IN THE MATTER OF: MT. VISTA GOLF COURSE LTD PARTNERSHIP LEGAL OWNERS KINGSVILLE COMMUNITY ASSOCIATION NE/S RAPHAEL ROAD, ACROSS FROM INTERSECTION WITH MT. VISTA ROAD (11101 RAPHAEL ROAD)	* * * *	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 96-167-SPH
11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	

* * * * * * * * * * * * *

ORDER OF DISMISSAL

This matter having come before this Board on appeal dated July 24, 1996 from a decision of the Zoning Commissioner dated June 25, 1996, wherein the Special Hearing request to determine if the clubhouse as constructed is in conformance with and meets spirit and intent of prior Special Exception relief and to determine if a restaurant use is permitted under RC 5 Special Exception when the Special Exception request and Order approving same was for a "golf course" was GRANTED.

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible;

WHEREAS, the subject matter has been held on the Board's docket since April 4, 1997 and no further action having occurred in this matter;

WHEREAS, the Board sent a request for status to Counsel on May 21, 2009 and received a letter dated May 27, 2009 from J. Carroll Holzer, Esquire indicating that the County purchased this property and that this case can be closed. The Board received a letter dated June 17, 2009 from Edward C. Covahey, Jr., Esquire, indicating the same. A copy of each letter has been attached hereto and made part of; and

IT IS THEREFORE ORDERED, this 30th day of June, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 96-167-SPH, be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Chairman

COVAHEY, BOOZER, DEVAN & DORE, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
FRANK V. BOOZER, JR.

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204
410-828-5525
FAX 410-296-2131

June 17, 2009

RECEIVED
JUN 18 2009
BALTIMORE COUNTY
BOARD OF APPEALS

Theresa R. Shelton, Administrator
County Board of Appeals of Baltimore County
105 W. Chesapeake Ave., Suite 203
Towson, Maryland 21204

Re: Mount Vista Golf Course Ltd. Partnership
Kingsville Community Association
Case No. 96-167-SPH

Dear Theresa:

Tony DiPaula was in my office at the time the above-captioned case was opened. Baltimore County purchased the golf course, and it is a moot point.

Good luck to your son at Paris Island.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
0617ldr04
cc: Anthony J. DiPaula, Esq.

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@CAVTEL.NET

May 27, 2009
#6903

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Ms. Theresa R. Shelton, Administrator
County Board of Appeals
of Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

RE: Mount Vista Golf Course Ltd. Partnership
Case No.: 96-167-SPH

Dear Theresa:

To the best of my knowledge, this case was over long ago and it is my understanding that the County is purchasing or has purchased the property for a park which is the subject of some concerns among Kingsville residents. However, I believe this case can be closed.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 21, 2009

Anthony J. DiPaula, Esquire
Law Offices of Anthony J. DiPaula, P.A.
34 South Main Street
Bel Air, MD 21014

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Re: Mount Vista Golf Course Ltd. Partnership
Kingsville Community Association
Case No.: 96-167-SPH

Dear Counsel:

In January 2009 I returned to the Board of Appeals in the capacity of Administrator. I am currently in the process of reviewing all the files which still remain open on the docket. The majority of the files were located in a postponement file cabinet and have been sitting for many years.

Please be advised that the last activity that I have noted in this file is that on April 4, 1997 a letter was hand delivered to the Board from Mr. DiPaula entering his appearance and requesting a postponement of the April 8, 1997 date.

To date, the Board of Appeals has not been contacted with regards to re-scheduling this matter, nor has a Petition to Withdrawal the Appeal/Petition been received. This matter is still pending before the Board. Please contact this office upon receipt of this letter to determine the appropriate action with regard to this matter.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Duplicate Original/trs

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 21, 2009

Anthony J. DiPaula, Esquire
Law Offices of Anthony J. DiPaula, P.A.
34 South Main Street
Bel Air, MD 21014

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Re: Mount Vista Golf Course Ltd. Partnership
Kingsville Community Association
Case No.: 96-167-SPH

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Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Duplicate Original/trs

Case No. 96-167-SPH

SPH -Filed by Kingsville Comm. Assn.; whether clubhouse as constructed is in conformance with and meets spirit and intent of SE granted in prior 89-190-X; whether restaurant use is permitted under RC 5 SE, when SE request and Order approving same was for a "golf course."

6/25/96 -Zoning Commissioner's Order in which Petition for Special Hearing was GRANTED; clubhouse not in conformance; restaurant not permitted; 60 days to bring into compliance or file for SPH.

11/15/96 -Notice of Assignment sent to following for hearing scheduled for Wednesday, January 8, 1997 at 10:00 a.m.:

Thomas L. Hennessey, Esquire
Daniel Crispino, Partner
Mt. Vista Golf Course Ltd. Ptnshp
James F. & Paul A. Stadler
Joseph Larson /Spellman, Larson & Assoc.
J. Carroll Holzer, Esquire
Kingsville Community Assn. /
Nancy Hastings, President
People's Counsel for Baltimore County
Pat Keller
Arnold Jablon, Director /PDM
Lawrence E. Schmidt
Virginia W. Barnhart, Co Atty

12/23/96 -Letter from Thomas L. Hennessey, Esquire, counsel for Property Owner /Appellant; requesting postponement for personal medical purposes (surgery at St. Jos.); and that matter not be rescheduled until after 2/17/97.
- T/C to C. Holzer; conversation with P. Zimmerman; no objection to request; advised all counsel that postponement would be granted; to be reassigned for hearing on next available open date (early April 1997).

12/30/96 -Notice of PP and Reassignment sent to parties; matter rescheduled to Tuesday, April 8, 1997 at 10:00 a.m.

4/02/97 -T/C from T. Hennessey; his understanding that Property Owner will continue this matter with different counsel, the Board to be contacted regarding same.

4/03/97 -T/C from Tony DiPaula; will be entering his appearance on behalf of Mt. Vista Golf Course, Property Owner; and also will be requesting a postponement due to other matters that are currently pending regarding this same property. Will advise in writing.

4/04/97 -Letter hand-delivered to CBA office from T. DiPaula; entering appearance on behalf of the owner; also requesting postponement as earlier indicated, and further indicating no objection by opposing counsel (J. Carroll Holzer).
-Upon confirmation of same, Notice of PP sent this date to parties advising that this matter has been postponed; to be reset only upon request.

APPEAL

Petition for Special Hearing
NE/S Raphael Road, across from its intersection w/Mount Vista Rd.
(11101 Raphael Road)
11th Election District - 5th Councilmanic District
Mt. Vista Golf Course Ltd. Partnership - Legal Owners
Kingsville Community Association - Petitioners
Case No. 96-167-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Petitioner(s) and Property Owners Sign-In Sheet

Petitioner's Exhibits:
1 - Two Plats to Accompany Special Hearing
2A - Letter from John J. Sullivan, Jr. to Mount Vista Golf Course LTD. Partnership dated September 1, 1995
2B - Application for Building Permit
2C - C.R.G. Plan
3 - No Exhibit Marked
4 - No Exhibit Marked
5 - Zoning Plans Advisory Committee Comments and Two Plat to Accompany Special Hearing
6 - Four Schematic Planting Plan
7 - No Exhibit Marked
8 - One Photograph
9 - Letter from Joseph L. Larson to Rob Powell dated July 6, 1996
10 - Letter from Joseph L. Larson to Rob Powell dated March 31, 1996

Protestant's Exhibits:
1 - Property Deed
2 - General Permit Application Data
3 - Building Permit File B-188580
4 - One photograph
5 - Deputy Zoning Commissioner's Order for case 91-209-SPH dated February 12, 1991
6 - Deputy Zoning Commissioner's Order for case 92-37-SPH dated November 5, 1991
7 - One photograph
8 - Copy of newspaper clipping about Kingsville drive range
9 - Application for Permit
10 - Copy of Building Permit
11 - Letter from Joseph L. Larson to Rob Powell dated June 14, 1994
12 - One photograph
13 - Site plan
14-16 - Three photographs

INTERESTED PARTY (stopped in office 12/31/96 -added to file):

Add to file:
Kevin Lindsey
11022 Raphel Road
Upper Falls, MD 21156

Nine Subpeonas

Memorandum in Lieu of Final Argument before the Zoning Commissioner dated April 26, 1996

Memorandum to be filed before the Zoning Commissioner dated April 30, 1996

Findings of Fact and Conclusions of Law by the Deputy Zoning Commissioner on case 89-190-X dated December 16, 1988

Application for Building Permit

Elev : Miscellaneous Correspondences

Zoning Commissioner's Order dated June 25, 1996 (Granted)

Notice of Appeal received on July 24, 1996 from Thomas L. Hennessey, Esquire on behalf of Mount Vista Golf Course Limited Partnership

cc: J. Carroll Holzer, Esquire, 305 Washington Ave, Suite 502, 21204
Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Avenue, 21204
Messrs. James F. and Paul J. Stadler, 11120 Reynolds Road, Kingsville, MD 21087
Mr. Joseph Larson, Spellman, Larson & Associates, Inc., 105 West Chesapeake Avenue, Suite 107, 21204
Ms. Nancy Hastings, President, Kingsville Community Association, 7714 Buck Hill Road, Kingsville, MD 21087
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

96 AUG -2 PM 2:06

Mr. and Mrs. Leroy Mark Sparr
~~11010 Raphel Road~~ P.O. Box 128
Upper Falls, MD 21156

Mr. & Mrs. H. Leroy Sparr
11016 Raphel Road
Upper Falls, MD 21156

JE

APPEAL

Petition for Special Hearing
NE/S Raphael Road, across from its intersection w/Mount Vista Rd.
(11101 Raphael Road)
11th Election District - 5th Councilmanic District
Mt. Vista Golf Course Ltd. Partnership - Legal Owners
Kingsville Community Association - Petitioners
Case No. 96-167-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Petitioner(s) and Property Owners Sign-In Sheet

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13 - Site plan
14-16 - Three photographs

Nine Subpeonas

Memorandum in Lieu of Final Argument before the Zoning Commissioner dated April 26, 1996

Memorandum to be filed before the Zoning Commissioner dated April 30, 1996

Findings of Fact and Conclusions of Law by the Deputy Zoning Commissioner on case 89-190-X dated December 16, 1988

Application for Building Permit

Eleven Miscellaneous Correspondences

Zoning Commissioner's Order dated June 25, 1996 (Granted)

Notice of Appeal received on July 24, 1996 from Thomas L. Hennessey, Esquire on behalf of Mount Vista Golf Course Limited Partnership

cc: J. Carroll Holzer, Esquire, 305 Washington Ave, Suite 502, 21204
Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Avenue, 21204
Messrs. James F. and Paul J. Stadler, 11120 Reynolds Road, Kingsville, MD 21087
Mr. Joseph Larson, Spellman, Larson & Associates, Inc., 105 West Chesapeake Avenue, Suite 107, 21204
Ms. Nancy Hastings, President, Kingsville Community Association, 7714 Buck Hill Road, Kingsville, MD 21087
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 31, 1996

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Petition for Special Hearing
NE/S Raphael Road, across from its intersection w/Mount Vista Road
(11101 Raphael Road)
11th Election District
5th Councilmanic District
Mt. Vista Golf Course Ltd. Partnership - Legal Owners
Kingsville Community Assoc. - Petitioners
Case No. 96-167-SPH

Dear Mr. Holzer:

Please be advised that an appeal of the above-referenced case was filed in this office on July 24, 1996 by Thomas L. Hennessey, Esquire on behalf of Mount Vista Golf Course Limited Partnership. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

cc: Messrs. James F. and Paul J. Stadler
Mr. Joseph Larson, Spellman, Larson & Associates, Inc.
Ms. Nancy Hastings, President Kingsville Community Assoc.
People's Counsel

Printed with Soybean Ink
on Recycled Paper

LAW OFFICES

Thomas L. Hennessey, P.A.

40 W CHESAPEAKE AVENUE, SUITE 506
TOWSON, MARYLAND 21204-4290

AREA CODE (410) 823-7710
FAX (410) 823-7231

THOMAS L HENNESSEY

RETURN MAIL ADDRESS
BOX NO 5473
TOWSON, MARYLAND 21285-5473

July 24, 1996

Baltimore County Government
Office of Planning and Zoning
Zoning Administration and
Development Management
County Office Building
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Raphael Road, across from its intersection w/Mount Vista Road (11101 Raphael Road)
11th Election District - 5th Councilmanic District
James F. Stadler and Paul J. Stadler - Legal Owners;
Kingsville Community Assoc. - Petitioners
Case No. 96-167-SPH

Gentlemen:

Attached please find an Appeal to the Board of Appeals of Baltimore County in connection with the above entitled matter. This letter as well as the formal Appeal shall serve as notice of the owners' intention to appeal the Order that was passed on June 25, 1996. The legal owners of the property by Deed are actually the Mount Vista Golf Course Limited Partnership and not James F. and Paul J. Stadler.

I am attaching to this letter two checks. The first is in the amount of $250.00 as an Appeal fee and the second is in the amount of $35.00 as the sign fee.

Thank you for noting this Appeal and processing the matter.

Yours very truly,

Thomas L. Hennessey

TLH:cs

cc: J. Carroll Holzer, Esquire
Mount Vista Golf Course
Limited Partnership
Nancy Hastings

RECEIVED
JUL 26 1996
PDM

TLH:cs
July 24, 1996
#95191H

IN RE:	IN THE MATTER OF THE PETITION FOR SPECIAL HEARING NE/S Raphael Road Across From Its Intersection W/Mount Vista Road (11101 Raphael Road) 11th Election District 5th Councilmanic District	*	BEFORE THE
		*	ZONING COMMISSIONER
		*	OF BALTIMORE COUNTY
		*	Case No. 96-167-SPH
	Mt. Vista Golf Course Ltd. Part. (Owners)	*	
		*	
	Kingsville Community Assoc.,	*	
	Petitioners		

* * * * * * *

APPEAL TO THE BOARD OF APPEALS OF BALTIMORE COUNTY

Please enter an appeal on behalf of the property owner, Mount Vista Golf Course Limited Partnership (former owners James F. Stadler and Paul J. Stadler) from the Order of the Zoning Commissioner passed the 25th day of June, 1996.

MT. VISTA GOLF COURSE
LIMITED PARTNERSHIP

By _____
Partner
11101 Raphael Road
Kingsville, MD 21087
OWNER

_____
THOMAS L. HENNESSEY
THOMAS L. HENNESSEY P.A.
Suite 506, The Lafayette Building
40 West Chesapeake Avenue
Towson, Maryland 21204
(410) 823-7710
Attorneys for Owner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of July, 1996, I mailed a copy of the foregoing Appeal to the Board of Appeals of Baltimore County to J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioners Kingsville Community Association.

_____
THOMAS L. HENNESSEY

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD 21204

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Raphael Road, across from its
intersection w/Mount Vista Road * ZONING COMMISSIONER
(11101 Raphael Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
* Case No. 96-167-SPH
Mt. Vista Golf Course Ltd. Part., Owners;
Kingsville Community Assoc., Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 11101 Raphael Road, located just north of Philadelphia Road and the John F. Kennedy Memorial Highway (I-95) in Bradshaw. Unlike the vast majority of zoning Petitions which come before the Zoning Commissioner's Office for public hearing, the subject Petition was not filed by the property owners, the Mt. Vista Golf Course Limited Partnership. Rather, the Petition was filed by the Kingsville Community Association, through J. Carroll Holzer, Esquire. The Kingsville Community Association's interest in this matter is generated by the fact that the subject property lies amidst the borders of that residential community and the activity on the subject site is of interest and concern to the members of that Association. Moreover, it is clear that the Petition is properly before this Zoning Commissioner from a jurisdictional standpoint and that the Petitioners have the requisite interest and standing to seek relief in this matter. Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) grants "...the right of any interested person to Petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises, or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations." Thus, under the broad and sweeping author-

ORDER RECEIVED FOR FILING
Date 4/25/96
By

ity of that Section, the Petitioners properly filed the instant Petition for Special Hearing and I may consider same.

The property at issue consists of approximately 110 acres in area, zoned R.C. 5, and is in use as an Executive 18-hole golf course. The site lies immediately adjacent to the intersection of Raphael Road and Mt. Vista Road, a short distance from I-95 in Bradshaw. In addition to the golf course, the property contains a clubhouse building, the size of which generated the Petitioners' request for special hearing relief. The property also contains a driving range facility and an area for parking.

The Petition for Special Hearing poses a simple question; whether the clubhouse, as constructed, is in conformance with and meets the spirit and intent of the special exception granted in prior Case No. 89-190-X. Moreover, the Petition asks whether the restaurant use, as contained within the clubhouse, is permitted under the R.C. 5 special exception, when the special exception request and Order approving same was for a "golf course."

Appearing at the requisite public hearing held in this case were Nancy Hastings, Diane Fetter Neas, and Paul M. Plowman, all on behalf of the Kingsville Community Association. Also appearing as interested citizens were Elizabeth Healey, Charlotte Pine, and Kevin Lindsey, who resides directly across from the subject site. The Petitioners were represented by J. Carroll Holzer, Esquire. Appearing on behalf of the property owners were James F. Neslein, an employee of the facility, and Richard Casey. The property owners were represented by Thomas L. Hennessey, Esquire. Joseph Merrey and John Sullivan, with the Department of Permits and Development Management (DPDM), and Bruce Seeley, with the Department of Environmental Protection and Resource Management (DEPRM), also appeared and testified.

ORDER RECEIVED/FILING
Date 4/25/96
By

This matter is a difficult case. However, as is often true with such matters, the facts of the case are not in significant dispute. The testimony and evidence presented was clear and, for the most part, undisputed. As described above, the property is the site of an 18-hole golf course with related facilities; however, it is the zoning and County approval process of this use which is at the center of the controversy.

The property first came before the zoning authorities of Baltimore County in Case No. 89-190-X. In that case, the Petitioners, James F. Stadler, et al, sought special exception relief to permit "a golf course in an R.C. 5 zone." The matter came before then Deputy Zoning Commissioner Ann M. Nastarowicz, who granted the Petition by Order dated December 16, 1988. Notwithstanding approval of the project, Deputy Commissioner Nastarowicz' Order contained a number of restrictions. These included a requirement that CRG approval be obtained for the project, that the hours of operation not exceed 6:00 AM to 9:00 PM, that the golf course and its ancillary uses be utilized only between April 1st and October 31st of any given year, and that there be no lighting for the driving range. Clearly, it was Deputy Commissioner Nastarowicz' intent to approve the use, but restrict same so as to prevent any adverse impact on the surrounding community. (See Petitioner's Exhibit No. 3, Case File No. 89-190-X).

Having obtained the special exception relief, the Petitioners then moved forward to obtain CRG approval. In Case No. XI-624, CRG approval was obtained on or about October 25, 1990. The plan approved at that time was substantially in accordance with the special exception plan, however, there were certain additional modifications to the site plan imposed by the CRG. Moreover, the CRG approval was noted to expire on October 25, 1993. (See Petitioner's Exhibit No. 4, CRG Case File No. XI-624).

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By

In order to bring the CRG plan into compliance with the approved special exception plan, the owners filed a Petition for Special Hearing in Case No. 91-209-SPH on or about December 4, 1990. In that case, the property owners requested an amendment to the site plan approved in the special exception Case No. 89-190-X. Relief was also requested to approve an extension of the time frame for utilizing the special exception previously granted from two years to four years. That case also came in for public hearing before Deputy Commissioner Ann Nastarowicz. By her Order dated February 12, 1991, Deputy Commissioner Nastarowicz granted the relief, again imposing numerous conditions and restrictions. Her Order, which speaks for itself, and that case file were offered in the instant case as Petitioner's Exhibit No. 6.

The fourth act in this drama occurred in July, 1991. Specifically, on July 25, 1991, the property owners again petitioned the County for special hearing relief in Case No. 92-37-SPH. In that case, an amendment to certain of the restrictions imposed by Deputy Commissioner Nastarowicz' prior Orders was sought. More particularly, the Petitioners sought approval for a lighted driving range, an alteration in the operating hours, and generally modify the stringent conditions which had been imposed in the prior cases. Deputy Commissioner Nastarowicz had left the Zoning Office by that time and the matter came before Deputy Zoning Commissioner Timothy M. Kotroco for a public hearing. Deputy Commissioner Kotroco granted, in part, and denied, in part, the relief requested by Order dated November 5, 1991. Following the issuance of that opinion, a Motion for Reconsideration was filed by the property owners, and by Order issued May 27, 1992, Deputy Commissioner Kotroco denied the Motion.

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Date 6/25/96
By

The history of the matter as recounted above through May 1992 is clear. Essentially, the Petitioners had obtained a special exception to operate a golf course on the site, had obtained CRG approval and special hearing relief to bring the CRG plan and zoning plan into compliance with one another, and certain modifications had been allowed (and others denied) by subsequent proceedings. Finally, at that point, it appears that the Petitioners were ready to build.

Generally, the final approval which must be obtained from Baltimore County before actual construction begins is the acquisition of a building permit. Building permits in Baltimore County were, at that time, issued by the Department of Permits and Licenses. That agency is now part of the Department of Permits and Development Management (DPDM), which was formerly known as the Zoning Administration and Development Management (ZADM) office. When a permit is requested, the application for same is circulated among a number of agencies in Baltimore County for review and comment. At that time, it was the responsibility of ZADM to review the application and to insure that same was consistent with prior zoning approvals which had been issued. In this case, an application for a building permit was filed in early 1994. Among the improvements to be constructed as shown on the permit application (Petitioner's Exhibit 2B), was a one and one-half story clubhouse building. The building was shown on the permit application and the accompanying site plan to be 105' x 87' in dimension.

It is to be noted that the size of the clubhouse in the permit application was significantly different from that which was shown in all of the prior cases. Specifically, a review of the prior plans submitted in both the CRG case and the prior zoning hearings shows that a clubhouse building of 40' x 60' was proposed. Thus, the building requested by permit

ORDER RECEIVED FOR FILING
Date 6/25/96
By

was substantially larger than that which had been approved through the CRG and zoning processes.

John Sullivan, a Planner II in the Department of Permits and Development Management (DPDM), testified candidly about what occurred at that time. He described the permitting procedure in detail and noted that the permit application was given a cursory review when same was initially presented to the County. At that review, the plan is not examined in any detail, but only reviewed to insure minimal compliance with County requirements. If the plan is acceptable, the DPDM office signs off by indicating that the permit is "OK to File". Later, the plan undergoes a second and more thorough review. In this case, the permit and accompanying plan were examined on March 3, 1994. Mr. Sullivan candidly testified that he erroneously approved the plan and released the permit at that time. He indicated that a significant concern on which he focused at that time was whether the CRG and special exception approvals were still valid and had not expired. Thus, he indicated he carefully examined the plan for compliance with the time deadlines imposed within those approvals. Moreover, he noted that the CRG plan and the plan accompanying the permit application were drawn to different scales. In any event, it is clear that he erroneously approved the plan accompanying the permit, which clearly shows a larger building than had been approved under the CRG and zoning processes. Nevertheless, having acquired the permit, the property owners went about constructing the building. Ultimately, construction of a building within the dimensions shown on the permit application plan (105' x 87') commenced.

Obviously, it did not take long for members of the surrounding community to observe construction. They had been following this matter closely and expected to see a building 40' x 60' being constructed. When a

ORDER RECEIVED FOR FILING
Date 4/25/96
By

building much larger than that was observed under construction, they contacted the County. Mr. Sullivan, and others, realizing the mistake, issued a Stop Work Order and revoked the permit. Ultimately, the Petitioners in the instant case, the Kingsville Community Association, filed for special hearing relief as described above.

The central question to be addressed is easily framed. Is the County estopped from revoking its building permit? The other questions precisely presented in the special hearing must also be answered; whether the clubhouse building as constructed meets the spirit and intent of the special exception granted in Case No. 89-190-X, and whether the restaurant use as proposed within the building is permitted under the special exception granted.

Fortunately, the Courts of this case have frequently discussed the concept of estoppel. Most recently, in Baltimore County, Judge James T. Smith, Jr. of the Circuit Court, comprehensively discussed this topic in Case No. 94-CD-102-57 (In Re: Long Green Hotel). Judge Smith's well-reasoned opinion, accurately described the state of the law of equitable estoppel in Maryland. As explained in Fitch v. Double "U" Sales Corporation, 212 Md. 324 (1957), "Equitable estoppel is the effect of the voluntary conduct of a party whereby he is absolutely precluded, both at law and in equity, from asserting rights which may have otherwise existed, either of property, of contract, or, of remedy against another person who has in good faith relied upon such conduct and has been led thereby to change his position for the worse, and who, on his part, acquired some corresponding right, either of property, of contract, or of remedy." (Page 338). In Long Green Hotel, supra, Judge Smith determined that Baltimore County was equitably estopped from undertaking any zoning enforcement

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proceedings against the subject property's owner. Thus, Judge Smith concluded that the "doctrine of zoning estoppel" is alive and well in Maryland.

The Court of Special Appeals apparently agrees; however, the Court of Appeals has not precisely taken up the issue. (See Cromwell v. Ward, 102 Md. App. 691 (1995) at Page 723, Footnote 9). In that Case, Judge Cathell, writing for the majority, opined that the doctrine of zoning estoppel is the law of Maryland. However, he observed that same should be sparingly applied and cited prior authority to the effect that "the mere issuance of a permit...does not create a vested right, or estop the municipal authorities from revoking it." Citations omitted, Cromwell, infra, Page 723.

In Permanent Finance Corporation v. Montgomery County, 308 Md. 239 (1986), the Court of Appeals held that "A municipality may be estopped by the act of its officers if done within the scope and in the course of their authority or employment, but estoppel does not arise should the act be in violation of law." (Page 129). Moreover the Court seemed to recognize the difference in the application of estoppel when a County official knowingly violates a County ordinance as opposed to mere oversight or negligence by the County. See also, Offen v. County Council, 96 Md. App. 526 (1993).

In this case, the evidence is uncontradicted that the building permit was issued by Baltimore County in error. Mr. Sullivan's undisputed testimony and the documentary evidence in support thereof is persuasive. Quite frankly, it is clear that he erroneously authorized issuance of the permit, failing to observe that the building was larger than that which had been on the approved plan. His error was one of simple negligence.

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He candidly admitted that he did not notice the larger size of the building on the building permit plan.

Based on this uncontradicted testimony, I easily find that the doctrine of zoning estoppel is not applicable here. In my judgment, the law is quite simple that an illegally issued permit cannot form the basis of the application of zoning estoppel against the County. This is particularly so in that the error was occasioned purely by oversight by the County employee.

Having determined that estoppel does not apply, attention is next turned to the questions framed directly in the Petition for Special Hearing. In answer to the first, the manifest answer is "No". Surely, the clubhouse building, as constructed, is not in conformance with and fails to meet the spirit and intent of the special exception granted in Case No. 89-190-X, as modified in subsequent cases. The building is significantly larger and as is clear from the numerous restrictions imposed by Deputy Commissioner Nastarowicz, is entirely inconsistent with what was approved. Thus, the building is illegal and cannot be afforded any legitimacy by reason of the prior approvals.

As to the second question, the answer must also be "No". That is, the restaurant use is not permissible under the approvals granted in the original Petition for Special Exception, as modified by prior cases. This conclusion is reached following an examination of Section 101 of the B.C.Z.R. Therein, the term "golf course" is not defined. In such an instance, the Regulations direct the reader to consult Webster's Third New International Dictionary of the English Language, Unabridged. In that source, a golf course is defined as "an area of land laid out for the game of golf, with a series of 9 or 18 holes, including tee, fairway and green,

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and often one or more natural or artificial hazards." That definition no where includes any building.

However, the B.C.Z.R does define country club in Section 101 as a "9 or 18-hole golf course with a clubhouse and other appropriate facilities which may include other recreational facilities." Clearly, a country club is more of an intense use and a golf course is frequently a part of such use. However, the property owners acquired approval to construct/operate a golf course, not a country club. Moreover, the building approved as accessory to the golf course is not what was constructed. For these reasons, the restaurant use is not now allowed.

Although the questions raised by the Petition for Special Exception are answered, other issues remain. Specifically, how may the Petitioners now use the property? It is clear that the golf course, in and of itself, may continue to be utilized subject to the previous Orders. The special exception approval for the course was granted and play on the course shall be permitted. However, it is equally clear that the building, in and of itself, is illegal. Thus, the Petitioners are left with two choices; eliminate the structure or legitimize same. Clearly, the Petitioners could bring the project into compliance with the prior approvals by demolishing as much of the building as is required so as to result in a 40' x 60' structure, as shown on the previously approved site plan. This alternative is no doubt unacceptable.

In the alternative, the Petitioners may Petition for special hearing relief to amend the previously approved special exception. I render no judgment in this case as to the propriety of the enlarged building and the uses therein. Such topics would be the subject of an amended Petition wherein the property owners would have to demonstrate that the structure

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and proposed uses therein would not be detrimental to the health, safety and general welfare of the locale, pursuant to Section 502.1 of the B.C.Z.R.

Therefore, based on the foregoing analysis, I will require the Petitioners to elect one option or the other within sixty (60) days of the date of this Order. That is, within that time, the Petitioners must either demolish that portion of the building necessary so as to convert same into compliance, or file the requisite zoning Petition as described herein. In the interim, and in the event a Petition is filed, and prior to a decision being rendered, the building can be used in a limited manner. Certainly, a small pro shop with an area for sales of greens fees and golf related items is proper, as is an area for vending machines. However, anything to a greater extent than those limited purposes appears above and beyond the restrictions previously imposed. Until those restrictions are lifted or are altered, the use must be so restricted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of June, 1996 that the clubhouse, as constructed, is not in conformance with and does not meet the spirit and intent of the special exception granted in prior Case No. 89-190-X, and as such, the Petition for Special Hearing is GRANTED; and,

IT IS FURTHER ORDERED that the restaurant use as contained within the clubhouse is not permitted under the R.C. 5 special exception relief granted in prior Case No. 89-190-X, and as such, the Petition for Special Hearing is GRANTED; and,

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IT IS FURTHER ORDERED that the Petitioners shall have sixty (60) days from the date of this Order to either bring the clubhouse building into compliance with the prior Order, which granted a building 40' x 60' in dimension, or file a Petition for Special Hearing to amend the relief granted in the previously approved special exception.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 25, 1996

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Raphael Road, across from its intersection w/Mount Vista Road
(11101 Raphael Road)
11th Election District - 5th Councilmanic District
James F. Stadler and Paul J. Stadler - Legal Owners;
Kingsville Community Assoc. - Petitioners
Case No. 96-167-SPH

Dear Mr. Holzer:

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

In the event any party finds the decision rendered is unfavorable, 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Thomas L. Hennessey, Esquire
407 W. Pennsylvania Avenue, Towson, Md. 21204

Messrs. James F. and Paul J. Stadler
11120 Reynolds Road, Kingsville, Md. 21087

Mr. Joseph Larson, Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue, Suite 107, Towson, Md. 21204

Ms. Nancy Hastings, President, Kingsville Community Assoc.
7714 Buck Hill Road, Kingsville, Md. 21087

People's Counsel; Case File

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on Recycled Paper

TLH:ewh
4/29/96
#95-191H

IN THE MATTER OF	:	BEFORE THE
MT. VISTA GOLF COURSE	:	ZONING COMMISSIONER
11101 Raphael Road E/S Raphael Road, Opposite Mount Vista Road 11th Election District 5th Councilmanic District	: : :	OF BALTIMORE COUNTY Case No. 96-167-SPH
Ownership: Mt. Vista Golf Course Limited Partnership	:	

::::::::::::

MEMORANDUM

The Petitioners, Kingsville Community Association, through J. Carroll Holzer, Esquire, filed a Petition For Special Hearing to the Zoning Commissioner of Baltimore County pursuant to the Zoning Regulations representing James F. Stadler and Paul J. Stadler, as legal owners, requesting the following:

1. **WHETHER CLUBHOUSE BUILDING AS CONSTRUCTED IS IN CONFORMANCE WITH AND MEETS THE SPIRIT AND INTENT OF A SPECIAL EXCEPTION IN CASE NO. 89-190-X.**

2. **WHETHER RESTAURANT USE IS PERMITTED UNDER R.C. 5, SPECIAL EXCEPTIONS, WHEN SPECIAL EXCEPTION REQUEST AND DEPUTY ZONING COMMISSIONER ORDER WAS FOR A GOLF COURSE.**

With the filing of the Petition For Special Hearing, the owners of the property (Mount Vista Golf Course Limited Partnership) rather than proceed for a special hearing on its own adopted this hearing as the vehicle concerning their position with Baltimore County. The ownership at the time of the filing and at present is in Mount Vista Golf Course Limited Partnership.

The matter proceeded on separate days and hearings concluded on April 18, 1996 with Memoranda to be filed by the

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TOWSON, MD 21204

property owner and Petitioners.

STATEMENT OF FACT

James Stadler and others Petitioned Baltimore County in Case No. 89-190-X for Special Exception for a golf course in a R.C. 5 zone. At that time the protestants appeared at the hearing by representation of Ken Holt, President of Greater Kingsville Civic Association. Then-Deputy Zoning Commissioner, Ann M. Nastarowicz, granted the Special Exception on the 16th day of December, 1988 in accordance with Petitioner's Exhibit 1, subject to restrictions, thirteen (13) in number.

The Owners subsequently filed Case No. 91-209-SPH, requesting additional time to utilize the Special Exception granted in Case No. 89-190-X and approve an Amendment to the Site Plan. At that hearing the Owners were supported by members of the community and members of the Kingsville Community Association and there were no protestants. In that hearing the subject of the Clubhouse was discussed before the Deputy Zoning Commissioner and it was clear that the Clubhouse would not be constructed until a later date. On the 12th day of February, 1991 the Petition was approved to amend the approved Site Plan, Case No. 89-190-X, to comply with the approved CRG plan and to approve an extension for the period of utilization of the Special Exception and additional restrictions were set on the usage of the land and specifically Number 8 referring to ancillary buildings and Number 11 which stated "When applying for a building permit, the site plan and landscape plan filed must reference this case and set forth and address the restrictions of this Order."

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Subsequently Owners filed Case No. 92-37-SPH, requesting an Amendment of the previous two (2) Petitions and on the 5th day of November, 1991 the golf course was granted a change. This Petition is the fourth time the Mount Vista Golf Course has come before the Zoning Department.

During the time work was accomplished on the site and there was grading and various other submittals.

On the 15th day of April, 1992, Mount Vista Golf Course Limited Partnership came into existence and by Deed recorded among the Land Records of Baltimore County in Liber 9254 folio 151, et seq on June 29, 1992, was the official owner of the property. Plans were begun for the construction of buildings. On February 15, 1994 International Crane acting for Mount Vista Golf Course Limited Partnership applied for, in the name of the Partnership, a building permit and paid to Baltimore County by Receipt No. A209639, the sum of $1,172.00 and secured the approval of Zoning (as required) to file for the permit for the present building as a clubhouse. Permit No. B118580 was issued in accordance with this application to file on June 16, 1994. Prior to that time the existing Plan with a building footprint of lesser size had been amended to show the size of the presently constructed building "**1.5 STORY BUILDING WITH BASEMENT TO FLOOR USED AS CLUBHOUSE. 105 FEET BY 87 FEET BY 44.5 = 14,141 SQUARE FEET.**" The plat itself was showing an unobscured area marking the site of the clubhouse and its dimensions. The clubhouse from June of 1994 forward was erected in accordance with the Building Permit, under County inspection, and is under roof and ready for occupancy permit with

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minor construction to complete its scope. The property owner had constructed it relying on permit issued by Zoning and approved by other agencies. The owners had proceeded forward and expended sums in excess of $250,000.00 for the construction of the Clubhouse as well as complied with Baltimore County in connection with its inspections by Building Inspectors, Fire Department, Environmental and other agencies.

In September of 1995 John Sullivan, a Planner 2 Zoning Reviewer was contacted by representatives of the Greater Kingsville Civic Association and as a result requested that the Buildings Engineer withhold occupancy permits until Red Lined Hearing Site Plan is submitted. On October 18, 1995 the Petition For Special Hearing by Kingsville Community was accepted without review and filed.

On last day of hearings, John Sullivan testified that he made a mistake and failed to notice the change in the Clubhouse dimensions on Special Exception Case No. 89-190-X and the Building Permit Application No. B188580 and upon being so notified, he took action. Sullivan letter of September 1, 1995 had been previously introduced.

Departmental comments had been introduced and Bruce Sheeley testified from DPRM file, the employee who made all its decisions having retired but approval of a system had been given.

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The property owner presented its position of intention and spirit through the County files as exhibits showing the cooperation, negotiation and other actions over the course of time to be in compliance and with the approval of the Departments

involved.

The manager of the golf course testified as to building inspections, stated that there were no plans for a restaurant and introduced as a Respondent Exhibit 13 showing the actual use as now contemplated, noting that nothing was to be done ever unless approved. Also introduced was a published article from 1991 (Respondent Exhibit 8) stating the position as any restaurant use. Respondent 8 says:

> "We will have a good-size clubhouse", Stadler said. "We are choosing from a couple of different designs. When it opens, we will have just a snack area, but there will be the potential to have a restaurant. We will have to get zoning for the restaurant before we put it in."

He also estimated expenditures on the Clubhouse of over $300,000.00. Mr. Casey, who is not an engineer, advised that the square footage of the building built under the Permit, exclusive of an overhang, was 9100 square feet.

QUESTIONS PRESENTED

I. Does the filing of Petitioners' Request satisfy any requirement for further hearing on an issue of spirit and intent of use?

II. Does the Clubhouse building which was approved by Zoning and authorized by the issuance of a Building Permit meet the standard of acceptance as authorized by the Special Exception granted the original owners?

III. Does the terms golf course include the necessary buildings required for same?

IV. Does the term clubhouse permit the establishment of

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uses such as eating facilities, restrooms, locker rooms, shower rooms for the benefit of golf course users?

V. Is a restaurant use permitted in an R.C. Zone with Special Exception?

VI. Is the property owner injured by any adverse ruling based on the revocation of its Building Permit?

I

DOES THE FILING OF PETITIONERS' REQUEST SATISFY ANY REQUIREMENT FOR FURTHER HEARING ON AN ISSUE OF SPIRIT AND INTENT OF USE?

The Petitioners filing Petition for Special Hearing satisfies the Request of Zoning for a hearing on whether or not the erected building is constructed within the spirit and intent of the Special Exception granted for a golf course and ancillary uses in an R.C. 5 Zone in Case No. 89-190X as amplified by subsequent hearings.

