

PETITION FOR SPECIAL EXCEPTION

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 golf course and/or country club or other similar recreation club and/or restaurant pursuant to Section 1A04.2.B.8 and 15 under the Baltimore County Zoning Regulations.

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:
Robert L. Edd, Sr.
(Type or Print Name)

Signature

8284 Pond Court

Address

Millersville, Maryland 21108

City and State

Attorney for Petitioner:

Leslie M. Pittler

(Type or Print Name)

Signature

Suite 501, 28 Allegheny Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 796-9220

Address

17th

day

of July

1985, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out 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 19th day of August, 1985, at 1:30 o'clock

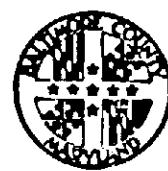
P.

M.

Robert L. Edd, Sr.
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)

Towson, Maryland 21204

(301) 494-3180

November 14, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-78-X

ROBERT L. EDD, SR.

SE/s Holbrook Rd., 3800' S of

Liberty Rd.

2nd District

SE-For golf course and/or country club or similar club and/or restaurant per

Sec. 1A04.2.B.8 and 15

8/30/85 - Z.C.'s Order - Granted

subj. to restrictions

ASSIGNED FOR:

TUESDAY, JANUARY 28, 1986, at 10 a.m.

cc: Leslie M. Pittler, Esq.

Counsel for Petitioner

Robert L. Edd, Sr.

Petitioner

Michael O. Ramsey, Esq.

Protestant

Ms. Barbara Hartman

"

S. Eric DiNenna, Esq.

Counsel for Protestants-Appellants

Phyllis C. Friedman

People's Counsel

Norman Gerber

James Hoswell

Arnold Jablon

Jean Jung

James Dyer

June Holmen, Secy.



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

January 28, 1986

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, MD 21204

Re: Case No. 86-78-X
Robert L. Edd, Sr.

Dear Mr. DiNenna:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: People's Counsel
Leslie M. Pittler, Esquire
Mr. Robert L. Edd, Sr.
Michael O. Ramsey, Esquire
Ms. Barbara Hartman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN THE MATTER OF : BEFORE
OF THE APPLICATION OF : COUNTY BOARD OF APPEALS
ROBERT L. EDD, SR. :
FOR SPECIAL EXCEPTION : OF
FOR A GOLF COURSE, ETC. : BALTIMORE COUNTY
SE/S HOLBROOK RD. 3800' :
S. OF LIBERTY ROAD : NO. 86-78-X
2nd DISTRICT :
:

OPINION

This case comes before this Board on an appeal from an Order of the Zoning Commissioner granting a special exception for a Golf Course and/or country club, or similar club and/or restaurant per Section 1A04.2.B.8 and 15 of the Baltimore County Zoning Regulations. The subject property is located on the southeast side of Holbrook Road 3800 feet south of Liberty Road in the Second Election District of Baltimore County.

Upon cross-examination of Petitioner's first witness there became apparent some possible deficiencies in the petition as filed. When these problems with the petition became apparent to all present, the Petitioner's attorney made a Motion to withdraw the petition without prejudice. There was no objection from Protestants-Appellants' attorney nor any objection from People's Counsel. Therefore, the Board will grant the request for the withdrawal of the petition without prejudice.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of January, 1986, by the County Board of Appeals, ORDERED that the Motion to

ROBERT L. EDD, SR. - #86-78-X

Dismiss the petition be GRANTED and the petition, therefore, is hereby DISMISSED without prejudice.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Robert L. Edd, Sr.
Robert L. Edd, Sr.

Patricia Phipps
Patricia Phipps

IN RE: PETITION SPECIAL EXCEPTIONS
SE/S of Holbrook Road, 3,800'
S of Liberty Road -
2nd Election District
Robert L. Edd, Sr.,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-78-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests special exceptions for a country club and restaurant, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Also testifying on behalf of the Petitioner were Tony Cortez, a professional land planner from STV Lyon Associates, and Barbara Canon, a professional marketing analyst. Michael O. Ramsey, an attorney, appeared on his own behalf, as did Barbara Hartman, as Protestants. Numerous other Protestants also appeared, some of which testified. See Protestants' Exhibit 1.

Testimony indicated that the subject property, zoned R.C.5 and located on Powells Run Road off Marriottsville Road, had been improved with a country club and other uses but has been unused since 1981. Indeed, this property has been the source of much consternation and concern in the community since the then existing country club was closed after Hurricane Agnes in the middle 1970's. The property consists of 13.28 acres and contains a one-story building with a banding room-lounge, snack bar, swimming pool, cabanas, and tennis courts. Access to the property may be gained from both Powells Run Road and Holbrook Road. Protestants were concerned that the proposed uses would create a traffic hazard for those living on Holbrook Road, which averages between 14 feet and 24 feet in width.

The Petitioner proposes to rehabilitate the existing buildings and grounds, which will cost \$875,000. He proposes to open a health and fitness center,

utilizing the tennis courts and pool, a banquet hall to serve up to 400 guests, a lounge open to the public Thursday, Friday, and Saturday from 9:00 p.m. to 2:00 a.m., and a restaurant open to the public seven days per week seating up to 50 customers.

The Protestants oppose the proposed uses in that they believe there will be no adequate means of protecting the neighboring communities from the trash, noise, and general rowdiness which characterized the uses on this site in the middle and late 1970's. The Petitioner proposes to have adequate parking, security, and cooperation with the community. He is also willing to close the access point from Holbrook Road.

Mr. Cortez testified that, in his opinion, the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), would be satisfied and that the proposed special exceptions would not create any adverse impact on the community.

The Petitioner seeks relief from Section 1A04.2.B.8 and 15, pursuant to Section 502.1, BCZR.

Section 1A04.2.B.15 refers to Section 402.3, BCZR, which is a subtitle of Section 402, BCZR, entitled "conversion of dwellings". While there is no dwelling to be converted here, one must read Section 402.3 in conjunction with Section 1A04.2.B.15, which states "Restaurants...converted from dwellings or other buildings as provided in Subsection 402.3".

It is clear that the Baltimore County Council (Council) intended that restaurants could be converted from either dwellings or other buildings, but could be only granted subject to the conditions set out in Section 402.3.

There is a strong presumption of the correctness of original zones and of comprehensive zoning. Howard County v. Dorsey, 438 A.2d 1339 (1982). There is a presumption of validity that must be accepted. Johnson & Wales College v.

DiPietre, 448 A.2d 1271 (R.I., 1982). When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Montgomery v. Bevilacqua, 402 A.2d 661 (R.I., 1981). Section 402.3, BCZR, is clear and unambiguous.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 68, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be "considered in its entirety, and in the context of the purpose underlying [its] enactment," Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Groveson v. Supervisor of Assess., 271 Md. 238, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, supra. Thus, where statutory language

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY [Signature]

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE August 9, 1985

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

ofo
Nicholas S. 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

Leslie M. Pittler, Esquire
Suite 501, 28 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 349 - Case No. 86-78-X
Petitioner - Robert L. Edd, Sr.
Special Exception Petition

Dear Mr. Pittler:

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.

As you are aware, this property was the subject of a previous zoning hearing (Case No. 79-255-XSH) in which a nonconforming use as a country club was granted, but the special exception for a restaurant was denied.

As indicated to you, the site plan must be updated to indicate existing conditions, and the status of the existing trailer (caretaker's residence) should be discussed at the hearing.

Particular attention should be afforded to the comments of the Department of Traffic Engineering. You may contact Mr. Flanigan, 494-3557, for any additional explanation of said comment.

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 S. Commodari
NICHOLAS S. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

cc: Gerhold, Gross & Etzel
412 Delaware Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY I. PISTEL, P.E.
DIRECTOR

June 10, 1985

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

Re: Item #349 (1984-1985)
Property Owner: Robert L. Edd, Sr.
S/ES Holbrook Rd. 3800' S/W of Liberty Rd.
Acres: 13.28 acres
District: 2nd

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 Comments:

As no public facilities are involved, this office has no comment.

Very truly yours,

Harry I. Pistel, P.E.
HARRY I. PISTEL, P.E., Chief
Bureau of Public Services

JAM:EM:ROP:ss

cc: File



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

JULY 24, 1985

Re: Zoning Advisory Meeting of May 21, 1985
Item # 349
Property Owner: ROBERT L. EDD, SR.
Location: S/ESIDE HOLBROOK ROAD 3800' SW OF LIBERTY ROAD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group meeting is required.
- (X) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- (X) The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board on 1/11/85.
- (X) Landscaping: Must comply with Baltimore County Landscape Manual.
- (X) The property is located in a deficient service area as defined by §111 178-75. No building permit may be issued until a Future Capacity Use Certificate has been issued. The deficient service is:
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by §111 178-75, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

ADDITIONAL COMMENTS:
APPROPRIATE ZONING VIOLATION LATE 1970'S
CLASH WITH HISTORIC CHARACTERISTICS

cc: James Hoswell

Eugene A. Boker
Chief, Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

June 7, 1985

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

Item No. 349 ZAC-Meeting of May 21, 1985
Property Owner: Robert L. Edd, Sr.
Location: S/E side Holbrook Road 3800' SW of Liberty Road
Existing Zoning: R.C.5
Proposed Zoning: Special exception for a golf course and/or country club or other similar recreation club and/or restaurant.

Acres: 13.28 acres
District: 2nd

Dear Mr. Jablon:

The entrance to this site should be a minimum of 24' wide and the driveway should be 20' wide. The proposed parking lot at the front of the site is on a severe slope and will require a grading plan. The width of Holbrook Road varies from 14' to 24' and cannot be considered as adequate access for a large traffic generator. Powell's Run Road is a 15' wide road with sight distance problems at this intersection of Harriottville Road, due to vertical curves, and cannot be considered adequate access.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/cem

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

Zoning Item # 349, Zoning Advisory Committee Meeting of May 21, 85

Property Owner: Robert L. Edd, Sr.

Location: S/E side Holbrook Rd. District 2

Water Supply: Well Sewage Disposal: Septic system

COMMENTS ARE AS FOLLOWS:

- (X) 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.
- (X) Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins.
- (X) 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.
- (X) 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.
- (X) 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.
- (X) 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 amusements 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, 494-3762.
- (X) 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.
- (X) 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)

Zoning Item # 349, Zoning Advisory Committee Meeting of May 21, 85

Page 2

- (X) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- (X) Any abandoned 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. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- (X) Soil percolation tests (have been/must be) conducted.
- (X) The results are valid until _____.
- (X) Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- (X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- (X) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____.
- (X) Is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- (X) Others: Prior to obtaining a food facility permit and/or annual food operating permit, all Baltimore County requirements regarding wells and septic systems must be met. Owner should contact the Environmental Support Services Division at 494-3762 regarding any or all of the above matters.

James J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

June 5, 1985

Attention: Wick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Robert L. Edd, Sr.

Location: S/E side Holbrook Road 3800' SW of Liberty Road

Item No.: 349

Zoning Agenda: Meeting of May 21, 1985

Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (X) 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- (X) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Paul H. Reincke Noted and Approved: Paul H. Reincke
Special Inspection Division Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

June 7, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 349 Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert L. Edd, Sr.
Location: S/E Side Holbrook Road 3800' SW of Liberty Road
District: 2nd.

APPLICABLE ITEMS ARE CIRCLED:

- (X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 617-45, the Maryland Code for the Handicapped and Aged (A.S.S.I. 617-1 - 1980) and other applicable Codes and Standards.
- (X) A building and other miscellaneous permits shall be required before the start of any construction. Should any alterations be required to bring any of the structures into compliance, Item 3.
- (X) Residential: Two sets of construction drawings are required to file a "permit" application. The seal of a registered in Maryland Architect or Engineer is required. The seal of a registered in Maryland Architect or Engineer is required. The seal of a registered in Maryland Architect or Engineer is required.
- (X) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable. If a permit is required, Item 3 would be applicable.
- (X) All the County's three (3) detached buildings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. And the owner requires a one hour wall of stone wall. See Table M-1, Section 1007, Section 1008, and Table 1009. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- (X) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office must be considered until the necessary data pertaining to height, area and construction type is provided. See Table 505 and 506 and have your Architect/Engineer contact this department.
- (X) If requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- (X) When filing for a modified Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of construction drawings showing the existing structure. The drawings shall be submitted to the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204. The drawings shall be submitted to the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204. The drawings shall be submitted to the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.
- (X) The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached map of Section 514.0 of the Building Code as adopted by Bill 617-25. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- (X) Comments: See continuation of comments on the attached sheet.

These observations 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 the applicant may obtain additional information by visiting Room 101 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles S. Chamberlain
C. S. Chamberlain, Chief
Baltimore Plans Bureau

LW/75

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 1, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 1, 1985

THE JEFFERSONIAN,

VB Venetian
Publisher

Cost of Advertising

22

MICROFILMED

PETITION FOR SPECIAL EXCEPTION
2nd Election District

LOCATION: Southeast side of Holbrook Road, 3800' South of Liberty Road

DATE AND TIME: Monday, August 19, 1985 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 Exception for golf course and/or country club or other similar recreation club and/or restaurant pursuant to Section 1A04.2.B.8 and 15 under the Baltimore County Zoning Regulations.

Being the property of Robert L. Edd, Sr. as shown on the plat filed with the Zoning Office.

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
Aug. 1.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

86-78-X

District 2nd

Date of Posting July 31, 1985

Posted for: Special Exception

Petitioner: Robert L. Edd, Sr.

Location of property: SE/S of Holbrook Road, 3800' South of Liberty Road

Location of Signs: Location sign SE/Cor of Liberty & Holbrook Roads - 1 sign

SE side of Holbrook Rd. at entrance to subject property. 1 sign NE side of Powell Rd at entrance to subject property and 1 sign north side of entrance Road

Remarks: Approx 1000' East of Powell Rd and

Posted by A. J. Rosta

Date of return: August 2, 1985

Number of Signs: 4

MICROFILMED

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

86-78-X

District 2nd

Date of Posting 10-8-85

Posted for: Appeal

Petitioner: Robert L. Edd, Sr.

Location of property: SE/S of Holbrook Road, 3,800' S of Liberty Road

Location of Signs: 1 sign SE/Cor of Liberty and Holbrook - 1 sign SE side of Holbrook

at entrance to subject property - 1 sign NE side of Powell Rd at entrance to

Remarks: subject property and 1 sign N side of entrance Road 1000' E of Powell

Posted by A. J. Rosta

Date of return: 10-18-85

Number of Signs: 4

MICROFILMED

PETITION FOR SPECIAL EXCEPTION

2nd Election District

LOCATION: Southeast side of Holbrook Road, 3800' South of Liberty Road

DATE AND TIME: Monday, August 19, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Exception for golf course and/or country club or other similar recreation club and/or restaurant pursuant to Section 1A04.2.B.8 and 15 under the Baltimore County Zoning Regulations.

Being the property of Robert L. Edd, Sr. as shown on the plat filed with the Zoning Office.

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

ITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Aug. 1, 1985

FY that the annexed Reg. #L73265 P.O. #67762 (1) successive weeks/days previous of July, 1985, in the

County Times, a daily newspaper published in Westminster, Carroll County, Maryland. Town News, a weekly newspaper published in Baltimore County, Maryland. Times, a weekly newspaper published in Baltimore County, Maryland.

ITY NEWSPAPERS OF MARYLAND, INC.

Per James Keefe

MICROFILMED

PETITION FOR SPECIAL EXCEPTION

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 golf course and/or country club or other similar recreation club and/or restaurant pursuant to Section 1A04.2.B.8 and 15 under the Baltimore County Zoning Regulations.

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:
Robert L. Edd, Sr.
(Type or Print Name)

Signature

8284 Pond Court

Address

Millersville, Maryland 21108

City and State

Attorney for Petitioner:

Leslie M. Pittler

(Type or Print Name)

Signature

Suite 501, 28 Allegheny Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 296-9220

Address

17th

day

of July

1985, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out 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 19th day of August, 1985, at 1:30 o'clock

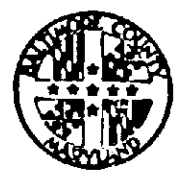
P.

M.

Robert L. Edd, Sr.
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)

Towson, Maryland 21204

(301) 494-3180

November 14, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-78-X

ROBERT L. EDD, SR.

SE/s Holbrook Rd., 3800' S of

Liberty Rd.

2nd District

SE-For golf course and/or country club or similar club and/or restaurant per

Sec. 1A04.2.B.8 and 15

8/30/85 - Z.C.'s Order - Granted

subj. to restrictions

ASSIGNED FOR:

TUESDAY, JANUARY 28, 1986, at 10 a.m.

cc: Leslie M. Pittler, Esq.

Counsel for Petitioner

Robert L. Edd, Sr.

Petitioner

Michael O. Ramsey, Esq.

Protestant

Ms. Barbara Hartman

"

S. Eric DiNenna, Esq.

Counsel for Protestants-Appellants

Phyllis C. Friedman

People's Counsel

Norman Gerber

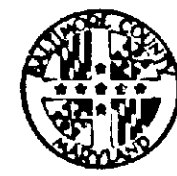
James Hoswell

Arnold Jablon

Jean Jung

James Dyer

June Holmen, Secy.



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

January 28, 1986

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, MD 21204

Re: Case No. 86-78-X
Robert L. Edd, Sr.

