

IN THE MATTER OF
PINE RIDGE GOLF COURSE and
THE CITY OF BALTIMORE
EAST SIDE OF DULANEY VALLEY ROAD
RE: EXPANSION OF GOLF COURSE
8th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CBA-87-120
and
CASE NO. 88-8-SPH

ORDER FOR DISMISSAL

The Board is in receipt of a Motion to Dismiss all the petitions and the waiver application and appeals from the decision of the Zoning Commissioner and the granting of the waiver as regarding the Baltimore Municipal Golf Corporation. The Motion to Dismiss these matters (a copy of which is attached hereto and made a part hereof) is signed by Robert A. Hoffman, Counsel for Baltimore Municipal Golf Corporation; Eugene A. Seidel, Counsel for the City of Baltimore; S. Eric Dinenna, Counsel for J. William Murray, et al; and Phyllis Cole Friedman, People's Counsel for Baltimore County. The Motion clearly states that the Board of Appeals of Baltimore County consider all of the above-stated petitions and waiver application withdrawn. Since each and every matter is clearly stated in this Motion to Dismiss, and since it is signed by representatives of all parties, the Board will grant the Motion and dismiss all of these matters.

IT IS THEREFORE this 17th day of January, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Motion to Dismiss in Case No. CBA-87-120 and Case No. 88-8-SPH be and the same is GRANTED; and

IT IS FURTHER ORDERED that the Petitions for Special Hearing filed in Case No. 88-8-SPH and the Application for Waiver filed in Waiver Request

Case No. CBA-87-120 and
Case No. 88-8-SPH
Pine Ridge Golf Course and
The City of Baltimore

No. W-87-76, Case No. CBA-87-120, be and the same are WITHDRAWN; and that the appeals from the decision of the Zoning Commissioner in Case No. 88-8-SPH and the appeal of the waiver granted in Case No. CBA-87-120 be and the same are DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Arnold G. Foreman

Lawrence E. Schmidt

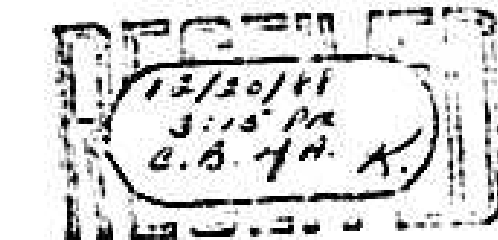
IN RE: Petitions for Special Hearing and Waiver from CRG, E/S of Dulaney Valley Rd. along the Loch Raven Reservoir between Chapelwood Lane and Old Bosley Rd. (2101 Dulaney Valley Rd., 8th Election District Baltimore Municipal Golf Corp., Petitioner and Applicant

BEFORE THE
COUNTY BOARD
OF APPEALS
OF
BALTIMORE COUNTY
Case Nos.: 88-8-SPH
W-87-86

MOTION TO DISMISS

The Baltimore Municipal Golf Corporation, by Robert A. Hoffman, Esquire the City of Baltimore, by Eugene A. Seidel, Esquire, J. William Murray, et al., by S. Eric Dinenna, Esquire and the Office of People's Counsel for Baltimore County, by Phyllis Cole Friedman, People's Counsel for Baltimore County, join in this Motion to Dismiss and request the following:

1. That the Petition for Special Hearing filed on behalf of J. William Murray, et al, in Zoning Commissioner Case No. 88-8-SPH be withdrawn;
2. That the Petition for Special Hearing filed by the Baltimore Municipal Golf Corporation, in Zoning Commissioner Case Number 88-8-SPH be withdrawn;
3. That an Application for Waiver filed on behalf of the Baltimore Municipal Golf Corporation in Waiver Request Number W-87-76 be withdrawn;



4. That Appeals from the decision of the Zoning Commissioner in Zoning Commissioner Case No. 88-8-SPH dated August 3, 1987 filed on behalf of J. William Murray, et al, and dated August 19, 1987 filed on behalf of the Office of People's Counsel be dismissed; and,

5. That an appeal of the waiver granted in Waiver Request Number W-87-76 filed by William F. Wilke and Mrs. John K. Owen on April 8, 1987 be dismissed.

WHEREFORE, it is respectfully requested that the County Board of Appeals of Baltimore County consider all of the above stated petitions or application withdrawn and thereby grant this Motion to Dismiss all appeals in these cases.

Robert A. Hoffman
Attorney for Baltimore Municipal
Golf Corporation

Eugene A. Seidel
Attorney for the City of Baltimore

S. Eric Dinenna
Attorney for J. William Murray,
et al.

Phyllis Cole Friedman
People's Counsel for Baltimore
County

IN THE MATTER OF
PINE RIDGE GOLF COURSE AND
THE CITY OF BALTIMORE
EAST SIDE OF DULANEY VALLEY ROAD
RE: EXPANSION OF GOLF COURSE
8th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CBA-87-120
and
CASE NO. 88-8-SPH

RULING ON REQUEST FOR CONTINUANCE

A request for a continuance in Case No. CBA-87-120 and Case No. 88-8-SPH was received in this office on March 6, 1988, which complies with the Board's rule requiring 15 days notice for a request for continuance.

A meeting was held with legal representatives from all parties present on March 9, 1988. At this meeting, the reasons why the March 23, 1988 date was unrealistic were discussed. The issue in both cases really turns on a decision to be rendered some time in the near future by the Baltimore City Board of Estimates as to whether the proposal is to be pursued. In light of this, and over Mr. Dinenna's objections on behalf of the protestants, the most logical course is to grant the continuance.

ORDER

It is therefore this 11th day of March, 1988 by the County Board of Appeals of Baltimore County ORDERED that the continuance requested for the above-named hearing scheduled for March 23 be continued and be re-scheduled for hearing at 10:00 a.m. on June 1, 1988.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

IN RE: PETITION SPECIAL HEARING
E/S of Dulaney Valley Road
along the Loch Raven Reser-
voir, between Chapel Wood
Lane and Old Bosley Road
(2101 Dulaney Valley Road) -
8th Election District
The City of Baltimore,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-8-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests confirmation that the proposed expansion of the Pine Ridge Golf Course is exempt from the Baltimore County Zoning Regulations (BCZR).

The Petitioner, by Henry Miller, Chairman of the Baltimore Municipal Golf Corporation (BMGC), appeared and testified, and was represented by Counsel. J. William Murray, President of the Wakefield Community Association; William Wilke, President of the Pot Springs Community Association; and Joseph J. Owen, Chairperson of the Fox Chapel Association, appeared in opposition and were represented by Counsel. In addition, the protestants filed a cross-Petition for a determination of the same issue, but for the purpose of this decision, they will be referred to as Protestants and the City of Baltimore (City) as Petitioner. In addition to these Protestants, many others appeared and testified in opposition.

Testimony indicated that the subject property, located on the east side of Dulaney Valley Road at Loch Raven Reservoir and zoned R.C.4, presently contains an 18 hole golf course. The Petitioner proposes to add another 18 holes, and the issue is whether a special exception is required, or at the very least, a special hearing to expand the existing golf course, or whether the golf course, situated on property owned by the City, is exempt from the BCZR.

Prior to 1984, the five City-owned golf courses were operated by the City Department of Recreation and Parks. They were open to the public, were losing money, and were being criticized by golfers who used them for not being adequately maintained. Mayor Schaefer, not enamored with the City's management and operation, appointed a committee which recommended that a non-profit corporation assume control. The outgrowth of this was the BMGC. BMGC and the City entered into a lease agreement, which was recommended by the Mayor and the Director of Recreation and Parks and approved by the Board of Estimates. It took over and improved the courses, increased the fees, and to the satisfaction of the golf-playing public, brought success to the five City-owned courses that it now manages and operates. All money collected as fees gets turned back into each course. Prior to the assumption of management by BMGC, costs exceeded revenues, and since that time, revenues have in fact exceeded costs.

Now, BMGC has concluded that Pine Ridge, one of those City-owned courses, should be expanded by another 18 holes. Presently, use has exceeded 60,000 rounds of golf per year, which is accepted by professionals as the saturation point for a golf course. Indeed, 70% of those who use Pine Ridge are County residents.

There is no question that BMGC employees work the course, not City employees, and that BMGC is not a City department nor an agency, per se, of the Mayor or City Council.

The Protestants argued that the proposed expansion of the golf course would be environmentally unsound in that it would negatively impact the Loch Raven watershed; that it should be required to satisfy the same regulations as any other proposed development; and that the traffic, parking facilities, security, and ingress and egress should all be examined and reviewed before

expansion is permitted. Their primary concern, as expressed by Vince Gardenia, is environmental.

Many of these issues, of course, would be required to be reviewed if a special exception were to be mandated and some if a special hearing to amend a prior special exception were required. Most, especially those environmental matters, would be reviewed if the development regulations of Baltimore County were applicable (another related issue which is not the subject of this hearing). Even if it were decided that the development regulations were not applicable, it would seem that the City Council has assumed responsibility in this area by passing a resolution requesting the Mayor to delay implementation of this expansion until such time as the Council can hold a public hearing to investigate potential harm to the watershed. As for the zoning regulations, it is clear that the proposed expansion is exempt.

These golf courses, including Pine Ridge, are City owned. It does not matter who or what manages them. Each is open for the public and operated for the public benefit. City of Balto. v. State Dept. of Health, 361 A.2d 1188 (1978). The Protestants argued that, unlike the Campfire Girls and the need for a group home, there is no requirement in the City Charter for the City to provide golf courses. This Commissioner disagrees.

Golf courses, like swimming pools, tennis courts, ball fields, basketball courts, and other recreational facilities, provide a special need, i.e., a benefit to the public which any local governmental entity serves and for which it exists. While it is true that in City of Balto., supra, the Court of Special Appeals discussed the question of State-owned facilities coming under local zoning regulations, it also accepted the argument of "public use" or governmental use to exempt a private concern which utilizes State-owned property from the City zoning regulations. It is equally clear that the

Court drew a distinction between a tenant's use of State-owned property for a private venture or purpose and the tenant's use to further or carry out a public use or benefit.

Endless analogies can be drawn, but the bottom line is the factual context of each situation in which the use must be measured. Whether it be a hair salon on a state college campus, with at best a tenuous relationship to a public benefit (the cutting of students' hair), a trucking terminal on state-owned land (Youngstown Cartage Co. v. North Point Peninsula Community, 24 Md. App. 624 (1975)), or field offices used by the Division of Parole and Probation on privately-owned property leased to the State (see 62 Op. A.G.45, 02/04/77), each factual situation must be examined. Certainly, while not binding, the Attorney General's Opinion, supra, is consistent with the view that a use and its proposed expansion, which is the nature of this hearing, is exempt from the application of the BCZR.

Section 103.2, BCZR, requires that after any public use ceases or when title of publicly-owned land passes into private ownership, such land or buildings cannot be used for private purposes unless they conform to the Zoning Regulations. Certainly, the reverse is equally true, i.e., property in public use is not subject to the BCZR. If land devoted to public use was subject to the Regulations, Section 103.2 would be superfluous.

It is the use to which the land is put, not the ownership or the tenant, that determines the applicability of the BCZR. When the public use ceases or when title passes, public land or buildings shall not be used for private purposes. This view is supported by City of Balto., supra, and by the Attorney General's Opinion, supra.

Further, the Protestants acknowledged that the City established a golf course on the watershed property in the mid-1950's. While a public park or

playground was permitted as of right in all residential zones under the 1945 Regulations and a country club required a special permit (special exception) in all residential zones, the only mention of a golf course is in Section XIII.B.1 for a golf driving course, including miniature golf, which also required a special permit. Inasmuch as the current BCZR combine golf courses and country clubs in uses requiring a special exception (see Section 1A03.3.B.7, BCZR), it is logical to assume that a golf course also required a special exception (special permit) under the 1945 Regulations. If Pine Ridge was created after 1955, the BCZR then in effect also required a special exception for a golf course in the residential zoning classification in which Pine Ridge was then located. The Zoning Office has no record of a special exception being requested or granted for Pine Ridge. Certainly, neither the Petitioner nor the Protestants presented evidence of such. One could therefore assume, if not presume, that Pine Ridge was considered to be exempt when it began. Nothing has changed to alter that conclusion. The change in management certainly does not change the use, which has operated since its conception as a public course providing a benefit to the public.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested relief should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd August, 1987, that expansion of the Pine Ridge Golf Course is exempt from the BCZR and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date August 3, 1987
By [Signature]

AJ/srl

- 5 -

cc: John B. Howard, Esquire
S. Eric DiNenna, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
Date August 3, 1987
By [Signature]

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88-8
PETITION FOR SPECIAL HEARING #484
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Additional
Petition 6/1/87
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve... require any expansion and/or change of use of the Pine Ridge Golf Course to... be in conformance with the BCZR and not exempt therefrom.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Petitioners
KIMBLE CONSULTANTS, INC.
J. William Murray, President
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
DiNenna, Mann & Breschi
S. Eric DiNenna
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 286-6829
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
S. Eric DiNenna
409 Washington Avenue, Suite 600
Towson, Maryland 21204
286-6829
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of June, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of June, 1987, at 10:00 o'clock A.M.

Cal Jolan
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date August 3, 1987
By [Signature]

484
88-8-SPH
PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve... the expansion of the Pine Ridge Golf Course as exempt from Baltimore County Zoning Regulations.

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
John B. Howard, Esquire
Signature
Address
City and State
Attorney's Telephone No.: 823-4111
Legal Owner(s):
The City of Baltimore
(Type or Print Name)
Signature By: Michael Hart, President
Board of Recreation and Parks
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Towson, Maryland 21204
823-4111
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of July, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of June, 1987, at 10:00 o'clock A.M.

