

IN RE: PETITION SPECIAL EXCEPTION *
N/S of Greenspring Valley *
Road, 3,300' W of Greenspring *
Avenue - 3rd Election District *
The Rosa Ponselle Charitable *
Foundation, Inc., *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-154-X

Petitioner *

* * * * *

ORDER

Upon consideration of the evidence and testimony presented, it is ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of May, 1986, that the special exception granted herein be and is hereby RESCINDED for the following reason:

1. The Petitioner has not complied with the conditions precedent, specifically Restrictions 2, 3, and 8.

It is FURTHER ORDERED that:

1. Presently scheduled tours of the house may be fulfilled;
2. the gift shop shall be open only during those scheduled tours;
3. no concerts may be scheduled; and
4. after Labor Day, 1986, the subject property may be open to the public, for one week only, between the hours of 12:00 p.m. and 4:00 p.m. This shall be the last time it may be open without a new special exception.


Zoning Commissioner of
Baltimore County

AJ/srl

cc: William Hesson, Jr., Esquire
Ms. Elayne Duke
Richard R. Jackson, Jr., Esquire
People's Counsel

PETITION FOR SPECIAL EXCEPTION 84-154-X

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Conservatory (For Music and the Arts) small art studio inclusive of a Museum and small Gift Shop as accessory uses

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore 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: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
Phone No.: _____

Legal Owner(s):
The Rosa Ponselle Charitable Foundation, Inc.
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
"Villa Pace"
1526 Greenspring Valley Road, 486-4616
Address
Stevenson, Maryland 21153
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name _____
Address _____
City and State _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of November, 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 14th day of December, 1983, at 10:30 o'clock A.M.

Cal J. J. J.
Zoning Commissioner of Baltimore County.

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

PETITION FOR SPECIAL EXCEPTION 84-154-X

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(Type or Print Name)
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City and State: _____
Attorney's Telephone No.: _____
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(Type or Print Name)
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Cal J. J. J.
Zoning Commissioner of Baltimore County.

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

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 5, 1983

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

U.S.
Nicholas B. Commodari
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

The Rosa Ponselle Charitable Foundation, Inc.
Elayne Duke, President
1526 Greenspring Valley Road
Stevenson, Maryland 21153

RE: Item No. 263 - Case No. 84-153-X
Petitioner - The Rosa Ponselle Charitable Foundation, Inc.
Special Exception Petition

Dear Miss Duke:

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.

In view of your proposal to make the existing uses of the subject property, i.e., conservatory for music and art, including a museum and accessory retail area, and a residential art salon, conform to the zoning regulations, this hearing is required. The latter use was added to the petition form after a more careful review of the site plan and subsequent conversation with you.

Because the revised site plan and accompanying letter from you, dated October 31, 1983 to Mr. George Wittman of the State Highway Administration, satisfied his comments, I scheduled the petition for a hearing. However, it should be noted that the parking area must be paved with a durable surface; i.e., macadam, tar and chip, etc., and railroad ties or curbing provided around the perimeter. In order to cut down on any paving costs, you might consider revising the parking breakdown and providing less parking.

For further information on the comments of the Department of Permits and Licenses, you may contact Mr. Charles Burnham at 494-3987.

Item No. 263 - Case No. 84-153-X
Petitioner - The Rosa Ponselle Charitable Foundation, Inc.
Special Exception Petition
Page 2

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

cc: S. J. Martenet & Co.
9 E. Lexington Street
Baltimore, Md. 21202



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 18, 1983

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #263 (1982-1983)
Property Owner: The Rosa Ponselle Charitable Foundation, Inc.
N/S Greenspring Valley Rd., 3300' W. from Greenspring Ave.
Acres: 40.55 District: 3rd

Dear Mr. Hammond:

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.

Highways:

Greenspring Valley Road (Md. 130) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Macirena Road and all other roadways within or contiguous to this site are private.

As no improvements or permits are proposed, no further comments are required.

Very truly yours,
Robert A. Wilson, P.E., Chief
Bureau of Public Services

RAW:ENH:FWR:ss

S-W Key Sheet
46 - 48 NW 16 - 18 Pos. Sheets
NW 12 D & E Topo
59 Tax Map

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Cantidior
Assistant

June 24, 1983

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 6-14-83
Item: #263
Property Owner: The Rosa Ponselle Charitable Foundation, Inc.
Location: N/S Green Spring Valley Rd (Route 130), 3300' W. from Green Spring Ave.
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for conservatory (for music and the arts) inclusive of a Museum and small Gift Shop as an accessory use.
Acres: 40.55
District: 3rd

Dear Mr. Hammond:

On review of the revised site plan of May 26, 1983 and field inspection, the State Highway Administration offers the following comments.

The existing access to Green Spring Valley Road (Route 130) is by way of a residential driveway 12' in width.

This access is unacceptable for commercial use to serve the site for a special exception.

The State Highway Administration will require the entrance be relocated 200' to the northwest.

This location would afford the relocated entrance a deceleration lane of 120' in length with an 85' taper to the southeast.

My telephone number is (301) 659-1350.
Teletype/letter for impaired hearing or speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

IN RE: PETITION SPECIAL EXCEPTION
N/S of Greenspring Valley Road,
3,300' W of Greenspring Ave-
nue - 3rd Election District
The Rosa Ponselle Charitable
Foundation, Inc.,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-154-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, The Rosa Ponselle Charitable Foundation, Inc., requests a special exception to operate a conservatory and a museum, small art studio, and small gift shop as accessory uses thereto on the subject property, as more fully described on Petitioner's Exhibit 1.

The Petitioner, by its President, Elayne Duke, appeared and testified. William Hesson and Spaulding Goetze appeared as Protestants and testified.

Ms. Duke testified that the property, known as "Villa Pace", zoned R.C.2, was the home of the legendary Rosa Ponselle, a world renowned opera star. The Petitioner assumed the responsibility for Ms. Ponselle's property and execution of her last wishes after her death. Amongst those wishes were for a museum to be dedicated to her and a conservatory dedicated to opera at Villa Pace. The property consists of approximately 40 acres, and the Petitioner is requesting permission to operate a music conservatory with an integral museum dedicated to opera and a small gift shop and art studio. Ms. Duke is a permanent resident of the property and directs the various interests of the Petitioner. A secretary, bookkeeper, housekeeper, and caretaker are employed by the Foundation.

For the past year, the Petitioner has operated the museum and conservatory and wishes to continue. The museum is open to the public on Wednesday, Saturday, and Sunday, 12:00 p.m. to 4:00 p.m., and by special appointment only on Tuesday, Thursday,

and Friday, 11:00 a.m. When the museum is open to the public, there is an average of eight to ten people on Wednesday, ten on Saturday, and between ten and 20 on Sunday. When tours are booked on Tuesday, Thursday, and Friday, approximately 40 people visit, transported by bus; however, only one bus is allowed per day.

The Petitioner sponsors four indoor concerts during the winter and four outdoor concerts during the summer. The indoor concerts are held in the conservatory, which seats 40 people normally and can be expanded to accommodate 100 people, 80 seated and 20 standing. The outdoor concerts are conducted in front of the main house, which faces the rear of the property. The patrons view the concerts from a grassy circled area which faces the entrance. Approximately 200 to 300 people attend each of these concerts. The Petitioner hires one parking attendant to direct traffic for the indoor concerts and two attendants for the outdoor concerts. All of the concerts are vocal with accompaniment either by piano or by an ensemble of no more than three musicians. The concept of the concert is to have one artist perform, although choral groups of about 20, accompanied by a piano, are planned. Small chamber opera groups, three to six artists, are also planned for the future. No stage or platform exists and none is planned. No major opera can be physically performed.

The concerts provide the major source of funds for the Foundation and allow for maintenance of the property to the degree it was kept during Ms. Ponselle's lifetime. In fact, approximately \$5,000 can be raised by the concerts.