Dear Mr. DiNenna:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: People's Counsel
Leslie M. Pittler, Esquire
Mr. Robert L. Edd, Sr.
Michael O. Ramsey, Esquire
Ms. Barbara Hartman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN THE MATTER OF : BEFORE
OF THE APPLICATION OF : COUNTY BOARD OF APPEALS
ROBERT L. EDD, SR. :
FOR SPECIAL EXCEPTION : OF
FOR A GOLF COURSE, ETC. : BALTIMORE COUNTY
SE/S HOLBROOK RD. 3800' :
S. OF LIBERTY ROAD : NO. 86-78-X
2nd DISTRICT :
:

OPINION

This case comes before this Board on an appeal from an Order of the Zoning Commissioner granting a special exception for a Golf Course and/or country club, or similar club and/or restaurant per Section 1A04.2.B.8 and 15 of the Baltimore County Zoning Regulations. The subject property is located on the southeast side of Holbrook Road 3800 feet south of Liberty Road in the Second Election District of Baltimore County.

Upon cross-examination of Petitioner's first witness there became apparent some possible deficiencies in the petition as filed. When these problems with the petition became apparent to all present, the Petitioner's attorney made a Motion to withdraw the petition without prejudice. There was no objection from Protestants-Appellants' attorney nor any objection from People's Counsel. Therefore, the Board will grant the request for the withdrawal of the petition without prejudice.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of January, 1986, by the County Board of Appeals, ORDERED that the Motion to

ROBERT L. EDD, SR. - #86-78-X

Dismiss the petition be GRANTED and the petition, therefore, is hereby DISMISSED without prejudice.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Robert L. Edd, Sr.
Robert L. Edd, Sr.

Patricia Phipps
Patricia Phipps

IN RE: PETITION SPECIAL EXCEPTIONS
SE/S of Holbrook Road, 3,800'
S of Liberty Road -
2nd Election District
Robert L. Edd, Sr.,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-78-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests special exceptions for a country club and restaurant, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Also testifying on behalf of the Petitioner were Tony Cortez, a professional land planner from STV Lyon Associates, and Barbara Canon, a professional marketing analyst. Michael O. Ramsey, an attorney, appeared on his own behalf, as did Barbara Hartman, as Protestants. Numerous other Protestants also appeared, some of which testified. See Protestants' Exhibit 1.

Testimony indicated that the subject property, zoned R.C.5 and located on Powells Run Road off Marriottsville Road, had been improved with a country club and other uses but has been unused since 1981. Indeed, this property has been the source of much consternation and concern in the community since the then existing country club was closed after Hurricane Agnes in the middle 1970's. The property consists of 13.28 acres and contains a one-story building with a banding room-lounge, snack bar, swimming pool, cabanas, and tennis courts. Access to the property may be gained from both Powells Run Road and Holbrook Road. Protestants were concerned that the proposed uses would create a traffic hazard for those living on Holbrook Road, which averages between 14 feet and 24 feet in width.

The Petitioner proposes to rehabilitate the existing buildings and grounds, which will cost \$875,000. He proposes to open a health and fitness center,

utilizing the tennis courts and pool, a banquet hall to serve up to 400 guests, a lounge open to the public Thursday, Friday, and Saturday from 9:00 p.m. to 2:00 a.m., and a restaurant open to the public seven days per week seating up to 50 customers.

The Protestants oppose the proposed uses in that they believe there will be no adequate means of protecting the neighboring communities from the trash, noise, and general rowdiness which characterized the uses on this site in the middle and late 1970's. The Petitioner proposes to have adequate parking, security, and cooperation with the community. He is also willing to close the access point from Holbrook Road.

Mr. Cortez testified that, in his opinion, the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), would be satisfied and that the proposed special exceptions would not create any adverse impact on the community.

The Petitioner seeks relief from Section 1A04.2.B.8 and 15, pursuant to Section 502.1, BCZR.

Section 1A04.2.B.15 refers to Section 402.3, BCZR, which is a subtitle of Section 402, BCZR, entitled "conversion of dwellings". While there is no dwelling to be converted here, one must read Section 402.3 in conjunction with Section 1A04.2.B.15, which states "Restaurants...converted from dwellings or other buildings as provided in Subsection 402.3".

It is clear that the Baltimore County Council (Council) intended that restaurants could be converted from either dwellings or other buildings, but could be only granted subject to the conditions set out in Section 402.3.

There is a strong presumption of the correctness of original zones and of comprehensive zoning. Howard County v. Dorsey, 438 A.2d 1339 (1982). There is a presumption of validity that must be accepted. Johnson & Wales College v.

DiPietro, 448 A.2d 1271 (R.I., 1982). When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Montgomery v. Bevilacqua, 402 A.2d 661 (R.I., 1981). Section 402.3, BCZR, is clear and unambiguous.

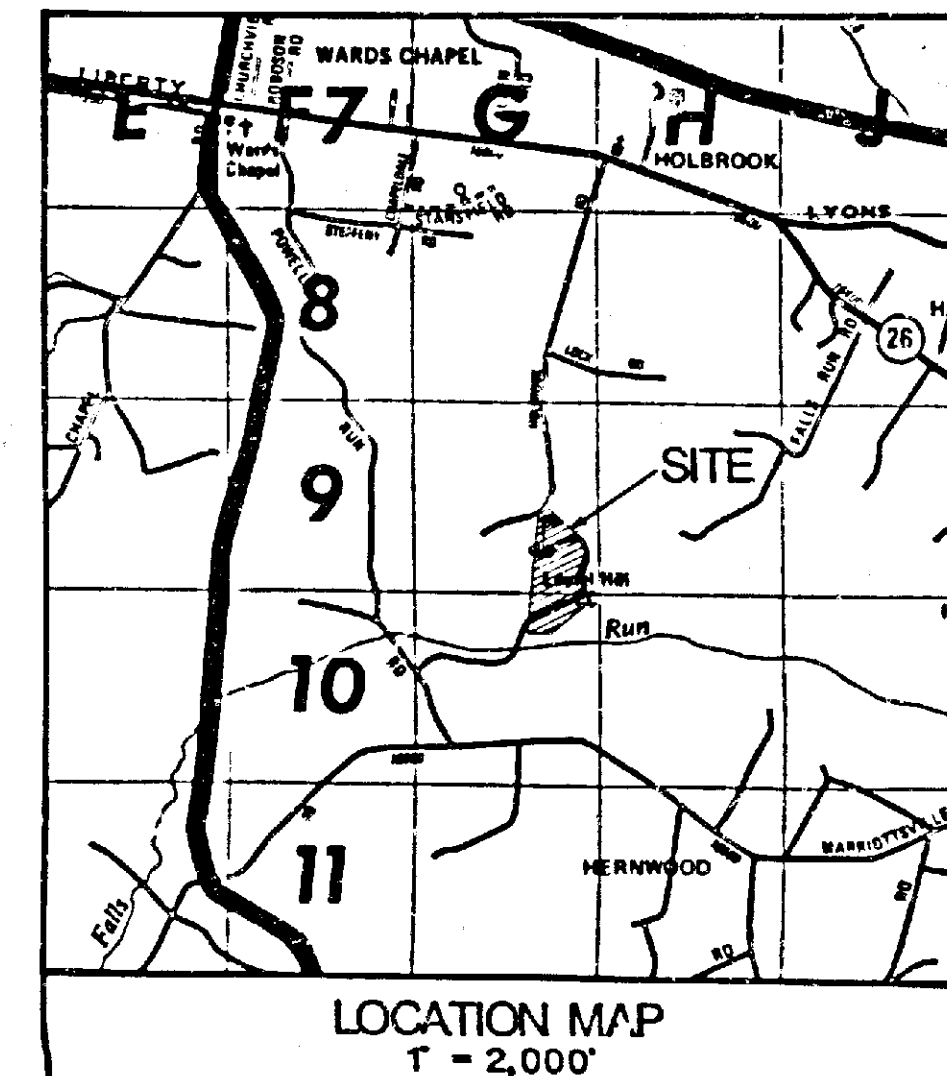
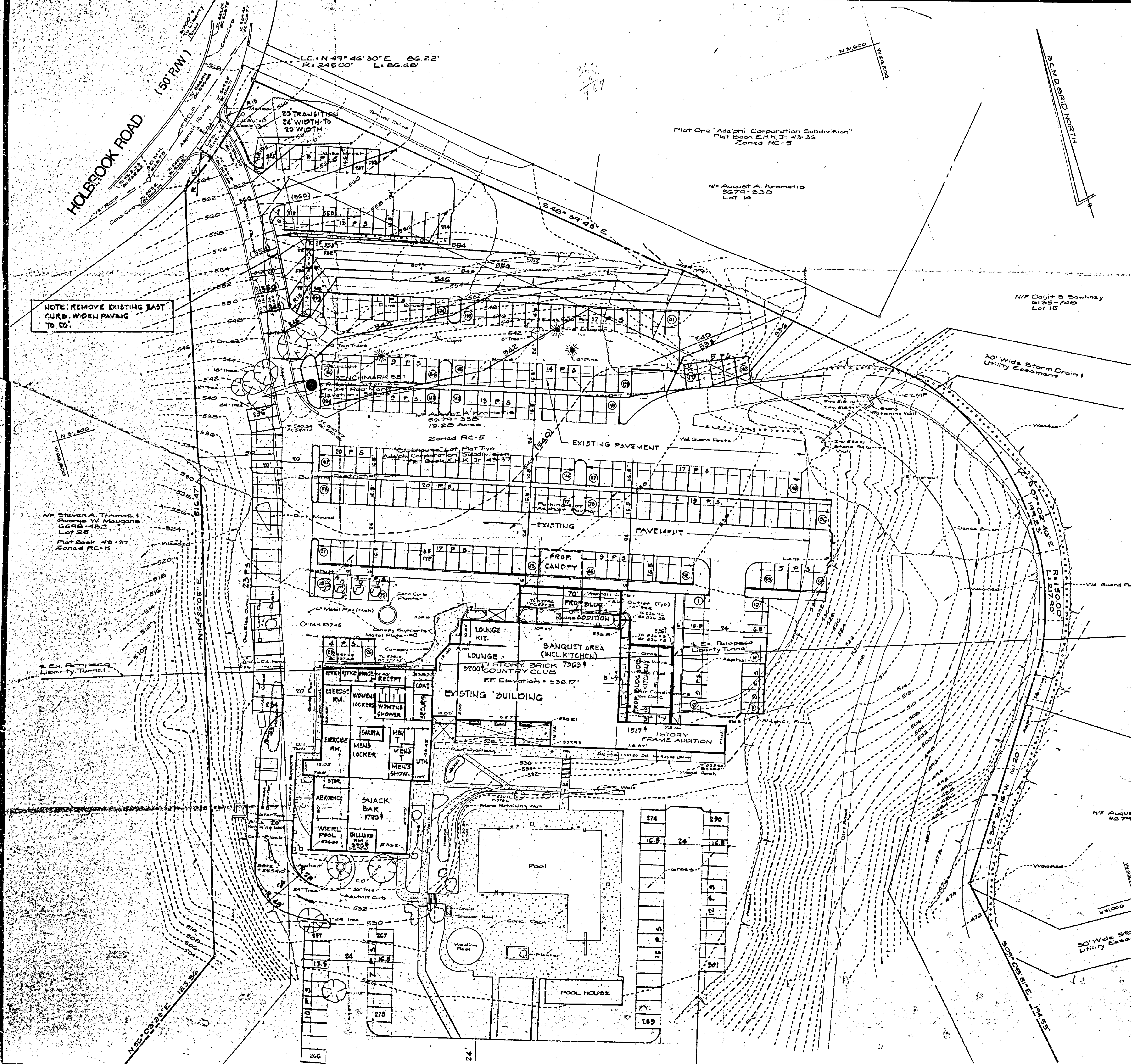
The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 68, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be "considered in its entirety, and in the context of the purpose underlying [its] enactment," Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Groveson v. Supervisor of Assess., 271 Md. 238, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, supra. Thus, where statutory language

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY [Signature]



SURVEYOR'S CERTIFICATION
 I, MARK A. RIDDLE, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN SURVEYED BY STV/LYN ASSOCIATES, INC., AND TO THE BEST OF MY KNOWLEDGE MEETS ALL THE REQUIREMENTS AS CONTRACTED FOR BY SEE SITE

MARK A. RIDDLE, L.S. NO. 244 DATE 6-12-85

- NOTES:**
- BEARINGS AS SHOWN HEREON ARE BASED ON THE GRID MERIDIAN AS ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT, AS REFERENCED FROM TRAVERSE STATION 5:
 X-1167: NORTH 35,361.38 WEST 66,009.08
 X-1168: NORTH 35,503.72 WEST 67,165.05
 - ELEVATIONS AS SHOWN HEREON ARE BASED ON MARK X-2024, WHICH IS A CROSS-CUT IN THE CENTER OF THE SOUTH WALL OF OPEN INLET ON NORTH SIDE OF LIBERTY ROAD, EAST OF HOLBROOK ROAD. ELEVATION = 635.648 FEET.
 - UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION RECEIVED. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.
 - DEED REFERENCE: AUGUST A. KROMETIS
 LIBER 5679, FOLIO 338
 AUGUST 31, 1976
 "CLUBHOUSE LOT" PLAT TWO (E.H.K., JR. 43-37)
 "ADELPHI CORPORATION SUBDIVISION"
 - SITE AREA: 13.28 ACRES
 - ZONING CLASSIFICATION: RC-5 (RESOURCE CONSERVATION - RURAL RESIDENTIAL)

7. PARKING ANALYSIS

USE	SQ. FT.	PARKING REQ. (1 P.S. PER 50 SQ. FT.)	NO. OF SPACES
A. SNACK BAR	1720	1 P.S. PER 50 SQ. FT.	34.4
B. LOUNGE	3200	"	64.0
C. BANQUET HALL	7369	"	147.38
INCLUDES KITCHENS, LOBBY, EX. 1 STY. FRAME GAME ROOMS, EXERCISE ROOMS, WHIRL POOL, LOCKER ROOMS	1692	1 P.S. PER 300 SQ. FT.	5.64
TOILETS, UTILITY ROOM, OFFICES, LOBBY	8060	1 P.S. PER 300 SQ. FT.	26.87
TOTAL PARKING SPACES REQ.			286.29
TOTAL PARKING SPACES SHOWN			301

**SPECIAL EXCEPTION PLAT FOR
 HIDDEN VALLEY COUNTRY CLUB
 3825 HOLBROOK ROAD
 ELECT. DIST. 2 BALTO. CO. MD
 COUNCIL DIST. 2
 AUG. 19, 1985 SCALE: 1" = 30'**



REVISIONS

No.	Description	Date



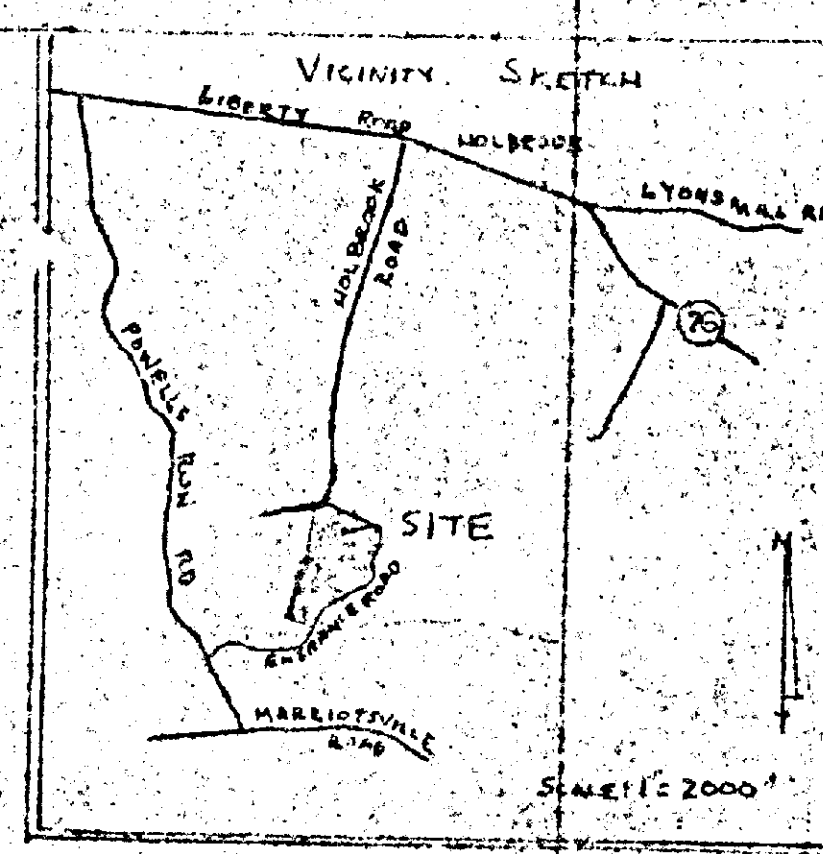
**TOPOGRAPHIC SURVEY
 HIDDEN VALLEY COUNTRY CLUB
 3825 HOLBROOK ROAD
 BALTIMORE COUNTY, MD
 ELECTION DIST. 2 COUNCIL DIS. 2**