The Mt. Vista Golf Course Limited Partnership is the successor in title to the original Petitioner for the Special Exception and as such proceeded to develop the tract in accordance with its understanding of its position that the clubhouse shown in the CRG Plan originally submitted was for purpose of a foot print to show location of the clubhouse and ancillary use which would be built for users convenience. The original Special Exception was on December 16, 1988 and the Building Permit issued on June 16, 1994.

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County files document the work on the project including grading, ground usage, storm drainage and other approvals extending the Special Exception.

Issues concerning Spirit and Intent were the nature of

the requested hearing and it does not matter who started the proceedings as the decision requested is appropriate. (See Petition for Special Hearing.)

II

DOES THE CLUBHOUSE BUILDING WHICH WAS APPROVED BY ZONING AND AUTHORIZED BY THE ISSUANCE OF A BUILDING PERMIT MEET THE STANDARD OF ACCEPTANCE AS AUTHORIZED BY THE SPECIAL EXCEPTION GRANTED THE ORIGINAL OWNERS?

The clubhouse building is within the standard of acceptance of Spirit and Intent as authorized by Case No. 89-190X as set out in the Finding of Fact and Conclusion of Law in Case No. 89-190X (Petitioners Exhibit 3).

Case No. 89-190X finds that a golf course is permitted in R.C.5 with a Special Exception and the Deputy Zoning Commissioner found this as law on December 16, 1988 and in granting the usage placed 13 restrictions upon the owner. Restrictions indicating that change was anticipated.

> Restriction 9 states:
> "The golf course and ancillary uses shall only between April 1 and October 31 of any given year unless modified after a special hearing."

> Restriction 12 states:
> "Prior to the issuance of any permits Petitioner shall submit the site plan approval by CRG. If there are any changes as to placement of individual golf holes, or the driving range, the plan will be approved by the Zoning Commissioner and/or Deputy Zoning Commissioner if found to be within the Spirit and Intent of the original plan" (a golf course).

> Restriction 13 states:
> "When applying for a building permit, the site plan and landscape plan filed must reference

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the case and set forth and address the restrictions of this Order."

There was contemplated a clubhouse and certain uses were stated by the owner of the Club Room but the final building design, landscape design, golf course (holes) and placement of the driving range were subject to further approval. See also Restriction 8 in Case No. 91-209-SPH and findings in regard to ancillary building.

Ancillary uses with a golf course include by usage a pay area, pro shop, lavatories, eating area and the like.

The framing of the original Order left open to further consideration the building and the restriction safeguarded that it be identified by all County agencies as it required that all permits be identified and the site plan and landscape plan must reference the original case.

The objection to changes as to the clubhouse seems to be not so much as to size but possible future use. There is no testimony that indicates any usage outside the original intention of an eighteen-hole golf course, privately owned, and open to the general public.

The witnesses for the community association testified:

One Mrs. Healy stated the main concern was an extension of use of the facilities expressing as to a restaurant operation or catering on the premises.

Two Mrs. Charlotte Pine testified as to extension of use and other fears.

Three Mrs. Nancy Hasting testified she believed a restaurant would go into premises.

Four Mrs. Fesser Neas, a restaurant consultant, stated she didn't want a full service restaurant and her clients were

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approached on catering.

The general opinion of the area residents was stated as they did not want a country club or restaurant on the site.

The building is located on a 102 acre tract and the pictures introduced show that it is compatible in all ways to the general area. The pictures introduced by Petitioner and owner show a low profile building from the road and at rear higher by appearance due to exposed basement area. See Exhibits Petitioner 8, 9, 10, Respondent 4.

The Department witnesses testified as to current situation with the project but other than the Sullivan "mistake", all Departments had worked with the project and initial compliances were in order.

The owner has now found itself in a hardship position due to the County mistake as reported on September 1, 1995.

> 1. The Partnership applied for a Building Permit and its application for permit was accepted. It paid with the Application on 2/15/94 $1,172.00 with the application submitted on 2/4/94.
>
> 2. The Partnership received a Building Permit on 6/16/94 for an estimated building cost of $250,000.00.
>
> 3. The Building Permit application and plans clearly show a clubhouse 105' X 87'2" X 44' or 14,141 square feet.
>
> 4. The building was erected subject to County inspection over a fourteen (14) month period until 9/1/95 when it was almost ready for occupancy permit.
>
> 5. Sanitary drainage approved 6/12/95. Refer to Building Permit B188580 by County approved by DEPRM 8/8/95.

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6. Building approval inspection 8/25/95.

7. John Sullivan letter of 9/1/95 and Reisinger stop work first indication of mistake in County approval but John Sullivan had approved the Building Permit on 6/16/94.

The property owner did not proceed on its own. The proper agencies were contacted and a Building Permit secured. They always referred their actions by reference so there would be no misunderstanding and clearly marked the plat submitted to Zoning (Sullivan) to show the change and new size since it was conceded that a building permit conformed to the restrictions of the Special Exception.

The County mistake, if supported, threatens them with hundreds of thousands of dollars loss, not only cash expended but time delay due to the 9/1/95 letter.

III

DOES THE TERM GOLF COURSE INCLUDE THE NECESSARY BUILDINGS REQUIRED FOR SAME?

The term golf course by definition and usage indicates not only the playing area but the ancillary buildings to support it.

The Special Exception Case No. 89-190X by Restriction 9 deals with the golf course ancillary uses. (See Exhibit) This infers buildings.

See also Order in Case 91-209 SPH as to clubhouse and ancillary uses.

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IV.

DOES THE TERM CLUBHOUSE PERMIT THE ESTABLISHMENT OF USES SUCH AS EATING FACILITIES, RESTROOMS, LOCKER ROOMS, SHOWER ROOMS FOR THE BENEFIT OF GOLF COURSE USERS?

A golf clubhouse is designed to house the users' needs during play and for play such as restrooms, pro shop, eating or resting area, meeting area. This is inherent in the support and common usage.

The Special Exception granted in 1988 set forth this when it spoke of Restriction 9, including ancillary uses and similar language is contained in 91-209SPA, specifically in Restriction 8.

V.

IS A RESTAURANT USE PERMITTED IN AN R.C. ZONE WITH SPECIAL EXCEPTION?

Since no request has been made by the property owner for a restaurant as such and the food area described is not more than an ancillary use of the premises contemplated with its major use as a golf course, we find this unanswerable based on the circumstances then and now prevailing.

To rule in a vacuum because of unfounded rumor and anticipation without fact would have to be based on speculation. The Baltimore County Zoning Regulation does, however, permit by Special Exception standard restaurants or tea room subject to Section 402.3.

This would appear to be an improper issue as to this Special Exception.

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VI.

IS THE PROPERTY OWNER INJURED BY ANY ADVERSE RULING BASED ON THE REVOCATION OF ITS BUILDING PERMIT?

Exhibit 2A clearly shows that the duty of Baltimore County was overlooked and attention diverted by issues previously resolved in Case No. 91-209 SPH which extended the time for utilization of the Special Exception as well as Case No. 92-37 SPH. The purpose of the review of Building Permit Application is to insure compliance. The determination to pursue other areas of investigation was not an issue on the date of submittal.

The property owners, relying on procedure which went over a period of months, proceeded with construction assuming that Zoning approval for the building was in place and indeed so did every other County Agency involved until the area residents' complaint.

The Permit fee in February ending up in the Building Permit in June was a process over which the owner has no control. Attached to this Memo is a photo of the Plat submitted (in part) for approvals. (Memo Exhibit A). Clearly the Exhibit shown the extreme to which the Property Owner highlight the building change and his belief that after review by Zoning he was properly acting in the construction.

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The damage that could result from this error is extreme.

The question of jurisdiction to revoke an issued permit over one year period seems to be apparent as to create an issue of estoppel and if no available law must be available in equity.

The Zoning Department procedure to accept a red-lined site plan with a letter requesting that the building be approved being within the spirit and intent of the Zoning approval has been stopped by the filing of this proceeding but the information and desire for acceptance of the construction is available through this proceeding.

There is no suggestion that the property owner attempted to mislead to secure the Building Permit nor was there evidence of any fraud but that the reviewer neglected to review the property creating what is a prejudicial error with extreme damage as the result.

The Property Owner always intended, acted or otherwise conducted itself in the spirit and intent created by the issuance of the Special Exception.

CONCLUSION

The case clearly indicates that the Property Owner of a golf course wished to build a clubhouse as indicated when securing a Special Exception. The Property Owner in years of dealing with the project knew County approval was required and did, when ready, apply for a Building Permit in a routine manner and proceeded to build. Fourteen (14) months after the Permit was issued it is stopped since Zoning alleges its mistake in approval not as to the Special Exception for a golf course but as to the size of the building.

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The Property Owner has expended construction money in excess of $300,000.00 and is now in limbo as to finishing the interior and securing occupancy permits.

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#95-191H

In both law and equity the Property Owner is aggrieved and its damages are mounting by its inability to use the structure and occupy same. The mistake can and should be rectified by permitting the structure on its 102 acre site as constructed in the spirit and intent of the Zoning secured.

Respectfully submitted,

THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey
40 West Chesapeake Ave., Suite 506
P.O. Box 5473
Towson, Maryland 21285-5473
(410) 823-7710
Attorney for Property Owner,
Mt. Vista Golf Course Limited
Partnership

I HEREBY CERTIFY, That on this 30th day of April, 1996, a copy of the within Memorandum was mailed, postage prepaid, to J. Carroll Holzer, Esquire, Holzer and Lee, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioners.

Thomas L. Hennessey

LAW OFFICES

Thomas L. Hennessey, P.A.

40 W CHESAPEAKE AVENUE, SUITE 506
TOWSON, MARYLAND 21204-4290

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FAX (410) 823-7231

THOMAS L HENNESSEY

RETURN MAIL ADDRESS
BOX NO 5473
TOWSON, MARYLAND 21285-5473

April 30, 1996

RECEIVED
APR 30 1996
ZONING COMMISSIONER

Zoning Commissioner of Baltimore County
Courthouse
Baltimore County, Maryland

RE: In the Matter of Mount Vista Golf Course
Before the Zoning Commissioner of
Baltimore County
Case No.: 96-167-SPH

Dear Mr. Commissioner:

Attached please find the Memorandum required to be filed on April 29, 1996. Due to circumstances beyond my control, it is attached herewith.

Thank you for your consideration.

Yours very truly,

Thomas L. Hennessey

TLH:cs

Enclosure

cc: Mt. Vista Golf Course Limited Partnership
Daniel Crispino
James E. Stadler
J. Carroll Holzer

IN THE MATTER OF	*	BEFORE THE
MOUNT VISTA GOLF COURSE	*	ZONING COMMISSIONER OF
11101 RAPHAEL ROAD (STADLER PROPERTY)	*	BALTIMORE COUNTY
E/S RAPHAEL ROAD, OPPOSITE MOUNT VISTA ROAD	*	Case No. 96-167-SPH
11th Election District - 5th Councilmanic District	*	
	*	
Legal Owner: James E. Stadler and Paul J. Stadler	*	

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APR 26 1996
ZONING COMMISSIONER

* * * * * * * * * *

MEMORANDUM IN LIEU OF FINAL ARGUMENT

BEFORE THE ZONING COMMISSIONER

The Petitioners, the Greater Kingsville Civic Association and Nancy Hastings and Diane Neas, neighbors, filed a Petition for Special Hearing to the Zoning Commissioner of Baltimore County pursuant to Section 500.7 of the Zoning Regulations of Baltimore County requesting an opinion as to whether the "clubhouse" building as constructed on the subject property is in conformance with and meets the spirit and intent of the Special Exception granted in Case No. 89-190-X; and secondly whether the use of the "clubhouse" will be in conformity with the Special Exception as granted by the Deputy Zoning Commissioner's Order for "a golf course." Evidentiary hearings were conducted over three partial days, the last occurring on April 18, 1996. This memorandum is being submitted in lieu of a final oral argument.

STATEMENT OF THE FACTS

In 1988, James E. Stadler, et al., as Petitioners, appeared in Case No. 89-190-X before the Deputy Zoning Commissioner of Baltimore County, requesting a Special Exception for a "golf course" on the subject site, which was zoned RC-5, and as more particularly described in the

LAW OFFICE
HOLZER AND LEE
305 WASHINGTON AVENUE
SUITE 502
TOWSON MARYLAND
21204

(410) 825-6961
FAX (410) 825-4923

Petitioners' Plat to accompany the Special Exception. That Plat has been introduced into evidence in this case as Petitioners' Exhibit Number One. The request was for a golf course, not a country club, and the proposal was for an "executive style" golf course which would contain a "clubhouse" forty feet (40') by sixty feet (60') in footprint. Mr. Stadler testified that the club house would contain a paygate for use of the driving range, vending machines, pro shop, and lavatory facilities. There was no testimony that there would be any sort of restaurant or catering facility or sit-down food area in the clubhouse for the patrons of the golf course. The Deputy Zoning Commissioner granted the Special Exception for the requested clubhouse of forty feet (40') by sixty feet (60') and placed other conditions on the use of the property and golf course. Subsequently, the property owner Stadler applied for and received CRG permission to develop the subject site consistent with the decision of the Deputy Zoning Commissioner in Case No. 89-190-X. That CRG file is marked as Petitioners' Exhibit Number Four (XI-624). In the CRG file, the CRG approval showed approval for a forty foot (40') by sixty foot (60') clubhouse consistent with the grant of the Special Exception. Subsequently, Stadler brought two other cases before the Zoning Commissioner for purposes of changing the conditions and operations to be conducted on the site, although neither of the cases affected the size of the clubhouse nor the intended use to be made of the clubhouse. See Respondents' Exhibit Number Five - Case No. 91-209SPH and Respondents' Exhibit Number Six and Number Seven, Case No. 92-37SPH.

At no time has the Zoning Office nor the Zoning Commissioner of Baltimore County authorized a change in the use of the clubhouse or a change in the size of the facility.

Stadler applied for a building permit and submitted a new plat showing an enlarged clubhouse building to be one hundred five feet (105') by eighty-seven feet (87') by forty-four feet (44'). This application and permit issuance took place in the summer of 1994.

John Sullivan, Planner II Zoning Reviewer in the office of ZADM, testified that he, in reviewing the building permit application, made a mistake and failed to notice the change in clubhouse dimensions between Special Exception Case No. 89-190-X, which was forty feet (40') by sixty feet (60'), and the building permit application number B-188580, which was one hundred five feet (105') by eighty-seven feet (87'). Subsequently, as a result of the discrepancy being brought to his attention by these Petitioners, his office issued a letter dated September 1, 1995, to John Reisinger, the Baltimore County Building Engineer, to withhold any occupancy permits, pending a decision by the Zoning Commissioner. Sullivan suggested that because of the vast discrepancy between the size of the clubhouse dimensions that the building could only be approved as being within the spirit and intent of the zoning Case No. 89-190-X by the Zoning Commissioner. Stadler failed to bring any action to clarify this situation, resulting in the Greater Kingsville Civic Association, becoming the Petitioners in this case for a determination, that the clubhouse of one hundred five feet (105') by eighty-seven feet (87') feet was not within the spirit and intent of the zoning Case No. 89-190-X.

It is the Petitioners' position that the clubhouse was to be small (forty feet by sixty feet) with only those activities taking place within its confines as were testified to by Mr. Stadler in the 1989 case. Instead, they now are faced with a clubhouse of much larger dimensions which contains the possibility of having a catering and restaurant operation, a much larger dining room and a kitchen facility that was not even proposed in 1989. The only food service in 1989 was to be a vending

machine operation. The reason that food preparation was limited in 1989 was due to the sewage problems presented by the soils under the site.

A second cause of concern for what has occurred as a result of the Respondents' actions over the years since the inception of this project is concern from an environmental standpoint. Evidence and documents were introduced by Petitioners which established that historically this site has been considered an environmentally poor area in regard to the sewage disposal area. The Petitioners' submittal of Petitioners' Exhibit Number Nine, the letter from the Respondents' Engineer (Larson) to Rob Powell establishes the environmental restraints for the subject site and the clear intention of the Respondents to limit the facilities within the clubhouse. It was upon that exchange of correspondence between DEPRM and Stadler that the DEPRM approval for a sewage disposal area was designed and received by the County. (See testimony of Bruce Seeley.) That position exists today based on the testimony of Bruce Seeley at the hearing and based upon the November 1, 1995, ZAC comment letter from Pilson to Jablon marked as Petitioners' Exhibit Number Five. It is clear that "none of the typical restaurant, bar, or shower facilities typical of golf course clubhouses can be approved at this time because of the limited sewage disposal."

It also clear that Petitioners are concerned that Respondents, if given the kitchen unit and facilities as marked as Respondents' Number Thirteen, will expand that operation impermissibly without the County or anyone reviewing said expansion. It is Petitioners' position that this project was to have bathrooms for the users of the golf course and vending machines which would limit the extent of any kitchen facility thereby limiting the extent of any food services involved in the clubhouse. Bruce Seeley's comments before the Zoning Commissioner are current and provide concern as to the extent of the use of this facility.

QUESTIONS PRESENTED

The Petition for Special Hearing requests a determination of the Zoning Commissioner as to 1) whether the change in the "clubhouse" building from forty feet (40') by sixty feet (60') to one hundred five feet (105') by eighty-seven feet (87') is in conformance with and meets the spirit and intent of the Special Exception granted in Case No. 89-190-X; 2) whether the proposed use of a kitchen to create a restaurant use is permitted under the Special Exception granted in Case No. 89-190-X and whether catering and shower facilities were permitted under that request for a "golf course"; 3) that the Respondents have failed to establish that the enlarged clubhouse meets the spirit and intent of the Special Exception granted in Case No. 89-190-X and further in fact flies in the face of Respondents' own position before the Deputy Zoning Commissioner in Case No. 89-190-X.

LEGAL ARGUMENT

It is clear in Case No. 89-190-X that the request for Special Exception applied only to a "golf course." This course was to be an "executive" one. It was to be utilized solely for the purpose of playing golf such as many of the county facilities and it was not to be a "country club," which could include a clubhouse containing other activities for restaurant, catering, bar, showering, and so forth. The distinction between the definition of a golf course and a country club may be found in Baltimore County Zoning Regulations Section 101 and also contained within the permitted uses for this zone. See Baltimore County Zoning Regulations page 1A-29 for the distinction between golf courses, country clubs, or other similar outdoor recreation clubs, and see Baltimore County Zoning Regulations page 1-12 for the definition of a country club. It is clear from page two of the Findings of Fact and Conclusions of Law for Case No. 89-190-X that Stadler, the Petitioners therein, testified that the "clubroom would contain the paygate for use of the driving range, vending machines, pro

shop, and lavatory facilities." The plat to accompany the request for Special Exception therein contained the size of the clubhouse facility as forty feet (40') by sixty feet (60'). After the grant of the Special Exception, the CRG approved the Development Plan for a clubhouse of forty feet (40')by sixty feet (60'). The additional hearings before the Zoning Commissioner in the other cases previously cited reflect no amendment to either the use or the size of the clubhouse facility. The letter of Joe Larson, Engineer for Stadler, marked as Petitioners' Exhibit Number Nine, indicates a clear intention not to have restaurant facilities, catering facilities, showering facilities, or bar facilities, based upon the problem with the septic reserve and the soils of the subject site as previously explained in the statement of facts.

Everything that the County received and dealt with prior to the application for a building permit indicated the limited nature of the proposed operation on the subject site. It is only with the application for building permit and the drawing to accompany that request that we have the introduction of a larger facility of one hundred five feet (105') by eighty-seven feet (87') by forty-four feet (44') building. If John Sullivan is to be believed, and there is no reason to doubt his testimony, he made an innocent mistake in failing to pick up the difference in size of the buildings proposed. However, the burden for an error should not fall upon John Sullivan nor the county offices processing the building permit application. It was clear to the Respondent Stadler that they never had permission for a larger building and if anything, it is clear that they changed the size of the footprint of the building without seeking approval by way of a Special Hearing before the Zoning Commissioner to determine whether or not that change would in effect conform with the spirit and intent of the granting of the Special Exception in Case No. 89-190-X.

In fact, the Respondents, even after having a stop-work order placed on this permit by Mr. Sullivan to Reisinger, still failed to request a petition for Special Hearing to determine whether it was within the spirit and intent of the original granting of Special Exception. To this day, they have not *requested that the difference in the size of the facility and the use be examined by the Zoning* Commissioner for purpose of determining whether or not it meets the spirit and intent. The Petitioners' Petition for Special Hearing was another example in a long line of situations of the community having to protect itself from violations of approved plans and approvals which had not been complied with or have been violated by a property owner. Clearly in this case as presented before the Zoning Commissioner, there has been no evidence presented by the Respondents as to why the facility is much larger than approved in 1989 and why the additional area was needed and why the kitchen area as proposed in Respondents' Number Thirteen is necessary in light of the limited nature of the proposed usage.

On the contrary, Petitioners have established that the enlarged clubhouse has violated the spirit and intent of the Special Exception granted in 1989 by the Deputy Zoning Commissioner. Because of its large size, it has the potential for a dining room, a bar, a kitchen, all of which violate the basic limitations imposed in 1989 on the Special Exception by the Deputy Zoning Commissioner. Clearly, a restaurant and catering operation would create a situation in which DEPRM would be faced with increased usage of toilet facilities, of the dishwashing, and use of the sink by large numbers of people, which would then exceed the calculations as worked out by Joe Larson on behalf of the Respondents and Larry Pilson and DEPRM when the septic system was reviewed and approved by DEPRM. It is clearly DEPRM's continued position that because of the nature of the soils of this site, which have long been recognized as poor and which have long limited development on the site, will

cause environmental problems and dangers to the environment if any enlarged or increased operation is permitted by this clubhouse. Even the proposed kitchen plan on Respondents' Thirteen exceeds the vending machine concept as testified to before the Deputy Zoning Commissioner in 1989. There have been no studies done from an environmental standpoint by Respondents, which could ease the legitimate concern of either DEPRM or the Zoning Commissioner. There has been no limitation established by the Respondent as to the number of people that would be served in this enlarged facility nor on the nature of the service or their intended use of this much larger expanse that far exceeds that permitted in 1989.

While Respondents' building permit application changed the size of the building from forty feet (40') by sixty feet (60') to one hundred five feet (105') by eighty-seven feet (87'), testimony presented by Respondents' own Engineer established that this building as measured is one hundred five feet (105') by fifty-four feet (54') with a twenty-six foot (26') by twenty-six foot (26') canopy in the front and an eight foot (8') by twenty-six foot (26') extension in the rear. The total square footage for the first floor alone was 6,800 square feet, three times what was permitted in 1989 by the Deputy Zoning Commissioner.

The Respondents by their own action introduced this improper difference in building size in their building application, knowing full well the Deputy Zoning Commissioner in 1989 and the CRG review and CRG approval had only approved a facility of forty feet (40') by sixty feet (60'). It is their fault that they have incurred these expenses without obtaining the proper amendment of the original plans. It is not the County's fault nor the citizens' fault. They could have avoided this problem by seeking a Petition for Special Hearing to amend the existing Special Exception prior to their applying for a building permit.

For all of those reasons, the Petitioners request 1) that the Zoning Commissioner determine that the clubhouse constructed on site is not in conformance with and fails to meet the spirit and intent of the Special Exception granted in Case No. 89-190-X and must be removed; 2) that the Zoning Commissioner find that the limitation on usages contained in the decision of 1989 be reaffirmed in light of the environmental problems that exist on the subject site and that any further effort to utilize this clubhouse for a seated dining area, dining room, catering facility, bar, showers, be prohibited.

Respectfully submitted,

J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
(410) 825-6961
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 26th day of April, 1996, a copy of the foregoing Memorandum in Lieu of Final Argument was mailed, postage pre-paid, to Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Avenue, Towson, Maryland, 21204.

J. Carroll Holzer

164

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11101 Raphael Rd.

96-167-SPH

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 situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine

1. Whether "club house" building as constructed is in conformance with and meets the spirit and intent of Special Exception granted in case No. 89-190-X and 2. Whether restaurant use is permitted under RC-5 Special Exception when Special Exception request and Deputy Zoning Commissioner Order was for a "golf course".

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

I, or we, agree to pay expenses of 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.

Kingsville Community Assn. through
J. Carroll Holzer, Esq.
(Type or Print Name)

Signature

305 Washington Ave. #502
Address

Towson MD 21204
City State Zipcode

Legal Owner(s).

James F. Stadler
(Type or Print Name)

Signature

Paul J. Stadler
(Type or Print Name)

Signature

11120 Reynolds Rd. 592-9200
Address Phone No

Kingsville MD 21087
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Spellman, Larson & Assoc., Inc.
Name

105 W. Chesapeake Ave. #107 Towson
Address Phone No.

Attorney for Petitioner.

J. Carroll Holzer, Esq.
(Type or Print Name)

Signature

305 Washington Ave. #502
Address Phone No.

Towson, MD 21204
City State Zipcode

825-6961

ORDER RECEIVED FOR FILING
Date 11/22/96
By

DROP-OFF
NO REVIEW
10/18/95 KCR

Zoning Administration & Development Management

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

164

PROPERTY DESCRIPTION FOR 11101 RAPHAEL ROAD

Area of Tract: 110.00 Acres, More or Less 96-167-SPH

Existing Zone: RC-5

Point of Beginning at northwest corner, proceeding easterly 2603.19 feet , thence southeasterly 1236.74 feet, then at a point southwesterly 492 73 feet, thence southeasterly 434.64 feet, thence southwesterly 2235.95 feet to Raphael Road, running along same northeasterly 1645.92 feet to the Point of Begining as more fully described on Petitioner Exhibit 5 filed before the Deputy Zoning Commissioner in the Petition for Special Exception and attached before the instant Petition for Special Hearing.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

96-167-SPH

District 11th

Date of Posting 11/12/95

Posted for: Special Hearing

Petitioner: James E. & Paul J. Stadler & Maysville Community Assoc.

Location of property: 11101 Raphael Rd., E/S

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by [signature] Signature

Date of return: 11/17/95

Number of Signs: 1

[redacted]

[redacted] 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: #96-167-SPH
(Item 164)
11101 Raphael Road
Stadler Property
E/S Raphael Road, opposite Mt. Vista Road
11th Election District
5th Councilmanic
Legal Owner(s):
James E. Stadler and Paul J. Stadler
Petitioner:
Kingsville Community Association
Hearing: Wednesday, November 29, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing: to determine whether "club house" building as constructed is in conference with and meets the spirit and intent of special exception granted in case #89-190-X, and whether restaurant use is permitted under R.C.-5 special exception when special exception request and deputy zoning commissioner order was for a "golf course".

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

11/113 Nov. 9 C15979

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/10, 1995

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 11/9, 1995.

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

[redacted]

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

No.

DATE 7-24/96 ACCOUNT 001-615C

AMOUNT $ 285.00

RECEIVED FROM: Thomas L. Hennessey

FOR: Appeal
Sign - 25
285

03A01#0280MICHRC $285.00
BA C002:39PM07-24-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

No.

DATE 7-24-96 ACCOUNT 001-615C

AMOUNT $ 285.00

RECEIVED FROM: Thomas L. Hennessey

FOR:

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

154322
DROP-OFF — NO REVIEW
ITEM #164

DATE 10/18/95 ACCOUNT 001-6150

96-167-SPH

AMOUNT $ 285.00 (WCR)

RECEIVED FROM: J. Carroll Holzer

FOR: 11101 Raphael Road
#040 - SPECIAL HEARING - $250.00
#080 - SIGN POSTING - $35.00
TOTAL —— $285.00

01A01#012#MICHRC $285.00
CA C011:30AM10-18-95

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 25, 1996

NOTICE OF REASSIGNMENT

Continued Hearing
CASE NUMBER: 96-167-SPH
11101 Raphael Road
E/S Raphael Road, oppostie Mt. Vista Road
Stadler Property - Mt. Vista Golf Course
11th Election District - 5th Councilmanic
Legal Owner: James E. Stadler and Paul J. Stadler
Petitioner: Kingsville Community Association

Special Hearing to determine whether "club house" building as constructed is in conformace with and meets the spirit and intent of special exception granted in case #89-190-X; and wehter restaurant use is permitted under R.C. -5 special exception request and deputy zoning commissioner order for a "golf course".

HEARING: WEDNESDAY, MARCH 13, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

ARNOLD JABLON
DIRECTOR

cc: J. Carroll Holzer, Esq.
Thomas Hennessey, Esq.

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 6, 1995

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: 96-167-SPH (Item 164)
11101 Raphael Road
Stadler Property
E/S Raphael Road, opposite Mt. Vista Road
11th Election District - 5th Councilmanic
Legal Owner: James E. Stadler and Paul J. Stadler
Petitioner: Kingsville Community Association

Special Hearing to determine whether "club house" building as constructed is in conformance with and meets the spirit and intent of special exception granted in case #89-190-X; and whether restaurant use is permitted under R.C.-5 special exception when special exception request and deputy zoning commissioner order was for a "golf course".

HEARING: WEDNESDAY, NOVEMBER 29, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: James and Paul Stadler
J. Carroll Holzer, Esq.
Kevin Lindsey
Spellman, Larson & Assoc., Inc.

NOTES: (1) ZONING 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.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY
November 9, 1995 Issue - Jeffersonian

Please foward billing to:
J. CARROLL HOLZER, ESQ
305 WASHINGTON AVE #502
TOWSON MD 21204 825-6961

NOTICE OF HEARING

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Petitioner: Kingsville Community Association

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Case File DATE: December 1, 1995

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Petition for Special Hearing
E/S Raphael Road, opposite Mt. Vista Road
(Mt. Vista Golf Course)
Case No. 96-160-SPH

This matter came before me for a public hearing on November 29, 1995 on a Petition for Special Hearing filed by the Kingsville Community Association. They object to the construction of a "club house" on the subject property, which is the site of the Mt. Vista Golf Course.

J. Carroll Holzer, Esquire, represents the community and Tom Hennessey, Esquire, represents the owners of the golf course. My notes reflect testimony which was received from a number of witnesses from the community association. Joe Merrey also testified in place of John Sullivan who had taken in the Petition when filed in the Permits and Development Management (PDM) office. Mr. Sullivan was out on sick leave at the time of the hearing. Counsel for both parties wanted Mr. Sullivan to testify and thus, agreed to a continuance of the case until such time as Mr. Sullivan was available. Mr. Hennessey also has another witness who was unavailable on November 29th. Counsel will call me during the week of December 5, 1995 to schedule the continued hearing date, at which time these absent witnesses can testify and Mr. Hennessey can present his case.

My perception of the case thus far is that the community association is over-reacting. However, they have good reason not to trust the property owners. The golf course was approved by Order issued in 1988 by then Deputy Zoning Commissioner Ann Nastarowicz, and numerous restrictions were loaded on the approval. The case has since come in for two additional hearings, seeking a modification of that Order, one before Ms. Nastarowicz in 1990 and one before Timothy Kotroco, present Deputy Zoning Commissioner, in 1992. All of those opinions are in the file.

The original site plan showed a small building was to be constructed for use as a "club house". None of the restrictions imposed in the original order dealt with the use of the building; however, a summary of the Petitioners' testimony in 1988 indicated it would be used for lavatory facilities, a small pro shop and vending machines. The building which was recently constructed is much larger; however, a permit was issued. It appears that PDM screwed up and authorized the issuance of a permit for a structure larger than that shown on the site plan approved in the special exception case in 1988. We have not yet heard from Mr. Sullivan, but I suspect that is what happened.

The building itself is violative of the old site plan and a decision must be made as to whether the site plan should be amended to accommodate what is now existing on the site. Apparently, the building is not occupied but is approximately 95% complete at this time. There is a question about what the proposed use will be. There have been a great many rumors floating through the neighborhood. I haven't heard from the property owners at this point.

I would agree with the neighbors that the site should not be converted to a country club. There should be no receptions, dinners, dances, etc., in the building. However, if a small grill is allowed for the golfers to eat lunch after playing, I see no problem. The difficulty will be with enforcement, particularly since the operators of the club have proven to be less than reliable and truthful and the community does not trust them.

In any event, that's the status of the case at this point and the matter will be reset upon hearing from Counsel next week.

LES:bjs

Case No. 96-167-SPH

Kingsville Community Association - Petitioners
(Mt. Vista Golf Course Ltd. Partnership)

NE/s Raphael Road, across from its intersection
w/ Mount Vista Road (11101 Raphael Road)

11th Election District Appealed: 7/24/96

Case No. 96-167-SPH

Kingsville Community Association - Petitioners
(Mt. Vista Golf Course Ltd. Partnership)

NE/s Raphael Road, across from its intersection
w/ Mount Vista Road (11101 Raphael Road)

11th Election District Appealed: 7/24/96

If Sterling Lease - J. Carol Holzer file a "Complainant's Petition", send cc to:

Pet's Atty

MT VNTP -

f WALTON RUSTONE
600 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Balto Md 21201

539 - 5195

Ret Apptmt
FRI 11-20-96
8:45.

=96-167.
IN GRIEVANCE

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

c: Daniel Crispino

September 1, 1995

Mount Vista Golf Course LTD Partnership
11101 Mount Vista Rd
Baltimore, Md 21021

Re: Permit No. B188580

Gentlemen:

Based on information received from Zoning Review, permit No. B188580 is hereby suspended. All work being done on this project must stop until problems with the approvals are resolved. Please contact John Sullivan at 887-3391 for more information about what needs to be done.

Sincerely,

John R. Reisinger, P.E.
Building Engineer

Note:
As already stated, so much attentioned was paid (by me) to the vesting of the sp. Ex. that on the Multi-paged, 100' scale hearing +, CRG plans, I erred by missing the bldg. size.

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Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

c: Daniel Crispino

September 1, 1995

Mount Vista Golf Course LTD Partnership
11101 Mount Vista Rd
Baltimore, Md 21021

Re: Permit No. B188580

Gentlemen:

Based on information received from Zoning Review, permit No. B188580 is hereby suspended. All work being done on this project must stop until problems with the approvals are resolved. Please contact John Sullivan at 887-3391 for more information about what needs to be done.

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Building Engineer

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Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

COPY

John R Reisig
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B071286 CONTROL #: GRC-172190 DIST: 11 PREC 03
DATE ISSUED: 10/19/90 TAX ACCOUNT #: 1900003441 CLASS: 05

PLANS: CONST PLOT & R PLAT DATA ELEC NO PLUM NO
LOCATION: RAPHAEL RD & MOUNT VISTA RD
SUBDIVISION: 111.07 AC ES RAPHEL RD

OWNERS INFORMATION
NAME: STADLER, JAMES & PAUL
ADDR: 11118 REYNOLDS ROAD BRADSHAW, MD 21201

Microfilm with B-188580

TENANT:
CONTR: TO BE DETERMINED
ENGNR:
SELLR:
WORK: GRADING LIMIT OF DISTURBANCE 319,100 SF/7.3 AC.
PERMIT EXPIRES 2 YRS. FROM DATE OF ISSUANCE.
GRADING IS FOR FUTURE DRIVING RANGE.

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

ESTIMATED $ 438.00 PROPOSED USE: GRADING FOR FUTURE DRIVING RANGE
EXISTING USE: VACANT

TYPE OF IMPRV: OTHER
USE: OTHER - NON-RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: WATER:

LOT SIZE AND SETBACKS

SIZE: 111.07 AC.
FRONT STREET:
SIDE STREET:
FRONT SETB:
SIDE SETB:
SIDE STR SETB:
REAR SETB:

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

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438.00 EXISTING USE: VACANT

TYPE OF IMPRV. OTHER
USE: OTHER - NON-RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: WATER:

LOT SIZE AND SETBACKS

SIZE: 111.07 AC.
FRONT STREET:
SIDE STREET:
FRONT SETB:
SIDE SETB:
SIDE STR SETB:
REAR SETB:

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

COPY

John R. Reisinger
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B113381 CONTROL #: GRC-221791 DIST: 11 PREC: 03
DATE ISSUED: 12/18/91 TAX ACCOUNT #: 1900003441 CLASS: 04

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: RAPHEL RD & MT VISTA RD
SUBDIVISION: 111.07 AC ES RAPHEL RD

OWNERS INFORMATION
NAME: STABLER,JAMES & PAUL J.
ADDR: 11118 REYNOLDS RD. BRADSHAW,MD. 21201

Microfilm with B-188580

TENANT:
CONTR: TO BE DETERMINED
ENGNR: SPELLMAN,LARSON & ASSOC.
SELLR:
WORK: TEMPORARY STOCKPILE,WILL BE ISSUED FOR A PERIOD NOT TO EXCEED (1) YR. & CANNOT BE EXTENDED. PRIOR TO EXPIRATION DATE,STOCKPILE AREA MUST BE RETURNED TO THE ORIGINAL GRADE & STABILIZED WITH PERMANENT VEGETATION. (39,000 S.F.)

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

ESTIMATED $ 5,000.00 PROPOSED USE: GOLF COURSE & TEMPORARY STOCKPILE
EXISTING USE: DRIVING RANGE

TYPE OF IMPRV: OTHER
USE: OTHER - NON-RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: WATER:

LOT SIZE AND SETBACKS

SIZE: 111.07AC.
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: NC

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

COPY

John R Reisig
BUILDINGS ENGINEER

BUILDING PERMIT

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DATE ISSUED: 12/18/91 TAX ACCOUNT #: 1900003441 CLASS: 04

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: RAPHEL RD & MT VISTA RD
SUBDIVISION: 111.07 AC ES RAPHEL RD

OWNERS INFORMATION
NAME: STABLER,JAMES & PAUL J.
ADDR: 11118 REYNOLDS RD. BRADSHAW,MD. 21201

Microfilm with B-188580

TENANT:
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EXISTING USE: DRIVING RANGE

TYPE OF IMPRV: OTHER
USE: OTHER - NON-RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: WATER:

LOT SIZE AND SETBACKS

SIZE: 111.07AC.
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: NC

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

PERMIT NO. - 89 YEAR - 1991

COPY

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TRAILER PERMIT

MT. VISTA GREENS GOLF CLUB
Raphael Rd. @ Mt. Vista Road
Bradshaw, Maryland 21021

Date Issued June 3, 1991

Type Temporary Occupancy

Use Office

A Permit is hereby granted to Mt. Vista Greens Golf Club to park a trailer on the property of James Stadler located at E/S of Raphael Rd. @ Mt. Vista Rd. in accordance with Baltimore County Council Bill No. 109-64.