The gift shop is located on the first floor of the main house; the art studio is located in the tenant house to the north of the property.

Parking areas exist for approximately 100 automobiles; 50 of the spaces are located as shown on Petitioner's Exhibit 1 and another 50 are in the area where the tool shed is located.

According to Ms. Duke, the property is a national shrine with the personal effects of one of the world's greatest opera stars housed thereon. It is insisted that

this heritage be preserved and shared and it is to this expression of philosophy that the Petitioner seeks to operate the conservatory, museum, et al.

Mr. Hesson testified that he lives north of the subject site in a development called "Greenspring", where the homes range in value from \$250,000 to \$350,000. Mr. Hesson's primary concern is the traffic congestion caused by the proposed uses on Nacirema Road which borders the subject site. The Petitioner is required to locate a separate and distinct roadway for ingress and egress of commercial traffic from the Greenspring Valley Road entrance to the property now existing, which will be retained for private use only. This new entrance will be built within the next two years, and in the interim, the Petitioner will direct traffic down Nacirema Road to a point where a roadway turns right and winds its way to the main buildings on the subject site. Mr. Hesson testified that the only ingress and egress to Greenspring is by Nacirema Road and that the road is only 15-feet wide. He worries what the increase in traffic will do to the existing road and the resultant effect on traffic flow to and from the development and that the traffic will adversely affect the right of the homeowners in Greenspring to enter and leave. Mr. Hesson also testified that he would like to have the outdoor concerts limited to late Sunday afternoons.

Mr. Goetze testified and concurred with Mr. Hesson. There are 15 houses presently occupied, six more are under construction and will be occupied within approximately two months, another six are under contract and probably will be occupied within a year, and 20 to 25 lots have been sold with homes not yet built. There will be approximately 57 homes when the development is completed, and all of its residents will use Nacirema Road for ingress and egress.

Another object to the temporary use of Nacirema Road, which is not County property and has never been dedicated as a public road but is a right of way expressly created for the sole purpose of allowing access to Greenspring and other residences, including Villa Pace. Both insist that the use be temporary and that the patrons of the conservatory be made aware of that fact. Both state that they speak for other residents of the development.

In fact, the use of Nacirema Road by traffic to the conservatory would be for no more than two years and would probably cause only temporary problems to the homeowners. The concerts are held eight times a year and only the four held outdoors would create the heaviest traffic conditions. Certainly, the traffic generated by the museum tours would not in any way adversely affect the traffic flow on Nacirema Road. When the new commercial entrance is completed, all traffic will be directed thereto and away from Nacirema Road.

The Petitioner seeks relief from Section 1401.2.C.19., pursuant to Section 502.1, of the Baltimore County Zoning Regulations (BCZR).

It is clear that the zoning regulations permit the uses requested by the Petitioner in a R.C.2 Zone by special exception. It is equally clear that the proposed uses would not be detrimental to the primary uses in the vicinity of the proposed conservatory, museum, et al. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioner should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed uses met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed uses would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the uses proposed by the Petitioner do not show that the proposed uses at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981). By the proposed uses will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys.

therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of December, 1983, that the Petition for Special Exception for a conservatory and a museum, art studio, and gift shop as accessory uses thereto, in accordance with the site plan introduced and accepted into evidence as Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The hours of operation to the public for the conservatory, museum, gift shop, and art studio are:
 - 12:00 p.m. to 4:00 p.m., Wednesday, Saturday, and Sunday,
 - 11:00 a.m., Tuesday, Thursday, and Friday, by special appointment only,
 - 5:00 p.m. to 6:30 p.m., Sunday only, for outdoor concerts,
 - 2:00 p.m. to 4:00 p.m., each day, for a two-week period during the Christmas season, and
 - 10:00 a.m. to 5:00 p.m., for master classes with artists teaching students beginning October, 1984.
- Parking must be provided for at least 100 cars with spaces delineated, and said parking surface area must be paved with macadam, tar and chip, or other bituminous surface treatment over a suitable base.
- The commercial entrance to the conservatory, located on Greenspring Valley Road, must be completed within two years from the date of this Order.

- Temporary signs must be placed at the corner of Greenspring Valley and Nacirema Roads directing traffic to the conservatory via Nacirema Road and at the corner of Nacirema Road and the unnamed roadway which leads to the conservatory directing traffic to the conservatory.
- Upon completion of the commercial access road to the conservatory, a directional sign, replacing the temporary sign, shall be placed at the corner of Greenspring Valley and Nacirema Roads, which will direct conservatory traffic to the new access road and away from Nacirema Road.
- A barrier shall be placed at the corner of Nacirema Road and the unnamed road which will prevent and discourage traffic from using said roadway to the conservatory and which will replace the temporary sign. A similar barrier shall be placed at the intersection of the unnamed roadway and the roadway perpendicular to it which leads to the conservatory.
- Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee, which are adopted in their entirety and made a part of this Order.
- If the new access road is not completed within two years from the date of this Order, the special exception granted herein shall terminate.

[Signature]
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: The Rosa Ponselle Charitable Foundation, Inc.
84-154-X
Date: November 22, 1983

This office is supportive of the subject petition.

Norman E. Gerber per J. H. Smith
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

BALTIMORE COUNTY, MARYLAND

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NEG:JGH:cav

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 5, 1983

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

cc: Nicholas B. Commodari
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

The Rosa Ponselle Charitable Foundation, Inc.
Elayne Duke, President
1526 Greenspring Valley Road
Stevenson, Maryland 21153

RE: Item No. 263 - Case No. 84-153-X
Petitioner - The Rosa Ponselle
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In view of your proposal to make the existing uses of the subject property; i.e., conservatory for music and art, including a museum and accessory retail area, and a residential art salon, conform to the zoning regulations, this hearing is required. The latter use was added to the petition form after a more careful review of the site plan and subsequent conversation with you.

Because the revised site plan and accompanying letter from you, dated October 31, 1983 to Mr. George Wittman of the State Highway Administration, satisfied his comments, I scheduled the petition for a hearing. However, it should be noted that the parking area must be paved with a durable surface; i.e., macadam, tar and chip, etc., and railroad ties or curbing provided around the perimeter. In order to cut down on any paving costs, you might consider revising the parking breakdown and providing less parking.

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Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures

cc: S. J. Martenet & Co.
9 E. Lexington Street
Baltimore, Md. 21202

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 18, 1983

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #263 (1982-1983)
Property Owner: The Rosa Ponselle
Charitable Foundation, Inc.
N/S Greenspring Valley Rd., 3300' W. from
Greenspring Ave.
Acres: 40.55 District: 3rd

Dear Mr. Hammond:

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.

Highways:
Greenspring Valley Road (Md. 130) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Nacirema Road and all other roadways within or contiguous to this site are private.

As no improvements or permits are proposed, no further comments are required.

Very truly yours,
Robert A. Norton
ROBERT A. NORTON, P.E., CHIEF
Bureau of Public Services

RAM:EM:PMR:iss

S-SW Key Sheet
46 - 48 NW 16 - 18 Pos. Sheets
NW 12 D & E Topo
59 Tax Map

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Caltrider
Administrator

June 24, 1983

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 6-14-83
Item: #263
Property Owner: The Rosa Ponselle Charitable Foundation, Inc.
Location: N/S Green Spring Valley Rd (Route 130), 3300' W. from Green Spring Ave.
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Proposed Zoning: Special Exception for conservatory (for music and the arts) inclusive of a Museum and small Gift Shop as an accessory use.
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District: 3rd

Dear Mr. Hammond:

On review of the revised site plan of May 26, 1983 and field inspection, the State Highway Administration offers the following comments.

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This access is unacceptable for commercial use to serve the site for a special exception.

The State Highway Administration will require the entrance be relocated 200'± to the northwest.

