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File

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

March 31, 2003

6669

Gary Gill, President
Baltimore Country Club at Five Farms
11500 Mays Chapel Road
Timonium, MD 21093

Re: Relocation of Tennis Courts

Dear Mr. Gill:

As you will recall, I represent property owners adjacent to the southern boundary of your Club on Mays Chapel and Bomont Roads involving zoning issues related to the expansion of your Club in 1993 and 1998.

My clients and I have received and reviewed the Baltimore Country Club's *News & Views* newsletter which indicates a proposed planned expansion of tennis facilities at Five Farms. (**Exhibit A** attached hereto) The Plan appears to move parking and the entrance to the tennis courts closer to my clients' properties. The Plan fails to show a sound barrier that had previously been agreed to between my clients and the Club with a planned expansion from 9 to 12 tennis courts.

I would remind you that in the 1993 Agreement with my clients (Zoning Case No. ~~93-388-X~~), the Club is required to submit these Plans, and any others, to us for review and comment prior to the Club's permit application. (Please note that the Agreement calls for notification to my clients, **NOT** to any other community organization in the subject area) (**Exhibit B** attached hereto).

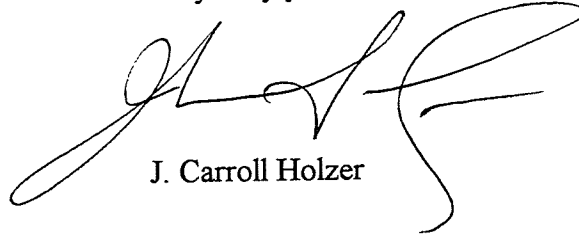
The Baltimore Country Club is also reminded that it is not allowed any deviation in the Plans unless it wishes to pursue a Special Hearing as required by the Deputy Zoning Commissioner's Order in Case No. 97-384-SPH. (See letter dated November 11, 1998, attached hereto as **Exhibit C** and Decision in Case No. 97-384-SPH, attached hereto as **Exhibit D**).

03-0936

APR 4 2003

We trust that the Baltimore Country Club will comply with its obligations required in the above referenced executed Agreement.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Carroll Holzer', with a large, stylized flourish extending from the end of the signature.

J. Carroll Holzer

Attachments

JCH:clh

cc: Tubman
Terry
Dow
Spies
A. Jablon
T. Kotroco
Site Resources Engineering



NEWS & VIEWS



March 2003

Special Edition

Continuation of the BCC Long-Range Plan

In 1992, the membership of Baltimore Country Club voted to adopt a Master Plan which focused primarily on improvements to the Five Farms facility, to step forward with a progressive and functional consolidation of summer sporting activity and renovations to aging facilities. The result of the vote was a remarkable 87% to proceed with the project. Included in this 1992 Master Plan were:

- A new Pool facility
- Increased and more convenient parking
- New Golf House including Golf Storage area and Hitting Loft
- Renovation of the Five Farms Clubhouse
- Relocation of Tennis to Five Farms

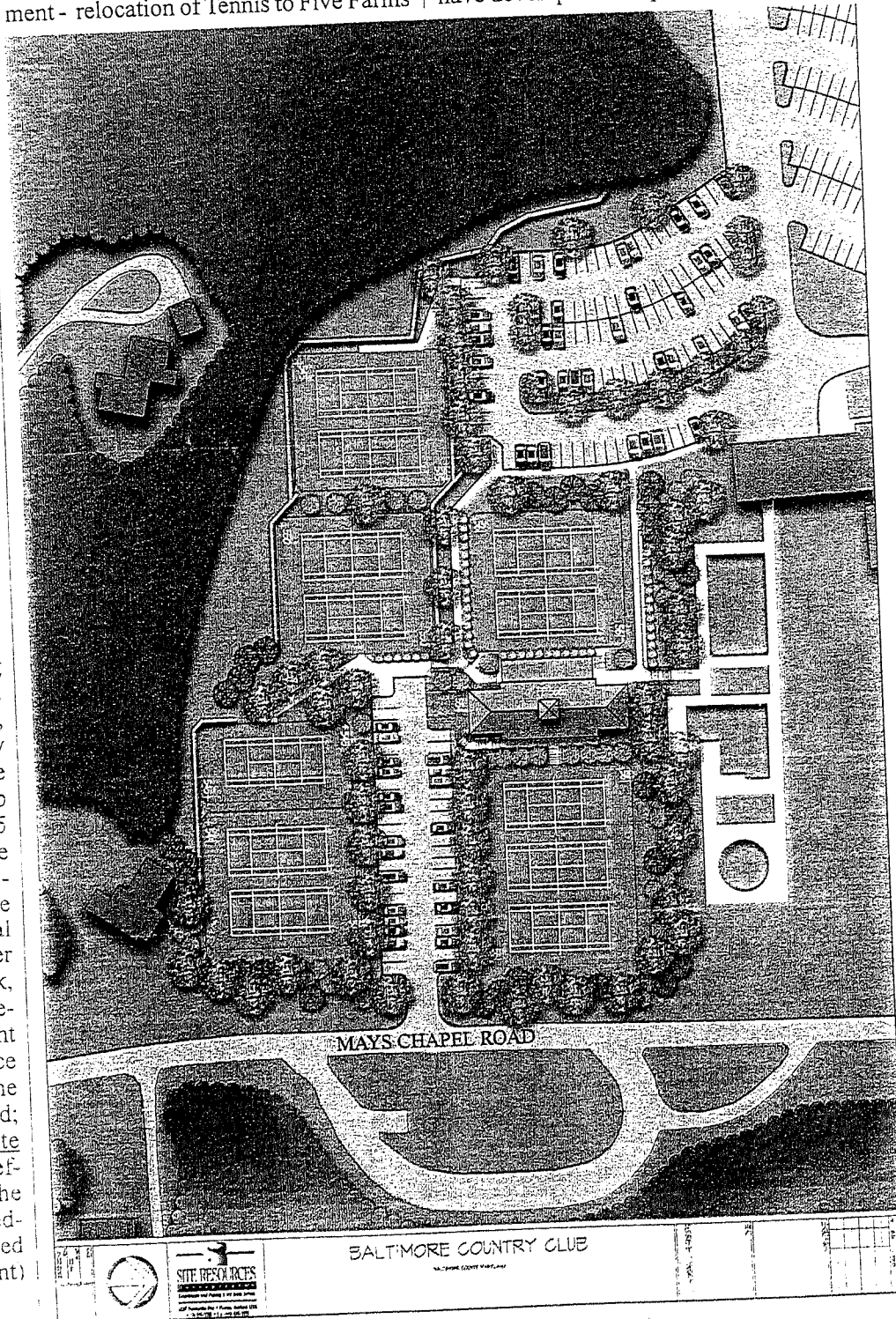
Members have, over the course of the last decade, enjoyed the first four items noted. The improvements have been outstanding and continue to provide delight for our members. Additionally, the vast improvements have helped attract new member interest in joining Maryland's premier full service Club. As you know, the relocation of Tennis is the sole remaining element to complete the 1992 Master Plan.

Furthermore, between 1992 and today, several projects were mandated by law or were determined to be a priority due to needs expressed by the membership and the Board. These include the 1995 Golf Maintenance facility in which the Club's golf course chemicals and pesticides are stored; reorientation of the Squash Courts in 1997 to international play; construction of the Fitness Center in 1998; and the elevator at Roland Park, completed in 2001. All of these improvements have enhanced member enjoyment and continue to keep BCC a full service Club. As a result of these projects, the timing of relocating Tennis was delayed; however, the commitment to relocate remains a top priority. As a point of reference, during the past ten years, the above improvements, at a cost exceeding \$16 million, have been accomplished without additional funding (assessment) by the membership.

Relocation of Tennis to Five Farms

As we continue the implementation of the 1992 Master Plan, the remaining element - relocation of Tennis to Five Farms

- is now before us. The Planning and Tennis Committees have respectively reviewed the preliminary drawings and schematics of Tennis at Five Farms, and have developed a site plan which has been



well received by the Tennis Committee with 12 courts available for play. The Plan also offers a Tennis House which complements the agrarian architecture at Five Farms and includes shower facilities as well as a Pro Shop. While the plans are still being defined by the Tennis and Planning Committees, there is an abundance of support from the Tennis players to accomplish this project as soon as possible.

The next step will be to finalize the design team and develop the complete plan for the complex.

In addition to the strong support of the current Tennis membership, relocation of Tennis is an important element for usage, revenue opportunities and appeal for potential new members. The social aspects of having the Pool and Tennis side-by-side provide appeal to families with children as well as having all the summertime BCC activities at one convenient location.

The rich traditions and history of Tennis at Roland Park will not be forgotten. Just as the Club did in the 1920's, by purchasing the Five Farms property, it is important for us to look to the future. Our forefathers were very aware that the "future" required this bold step, and they had the responsibility and foresight to plan a program which was intended to, and did, benefit their children, grandchildren and great-grandchildren. We are, today, enjoying the fruits of their wisdom. We plan to continue this legacy by finally moving Tennis to Five Farms.

Master Plan II

A) Relocation of Tennis to Five Farms as described above.