This Permit Expires: Dec. 31, 1991

Director

Microfilm with B-188580

PERMIT NO. - 89 YEAR - 1991

COPY

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

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This Permit Expires: Dec. 31, 1991

Director

Microfilm with B-188580

IN THE MATTER OF	*	BEFORE THE ZONING
Stadler Property	*	COMMISSIONER OF
11101 Raphael Rd.	*	BALTIMORE COUNTY
Mt. Vista Golf Course	*	CASE NO. 96-167-SPH (Item 164)

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: John Sullivan, Jr.
Planner II
Dept. of Permits & Development Management

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 118, Old Courthouse, Towson
(Place where attendance is required)

on Wednesday the 29th day of November, 1995, at 10:00 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Complete file in case No. 89-190-X and any other documents surrounding the Mt. Vista Golf Course and permits issued for this use.

J. Carroll Holzer, 305 Washington Ave. #502, Towson 825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date Nov. 21, 1995

Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF	*	BEFORE THE ZONING
Stadler Property	*	COMMISSIONER OF
11101 Raphael Rd.	*	BALTIMORE COUNTY
Mt. Vista Golf Course	*	CASE NO. 96-167-SPH (Item 164)

* * * * * * * * * * * * *

SUBPOENA

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TO: John Sullivan, Jr.
Planner II
Dept. of Permits & [illegible]ent

JJS

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Date Nov. 21, 1995

Lawrence E. Schmidt
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

Microfilm with Bldg. Permit # B-188580

March 3, 1994

HAND DELIVERED

Mr. John J. Sullivan
Office of Zoning Administration and
Development Management
111 West Chesapeake Avenue
Room 109
Towson, MD 21204

RE: Mount Vista Greens Golf Course

Dear Mr. Sullivan:

You have requested documentation that the extension of the Special Exception granted for the Mount Vista Golf Course project by Case No. 91-209-SPH was utilized within the time frame specified in the order. In that regard, I am pleased to provide you with the following:

1. Permit No. B071286, issued 10/19/90 for the grading of the site entrance, parking areas, and range area.

2. Trailer Permit No. 89 for the office/temporary clubhouse.

3. Stockpile permit NO. B113381 associated with sensitive areas of course construction.

Additionally, I am pleased to advise that the range was in full operation during the summer and fall of 1991 and in the two subsequent seasons, certainly well in advance of December 16, 1991. As of this date, all greens and tees have been created, installation of the required irrigation piping system is approximately 90% complete, much of the required landscaping and required vegetation has been installed, and as you know, the club house will be started as soon as the pending permit is issued.

It is clear that the proposed construction described by the Deputy Commissioner at the top of page three or her order commenced as required. The range is complete and the balance of the project is nearing completion. I would respectfully request that the permit for the

Microfilm with
B-188580

clubhouse be approved as soon as possible so that, once the weather breaks, construction can begin at once.

Should you desire any additional information in this regard, please contact me immediately. Also, should there be any delay in ZADM's approval of the building permit for the clubhouse I would appreciate a call.

Thanks for your continuing cooperation in this matter.

Very truly yours,

Howard L. Alderman, Jr.

Howard L. Alderman, Jr.

HLA/gk

cc: Mount Vista Golf Course Limited Partnership
Walter R. Stone, Esquire

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

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Howard L. Alderman, Jr.

HLA/gk

cc: Mount Vista Golf Course Limited Partnership
Walter R. Stone, Esquire

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 15, 1996

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-167-SPH

MOUNT VISTA GOLF COURSE LTD PARTNERSHIP -Legal Owners; KINGSVILLE COMMUNITY ASSOCIATION - Petitioners /Protestants
NE/s Raphael Road, across from its intersection with Mount Vista Road (11101 Raphael Road) 11th E; 5th C

SPH -Filed by Kingsville Comm Assn; whether clubhouse as constructed is in conformance with and meets spirit and intent of SE granted in prior 89-190-X; whether restaurant use is permitted under RC 5 SE, when SE request and Order approving same was for a "golf course."

6/25/96 -Z.C.'s Order in which Special Hearing was GRANTED; clubhouse not in conformance with and does not meet spirit and intent of SE in 89-190-X; restaurant is not permitted; 60 days to bring into compliance or file for SPH.

PP'd to 4/08/97 - req. of Counsel for Owner; medical reasons. No objection

ASSIGNED FOR **WEDNESDAY, JANUARY 8, 1997 at 10:00 a.m.**

cc: Thomas L. Hennessey, Esquire — Counsel for Property Owner /Appellant
Mt. Vista Golf Course Ltd. Partnership
by Daniel Crispino, Partner — Property Owner /Appellant

Joseph Larson /Spellman, Larson & Assoc.

J. Carroll Holzer, Esquire — Counsel for Petitioners /Protestants
Nancy Hastings, President — Kingsville Community Association

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Legal Administrator

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LAW OFFICES

Thomas L. Hennessey, P.A.

40 W. CHESAPEAKE AVENUE, SUITE 506
TOWSON, MARYLAND 21204-4290

AREA CODE (410) 823-7710
FAX (410) 823-7231

THOMAS L. HENNESSEY

RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

December 20, 1996

County Board of Appeals of Baltimore County
Old Court House - Room 49
400 Washington Avenue
Towson, Maryland 21204

Attn: Ms. Kathleen C. Bianco
Legal Administrator

RE: Mt. Vista Golf Course Limited Partnership
Case No. 96-167-SPH
Date of Hearing - January 8, 1997

Dear Ms. Bianco:

I had received your notice of November 15, 1996 concerning the above entitled matter, Mount Vista Golf Course Limited Partnership, and have just recently learned that I will not be available for hearing on January 8, 1997 at 10:00 a.m. due to a personal physical situation. It is anticipated that I will be admitted to St. Joseph's Hospital on the 6th or 7th day of January, and an operation performed and remained in the hospital for several days thereafter, and be unavailable for trial or hearing practice for several weeks. I would request that the case be reassigned after February 17, 1997.

I regret the lateness of this request but as stated was only recently informed, and I am sending copies of this request to all interested parties as listed on your notice of hearing.

Thank you for your consideration.

Yours very truly,

Thomas L. Hennessey

TLH:cs

cc: Mr. Danny Crispino
Mt. Vista Golf Course Limited Partnership
Mr. Joseph Larson
J. Carroll Holzer, Esquire and Ms. Nancy Hastings
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Esquire
Arnold Jablon, Esquire
Virginia W. Barnhart, Esquire

96 DEC 2

LAW OFFICES

Thomas L. Hennessey, P.A.

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AREA CODE (410) 823-7710
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THOMAS L. HENNESSEY

RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

RECEIVED
COUNTY BOARD OF
96 DEC 23 PM 12

December 20, 1996

County Board of Appeals of Baltimore County
Old Court House - Room 49
400 Washington Avenue
Towson, Maryland 21204

Attn: Ms. Kathleen C. Bianco
Legal Administrator

RE: Mt. Vista Golf Course Limited Partnership
Case No. 96-167-SPH
Date of Hearing - January 8, 1997

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I regret the lateness of this request but as stated was only recently informed, and I am sending copies of this request to all interested parties as listed on your notice of hearing.

Thank you for your consideration.

Yours very truly,

Thomas L. Hennessey

Received Hand Delivered 12/20/96 3:30 PM

TLH:cs

cc: Mr. Danny Crispino
Mt. Vista Golf Course Limited Partnership
Mr. Joseph Larson
J. Carroll Holzer, Esquire and Ms. Nancy Hastings
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Esquire
Arnold Jablon, Esquire
Virginia W. Barnhart, Esquire

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

TO: Mrs. Kathy Bianco
Board of Appeals

December 24, 1996

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case No. 96-167-SPH

Kathy, attached is a copy of a letter which I received from attorney, Thomas L. Hennessey regarding the above case. He also forwarded to me a copy of his letter to you of that same date. In view of the fact that the matter is pending before the Board of Appeals, I am forwarding this correspondence to you for Chairman Schuetz's attention. To the best of my knowledge there are no matters currently pending before the Zoning Commissioner or on my docket.

mmn
encl.

LAW OFFICES

Thomas L. Hennessey, P.A.

40 W. CHESAPEAKE AVENUE, SUITE 506
TOWSON, MARYLAND 21204-4290

AREA CODE (410) 823-7710
FAX (410) 823-7231

THOMAS L. HENNESSEY

RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

December 20, 1996

Lawrence E. Schmidt, Esquire
Zoning Commissioner
Baltimore County Government
Office of Planning and Zoning
Courthouse - Suite 112
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
DEC 23 1996
ZONING COMMISSIONER

RE: Mt. Vista Golf Course Limited Partnership
Case No. 96-167-SPH
Date of Hearing - January 8, 1997

Dear Mr. Schmidt:

In accordance with the rules of the County Board of Appeals and their notice to my office of November 15, 1996, attached please find a request for postponement of the Hearing due to this attorney's personal unavailability on January 8, 1997.

Yours very truly,

Thomas L. Hennessey

Thomas L. Hennessey

TLH:cs

Attachment

LAW OFFICES

Thomas L. Hennessey, P.A.

40 W. CHESAPEAKE AVENUE, SUITE 506
TOWSON, MARYLAND 21204-4290

AREA CODE (410) 823-7710
FAX (410) 823-7231

THOMAS L. HENNESSEY

RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

December 20, 1996

County Board of Appeals of Baltimore County
Old Court House - Room 49
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
DEC 23 1996
ZONING COMMISSIONER

Attn: Ms. Kathleen C. Bianco
Legal Administrator

RE: Mt. Vista Golf Course Limited Partnership
Case No. 96-167-SPH
Date of Hearing - January 8, 1997

Dear Ms. Bianco:

I had received your notice of November 15, 1996 concerning the above entitled matter, Mount Vista Golf Course Limited Partnership, and have just recently learned that I will not be available for hearing on January 8, 1997 at 10:00 a.m. due to a personal physical situation. It is anticipated that I will be admitted to St. Joseph's Hospital on the 6th or 7th day of January, and an operation performed and remained in the hospital for several days thereafter, and be unavailable for trial or hearing practice for several weeks. I would request that the case be reassigned after February 17, 1997.

I regret the lateness of this request but as stated was only recently informed, and I am sending copies of this request to all interested parties as listed on your notice of hearing.

Thank you for your consideration.

Yours very truly,

Thomas L. Hennessey

TLH:cs

cc: Mr. Danny Crispino
Mt. Vista Golf Course Limited Partnership
Mr. Joseph Larson
J. Carroll Holzer, Esquire and Ms. Nancy Hastings
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Esquire
Arnold Jablon, Esquire
Virginia W. Barnhart, Esquire

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 30, 1996

NOTICE OF POSTPONEMENT & REASSIGNMENT

Pl'd 4/04/97 req. of Counsel for Owner, no objection, hold

CASE #: 96-167-SPH IN THE MATTER OF: MOUNT VISTA GOLF COURSE LTD. PARTNERSHIP -Owners; KINGSVILLE COMMUNITY ASSOCIATION -Petitioners /Protestants
11101 Raphel Road
11th Election District; 5th Councilmanic
(Petition for Special Hearing GRANTED; clubhouse not in conformance w/SE in 89-190-X; restaurant not permitted; 60 days to comply.

which was scheduled for hearing on January 8, 1997 has been POSTPONED at the request of Counsel for Property Owner, without objection, and has been:

REASSIGNED FOR: **TUESDAY, APRIL 8, 1997 at 10:00 a.m.**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

Anthony DiPaula entered 4/04/97

cc: Counsel for Property Owner /Appellant: ~~Thomas L. Hennessey~~, Esquire
Property Owner /Appellant : Daniel Crispino, Partner
Mt. Vista Golf Course Ltd. Ptnshp

Joseph Larson /Spellman, Larson & Assoc.

Counsel for Petitioners /Protestants : J. Carroll Holzer, Esquire
Petitioners /Protestants : Kingsville Community Assn. /
Nancy Hastings, President

Interested Party: Kevin Lindsey

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Messrs. James F. and Paul J. Stadler

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Printed with Soybean Ink on Recycled Paper

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

* ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD. 21204

April 4, 1997

HAND DELIVERY

Baltimore County Board of Appeals
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: **IN THE MATTER OF MT. VISTA GOLF COURSE LIMITED PARTNERSHIP**
KINGSVILLE COMMUNITY ASSOCIATION - PETITIONER
CASE NO.: 96-167-SPH
HEARING DATE: 4/8/97 AT 10:00 A.M.

Dear Mr. Chairman:

Please enter the appearance of the undersigned as counsel for the owner. The undersigned was just recently retained to represent the property owner in a special hearing case pending before the Zoning Commission, and, as a corollary to that this case. I know that Mr. Hennessey was told that other counsel was being retained, and so he was not planning to handle this hearing. We have not had sufficient time to prepare, especially when each time we turn around we learn there is another proceeding relating to this property, including a zoning violation case brought by Baltimore County in the District Court.

Yesterday I spoke to Mr. Holzer, counsel for the Petitioner, and he does not oppose this continuance. While we are presently seeking a continuance, I candidly believe there is a strong chance this appeal will be dismissed voluntarily once we can fully evaluate the present posture of all the pending proceedings.

The Board's indulgence is appreciated.

Very truly yours,

Anthony J. DiPaula

AJD/ds
4±ds.11

cc: J. Carroll Holzer, Esquire (via facsimile 825-4923)
Joseph Larson (via facsimile 825-5215)
Thomas Hennessey, Esquire (via facsimile 823-7231)
People's Counsel
Mt. Vista Golf Course Limited Partnership

G 4/04/97; no next date

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 4, 1997

NOTICE OF POSTPONEMENT

CASE #: 96-167-SPH

IN THE MATTER OF: MOUNT VISTA GOLF COURSE LTD. PARTNERSHIP -Owners; KINGSVILLE COMMUNITY ASSOCIATION -Petitioners /Protestants
11101 Raphel Road
11th Election District; 5th Councilmanic
(Petition for Special Hearing GRANTED; clubhouse not in conformance w/SE in 89-190-X; restaurant not permitted; 60 days to comply.

which was scheduled for hearing on April 8, 1997 has been **POSTPONED** at the request of Counsel for Property Owner, without objection; **TO BE REASSIGNED ONLY UPON REQUEST.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Property Owner /Appellant: Anthony J. DiPaula, Esquire
Property Owner /Appellant : Daniel Crispino, Partner
Mt. Vista Golf Course Ltd. Ptnshp
: James F. & Paul Stadler
Joseph Larson /Spellman, Larson & Assoc.

Counsel for Petitioners /Protestants : J. Carroll Holzer, Esquire
Petitioners /Protestants : Kingsville Community Assn. /
Nancy Hastings, President

Interested Party: Kevin Lindsey

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Printed with Soybean Ink on Recycled Paper

COURSE
P. L.O.
MM. ASSOC. -Pet.
Road, across 11th E.D.

96-167-SPH

96-167-SPH

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

96-167-SPH

strict 11th Date of Posting 11/12/95

sted for: Special Hearing

titioner: James E. & Paul S. Stadler & Kingsville Community Assoc.

cation of property: 11101 Raphael Rd., E/S

cation of Signs: Facing roadway on property being zoned

marks:

sted by [signature] Date of return: 11/17/95

Signature

mber of Signs: 1

Appeal Sign
Posted Aug 13th, 1996
by: James H. Thompson
Code Enforcement
Supervisor

MAP & CARD

J.T. TO CALL BACK

ASK ↓

YOU MENTIONED YOU POSTED THIS - DO YOU HAVE THE POSTING CERTIFICATE??

1/8/23
9a

YES TO CLINTON

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 22, 1995

J. Carroll Holzer, Esquire
305 Washington Ave., #502
Towson, Maryland 21204

RE: Item No.: 164
Case No.: 96-167-SPH
Petitioner: J. F. Stadler

Dear Mr. Holzer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

November 1, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #164 - Mt. Vista Greens - Stadler Property
11101 Raphael Road
Zoning Advisory Committee Meeting of October 30, 1995

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

Ground Water Management

This is an executive golf course with limited sewage disposal area. None of the typical restaurant, bar or shower room facilities typical of golf course clubhouses can be approved at this time, because of the limited sewage disposal.

JLP:TE:sp

MTVISTA/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 7, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 6, 1995
Item 164

The Development Plans Review Division has reviewed the subject zoning item. The parking lot is subject to the Landscape Manual requirement that 7% of the interior of the parking lot be reserved for landscaping.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JAMES E. STADLER & PAUL J. STADLER

LOCATION: E/S RAPHAEL RD., OPPOSITE MT. VISTA RD. (11101 RAPHAEL RD. -- STADLER PROPERTY)

Item No.: 164 Zoning Agenda: SPECIAL HEARING

Gentlemen:

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

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 Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 31, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 161, 162, 163, 164, 165, 167, 168, 169, and 171

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kens

PK/JL

ITEM161/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-25-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 164 (WCR)

Dear Ms. Watson:

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 affected 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

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

25 April 1997

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
97 MAY 28 PM 2:09

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave
Towson, MD 21204

Baltimore County Department of Environmental Protection and Resource Management
Bureau of Resource Management and Engineering Services
401 Bosly Ave, Suite 416
Towson, MD 21204

Subject: Mount Vista Green Golf Course located at 11101 Raphel Rd, Upper Falls, MD

To Whom it may concern:

I live directly across from the Mount Vista Greens Golf Course club house (only about 200 yards away). I have tried my best to be a good neighbor to the golf course but there are a number of issues which cause me concern regarding the events which have taken place in the past 5 years.

As you are well aware, there have been a myriad of zoning hearings and court appeals regarding this golf course concerning a number of different issues; and the Zoning Commission has issued a number of "Findings of Fact and Conclusions of Law" statements regarding these hearings (89-190-X;92-37-SPH; 96-167-SPH), most of which I found to be reasonable and acceptable to me.

Recently, the Mount Vista Green Golf Course has informed the community via brochure that they intend to seek permission from you (my County Government) to install driving range lights, to open a restaurant, to obtain a liquor license, to provide room rental (catering) services to the public, and to extend the hours of operation from dawn until 1:00 AM during all 12 months in the year to permit them to pursue other money making activities.

All of these new desires on the part of the Mount Vista Green Golf Course are unacceptable and not in keeping with the "Findings of Fact and Conclusions of Law" 89-190-X;92-37-SPH; and 96-167-SPH.

The Mount Vista Green Golf Course is a public golf course; IT IS NOT a restaurant, not a country club, not a bar, not a catering service, nor an amusement park. Under no circumstances should the hours of operation be extended beyond those granted in the "Findings of Fact and Conclusions of Law" 89-190-X;92-37-SPH; and 96-167-SPH. It is located in a residential neighborhood, where city water and sewage are not available nor will be for the forseeable future. I know of no details regarding the location of the Mount Vista Green Golf Course proposed well or proposed septic system but, quite frankly, I am worried about the yield and purity of my well if they begin to take large quantities of water from the water table and deposit large quantities of sewage into the ground water system.

Five years ago I did a survey of all public golf courses in Baltimore and Harford Counties which was submitted to the Zoning Board. I have enclosed a copy of this letter. Only one out of a total of ten public courses had driving ranges and even this one had to turn off its lights at 8:00 PM. Obviously, lighted driving ranges are not typical of public golf courses and I would prefer that no driving range lights be installed at Mount Vista Greens. At a minimum, the Golf Course should be required to provide a detailed lighting design and a demonstration of the proposed design at Mount Vista Green Golf Course for a period of at least 2 weeks so all the neighbors can access what the impact to each of us is really. Only after this test is completed and neighborhood inputs are recieved should the matter be discussed any further.

Finally, we already have 5 or 6 bars within a 2 or 3 mile radius of the golf course. Considering the permanent residents in that same area probably do not exceed 2000 people, I think it is safe to say that we do not need another bar.

For the reasons I previously stated, it is not appropriate to grant any further exceptions to the Mount Vista Green Golf Course except those specifically stated in the "Findings of Fact and Conclusions of Law" 89-190-X;92-37-SPH; and 96-167-SPH.

It is not appropriate to further extend the hours of operation.
It is not appropriate to have a liquor license.
It is not appropriate to have a lighted driving range.
It is not appropriate to take large quantities of water from wells which might impact residential well yields.
It is not appropriate to input large quantities of sewage into the ground water system which might lead to contamination of existing residential wells.

I request that Baltimore County send me a copy of all paperwork relating to permits for ground water usage and sewage disposal for the Mount Vista Green Golf Course so that I can study the matter further.

I also request that you place me on distribution for all Baltimore County correspondence relating to my concerns as specified in this letter.

Thank you very much,

Leroy Mark Sparr
11010 Raphel Rd
Upper Falls, MD 21156

Lisa Supik Sparr
11010 Raphel Rd
Upper Falls, MD 21156

We also endorse this letter:

H. Leroy Sparr 5/15/97

H. LEROY SPARR
11016 RAPHEL RD
UPPER FALLS, MD
21156
1-410-651-9069

Mary Helen Sparr 5-15-97

MARY HELEN SPARR
11016 RAPHEL RD
UPPER FALLS, MD
21156

23 September 91

I, Leroy Mark Sparr, and I, Lisa Supik Sparr, own our home and approximately 3 acres of ground known as 11010 Raphel Road, Upper Falls, MD. This property is directly across the Raphel Road from a golf course known as Mount Vista Greens. This golf course is under construction; the driving range opened for business about June of 1991.

It is our understanding that the golf course owner seeks permission to place lights to illuminate the driving range. This is unacceptable from our point of view.

Two years ago the golf course tried to get lights from the zoning board and was turned down because of neighborhood opposition. Nothing has changed and it is clear to me that the golf course owner has not demonstrated a need for a permanently lighted driving range.

It is our understanding that the owner refused to negotiate temporary lights with some of our neighbors. It appears the Mt. Vista Greens owner wants lights permanently under his terms and that he is unwilling to compromise with the neighbors closest to the golf course, the people most drastically affected by his proposal for permanent lights.

I have called nearby public golf courses and found that 9 out of 10 do not have lighted driving ranges. This proves to me beyond any doubt that a lighted driving range is not required for the owner of Mt. Vista Greens Golf Course to make it a successful financial enterprise.

We do not want any high intensity lights to be used to light up the driving range or any other lighted activity in our neighborhood.

I have enclosed two viewgraphs for your information. One lists the golf courses I called which clearly shows that lighted driving ranges on golf course are not typical in this Baltimore or Harford Counties. The second viewgraph points out some options which the owner of Mt. Vista Greens was not willing to consider and some issues against the use of lights to light the driving range or any other activity on this golf course.

Leroy Mark Sparr Date

Lisa Supik Sparr Date

Notary Date

Driving Ranges

Name	Lights (Y or N)	Closing Time(summer/winter)
Cedar Lane Golf Range	Y	0830 p.m.
Churchville Golf Driving Range	Y	0900/0700 p.m.
UMBC Drving Range	Y	0800 p.m.

Public Golf Courses near Upper Falls, MD.

Name	Lights (Y or N)	Closing Time(summer/winter)
Rocky Point Golf Course	N	dark
Wakefield Valley Golf Course	N	dark
Pine Ridge Golf Course	Y	0800 p.m.
Mt. Pleasant Golf Course	N	dark
Longview Golf Course	N	dark
Geneva Golf Course	N	dark
Forest Park Golf Course	N	dark
Diamond Ridge Golf Course	N	dark
Clifton Park Golf Course	N	dark
Winters Run Golf Course	N	dark

Options

(1) No lights at all (temperary or permanent) with no chance for appeal

(2) No lights (chance for appeal at some unspecified future date/ i.e. 4 years from today)

(3) Temporary lights with complete removal in 1995 (provides added souce of income until golf couse is self sufficient)

(4) Grant permanent lights with restricted hours of operation (i.e. none Friday, Saturday, or Sunday)

Issues

This land has historically been farm land. Conversion of tthis land to a golf course has already altered the traffic patterns between Mt. Vista and Raphel Roads. If the driving range is lit and hours of operation continue well past dark, the entire atmosphere of this realtively rural area of Baltimore County will change forever. The towns of Bel Air, Perry Hall and Edgewood are nearby; these towns are miserable reminders of how quick construction and development can ruin the atmosphere and quality of life for the people who live there.

To my knowledge no landowner near Mt. Vista Greens golf course opposes the conversion of the farm land to a golf course. The issue is with the installation of high intensity lights. Two years ago the golf course tried to get lights from the zoning board and was turned down because of neighborhood opposition. Nothing has changed.

Out of 10 public golf courses polled only one has a lighted golf range. This clearly demonstrates that a lighted golf range is not necessary to financially carry a full golf course.

As a rule, golf courses do not have lighted ranges. There is a definite consistency here.

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 20, 1996

96 DEC 20 AM 11:40

Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing
11101 Raphael Road (Stadler Property)
E/S Raphael Road, opp. Mt. Vista Road
11th Election Dist., 5th Councilmanic
Legal Owners: James E. Stadler and
Paul J. Stadler
PETITIONER: KINGSVILLE COMMUNITY ASSN
Case No.: 96-167-SPH
CBA Hearing Date: 1/8/97

Dear Chairman Schuetz:

Upon review of the record, this office concurs with the Zoning Commissioner's view that onsite development must conform to the site plan accompanying the approved special exception. See Zoning Commissioner Rule 2; People's Counsel v. Mangione, 85 Md.App. 718 (1991); In the Matter of Joseph Buchanan, II, CBA No. 95-412-SPH (October 17, 1996).

In addition, we agree that the doctrine of "equitable estoppel" is not available to allow a use unauthorized by zoning, despite issuance of a building permit. See Inlet Associates v. Assateague House, 313 Md. 413 (1986).

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: J. Carroll Holzer, Esq.

Thomas L. Hennessey, Esq.

Lawrence E. Schmidt, Esq.
Zoning Commissioner for Baltimore County

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 1, 1995

Mount Vista Golf Course LTD, Partnership
11101 Raphael Road
Baltimore, Maryland 21021

RE: Building Permit No. B-188580
11101 Raphael Road
11th Election District

Dear Sir(s)

This office has received a complaint as to the size of the clubhouse building. The clubhouse dimensions, as shown on the submitted site plan, in approved Special Exception case no. 89-190-X, are 40 ft. x 60 ft. The clubhouse dimensions per building permit no. B-188580 are 105 ft. x 87 ft. Apparently so much attention was paid as to whether there was substantial construction and permits issued (ie: grading) to vest the Special Exception, that the building size on the large multi-paged, hearing plan was overlooked. As such, I have notified John R. Reisinger, the Baltimore County Building Engineer, to withhold any occupancy permits until a red-lined hearing site plan is submitted with a letter requesting that the building be approved as being with the spirit and intent of Zoning Case No. 89-190-X.

Sincerely,

John L. Sullivan, Jr.
Planner II
Department of Permits and
Development Management

PETITIONER'S
EXHIBIT 2A

JLS:bb

c: Mr. David Crispino
Mr. James Stadler
Hearing File
Building Permit File
folder CC

TRUE TEST COPY
11/29/95

Printed with Soybean Ink
on Recycled Paper

8-31-95

TO: John Re[illegible]inger

from: pls. rescind this office zoni[illegible] approval of the permit & withdra[illegible] any occupancy (permits). Thank y[illegible]

John Sullivan

APPLICATION FOR BUILDING PERMIT

PERMIT #: B188580 CONTROL #: C- DIST: 11 PREC: 03

LOCATION: 11101 RAPHEL RD
SUBDIVISION: 4160 SW BRADSHAW RD
TAX ASSESSMENT #: 1900003441

OWNERS INFORMATION
NAME: MOUNT VISTA GOLF COURSE LTD PART.
ADDR: 11101 RAPHEL RD

APPLICANT INFORMATION
NAME: DANIEL CRISPINO
COMPANY: INTERNATIONAL CRANE CO
ADDR1: P.O. BOX 6456
ADDR2: BALTO., MD 21230
PHONE #: 410-727-0424 LICENSE #:

NOTES
DLS/COP/DLS

TRACT: BLOCK:
PLANS: CONST 03 PLOT 9 R PLAT 0 DATA 5 ELEC YES PLUM YES
TENANT: MOUNT VISTA GOLF COURSE LTD PART
CONTR: INT. CRANE CO
ENGNR: HUBERT S SCHMIDT
SELLR:
WORK: CONSTRUCT 1.5 STORY BLDG. WITH BASEMENT. TO BE USED AS CLUBHOUSE. 105'X87'2X44.5=14,141SF SEE 89-190X

PETITIONER'S EXHIBIT 2B

PROPOSED USE: PUBLIC CLUBHOUSE
EXISTING USE: VACANT

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 250,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
FOUNDATION: BLOCK BASEMENT: FULL
SEWAGE: PRIV. PROPOSED WATER: PRIV. EXISTS
CONSTRUCTION: MASONRY FUEL: ELECTRICITY
CENTRAL AIR: YES

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B138580

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE		LOT SIZE AND SETBACKS	
GARBAGE DISP:	FLOOR:	14141	SIZE:	111.070AC
POWDER ROOMS:	WIDTH:	105	FRONT STREET:	
BATHROOMS:	DEPTH:	87'2	SIDE STREET:	
KITCHENS:	HEIGHT:	44.5	FRONT SETB:	305'
	STORIES:	2.5	SIDE SETB:	345'/520'
LOT NOS:			SIDE STR SETB:	
CORNER LOT:			REAR SETB:	2330

ZONING INFORMATION

			ASSESSMENTS	
DISTRICT:	BLOCK:		LAND:	0417210.00
PETITION:	SECTION:		IMPROVEMENTS:	0000000.00
DATE:	LIBER:	000	TOTAL ASS.:	
MAP:	FOLIO:	000		
	CLASS:	04		

PLANNING INFORMATION
MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 02/15/94 INSPECTOR INITIALS: 11C
FEE: $1,172.00 PAID: $1,172.00 RECEIPT #: A209639
PAID BY: APP

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER DATE

ADDRESS

AGENT __
OWNER __

SIGNATURE OF APPLICANT PHONE

PANEL BP1018

TIME: 14:47:19 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/16/94
DATE: 08/31/95 APPROVALS DETAIL SCREEN PLM 15:08:00

PERMIT #: B188580 PASSWORD :

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	02/28/94	01	CEN/04
FIRE	04/29/94	01	JB SEE LETTER FROM ENGINEER OF RECORD
SEDI CTL	04/27/94	01	ANE/JMB
ZONING	03/03/94	01	VERIFCTN(WORK STARTED BY 12/91)RECD + IN FILE.JJS
PUB SERV	03/03/94	01	JJS
ENVRMNT	06/16/94	01	WW/GWM-6/8 RP/EIR-FCA-6/16DL
PERMITS	06/16/94	01	DS/RSK (P)

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT PF9 - SAVE
CLEAR - MENU

167 SPH

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITIONER'S EXHIBIT No 5

PETITION AND SITE PLAN

EVALUATION COMMENTS

PET #8

SPELLMAN, LARSON
& ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JUNGERS, P.L.S.

SUITE 107 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

July 6, 1989

RECEIVED
JUL 7 1989
WATER AND SEWER

Mr. Rob Powell
Water & Sewer Division
Dept. of Enviromental Protection
and Resource Management
Baltimore County
New Courts Building
Towson, MD 21204

Re: Stadler Property (Mt. Vista Greens)
Job No. 88007

Dear Rob:

Pursuant to your request I wish to herewith provide you with the information requested regarding the proposed use of the Golf Clubhouse for the above-captioned project.

Please be advised that the total facility proposed to be constructed on the subject property is an 18 hole executive golf course with the required parking areas, putting green and golf driving range.

Per No 9

At the onset of this project, knowing full well that there has been a history of poor percolation test results in this, we developed our general plan to include a clubhouse that would only serve as a means of providing the necessary administrative services required to operate the golf course. Therefore the normal restaurant, showers, locker rooms, bar area endemic to a golf course operation would not be included in this project. Since the course is an executive type course, the primary concern is one of expeditious and efficient turnover of patrons.

Therefore the Golf Course Clubhouse proposed herein will include the necessary business office, small golf shop, ticket office, lounge area and men's and women's restrooms.

Bar?

No Bar - Clubhouse similar to Golf courses owned by Balto Co.

SPELLMAN, LARSON
& ASSOCIATES, INC.

SUITE 107 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JUNGERS, P.L.S.

I trust this information is sufficient for your needs at this time whereby should you have any questions or require any additional information from this office please feel free to contact me at any time.

Very truly yours,

SPELLMAN, LARSON & ASSOCIATES, INC.

Joseph L. Larson
Vice President

CC: James Stadler

SPELLMAN, LARSON & ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.S
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 823-5215

March 31, 1994

need more accurate info on usage — Joe will send copy of work up used for CRG
JJ Powell 4/11/94

Mr Rob Powell, Supervisor
Ground Water Management
Department of Environmental Protection
Baltimore County
County Office Building
Towson MD 21204

Re: Mt Vista Greens
Raphael Road & Mt Vista Road
Job No. 88007

Dear Rob:

In accordance with our conversation regarding the above-captioned project and the projected water usage quantities please be advised as follows.

I have thoroughly reviewed our project file and I met with the general partner for the golf course, Mr Dan Crispino, and we have made the determination that the water usage for the golf course will be same as was proposed on our approved CRG Plan.

The water usage for the driving range will be 135 gallons per day and the water usage for the golf course will be 2880 gallons per day. For all intents and purposes we have used as an estimated rate of 3000 gallons per day.

Also please be advised that these water usage calculations are consistent with those that were shown on our Water Appropriation Permit which was applied for in October of 1990.

Should you have any questions with regard to this evaluation or if you need any further breakdown of these flow quantities please feel free to contact me at any time.

Ret No 16

Very truly yours,

Joseph L Larson
President

cc: Mt Vista Greens Limited Partnership

Joe Larson notified 1/23/95 1/20/95
bb

SDS Design - clubhouse
Mtn Vista Greens

Design Flow = 1300 GPD
Septic tank GPD 1300 x 1.5 =
<u>use 9 min rate</u> ≈ 0.9 gal/ft²/day loading rate
1300 gpd ÷ 0.9 gal/ft²/day = 1,444.44

1,444.44 ÷ 2 = 722 lin ft of shallow trench

Use 12' deep trenches - $\frac{W+2}{W+1+2D} = \frac{4}{15} = 0.26$
= 192 lin ft of 12' deep.

Use This Design
* <u>use 15 min rate</u> ≈ 0.79 gal/ft²/day LR
1300 GPD ÷ 0.79 gal/ft²/day = 1645
1645 ÷ 2 = 823 lin ft of shallow trench
Use 12' deep trenches = 0.266 LR =
219 lin ft. of 12' deep trench
3 x 73' trenches

- <u>SDS Design</u>:
  - Install Two 1,000 gal. concrete septic tanks in series with manhole to grade
  - 1 Dist. Box with manhole to grade
  - 3 Absorption trenches 73' long. 2' wide, 12' deep 8' stone below pipe (~~[illegible]~~ inlet 4' below grade)
  - install observation pipe at end of

rooming/boarding per bed	75
RESTAURANTS/FOOD SER	
24 HR. OPERATION OR FAST FOOD	
per seat	75
INTERSTATE/MAJOR HWY	
per seat	150
12 HOUR OPERATION	
per seat	50
BAR/TAVERN/PUB	
per seat	25
BANQUET ROOMS	
per seat (assoc. with restaurant)	5
per seat, exclusively banquet facility	25
SCHOOLS (PER STUDENT)	
no food or showers	15
add for food	5
add for showers	10
boarding	100
SERVICE STATIONS	
State hwy rest area (mini station)	2000
Fed Interstate (no on-site disposal allowed)	
SPAS/SAUNAS/JACUZZI	
20% of volume	
SWIMMING POOLS	
per swimmer	10
per employee	15
TRAVEL TR. PARK - CAMPS	
per space	150

BUILDING PERMIT WORK-UP SHEET

Reviewer: [illegible] Date: 2/3/94 BP#

Master Plan Designation: S- 2, W- 2 # Bedrooms:

Agreement: ( ) Required ( ) Submitted, (✓) NOT Required

PROPERTY LOCATION: 11101 Rachel Rd, ___, ___, clubhouse for mt vista Golf Course
Address Lot Sec. Subivision E.D.

==========

SEWAGE DISPOSAL AREA DATA

BASEMENT PLUMBING FIXTURES ( )MAY ( )WILL REQUIRE AN EJECTOR PUMP

Pit	Drawdown	Depth	Soil Profile	(*Closest to installation area)
H	2min	@6'	clay 0-6'	BLA 6'-16'
I	9min	@6'	" 0-6'	" 6'-16'
N	15min	@6'	" 0-6'	" 6'-16'

TRENCHES:
1500 gallon septic tank, 1 distribution box, ___ absorption trenches, ___ ft.long ___ ft. wide, ___ ft. deep, with ___ of stone.
~~[illegible]~~ ~~[illegible]~~ be designed at a later time. The sewage disposal system will

SEEPAGE PITS:
1500 gallon septic tank, 1 distribution box, ___ seepage pits; ___ ft. in diameter by ___ ft. deep ; minimum ___ ft. below inlet.

==========

WATER SUPPLY DATA

Rewritten Joe Larson on 4/11/94 of # 1, 4, 5

( ) Metropolitan/Public Water System

(✓) Well #BA ~~[illegible]~~ 88-2726; Tester: Hart; Test Performed: ~~3/13/92~~ 2/6/91
~~[illegible]~~ 2.8 gpm, (✗)3/(✗)6 hour test, 300 ft. deep; valid until ~~3/13/95~~ 2/6/94

SPECIFIC INSTRUCTIONS TO APPLICANT: to have engr call me (Joe Larson)
Applicant Notified by: (✓) In person ( ) In Writing ( ) Telephone - Date: 2/3/94

✓ Complete and Valid ___ Results to be submitted Yes Dry Attempts
___ New Yield Test Needed ___ Not Yet Applied For ✓ Backfilled
___ Submit Well Location on Plot Plan ___ Located

(1) Show Dry Holes & Yielding well site. See OK 3/31/94 letter
~~(2) Do they still intend to use yielding well?~~

ADDITIONAL COMMENTS TO BE TYPED ON DESIGN LETTER: Nitrate Comment
~~(3) Usage - still correct? - Any Food Service or Bar?~~
~~(4) plumbing riser diagram?~~

BP.FRM/DEPRM/GWMADM-rev. 11/93 Finalized by: Date:

(5) elev at sewer line leaving Bldg.

SPELLMAN, LARSON
& ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 823-5215

June 14, 1994

Mr Rob Powell, Supervisor
Ground Water Management
Department of Environmental Protection
Baltimore County
County Office Building
Towson MD 21204

Rob Noll

Re: Mt Vista Greens
Raphael Road
Job No 88007

Dear Rob:

In accordance with our meeting in your office of last week I have reviewed the water usage calculations for the above-captioned project to provide you with a revised computation of usage for your final approval.