Cal Jolan
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date August 3, 1987
By [Signature]

A.C.O.-M.1 (over)

484
KIDDE CONSULTANTS, INC.
Subsidiary of Kidde, Inc.
Advertise: E/S Dulaney
Valley Road along the
Loch Raven Reservoir
RC-4, 8th.
Between Chapel Wood
Lane and Old Bosley
Road.
Acreage: 761.83 ACRES

DESCRIPTION
FOR ZONING PURPOSES
PINE RIDGE GOLF COURSE
EAST OF DULANEY VALLEY ROAD AT LOCH RAVEN RESERVOIR
8TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
761.83 ACRE TRACT

COMMENCING AT THE intersection of the easterly right of way line of Dulaney Valley Road, 66 feet wide, with the end of the curved fillet of the northerly right of way line of Surrey Road, said point being shown on the plat of Section One Revised of Wakefield, dated August 15, 1956 and recorded among the land records of Baltimore County in Plat Book G.L.B. 23 Folio 93 and having coordinates of North 55464.48 and East 6176.74 on the grid of the Baltimore County Metropolitan District Control; thence to traverse to the true point of beginning the following three courses and distances: (1) along the easterly right of way line of Dulaney Valley Road North 24 degrees 30 minutes 58 seconds East 100.00 feet to the northwest corner of the said plat of Section One Revised of Wakefield, having coordinates of North 55555.47 and East 6418.23; (2) along the northerly side of said plat of Section One Revised of Wakefield, North 64 degrees 40 minutes 18 seconds East 634.81 feet to the match point with the northwest corner of the plat of Section Three of Wakefield, dated April 14, 1960 and recorded among the land records of Baltimore County in Plat Book W.J.R. 27 Folio 6 said point having coordinates of North 55827.04 and East 6992.02; (3) along the northerly side of said plat of Section Three of Wakefield, North 64 degrees 40 minutes 18 seconds East 340.74 feet to intersect with the East 7300 grid line, this point being the True Point of Beginning, having coordinates of North 55972.81 and East 7300.00;

KIDDE CONSULTANTS, INC.
Subsidiary of Kidde, Inc.

Description
Pine Ridge Golf Course
May 11, 1987
Page 2

thence for a clockwise perimeter description of the area of Pine Ridge Golf Course the following twenty two courses and distances: (1) along the East 7300 grid line, due North 2527.19 feet to the point having coordinates North 58500 and East 7300; (2) along the North 58500 grid line, due East 1700.00 feet to the point having coordinates North 58500 and East 9000; (3) South 36 degrees 52 minutes 12 seconds East 2500.00 feet to the point having coordinates North 56500 and East 10500; (4) South 82 degrees 05 minutes 34 seconds East 3.334.56 feet to the point having coordinates North 56000 and East 14100; (5) along the East 14100 grid due South 2000.00 feet to the point having coordinates North 54000 and East 14100; (6) South 46 degrees 23 minutes 50 seconds West 2900.00 feet to the point having coordinates North 52000 and East 12000; (7) South 46 degrees 58 minutes 30 seconds West 2051.83 feet to the point having coordinates North 50600 and East 10500; (8) North 51 degrees 20 minutes 25 seconds West 1920.94 feet to the point having coordinates North 51800 and East 9000; (9) North 79 degrees 59 minutes 31 seconds West 1726.27 feet to the point having coordinates North 52100 and East 7300; (10) along the East 7300 grid due North 1866.08 feet to the point having coordinates North 53966.08 and East 7300.00, which point is on the southerly side of Block "F" as shown on the plat of Section One Revised of Wakefield, dated August 15, 1956 and recorded among the land records of Baltimore County in Plat Book

KIDDE CONSULTANTS, INC.
Subsidiary of Kidde, Inc.
Description
Pine Ridge Golf Course
May 11, 1987
Page 3
G.L.B. 23 Folio 93; (11) Northeast 299.22 feet along the curved southerly side of said plat of Section One Revised of Wakefield, said curve having a radius of 1800 feet and being concave to the Northwest, to the match point with the Southwest corner of the plat of Section Two of Wakefield, dated April 13, 1959 and recorded among the land records of Baltimore County in Plat Book G.L.B. 26 Folio 43, said point having coordinates of North 54087.28 and East 7568.67; (12) Northeast 466.36 feet along the curved southerly side of said plat of Section Two of Wakefield, said curve having a radius of 1800 feet and being concave to the Northwest, to the point having coordinates of North 54275.77 and East 7993.85; (13) North 68 degrees 40 minutes 08 seconds East 471.55 feet to the Southeast corner of said plat of Section Two of Wakefield, to the point having coordinates of North 54570.97 and East 8396.64; (14) North 20 degrees 05 minutes 00 seconds East 391.68 feet to the point having coordinates of North 54588.83 and East 8262.14; (15) Northwest 437.05 feet along the curved easterly side of the plat of Section Two of Wakefield, said curve having a radius of 1650 feet and being concave to the West, to the point having coordinates of North 55272.89 and East 8056.54; (16) North 36 degrees 24 minutes 24 seconds West 114.32 feet to the match point with the Southeast corner of the plat of Section Three of Wakefield, Dated April 14, 1960, recorded among the land records of Baltimore County in Plat Book W.J.R. 27 Folio

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municipal immunity:

Orange County v. Apopka, 299 South 2nd 659, (1974), a Florida case wherein
one governmental unit in the use of its extraterritorial property, purchased or
condemned.

It must be uniquely cited that in every case that can be cited throughout the United States, we are discussing municipalities within the confines of a specific county, for example, the city of Annapolis within the confines of Anne Arundel County.

Baltimore City is not within the confines of any county, nor does Baltimore County have any incorporated towns or municipalities within its boundaries. We are unique and distinctly different concerning governmental municipality.

I would like to note that the only exemption concerning governmental immunity or a zoning ordinance's inapplicability upon the city government, is found in Baltimore City Zoning Ordinance, Section 2.0-11, which states:

"The following uses are allowed in any district: overhead electric distribution and telephone lines, and underground utility lines and distributing equipment, conduits, vaults, pipelines, laterals, mains, traffic signals, telephone booths and pedestals, and other similar installations and equipment or accessories of a public utility or governmental service."

It is a known fact that the Baltimore City Zoning Regulations apply their own regulations to their own uses such as governmental buildings, court houses, fire and police stations, etc. Only a state owned and operated use is exempt as well as the United States owned and operated use are exempt from the Baltimore City regulations. To give an example, the United States post office building is owned and operated by the U.S. Postal Service and therefore exempt from the imposition of the Baltimore City Zoning Ordinance. Why if the city imposes upon its own governmental uses zoning requirements, should Baltimore City be exempt from another municipalities zoning ordinance such as exists in Baltimore County?

It is respectfully requested by the residents/cross petitioners, that the Zoning Commissioner of Baltimore County find that the use and intended expanded use of the Pine Ridge Golf Course located on city owned property and operated by a private corporation, petition for Special Exception for a golf course, prior to its utilization.

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(301)296-6820
Attorneys for Cross Petitioners

I HEREBY CERTIFY that on this 27th day of July, 1987,
a copy of the foregoing Memorandum was mailed, postage prepaid, to JOHN B.
HOWARD and ROBERT HOFFMAN, 210 Allegheny Avenue, Post Office Box 5517,
Towson, Maryland 21204, and to the People's Counsel for Baltimore County,
County Court House, Towson, Maryland 21204.

IN RE: * BEFORE THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
EAST SIDE OF DULANEY VALLEY *
ROAD AT LOCH RAVEN RESERVOIR, * OF BALTIMORE COUNTY
THE CITY OF BALTIMORE, *
Petitioner * Case No.: 88-85PH

REPLY MEMORANDUM IN SUPPORT OF
PETITION FOR SPECIAL HEARING

The Mayor and City Council of Baltimore (the "City of Baltimore" or the "City"), by its attorneys John A. Howard and Robert A. Hoffman, respectfully submits this Reply Memorandum in response to the Memorandum of Residents/Cross Petitioners ("the Residents"), and states the following:

FACTS

There does not appear to be any dispute as to the facts in the present case as presented in the memorandum submitted by the Petitioner and the Residents, and therefore they need only be briefly restated in pertinent part here. The Pine Ridge Golf Course (the "Golf Course") is currently owned by the City of Baltimore, and is managed and operated as a public course on behalf of the City by the Baltimore Municipal Golf Corporation ("BMGC"). BMGC is a non-profit Maryland corporation that was organized by the City of Baltimore to manage all of the public golf courses owned by the City. The City of Baltimore has

entered into a Golf Course Management Agreement with BMGC, pursuant to which BMGC manages Pine Ridge. The Petitioner wishes to expand Pine Ridge and has requested that the Zoning Commissioner determine it to be exempt from the Baltimore County Zoning Regulations.

DISCUSSION

It is the position of the Residents that under the Baltimore County Zoning Regulations the Petitioner is required to obtain a special exception prior to expanding the Pine Ridge Golf Course. The principal argument of the Residents is to the effect that the Golf Course does not serve a public purpose and therefore is not exempt from the zoning regulations.

The Residents begin their attempt to support this assertion by reciting portions of the Articles of Incorporation of BMGC, including the provision that states that the corporation is formed "to establish, maintain, operate and improve golf courses and other recreational facilities for the benefit and use of the public; . . ." (emphasis added). The Residents then state that a thorough review of the purposes for which the Corporation was formed reveals that there is no recital that its purpose is governmental in nature or for the benefit of Baltimore City. Obviously if the Charter authorizes the use and improvement of golf courses "for the benefit and

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use of the public," it is unnecessary to recite it is for the benefit of Baltimore City.

The Residents' Memorandum then describes the Management Agreement between BMGC and the City at some length, apparently in an attempt to establish that BMGC is not an agency of the City. The Petitioner, however, does not contend that BMGC is an agency of the City. The fact that BMGC is not an agency of Baltimore City is completely and totally irrelevant, as illustrated at p. 6 of Petitioner's Memorandum in the discussion of Mayor and City Council of Baltimore v. State Department of Health and Mental Hygiene, 38 Md. App. 570 (1978). In that case, the Court held that when a private third party leased State-owned property for a "public" purpose, the entity was not subject to the zoning regulations of Baltimore City.

The Residents' Memorandum next cites a number of cases to support their contention that the Pine Ridge expansion should be subject to the zoning regulations, but the cases fail to provide persuasive authority. The Residents begin by citing Youngstown Cartage Company v. North Point Peninsula, 24 Md. App. 624 (1975), quoting the Court's statement that "when the state acquires land and then leases or rents that land to a private person or concern for private use, the land is subject to local ordinances or regulations so long as it is so leased or

rented." (emphasis added). The Youngstown decision does not apply to the present case, however, because the golf course is being leased for a public use, not a private use. The Residents also make the conclusory statement at p. 5 of their Memorandum that under Youngstown the operation of a golf course is "proprietary," but they provide no support for this statement.

Although the Residents next admit that the facts are similar, they attempt to distinguish the holding in Mayor and City Council of Baltimore v. State Department of Health and Mental Hygiene, *supra*, from the present case by arguing that the Mayor and City Council case involved a month-to-month lease, while the present case involves a 15-year lease. The length of the lease, however, is again irrelevant from a legal standpoint and has no bearing on whether the use is for a "public purpose." The Residents then cite an excerpt from the Mayor and City Council case at p. 4 of their Memorandum, ending the excerpt with what appears to be a quote, but clearly was not intended as such by counsel, that reads: "The uniqueness of this case versus a case of bar [sic], is that the State of Maryland and its various agencies which charge by the state legislature to perform this program [sic]." Not only is this not the Court's language, but again the key

determination is whether the use is a "public" one and the distinction the Residents attempt to make is irrelevant.

As noted above, the crux of the Resident's argument is that the Golf Course does not constitute a "public use", but is "proprietary" in nature. The Residents are unable to cite any Maryland authorities to support their assertion, however, and the cases cited from other jurisdictions also fall far short of the mark. First, the decision in Orange County v. Apopka, 299 S.2d (1974), is not applicable because in Apopka the Court only addressed the issue of whether or not there was sufficient evidence to support a zoning decision of the Board of County Commissioners to reject a special exception for an airport, not whether or not an airport constituted a public or proprietary use. Second, the decision in Little Joseph Realty, Inc. v. Babylon, 51 App. Div. 2d, 379 NYS 2d 436 (1976) is also inapplicable in that the contested use was that of an asphalt plant owned by a private, for-profit corporation, which was leasing property from a municipality. The Babylon Court did state that the manufacture of asphalt was not the exercise of a governmental ("public") activity. 379 NYS 2d at 441. Interestingly, the Babylon Court also referred to a New York case in which a lease and an agreement to operate the county stadium were at issue, and the county stadium was

found to be for the benefit of the public because it provided recreation, cultural activities and the viewing of sports events. Id. (citing Murphy v. Erie County, 28 NY 2d 80, 320 NYS 2d 29, 268 N.E. 2d 771). While it is apparent on its face that an asphalt plant operated by a private company is not a "public use", the finding in Murphy v. Erie County that a county-owned recreational facility constitutes a "public use" serves only to buttress the position of the Petitioner.

A third case cited by the Residents, Palm Beach County v. Palm Beach, 310 S.2d 384 (1975), only addresses the issue of whether or not a county is bound by a town's zoning ordinances when the county's property is located within the limits of the town. The court did not address, nor make any comment on, a situation similar to ours in which two adjacent subdivisions are involved. Fourth, although the Court in Jefferson County v. City of Birmingham, 55 S.2d 196 (1951) found that a sewage disposal plant constituted a "proprietary use", the Court also acknowledged that a number of Alabama cases had held that operation of a sewage disposal plant constituted a governmental (public) function, although the cases dealt with the question of tort liability, not zoning. *Id.* at 230. In addition, the question presented in the present case is not whether a sewage disposal plant constitutes a

public or governmental use, but whether a golf course constitutes such a use.

Under Maryland law, there can be little question that a golf course constitutes a "public use". In Baltimore v. State, 173 Md. 267 (1937), the Court stated that the maintenance and management of a public park is a governmental function, and went on to conclude that the maintenance and management of a public swimming pool in such a park is also a governmental function. Id. at 273-274. Similarly, in Austin v. City of Baltimore, 286 Md. 51 (1979), the Court found that a children's summer camp operated by the City's Bureau of Recreation constituted a "governmental function" because it was solely for the benefit of the children, with no profit inuring to the City, and it was intended to benefit the public health and promote the welfare of the whole public. Id. at 65. Although these two cases involved the question of the City's immunity from prosecution in tort actions, it is evident that the Maryland courts have deemed parks and related activities to be for a "public purpose." Moreover, the Maryland courts have gone so far as to find in an eminent domain case that the development of an industrial park constituted a "public use". Prince George's County v. Collington, 275 Md. 171, 179 (1975).

In light of the foregoing cases, it is clear that a golf course constitutes a "public use" under Maryland law.

In the final portion of the Resident's Memorandum, they argue that Baltimore City has not specifically exempted itself from its own zoning regulations. They then ask why the City should be exempt from Baltimore County's zoning regulations. Once again, this does not have any legal relevance to the issue presented in this case. Although the City may have agreed to subject itself to its own regulations, Baltimore City has not agreed either by statute or ordinance to subject itself to the zoning regulations of other jurisdictions, including Baltimore County. Moreover, in contrast to the Resident's statement that only property owned by the State and the United States are exempt from Baltimore City's zoning regulations, it is abundantly clear that local subdivisions owning property in Baltimore City are also exempt from such zoning regulations. (See letter to Arnold E. Jablon, dated July 31st, 1987 delivered contemporaneously herewith, a copy of which is attached hereto).