B) Roland Park Clubhouse

As we continue to look to the future, other needs have become evident over the last decade. These include continued infrastructure initiatives at the Club's flagship - the Roland Park Clubhouse - the heart of Baltimore Country Club, and one of the most elegant and gracious buildings in the State. In a 1997 survey of the membership, members told the leadership that one of the most important traditions never to be lost is "the Roland Park Clubhouse". To that end, a detailed and comprehensive report has been prepared by Leach Wallace Associates, Inc., Consulting Engineers, to identify steps that must be taken to ensure that this magnificent Clubhouse will be enjoyed by your children and grandchildren for many decades to

come. Elements to be addressed include roofing, windows, porte cochere renovations, expanded Grille Kitchen, updated HVAC and interior refurbishment. This certainly is part of the next phase of a Master Plan.

C) Water Management Plan - Irrigation

A continuous effort to keep your Club attractive to both existing members and provide future member interest is certainly maintaining the world-renown East Course. In consulting with experts on water source management and usage, the Club has been advised that it is necessary to replace the current irrigation system on the East Course which was installed in 1979 - almost 25 years ago. The system has become antiquated and unable to provide proper and efficient quantities in the appropriate locations on the course. Included in this plan is deliberation on water sources for the future - lowering pond intake valves, additional water sites, transfer systems between ponds, pumping stations - all of which will protect the East and West Courses from changing weather patterns, government-imposed water restrictions, and other environmental issues impacting golf courses in the Mid-Atlantic region. To protect and enjoy our golf courses, we must ensure and guard our water sources and storage, and implement a system to use the water in the most efficient and effective way.

Costs and Financial Position

These three important projects identified above have the following preliminary estimated costs:

Relocation of Tennis to Five Farms	\$2,000,000
Roland Park Clubhouse	\$2,000,000
Water Management Plan	\$1,500,000
	\$5,500,000

Currently, the Club's finances are stable and we continue to work diligently to control costs yet provide a superior club and amenities. Our debt position is approximately \$3.6 million as of February 28, 2003. The Finance Committee and Board are working to ensure that appropriate fiscal disciplines are in place and that our dues structure supports the quality that the membership demands. Our continued financial success depends on member

usage and our appeal to new prospective members.

Funding Options

There are numerous funding options, however the Board believes the following are the most viable:

- Option 1 - Do nothing or defer
- Option 2 - Member assessment
- Option 3 - Assume additional debt
- Option 4 - Sale of land at Roland Park
- Option 5 - Combination of land sale and additional debt

Option #1 - Do nothing or defer: We believe that to continue to maintain the Club in its tradition of being a first class, full service club, and to carry out the mandate by the members to implement the Master Plan, Option 1 is not acceptable. To defer will weaken our attractiveness to new members and cause the loss of current members. It would also require approximately \$250,000 to \$300,000 of repairs to the current Tennis facility.

Option #2 - Member assessment: An assessment to fund any of the projects outlined previously would range from \$1,500 to \$3,000 per member. The Board sees this as a last alternative. BCC is one of the only clubs to not have an assessment in the past 30 years, which is a result of sound fiscal policies and attractiveness to new members.

Option #3 - Assume additional debt: Now may be the best time to take on debt as interest costs continue to be at historic lows. However, if we were to borrow approximately \$5,500,000, amortized over 20 years, it would create significant increased costs per member and require significant dues increases. The Club's debt would total \$9.1 million that, in the Board's opinion, is not prudent or appropriate.

Option #4 - Sale of land at Roland Park: In 1999, we were offered \$5.1 million for the full 18 acres of land at Roland Park. Since 1999, there have been at least five groups that have shown continued interest in all or a portion of the lower 18 acres including the Tennis facility and the old first hole, but not the Clubhouse or surrounds. If the full 18 acres were sold, stringent covenants would be put in place regarding the use of the land. We would also plant significant trees at the bottom of the hill to provide a screen and protect our view down the hill.

Option #5 - Combination of land sale and additional debt: This entails the sale

of a portion of the land approximately defined by the boundaries of the Tennis facility at Roland Park. **This would not include the bottom of the hill directly below the Clubhouse.** We would be ardent in the creation of covenants and expect that the land will only be used for tennis or practice fields. This option remains viable as (1) the Club's "front yard" remains intact and (2) the risk of any adverse impact on the Club resulting from the sale of the land, or the buyer's use of the land, is minimized. However, the process of a partial land sale would not provide funding for all the projects listed previously. Therefore, we would supplement the process with additional debt at attractive financing rates and be in a position to accomplish our goals with minimal financial impact.

At the completion of the projects, our total outstanding debt would approximate the level of debt when the Five Farms Clubhouse was completed.

Current Status

The Club continues to receive inquiries about the potential sale of land at Roland Park and the current leadership believes it is incumbent upon us to bring the inquiries of interest to the membership. These inquiries include the entire 18 acres or only the Tennis courts and the Tennis facility. The sight line down the hill, the old bunker, would not be part of this partial sale.

The inquiries are from local private schools that would wish to use the courts and convert a portion of the existing Tennis facility into two practice fields. Additionally, the Roland Park Community Foundation has expressed interest in purchasing the property to protect the area as open space. In all these circumstances, very strong covenants and legally binding parameters with regard to use of the property would be enforced and they would also give Baltimore Country Club the right of first refusal, should the buyer desire to sell in the future. It is the strong desire of the Board that the voting members express their position on this potential sale of Club real estate prior to entering into the negotiation stages with the selected buyer, to include setting minimum purchase prices. This will allow us to begin negotiations immediately and with the support of the membership. Therefore, as a voting member, you will be receiving additional details on this potential sale within the next few weeks.

Master Plan Implementation

As noted earlier, there are clearly identified "needs" if we are going to maintain



our quality for current members and continue our attractiveness to new members. Moving the Tennis facility to Five Farms will have the highest immediate impact on attracting new members. This is a key issue in sustaining the current economics of the Club. Accordingly, maintaining two Tennis facilities is not financially practical or prudent. Therefore, the Board will bring these options to you and the required membership voting process will be initiated. The membership must ultimately decide the direction of the Club. The Board believes the full or partial land sale must be considered first and if the membership does

not support the sale, the other option of debt and/or assessment will be pursued.

Baltimore Country Club has always set the standard of quality, and the next steps in the master plan are critical for us to continue as the premium Club in Maryland.

We look forward to the successful discussions and implementation of this phase of the master facility plan. The Club will always be a place you can consider to be your oasis and the place of choice to share with your family and guests. As in the past, we pledge first-class quality in our planning, our attention to value engineering and sound fiscal oversight.

SEMMEs, BOWEN & SEMMEs

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

RALPH L. ARNSDORF

Direct Dial: (410) 339-3767

Email: rarnsdorf@mail.semme.com

TELEPHONE 410-296-4400

FACSIMILE 410-296-8016

WWW.SEMMEs.COM

File

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CG
TO WAR

OFFICES IN
BALTIMORE, MARYLAND
HAGERSTOWN, MARYLAND
SALISBURY, MARYLAND
WASHINGTON, D.C.
MCLEAN, VIRGINIA

September 20, 1999

Gary Gill, President
Baltimore Country Club at Five Farms
4712 Club Road
Baltimore, Maryland 21210

Dear Mr. Gill:

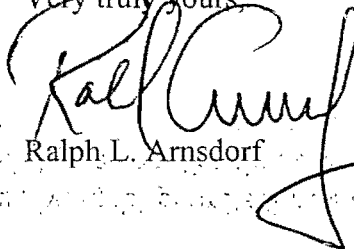
RE: 93-388-X

I understand that you may soon be applying for permits for tennis court construction at Five Farms. Please be reminded of our 1993 Agreement (Zoning Case 93-388-X) whereby you are required to submit these plans to the below listed homeowners for review and comment prior to your permit application.

Also, please be reminded that you are not allowed any deviation in these plans from that on file with the above-1993 Agreement unless you wish to pursue a special hearing. No administrative appeal is available to you. This was the ruling of Deputy Zoning Commissioner Kotroco in Case No. 97-384-SPH.

I trust you will comply with your obligations in this matter.

Very truly yours,


Ralph L. Arnsdorf

RLA:jlh

ENCLOSURE

SEMMES, BOWEN & SEMMES

A PROFESSIONAL CORPORATION

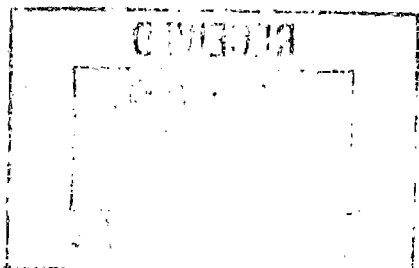
September 20, 1999

Page 2

cc: Donna Dow
Joseph and Kathryn Tubman
Fred and Deborah Terry
Courtney and Ruth Spies

Carroll Holzer, Esquire -
Baltimore County Permits Office
Arnold Jablon, Director, PADM
Assistant Zoning Commissioner Kotroco
Ed Haile, DMW
Scott Barhight, Esquire
Donald Proctor, Esquire

T/11183

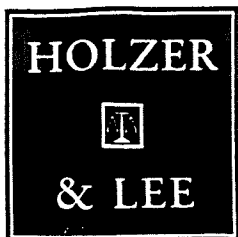


RECEIVED

99-2476

SEP 22 1999

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT



11/1998

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

November 11, 1998
6669

CERTIFIED MAIL TO:

FILE COPY

Arnold Jablon, Director
Department of Permits and Development Management
County Office Building
Towson, MD 21204

Pat Keller
Director of Planning
County Courts Bldg., Fourth Floor
401 Bosley Avenue
Towson, MD 21204

George Perdikakis
Department of the Environmental Protection
County Courts Bldg., Fourth Floor
401 Bosley Avenue
Towson, MD 21204

Timothy Kotroco
Deputy Zoning Commissioner
Suite 405
401 Bosley Ave.
Towson, MD 21204

Re: Baltimore Country Club/Expansion/Renovations

Gentlemen:

Please be advised that I have been representing several individuals on Bomont Rd., specifically Donna Dow, Bro Tubman, Deborah Terry, and Mr. Courtney Spies, all of whom are adjacent property owners and neighbors to the Baltimore Country Club who appeared in various zoning hearings before the Zoning Commissioner and the CBA.