Based on our conversation and the re-evaluation of the proposed water usage we have recomputed the flow data to develop a more practical water usage profile.

Therefore, in accordance with our discussion I am attaching hereto a Water Usage Schedule for your approval in finalizing the Building Permit for the subject project.

Should you have any questions or wish to discuss this matter in any further detail please feel free to contact me at any time.

Very truly yours,

9 min rate ≈ .9 gal/ft²/day
15 min Rate ≈ .79 " " " Load Rate

Joseph L Larson
President

cc: Mt Vista Greens

SPELLMAN, LARSON & ASSOCIATES, INC.
Suite 107 - Jefferson Building
105 W. Chesapeake Avenue
TOWSON, MARYLAND 21204
(301) 823-3535

JOB MT. VISTA GREENS GOLF COURSE
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE JUNE 13, 1991
CHECKED BY _____ DATE _____
SCALE _____

WATER USAGE SCHEDULE

DATA AS PROVIDED HEREIN HAS DEVELOPED FROM INFORMATION PREVIOUSLY REVIEWED WITH THE DEPT. OF ENVIRONMENTAL PROTECTION.

DRIVING RANGE

35 DRIVING TEES × 5 GAL/DAY = 175 GPD

GOLF COURSE

(Based on maximum usage)

6 FOURSOMES PER HOUR (10 MIN. PER FOURSOME)

ESTIMATE 10 HOURS OF OPERATION PER DAY

6 FOURSOMES × 10 HRS = 60 FOURSOMES

60 FOURSOMES × 4 = 240 GOLFERS

∴ 240 GOLFERS × 6 GAL/DAY = 1440 GPD

TOTAL USAGE = 1440 + 175 = 1615 GPD

(USE 80% OF TOTAL = 1615 × 80% = 1292)

PROPOSED DESIGN FLOW - USE 1300 GPD

PRODUCT 205-1 NEBS Inc., Groton, Mass. 01471. To Order PHONE TOLL FREE 1-800-225-6380

Respondents No 1

SUZANNE MENSH
CLERK OF CIRCUIT CT.
FOR BALTIMORE COUNTY

RECD AND RECORDED
06/29/92

BK 9254 PAGE 151

PREV BAL	.00
CONTRA	3 %
A RC/F	23.00
@ T TX	2530.00
@ DOCS	2530.00
RC INP	5.00
DEED	0 #
GR CLERK	5088.00
TRAN FWD TL	5088.00
GRL FWD	5088.00

1992RECEIPT
#44166 C003 R01 T14:56

DEED FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

9254 / 151

This Deed, Made This 15th day of April

in the year one thousand nine hundred and ninety-two by and between

JAMES F. STADLER and PAUL J. STADLER, parties

of of the first part, and

MT. VISTA GOLF COURSE LIMITED PARTNERSHIP, party

of the second part.

Witnesseth, That in consideration of the sum of

the said JAMES F. STADLER and PAUL J. STADLER

do grant and convey to the said

MT. VISTA GOLF COURSE LIMITED PARTNERSHIP, its transferees,

successors and assigns, in fee simple, all

those lots of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

SEE EXHIBIT A ATTACHED HERETO

Subject, however, to the legal operation and effect of that certain Purchase Money Deed of Trust (the "Deed of Trust") dated May 26, 1988, by and between the Mortgagee and the Mortgagor collectively as Grantor thereunder and Daniel O. C. Tracy, Jr. and David D. Downes, as Trustees recorded among the land records of Baltimore County in Liber 7872, folio 190, said Deed of Trust securing that certain Promissory Note (the "Promissory Note") dated May 26, 1988, in the original principal sum of Three Hundred Fifty-Two Thousand Dollars ($352,000.00) for the benefit of William M. Rutkowski, Conrad F. Rutkowski, Richard C. Rutkowski, Lawrence J. Rutkowski, Gerald P. Rutkowski, Irene E. Rutkowski, Dorothy M. Kraus and Marie R. Mullen.

Also subject, however, to the legal operation and effect of that certain Mortgage (the "Mortgage") of even date herewith by and between Mt. Vista Golf Course Limited Partnership as Mortgagor and Paul J. Stadler as Mortgagee, said Mortgage intended as being recorded among the land records of Baltimore County immediately subsequent to the recordation of this Deed and securing that certain indebtedness from James F. Stadler to Paul J. Stadler, having a current principal balance of One Hundred Five Thousand Dollars ($105,000.00).

The lots being conveyed hereunder are the same lots of ground and premises which by Deed dated May 26, 1988, and recorded among the Land Records of Baltimore County, State of Maryland in Liber 7872, folio 186 were granted and conveyed by William M. Rutkowski, Conrad F. Rutkowski, Richard C. Rutkowski, Lawrence J. Rutkowski, Gerald P. Rutkowski, Irene E. Wirtz and Dorothy M. Kraus, by their Attorney-in Fact, Marie R. Mullen, under Power of Attorney, and Marie R. Mullen to James F. Stadler and Paul J. Stadler.

NOV-28-95 MON 15:06 Rosing & Assoc. P.02

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said described lots of ground and premises to the said

MT. VISTA GOLF COURSE LIMITED PARTNERSHIP, its transferees,

successors

and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

Test

James F. Stadler (SEAL)
JAMES F. STADLER

Paul J. Stadler (SEAL)
PAUL J. STADLER

State of Maryland, , to wit

I Hereby Certify, That on this 23rd day of April, in the year one thousand nine hundred and ninety-two, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared

JAMES F. STADLER and PAUL J. STADLER

known to me for satisfactorily proven to be the persons whose names is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

Notary Public

My Commission expires:

Mar '96

DEED

FROM

JAMES F. STADLER

PAUL J. STADLER

TO

MT. VISTA GOLF COURSE
LIMITED PARTNERSHIP

Block No

Received for Record ..... 19 .....

at ..... o'clock M. Same day recorded

in Liber ..... No. ..... Folio ..... &c.

one of the Land Records of .....

..... and examined per

..... Clerk.

Cost of Record. $.....

THE DAILY RECORD CO. BALTIMORE, MD. 21201

EXHIBIT A

BEGINNING FOR THE FIRST at a stone found at the end of the 11th line of that tract of land described in a deed dated June 17, 1940, and recorded among the Land Records of Baltimore County in Liber 1103, folio 381, said stone being also at the end of the 2nd line of that tract of land thirdly described in a deed dated July 27, 1954, and recorded among the aforesaid Land Records in Liber 2528, folio 144, and running thence on the 12th line of said first mentioned deed, and reversely in part on the 2nd line of said last mentioned deed, as now surveyed; 1) S 02 41' 59" E 434.64 feet, to an iron pipe found, thence binding on the 13th and 14th lines of said 1st mentioned deed, as now surveyed, the 2 following courses and distances, viz: 2) S 02 59' 55" E 73.39 feet to an iron bar now set at the end of and on the east side of a 16.5 foot right of way there laid out, thence binding on the lands of Herman Schmidt as recorded among the aforesaid Land Records in Liber 1205, folio 314; 3) S 89 45' 53" W 2235.95 feet to an iron bar set on the easterly side of Raphel Road, thence binding on the easterly side of said Raphel Road, the three following courses and distances, viz: 4) N 24 26' 05" W 92.44 feet to an iron bar set, thence; 5) Northerly by a line curving to the right with a 490.00 foot radius an arc distance of 246.13 feet to an iron bar set, said arc being subtended by a chord bearing N 10 02' 41" W 243.55 feet, thence; 6) N 04 20' 43" E 1645.92 feet to an iron bar set, thence for a new line of division through and across the lands of Pauline Rutkowski and Lawrence J. Rutkowski and William H. Rutkowski, Co-Personal Representatives; 7) S 85 39' 17" E 2603.19 feet to an iron bar set in the 10th line of said first mentioned deed as recorded among the aforesaid land records in Liber 1103, folio 381, thence binding on a part of said 10th line to the end thereof; 8) S 02 59' 03" E 1236.37 feet to an iron bar set, thence binding on the 11th line of said last mentioned conveyance; 9) S 88 04' 03" W 492.73 feet to the beginning hereof.

CONTAINING 110.00 Acres of land more or less as surveyed by Century Engineering on March 12, 1981.

BEGINNING FOR THE SECOND at an iron bar set on the easterly side of Raphel Road at the end of the 3rd line of said firstly described 110.00 Acre Tract, and running thence binding on said firstly described tract and on the easterly side of said Raphel Road the 3 following courses and distances, viz; 1) N 24 26' 05" W 92.44 feet to an iron bar set, thence; 2) Northerly by a line curving to the right with a 490.00 foot radius an arc distance of 246.13 feet to an iron bar set, said arc being subtended by a chord bearing N 10 02' 41" W 243.55 feet, thence; 3) N 04 20' 43" E 1645.92 feet to an iron bar set, thence crossing said Raphel Road; 4) N 85 39' 17" W 22.00 feet to an iron bar set on the westerly side of said Raphel Road, thence binding on the westerly side of said Raphel Road, and reversely on a part of the 16th line of said 1st mentioned conveyance to the beginning thereof; 5) S 04 20' 43" W 1793.90 feet to an iron bar set, thence still binding on the westerly side of Raphel Road, and reversely on the 15th line of said 1st mentioned conveyance; 6) S 24 26' 05" E 195.76 feet to an iron bar set, thence crossing said Raphel Road; 7) N 89 45' 53" E 32.89 feet to the beginning hereof.

CONTAINING 1.07 Acres of land more or_less as surveyed by Century Engineering on March 12, 1981. The Bed of Raphel Road as now described above being the traveled way, dedicated to public use, recorded in Baltimore County Highway Book 13 Page 483.

BEING the same lotsor parcels of ground which by Deed dated June 18, 1981 and recorded among the Land Records of Baltimore County in Liber EHK,Jr. No. 6308 Folio 19 were granted and conveyed by Pauline Rutkowski, et al, to the grantors herein.

SEE also Special Power of Attorney from William H. Rutkowski, et al, to Marie R. Mullen dated August 3, 1981 and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto.

Respondent No 2

PANEL BP1003M

IME: 14:25:45 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 02/15/94
ATE: 03/03/94 GENERAL PERMIT APPLICATION DATA PLN 09:08:42

ERMIT #: B188580 PROPERTY ADDRESS
ECEIPT #: A209639 11101 RAPHEL RD
ONTROL #: C- SUBDIV: 4160 SW BRADSHAW RD
REF #: B188580 TAX ACCOUNT #: 1900003441 DISTRICT/PRECINCT 11 03
OWNERS INFORMATION (LAST, FIRST)
EE: 1,172.00 NAME: MOUNT VISTA GOLF COURSE LTD PART.
AID: 1,172.00 ADDR: 11101 RAPHEL RD
AID BY: APP
DATES APPLICANT INFORMATION
PPLIED: 02/15/94 NAME: DANIEL CRISPINO
SSUED: COMPANY: INTERNATIONAL CRANE CO
CCPNCY: ADDR1: P.O. BOX 6456
ADDR2: BALTO., MD 21230
NSPECTOR: 11C PHONE #: 410-727-0424 LICENSE #:
OTES: DLS/COP/DLS

PASSWORD :

NTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
F2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

PANEL BP1004M

IME: 14:26:01 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 02/15/94
ATE: 03/03/94 BUILDING DETAIL 1 PLN 09:11:48
TRACT: BLOCK:
ERMIT # B188580 PLANS: CONST 03 PLOT 9 PLAT 0 DATA 5 EL 1 PL 1
TENANT MOUNT VISTA GOLF COURSE LTD PART
UILDING CODE: 2 CONTR: INT. CRANE CO
MPRV 1 ENGNR: HUBERT S SCHMIDT
SE 08 SELLR:

OUNDATION BASE WORK: CONSTRUCT 1.5 STORY BLDG. WITH BASEMENT. TO BE
2 1 USED AS CLUBHOUSE. 105'X87'2X44.5=14,141SF
NSTRUC FUEL SEWAGE WATER SEE 89-190X
1 3 2P 2E
ENTRAL AIR 1
STIMATED COST
0,000.00 PROPOSED USE: PUBLIC CLUBHOUSE
WNERSHIP: 1 EXISTING USE: VACANT
ESIDENTIAL CAT:
FF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
FAMILY BEDROOMS: PASSWORD:

ITER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1005M

ME: 14:26:12 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 02/15/94
TE: 03/03/94 BUILDING DETAIL 2 PLN 09:11:48

RMIT #: B188580
BUILDING SIZE
FLOOR: 14141
WIDTH: 105
DEPTH: 87'2
HEIGHT: 44.5
STORIES: 2.5
LOT NOS:
CORNER LOT:
RBAGE DISP:
WDER ROOMS:
THROOMS:
TCHENS:
NING INFORMATION
STRICT:
TITION:
TE:
P:
BLOCK:
SECTION:
LIBER: 000
FOLIO: 000
CLASS: 04

LOT SIZE AND SETBACKS
SIZE: 111.070AC
FRONT STREET:
SIDE STREET:
FRONT SETB: 305'
SIDE SETB: 345'/520'
SIDE STR SETB:
REAR SETB: 2330

ASSESSMENTS
LAND: 0417210.00
IMPROVEMENTS: 0000000.00
TOTAL ASS.:

ANNING INFORMATION
R PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

TER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
- GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

P. Publicity 3-3-94

3

IN RE: PETITION FOR SPECIAL HEARING
E/S Raphel Road, 275' N of
Mt. Wilson Road
(Mount Vista Greens)
11th Election District
5th Councilmanic District

James Stadler, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-209-SPH
*

Respondents No 5

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 89-190-X to comply with an approved CRG Plan, and to approve an extension of the time period for utilization of the special exception granted therein from two to four years, or in the alternative, to find that the improvements made to the site constitute utilization of said special exception within the period allowed by law, in accordance with Petitioner's Exhibit 1.

The Petitioners, by James Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Kim Stadler, Mary Frances Shepperd, Bill Button, residents of the area and members of the Kingsville Community Association, and Joseph Larson, Engineer. Appearing as an interested party was Mary Emerick, Aide to Councilman Vincent J. Gardina. There were no Protestants.

Testimony indicated that the subject property consists of 102 acres zoned R.C. 5 and is located off of Raphel Road at Mt. Vista Road. Said property was the subject matter of previous Case No. 89-190-X in which a special exception for a golf course was granted in accordance with the site plan submitted therein on December 16, 1988. The special exception was granted subject to restrictions including, but not limited to, CRG approval without a waiver. Petitioners subsequently filed and re-

ceived CRG approval on October 25, 1990. However, the CRG approved plan required additional modifications to the site plan as set forth on Petitioner's Exhibits 1 and 4 submitted hereto. The testimony and evidence presented indicated that the current site plan in no way requires any modification of any of the other restrictions set forth in the Order issued in Case No. 89-190-X. In fact, the testimony indicated that the landscaping has increased.

Turning to the issue on Petitioners' request for an extension of the time period for utilization of the special exception previously granted from two to four years, or in the alternative, to find that the improvements made to the site constitute utilization of said special exception within the period allowed by law, the undisputed testimony was that Petitioners diligently pursued obtaining CRG approval and approval from the various departments involved in the construction of a golf course on the subject site. Further, prior to the expiration of the two year period, Petitioners filed a request for an extension of the period for utilization of the special exception previously granted and on November 30, 1990 were granted an extension from December 16, 1990 through February 28, 1991, pending the outcome of the instant hearing. Testimony indicated that the reasons for lack of commencement of the subject project, other than for grading and landscaping, were not due to lack of interest but to the lengthy review process necessitated by the proposed project. Testimony indicated that Petitioners expected the first nine holes of the golf course to be completed by December 31, 1991 and the second nine holes will be completed by December 31, 1992. The clubhouse will not be constructed until Spring, 1992. Petitioners questioned through Counsel whether or not laying the footings for the clubhouse would be necessary to be considered

utilization of the special exception pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). At this time there has been some grading and landscaping of the property. Testimony indicated that construction of the first nine holes and driving range would commence soon.

It was explained at the hearing that each case must be determined on its own merits. After reviewing the testimony and evidence presented, including the work done to date plus the intended opening of the first nine holes and driving range before the end of December 31, 1991, it is the opinion of the Deputy Zoning Commissioner that utilization of the special exception as required by Section 502.3 of the B.C.Z.R. will be met if Petitioner diligently pursues construction as testified at the hearing. Clearly, the clubhouse need not be constructed for there to be utilization.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions delineated in Section 502.1 are satisfied and will not be adversely affected by the proposed modifications to the site plan previously approved in Case No. 89-190-X.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

verse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the special hearing should be granted with certain restrictions as more fully described below.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of February, 1991 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 89-190-X to comply with an approved CRG Plan, and to approve an extension of the time period for utilization of the special exception granted therein from two to three years, until December 16, 1991 in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall comply with all requirements of the Zoning Plans Advisory Committee as set forth in their comments submitted in Case No. 89-190-X, including, but not limited to, the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 3, 1988 and the Office of Planning comments dated November 28, 1988.

3) Petitioners shall landscape the property at a minimum as set forth in Petitioner's Exhibit 5 and 6 submitted in previous Case No. 89-190-X. Petitioners shall provide additional landscaping, as may be deemed appropriate by the Landscape Planner in the Office of Current Planning, to buffer the property along Raphael Road, including, but not limited to, the parking areas.

4) Petitioners shall provide the low-profile, cutoff lighting fixtures as depicted in Petitioner's Exhibit 6 submitted in previous Case No. 89-190-X for the parking lot and shall take whatever steps necessary to insure the lighting does not reflect onto adjoining residential properties.

5) Light fixtures shall not exceed 12 feet in height unless approved for higher by CRG. However, in no event shall the height exceed 15 feet.

6) There shall be no lighting for the driving range unless hereinafter modified after a special hearing.

7) The hours of operation shall not exceed 6:00 AM to 9:00 PM.

8) The golf course and ancillary uses shall be used only between April 1 and October 31, of any given year unless modified after a special hearing.

9) The area designated as existing woods on Petitioner's Exhibit 5 submitted in Case No. 89-190-X shall remain open and undeveloped unless modified by a special hearing.

10) Petitioners shall take whatever steps necessary to insure that the entrance to the property is locked each evening by 9:30 PM.

11) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set fgorth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

IN RE: PETITION FOR SPECIAL HEARING
E/S Raphel Road, 275' N of
Mt. Wilson Lane
(Mount Vista Greens)
11th Election District
5th Councilmanic District

James F. Stadler, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-37-SPH
*

* * * * * * * * * * *

NOV 1 3 1991

Respondents No. 6

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the restrictions on the relief granted in prior Case Nos. 89-190-X and 92-109-SPH to permit a lighted driving range, change the hours of operation to from 6:00 AM to 10:00 PM and to require that the entrance to the subject property be secured by 10:30 PM, to permit the operation of the golf course and/or driving range to run from March 1 through December 31 of each year, and a finding that Restriction No. 5 in Case No. 91-209-SPH applies only to the relief granted in Restriction No. 4 thereof, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by James F. Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of as well as in opposition to the Petitioners' request were various members of the surrounding community.

Testimony indicated that the subject property, known as Mount Vista Greens, consists of 102 acres zoned R.C. 5 and is located off Raphel Road at Mount Vista Road. Said property was the subject of prior Case No. 89-190-X in which a special exception for a golf course was granted, and Case No. 91-209-SPH in which the Petitioners were granted an extension of time in which to utilize the special exception previously approved. Re-

strictions were imposed in both cases and in the instant case, Petitioners seek specific relief from those restrictions.

The main issue to be decided and the majority of the testimony presented was directed towards the addition of lights to the already existing driving range. James Stadler testified, and the prior opinions from this office corroborated, that the Petitioners were not in a position to install lighting on the driving range at the time the previous hearings took place. At that time, the Petitioners were not sure of the type of lighting they would use and therefore, did not include it in their request. Mr. Stadler testified that he has met with community members and Councilman Vincent Gardina concerning the addition of lights on the subject driving range. Mr. Stadler testified that he has considered the concerns raised by the community and as a result, proposes to use fewer lights and shorter poles and to include visors on the lighting instruments. He further testified that since the days grow shorter in the fall, he loses a significant amount of business in evening hours due to the fact that darkness sets in and the driving range must close. Mr. Stadler indicated that the lights would improve business and provide a better service to his patrons. In support of his testimony, Mr. Stadler submitted into evidence a multitude of affidavits and petitions signed by numerous members of the community in support of the lighted driving range.

Probably the most important testimony was provided by Leonard Pyecha. Mr. Pyecha was hired by Petitioners as a lighting consultant and he testified concerning the type of lighting they proposed using at this driving range. He testified as to the specific height of the light standards and the number of light fixtures that would be contained on each standard, and the wattage that would be involved. Mr. Pyecha testified

that in his opinion, the addition of the lights would satisfy the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and would have no adverse effect on the surrounding community. More importantly, he testified that these lighting installations would be arranged so as not to increase traffic hazards or cause direct or glaring reflection into adjoining residential uses, thereby satisfying the requirements of Section 406.1 of the B.C.Z.R.

Ms. Jean Wade appeared and testified as the secretary of the Kingsville Recreation Council. Ms. Wade testified that the Kingsville Recreation Council is in support of these lights in that the use proposed provides an important activity for members of the community, including the young people. She testified that the Petitioners offer golfing classes to many of the youngsters in the surrounding Kingsville community. Additional testimony in favor of Petitioners' request was presented by Joseph Larson with Spellman, Larson and Associates, Inc., Edward "Doc" Sears, Ray Fogler and Norman Bacovsky.

Appearing and testifying in opposition to Petitioners' request was Charlotte Pine. Ms. Pine testified that the community supported the Petitioners' prior special exception request for a golf course on condition that there would be no lighting associated with the driving range. This is evidenced by a petition which was entered into evidence in Case No. 89-190-X as Protestant's Exhibit 1.

Leroy Sparr appeared and testified in opposition to Petitioners' request. Mr. Sparr testified that he is in favor of the concept of the golf course; however, he does not know what effect the lighting will have on the immediately adjacent homes. Because of not knowing the effects of the proposed lighting, he testified against the Petitioners' request.

Doug Behr appeared and testified in opposition to the Petitioners' request. Mr. Behr indicated he is concerned about the additional traffic at night and the nighttime lighting of the driving range.

Dorothy Foos, President of the Greater Kingsville Civic Association, appeared and testified on behalf of that Association. Ms. Foos testified that since the inception of this project, they were assured by the Petitioners that the subject property would be used as a day-time golf course only. She believes the Petitioners are going back on prior agreements by requesting permission to add lighting to the course and added that the Civic Association is in complete opposition to any lights on the driving range.

Also testifying in opposition to the Petitioners' request was Kevin Lindsey. Mr. Lindsey stated that the community was not opposed to the original granting of the golf course, based upon the fact that no lighting was to be placed on the driving range.

The members of the community who appeared as Protestants in the matter also voiced their general opposition to the remaining requested relief in the Petition for Special Hearing regarding an extension of the hours of operation per day and the months of operation each year.

The Petitioners requested that I make a finding that Restriction No. 5 in Case No. 91-209-SPH applies only to the relief granted in Restriction No. 4 thereof. After a careful review of the Order issued in that case, I agree that Restriction No. 5 does in fact only apply to Restriction No. 4. Therefore, the Petitioners' request in this respect shall be granted.

The Petitioners also request, pursuant to the Petition for Special Hearing, permission to extend the operation of the golf course and/or

driving range from March 1st to December 31st of each year. This request was amended by the Petitioner at the close of the hearing to shorten that length of time to from March 15th to November 30th of each given year.

The prior order issued in Case No. 91-209-SPH by the then Deputy Zoning Commissioner, Ann M. Nastarowicz, specifically limited the operation of the golf course and ancillary uses to between April 1st and October 31st of any given year (see Restriction No. 8 thereof). In the opinion of this Deputy Zoning Commissioner, the requested extension of these activities for this amount of time will have no adverse impact on the surrounding community. This Deputy Zoning Commissioner recognizes that the sport of golf correlates with the weather conditions during that particular time of year. The Petitioners' request for an extension of time during these months is not unreasonable in that the temperatures for this locality permit golfing during the additional months requested. Therefore, the Petitioners' request for this extension shall be granted.

The balance of Petitioners' request deals with the proposed addition of lights on the driving range and the hours of operation for said driving range. In Case No. 90-209-SPH, Restriction Nos. 6 and 7 specifically limited lighting for the driving range to the hours of 6:00 AM to 9:00 PM unless a subsequent special hearing modified same. The Petitioners are proposing an additional hour of time each day for the operation of the driving range, and also to add lighting to the driving range. At the close of the hearing, the Petitioner amended his Petition by stating that no lights would be operated on Sundays.

The main issue to be decided is whether to permit the addition of lighting on the driving range. In addition to satisfying the requirements of Section 502.1 of the B.C.Z.R., the Petitioners have the burden of adduc-

ing testimony and evidence which would fulfill the requirements of Section 406.1 of the B.C.Z.R. That section deals with the addition of lighting installations on driving ranges and requires that all lighting installations shall be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into adjoining premises.

After due consideration of the testimony and evidence presented by Petitioners through their expert lighting consultant this Deputy Zoning Commissioner is satisfied that no direct lighting would be reflected into adjoining premises. However, in addition to satisfying the effects of direct lighting, the Petitioners have the burden of also proving that there shall be no "glaring reflection" into adjoining premises.

It is the opinion of this Deputy Zoning Commissioner that the Petitioners have failed to establish that no glaring reflection would be directed into adjoining premises. The glaring reflection of light is a difficult concept with which to deal. It is the Petitioners' burden to satisfy this Deputy Zoning Commissioner that the proposed lighting would not affect adjoining residences. The only way that I can conceive that this could be proven would be to perform a lighting test on the driving range. This would entail bringing in temporary lights consistent with the type of lighting proposed, positioning them at the proposed locations, turning them on and seeing the effects that the lighting might have on the surrounding community. This could also go a long way in alleviating the fears of the neighbors in that many of them testified at the hearing that they have no way of knowing what effect the proposed lighting will have on their community unless and until the actual lighting is installed. In any event, no test was performed and I find that the Petitioners have failed to satisfy the requirements of Section 406.1 of the B.C.Z.R. as to the

issue of "glaring reflection". Therefore, the Petitioners' request for additional lighting on the driving range shall be denied.

Further, the Petitioners' request to extend the hours of operation for the driving range until 10:00 PM at night shall also be denied. Given the fact that the proposed lighting has been denied, it becomes unnecessary to extend the hours of operation of the driving range to 10:00 PM due to the lack of natural lighting at that time.

It should be noted that the Deputy Director of the Office of Planning submitted comments which indicated that until such time as the Rural Protection Development Standards are established it would be premature to permit the lighting of the driving range at this site, particularly in light of the community opposition. These comments, while not the deciding factor, did have a bearing on whether or not to grant this request.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, it appears the relief requested in the special hearing should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of November, 1991 that the Petition for Special Hearing to approve an amendment to the restrictions on the relief granted in prior Case Nos. 89-190-X and 91-209-SPH to permit the operation of the golf course and/or driving range to run from March 15th through November 30th of each year, and a finding that Restriction No. 5 in Case No. 91-209-SPH applies only to the relief granted in Restriction No. 4 thereof, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to amend the restrictions on the relief granted in prior Case Nos. 89-190-X

and 91-209-SPH to permit a lighted driving range, to change the hours of operation to from 6:00 AM to 10:00 PM and to require that the entrance to the subject property be secured by 10:30 PM, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that all other terms and conditions set forth in Case Nos. 91-209-SPH and 89-190-X not affected by this decision shall remain in full force and effect.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

1991

The Times/Greg Dohle

BRADSHAW RESIDENT JAMES STADLER, who, by the way, is no relation to Professional Golfers Association tour player Craig 'The Walrus' Stadler, is the president of the new driving range in Kingsville on the same site that will also be home to a new 18-hole executive golf course. The construction of this course will go a long way into alleviating the needs of long-suffering golfers not only in Eastern Baltimore County, but statewide as well. Tee times have been hard to get during the recent golfing boom.

Golf — New local 18-hole course upcoming

Kingsville drive range now open

By Gary McCammon

The driving range at Mount Vista Greens in Kingsville opened for use June 28 and the golf course will be completed by the end of next July.

"When it's done, it will be an 18-hole executive, par three and four course," said Bradshaw resident James Stadler, the course's president. "Nine holes will be ready by next spring and all 18 holes will be done by the end of next July."

The course will be semi-private. Therefore, anyone can play on the course, but memberships will also be sold to the course.

"It's very convenient to work here," said Stadler. "The course is only a mile-and-a-half from my house. By the time the truck warms up, I'm here!"

The course and driving range, which will cost around $2 million to complete, was approved by the Baltimore County Office of Planning and Zoning in November, 1988.

"People from all over have been coming to the driving range," said Stadler, who is no relation to long-time PGA golfer Craig Stadler. "People come from Sparrows Point and all over Harford County, but the majority are from Perry Hall, White Marsh and Kingsville. The business has been good except for the last few days with the heat."

Kingsville Recreation Council organizes golf lessons at the driving range, Stadler said. The course also has a couple pros who give individual and group lessons.

"We will have a good-size clubhouse," Stadler said. "We are choosing from a couple of different designs. When it opens, we will have just a snack area, but there will be the potential to have a restaurant. We will have to get zoning for the restaurant before we put it in."

The 110-acre club at the corner of Mt. Vista and Raphel roads also has room for a swimming pool and tennis courts, but Stadler said that there are no definite plans for those at this time.

Mt. Vista Greens now employs five or six people and the driving range, which can accommodate 35 people at a time, is open 14 hours a day.

Pre-construction memberships to the course are available for $1,500 plus the annual dues. The price is the same for an individual or a family.

Two-hundred-and-fifty memberships will be sold at this price and then additional memberships will be sold at an undecided cost.

"I don't have time to play with all the work that needs to be done on the place, but I do like to play golf," Stadler said.

Respondents No 8

1991

The Times/Greg Dohler

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Tom,
Please note this article was done Friday July 26 "1991" Times Local Paper showing intention by James contradictory of what they said.

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
ORDER TO: PERMITS BUILDING ENGINEERING
TOWSON, MARYLAND 21204

DO NOT WRITE IN THIS SPACE

DISTRICT/PRECINCT: 3

PROPERTY ADDRESS: 11101 Raphel Road
Baltimore, Maryland

TAX ACCOUNT #: 19-00-003441-92

OWNER'S INFORMATION (LAST, FIRST)
NAME: Mount Vista Golf Course LTD. Partnership
ADDR: 11101 Raphel Road

APPLICANT INFORMATION
NAME: Daniel Condon
COMPANY: Interstate Crane Co.
ADDR1: P.O. Box 6456 Balto. Md. 21230
ADDR2:
PHONE(H): (410-727-0424) MHIC LICENSE #:
APPLICANT
SIGNATURE: Daniel Condon
PLANS: CONST 3 PLOT 10 PLAT TRACT: DATA 5
TENANT: Mount Vista Golf Course Co.
CONTR: Interstate Crane Co.
ENGNR: Herbert Schmidt P.E. (Md. 9794)
SELLR:

BLOCK: EL PL.

DESCRIBE PROPOSED WORK: 22N
INSTALL T.S STORY
BEAM AS CLEAR

TYPE OF IMPROVEMENT
1. ✓ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

BUILDING 1 OF 2 FAM.
CODE ___ BOCA CODE 90
CODE

TYPE OF USE

RESIDENTIAL
01. ___ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS)
SWIMMING POOL ___
GARAGE ___ BASEMENT ___ FULL ___
OTHER ___

NON-RESIDENTIAL 105
08. ✓ AMUSEMENT, RECREA
09. ___ CHURCH, OTHER RE
10. ___ FENCE (LENGTH
11. ___ INDUSTRIAL,
12. ___ PARKING GAR
13. ___ SERVICE S
14. ___ HOSPITAL
15. ___ OFFICE
16. ___ PUBLI
17. ___ SCHO
18. ___ S
19. ___
20.

PAID FOR: $ 15.00 + 30.00
PAID: 1/27/92
PAY CAREFULLY READ THIS APPLICATION
I KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK, ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

TYPE: 1/27/92
CONTROL #:
PERM. #:

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND LICENSES
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
CASH SLIP RECEIPT

No. A 209639

DATE 2-15

WIDTH
DEPTH
HEIGHT
STORIES
LOT #'S
CORNER LOT
FRONT
SIDE
SIDE
REAR
MAKE CHECKS PAYA

APPLICANT: INT. CRANE CO

APPLICANT'S ADDRESS: 1300 RANE ST. 21230

CHECK ITEM	ITEMS	CODE #	FEE
	Abandoned Water Meter Applications	031-2874	
	Amusement Devices	001-2010	
	Animal Licenses	001-2540	
	Animal License Penalties	001-3050	
	Appeals	R-001-615-000	
	Auctioneers	G-001-2877	
	Bingo Applications	001-6070	
	Bingo Licenses	014-2012	
	Boat Ramp Launch Permit	01-7120-45	
✓	Building Permit Application	001-2510	1132.00
	Change of Occupancy	001-2520	
	County Financing Application	031-7120	
	Electrical Admin. Board Examination Fees	001-6090	
	Electrical Admin. Board Licenses	001-2210	
	Electrical Permits	001-2600	
	Film Production Permit	001-7120	
	Fire Extinguisher Servicing	001-2370	
	Fire Hydrant Meter	031-6180	
	Food Service Facility Permits	001-6770	
	Gaming - Annual/One-Day	R-001-2680	
	Gas Permit Application	001-2420	
	Health Environmental Inspection	R-001-006-6725	
	Hotel/Motel Permits	001-6730	
	Parade Permits	001-2660	
	Percolation Tests	001-6750	
	Plumbing Board Licenses	001-2220	
	Plumbing Permit Application	001-6220	
	Residential Parking Permits	001-2530	
	Septic Tank Permits	001-2430	
	Sewer Property Connection Applications	031-6051	
	Sewer Service Charge Pro-rated	030-6012	
	Sewer System Charge	031-6141	
	Solid Waste Collection & Facility/Sites	001-2350	
	Storm Drain Connection	001-2640	
	Sub-Soil Drain Installation	001-6220	
	Swimming Pool & Bathing Beach	001-2410	
	Taxicabs	001-2040	
	Towing Vehicles License	001-2230	
	Trailer Camps/Recreational Camps	001-6710	
	Trailer Permits	001-2580	
	Wastewater Discharge Permit	030-2630	
	Water Distribution	030-6043	
	Water Meter Applications	031-6060	
	Water Meter Fee	031-2874	
	Water Surcharge	031-6151	
	Water System Charge	031-6151	
✓	FINAL FIRE	C01019	36.00
	TOTAL (MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MD)		1,172.00

PTION: CK #8864

DEPARTMENT OF PERMITS AND LICENSES

BY: [signature]

NOT A PERMIT OR LICENSE
TO CONSTRUCTION OF ANY KIND

ELECTRICAL PERMIT FEES REFUNDED

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. Reisig
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B188580 CONTROL #: G- DIST: 11 PREC: 03
DATE ISSUED: 06/16/94 TAX ACCOUNT #: 1900003441 CLASS: 04

PLANS: CONST 03 PLOT 9 R PLAT 0 DATA 5 ELEC YES PLUM YES
LOCATION: 11101 RAPHEL RD
SUBDIVISION: 4160 SW BRADSHAW RD

OWNERS INFORMATION
NAME: MOUNT VISTA GOLF COURSE LTD PART.
ADDR: 11101 RAPHEL RD

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

TENANT: MOUNT VISTA GOLF COURSE LTD PART
CONTR: INT. CRANE CO
ENGNR: HUBERT S SCHMIDT
SELLR:
WORK: CONSTRUCT 1.5 STORY BLDG. WITH BASEMENT. TO BE USED AS CLUBHOUSE. 105'X87'2X44.5=14,141SF SEE 89-190X

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

ESTIMATED $ PROPOSED USE: PUBLIC CLUBHOUSE
250,000.00 EXISTING USE: VACANT

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE: AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
FOUNDATION: BLOCK BASEMENT FULL
SEWAGE: PRIV. PROPOSED WATER: PRIV. EXISTS

LOT SIZE AND SETBACKS

SIZE: 111.070AC
FRONT STREET:
SIDE STREET:
FRONT SETB. 305'
SIDE SETB: 345'/520'
SIDE STR SETB.
REAR SETB. 2430

Resp. #10

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

DDL-114-11-74

188580

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS + LICENCES
OFFICE OF BUILDING ENGINEER
COUNTY OFFICE BUILDING
TOWSON, Md. 21204

TELEPHONE 887-3957

PART OF BUILDING INSPECTED
Frame

APPROVED (✓) DISAPPROVED ( )

REMARKS:

8-25-95
DATE:

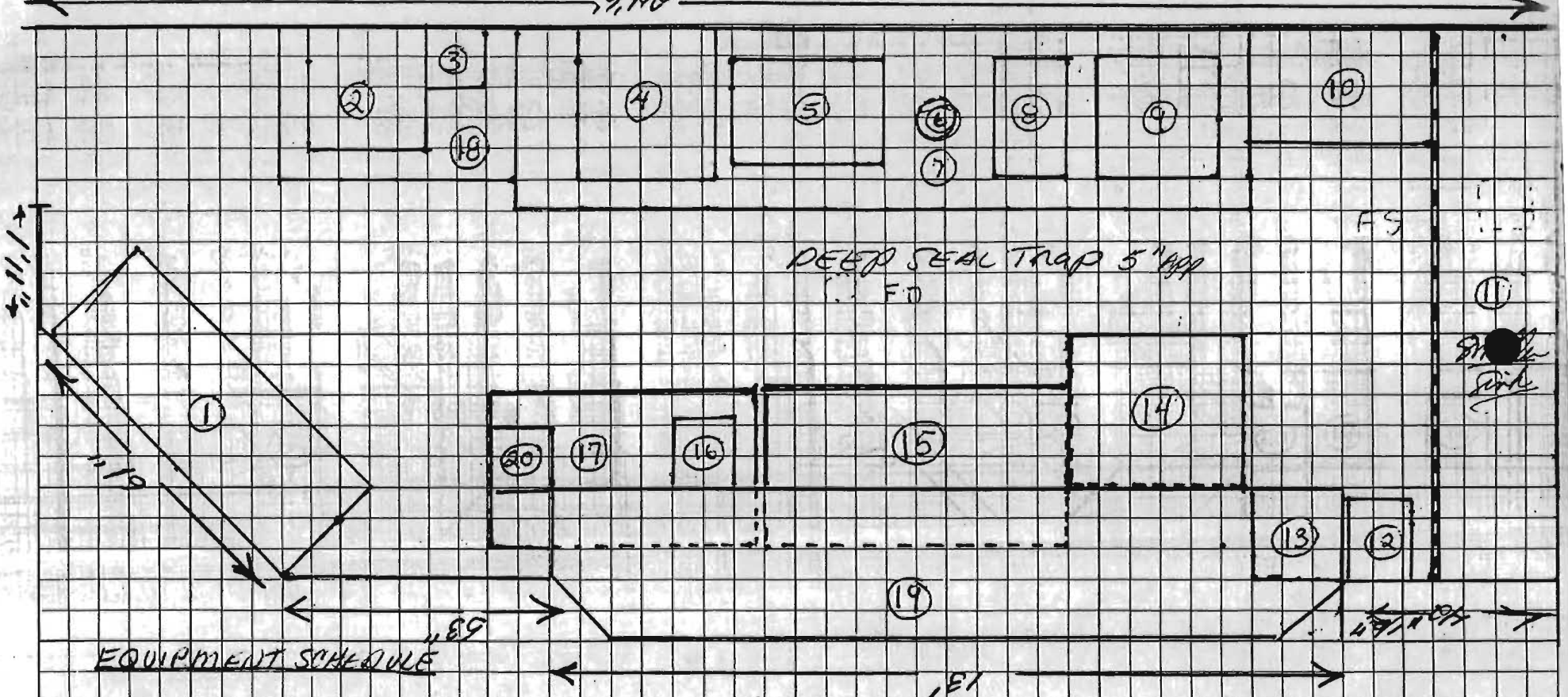
BUILDING INSPECTOR

Copy in file

Respondents No 11

Bathrooms
mops sink

MT. VISTA GOLF COURSE

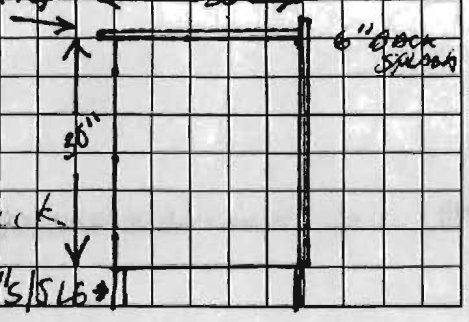


EQUIPMENT SCHEDULE

1. T-49 TRUE REACH IN REFRIG.
2. 10" MEAT SLICER
3. EDLUND SCALE
4. COUNTER TOP PIZZA OVEN (ELEC)
5. 1200W MICRO WAVE
6. 7QT COOKER/HOLDER
7. 30"D x 30"H x 12'W LAMINATE COUNTER
8. ICED TEA
9. COFFEE UNIT 4 HOT POUR THRU
10. 3FT S/S WIRE SHELF (3 TIER)
11. 3 COMPT SINK (2 DRAIN BOARDS)
12. HAND SINK W/ SOAP DISP + PAPER TOWEL
13. CASH REGISTER
14. SODA DISPENSER W/ ICE BIN
15. 5' SANDWICH UNIT
16. 4 SLICE TOASTER
17. 5' x 30" S/S TABLE
18. 8' x 30" " W/BACK 6" SP
19. 13' x 30" COUNTER TOP
20. NACHO CHEESE DISP

Base - QT coved base
Floor - QT
Walls - Painted Sheetrock
Ceiling - " "
Wet latex paint

NOTE ***
COUNTER WILL BE SILICONED TO WALL



Hot water heater - min. 50 gal.