This location would afford the relocated entrance a deceleration lane of 120' in length with an 85'± taper to the southeast.

My telephone number is (301) 659-1350.
Teleprinter for impaired hearing or speech
363 7555 Baltimore Metro - 265 0451 D.C. Metro - 1800 482 5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717

June 24, 1983

Mr. W. Hammond

The new access must be a minimum of 25' in width (30' recommended) with 10' radii.

State Highway Administration Type "A" concrete curb and gutter must be constructed on the parallel alignment 24' from the centerline of Green Spring Valley Road and at the entrance radii.

This improvement is needed to provide adequate access to the site through a channelized access that meets existing criteria for commercial access.

Upon construction of the relocated access the existing 12' wide driveway must be barricaded or scarified from the point of connection to Green Spring Valley Road and the existing B.G. & E. utility poles relocated.

If this option proves to be too costly for the Foundation, the existing 12' access drive could be closed and "all" access to "Villa Pace" be by way of Nacirema Road thence by way of the 30' road to the existing north entrance.

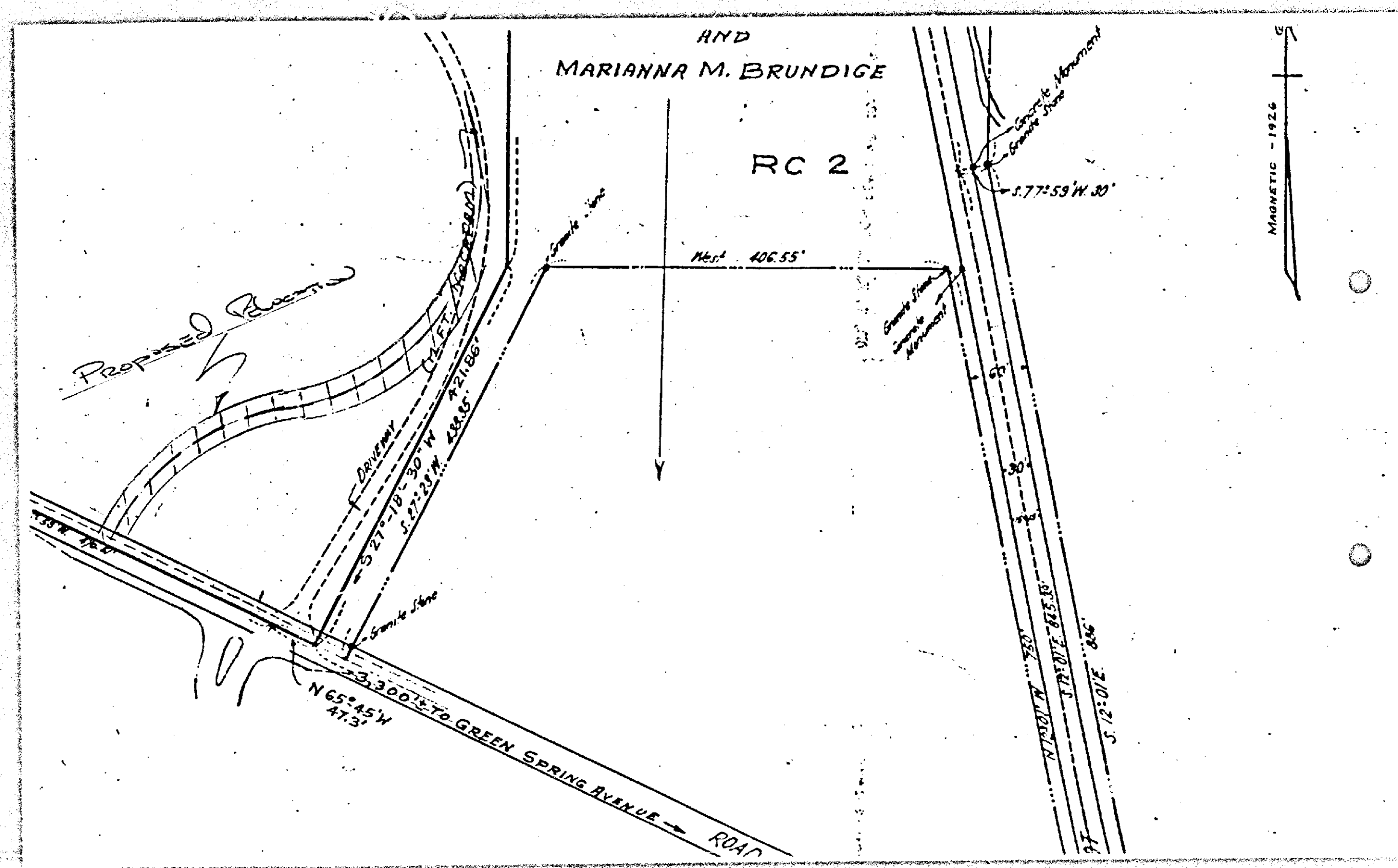
It is requested that the plan be revised prior to a hearing date being set.

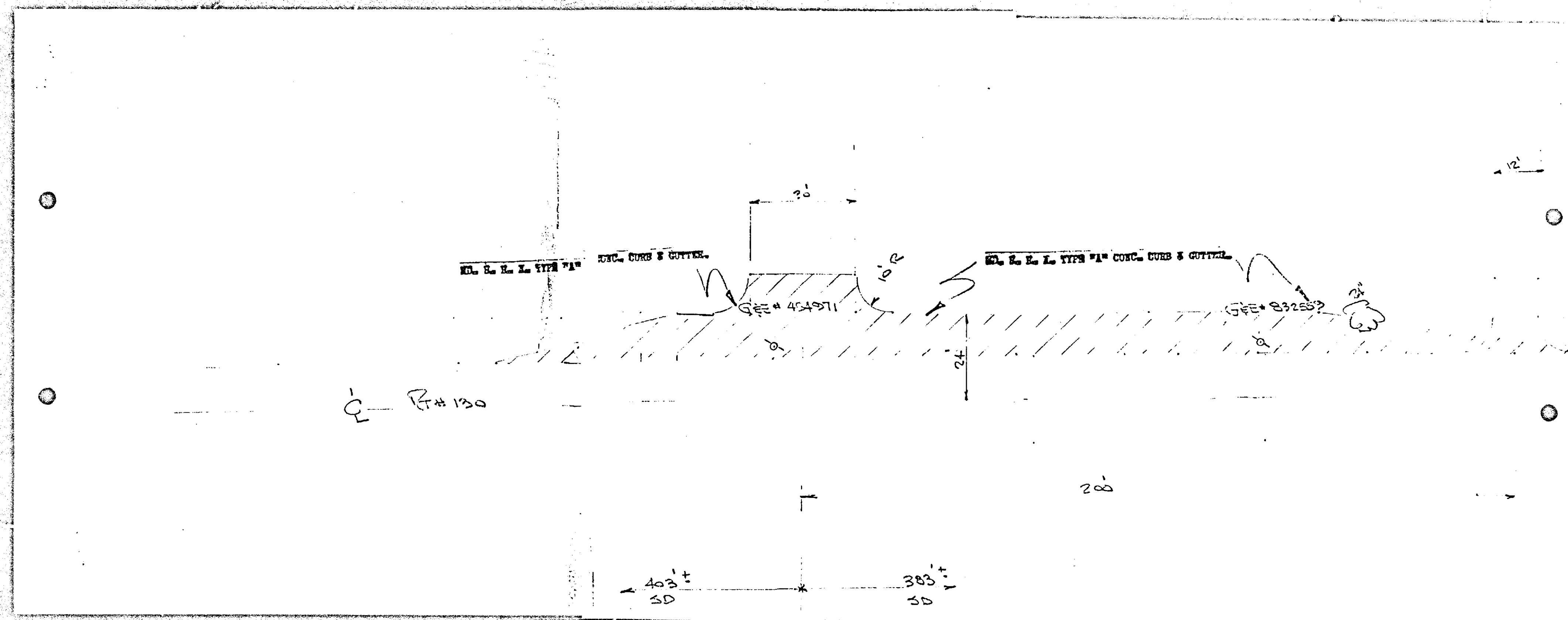
Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:vrld
Enclosure
cc: Mr. J. Ogle





September 19, 1983

Rosa Ponselle Charitable Foundation, Inc.
"Villa Pace"
Greenspring Valley Rd.,
Stevenson, Maryland 21153

Rosa Ponselle Charitable Foundation, Inc.
"Villa Pace", N/S Green-
spring Valley Rd., Route 130
3,300' West of Green-
spring Avenue
Zoning Item #263

Att: Mrs. Elaine Duke

Dear Mrs. Duke:

On September 8, 1983 a meeting was held at "Villa Pace" to discuss alternatives to the requirements set forth by the State Highway Administration in zoning comments, dated July 21, 1983.