✓. Today, November 11, I have dismissed our appeal in Case No. 97-384-SPH which leaves standing as the operative final decision the findings of fact and conclusion of law of Deputy Zoning Commissioner Timothy Kotroco dated March 31, 1998. In Mr. Kotroco's order, he sets forth on page 7 and 8 that any change to the approved development plan for the Baltimore Country Club would have to be by way of agreement between the adjacent property owners and the club, or by way of a Special Hearing. I would direct your attention to page 15 of his Order in which he said, "There shall be no administrative approval of any change or modification to the tennis court facility without the full knowledge and consent of the above named affected members of the adjacent community, or a special hearing to approve same."

I am bringing this operative decision to your attention in the respect that any future changes or modifications proposed by the Baltimore Country Club are encompassed by the Zoning Commissioner's Order, be complied with and no administrative change be permitted without a hearing.

On behalf of my clients, I would like to receive notification of any proposed change which will require community approval, or a special hearing under the Deputy Zoning Commissioner's decision which you will find attached hereto and incorporated herein. Thank you very much for your cooperation.

Very truly yours,

Carroll Holzer/LS

J. Carroll Holzer

cc: Bro Tubman
Donna Dow, M.D.
Deborah Terry

AGREEMENT

THIS AGREEMENT, entered into on this 14th day of June, 1993, by and between BALTIMORE COUNTRY CLUB OF BALTIMORE CITY ("BCC") and JOSEPH R.B. TUBMAN, DONNA DOW, DEBORAH TERRY and COURTNEY SPIES ("the Community").

WHEREAS, BCC has operated a country club on the property known as Five Farms in Baltimore County, Maryland since the 1920s and would like to make certain modifications to the country club including but not limited to improvements to the Clubhouse and other facilities, addition of new parking areas and the construction of nine (9) new tennis courts;

WHEREAS, by his Order dated March 5, 1993, the Zoning Commissioner of Baltimore County granted the Petition for Special Hearing filed by BCC thereby granting the existing non-conforming country club and modifications;

WHEREAS, BCC has filed a Petition for Special Exception for a country club to apply to two (2) parcels not included in the March 5, 1993 Order of the Zoning Commissioner (the "Merrick" and "Boyce" parcels); and

WHEREAS, the Community has expressed concerns about (i) the existing and future stormwater runoff leaving the country club and passing onto certain properties along Bomont Road, (ii) the potential sound and visual impact of the proposed additional tennis courts and relocated parking facilities adjacent to said tennis courts, and (iii) the possibility that the Boyce parcel may be used for purposes other than for a single family residence, three tennis courts and twelve parking spaces.

W I T N E S S E T H:

In consideration of the mutual promises contained herein, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. BCC Obligations.

In consideration of the obligations of the Community, BCC agrees as follows:

A. When and if BCC constructs the parking areas immediately adjacent to the Clubhouse, BCC shall handle all stormwater runoff in accordance with the quantity and quality requirements of all then existing and applicable federal, state and Baltimore County laws and regulations.

Prior to submitting any stormwater plans pursuant to this Section, BCC shall submit such plans to the Community for their review and comment. BCC shall respond in good faith to each comment received from the Community.

B. When and if BCC constructs the proposed tennis courts and adjacent parking, BCC shall handle all stormwater runoff in accordance with the quantity and quality requirements of all then existing and applicable federal, state and Baltimore County laws and regulations.

Prior to submitting any stormwater plans pursuant to this Section, BCC shall submit such plans to the Community for their review and comment. BCC shall respond in good faith to each comment received from the Community.

C. To reduce the impact of the existing stormwater runoff emanating from the existing parking facility adjacent to the Boyce parcel, BCC shall install energy dissipation and settling measures on the BCC property by December 31, 1993.

Prior to submitting any stormwater plans pursuant to this Section, BCC shall submit such plans to the Community for their review and comment. BCC shall respond in good faith to each comment received from the Community.

D. After the recordation of the Restrictive Covenant Agreement pursuant to Sections 1.G and 4, the Community shall make whatever improvements they deem necessary to the existing improvements in and around Bomont Road, including but not limited to the existing culverts, the existing paving and the removal of sediment and other debris from the drainage areas along Bomont Road. After the improvements have been completed, the Community shall submit all bills and invoices to BCC for payment, not to exceed \$7,500.00.

E. Subject to the option of a majority of the Community stated herein, BCC shall erect a wall along the entire eastern and southern sides of the three tennis courts to be constructed on the Boyce parcel. This wall shall be six (6) feet high above the tennis court level at its northern most portion, six (6) feet high above the tennis court level at its western most portion, and ten (10) feet high above the tennis court level at the southeastern corner of the three tennis courts to be situated on the Boyce parcel. The elevations of the wall shall gradually change in sections of six, eight and ten feet in equal proportions. Said wall shall continue at a height of six (6) feet above the tennis court level to the northwest corner of the Boyce parcel.

This wall shall be masonry along the eastern side of the three tennis courts on the Boyce parcel. This wall shall be masonry along the southern side of the easternmost tennis court on the Boyce parcel (the "first court"). From the southwestern corner of the first court to the northwest corner of the

Boyce parcel, the wall may, at the discretion of BCC, be in staggered sections and constructed of wood, provided the wall is of comparable sound attenuation quality to a continuous masonry wall. *FRINGE TO CONSTRUCTION OF A WOOD WALL, BCC SHALL SUBMIT SUCH PLANS AND SUPPORTING DATA TO THE COMMUNITY FOR THEIR REVIEW AND COMMENT.*

The Community may exercise their option to trigger this BCC obligation upon providing written notice to BCC within thirty-six (36) months after the construction of the three tennis courts on the Boyce parcel. If the Community exercises such option, BCC shall erect said wall within six (6) months of receipt of said notice. BCC shall maintain said wall after construction.

F. The shortest distance from the centerline of Mays Chapel Road to the easternmost portion of the tennis courts on the Boyce parcel shall be seventy-five (75) feet, more or less.

G. The hours of operation for the three tennis courts on the Boyce parcel shall be from 9:00 a.m. to sunset. The hours of operation for the tennis courts serving the BCC at Five Farms, not on the Boyce parcel, shall be from 8:00 a.m. to sunset. The tennis courts serving the BCC at Five Farms, including the three tennis courts on the Boyce parcel, shall not be lit. Appropriate lighting is permitted on all parking areas serving the BCC at Five Farms, provided such lighting is directed away from neighborhood properties. At the request of BCC, and subject to the approval of a majority of the Community, the provisions of this Section may be modified.

H. BCC shall provide a vehicle pull-off area of six (6) feet from Mays Chapel Road to serve the mail and paper boxes adjacent to the Boyce parcel by December 31, 1993.

I. BCC shall record the Restrictive Covenant Agreement (attached hereto as Exhibit A) among the Land Records of Baltimore County at its sole cost and expense, effective for a period of twenty-five (25) years after the date of recordation, which will prohibit any use of the Boyce property other than as one single family residence, three tennis courts, and twelve (12) parking spaces.

2. Community Obligations.

In consideration of the obligations of BCC, the Community agrees as follows:

A. The Community shall represent to the Zoning Commissioner for Baltimore County that they are not in opposition to the Petition for Special Exception for a country club (Case No. 93-388-X), *as shown on the attached revised site plan (Exhibit 5)*

B. Immediately after the passage of the thirty (30) day appeal period, without appeal of the Special Exception Order in Case No. 93-388-X, granting the Petition for Special Exception, the Community shall dismiss, with prejudice, its appeal to

the Board of Appeals of Baltimore County of the Zoning Commissioner's Order dated March 5, 1993 granting the Petition for Special Hearing for Non-Conforming Use and Certain Modifications (Case No. 93-37-SPH).

C. The Community shall not file an appeal of the Special Exception Order in Case No. 93-388-X if the Zoning Commissioner grants the Special Exception.

3. Conditions Precedent.

The obligations of BCC listed under Section 1 of this Agreement are contingent upon the following:

A. The granting of the Petition for Special Exception in Case No. 93-388-X satisfactory to BCC and the passage of the thirty (30) day appeal period without any appeal having been filed from the Zoning Commissioner's Order.