STV / Lyn Associates
 21 GAVENPORT LANE BALTIMORE, MARYLAND 21204

Scale: 1" = 30'
 Drawn By: SAH
 Job No: 7649-59-00
 Date: 6/13/85



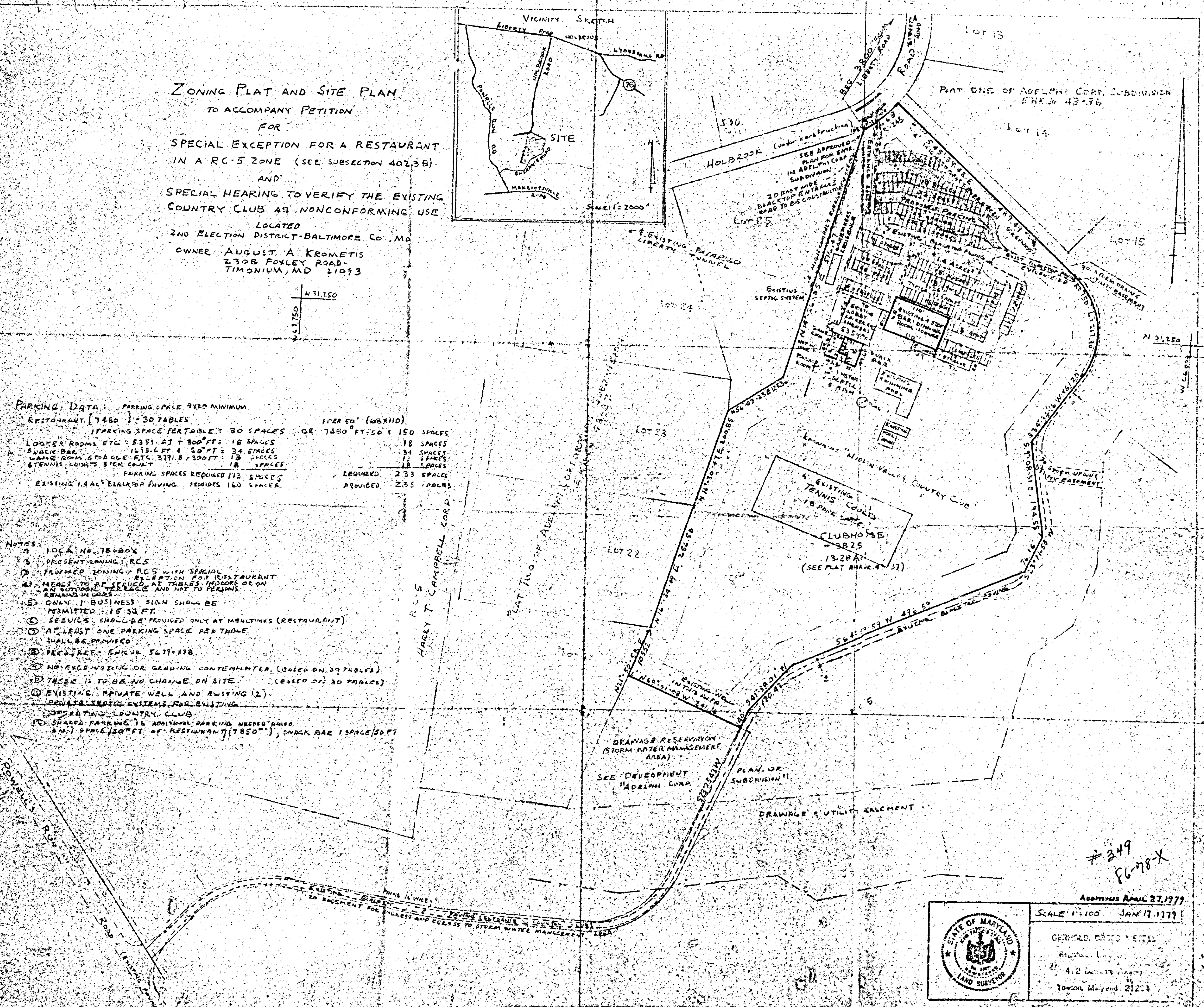
ZONING PLAT AND SITE PLAN
 TO ACCOMPANY PETITION
 FOR
 SPECIAL EXCEPTION FOR A RESTAURANT
 IN A RC-5 ZONE (SEE SUBSECTION 402.3B)
 AND
 SPECIAL HEARING TO VERIFY THE EXISTING
 COUNTRY CLUB AS NONCONFORMING USE
 LOCATED
 2ND ELECTION DISTRICT-BALTIMORE CO., MD
 OWNER AUGUST A. KROMETIS
 2308 FOXLEY ROAD
 TIMONIU, MD 21093



PARKING DATA: PARKING SPACE 9'X50' MINIMUM

RESTAURANT (7480) - 30 TABLES	IF PARKING SPACE FERTABLE = 30 SPACES	OR 7480 FT ² 50' X 150' SPACES
LOBBY ROOMS ETC. 5351 FT ² 300' FT = 18 SPACES		18 SPACES
SNACK BAR 1613.4 FT ² 50' FT = 34 SPACES		34 SPACES
WINE ROOM STORAGE ETC. 3791.8 300' FT = 13 SPACES		13 SPACES
TENNIS COURTS 3 TEN COURT		18 SPACES
PARKING SPACES REQUIRED 113 SPACES	REQUIRED 233 SPACES	
EXISTING 1.6 AC. BLACKTOP PAVING PROVIDES 160 SPACES.	PROVIDED 235 SPACES	

- NOTES:**
1. I.D.C. NO. 78-BOX
 2. PRESENT ZONING: RC-5
 3. PROPOSED ZONING: RC-5 WITH SPECIAL EXCEPTION FOR RESTAURANT
 4. MEALS TO BE SERVED AT TABLES, INDOORS OR ON PATIO. NO ALCOHOLIC BEVERAGES AND NOT TO PERSONS REMAINING IN CARS.
 5. ONLY 1 BUSINESS SIGN SHALL BE PERMITTED - 15 SQ. FT.
 6. SEWAGE SHALL BE PROVIDED ONLY AT MEALTIMES (RESTAURANT)
 7. AT LEAST ONE PARKING SPACE PER TABLE SHALL BE PROVIDED
 8. PRE-REF. ENCL. 5679-338
 9. NO EXCAVATING OR GRADING CONTEMPLATED (BASED ON 30 TABLES)
 10. THERE IS TO BE NO CHANGE ON SITE (BASED ON 30 TABLES)
 11. EXISTING PRIVATE WALL AND FENCING (2)
 12. PRIVATE SEPTIC SYSTEMS FOR EXISTING OPERATING COUNTRY CLUB
 13. SHARED PARKING IS ADDITIONAL PARKING NEEDED BASED ON 7 SPACES/50' FT OF RESTAURANT (7850'), SNACK BAR 1 SPACE/50' FT



#349
86-78-X

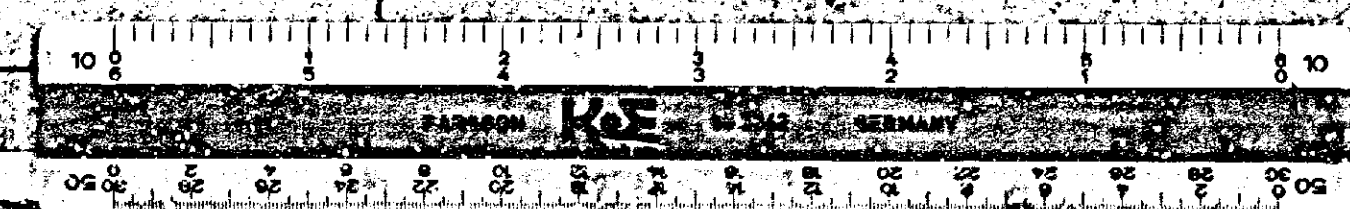
ADOPTED APRIL 27, 1979

SCALE 1"=100' JAN 17, 1979

GERMOLD, ERIC & STEEL
 REGISTERED LAND SURVEYORS
 412 E. BALTIMORE AVENUE
 TOWSON, MARYLAND 21204

STATE OF MARYLAND
 DEPARTMENT OF THE GENERAL LAND OFFICE
 LAND SURVEYOR

MAP 13W-86
 E.D. 2nd
 DATE 12-2-86
 200
 1000
 1"=100'



is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[since] the meaning of the plainest words in a statute may be controlled by the context... In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning." B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

The intent of the BCZR must be determined as being construed as a whole. See Smith v. Miller, 249 Md. 390. Thus, the specific language delineating the use regulations in Section 402.3, BCZR, must be construed in light of all of the provisions concerning the conversion to restaurants so that the several parts of those regulations are given their intended effect. Moreover, the relationship between those various provisions must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Depart. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

"Zoning regulations are in derogation of common law rights and they cannot be construed to include or to exclude by implication that which is not clearly within their express terms." Yokely, Zoning Law & Practice, Sections 1-4 and 25-8; Aspen Hill Venture v. Montgomery County, 265 Md. 303 (1972). Landay v. MacWilliams, 173 Md. 460 (1938) a/k/a Landay v. Bd. of Zoning Appeals. Zoning regulations must be strictly construed and cannot be extended by implication to prohibit uses not clearly within their scope. Gino's of Maryland, Inc. v. Baltimore, 250 Md. 621 (1968); McQuillin, Municipal Corp., Section 25.72. The use of the word "or" to add the phrase "other buildings" is conjunctive and does not limit the applicability of converting restaurants from dwellings or its

- 4 -

accessory structures. If the Council had intended to limit such conversions to dwellings or its accessory structures, it would have said so.

If the Council had intended only dwellings to be converted to restaurants, Section 1A04.2.B.15 would have made reference to Section 402 and not Section 402.3. It would not be logical otherwise to conclude that the Council intended the phrase "other buildings" to be considered only as "accessory" buildings to dwellings. There is no question that the intent was to condition any conversion to the requirements of Section 402.3.

It is clear that the BCZR permits the uses requested by the Petitioner in a R.C.5 Zone by special exception. It is equally clear that the proposed country club, i.e., health and recreation center with an accessory lounge and banquet hall, snack bar, etc., and the proposed restaurant would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied.

After reviewing all of the testimony and evidence presented, it appears that the special exceptions 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 meet 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 adversely affect the public interest. The facts and circumstances 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 that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pitts, 432 A.2d 1319 (1981).

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

- 5 -

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 BCZR.

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 exceptions should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of August, 1985, that the Petition for Special Exceptions for a country club and restaurant be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. No more than 12 persons shall be employed in the fitness and recreation center.
2. No more than 25 persons shall be employed in the banquet hall and lounge, and it shall be available only to members and their guests and shall not be open to the general public.
3. The restaurant may be open to the public seven days per week from 4:00 p.m. to 2:00 a.m., subject to the following conditions:
 - a. Meals may be served only at tables, indoors or on an outdoor terrace, and not to persons remaining in their vehicles.
 - b. At least one parking space per table shall be provided.
 - c. Only one business sign shall be permitted.
 - d. Service shall be provided only at mealtimes.
4. No live entertainment shall be provided either in the lounge or in the restaurant; however, at the end of the first year of operation, the Petitioner may file a Petition for Special Hearing to amend this condition.
5. The tennis courts and pool shall be available only to members.

- 6 -

6. County Review Group (CRG) approval shall be obtained and no waiver of its required public meeting shall be granted. At such time, the Zoning Commissioner shall defer to the CRG the decision as to whether Holbrook Road should be available for ingress and egress to the site. The revised site plan, delineating Restrictions 1 through 5 and specifying the permitted uses, shall be submitted to the CRG for its approval and then to the Zoning Commissioner.

7. The Petitioner shall provide the security arrangement as defined in Petitioner's Exhibit 2.

8. The term "member" shall be defined as follows:

An individual or family who belongs to the country club or similar outdoor recreation club herein granted to the Petitioner; said membership shall be bona fide and in good faith, subject to the rules and regulations promulgated by the country club or similar outdoor recreation club. Such membership shall be for a delineated duration of at least six months.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Leslie M. Pittier, Esquire

Michael O. Ramsey, Esquire

Ms. Barbara Hartman

People's Counsel

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY *[Signature]*
ADMINISTRATIVE SERVICES

- 7 -

ORDER RECEIVED FOR FILING
DATE August 30, 1985
BY *[Signature]*

ORDER RECEIVED FOR FILING
DATE August 30, 1985
BY *[Signature]*
ADMINISTRATIVE SERVICES

CARL L. BERNOLD
PHILIP K. CROSBY
JOHN P. EYAL
WILLIAM E. LURICH
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204

823-4470

January 16, 1979

Zoning Description

All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the southeast side of Holbrook Road, 50 feet wide, at a point distant 3800 feet measured southerly along the east side of Holbrook Road from Liberty Road and running thence and binding on the southeast side of Holbrook Road, Northeasterly by a line curving to the left having a radius of 245 feet, for a distance of 36.68 feet, thence leaving said Holbrook Road and running thence, the fourteen following lines viz: South 45 degrees 39 minutes 43 seconds East 489.49 feet, Southerly by a line curving to the right having a radius of 750 feet for a distance of 217.90 feet, South 34 degrees 34 minutes 16 seconds West 161.20 feet, South 9 degrees 08 minutes 51 seconds East 194.55 feet, South 23 degrees 11 minutes 55 seconds West 76.16 feet, South 64 degrees 50 minutes 59 seconds West 496.59 feet, South 41 degrees 38 minutes 01 second West 120.42 feet, South 23 degrees 25 minutes 43 seconds West 40 feet, North 38 degrees 01 minute 03 seconds East 211.16 feet, North 21 degrees 50 minutes 58 seconds East 105.52 feet, North 16 degrees 34 minutes 09 seconds East 256.58 feet, North 16 degrees 30 minutes 47 seconds East 200.85 feet, North 56 degrees 03 minutes 23 seconds East 125.36 feet and North 14 degrees 26 minutes 05 seconds East 516.47 feet to the place of beginning.

Containing 13.28 Acres of land more or less.
Also including a driveway for access from the building to the parking area and shown on a plat titled Flat Two of Adelphi Corporation Subdivision and recorded among the Plat Records of Baltimore County in Plat Book E.H.K.Jr. No. 43 Folio 37.

Being the land of the petitioners herein and shown on a plat filed with the Baltimore County Zoning Office.



[Signature]
John A. Eyles 7882

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
SE/S Holbrook Rd., 3800' S of
Liberty Rd., 2nd District : OF BALTIMORE COUNTY
ROBERT L. EDD, SR., : Case No. 86-78-X
Petitioner :
SUMMONED : 19
NOT SERVED : 1-27
REASON NOT SERVED : Can't Reach

Please issue a subpoena for:

Mr. August A. Krametz
02108 Foxley Road
Timonium, Maryland 21093

to appear as a witness on behalf of the People's Counsel for Baltimore County at the hearing scheduled in the above-captioned matter before the County Board of Appeals for Tuesday, January 28, 1986, at 10:00 a.m., to attend said hearing on that date and on any subsequent days upon which it might be thereafter scheduled.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 223, Court House
Towson, Maryland 21204
494-2188

Mr. Sheriff:

Please issue this summons.

[Signature]
Edith T. Eisenhart, Adm. Secy.
County Board of Appeals of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
JAN 21 1985
NOV 21 1985

RE: PETITION FOR SPECIAL EXCE. ION : BEFORE THE ZONING COMMISSIONER
SE/S Holbrook Rd., 3800'
S of Liberty Rd., : OF BALTIMORE COUNTY
2nd District :
ROBERT L. EDD, SR., Petitioner : Case No. 86-78-X
: : : : :
NOTICE OF APPEAL

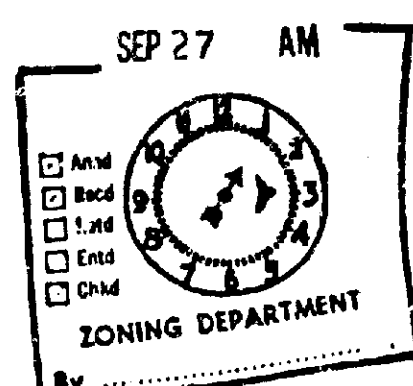
Please note an appeal from your decision in the above-captioned matter, under date of August 30, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 27th day of September, 1985, a copy of the foregoing Notice of Appeal was mailed to Leslie M. Pittier, Esquire, Suite 501, 28 Allegheny Ave., Towson, MD 21204; and Michael O. Ramsey, Esquire, Suite 712, 8 N. Calvert St., Baltimore, MD 21202.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE/S of Holbrook Rd., 3800' S
Liberty Rd., 2nd District : OF BALTIMORE COUNTY
ROBERT L. EDD, SR., Petitioner : Case No. 86-78-X
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of June, 1985, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittier, Esquire, Suite 501, 28 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION
2nd Election District

LOCATION: Southeast side of Holbrook Road, 3800' South of Liberty Road

DATE AND TIME: Monday, August 19, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

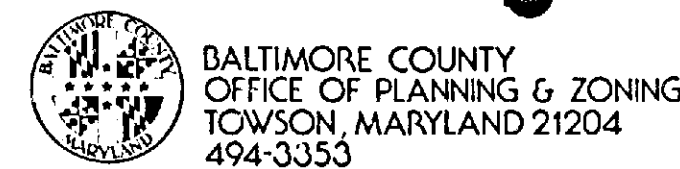
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for golf course and/or country club or other similar recreation club and/or restaurant pursuant to Section 1A04.2.B.6 and 15 under the Baltimore County Zoning Regulations.

Being the property of Robert L. Edd, Sr. as shown on the plat filed with the Zoning Office.

