MT. VISTA GOLF COURSE LTD PT. 97-127-SPHX
E/s of Raphael Road, 280'
N of c/l of Mt. Vista Road
11th E.D.

97-127-SPHX

~~9/02/98 @ 10:00 am PP'd~~
~~12/4/98 @ 10:00 Day #1~~
12/09/98 @ 10:00 am Day #1 ✓
3/30/99 @ 9:00 am Day #2 ✓
3/31/99 @ 9:00 am Day #3 ✓
~~6/01/99 @ 10:00 am Day #4 PP'd~~
7/13/99 @ 10:00 am Day #4 ✓
~~7/14/99 @ 10:00 am Day #5 PP'd~~
9/07/99 @ 10:00 am #5 ✓
12/09/99 @ 9:15 am Deliberation

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97-127-SPHX

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(1)

OPINIONS
ORDERS
MEMORANDUM

97-127-SPHX

97-127-SPHX

3/1/00

IN THE MATTER OF THE THE APPLICATION OF MT. VISTA GOLF COURSE, LTD. - PETITIONER FOR SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED AT THE E/S OF RAPHAEL ROAD, 280' N OF THE C/L OF MT VISTA ROAD (11101 RAPHAEL ROAD) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 97-127-SPHX

* * * * * * * * *

O P I N I O N

This case comes before this Board on appeals filed by the Petitioner, Mt. Vista Golf Course, Ltd., (hereinafter "Petitioner" or "Mt. Vista") and by the Protestants, Greater Kingsville Civic Association, Inc., and several individuals, from the decision of the Zoning Commissioner in Case No. 97-127-SPHX issued on February 2, 1998. The case was heard de novo by the Board on December 9, 1998, March 30, July 13, and September 7, 1999. Public deliberation was held on December 8, 1999.

Representing Appellant /Petitioner Mt. Vista were Edward C. Covahey, Jr., Esquire, Anthony DiPaula, Esquire, and Covahey & Boozer, P.A. Representing the Appellants /Protestants was J. Carroll Holzer, Esquire, and Holzer & Lee.

BACKGROUND

The history of this property is important to the decision of the Board in this matter and has been set forth very succinctly by the Zoning Commissioner in his decision dated February 2, 1998. Therefore, the Board will quote from that decision in setting forth the background for its decision herein.

The subject property consists of approximately 110 acres in an

area zoned R.C. 5 and lies immediately adjacent to the intersection of Raphael and Mt. Vista Roads, a short distance from I-95 in Bradshaw, near Kingsville. The Petitioners have constructed an executive 18-hole golf course on the property with a posted par of 62 and a length of approximately 3500 yards. This contrasts with a regular golf course with designated par between 70 and 72 strokes and a length of between 5500 and 7000 yards.

In addition to the 18 holes comprising the course, the property is improved with three buildings. The clubhouse building houses a pro shop for the sale of golf merchandise and collection of greens fees, offices for the management of the course, and an open area which can be used for dining. There is presently limited food service available. The basement of the clubhouse building is used for storage of equipment including golf carts, mowers, etc. The clubhouse contains a substantial size deck for outdoor activity. In addition to the clubhouse, a small building is located adjacent to the driving range to provide golf balls for patrons of the driving range and other services incidental to the facility. The driving range contains tee boxes for 30 golfers. The third building on the site is a small pump house.

The property first came before the zoning authorities of Baltimore County in Case No. 89-190-X. In that case, the Petitioner was identified as James F. Stadler, et al. Mr. Stadler apparently remains active in the operation of the facility through the present owners. In that case, the petition sought special exception relief to permit a "golf course in a R.C. 5 zone." The

matter came before Deputy Zoning Commissioner Ann M. Nastarowicz, who granted the petition by Order dated December 16, 1988. Although approving the special exception, Deputy Commissioner Nastarowicz' Order contained a number of restrictions. These included a requirement that CRG development approval be obtained for the project; that the hours of operation be limited from 6:00 a.m. to 9:00 p.m.; that the golf course and its ancillary uses be utilized only between April 1 and October 31 of each year; and that there be no lighting of the driving range.

While the reason for the imposition of the restrictions by Commissioner Nastarowicz was not set forth in her Opinion, it was apparently as a result of an agreement between the Petitioners and representatives of the neighboring community. However, there was no written agreement between these parties submitted and/or incorporated into Deputy Commissioner Nastarowicz' Order.

After receiving special exception relief, the Petitioners moved to obtain CRG approval. In Development 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 plan previously approved in special exception Case No. 89-190-X. However, certain additional modifications were required by the CRG. Moreover, the CRG approval was valid for 3 years and would expire on October 25, 1993.

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. This case also came in for a public hearing before Deputy Commissioner Nastarowicz. In that case, the property owners requested an amendment to the site plan approved in 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 2 years to 4 years. On February 12, 1991, Deputy Commissioner Nastarowicz granted the relief requested and again imposed numerous conditions and restrictions. These restrictions were basically the same as those which had been imposed previously, but, again, her Order was largely silent as to the reasons for the imposition of the restrictions.

On or about July 25, 1991, the property owners again petitioned Baltimore County for zoning relief. Specifically, a Petition for Special Hearing was filed in Case No. 92-37-SPH. In that case, an amendment of certain of the restrictions imposed in the prior Orders was sought. More particularly, the petitioners sought approval for a lighted driving range, an alteration in the operating hours of the facility, and general modifications of the stringent conditions which had been previously imposed. This matter was heard before Deputy Commissioner Timothy M. Kotroco. Deputy Commissioner Kotroco granted in part and denied in part the relief requested in an 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 22, 1992, Deputy Commissioner Kotroco denied the motion.

Following the issuance of Deputy Commissioner Kotroco's

Opinion in Case No. 92-37-SPH, the petitioners began to develop the property. An application for a building permit was filed in early 1994 for construction of the clubhouse building. The application sought permission or construction of a 1-1/2 story building. The building was shown in the permit application and accompanying site plan to be 105' x 87' in dimension.

The size of the clubhouse in the permit application was significantly different from that which was shown in all of the prior cases. The prior plans submitted in both the CRG and the prior zoning hearing showed a clubhouse building of 40' x 60'. Thus, the building requested under the permit was substantially larger than that approved during the CRG and zoning process. In error, Baltimore County issued the permit for the larger building. That building has been constructed and is in partial use. As noted, the building contains offices, storage space, a pro shop and room for dining facilities. At this time, however, the building is not in full use in view of the prior zoning orders.

Due to the ongoing construction of the building to a size larger than that which had been approved, this matter came in for yet another zoning hearing in 1996. In case No. 96-167-SPH, Zoning Commissioner Schmidt convened a public hearing to consider a Petition for Special Hearing to determine whether the building was permitted under the prior petitions. The petition was filed by the Kingsville Community Association, through Mr. Holzer, its counsel. Essentially, the petition sought clarification as to whether the building as was being constructed was in conformance with and met

the spirit and intent of the special exception granted in the prior case. Commissioner Schmidt granted the community's Petition for Special Hearing. He held that the County was not estopped to revoke its building permit and that the building was not in conformance with and failed to meet the spirit and intent of the special exception in the prior case. He also held that the proposed restaurant use of the building was not allowed. He directed the property owners to either reduce the building to the approved (40' x 60') or, within sixty (60) days of the date of his Order (June 25, 1996) to file a Petition for Special Hearing /Petition for Special Exception to legitimize the building. Although an appeal of his Order was filed, the matter was never heard by the Board of Appeals. While hearing dates were assigned, postponements were requested and granted, with no further request for scheduling received.

In October of 1997, the Petitioners filed the instant petitions seeking not only a legitimization of the existing building but the elimination of many of Deputy Commissioner's Nastarowicz' restrictions and approval to convert the facility to a full country club.

Commissioner Schmidt granted the petition in part and denied it in part. He held that the facility should not be expanded and approval was denied to permit a country club on the site. He allowed the golf course to continue with reasonable accessory uses. The club could operate all year round, be open until one hour after sunset, and serve a reasonable menu to its patrons. He limited the

number of patrons to not more than 100 at any one time. He ruled that the facility should not be leased as a catering hall, tavern or public restaurant and there shall be no lights on the driving range. Lastly, he modified the parking plan to be approved with limited lighting allowed on the parking lot. The limitation of 100 persons took into consideration the fact that the golf course would conduct tournament play and would probably have food service in conjunction with the tournaments. However, based upon water availability and the inadequate septic facilities, the clubhouse should limit its dining facilities to no more than 100 persons at any one time.

The Protestants filed a general appeal from the Zoning Commissioner's Order legitimizing a larger clubhouse and extending the hours of operation. The Petitioners filed a limited appeal with respect to the 100-person limit, the denial of the lighted driving range, and the denial of the extended hours of operation as requested in the Petition or Special Hearing. The Petition for Special Exception to use the property as a country club in conjunction with the golf course was abandoned.

The issues as identified by the Board during the four days of hearing will be discussed below.

DISCUSSION OF ISSUES

A. The Lighted Driving Range.

The driving range is in a depression in the ground 600' long x 200' wide. The range is 360 feet from Raphael Road.

Petitioners presented Jueri Zoots, as their expert witness

with respect to the lighting test conducted on the driving range. Mr. Zoots testified that four poles containing four flood lights each were erected at the end of the driving range near the tee boxes. He indicated that he was concerned with lighting the driving range, and limiting the amount of glare and spill-over light to the area outside of the driving range. He testified that he took readings above the berm which shields the driving range and found no illumination on either side of the berm nor at the fence line of the property. He did state that from Raphael Road he saw a glow from the driving range but could not see the end of the range. He also testified that there was no glow from any other area that could be seen from the Mt. Vista Course.

There was some discussion that, in order for individuals using the driving range to accurately assess their driving ability, it would be necessary to follow the arc of the ball from the time it was hit until it landed which could place the ball over 100 feet in the air. Photographs submitted by the Petitioners did not show the full extent of the lighting on the driving range, and there was some testimony that there was a glow visible on Raphael Road from the driving range. Protestants' witness, Kevin Lindsey, who lives at the corner of Raphael and Mt Vista Roads, testified that during the lighting demonstration the lights "lit up the night sky" and that he could read the date on a newspaper held by his wife as they stood at the end of their driveway across from the driving range.

Testimony was given from James Nuesline, the former general manager of Mt. Vista Golf Course for two seasons, that the lighted

driving range was necessary in order to be competitive with other lighted driving ranges. He felt that the lighted driving range would allow for individuals taking lessons to have dinner and that this was not allowed by the Zoning Commissioner's Order. Testimony revealed that most of the major golf courses in the area do not have lighted driving ranges but that the Pine Ridge Public Course in Baltimore County, and Willow Springs Executive Course in Howard County, were two courses which did have lighted driving ranges. The Pine Ridge Golf Course closes at 8:00 p.m. and is approximately 1/2 mile from the entrance on Dulaney Valley Road.

Section 406.1 of the zoning regulations states:

> All lighting installation shall be such and be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into adjoining premises.

The Board is of the opinion that the evidence shows that the installation of lights on the driving range at the golf course would create a glow in the sky and a reflection into the surrounding community. Therefore, the Board will deny the petition insofar as it requests that the driving range be lighted.

B. Time of Year Operation.

The Board does feel that year round operation of the golf course is warranted. The recent change in the climate in Maryland during the months of November, December and other winter months make it possible for golfers to play when the climate and temperature warrant. In addition, there is a small group of golfers who will play in almost any type of weather. The Board does not feel that any traffic generated by golfers playing in the

wintertime would be detrimental to the neighborhood. It certainly would not generate more traffic than would be generated during the summer months and therefore, would not have an adverse effect on the neighborhood. Therefore, the Board feels that year round operation of the golf course should be allowed.

C. Hours of Operation.

The Order of the Zoning Commissioner is confusing to say the least. He states:

> The golf course facility shall be open year round with hours of operation not to extend one hour after sunset on any given day, and as such, an amendment to certain restrictions of the Order issued in prior Case No. 89-190-X to extend the hours of operation to 12:00 a.m. weekdays and 1:00 a.m. on Friday, Saturday and Sunday evenings in lieu of the allowed 9:00 p.m. be and it is hereby granted subject to the following restrictions....

In the body of his decision, the Zoning Commissioner indicated that the club could operate year around and be open until one hour after sunset. It is assumed that this is what he meant by his Order.

The Board feels that there should be more of a definite time period so that the Petitioner and Protestants will understand clearly the hours of operation granted to the club. Therefore, the Board shall order that the club be closed at 6:00 p.m., Eastern Standard Time, except during those months of daylight savings time, when the club shall be closed at 9:00 p.m.

D. Parking Plan.

The modified parking plan, as proposed by the Petitioners, includes 12-foot light poles and paving of the parking lot. The

lighting does not appear to cause glaring reflection on adjoining premises. Although the petition for conversion to a country club has been abandoned, the parking plan adequately serves the golfers at the present time and will be allowed.

E. Building Size.

The most difficult issue before the Board in this matter is the size of the clubhouse.

As stated above, the original size of the clubhouse on the plans presented to Deputy Zoning Commissioners Nastarowicz and Kotroco as well as to the CRG was 40' x 60'. When the Petitioners applied to Baltimore County for a building permit, the size of the building on the plans was 105' x 87'. Baltimore County granted the building permit in error, and the clubhouse is substantially completed, although it is not being fully utilized due to restrictions placed upon its use by the Zoning Commissioner. The 105' x 87' building includes the overhang for the entrance way and porches around the building.

While the panel majority does not agree with our dissenting panel chair that the building should be torn down or modified to a 40' x 60' building as originally planned, the majority does not wish to send a message that it condones the actions of the Petitioners in filing a plan with the County which they well knew did not correspond to the previous building which had been presented to the Zoning Commissioner and to the CRG. The majority cannot accept that this plan presented to the building permit office in Baltimore County was submitted in error. This matter had

been pending too long for any individual to make such an error in the presentation of plans for the building. The Board does not wish to indicate that should a similar situation arise in a future case that it would not order that the building be torn down or modified to the appropriate size.

However, in this situation, the building is an attractive building which does fit in with the surrounding neighborhood and could not be considered "an eye sore." It was 95 percent completed before the community raised any objections. In modifying the building, there is no guarantee as to what type of modifications could be made to meet the 40' x 60' requirement and therefore the majority will allow the building to stay in its present state.

However, the panel does not feel that the Petitioners should be granted the kitchen which they propose nor should they be granted the ability to serve meals in the dining room. The testimony and evidence was quite clear from Baltimore County's Department of Environmental Protection & Resource Management (DEPRM) that the water and septic systems on the site will not support a full-service food operation nor a large number of patrons.

J. Robert Powell, Supervisor of Soil Evaluation for DEPRM, testifying on behalf of Protestants, stated that DEPRM told the Developer that the septic reserve area dictated a very limited type of club house. It would not allow a full scale restaurant because of the extra water consumption caused by dishwashers, etc. In addition, the septic system could not accommodate more than 100

people. Even with the proposed Bio-Clear system, which Petitioners intend to install, the soil must still pass a percolation test, which at the present time has not been done.

The Board has also considered testimony that the club should be allowed at least 144 patrons in order to host golf tournaments which would have eight golfers on each hole (four sets of two). The Board considers that such a tournament is practical on a full-size golf course of 5,500 to 7,000 yards, but is not practical on a short executive course of 3,500 yards such as Mt. Vista.

Therefore, the Board finds that, while the clubhouse shall remain at its present size, the number of patrons shall be limited to 100 with DEPRM approval. The kitchen will not be authorized. The food service will be limited to light snacks, and the catering events strictly limited to golfing tournaments.

In making its decision, the Board is mindful of the decision of Judge Davidson in Schultz v. Pritts, 291 Md. 1 (1981) which stated:

> When the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses. Such uses cannot be developed if at the particular location proposed they have an adverse effect above and beyond that ordinarily associated with such uses.
>
> * * *
>
> The duties given to the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.
>
> * * *

> If [the applicant] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the mater is one for the Board to decide.

With this decision in mind, the Board finds that a lighted driving range would be detrimental to the neighborhood and would adversely affect the public interest. In addition, it finds that the neighborhood would not be adversely affected by operation of the golf course on a year round basis and by limiting the hours of operation to 6:00 p.m. during eastern standard time and 9:00 p.m. during daylight savings time. The Board does not find that the parking lot as presented would adversely affect the neighborhood. Finally, the Board would allow the size of the clubhouse to remain as presently configured, in that it does not adversely affect the neighborhood. However, the operation of the clubhouse shall be limited to no more than 100 patrons due to the adverse effect which could be found by the inadequate water supply and septic system at the present time. In addition, the Board finds that the kitchen must be limited to the present operation due to the same factors of water and sewage. The Board does not feel that catering events strictly limited to golfing tournaments would adversely affect the neighborhood.