B. The completion of all of the obligations of the Community as listed in Section 2.

4. Recordation of Covenants.

BCC shall record the covenants identified in Section 1 (G) of this Agreement within fifteen (15) days after the occurrence of both of the following events:

A. The running of the thirty (30) day appeal period after the granting of the Special Exception in Case No. 93-388-X without any appeal having been filed from the Zoning Commissioner's Order.

B. All of the Community's obligations in Section 2 having been completed.

5. Notices.

Any notices regarding this Agreement shall be sent to the parties at the following address:

If to Baltimore Country Club of Baltimore City:

Baltimore Country Club
Roland Park
4712 Club Road
Baltimore, Maryland 21210
Attn: Edward A. Johnston, President

If to the Community:

Mr. Joseph R.B. Tubman
11431 Mays Chapel Road
Timonium, Maryland 21093

Ms. Donna Dow
721 Bomont Road
Timonium, Maryland 21093

Ms. Deborah Terry
747 Bomont Road
Timonium, Maryland 21093

Mr. Courtney Spies
722 Bomont Road
Timonium, Maryland 21093

6. Miscellaneous Provisions.

A. This Agreement shall bind the parties, their successors, heirs and assigns.

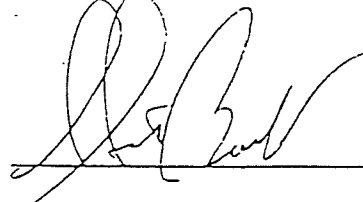
B. This Agreement shall be governed by the laws of the State of Maryland.

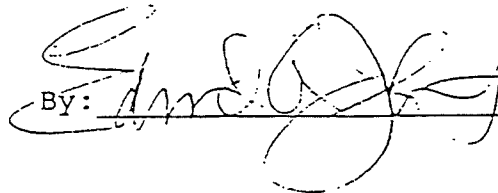
C. This Agreement contains all of the terms and conditions of this Agreement and cannot be modified, except by written agreement of the parties.

WHEREFORE, the parties execute this Agreement as of the day and year first above written.

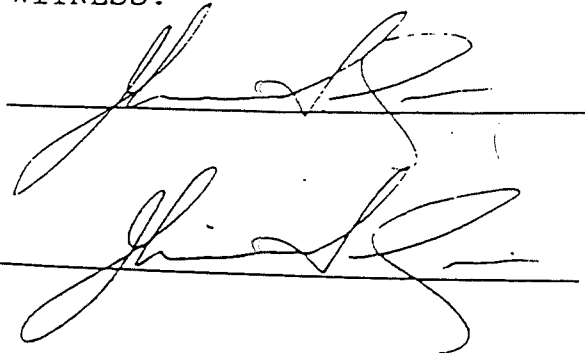
ATTEST: WITNESS:

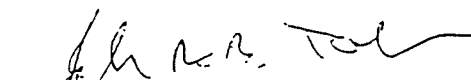
BALTIMORE COUNTRY CLUB OF
BALTIMORE CITY

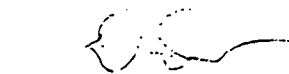


BY:  PRES

WITNESS:

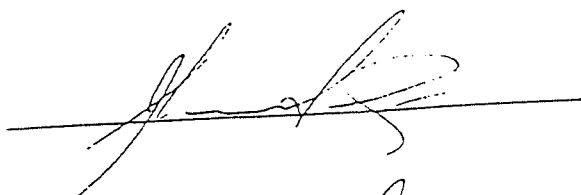
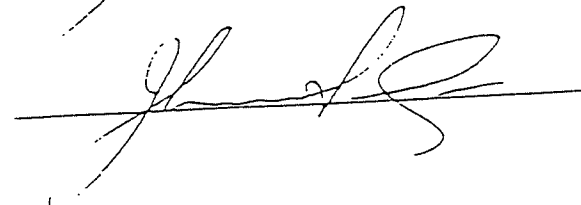


 (SEAL)
JOSEPH R.B. TUBMAN

 (SEAL)
DONNA DOW

(signatures continued)

WITNESS:

Deborah Terry (SEAL)
DEBORAH TERRY

Courtney Spies (SEAL)
COURTNEY SPIES

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT, has been entered into on this _____ day of _____, 1993 by and between BALTIMORE COUNTRY CLUB OF BALTIMORE CITY ("BCC") and JOSEPH R.B. TUBMAN, DONNA DOW, DEBORAH TERRY and COURTNEY SPIES ("the Community").

RECITALS

A. BCC owns a parcel of land containing approximately 2.67 acres on the west side of Mays Chapel Road, on the north side of Bomont Road in the Eighth Election District of Baltimore County, Maryland being known as the Boyce Parcel. The Boyce parcel consists of all of the land described in the Deed dated December 16, 1991 and recorded among the Land Records of Baltimore County in Liber 9032, folio 738.

B. The Boyce parcel is the subject of a Petition for Special Exception before the Zoning Commissioner of Baltimore County (Case No. 93-388-X).

C. The Community is willing to discontinue their opposition to the Petition for Special Exception regarding the Boyce parcel if, among other things, BCC enters into this Restrictive Covenant Agreement.

D. In order to make the covenants, restrictions and conditions contained in this Agreement binding and in full force and effect upon the Boyce parcel and upon the present and future owners and occupants thereof, the parties have entered into this Agreement to the end and to the intent that BCC, its successors and assigns, will hold, utilize and hereinafter convey or foreclose the property subject to the said covenants, restrictions and conditions contained herein.

E. BCC and the Community hereby enter into this Agreement as set forth below.

NOW, THEREFORE, in consideration upon the mutual agreements and understandings herein contained, and for other good and valuable considerations, the receipt and sufficiency of which is hereby mutually acknowledged, the parties hereby enter into the following Agreement:

ARTICLE I - USE RESTRICTIONS.

BCC agrees for a twenty-five (25) year period from the date of recordation of these covenants not to use the Boyce parcel for any uses other than those listed below:

IN RE: PETITION FOR SPECIAL
EXCEPTION FOR A COUNTRY CLUB
11500 Mays Chapel Road
Parcel A - NWC Mays Chapel Road
and Bomont Road
Parcel B - W/S Mays Chapel Road,
361 feet plus or minus
S/S Chapel Ridge Road
Eighth Election District
Third Councilmanic District
Petitioner: Baltimore Country
Club of Baltimore
City

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 93-388-X

FINDINGS OF FACTS AND
CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a
Petition for Special Exception for the subject parcels located at
11500 Mays Chapel Road. The Petition was filed by the property
owner, Baltimore Country Club of Baltimore City, which operates a
country club at this location known as Five Farms.

The Petitioner seeks approval for a country club on two
parcels. In Case No. 93-37-SPH, the Zoning Commissioner of
Baltimore County granted a Petition for Special Hearing con-
firming a nonconforming country club and modifications for those
portions of the property owned by the Petitioner as of September
26, 1963. The two parcels which are the subject of this Petition
for Special Exception were not owned by the Petitioner as of
September 26, 1963. Therefore, Parcels A and B are not part of
the nonconforming country club.

The Petitioner is represented by G. Scott Barhight, Esquire.
Appearing at the hearing on behalf of the Petitioner as witnesses

were Paul T. Spellman, Jr., who has been employed as the general
manager and chief operating officer of the Baltimore Country Club
since 1985, and Edmund F. Haile, P.E. and George E. Gavrelis from
Daft-McCune-Walker, the engineers/land planners, who prepared the
site plan. Several protestants, Joseph R.B. Tubman, Donna Dow,
Deborah Terry and Courtney Spies also appeared. The Protestants
were represented by J. Carroll Holzer, Esquire.

Mr. Barhight proffered the testimony of the three witnesses
on behalf of the Petitioner. This proffer indicated that the
Club was granted the aforementioned nonconforming status and that
such order has been appealed to the Board of Appeals by the
Protestants. Parcels A and B which are the subject of this
Petition for Special Exception, are contiguous to those portions
of the Club which enjoy the nonconforming use status. Parcel A,
known as the "Boyce Parcel" is currently improved by a single
family residence and consists of approximately 2.67 acres. The
Club proposes to improve the Boyce Parcel by adding three tennis
courts and twelve parking spaces all as shown on the revised site
plan marked as Petitioner's Exhibit 2B. Parcel B, known as the
"Merrick Parcel" is currently improved as part of the 3rd hole of
the West Course and consists of approximately 1.213 acres. Both
parcels are zoned R.C.5. The proffer further indicated that the
witnesses would testify that the requirements of Section 502.1 of
the Baltimore County Zoning Regulations would be met if the
Petition for Special Exception is granted.

The Protestants had expressed concerns regarding, among
other things, stormwater run-off, the visual and sound impact of

the proposed improvements to the Boyce Parcel, and the future use
of the Boyce Parcel. Counsel for the Petitioner and the Protes-
tants represented that the parties have been diligently negoti-
ating in good faith to resolve the concerns raised by the
Protestants. As a result of these negotiations, the parties have
entered into an Agreement, which was offered into evidence as
Petitioner's Exhibit 2A. In return for the Petitioner's obliga-
tions contained in the Agreement, the Protestants have agreed,
among other things, to withdraw their opposition to the subject
Petition for Special Exception and to dismiss, with prejudice,
their appeal of the Zoning Commissioner's Order in the noncon-
forming use case. During the hearing, the Planning Office also
provided the Deputy Zoning Commissioner with a revised comment
which is in support of the granting of the requested Special
Exception, subject to the Agreement (Exhibit 2A).