In attendance were Mrs. Elaine Duke of the Rosa Ponselle Foundation, Mr. Thomas Brundige, an adjoining property owner to the east and myself.

Due to the location of the existing residential drive of "Villa Pace" and the close proximity of Mr. Brundige's entrance on Greenspring Valley Road, a suggestion to combine access of both parties was presented by the State Highway Administration with location centered on the existing "Villa Julie College".

Mr. Brundige was not agreeable to this solution.

The following conditions were agreed acceptable to all in attendance and the zoning plan will be revised to show the following comments.

Rosa Ponselle Charitable -2- September 19, 1983

1. Use the existing 12' residential drive to "Villa Pace" as a residential entrance only, and construct a barricade at the perpendicular road connection northeast of the main house.
2. Revise the plan to show the proposed commercial access with channelized improvements and attach written confirmation of your intention to comply with a construction time frame of two (2) years from this date.
3. Note on the revised plan that all commercial functions will ingress and egress the site by way of Macirema Road.

The State Highway Administration strongly recommends a gate be constructed at the 12' residential drive and Greenspring Valley that would eliminate access on days of commercial functions and a sign be constructed at Macirema Road and Greenspring Valley Road directing patrons of the commercial access.

Upon receipt of the revised plan, the State Highway Administration will forward revised comments to the Baltimore County Zoning Commissioner.

If you have any questions, please do not hesitate to call this office.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw
Attachment
cc: Mr. T. Brundige

Telephone (301) 408-4000



The Rosa Ponselle Foundation
"Villa Pace"
Stevenson, Maryland 21153

Established 1982

October 31, 1983

Mr. George Whitman
Bureau of Engineering, Access Permits
P.O. Box 717
707 N. Calvert Street, Room 609
Baltimore, Maryland 21203

Dear Mr. Whitman:

I would like to take this opportunity to thank you for your very great effort in our behalf to help to solve amicably with Mr. T. Worthington Brundige III, the Bureau of Engineering Access Permits, and the Rosa Ponselle Foundation, the existing problem concerning our visitors' access to the Rosa Ponselle Museum. I would like to confirm with you our understanding that the Rosa Ponselle Foundation will comply with the laying of the proposed highway improvement, as suggested by you, within a two-year period.

As I had explained to you during our meetings, the status of our endowment, as it exists during this early stage of our development, is inadequate at this time to comply with the proposed improvement, and we do so appreciate your allowing us a grace period in order to allow us to be able to comply with your suggestion.

I do hope that this written confirmation of our intent will be satisfactory and acceptable to the Baltimore County Zoning Plans Advisory Committee.

With kindest regards and all good wishes, I remain,

Respectfully yours,

Elayne Duke
(Miss) Elayne Duke
President

ED:alm

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Catrider
Administrator

November 9, 1983

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

Attention: Mr. N. Commodari

Re: ZAC Meeting of 6-14-83
Item: #263
Property Owner: The Rosa Ponselle Charitable Foundation, Inc.
Location: N/S Green Spring Valley Rd. (Route 130), 3300' west from Green Spring Avenue
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for Conservatory (for music and the arts) inclusive of a Museum & small Gift Shop as an accessory use.
Acres: 40.55
District: 3rd

Dear Mr. Jablon:

The State Highway Administration by a copy of this letter is providing additional comments to our letter of June 24, 1983.

A meeting was held at "Villa Pace" on September 8, 1983 and conditions were agreed acceptable for a revised site plan dated October 24, 1983 (see attachment).

The site plan has been revised and a letter of intent to provide the proposed highway improvements has been provided (see attachment).

We hereby request the Baltimore County Zoning Commissioner to incorporate the requirements of the revised site plan and the two (2) year limit (November 1, 1985) of compliance to obtain a State Highway Administration access permit for the relocation of

My telephone number is (301) 659-1350.

Teletypewriter for Impaired Hearing or Speech
363-755A Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717

November 9, 1983

Mr. A. Jablon

proposed entrance as part of the Commissioner's orders.

If you have any questions, please do not hesitate to call this office.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
By: George Wittman

CL:GW:vrd

cc: The Rosa Ponselle Foundation
(Attention: Miss E. Duke)

- 2 -

⋮ ⋮ ⋮ ⋮ ⋮ ⋮ ⋮

Mr. Commissioner:

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Comodari

Dear Mr. Hammond:

On review of the revised site plan of May 26, 1963 and field inspection, the State Highway Administration offers the following comments.

The existing access to Green Spring Valley Road (Route 130) is by way of a residential driveway 12' in width.

This access is unacceptable for commercial use to serve the site for a special exception.

The State Highway Administration will require the entrance be relocated 200'± to the northwest.

This location would afford the relocated entrance a circulation lane of 120' in length with an 85'± taper to the southeast.

Mr. W. Hammond

The new access must be a minimum of 25' in width (30' recommended) with 10' radii.

State Highway Administration Type "A" concrete curb and gutter must be constructed on the parallel alignment 24' from the centerline of Green Spring Valley Road and at the entrance radii.

This improvement is needed to provide adequate access to the site through a channelized access that meets existing criteria for commercial access.

Upon construction of the relocated access the existing 12' wide driveway must be barricaded or sacrificed from the point of connection to Green Spring Valley Road and the existing L.V. & S. utility poles relocated.

If this option proves to be too costly for the Foundation, the existing 12' access drive could be closed and "all" access to "Villa Pace" be by way of Macarena Road thence by way of the 30' drive to the existing north entrance.

It is requested that the plan be revised prior to a hearing, date being set.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

Dr. George H. Nelson

CL:GW:vrđ
Enclosure
cc: Mr. J. Ogile

- 2 -

**PETITION FOR SPECIAL
EXCEPTION**
3rd Election District

ZONING: Petition for Special Ex-
ception

LOCATION: North side Green-
spring Valley Road, 3,500 ft. W
of Greenspring Avenue

DATE & TIME: Wednesday, De-
cember 14, 1983 at 10:30 A.M.

PUBLIC HEARING: Room 10
County Office Building, 111 W
Chesapeake Avenue, Towson

TOWSON, MD., _____ November 24, 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 in each~~ of ~~one~~ ~~time~~ ~~successive weeks~~ before the 11th day of December 18 83, the ~~last~~ publication appearing on the 24th day of November 18 83.

THE JEFFERSONIAN,
L. Frank Smith

 Manager.
 Cost of Advertisement, \$ 31.50

[illegible]

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Nov. 24.

**PETITION FOR SPECIAL
EXEMPTION**
3rd Election District

ZONING: Petition for Special Exemption

LOCATION: North side Greenspring Valley Road, 2,300 ft. W. of Greenspring Avenue

DATE & TIME: Wednesday, December 16, 1963 at 10:30 A.M.

PUBLIC HEARING: Room 400 County Office Building, 112 W. Chesapeake Avenue, Towson, Maryland

TOWSON, MD., -----November 24., 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 in each of one time ~~successive weeks~~ before the 11th day of December, 1983, the first publication appearing on the 24th day of November.