CONCLUSION

Property owned by the City of Baltimore and used for a public purpose is exempt from Baltimore County's zoning regulations. Such exemption inures to the benefit of BMGC, a non-profit Maryland corporation operating and

managing the golf course as a public course on behalf of Baltimore City. In addition, as discussed in Petitioner's Memorandum and in this Reply Memorandum, the Golf Course clearly constitutes a "public use" or a facility "for the public benefit." Accordingly, the City of Baltimore respectfully requests that the Zoning Commissioner reaffirm its exemption from the Baltimore County Zoning Regulations in the operation and expansion of the Pine Ridge Golf facility.

Respectfully submitted,

John B. Howard
JOHN B. HOWARD
Robert A. Hoffman
ROBERT A. HOFFMAN
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
410-823-4111
Attorneys for Petitioner

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Reply Memorandum was delivered to Eric S. DiNenna, Esquire, Mercantile Building, 409 Washington Avenue, Towson, Maryland 21204, by first-class mail, postage prepaid, on this 31st day of July, 1987.

Robert A. Hoffman
ROBERT A. HOFFMAN

IN RE: PETITION FOR SPECIAL HEARING
EAST SIDE OF DULANEY VALLEY
ROAD AT LOCH RAVEN RESERVOIR,
THE CITY OF BALTIMORE,
Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No.: 88-8SPH

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

The Mayor and City Council of Baltimore ("the City of Baltimore"), by its attorneys John B. Howard and Robert A. Hoffman, respectfully submits this Memorandum in support of its Petition for Special Hearing before the Zoning Commissioner to establish that the City of Baltimore is exempt from the Baltimore County Zoning Regulations ("the zoning regulations") in expanding the Pine Ridge Golf Course facility.

I. Question Presented

Whether the proposed expansion of the Pine Ridge Golf Course, which is located on property owned by the the City of Baltimore on the east side of Dulaney Valley Road at Loch Raven Reservoir and which is managed and operated on behalf of the City of Baltimore by the Baltimore Municipal Golf Corporation ("BMGC"), is exempt from the zoning regulations.

II. Discussion

The issue presented to the Zoning Commissioner in the present case can be more clearly assessed by analyzing

it in two parts: (i) whether or not property owned by the the City of Baltimore used for public purposes and located in Baltimore County is exempt from the zoning regulations and, (ii) if exempt, whether or not the operation and management of the facility by BMGC, a non-profit Maryland corporation whose sole function is the operation of Baltimore City golf courses, in any manner affects such exempt status.

A. With regard to the first part, the following discussion demonstrates that the City of Baltimore is exempt in the present case from the zoning regulations.

It is well-settled law that property owned by the State of Maryland and used for state purposes is exempt from municipal zoning regulations. Mayor and City Council of Baltimore v. State of Maryland, 281 Md. 217 (1977). The basis for this conclusion lies in the principles of statutory construction. When the General Assembly passes legislation, the State is not deemed bound by it unless the enactment specifically names the State or manifests a clear and indisputable intention that the State is to be bound. Id. at 223. The political subdivisions of the State derive zoning power from the Zoning Enabling Act. Maryland Code (1957, 1983 Replacement Vol.) Art. 66B, §201 et seq. (Baltimore County derives zoning power from certain public local laws enacted by the General Assembly between 1939 and 1955, rather than from the Enabling Act.

Murray v. Director of Planning, 217 Md. 381, 385 (1975)).

Because the General Assembly has neither named the State nor manifested an intention that the State be bound in this zoning-related legislation, municipalities do not have the authority to subject the State to local zoning laws.

Similarly, political subdivisions of the State (i.e., the City of Baltimore) using property for public purposes are immune from the local zoning regulations of neighboring subdivisions. In an Attorney General's opinion one municipality was determined to be without authority to subject liquor dispensaries operated by another municipality to its local zoning ordinances. The Opinion states that:

[W]hether or not the Wicomico County Liquor Control Board is a state agency is immaterial in this instance because even if the board were held to be a county agency, its use of property for a liquor dispensary and warehouse would be immune from local zoning regulation.

Alcoholic Beverages - Location of liquor dispensary leased by Liquor Control Board of Wicomico County not subject to City of Salisbury Zoning Ordinance, 62 Op. Atty. Gen. 45 (1977).

The Attorney General there relied on McQuillin, Municipal Corporations, in reaching this conclusion. McQuillin states:

[M]unicipal zoning regulations or restrictions usually do not apply to the State or any of its subdivisions or agencies. [T]hus, properties and the uses thereof may be immune or exempt from the operation of municipal zoning regulations

where owned or controlled by counties, school districts or boards, park districts or like bodies, or by other agencies or subdivisions of the State. (emphasis added).

8 McQuillin, Municipal Corporations, §25.15.

McQuillin cites cases from Wisconsin, California and Colorado as support for this statement.

The cases cited in McQuillin are persuasive on the issue. In Green County v. City of Monroe, 3 Wisc. 2d 196, 87 N.W. 2d 827 (1958), the Supreme Court of Wisconsin held that a county was not subject to the terms, conditions and provisions of a city zoning ordinance pertaining to the location and construction of a county jail on county property located within the city. The Court in Reber v. South Lakewood Sanitation District, 147 Colo. 70, 362 P.2d 877 (1961), held that state subdivisions may overrule or disregard the restrictions of county or municipal zoning laws. The court stated:

[C]ourts of last resort have recognized that districts, authorities, and other state authorized governmental subdivisions have the power to overrule or disregard the restrictions of county or municipal zoning regulations. (emphasis added).

Id. at 879, 980.

Finally, the Court in County of Los Angeles v. City of Los Angeles, 212 Cal. App. 2d 160, 28 Cal. Rptr. 32 (1963) held that city zoning laws are not applicable to county property located in the city.

Other commentators have also expressed the traditional rule that "governmental entities, whether local or interloping, have been granted absolute immunity from local zoning regulations." 4 Rathkopf, Law of Zoning and Planning, §53.01. See also, Metzbaum, The Law of Zoning, Chapter X-1 (1955). Based on the foregoing authority, the City of Baltimore is clearly immune from the zoning regulations in this case.

B. With regard to the second part, the immunity enjoyed by the City of Baltimore will inure to the benefit of BMGC, provided that the public golf course is deemed to be for a "public purpose."

BMGC is a non-profit Maryland corporation that was incorporated at the behest of the Mayor and City Council of Baltimore by Jay M. Caplan, who at the time was Chief Solicitor with the Law Department in Baltimore City. The City has entered into a Golf Course Management Agreement with BMGC to manage all of the public golf courses owned by the City in an effort to improve the management of those facilities. The Pine Ridge Golf Course continues to be owned by the City of Baltimore, and BMGC clearly operates the course on behalf of the City for the benefit of the public.

On several occasions, the Court of Special Appeals has addressed the issue of whether or not a public body's exemption can be utilized for the benefit of a

private entity. The decisions of the Court appear to invoke a use inquiry known as the government-proprietary test. This test examines the use of the property to determine if it is for a "public" or "private" purpose. When a third party leases State owned property for a "private" purpose, the third party is not immune from local zoning regulations. Youngstown Cartage Company v. Northpoint Peninsula, 24 Md. App. 624 (1975). On the other hand, when a third party leases State owned property for a "public" purpose, the third party is immune. Mayor and City Council of Baltimore v. State Department of Health and Mental Hygiene, 38 Md. App. 570 (1978). In this case, because the City of Baltimore is exempt from the zoning regulations and BMGC is acting on behalf of the City, BMGC will also be exempt as long as the use of the land is deemed to be for a "public" purpose.

The Maryland Court of Appeals originally adopted a strict interpretation of the term "public purpose" by stating that public use means:

use or enjoyment by the public . . . the test . . . is whether a public trust is imposed on the property, whether the public has a legal right to use, which cannot be gainsaid, or denied, or withdrawn at the pleasure of the owner.

Aknsperger v. Crawford, 101 Md. 247, 253 (1905) (citing Farmers Market Co. v. Philadelphia R.R. Co., 10 Pa. Co. Ct. 25).

Subsequent Maryland courts, however, have construed the term more liberally. In 1953, the Court expressed the view that the test should be whether the use was for a "public benefit." Herzinger v. City of Baltimore 203 Md. 49 (1953). See also, Master Royalties Corporation v. Maryland and City Council of Baltimore, 235 Md. 74 (1964) (finding that public use embodies a broader concept than was determined in Aknsperger).

Maryland now has two distinct concepts of public use, either the strict "used by the public" or the more liberal "for the public benefit." See Ghinger & Ghinger, A Contemporary Appraisal of Condemnation in Maryland, 30 Md. L. Rev. 301 (1970). In the present case, the use passes both the strict and the liberal tests. The expansion of the golf course will create greater access to a public course. It is available for use and enjoyment by the general public and is clearly for the benefit of the public. Therefore, even under the strictest standards, the Pine Ridge facility constitutes a public use.

III. Conclusion

As illustrated in the foregoing discussion, the property owned by the City of Baltimore at the Pine Ridge Golf Course is exempt from the Baltimore County Zoning Regulations in that it constitutes a public use. This is true regardless of whether or not the course is operated

and managed by the City of Baltimore or a non-profit corporation established by the City to operate the facility. Accordingly, the City of Baltimore respectfully requests that the Zoning Commissioner determine that it is exempt from Baltimore County Zoning Regulations in the operation of the Pine Ridge Golf facility.

Respectfully submitted,

John B. Howard
JOHN B. HOWARD

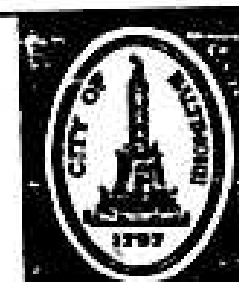
Robert A. Hoffman
ROBERT A. HOFFMAN
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorneys for Petitioner

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Memorandum in Support of Petition for Special Hearing was delivered to Eric S. Dinnena, Mercantile Building, 409 Washington Avenue, Towson, Maryland 21204 by first class mail, postage prepaid, on this 23rd day of June, 1987.

Robert A. Hoffman
ROBERT A. HOFFMAN

CITY OF BALTIMORE
WILLIAM DONALD SCHAEFER, Mayor



DEPARTMENT OF RECREATION
& PARKS
ADMINISTRATIVE DIVISION
2020 Stadium Avenue, Baltimore, Maryland 21217

January 28, 1985

The Honorable President and
Members of the Board of Estimates
204 City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

**PETITIONER'S
EXHIBIT**

Dear President and Members of the Board:

Your Honorable Board is asked to approve an agreement transferring the five (5) City golf courses - Pine Ridge, Mt. Pleasant, Clifftop Park, Forest Park, Carroll Park - to the Baltimore Municipal Golf Corporation ("BMGC"). The lease is for fifteen (15) years, with five (5) year renewal terms. No City personnel are being transferred. BMGC will manage, operate and develop the golf courses. BMGC may make capital improvements and add new buildings subject to Board of Estimates' approval. Included in the transfer are the equipment and certain buildings houses located on the golf courses.

BMGC will institute a fundraising program. It will set up programs to improve the courses, to raise attendance and to interest parties in playing golf. It will set up an endowment fund to be used to improve the golf courses. It has control of the fees.

The City will provide initial funding of \$125,000.00. If BMGC wishes additional funding, it may apply for operating funds or capital budget funds pursuant to City budget procedures and subject to City's granting of same. The City has the right to audit the books. BMGC must submit financial statements and reports to the City. BMGC provides for its own insurance; the City will continue to insure the buildings. Any work or improvements or repairs will be considered fixtures and the property of the City. There are provisions for default and termination.

"Baltimore - Tree City, U.S.A."

Awarded 1983

The Honorable President and
Members of the Board of Estimates
January 28, 1985
Page Two

This Agreement has been approved by the Law Department, Department of Audits and the Department of Finance. Your approval is hereby requested.

Very truly yours,

Ann Scheper
ANN SCHEPER, President
Board of Recreation and Parks

AS/cdd

1/30/85-Approved by the Board of Estimates with the understanding that the following changes will be incorporated into the Agreement (Sec. VI) by a Letter Amendment:

- Any contracts, \$5,000 and over, let by the Baltimore Municipal Golf Course Corporation will be by competitive bidding which is in compliance with the City Charter. (Presently the agreement provides that any contracts over \$25,000 must be let by competitive bidding.)
- There is no commitment by the City for any additional money other than the initial funding of \$125,000. (The Corporation may apply for a subsidy if it has an operating deficit, but the City has the discretion whether it will grant such requests or not.)

Robert C. Johnson
Clerk

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STATE OF MARYLAND
State Department of Assessments and Taxation

BALTIMORE MUNICIPAL GOLF CORPORATION

01

THE
ARTICLES OF INCORPORATION
OF
BALTIMORE MUNICIPAL GOLF CORPORATION

HAVE BEEN RECEIVED AND APPROVED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION THIS 26TH DAY OF SEPTEMBER, 1984, AT 10:26 A.M. AND WILL BE RECORDED.

DEAN W. KITCHEN
CORPORATE ADMINISTRATOR

FEE PAID	FEE CODE	AMOUNT	CO CODE	DOCUMENT REFERENCE
RECORDING FEE	61	20	74	
BONUS TAX	20	20		
CERTIFIED COPY FEE	13	10		

Date: JUL 15, 1985

BALTIMORE MUNICIPAL GOLF
CORPORATION
DULANEY VALLEY ROAD
LUTHERVILLE, MD 21093Department of the Treasury
OMB Clearance Number:
1545-0054
Employer Identification Number:
Contact Person:
A.K. WILDS
Contact Telephone Number:
301-962-4787Accounting Period Ending:
December 31Foundation Status Classification:
509(a)(2)Advance Ruling Period Ends:
Dec. 31, 1986

Dear Mr. Smith:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in section 509(a)(2).

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends on the date shown above.

Within 90 days after the end of your advance ruling period, you must submit to us information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 5940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors

Letter 1045(CG)

Effective 10/28/86

BALTIMORE MUNICIPAL GOLF CORPORATION

BY-LAWS

ARTICLE I

BOARD OF DIRECTORS

Section 1. Membership. The Corporation shall have no less than (5), nor more than nine (9) Directors who shall be its only members and who shall exercise all of the rights and powers of members. Should any Director be removed or should any Director die or resign during his or her term, the Chairman of the Board of Directors shall appoint a successor for the remainder of the term of such Director for the vacancy thereby created and continue the corporate existence and activities. A Director may be removed with or without cause by the affirmative vote of a majority of the remainder of the entire Board of Directors. As the term of each Director shall end, the Chairman shall reappoint such Director or recommend a successor to such Director. If a successor is recommended by the Chairman, he or she shall serve if the recommendation is approved by a majority of the Board present at the Annual Meeting.