Pursuant to Section 1A04.2.B.8 of the Baltimore County
Zoning Regulations, a country club is permitted on the subject
parcels by special exception. The special exception use has been
identified by the Appellate Courts of the State as a use which is
presumptively valid, absent a showing that the proposed use will
cause unique detriment to the health, safety or general welfare
of the surrounding community. Further, the Petitioner must
produce persuasive evidence that the standards enunciated in
Section 502.1 are satisfied in order for the Special Exception to
be approved. Based on the uncontradicted evidence and testimony
presented, I am persuaded that the Petitioner has met its burden.
There is no evidence that the proposed use will, in any manner,

adversely effect the health, safety or general welfare of the
locale. Parcel B is currently being used as a portion of the
golf course with no harm to the community whatsoever. Addition-
ally, the proposed use of the Boyce Parcel, with the conditions
as shown on the revised site plan (Exhibit 2B), is consistent
with the country club use of the Five Farms property and will not
have an adverse impact on the surrounding community. For all of
these reasons, I am persuaded that the Petition for Special
Exception should be granted.

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

IT IS THEREFORE ORDERED, by the Deputy Zoning Commissioner
for Baltimore County, this 23rd day of June, 1993, that,
pursuant to the Petition for Special Exception, approval for the
operation of a country club on Parcels A and B as shown on the
revised site plan (Exhibit 2B) pursuant to Section 502.1 of the
Baltimore County Zoning Regulations, be and is hereby GRANTED;
subject, however, to the following restrictions which are
conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building
permit and be granted same upon receipt of this
Order, however, Petitioner is hereby made aware
that proceeding at this time is at its own risk
until such time as the thirty (30) day appellate
process from this Order has expired. If, for
whatever reason, this Order is reversed, the
Petitioner will be required, and responsible for
returning, said property to its original condition.

2. The terms of the Agreement dated June 15, 1993
(Exhibit 2A), are incorporated into this Order and
must be complied with as a part of the approval
herein granted.

Timothy M. Kotroco
Timothy M. Kotroco,
Deputy Zoning Commissioner for
Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 23, 1993

(410) 887-4386

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner Mays Chapel Road and Bomont Road (Parcel A), and
W/S Mays Chapel Road, 361' S of Chapel Ridge Road (Parcel B)
(11500 Mays Chapel Road)
8th Election District - 3rd Councilmanic District
Baltimore Country Club of Baltimore City - Petitioner
Case No. 93-388-X

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petition for Special Exception has been grant-
ed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-
able, any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact the Zoning Administration and Development
Management office at 887-3391.

Very truly yours,

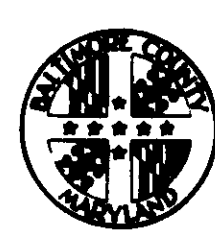
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

People's Counsel

file



Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 11500 Mays Chapel Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached
hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the
herein described property for
a Country Club

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

Legal Owner(s):
Baltimore Country Club of Baltimore City
Edward A. Johnston, President

Signature: _____
Name: _____
Address: _____
City: _____ State: _____ Zip: _____

Signature: _____
Name: _____
Address: _____
City: _____ State: _____ Zip: _____

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City: _____ State: _____ Zip: _____

93-388-X
PARCEL A
Description

To Accompany Petition for Special Exception,
2.67 Acre Parcel, West Side of Mays Chapel Road,
North Side of Bomont Road,
Eighth Election District, Baltimore County, Maryland



Beginning for the same at the intersection of Mays Chapel Road with the
centerline of Bomont Road, running thence binding on said centerline of Mays Chapel
Road the two following courses and distances, viz: (1) North 00 degrees 47 minutes
West 112.5 feet, and thence (2) North 08 degrees 07 minutes East 164.5 feet, thence
leaving said road and running the two following courses and distances, viz: (3) South
88 degrees 34 minutes West 400 feet, and thence (4) South 10 degrees 46 minutes West
254 feet to the centerline of said Bomont Road, thence binding on said centerline the
four following courses and distances, viz: (5) South 76 degrees 47 minutes East 150
feet, thence (6) South 84 degrees 52 minutes East 50 feet, thence (7) North 77 degrees
58 minutes East 135 feet, and thence (8) North 87 degrees 18 minutes East 100 feet to
the point of beginning; containing 2.67 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
April 12, 1993
Project No. 62032.G (L62032G.2)



ITEM# 396

PARCEL B 93-388-X

In Accompany Petition for Special Exception,
1.213 Acre Parcel, West Side of Mays Chapel Road,
South of Chapel Ridge Road,
Eighth Election District, Baltimore County, Maryland

DMW

Dick-McCann-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 286 3333
Fax 286 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at a point in the bed of Mays Chapel Road and distant
361 feet, more or less, as measured southerly in the bed of said Mays Chapel Road
from the centerline of Chapel Ridge Road, running thence in the bed of Mays Chapel
Road, (1) South 11 degrees 25 minutes East 204.25 feet, thence leaving said road and
running the three following courses and distances, viz: (2) South 81 degrees 27
minutes West 261.75 feet, thence (3) North 03 degrees 05 minutes West 226.25 feet, and
thence (4) North 86 degrees 44 minutes East 231.00 feet to the point of beginning;
containing 1.213 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 12, 1993

Project No. 82032.G (L82032G.1)



ITEM # 396

Page 1 of 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 5/21/93
Posted for: Special Exception
Petitioner: Baltimore Country Club of Baltimore City
Location of property: 11500 Mays Chapel Rd.
Parcel A - 1/2 Acre Parcel - R. Mike Mendenhall & Son, Inc.
Parcel B - 1/2 Acre Parcel - R. Mike Mendenhall & Son, Inc.
Location of signs: 11500 Mays Chapel Rd., 361' +/- S/S Chapel Ridge Rd.
Remarks: Petition for Special Exception to allow use of Parcel A as a country club.
Number of signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5120 1993

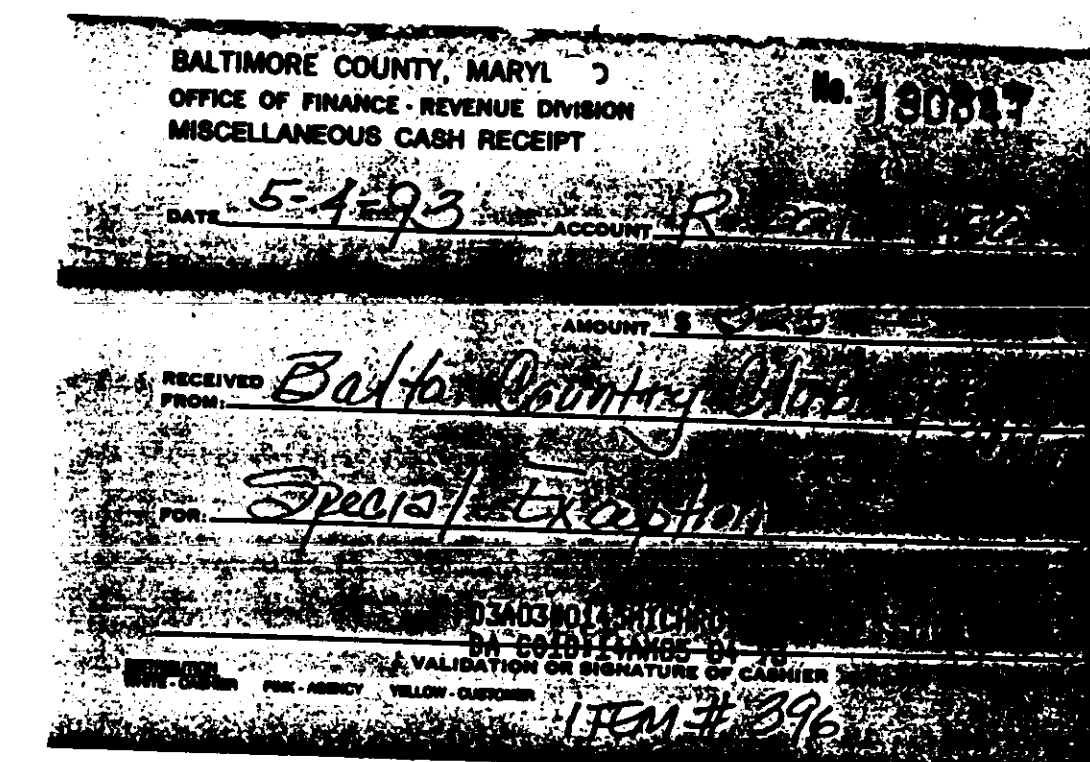
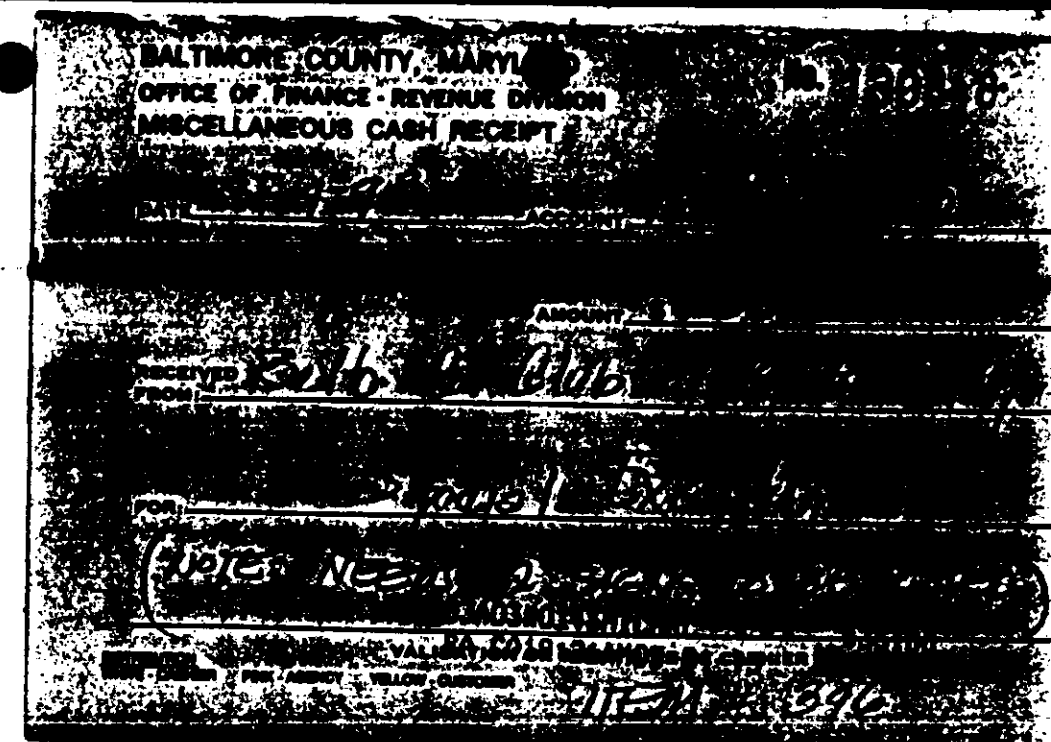
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 5/20 1993