O R D E R

IT IS THEREFORE this 1st day of March, 2000 by the County Board of Appeals of Baltimore County

ORDERED that the request for special hearing is **GRANTED** in part and **DENIED** in part subject to the following restrictions:

1. There shall be no lighted driving range on the property.

2. The hours of operation for the golf course shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Eastern Standard Time, except during those months when daylight savings time is in effect, at which time the hours of operation shall be from 6:00 a.m. to 9:00 p.m.

3. The golf course shall be allowed to operate twelve (12) months per year.

4. The parking plan as modified and approved by the Zoning Commissioner is **APPROVED** by the Board and will be allowed.

5. The building shall be allowed to remain at 105' x 87' but there shall be no enlargement of the kitchen operation and the present eating facility shall remain, with the club limited to serving a reasonable menu to golfers and their guests at a capacity of not more than one hundred (100) persons at any one time. The Petitioners are prohibited from advertising or promoting their facility as a restaurant/catering hall but may service up to one hundred (100) persons associated with golfing tournament events.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Thomas P. Melvin

Lawrence S. Wescott

3/1/00

IN THE MATTER OF THE THE APPLICATION OF MT. VISTA GOLF COURSE, LTD. - PETITIONER FOR SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED AT THE E/S OF RAPHAEL ROAD, 280' N OF THE C/L OF MT VISTA ROAD (11101 RAPHAEL ROAD) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 97-127-SPHX

* * * * * * * * *

CONCURRING /DISSENTING OPINION

I agree with and concur with the opinion of my colleagues in this matter except as it relates to the issue of the size of the clubhouse building.

The Petitioners have carried this project before two zoning commissioners as well as to the CRG for almost 10 years. Plans presented to each contained a clubhouse in the dimensions of 40 feet by 60 feet. When, however, Petitioners applied for their building permit, they produced plans for a building 105 feet by 87 feet, obtained permits for a building of that size, commenced and have virtually completed construction.

I agree with the Majority in its determination that the Petitioners "well knew" that the plan filed with the County was in excess of that presented to and authorized by the Zoning Commissioners and the County Review Group (CRG). I also concur with the rejection by the Majority of the premise that the enlarged building plan was submitted to the County in error.

Unfortunately, having brought themselves to the water, the Majority has decided that it isn't thirsty. In deciding to allow the building to remain 105 feet by 87 feet, the Majority observed

that the building was "attractive," it appeared to "fit in" with the neighborhood, and was "95% completed" before the size of the building was questioned. In addition, they noted that the building was under-utilized by the Petitioners, in apparent conformance with the restrictions previously imposed by the zoning commissioners. Finally, my colleagues were concerned and unsure as to the type of modifications that would be necessary to reduce the clubhouse to its lawfully permitted size.

In response, I reject the idea that the relative "beauty" or compatibility of the enlarged clubhouse to the "style" of the surrounding community is at all relevant. If it were "ugly" or "just plain," would the Majority support its return to a lawful size? The paramount issue is the Petitioner's determination to flaunt and intentionally act to subvert a valid decision by the Zoning Commissioner by ignoring it.

The larger building was unlawfully and, I believe, knowingly constructed by the Petitioners. The fact that the actual construction progressed to any particular degree does not confer legitimacy to the intentional wrongful act. Does the Majority suggest that if construction were only 75% complete they would have ordered Petitioners to comply with the permissible size? Or 50%? The mere percentage provides no acceptable rationale. Likewise, the time frame in which the community brings Petitioners' conduct to disclosure is of no importance. The community is neither tasked to set zoning requirements and restrictions nor to enforce them.

I take the position that the Petitioners, having placed

themselves in this predicament by their own actions, can certainly be determined to possess the requisite skills and professional assistance to determine how the clubhouse may be brought into compliance with its lawfully permitted size. They will have to obtain permits for their ameliorative plans which will then be approved by the County in its normal course of business.

Lastly, I have little faith in the Petitioners' present under-utilization of the larger structure. Given the history of this matter, a reliance on the adherence of the Petitioners to the restrictions set by the Board must be subject to some doubt.

The Board has denied the proposed kitchen and severely restricted use of the clubhouse building and the surrounding property. The Petitioners' egregious misuse and disregard of the zoning and permit process should not be rewarded in any way. To do so would be contrary to the Board's responsibilities and would send the worst possible message to future like-miscreants. The present existence of a larger building is only necessary in anticipation of an attempt on the part of the Petitioners to rationalize a future expansion. Our clear message should be that conduct such as that of the Petitioners in this case to date cannot in any way be allowed to inure to their benefit.

Likewise, to allow the unlawfully sized structure to remain would be tantamount to saying to the present Protestants and communities throughout the County that the right to rely on zoning statutes and procedures to protect the lawful use and enjoyment of property can be abrogated by the willful disregard of those

statutes and procedures; and that the fruits of such disregard will not likely be subject to cure.

Zoning is an orderly and lawful process that protects the rights of individuals, citizens and their communities while allowing planned, orderly and proper uses of all kinds in appropriate places and under appropriate conditions and restrictions. Like any set of rules, it is only as strong as the willingness and ability to enforce them. This is a case in which those rules should be enforced and the clubhouse reduced thereby to its lawfully permitted size of 40' by 60'. Therefore, for the reasons set forth above, I **DISSENT**.

Lawrence M. Stahl, Chairman

DATE: March 1, 2000

County Board of Appeals of Baltimore County

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March 1, 2000

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508 Fairmount Avenue
Towson, MD 21286

RE: In the Matter of Mt. Vista Golf Course Ltd.
Case No. 97-127-SPHX

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter, along with the dissenting /concurring opinion of Mr. Stahl.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Bianco
Administrator

encl.

cc: Edward C. Covahey, Jr., Esquire
Daniel P. Crispino /Mt. Vista
Golf Course Ltd. Partnership
Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.
Greater Kingsville Civic Assn., Inc., and Kevin Lindsay
Diane Neas
Fran Snyder
Leroy Sparr
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IN THE MATTER OF MT. VISTA GOLF COURSE, LTD. PARTNERSHIP – PETITIONER 11101 Raphel Road 11th Election District 5 Councilmanic District	*	BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS Case No.: 97-127-SPHX

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BRIEF OF MT. VISTA GOLF COURSE
LIMITED PARTNERSHIP, PETITIONER AND CROSS-APPELLANT

Mt. Vista Golf Course Limited Partnership (hereinafter "Mt. Vista"), by its undersigned counsel, respectfully submits this Memorandum in lieu of closing argument, as requested by the Board at the conclusion of the last hearing date on September 8, 1999.

I. INTRODUCTION

This is an appeal from a decision of the Zoning Commissioner for Baltimore County in case #97-127SPHX, issued on February 2, 1998. Originally, a Petition for Special Exception was filed seeking approval of the Mt. Vista Golf Course facility as a country club in addition to a golf course, and a Petition for Special Hearing was filed seeking various amendments to originally-imposed restrictions and for further approvals. Generally, the special hearing requests included a lighted driving range; year-round operation instead of closing during the winter months; extended hours of operation in lieu of closing at 9 with the gates locked by 9:30 p.m.; a modified parking plan, to accommodate the country club use; and approval of a larger building than that which was originally approved by the County Review Group (CRG) but which was the subject of a building permit that was later determined to have been issued in error. Zoning Commissioner Schmidt approved the larger building; granted year-round operation, weather permitting; granted a modified parking plan; and altered the hours of

operation to 1 hour after sunset year round. The lighted driving range was denied, as was the Petition for Special Exception for the use of the property as a country club in conjunction with the golf course. Commissioner Schmidt did allow limited food service as an appropriate menu for golfers, and limited the number of persons utilizing the facility to 100.

An appeal of the entire decision was filed by the Greater Kingsville Civic Association, Inc., and Kevin Lindsay, individually. A limited appeal was filed by Mt. Vista with respect to the 100-person limit, denial of the lighted driving range, and denial of the extended hours of operation as requested in the Petition for Special Hearing. The Petition for Special Exception, having been denied below, has been abandoned.

Testimony was taken over five separate days on December 9, 1998, March 30 and 31, 1999, July 13, 1999 and September 7, 1999. Mt. Vista offered the testimony of eleven witnesses, and introduced 34 exhibits. The Appellants offered nine witnesses and 31 exhibits. This Memorandum is in no way intended nor could it effectively summarize all of the testimony of all of the witnesses, nor could it address all of the salient points that were raised during the course of this extended hearing, but is intended solely as a substitute for closing argument, and a good-faith attempt to address the major points.

II. ISSUES AND ARGUMENT

A. LIGHTED DRIVING RANGE

This case is not the first attempt by Mt. Vista to obtain permission for a lighted driving range, and on at least two previous occasions, lights were denied. Previously, denials were based upon the lack of evidence that the lights would satisfy the standards set forth in §406.1 of the Baltimore County Zoning Regulations (BCZR). That section provides:

could probably be made to work with a limit of 150 people, but that too, as is shown above, is too restrictive. This limitation, where none existed previously, should be foregone.

C. BUILDING SIZE

The issue of the size of the building has actually been litigated *ad nauseum*. The Kingsville Association cried foul when the building was 95% complete, claiming that Mt. Vista by subterfuge committed such a horrible act in building a larger building. While in an earlier proceeding Commissioner Schmidt found that the building as constructed did not fit within the spirit and intent of what was originally approved by the CRG[1], he did allow for there to be filed a Petition for Special Hearing to approve the larger building. That was done in this case and was approved below. The record, especially with the previous opinions introduced by the Appellants, clearly shows that the building permit application was filed, a revised plan was submitted with the building permit application, and the change in the building should have been obvious to the County's reviewing personnel. The original plans, introduced as Exhibit 27, show how the area of the building was whited-out on the blueprints. The fact of the matter is that John Sullivan, zoning office employee, missed it and approved the permit. There were no strings pulled or back-door deals made, and the permit took four months to obtain before construction began. The Kingsville residents watched the building be constructed, and Mr. Lindsay kept close tabs, as he testified. No one complained to the County until the building was 95% complete. Final construction, including the remainder of the landscaping and paving of the parking lot, was then halted when the building permit was revoked and a stop-work order issued. The intent of constructing the larger building was to accommodate outings such as golf

[1] Case No. 96-167-SPH.

§406.1—all lighting installations shall be such and be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into adjoining premises.

The last denial by Deputy Commissioner Timothy Kotrocco contained a query that probably the only way to prove this would be to bring in temporary lights and do a test. That was the only way envisioned by the Deputy Commissioner that this burden of proof could be satisfied. Mt. Vista took Mr. Kotrocco's invitation and conducted such a test in this case. Mt. Vista also retained Mr. Jueri Soots, a lighting expert with an impressive background and experience to perform the test, to study the site, to make recommendations, and to determine whether the standards of §406.1 could be met. Lighting in today's world has become as sophisticated as everything else. There are different types of fixtures, bulbs, directional controls, baffles, shades, variations in wattages, and various other methods to control lighting to obtain a desired result. The pictures taken during the lighting test and introduced as Exhibits 6A and B speak volumes. It is clear just from those pictures that there is no spillover lighting of any kind beyond the driving range area. Light meter tests taken just feet behind the driving tees, and onto the parking lot of Mt. Vista, several hundred feet from Raphel Road showed zero light. The standard to be met is that there be no "direct or glaring reflection". These terms are not defined in BCZR and therefore, pursuant to §101 of the BCZR, one must look to the Webster's Third New International Dictionary of the English Language. The dictionary pages were introduced as Exhibit 8, and again speak volumes. Although it seems obvious, something cannot be a glare unless one's eyes are in direct line with the source of the light or the lamp. Something is "glaring" when it is "shining with or reflecting a harsh, uncomfortably bright light; blindingly bright". Something has a "glare" when it is a "harsh, uncomfortable bright light or reflection of light; intense disagreeable brightness; painfully bright". The most anyone

can say about the light test was that there was a slight glow in the area of the driving range. Obviously, the area will not appear as dark, but the effect is that there is no spillover light into adjoining premises, and nothing meeting the definitions of a direct or glaring reflection.

Mr. Lindsay, one of the Protestants and Appellants who lives on the corner of Raphel Road and Mt. Vista Road, testified that his wife could read a newspaper while standing on her front lawn. Exhibits were also introduced showing the light emanating from his own house (Exhibits 30B, C and D), and it should be noted that there is a public utility street lamp right on the corner of Mt. Vista Road and Raphel Road, directly in the area where Mrs. Lindsay was performing her newspaper test. See Exhibits 18, 19 and 28. A slight glow in the area of the driving range, directed away from the Lindsay property and Raphel Road, is of no consequence. There is no spillover light to any other property, and the driving range is several hundred feet from the Lindsay property. Further, while Mt. Vista would like to have the ability to have the driving range open to the public for practice and for giving lessons in the evening hours after sunset and up to as late as 11 p.m., the Board, in its discretion, can limit those hours to an earlier time if deemed appropriate. While it is not warranted, a limitation to 10 p.m. should more than suffice. This is so especially in light of the trees on the Lindsay property which help to screen it from the driving range area, as well as the berm and the pine trees on the Mt. Vista property which add further screening. There are also pine trees directly behind the tee boxes on the driving range which grow taller every day.

Mr. Soots also addressed the parking lot lights, and described the design factors in preventing spillover light. His lighting plan was more than illustrative of the efforts to keep the light on the Mt. Vista property, and prevent it from escaping anywhere else. The light meter readings within feet of the parking lot light sources will be negligible. Their approval is not

before the Board, as they are what was permitted earlier but not yet constructed. His testimony on those lights was offered to give the Board the overall lighting design package.

Counsel would be remiss if it was not further emphasized the importance of offering the ability to give lessons after work hours, when natural light is not available. In this area, the testimony of Fred Christian, the golf pro, confirmed the number of requests that he has for lessons but which cannot be accommodated because of the inability to teach after sunset. Mt. Vista being a public golf course, though not subsidized by a public entity or agency, needs the ability to offer a full-service driving range to the public in order to be a viable golf course. It should also be noted that Mr. Soots' testimony was uncontroverted and uncontradicted, and there does not appear to be any evidence weighing against allowing a lighted driving range.

B. NUMBER OF PEOPLE

The underlying decision limited the number of persons that could utilize the Mt. Vista facility at any one time to 100 people. There was no previous restriction on the number of patrons, and why this was imposed is not altogether clear. Even as a pure golfing facility, this is simply too restrictive. All golf courses occasionally have tournaments, and it is very common to start two foursomes per hole in a tournament setting. Additionally, with any tournament there is usually a gathering to eat after golf play, and some type of awards are also presented. There are normally additional guests after the golf which join the golfers. Two foursomes per hole in a tournament setting would be 144 golfers as testified to by the golf pro. Even though the golf course would be closed to the public for that day because of the tournament, others may wish to use the driving range which has 30 tees. If even half of those tees are used, that is an additional 16 people. If any additional guests join the golfers for the post-tournament festivities, there could easily be 175 people using the facility on that day. It

tournaments and affairs, and to provide a reasonable place for golfers and other patrons to obtain a decent meal. Even Commissioner Schmidt found that it is not uncommon for a golfer and his or her guests to want to obtain a decent burger or lite fare after golfing. Certainly something beyond what is provided now at Mt. Vista should be permitted. Currently patrons can only get snack items and warmed-over hotdogs or warmed-over pizza, nothing actually cooked on site.

There was much to-do about the square footage of the building in the actual request. From all the exhibits introduced, it seems clear that the square footage requested simply mirrors what the County determined the square footage to be, based upon its form of measurement. The County includes the overhang and the rear deck on the building, as well as the vestibule and the front roofed drive-up. As Rick Chadsey testified, the actual square footage of the building is much less. It is an attractive building, as conceded by the Protestants. If constructed without a permit, then the request by the Protestants that it be torn down might reasonably be entertained, although that would be truly a waste. It is enough of a waste that portions of the building are currently roped off and not used until this proceeding is completed.

The number of patrons which can be served and the type of menu and cooking facilities that can be provided may ultimately be limited by what the site can and cannot accommodate. There has been a problem in the past obtaining sufficient percolation tests for there to be a sufficient septic system. In addition, water supply on the property is not as abundant as one would hope. There is the ability to drill additional wells, and in fact there is a second well on the property that is not utilized. Obtaining zoning approval for these uses is the first step, before ultimately going through the permitting process and gaining the approvals of the various county agencies to actually implement what is approved. The reasonable golfer's menu, and

the ability to accommodate at least 175 people is a reasonable request from a zoning perspective. Whatever representatives from DEPRM may say at this stage will only become relevant when the use, if permitted by zoning, is implemented. For this reason, much of the testimony offered by the Appellants from the various County representatives is of no consequence at this stage. Needless to say, it was opined by both Rick Chadsey of George William Stephens and Associates, Inc., eminently qualified to testify as an expert, and Norman Gerber, P.E. and former director of planning and the most qualified of all witnesses, that to the extent satisfying the requirements of BCZR 502.1 is necessary to amend the restrictions to the original special exception, all of 502.1 is met. Their opinions with respect to traffic were based, in part, upon the traffic study performed by The Traffic Group as testified by Mickey Cornelius, that the roadways serving the site, even during peak hours, can accommodate the maximum traffic generated by the site for any intended use.