Section 2. Terms. The terms of the initial Directors shall be staggered. Three (3) Directors shall serve through the annual meeting in 1985; three (3) Directors shall serve through the annual meeting in 1986; and three (3) Directors shall serve through the annual meeting in 1987. Thereafter, the term of each Director shall be three (3) years. All terms shall end at the close of business of the appropriate annual meeting.

Section 3. Powers. The business and property of the Corporation shall be conducted and managed by its Board of Directors, which may exercise any and all powers of the Corporation. The Board shall keep full and fair accounts of its transactions.

This Amendment to the GOLF COURSE MANAGEMENT AGREEMENT (the "Agreement") made as **EXHIBIT 5** DEC 2 1986, 1986, by and between the Mayor and City Council of Baltimore, a municipal corporation of the State of Maryland (the "City"), acting by and through the Board of Recreation and Parks (the "Board") and the Department of Public Works ("DPW"), and Baltimore Municipal Golf Corporation, a nonprofit corporation of the State of Maryland ("BMGC"),

WITNESSETH:

WHEREAS, by Section 1.1 of the Agreement, approved by the Board of Estimates on January 30, 1985, the City did, inter alia, lease the Pine Ridge Golf Course to BMGC; and

WHEREAS, said property was described by map appended to the Agreement as Appendix A-1 (2 pages); and

WHEREAS, said property is under the jurisdiction of the DPW; and

WHEREAS, the parties wish to expand said property to accommodate an additional eighteen-hole golf course; and

WHEREAS, the City is the present owner of property abutting that property leased to BMGC under the terms of the agreement; and

WHEREAS, BMGC is desirous of leasing the adjacent property for the purpose of constructing the additional golf course referred to above, at its own expense; and

WHEREAS, the City is desirous of such an improvement to its property; and

BALTIMORE COUNTY
OFFICE OF LAW
TOWSON, MARYLAND 21204
494-4420LEONARD S. JACOBSON
COUNTY SOLICITOR

July 12, 1982

James T. Smith, Jr., Chairman
Baltimore County Council
Second Floor - Court House
Towson, Maryland 21204Re: Legal Opinion - Re: Development
of residential emergency shelter
care for young people of Baltimore
County

Dear Chairman Smith:

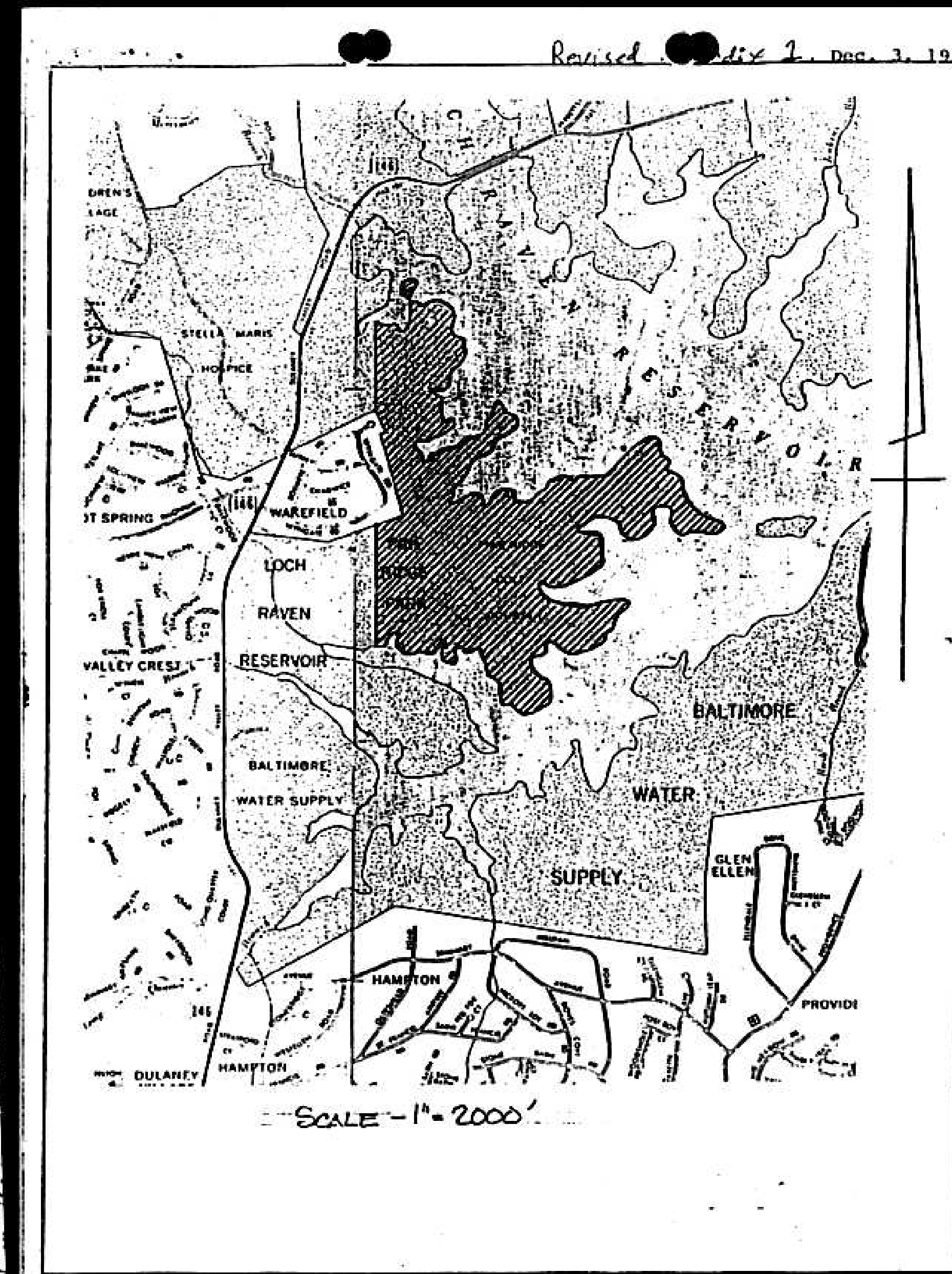
You have asked our opinion with respect to the proposal that the Board of Child Care, which is the official child caring agency of the Baltimore and Peninsula Conferences of the United Methodist Church, can provide for shelter care for adolescent youths and would this program be a governmental function as opposed to a proprietary function thus exempting same from Baltimore County Zoning Regulations.

OPINION

Our answer is that the action of the Board of Child Care to provide residential emergency shelter care for young people of Baltimore County who come through the Baltimore County Department of Social Services is definitely a governmental function in nature and thus Zoning Regulations are not applicable.

REASONING

As we have stated in recent opinions, the majority of states make the distinction between governmental and proprietary actions and enterprises. The courts have attempted to define the distinction between governmental and proprietary enterprises to show that a governmental action is being performed if the act is in pursuance to and in furtherance of obligations imposed by the legislature, both in state and local. The unit would be performing a proprietary function if the act is

Water-supply peril cited
in Pine Ridge expansion

By Sandy Banisky

Citing a new report that warns of potential dangers to the Loch Raven water supply, Baltimore Mayor Kurt L. Schmoke says he opposes expansion of the Pine Ridge Golf Course, the municipal facility on city-owned land in Baltimore County.

A new study of more than 100 pages prepared by the city Department of Public Works says the golf course's location on land extending into the Loch Raven Reservoir increases chances for pesticides and nutrients to taint the water — part of the city's drinking water supply.

Clint Coleman, a spokesman for Mr. Schmoke, quoted the mayor as saying, "Based on this report, I can't support the expansion of the golf course."

The mayor's decision appears to doom plans by Baltimore Municipal Golf Corp., the private non-profit organization that runs the city's five golf courses, to add 16 holes to the popular course.

Two years ago, the golf corporation told city officials the expansion was needed to ease crowding at Pine Ridge. In December 1986, Baltimore's Board of Estimates approved a deal that gave the corporation 200 acres of watershed property on a 15-year, rent-free lease to allow the development of a second Pine Ridge course.

But the project was delayed as Baltimore County neighbors of the land protested that development could endanger the water shed. And they said they did not want the traffic, noise and other that more development might bring to their neighborhoods.

Last summer, when Baltimore City Council members asked for a delay in the project until a detailed assessment could be made of the environmental impact. And then Mayor or Coleman H. "Bud" Burns agreed.

The Department of Public Works' study of pesticide contamination in the reservoir showed that the golf course doesn't appear to have been affected so far by the chemicals used to make the golf course's grass green and free of weeds. The sampling showed no detectable levels of the pesticide in fish samples or the bottom sediment, the two places pesticides would be likely to concentrate in the reservoir.

Despite these results, the study concluded that there could be a risk to the quality of the water Baltimore uses for drinking. Soils around the proposed expansion are the type that could allow pesticides to flow through and into the ground water below. Since ground water provides a significant source of water for streams and the reservoir, the chemicals

See WATER, 2D, Col. 5

WATER, from 1D

icals eventually could reach the water.

In addition, the study found that the amount of runoff of phosphorus and nitrogen going into the reservoir would increase significantly if the proposed golf course was built. The two pollutants act as fertilizers, increasing the amount of algae growth and reducing the amount of oxygen in the water. The reduction of oxygen makes it more difficult to treat the water to make it drinkable and can cause general water-quality problems in the reservoir.

Yesterday afternoon, Public Works Director George Balg briefed officials of the Baltimore Municipal Golf Corp., the private non-profit organization that runs the city's five golf courses, on the report. Golf cor-

poration officials could not be reached for comment.

William F. Wilke, president of the Pot Spring Community Association, which had protested the planned expansion, said yesterday he felt his neighborhood had won a victory, "but a temporary one, because there's no indication that some city department wouldn't use the watershed for some other purposes at a later date. The golf course was not the main issue. The development of the watershed was."

City officials yesterday said it was unclear if the Board of Estimates would have to rescind the 1986 lease or if Mr. Schmoke's and Mr. Balg's recommendation against the project would be enough to kill it.

Reporter Liz Bowie contributed to this article.

Morning Sun
2-18-88

CBA-87-130

88-8-SPH

[illegible]


Thomas J. Bollinger
Assistant County Solicitor

TJB:rmc

Baltimore City LWV - Lola Laubheim
Pat Lane

ZONING OFFICE

District: SEH Date of Posting: 11/22/87
 Posted for: Appan
 Postmaster: The City of Baltimore
 Location of property: F.D. Oulany Valley Rd. close East River Road
 Location of Sign: P.T. Entrance to P.R. Ridge - GOLF COURSE
 Remarks: Sign 1 - Mon sign was down - Refusing to be replaced
 Posted by: M. J. [Signature] Date of return: 11/27/87
 Number of Signs: 1



Kathleen C. Weidenhammer
Administrative Secretary

Phyllis Cole Friedman

APPEAL

Petition for vSpecial Hearing
E/S of Dulaney Valley Road along the Loch Raven Reservoir,
between Chapel Wood Lane and Old Bosley Road (2101 Dulaney Valley Road)
8th Election District - 4th Councilmanic District
The City of Baltimore - Petitioner
Case No. 88-8-SPH

Petition for Special Hearing
Description of Property
Certificates of Posting
Certificates of Publication
Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments

- Petitioner's Exhibits:
- 1) Artistic Drawing of Property
 - 2) Letter dated January 28, 1985 from Ann Scheper, President of the Board of Recreation & Parks to the President and Members of the Board of Estimates with attached Golf Course Management Agreement
 - 3) Certificate of approval by the State Department of Assessments and Taxation of the Articles of Incorporation of the Baltimore Municipal Golf Corp.
 - 4) Statement from the IRS that FMGC is exempt from federal income tax.
 - 5) By-laws of BMGC
 - 6) Amendment to the Golf Course Management Agreement dated 12/3/86

Memorandum of Resicents/Cross Petitioners dated July 27, 1987 submitted by
J. Eric DiNenna, Esquire, attorney for Protestants

Zoning Commissioner's Order dated August 3, 1987

Notice of Appeal received August 19, 1987 from People's Counsel for Baltimore County

John B. Howard, Esquire, Attorney for Petitioner
Cook, Howard, Downes & Tracy
210 Allegheny Avenue, Towson, Md. 21204

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
Mercantile-Towson Bldg., Suite 600
409 Washington Avenue
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 227, Old Courthouse, Towson, Maryland 21204

Request Notification: Norman E. Gerber, Director of Planning
James Hoswell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean H. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

August 24, 1987

Baltimore County Board of Appeals
Old Courthouse, Room 2205
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S of Dulaney Valley Road along the Loch Raven Reservoir between
Chapel Wood Lane and Old Bosley Road (2101 Dulaney Valley Road)
8th Election District, 4th Councilmanic District
The City of Baltimore - Petitioner
Case No. 88-8-SPH

Dear Board:

Please be advised that on August 21, 1987, an appeal of the decision rendered in the above-referenced case was filed by S. Eric DiNenna, Esquire, attorney for Protestants. All materials relative to the case were previously forwarded to your office in connection with an earlier appeal.