THE JEFFERSONIAN,

S. Zake Orlow

Publisher

93-388-X



93-388-X

TO: FUTURE PUBLISHERS COMPANY
5/20/93 Issue - Jeffersonian
Please forward billing to:
Baltimore Country Club of Baltimore City
11500 Mays Chapel Road
Baltimore, Maryland 21093
ATTN: EDWARD A. JOHNSON
(410) 889-4400

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
OR
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-388-X (Item 396)
11500 Mays Chapel Road -- Baltimore Country Club at Five Farms
Parcel A - 1/2 Acre Parcel - R. Mike Mendenhall & Son, Inc.
Parcel B - 1/2 Acre Parcel - R. Mike Mendenhall & Son, Inc.
8th Election District - 3rd Councilmanic
Petitioner(s): Baltimore Country Club of Baltimore City
HEARING: MONDAY, JUNE 14, 1993 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a country club.

Laurence E. Schmidt
Laurence E. Schmidt

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

MAY 14 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
OR
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-388-X (Item 396)
11500 Mays Chapel Road -- Baltimore Country Club at Five Farms
Parcel A - 1/2 Acre Parcel - R. Mike Mendenhall & Son, Inc.
Parcel B - 1/2 Acre Parcel - R. Mike Mendenhall & Son, Inc.
8th Election District - 3rd Councilmanic
Petitioner(s): Baltimore Country Club of Baltimore City
HEARING: MONDAY, JUNE 14, 1993 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a country club.

Arnold Jablon
Director

cc: Baltimore Country Club of Baltimore City
G. Scott Barhight, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 4, 1993

(410) 887-3353

G. Scott Barhight
210 W. Pennsylvania Avenue, 5th Floor
Towson, MD 21204

RE: Case No. 93-388-X, Item No. 396
Petitioner: Baltimore Country Club of Baltimore City
Petition for Special Exception

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 May 4, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. + 396 (RT)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is

Telephone for Impaired Hearing or Speech
303-7568 Baltimore Office - 303-4401 D.C. Office - 1-800-452-2229 Statewide Toll Free
707 North Central St., Baltimore, Maryland 21205-0777

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: June 3, 1993

SUBJECT: 11500 Mays Chapel Road

INFORMATION:

Item Number: 396 93-388-X

Petitioner: Baltimore Country Club of Baltimore

Property Size:

Zoning: RC 5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

This Petition concerns two parcels of land acquired by the Baltimore Country Club at Five Farms. Parcel A is zoned RC 5 and contains 2.67 acres of land on the northwest corner of Mays Chapel Road and Bonmont Road. The property is currently improved with a single-family dwelling.

Parcel B is located on the west side of Mays Chapel Road, just south of Chapel Ridge Road and has been incorporated into the third hole of the "west course."

This property has an interesting zoning history and is currently the subject of an appeal from the Zoning Commissioner's decision in Case No. 93-37 SPH. In that case the Zoning Commissioner ruled that the Baltimore Country Club had established a non-conforming use as a country club and golf course on all but three parcels of land which the Club purchased after September 26, 1963. Because of the complex nature of the technicalities of the case, many questions will remain until such time as the Board of Appeals renders its decision.

Other concerns of the adjacent community were raised which dealt with the adequacy of stormwater management and off-site impact resulting from past and continuing management practices.

With respect to the present issue, we must review the request with regard to its potential impact upon the adjacent community. The community has already expressed its concerns about placing tennis courts in close proximity to its property line and adjacent homes. Their concerns are not only limited by the unique

396.ZAC/ZAC1

Page 1

sound generated by the return of the ball from the racquet but also the chatter of the players. If the courts are to be lighted, this could also negatively impact the neighborhood. Additionally, the area shown on the plan for the tennis courts is not improved with any structures. It is, however, a wooded residential lot with a steep grade where the proposed parking lot would be located. The manner by which stormwater will be accommodated has not been indicated and must be addressed so as to avoid additional off-site impacts.

Based upon the information presented and in view of the concerns raised at the previous hearing (Case 93-37 SPH), this office cannot support the Special Exception for Parcel A unless several outstanding issues identified by staff and the community are resolved. This office, however, is not opposed to the request for Parcel B.

Prepared by: Jeffrey M. Long
Division Chief: Carol L. Viner

PK/JL:lw

396.ZAC/ZAC1

Pg. 2

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

May 26, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM
SUBJECT: Zoning Item #396 - Baltimore Country Club
11500 Mays Chapel Road
Zoning Advisory Committee Meeting of May 17, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Any further development/permit applications may result in the application of the Forest Conservation Regulations to the site.

JLP:VR:sp

MAYS/TXTSBB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
Captain Jerry Pfeifer
Fire Department
FROM: Comments for 05/24/93 Meeting
SUBJECT: Item 396
Buildings, roads and systems designed to deliver water for fire protection purposes shall be approved by the Fire Department.
Item 397
Driveway shall be of a width to provide for Fire Department vehicle access.
Item 398
No Comments
Item 399
Space shall comply to the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
Item 400
Townhouses, for which the initial building permit is applied for after July 1, 1992, are required by State Law to be sprinklered.
Additional fire hydrants are needed on Binnacle Lane, Seabreeze Lane, and the north section of Marina Drive.
Item 401
No Comments
Item 402
Space shall comply to the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
Item 403
No Comments
Item 404
No Comments

RECEIVED
MAY 17 1993

ZADM

CPS-008

To: Zoning Commissioner, 5/7/93
As per C. Richard, Petitioner was advised to file a Zoning Variance for Parcel A. Atty. C. Barhight has insisted on filing the petition for Special Exception only with out Zoning Variance as a matter of the (B.C.Z.R.)
Reg. Tanguay
Zoning office interpretation; Uses permitted by Special Exception may not be considered accessory for purposes of setback determination & must meet principal bldg. setback for that zone. This is standard off policy.
BIT

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS
JOSEPH R.B. TUGMAN 11431 MAYS CHAPEL RD. TIMOTHY, MD
Deborah O. Terry 747 Brompton Rd. Tim MD 21091
CHARLES SCHMENNIGER 232 CASTLETOWN RD. TIM 21091
COURTNEY ANTONIO, JR. 722 Brompton Rd. Tim 21093

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
PAUL T. J. J. JR. 4712 Club Road BATH 21210
Ed Haffner 210 E Penna Ave 21206
Ray Ballanbong 100 W. Penna Ave 21204
Charles E. Gossels 210 E Penna Ave 21204
GARY T. GILL 2128 W. TOPPA RD. 21093
EDWARD A. JOHNSON 210 W. PENNA AVE THUNDER 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: June 14, 1993

SUBJECT: 11500 Mays Chapel Road

INFORMATION:

Item Number: 396

Petitioner: Baltimore Country Club of Baltimore

Property Size:

Zoning: RC 5

Requested Action:

Hearing Date: 6 / 14 / 93

SUMMARY OF RECOMMENDATIONS:

This Petition concerns two parcels of land acquired by the Baltimore Country Club at Five Farms. Parcel A is zoned RC 5 and contains 2.67 acres of land on the northwest corner of Mays Chapel Road and Brompton Road. The property is currently improved with a single-family dwelling.

Parcel B is located on the west side of Mays Chapel Road, just south of Chapel Ridge Road and has been incorporated into the third hole of the "West course."