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



ARNOLD JABLON
ZONING COMMISSIONER

August 15, 1985

Leslie M. Pittler, Esquire
Suite 501, 28 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
SE/S of Holbrook Rd., 3800' South
of Liberty Road
2nd Election District
Robert L. Edd, Sr., Petitioner
Case No. 86-78-X

Dear Mr. Pittler,

This is to advise you that \$ 69.76 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

No. 012600

DATE 8-15-85 ACCOUNT R-01-618-000

AMOUNT \$ 125.47

RECEIVED FROM Leslie M. Pittler, Esq.

FOR Advertising and Posting Cases 86-78-X 69.76

0 0007*****126476 69.76

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County, Maryland,
County Office Building,
Towson, Maryland
Commissioner

Leslie M. Pittler, Esquire
Suite 501, 28 Allegheny Avenue
Towson, Maryland 21204

July 19, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
SE/S of Holbrook Rd., 3800' South
of Liberty Road
2nd Election District
Robert L. Edd, Sr., Petitioner
Case No. 86-78-X

TIME: 1:30 p.m.

DATE: Monday, August 19, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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

No. 007215

DATE 8-19-85 ACCOUNT R-01-618-000

AMOUNT \$ 100.00

RECEIVED FROM Leslie M. Pittler, Esq.

FOR 71-249 611-Continued

VALIDATION OR SIGNATURE OF CARRIER

IN RE: PETITION SPECIAL EXCEPTIONS * BEFORE THE
SE/S of Holbrook Road, 3,800' * COUNTY BOARD
S of Liberty Road - * OF APPEALS
2nd Election District * Case No. 86-78-X
Robert L. Edd, Sr., *
Petitioner * * *

ORDER FOR APPEAL

Madam Clerk:

Please enter my appearance on behalf of the below mentioned individuals and enter an Appeal from the Decision of the Zoning Commissioner dated August 30, 1985 on behalf of the following individuals:

Minnie & Henry Robinson
4312 Holbrook Road
Randallstown, MD 21133

Howard A. & Mildred Triplett
10711 Liberty Road
Baltimore, MD 21133

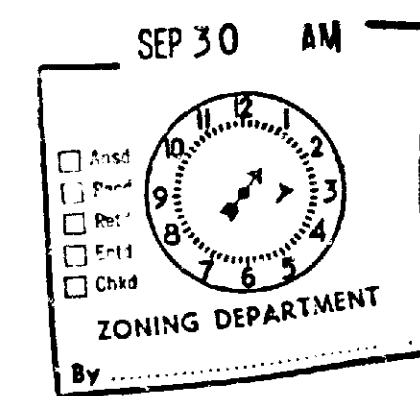
Alexander & Anna Velle
4315 Holbrook Road
Baltimore, MD 21133

Barbara & Carl Hartman
4325 Holbrook Road
Baltimore, MD 21133

Carroll M. Brown, Sr.
3900 Falls Run Road
Baltimore, MD

Carroll M. Br.
3910 Falls Run
Baltimore, MD

Dwight Gill
10724 Liberty
Baltimore, MD



No. 012510

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

DATE 9/30/85 ACCOUNT R-01-618-000

AMOUNT \$ 105.00

RECEIVED FROM S. Eric Dinenna, Esquire

FOR Appeal fee for Case No. 86-78-X

0 001*****125510 105.00

VALIDATION OR SIGNATURE OF CARRIER

Mollie E. Turner
4337 Holbrook Road
Baltimore, MD 21133

Kenneth L. Schaefer
3902 Powell's Run Road
Baltimore, MD 21133

Charles L. Kires
3904 Falls Run Road
Baltimore, MD 21133

John R. Ortenzi
32 Milstone Road
Baltimore, MD 21133
Owner - Lot #3 Holbrook Road

Robert & Barbara Tanner
4314 Holbrook Road
Baltimore, MD 21133

Betty & Bud Constantine
10417 Liberty Road
Baltimore, MD 21133

Kevin & Mary Kay Cassidy
5410 Deer Park Road
Owings Mills, MD 21117
Owner - Lot #25 Holbrook Road

Stanley L. Stevenson
3910 Chatham Road
Baltimore, MD 21207
Owner - Lot #25 Holbrook Road

Ruth Dixon
6743 Townbrook Drive
Baltimore, MD 21133
Owner - Lot-4301 Holbrook Road

Robert & Evelyn Donovan
3564 Horton Avenue
Baltimore, MD 21225
Owner - Lot #3 Holbrook Road

John & Nancy Grunewald
8819 Sigrid Road
Baltimore, MD 21133
Owner - Lot-4110 Holbrook Road

Monty & Margie Jones
4410 Chapeldale Road
Baltimore, MD 21133

William E. Klingelshoffer
10743 Liberty Road
Baltimore, MD 21133

Philip J. & Catherine E. Spampinato
4208 Holbrook Road
Baltimore, MD 21133

Clarke & Marie Mallory
4121 Holbrook Road
Baltimore, MD 21133

Harold & Ethel Wanzer
4205 Holbrook Road
Baltimore, MD 21133

Leslie & Thelma Schwatka
4325 Holbrook Road
Baltimore, MD 21133

Alex & Kathryn Johnson
4339 Holbrook Road
Baltimore, MD 21133

Edith Cartin
4417 Holbrook Road
Baltimore, MD 21133

Colin & Judith Enos
4310 Holbrook Road
Baltimore, MD 21133

Kevin Bayer
3512 Rolling Road
Baltimore, MD 21207
Owner - Lot #28 Holbrook Road

Joseph & Tina Wilkinson
8600 Church Lane
Baltimore, MD 21133
Owner - Lot #1 Holbrook Road

Michael Ramsey
4706 Belle Forte
Baltimore, MD 21208
Owner - Lot-4106 Holbrook Road

Mr. & Mrs. Kenneth Tomlinson
10649 Liberty Road
Baltimore, MD 21133

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 30th day of September, 1985, a copy of the foregoing Order for Appeal, was mailed, postage prepaid, to Leslie M. Pittler, Esquire, Suite 501, 28 Allegheny Avenue, Towson, Maryland 21204.

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820

S. ERIC DINENNA

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

PETITIONER'S
EXHIBIT 2

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

SELLER

The property is presently owned by The Adelpia Limited Partnership an Maryland Corporation.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

HISTORY OF PROPERTY

It is understood the property was developed about 1960 as the Laurel Hills Country Club and at that time included a nine-hole golf course.

In the hurricane of 1972, the golf course was destroyed. For a while the club operated as the Hidden Valley Country Club, but was subsequently sold to an Australian, who attempted to establish a private singles club called "The Embassy". This having failed, the property was purchased by the present owners and the excess 85 acres lying north of the clubhouse was subdivided into 31 lots and sold. Meanwhile various operators, including Martin's West, leased the Club facilities from the owners between 1976 and 1981. The most recent operators ran the club with numerous rock bands, attracting a younger crowd and resulting in numerous complaints in the immediate neighborhood. The Club was last operational in 1981.

In April of 1982, an attempt was made to sell the Club at public auction together with 42 acres, (including Flood Plain Land), and the seven-day beer, wine, and liquor license. Due to a combination of bad weather and a poor economy, no bids were received.

Since the 1981 closing, the club has not been in operation. The only tenants to this day is a grounds keeper employed to prevent vandalism.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

OWNERSHIP

The property is presently owned by the Adelpia Limited Partnership. General partner is one August A. Krometis. The land records of Baltimore County in Liber 5679, folio 338, shows the last transfer was a public sale, which occurred in May, 1976. The transfer tax indicates a consideration of \$460,000 was made for 131.33 acres.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

PROPERTY DESCRIPTION

The Country Club portion of the property consists of 13.28 acres. This portion of the property has access via a private 20' wide macadam road from Powell's Run Road and a private drive from Holbrook Road, which is an improved 50' right-of-way in the vicinity of the Country Club property but narrowing to a 20' wide right-of-way between the new subdivision and Liberty Road.

Water is provided by a private well system and sanitary sewerage disposal by private septic system. Electric and telephone are available and presently connected to the property.

The property is classified RC-5 on the Baltimore County Zoning Maps.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

COMMUNITY MEETING

Two meetings were held with several residents of Holbrook Road, and neighboring community leaders, and their representatives.

In those meetings there were three major concerns of the groups.

1. Traffic on Holbrook Road.
2. External and internal control.
3. Investors of the business.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

MY ROLE

I am the president of the organization. As president, an entrepreneur, my objective is to establish a recreational, restaurant, and banquet facility that will enhance the community and provide employment for a large number of people.

My goal is to develop throughout our organization a high level of managerial competence in order that we may realize the maximum possible profit consistent with our other objectives.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

PROPOSE USE OF FACILITY

I propose to use the facility as follows:

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

LIBERTY VALLEY PAVILLION FITNESS/RECREATIONAL CENTER

Given today's hectic pace, the Liberty Valley Pavillion Management recognizes the importance of strong physical conditioning for stress reduction, increased stamina, and pure enjoyment. For this reason, the Pavillion will provide membership with an Olympic Size Swimming Pool, six lighted tennis courts, aerobic dancing, Nautilus Center, plus a whirlpool/sauna.

From early morning to late evening, members can meet friends, workout, and enjoy the varied facilities in a quiet atmosphere.

The staff of the fitness/recreational center will include:

- | | |
|----|-------------------------------|
| 3 | Full-time Fitness Instructors |
| 1 | Part-time Instructor |
| 4 | Full-time Lifeguards |
| 3 | Part-time Lifeguards |
| 1 | Tennis Professional |
| 12 | TOTAL |

LIBERTY VALLEY PAVILLION BANQUET HALL

The Liberty Valley Pavillions' Banquet Facility will have the capability of taking each client's event from the realm of the ordinary to the extraordinary. The Pavillions' Banquet Hall will specialize in catering a variety of parties including weddings, anniversaries, crab feasts, bull roasts, etc. The hall will accommodate groups varying in size from a minimum group of ten to an event serving over four hundred guests.

There will be seventeen employees assigned to the Banquet Facility:

- 3 Coordinators
- 1 Chef
- 3 Assistant Cooks
- 10 Line-up Servers

Additional employees as warranted.

In short, each event will be catered in a manner that is consistent with the style and grace that will become the hallmark of the Liberty Valley Pavilion.

LIBERTY VALLEY PAVILLION LOUNGE

The Liberty Valley Pavillion Lounge, located in the Liberty Valley Pavilion will be one of the most prestigious lounges in the area. With a rear glass wall overlooking the lighted Olympic Size Swimming pool, tennis courts and acres of rolling hillside, the contemporary plush interior will offer its guests an atmosphere of total relaxation.

On Thursday, Friday, and Saturday from 9:00 p.m. until 2:00 a.m. the Liberty Valley Pavillion Lounge will feature contemporary music for your listening pleasure. In conjunction with the Pavillion's Banquet Room, it is capable of hosting name entertainers as well as local artists. There will also be a Chess/Backgammon area that will allow guests to test their skills in two of the most mind challenging games in the world. For the sports enthusiast who does not want to miss that big game, a wide screen television will be provided for your viewing pleasure.

The Liberty Valley Pavillion Lounge will employ a total of twenty-five, (25), employees to include:

- 3 Managers
- 6 Full-time Bartenders
- 8 Servers
- 3 Part-time Servers
- 4 Part-time Bartenders
- 1 Non-uniformed Security Attendant
- 25 TOTAL

DRESS CODE

A dress code will be enforced as follows:

- *Proper Dress Required.
- *No one admitted after 9:00 p.m. without a jacket.
- *No shorts or swimwear in Restaurant or Lounge after 6:00 p.m.

SECURITY AND CONTROL

Two uniformed security people will be on duty from sundown until 3:00 a.m. each day. Their duties will include patrolling the grounds of the Pavillion to keep loitering and speed under control. Each family in the immediate area of the Pavillion will be furnished with a phone number which will be a direct line to the security office.

Their duties will also include the directing of traffic, to keep exiting traffic from the Pavillion after all banquet to a medium within the community. The parking lot will be well lighted with mercury vapor lights. Mercury Vapor Lights provide excellent soft lighting and will be positioned in such a way as to not interfere with adjoining neighbors.

LITTERING AND LOITERING

The Pavillion will detail two employees on a daily basis to police the area from Powell's Run Road to the Pavillion.

Security personnel, management, and staff will address any loitering issue when confronted.

LICENSE

Class "A" on Premise.

ACTIVITIES

I. Membership

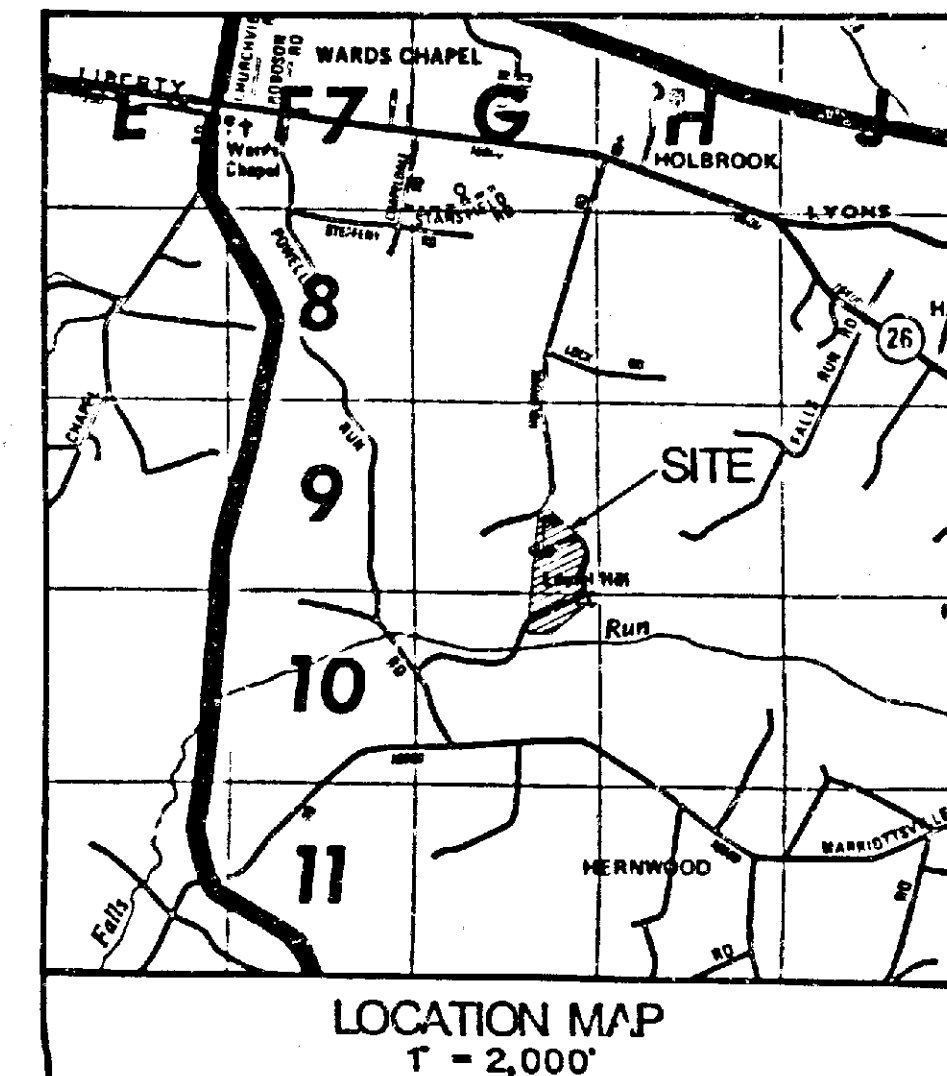
- A. Olympic Size Swimming Pool.
- B. Tennis Courts.
- C. Aerobic Dancing & Exercises.
- D. Nautilus Center.
- E. Whirlpool & Sauna.

II. Restaurant, Lounge, and Snack Bar.

III. Banquet Hall and Conference Room.

IMPROVEMENTS

Several improvements are planned for the Pavillion, some of the improvements are: "See Budget Numbers".