19 83

THE JEFFERSONIAN,
L. Frank Smith

 Manager.

Cost of Advertisement, \$ 31.50

[illegible]

PETITION FOR SPECIAL EXCEPTION
3rd Election District

ZONING: Petition for Special Exception
LOCATION: North side Greenspring Valley Road, 3,300 ft. West of Greenspring Avenue
DATE & TIME: Wednesday, December 14, 1983 at 10:30 A.M.
PUBLIC HEARING: 106, County Office Building, 111 W. Chesapeake Ave., 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 Exception for conservatory (for music and the arts), inclusive of a museum, small art studio and small gift shop as accessory uses

All that parcel of land in the Third District of Baltimore County Beginning for the same in the center line of Green Spring Valley Road at a point distant 3300 feet, more or less, Westerly from Green Spring Avenue and running then binding on the center line of Green Spring Valley Road, the four following courses and distances to wit: 1- North 65 degrees and 45 minutes West 47.3 feet; 2- North 65 degrees and 58 minutes West 470.51 feet; 3- Northwesterly by a line curving toward the left, with a radius of 213.22 feet, the distance of 116.24 feet; and 4- South 82 degrees and 48 minutes West 940.5 feet; thence, running with the outlines of the land now being described, the ten following courses and distances to wit: 1- North 06 degrees and 51 minutes East 1057.0 feet; 2- South 85 degrees and 54 minutes East 255.6 feet; 3- South 75 degrees and 46 minutes East 116 feet; 4- South 67 degrees and 18 minutes East 50 feet; 5- South 58 degrees and 04 minutes East 47.79 feet; 6- South 45 degrees and 38 minutes East 25 feet; 7- North 44 degrees and 54 minutes East 402.73 feet; 8- South 82 degrees and 59 minutes East 837.27; 9- Due South 858.93 feet and 10- South 27 degrees, 18 minutes and 30 seconds West 421.86 feet to the place of beginning.

Containing 40.55 acres of land, more or less.

The bearings in the above description are referred to the Magnetic

NEWSPAPER OF MARYLAND, INC.

inster, Md., ...Nov...23, 19...83.....

at the annexed Reg. #154597 P.O. #50101

...successive weeks/days previous

November... 1983....., in the

Times, a daily newspaper published

Westminster, Carroll County, Maryland.

ald, a weekly newspaper published

Eldersburg, Carroll County, Maryland.

s, a weekly newspaper published

erstown, Baltimore County, Maryland.

EWSPAPERS OF MARYLAND, INC.

Per Dina Keifer

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

84-154-X

District 3rd

Date of Posting 11-25-83

Posted for: Special Exception

Petitioner: The Rosa Ponselle Charitable Foundation, Inc.

Location of property: N/S of Greenspring Valley Road 3,300 W. of

Greenspring Avenue

Location of Signs: 1 sign N/S of Greenspring Valley Road approx 3,300

West of Greenspring Ave. & 1 sign East side of Piscataway Road approx

1000' North of Greenspring Valley Road

Remarks:

Posted by A. J. Prota

Signature

Date of return: 12-2-83

Number of Signs: 2

The Rosa Ponselle Charitable Foundation, Inc.
Elayne Duke, President
1526 Greenspring Valley Road
Stevenson, Md. 21153

S. J. Martenet & Co.
9 E. Lexington St.
Baltimore, Md. 21202

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
10th day of November, 19 83

Arnold Jablon

ARNOLD JABLON
Zoning Commissioner

Petitioner Rosa Ponselle Foundation
Petitioner's
Attorney

Received by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

June 24, 1983

Mr. W. Hammond

The new access must be a minimum of 25' in width (30' recommended) with 10' radii.

State Highway Administration Type "A" concrete curb and gutter must be constructed on the parallel alignment 24' from the centerline of Green Spring Valley Road and at the entrance radii.

This improvement is needed to provide adequate access to the site through a channelized access that meets existing criteria for commercial access.

Upon construction of the relocated access the existing 12' wide driveway must be barricaded or scarified from the point of connection to Green Spring Valley Road and the existing B.G. & E. utility poles relocated.

If this option proves to be too costly for the Foundation, the existing 12' access drive could be closed and "all" access to "Villa Pace" be by way of Nacirema Road thence by way of the 30' road to the existing north entrance.

It is requested that the plan be revised prior to a hearing date being set.

Very truly yours,

Charles Lee

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:vrd

Enclosure

cc: Mr. J. Ogle

- 2 -

Telephone (301) 405-4016



Established 1962

The Rosa Ponselle Foundation
"Villa Pace"

Stevenson, Maryland 21153

October 31, 1983

Mr. George Whitman
Bureau of Engineering, Access Permits
P.O. Box 717
707 N. Calvert Street, Room 609
Baltimore, Maryland 21203

Dear Mr. Whitman:

I would like to take this opportunity to thank you for your very great effort in our behalf to help to solve amicably with Mr. T. Worthington Brundige III, the Bureau of Engineering Access Permits, and the Rosa Ponselle Foundation, the existing problem concerning our visitors' access to the Rosa Ponselle Museum. I would like to confirm with you our understanding that the Rosa Ponselle Foundation will comply with the laying of the proposed highway improvement, as suggested by you, within a two-year period.

As I had explained to you during our meetings, the status of our endowment, as it exists during this early stage of our development, is inadequate at this time to comply with the proposed improvement, and we do so appreciate your allowing us a grace period in order to allow us to be able to comply with your suggestion.

I do hope that this written confirmation of our intent will be satisfactory and acceptable to the Baltimore County Zoning Plans Advisory Committee.

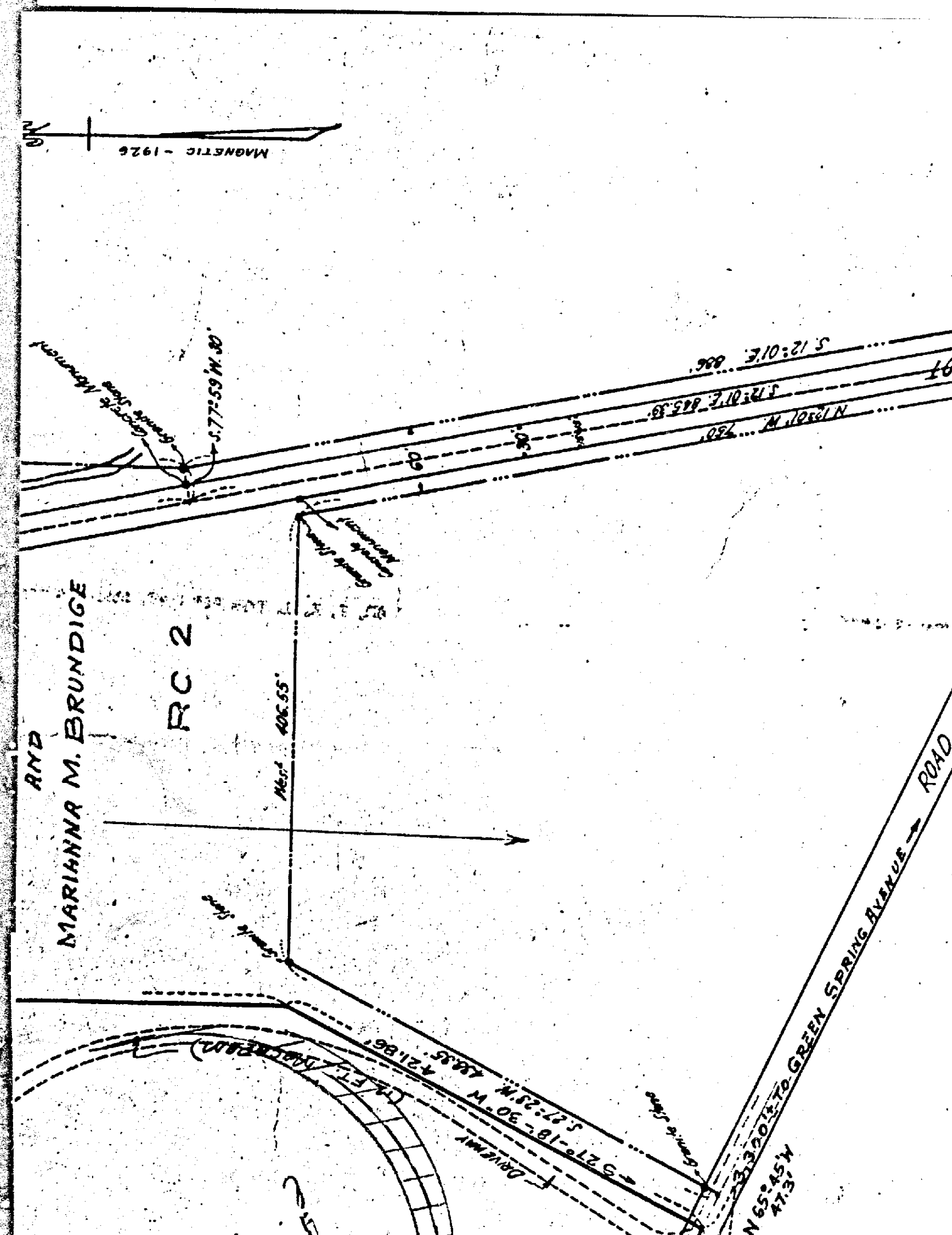
With kindest regards and all good wishes, I remain,