This property has an interesting zoning history and is currently the subject of an appeal from the Zoning Commissioner's decision in Case No. 93-37 SPH. In that case the Zoning Commissioner ruled that the Baltimore Country Club had established a non-conforming use as a country club and golf course on all but three parcels of land which the Club purchased after September 26, 1963.

With respect to the present issue, we must review the request with regard to its potential impact upon the adjacent community. The community has already expressed its concerns about placing tennis courts in close proximity to its property line and adjacent homes. Their concerns are not only limited by the unique

396.ZAC/ZAC1

Pg. 1

PETITIONER'S
EXHIBIT 2A

AGREEMENT

THIS AGREEMENT, entered into on this 14th day of June, 1993, by and between BALTIMORE COUNTRY CLUB OF BALTIMORE CITY ("BCC") and JOSEPH R.B. TUGMAN, DONNA DOW, DEBORAH TERRY and COURTNEY SPIES ("the Community").

WHEREAS, BCC has operated a country club on the property known as Five Farms in Baltimore County, Maryland since the 1920s and would like to make certain modifications to the country club including but not limited to improvements to the clubhouse and other facilities, addition of new parking areas and the construction of nine (9) new tennis courts;

WHEREAS, by his Order dated March 5, 1993, the Zoning Commissioner of Baltimore County granted the Petition for Special Hearing filed by BCC thereby granting the existing non-conforming country club and modifications;

WHEREAS, BCC has filed a Petition for Special Exception for a country club to apply to two (2) parcels not included in the March 5, 1993 Order of the Zoning Commissioner (the "Merrick" and "Boyce" parcels); and

WHEREAS, the Community has expressed concerns about (i) the existing and future stormwater runoff leaving the country club and passing onto certain properties along Brompton Road, (ii) the potential sound and visual impact of the proposed additional tennis courts, and (iii) the possibility that the Boyce parcel may be used for purposes other than for a single family residence, three tennis courts and twelve parking spaces.

WITNESSETH:

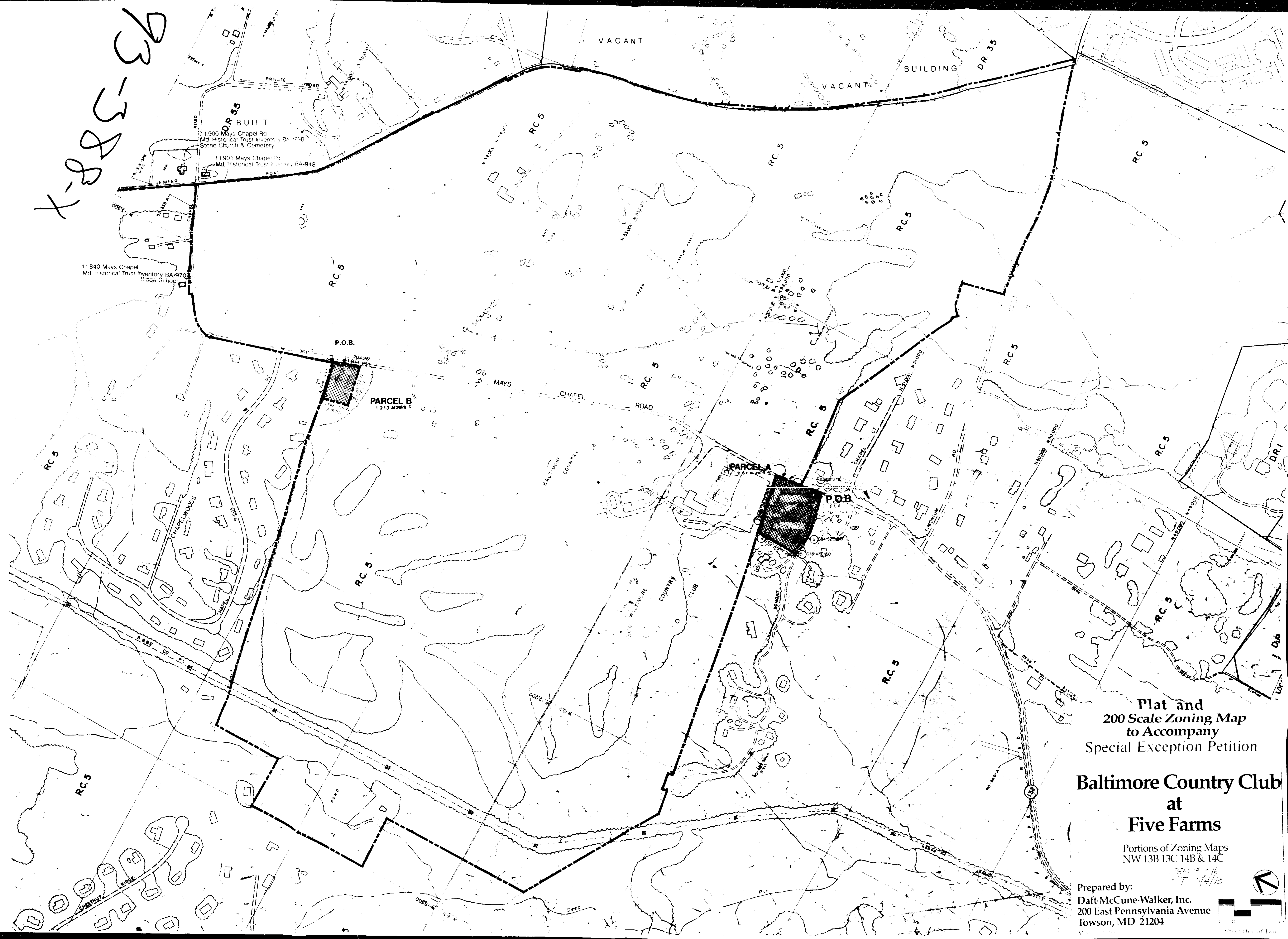
In consideration of the mutual promises contained herein, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. BCC obligations.

In consideration of the obligations of the Community, BCC agrees as follows:

A. When and if BCC constructs the parking areas immediately adjacent to the clubhouse, BCC shall handle all stormwater runoff in accordance with the quantity and quality requirements of all then existing and applicable federal, state and Baltimore County laws and regulations.