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D. YEAR-ROUND OPERATION/HOURS OF OPERATION

Amending the original restrictions to allow year-round operation was frankly not strenuously opposed. The original restriction was borne out of some nebulous agreement claimed to exist between the nearby residents and the exiting partner of Mt. Vista, James Stadler. There is no confirmation of this agreement in any letter, declaration of covenants, or formal contract. Supposedly it was promised that the golf course would not operate year-round, and that alleged promise made its way into the original special exception order. The logic behind the restriction is lacking as the fall and early winter are very enjoyable times to golf. When winters are mild as they have been for the last few years, there does not appear to be any reason to deny avid golfers the opportunity to golf. A golf course that is struggling for existence could certainly utilize whatever revenue it can generate, and having to close its doors

and lay dormant for the months of November, December, January and February seems absurd. There does not appear to be any detriment or any compelling reason to deny an amendment to allow year-round operation. Commissioner Schmidt could find none. Even if this was in fact part of an earlier agreement, who is to say that agreements can never be amended or modified? Allowing golfers to play year-round in no way contravenes BCZR 502.1.

The same can be said for hours of operation. Since its original grant, the golf course has been permitted to remain open until 9:00 p.m. with its gates to be closed by 9:30. Probably in an effort to avoid the course and clubhouse becoming a social club, Commissioner Schmidt thought it best to limit the use purely to golf, and figured no one would golf after sunset. He allowed an hour after sunset to close the facility. This variable closing time would change daily. After Daylight Savings Time ends in October, the facility would have to be closed and locked sometimes before 6 p.m. This becomes more a problem if the lighted driving range is permitted. If the driving range is permitted to be lighted, and is even allowed to remain open just until 10 p.m., all food service could end at that time or even slightly before, and the facility could be closed by 10:30 p.m. or 11 p.m. It would appear that the latest it could be open under Commissioner Schmidt's order is approximately 9:30 p.m. as is currently allowed. This overlooks the driving range as a connected though somewhat separate part of the facility that can be used even after sunset. Mt. Vista has requested 11 p.m. or 12 a.m. on weekends, but recognizes the Board's inherent authority to alter the requests and to implement such revisions or restrictions as the Board deems appropriate. Allowing the driving range to remain open during the week for some evening hours, and possibly even a little later on weekends necessitates changing Commissioner Schmidt's restriction regarding hours of operation to a fixed time.

E. MODIFIED PARKING PLAN

A modified parking plan was requested originally when a country club was proposed with the golf course. There is no specific requirement for parking with a country club and a golf course. The number of spaces required for a golf course has been met many times over, and there are sufficient spaces on site to accommodate numerous uses. Therefore, at this stage the modified parking plan is essentially a non-issue. It may not even be necessary for the zoning commissioner to approve the parking plan as proposed because the country club use was abandoned. In any event, the parking plan as proposed should be approved as part of the overall site plan.

F. GENERAL POINTS

The Board heard from several witnesses, not just Mt. Vista owners and employees, but residents from the area and experts who have studied the site and the proposed uses. Danny Crispino explained how the golf course from its inception up through just several years ago was in the hands of his exiting partner, Jim Stadler, and how the golf course and its uses have evolved over the years. There has been a substantial monetary investment in the site. The public complains about there never being enough golf courses, and Mt. Vista is trying to address that as a privately funded course yet open to the public. The costs to play golf are extremely reasonable at Mt. Vista, yet it needs to survive. Mr. Crispino also explained how the building permit was applied for and issued, and the remainder of the history up through the present. Mt. Vista has planted additional trees in various places around the course and along its perimeter to add additional buffer and screening. It has taken steps to hire experts to determine whether any of its proposals negatively impact the community. It has spent substantial sums on studying the traffic issue and had the site and its proposed uses studied by the preeminent

planning expert, Norman E. Gerber. Its proposals have overwhelming community support as evidenced by the signed petitions that were introduced as Exhibit 31. It has tried to be a good community member as evidenced by Exhibit 29. It has opened its facilities to County youth. It is studying and investigating alternative methods of satisfying the County's percolation requirements so that once the necessary zoning approvals are obtained, it can move forward with its reasonable plans.

What are the complaints from the Appellants/Protestants? They claim that promises have been broken. Mt. Vista disagrees. If the County had noticed a layman's mistake in filing for the building permit, no permit would have ever been issued without there being a hearing to amend the previously approved CRG plan. While it is true that one cannot claim estoppel against the County, it is not as if Mt. Vista was hiding something when the building permit application was filed. The simple fact is that it was the reviewing personnel missed the change, and the party filing the application did not know that the building permit plan had to match the CRG plan. Laymen cannot be held to the same standards as engineers and attorneys. What promises have allegedly been broken? None. Anything Mt. Vista wants to change from what was originally approved, due to evolution of the site and changing times, has always been the subject of a Petition for Special Hearing. Nothing has been done unless permission was sought and granted. There is no lighted driving range because those lights have not yet been approved.

A few members of the community do not like the larger building, even though the style and size of the building is commensurate with the nicer homes that are built within a stone's throw of the site. That particular area of Kingsville, as testified by neighbor Mr. Bill Snyder, contains some upscale expensive homes. The presence of the golf course and its clubhouse is not deterring people from moving to the area, but in fact encouraging it. The golf course is an

asset and most people, as was testified at the hearing, prefer to live near a golf course. For the most part it provides a scenic view of well-groomed landscaping.

Other complaints or fears? There is a fear of groundwater and well water being depleted, without any concrete support for this fear. No one has had a problem with their well, nor will they. A traffic issue? Even at peak times, the maximum aMt. of traffic generated by the Mt. Vista site can more than be accommodated. Allowance was made for up to 200 cars, with each one of a possible 200 patrons using his or her own vehicle and traveling during rush hour, to see if there would be an appreciable impact on traffic in the area, and none was found. Traffic studies were taken both in the wintertime, and during the height of the season with Huber's Farm open for business at the corner of Raphel Road and Route 7 (Philadelphia Road), with no appreciable difference in the numbers.

There is an apparent fear of further expansion of the golf course use. It has been made clear by Commissioner Schmidt such that it is not even presently requested from this Board that Mt. Vista be allowed catered affairs or a facility available for social gatherings. It is not a banquet hall or a Fontaine Bleu. Golfing affairs should be permitted, however, and even at any golf course one should be able to obtain a decent meal. A golf course/golf club should be permitted to offer tournaments. With tournaments in the past, food has been brought from off-site and provided by outside sources, or cooked outside on-site (e.g., open pit beef). Some food could be prepared on-site and a reasonable menu could and should be available.

A complaint of light and noise? The clubhouse building is lit for security reasons, without having the benefit of parking lot lighting. Furthermore, it should be noted that the lights on the building are on a timer and are off by 11 p.m. Most people's residences have their exterior lighting lit until at least 11 p.m. or 12 a.m., again for security reasons. There is

probably more light and noise generated from nearby Interstate 95 than from the Mt. Vista property. A lighted driving range will not be of consequence to anyone, as has been adequately shown earlier in this Memorandum and by the evidence adduced. Furthermore, lights in the area are not without precedent, as with Franklinville Field (Exhibit 9) and the church near the subject property. Noise would consist at most of a car door or two, and with the manner in which the property is graded with a berm along Raphel Road and screening, noise emanations will be of no consequence.

None of these reasons given by the Protestants/Appellants are valid grounds for denial of the relief requested.

To the extent BCZR §502.1 must be satisfied in light of the requested amendments to the original grant, the standard for special exceptions is set out in the case of Schultz v. Pritts, 291 Md. 1 (1981) as follows:

> ...the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone

Id. at 15. There has been nothing produced by the Protestants to support a denial of the modifications based on this standard. The lighted driving range would produce the same slight glow if anything, but certainly no "direct or glaring reflection"; the traffic and its non-impact, and all else would be the same located anywhere within the zone. It is only grounds for denial if the proposed uses at the particular location proposed would have any adverse effects above

and beyond those normally associated with the uses irrespective of the location within the zone. That is not the case here.

III. CONCLUSION

For the reasons given and based upon the evidence produced, the Board should look favorably upon the Petition for Special Hearing, and approve the building as constructed; allow year round operation as did Commissioner Schmidt; approve the parking plan; amend the hours of operation to 11 p.m. on weeknights and 12 a.m. on weekends or such other time as the Board deems appropriate; and allow lights on the driving range, again for whatever hours the Board deems appropriate. There will be absolutely no direct or glaring reflection onto any adjoining property, not even with the temporary lights that were utilized for the test, it being reasonably assumed that the lights as ultimately constructed would net even better results, if that is possible. Furthermore, to the extent the Board is going to place a restriction on the number of persons that can utilize the facility at one time, a restriction that was never imposed before but which was set at 100 persons by Commissioner Schmidt, that number should reasonably be at least 175 people to accommodate those situations when tournaments are played at Mt. Vista and to otherwise allow for a full compliment of golfers, persons practicing on the driving range, with golfers and/or guests who may have finished golfing having some food and beverage in the clubhouse. Whether the property can ultimately provide the necessary water and septic facilities to accommodate a limited food service and the proposed numbers is an issue that should be left for another day. The answer to that question, however it may turn out, should not affect the zoning approval.

While Commissioner Schmidt did his best to balance the situation and allow Mt. Vista to do what by all rights it should be permitted to do, he probably drew the line a little further in

favor of the Protestants than necessary or based upon the evidence presented. The lighted driving range should without question be permitted in the manner in which it is proposed. The hours of operation are of course subject to reasonable restrictions, but the number of person restriction is of new origin. It is frankly unnecessary. Year-round operation should also by all rights be permitted.

Edward C. Covahey, Jr.

Anthony J. DiPaula
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Attorney for the Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25TH day of October, 1999, a copy of the foregoing Brief of Mt. Vista Golf Course Limited Partnership was sent by first class mail, postage prepaid, to:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

People's Counsel for Baltimore County
400 Washington Avenue, Room 47
Towson, Maryland 21204

Anthony J. DiPaula

av9910025

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
T. Melvin
L. Wescott

DATE: November 2, 1999

FROM: Kathi

SUBJECT: Case No. 97-127-SPHX /Mt. Vista Golf Course Ltd. Partnership /Substitution Page -Brief of Mt Vista

Please see the attached letter from Tony DiPaula regarding the subject case. Enclosed with that letter is a replacement page for the Brief filed on behalf of Mt. Vista (to properly identify witness as Mickey Cornelius) as indicated in Mr. DiPaula's letter.

Le me know if you have any questions regarding the attached.

kathi

Attachments (2)

FILE

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THOMAS P. DORE
ROGER J. SULLIVAN
MICHAEL T. PATE

* ALSO ADMITTED TO D. C. BAR

ANNEX OFFICE
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November 1, 1999

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Baltimore County Board of Appeals
Attn: Cathy Bianco
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: In the Matter of Mt. Vista Golf Course, Ltd. Partnership
Case No.: 97-127-SPHX

Dear Cathy:

This is somewhat embarrassing, but somehow on page 8 of the Brief of Mt. Vista, reference was made to testimony by Wes Guckert of The Traffic Group. Our notes are abundantly clear that the representative who testified was Mickey Cornelius. Surely the Board's notes reflect the correct name of the witness, but if it is at all possible for you to substitute the enclosed pages for that page of the Memorandum that was filed earlier, it would be greatly appreciated.

Very truly yours,

Anthony J. DiPaula /amv

Anthony J. DiPaula

AJD/amv
Enclosures
cc: J. Carroll Holzer, Esquire
amv1199006

the ability to accommodate at least 175 people is a reasonable request from a zoning perspective. Whatever representatives from DEPRM may say at this stage will only become relevant when the use, if permitted by zoning, is implemented. For this reason, much of the testimony offered by the Appellants from the various County representatives is of no consequence at this stage. Needless to say, it was opined by both Rick Chadsey of George William Stephens and Associates, Inc., eminently qualified to testify as an expert, and Norman Gerber, P.E. and former director of planning and the most qualified of all witnesses, that to the extent satisfying the requirements of BCZR 502.1 is necessary to amend the restrictions to the original special exception, all of 502.1 is met. Their opinions with respect to traffic were based, in part, upon the traffic study performed by The Traffic Group as testified by Wes Guckert, that the roadways serving the site, even during peak hours, can accommodate the maximum traffic generated by the site for any intended use.

Mickey Corwelius

D. YEAR-ROUND OPERATION/HOURS OF OPERATION

Amending the original restrictions to allow year-round operation was frankly not strenuously opposed. The original restriction was borne out of some nebulous agreement claimed to exist between the nearby residents and the exiting partner of Mt. Vista, James Stadler. There is no confirmation of this agreement in any letter, declaration of covenants, or formal contract. Supposedly it was promised that the golf course would not operate year-round, and that alleged promise made its way into the original special exception order. The logic behind the restriction is lacking as the fall and early winter are very enjoyable times to golf. When winters are mild as they have been for the last few years, there does not appear to be any reason to deny avid golfers the opportunity to golf. A golf course that is struggling for existence could certainly utilize whatever revenue it can generate, and having to close its doors

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IN RE:	PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION – E/S of Raphael Road, 280' N of the c/l of Mt. Vista Road (11101 Raphael Road) 11th Election District 5th Councilmanic District	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 97-127-SPHX
	Mt. Vista Golf Course Ltd. Part. Petitioners	*	

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

MEMORANDUM OF PROTESTANTS IN LIEU OF FINAL ARGUMENT

The Greater Kingsville Civic Association, Inc., Kevin Lindsey, et al., Protestants, hereby submit this Memorandum in Lieu of Final Argument, as requested by the County Board of Appeals, through their attorney, J. Carroll Holzer, Holzer and Lee, and says:

STATEMENT OF CASE

This matter arises before the Board (hereinafter the "CBA") as the result of a limited appeal by the Petitioner and cross appeal by the Protestants from the decision of the Zoning Commissioner dated February 2nd, 1998. The Petitioners filed a Petition for Special Hearing and Special Exception on behalf of Mt. Vista Golf Course Limited Partnership. The Petition for Special Hearing requested relief as follows:

1. To approve an amendment to the previously approved Special Exception in prior Case No. 89-190-X from a golf course to a golf course and country club with clubhouse and other appropriate facilities;

2. To approve an amendment to the previously approved site plan in Case No. 89-190-X to allow a club house building that is 105 feet by 87 feet in lieu of 40 by 60 feet dimension approved;

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3. To approve an amendment to certain restrictions of the Order issued in prior Case No. 89-190-X to extend the hours of operation to 12:00 a.m. on weekdays and 1:00 a.m. on Friday, Saturday and Sunday evenings in lieu of the permitted 9 p.m.;

4. To allow a lighted driving range to be open until 11 p.m. and to permit the facility to remain open year-round in lieu of the mandated time frame of March 15th through November 30th of any year;

5. To approve a modified parking plan.

The Special Exception petition requested approval for a "country club" operation pursuant to Section 1A04.2.B.8 of the BCRZ.

The Zoning Commissioner decided the case on February 2, 1998, in which he denied the request to amend the previously approved Special Exception to permit a "country club" with clubhouse; granted an amendment to allow a clubhouse building 105 by 87 feet; granted extensions in the hours of operation; denied the lighted driving range; granted an amended parking plan; and finally denied the Petition for Special Exception to approve the use of the property as a "country club".

The Protestants filed a general appeal from the Zoning Commissioner's Order legitimizing the larger clubhouse and extending the hours of operation. The Petitioner filed a limited appeal objecting to only the conditions imposed by the Zoning Commissioner on the hours of operation, the denial of the lighted driving range, and the limitation of 100 patrons in the dining room.

The case was tried before the CBA on multiple hearing days, concluding on Sept 7, 1999. Memorandum were requested by the CBA.

STATEMENT OF THE FACTS

A. ZONING HISTORY OF THE SUBJECT SITE

The CBA has been presented with the previous zoning decisions concerning the history of this site. The history is relevant to the issues raised in this case before the CBA.

1. Case No. 89-190-X (Protestant Exhibit 3) – Deputy Zoning Commissioner Ann Nastarowicz on December 16, 1988, granted a Petition for Special Exception for a golf course with conditions. The Deputy Zoning Commissioner recognized that an Agreement existed between the Community and the Petitioners in which the community protestants agreed to the approval of the Special Exception for a golf course in return for various limitations and conditions thereon. Such limitations included limiting the hours and months of operation, limitations on the use of the 40' by 60' foot clubhouse which was shown on the Plat to accompany the Special Exception, and denying lighting on the driving range, all of which limited the nature and scope of the golf course operation permitted on the site.

2. Case No. 91-209-SPH (Protestant Exhibit 4)– In this case, Deputy Zoning Commissioner Ann Nastarowicz on February 12, 1991, extended the Special Exception utilization from two to three years to permit the golf course to be developed. In addition, she required Petitioners to comply with Case No. 89-190-X, to landscape the property in conformance with the previous case; she denied the lighting for the driving range again, she granted additional relief on the months of operation.