Please notify all parties to the case when an appeal hearing date and time have been scheduled and if you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JWB:bjs

cc: John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., Towson, Md. 21204

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
Mercantile-Towson Bldg., Suite 600
409 Washington Avenue
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

RECEIVED
AUG 21 1987

ZONING OFFICE

IN RE: PETITION SPECIAL HEARING
E/S of Dulaney Valley Road
along the Loch Raven Res-
ervoir, between Chapel
Wood Lane and Old Bosley
Road (2101 Dulaney Valley
Road) 8th Election District
The City of Baltimore,
Petitioner

BEFORE THE
COUNTY BOARD
OF
APPEALS

Case No.: 88-8-SPH

ORDER OF APPEAL

Mr. Commissioner:

Please enter an Appeal on behalf of the following persons from your Findings of Fact and Conclusions of Law dated August 3, 1987 with reference to the above captioned matter:

1. J. William Murray
2203 Bosmere Road
Timonium, Maryland 21093
2. Mrs. John K. Owen
308 Merrie Hunt Drive
Timonium, Maryland 21093
3. William F. Wilke
2209 Eastlake Road
Timonium, Maryland 21093
4. Robert Burns
403 Walpole Court
Timonium, Maryland 21093
5. Wakefield Improvement Assoc.
of Dulaney Valley
6. Fox Chapel Community Assoc.
c/o 308 Merrie Hunt Drive
Timonium, Maryland 21093

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

No. 33095

DATE 8/24/87 ACCOUNT 8-01-615-000

AMOUNT \$ 121.89

RECEIVED S. Eric DiNenna, DiNenna, Mann & Breschi
FROM 409 Washington Ave., Suite 600, Towson, Md. 21204

FOR Appeal Filing & Posting Fees to Case No. 88-8-SPH
The City of Baltimore - Petitioner
B 8057*****12189:3 8269F

VALIDATION OR SIGNATURE OF CASHIER

S. ERIC DINENNA

alley Crest Community Assoc.
03 Walpole Court
Timonium, Maryland 21093
f 1987,
mailed, postage prepaid, to
owson, Maryland 21204 and to
ounsel for Baltimore County,

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 8th Date of Posting 6/1/87
Posted for: Special Hearing
Petitioner: The City of Baltimore
Location of property: E/S Dulaney Valley Rd. between Chapel Wood Lane & Old Bosley Rd. (2101 Dulaney Valley Rd.)
Location of Sign: Along Dulaney Valley Rd. at entrance to Pine Ridge Golf Course
Remarks: M. Stealey
Posted by: M. Stealey Date of return: 6/5/87
Number of Signs: 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 8 Date of Posting 6/23/87
Posted for: 88-8-SPH
Petitioner: The City of Baltimore
Location of property: E/S Dulaney Valley Rd.
Location of Sign: at Pine Ridge Golf Course - Dulaney Valley Rd.
Remarks: N/A
Posted by: M. Stealey Date of return: 6/23/87
Number of Signs: 1

PETITION FOR SPECIAL HEARING

8th Election District - 4th Councilmanic District
Case No. 88-8-SPH

LOCATION: East Side Dulaney Valley Road along the Loch Raven Reservoir between Chapel Wood Lane and Old Bosley Road (2101 Dulaney Valley Road)
DATE AND TIME: Friday, June 26, 1987, at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Hearing to approve the expansion of the Pine Ridge Golf Course as exempt from Baltimore County Zoning Regulations

Being the property of The City of Baltimore, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 18, 1987

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING
E/S Dulaney Valley Rd. along the Loch Raven Reservoir between Chapel Wood Lane and Old Bosley Rd. (2101 Dulaney Valley Rd.)
8th Election District - 4th Councilmanic District
The City of Baltimore - Petitioner
Case No. 88-8-SPH

Dear Mr. Howard:

This is to advise you that \$96.89 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to the Treasurer, Baltimore County, Maryland.

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

No. 35951

DATE 6/25/87 ACCOUNT 8-01-615-000

SIGN & POST
MISSING & LOST FEE AMOUNT \$ 121.89
INCLUDED IN PAYMENT Cook, Howard, Downes & Tracy, 210 Allegheny Ave., P.O. Box 5517, Towson, Md. 21204

ADVERTISING & POSTING COSTS RE CASE #88-8-SPH

FOR: B 8057*****12189:3 8269F

VALIDATION OR SIGNATURE OF CASHIER

Jeff Long, 6/15/87
Arnold has requested me to ask you to post this sticker change on to the Pine Ridge sign today! By Betty
P.S. Please fill in attached posting certificate & return to me re change. Betty

8th Election District 88-8-SPH
Location: E/S Dulaney Valley Rd. along the Loch Raven Reservoir between Chapel Wood Lane and Old Bosley Rd. (2101 Dulaney Valley Rd.)
Hearing: Friday, June 26, 1987 at 10:00 a.m.
Petition for Special Hearing to approve the expansion of the Pine Ridge Golf Course as exempt from BCZR
Petitioner: The City of Baltimore
No. of Signs: 1 WALT STEALEY POST: 6/11/87

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

May 22, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
E/S Dulaney Valley Rd. along the Loch
Raven Reservoir between Chapel Wood
La. and Old Bosley Rd. (2101 Dulaney Valley Rd.)
8th Election District - 4th Councilmanic District
The City of Baltimore - Petitioner
Case No. 88-8-SPH

TIME: 10:00 a.m.

DATE: Friday, June 26, 1987

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

[Signature]
Zoning Commissioner
of Baltimore County

AJ:med

ccs: Mr. Michael Hart, President
Board of Recreation and Parks
2600 Madison Avenue
Baltimore, Maryland 21217

S. Eric DiNenna, Esquire
Suite 600, Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

June 15, 1987

REVISED NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL HEARING
E/S Dulaney Valley Rd. along the Loch
Raven Reservoir between Chapel Wood
La. and Old Bosley Rd. (2101 Dulaney Valley Rd.)
8th Election District - 4th Councilmanic District
The City of Baltimore - Petitioner
Case No. 88-8-SPH

TIME: 2:00 p.m.

DATE: Tuesday, June 23, 1987

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

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 36105

DATE: 5/15/87 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: C. L. H. D. T.

FOR: Sph # 989 Pine Ridge

8 8015*****1000014 21204

VALIDATION OR SIGNATURE OF CASHIER

Ms. Josephine J. Owen,
Chairman for Fox Chapel
Association
308 Merrie Hunt Drive
Timonium, Maryland 21093

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

August 19, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S of Dulaney Valley Road along the Loch Raven Reservoir between
Chapel Wood Lane and Old Bosley Road (2101 Dulaney Valley Road)
8th Election District, 4th Councilmanic District
The City of Baltimore - Petitioner
Case No. 88-8-SPH

Dear Board:

Please be advised that on August 19, 1987, an appeal of the decision
rendered in the above-referenced case was filed by People's Counsel for Baltimore
County. All materials relative to the case are being forwarded to your
office herewith.

If you have any questions concerning this matter, please do not hesitate
to contact this office.

Very truly yours,

[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., Towson, Md. 21204

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
Mercantile-Towson Bldg., Suite 600
409 Washington Avenue
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

August 24, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S of Dulaney Valley Road along the Loch Raven Reservoir between
Chapel Wood Lane and Old Bosley Road (2101 Dulaney Valley Road)
8th Election District, 4th Councilmanic District
The City of Baltimore - Petitioner
Case No. 88-8-SPH

Dear Board:

Please be advised that on August 21, 1987, an appeal of the decision
rendered in the above-referenced case was filed by S. Eric DiNenna, Esquire,
attorney for Protestants. All materials relative to the case were previously
forwarded to your office in connection with an earlier appeal.

Please notify all parties to the case when an appeal hearing date and
time have been scheduled and if you have any questions concerning this matter,
please do not hesitate to contact this office.

Very truly yours,

[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., Towson, Md. 21204

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
Mercantile-Towson Bldg., Suite 600
409 Washington Avenue
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 4, 1987

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
June 4, 1987.

THE JEFFERSONIAN,

[Signature]
Publisher

PETITION FOR
SPECIAL HEARING
ON CHESAPEAKE DISTRICT
Case No. 88-8-SPH
LOCATION: East Side of Dulaney
Valley Road along the Loch Raven
Reservoir between Chapel Wood
Lane and Old Bosley Road (2101
Dulaney Valley Road)
DATE AND TIME: Friday, June 26,
1987 at 10:00 a.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 Hearing to
approve the expansion of the Pine
Ridge Golf Course as shown on
Baltimore County Zoning Regular
Maps.
Being the property of The City of
Baltimore, all shown on plat plan
filed with the Zoning Office.
In the event that the Petitioner is
granted, a building permit may be
issued within the thirty (30) day
appeal period. If a 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
6/23/87 June 4

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 3, 1987

THIS IS TO CERTIFY, that the annexed advertisement was
published in the TOWSON TIMES, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
June 3, 1987.

TOWSON TIMES,

[Signature]
Publisher

PETITION FOR
SPECIAL HEARING
ON CHESAPEAKE DISTRICT
Case No. 88-8-SPH
LOCATION: East Side of Dulaney
Valley Road along the Loch Raven
Reservoir between Chapel Wood
Lane and Old Bosley Road (2101
Dulaney Valley Road)
DATE AND TIME: Friday, June 26,
1987 at 10:00 a.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 Hearing to
approve the expansion of the Pine
Ridge Golf Course as shown on
Baltimore County Zoning Regular
Maps.
Being the property of The City of
Baltimore, all shown on plat plan
filed with the Zoning Office.
In the event that the Petitioner is
granted, a building permit may be
issued within the thirty (30) day
appeal period. If a 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
6/23/87 June 4

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

No. 36162

DATE: 5/22/87 ACCOUNT: 01-615-000

RECEIVED FROM: S. E. D.

FOR: 88-8-SPH C. H. A.

IN RE: PETITION SPECIAL HEARING

E/S of Dulaney Valley Road
along the Loch Raven Res-
ervoir, between Chapel
Wood Lane and Old Bosley
Road (2101 Dulaney Valley
Road) 8th Election District

BEFORE THE

COUNTY BOARD

OF

APPEALS

Case No.: 88-8-SPH

The City of Baltimore,

Petitioner

ORDER OF APPEAL

Mr. Commissioner:

Please enter an Appeal on behalf of the following persons from your Findings
of Fact and Conclusions of Law dated August 3, 1987 with reference to the
above captioned matter:

1. J. William Murray
2205 Boxmere Road
Timonium, Maryland 21093
2. Mrs. John K. Owen
308 Merrie Hunt Drive
Timonium, Maryland 21093
3. William F. Wilke
2209 Eastlake Road
Timonium, Maryland 21093
4. Robert Burns
403 Malpole Court
Timonium, Maryland 21093
5. Wakefield Improvement Assoc.
of Dulaney Valley
c/o 2205 Boxmere Rd.
6. Fox Chapel Community Assoc.
c/o 308 Merrie Hunt Drive
Timonium, Maryland 21093
7. Pot Springs Community Assoc.
c/o 2209 Eastlake Road
Timonium, Maryland 21093
8. Valley Crest Community Assoc.
403 Malpole Court
Timonium, Maryland 21093

[Signature]
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(301)296-6820
Attorney for Appellants

I HEREBY CERTIFY that on this 26th day of August, 1987,
a copy of the foregoing Order of Appeal was mailed, postage prepaid, to
John Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204 and to
Phyllis Friedman, Attorney at Law, People's Counsel for Baltimore County,
Court House, Towson, Maryland 21204.

[Signature]
S. ERIC DINENNA

88-8-SPH

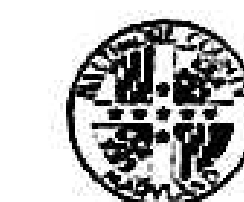
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this
22nd day of May, 1987.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner The City of Baltimore Received by: James E. Dyer
Petitioner's Attorney John B. Howard, Esq. Chairman, Zoning Plans
Advisory Committee



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 11, 1988

S. Eric DiNenna, Esquire
DINENNA, MANN & BRESCHI
Mercantile-Towson Building, Suite 600
409 Washington Avenue
Towson, MD 21204

RE: Case No. CBA-87-120 / Case No. 88-8-SPH
Pine Ridge Golf Course

Dear Mr. DiNenna:

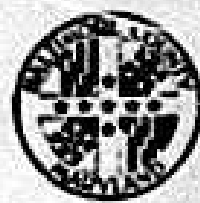
Enclosed is a copy of the Board's Ruling on Request for
Continuance issued this date and also a copy of the Notice of
Postponement and Reassignment for the subject cases.

Sincerely,

[Signature]
Kathleen C. Weidenhammer
Administrative Secretary

Encls.

cc: John B. Howard, Esquire
Robert A. Hoffman, Esquire
Eugene Seidel, Esquire
Michael Hart (City of Baltimore)
Mayor & City Council of Baltimore
Baltimore Municipal Golf Corp.
J. William Murray
William F. Wilke
Mrs. John K. Owen
Robert Burns
Phyllis Cole Friedman
Arnold Jablon, County Attorney
Nancy C. West, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robert Bowling
Current Planning
James Markle



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 496-3180 887-3180

January 17, 1989

S. Eric DiNenna, Esquire
DINENNA, MANN & BRESCHI
Mercantile-Towson Building, Suite 600
409 Washington Avenue
Towson, MD 21204

RE: Case No. CBA-87-129 /Case No. 88-8-SPH
Pine Ridge Golf Course

Dear Mr. DiNenna:

Enclosed is a copy of the Order for Dismissal issued
this date by the County Board of Appeals in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: John B. Howard, Esquire
Robert A. Hoffman, Esquire
Eugene Seidel, Esquire
Michael Hart (City of Baltimore)
Mayor & City Council of Baltimore
Baltimore Municipal Golf Corporation
J. William Murray
William F. Wilke
Mrs. John K. Owen
Robert Burns
Phyllis Cole Friedman, Esquire
Arnold Jablon, County Attorney
Nancy C. West, Esquire
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Robert Bowling
Current Planning

Robert Covahey

Mr. Hackett:

8/15/88

RE: Pine Ridge

Rob Hoffman telephone Monday, early a.m. (apparently
he had received the attached letter from Eric). Our
copy arrived after my conversation with Rob.

I told him I didn't know of anything further you needed
from him, but we had not as yet received a withdrawal
request from Eric, as promised in his earlier letter
to John Howard.

What exactly are we waiting for regarding the dismissal
of these cases? Rob said he had spoken with you and that
you were satisfied with his letters. Please advise
so I can let him know.

Kathi

Dear John and Rob:

Please refer to my letter of July 20, 1988, and our subsequent
phone conversations.

I do not want to be "hard nosed" about the matter at hand, but it
is my opinion that you, with Baltimore City, should file a Petition to
withdraw your request for a CRG Waiver, as well as your Petition for
the interpretation contained in Case No: 88-8-SPH.

Upon receipt of your Petitions, we will withdraw, by Petition, our
Petition in Case No: 88-8-SPH, as well as the Appeal from the Zoning
Commissioner's decision.

We should also forward to the Chairman of the Board of Appeals,
Orders for their signature.

Your letters of July 11, 1988, in my opinion, do not meet the
requirements, nor protect everyone's interest in this matter.

In my discussions with Rob, in your withdraw of the CRG Request,
he indicated that the City was not involved. He stated that it was
being done on behalf of the Baltimore Municipal Golf Corporation.

I do disagree and feel that the City, the property owner, should
also join in that withdraw of that Request for Waiver.

Accordingly, the above matter should be cleaned up in a proper
manner and I am in a position to demand hearing on my Appeal, unless
this situation is resolved.