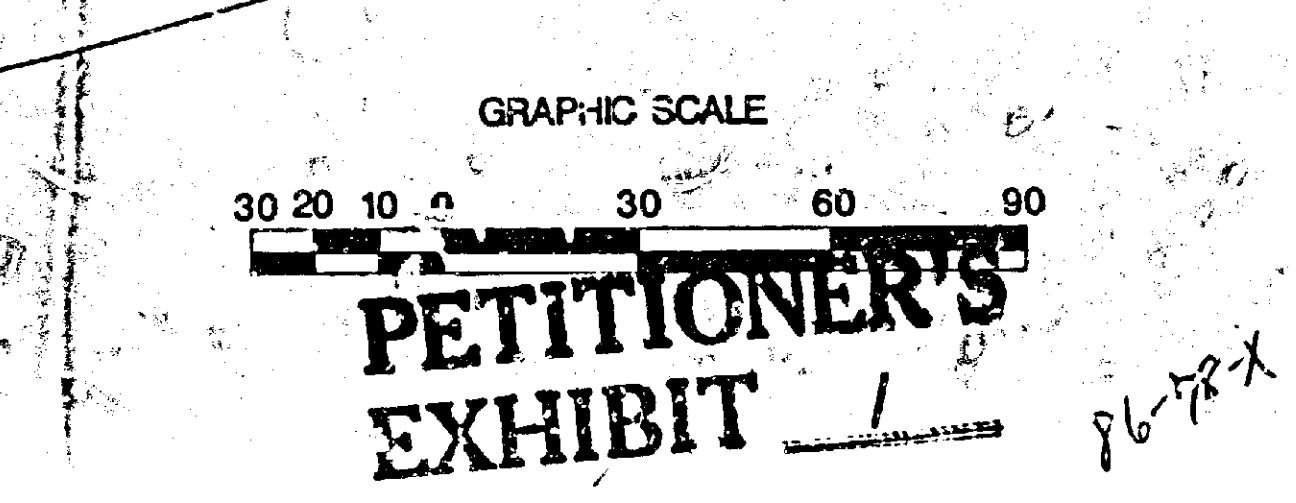
REVISIONS		
No.	Description	Date

SURVEYOR'S CERTIFICATION
 I, MARK A. RIDDLE, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN SURVEYED BY STV/LYN ASSOCIATES, INC., AND TO THE BEST OF MY KNOWLEDGE MEETS ALL THE REQUIREMENTS AS CONTRACTED FOR BY SEE PLAN

MARK A. RIDDLE, L.S. NO. 244 DATE 6-12-85

- NOTES:**
- BEARINGS AS SHOWN HEREON ARE BASED ON THE GRID MERIDIAN AS ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT, AS REFERENCED FROM TRAVERSE STATION 5:
 X-1167: NORTH 35,361.38 WEST 66,009.08
 X-1168: NORTH 35,503.72 WEST 67,165.05
 - ELEVATIONS AS SHOWN HEREON ARE BASED ON MARK X-2024, WHICH IS A CROSS-CUT IN THE CENTER OF THE SOUTH WALL OF OPEN INLET ON NORTH SIDE OF LIBERTY ROAD, EAST OF HOLBROOK ROAD. ELEVATION = 635.648 FEET.
 - UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION RECEIVED. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.
 - DEED REFERENCE: AUGUST A. KROMETIS
 LIBER 5679, FOLIO 338
 AUGUST 31, 1976
 "CLUBHOUSE LOT" PLAT TWO (E.H.K., JR. 43-36)
 "ADELPHI CORPORATION SUBDIVISION"
 - SITE AREA: 13.28 ACRES
 - ZONING CLASSIFICATION: RC-5 (RESOURCE CONSERVATION - RURAL RESIDENTIAL)
 - PARKING ANALYSIS**

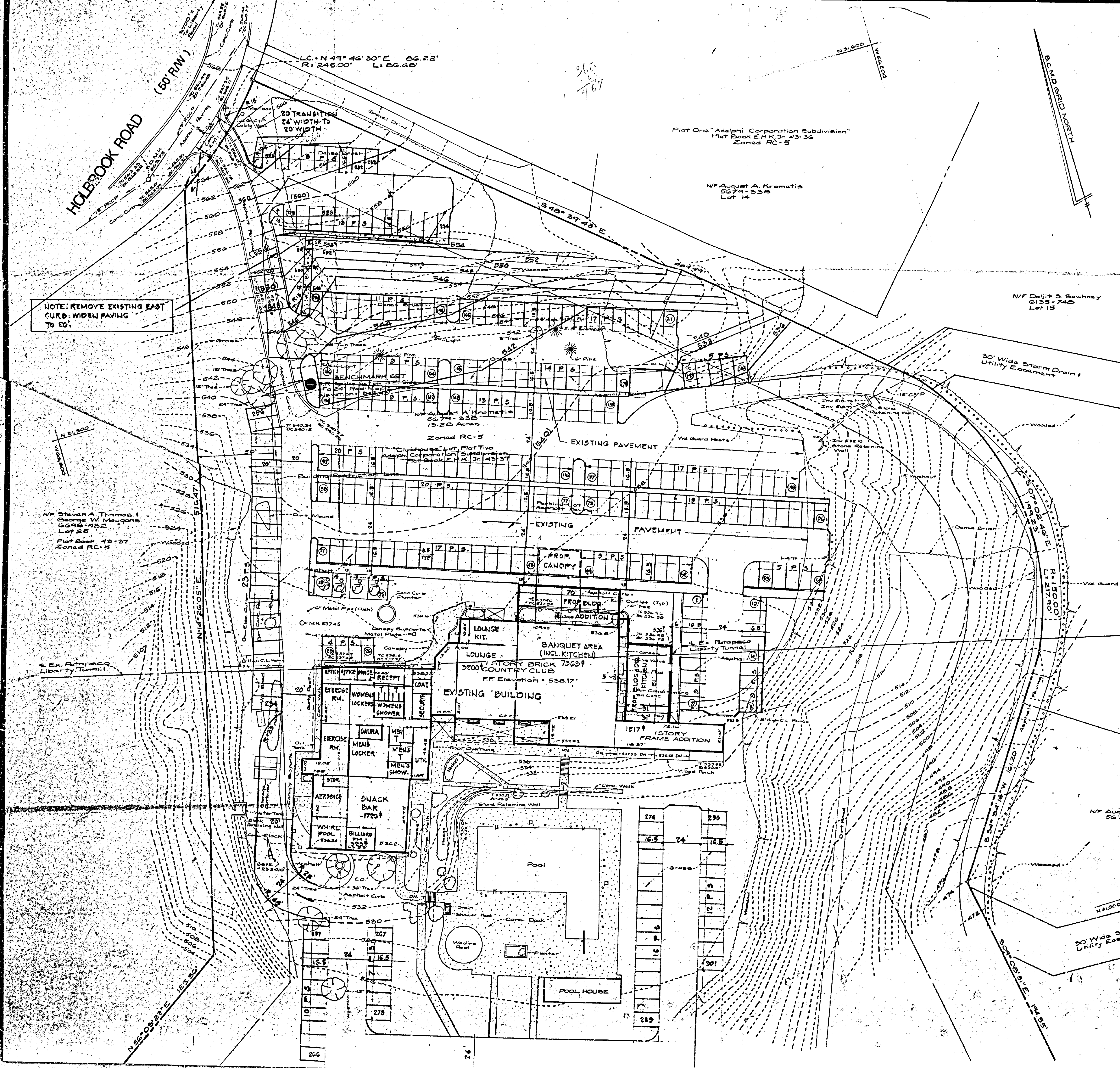
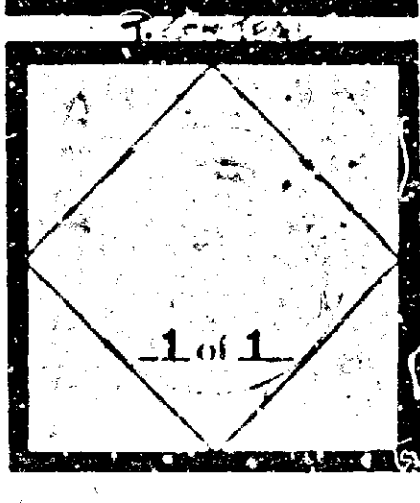
**SPECIAL EXCEPTION PLAT FOR
 HIDDEN VALLEY COUNTRY CLUB
 3825 HOLBROOK ROAD
 ELECT. DIST. 2 BALTO. CO. MD
 COUNCIL DIST. 2
 AUG. 19, 1985 SCALE: 1" = 30'**



TOPOGRAPHIC SURVEY
HIDDEN VALLEY COUNTRY CLUB
3825 HOLBROOK ROAD
BALTIMORE COUNTY, MD
ELECTION DIST. 2 COUNCIL DIS. 2

STV / Lyn Associates

Scale: 1" = 30'
 Drawn By: SAH
 Job No: 7649-59-00
 Date: 6/13/85



Michael O. Ramsey lot 76 Holbrook.

ZONING ADVISORY COMMITTEE
Item #349 - COMMENTS CONTINUED :

- 1) Occupancy shall be specific. See Section 302.3 and 302.4 for building use.
- 2) Plans shows Mr. Krometis as the owner - the special exception list, Mr. Robert L. Edd, Sr. as the owner. Are the plans in need of change?
- 3) Occupancy loads as determined by the building code indicate the possibility of a much higher permissible occupancy load. See Table 806.
- 4) Should any of the structures not be in compliance with the building code it shall not be occupied until such problems are corrected. See Section 103.0 as amended by Bill #17-85.

Charles E. Burnham
Charles E. Burnham, Chief,
Building Plans Review

CEB/vw

June 7, 1985

IN RE: PETITION SPECIAL EXCEPTIONS
SE/S of Holbrook Road, 3,800'
S of Liberty Road
2nd Election District
Robert L. Edd, Sr.,
Petitioner
* * * * *

BEFORE THE
COUNTY BOARD
OF APPEALS
Case No.: 86-78-X
* * * * *

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum for the following individual:

Arnold Jablon
Zoning Commissioner for Baltimore County
Baltimore County Office Building
Towson, Maryland 21204

DUCES TECUM - To bring with him File No.: 79-255, August Krometis, Petitioner
SE/S of Holbrook Road, 3,800' S of Liberty Road, 2nd Election District of
Baltimore County; File No.: C-86-263, Powells Run Road and Marriottsville Road.
File No.: 84-80-CV (C-84-276) Powells Run Road N of Marriottsville Road.

MAKE SAME RETURNABLE on January 28, 1986, at 10:00 a.m. before the
County Board of Appeals, Court House, Towson, Maryland 21204.

TO TESTIFY FOR THE PETITIONERS:

S. Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820

RECEIVED
COUNTY BOARD OF APPEALS
JUN 22 P 3 19 E

IN RE: PETITION SPECIAL EXCEPTIONS
SE/S of Holbrook Road, 3,800'
S of Liberty Road -
2nd Election District
Robert L. Edd, Sr.,
Petitioner
* * * * *

BEFORE THE
COUNTY BOARD
OF APPEALS
Case No.: 86-78-X
* * * * *

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum for the following individual:

C. Richard Moore
Assistant Traffic Engineer
Operations Bureau
Department of Traffic Engineering
4th Floor - Courts Building
Towson, Maryland 21204

DUCES TECUM - To bring with him the normal form all records, statistics,
road counts, and any information his office may contain concerning Holbrook
Road, Baltimore County, Maryland, in close proximity to the property, the
subject of the request pursuant to Case No. 86-78-X and said records contained
in the Department of Traffic Engineering's comments Case No. 79-255 of the
Baltimore County Zoning Commissioner's office.

MAKE SAME RETURNABLE on January 28, 1986, at 10:00 a.m. before the
County Board of Appeals, Court House, Towson, Maryland 21204.

TO TESTIFY FOR THE PETITIONERS:

S. Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820

1 JUN 21 1985

IN RE: PETITION SPECIAL EXCEPTIONS
SE/S of Holbrook Road, 3,800'
S of Liberty Road -
2nd Election District
Robert L. Edd, Sr.,
Petitioner
* * * * *

BEFORE THE
COUNTY BOARD
OF APPEALS
Case No.: 86-78-X
* * * * *

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum for the following individual:

Robert L. Edd, Sr.
c/o Leslie M. Pittler, Esquire
Suite 501
28 Allegheny Avenue
Towson, Maryland 21204

DUCES TECUM - To appear before the protestants in the above captioned matter
and to bring with him the following all records concerning the property known
as the Hidden Valley Country Club, including but not limited to contracts of
sale, deeds, respective plans, existing plats, showing said property, its
description, location of buildings, income tax returns filed with the Internal
Revenue Service for 1980, 1981, 1982, 1983, 1984, any contracts, agreements,
or documents, with reference to financing for the improvements and/or develop-
ments of said property aforesaid.

MAKE SAME RETURNABLE on January 28, 1986, at 10:00 a.m. before the
County Board of Appeals, Court House, Towson, Maryland 21204.

TO TESTIFY FOR THE PETITIONERS:

S. Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820

RECEIVED
COUNTY BOARD OF APPEALS
JUN 22 P 3 20 E

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of June, 1986, a copy
of the foregoing Subpoena Duces Tecum was served upon Leslie M. Pittler,
Esquire, Suite 501, 28 Allegheny Avenue, Towson, Maryland 21204.

S. Eric Dinenna
S. ERIC DINENNA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: August 8, 1985
Norman E. Gerbet, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-78-X

As to the special hearing concerning non-conforming
use status, this office offers no comment. However, this
office is opposed to the granting of the requested special
exception. It is this office's opinion that Section 402,
governing the conversion of dwellings to other uses, is not
applicable here.

Norman E. Gerbet
Norman E. Gerbet, Director
Office of Planning and Zoning

NEG:JGR:slm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Robert L. Hannon, Director
TO: Economic Development Date: January 10, 1985
Arnold Jablon
FROM: Zoning Commissioner
SUBJECT: Hidden Valley Country Club

The following is a history of the Hidden Valley Country Club:

1. Late 1956 or 1957 - country club operation started which consisted of 131 acres and included bar-dining room-lounge, snack bar, swimming pool, wading pool, pool house, tennis court, and golf course. Said uses were permitted under Section 200.5 (1955 BCZR) on over three acres.
2. 1963 - use became nonconforming when regulations changed to require a special exception for this type of use under Section 200.15 (1963 BCZR).
3. 1974 - golf course closed due to damage from tropical storm Agnes.
4. 1974 or 1975 - Operated as a singles club for a short period of time after which it reverted back to its use as a country club.
5. 1978 - 131+ acres subdivided of which 13.28 acres of land with improvements were for the country club, 85 acres were for building lots, and 27 acres were reserved for future development.
6. February 1979 - filed a special hearing for a nonconforming use and a special exception for a restaurant converted from a building per Section 402.3 (79-255-XSPH).
February 15, 1980 - nonconforming use as a country club was granted, special exception was denied.
7. Appealed to Board of Appeals.
October 9, 1980 - Board remanded to the Zoning Commissioner.
October 14, 1980 - Board issued Amended Order remanding to the Zoning Commissioner.
November 12, 1980 - Board ordered that all prior Board Orders be rescinded.
October 6, 1981 - Board Ordered that appeal be Dismissed per request of attorney for petitioner.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE August 9, 1985

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

ofo
Nicholas S. 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

Leslie M. Pittler, Esquire
Suite 501, 28 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 349 - Case No. 86-78-X
Petitioner - Robert L. Edd, Sr.
Special Exception Petition

Dear Mr. Pittler:

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.

As you are aware, this property was the subject of a previous zoning hearing (Case No. 79-255-XSH) in which a nonconforming use as a country club was granted, but the special exception for a restaurant was denied.

As indicated to you, the site plan must be updated to indicate existing conditions, and the status of the existing trailer (caretaker's residence) should be discussed at the hearing.

Particular attention should be afforded to the comments of the Department of Traffic Engineering. You may contact Mr. Flanigan, 494-3557, for any additional explanation of said comment.

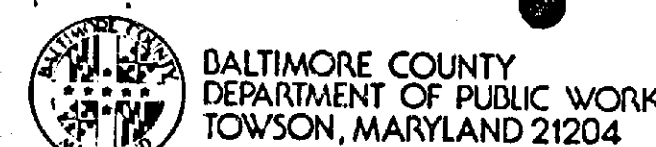
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing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

Very truly yours,

Nicholas S. Commodari
NICHOLAS S. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

cc: Gerhold, Gross & Etzel
412 Delaware Avenue
Towson, Maryland 21204



HARRY I. PISTEL, P.E.
DIRECTOR

June 10, 1985

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

Re: Item #349 (1984-1985)
Property Owner: Robert L. Edd, Sr.
S/ES Holbrook Rd. 3800' S/W of Liberty Rd.
Acres: 13.28 acres
District: 2nd

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 Comments:

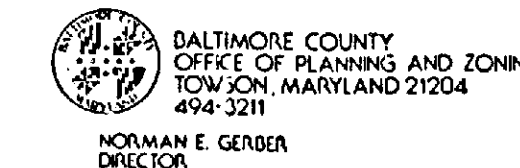
As no public facilities are involved, this office has no comment.

Very truly yours,

Harry I. Pistel, P.E.
HARRY I. PISTEL, P.E., Chief
Bureau of Public Services

JAM:EM:ROP:ss

cc: File



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

JULY 24, 1985

Re: Zoning Advisory Meeting of May 21, 1985
Item # 349
Property Owner: ROBERT L. EDD, SR.
Location: S/E SIDE HOLBROOK ROAD 3800' SW OF LIBERTY ROAD.

Dear Mr. Jablon:

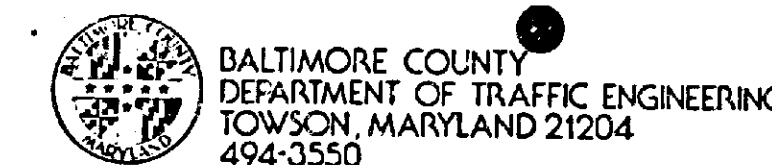
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group meeting is required.
- (X) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- (X) The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board on 11/11/84.
- (X) Landscaping: Must comply with Baltimore County Landscape Manual.
- (X) The property is located in a deficient service area as defined by §111 178-75. No building permit may be issued until a Future Capacity Use Certificate has been issued. The deficient service is:
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by §111 178-75, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

ADDITIONAL COMMENTS:
APPROPRIATE ZONING VIOLATION LATE 1970'S
CLASH WITH HISTORIC CHARACTERISTICS

cc: James Hoswell

Eugene A. Boker
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

June 7, 1985

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

Item No. 349 ZAC-Meeting of May 21, 1985
Property Owner: Robert L. Edd, Sr.
Location: S/E side Holbrook Road 3800' SW of Liberty Road
Existing Zoning: R.C.5
Proposed Zoning: Special exception for a golf course and/or country club or other similar recreation club and/or restaurant.