3. Case No. 92-37-SPH (Protestant Exhibit 5)– Petitioners went back to Deputy Zoning Commissioner Timothy Kotroco on November 5, 1991, again requesting a

lighted driving range, extended hours of operation, and extending the months of operation. Deputy Zoning Commissioner Kotroco extended the months of operation, again denied the lighted driving range and denied the extended hours and reaffirmed the previous cases.

Case No. 96-167-SPH (Protestant Exhibit 6)– Zoning Commissioner, Lawrence Schmidt, on June 25, 1996 as a result of a Petition for Special Hearing filed by the community, determined that the Petitioners built a clubhouse which exceeded the approved Special Exception permitted in Case No. 89-190-X from 40 by 60 feet to 87 by 105 feet. This Petition was required to be brought by the community to enforce the conditions attached to all of the previous zoning cases limiting the size of the facility and the operation.

In clear violation of their own zoning petitions and plats, the Petitioners, with full knowledge of the existing limitation of 40 by 60 feet for the clubhouse,prepared and submitted, and obtained improper approval of a CRG plan showing a clubhouse of 105 by 87 feet. This error on the part of the Zoning authorities reviewing the CRG was caused by the Petitioners in that they were well aware of the limited size of a 40 by 60 foot clubhouse authorized by the previous zoning cases cited above. Nevertheless, they submitted a plan for a larger clubhouse which received a permit erroneously issued by the County. The testimony of Avery Hardin before this Board also confirmed that the final landscape plan was never submitted to the County for approval, and the permit should not have been issued by the County without landscape plan approval. Upon these facts, Commissioner Schmidt on June 25, 1996 found that the existing

clubhouse was not in conformance with the spirit and intent of the Special Exception granted in Case No. 89-190-X and the Petition for Special Hearing filed by the community was granted. He further required that the Petitioners had sixty days to either tear down the building to bring it into compliance with the 40 by 60 dimension, or to seek a Petition for Special Hearing to amend the previously approved Special Exception. The Petitioners took an appeal to the Board of Appeals which they subsequently dismissed. They failed to file a Petition to Amend the Special Exception within the time frame permitted by the Zoning Commissioner and many months later, they ultimately filed the Petition for Special Exception in the instant case.

4. Case No. 97-127-SPH-X (Protestant Exhibit 7) (The instant case) – In this case, while granting the approval for an 87 by 105 foot clubhouse, the Zoning Commissioner stated, "I make this ruling with a great difficulty, fearing that the Petitioners will perceive my action as a legitimization of their inappropriate acts in improperly constructing the building in the first place". In again denying the lighted golf course, the Zoning Commissioner found that a lighted driving range would cause a "stadium-like glow on and glaring reflection into the surrounding community". He further extended the club hours to year-round operation and denied the use of the site as a country club finding that, "Approval of this facility to operate in a fashion similar to those clubs could be disastrous for the surrounding locale. The site itself and the surrounding infrastructure are insufficient to support such an intense country club use".

B. FACTS BEFORE THE CBA

Protestants do not intend to restate all of the testimony of various witnesses presented by both sides recognizing that the members of the CBA maintained their own notes of the testimony. Protestants, instead will comment upon the testimony of various witnesses as it relates to the substantive issues presented in this case.

1. Petitioner's Case – Jueri Soots, the Petitioners lighting expert, while providing technical data about the lighting and technical definitions in regard to glare, recognized that the purpose of a driving range being lighted was to enable the user to see a golf ball for the entire length of the potential drive of the ball. In this case it was established that good golfers can drive the ball 200 yards, or 600 feet. Soots acknowledged that the lighting would not only illuminate the course of the ball 200 yards down range, but would also be high enough to be able to follow the arc of the ball from the tee. The CBA can take into account its own awareness of the potential glare and illumination and halo effect that would be generated by the proposed lighting. Protestants submit that in a darkened rural setting, such as Kingsville, lighting for a 200 by 600 square foot area would meet the definition of "glare" as defined by Soots. That is, "glare" is anything objectionable to your field of vision, reflecting off water, glass, etc. The same testimony before the Zoning Commissioner resulted in his determination that there would be an impact on surrounding properties by the "glare", or "halo" effect, of this proposed lighting.

James Nueslein testified for Mt. Vista, indicating that he wanted a lighted driving range from a financial standpoint to be competitive with other golf courses. Fred Christian, a PGA member and golf professional described what an executive golf course is supposed to be. The Board will recall that originally, in 1988, this course was to be an

"executive golf course" which is a "smaller course designed to get in and get out quick in three hours" according to Fred Christian. Christian testified that there were other lighted driving ranges within twenty minutes of the proposed site. Very clearly there is no demand in the Kingsville area that has gone unmet as a result of the other driving ranges that are easily available to anyone who would like to drive golf balls in the evening. This fact again reinforces that the purpose of the lighted golf course is purely for financial gain for Mt. Vista Golf Course.

Daniel Cristino testified that he became a partner, and was involved with the course in 1992 and was familiar with the zoning rules and regulations. He acknowledged also that he knew the Zoning Commissioner only permitted a 40 by 60 foot building. Cristino testified that after receiving the stop work order they went ahead and proceeded with finishing the building and took a calculated business risk in finishing the 87 by 105 foot clubhouse that exists today. Cristino testified that the lighted golf course is needed to produce more revenue. Cristino testified that he intends to provide food service in the dining room of the club and that he objects to the limitation to 100 individuals imposed by the Zoning Commissioner. At some point in the future, he testified, he may intend to request a liquor license. Cristino denied having done any market analysis in regard to the dining room.

Rick Chadsey, from GW Stevens, testified in regard to the plan. Chadsey would have the Board believe that there are no environmental problems in regard to septic and sewage disposal issues. He testified that the "Bioclere" system was being reviewed by the County. His testimony was subsequently rebutted by County officials who testified to the contrary, that the septic system was extrememly limited to what had been proposed

before the Zoning Commissioner in 1989. If the Board believes that there truly is an environmental problem with the lack of an adequate septic area, then under Section 502.1, this fact would certainly impact the Special Exception criteria insofar as the "overcrowding of land". Chadsey acknowledged that as of today they had not located an acceptable area for sewage disposal.

Norman Gerber's testimony as a land planner was nothing but a restatement of the Chadsey and Soots testimony concerning the impacts on the surrounding property.

2. Protestant's Case – Kevin Lindsey, an adjacent property owner living directly across the street from the proposed clubhouse, testified in regard to a meeting with the Petitioners in 1988, before the first case and coming to an Agreement with the Petitioners to support the request for a golf course in return for "no lights on the driving range, parking lot reduction, landscaping, hours of operation, operation limited in terms of months and the size of the facility". Lindsey attended the first case wherein Ms. Nastarowicz, the Deputy Zoning Commissioner, confirmed the Agreement in her opinion.

Leroy Sparr likewise testified as to the impact of the club on the surrounding neighborhood and showed a videotape of the site and the community (Protestants Exhibit 12).

Diane Neas, a neighbor, testified in regard to a number of concerns, including lighting and the previous restrictions. Ms. Neas testified as to her concerns as a neighbor in regard to the lighting, her concerns for the septic issues, size of the kitchen and dining facilities as well as the distrust that has been generated in the community based upon the continued violations of the Baltimore County Zoning Regulations by the Petitioner going back the 1989 hearing before the Deputy Zoning Commissioner. She introduced an

exhibit that provided a list of golf courses and country clubs that did not have lighted driving ranges.

Douglas Behr testified as to the original proposed landscape plan which has not been complied with by the Petitioners since 1989. He introduced nighttime photos of the club house which show that it stands out like a "sore thumb" in the surrounding neighborhood as a result of the present clubhouse illumination.

Finally, Nancy Hastings and Dorothy Foos, the past President and current President of the Kingsville Community Association, testified in regard to their efforts in forcing compliance by Mt. Vista to live up to the obligations imposed in the various zoning cases. Dorothy Foos was particularly poignant in her testimony in regard to the repeated efforts of all the members of the community who have attended multiple hearings in this case because of the actions of the Petitioner in failing to observe the rules and regulations of the Baltimore County Zoning Regulations and the Baltimore County Code, in addition to their breaking promises that were agreed to in 1989.

Also of significant note was the testimony of the independent County witnesses from DEPRM and PADM. Their testimony was instructive in this case to the performance, reliability, and credibility of the Petitioner. First, Avery Harden (PADM) testified that in his opinion the original landscape plan has not been complied with, and in fact, the Petitioner should never have gotten a permit to construct the building because Harden had never signed off on the landscape plan which was required before permits could be issued. As of the present time, the landscape plan which was required in 1989 has never been approved by Harden.

Second, Al Worth and Dave Lykens and Mike Moorfield (DEPRM), all testified in regard to the violation by the Petitioner of State and County rules, by constructing a dam on an existing stream in the summer of 1999. In addition, they testified that a storm water management plan had never been approved by Baltimore County for the subject site. Finally, Rob Powell (DEPRM) testified that the existing septic system was designed for the original plan to accommodate only a small snack bar without a grill and limited toilet facilities. The septic system was not designed to accommodate any additional food service, including any catering food, or any events or functions that would draw large numbers of people above and beyond the original limited golf course use in the 1989 order of Nastorawicz. Powell further found that perc testing has been performed in several areas on this site and the results established that this site is insufficient to provide for another septic system. Powell further testified that he would not approve any plan for over fifty (50) people.

The documents and exhibits of the official County records submitted in this case support the testimony of the County representatives.

QUESTIONS PRESENTED

1. The CBA has jurisdiction to declare a violation of terms, conditions, and limitations imposed in a zoning order and to request enforcement by other appropriate county agencies.
2. There has been no change in conditions on the subject site or adjacent neighborhood to warrant an amendment of Case No. 89-190.
3. The Petitioner has failed to meet the requirements of Baltimore County Zoning Regulations Section 502.1.

4. The Department of Envrionmental Protection and Resource Management (DEPRM) has indicated and provided limitation on the site as it relates to the septic situation thereby precluding the ability to provide for dining facilities.

5. Breech by Petitioner of contract with community in 1989.

6. Remedies requested by Protestant/Community.

LEGAL ARGUMENT

I. The CBA has jurisdiction to declare a violation of terms, conditions, and limitations imposed in a zoning order and to request enforcement by other appropriate county agencies.

The CBA has requested whether or not it has authority to enforce conditions and limitations in a Zoning Order by the Zoning Commissioner. The answer is clearly "yes" for the following reasons.

The authority to impose conditions and enforce said conditions is clearly recognized in the Annotated Code, Article 25(a) Section 5(u), enabling legislation providing for the Baltimore County Board of Appeals. In 5(u), it sets forth the power of the Board to hear applications for "zoning variation or exceptions or amendment of zoning ordinance map...the approval... or other form of permission...". Implicit in the authority of the Board to grant a special exception is the authority to impose conditions under Article 25(a) Section 5(u). Turning to the Baltimore County Charter Section 602, the charter provides for judicial review and appeals flowing from the grant or denial of special exceptions by the Zoning Commissioner. More specifically, the Baltimore County Council has enacted the Baltimore County Zoning Regulations, Section 502, which provides the authority for the Board of Appeals to review, when requested, special exceptions. In B.C.Z.R. Section 502.1 the Board is knowledgeable of the requirements which must be met before a special exception may be granted. In Section 502.2 the Board is

specifically granted, along with the Zoning Commissioner, the right to "shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties".

Clearly then, the County Board of Appeals as well as the Zoning Commissioner has the authority to impose conditions or restrictions.

When those conditions are violated, the Zoning Commissioner clearly has the right under 500.6 to conduct hearings involving any violation or alleged violation or non-compliance with any Zoning Regulation subject to the right of appeal to the Board of Appeals. In BCZR Section 500.7 the Zoning Commissioner as well as the Board of Appeals shall have the authority to pass such orders in their discretion as may be necessary for the "proper enforcement of all zoning regulations". Under Section 500.7 "the right of interested persons to petition the Zoning Commissioner for a public hearing to determine the existence of any proported non-conforming use or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations" is set out. Additionally, the CBA is well aware that under Baltimore County law and the Baltimore County Code there is a separate zoning enforcement procedure which can be utilized by the Director of Permits and Licenses and Development, but that is a process that is non-exclusive. In other words, this Board is not prohibited from finding that a violation or failure to meet a condition has in fact occurred just because there is a separate enforcement process of a zoning violation. To confirm that position, it is clear in the Baltimore County Code, Section 26-119, penalties may be provided for violations of any final written order. More importantly, Section 26-120 provides injunctive relief which states that, "in addition to all other remedies provided by the law the Director of Zoning

Administration and Development Management or any person whose property is affected by any violation may maintain an action in an appropriate court for an injunction...".

To summarize, it is clear that the Zoning Commissioner and/or this Board have the authority to impose conditions before the grant of a special exception and the Zoning Commissioner and this Board have authority to declare upon full review of the facts and evidence that a violation of a term or condition has occurred. In this case, the clear violation of the limitation imposed on the grant of the special exception with a club house 40 by 60 feet.

It is recognized that this Board does not have authority to grant an injunction or to personally cite the Petitioner for a violation thereof by way of an enforcement proceeding, but this Board does have the authority, after hearing the case, to determine that a violation of a term or condition has occurred and additionally has the authority and responsibility to request that the appropriate enforcement agency, be it the County Law Office, the Director of PADM, proceed on behalf of the Board to enforce the conditions imposed in the original Zoning Commissioner or Board of Appeals Order.

II. **There has been no change in conditions on the subject site or adjacent neighborhood to warrant an amendment of Case No. 89-190.**

The Protestants join with the People's Counsel in his letter of August 11, 1998 submitted in this case, to suggest that upon conclusion of all of the testimony received in this case, that there is neither legal justification nor material changes sufficient to amend the Petition as originally approved. The current Petition seeks expansion for a larger building facility and restaurant, year-round operation, a modified parking plan, and lighted driving range. The approval by the Zoning Commissioner in this case below permits a dramatic expansion over what was originally approved and then refined between 1988 and 1992. It is clear that no testimony was introduced by the Petitioner that there has been a change in the neighborhood, nor

for that matter a change in the operation of the golf course except for the desire to make additional monies from expanded operation and the introduction of a dining facility where none was originally proposed in 1989. The Protestants legal support for this proposition is found in the case of Whittle v. Board of Zoning Appeals 211 Md. 36 (1957). In that case the Court sited the general rule that "after the lapse of such time as may be specified by the ordinance, a Zoning Appeals Board may consider an act upon a new application for a special permit previously denied, but that it may properly grant such a permit only if there has been a substantial change in conditions". See Bassett on Zoning (Second Edition 1940 pp. 119-120) and Yokley on Zoning Law and Practice (1953 Edition Section 128). The basis for the general rule that there must be some substantial change in conditions which would permit a change or enlargement or an expansion of previously granted special exception, rest as the Court discussed, not on the doctrine of "res judicata", but upon the proposition that it would be arbitrary for the Board to arrive at opposite conclusions on substantially the same state of facts and the same law. In the instant case, we have a situation where the neighborhood, the circumstances, the subject site has not changed, nor have the conditions changed in the surrounding neighborhood. As a result, this Board should not grant an expansion of the previously granted special exception in 1989 absent the showing of "a substantial change of conditions", which has not occurred here. This general principle has also been expressed in Woodlawn Area Citizens Asociation v. Board of County Commissioners for Prince George's County 241 Md. 187 (1965). There, the Court adopted again the Whittle case and the general rule as dispositive of the issue. The Court in Woodlawn found no substantial or significant change in fact or law was shown to have occurred between the initial application and the subsequent applications. As a result, in the Woodlawn case the County Council erred in granting rezoning since substantial or significant change could not

reasonably be found. Here, no evidence exists at all of a substantial change in either law or in fact or in condition and therefore this amendment to the special exception must be denied.

III. **The Petitioner has failed to meet the requirements of Baltimore County Zoning Regulations Section 502.1.**

The Petitioner, by the evidence presented before the CBA has failed to meet the criteria set forth in BCZR Section 502.1 in the following fashion:

1. The request for more than 100 person seat dining room. The testimony of Rob Powell of DEPRM is sufficient to establish that in his testimony and reports, that the septic area is capable of handling only what was permitted in the 1989 Zoning Order, and that was 50 people. He testified that the initial limitation of a snack bar and machines in the 1989 proposal was the extent to which the facility should be utilized. He reaffirmed that position in writing and in his testimony before the CBA limiting the number of persons to fifty. On the environmental impact aspect of the Petitioner's request alone, the request for a hundred or more individuals in the dining room is detrimental to the health, safety, or general welfare of the locality involved from an environmental standpoint, creates a potential health hazard, tends to overcrowd the land, and tends to interfere with adequate provision for sewerage. This request should be denied.