7/20/88

RE: Hoffman's letter regarding withdrawal of
Waiver request:

Hold until receipt of additional correspondence
from both Counsel for Appellants/Protestants and
Counsel for the City of Baltimore regarding the
entire issue of Pine Ridge expansion.

(Per WTH conversation 7/20 w/DiNenna).

*CBA 87-120 (W 87-76) Waiver
88-8-SPH - zoning case*

GEORGE K. REYNOLDS, II
ROBERT A. HOFFMAN
CYNTHIA M. HANN

July 11, 1988

Hand Delivery

William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
3rd Floor
County Office Building
Towson, Maryland 21204

Re: Pine Ridge Golf Course
Dulaney Valley Road W-87-76

Dear Mr. Hackett:

On behalf of the Baltimore Municipal Golf Corporation,
Waiver Request No. W-87-76 is hereby withdrawn, and accordingly
the appeal should be dismissed.

Thank you.

Very truly yours,

Robert A. Hoffman
Robert A. Hoffman

RAH:bw

cc: P. David Fields
S. Eric DiNenna, Esquire
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Nancy C. West
William L. Cook, II

I thank all of you for your cooperation.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SED:cjc

cc: William T. Hackett, Chairman
J. Robert Haines, Zoning Commissioner
P. David Fields, Director of Planning
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Nancy C. West, Esquire
Gene Seidel, Esquire
Mr. J. William Murray, President
Mrs. John K. Owen
Mr. William F. Wilke
Ms. Sue Mehl Moore, President

p.s.: Of course, all of the above is with the presumption the People's
Counsel will withdraw her Appeal in Case No: 88-8-SPH, pursuant to the
above.

ERIC

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

July 20, 1988

Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

Attn: Mr. John Howard & Mr. Robert A. Hoffman

RE: Pine Ridge Golf Course

Dear John and Rob:

I am in receipt of Mr. Hoffman's letter dated July 11, 1988, to
the Chairman of the County Board of Appeals, withdrawing the Waiver
Request of the CRG Process and indicating that the Appeal should be
dismissed.

As I indicated to both of you, the CRG waiver should be withdrawn,
at which time we will dismiss our Appeal from that waiver and that your
Petition for the special hearing to determine whether or not Baltimore
City or the private Golf Corporation is exempt from the Zoning
requirement of a special exception, then, we would withdraw our Appeal
from the Zoning Commissioner's decision and we would withdraw our
Petition asking for the same.

I feel these matters should be cleaned up as soon as possible to
resolve the issues and put this matter to rest.

Very truly yours,

15/
S. ERIC DINENNA

SED:cjc

cc: J. William Murray, President
Mrs. John K. Owen
Mr. William F. Wilke
Ms. Sue Mehl Moore
Mr. William T. Hackett, Chairman
Gene Seidel, Esquire
Nancy C. West, Esquire
Phyllis Cole Friedman, Esquire

RECEIVED
CBA
7-25-88
2100



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 24, 1987

S. Eric DiNenna, Esquire
Suite 600, Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

John B. Howard, Esquire
COOK, HOWARD, DOWNES & TRACY
Post Office Box 5517
Towson, MD 21204

Dear Messrs. DiNenna and Howard:

RE: Case No. CBA-87-120 and
Case No. 88-8-SPH
Pine Ridge Golf Course

The Board is in receipt of a letter from S. Eric DiNenna requesting
a postponement of Case No. CBA-87-120 and Case No. 88-8-SPH scheduled for
December 2, 1987.

On November 24, a pre-trial conference was held with all the
involved attorneys present, and agreement was tentatively reached that
these cases should be postponed. Since the postponement request violates
the 15-day rule, the postponement may be granted but only in open hearing.

This letter serves as notification that on December 2, 1987, at
10:00 a.m., in open hearing the subject cases will be postponed and reset
at a later date.

Sincerely,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

cc: Robert A. Hoffman, Esquire
Mayor & City Council of Baltimore (Michael Hart)
Mayor & City Council of Baltimore (City Hall)
Baltimore Municipal Golf Corporation
J. William Murray, Wakefield Improv. Assn./Dulaney Valley
Mr. William Wilke, Pot Springs Comm. Assn.
Mrs. John K. Owen, Fox Chapel Community Assn.
Mr. Robert Burns, Valley Crest Community Assn.
Phyllis C. Friedman, Esquire
James Markle
Edward McDonough
Current Planning

Norman E. Gerber
James G. Howell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robin Clark
Arnold Jablon,
County Attorney
Nancy C. West, Esquire

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

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

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

November 20, 1987

County Board of Appeals
of Baltimore County
Room 200
Court House
Towson, Maryland 21204

Attn: William Hackett

RE: Case No.: CBA-87-120
and No.: 88-8-SPH
Pine Ridge Golf Course
My File No.: 87-33

Dear Mr. Hackett:

As you are aware, I represent the Appellants/Protestants
concerning the above captioned matters.

Both cases have been consolidated for hearing before your
Board on Wednesday, December 2, 1987 at 10:00 A.M.

The purpose of this letter is to respectfully request
a postponement of these proceedings. Baltimore City is the
Petitioner in this case and it is very possible that the City will
withdraw its quest for the additional golf course in the Loch
Raven Watershed. Accordingly, all efforts and expenses to
be put forth by all parties at this time may be unnecessary.

I understand that Mr. Schmoke has not been sworn in as
Mayor and that it will not take place until December 8, 1987.
Upon that taking place, it is very possible that the City will
withdraw its quest for the additional golf course in the Loch
Raven Watershed. Accordingly, all efforts and expenses to
be put forth by all parties at this time may be unnecessary.

Accordingly, we are requesting a postponement until this
matter is clarified.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SED:jac

Enclosure
cc: John P. Howard, Esquire
Mrs. John K. Owen

RECEIVED
COUNTY BOARD OF APPEALS
NOV 23 A 11:51

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZINK, II
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, II
THOMAS L. HUDSON
C. CAREY DELEY, JR.
M. KING HILL, II
GEORGE K. REYNOLDS, II
ROBERT A. HOFFMAN
CYNTHIA M. HANN

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147
DIREC. DIAL NUMBER

July 11, 1988

Hand Delivery

William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
3rd Floor
County Office Building
Towson, Maryland 21204

Re: Pine Ridge Golf Course
Case Nos.: 88-8-SPH

Dear Mr. Hackett:

On behalf of the Mayor and City Council of Baltimore and
the Baltimore Municipal Golf Corporation, please be advised
that the Petition for Special Hearing is hereby withdrawn, and
accordingly, any appeal should be dismissed.

Thank you for your time in this matter.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman
Eugene A. Seidel

RAH:bw

cc: J. Robert Haines
S. Eric DiNenna, Esquire
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Nancy C. West, Esquire
William L. Cook, II

RECEIVED
CBA
7-25-88
2145

JUDITH A. ARMOLD
DEBORAH C. DOPPIN
KATHLEEN GALLAGHY
J. MICHAEL BRENNAN
H. BARRITT PETERSON, JR.
KATHRYN L. KOTZ
JAMES K. MACALISTER
REGAN J. R. SMITH
NEWTON B. FOWLER, II
MARK E. SMITH
JAMES D. C. FOWLES
(1908-1979)

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CBA
7-11-88
1130

OFFICE OF THE STATE'S ATTORNEY
FOR
BALTIMORE CITY
206 THE CLARENCE M. MITCHELL, JR. COURTHOUSE
BALTIMORE, MARYLAND 21202

KURT L. SCHMOKE
State's Attorney

PHONE
396-4987

November 12, 1987

Mrs. Josephine J. Owen
Chairman
Board of Governors
Fox Chapel Association, Inc.
308 Merrie Hunt Drive
Lutherville, MD 21093

Dear Ms. Owen:

This is to acknowledge receipt of your letter of November 1 and November 4, 1987.

With respect to the expansion of the Pine Ridge Golf Course, your understanding is correct. I am opposed to the proposal to expand the golf course because I do believe that it poses environmental dangers which have not been resolved to date. I have spoken to County Executive Dennis Rasmussen about this matter and I have stated my opposition to the proposed expansion in many public forums. I hope that the Baltimore Municipal Golf Corporation is taking no further steps on this matter until I have an opportunity to review their plans after I am sworn in as mayor on December 8, 1987.

Thank you for your letters and for bringing this matter to my attention.

Sincerely,

Kurt L. Schmoke
Kurt L. Schmoke

KLJ:jck

Baltimore County
Office of Law
Towson, Maryland 21204
494-4420
Arnold Jablon
County Attorney

March 8, 1988

Dennis F. Rasmussen
County Executive

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Old Court House, Room 200
409 Washington Avenue
Towson, Maryland 21204

RE: Pine Ridge Golf Course
Case No. CBA-87-120 and
City of Baltimore
Case No. 88-8-SPY

Dear Mr. Hackett:

This afternoon I became aware that the above-referenced cases have been scheduled for hearing on Wednesday, March 23, 1988, at 10:00 a.m. Unfortunately, on the same date and time, I have scheduled depositions at the Clifton Trust Bank in Baltimore County in the case of Timothy T. Harrison, et al. v. William Edward Halsey, Sr., et al., Circuit Court Case No. 87-CG-4170.

In accordance with Board Rule 2(b), I would respectfully request a continuance of the above-referenced cases to a later date.

Thank you for your consideration in this matter.

Sincerely,

Nancy C. West
NANCY C. WEST
Assistant County Attorney

NCW/srl

cc: Robert A. Hoffman, Esquire
S. Eric DiNenna, Esquire
Phyllis C. Friedman, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
MAR 8 1988

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CANEY DELEY, JR.
H. KING HILL, III
GEORGE K. REYNOLDS, III
ROBERT A. HOFFMAN
CYNTHIA M. HAHN

TELEPHONE
(301) 823-4411
TELECOPIER
(301) 821-0147
DIRECT DIAL NUMBER
(301) 494-9162

HAND DELIVERY

March 7, 1988

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County
Old Courthouse
2nd Floor
Towson, MD 21204

RE: Pine Ridge Golf Course
Case Nos. CBA-87-120/88-8-SPH

Dear Mr. Hackett:

I am in receipt of correspondence from S. Eric DiNenna requesting a prehearing conference.

We agree with Mr. DiNenna that a meeting at the earliest possible date is appropriate and for circumstances we will explain at the meeting, BMGC respectfully requests a continuance of these cases.

Please let me know the date and time for a meeting.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH:mb
cc: S. Eric DiNenna, Esquire
Phyllis Cole Friedman, Esquire
Arnold Jablon, Esquire
Nancy C. West, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
MAR 8 1988

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

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

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

GERALDINE A. KLAUBER

March 3, 1988

Chairman
County Board of Appeals
Courthouse
Towson, Maryland 21204

RE: Pine Ridge Golf Course Matter
Case No. 88-8-SPH/CBA-87-120

Dear Mr. Chairman:

The above captioned matter was postponed until March 22, 1988. It was my understanding that March 23rd was also reserved for any continuation of the hearing.

I have recently learned that March 22, 1988 has been, by necessity, assigned to another matter, and that the above captioned hearing will take place on March 23, 1988.

I have recently read in numerous periodicals that the City of Baltimore is withdrawing its request with reference to expansion of the Pine Ridge Golf Course.

It is my intention to go forward with the hearing on March 23, 1988 unless I am in receipt of a dismissal, with prejudice, of the petition on behalf of the City and its tenant.

In the meantime, I respectfully request that a prehearing conference be held, as soon as possible, by the Chairman, members of the board, as well as counsel for the various parties. I am in the process of preparing subpoenas for many witnesses and would like to avoid this if the petition is being withdrawn.

I must also note to you that the protestants, my clients, filed a petition for special hearing in this matter and all was consolidated into case no. 88-8-SPH.

Unless I am in receipt of notification from your office as to a prehearing conference, I will have no alternative but to proceed with preparation and subpoenas to the various officials of Baltimore City and Baltimore County in order to protect my client rights.

11/87

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

County Board of Appeals
March 3, 1988
Page No. 2

Thank you for your cooperation.

Very truly yours,
S. Eric DiNenna
S. ERIC DINENNA

SED:jec
cc: John Howard, Esquire
Mr. Neal Janey
City Solicitor

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
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C. CANEY DELEY, JR.
H. KING HILL, III
GEORGE K. REYNOLDS, III
ROBERT A. HOFFMAN
CYNTHIA M. HAHN

TELEPHONE
(301) 823-4411
TELECOPIER
(301) 821-0147
DIRECT DIAL NUMBER
(301) 494-9162

May 12, 1988

William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
2nd Floor
Old Court House
Towson, Maryland 21204

Re: Pine Ridge Golf Course Expansion
Case Nos.: CBA-87-120; 88-8-SPH

Dear Mr. Hackett:

As you are aware, the above-referenced cases are set in for hearing at 10:00 a.m. on Wednesday, June 1, 1988.

Unfortunately, Mr. Eugene Seidel, Assistant City Solicitor representing Baltimore City in this case has not, as yet, obtained a decision of the Baltimore City Board of Estimates on whether Baltimore City will be pursuing the proposed expansion.

Therefore, on behalf of the Mayor and City Council of Baltimore and the Baltimore Municipal Golf Corporation, it is respectfully requested that this case be continued to a date no sooner than July 1, 1988, pursuant to Rule 2.b., Rules of Practice and Procedure, County Board of Appeals.

Mr. Seidel has contacted Mr. Eric S. DiNenna, counsel for the protestants in these cases and he has technically objected to any continuance of this case on behalf of his clients.

We would be happy to meet with you at your convenience should you require further discussion of this matter.