Respectfully yours,

Clayton Duke

(Miss) Elaine Duke
President

ED:alm



September 19, 1983

Rosa Ponselle Charitable
Foundation, Inc.
"Villa Pace"
Greenspring Valley Rd.
Stevenson, Maryland 21153

Re: Rosa Ponselle Charitable
Foundation, Inc.
"Villa Pace", W/S Green-
spring Valley Rd., Route 130
3,300' + West of Green-
spring Avenue
Zoning Item #263

Att: Mrs. Elaine Duke

Dear Mrs. Duke:

On September 8, 1983 a meeting was held at "Villa Pace" to discuss alternatives to the requirements set forth by the State Highway Administration in zoning comments, dated July 21, 1983.

In attendance were Mrs. Elaine Duke of the Rosa Ponselle Foundation, Mr. Thomas Brundige, an adjoining property owner to the east and myself.

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Mr. Brundige was not agreeable to this solution.

The following conditions were agreed acceptable to all in attendance and the zoning plan will be revised to show the following comments.

Rosa Ponselle Charitable

-2-

September 19, 1983

1. Use the existing 12' residential drive to "Villa Pace" as a residential entrance only, and construct a barricade at the perpendicular road connection northeast of the main house.
2. Revise the plan to show the proposed commercial access with channelized improvements and attach written confirmation of your intention to comply with a construction time frame of two (2) years from this date.
3. Note on the revised plan that all commercial functions will ingress and egress the site by way of Nacirema Road.

The State Highway Administration strongly recommends a gate be constructed at the 12' residential drive and Greenspring Valley thence would eliminate access on days of commercial functions and a sign be constructed at Nacirema Road and Greenspring Valley Road directing patrons of the commercial access.

Upon receipt of the revised plan, the State Highway Administration will forward revised comments to the Baltimore County Zoning Commissioner.

If you have any questions, please do not hesitate to call this office.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

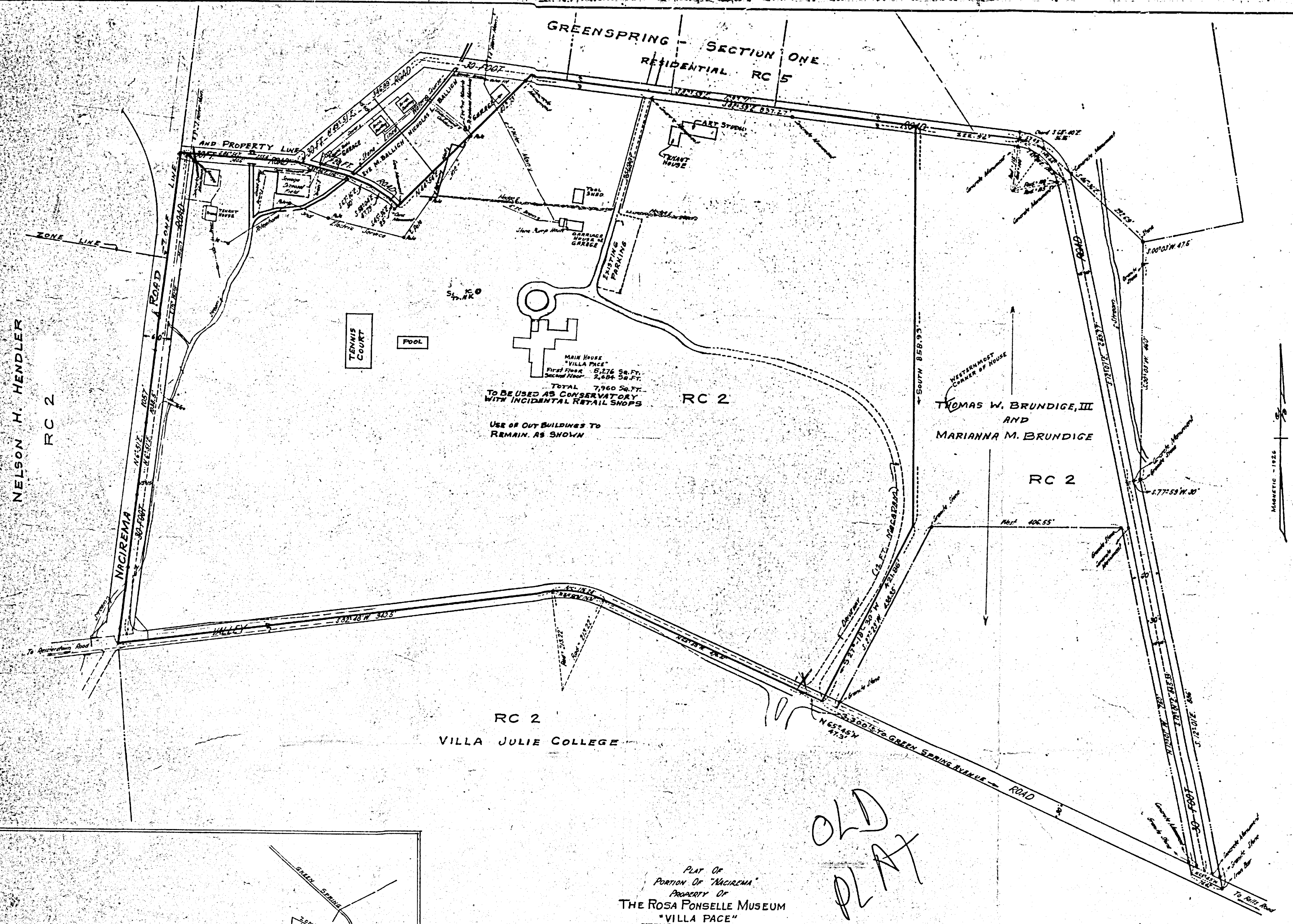
By: George Wittman

CL:GW:maw

Attachment

cc: Mr. T. Brundige

GREENSPRING - SECTION ONE
RESIDENTIAL RC 5



MAIN HOUSE
"VILLA PACE"
First Floor - 5,276 Sq. Ft.
Second Floor - 2,404 Sq. Ft.
TOTAL 7,680 Sq. Ft.
TO BE USED AS CONSERVATORY
WITH INCIDENTAL RETAIL SHOPS
USE OF OUT BUILDINGS TO
REMAIN AS SHOWN