2. The lighted driving range. As found by all of the previous Zoning Commissioners a lighted driving range would create a glare which would impose upon the adjacent properties in violation of Section 502.1 in that it would be detrimental to the health, safety, or general welfare of the locality, and inconsistent with the purpose of the property's zoning classification and spirit and intent of the Zoning Regulations.

3. Enlarged Club House from 40 by 60 feet to 87 by 105 feet. This violates the original Agreement between the Community and the Developer for a 40 by 60 foot facility with

limited internal use, it is in violation of the 502.1 criteria in that it's detrimental to the health, safety, and general welfare if it is utilized for large dining events at the club house and that it tends to overcrowd the land and it interferes with adequate sewerage and it is inconsistent with the previous special exceptions granted in 1989.

4. Hours of operation and length of operation. These extended conditions would be in violation of the original Agreement purpose between the Community and the Petitioner and would negatively impact on the health, safety, and welfare of the Community involved. Likewise, the additional parking requested would be in violation of all of the previous conditions for the reasons stated.

IV. **The Department of the Environment and Environmental Protection (DEPRM) has indicated and provided limitation on the site as it relates to the septic situation thereby precluding the ability to provide for dining facilities at present.**

Protestants submit that the clear and unambiguous testimony of Al Worth, Dave Likens, Mike Moorefield, and Rob Powell, all of DEPRM, establish that the existing septic system and County approvals from a health standpoint were related to the original 40 by 60 foot building with limited functional use therein. It was designed to accommodate only a small snack bar without a grill and limited toilet facilities. It was not designed to accommodate any additional food service, catering events, or functions which would draw large numbers of people for the purpose of dining such as suggested by the Petitioner in this case. Contrary to the testimony of Rick Chadsey, it is clear from the testimony of the independent County officials in DEPRM that no approvals, no alternative proposals, and no further adequate septic areas have been found at this point for purposes of enlarging the system. The "Bioclere" system which Chadsey indicated to the Board had been presented to the County, was in fact not presented, nor reviewed, nor

approved by DEPRM. For the environmental reasons alone, the amendment to the special exception should be denied for dining in excess of 100 persons.

V. **Breech by Petitioner of contract with community in 1989.**

The evidence presented in this case by all of the Protestants who were involved in this case in 1989 indicate that a contract existed between the Petitioner and the Community in regard to the nature and extent of the proposed golf course on the subject site. The Community gave up its ability to oppose the golf course in the special exception hearing in 1989 in return for certain agreements in regard to the size of the club house, the hours and extent of the operation of the golf course, and the limitations of a "executive" golf course which limited the nature and scope of the activities on the site. In return for giving up their right to oppose the special exception, they received an Agreement that the club house would be limited in scope and use, there would be no lighting on the driving range, and that the hours and months of operation would be limited. Since the initial Agreement and the initial case, 89-190-X, the neighbors and Protestants Community Association have been required to participate in four separate cases before both the Zoning Commissioner and the Board of Appeals (eight times) in order to attempt to maintain the Agreement and not have it eroded by the activities of the Petitioners. As Dorothy Foos, current President of Kingsville Community Association, testified, "enough is enough".

In addition to the fact that the Petitioners have constantly been requesting modifications in their favor, they have also violated the original Zoning Order:

1. They failed to get the final landscape plan approved and Avery Harden testified that even as of this date the original landscape plan has not been complied with nor approved by him. They have also failed to plant the original plan.

2. They have repeatedly battered the Community with Petitions and Requested Amendments for an additional lighted driving range.
3. They illegally, and with full knowledge on their part, presented to the County a CRG plan which violated the original size and scope of the club house from 40 by 60 feet to 87 by 105 feet.
4. They have ignored their responsibilities under the law to comply with Zoning Orders as late as 1996. In Case 96-167 the Zoning Commissioner ordered them to tear the building down or file a special exception request and it took them months to do that resulting in this case.
5. They illegally placed a dam in a stream on the golf course in the summer of 1989 so as to provide water to the golf course in violation of State and County rules.

They have demonstrated an utter contempt for the Zoning Authority, the Zoning Rules and Regulations, and the Zoning Commissioner's Orders from beginning to end from 1989 until today. This Board should reject any and all requests under the special hearing by the Petitioner for an extension, an expansion, or any sort of approval under the special exception request. Petitioners have had enough opportunities and enough consideration.

VI. **Remedies requested by Protestant/Community**.

The Greater Kingsville Civic Association, Kevin Lindsay, et al., Protestants, hereby request this County Board of Appeals to deny the request by the Petitioner for additional hours of operation, and additional months of operation, to deny the lighted driving range, and to impose a limit and condition in regard to the number of people who might be utilizing the dining facilities that exist to fifty. The Protestants further request that in regard to the amendment requested to the special exception for approval of an enlarged club house building of 87 by 105 feet, that this

Board deny such request and require the building to be removed to the original size approved in 1989. This larger building was not caused by the err of a Baltimore County employee in the Zoning Office who improperly signed off on a permit permitting the club house. This was an intentional act on the part of the Petitioner, knowing full well that they had submitted special exception plans for a club house the size of 40 by 60 feet. The Petitioner knew what had been approved and was smart enough to come back for additional requests in successive cases to obtain permission for other matters, and yet, in regard to construction of a larger club house, they never sought an amendment from the Zoning Commissioner for that. They cleverly submitted an amended CRG plan for an enlarged club house for CRG approval, knowing full well that if it slipped by the zoning reviewer in the Zoning Office that they could get their permit, which they did. This Board should find that this action was intentional on the part of the Petitioner and that the request for special exception for an enlarged club house should be denied. If the result of the Board's decision requires that the club house be torn down, then so be it.

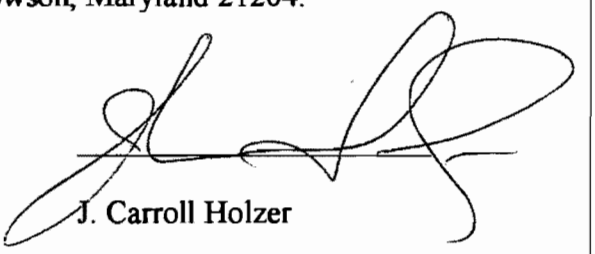
Wherefore, the Protestants respectfully submit this Memorandum and request the County Board of Appeals to deny all aspects of the special hearing requested by the Mt. Vista Golf Course Limited Partnership.

Respectfully submitted,

J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286
410-825-6961

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 25th day of October, 1999, a copy of the foregoing Memorandum was mailed first class, postage pre-paid to Edward Covahey, Jr. and Anthony DiPaula at Covahey and Boozer, 614 Bosley Ave., Towson, Maryland 21204.



J. Carroll Holzer

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3/6/98 JO R V

IN RE:	PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION E/S of Raphael Road, 280' N of the c/l of Mt. Vista Road (11101 Raphael Road) 11th Election District - 5th Councilmanic District Mt. Vista Golf Course Ltd. Part. - Petitioners Case No. 97-127-SPHX	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No. 97-127-SPHX

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

NOTICE OF APPEAL

Appellants Greater Kingsville Civic Association Inc.; and Kevin Lindsay individually, by and through their attorney J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the decision of the Zoning Commissioner of Baltimore County rendered on February 2, 1998.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted,

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

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MAR [redacted]
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PDM

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21204

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of ~~February~~ March, 1998 a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to, Anthony DiPaula, Esquire, Covahey & Boozer, P.A. 614 Bosley Avenue, Towson, MD 21204.

J. Carroll Holzer

NOTICES\A:\mtvista.noa

3/6/98
TO K

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

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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

March 4, 1998

HAND DELIVERY

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

RE: CASE NO.: 97-127 SPHX
MT. VISTA GOLF COURSE LIMITED PARTNERSHIP

Dear Mr. Jablon:

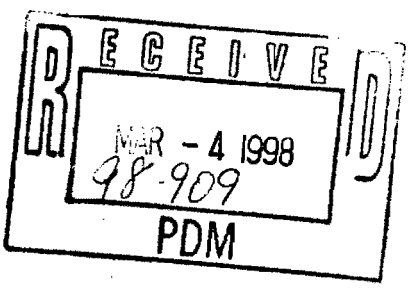
Please note an appeal to the County Board of Appeals from those portions of the Decision dated February 2, 1998 restricting the number of persons to 100, denying a lighted driving range, and denying extended hours of operation as requested in the Petition for Special Hearing. Enclosed is the fee of $210.00 as required.

Very truly yours,

Anthony J. DiPaula

AJD/ds
3'ds.21
enclosure

cc: Mt. Vista Golf Course Limited Partnership
J. Carroll Holzer, Esquire



2/2/98

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - E/S of Raphael Road, 280' N of the c/l of Mt. Vista Road (11101 Raphael Road) 11th Election District 5th Councilmanic District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 97-127-SPHX

Mt. Vista Golf Course Ltd. Part. Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, Mt. Vista Golf Course Limited Partnership, by, Daniel P. Crispino, President of DACR, Inc., a General Partner, through their attorney, Anthony J. DiPaula, Esquire. Within the Petition for Special Hearing, relief is requested as follows: 1) to approve an amendment to the previously approved special exception in prior Case No. 89-190-X, from a golf course to a golf course and country club with a club house and other appropriate facilities, as provided in Section 1A04.2.B.8 of the Baltimore County Zoning Regulations (B.C.Z.R.); 2) to approve an amendment of the previously approved site plan in Case No. 89-190-X to allow a club house building that is 105' x 87' in dimension in lieu of the 40' x 60' dimension approved; 3) to approve an amendment to certain restrictions of the Order issued in prior Case No. 89-190-X to extend the hours of operation to 12:00 AM weekdays and 1:00 AM on Friday, Saturday and Sunday evenings, in lieu of the allowed 9:00 PM; to allow a lighted driving range to be open until 11:00 PM; and, to allow the facility to remain open year-round in lieu of the allowed time frame of March 15th through November 30th of any year; and 4) to approve a modified parking plan, pursuant to Section 409.12.B of the B.C.Z.R. Within the Petition

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for Special Exception, relief is requested for approval of a country club, pursuant to Section 1A04.2.B.8 of the B.C.Z.R. The Petition for Special Exception is required only if the relief sought within the Petition for Special Hearing is legally insufficient to allow the expansion of the existing use to a country club facility. The subject property and relief sought are more particularly described on the site plan received into evidence as Petitioner's Exhibit 11.

The public hearing for this matter was duly scheduled, advertised, and posted with a sign on the subject property. The matter was called for public hearing on December 17, 1997 and the hearing was conducted that day. When the matter could not be concluded on that day, a continued hearing was conducted on January 8, 1998.

There were numerous individuals who appeared at one or both hearing days in this matter. The existing use and proposal has generated significant public interest. Appearing and testifying in support of the relief requested was Daniel P. Crispino, a partner in the Mt. Vista Golf Course Limited Partnership, the Petitioner/property owner. Also present and testifying in support of the request were Ronald Bunting, the general manager of the golf course, and Frederick J. Christian, the golf professional employed on the site. Several expert witnesses also testified in support of the Petition. These included Glenn Cook, a traffic consultant with The Traffic Group, Inc., Jueri Soots, a Security/Lighting expert, who testified regarding matters of illumination of the course, and Frederick M. Chadsey, III, an Engineer, and Dean Hoover, a Land Planner, both of whom are employed with George W. Stephens, Jr., Inc., the engineering firm which prepared the site plan for this project. In addition, a number of neighbors appeared in support of the Petition. Among those who testified

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were Joel Scott, Marshall Clayton, Bernadette Stundick, and William Snyder. Letters in support were received as well as a Petition which had been signed by numerous individuals from the locale. The Petitioners were represented by Anthony J. DiPaula, Esquire.

Testimony was also taken from a number of Protestants, all of whom reside in the vicinity. They included Leroy M. Sparr, Kevin Lindsey, James Brusak, Diane Neas, Fran Snyder, and Nancy Hastings. The Protestants were represented by J. Carroll Holzer, Esquire.

The subject property consists of approximately 110 acres in area, zoned R.C.5, and lies immediately adjacent to the intersection of Raphael Road and Mt. Vista Road, a short distance from I-95 in Bradshaw, near Kingsville. The property has been improved as an executive 18-hole golf course. In the parlance of the golfing community, an executive course is distinguished from a standard/regular course by its length. Generally, most standard golf courses designate Par as between 70 to 72 strokes, and a length of between 5,500 and 7,000 yards. Mt. Vista, on the other hand, posts a Par of 62, and is approximately 3,500 yards in length.

In addition to the 18 holes which comprise the course, the property is improved with three buildings. The largest of same is a club house building (105' x 87' in dimension). This building houses a Pro Shop, which includes an area for the sale of golf merchandise and greens fees, offices for the management of the course, and an open area which can be used for dining. Presently, there is limited food service available. Additionally, the basement of the club house building is used for storage of equipment, including golf carts, mowers, etc. The club house also contains a substantially sized deck for outdoor activity. In addition to the club house building, a small building is located immediately adjacent to the driving

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range. Presently, the driving range contains Tee-boxes for 30 golfers. The driving range building is used to provide golf balls to patrons of the driving range and other services incidental to that facility. The third building on the site is a small pump house.

In order to appreciate the present request, a brief summary of the zoning history of the property is appropriate.

The property first came before the zoning authorities of Baltimore County in Case No. 89-190-X. In that case, the Petitioner was identified as James F. Stadler, et al. Mr. Stadler apparently remains active in the operation of the facility through the present owners. In that case, the Petitioner 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 special exception, Deputy Nastarowicz' Order contained a number of restrictions. These included a requirement that CRG (development) approval be obtained for the project; that the hours of operation be limited to 6:00 AM to 9:00 PM; that the golf course and its ancillary uses be utilized only between April 1 and October 31 of each year; and that there be no lighting of the driving range.

Apparently, these restrictions were entered pursuant to the provisions of Section 502.2 of the B.C.Z.R. That Section provides, in part, that the Zoning Commissioner, "...shall impose such conditions, restrictions, or regulations, as may be deemed necessary or advisable for the protection of surrounding and neighboring properties." Interestingly, however, Deputy Commissioner Nastarowicz' opinion is silent as to her rationale for the imposition of those conditions. Apparently, several of the conditions were as the result of an agreement between the Petitioners

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and representatives of the neighboring community. However, there was no written agreement between those parties submitted and/or incorporated into Deputy Commissioner Nastarowicz' Order.

Having obtained the special exception relief, the Petitioners then moved forward to obtain CRG approval. In development project 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 plan previously approved in the special exception Case No. 89-190-X; however, there were certain additional modifications required by the CRG. Moreover, the CRG approval was valid for three years and would expire on October 25, 1993.

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. This case also came in for a public hearing before Deputy Commissioner Nastarowicz. 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 2 years to 4 years. By Deputy Commissioner Nastarowicz' Order dated February 12, 1991, the relief requested was granted, again imposing numerous conditions and restrictions. These restrictions were basically the same as those which had been imposed previously; again, her Order was largely silent as to the reasons for the imposition of these restrictions.

On or about July 25, 1991, the property owners again petitioned Baltimore County for zoning relief. Specifically, a Petition for Special Hearing was filed in Case No. 92-37-SPH. In that case, an amendment of

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certain of the restrictions imposed in the prior Orders was sought. More particularly, the Petitioners sought approval for a lighted driving range, an alteration in the operating hours of the facility, and general modifications of the stringent conditions which had previously been imposed. Deputy Commissioner Nastarowicz had left the Zoning Commissioner's Office by that time and the matter came before Deputy Commissioner Timothy M. Kotroco for a public hearing. Deputy Commissioner Kotroco granted in part, and denied in part, the relief requested by his 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 22, 1992, Deputy Commissioner Kotroco denied the Motion.

The history of the matter as accounted 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 the special exception plan into compliance with one another, and certain modifications to the approvals had been allowed (and others denied) by subsequent proceedings.

It is significant to note the precise use which had actually been approved by Deputy Commissioner Nastarowicz, and modified by Deputy Commissioner Kotroco. As noted above, the original approval was for a golf course. The term "golf course" is not defined within the B.C.Z.R. However, Section 101 of the B.C.Z.R. provides that, "Any word or term not defined in this Section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged." In that reference 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

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green, and often one or more natural or artificial hazards." (emphasis added) It is important to note that this definition no where includes any building nor amenity. That is, a golf course is only an area of land used for the play of the game and nothing more. However, the B.C.Z.R. recognizes that principal uses may also feature legitimate accessory uses. For example, the B.C.Z.R. allows dwellings as a permitted principal use in the residential zones. Uses accessory to dwellings may be garages, storage sheds, and swimming pools. Such garages, sheds and pools, are recognized as accessory to the principal use of the property as a dwelling and are permitted. In this context, some reasonable amount of accessory uses, incidental to the operation of the golf course, are allowed. A club house building, designed to facilitate the play on the course, would no doubt be permissible. Additionally, a driving range seems to be an appropriate accessory use as is the shed building which serves same.