Acres: 13.28 acres
District: 2nd

Dear Mr. Jablon:

The entrance to this site should be a minimum of 24' wide and the driveway should be 20' wide. The proposed parking lot at the front of the site is on a severe slope and will require a grading plan. The width of Holbrook Road varies from 14' to 24' and cannot be considered as adequate access for a large traffic generator. Powell's Run Road is a 15' wide road with sight distance problems at this intersection of Harriottville Road, due to vertical curves, and cannot be considered adequate access.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/cmm

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

Zoning Item # 349, Zoning Advisory Committee Meeting of May 21, 85
Property Owner: Robert L. Edd, Sr.

Location: S/E side Holbrook Rd. District 2
Water Supply: Well Sewage Disposal: Septic system

COMMENTS ARE AS FOLLOWS:

- (X) 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.
- (X) Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins.
- (X) 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.
- (X) 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.
- (X) 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.
- (X) 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 amusements 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, 494-3762.
- (X) 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.
- (X) 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.

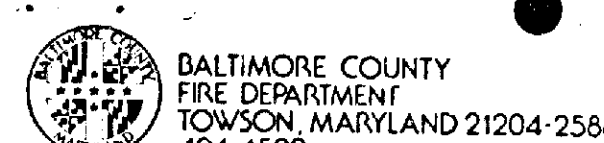
SS 20 1082 (1)

Zoning Item # 349, Zoning Advisory Committee Meeting of May 21, 85
Page 2

- (X) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- (X) Any abandoned 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. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- (X) Soil percolation tests (have been/must be) conducted.
{ } The results are valid until
{ } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- (X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- (X) 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 and approval of Building Permit Applications.
- (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- (X) Others: Prior to obtaining a food facility permit and/or annual food operating permit, all Baltimore County requirements regarding wells + septic systems must be met. Owner should contact the Environmental Support Services Division at 494-3762 regarding any or all of the above matters.

James J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R



PAUL H. REINCKE
CHIEF

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

June 5, 1985

Attention: Wick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Robert L. Edd, Sr.

Location: S/E side Holbrook Road 3800' SW of Liberty Road

Item No.: 349

Zoning Agenda: Meeting of May 21, 1985

Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (X) 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- (X) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Carl J. Kelly, Jr.
Special Inspection Division

Noted and Approved: Errol M. Markowitz
Fire Prevention Bureau

/mb



TED ZALESKI, JR.
DIRECTOR

June 7, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 349 Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert L. Edd, Sr.
Location: S/E Side Holbrook Road 3800' SW of Liberty Road
District: 2nd.

APPLICABLE ITEMS ARE CIRCLED:

- (X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 617-45, the Maryland Code for the Handicapped and Aged (A.S.S.I. 617-1 - 1980) and other applicable Codes and Standards.
- (X) A building and other miscellaneous permits shall be required before the start of any construction. Should any alterations be required to bring any of the structures into compliance, Item 3
- (X) Residential: Two sets of construction drawings are required to file a "permit" application. The seal of a registered in Maryland Architect or Engineer is required. The stamp of the owner is required. If a permit is required, Item 3 would be applicable.
- (X) All the County's three types of detached buildings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. And the owner requires a one hour wall of stone wall. See Table M-1, Section 1007, Section 1008, and Table 1009. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- (X) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office should be considered until the necessary data pertaining to height, area and construction type is provided. See Table 505 and 506 and have your Architect/Engineer contact this department.
- (X) If requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- (X) When filing for a modified Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of construction drawings showing the existing structure. The drawings shall be submitted to the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204. The stamp of the owner is required. See Section 312 of the Building Code.
- (X) The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached map of Section 514.0 of the Building Code as adopted by Bill 617-25. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- (X) Comments: See continuation of comments on the attached sheet.

These observations 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 the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles S. Chamberlain
C. S. Chamberlain, Chief
Baltimore Plans Bureau

LW/755

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 1, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 1, 1985

THE JEFFERSONIAN,

VB Venetouli
Publisher

Cost of Advertising

22

MICROFILMED

PETITION FOR SPECIAL EXCEPTION
2nd Election District

LOCATION: Southeast side of Holbrook Road, 3800' South of Liberty Road

DATE AND TIME: Monday, August 19, 1985 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 Exception for golf course and/or country club or other similar recreation club and/or restaurant pursuant to Section 1A04.2.B.8 and 15 under the Baltimore County Zoning Regulations.

Being the property of Robert L. Edd, Sr. as shown on the plat filed with the Zoning Office.

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
Aug. 1.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

86-78-X

District 2nd Date of Posting July 31, 1985

Posted for: Special Exception

Petitioner: Robert L. Edd, Sr.

Location of property: SE/S of Holbrook Road, 3800' South of Liberty Road

Location of Signs: Location sign SE/Cor. of Liberty & Holbrook Roads - 1 sign SE side of Holbrook Rd. at entrance to subject property. 1 sign NE side of Powell Road at entrance to subject property and 1 sign north side of entrance Road

Remarks: Approx 1000' East of Powell Road

Posted by A. J. Rosta Signature

Number of Signs: 4 Date of return: August 2, 1985

MICROFILMED

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

86-78-X

District 2nd Date of Posting 10-8-85

Posted for: Appeal

Petitioner: Robert L. Edd, Sr.

Location of property: SE/S of Holbrook Road, 3,800' S of Liberty Road

Location of Signs: 1 sign SE/Cor. of Liberty and Holbrook - 1 sign SE side of Holbrook at entrance to subject property - 1 sign NE side of Powell Road at entrance to subject property and 1 sign N side of entrance Road 1000' E of Powell Road

Remarks: subject property and 1 sign N side of entrance Road 1000' E of Powell Road

Posted by A. J. Rosta Signature

Number of Signs: 4 Date of return: 10-18-85

MICROFILMED

PETITION FOR SPECIAL EXCEPTION

2nd Election District

LOCATION: Southeast side of Holbrook Road, 3800' South of Liberty Road

DATE AND TIME: Monday, August 19, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Exception for golf course and/or country club or other similar recreation club and/or restaurant pursuant to Section 1A04.2.B.8 and 15 under the Baltimore County Zoning Regulations.

Being the property of Robert L. Edd, Sr. as shown on the plat filed with the Zoning Office.

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

ITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Aug. 1, 1985

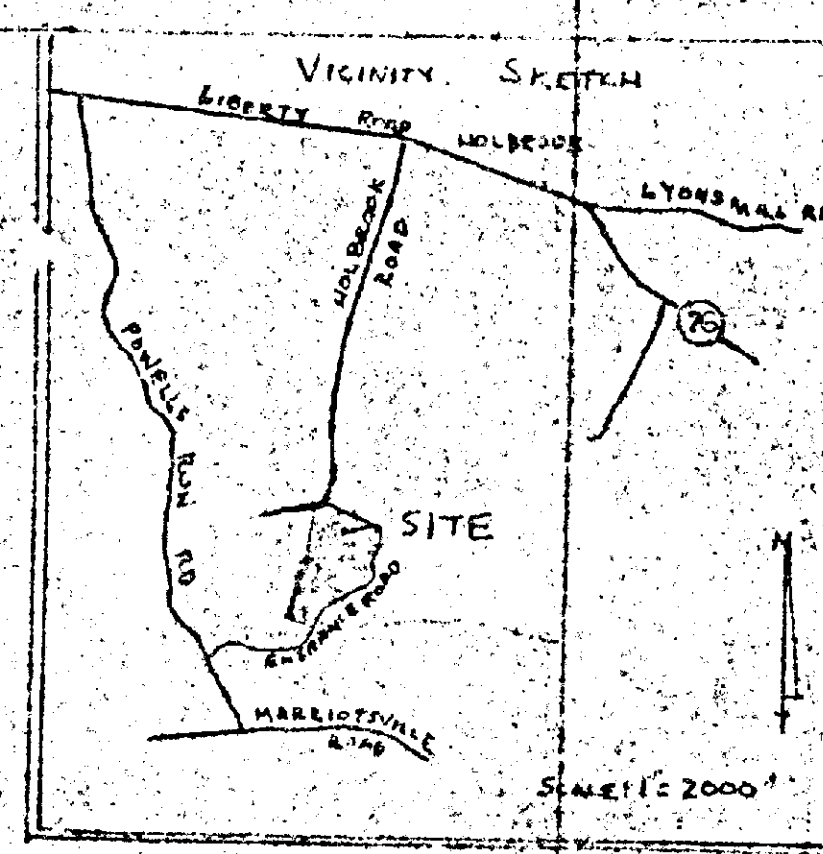
FY that the annexed Reg. #L73265 P.O. #67762 (1) successive weeks/days previous of July, 1985, in the County Times, a daily newspaper published in Westminster, Carroll County, Maryland. Town News, a weekly newspaper published in Baltimore County, Maryland. Times, a weekly newspaper published in Baltimore County, Maryland.

ITY NEWSPAPERS OF MARYLAND, INC.

Per Diana Keefe

MICROFILMED

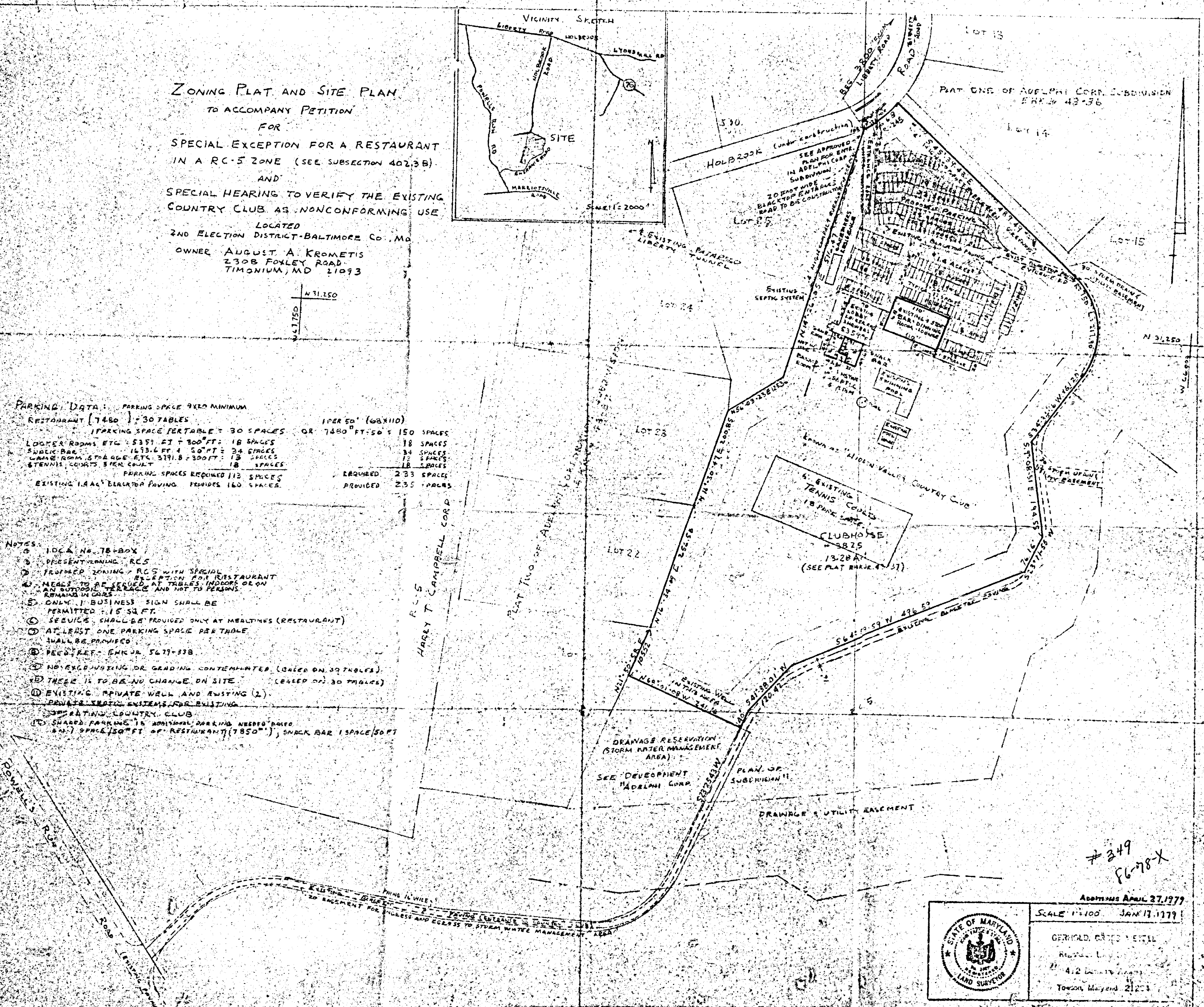
ZONING PLAT AND SITE PLAN
 TO ACCOMPANY PETITION
 FOR
 SPECIAL EXCEPTION FOR A RESTAURANT
 IN A RC-5 ZONE (SEE SUBSECTION 402.3B)
 AND
 SPECIAL HEARING TO VERIFY THE EXISTING
 COUNTRY CLUB AS NONCONFORMING USE
 LOCATED
 2ND ELECTION DISTRICT-BALTIMORE CO., MD
 OWNER AUGUST A. KROMETIS
 2308 FOXLEY ROAD
 TIMONIUM, MD 21093



PARKING DATA: PARKING SPACE 9'X20' MINIMUM

RESTAURANT (7480') - 30 TABLES	IF PARKING SPACE FERTABLE = 30 SPACES	OR 7480' FT. 50' x 150 SPACES
LOBBY ROOMS ETC. 5351.41 ± 300' FT. = 18 SPACES		18 SPACES
SNACK BAR 1613.4 FT. 4 50' FT. = 34 SPACES		34 SPACES
WINE ROOM STORAGE ETC. 3791.8 ± 300' FT. = 13 SPACES		13 SPACES
TENNIS COURTS 3 TEN COURT		18 SPACES
PARKING SPACES REQUIRED 113 SPACES		REQUIRED 233 SPACES
EXISTING 1.6 AC. BLACKTOP PAVING PROVIDES 160 SPACES.		PROVIDED 235 SPACES

- NOTES:**
1. I.D.C. NO. 78-BOX
 2. PRESENT ZONING: RC-5
 3. PROPOSED ZONING: RC-5 WITH SPECIAL EXCEPTION FOR RESTAURANT
 4. MEALS TO BE SERVED AT TABLES, INDOORS OR ON PATIO, BUT NOT TO BE SERVED TO PERSONS REMAINING IN CARS.
 5. ONLY 1 BUSINESS SIGN SHALL BE PERMITTED - 15 SQ. FT.
 6. SEWAGE SHALL BE PROVIDED ONLY AT MEALTIMES (RESTAURANT)
 7. AT LEAST ONE PARKING SPACE PER TABLE SHALL BE PROVIDED
 8. PRE-REF. ENCL. 5679-338
 9. NO EXCAVATING OR GRADING CONTEMPLATED (BASED ON 30 TABLES)
 10. THERE IS TO BE NO CHANGE ON SITE (BASED ON 30 TABLES)
 11. EXISTING PRIVATE WALL AND FENCING (2)
 12. PRIVATE SEPTIC SYSTEMS FOR EXISTING OPERATING COUNTRY CLUB
 13. SHARED PARKING IS ADDITIONAL PARKING NEEDED BASED ON 7 SPACES/50' FT. OF RESTAURANT (7850' FT.), SNACK BAR 1 SPACE/50' FT.



#349
86-78-X

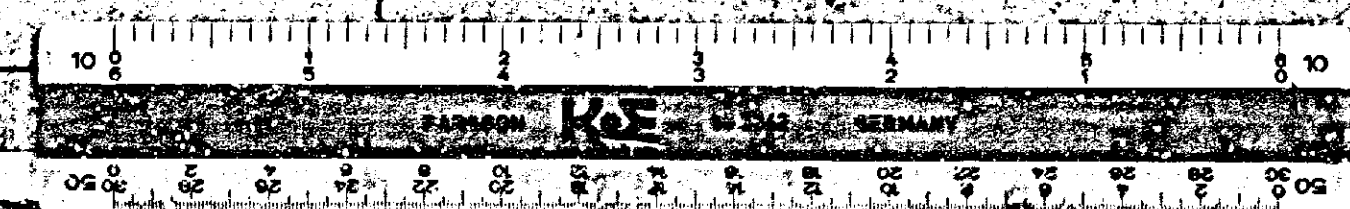
ADOPTED APRIL 27, 1979

SCALE 1"=100' JAN 17, 1979

GERMOLD, RICHARD E. ET AL
 REGISTERED LAND SURVEYORS
 412 E. BALTIMORE AVENUE
 TOWSON, MARYLAND 21204

STATE OF MARYLAND
 DEPARTMENT OF THE GENERAL LAND OFFICE
 LAND SURVEYOR

MAP 13W-86
 E.D. 2nd
 DATE 12-2-86
 200
 1000
 1"=100'



is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[since] the meaning of the plainest words in a statute may be controlled by the context... In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning." B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

The intent of the BCZR must be determined as being construed as a whole. See Smith v. Miller, 249 Md. 390. Thus, the specific language delineating the use regulations in Section 402.3, BCZR, must be construed in light of all of the provisions concerning the conversion to restaurants so that the several parts of those regulations are given their intended effect. Moreover, the relationship between those various provisions must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Depart. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

"Zoning regulations are in derogation of common law rights and they cannot be construed to include or to exclude by implication that which is not clearly within their express terms." Yokely, Zoning Law & Practice, Sections 1-4 and 25-8; Aspen Hill Venture v. Montgomery County, 265 Md. 303 (1972). Landay v. MacWilliams, 173 Md. 460 (1938) a/k/a Landay v. Bd. of Zoning Appeals. Zoning regulations must be strictly construed and cannot be extended by implication to prohibit uses not clearly within their scope. Gino's of Maryland, Inc. v. Baltimore, 250 Md. 621 (1968); McQuillin, Municipal Corp., Section 25.72. The use of the word "or" to add the phrase "other buildings" is conjunctive and does not limit the applicability of converting restaurants from dwellings or its

- 4 -

accessory structures. If the Council had intended to limit such conversions to dwellings or its accessory structures, it would have said so.