William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
May 12, 1988
Page 2

Thank you for your consideration.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman
Eugene A. Seidel

RAH:bw
cc: Eric S. DiNenna, Esquire
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Nancy C. West, Esquire
William L. Cook, II

RECEIVED
COUNTY BOARD OF APPEALS
MAY 13 11:23

County Board of Appeals of Baltimore County



HEARING ROOM #218

Room 200 Court House
Towson, Maryland 21204
(301) 491-3180

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-87-120
and
CASE NO. 88-8-SPH
PINE RIDGE GOLF COURSE
Dulaney Valley Road
CITY OF BALTIMORE
E/s Dulaney Valley Road
(2101 Dulaney Valley Road)

8th Election District
4th Councilmanic District

RE: Expansion of Pine Ridge Golf Course

3/20/88 - Planning Director granted waiver
8/03/87 - Z.C. granted SPH; expansion is exempt.

which was scheduled for hearing on March 23, 1988 has been POSTPONED at the request of Counsel for Petitioner and after a meeting held with legal representatives of all parties and has been

REASSIGNED FOR: WEDNESDAY, JUNE 1, 1988 at 10:00 a.m.

cc: John B. Howard, Esquire
Robert A. Hoffman, Esquire
Eugene Seidel, Esquire
City of Baltimore /Rec & Parks
c/o Michael Hart
Mayor & City Council of Baltimore
Baltimore Municipal Golf Corp.
S. Eric DiNenna, Esquire
J. William Murray (Wakefield)
William F. Wilke (Pot Springs)
Mrs. John K. Owen (Fox Chapel)
Robert Burns (Valley Crest)
Phyllis Cole Friedman
Arnold Jablon
Nancy C. West, Esquire
P. David Fields
James G. Howell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Robert Bowling
Current Planning
James Markle
Counsel for Petitioner
" " "
Assistant City Solicitor
Petitioner
Counsel for Appellants/Protestants
Appellant/Protestant
" " "
" " "
People's Counsel for Baltimore County
County Attorney
Office of Law
Kathleen C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 11, 1988

S. Eric DiNenna, Esquire
DINENNA, MANN & BRESCHI
Mercantile-Towson Building, Suite 600
409 Washington Avenue
Towson, MD 21204

RE: Case No. CBA-87-120 /Case No. 88-8-SPH
Pine Ridge Golf Course

Dear Mr. DiNenna:

Enclosed is a copy of the Board's Ruling on Request for Continuance issued this date and also a copy of the Notice of Postponement and Reassignment for the subject cases.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encls.

cc: John B. Howard, Esquire
Robert A. Hoffman, Esquire
Eugene Seidel, Esquire
Michael Hart (City of Baltimore)
Mayor & City Council of Baltimore
Baltimore Municipal Golf Corp.
J. William Murray
William F. Wilke
Mrs. John K. Owen
Robert Burns
Phyllis Cole Friedman
Arnold Jablon, County Attorney
Nancy C. West, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Robert Bowling
Current Planning
James Markle

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

August 19, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S of Dulaney Valley Road along the Loch Raven Reservoir between
Chapel Wood Lane and Old Bosley Road (2101 Dulaney Valley Road)
8th Election District, 4th Councilmanic District
The City of Baltimore - Petitioner
Case No. 88-8-SPH

Dear Board:

Please be advised that on August 19, 1987, an appeal of the decision rendered in the above-referenced case was filed by People's Counsel for Baltimore County. All materials relative to the case are being forwarded to your office herewith.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

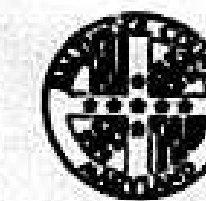
cc: John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., Towson, Md. 21204

S. Eric DiNenna, Esquire
DINENNA, Mann & Breschi
Mercantile-Towson Bldg., Suite 600
409 Washington Avenue
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

Dennis F. Reamussen
County Executive



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

September 8, 1987

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. CBA-87-120

PINE RIDGE GOLF COURSE
Dulaney Valley Road

RE: Weiver of plan and plat to Baltimore Municipal Golf Corp. on Pine Ridge Golf Course development

3/20/87 - Planning Director granted waiver.

and
CASE NO. 88-8-SPH

THE CITY OF BALTIMORE

E/S Dulaney Valley Road along Loch Raven Reservoir, between Chapel Wood Lane and Old Bosley Road (2101 Dulaney Valley Rd.)

SPH -to confirm that proposed expansion of Pine Ridge Golf Course is exempt from B.C.Z.R.

8/03/87 -Z.C. granted SPH; expansion is exempt.

ASSIGNED FOR:

WEDNESDAY, DECEMBER 2, 1987 at 10:00 a.m.

cc: John B. Howard, Esquire Counsel for Petitioner
Robert A. Hoffman, Esquire " " "
Mayor & City Council of Baltimore Petitioner
c/o Michael Hart, President
Bd. of Rec. & Parks
Mayor & City Counsel of Baltimore
City Hall
Baltimore Municipal Golf Corp.
S. Eric DiNenna, Esquire Counsel for Appellants/Protestants
J. William Murray Appellants/Protestants
Wakefield Imprv. Assn./Dulaney Vly
William F. Wilke " "
Pot Springs Comm. Assn. " "
Mrs. John K. Owen " "
Fox Chapel Comm. Assn. " "
Robert Burns " "
Valley Crest Comm. Assn. " "
Phyllis C. Friedman People's Counsel
Arnold Jablon County Att.ney
Patrick D. Hanley, Esquire Office of Law
Norman E. Gerber
Frank H. Fisher
J. Robert Haines
James E. Dyer
Margaret E. du Bois
James Markle
Edward McDonough
Current Planning

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SEP 10 1987

ZONING OFFICE

Malcolm F. Spicer, Esquire
April 23, 1987
Page 2

You have asked for this information in order to determine whether the expansion of the Pine Ridge Golf Course is exempt from local development regulations as a public use. For your convenience, I have noted the following statements in the above referenced documents:

a) At page 2 of the Scheper correspondence, the Board of Estimates approved the Golf Course Management Agreement with BMGC with an amendment that requires BMGC to allow for competitive bidding in compliance with the Baltimore City Charter, on any contract of \$5,000.00 and over.

b) In the recitals, page 1, paragraph 2 of the Golf Course Management Agreement, the following is stated:

"Whereas the City believes that it is in the best interest of the public if the golf course were managed and operated in the most efficient manner possible and if physical improvements were made to such courses."

c) At page 2, Section 1.2 of the Golf Course Management Agreement, the City has the right to sell, lease or develop any part of the golf course properties for City purposes.

d) At pages 2 and 3, Section 1.4 of the Golf Course Management Agreement, the Pine Ridge Golf Course is subject to the stated additional requirements in all operations at Pine Ridge.

e) At page 4, Section 1.7 of the Golf Course Management Agreement, BMGC agrees to improve the golf course operations in a "public" manner, for instance, to provide access to the golf course properties for charitable events, to establish and document a comprehensive program to teach and to make the game of golf available to the citizens of the Baltimore area, and to establish and publicly post at each golf course location, rules and regulations regarding the use and operation of that golf course.

f) At page 7, Section 6.1 of the Golf Course Management Agreement, it should be noted that the City initially funded BMGC with \$125,000.00 and under the same provision, BMGC may apply under the City's budget procedures for further funding if it incurs an operating deficit.

g) At page 8, Section 6.6 of the Golf Course Management Agreement, BMGC must supply Baltimore City with an annual audit and an annual report within 120 days after the end of the fiscal year.

h) At page 16, Section 13.2 of the Golf Course Management Agreement, BMGC may not assign or otherwise encumber the Golf Course Management Agreement or sublet the golf course properties or any portion without the prior written consent of Baltimore City.

Malcolm F. Spicer, Esquire
April 23, 1987
Page

i) In the Articles of Incorporation of BMGC Jay M. Caplan, Esquire is the Incorporator and was a Chief Solicitor with the Law Department in Baltimore City.

j) In paragraph Third of the Articles of Incorporation, the purposes for which the Corporation is formed is to operate and improve golf courses for "the benefit and use of the public".

k) In the By-Laws of BMGC, Section 1, the Mayor of the City of Baltimore is empowered to appoint Directors to the Corporation.

It is respectfully submitted that the Baltimore Municipal Golf Corporation was established to take a Baltimore City operation which was losing substantial money every year off of the Baltimore City accounting records and place the responsibility for managing efficiently those golf courses in the hands of a not profit corporation with expertise in golf course management. All of the golf course properties managed by BMGC are still Baltimore City owned, public golf courses and will, under the documents I have submitted to you, remain public facilities.

Finally, you asked me for any "legislation" which may have been passed concerning BMGC. By way of background, the creation of BMGC to operate the Baltimore City golf courses was the recommendation of a task force created by Mayor Schaeffer to study the problems of the City's golf courses. As you will note from the Articles of Incorporation and the By-Laws of BMGC, the corporation is closely related to Baltimore City. The hiring of BMGC by the Board of Estimates of Baltimore City is the legislative acknowledgement that BMGC would be the operating entity of Baltimore City's golf facilities.

I hope that the information provided will be of assistance to you. Should you have any further questions, please do not hesitate to call.

Yours truly,

John B. Howard
John B. Howard

JBH:bw
Enclosures

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

RECEIVED
JUL 27 1987

ZONING OFFICE July 27, 1987

Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

RE: Pine Ridge Golf Course
Case No.: 88-8SPH
My File No.: 87-53

Dear Mr. Commissioner:

Enclosed herewith please find the Memorandum in support of the residents position concerning the Pine Ridge Golf Course matter.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SEB:jec
Enclosure

cc: John Howard, Esquire
People's Counsel for Baltimore County
Ms. Josephine Owen
Mr. J. William Murray
Mr. William F. Wilke
Mr. Robert Burns



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
March 1, 1988

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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-87-120

and

CASE NO. 88-8-SPH

PINE RIDGE GOLF COURSE
Dulaney Valley Road

CITY OF BALTIMORE
E/S Dulaney Valley Road
(2101 Dulaney Valley Road)

8th Election District
4th Councilmanic District

RE: Expansion of Pine Ridge Golf Course
3/20/87 -Planning Director granted waiver
8/03/87 -Z.C. granted SPH; expansion is exempt.

ASSIGNED FOR:

WEDNESDAY, March 23, 1988 at 10:00 a.m.

cc: John B. Howard, Esquire Counsel for Petitioner
Robert A. Hoffman, Esquire " "
Mayor & City Council of Baltimore Petitioner
c/o Michael Hart, President
Mayor & City Council of Baltimore
City Hall
Baltimore Municipal Golf Course
S. Eric DiNenna, Esquire Counsel for Appellants/Protestants
J. William Murray (Wakefield) Appellant/Protestant
William F. Wilke (Pot Springs) " "
Mrs. John K. Owen (Fox Chapel) " "
Robert Burns (Valley Crest) " "
Phyllis Cole Friedman People's Counsel
Arnold Jablon County Attorney
Nancy C. West, Esquire Office of Law
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
James Markle
Robert Bowling
Current Planning

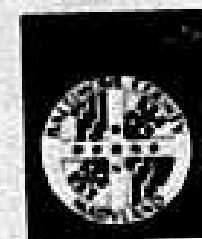
MICROFILMED

Kathleen C. Weidenhammer
Administrative Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

May 20, 1987



Dennis F. Rasmussen
County Executive

Robert A. Hoffman, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Item No. 484
The City of Baltimore
(Pine Ridge Golf Course),
Petitioner

Dear Mr. Hoffman:

I am in receipt of your letter dated May 15, 1987. Quite frankly, I do not comprehend the legal basis for doing what you suggest. Please be advised that inasmuch as you have filed the petition, prudently I believe, there is no reason for any other similar petition to be filed. Additionally, this matter will be processed for an early hearing, and you will be notified.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: Mr. J. William Murray
Mr. William F. Wilke
Mrs. John K. Owen
Mr. Robert Burns

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

HAND DELIVERY

May 15, 1987

Arnold E. Jablon,
Zoning Commissioner
Baltimore County Office Building
1st Floor
Towson, Maryland 21204

Re: Pine Ridge Golf Course - Petition for Special Hearing

Dear Mr. Jablon:

As you are aware, over a month has passed since you indicated to members of the communities surrounding the Pine Ridge Golf Course that you would entertain a Petition for Special Hearing to determine whether the proposed expansion of the Pine Ridge Golf Course is exempt from Baltimore County Zoning Regulations.

To expedite this matter, I filed today, the appropriate Petition, description and rendering of the proposed golf course expansion. However, in the interest of fairness, we respectfully request that you limit the acceptance of any additional Petitions on this issue to ten (10) days from the date of this letter. Obviously, if none are forthcoming this indicates a lack of interest in pursuing this issue and we would withdraw our Petition.

For your convenience, I have included below the addresses of the officers of the community associations which appealed the grant of a waiver on the proposed expansion.

Arnold E. Jablon,
Zoning Commissioner
May 15, 1987
Page 2

Very truly yours,
Robert A. Hoffman
Robert A. Hoffman

RAH:bw

cc: J. William Murray, President
Wakefield Improvement Association, Inc.
of Dulaney Valley
2203 Boxmere Road
Timonium, Maryland 21093

William F. Wilke, President
Pot Springs Community Association
2209 Eastlake Road
Timonium, Maryland 21093

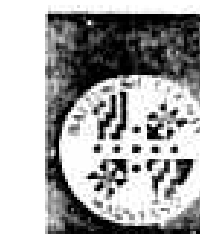
Mrs. John K. Owen,
Chairman of Board of Governors
Fox Chapel Community Association
308 Merrie Hunt Drive
Timonium, Maryland 21093

Robert Burns, President
Valley Crest Community Association
403 Walpole Court
Timonium, Maryland 21093

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

May 21, 1987



Dennis F. Rasmussen
County Executive

Mrs. John K. Owen, Chairman
Board of Governors
Fox Chapel Association, Inc.
308 Merrie Hunt Drive
Lutherville, Maryland 21093

RE: Item No. 484
The City of Baltimore
(Pine Ridge Golf Course),
Petitioners

Dear Mrs. Owen:

Please be advised that your letter of May 19, 1987 is basically correct, except for the fact that if Mr. Hoffman, on behalf of his client, were to withdraw the Petition for Special Hearing, it would be necessary for you to file a petition for a public hearing. Although I do not expect this to occur, you should be advised that a public hearing before the Zoning Commissioner cannot be conducted unless a petition is filed. If Mr. Hoffman withdrew the Petition, there would be nothing for me to hear. However, there is no need for any other petition to be filed at this time, and the individuals, not the community associations, who are opposed will not lose any rights because one is not filed.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

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

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

May 28, 1987

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

RE: Pine Ridge Golf Course

Dear Mr. Jablon:

Enclosed herewith please find the Petition of J. William Murray, William F. Wilke and Josephine J. Owen for a Special Hearing for interpretation concerning the Pine Ridge Golf Course.

I understand and have been informed by your office that a hearing is set for June 75, 1987 at 10:00 A.M.

Your office has assigned case number 88-8SPH to the petition of the City of Baltimore.

This date is acceptable and the posting of the property should reflect both petitions filed.

If there are any problems with this, do not hesitate to call upon me.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA

SED:bk
Enclosures

Unnecessary to post a notice per [signature]



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 16, 1987

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. 88-4-SPH

PRESBYTERIAN HOME OF MD., INC.

NW/cor. Georgia Ct. and Florida Ave.
(400 Georgia Ct.)

9th District

SPH - Amend site plan in Case 3624-X to permit expansion of existing convalescent home

7/22/87 - Petition for Special Hearing GRANTED subj. to restrictions.