Although a golf course may, by right, feature accessory uses, it is of note that a golf course is identified in the B.C.Z.R. as distinct from that use known as a country club. A country club is defined in Section 101 of the B.C.Z.R. as, "A 9- or 18-hole golf course with a club house and other appropriate facilities, which may include other recreational facilities." Clearly, a country club is a more intense use, containing a golf course and other facilities.

There are a number of country clubs which exist in Baltimore County. The Baltimore Country Club in Timonium, is but one example, and the Sparrows Point Country Club in eastern Baltimore County, is another. It is of note that at those country clubs, there are recreational facilities and amenities over and above a golf course. Frequently, country

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clubs contain swimming pools, tennis courts, catering facilities, dining areas, etc.

The distinction between a golf course and a country club is well-settled. The greater intensity and variety of uses which are permitted at a country club has been recognized by me in a case involving the Baltimore Country Club, Case No. 93-37-SPH, and by me, the Board of Appeals, and the Circuit Court for Baltimore County, (James T. Smith, Jr., Judge) in the matter of the Hayfields Country Club in Hunt Valley (Case No. 95-308-X).

This distinction is significant in the instant case, in view of the pending Petitions, which seek an amendment of the previously approved special exception to allow the conversion of the site into a country club. This, no doubt, drives much of the Protestants' objections. Clearly, these neighbors fear the intensification of the use.

Following the issuance of Deputy Commissioner Kotroco's opinion in Case No. 92-37-SPH, the Petitioners set out to develop the subject property. An application for a building permit was filed in early 1994 for construction of the club house building. The application sought a permit for construction of a one and one-half story building. The building was shown in the permit application and accompanying site plan to be 105' x 87' in dimension.

The size of the club house in the permit application was significantly different from that which was shown in all of the prior cases. The prior plans submitted in both the CRG and the prior zoning hearings showed a club house building of 40' x 60'. Thus, the building requested under the permit was substantially larger than that approved during the CRG and zoning process. In error, Baltimore County issued the permit for the larger building. That building has been constructed and is in partial

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use. In fact, I toured the building after the hearing, in the company of counsel for the parties. As noted above, the building contains offices, storage space, a Pro Shop and room for dining facilities. At this point in time, however, the building is not in full use, in view of the prior zoning Orders.

Due to the ongoing construction of the building to a size larger than that which had been approved, this matter came in for yet another zoning hearing in 1996. In Case No. 96-167-SPH, this Zoning Commissioner convened a public hearing to consider a Petition for Special Hearing to determine whether the building was permitted under the prior Petitions. The Petition was filed by the Kingsville Community Association, through Mr. Holzer, its counsel. Essentially, the Petition sought clarification as to whether the building, as was being constructed, was in conformance with and met the spirit and intent of the special exception granted in the prior case.

For the reasons fully set forth in my Opinion, I granted the community's Petition for Special Hearing. I held that the County was not estopped to revoke its building permit and that the building was not in conformance with and failed to meet the spirit and intent of the special exception granted in the prior case. I also held that the proposed restaurant use of the building was not allowed. I directed the property owners to either reduce the building to the approved size (40' x 60'), or, within sixty (60) days of the date of my Order (June 25, 1996), file a Petition for Special Hearing/Petition for Special Exception to legitimize the building. Although an appeal of my Order was filed, the matter is apparently languishing at the Board of Appeals. In October 1997, approximately 14 months after the issuance of my Order, the Petitioners filed the instant

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Petitions, seeking not only a legitimization of the existing building, but the elimination of many of Deputy Commissioner Nastarowicz' restrictions and approval to convert the facility to a full country club use.

There was a significant volume of testimony and evidence offered during the two days of hearings before me. Both sides submitted documentary evidence in support of their respective positions, which is now contained in the case file. Additionally, significant oral testimony was offered by both sides.

Appearing and testifying on behalf of the Petitioner was Ronald Bunting, general manager of the golf course. Apparently, Mr. Bunting's occupational background is in the ownership and operation of restaurants/taverns, and his testimony was geared towards the potential use of the subject facility in that fashion, as opposed to the golf course operation. He testified that the club house facility can accommodate up to 200 people and he supports the approval of the building as constructed and use of the entire facility as a country club. This would include not only the hosting of charitable golf events, i.e., tournaments, but also the approval of restaurant facilities for the public and catering facilities for private functions.

Testimony was also received from Glenn Cook, a traffic consultant. Portions of his written study and findings were submitted at the hearing. In sum, he opined that the full use of the property as a country club would not cause any detrimental impact on traffic in the area, nor would same cause road congestion in the vicinity. He believes that the road network in this locale is adequate to handle the anticipated increase in traffic and that the site also has sufficient parking.

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Voluminous testimony was also received from Jueri Soots, a consultant in the lighting and security industry. In this regard, it should be noted that in prior opinions issued by Deputy Nastarowicz and Deputy Commissioner Kotroco, it was observed that the Petitioners had done no testing to determine the potential impact of a lighted driving range on the surrounding neighborhood. Mr. Soots offered extensive testimony regarding tests which he conducted on site. These tests included the erection of temporary light towers to determine whether similar permanent structures could be installed. In sum, Mr. Soots testified that lighting could be installed on the driving range so as to provide sufficient illumination for use of the driving range at night, while not causing any adverse impact on surrounding properties.

Mr. Christian, the golf professional, also testified about the golf operation associated with the country club use of this property. He offered his expertise regarding the use of the driving range, the use of the course on a year-round basis, and offered comparisons of the subject property to other country clubs in the community.

Mr. Chadsey, a professional engineer with George W. Stephens, Jr. and Associates, Inc., also testified as to the proposed special exception use. Mr. Chadsey opined that the use of the property as a country club, with all of its amenities and accessory uses, would not be detrimental to the health, safety or general welfare of the surrounding locale and otherwise complied with the provisions of Section 502.1 of the B.C.Z.R. Mr. Chadsey also described the proposed parking plan for the site, and opined that the 185 spaces provided would be sufficient to accommodate the country club use.

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Testifying in support of the request was Dean Hoover, a land planner, also with G. W. Stephens. He indicated that he was working with Rob Powell of Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) regarding the design of an expanded septic system for this site. Mr. Hoover indicated that his office has submitted an application to DEPRM and that same is undergoing review. He indicated that DEPRM requires that tests be done during the wet season (after February 1, 1998) and thus, no final decision had been made as to the propriety of the proposed septic system expansion which would be necessary to accommodate the country club use. Interestingly, through cross-examination, Mr. Hoover identified a letter which he had written to Mr. Powell, dated October 13, 1997 (Protestant's Exhibit 6). By any reading, this letter to Mr. Powell indicates that the club house facility will accommodate up to 100 persons at any given time. This letter, in my judgment, clearly contradicts the testimony of a number of Petitioners' witnesses who seek approval to permit up to 200 persons to use the club house facility at any one time. Unfortunately, Mr. Powell was not called as a witness at the hearing, nor was his full file offered. However, this Zoning Commissioner questions whether the Petitioners are seeking DEPRM's approval of a facility to accommodate 200 people as represented at the hearing, or whether DEPRM is considering a proposal for 100 persons, as stated in the letter.

In addition to these witnesses, a number of neighbors in the Kingsville area testified. These witnesses support the Petitioners' long range plans and the conversion of the facility to a country club. They believe that the project provides a valuable amenity to the Kingsville area, and that the use of the property as proposed will not be detrimental to the surrounding locale. These witnesses characterize the opponents to

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the project as a small, but vocal minority, and believe that the project enjoys the majority of the community's support.

Lastly, testimony was offered from Mr. Crispino, a member of the partnership which owns the subject property. He described the long range plans for the club and the present use thereon.

The Protestants did not offer any expert testimony. However, they did offer portions of files and zoning advisory committee comments authored by a number of County agencies. Additionally, the Protestants offered the testimony of a number of residents, including Mr. Sparr, Mr. Lindsey, Ms. Neas, Mr. Brusak, Ms. Snyder, and Ms. Hastings. These Protestants are fearful of any expansion to the facility and raised questions about the credibility of the Petitioners' representations, particularly based upon the history of the development of this property.

In my judgment, the Protestants' fears in this regard are well-founded. Indeed, it is this issue which contributes to the difficulty in reaching an appropriate decision on the Petitions before me. Without commenting on the integrity of the members of the management of the course, both past and present, it is clear that the Petitioners have, on occasion, developed and operated their facility with little regard for the neighbors, the zoning authorities in Baltimore County, and the B.C.Z.R. Apparently, the Petitioners originally entered into any agreement with the community which they deemed advantageous in order to facilitate the initial approval of the property for use as a golf course. They apparently accepted and agreed to all of the restrictions contained in Deputy Commissioner Nastarowicz's first Order, notwithstanding the obvious fact that those restrictions made the project financially untenable, and, in certain circumstances, made little, practical sense. However, the restrictions were adopted

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and agreed to by the Petitioners, apparently in the belief that once initial approval was obtained, development and expansion of the site would occur as they originally, yet secretly, envisioned.

Having obtained original approval, the Petitioners then tried, through lawful procedures, to have removed many of the restrictions which they deemed untenable. However, they met with limited success and were unable, through the zoning Petitions filed, to have many of those restrictions and limitations removed. Having failed in this approach, the Petitioners decided to go ahead anyway, constructing a club house building sufficiently larger than that which had been approved. Although blame rests with Baltimore County for its lax review and approval of the building permit application for the subject structure, the ultimate responsibility must fall on the property owners and their consultants, which made application for a permit for a building substantially larger than what had been approved.

Mr. Holzer, Counsel for the Protestants, openly displayed his disdain for the Petitioners during his closing argument, stating that "You (the Zoning Commissioner) should teach these people a lesson." He asked that I penalize the disingenuous methods of the Petitioners and send a message to those who do not abide by the terms of the B.C.Z.R., or the rulings of the zoning authorities.

Although I share, to a certain extent, his anguish with the process in this case, the Petitions before me cannot be decided on the basis of personality. Whether filed by a saint or a sinner, all Petitions which come before me must be considered within the land use context. It is my obligation to consider the Petitions in accordance with law, irrespective of the property owner who files the Petitions. Thus, I must look to the

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uses existing and proposed, to determine whether same can be carried out on this property without detrimental impact to the surrounding locale.

The standard which the law imposes is clear. I must consider the factors set forth in Section 502.1 of the B.C.Z.R. Essentially, these factors require a finding as to whether the proposed use would be detrimental to the health, safety or general welfare of the surrounding locale. The rule of law set forth in the seminal Maryland case, Schultz v. Pritts, 291 Md. 1 (1981) is well-settled. I will not repeat herein the holdings of the Appellate Courts of this state in Schultz and the cases which follow; the parties and their counsel are aware of same. However, considering the issues in accordance therewith, I rule as follows:

First, the facility, as hereinafter defined and restricted, shall be allowed to operate year-round. In my judgment, the restriction which limits operation of the golf course to certain warm weather months, only, is without basis and should be eliminated. Obviously, the golf course will generate most traffic and patronage during the warmer months. Nonetheless, there are certain die-hard golfers who will play during periods of cold and inclement weather. If the operation of the course at full capacity in the summer does not cause detrimental impact to the surrounding locale, then how can operation at half capacity during winter adversely impact the neighborhood? The answer is obvious; it cannot. Thus, the business may operate year-round.

Second, I will allow the 105' x 87' club house building to remain. I make this ruling with great difficulty, fearing that the Petitioners will perceive my action as a legitimization of their inappropriate acts in improperly constructing the building in the first place. I sincerely hope that my approval is not perceived in that fashion. To the contrary, I

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approve the building solely based on the testimony and evidence received in this case, including my tour of the facility. In my judgment, the building is not out of character with the existing property and is not detrimental to the health, safety or general welfare of the surrounding locale. Although larger than the dwellings which exist in the immediate neighborhood, the structure is an appropriately sized "club house" building.

Third, I will approve the modified parking plan as shown on Petitioner's Exhibit 11. In this regard, the existing parking lot needs improvement and upgrade. The Petitioners indicated that improvements had not been completed due to the uncertainty of this Petition. I hereby approve the parking plan and direct that same be implemented. This includes the parking layout and the surfacing of the lot. Furthermore, the lights on the lot shall be limited as set forth in Deputy Commissioner Nastarowicz' prior Order. Specifically, she ruled that lighting in the parking lot could not exceed a height of 12 feet and I concur that such a limitation is appropriate.

Fourth, as to the nature of the use and general operation thereof, I make the following findings: In my judgment, the conversion of this property from a golf course to a country club should not be approved. I question how this site can operate as a country club, at least in the manner of other country clubs which exist in Baltimore County. As noted above, there are numerous other country clubs in Baltimore County, including, by way of example, the Baltimore Country Club in Timonium, and the Sparrows Point Country Club on the east side of the County. Approval of this facility to operate in a fashion similar to those clubs could be disastrous for the surrounding locale. The site itself and the surrounding infrastructure (roads, public utilities, etc.) are insufficient to

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support such an intense country club use. It is difficult to envision that this site could ever be developed to accommodate other recreational amenities (e.g., swimming pool, tennis courts), and the feasibility of large-scale dining facilities is questionable.

In this regard, the Petitioners did not produce sufficient testimony to support a finding that a restaurant/catering facility is appropriate. The Petitioners offered testimony and evidence that an application had been made to the Department of Environmental Pro- tection and Resource Management (DEPRM) for approval of a 200-person facility. As noted above, it is difficult to determine whether DEPRM is considering a septic system to accommodate a 100 or 200 person facility, based on Mr. Hoover's letter (Protestant's Exhibit 6). However, whatever the number, it is clear that DEPRM has not fully investigated and blessed this application. The Petitioners ask that I make that leap of faith to approve such a use, contingent on them ultimately securing DEPRM's approval.

I am unwilling to do so. I believe it incumbent on the Petitioners to produce sufficient testimony beforehand to enable me to reach a finding that a catering facility is appropriate. Since they have not done so, I decline to approve the special hearing request to permit the conversion of this site to a country club.

Although declining to approve that portion of the special hearing request seeking country club designation, certain comments must be offered to clarify the use which is permissible on this site. The distinction between the use of the property as a golf course with legitimate accessory uses and the operation of the property as a full-scale country club is blurred. Thus, the following comments are offered to clarify my vision of what should be permitted. First, there shall be no leasing of the club-

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house building for any purpose other than related to the play of the game of golf. There shall be no leasing of the building, for example, for weddings, anniversary/birthday parties, etc. Zoning approval for this site is for a golf course, not a catering hall, restaurant, or tavern.

Although there shall be no catering, the operation of a golf course would allow, by accessory right, the serving of food. As is a common practice among golfers, a player may want a light meal after completing a round of play to kibitz with members of his foursome or others. Additionally, the hosting of tournaments at the golf course is appropriate, and most tournaments feature a dining component. Based on these considerations, I believe it appropriate that the facility can serve food within the context of operating a golf course. If the Petitioners desire to offer a menu to players and/or serve food after tournament play, same should be allowed. However, the serving of food should be incidental to the play of the game and not an independent activity.

Establishing a limit on the number of dining patrons is difficult. In the event the course was fully booked for a tournament, one would envision 4 golfers at each hole, or 72 golfers overall. At standard courses, tournament play can be carried out with more than one foursome on certain tees (Par 5s and Par 4s of significant length); however, that is difficult to imagine here, given the shortness of the course. Assuming that there could be 72 players at a tournament, it must also be realized that there could be others who would appear to support the tournament, but not play. Taking this all into account, it seems appropriate to me that the dining facility should be limited to a maximum of 100 persons. This limitation is subject, however, to the review and approval of DEPRM. DEPRM may decrease this number; however, may not increase same. I leave it to that agency to

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determine the number of individuals who could be served on site, based on water availability and adequate septic. Thus, use of the club house for dining shall be limited to no more than 100 persons at any one time.

Allowing the dining facility presents another question; the public use of same. It is anticipated that diners at the facility will be individuals who play golf, or are there to support a charitable tournament conducted at the facility. Conceivably, there could be individuals who would come to the facility only to dine. This does not seem likely and should be discouraged. Monitoring or enforcing such a restriction would be difficult; however, the Petitioners should not advertise or promote the facility as a restaurant. If a single individual or family choose to visit the facility to dine, there is no practical way that the owners of the property would know whether that individual or family had just finished a round or was there only to eat. Recognizing this difficulty, the Petitioners should operate the dining facility to only accommodate golfers.

As to hours of operation, the club house and golf course shall close one hour after sunset. I believe this to be a reasonable limitation to allow golfers who have completed play in the afternoon to dine and leave. Moreover, such a limitation will prevent the hosting of private affairs (weddings, parties, etc.) during the evening. Thus, whatever the season, the club house shall close one hour after sunset.

The final issue under consideration concerns the lighting of the driving range. It is of note that in denying these lights in Case No. 92-37-SPH, Deputy Commissioner Kotroco urged the Petitioners to conduct a light test to determine the impact on the surrounding locale. Apparently, the Petitioners have taken Mr. Kotroco at his word. I applaud them that

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at least in this instance, they looked before they leaped and conducted testing in an attempt to gauge the impact.