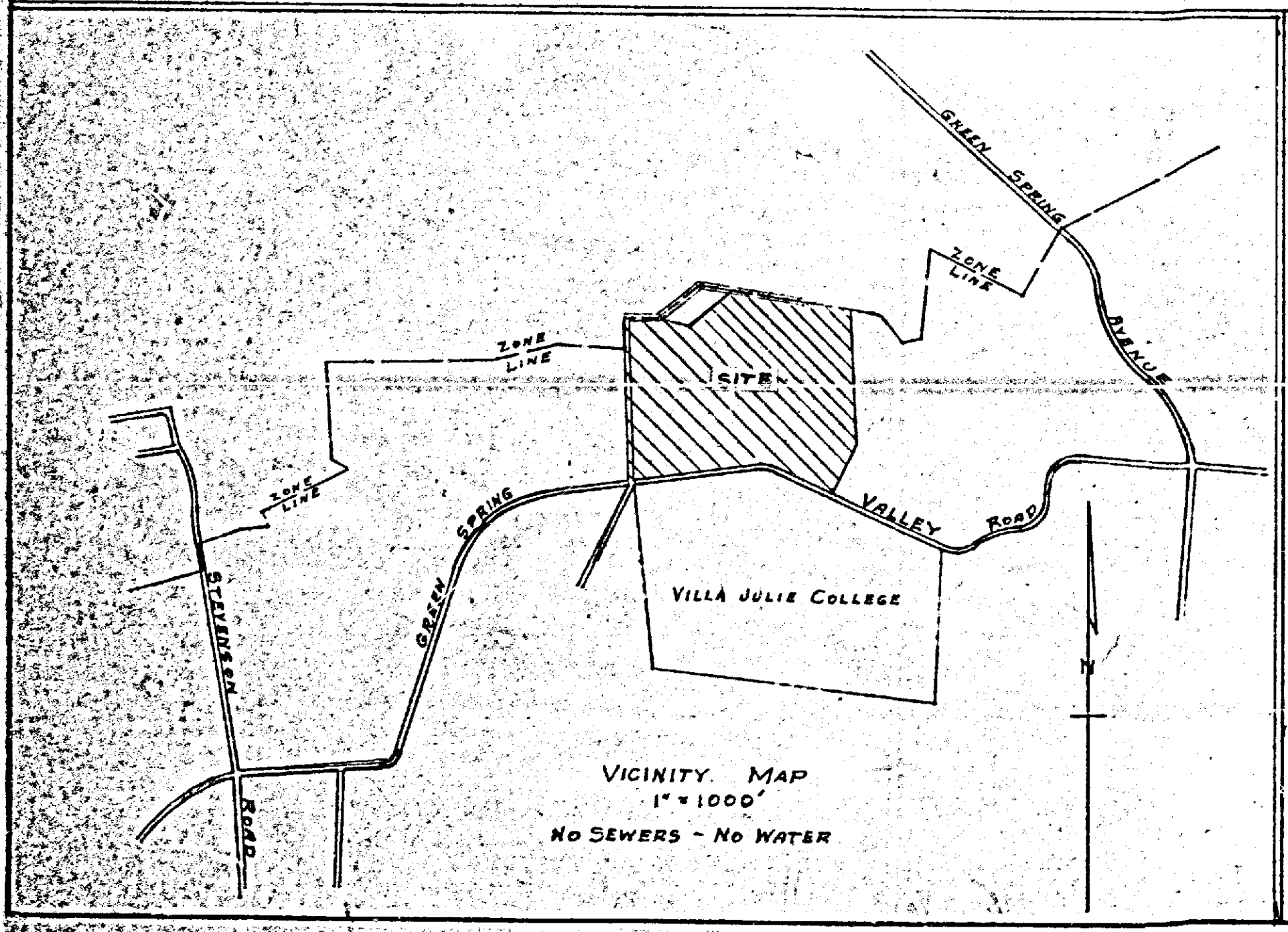
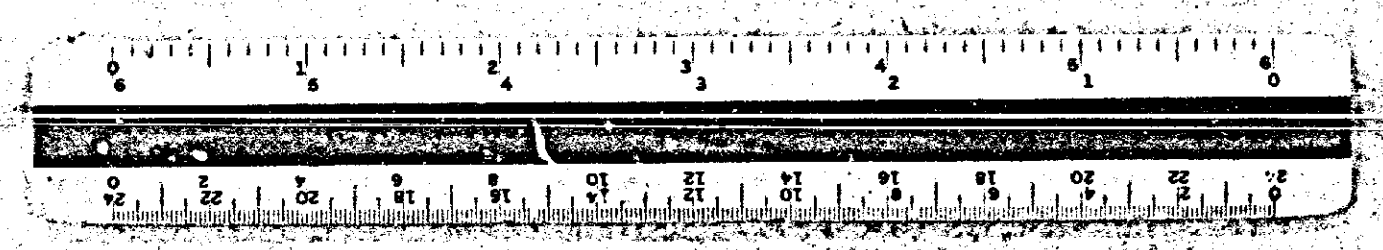
THOMAS W. BRUNDIGE, III
AND
MARIANNA M. BRUNDIGE

RC 2
VILLA JULIE COLLEGE

PLAT OF
PORTION OF "NACIREMA"
PROPERTY OF
THE ROSA PONSELLE MUSEUM
"VILLA PACE"
STEVENSON, MD. 21153
THIRD ELECTION DISTRICT, BALTIMORE CO., MD
AREA - 40.55 ACRES