ASSIGNED FOR:

TUESDAY, JANUARY 26, 1988, at 10 a.m.

cc: John B. Howard, Esq.

Counsel for Petitioner

Michael Ruby

Carl Wannen

Presbyterian Home of Md., Inc. Petitioner

Phyllis C. Friedman

People's Counsel

Norman E. Gerber

James Howell

J. Robert Haines

Ann Nastarowicz

James E. Dyer

Margaret E. duBois

June Holmen, Secretary

RECEIVED
OCT 20 1987
ZONING OFFICE

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 24, 1987

RECEIVED
NOV 25 1987
ZONING OFFICE

S. Eric Dinenna, Esquire
Suite 600, Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

John B. Howard, Esquire
COOK, HOWARD, DOWNES & TRACY
Post Office Box 5517
Towson, MD 21204

Dear Messrs. Dinenna and Howard:

RE: Case No. CBA-87-120 and
Case No. 88-8-SPH
Pine Ridge Golf Course

The Board is in receipt of a letter from S. Eric Dinenna requesting a postponement of Case No. CBA-87-120 and Case No. 88-8-SPH scheduled for December 2, 1987.

On November 24, a pre-trial conference was held with all the involved attorneys present, and agreement was tentatively reached that these cases should be postponed. Since the postponement request violates the 15-day rule, the postponement may be granted but only in open hearing.

This letter serves as notification that on December 2, 1987, at 10:00 a.m., in open hearing the subject cases will be postponed and reset at a later date.

Sincerely,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

cc: Robert A. Hoffman, Esquire
Mayor & City Council of Baltimore (Michael Hart)
Mayor & City Council of Baltimore (City Hall)
Baltimore Municipal Golf Corporation
J. William Murray, Wakefield Impr. Assn./Dulaney Valley
Mr. William Wilke, Pot Springs Comm. Assn.
Mrs. John K. Owen, Fox Chapel Community Assn.
Mr. Robert Burns, Valley Crest Community Assn.
Phyllis C. Friedman, Esquire
James Markle
Edward McDonough
Current Planning

Norman E. Gerber
James G. Howell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robin Clark
Arnold Jablon,
County Attorney
Nancy C. West, Esquire

ARNOLD E. JABLON
Zoning Commissioner
Baltimore County Office Building
1st Floor
Towson, Maryland 21204

Re: Our phone conversation at 11:15 a.m. today.

Dear Mr. Jablon:

This letter is to reaffirm my understanding of your answer to my questions related to the letter of May 15 to you from Robert A. Hoffman regarding the (Pine Ridge Golf Course) - Petition for Special Hearing.

I write on behalf of the Fox Chapel Association, the Wakefield Association, The Pot Springs Community Association, and the Valley Crest Community Association.

I called you to indicate that the request by Mr. Hoffman to limit the acceptance of any additional Petitions on this issue to 10 days from the date of his letter put an undue pressure on our organizations. You responded by informing me that there was no need for our groups to file a Petition. You stated that a hearing would be set and a notice of such hearing would be posted at the entrance to the golf course where the public would be able to see it rather than at the golf club house.

I assume, from our discussion, that this hearing will take place regardless of whether the Petition for special hearing is withdrawn by Mr. Robert A. Hoffman. It is, therefore, unnecessary for our organizations to file such Petition. This hearing, as you are aware, is of vital interest to many Baltimore County residents as well as our communities. The watershed area houses our most precious possession - our water supply. Efforts to preserve this treasure will pay off for our future generations.

Please affirm, in writing to me, that the filing of a Petition by our organizations is unnecessary. Thank you for your cooperation and kind attention to this matter.

Very truly yours,

Mrs. John K. Owen
Mrs. John K. Owen, Chairman
Board of Governors, Fox Chapel Association, Inc.
308 Merrie Hunt Drive
Lutherville 21093

Copy to:

Mr. J. William Murray, Mr. William F. Wilke,
Mr. Robert Burns, Mr. Robert A. Hoffman

88-863

RECEIVED
JUL 31 1987
ZONING OFFICE

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

HAND DELIVERY

July 31, 1987

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL G. TRACY, JR.
JOHN H. ZINK, II
JOSEPH C. WICK, JR.
HERBERT R. O'CONNOR, II
THOMAS L. HUDSON
C. CAREY DELEY, JR.
K. KING, II, III

GEORGE A. REYNOLDS, III
LAWRENCE L. MOORE, JR.
ROBERT A. HOFFMAN
DEBORAH C. DOPPIN
CYNTHIA M. WELLS
KATHLEEN GALLAGHER COX
KEVIN D. BARTY
J. MICHAEL BRENNAN
J. BARRETT PETERSON, JR.
PEGAN J. B. SMITH

JAMES D. C. DOWNES
(904-1978)
TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147

Arnold E. Jablon,
Zoning Commissioner
for Baltimore County
1st Floor
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No.: 88-8-SPH

Dear Mr. Jablon:

At the hearing on June 23rd, on the above referenced petition you asked that we give our opinion on the following issue:

Could Baltimore County impose their zoning ordinance on Baltimore County should Baltimore County desire to locate a "public use" within Baltimore County's jurisdiction? (For purposes of this discussion it is assumed that there is no question of "public" versus "private use", and that Baltimore County's proposed use clearly falls within the definition of "public" under Maryland case law.)

Baltimore City derives its zoning power from Article 66B, Section 2.01(a) of the Annotated Code of Maryland which reads as follows:

"For the purpose of promoting the health, security, general welfare and morals of the community, the Mayor and City Council of Baltimore are hereby empowered to regulate and restrict the height, the number of stories and size of buildings and other structures, the percentage of lot that may be occupied, off-street parking, size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, signs, structures and land for trade, industry, residence, or other purposes."

Similarly, Baltimore County, as a chartered county, derives its zoning power from Article 25A, Section 5(x) of the Annotated Code of Maryland which permits such chartered counties to "enact local laws, for the protection and promotion of public safety, health, morals, and welfare, relating to zoning and planning . . ."

I thank all of you for your cooperation.

Very truly yours,

Eric Dinenna
ERIC DINENNA

SED:cjc
cc: William T. Hackett, Chairman
J. Robert Haines, Zoning Commissioner
P. David Fields, Director of Planning
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Nancy C. West, Esquire
Gene Seidel, Esquire
Mr. J. William Murray, President
Mrs. John K. Owen
Mr. William P. Wilke
Ms. Sue Mehl Moore, President

p.s.: Of course, all of the above is with the presumption the People's Counsel will withdraw her Appeal in Case No: 88-8-SPH, pursuant to the above.

ERIC

Arnold E. Jablon,
Zoning Commissioner for
Baltimore County
July 27, 1987
Page 2

It is our opinion that Article 66B of the Annotated Code of Maryland confers no greater power on Baltimore City to enact zoning regulations than does Article 25A of the Annotated Code of Maryland on Baltimore County. Therefore, we must conclude that should Baltimore County seek to locate a public use within Baltimore City's jurisdiction, Baltimore City could not impose compliance with its City Zoning Ordinance upon Baltimore County.

Yours truly,

John B. Howard
John B. Howard

JBH:bw
cc: Eric S. Dinenna, Esquire

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147
DIRECT DIAL NUMBER

July 11, 1988

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL G. TRACY, JR.
JOHN H. ZINK, II
JOSEPH C. WICK, JR.
HERBERT R. O'CONNOR, II
THOMAS L. HUDSON
C. CAREY DELEY, JR.
K. KING, II, III
ROBERT A. HOFFMAN
CYNTHIA M. WELLS

Hand Delivery

William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
3rd Floor
County Office Building
Towson, Maryland 21204

Re: Pine Ridge Golf Course
Case Nos.: 88-8-SPH

Dear Mr. Hackett:

On behalf of the Mayor and City Council of Baltimore and the Baltimore Municipal Golf Corporation, please be advised that the Petition for Special Hearing is hereby withdrawn, and accordingly, any appeal should be dismissed.

Thank you for your time in this matter.

Yours truly,

Robert M. Hoffman
Robert M. Hoffman
Eugene A. Seidel

RAH:bw
cc: J. Robert Haines
S. Eric Dinenna, Esquire
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Nancy C. West, Esquire
William L. Cook, II

RECEIVED
JUL 21 1988
ZONING OFFICE

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

SUITE 600
MERCANTILE TOWSON BUILDING
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 256-6820

August 12, 1988

Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
Attn: John Howard and
Robert Hoffman

RE: Pine Ridge Golf Course

Dear John and Rob:

Please refer to my letter of July 20, 1988, and our subsequent phone conversations.

I do not want to be "hard nosed" about the matter at hand, but it is my opinion that you, with Baltimore City, should file a Petition to withdraw your request for a CRG Waiver, as well as your Petition for the interpretation contained in Case No: 88-8-SPH.

Upon receipt of your Petitions, we will withdraw, by Petition, our Petition in Case No: 88-8-SPH, as well as the Appeal from the Zoning Commissioner's decision.

We should also forward to the Chairman of the Board of Appeals, Orders for their signature.

Your letters of July 11, 1988, in my opinion, do not meet the requirements, nor protect everyone's interest in this matter.

In my discussions with Rob, in your withdraw of the CRG Request, he indicated that the City was not involved. He stated that it was being done on behalf of the Baltimore Municipal Golf Corporation.

I do disagree and feel that the City, the property owner, should also join in that withdraw of that Request for Waiver.

Accordingly, the above matter should be cleaned up in a proper manner and I am in a position to demand hearing on my Appeal, unless this situation is resolved.

RECEIVED
AUG 15 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 9, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 88-8-SPH

In view of the subject of this petition, this office offers no comment.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

RECEIVED
JUN 9 1987
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 484, Zoning Advisory Committee Meeting of 5-26-87
Property Owner: City of Baltimore (Pine Ridge)
Location: EIS Dulaney Valley Rd. District 8
Water Supply: meter Sewage Disposal: meter

COMMENTS ARE AS FOLLOWS:

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

WWQ 1 4/86
4/26 88-8-SPH

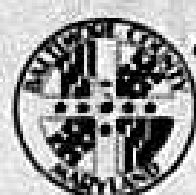
Zoning Item # 484 Zoning Advisory Committee Meeting of 7/10/87
Page 2

- () 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.
- () 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.
- () 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.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () 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.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others: *proposal to approve expansion of the Golf Course is presently under study by the Dept. of Environmental Protection & Resource Mgmt.*

Karen M. Thierrey
Dept of Environmental Protection and
Resource Management

WWQ 2 4/86

CPS-008



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

RECEIVED
DIRECTOR

C. Richard Moore
Acting Director

June 10, 1987

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

Item No. 484 -ZAC-
Property Owner:
Location:

Existing Zoning:
Proposed Zoning:

Area:
District:

Meeting of May 26, 1987
The City of Baltimore (Pine Ridge)
E/S Dulane Valley Road, along the
Loch Raven Reservoir, between Chapel
Wood Lane and Old Bosley Rd.
R.C. 4
Special Hearing to approve the expansion
of the Pine Ridge Golf Course
761.83 acres
8th Election District

Dear Mr. Jablon:

Attached is a copy of a letter from Mr. C. Richard Moore of this
department to the Honorable Barbara F. Bachur concerning a traffic study
for this site. The addition to the golf course is not expected to cause
any major traffic problems.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

Attachment

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Honorable Barbara F. Bachur
TO: Councilwoman, 4th District
C. Richard Moore, Acting Director
FROM: Department of Traffic Engineering
SUBJECT: Pine Ridge Golf Course Traffic Study

Date: May 28, 1987

A traffic count was taken at the Pine Ridge Golf Course entrance for one
week in late April. It was found that the golf course weekday peak hourly
traffic volumes occur in the morning about 11:00 a.m. and in the evening at
about 3:00 p.m., whereas the peak hourly traffic volumes on Dulane Valley
Road occur about 8:00 a.m. and 5:00 p.m. It was also found that the existing
golf course traffic is about 3% of the morning peak-hour traffic on Dulane
Valley Road and about 7% of the evening peak-hour traffic on Dulane Valley
Road.

The projected traffic increase for the proposed golf course is twice
the existing golf course traffic. Based upon this, it is estimated that the
total golf course traffic would be about 6% of the morning peak-hour traffic
and about 14% of the evening peak-hour traffic on Dulane Valley Road.

The existing level of service at the two closest signalized intersections
on Dulane Valley Road is "A" at Pot Spring Road and "B" at Seminary Avenue.

Based upon the traffic counts for the golf course and the good level of
service for the signalized intersections on Dulane Valley Road, the projected
traffic from a second golf course can be accommodated on Dulane Valley Road.

If you have any further questions, please do not hesitate to contact me.

C. Richard Moore

C. Richard Moore
Acting Director
Department of Traffic Engineering

CRM:GMJ:lt

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 8, 1987

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

000

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 484 - Case No. 88-8-SPH
Petitioner: The City of Baltimore
Petition Special Hearing

Dear Mr. Howard:

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 recom-
mendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the
Committee at this time that refer 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,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Kidde Consultants, Inc.
1020 Cromwell Bridge Road
Towson, Maryland 21204

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

May 28, 1987

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

Re: Property Owner: The City of Baltimore (Pine Ridge)

Location: E/S Dulane Valley road, along Loch Raven Reservoir, between
Chapel Wood Lane and Old Bosley Road
Item No.: 484
Zoning Agenda: Meeting of 5/26/87

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be
located at intervals or _____ feet along an approved road in accor-
dance with Baltimore County Standards as published by the Department
of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Pro-
tection Association Standard No. 101 "Life Safety Code," 1976 edition
prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Planning Group
Special Inspection Division

Noted and
Approved: *John F. O'Neill*
Fire Prevention Bureau

7/31



Maryland Department of Transportation
State Highway Administration

RECEIVED
JUN 1 1987

William K. Hollman
Secretary

ZONING OFFICE
May 28, 1987

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
Item #484
Property Owner:
The City of Baltimore
(Pine Ridge)
Location: E/S Dulane
Valley Road
Maryland Route 146
along the Loch Raven
Reservoir, between
Chapel Wood Lane and
Old Bosley Road
Existing Zoning: R.C. 4
Proposed Zoning: Special
Hearing to approve the
expansion of the
Pine Ridge Golf Course
Area: 761.83 acres
District 8th

Dear Mr. Jablon:

On review of the concept submittal and field inspection,
at Pine Ridge Golf Course, the State Highway Administration
finds all access to the site generally acceptable.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW/es

cc: J. Oglo

Pine Ridge Golf Course

Artistic Concept
by
John A. Newcomb

