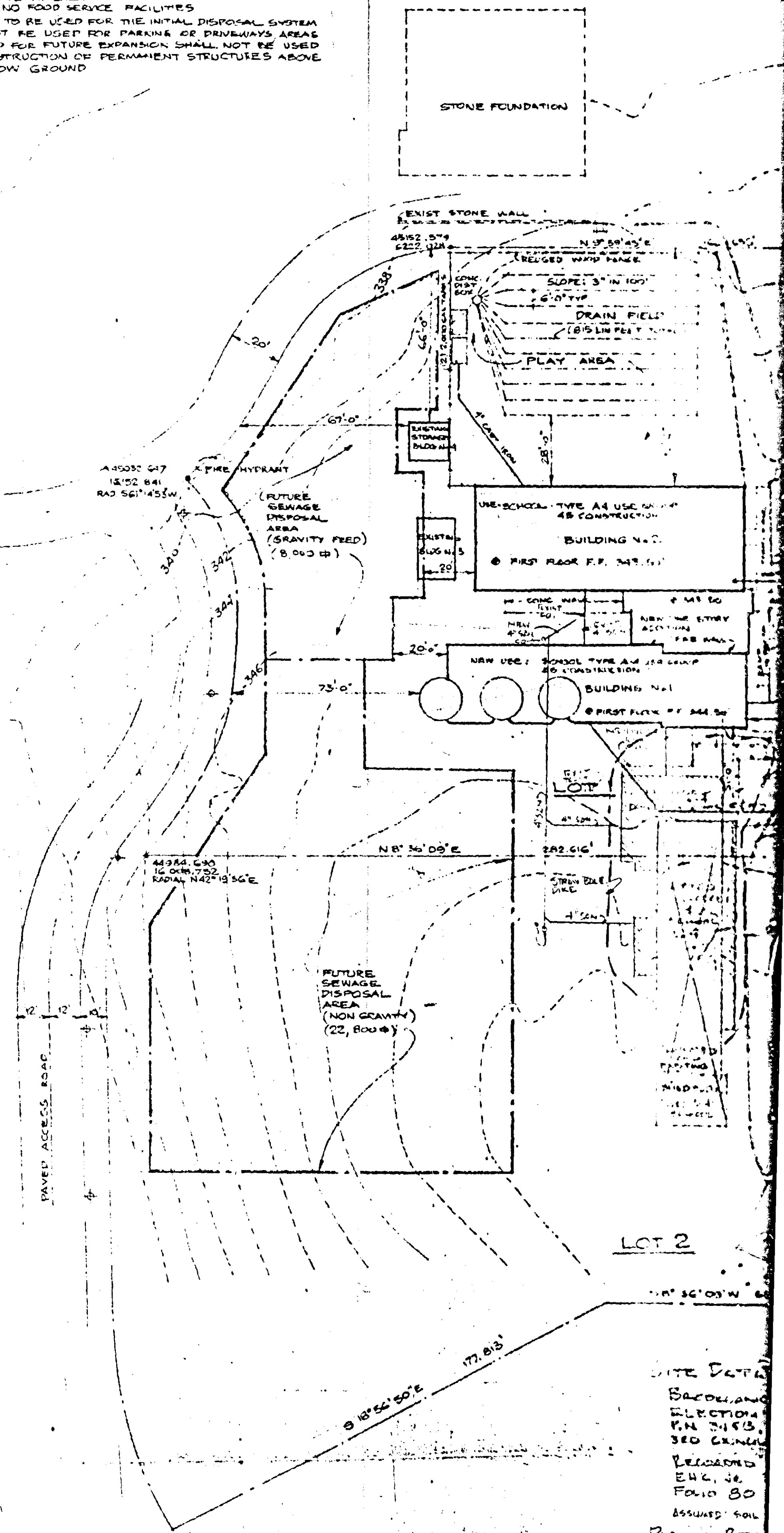
NOTE: NO KITCHEN
NO FOOD SERVICE FACILITIES
THE AREA TO BE USED FOR THE INITIAL DISPOSAL SYSTEM
SHALL NOT BE USED FOR PARKING OR DRIVEWAYS AREAS
RESERVED FOR FUTURE EXPANSION SHALL NOT BE USED
FOR CONSTRUCTION OF PERMANENT STRUCTURES ABOVE
OR BELOW GROUND

SEEPAGE PIT #1
WASTE-SANITARY DESIGN CRITERIA
COPE: BALTIMORE COUNTY, CHART 16-PLUMBING
USE: DAY SCHOOL WITHOUT CAFETERIA, GYMNASIUM AND SHOWER(S)
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TOTAL = 5,020 GALS/DAY
SEPTIC TANKS (2) 2,000 GALS

SEEPAGE PIT #2
WASTE-SANITARY DESIGN CRITERIA
COPE: BALTIMORE COUNTY, CHART 16-PLUMBING
USE: DAY SCHOOL WITHOUT CAFETERIA, GYMNASIUM AND SHOWER(S)
RATES: 15 GAL PER DAY PER STUDENT, 20 GAL/DAY/TEACHER
LOAD: 150 STUDENTS = 2,250 GALS PER DAY; 14 TEACHERS = 280 GALS/DAY
* PROPOSED: 30 STUDENTS = 450 GALS/DAY; 2 TEACHERS = 40 GALS/DAY
TOTAL = 5,020 GALS/DAY
SEPTIC TANKS (2) 2,000 GALS

NOTE: SEE NOTE FOR

GREEN SPRING VALLEY ROAD



LOT 2

SITE DATA
BROADLAND
ELECTION
P.M. 31/13
300 GROUND
RECORDED
ENG. 30
FOLD 80
ASSUMED: 600
PARKING REQ
BASED ON: P
EXISTING:
NUMBER OF
@ 1/TEACH
OFFICE AREA
@ 1200 sq.
EXISTING REQ
PROPOSED
NUMBER OF
@ 1/TEACH
TOTAL PARK
TOTAL PARK

ADDITIONS & ALTERATIONS
TO
RUN-IN SHED
FOR
MONTESSORI
SOCIETY OF CENTRAL MARYLAND

revisions: 5-3-82
drawing
no: A-1
date 7-6-82 job no.