93-588-X



Plat and
200 Scale Zoning Map
to Accompany
Special Exception Petition

**Baltimore Country Club
at
Five Farms**

Portions of Zoning Maps
NW 13B 13C 14B & 14C

Prepared by:
Daft McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21204

Sheet One of Two

Zoning Notes

Baltimore Country Club at Five Farms Special Exception Petition

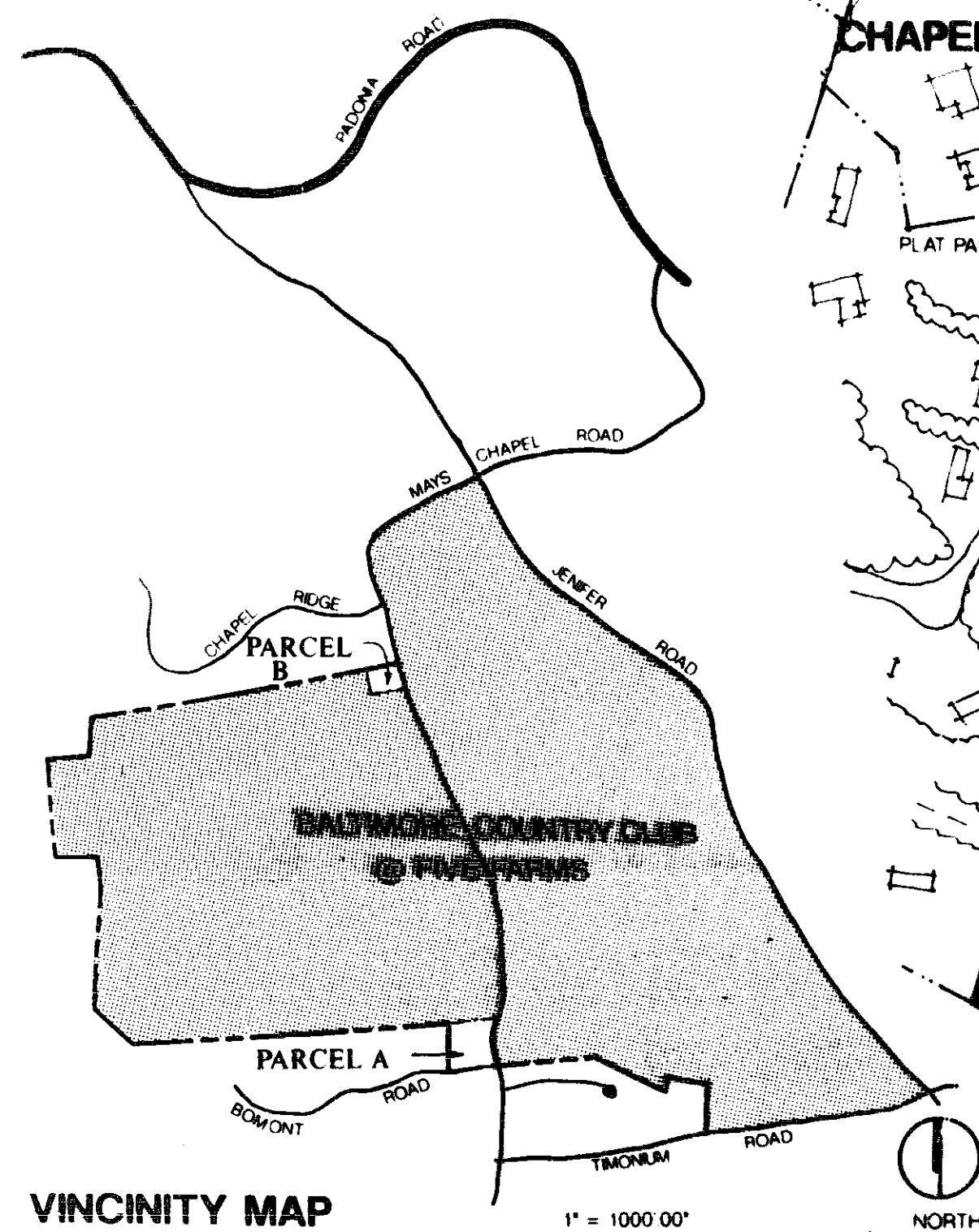
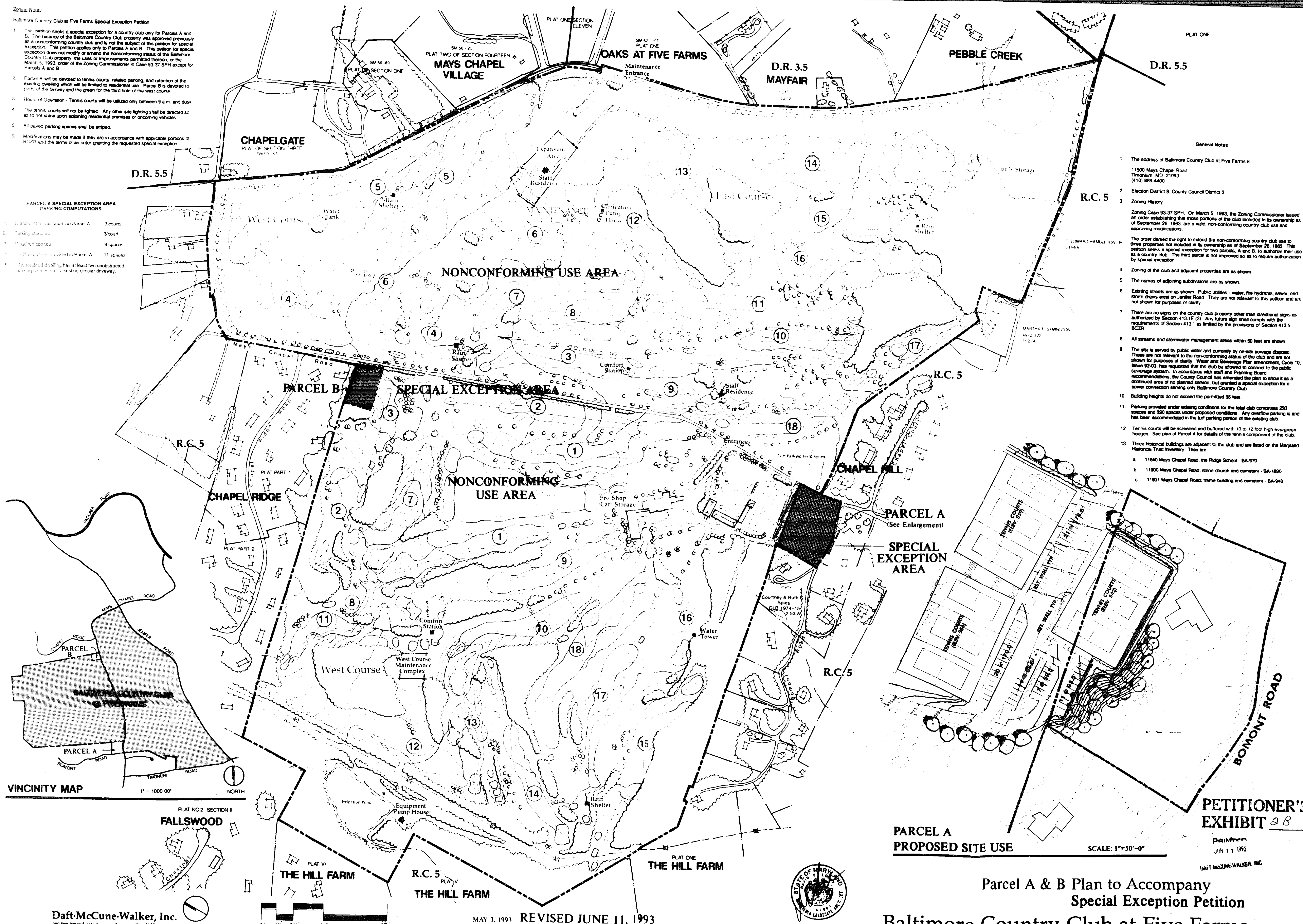
- This petition seeks a special exception for a country club only for Parcels A and B. The balance of the Baltimore Country Club property was approved previously as a nonconforming country club and is not the subject of this petition for special exception. This petition applies only to Parcels A and B. This petition for special exception does not modify or amend the nonconforming status of the Baltimore Country Club property, the uses or improvements permitted thereon, or the Parcels A and B.
- Parcel A will be devoted to tennis courts, related parking, and retention of the existing dwelling which will be limited to residential use. Parcel B is devoted to parts of the fairway and the green for the third hole of the west course.
- Hours of Operation - Tennis courts will be utilized only between 9 a.m. and dusk.
- The tennis courts will not be lighted. Any other site lighting shall be directed so as to not shine upon adjoining residential premises or oncoming vehicles.
- All paved parking spaces shall be striped.
- Modifications may be made if they are in accordance with applicable portions of BCZR and the terms of an order granting the requested special exception.

PARCEL A SPECIAL EXCEPTION AREA PARKING COMPUTATIONS

- Number of tennis courts in Parcel A 3 courts
- Parking standard 3/court
- Required spaces 9 spaces
- Parking spaces provided in Parcel A 11 spaces
- The required dwelling has at least two unobstructed parking spaces on its existing circular driveway.

General Notes

- The address of Baltimore Country Club at Five Farms is:
11500 Mays Chapel Road
Timonium, MD 21093
(410) 889-4400
- Election District 6, County Council District 3
- Zoning History
Zoning Case 93-37 SPH: On March 5, 1993, the Zoning Commissioner issued an order establishing that those portions of the club included in its ownership as of September 26, 1983, are a valid, non-conforming country club use and approving modifications.
The order denied the right to extend the non-conforming country club use to three properties not included in its ownership as of September 26, 1983. This petition seeks a special exception for two parcels, A and B, to authorize their use as a country club. The third parcel is not improved so as to require authorization by special exception.
- Zoning of the club and adjacent properties are as shown.
- The names of adjoining subdivisions are as shown.
- Existing streets are as shown. Public utilities - water, fire hydrants, sewer, and storm drains exist on Jennifer Road. They are not relevant to this petition and are not shown for purposes of clarity.
- There are no signs on the country club property other than directional signs as authorized by Section 413.1E(3). Any future sign shall comply with the requirements of Section 413.1 as limited by the provisions of Section 413.5 BCZR.
- All streams and stormwater management areas within 50 feet are shown.
- The site is served by public water and currently by on-site sewage disposal. These are not relevant to the non-conforming status of the club and are not shown for purposes of clarity. Water and Sewerage Plan amendment, Cycle 10, Issue 82-03, has requested that the club be allowed to connect to the public sewerage system. In accordance with staff and Planning Board recommendations, the County Council has amended the plan to show it as a continued area of no planned service, but granted a special exception for a sewer connection serving only Baltimore Country Club.
- Building heights do not exceed the permitted 35 feet.
- Parking provided under existing conditions for the total club comprises 233 spaces and 290 spaces under proposed conditions. Any overflow parking is and has been accommodated in the turf parking portion of the existing club.
- Tennis courts will be screened and buffered with 10 to 12 foot high evergreen hedges. See plan of Parcel A for details of the tennis component of the club.
- Three historical buildings are adjacent to the club and are listed on the Maryland Historical Trust Inventory. They are:
a. 11940 Mays Chapel Road, the Ridge School - BA-670
b. 11900 Mays Chapel Road, stone church and cemetery - BA-1890
c. 11901 Mays Chapel Road, frame building and cemetery - BA-948



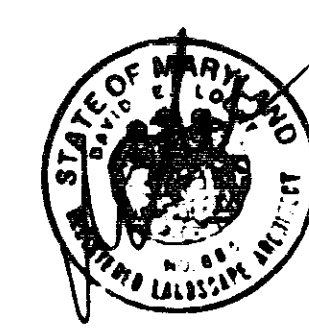
PLAT NO. 2 SECTION I FALLSWOOD



Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue, Towson, MD 21206

PROJECT NO. 82032 G1

MAY 3, 1993 REVISED JUNE 11, 1993



PARCEL A
PROPOSED SITE USE

SCALE: 1"=50'-0"

Parcel A & B Plan to Accompany
Special Exception Petition
Baltimore Country Club at Five Farms

PETITIONER'S
EXHIBIT 2B

DATE: JUN 11 1993

DAFT-MCCUNE-WALKER, INC.