If the Council had intended only dwellings to be converted to restaurants, Section 1A04.2.B.15 would have made reference to Section 402 and not Section 402.3. It would not be logical otherwise to conclude that the Council intended the phrase "other buildings" to be considered only as "accessory" buildings to dwellings. There is no question that the intent was to condition any conversion to the requirements of Section 402.3.

It is clear that the BCZR permits the uses requested by the Petitioner in a R.C.5 Zone by special exception. It is equally clear that the proposed country club, i.e., health and recreation center with an accessory lounge and banquet hall, snack bar, etc., and the proposed restaurant would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied.

After reviewing all of the testimony and evidence presented, it appears that the special exceptions 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 meet 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 adversely affect the public interest. The facts and circumstances 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 that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pitts, 432 A.2d 1319 (1981).

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

- 5 -

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 BCZR.

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 exceptions should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of August, 1985, that the Petition for Special Exceptions for a country club and restaurant be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. No more than 12 persons shall be employed in the fitness and recreation center.
2. No more than 25 persons shall be employed in the banquet hall and lounge, and it shall be available only to members and their guests and shall not be open to the general public.
3. The restaurant may be open to the public seven days per week from 4:00 p.m. to 2:00 a.m., subject to the following conditions:
 - a. Meals may be served only at tables, indoors or on an outdoor terrace, and not to persons remaining in their vehicles.
 - b. At least one parking space per table shall be provided.
 - c. Only one business sign shall be permitted.
 - d. Service shall be provided only at mealtimes.
4. No live entertainment shall be provided either in the lounge or in the restaurant; however, at the end of the first year of operation, the Petitioner may file a Petition for Special Hearing to amend this condition.
5. The tennis courts and pool shall be available only to members.

- 6 -

6. County Review Group (CRG) approval shall be obtained and no waiver of its required public meeting shall be granted. At such time, the Zoning Commissioner shall defer to the CRG the decision as to whether Holbrook Road should be available for ingress and egress to the site. The revised site plan, delineating Restrictions 1 through 5 and specifying the permitted uses, shall be submitted to the CRG for its approval and then to the Zoning Commissioner.

7. The Petitioner shall provide the security arrangement as defined in Petitioner's Exhibit 2.

8. The term "member" shall be defined as follows:

An individual or family who belongs to the country club or similar outdoor recreation club herein granted to the Petitioner; said membership shall be bona fide and in good faith, subject to the rules and regulations promulgated by the country club or similar outdoor recreation club. Such membership shall be for a delineated duration of at least six months.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Leslie M. Pittier, Esquire

Michael O. Ramsey, Esquire

Ms. Barbara Hartman

People's Counsel

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY *[Signature]*
COUNTY CLERK

- 7 -

CARL L. BERNHOLD
PHILIP K. CARROLL
JOHN P. EYAL
WILLIAM E. LURICH
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204

823-4470

January 16, 1979

Zoning Description

All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the southeast side of Holbrook Road, 50 feet wide, at a point distant 3800 feet measured southerly along the east side of Holbrook Road from Liberty Road and running thence and binding on the southeast side of Holbrook Road, Northeasterly by a line curving to the left having a radius of 245 feet, for a distance of 36.68 feet, thence leaving said Holbrook Road and running thence, the fourteen following lines viz: South 45 degrees 39 minutes 43 seconds East 489.49 feet, Southerly by a line curving to the right having a radius of 750 feet for a distance of 217.90 feet, South 34 degrees 34 minutes 16 seconds West 161.20 feet, South 9 degrees 08 minutes 51 seconds East 194.55 feet, South 23 degrees 11 minutes 55 seconds West 76.16 feet, South 64 degrees 50 minutes 59 seconds West 496.59 feet, South 41 degrees 38 minutes 01 second West 120.42 feet, South 23 degrees 25 minutes 43 seconds West 40 feet, North 38 degrees 01 minute 03 seconds East 211.16 feet, North 21 degrees 50 minutes 58 seconds East 105.52 feet, North 16 degrees 34 minutes 09 seconds East 256.58 feet, North 16 degrees 30 minutes 47 seconds East 200.85 feet, North 56 degrees 03 minutes 23 seconds East 125.36 feet and North 14 degrees 26 minutes 05 seconds East 516.47 feet to the place of beginning.

Containing 13.28 Acres of land more or less.
Also including a driveway for access from the building to the parking area and shown on a plat titled Flat Two of Adelphi Corporation Subdivision and recorded among the Plat Records of Baltimore County in Plat Book E.H.K.Jr. No. 43 Folio 37.

Being the land of the petitioners herein and shown on a plat filed with the Baltimore County Zoning Office.



[Signature]
John A. Eyles 7882

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
SE/S Holbrook Rd., 3800' S of
Liberty Rd., 2nd District : OF BALTIMORE COUNTY

ROBERT L. EDD, SR., Case No. 86-78-X
Petitioner

SUMMONED 19
NOT SERVED 1-27 1985
REASON NOT SERVED Can't Reach

Please issue a subpoena for:

Mr. August A. Krametz
02108 Foxley Road
Timonium, Maryland 21093

to appear as a witness on behalf of the People's Counsel for Baltimore County at the hearing scheduled in the above-captioned matter before the County Board of Appeals for Tuesday, January 28, 1986, at 10:00 a.m., to attend said hearing on that date and on any subsequent days upon which it might be thereafter scheduled.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 223, Court House
Towson, Maryland 21204
494-2188

Mr. Sheriff:

Please issue this summons.

[Signature]
Edith T. Eisenhart, Adm. Secy.
County Board of Appeals of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
JAN 21 1985

RE: PETITION FOR SPECIAL EXCE. ION : BEFORE THE ZONING COMMISSIONER
SE/S Holbrook Rd., 3800'
S of Liberty Rd., : OF BALTIMORE COUNTY
2nd District

ROBERT L. EDD, SR., Petitioner : Case No. 86-78-X

NOTICE OF APPEAL

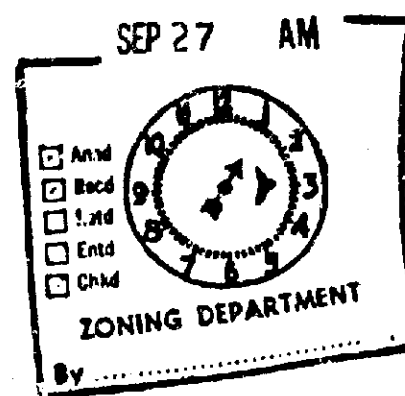
Please note an appeal from your decision in the above-captioned matter, under date of August 30, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 27th day of September, 1985, a copy of the foregoing Notice of Appeal was mailed to Leslie M. Pittier, Esquire, Suite 501, 28 Allegheny Ave., Towson, MD 21204; and Michael O. Ramsey, Esquire, Suite 712, 8 N. Calvert St., Baltimore, MD 21202.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE/S of Holbrook Rd., 3800' S
Liberty Rd., 2nd District : OF BALTIMORE COUNTY

ROBERT L. EDD, SR., Petitioner : Case No. 86-78-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of June, 1985, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittier, Esquire, Suite 501, 28 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION
2nd Election District

LOCATION: Southeast side of Holbrook Road, 3800' South of Liberty Road

DATE AND TIME: Monday, August 19, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

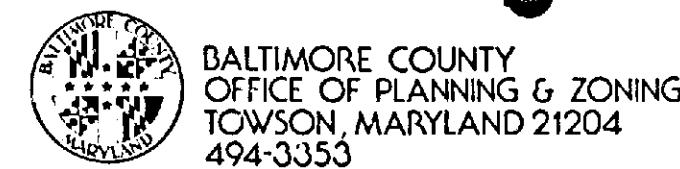
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for golf course and/or country club or other similar recreation club and/or restaurant pursuant to Section 1A04.2.B.6 and 15 under the Baltimore County Zoning Regulations.

Being the property of Robert L. Edd, Sr. as shown on the plat filed with the Zoning Office.

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



ARNOLD JABLON
ZONING COMMISSIONER

August 15, 1985

Leslie M. Pittler, Esquire
Suite 501, 28 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
SE/S of Holbrook Rd., 3800' South
of Liberty Road
2nd Election District
Robert L. Edd, Sr., Petitioner
Case No. 86-78-X

Dear Mr. Pittler,

This is to advise you that \$ 69.76 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

No. 012600

DATE 8-15-85 ACCOUNT R-01-618-000

AMOUNT \$ 125.47

RECEIVED FROM: Leslie M. Pittler, Esq.

FOR Advertising and Posting Cases 86-78-X \$69.76

0 0007*****126476 62347

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County, Maryland,
County Office Building,
Towson, Maryland
Commissioner

Leslie M. Pittler, Esquire
Suite 501, 28 Allegheny Avenue
Towson, Maryland 21204

July 19, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
SE/S of Holbrook Rd., 3800' South
of Liberty Road
2nd Election District
Robert L. Edd, Sr., Petitioner
Case No. 86-78-X

TIME: 1:30 p.m.

DATE: Monday, August 19, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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

No. 007215

DATE 8-19-85 ACCOUNT R-01-618-000

AMOUNT \$ 100.00

RECEIVED FROM: Mr. Pittler

FOR: 71-249 611-Continued

VALIDATION OR SIGNATURE OF CARRIER

IN RE: PETITION SPECIAL EXCEPTIONS * BEFORE THE
SE/S of Holbrook Road, 3,800' * COUNTY BOARD
S of Liberty Road - * OF APPEALS
2nd Election District * Case No. 86-78-X
Robert L. Edd, Sr., *
Petitioner * * *

ORDER FOR APPEAL

Madam Clerk:

Please enter my appearance on behalf of the below mentioned individuals and enter an Appeal from the Decision of the Zoning Commissioner dated August 30, 1985 on behalf of the following individuals:

Minnie & Henry Robinson
4312 Holbrook Road
Randallstown, MD 21133

Howard A. & Mildred Triplett
10711 Liberty Road
Baltimore, MD 21133

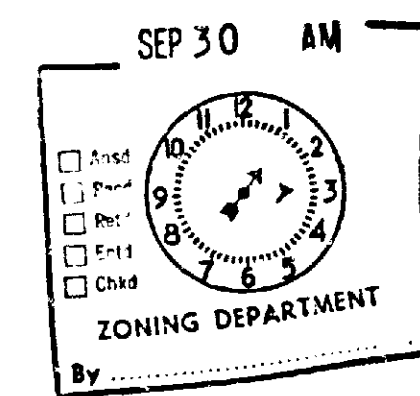
Alexander & Anna Velle
4315 Holbrook Road
Baltimore, MD 21133

Barbara & Carl Hartman
4325 Holbrook Road
Baltimore, MD 21133

Carroll M. Brown, Sr.
3900 Falls Run Road
Baltimore, MD

Carroll M. Br.
3910 Falls Run
Baltimore, MD

Dwight Gill
10724 Liberty
Baltimore, MD



No. 012510

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

DATE 9/30/85 ACCOUNT R-01-618-000

AMOUNT \$ 105.00

RECEIVED FROM: S. Eric Dinenna, Esquire

FOR: Appeal fee for Case No. 86-78-X

0 001*****125510 83007

VALIDATION OR SIGNATURE OF CARRIER

Mollie E. Turner
4337 Holbrook Road
Baltimore, MD 21133

Kenneth L. Schaefer
3902 Powell's Run Road
Baltimore, MD 21133

Charles L. Kires
3904 Falls Run Road
Baltimore, MD 21133

John R. Ortenzi
32 Milstone Road
Baltimore, MD 21133
Owner - Lot #3 Holbrook Road

Robert & Barbara Tanner
4314 Holbrook Road
Baltimore, MD 21133

Betty & Bud Constantine
10417 Liberty Road
Baltimore, MD 21133

Kevin & Mary Kay Cassidy
5410 Deer Park Road
Owings Mills, MD 21117
Owner - Lot #25 Holbrook Road

Stanley L. Stevenson
3910 Chatham Road
Baltimore, MD 21207
Owner - Lot #25 Holbrook Road

Ruth Dixon
6743 Townbrook Drive
Baltimore, MD 21133
Owner - Lot-4301 Holbrook Road

Robert & Evelyn Donovan
3564 Horton Avenue
Baltimore, MD 21225
Owner - Lot #3 Holbrook Road

John & Nancy Grunewald
8819 Sigrid Road
Baltimore, MD 21133
Owner - Lot-4110 Holbrook Road

Monty & Margie Jones
4410 Chapeldale Road
Baltimore, MD 21133

William E. Klingelshoffer
10743 Liberty Road
Baltimore, MD 21133

Philip J. & Catherine E. Spampinato
4208 Holbrook Road
Baltimore, MD 21133

Clarke & Marie Mallory
4121 Holbrook Road
Baltimore, MD 21133

Harold & Ethel Wanzer
4205 Holbrook Road
Baltimore, MD 21133

Leslie & Thelma Schwatka
4325 Holbrook Road
Baltimore, MD 21133

Alex & Kathryn Johnson
4339 Holbrook Road
Baltimore, MD 21133

Edith Cartin
4417 Holbrook Road
Baltimore, MD 21133

Colin & Judith Enos
4310 Holbrook Road
Baltimore, MD 21133

Kevin Bayer
3512 Rolling Road
Baltimore, MD 21207
Owner - Lot #28 Holbrook Road

Joseph & Tina Wilkinson
8600 Church Lane
Baltimore, MD 21133
Owner - Lot #1 Holbrook Road

Michael Ramsey
4706 Belle Forte
Baltimore, MD 21208
Owner - Lot-4106 Holbrook Road

Mr. & Mrs. Kenneth Tomlinson
10649 Liberty Road
Baltimore, MD 21133

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 30th day of September, 1985, a copy of the foregoing Order for Appeal, was mailed, postage prepaid, to Leslie M. Pittler, Esquire, Suite 501, 28 Allegheny Avenue, Towson, Maryland 21204.

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820

S. ERIC DINENNA

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

PETITIONER'S
EXHIBIT 2

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

SELLER

The property is presently owned by The Adelpia Limited Partnership an Maryland Corporation.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

HISTORY OF PROPERTY

It is understood the property was developed about 1960 as the Laurel Hills Country Club and at that time included a nine-hole golf course.

In the hurricane of 1972, the golf course was destroyed. For a while the club operated as the Hidden Valley Country Club, but was subsequently sold to an Australian, who attempted to establish a private singles club called "The Embassy". This having failed, the property was purchased by the present owners and the excess 85 acres lying north of the clubhouse was subdivided into 31 lots and sold. Meanwhile various operators, including Martin's West, leased the Club facilities from the owners between 1976 and 1981. The most recent operators ran the club with numerous rock bands, attracting a younger crowd and resulting in numerous complaints in the immediate neighborhood. The Club was last operational in 1981.

In April of 1982, an attempt was made to sell the Club at public auction together with 42 acres, (including Flood Plain Land), and the seven-day beer, wine, and liquor license. Due to a combination of bad weather and a poor economy, no bids were received.

Since the 1981 closing, the club has not been in operation. The only tenants to this day is a grounds keeper employed to prevent vandalism.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

OWNERSHIP

The property is presently owned by the Adelpia Limited Partnership. General partner is one August A. Krometis. The land records of Baltimore County in Liber 5679, folio 338, shows the last transfer was a public sale, which occurred in May, 1976. The transfer tax indicates a consideration of \$460,000 was made for 131.33 acres.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

PROPERTY DESCRIPTION

The Country Club portion of the property consists of 13.28 acres. This portion of the property has access via a private 20' wide macadam road from Powell's Run Road and a private drive from Holbrook Road, which is an improved 50' right-of-way in the vicinity of the Country Club property but narrowing to a 20' wide right-of-way between the new subdivision and Liberty Road.

Water is provided by a private well system and sanitary sewerage disposal by private septic system. Electric and telephone are available and presently connected to the property.

The property is classified RC-5 on the Baltimore County Zoning Maps.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

COMMUNITY MEETING

Two meetings were held with several residents of Holbrook Road, and neighboring community leaders, and their representatives.

In those meetings there were three major concerns of the groups.

1. Traffic on Holbrook Road.
2. External and internal control.
3. Investors of the business.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

MY ROLE

I am the president of the organization. As president, an entrepreneur, my objective is to establish a recreational, restaurant, and banquet facility that will enhance the community and provide employment for a large number of people.

My goal is to develop throughout our organization a high level of managerial competence in order that we may realize the maximum possible profit consistent with our other objectives.

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

PROPOSE USE OF FACILITY

I propose to use the facility as follows:

Liberty Valley Pavilion
LOUNGE • BANQUETS • HEALTH SPA

LIBERTY VALLEY PAVILLION FITNESS/RECREATIONAL CENTER

Given today's hectic pace, the Liberty Valley Pavillion Management recognizes the importance of strong physical conditioning for stress reduction, increased stamina, and pure enjoyment. For this reason, the Pavillion will provide membership with an Olympic Size Swimming Pool, six lighted tennis courts, aerobic dancing, Nautilus Center, plus a whirlpool/sauna.