Resp. # 13

P.1/2

2/3/94 B188580

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

AREA: DC 5/C01

HISTORIC DISTRICT/BLDG
YES [ ] NO [X] DO NOT KNOW

PROPERTY ADDRESS: 11101 Raphel Road, Bradshaw, Maryland

SUBDIV:

TAX ACCOUNT #: 19-00-003441-92

DISTRICT/PRECINCT: 11 / 3

OWNER'S INFORMATION (LAST, FIRST)
NAME: Mount Vista Golf Course LTD. Partnership
ADDR: 11101 Raphel Road

APPLICANT INFORMATION
NAME: Daniel Crespino
COMPANY: International Crane Co.
ADDR1: P.O. Box 6456 Balto. Md. 21230
ADDR2:
PHONE(#): 410-727-0424 MHIC LICENSE #:
APPLICANT SIGNATURE: Daniel Crespino
TRACT: BLOCK:
PLANS: CONST 3 PLOT 10 PLAT DATA 5 EL 1 PL 1
TENANT: Mount Vista Golf Course LTD. Partnership
CONTR: International Crane Co.
ENGNR: Hubert S. Schmidt P.E. (Md. 9794)
SELLR:

DESCRIBE PROPOSED WORK: INSTALL 1.5 STORY W/BASEMENT TO BE USED AS CLUBHOUSE.

CAREFULLY READ THIS APPLICATION
OW THE SAME IS CORRECT AND TRUE,
AT IN DOING THIS WORK ALL PROVI-
OF THE BALTIMORE COUNTY CODE AND
RIATE STATE REGULATIONS WILL BE
ED WITH WHETHER HEREIN SPECIFIED
AND WILL REQUEST ALL REQUIRED
TIONS.

DING 1 or 2 FAM.
DE CODE
BOCA CODE 90

OF IMPROVEMENT
✓ NEW BLDG CONST
__ ADDITION
__ ALTERATION
__ REPAIR
__ WRECKING
__ MOVING
__ OTHER

OF USE

SENTIAL
__ ONE FAMILY
__ TWO FAMILY
__ THREE AND FOUR FAMILY
__ FIVE OR MORE FAMILY (ENTER NO UNITS)
__ SWIMMING POOL
__ GARAGE
__ OTHER

NON-RESIDENTIAL 125'8" x 87'2" x 44.5 = 1414
08. ✓ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. __ CHURCH, OTHER RELIGIOUS BUILDING
10. __ FENCE (LENGTH HEIGHT)
11. __ INDUSTRIAL, STORAGE BUILDING
12. __ PARKING GARAGE
13. __ SERVICE STATION, REPAIR GARAGE
14. __ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. __ OFFICE, BANK, PROFESSIONAL
16. __ PUBLIC UTILITY
17. __ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. __ SIGN
19. __ STORE __ MERCANTILE __ RESTAURANT
SPECIFY TYPE
20. __ SWIMMING POOL
SPECIFY TYPE
21. __ TANK, TOWER
22. __ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ✓ OTHER Clubhouse

SEE 89-190-X

FOUNDATION
SLAB
BLOCK
CONCRETE

BASEMENT
1. ✓ FULL
2. __ PARTIAL
3. __ NONE

OF CONSTRUCTION
✓ MASONRY
__ WOOD FRAME
__ STRUCTURE STEEL
__ REINF. CONCRETE

TYPE OF HEATING FUEL
1. __ GAS 3. ✓ ELECTRICITY
2. __ OIL 4. __ COAL

TYPE OF SEWAGE DISPOSAL
1. __ PUBLIC SEWER __ EXISTS __ PROPOSED
2. ✓ PRIVATE SYSTEM
✓ SEPTIC __ EXISTS ✓ PROPOSED
__ PRIVY __ EXISTS __ PROPOSED

TYPE OF WATER SUPPLY
1. __ PUBLIC SYSTEM __ EXISTS __ PROPOSED
2. ✓ PRIVATE SYSTEM ✓ EXISTS __ PROPOSED

RAL AIR: 1. ✓ 2.
MATED COST: $250,000.00
ATERIALS AND LABOR
PROPOSED USE: Public - Clubhouse
EXISTING USE: VACANT LOT

RSHIP
✓ PRIVATELY OWNED 2. __ PUBLICLY OWNED 3. __ SALE 4. __ RENTAL

DENTIAL CATEGORY: 1. __ DETACHED 2. __ SEMI-DET. 3. __ GROUP 4. __ TOWNHSE 5. __ MIDRISE
#1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. __ HIRISE
MILY BEDROOMS
AGE DISPOSAL 1. __ Y 2. __ N BATHROOMS CLASS 4
ER ROOMS KITCHENS LIBER FOLIO

1414

LDING SIZE	LOT SIZE AND SETBACKS	APPROVAL SIGNATURES	DATE
OR 6,824	SIZE 111,070 AC.	BLD INSP :	
TH 105	FRONT STREET	BLD PLAN :	
TH 87'2	SIDE STREET	FIRE :	
GHT 44.5	FRONT SETBK 305	SEDI CIL :	
RIES	SIDE SETBK 345	ZONING 109 : OK TO FILE	2-2-9
# S	SIDE STR SETBK	PUB SERV :	
NER LOT	REAR SETBK 230	ENVRMNT 416 :	
Y 2. __ N	ZONING	ADDRESS 123 : C. Baker	2/3/94
		PERMITS :	

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

N.C. BLDG

Respondent's No 4
96-167-SPH

Resp. #7
96-167-SPH

Resp No 12
96-167-SPH

Resp #14
96-167-SPH

Resp. No 15
96-167-SPH

Respondent 16
96-167-SPH

June 8, 1988

To Whom It May Concern:

Re: Stadler Property
E/S Raphael Road at Mt. Vista Road

The intent of this letter is to inform all interested parties of the proposal by James and Paul Stadler to build a scenic 18 hole executive golf course on the property they have just purchased from the Rutkowski family at the above-referenced location.

It is the owner's proposal to develop their property as allowed by special exception under the Baltimore County Zoning Regulations as an 18 hole golf course with related clubhouse, parking area and ancillary uses.

The utilization of this property as a golf course is one of the more attractive uses allowed under the current Zoning Regulations. The golf course development would minimize the area of disturbance of the property as opposed to the site being developed in any other fashion. The entire property would be left totally undisturbed except for the necessary grading and landscaping required to form the golf course layout.

As you are aware this property could support 73 single family homes if it were developed residentially whereby the golf course as presently proposed is an extremely less intense land use concept.

The construction of the golf course would also be an enhancement to the community and an enrichment to the surrounding properties.

PETITIONER'S EXHIBIT 2C

To Whom It May Concern:

June 8, 1988
Page 2

Re: Stadler Property
E/S Raphael Road at Mt. Vista Road

By way of this letter we wish to enlist your support of our proposal since we will be presenting this project before the Zoning Commissioner for his approval within the next several months. We are looking to obtain the acceptance of the entire community on this matter at the outset prior to any formal County hearings. Your signature below endorses your support of our endeavor.

James Stadler - Paul Stadler

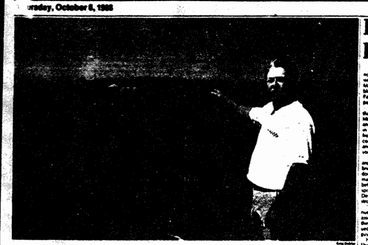
NAME	ADDRESS
1. Alan R. Rutkowski	2508 Old Joppa Rd 21161
2. Conrad F. Rutkowski	2508 Old Joppa Rd 21161
3. C. Scott Moore	1340 Southwell Ln Baltimore 21014
4. Roberta A. Winters	9113 Smith Ave. Pik 21236
5. Diane Dugan	2601 Claridge Ch. Baltimore 21043
6. Kathy Turosky	4217 Blakely Ave Balt. Md 21206
7. Denise Layton	11815 Zipadee Rd Baltimore, MD 21201
8. Mary Jane Hamilton	323 Darlington Rd Towson, Md 21093
Both coverage only 9. Jerry M. Bassett	1640 3 Raphael Rd Upper Falls Md 21156
Both coverage only 10. Renee H. Clark	101 Rosebud Rd Joppa Md 21085
11. Marie A. Miller	2506 Old Joppa Rd, Joppa MD 21085
12. [illegible]	2506 Old Joppa Road Joppa 21085
13. Laurie Mullen	2506 Old Joppa Road Joppa 21085
14. Irene Wirtz	2510 Old Joppa Rd Joppa 21085
15. Harry Wirtz Jr.	2510 Old Joppa Rd Joppa, 21085

PETITIONER'S EXHIBIT

THE AEGIS

Serving Harford County, Md.

Thursday, October 6, 1988 — 8 Sections



PUBLIC COURSE COMING — John S. Davis surveys a portion of the land he has leased to the Maryland Department of Transportation near Bush River for the Aberdeen Proving Ground. After renovation, will be used as a golf course. In addition to Mr. Davis' plan, Frank Donahoe has proposed building a separate 18-hole layout open to the public in Aberdeen. The two facilities, if they are built, would become the first full-sized golf courses open to the general public in the county.

2 public golf courses sought here

By Dino Marnikovic

HARFORD COUNTY — The Baltimore metropolitan area currently ranks in the bottom 10 of 250 metro areas in the country for providing a place to play a public golf course for an outing.

Harford currently has two full-sized golf links, but it is a situation which may change in the near future with plans for two private clubs to have some in Perryman is expected within the next two years.

There are three public golf courses in Baltimore City, which has a population 80,000 rounds per year playing them is their maximum usage. Similarly, the county-owned Pleasant Valley Golf Club in Westminster, Md. plays host to 80,000 rounds annually, but officials do not have a waiting list at the club.

Harford County has three full-sized fairway courses in Harford County. Each, either because of cost or a lottery membership with waiting lists, is out of the reach of the average Harford County resident.

Western Run Golf Club near Bel Air currently has a waiting list of between 150 and 400 names. A spokesman for the club told The Aegis that, optimistically, it could take from three to four years and months longer for a person's name to come up if he were to register today.

"We took in about 90 to 95 this year," the spokesman said (working out the relatively small turnover at the club). "We can't."

At the present, if a golfer could get in, it would cost him a $1,000 initiation fee and $175 per year for a full family membership at Western Run.

The Bulle Rock Golf Club and Country Club (just south of Bel Air) also has a current golf family membership waiting list, according to a club spokesman said. However, the cost — $3,250 initiation plus $575 per quarter ($2,300 per year) and $50 initiation per month to be spent on the clubhouse — is out of the reach of many golfers or families of limited means.

The other private club, Swan Creek Country Club in Aberdeen, now has a waiting list of about 65 for its full family membership, though initiation fees and memberships allowing a golfer and his family to use the clubhouse and facilities are available. The limited membership costs $500 initiation and $725 per year.

A spokesperson said that after a year of membership a family member will be eligible to apply for full membership. The cost is $500 initiation (waived if the initiation fee already been paid for the limited membership) and $1,000 per year for a family membership.

Meanwhile, the county's only other full-sized course — Aberdeen Proving Ground's Ruggles — is normally reserved for use only by military personnel and their guests connected with the post.

(Continued on Page A-10)

IN BRIEF

PAINT BALL — Anson paintball games are now being played in Harford County. Page A-4

OPTION — One of the County's largest developers is considering a proposal to create an 18-hole, executive golf course on a site once proposed for a landfill.

Paul and James Stadler are seeking permission from Baltimore County zoning officials to build a 4,000-yard golf course on a 110-acre parcel located just north of Interstate 95 on the east side of Raphael Road, near the Harford County line.

Along with the three and four-county area where they are planning to place a 30-tee driving range, a small club house and a practice putting green on the property recently purchased from the adjacent farm owner.

But before any grading or planting can be started, they first must get approval for the project from the Baltimore County zoning commissioner. Baltimore County's zoning officers for the 1988 calendar year, but only after the Stadlers prove that it would not detrimentally impact the health, safety and general welfare of the community.

No date has been set for the public hearing before the county's top zoning official.

In the mid-1970s, county government authorities had targeted the site for a new landfill, but community opposition forced the officials to abandon their plan. Instead, the dump was established at Hawkins Road, on the other side of I-95 at Aldecker Road.

Today, the Stadlers are backing the golf course proposal. "We've got more than 100 signatures from members of the community in support of the project," said Howard L. Alderman Jr., the attorney representing the Stadlers. "And as we understand it, the only opposition we have heard of, there was a letter sent around anonymously in opposition of the plan."

The brothers, who own Stadler Construction Co., picked up the parcel because it "is close to where we live," said James Stadler. "We've lived up here all our lives, and we figured we could do something with the land."

Alderman said there is no public water or sewer available to the property, and tests for local well water "weren't too good for putting a lot of houses down," he added. But he decided it would be a good spot for a golf course.

The course layout as presented to the zoning commissioner is preliminary, "just to show what could go on the land," Stadler said. "Our engineer put together the holes. We didn't want to spend a lot of money on a golf course company until we had approval from the county for use."

Stadler said he expects the seven-unnamed course will be privately owned but open to the public. The property isn't big enough for a full-size club house, he said, but some of the club house will have any locker room facilities.

If the proposal is OK'd by the zoning commissioner, Stadler said he hopes to start work on the project in March, depending on the weather. The course would be open for business with the next 18 months.

The sooner the better, according to county recreation and economic development officials. "The Baltimore region has been identified as one of the worse in the nation in terms of the ratio of golf courses to the population," said Charles L. Fisher Jr., deputy director of the Baltimore County Department of Recreation and Parks.

According to the National Golf Foundation, Baltimore was ranked as the seventh worst city in the United States for golfing facilities, providing only one golf holes for every 40,000 people.

As local officials already know, the region has long waiting lists for entrance into a country club or long waiting lines to tee off at public courses. And it means excessive wear and tear on available facilities, both public and private.

"Basically, in our climate, a golf course should have about 40,000 to 50,000 rounds played on it a year," Fisher said. "But we estimate that the public courses are handling in excess of 60,000 a year."

Besides the impact on recreational activities, the lack of golf courses hurts Baltimore County's economic development efforts, any local official claims.

"This is very important to companies which are looking to locate here and whose executives maintain this level of athletic ability," said Phyllis Brannon, chairperson of the Economic Development Commission.

Another member of the commission, Nathan Chapman, said he knows of an insurance company he tried to locate here that, after the president's golf outings, after the executive committee met a year or two later, was waiting for at most country clubs here.

"It's almost a crisis," Brannon said. So the commission has asked Bob Stahl (director of the county's recreation and parks agency) to look at available sites and try to a catch them up with people who want to build them."

Mitchell Ruby is a free-lance writer in Baltimore.

Law enforcement leaders

Columbus Day

Thursday, October 6, 1988 — THE AEGIS

2 public golf courses sought here

(Continued from Page A-1)

The County's Director of Parks and Recreation, Sandy Kuhlmann, said that there is a date need for as many as three additional golf courses in the county. However, he — the local government currently has no plans for developing a course on its own.

"We'll do anything possible to help someone who wants to come in and do it," said Mr. Kuhlmann, adding that the County had consultants publishing a request for proposals for private groups to build and operate a golf course. The RFP was sent out last April and has been sent to several dozen separated parts of the county, mainly in the east.

Mr. Kuhlmann said the County received from the National Golf Foundation a study that has every 50,000 or people, an area can support a public golf course, with the exceptions. The Foundation's study, based on projecting 150,000 residents, is the yardstick to support three courses.

The F&R director added that Golf Course Development Company, a firm with offices in the Baltimore area is one the most active ones on public courses, but for Washington, D.C. outside metro DC-based on the fact of 250 metro areas in the country, Harford has seen it is easier for private groups to obtain an off-times or area public.

Mr. Kuhlmann said the County has two full-sized courses, Rockwood Manor and Emmorton Park, and a nine-hole course at Bush River, which is a state facility. The Planning and Zoning Department could not provide a count of the number of golfers who play the courses.

Among complications, the two private golf courses — one of which has been involved on each side of the issue before — are in the middle of a controversial land swap. They land swap involves the Harford County Sheriff's Office, which is trying to relocate to have a scathing but with the Department of Parks and Recreation, which has recommended, for the improvement golf course. The sheriff's office is the kind of property owner that can be attracted as a country club, the public links could be the golf.

Mr. Donahoe, whose land is the golf course, said he hopes to have a golf course. Mr. Donahoe, who has been behind a Conservation Trust that has begun to buy up farmland in the area for the required special exception except for a Resource Conservation Zone, is a Republican and the Planning, which is working to a Democrat, Democratic Party for Mr. Donahoe are expected this week.

Meanwhile, Mr. Davis, who had a long-standing relationship with the County, "I represented a property owner who was the course, but good for the public sides of lights towards Downtown."

Dwayne H. Stadler, Jr. who is representing both prospective golf course owners, said their closing matters with the County Planning and Zoning Office must be settled before such a proposal is submitted. Mr. Donahoe's proposal is expected to be submitted in the next two weeks, and the Davis closing matters will be settled before the Planning and Zoning Board meeting next month.

Mr. Davis said he is not sure if the County will be acted upon by the planning board, which is to hear the Donahoe proposal next month, and the Davis closing matters, which have postponed once, could be a second and third complication.

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Job openings available in School-Community Ctrs. program

Job openings are available for the Harford County Public Schools' Community Education program.

Classes will be open from 7 to 9 p.m. on Tuesdays, Wednesdays and Thursdays at Bel Air High, Aberdeen High, Havre de Grace Middle, Fallston High, Edgewood High, Joppatowne High, Harford Technical, Patterson Mill, Aberdeen Middle, Magnolia Middle, and Youth's Benefit Elementary.

Current jobs can be obtained by contacting the Community Education Office, Bel Air High, Bel Air, Md. 21014, Havre de Grace Middle, Havre de Grace, Md. 21078, Patterson Mill, Bel Air, Md. 21014, Harford Technical, Aberdeen, Md. 21001, Aberdeen Middle, Aberdeen, Md. 21001, Magnolia Middle, Magnolia, Md. 21001, Joppatowne High, Joppatowne, Md. 21085, Edgewood High, Edgewood, Md. 21040, Fallston High, Fallston, Md. 21047, and Youth's Benefit Elementary.

Physical aids available through Lions Club

The Lions Club of Bel Air, through its Health & Welfare Committee, has a number of temporary loan items available, such as items of equipment that are needed by some residents, such as walkers, crutches, canes, wheelchairs, shower chairs, bed pans, bath aids, commodes, and bedrocks and other articles.

Almost all of the equipment

PUMPKINS
ALL YOU CAN CARRY $6.00
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DWARF PUMPKINS
Garden Mums $2.75 – $10.00
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BLIND ALL
In addition to our already lowest prices we are offe
FREE Valances on all custom verticals
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FREE Blind cleaner with any mini blind purchase
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Bel Air, Maryland 21014

PAGE 4 — BALTIMORE BUSINESS JOURNAL — OCTOBER 24, 1988

OPPORTUNITY CHALLENGE SUCCESS

Do you have a successful track record in business? Are you highly motivated and do you work hard? Do you have strong communications and sales skills? Do you feel as though you could make more money in another field?

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Sherson Lehman Brothers Inc. is looking for a select few to become Financial Consultants in our Baltimore office.

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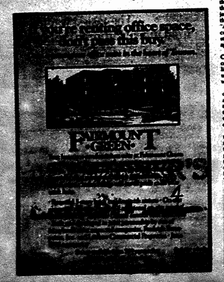

County developers propose golf course at landfill site

By Mitchell Ruby

Two Kingsville brothers are proposing to create an 18-hole, executive golf course on a site once proposed for a landfill.

Paul and James Stadler are seeking permission from Baltimore County zoning officials to build a 4,000-yard golf course on a 110-acre parcel located just north of Interstate 95 on the east side of Raphael Road, near the Harford County line.

Along with the three and four-county area where they are planning to place a 30-tee driving range, a small club house and a practice putting green on the property recently purchased from the adjacent farm owner.

But before any grading or planting can be started, they first must get approval for the project from the Baltimore County zoning commissioner. Baltimore County's zoning officers for the 1988 calendar year, but only after the Stadlers prove that it would not detrimentally impact the health, safety and general welfare of the community.

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Mitchell Ruby is a free-lance writer in Baltimore.

EQUAL OPPORTUNITY
IT IS THE POLICY OF THE NEWSPAPER TO accept orders in the form of bids, proposals, contracts, leases, mortgages, or other instruments or orders for real estate or real property in which any preference, limitation, or discrimination because of race, color, religion, sex, age, handicap, or national origin is made or intended, and to reject any such bid, proposal, contract, lease, mortgage, or other instrument or order that is in violation of the law.

BALTIMORE BUSINESS JOURNAL (USPS 407-280) is published by 10 East St., Baltimore, MD 21202. Subscription price $35 per year. Second class postage paid at Baltimore, MD.

PETITION

We, the undersigned, are opposed to Special Exception - Case Number 89-190-X which would allow the construction and maintenance of a golf course on Raphael Road as long as the plans for the said recreational facility include a lighted driving range.

NAME:	ADDRESS:
1. Kevin R. Lee	11022 Raphael Rd 21156
2. Maureen L. Lindsey	11022 Raphael Rd. 21156
3. Ethan M. Baker	7613 Mt Vista Rd. 21087
4. Elaine Baker	7613 Mt Vista Rd 21087
5. Stacey Bayer	7613 Mt. Vista Rd 21087
6. Gary Walt Jr.	11016 RAPHEL RD, UPPER FALLS MD
7. Gina Lynn Smith	11010 Raphel Rd Upper Falls 21156
8. [illegible]	11002 Raphel Rd Upper Falls MD 21156
9. Phil Zolman	11000 Raphel Rd
10. Tony Hewitt	10836 RAPHEL RD 21156
11. Steve Smith	7615 Mt Vista Rd 21087
12. Susan M. Alexander	7716+7615 Mt Vista Rd. 21087
13. Joseph Brusak	7612 MT. VISTA RD. 21087
14. Pauline Brusak	7612 Mt. Vista Rd 21087
15. Maureen Hearn	11116 Raphel Rd Upper Falls 21156
16. Wayne Hearn	11116 RAPHEL RD UPPER FALLS 21156
17. Shirley McGee	11124 Raphel Rd Upper Falls 21156
18. Leonard P. Martin	11124 Raphel Rd Upper Falls 21156
19.	
20.	
21.	
22.	

PROTESTANT'S EXHIBIT 1

89-190-X

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 20th day of September, 1988.

J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: James F. Stadler, et al
Petitioner's Attorney: Howard L. Alderman, Jr.

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 26, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 103
Property Owner: -ZAC- Meeting of September 27, 1988
Location: James F. Stadler & Paul J. Stadler
E/S of Raphael Rd., 275' N. of Mt. Vista Road.
Existing Zoning: R.C. - 5
Proposed Zoning: Special Exception for a golf course in an R.C. - 5 zone.

Area: 110.000 acres
District: 11th Election District

Dear Mr. Haines:

The proposed special exception for a golf course can be expected to generate approximately 1,000 additional trips on Raphael Road.

Very truly yours,

Michael S. Flanigan
Engineering Associate

MSF/lvw

ZONING OFFICE

RE: PETITION FOR SPECIAL HEARING 11101 Raphael Road (Stadler Property), E/S Raphael Road, opposite Mt. Vista Rd 11th Election District, 5th Councilmanic Legal Owners: James F. Stadler and Paul J. Stadler Kingsville Community Association Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 96-167-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

89-190-X

Baltimore County Government
Department of Permits and Licenses

c: Daniel Crispino

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

September 1, 1995

Mount Vista Golf Course LTD Partnership
11101 Mount Vista Rd
Baltimore, Md 21021

Re: Permit No. B188580

Gentlemen:

Based on information received from Zoning Review, permit No. B188580 is hereby suspended. All work being done on this project must stop until problems with the approvals are resolved. Please contact John Sullivan at 887-3391 for more information about what needs to be done.

Sincerely,

John R. Reisinger, P.E.
Building Engineer

Printed on Recycled Paper

89-190c

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 1, 1995

Mount Vista Golf Course LTD, Partnership
11101 Raphael Road
Baltimore, Maryland 21021

RE: Building Permit No. B-188580
11101 Raphael Road
11th Election District

Dear Sir(s)

This office has received a complaint as to the size of the clubhouse building. The clubhouse dimensions, as shown on the submitted site plan, in approved Special Exception case no. 89-190-X, are 40 ft. x 60 ft. The clubhouse dimensions per building permit no. B-188580 are 105 ft. x 87 ft. Apparently so much attention was paid as to whether there was substantial construction and permits issued (ie: grading) to vest the Special Exception, that the building size on the large multi-paged, hearing plan was overlooked. As such, I have notified John R. Reisinger, the Baltimore County Building Engineer, to withhold any occupancy permits until a red-lined hearing site plan is submitted with a letter requesting that the building be approved as being with the spirit and intent of Zoning Case No. 89-190-X.

Sincerely,

John L. Sullivan, Jr.
Planner II
Department of Permits and
Development Management

JLS:bb

c: Mr. David Crispino
Mr. James Stadler
Hearing File
Building Permit File

Printed with Soybean Ink
on Recycled Paper

Code
Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson Maryland 21204
(410) 887-3351

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: October 27, 1995

FROM: James H. Thompson - GF
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 164
PETITIONER: Kingsville Community Association

VIOLATION CASE NO.: C-96-1716

LOCATION OF VIOLATION: 11101 Raphael Road (Stadler Property)
Upper Falls, Maryland 21156
11th Election District

DEFENDANTS: James E. Stadler
Paul J. Stadler
11120 Reynolds Road
Kingsville, Maryland 21087

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME	ADDRESS
J. Carroll Holzer	305 West Chesapeake Avenue Towson, Maryland 21204
Kevin Lindsey	11022 Raphael Road Upper Falls, Maryland 21156

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/GF/hek

LAW OFFICES

Thomas L. Hennessey, P.A.

407 WEST PENNSYLVANIA AVENUE
TOWSON MARYLAND 21204 4290

AREA CODE (410) 823-7710
FAX (410) 823-7231

THOMAS L HENNESSEY
ELLEN HENNESSEY ARTHUR

RETURN MAIL ADDRESS
BOX NO 5473
TOWSON MARYLAND 21285 5473

December 29, 1995

Mr. J. Carroll Holzer, Esquire
305 Washington Avenue
Suite 502
Towson, Maryland 21204

RE: Mt. Vista Golf Course Limited Partnership

Dear Carroll:

It seems as though we are never going to get together on the phone due to my schedule or yours. If you can let me know what available dates you have open to conclude the Mt. Vista matter so that I can get out my subpoenas, we can get on with this. I would like to finish the matter as quickly as possible.

Yours very truly,

Thomas L. Hennessey

TLH:cs

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX (410) 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MD 21784
(410) 795-8556
FAX (410) 795-5535

January 17, 1996
#6903

Honorable Lawrence Schmidt
Zoning Commissioner for Baltimore County
Old Courthouse
Towson, Maryland, 21204

RECEIVED
JAN 17 1996
ZONING COMMISSIONER

Re: Mt. Vista Greens Golf Course
Case No. 96-167-SPH

Dear Zoning Commissioner:

On November 29, 1995, you conducted the first day of the hearing on the Petition for Special Hearing I filed on behalf of my clients the Greater Kingsville Community Association. At the conclusion of testimony on November 29th, it was agreed that the case would be continued. On December 29, 1995, Thomas Hennessey, Esquire, counsel for the owners of the Golf Course, wrote me a letter inquiring about when the hearing would be concluded inasmuch as he needed to issue subpoenas. I have included a copy of Mr. Hennessey's letter for your review.

Because I, too, have not heard about a continued hearing date, I respectfully request that the hearing in Case Number 96-167-SPH be set in at a mutually agreeable date. Presently, I have February 5-9, 13, 14 and February 19-21 and early March open. If you have any questions on this matter, please call me at 825-6961. I appreciate your attention in this matter.

Very truly yours,

J. Carroll Holzer

JCH:clg
cc: Thomas Hennessey, Esq.
Greater Kingsville Community Assn.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 22, 1996

J. Carroll Holzer, Esquire
Holzer and Lee
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 96-167-SPH
Mount Vista Greens Golf Course

Dear Mr. Holzer:

Thank you for your letter of January 17, 1996 regarding the above matter.

It appears that we misunderstood the procedure to be followed in rescheduling of this case. My notes taken at the hearing on November 29, 1995 indicate that counsel were to get back to me with some agreed dates for the rescheduling of this hearing. Your recent letter is the first I have heard from either you or Mr. Hennessey.

In any event, I am forwarding your letter to Gwen Stephens, Docket Clerk, with instructions to reset this case. I will ask her to put it in for hearing during one of the dates indicated in your letter of January 17. I would ask Mr. Hennessey to contact Gwen Stephens (887-3391), as soon as possible, if any of those dates present a schedule conflict.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
c: Thomas Hennessey, Esquire

c: Gwen Stephens, Docket Clerk, PDM

Printed with Soybean Ink
on Recycled Paper

96-1433

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

3/28/96

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 26, 1996

Thomas L. Hennessey, Esquire, P.A.
40 W. Chesapeake Avenue, Suite 506
Towson, Maryland 21205-4290

J. Carroll Holzer, Esquire
305 Washington Avenue
Suite 502
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 96-167-SPH
Mount Vista Golf Course
Legal Owner: James E. and Paul J. Stadler
Petitioner: Kingsville Community Association

Gentlemen:

In accordance with your respective correspondence of March 21, 1996, kindly be advised that the above matter has been scheduled for continued hearing on April 18, 1996. The hearing will be held in Room 118 of the Old Court House and will commence at 9:00 A.M.

Please note that April 18 was the only of the three agreed dates for which a hearing room was available and my schedule was open. I understand that both of you are available on the morning of the 18th. I would like to start at 9:00 A.M. sharp so that the hearing can be completed on that day.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

c: Gwen Stephens, Permits and Development Mge.
John Sullivan, Permits and Development Mge.

RECEIVED
MAR 1996

Printed with Soybean Ink
on Recycled Paper

LAW OFFICES
Thomas L. Hennessey, P.A.
40 W. Chesapeake Avenue, Suite 506
TOWSON MARYLAND 21204-4290
AREA CODE (410) 823-7710
FAX (410) 823-7231

THOMAS L. HENNESSEY
ELLEN HENNESSEY ARTHUR

RECEIVED
APR - 3 1996
ZONING COMMISSIONER

March 29, 1996

J. Carroll Holzer, Esquire
Holzer & Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204

RE: Mt. Vista Golf Course
Case No.: 96-167-SPH

Dear Carroll:

I have your letter of March 21, 1996 but I have never received any proposed trial dates from you. If you have anything any earlier, perhaps my schedule can be amended somewhat to work in to your free time. You and I both know that this is a case of emergency and that time is of the essence. Needless delay on behalf of the protestants should be avoided.

Yours very truly,

Thomas L. Hennessey

TLH:cs

cc: Lawrence Schmidt
Mt. Vista Golf Course
Limited Partnership

LAW OFFICES
Thomas L. Hennessey, P.A.
40 W. Chesapeake Avenue, Suite 506
TOWSON, MARYLAND 21204-4290

AREA CODE (410) 823-7710
FAX (410) 823-7231

THOMAS L. HENNESSEY
ELLEN HENNESSEY ARTHUR

RETURN MAIL ADDRESS
BOX NO 5473
TOWSON, MARYLAND 21285-5473

March 13, 1996

RECEIVED
MAR 14 1996
ZONING COMMISSIONER

Via Fax to 825-4923

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

Re: Case Number: 96-167-SPH
11101 Raphael Road
E/S Raphael Road, opposite Mt. Vista Road
Stadler Property - Mt. Vista Golf Course
11th Election District - 5th Councilmanic
Legal Owner: James E. Stadler and Paul J. Stadler
Petitioner: Kingsville Community Association

Dear Carroll:

In accordance with the Zoning Commissioner's request about available dates for the continuance of the above, please check the following:

March 27th - all day
March 28th - all day
March 29th - morning only
April 2nd - all day
April 3rd - all day
April 4th - all day
April 9th - afternoon only
April 10th - all day
April 16th - all day
April 17th - all day
April 18th - morning only

At the present time my book is clear on these dates. I believe that we should establish the date and finalize this matter so that if I get other court or other commitments, I can work around this date. Thank you for your prompt cooperation.

Yours very truly,

Thomas L. Hennessey

TLH:ewh

cc: Mt. Vista Golf Course Limited Partnership
Mr. Lawrence Schmidt, Zoning Commissioner

LAW OFFICES
Thomas L. Hennessey, P.A.
40 W. Chesapeake Avenue, Suite 506
TOWSON, MARYLAND 21204-4290

AREA CODE (410) 823-7710
FAX (410) 823-7231

THOMAS L. HENNESSEY
ELLEN HENNESSEY ARTHUR

RETURN MAIL ADDRESS
BOX NO 5473
TOWSON, MARYLAND 21285-5473

March 21, 1996

RECEIVED
MAR 25 1996
ZONING COMMISSIONER

J. Carroll Holzer, Esquire
Holzer & Lee
305 Washington Avenue, Suite 502
Towson, Maryland 21204

Re: Case Number 96-197-SPH
11101 Raphael Road
E/S Raphael Road opposite Mt. Vista Road
Stadler Property - Mt. Vista Golf Course
11th Election District - 5th Councilmanic
Legal Owner: James E. Stadler and Paul J. Stadler
Petitioner: Kingsville Community Association

Dear Mr. Holzer:

I have not heard from you in reply to my fax of March 13, 1996 (copy attached) about available dates.

Please respond immediately.

Yours very truly,

Thomas L. Hennessey

TLH:ewh

cc: Mr. Lawrence E. Schmidt,
Zoning Commissioner

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MD 21784
(410) 795-8556
FAX: (410) 795-5535

March 21, 1996
#6903

Lawrence Schmidt
Zoning Commissioner
Old Courthouse
Towson, Maryland , 21204

Re: Mount Vista Golf Course
Case No. 96-167-SPH

Dear Larry:

After exchanging calendar dates with counsel for Mt. Vista Greens and my clients, we determined that April 16, 17 and the morning of April 18 are available to continue the hearing. Please set one of those days in at your convenience.