Obviously, the impact was not of the substantial nature which the neighbors feared. The underlying tone of the testimony of those Protestants who appeared, was that the impact of the lights was something less than they may have anticipated. Nonetheless, Section 406.1 of the B.C.Z.R. requires that "All lighting installations (at driving ranges) shall be such and be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into adjoining premises." (emphasis added) In my judgment, this is a high standard. Although I find no evidence of potential traffic hazard or direct reflection, I believe that a lighted driving range at this facility would cause a stadium-like glow on and glaring reflection into the surrounding community. Thus, after much deliberation, I decline to permit lights on the driving range.

In sum, then, the Petition for Special Hearing shall be granted in part, and denied in part. The facility shall not be expanded and approval is denied to permit a country club on the site. However, the golf course may continue with reasonable accessory uses. The club may operate year-round, be open until one hour after sunset, and serve a reasonable menu to its patrons. However, the number of patrons shall not exceed 100 at any one time. Furthermore, the facility shall not be leased as a catering hall, tavern, or public restaurant, and there shall be no lights on the driving range. Lastly, the modified parking plan shall be approved with limited lighting allowed on same.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above,

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the relief requested shall be granted in part, and denied in part as set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1998 that: (1) an amendment to the previously approved special exception in prior Case No. 89-190-X to permit the conversion of the subject property from a golf course to a golf course and country club with a club house and other appropriate facilities, as provided in Section 1A04.2.B.8 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that: (2) an amendment of the previously approved site plan in Case No. 89-190-X to allow a club house building 105' x 87' in dimension in lieu of the previously approved 40' x 60' building, in accordance with Petitioner's Exhibit 11, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that: (3) the golf course facility shall be open year-round with hours of operation not to extend one hour after sunset on any given day, and as such, an amendment to certain restrictions of the Order issued in prior Case No. 89-190-X to extend the hours of operation to 12:00 AM weekdays and 1:00 AM on Friday, Saturday and Sunday evenings, in lieu of the allowed 9:00 PM, be and is hereby GRANTED, subject to the following restrictions:

1) The club house dining facility shall be limited to serving a reasonable menu to golfers and their guests at a capacity of not more than 100 persons at any one time. The Petitioners are prohibited from advertising or promoting their facility as a restaurant/catering hall.

IT IS FURTHER ORDERED that the driving range shall not be lighted, and as such, the requested amendment of certain restrictions in prior Case

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No. 89-190-X to allow a lighted driving range to be open until 11:00 PM, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that: (4) the modified parking plan submitted into evidence as Petitioner's Exhibit 11, pursuant to Section 409.12.B of the B.C.Z.R., be and is hereby GRANTED, subject to the following restriction:

> 2) The present parking lot shall be improved and upgraded in accordance with the modified parking plan identified herein as Petitioner's Exhibit 11. This includes the parking layout and the surfacing of the lot. Additionally, the lights on the lot shall not exceed a height of 12 feet.

IT IS FURTHER ORDERED that the Petition for Special Exception, to approve the use of the subject property as a country club, pursuant to Section 1A04.2.B.8 of the B.C.Z.R., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the property may be operated as a golf course with permissible accessory uses, all as more fully described herein.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 2/22/89
By

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 2, 1998

Anthony J. DiPaula, Esquire
Covahey & Boozer
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S of Raphael Road, 280' N of the c/l of Mt. Vista Road
(11101 Raphael Road)
11th Election District - 5th Councilmanic District
Mt. Vista Golf Course Ltd. Part. - Petitioners
Case No. 97-127-SPHX

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted in part, and denied in part, 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: Mr. Daniel P. Crispino, President, Mt. Vista Golf Course L.P.
11101 Raphael Road, Bradshaw, Md. 21012

Messrs. Rick M. Chadsey, III, and Dean Hoover, G. W. Stephens, Jr.
658 Kenilworth Drive, Towson, Md. 21204

J. Carroll Holzer, Esquire, 305 Washington Avenue, Towson, Md. 21204
Ms. Diane Neas, 7447 Mt. Vista Road, Kingsville, Md. 21087
Mr. Leroy Sparr, 11010 Raphel Road, Upper Falls, Md. 21156
Mr. Kevin Lindsey, 11022 Raphael Road, Upper Falls, Md. 21156
Ms. Fran Snyder, 7615 Mt. Vista Road, Kingsville, Md. 21087
Mr. Joseph Brusak, 7612 Mt. Vista Road, Kingsville, Md. 21087
Ms. Nancy Hastings, 7714 Buck Hill Road, Kingsville, Md. 21087
People's Counsel; Case Files

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[redacted]

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97-127-SPH Item # 89

CERTIFICATE OF POSTING

1) Posted 3-10-97 Hearing Date for 3/26 hearing
2) Posted _____ Hearing Date _____

ADS

1) Paper/Date Jeff. 2/27/97 Enc for 3/24 hearing
Paper/Date Jeff 11/27/97 Enc for 12/17 hearing

2) Paper/Date _____ Enc _____
Paper/Date _____ Enc _____

SA FEES

1) _____
2) _____

COMMENTS

Planning ____ Fire ____ Traffic ____
Critical Area ____ SHA ____ EPA ____
Health: ____

Applicable _____

Zoning Violation # _____

Prior Hearing(s) 89-190-X
91-209-SPH
92-37-SPH ✓

needs to be scanned

PETITIONS
CORRESPONDENSES
LETTERS

97-127-SPH

APPEAL
97-127-SPHX
GOLF COURSE LIMITED PARTNERSHIP
Road
- 5th Councilmanic

(19970127)

Baltimore County
Department of Permits and
Development Management

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

December 12, 1997

Anthony J. DiPaula, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Item No.: 127
Case No.: 97-127-SPHX
Petitioner: Mt. Vista Golf Course

Dear Mr. DiPaula:

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 24, 1997.

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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

11/26/97
8
WCR

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: November 24, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 11101 Raphael Rd

INFORMATION

Case Number: 97-127-SPHA

Petitioner: Mt. Vista Golf Course Limited Partnership

Zoning: RC-5

Summary of Recommendation:

Staff does not support allowing a lighted driving range at the subject property unless the applicant can demonstrate that the use will have no negative impact on the community. In addition, the applicant should be required to (1) provide a durable and dustless surface in the parking area serving the facilities, and (2) store all maintenance equipment within a suitable building.

Prepared by: Jeffrey W. Long

Division Chief: Arnold L. Keller

AFK/JL

RECEIVED
NOV 25 1997
97-5442
PDM

C:\MSOFFICE\WINWORD\ZAC\127A.DOC

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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: November 10, 1997

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 10, 1997
Item No. 97-127 SPHX - Revised Plan
Dated October 16, 1997

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1110.REV

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

DATE: November 6, 1997

To: Arnold L. Jablon

From: R. Bruce Seeley RBS/gf

Subject: Zoning Item #97-127-SPHX

Mt. Vista Greens, 11101 Raphael Road

Zoning Advisory Committee Meeting of November 3, 1997

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ The Forest Buffer Easement has been approved but has never been recorded. We have letters from owners, engineers and attorneys promising to do it but it has never been done.

__X__ Ground Water Management: See previous comments.

DL:sp

Mt/Vista.doc.

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 11.3.97
Item No.
Revised 97-127-SPHX

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Hedlan

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: January 6, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 11101 Raphael Rd

Amended Comment

INFORMATION

Case Number: 97-127-SPHA

Petitioner: Mt. Vista Golf Course Limited Partnership

Zoning: RC-5

Summary of Recommendation:

Staff does not support allowing a lighted driving range at the subject property unless the applicant can demonstrate that the use will have no negative impact on the community. In addition, the applicant should be required to (1) provide a durable and dustless surface in the parking area serving the facilities, and (2) store all maintenance equipment within a suitable building.

Mt. Vista Road and Raphael Road are designated as a scenic routes in the 1989-2000 Master Plan.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kess

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\127A.DOC

12/17. Sent

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: November 24, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 11101 Raphael Rd

INFORMATION

Case Number: 97-127-SPHA

Petitioner: Mt. Vista Golf Course Limited Partnership

Zoning: RC-5

Summary of Recommendation:

Staff does not support allowing a lighted driving range at the subject property unless the applicant can demonstrate that the use will have no negative impact on the community. In addition, the applicant should be required to (1) provide a durable and dustless surface in the parking area serving the facilities, and (2) store all maintenance equipment within a suitable building.

Prepared by: Jeffrey W. Long

Division Chief: Arnold L. Keller

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\127A.DOC

File

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 24, 1998

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

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
Mt. Vista Golf Course
Case No. 97-127-SPHX

Dear Mr. Holzer:

In response to your letter dated February 17, 1998 concerning the above-captioned matter, the following comments are offered.

Through the issuance of my Order, it was my intent to deny the Petition for Special Exception and that portion of the Petition for Special Hearing which sought a conversion of the use of the subject property to a country club. However, I confirmed that the permitted use of the property was as a golf course, and attempted to delineate the differences, in my view, between a "golf course" and a "country club."

In prescribing the hours of play at the subject site, I denied that portion of the Petition which sought approval of a lighted driving range. Thus, the game can only be played as nature would allow. When the sun sets and the amount of natural light fades, play on the course and at the driving range will cease.

I also thought it appropriate that those patronizing the course have the option to enjoy a meal at the facility after their play. In my judgment, allowing the building to remain open one hour after sunset would accommodate those patrons. Thus, it was my intent to allow the game to be played for as long as weather and natural lighting conditions allowed, and for the club house building to close one hour after sunset. Obviously, given that the sun sets at different times each day, the precise minute of closing will be continually changing.

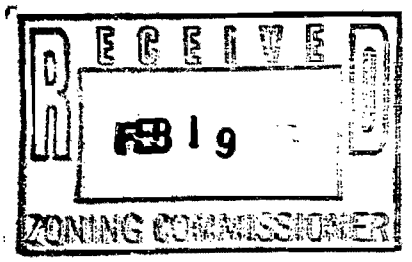
I apologize for any confusion you may have found in my Opinion. It is my practice to set out the exact wording used by the Petitioner within my Order, which is why it references the language "the hours of operation shall not exceed 6:00 AM to 9:00 PM." I was merely repeating the prior Order while nonetheless amending same.

Printed with Soybean Ink

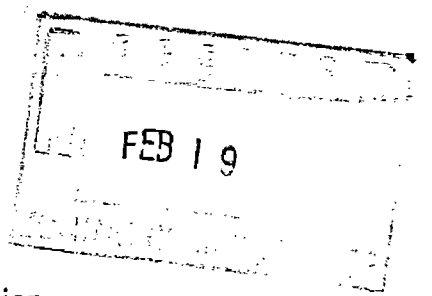
HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US



February 17, 1998
6903



Lawrence E. Schmidt
Zoning Commissioner
4th Floor, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing and Special Exception
Mt. Vista Golf Course; Case No. 97-127-SPHX

Dear Zoning Commissioner Schmidt:

After discussing your Findings of Fact and Conclusions of Law in the Mt. Vista Greens case with some of my clients, and my own review of your opinion, there appears to be some confusion and inconsistency between your Opinion and the Opinion of the Deputy Zoning Commissioner in Case No. 89-190-X as to the hours of operation of the subject golf course.

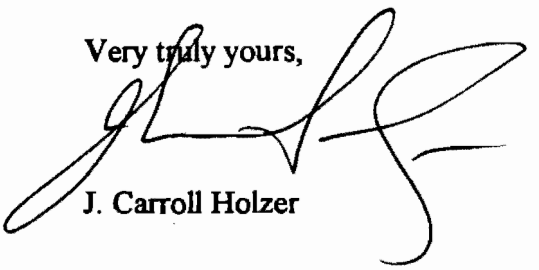
The Deputy Zoning Commissioner in Case No. 89-190-X set forth 13 restrictions to the Special Exception granted. Restriction No. 8 reads, " The hours of operation shall not exceed 6:00 A.M. to 9:00 P.M." In your Opinion dated February 2, 1998, on page 20 in the middle of paragraph number 2 you write, " ... The club may operate year-round, be open until one hour after sunset, and serve a reasonable menu to its patrons."

In the Order dated December 16, 1988, Restriction No. 8 prohibits operation after 9:00 P.M. In your Opinion, the golf course could operate as late as 10:00 P.M. (assuming a summer sunset of 9:00 P.M.) My clients are concerned that your opinion of February 2 unfavorably, and possibly unintentionally, revised Restriction No. 8 expanding the hours of operation of the golf course.

I am not certain that you intended to modify Restriction No. 8 in Case No. 89-190-X; if you did not intend to do so, I respectfully request that you amend your Opinion or take some other measure that clarifies the hours of operation of the golf course.

I appreciate your attention in this matter.

Very truly yours,



J. Carroll Holzer

JCH:clg

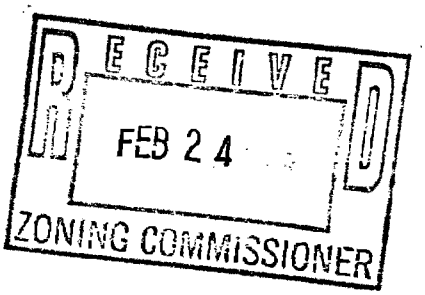
cc: Anthony DiPaula, Esq.
Greater Kingsville Community Assn.

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US

February 19, 1998
6903



Lawrence E. Schmidt
Zoning Commissioner
4th Floor, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing and Special Exception
Mt. Vista Golf Course; Case No. 97-127-SPHX

Dear Zoning Commissioner Schmidt:

In my letter to you dated February 17, 1998, I omitted to reference the third paragraph on page 21 of your opinion in the Mt. Vista decision that begins, "IT IS FURTHER ORDERED that: (3) ..." wherein there also appears to be an inconsistency surrounding the hours of operation of the golf course. In that paragraph on page 21, my clients and I are not clear on whether the hours of operation are set for no later than one hour past sunset, or 12:00 A.M. weekdays, and 1:00 A.M. Saturday and Sunday evenings. I would appreciate your reexamination of your decision insofar as the club's hours of operation are concerned and making revisions, if necessary. If you would like to call me or set up a conference call with Tony DiPaula, please let me know.

Very truly yours,

J. Carroll Holzer

JCH:clg

cc: Anthony DiPaula, Esq.
Greater Kingsville Community Assn.
C:/Letters/MtVistaGreens.Ltr

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

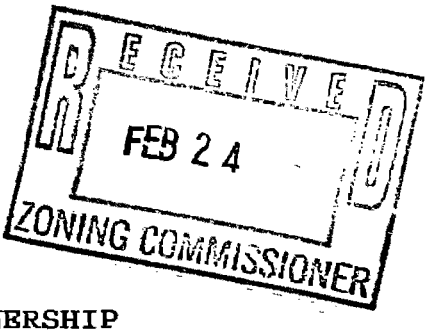
FAX 410-823-7530

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

February 19, 1998



Lawrence E. Schmidt
Zoning Commissioner
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

RE: **MT. VISTA GOLF COURSE LIMITED PARTNERSHIP**
CASE NO.: 970127-SPHX

Dear Commissioner Schmidt:

In response to Mr. Holzer's letter, to the extent the sun sets very early in October and November, and even March and April for that matter, we were thinking that one hour after sunset is more restrictive than what was previously ordered. It seems that some clarification is in order. The Petitioner would want to keep 9:00 p.m. as previously ordered. For golfers during daylight savings time, one hour after sunset is not unreasonable. There are many who would want to play a round of golf after work, and in the height of the summer months, often the sun does not set until 8:30 to 8:40 p.m. To this extent, your Order is very reasonable.

On behalf of the Petitioner, we would certainly welcome the opportunity of discussing the pros and cons of the current language before any further amendment or revision is made. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/ds
2'ds.119

cc: Mt. Vista Golf Course Limited Partnership
J. Carroll Holzer, Esquire

RE: PETITION FOR SPECIAL HEARING 11101 Raphel Road, E/S Raphael Road, 280'+/- N of c/l Mt. Vista Road 11th Election District, 5th Councilmanic	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Mt. Vista Golf Course Limited Partnership Petitioner	*	CASE NO. 97-127-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 18th day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to Thomas L. Hennessey, Esq., 40 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 1997, a copy of the foregoing People's Counsel's Entry of Appearance was mailed to Anthony J. DiPaula, Esquire, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner Mt. Vista Golf Course Ltd. Partnership.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

cc: Thomas L. Hennessey, Esq.

PDM File
97-127-SPH

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

March 25, 1997

RECEIVED
MAR 27 1997
PEOPLE'S COUNSEL

Mr. Peter Max Zimmerman
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 97-127-SPH

Dear Peter:

I have received the Entry of Appearance of People's Counsel in the above encaptioned matter and find that apparently Mr. Anthony DiPaula of Vernon Boozer's Office has not notified you of his Entry of Appearance. This office has been advised that we no longer represent Mount Vista Golf Course Limited Partnership, and I believe a copy of your Entry should be sent to Mr. DiPaula at the firm of Covahey & Boozer.