From early morning to late evening, members can meet friends, workout, and enjoy the varied facilities in a quiet atmosphere.

The staff of the fitness/recreational center will include:

- | | |
|----|-------------------------------|
| 3 | Full-time Fitness Instructors |
| 1 | Part-time Instructor |
| 4 | Full-time Lifeguards |
| 3 | Part-time Lifeguards |
| 1 | Tennis Professional |
| 12 | TOTAL |

LIBERTY VALLEY PAVILLION BANQUET HALL

The Liberty Valley Pavillions' Banquet Facility will have the capability of taking each client's event from the realm of the ordinary to the extraordinary. The Pavillions' Banquet Hall will specialize in catering a variety of parties including weddings, anniversaries, crab feasts, bull roasts, etc. The hall will accommodate groups varying in size from a minimum group of ten to an event serving over four hundred guests.

There will be seventeen employees assigned to the Banquet Facility:

- 3 Coordinators
- 1 Chef
- 3 Assistant Cooks
- 10 Line-up Servers

Additional employees as warranted.

In short, each event will be catered in a manner that is consistent with the style and grace that will become the hallmark of the Liberty Valley Pavillion.

LIBERTY VALLEY PAVILLION LOUNGE

The Liberty Valley Pavillion Lounge, located in the Liberty Valley Pavillion will be one of the most prestigious lounges in the area. With a rear glass wall overlooking the lighted Olympic Size Swimming pool, tennis courts and acres of rolling hillside, the contemporary plush interior will offer its guests an atmosphere of total relaxation.

On Thursday, Friday, and Saturday from 9:00 p.m. until 2:00 a.m. the Liberty Valley Pavillion Lounge will feature contemporary music for your listening pleasure. In conjunction with the Pavillion's Banquet Room, it is capable of hosting name entertainers as well as local artists. There will also be a Chess/Backgammon area that will allow guests to test their skills in two of the most mind challenging games in the world. For the sports enthusiast who does not want to miss that big game, a wide screen television will be provided for your viewing pleasure.

The Liberty Valley Pavillion Lounge will employ a total of twenty-five, (25), employees to include:

- 3 Managers
- 6 Full-time Bartenders
- 8 Servers
- 3 Part-time Servers
- 4 Part-time Bartenders
- 1 Non-uniformed Security Attendant
- 25 TOTAL

DRESS CODE

A dress code will be enforced as follows:

- *Proper Dress Required.
- *No one admitted after 9:00 p.m. without a jacket.
- *No shorts or swimwear in Restaurant or Lounge after 6:00 p.m.

SECURITY AND CONTROL

Two uniformed security people will be on duty from sundown until 3:00 a.m. each day. Their duties will include patrolling the grounds of the Pavillion to keep loitering and speed under control. Each family in the immediate area of the Pavillion will be furnished with a phone number which will be a direct line to the security office.

Their duties will also include the directing of traffic, to keep exiting traffic from the Pavillion after all banquet to a medium within the community. The parking lot will be well lighted with mercury vapor lights. Mercury Vapor Lights provide excellent soft lighting and will be positioned in such a way as to not interfere with adjoining neighbors.

LITTERING AND LOITERING

The Pavillion will detail two employees on a daily basis to police the area from Powell's Run Road to the Pavillion.

Security personnel, management, and staff will address any loitering issue when confronted.

LICENSE

Class "A" on Premise.

ACTIVITIES

I. Membership

- A. Olympic Size Swimming Pool.
- B. Tennis Courts.
- C. Aerobic Dancing & Exercises.
- D. Nautilus Center.
- E. Whirlpool & Sauna.

II. Restaurant, Lounge, and Snack Bar.

III. Banquet Hall and Conference Room.

IMPROVEMENTS

Several improvements are planned for the Pavillion, some of the improvements are: "See Budget Numbers".

February 5, 1985

Our Contract 0575
Renovations to Liberty
Valley Pavilion for
Robert Edd

PRELIMINARY SCHEMATIC BUDGET

Items of Work

I. Site Development
Additional Paving
Clean and Trim/Chip Existing
Clean - Seal Cracks - Match Terra
Courts / All Existing - Nets 6
Site Electrical & Courts
Planters w/ Topsoil
Landscaping
Concrete around Pool 800
Walks to Cabanas 230
Stairs to Cabanas L.S.
Additional Cona. Repair Budget
Remove Steps at Dining L.S.
Repairs to Pool (Budget)

Sub Total

II. Cabana Renovation
Remove 1/2 Plywood Floor 6
Plumbing Rough-in
Re-Attache Floor
Remove Rear Sliders
Interior Part & Drywall
Paint Interior & Tile Floor
Install Plum. Fixtures
Toilet Access.
Carpet Interior 782

(1)

Continued

Remove Exterior Rail
Build Exterior Wall 80 L.F.
Insulate Ceiling/Wall/Flo.
Floor Reinforce
Ext. T-1-11
Soffits
Windows
Electrical L.S.
Re-work Ceilings & Walls
Bvao
Drywall Interior Corridor
Paint
Carpet Corridor
Baseboard
Clean & Patchout
Insulate Ceilings/Cabanas

Sub Total

III. Septic System

IV. Snack Bar/Whirlpool

Remove Ext. Carpet
Demo to Interior Part (Plywood)
Demo for Whirlpool
Level Ext. Floor
Insulate Ext. Walls
Drywall Int. Part
T-1-11 on Ext. Trim
Interior Part
Int. Doors
Electrical
Bvao
Plum W/Whirlpool
Misc. Ext. Work
Ceilings W/Insul.
Vat/Carpet
Tile for Januzzi Room
Misc. Int. Walls (Cover Etc.)

(2)

Continued

Kitchen Allow (Budget)
Paint
Misc.

Sub Total

V. Locker and Toilet Rooms/Offices/
Exercise

Demo to Lockers
Remove Flooring
Miscellaneous Interior Demo
Build Interior Partitions
New Roof
Re-work Bvao
Re-work Electrical
Re-work Plumbing
Drywall Interior Part./Out Walls
Demo to Plumbing Fixtures
Tile Toilet Rooms/Wall & Floors
Paint Interiors
Vat
Carpet
Acoustical Ceiling W/Insul.
Exterior Windows & Offices
Doors/Frames/Barware
Cove Base
Install Toilet Partitions
Install Toilet Accessories
Toilet Room Exhaust System
Drywall Interior Partitions (Exist)
Wallpaper

Sub Total

VI. Member Entry/Hall/Fountain

Demolition
Re-work Glass
Canopy
Fountain
Quarry Tile
Vat
Carpet
Walls (Cover W/Drywall)
Misc. Carpentry
Ceiling
Electrical

(3)

Sub Total

VII. Demo and New T-1-11 to Locker
Bldg.

Demo to Locker Ext.
Cover W/ T-1-11
New Roof Coving (Bickman)
Exterior Signage

Sub Total

VIII. Dining Room/Bar/Banquet Space

Demo Glass Wall
Demo Interior Walls
Demo Ceilings
Remove Carpet
Level Floor
Build 2'-0" wall
Re-work Bvao
Electrical
Roof
Equipment
Miscellaneous Carpentry
Glass
Interior Partitions
Bulkheads
Cover Columns
Interior Doors/Etc.
Prepare for Glass
Tile Banquet Area
Carpet Lounge Area
Ceiling in Dining/Lounge
Re-work Bar and Add (Ser. Bar)
Tile Kitchen
Kitchen Paint & Prep.
Misc. Paint
Cover Existing Walls
Wall Paper
Movable Partitions

Sub Total

(4)

IX. Lobby/Toilet Rooms/Storage/Cor

Remove Paving
Pour Slab
New Roofings
Exterior Wall
Insulate Walls
Roof Joist
Built up Roof
Exterior Shading & T-1-11
Glass & Glazing
Plumbing
Electrical
Interior Partitions
Out New Openings
Cover Existing Wall
Doors, Frames, Hardware
Crancking
Canopy
Fountain
Quarry Tile
Sightlight
Carpet
Quarry Tile
Misc. Carpentry
Vat
Cove Base
Toilet Partitions
Toilet Access.
Bvao
Ceilings
Interior Drywall (Ext. Part.)
Ceiling Insul.
Wall Paper - Paint

(5)

Summary Sheet

I. Site Development
II. Cabana Renovation
III. Septic System
IV. Snack Bar/Whirlpool
V. Locker Rooms/Offices/Exercise
VI. Member Entry/Hall/Fountain
VII. Ext - T-1-11 & Demo at Memh.
VIII. Banquet/Bar/Dining
IX. Banquet Entry Toilet Room/Etc.

Total Construction Cost

Overhead Expense

Total Construction Cost.
Contingency (1.5%)
Construction Managers Fee
Design Costs
Supervision
Bond (Approx.)

Projected Job Budget (Schematic Phase)

(6)

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

5 ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
ROBERT A. BRESCHI

400 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204
(301) 296-6820

October 15, 1985

County Board of Appeals
Courthouse
Towson, Maryland 21204

Rb: Case No. 86-78-X
Petition for Special Exception
Robert L. Edd, Sr., Petitioner

Dear Mr. Chairman:

As you are aware, I entered my appearance and an Appeal on behalf of various Protestants and Appellants concerning the above-captioned matter.

Would you be so kind as to advise me as to when the hearing will take place on this matter and I would further request that you have Edith contact me prior to setting the date of this hearing so it would not interfere with my Master's hearings nor the Board nor the Appellants' schedule.

Thank you for your cooperation.

Very truly yours,

ERIC DINENNA

SED:bk
cc: Ms. Katie Johnson

RECEIVED
COUNTY BOARD OF APPEALS
OCT 16 1985

PROTESTANT'S
EXHIBIT 1

Rumfordale 3906 Rumford 21133 435-0580 521-3780

R.S. Johnson - 4339 Holbrook Rd. 21133

Thelma Schmitt - 4329 Holbrook Rd. 21133

Mollie E. Turner - 4337 Holbrook Rd. 21133

Edith Wanger - 4205 Holbrook Rd. 21133

Arthur Wanger - 4206 Holbrook Rd. 21133

Betty Lampert - 4208 Holbrook Rd.

Philip T. Lampert - 4208 Holbrook Rd.

Alexander H. Velle - 4315 Holbrook Rd.

Edith T. Velle - 4312 Holbrook Rd.

Mary Ann Velle - 4312 Holbrook Rd.

C. Hartman - 4325 Holbrook Rd.

Ellen Campbell - L.R.C.C. 7407 Dorman Dr. 21205

Julius L. Edmiston - G.R.C. 3609 Main Avenue 21133

John R. Osting - 3rd Melrose Road

John R. Osting - 4330 Holbrook Rd. 21133

John R. Osting - 4314 Holbrook Rd. 21133

C. Hal Klingelbe - 10807 Liberty R. 21133

Thomas W. Nelson - 4121 Holbrook Rd. 21133

Mr. Mrs. Kevin J. Cassidy - 3410 River Park Rd. 21117 - Potomac

Mr. Mrs. John G. Gurnea - 8814 Sigard Rd. (4th Holbrook) 21133

Kenneth C. Lambert - 5806 Lyons Hill Rd. 21117

Michael O. Ramsey lot 76 Holbrook.

ZONING ADVISORY COMMITTEE
Item #349 - COMMENTS CONTINUED :

- 1) Occupancy shall be specific. See Section 302.3 and 302.4 for building use.
- 2) Plans shows Mr. Krometis as the owner - the special exception list, Mr. Robert L. Edd, Sr. as the owner. Are the plans in need of change?
- 3) Occupancy loads as determined by the building code indicate the possibility of a much higher permissible occupancy load. See Table 806.
- 4) Should any of the structures not be in compliance with the building code it shall not be occupied until such problems are corrected. See Section 103.0 as amended by Bill #17-85.

Charles E. Burnham
Charles E. Burnham, Chief,
Building Plans Review

CEB/vw

June 7, 1985

IN RE: PETITION SPECIAL EXCEPTIONS
SE/S of Holbrook Road, 3,800'
S of Liberty Road
2nd Election District
Robert L. Edd, Sr.,
Petitioner
* * * * *

BEFORE THE
COUNTY BOARD
OF APPEALS
Case No.: 86-78-X
* * * * *

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum for the following individual:

Arnold Jablon
Zoning Commissioner for Baltimore County
Baltimore County Office Building
Towson, Maryland 21204

DUCES TECUM - To bring with him File No.: 79-255, August Krometis, Petitioner
SE/S of Holbrook Road, 3,800' S of Liberty Road, 2nd Election District of
Baltimore County; File No.: C-86-263, Powells Run Road and Marriottsville Road.
File No.: 84-80-CV (C-84-276) Powells Run Road N of Marriottsville Road.

MAKE SAME RETURNABLE on January 28, 1986, at 10:00 a.m. before the
County Board of Appeals, Court House, Towson, Maryland 21204.

TO TESTIFY FOR THE PETITIONERS:

S. Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820

RECEIVED
COUNTY BOARD OF APPEALS
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IN RE: PETITION SPECIAL EXCEPTIONS
SE/S of Holbrook Road, 3,800'
S of Liberty Road -
2nd Election District
Robert L. Edd, Sr.,
Petitioner
* * * * *

BEFORE THE
COUNTY BOARD
OF APPEALS
Case No.: 86-78-X
* * * * *

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum for the following individual:

C. Richard Moore
Assistant Traffic Engineer
Operations Bureau
Department of Traffic Engineering
4th Floor - Courts Building
Towson, Maryland 21204

DUCES TECUM - To bring with him the normal form all records, statistics,
road counts, and any information his office may contain concerning Holbrook
Road, Baltimore County, Maryland, in close proximity to the property, the
subject of the request pursuant to Case No. 86-78-X and said records contained
in the Department of Traffic Engineering's comments Case No. 79-255 of the
Baltimore County Zoning Commissioner's office.

MAKE SAME RETURNABLE on January 28, 1986, at 10:00 a.m. before the
County Board of Appeals, Court House, Towson, Maryland 21204.

TO TESTIFY FOR THE PETITIONERS:

S. Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820

1 JUN 21 1985

IN RE: PETITION SPECIAL EXCEPTIONS
SE/S of Holbrook Road, 3,800'
S of Liberty Road
2nd Election District
Robert L. Edd, Sr.,
Petitioner
* * * * *

BEFORE THE
COUNTY BOARD
OF APPEALS
Case No.: 86-78-X
* * * * *

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum for the following individual:

Robert L. Edd, Sr.
c/o Leslie M. Pittler, Esquire
Suite 501
28 Allegheny Avenue
Towson, Maryland 21204

DUCES TECUM - To appear before the protestants in the above captioned matter
and to bring with him the following all records concerning the property known
as the Hidden Valley Country Club, including but not limited to contracts of
sale, deeds, respective plans, existing plats, showing said property, its
description, location of buildings, income tax returns filed with the Internal
Revenue Service for 1980, 1981, 1982, 1983, 1984, any contracts, agreements,
or documents, with reference to financing for the improvements and/or develop-
ments of said property aforesaid.

MAKE SAME RETURNABLE on January 28, 1986, at 10:00 a.m. before the
County Board of Appeals, Court House, Towson, Maryland 21204.

TO TESTIFY FOR THE PETITIONERS:

S. Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820

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COUNTY BOARD OF APPEALS
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of June, 1986, a copy
of the foregoing Subpoena Duces Tecum was served upon Leslie M. Pittler,
Esquire, Suite 501, 28 Allegheny Avenue, Towson, Maryland 21204.

S. Eric Dinenna
S. ERIC DINENNA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: August 8, 1985
Norman E. Gerbet, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-78-X

As to the special hearing concerning non-conforming
use status, this office offers no comment. However, this
office is opposed to the granting of the requested special
exception. It is this office's opinion that Section 402,
governing the conversion of dwellings to other uses, is not
applicable here.

Norman E. Gerbet
Norman E. Gerbet, Director
Office of Planning and Zoning

NEG:JGR:slm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Robert L. Hannon, Director
TO: Economic Development Date: January 10, 1985
Arnold Jablon
FROM: Zoning Commissioner
SUBJECT: Hidden Valley Country Club

The following is a history of the Hidden Valley Country Club:

1. Late 1956 or 1957 - country club operation started which consisted of 131 acres and included bar-dining room-lounge, snack bar, swimming pool, wading pool, pool house, tennis court, and golf course. Said uses were permitted under Section 200.5 (1955 BCZR) on over three acres.
2. 1963 - use became nonconforming when regulations changed to require a special exception for this type of use under Section 200.15 (1963 BCZR).
3. 1974 - golf course closed due to damage from tropical storm Agnes.
4. 1974 or 1975 - Operated as a singles club for a short period of time after which it reverted back to its use as a country club.
5. 1978 - 131+ acres subdivided of which 13.28 acres of land with improvements were for the country club, 85 acres were for building lots, and 27 acres were reserved for future development.
6. February 1979 - filed a special hearing for a nonconforming use and a special exception for a restaurant converted from a building per Section 402.3 (79-255-XSPH).
February 15, 1980 - nonconforming use as a country club was granted, special exception was denied.
7. Appealed to Board of Appeals.
October 9, 1980 - Board remanded to the Zoning Commissioner.
October 14, 1980 - Board issued Amended Order remanding to the Zoning Commissioner.
November 12, 1980 - Board ordered that all prior Board Orders be rescinded.
October 6, 1981 - Board Ordered that appeal be Dismissed per request of attorney for petitioner.