Very truly yours,

J. Carroll Holzer

RECEIVED
MAR 21 1996
ZONING COMMISSIONER

JCH:clg
cc: Thomas Hennessey, Esq.
Nancy Hastings, President

IN THE MATTER OF	*	BEFORE THE ZONING
Mt. Vista Golf Course	*	COMMISSIONER OF
11101 Raphael Rd.	*	BALTIMORE COUNTY
Stadler Property	*	CASE NO. 96-167-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Joe Larson
Spellman Larson & Assoc.
105 W. Chesapeake Ave., Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 118, Old Courthouse, Washington Ave. Towson
(Place where attendance is required)

on Wednesday the 13th day of March, 19 96, at 9:00 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all plans, documents, correspondence, surveys, studies, etc. that deal with Mt. Vista Greens Golf Course

(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 3/11/96

Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF

IN THE MATTER OF	*	BEFORE THE ZONING
Mt. Vista Golf Course	*	COMMISSIONER OF
11101 Raphael Rd.	*	BALTIMORE COUNTY
Stadler Property	*	CASE NO. 96-167-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Rob Powell, DEPRM
County Courts Bldg
Towson, MD

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 118, Old Courthouse, Washington Ave., Towson
(Place where attendance is required)

on Wednesday the 13th day of March, 19 96, at 9:00 a.m. ~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Site plans, county comments and rest of file in Mt. Vista Greens Golf Course

J. Carroll Holzer, P.A., 305 Washington Ave. Towson 825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date _____

_____
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

_____
SHERIFF

IN THE MATTER OF	*	BEFORE THE ZONING
Mt. Vista Golf Course	*	COMMISSIONER OF
11101 Raphael Rd.	*	BALTIMORE COUNTY
Stadler Property	*	CASE NO. 96-167-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: John Reisinger
Buildings Engineering
County Office Bldg.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 118, Old Courthouse, Washington Ave., Towson
(Place where attendance is required)

on Wednesday the 13th day of March, 19 96, at 9:00 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: File in the matter of Mt. Vista Greens Golf Course

J. Carroll Holzer, P.A., 305 Washington Ave. Towson 825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date_____ _____

Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date:_____ Fee:$_____

_____
SHERIFF

IN THE MATTER OF	*	BEFORE THE ZONING
Stadler Property	*	COMMISSIONER OF
11101 Raphael Rd.	*	BALTIMORE COUNTY
Mt. Vista Golf Course	*	CASE NO. 96-167-SPH (Item 164)

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: John Sullivan, Jr.
Planner II
Dept. of Permits & Development Management

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 118, Old Courthouse, Towson
(Place where attendance is required)

on Wednesday the 29th day of November,

19 95, at 10:00 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Complete file in case No. 89-190-X and any other documents surrounding the Mt. Vista Golf Course and permits issued for this use.

J. Carroll Holzer, 305 Washington Ave. #502, Towson 825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date Nov. 21, 1995

Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF

IN RE: ~~PETITION FOR~~
MATTER OF
STADLER PROPERTY
11101 Raphael Road
Mt. Vista Golf Course
Baltimore County, Maryland

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-167 SPH (Item 164)

* * * * * * * * * * *

SUBPOENA

TO: John R. Reisinger, P.E., or his designee
Buildings Engineer
Department of Permits & Licenses
County office Building
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118 Old Court House, Towson, Maryland 21204

and to bring the files and building permits and inspection reports on the property known as the Stadler property, 11101 Raphael Road, Mt. Vista Golf Course

on the 29thday of November 1995 /at 10:00 AM, regarding the above captioned case, for the purpose of testifying at the request of Thomas L. Hennessey, 407 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for property owner.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

/S/
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: November 28, 1995

IN RE: PETITION FOR * BEFORE THE

MATTER OF * ZONING COMMISSIONER
STADLER PROPERTY
11101 Raphael Road * OF BALTIMORE COUNTY
Mt. Vista Golf Course
Baltimore County, MD * Case No. 96-167 SPH (Item 164)

* * * * * * * * * * *

SUBPOENA

TO: John Sullivan, Jr.
Planner II
Department of Permits & Development Management

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118, Old Court House, Towson, MD

and to bring Complete file in Case No. 89-190-X and any other documents surrounding the Mt. Vista Golf Course and permits issued for this use.

on the 18th day of April 1996/ at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Thomas L. Hennessey 40 W. Chesapeake Avenue, Suite 506, Towson, MD 21204, Attorney for property owner

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 1.[illegible]

Timothy Kotroco
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 9/2/96

IN RE: PETITION FOR

MATTER OF
STADLER PROPERTY
11101 Raphael Road
Mt. Vista Golf Course
Baltimore County, MD

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No 96-167 SPH (Item 164)

* * * * * * * * * * *

SUBPOENA

TO: John R. Reisinger, P.E., or his designee
Building Engineer
Department of Permits & Licenses
County Office Building
Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118 Old Court House, Towson, MD 21204

and to bring the files and building permits and inspection reports on the property known as the Stadler property, 11101 Raphael Road, Mt. Vista Golf Course

on the 18th day of April 199 96/ at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Thomas L. Hennessey 40 W. Chesapeake Avenue, Suite 506, Towson, MD 21204, Attorney for property owner

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 11

Timothy Kotroco
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 4/2/96

File

IN RE: PETITION FOR

MATTER OF
STADLER PROPERTY
11101 Raphael Road
Mt. Vista Golf Course
Baltimore County, MD

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-167 SPH (Item 164)

* * * * * * * * * * *

SUBPOENA

TO: J. Lawrence Pilsen
Development Coordinator, DEPRM
Department of Environmental Protection and Resource Management

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118 Old Court House, Towson, MD 21204

and to bring Minutes of Zoning Advisory Committee Meeting on 10/30/95 as to Zoning Item 164, Back Files and Previous Approval Notes for Papers Known as Mt. Vista Greens Stadler Property.

on the 18th day of April 1996/ at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Thomas L. Hennessey 40 W. Chesapeake Avenue, Suite 506, Towson, MD 21204, Attorney for property owner.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 1.[illegible]

Timothy Kotroco
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 4/2/96

IN THE MATTER OF	*	BEFORE THE ZONING
Mt. Vista Golf Course	*	COMMISSIONER OF
11101 Raphael Rd.	*	BALTIMORE COUNTY
Stadler Property	*	CASE NO. 96-167-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: John Sullivan, Jr.
Dept. of Permits and Development Management

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 118, Old Courthouse, Washington Ave., Towson
(Place where attendance is required)

on Wednesday the 13th day of March, 19 96, at 9:00 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Produce the file in the matter of Mt. VistaGreens Golf Course

J. Carroll Holzer, P.A., 305 Washington Ave. Towson 825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date _____

_____
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

_____
SHERIFF

8-31-93 89-190-X

TO: John Reisinger

From: pls. rescind this office zoning approval of the permit & withdraw any occupancy (permits). Thank you
John Sullivan

APPLICATION FOR BUILDING PERMIT

PERMIT #: B188580 CONTROL #: C- DIST: 11 PREC: 03

LOCATION: 11101 RAPHEL RD
SUBDIVISION: 4160 SW BRADSHAW RD
TAX ASSESSMENT #: 1900003441

OWNERS INFORMATION
NAME: MOUNT VISTA GOLF COURSE LTD PART.
ADDR: 11101 RAPHEL RD

APPLICANT INFORMATION
NAME: DANIEL CRISPINO
COMPANY: INTERNATIONAL CRANE CO
ADDR1: P.O. BOX 6456
ADDR2: BALTO., MD 21230
PHONE #: 410-727-0424 LICENSE #:

NOTES
DLS/COP/DLS

TRACT: BLOCK:
PLANS: CONST 03 PLOT 9 R PLAT 0 DATA 5 ELEC YES PLUM YES
TENANT: MOUNT VISTA GOLF COURSE LTD PART
CONTR: INT. CRANE CO
ENGNR: HUBERT S SCHMIDT
SELLR:
WORK: CONSTRUCT 1.5 STORY BLDG. WITH BASEMENT. TO BE USED AS CLUBHOUSE. 105'X87'2X44.5=14,141SF SEE 89-190X

PROPOSED USE: PUBLIC CLUBHOUSE
EXISTING USE: VACANT

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 250,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
FOUNDATION: BLOCK BASEMENT: FULL
SEWAGE: PRIV. PROPOSED WATER: PRIV. EXISTS
CONSTRUCTION: MASONRY FUEL: ELECTRICITY
CENTRAL AIR: YES

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B138580

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE		LOT SIZE AND SETBACKS	
GARBAGE DISP:	FLOOR:	14141	SIZE: 111.070AC	
POWDER ROOMS:	WIDTH:	105	FRONT STREET:	
BATHROOMS:	DEPTH:	87'2	SIDE STREET:	
KITCHENS:	HEIGHT:	44.5	FRONT SETB:	305'
	STORIES:	2.5	SIDE SETB:	345'/520'
LOT NOS:			SIDE STR SETB:	
CORNER LOT:			REAR SETB:	2330

ZONING INFORMATION			ASSESSMENTS	
DISTRICT:	BLOCK:		LAND:	0417210.00
PETITION:	SECTION:		IMPROVEMENTS:	0000000.00
DATE:	LIBER:	000	TOTAL ASS.:	
MAP:	FOLIO:	000		
	CLASS:	04		

PLANNING INFORMATION
MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 02/15/94 INSPECTOR INITIALS: 11C
FEE: $1,172.00 PAID: $1,172.00 RECEIPT #: A209639
PAID BY: APP

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER DATE

ADDRESS

AGENT __
OWNER __

SIGNATURE OF APPLICANT PHONE

PANEL BP1018

TIME: 14:47:19 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/16/94
DATE: 08/31/95 APPROVALS DETAIL SCREEN PLM 15:08:00

PERMIT #: B188580 PASSWORD :

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	02/28/94	01	CEN/04
FIRE	04/29/94	01	JB SEE LETTER FROM ENGINEER OF RECORD
SEDI CTL	04/27/94	01	ANE/JMB
ZONING	03/03/94	01	VERIFCTN(WORK STARTED BY 12/91)RECD + IN FILE.JJS
PUB SERV	03/03/94	01	JJS
ENVRMNT	06/16/94	01	WW/GWM-6/8 RP/EIR-FCA-6/16DL
PERMITS	06/16/94	01	DS/RSK (P)

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT PF9 - SAVE
CLEAR - MENU

PANEL BP101OM

TIME 10:[illegible]:14 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 01/21/94
DATE 03/11/94 APPROVALS DETAIL SCREEN PLM [illegible]

PERMIT # [redacted] PASSWORD

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	01/11/94	01	[illegible]
PUB SERV	01/06/94	[redacted]	J.K.
ENVIRONT	01/10/94	01	[illegible] CODE-UP
PERMITS	01/21/94	01	DS/RGK [illegible]

01 THRU 09 INDICATES AN "APPROVAL" ++ 10 THRU 99 INDICATES A "DISAPPROVAL"

[redacted]

PERMIT # B1053863

CONDITIONS [illegible] PERMITTED

	BUILDING SIZE		FULL SIZE [illegible]	
BEDROOMS [illegible]	LENGTH	[illegible]	TOTAL [illegible]	
POWDER ROOMS	WIDTH	[illegible]	FIRST STORY	
BATHROOMS	DEPTH	[illegible]	SECOND STORY	
KITCHENS	HEIGHT		THIRD STORY	[illegible]
	STORIES		TOTAL [illegible]	[illegible]
FOR [illegible]			SIDE SIDE WIDTH	
[illegible] LOT			REAR [illegible]	[illegible]

JURISDICTIONAL INFORMATION

DISTRICT	RESIDE		FEES	$[illegible]
FILING	SECTION		IMPROVEMENTS	$[illegible]
DATE	LIGHT	[illegible]	TOTAL ASS.	
MAP	LOTS	[illegible]		
	PARC	[illegible]		

[illegible] INFORMATION

MASTER PLAN AREA:	[illegible]	[illegible] DATA

DATE APPLIED: 12/23/94 INSPECTOR INITIALS [illegible]

FEE $10.00 PAID $10.00 RECEIPT # [illegible]

PAID BY: APPL

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME TO BE CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

COMPANY OR OWNER DATE

DUPLEX:

PLAN #

OWNER

SIGNATURE OF APPLICANT PHONE

[illegible]

[illegible]

[illegible]

PERMIT # B[illegible]

DIAMONDS - INSTALL FIXTURES

	BUILDING CODE		LOT SIZE AND SETBACKS	
GARAGE USE	FLOOR	460	SIZE - 111 0796	
FOUNDATION ROOM	WIDTH	[illegible]	FRONT SETBACK	
BATHROOMS	DEPTH	[illegible]	SIDE SETBACK	
FIREPLACES	HEIGHT		REAR SETBACK	[illegible]
	STORIES		SIDE SETBACK	[illegible]
LOT NOS			SIDE SETBACK	
CORNER LOT			REAR SETBACK	[illegible]

ENTER DESCRIPTION			SUBDIVISION	
SUBDIVISION	BLOCK		FEES	000000.00
LOCATION	SECTION		INSPECTIONS	000000.00
MAP	LIBER	290	TOTAL AMT.	
APT	FOLIO	000		
	CLASS	[illegible]		

ADDITIONAL INSPECTIONS

MASTER PLAN AREA [illegible] [illegible]

[illegible] [illegible] INSPECTION INITIALS [illegible]

[illegible] [illegible] DATE [illegible] [illegible]

PAID BY APPL

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE CONTENTS CONTAINED HERE TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

COMPANY OF OWNER DATE

ADDRESS

OWNER

SIGNATURE OF APPLICANT PHONE

[illegible] BY CONDITIONS OF "APPROVAL" [illegible] TO THRU 29 INDICATES A "DISAPPROVAL"

[illegible] NEXT APPROVAL [illegible] PAGE [illegible]

F9 SAVE
CLEAR - MENU
PANEL BP10188

TIME 10 25 45 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 01/21/94
DATE 03/11/96 APPROVALS DETAIL SCREEN PM 10 01 1[illegible]

PERMIT # [redacted]
AGENCY DATE CODE COMMENTS

PASSWORD

BLD PLAN	01/11/94	01	[illegible]
PUB WORK	01/06/01	[redacted]	JJB
ENGINEER	[illegible]		[illegible]
PLANNER	[illegible]	[illegible]	[illegible]

APPLICATION FOR [illegible] PERMIT

FORM # [illegible] CONTROL # [illegible] DIST [illegible] TREE [illegible]

LOCATION 11101 RAMHEL RD
SUBDIVISION: 4160 SW BRADSHAW RD
TAX ASSESSMENT # [illegible]

OWNERS INFORMATION
NAME [illegible] LTD PARTNERSHIP
ADDR 11101 RAMHEL RD BRADSHAW, MD 21021

APPLICANT INFORMATION
NAME: WILLIAM V LULICK, JR
COMPANY: SMITHMAN, LARSON & ASSOC
ADDRS: 105 W CHESAPEAKE AVE STE101
[illegible]
PHONE # [illegible]

[illegible]
[illegible]

[illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible]
FIRMNR SMITHMAN, LARSON & ASSOC
[illegible]
WORK [illegible] OF BRIDGE [illegible]
BRIDGE [illegible]

[illegible]
[illegible]

[illegible]
ESTIMATED COST OF MATERIAL AND LABOR 2,000,00

[illegible]
[illegible] NON RESTRICTED.
[illegible] [illegible]
[illegible] [illegible] WATER [illegible]
[illegible]
[illegible]

[illegible]
[illegible] FAMILY DWELLINGS
[illegible]
[illegible]
NO OF 2 DWELLINGS NO OF 3 DWELLINGS OR MORE
[illegible]

PERMIT # B180346

DIMENSIONS INSTALL FIXTURES

	BUILDING TOTAL	
GARBAGE DISP	FLOOR:	470
POWDER ROOMS:	WIDTH:	99'
BATHROOMS	DEPTH	5'
KITCHENS:	HEIGHT:	
	STORIES	

FOR PUB
CORNER LOT:

LOT SIZE AND OPTIONS:
SIZE: 111.0'AC
FRONT STREET
SIDE STREET
FRONT SETB 100+
SIDE SETB 100+/100+
SIDE SIR SETB
REAR SETB 100:

ZONING INFORMATION
DISTRICT BLOCK
PETITION: SECTION
DATE: LIBER: 000
MAP FOLIO: 000
CLASS 04

ASSESSMENTS
LAND: 000000.00
IMPROVEMENTS: 0000000.00
TOTAL ASS..

PLANNING INFORMATION
MASTER PLAN AREA COMMUNITY: CLIFTON AREA

DATE APPLIED: 12/13/92 INSPECTOR INITIALS FEE
FEE $100.00 PAID $100.00 APPLICANT # 000000
PAID BY ACH

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME TO BE CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

COMPANY OR OWNER DATE

ADDRESS

AGENT
OWNER

SIGNATURE OF APPLICANT PHONE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Paul M Plowman	13105 Fork Rd, Baldwin, MD 21013
Nancy Hastings	7717 Buck Hill Rd. Kingsville
Diane Feller Weus	7447 Mt. Vista Rd Kingsville 21087

Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PROPERTY OWNERS ~~PROTESTANT~~(S) SIGN-IN SHEET

3-13-96

NAME	ADDRESS
James Nagle	601 Carrollwood Ct. Belair
Jerry F. Stadt	11118 Reynold Rd Bradshaw
Richard Casey	2609 Wentworth Rd. 21234
Daniel Griffin	12709 LEE BEN RD. 21087

164

IN RE:	PETITION FOR SPECIAL HEARING W/S Raphael Road, 275' N of Mt. Vista Road 11th Election District 5th Councilmanic District	* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY
	James F. Stadler, et al Petitioners	* Case No. 89-190-X *

* * * * * * * * * *

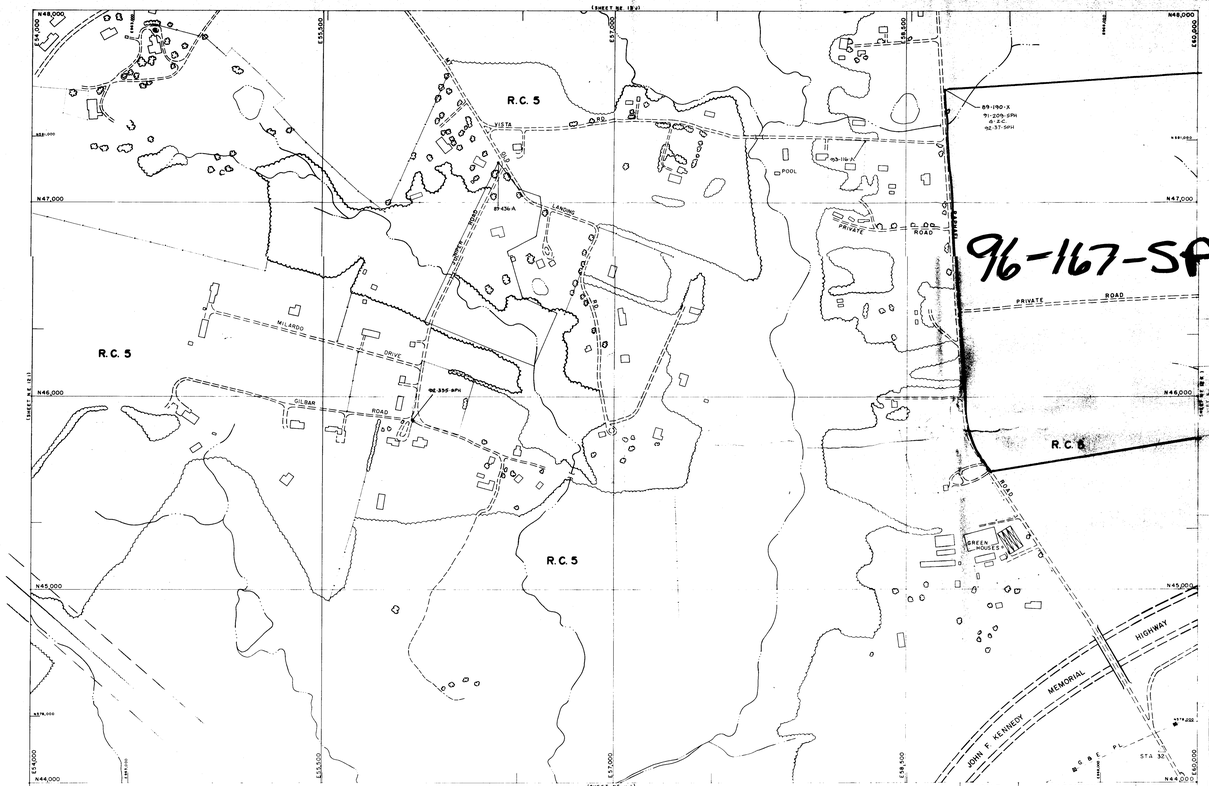
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a golf course in an R.C. 5 zone, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James F. Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Joseph Larson with Spellman, Larson & Associates, Inc., and John C. Rohde, with Human & Rohde, Inc. Appearing as Protestants were Ken Holt, President of the Greater Kingsville Civic Association; Kevin Lindsey, and Charlotte Pine.

Testimony indicated that the subject property, zoned R.C.5, is located off of Raphael Road and Mt. Vista Road and consists of 102 acres. Testimony indicated that Petitioners recently purchased the property with the intention of developing it as a golf course. Prior to the hearing, Petitioners met with the members of the community on two occasions to attempt to incorporate their concerns. As a result, Petitioners revised the Petition to increase the landscaping, move the parking lot back from Raphael Road approximately 100 feet further, and to distance the driving range from Raphael Road. Said changes have been incorporated into a revised site plan which has been identified as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING
Date 12/16/88
By Betty Schulman



Q-SE QQ-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

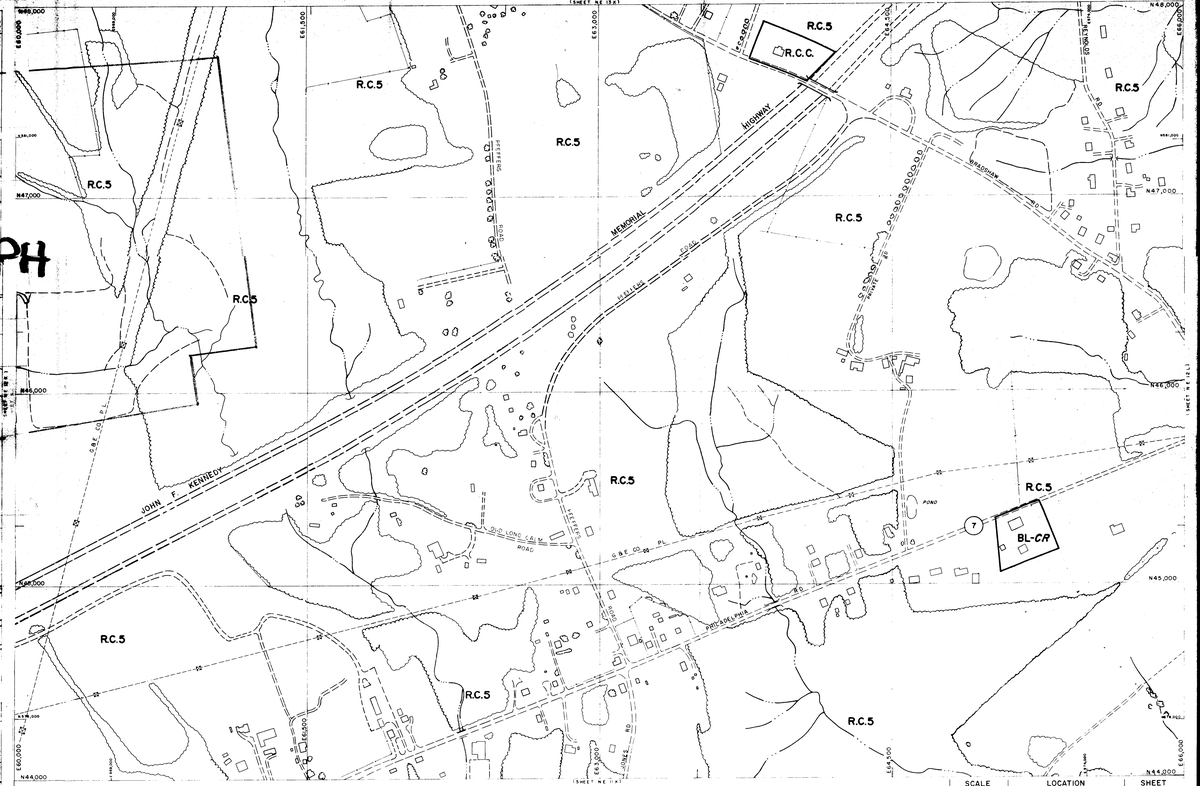
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	NORTHWEST OF GUNPOWDER	N. E.
DATE OF PHOTOGRAPHY JANUARY 1986		12 - J

164



Q-SE QQ-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
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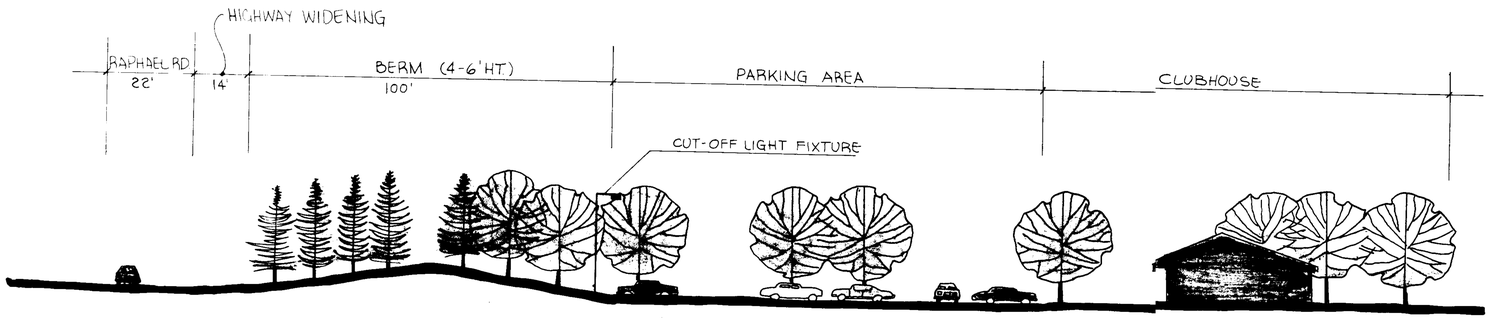
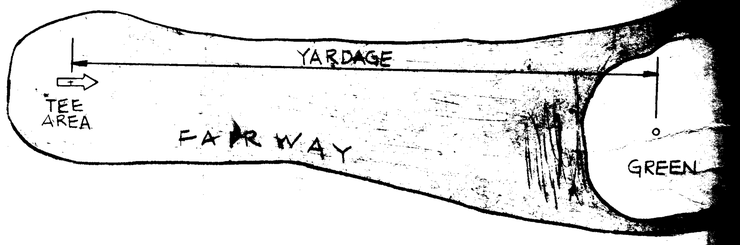
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF GUNPOWDER	N. E.
DATE OF PHOTOGRAPHY JANUARY 1986		12 - K

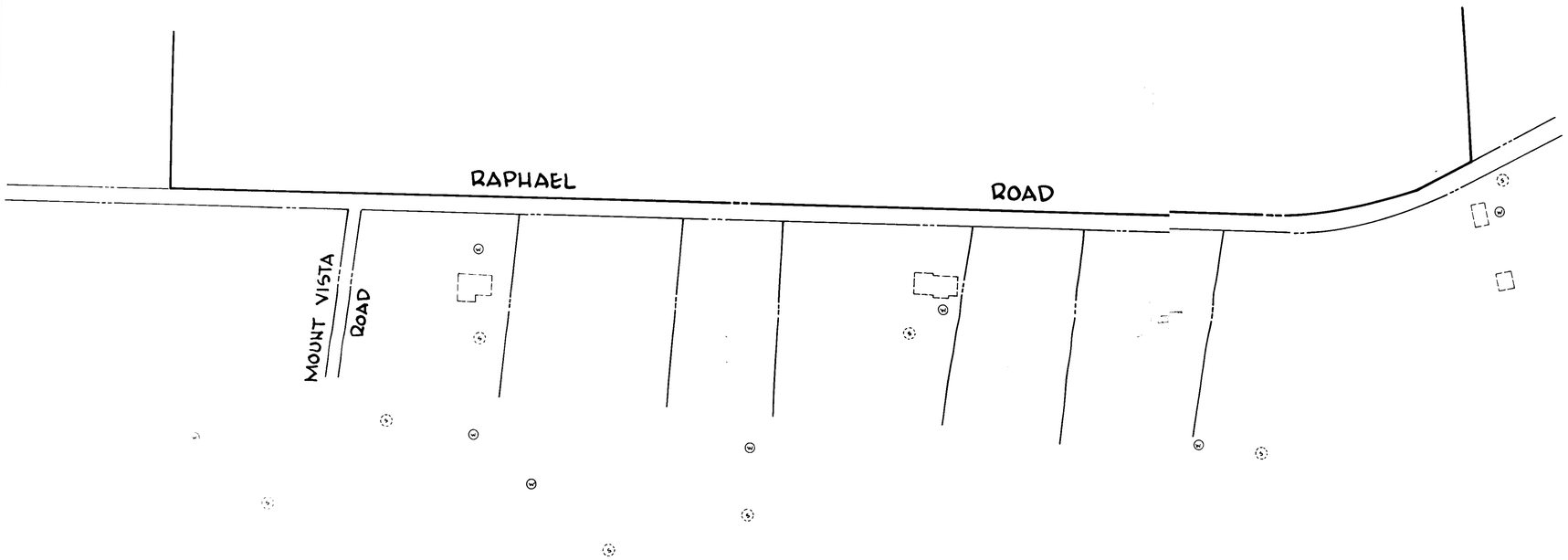


TYPICAL CROSS SECTION
PARKING AREA
NOT TO SCALE

TYPICAL GOLF HOLE LAYOUT
(N.T.S.)



COURSE YARDAGE	
HOLE NO.	LENGTH (YDS)
1	175
2	145
3	190
4	145
5	270
6	90
7	135
8	200
9	175
10	130
11	115
12	185
13	175
14	180
15	240
16	140
17	100
18	275



WELLS & SEPTICS LOCATION ACROSS RAPHAEL ROAD

W = WELL S = SEPTIC

SCALE: 1" = 100'

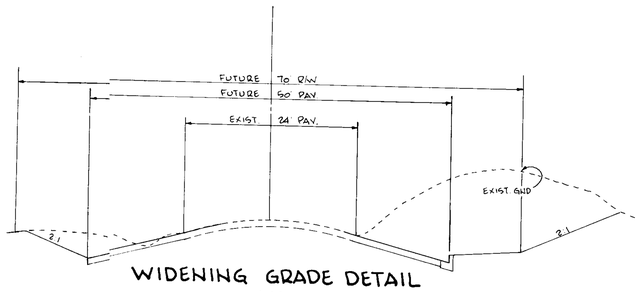
LEGEND

LIGHT POLE
NON-TIDAL WETLANDS [redacted]
BUFFER LIMITS — BUFFER APPROVED BY DEP.D.N.R. — 25' BUFFER
PROPOSED WATER
PROPOSED SEWER
WELL AREA
SEWAGE DISPOSAL AREA
⊕ = TEST PIT
● = APPROVED TEST PIT

PROPOSED SEQUENCE OF CONSTRUCTION

1. ISSUANCE OF DRIVING RANGE GRADING PERMIT & COMMENCEMENT OF DRIVING RANGE CONSTRUCTION ..... OCTOBER 1990
2. ISSUANCE OF GOLF COURSE GRADING PERMIT & COMMENCEMENT OF GOLF COURSE CONSTRUCTION ..... FEB. - MARCH 1991
3. OPENING OF THE INITIAL 9-HOLES OF THE GOLF COURSE ..... AUG. - SEPT. 1991
4. OPENING OF THE FULL GOLF COURSE OPERATION..... MARCH - APRIL 1992

THIS SEQUENCE OF CONSTRUCTION IS PREDICATED ON C.R.G. APPROVAL BEING OBTAINED IN OCTOBER 1990.



WIDENING GRADE DETAIL
N.T.S.

PUBLIC SERVICES C.R.G. Nº 90111
PLANNING Nº XI-624

REVISIONS		
NO.	DATE	DESCRIPTION
1	9-18-90	REVISED PER PDE-C.R.G. COMMENTS
2	9-26-90	REVISED PER DEPRM COMMENTS
3	10-19-90	PER PRE-C.R.G. COMMENTS
4	10-25-90	PER C.R.G. MEETING

SPELLMAN, LARS
&
ASSOCIATES, INC
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD.,
PHONE: 823-3535

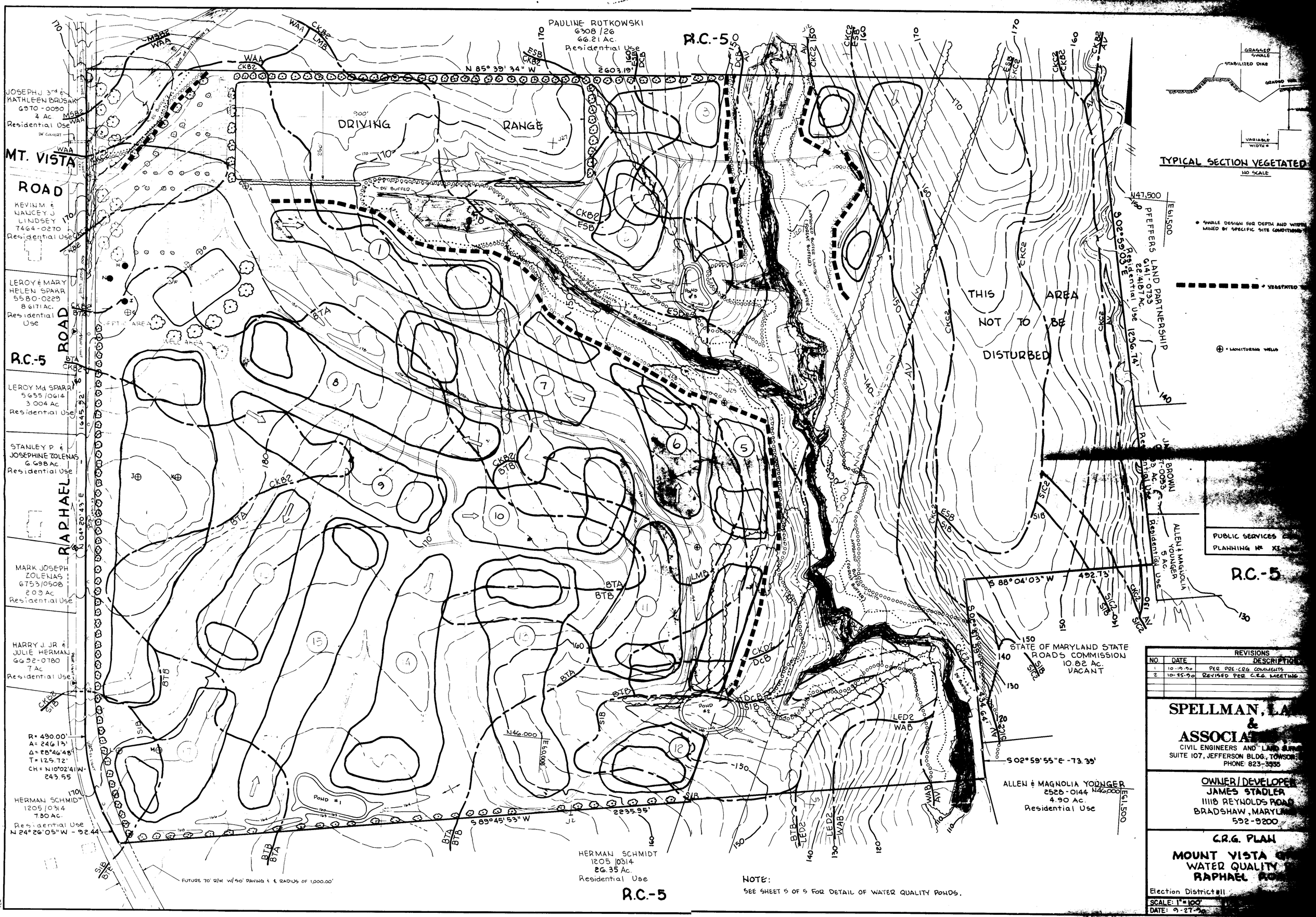
OWNER / DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21
592-9200