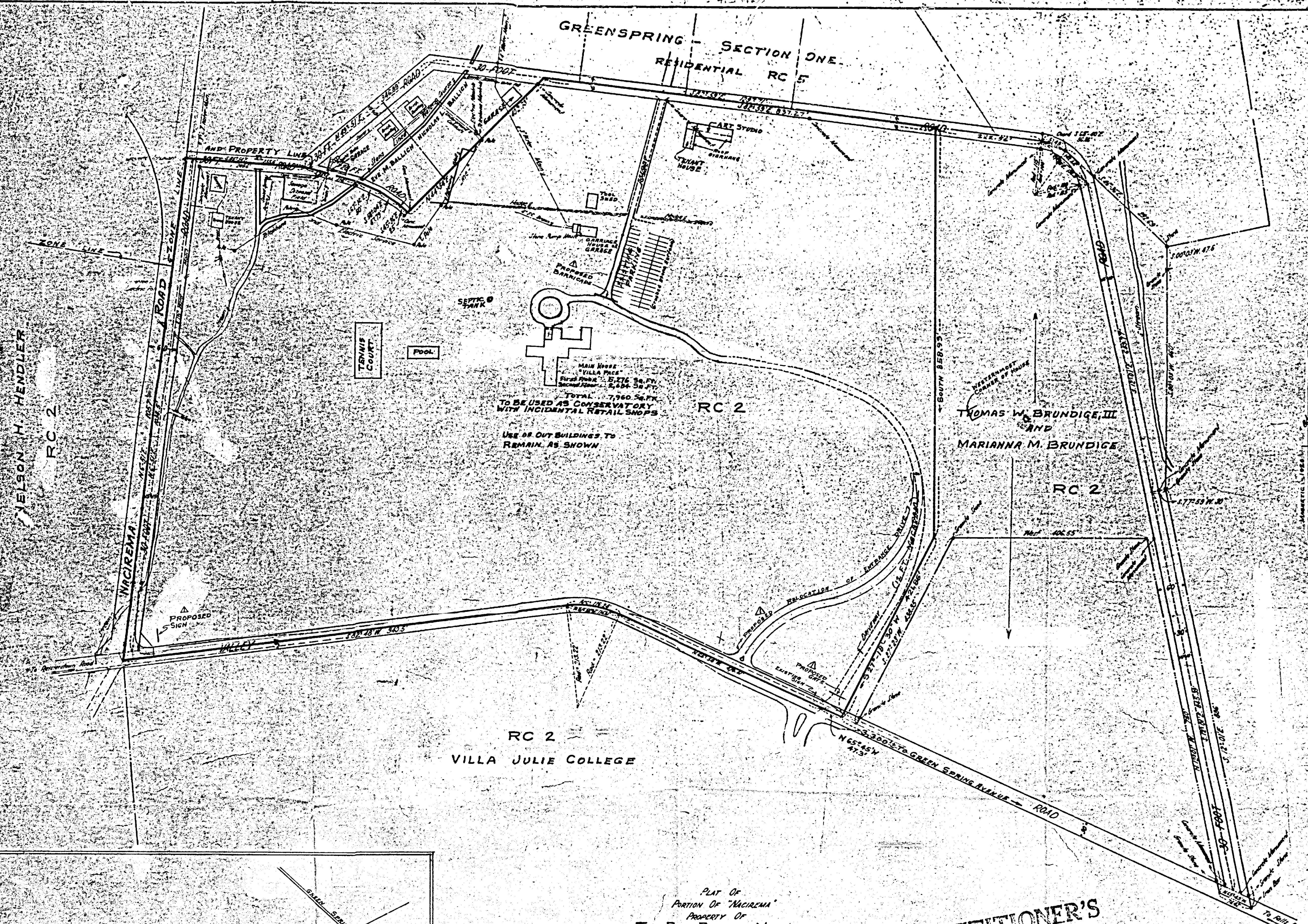
OLD
PLAT

SCALE - 100 FEET TO ONE INCH.
J. J. MONTGOMERY & CO.
Surveyors & Civil Engrs.
Baltimore, Md.
UP-DATED FOR ZONING APPEAL May 26, 1983
By: Howard D. Tustan, Jr. Reg. L.S. #3995



VICINITY MAP
1" = 1000'
NO SEWERS - NO WATER

GREENSPRING - SECTION ONE RESIDENTIAL RC 5



PLAT OF
PORTION OF "NACIREMA"
PROPERTY OF
THE RC SA FONSELLE MUSEUM
"VILLA PACE"
STEVENSON, MD. 21153
THIRD ELECTION DISTRICT, BALTIMORE CO., MD.
AREA - 40.55 ACRES

**PETITIONER'S
EXHIBIT 1**

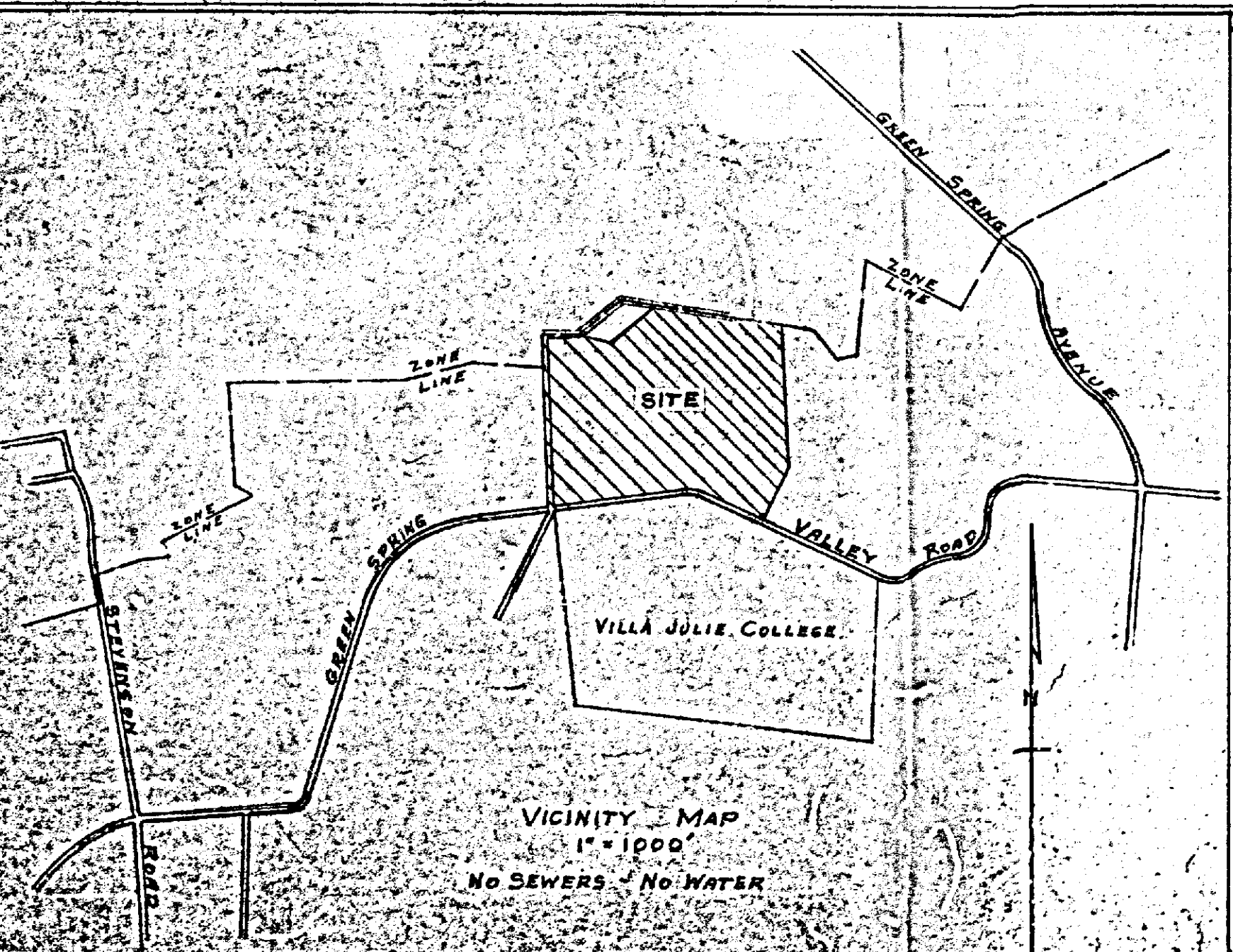
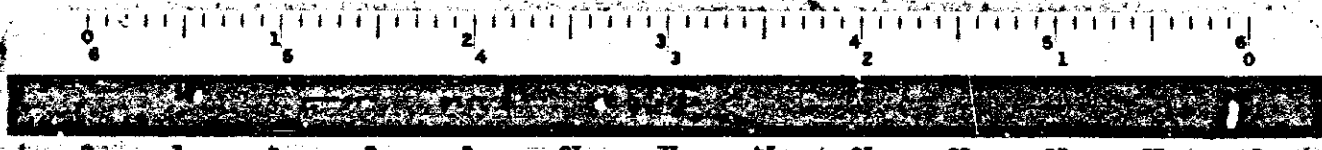
PARKING SPACE BREAK-DOWN

BUILDING AND PORTION THEREOF	SQUARE FEET AREA	SPACES REQUIRED
First Floor Main House - Retail Area	432	2
First Floor Main House - Remainder	4844	16
Second Floor Main House	2684	5
Art Studio (one floor only)	1064	5
First Floor Tenant House	882	3
Second Floor Tenant House	294	1

SPACES REQUIRED 32
SPACES PROVIDED 50

Note:
The existing 12' driveway is to be used as a residential entrance only.
All traffic for commercial functions will ingress and egress the site by way of Nacirema Road.

SCALE: 100 FEET TO ONE INCH.
S. J. Mastromarino & Co.
Surveyors Civil Engrs
Baltimore, Md.
UP-DATED FOR ZONING APPEAL May 26, 1983
By: Howard B. Tustin, Jr. Reg. LS #3995
REVISIONS - October 24, 1983



John #263
11-17-83