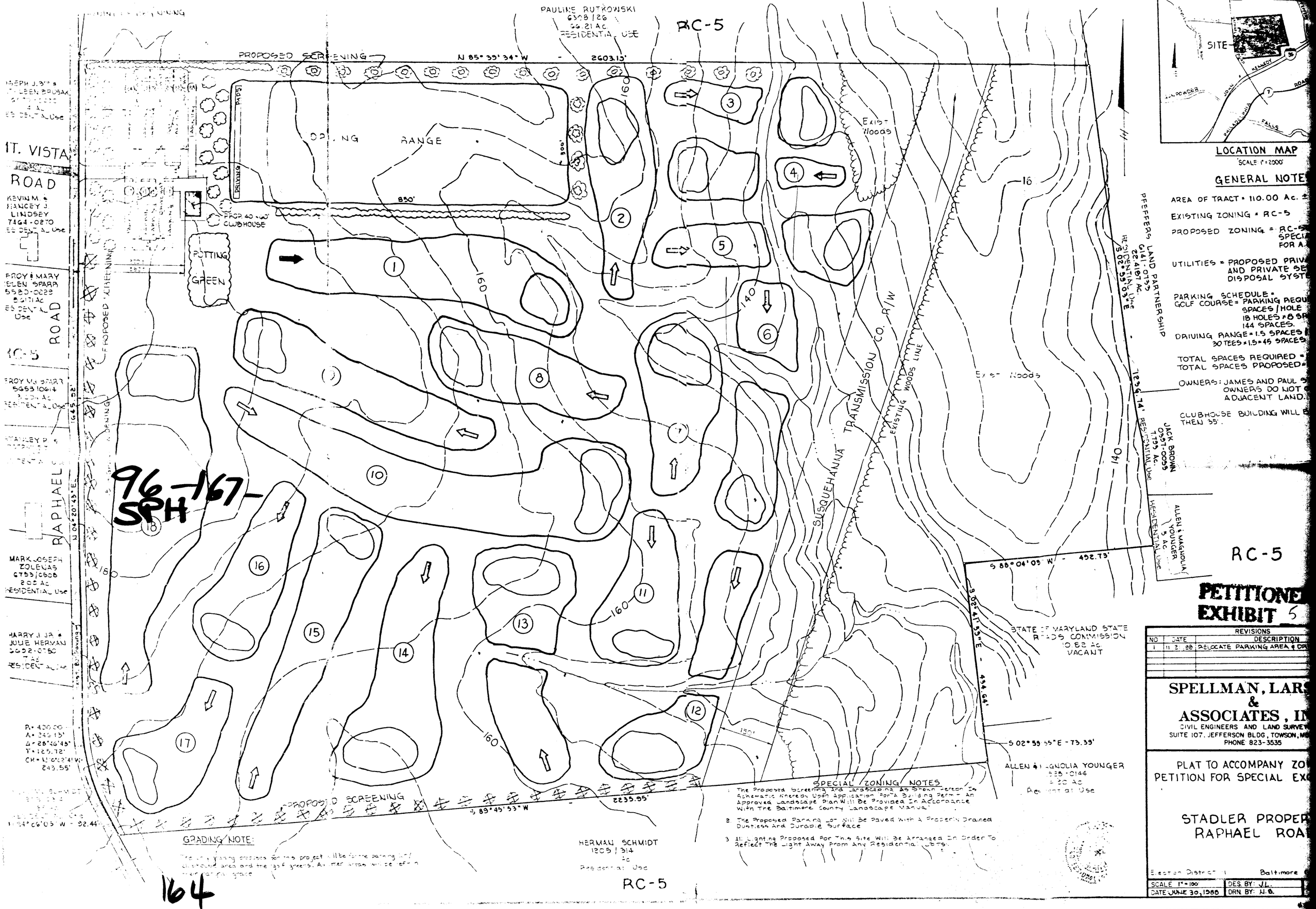
C.R.G. PLAN

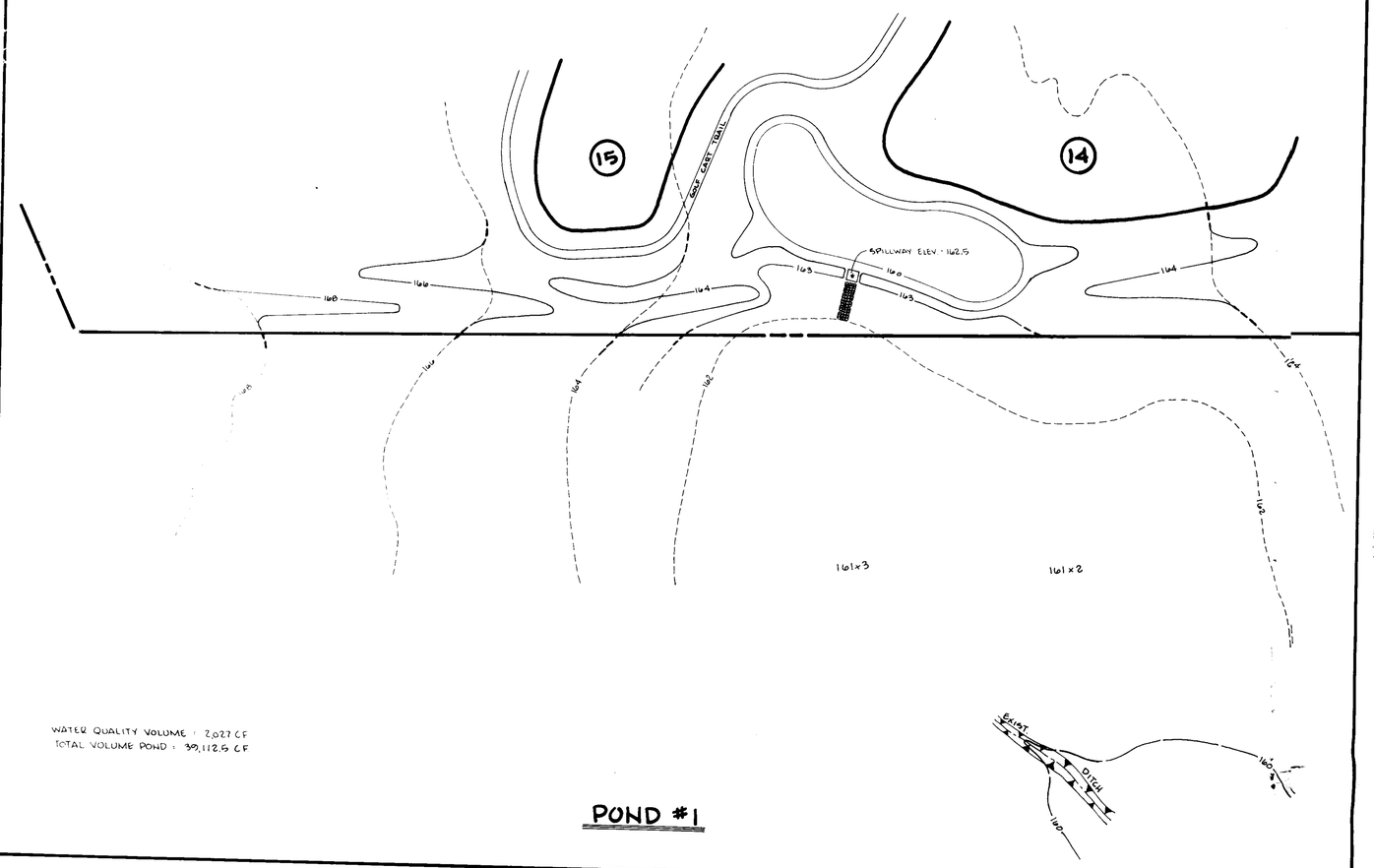
MOUNT VISTA GRE
DETAILS
RAPHAEL RO

Election District #11

SCALE: NO SCALE | DES. BY:
DATE: 4-26-89 | DRN. BY:

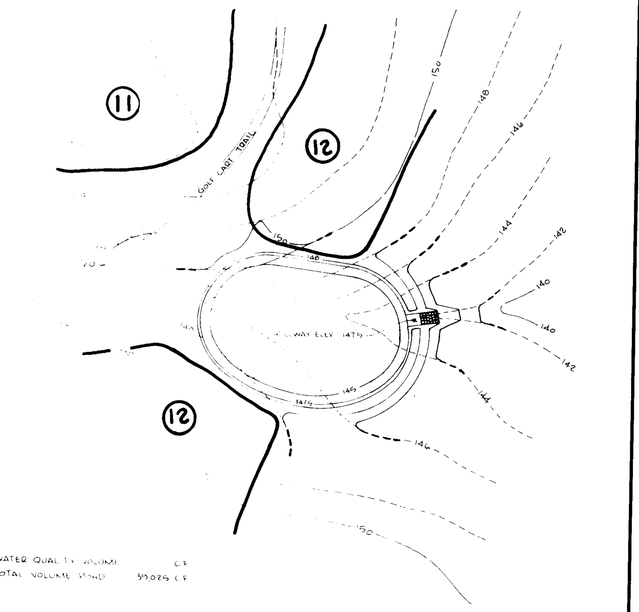

PAULINE RUTKOWSKI
6308/26
66.21 Ac.
Residential Use
R.C.-5
N 85° 39' 34" W
2603.19'
DRIVING RANGE
JOSEPH J 3rd & KATHLEEN BRUSAK
6970-0090
4 Ac.
Residential Use
MT. VISTA ROAD
KEVIN M & NANCEY J LINDSEY
7464-0270
Residential Use
LEROY & MARY HELEN SPARR
5580-0229
8.6171 Ac.
Residential Use
ROAD
R.C.-5
LEROY Md SPARR
5655/0614
3.004 Ac.
Residential Use
STANLEY P & JOSEPHINE ZOLENAS
6.698 Ac.
Residential Use
RAPHAEL
MARK JOSEPH ZOLENAS
6753/0508
2.09 Ac.
Residential Use
HARRY J JR & JULIE HERMAN
6692-0780
7 Ac.
Residential Use
R = 490.00'
A = 246.13'
Δ = 28°46'48"
T = 125.72'
CH = N 10°02'41" W - 243.55
HERMAN SCHMIDT
1205/0314
7.30 Ac.
Residential Use
N 24°26'05" W - 92.44
FUTURE 70' R/W W/50' PAVING & RADIUS OF 1,000.00'
S 89°45'53" W
2235.95'
HERMAN SCHMIDT
1205/0314
26.35 Ac.
Residential Use
R.C.-5
NOTE:
SEE SHEET 5 OF 5 FOR DETAIL OF WATER QUALITY PONDS.
THIS AREA NOT TO BE DISTURBED
S 02°59'03" E
1236.74'
PFEFFERS LAND PARTNERSHIP
6141-0733
22.4187 Ac.
Residential Use
JAMES BROWN
7-0053
3 Ac.
Residential Use
ALLEN & MAGNOLIA YOUNGER
5 Ac.
Residential Use
S 88°04'03" W
492.73
STATE OF MARYLAND STATE ROADS COMMISSION
10.82 Ac.
VACANT
S 02°59'55" E - 73.39'
ALLEN & MAGNOLIA YOUNGER
2528-0144
4.90 Ac.
Residential Use
N47,500
E61,500
N46,000
E61,000
N46,000
E61,500
GRASSED SWALE
STABILIZED DIKE
VARIABLE WIDTH
TYPICAL SECTION VEGETATED
NO SCALE
* SWALE DESIGN FOR DEPTH AND WIDTH MUST BE MINED BY SPECIFIC SITE CONDITIONS
* VEGETATED
* MONITORING WELLS
PUBLIC SERVICES
PLANNING No XI
R.C.-5
REVISIONS
NO. DATE DESCRIPTION
1 10-19-90 PER DPE-CRG COMMENTS
2 10-25-90 REVISED PER C.R.G. MEETING
SPELLMAN, LA
&
ASSOCIA
CIVIL ENGINEERS AND LAND SURV
SUITE 107, JEFFERSON BLDG., TOWSON
PHONE: 823-3535
OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYL
592-9200
C.R.G. PLAN
MOUNT VISTA G
WATER QUALITY
RAPHAEL
Election District #11
SCALE: 1" = 100'
DATE: 9-27-90


PAULINE RUTKOWSKI
6328/126
66.21 Ac.
RESIDENTIAL USE
RC-5
PROPOSED SCREENING
N 85° 39' 34" W - 2603.15'
DRIVING RANGE
850'
300'
PROP. 40'x60' CLUBHOUSE
PUTTING GREEN
PROPOSED SCREENING
EXIST. WOODS
SUSQUEHANNA TRANSMISSION CO. R/W
EXISTING WOODS LINE
PEFFERS LAND PARTNERSHIP
6141-0763
22.4187 Ac.
RESIDENTIAL USE
S 02°59'05"E
1236.74'
JACK BROWN
0957-0059
1.793 Ac.
RESIDENTIAL USE
ALLEN & MAGNOLIA YOUNGER
5 Ac.
RESIDENTIAL USE
S 88°04'05" W - 452.73'
S 02°41'55"E - 434.64'
STATE OF MARYLAND STATE ROADS COMMISSION
10.82 Ac.
VACANT
S 02°59'55"E - 73.39'
ALLEN & MAGNOLIA YOUNGER
538-0144
4.20 Ac.
Residential Use
S 89°45'53" W - 2235.95'
PROPOSED SCREENING
HERMAN SCHMIDT
1205/314
Ac
Residential Use
RC-5
RAPHAEL ROAD
IT. VISTA ROAD
KEVIN M. & NANCEY J. LINDSEY
7464-0270
FROY & MARY HELEN SPARR
5580-0229
8.01 Ac.
FROY & SPARR
5653/0614
MARK JOSEPH ZOLENAS
6753/0508
2.00 Ac.
RESIDENTIAL USE
HARRY J. JR. & JULIE HERMAN
5652-0750
7 Ac.
RESIDENTIAL USE
R = 420.00'
A = 242.13'
Δ = 28°46'45"
T = 125.72'
CH = N 10°02'41" W
239.55'
N 04°20'45" E
S 04°26'05" W - 92.44'
96-167-SPH
164
SITE
LOCATION MAP
SCALE 1" = 2000'
GENERAL NOTES
AREA OF TRACT = 110.00 Ac. ±
EXISTING ZONING = RC-5
PROPOSED ZONING = RC-5 SPECIAL FOR A.
UTILITIES = PROPOSED PRIVATE AND PRIVATE SEWAGE DISPOSAL SYSTEM
PARKING SCHEDULE:
GOLF COURSE = PARKING REQUIRED SPACES / HOLE
18 HOLES x 8 SPACES
144 SPACES.
DRIVING RANGE = 1.5 SPACES
30 TEES x 1.5 = 45 SPACES
TOTAL SPACES REQUIRED =
TOTAL SPACES PROPOSED =
OWNERS: JAMES AND PAUL S. OWNERS DO NOT OWN ADJACENT LAND.
CLUBHOUSE BUILDING WILL BE THEN 35'.
SPECIAL ZONING NOTES
1. The Proposed Screening And Landscaping As Shown Hereon Is Schematic Whereby Upon Application For A Building Permit An Approved Landscape Plan Will Be Provided In Accordance With The Baltimore County Landscape Manual.
2. The Proposed Parking Lot Will Be Paved With A Properly Drained Dustless And Durable Surface.
3. All Lighting Proposed For This Site Will Be Arranged In Order To Reflect The Light Away From Any Residential Uses.
GRADING NOTE:
The only grading proposed for this project will be some parking lot, clubhouse area and the tees & greens. All other areas will be left in their natural grade.
PETITIONER'S EXHIBIT 5
REVISIONS
NO. 1 DATE 11/2/88 DESCRIPTION RELOCATE PARKING AREA & DR
SPELLMAN, LARS & ASSOCIATES, IN
CIVIL ENGINEERS AND LAND SURVEY
SUITE 107, JEFFERSON BLDG, TOWSON, MD
PHONE 823-3535
PLAT TO ACCOMPANY ZO PETITION FOR SPECIAL EX
STADLER PROPER RAPHAEL ROA
Election District 1 Baltimore
SCALE 1" = 100' DES. BY: J.L.
DATE JUNE 30, 1988 DRN. BY: N.B.



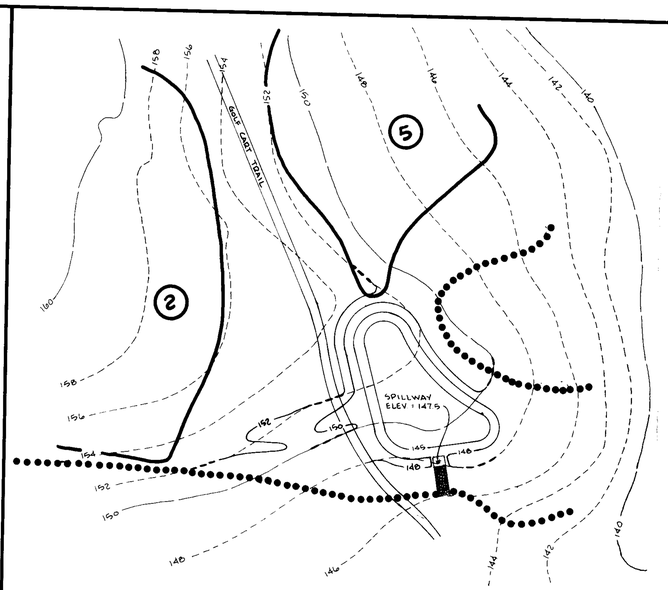
WATER QUALITY VOLUME = 2,027 C.F.
TOTAL VOLUME POND = 39,112.5 C.F.

POND #1



WATER QUALITY VOLUME = C.F.
TOTAL VOLUME POND = 39,025 C.F.

POND #2



WATER QUALITY VOLUME = 605 C.F.
TOTAL VOLUME POND = 16,975 C.F.

●●● ... DENOTES APPROVED BUFFER LIMITS

POND #3

ZONING RESTRICTIONS:

1. ADVISORY
2. SEE ZONING ADVISORY COMMITTEE NOTES (COMPLIANCE HAS BEEN MADE)
3. ADVISORY
4. REFER TO SHT. 1 OF 5. LANDSCAPING IN NORTHEAST CORNER OF SITE AND ALONG PART OF THE SOUTH SIDE OF DRIVING RANGE HAS BEEN PRECLUDED BY WETLANDS RESTRICTIONS.
5. PARKING LOT LIGHTING WILL COMPLY WITH DETAIL SHOWN ON ZONING PLAT EXHIBIT #6.
6. REFER TO GENERAL NOTE #2, SHT. 1 OF 5.
7. THE DRIVING RANGE WILL NOT BE LIGHTED.
8. HOURS OF OPERATION WILL BE 6:00 A.M. - 9:00 P.M..
9. THE GOLF COURSE & ANCILLARY USES WILL BE USED BETWEEN APRIL 1ST AND OCTOBER 31ST.
10. REFER TO SHT. 1 OF 5.
11. ENTRANCE TO PROPERTY WILL BE PADLOCKED EACH EVENING BY 9:30 P.M..
12. APPROVED C.R.G. PLAN TO BE SUBMITTED TO THE ZONING COMMISSIONER PRIOR TO APPLICATION FOR BUILDING PERMIT.
13. ADVISORY

ZONING ADVISORY BOARD COM

OFFICE OF PLANNING AND ZONING

1. SCHEMATIC LANDSCAPING HAS BEEN SHOWN ON THE C PLAN TO COMPLY WITH PLANNING OFFICE COMMENTS A A FORMAL LANDSCAPE PLAN WILL BE SUBMITTED AT TH OF BUILDING PERMIT.
2. REFER TO SHT. 1 OF 5. (BUFFER DIMENSIONS BEING MET)
3. ADVISORY ON WOODLAND PRESERVATION PROGRAM.
4. ADVISORY ON LANDSCAPE AREAS FOR PARKING LOT LAYOUT.
5. REFER TO ZONING RESTRICTIONS NOTE #5 & GENERAL NOTE #
6. MAINTENANCE BUILDING IS SHOWN ON SHEETS 1 & 2 OF 5.
7. CLUBHOUSE TO BE USED FOR PRO-SHOP, CART RENTAL, TIC AND GENERAL ADMINISTRATIVE USES.

FIRE PREVENTION BUREAU

5. ADVISORY ON FIRE PREVENTION ASSOC. STD. #101 'LIFE

BUREAU OF TRAFFIC ENGINEERING

1. ADVISORY ON GENERATION OF ADDITIONAL TRIPS.

D.E.P.R.M.

1. PERCOLATION TESTS HAVE BEEN CONDUCTED AND APP BY THE D.E.P.R.M. DIVISION OF WATER AND SEWER.
2. WATER WELL USED FOR WATER SUPPLY WILL COMPLY BALTIMORE COUNTY STANDARDS FOR CAPACITY AND FO
3. A HYDROGEOLOGICAL STUDY AND AN ENVIRONMENTAL REPORT HAVE BEEN SUBMITTED AND APPROVED.

NOTE:
SEE SHEET 4 OF 5 FOR PLAN VIEW.

REVISIONS		
NO.	DATE	DESCRIPTION
1	10-19-90	PER PRE-C.R.G. COMMENTS
2	10-25-90	REVISED PER C.R.G. COMMENTS

SPELLMAN, LARS
&
ASSOCIATES, INC
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD.
PHONE: 823-3535

OWNER/DEVELOPER

JAMES STADLER
11116 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
(301) 592-9200

C.R.G. PLAN

MOUNT VISTA GRE
"WATER QUALITY PO
RAPHAEL ROAD

11TH ELECTION DISTRICT

SCALE: 1" = 50'
DATE: 9-27-90
DRN.

SOIL LIMITATION CHART

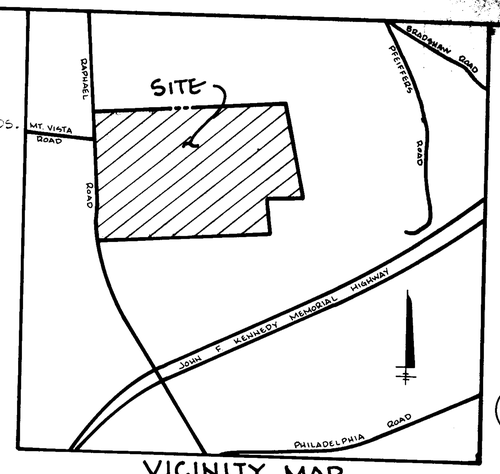
SYM.	SERIES	W/ BASEMENT	W/O BASEMENT	STREETS & PARKING	TYPE
Au	Alluvial land	Severe: high water table, flooding	Severe: high water table, flooding hazard	Severe: high water table, flooding hazard	D
BrA	Beltsville	Slight	Slight	Moderate: seasonally perched water table	C
BrB	Beltsville	Slight: seasonally perched water table	Slight	Moderate: seasonally perched water table, slope	C
ChB2	Chillum	Slight	Slight	Severe: slope	C
ChC2	Chillum	Moderate: slope	Moderate: slope	Severe: slope	C
DeB	Delanco	Moderate: moderately high water table	Slight	Moderate: moderately high water table, slope	C
EsB	Elsinboro	Slight	Slight	Moderate: slope	B
LeD	Legore	Severe: slope	Severe: slope	Severe: slope	C
LmB	Lenoir	Severe: high water table, poor natural drainage	Severe: high water table, moderate poor natural drainage	Severe: high water table, somewhat poor natural drainage	D
MoB2	Montalto	Slight	Slight	Moderate: slope	B
SsB	Sassafras	Slight	Slight	Moderate: slope	B
SsC2	Sassafras	Slight	Slight	Severe: slope	B
WaA	Watchung	Severe: high water table, poor natural drainage	Severe: high water table, poor natural drainage	Severe: high water table, poor natural drainage	D
WaC	Watchung	Severe: high water table, poor natural drainage	Severe: high water table, poor natural drainage	Severe: high water table, poor natural drainage	D

GRADING NOTE:

There will be no overall site grading for this project. The only grading proposed will be for the clubhouse and parking area as shown hereon and for the shaping and construction of the greens, tees & sand traps.

FOREST BUFFER NOTES

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. PROTECTIVE COVENANTS GOVERNING THE USE OF THE FOREST BUFFER EASEMENT, SHALL BE RECORDED IN THE DEED TO THIS PROPERTY, PRIOR TO GRADING PERMIT APPROVAL AND SHALL RUN WITH THE PROPERTY IN PERPETUITY.



VICINITY MAP
SCALE: 1" = 1,000'

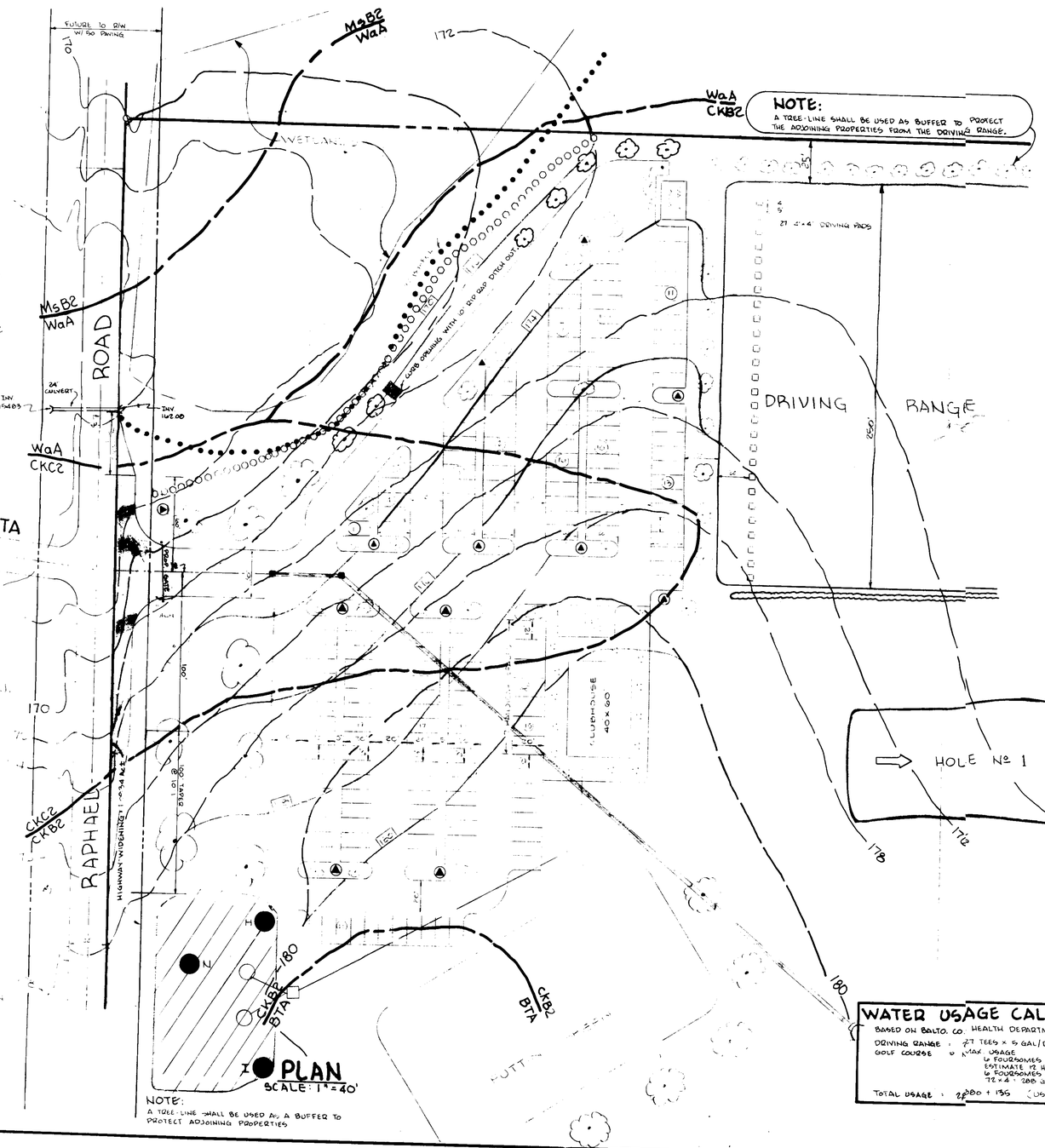
SITE DATA:

SITE ACREAGE: 110.00 AC.±
EXISTING ZONING: R.C.-5
WATERSHED: 3 SUBSEWERSHED: 81
COUNCILMANIC DISTRICT: 5
CENSUS TRACT: 411102
PROPOSED USE: EXECUTIVE TYPE GOLF COURSE
DEED REFERENCE: 7872/186
PROPERTY NUMBER: 19-00-003441
AVERAGE DAILY TRIPS: 0.70/AC. 0.70 × 110.00 = 77
OPEN SPACE REQUIRED: NONE REQUIRED
FLOOR AREA RATIO: 2400 ÷ 4,830,209.00 = 0.0005

PARKING REQUIREMENTS: GOLF COURSE = PARKING
18 HOLES × 8 SPACES = 144
DRIVING RANGE = 1.5
27 TEES × 1.5 = 41 SPACES
TOTAL SPACES REQUIRED
TOTAL SPACES PROPOSED
(INCLUDING 7 HANDICAP

PARKING LOT NOTE:

ALL PARKING AREAS AND AISLES WILL BE PAVED WITH MACADAM AND STRIPED.



PLAN
SCALE: 1" = 40'

NOTE:
A TREE-LINE SHALL BE USED AS A BUFFER TO PROTECT ADJOINING PROPERTIES

NOTE:
A TREE-LINE SHALL BE USED AS BUFFER TO PROTECT THE ADJOINING PROPERTIES FROM THE DRIVING RANGE.

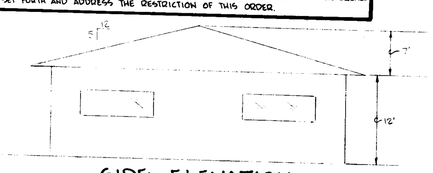
NOTE

REFER TO SHT. 5 OF 5 FOR COMPLIANCE WITH ZONING CASE 89-190-X RESTRICTIONS AND ZONING ADVISORY BOARD COMMENTS.

ZONING RESTRICTIONS

ZONING CASE #89-190-X

1. THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER, HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. PETITIONERS SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE ZONING PLANS ADVISORY COMMITTEE AS SET FORTH IN THEIR COMMENTS SUBMITTED HERETO, INCLUDING, BUT NOT LIMITED TO THOSE SUBMITTED BY THE DEPT. OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT (DEPRM) DATED 10-05-88 AND THE OFFICE OF PLANNING DATED 11-28-88.
3. CRG APPROVAL OF THIS PROJECT IS REQUIRED WITHOUT A WAIVER.
4. PETITIONERS SHALL LANDSCAPE THE PROPERTY AT A MINIMUM AS SET FORTH IN PETITIONERS EXHIBITS 5 AND 6. FURTHER, PETITIONERS SHALL PROVIDE ADDITIONAL LANDSCAPING, AS MAY BE DEEMED APPROPRIATE BY THE LANDSCAPE PLANNER IN THE OFFICE OF CURRENT PLANNING, TO BUFFER THE PROPERTY ALONG RAPHAEL ROAD, INCLUDING, BUT NOT LIMITED TO, THE PARKING AREAS.
5. PETITIONERS SHALL PROVIDE LOW-PROFILE, CUT-OFF LIGHTING FIXTURES AS DEPICTED IN PETITIONERS EXHIBIT 6 FOR THE PARKING LOT AND SHALL TAKE WHATEVER STEPS NECESSARY TO INSURE THE LIGHTING DOES NOT REFLECT ONTO ADJOINING RESIDENTIAL PROPERTIES.
6. LIGHT FIXTURES SHALL NOT EXCEED 12 FEET IN HEIGHT UNLESS APPROVED FOR HIGHER BY C.R.G., HOWEVER, IN NO EVENT SHALL THE HEIGHT EXCEED 15 FEET.
7. THERE SHALL BE NO LIGHTING FOR THE DRIVING RANGE UNLESS HEREINAFTER MODIFIED AFTER A SPECIAL HEARING.
8. THE HOURS OF OPERATION SHALL NOT EXCEED 6:00 A.M. TO 9:00 P.M.
9. THE GOLF COURSE AND ANCILLARY USES SHALL BE USED ONLY BETWEEN APRIL 1ST AND OCTOBER 31ST, OF ANY GIVEN YEAR UNLESS MODIFIED AFTER A SPECIAL HEARING.
10. THE AREA DESIGNATED AS EXISTING WOODS ON PETITIONERS EXHIBIT 5 SHALL REMAIN OPEN AND UNDEVELOPED UNLESS MODIFIED AFTER A SPECIAL HEARING.
11. PETITIONERS SHALL TAKE WHATEVER STEPS NECESSARY TO INSURE THAT THE ENTRANCE TO THE PROPERTY IS LOCKED EACH EVENING BY 9:30 P.M.
12. PRIOR TO THE ISSUANCE OF ANY PERMITS, PETITIONERS SHALL SUBMIT THE PLAN APPROVED BY C.R.G. IF THERE ARE CHANGES AS TO PLACEMENT OF INDIVIDUAL GOLF HOLES, OR THE DRIVING RANGE, THE PLAN WILL BE APPROVED BY THE ZONING COMMISSIONER AND/OR DEPUTY ZONING COMMISSIONER IF FOUND TO BE WITHIN THE SPIRIT AND INTENT OF THE ORIGINAL PLAN.
13. WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN & LANDSCAPE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTION OF THIS ORDER.



SIDE ELEVATION
PROPOSED CLUBHOUSE
(N.T.S.)

GENERAL NOTES:

1. THERE ARE NO HISTORIC BUILDINGS, ARCHEOLOGICAL SITES, ENDANGERED HABITAT OR HAZARDOUS MATERIALS ON THIS SITE.
2. OFF-STREET PARKING AND LOADING AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 409, BUT NO PARKING PERMITTED WITHIN 85' OF ANY RESIDENTIAL ZONE BOUNDARY. PARKING AREAS SHALL BE PAVED, AND ANY LIGHTING THEREIN SHALL BE REFLECTED AWAY FROM RESIDENTIAL ZONES IFON STANDARDS. LIGHTS SHALL NOT EXCEED THE HEIGHT OF 12 FEET.
3. LANDSCAPE CALCULATIONS: COMMERCIAL SITE

EXTERIOR ROAD = 1 TREE PER EVERY 40 LINEAR FEET
2000 ÷ 40 = 50 TREES
50% MAJOR DECIDUOUS = 25 TREES
30% EVERGREEN = 15 TREES
MINOR DECIDUOUS = 10 TREES

INTERIOR ROAD = 1 TREE PER EVERY 20 LINEAR
1640 ÷ 20 = 82
50% MAJOR DECIDUOUS = 41 TREES

NOTE:
HIGHWAY WIDENING AREA = 47,628 S.F. ±

NOTE
STORMWATER MANAGEMENT WAIVER APPLIED FOR AND

WATER USAGE CALCULATIONS

BASED ON BALTO. CO. HEALTH DEPARTMENT REQUIREMENTS:

DRIVING RANGE: 27 TEES × 5 GAL/DAY = 135 G.P.D.
GOLF COURSE: MAX. USAGE
6 FOURSOMES PER HOUR (10 MIN. PER FOURSOME)
ESTIMATE 12 HRS. OF OPERATION PER DAY
6 FOURSOMES × 12 HR. = 72 FOURSOMES
72 × 4 = 288 SPLITS 288 × 10 G.P.D. = 2,880 G.P.D.

TOTAL USAGE = 2880 + 135 (USE 3,000 G.P.D.)

ZONING NOTE:

ON 12-16-88 THE DEPUTY ZONING COMMISSIONER GRANTED A SPECIAL EXCEPTION FOR A GOLF COURSE IN AN RC.-5 ZONE ON THE SUBJECT PROPERTY IN ZONING CASE #89-190-X (ITEM #103). THE RESTRICTIONS AS SET FORTH IN THE SPECIAL EXCEPTION APPROVAL ARE LISTED ABOVE.

400' SIGHT LINE NOTE

AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS. SEE SHEET 1 OF 5 FOR PLAN VIEW.

PUBLIC SERVICES C.R.G. Nº
PLANNING Nº

REVISIONS		
NO.	DATE	DESCRIPTION
1	3-20-90	REVISED PER PRE-DEV. COMM.
2	5-18-90	REVISED PER PRE-CRG COMMENTS
3	6-25-90	REVISED PER CRG COMMENTS
4	9-24-90	REVISED PER DEPRM COMMENTS
5	10-19-90	PER PRE-CRG COMMENTS
6	10-25-90	REVISED PER CRG

SPELLMAN, LA
&
ASSOCIATES, IN
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD.
PHONE: 823-3535

OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND
592-9200

C.R.G. PLAN

MOUNT VISTA
DETAILS & NOTES
RAPHAEL

Election District 11 Balti

SCALE: 1" = 40'
DATE: 4-26-88
DES. BY:

PAULINE RUTKOWSKI
6308/26
66.21 Ac.
Residential Use

R.C.-5

MAINTENANCE BUILDING (NO PLUMBING FACILITIES)

PROPOSED SCREENING

N 85° 39' 34" W
2603.19'

L.O.D.

JOSEPH J 3rd & KATHLEEN BRUSAK
6970-0090
4 Ac.
Residential Use

MT. VISTA ROAD

KEVIN M & NANCEY J LINDSEY
7464-0270
Residential Use

LEROY & MARY HELEN SPARR
5580-0229
8.6171 Ac.
Residential Use

R.C.-5

LEROY Md SPARR
5655/0614
3.004 Ac.
Residential Use

STANLEY P & JOSEPHINE ZOLENAS
6.698 Ac.
Residential Use

RAPHAEL ROAD

MARK JOSEPH ZOLENAS
6753/0508
2.09 Ac.
Residential Use

HARRY J JR & JULIE HERMAN
6692-0780
7 Ac.
Residential Use

R = 490.00'
A = 246.13'
Δ = 28°46'48"
T = 125.72'
CH = N10°02'41"W - 243.55

HERMAN SCHMIDT
1205/0314
7.30 Ac.
Residential Use

N 24° 26' 05" W - 92.44'

N 04° 20' 43" E
1645.92'

900' DRIVING RANGE

25' BUFFER

PUTTING GREEN

SEPTIC AREA

WELL AREA

POND #1

POND #2

POND #3

APPROVED BUFFER LIMITS (FOREST BUFFER)

PROPOSED SCREENING

S 89° 45' 53" W
2235.95'

HERMAN SCHMIDT
1205/0314
26.35 Ac.
Residential Use

R.C.-5

FUTURE 70' R/W W/50' PAVING & & RADIUS OF 1,000.00'

THE WIDENING AREA WILL BE GRADED FOR THE FULL WIDTH OF THE FUTURE R/W ALONG THE ENTIRE FRONTAGE OF THE SITE. (SEE DETAIL SHT. 2 OF 5)

SUSQUEHANNA TRANSMISSION CO.

THIS AREA NOT TO BE DISTURBED

S 02° 59' 03" E
1236.74'

PFEFFERS LAND PARTNERSHIP
6141-0733
22.4187 Ac.
Residential Use

JAMES BROWN
0-0059
6 Ac.
Residential Use

ALLEN & MAGNOLIA YOUNGER
5 Ac.
Residential Use

S 88° 04' 03" W - 492.73'

S 02° 59' 55" E - 73.39'

STATE OF MARYLAND STATE ROADS COMMISSION
10.82 Ac.
VACANT

ALLEN & MAGNOLIA YOUNGER
2528-0144
4.90 Ac.
Residential Use

N46,000
E61,500

L.O.D. = LIMIT OF DISTURBANCE

NOTE:
SEE SHEET 5 OF 5 FOR DETAIL OF WATER QUALITY PONDS.

SIGN D
(SCALE:
SINGLE-FACE NON-ILLUMINA
(15 SQ. FT.)

⊕ = MONITORING WELLS

PUBLIC SERVICES
PLANNING NO. XI-

R.C.-5

6	10-25-90	REVISED PER C.R.G.

REVISIONS

NO	DATE	DESCRIPTI
1	3-26-90	REVISED PER PRE-DEV. CONF.
2	5-18-90	REVISED PER PRE-CRG COMMENTS
3	6-25-90	REVISED PER C.R.G. COMMENTS
4	9-[illegible]	REVISED PER DEPEM CONFER
5	10-19-90	PER PRE-CRG COMMENTS

SPELLMAN, LA
&
ASSOCIATES,
CIVIL ENGINEERS AND LAND SURV
SUITE 107, JEFFERSON BLDG., TOWSON
PHONE: 823-3535

OWNER/DEVELOPER
JAMES STADLER
1118 REYNOLDS ROAD
BRADSHAW, MARYLAND
592-9200

C.R.G. PL

MOUNT VIST
MASTER
RAPHAEL R

Election District #11

SCALE: 1" = 100'
DATE: 4-26-89

FROM CASE / #89-190-X

Pet Ex #1

FOR #96-167-SPH

POINT OF BEGINNING

PAULINE KUTKOWSKI
6308/126
66.21 Ac.
RESIDENTIAL USE

RC-5

PROPOSED SCREENING

N 85° 39' 34" W - 2603.15'

JOSEPH J. 3rd & KATHLEEN BRUSAK
6970-0090
4 Ac.
RESIDENTIAL Use

MT. VISTA ROAD

KEVIN M. & NANCEY J. LINDSEY
7464-0270
RESIDENTIAL Use

LEROY & MARY HELEN SPARR
5580-0229
8.6171 Ac.
RESIDENTIAL Use

RC-5

LEROY Md SPARR
5653/0614
3.004 Ac.
RESIDENTIAL Use

STANLEY P. & JOSEPHINE ZOLENAS
6.638 Ac.
RESIDENTIAL Use

RAPHAEL ROAD

MARK JOSEPH ZOLENAS
6753/0808
2.05 Ac.
RESIDENTIAL Use

HARRY J. JR. & JULIE HERMAN
6602-0180
7 Ac.
RESIDENTIAL Use

R = 430.00'
A = 246.13'
Δ = 28°46'48"
T = 125.72'
CH = N10°02'41"W - 243.55'

HERMAN SCHMIDT
1205/0314
.88 Ac.
RESIDENTIAL Use
N 24°26'05" W - 92.44'

FUTURE 50' R/W W/ 30' PAVING

15' HIGHWAY WIDENING

PROPOSED SCREENING

N 04°20'43" E

DRIVING RANGE

300'

850'

PARKING

DRIVEWAY

PROP. 40' x 60' CLUBHOUSE

POTTING GREEN

270'

382'

160

180

150

140

Exist Woods

EXISTING WOODS LINE

SUSQUEHANNA TRANSMISSION CO. R/W

PFEFFERS LAND PARTNERSHIP
6141-0733
22.4187 Ac.
RESIDENTIAL USE

S 02°55'03" E

1236.74'

JACK BROWN
0951-0055
7.193 Ac.
RESIDENTIAL Use

ALLEN & MAGNOLIA YOUNGER
5 Ac.
RESIDENTIAL Use

S 88°04'03" W - 452.73'

S 02°41'55" E - 434.64'

STATE OF MARYLAND STATE ROADS COMMISSION
10.82 Ac.
VACANT

S 02°59'55" E - 73.39'

ALLEN & MAGNOLIA YOUNGER
5238-0144
4.30 Ac.
Residential Use

PROPOSED SCREENING

S 89°49'53" W - 2235.95'

HERMAN SCHMIDT
1205/314
Ac
Residential Use

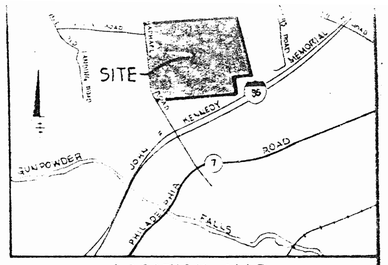
RC-5

GRADING NOTE:

The only grading proposed for this project will be for the parking lot/clubhouse area and the golf greens. All other areas will be left in their natural grade.

SPECIAL ZONING NOTES

1. The Proposed Screening And Landscaping As Shown Hereon Is Schematic Whereby Upon Application For A Building Permit An Approved Landscape Plan Will Be Provided In Accordance With The Baltimore County Landscape Manual.
2. The Proposed Parking Lot Will Be Paved With A Properly Drained Dustless And Durable Surface.
3. All Lighting Proposed For This Site Will Be Arranged In Order To Reflect The Light Away From Any Residential Uses.



LOCATION MAP
SCALE 1" = 2000'

GENERAL NOTES

AREA OF TRACT = 110.00 Ac. ±

EXISTING ZONING = RC-5

PROPOSED ZONING = RC-5 WITH A SPECIAL EXCEPTION FOR A GOLF COURSE

UTILITIES = PROPOSED PRIVATE WELL AND PRIVATE SEWAGE DISPOSAL SYSTEM

PARKING SCHEDULE =
GOLF COURSE = PARKING REQUIRED = 8 SPACES / HOLE
18 HOLES x 8 SPACES = 144 SPACES.
DRIVING RANGE = 1.5 SPACES / TEE
30 TEES x 1.5 = 45 SPACES

TOTAL SPACES REQUIRED = 189 SPACES
TOTAL SPACES PROPOSED = 204 SPACES

OWNERS: JAMES AND PAUL STADLER, OWNERS DO NOT OWN ANY ADJACENT LAND.

CLUBHOUSE BUILDING WILL BE NO HIGHER THEN 35'.

89-190-X

RC-5

PETITIONER'S EXHIBIT 5

REVISIONS		
NO	DATE	DESCRIPTION
1	11 2 88	RELOCATE PARKING AREA & DRIVING RANGE

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION

96-167-SPH

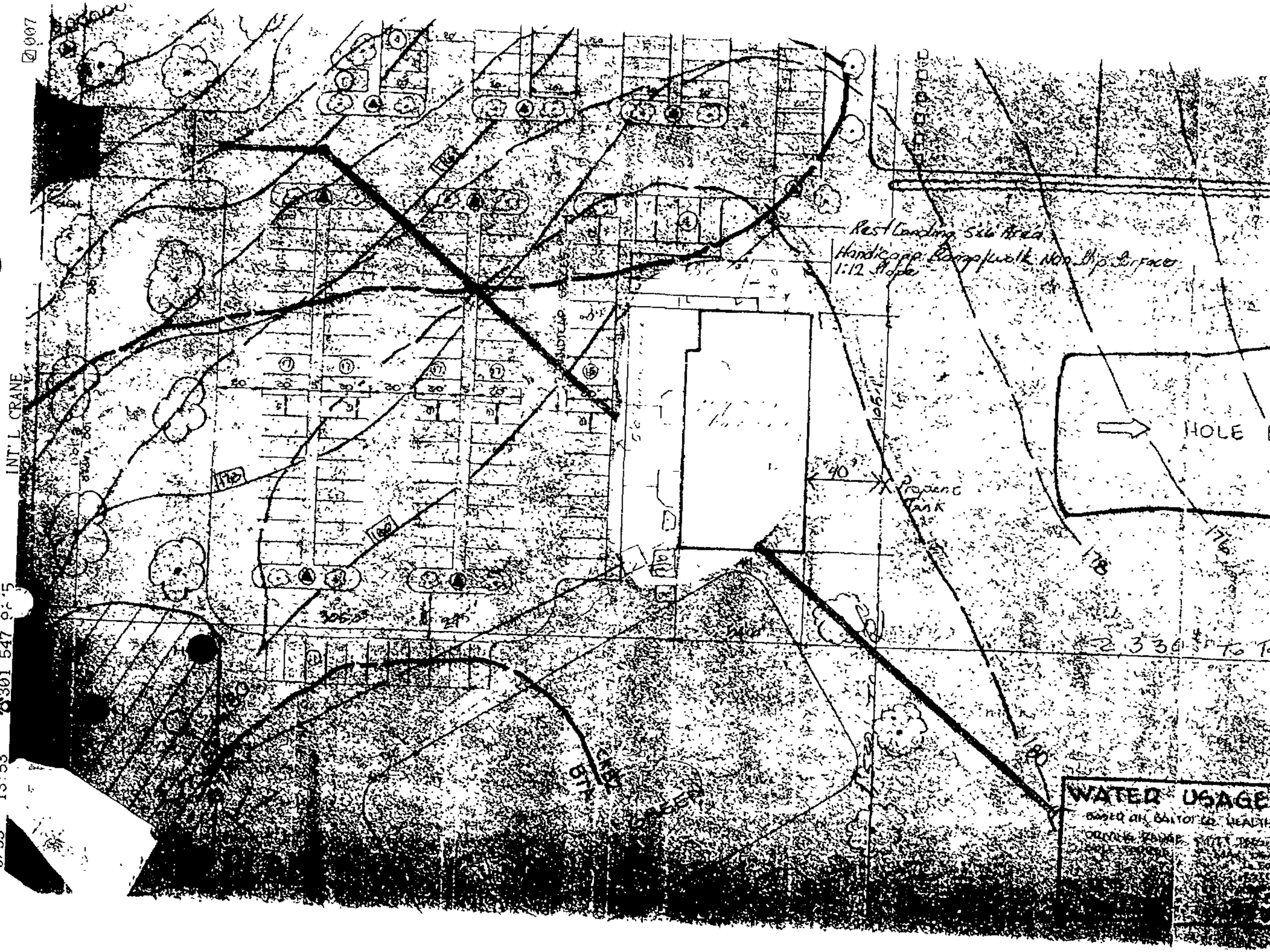
STADLER PROPERTY
RAPHAEL ROAD

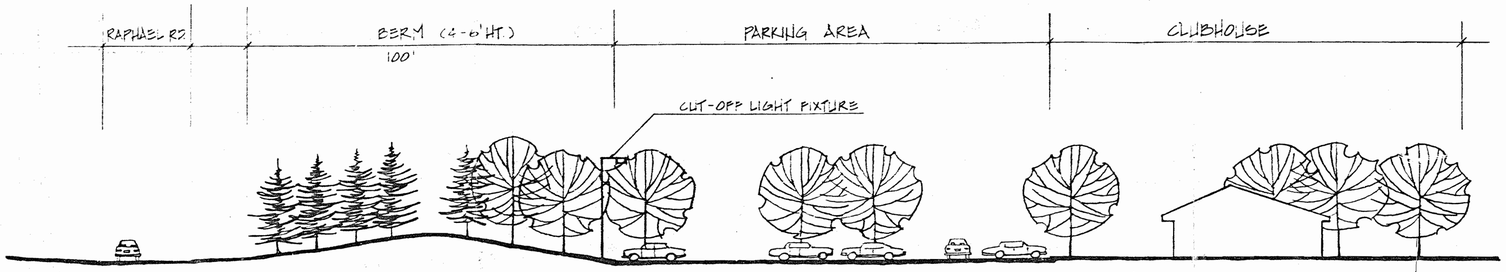
164

Election District 11 Baltimore County, MD.

SCALE 1" = 100'	DES. BY: J.L.	SHT. 1 OF 1
DATE JUNE 30, 1988	DRN. BY: N.G.	

#88007

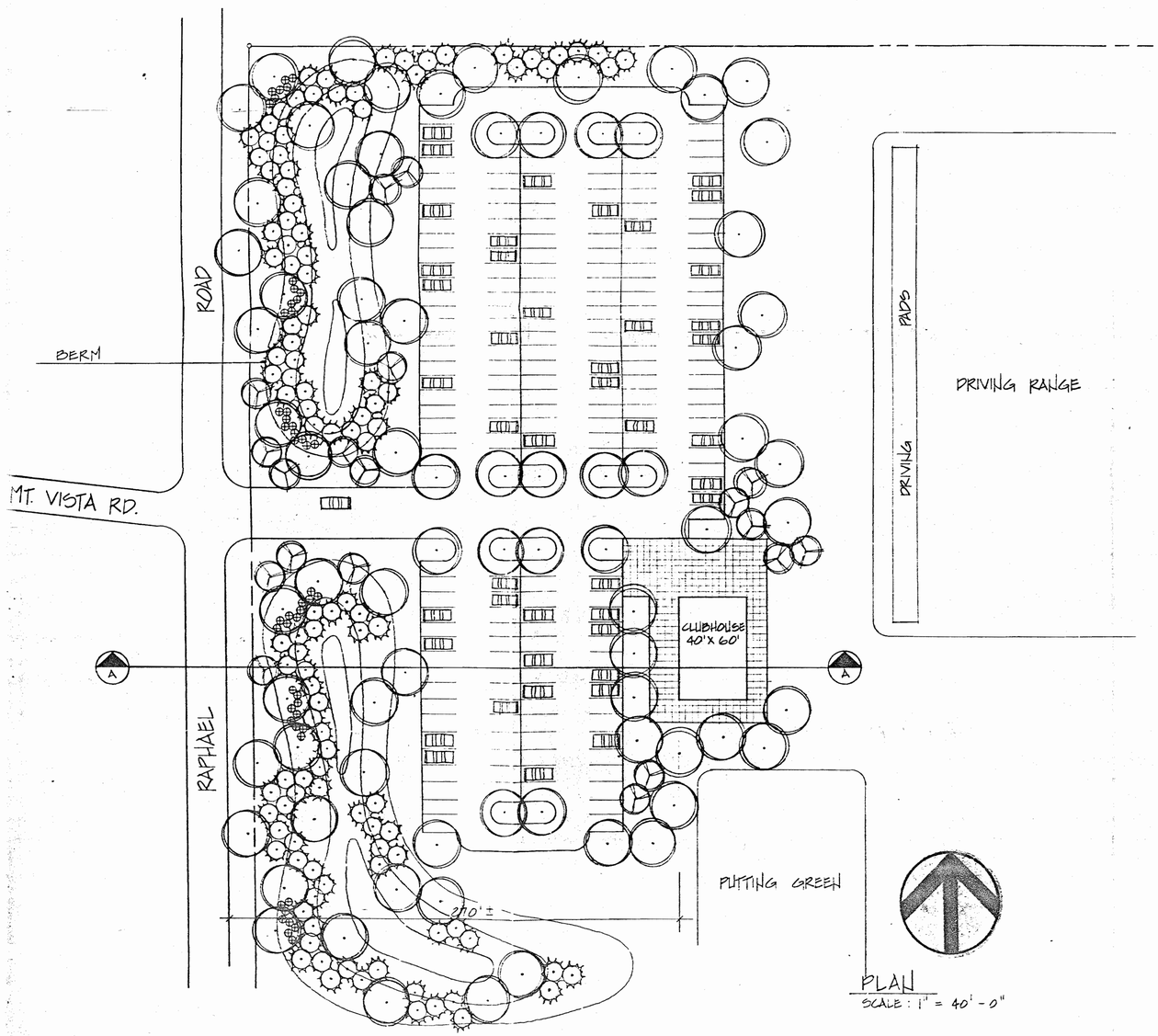

Rest Landing Sitting Area
Handicapped Boardwalk Non Slip Surface
1:12 Slope
HOLE
Phoenix Park
WATER USAGE



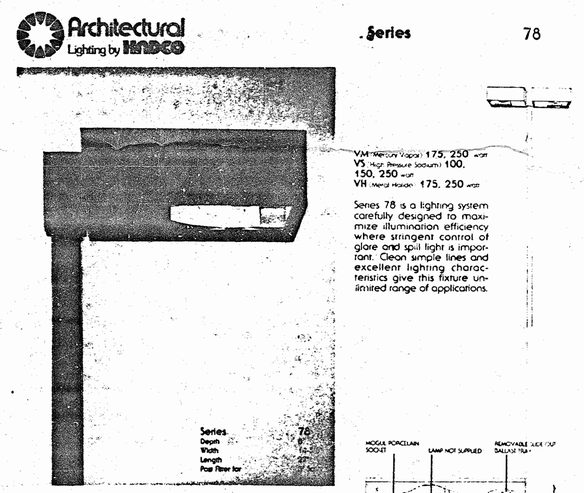
SECTION
SCALE: 1" = 20'

PLANT LIST :

KEY	NAME
	DECIDUOUS TREE RED MAPLE PIN OAK LONDON PLANETREE
	FLOWERING TREE YOSHINO CHERRY REDSPIRE PEAR DOGWOOD
	EVERGREEN TREE WHITE PINE NORWAY SPRUCE
	SHRUB FORSYTHIA



PLAN
SCALE: 1" = 40' - 0"



SPECIFICATION FEATURES

WEATHERPROOF one-piece extruded aluminum side panel with mitered corners and fully sealed aluminum sheer top.

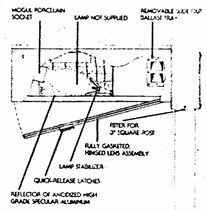
FULLY GASKETED extruded aluminum lens frame assembly equipped with two release latches for access without tools to optical chamber, ballast and wiring compartment. Lens is impact and shock resistant tempered glass.

REMOVABLE ballast is mounted on slide-out tray for easy maintenance.

ALL ELECTRICAL COMPONENTS shall be UL approved and be an integral part of the fixture. The fixture will bear the listing mark of Underwriters Laboratories. Fixtures suitable for use in wet locations. Socket will be glazed porcelain mogul base, nickel-plated screw shell with spring loaded center contact. All ballasts are regulating with power factor better than 0.90 (HPF). Ballasts shall provide ± 5% lamp power regulation and ± 10% input voltage regulation.

LONG LIFE CRAFTCOAT thermoset polyurethane powder coat finish. Refer to inside front cover for specification details.

3 YEAR LIMITED WARRANTY



ARCHITECTURAL 17-

TYPICAL CUT-OFF LIGHT FIXTURE

89-190-X

HUMAN & ROHDE, INC.
Landscape Architects
110 E. Pennsylvania Avenue
Towson, Maryland 21204
(301) 825-3885

REVISIONS

NO	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

Petitioner's Exhibit 6

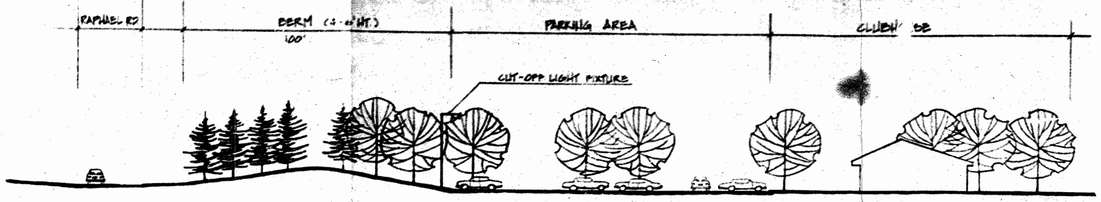
96-167-SPH

SCHEMATIC PLANTING PLAN
STADLER PROPERTY
RAPHAEL ROAD
BALTIMORE COUNTY, MD.

DATE: 11-28-88

164

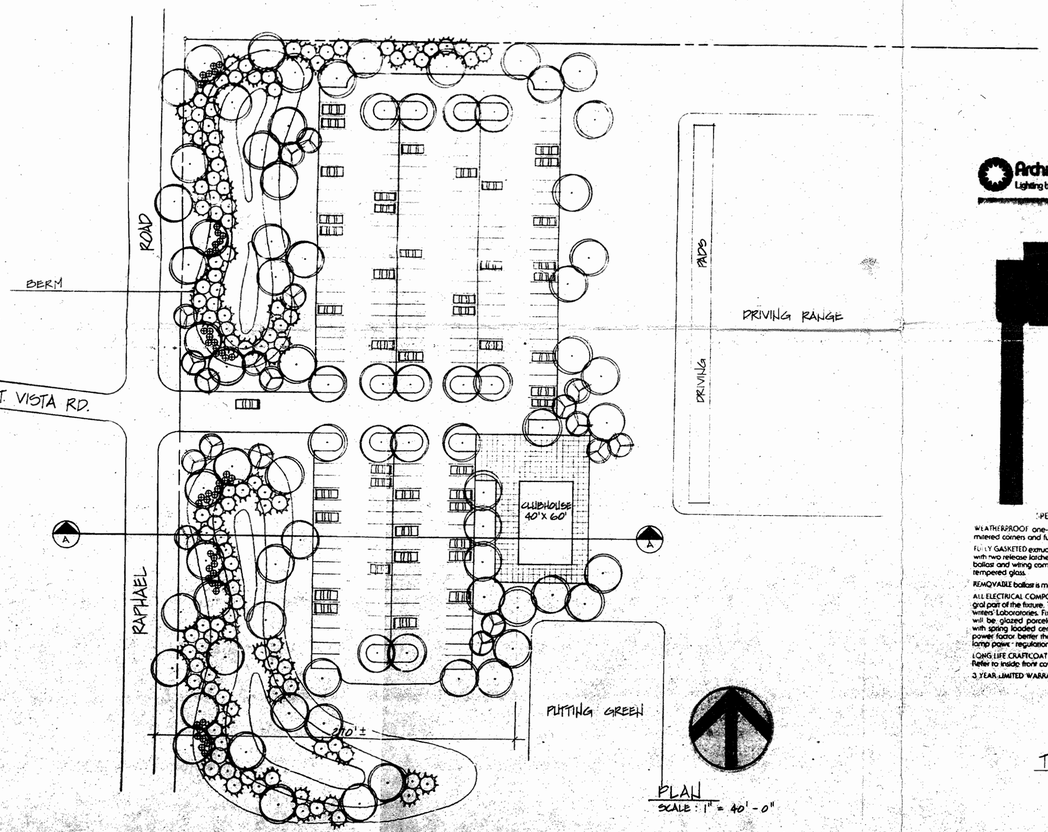
SCALE: AS NOTED | DES. BY: | SHT. 1 OF 1
DATE: | DRN. BY:



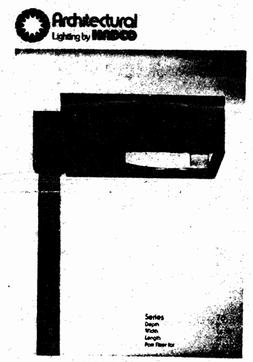
SECTION
SCALE : 1" = 20'

PLANT LIST :

KEY	NAME
	DECIDUOUS TREE RED MAPLE PIN OAK LONDON PLANETREE
	FLOWERING TREE YOSHINO CHERRY RED-LEAF PEAR DOGWOOD
	EVERGREEN TREE WHITE PINE NORWAY SPRUCE
	SHRUB FORSYTHIA



PLAN
SCALE : 1" = 40' - 0"



Architectural Lighting by MARCO

.§eries 78

VM Two-lamp 175, 250 w
VS Single lamp 100, 150, 250 w
VH Two-lamp 175, 250 w

Series 78 is a lighting system carefully designed to maximize illumination efficiency where [illegible] glare and spill light is important. Clean simple lines and excellent lighting characteristics give this fixture unlimited range of applications.

SPECIFICATION FEATURES

WEATHERPROOF one-piece extruded aluminum side panel with mitered corners and fully sealed aluminum sheet tag.

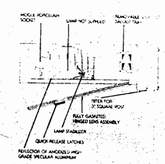
FULLY GASKETED extruded aluminum lens frame assembly equipped with two release latches for access without tools to optical chamber, ballast and wiring compartment. Lens is impact and shock resistant tempered glass.

REMOVABLE ballast is mounted on slide-out tray for easy maintenance.

ALL ELECTRICAL COMPONENTS shall be UL approved and be an integral part of the fixture. The fixture will bear the listing mark of Underwriters' Laboratories. Fixtures suitable for use in wet locations. Sockets will be glazed porcelain mogul base, nickel-plated screw shell with spring loaded center contact. All ballasts are regulating with power factor better than 0.90 (HPF). Ballasts shall provide ± 5% lamp power regulation and ± 10% input voltage regulation.

LONG LIFE CRAFTCOAT thermoset polyurethane powder coat finish. Refer to inside front cover for specification details.

3 YEAR LIMITED WARRANTY



ARCHITECTURAL 17

TYPICAL CUT-OFF LIGHT FIXTURE

Petitioner's Exhibit 6

HUMAN & ROHDE, INC.
Landscape Architects
110 E. Pennsylvania Avenue
Towson, Maryland 21204
(301) 825-3885

REVISIONS

NO	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

SCHEMATIC PLANTING PLAN
STADLER PROPERTY
RAPHAEL ROAD
BALTIMORE COUNTY, MD.

DATE : 11-28-88

SCALE: AS NOTED | DES. BY: | SHT. 1 OF 1
DATE: | DRN. BY:

SOIL LIMITATION CHART

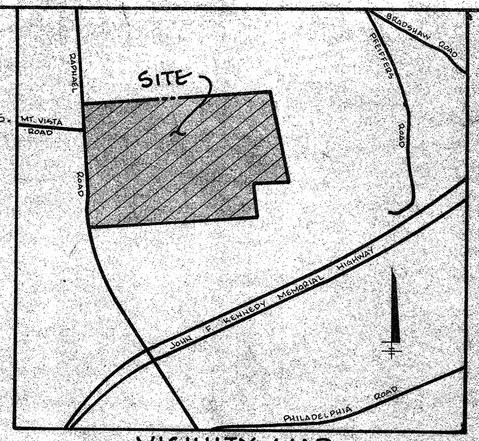
SYM.	SERIES	W/ BASEMENT	W/O BASEMENT	STREETS & PARKING	TYPE
Av	Alluvial land	Severe: high water table; flooding hazard	Severe: high water table; flooding hazard	Severe: high water table; flooding hazard	D
BtA	Beltsville	Moderate: seasonally perched water table	Slight	Moderate: seasonally perched water table	C
BtB	Beltsville	Moderate: seasonally perched water table	Slight	Moderate: seasonally perched water table; Slope	C
CkB2	Chillum	Slight	Slight	Severe: Slope	C
CkE2	Chillum	Moderate: Slope	Moderate: Slope	Severe: Slope	C
DcB	Delanco	Moderate: moderately high water table	Slight	Moderate: moderately high water table; Slope	C
EsB	Elsinboro	Slight	Slight	Moderate: Slope	B
LeB2	Legore	Severe: Slope	Severe: Slope	Severe: Slope	C
LmB	Lenoir	Severe: high water table; somewhat poor natural drainage	Severe: high water table; somewhat poor natural drainage	Severe: high water table; somewhat poor natural drainage	D
MsB2	Montalto	Slight	Slight	Moderate: Slope	B
SlB	Sassafras	Slight	Slight	Moderate: Slope	B
SlE2	Sassafras	Slight	Slight	Severe: Slope	B
WaA	Watchung	Severe: high water table; poor natural drainage	Severe: high water table; poor natural drainage	Severe: high water table; poor natural drainage	D
WaB	Watchung	Severe: high water table; poor natural drainage	Severe: high water table; poor natural drainage	Severe: high water table; poor natural drainage	D

GRADING NOTE:

There will be no overall site grading for this project. The only grading proposed will be for the clubhouse and parking area as shown hereon and for the shaping and construction of the greens, tees & sand traps.

FOREST BUFFER NOTES

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. PROTECTIVE COVENANTS GOVERNING THE USE OF THE FOREST BUFFER EASEMENT, SHALL BE RECORDED IN THE DEED TO THIS PROPERTY, PRIOR TO GRADING PERMIT APPROVAL AND SHALL RUN WITH THE PROPERTY IN PERPETUITY.



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA:

SITE ACREAGE: 110.00 AC.±
EXISTING ZONING: R.C.-5
WATERSHED: 3 SUBSEWERSHED: B1
COUNCILMANIC DISTRICT: 5
CENSUS TRACT: 411102
PROPOSED USE: EXECUTIVE TYPE GOLF COURSE (SEE ZONING NOTE)
DEED REFERENCE: 7872/186
PROPERTY NUMBER: 19-00-003441
AVERAGE DAILY TRIPS: 270/AC. 0.70×110.07 = 77.75 ADTS
OPEN SPACE REQUIRED: NONE REQUIRED
FLOOR AREA RATIO: 2400 ÷ 4,838,209.00 = 0.0005

PARKING REQUIREMENTS: GOLF COURSE = PARKING REQ. = 8 SPACES/HOLE

18 HOLES × 8 SPACES = 144 SPACES
DRIVING RANGE = 1.5 SPACES/TEE
27 TEES × 1.5 = 41 SPACES

TOTAL SPACES REQUIRED = 185 SPACES
TOTAL SPACES PROPOSED = 187 SPACES
(INCLUDING 7 HANDICAP SPACES)

PARKING LOT NOTE:

ALL PARKING AREAS AND AISLES WILL BE PAVED WITH MACADAM AND PERMANENTLY STRIPED.

GENERAL NOTES:

1. THERE ARE NO HISTORIC BUILDINGS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON THIS SITE.
2. OFF-STREET PARKING AND LOADING AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 409, BUT NO PARKING IS PERMITTED WITHIN 25' OF ANY RESIDENTIAL ZONE BOUNDARY. PARKING AREAS SHALL BE PAVED, AND ANY LIGHTING THEREOF SHALL BE REFLECTED AWAY FROM RESIDENTIAL ZONES, AND IF ON STANDARDS, LIGHTS SHALL NOT EXCEED THE HEIGHT OF 12 FEET.
3. LANDSCAPE CALCULATIONS: COMMERCIAL SITE

EXTERIOR ROAD = 1 TREE PER EVERY 40 LINEAR FEET
2000 ÷ 40 = 50 TREES
50% MAJOR DECIDUOUS = 25 TREES
30% EVERGREEN = 15 TREES
MINOR DECIDUOUS = 10 TREES

INTERIOR ROAD = 1 TREE PER EVERY 20 LINEAR FEET
1640 ÷ 20 = 82
50% MAJOR DECIDUOUS = 41 TREES
30% EVERGREEN = 25 TREES
MINOR DECIDUOUS = 16 TREES

NOTE:

HIGHWAY WIDENING AREA - 47,628 SF or 1.0934 AC.±

NOTE

STORMWATER MANAGEMENT WAIVER APPLIED FOR AND GRANTED MAY 29 1990

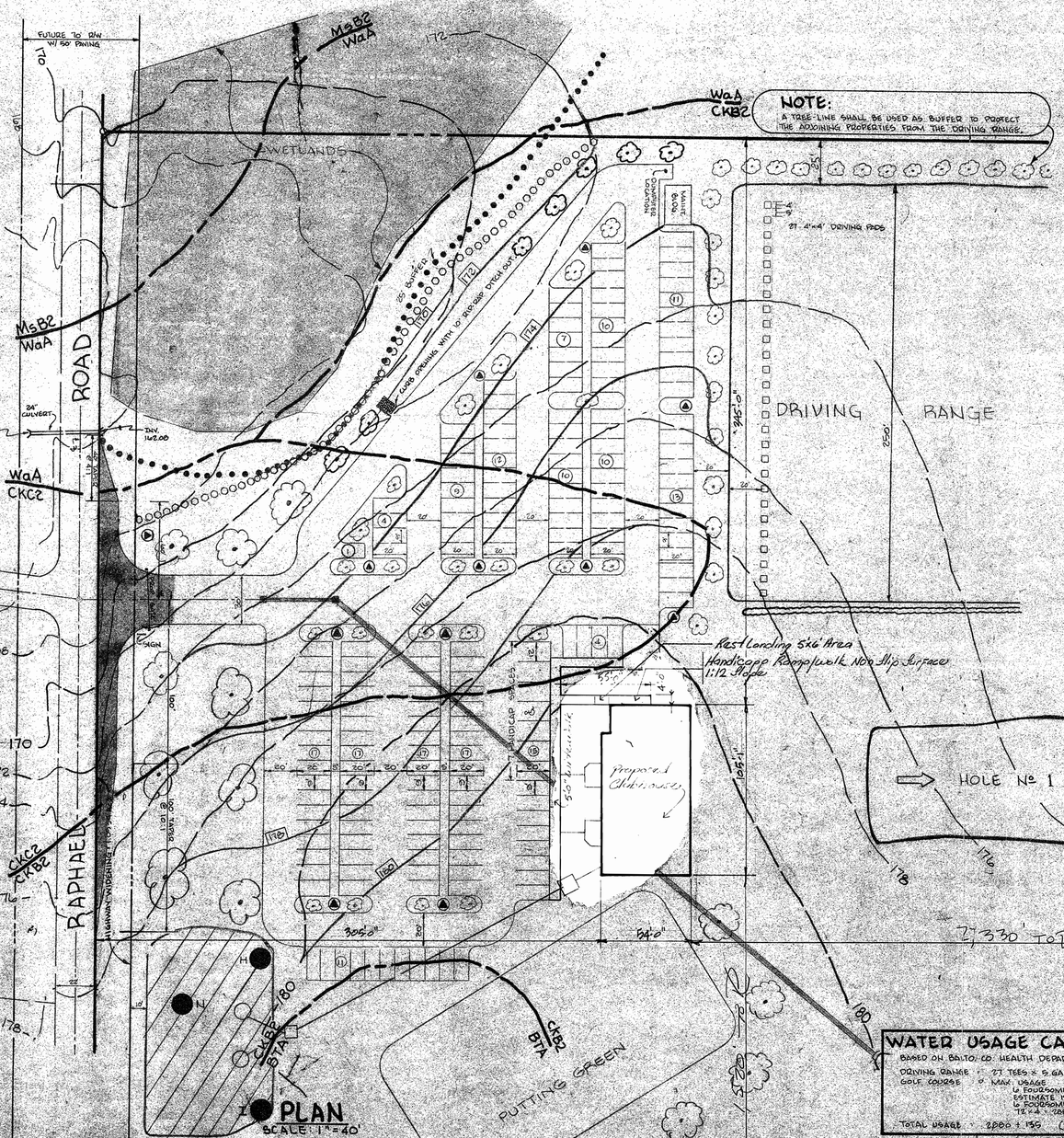
NOTE

REFER TO SHT. 5 OF 5 FOR COMPLIANCE WITH ZONING CASE 89-190-X RESTRICTIONS AND ZONING ADVISORY BOARD COMMENTS.

ZONING RESTRICTIONS

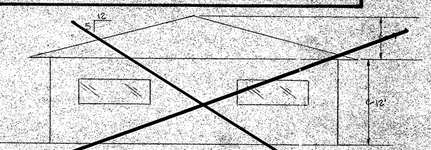
ZONING CASE #89-190-X

1. THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. PETITIONERS SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE ZONING PLANS ADVISORY COMMITTEE AS SET FORTH IN THEIR COMMENTS SUBMITTED HERETO, INCLUDING, BUT NOT LIMITED TO THOSE SUBMITTED BY THE DEPT. OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT (DEPRM) DATED 10-03-89 AND THE OFFICE OF PLANNING DATED 11-20-89.
3. CRG APPROVAL OF THIS PROJECT IS REQUIRED WITHOUT A WAIVER.
4. PETITIONERS SHALL LANDSCAPE THE PROPERTY AT A MINIMUM AS SET FORTH IN PETITIONERS EXHIBITS 5 AND 6. FURTHER, PETITIONERS SHALL PROVIDE ADDITIONAL LANDSCAPING, AS MAY BE DEEMED APPROPRIATE BY THE LANDSCAPE PLANNER IN THE OFFICE OF CURRENT PLANNING, TO BUFFER THE PROPERTY ALONG RAPHAEL ROAD, INCLUDING, BUT NOT LIMITED TO, THE PARKING AREAS.
5. PETITIONERS SHALL PROVIDE LOW-PROFILE, CUT-OFF LIGHTING FIXTURES AS DEPICTED IN PETITIONERS EXHIBIT 6 FOR THE PARKING LOT AND SHALL TAKE WHATEVER STEPS NECESSARY TO INSURE THE LIGHTING DOES NOT REFLECT ONTO ADJOINING RESIDENTIAL PROPERTIES.
6. LIGHT FIXTURES SHALL NOT EXCEED 12 FEET IN HEIGHT UNLESS APPROVED FOR HIGHER BY CRG. HOWEVER, IN NO EVENT SHALL THE HEIGHT EXCEED 18' FEET.
7. THERE SHALL BE NO LIGHTING FOR THE DRIVING RANGE UNLESS HEREINAFTER MODIFIED AFTER A SPECIAL HEARING.
8. THE HOURS OF OPERATION SHALL NOT EXCEED 6:00 A.M. TO 9:00 P.M.
9. THE GOLF COURSE AND ANCILLARY USES SHALL BE USED ONLY BETWEEN APRIL 1ST AND OCTOBER 31ST, OF ANY GIVEN YEAR UNLESS MODIFIED AFTER A SPECIAL HEARING.
10. THE AREA DESIGNATED AS EXISTING WOODS ON PETITIONERS EXHIBIT 5 SHALL REMAIN OPEN AND UNDEVELOPED UNLESS MODIFIED AFTER A SPECIAL HEARING.
11. PETITIONERS SHALL TAKE WHATEVER STEPS NECESSARY TO INSURE THAT THE ENTRANCE TO THE PROPERTY IS LOCKED EACH EVENING BY 9:30 P.M.
12. PRIOR TO THE ISSUANCE OF ANY PERMITS, PETITIONERS SHALL SUBMIT THE PLAN APPROVED BY CRG. IF THERE ARE CHANGES AS TO PLACEMENT OF INDIVIDUAL GOLF HOLES, OR THE DRIVING RANGE, THE PLAN WILL BE APPROVED BY THE ZONING COMMISSIONER AND/OR DEPUTY ZONING COMMISSIONER IF FOUND TO BE WITHIN THE SPIRIT AND INTENT OF THE ORIGINAL PLAN.
13. WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN & LANDSCAPE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTION OF THIS ORDER.



NOTE:
A TREE LINE SHALL BE USED AS A BUFFER TO PROTECT ADJOINING PROPERTIES.

NOTE:
A TREE LINE SHALL BE USED AS BUFFER TO PROTECT THE ADJOINING PROPERTIES FROM THE DRIVING RANGE.



SIDE ELEVATION
PROPOSED CLUBHOUSE
(N.T.S.)

RECEIVED FEB 22 1994

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY
DATE 3-3-94

O.K. TO FILE
DEPT. OF ENVIRONMENTAL PROTECTION & RESOURCE MGMT.
FINAL APPROVED PLAN

WATER USAGE CALCULATIONS

BASED ON BALTO. CO. HEALTH DEPARTMENT REQUIREMENTS:

DRIVING RANGE: 27 TEES × 5 GAL/DAY = 135 G.P.D.
GOLF COURSE: MAX. USAGE
6 FOURSOMES PER HOUR (10 MIN. PER FOURSOME)
ESTIMATE 12 HRS. OF OPERATION PER DAY
6 FOURSOMES × 18 HR. TX GREENS
72 × 20 = 1440 GOLFERS 1440 × 10 G.P.D. = 14,400 G.P.D.

TOTAL USAGE = 2000 + 135 (USE 5,000 G.P.D.)

ZONING NOTE:

ON 12-16-89 THE DEPUTY ZONING COMMISSIONER GRANTED A SPECIAL EXCEPTION FOR A GOLF COURSE IN AN RC-5 ZONE ON THE SUBJECT PROPERTY IN ZONING CASE #89-190-X (ITEM #103). THE RESTRICTIONS AS SET FORTH IN THE SPECIAL EXCEPTION APPROVAL ARE LISTED ABOVE.

400' SIGHT LINE NOTE

AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS. SEE SHEET 1 OF 15 FOR PLAN VIEW.

PETITIONER'S EXHIBIT 3C

Z-188580

PUBLIC SERVICES C.R.G. № 90111
PLANNING № X1-612

REVISIONS		
NO.	DATE	DESCRIPTION
1	3-26-90	REVISED PER DEV. CONF. COMMENTS
2	5-10-90	REVISED PER C.R.G. COMMENTS
3	6-25-90	REVISED PER C.R.G. COMMENTS
4	9-26-90	REVISED PER DEPRM COMMENTS
5	10-10-90	PER PER C.R.G. COMMENTS
6	12-20-90	REVISED PER C.R.G. MEETING

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNER/DEVELOPER
JAMES STADLER
1118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

C.R.G. PLAN

MOUNT VISTA GREENS
DETAILS & NOTES
RAPHAEL ROAD

Election District 11 Baltimore County, MD.

SCALE: 1" = 40'	DES. BY: J.J.L.	SHT. 4 OF 15
DATE: 4-26-89	DRN. BY: N.B.	

#89001 1 OF 12