My best to you.

Yours very truly,

Thomas L. Hennessey

TLH:cs

3/6/98
TO A
Y

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

March 4, 1998

HAND DELIVERY

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

RE: CASE NO.: 97-127 SPHX
MT. VISTA GOLF COURSE LIMITED PARTNERSHIP

Dear Mr. Jablon:

Please note an appeal to the County Board of Appeals from those portions of the Decision dated February 2, 1998 restricting the number of persons to 100, denying a lighted driving range, and denying extended hours of operation as requested in the Petition for Special Hearing. Enclosed is the fee of $210.00 as required.

Very truly yours,

Anthony J. DiPaula

AJD/ds
3'ds.21
enclosure

cc: Mt. Vista Golf Course Limited Partnership
J. Carroll Holzer, Esquire

RECEIVED
MAR - 4 1998
98-909
PDM

Baltimore County
Department of Permits and
Development Management

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

March 6, 1998

Ms. Diane Neas
7447 Mt. Vista Road
Kingsville, MD 21087

RE: Petitions for Special Hearing and
Special Exception
Case No.: 97-127-SPHX
11101 Raphael Road
11c5
Mt. Vista Golf Course Limited
Partnership - Petitioners

Dear Ms. Neas:

Please be advised that an appeal of the above referenced case was filed in this office on March 4, 1998 by J. Carroll Holzer, Esquire on behalf of Greater Kingsville Civic Association Inc. and Kevin Lindsay, and an appeal of Special Hearing only filed on March 4, 1998 by Anthony J. DiPaula, Esquire. 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 the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: Mr. Leroy Sparr
Ms. Fran Snyder
Mr. Joseph Brusak
Ms. Nancy Hastings
People's Counsel

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petitions for Special Hearing and Special Exception
E/S of Raphael Road, 280' N of the c/l of Mt. Vista Road
(11101 Raphael Road)
11th Election District - 5th Councilmanic District
Mt. Vista Golf Course Limited Partnership - Petitioner
Case Number: 97-127-SPHX

Petitions for Special Hearing and Special Exception

Description of Property

Certificates of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits:
1 - Mt. Vista Golf Course Brochure
2A-F - Six Photographs
3 - Jueri Soots' Overview of Credentials
4 - Site Plan
5 - Proposed Range Lighting Design Support Data
6A-B - Two Photographs
7 - Petition in Support of Mt. Vista Golf Course Zoning Requests
8 - Memo in Support of Parking at Mt. Vista Greens for Charity Hayride
9A-D - Four Photographs
10 - Aerial Photograph
11 - Plat to Accompany Petitions for Special Hearing and Special Exception
12 - Zoning Advisory Committee Comments

Protestants' Exhibits:
1 - Volume by Lane Report
2 - Baltimore County Traffic Signal Inventory Level of Service Report
3 - No Exhibit Found
4 - Zoning Advisory Committee Comment from J. Lawrence Pilson, Development Coordinator, DEPRM, dated November 1, 1995
5A - Letter from Leroy Sparr to Carroll Holzer dated December 16, 1997
5B - Letter with Attachments from Leroy Mark Sparr, Lisa Supik Sparr, H. Leroy Sparr, and Mary Helen Sparr to Baltimore County Zoning Commissioner, County Board of Appeals, and Baltimore County Department of Environmental Protection and Resource Management dated April 25, 1997
6 - Letter from Dean C. Hoover to Rob Powell, DEPRM dated October 13, 1997
7 - Floor Plan of Kitchen and Kitchen Equipment Connections Schedule
8 - Photograph of Zoning Notice

Letter from Herman E. Schmidt to Lawrence Schmidt, Zoning Commissioner, dated December 19, 1997

Letter from Ken Holt to Hearing Examiner dated December 17, 1997

Letter with Attachments from Lawrence Schmidt to J. Carrol Holzer, Esquire dated February 24, 1998

Zoning Commissioner's Order dated February 2, 1998 (Granted in Part, Denied in Part)

Notice of Appeal received on March 4, 1998 from J. Carroll Holzer, Esquire on behalf of Greater Kingsville Civic Association Inc. and Kevin Lindsay

Notice of Appeal received on March 4, 1998 from Anthony J. DiPaula, Esquire

c: Anthony J. DiPaula, Esquire, Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204
Mr. Daniel P. Crispino, President, Mt. Vista Golf Course L.P., 11101 Raphael Road, Bradshaw, Maryland 21012
Messrs. Rick M. Chadsey, III, and Dean Hoover, G. W. Stephens, Jr., 658 Kenilworth Drive, Towson, Maryland 21204
J. Carroll Holzer, Esquire, 305 Washington Avenue, Towson, MD 21204
Ms. Diane Neas, 7447 Mt. Vista Road, Kingsville, MD 21087
Mr. Leroy Sparr, 11010 Raphael Road, Upper Falls, MD 21156
Mr. Kevin Lindsey, 11022 Raphael Road, Upper Falls, MD 21156
Ms. Fran Snyder, 7615 Mt. Vista Road, Kingsville, MD 21087
Mr. Joseph Brusak, 7612 Mt. Vista Road, Kingsville, MD 21087
Ms. Nancy Hastings, 7714 Buck Hill Road, Kingsville, MD 21087
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

APPEAL

RECEIVED
COUNTY BOARD OF APPEALS
98 MAR -6 PM 3:49

Petitions for Special Hearing and Special Exception
E/S of Raphael Road, 280' N of the c/l of Mt. Vista Road
(11101 Raphael Road)
11th Election District - 5th Councilmanic District
Mt. Vista Golf Course Limited Partnership - Petitioner
Case Number: 97-127-SPHX

- Petitions for Special Hearing and Special Exception
- Description of Property
- Certificates of Posting
- Certificates of Publication
- Entry of Appearance of People's Counsel
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Protestants' Exhibits:
1 - Volume by Lane Report
2 - Baltimore County Traffic Signal Inventory Level of Service Report
3 - ~~No Exhibit Found~~ Memo From Jeffers To Jablon Re: Amended Comment
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- Letter from Herman E. Schmidt to Lawrence Schmidt, Zoning Commissioner, dated December 19, 1997
- Letter from Ken Holt to Hearing Examiner dated December 17, 1997
- Letter with Attachments from Lawrence Schmidt to J. Carrol Holzer, Esquire dated February 24, 1998
- Zoning Commissioner's Order dated February 2, 1998 (Granted in Part, Denied in Part)
- Notice of Appeal received on March 4, 1998 from J. Carroll Holzer, Esquire on behalf of Greater Kingsville Civic Association Inc. and Kevin Lindsay
- Notice of Appeal received on March 4, 1998 from Anthony J. DiPaula, Esquire

/E

c: Anthony J. DiPaula, Esquire, Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204
Mr. Daniel P. Crispino, President, Mt. Vista Golf Course L.P., 11101 Raphael Road, Bradshaw, Maryland 21012
Messrs. Rick M. Chadsey, III, and Dean Hoover, G. W. Stephens, Jr., 658 Kenilworth Drive, Towson, Maryland 21204
J. Carroll Holzer, Esquire, ~~305 Washington Avenue, Towson, MD 21204~~
Ms. Diane Neas, 7447 Mt. Vista Road, Kingsville, MD 21087
Mr. Leroy Sparr, 11010 Raphael Road, Upper Falls, MD 21156
Mr. Kevin Lindsey, 11022 Raphael Road, Upper Falls, MD 21156
Ms. Fran Snyder, 7615 Mt. Vista Road, Kingsville, MD 21087
Mr. Joseph Brusak, 7612 Mt. Vista Road, Kingsville, MD 21087
Ms. Nancy Hastings, 7714 Buck Hill Road, Kingsville, MD 21087
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Change of Address

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, MD 21286

Case No. 97-127-SPHX

SPH -Approve amendment in SE previously granted in 89-190-X from golf course to golf course and country club w/club house and appropriate facilities; to allow club house bldg that is 105' x 87' in lieu of approved 40' x 60; to extend hours and allow lighted driving range and open year-round; modified parking plan; SE -Approval of country club (only if relief sought within SPH is legally insufficient to allow expansion of existing use to country club facility).

2/02/98 -Z.C.'s Order in which Petition for Special Hearing was DENIED in part and GRANTED in part with restrictions; Petition for Special Exception DENIED.

5/22/98 - Notice of Assignment for hearing scheduled for Wednesday, September 2, 1998 at 10:00 a.m. sent to following:

Anthony J. DiPaula, Esquire
Daniel P. Crispino /Mt. Vista Golf Course Ltd. Partnership
Messrs. Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.
J. Carroll Holzer, Esquire
Greater Kingsville Civic Assn., Inc., and Kevin Lindsay
Diane Neas
Leroy Sparr
Fran Snyder
Joseph Brusak
Nancy Hastings
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

8/10/98 -Letter from P. Zimmerman / comments (appearance previously entered).

8/24/98 -Copy of letter from A. DiPaula to P. Zimmerman in response to Mr. Zimmerman's letter noted above, taking exception to same.

- Per conversation with C. Demilio, the Office of People's Counsel will not be participating in the hearing on 9/02/98 (a statement to that effect was omitted from their 8/10/98 letter). As they have done in previous cases before the Board, when that office did not participate in the hearing before the Board but had entered its appearance, the letter was merely to record their opinion in the case since they would not be participating at hearing.

- Ms. Demilio has spoken with Mr. DiPaula and clarified that People's Counsel will not be participating on 9/02/98; she indicated that Mr. DiPaula understands the intent of their letter.

9/01/98 -Letter from PMZ to Mr. DiPaula explaining that office's position and the reasoning behind the 8/10/98 letter to the Board.

- T/C from Tony DiPaula requesting postponement for 9/02/98; Managing Partner of Mt Vista has been taken ill and ordered by physician to remain at home on medication (cardiac symptoms). Upon conclusion of telephone calls between this office and counsel for both petitioner and protestants, a postponement will be granted this date for hearing scheduled for tomorrow, September 2, 1998, with agreement by both parties to reassign the matter to 10/14/98 and 12/09/98, with a possible third day in between those dates, should such date become available.

- The above postponement request and agreement thereto was confirmed in writing by FAX from both Mr. Holzer and Mr. DiPaula. Notice to be sent to parties.

9/02/98 -Notice of PP and Reassignment sent to parties (and by FAX to Messrs. Holzer and DiPaula this date); case reassigned for hearing on two days: Wednesday, October 14, 1998 at 10:00 a.m. and Wednesday, December 9, 1998 at 10:00 a.m.

12/02/98 -Due to anticipated changes in the membership of the Board (now confirmed), which would affect the panel as scheduled for this case on 10/14/98, conference call attempted with T. DiPaula, C. Holzer, P. Zimmerman, K. Howanski and K. Bianco. Mr. Holzer away this week; Mr. Zimmerman was not available; conversation continued with Mr. DiPaula relative to position of the Board in that only two available members could sit on this case 10/14/98 without conflict or the appearance of conflict as the result of changes to occur in Board membership as of 11/30/98.

- Alternatives: (1) going with available Board members (with a current member substituting for panel member who is leaving the Board) with no objection or (2) beginning case on 12/09/98 as Day #1. Mr. DiPaula indicated no objection to (1); to resolve as soon as possible upon t/c to all counsel.

- No objection to either alternative by Mr. Zimmerman; would defer this decision to Mr. Holzer in this regard.

12/06/98 -Telephone response received from S. Leese; Mr. Holzer would object to alternative (1); requests that case begin on 12/09/98 per alternative (2).

- Advised Messrs. DiPaula and Zimmerman that this would be the chosen solution; Notice of Reassignment to be sent.

- Notice of Reassignment /Day #1 sent to parties; to begin on Wednesday, December 9, 1998 at 10:00 a.m. as Day #1, with additional dates to be scheduled as available and/or as needed.

12/09/98 -Concluded Day #1 (L.M.S.); upon confirmation of availability of all parties, assigned 3/30/99 and 3/31/99 as days #2 and #3, to begin at 9:00 a.m. Notice to be sent.

12/28/98 -Notice of Assignment, Days #2 and #3, sent to above; scheduled for Tuesday, March 30, 1999 and Wednesday, March 31, 1999, both days to begin at 9:00 a.m.

4/01/99 -Concluded Day #3 on 3/31/99; scheduled, by agreement of counsel as to schedule availability, to day #4 (6/01/99) and day #5 (7/13/99); notice to be sent. (NOTE: CBA to advise of earlier date for day #5 should one become available and parties are in agreement.)
- Notice of Assignment /Days 4 and 5 sent to parties; scheduled for Day #4 on Tuesday, June 1, 1999 at 10:00 a.m. and for Day #5 on Tuesday, July 13, 1999 at 10:00 a.m.

4/19/99 -Request for postponement from J. Carroll Holzer; Court of Special Appeals scheduling conflict that date; unable to obtain postponement of CSA argument in Exec. Auto; must request postponement.

4/30/99 -Notice of PP and Reassignment sent to parties; reassigned to 7/13/99 and 7/14/99 as Days #4 and #5 (7/13/99 currently scheduled for Day #5); assigned for Day #4 on Tuesday, July 13, 1999 at 10:00 a.m., and Wednesday, July 14, 1999 at 10:00 a.m. for Day #5.

5/10/99 -Letter from E. Covahey - requesting postponement of 7/14/99 hearing date ("serious criminal case" in District Court for that date).

5/13/99 -Second Notice of PP and Reassignment sent to parties; postponement granted and reassigned to Tuesday, September 7, 1999 for hearing day #5; 7/13/99 to remain for hearing day #4. FYI copy sent to sitting Board members LMS.

7/13/99 -Concluded hearing day #4; continued to September 7, 1999 (hearing day #5) to begin at 10:00 a.m.

9/07/99 - Case completed; memos due from counsel Monday, October 25, 1999; deliberation to be scheduled thereafter. (Stahl, Wescott, Melvin)

10/25/99 -Memorandum of Protestants in Lieu of Final Argument filed by J. Carroll Holzer, Esquire, on behalf of The Greater Kingsville Civic Association, Inc., Kevin Lindsey, et al, Protestants.
- Brief of Mt Vista Golf Course Ltd Partnership, Petitioner and Cross-Appellant filed by Anthony J. DiPaula, Esquire.

10/26/99 -Notice of Deliberation sent to parties; scheduled for Thursday, December 9, 1999 at 9:15 a.m. Copy to L.M.S. Copy of memos filed by Counsel to L.M.S.

11/02/99 -Letter from Mr. DiPaula - providing replacement page for Mt Vista Brief to indicate witness who testified as Mickey Cornelius. Copies provided for L.M.S.

12/09/99 -Deliberation concluded; Building to continue at enlarged size; no kitchen; no social events; no lights on driving range; limit to hours of operation but allowed open year-round, etc. (Majority M and S; L to write dissent as to building remaining; would order it torn down and proper approvals sought for size of building). (Stahl, Melvin and Wescott); appellate period to run from date of written Order.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
T. Melvin
L. Wescott

DATE: October 26, 1999

FROM: Kathi

SUBJECT: Case No. 97-127-SPHX /Mt. Vista Golf Course Ltd. Partnership /Memos and Deliberation

The subject matter has been scheduled for public deliberation on Thursday, December 9, 1999 at 9:15 a.m. A copy of the Notice of Deliberation is attached for your information and calendar.

Attached are copies of the following closing memos filed by Counsel on October 25, 1999:

1. Memorandum of Protestants in Lieu of Final Argument filed by J. Carroll Holzer, Esquire; and

2. Brief of Mt. Vista Golf Course Ltd. Partnership, Petitioner and Cross-Appellant, filed by Anthony J. DiPaula, Esquire.

Please call me should you have any questions regarding the attached.

kathi

Attachments (3)

FILE

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Mt Vista Golf Course, Ltd.
Case No. 97-127-SPHX

DATE : Thursday, December 9, 1999

BOARD /PANEL : Lawrence M. Stahl (LMS)
Thomas P. Melvin (TPM)
Lawrence S. Wescott (LSW)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 97-127-SPHX /Mt. Vista Golf Course, Ltd.

The Board discussed and deliberated issues as to this matter and testimony and evidence produced.

Issues to be deliberated: lighted driving range; hours of operation; time of year (operation); building /size; and modified parking plan.

As to driving range -- (matter of lights; range is permitted by right); reviewed photos and testimony; effect on neighboring homes; area to be lit; brightness of lights. Driving range lights will overflow; likened to stadium without sides. Also referenced rural area. Unanimous decision to deny lighted driving range (no lights).

As to time of year /months of operation -- no problem with 12 months; approved year-round operation.

As to parking lot -- okay with 12' lighting -- from a safety point - but be lit.

As to club house -- approved 40' x 60' club house; agreed upon as part of project. Permits called for larger building (105' x 87'), including overhang and porches. County should have denied permit; but permit was granted.

Community objects to size; choice given by Commissioner Schmidt - tear down and built to legal size, or apply for special hearing for size as existing. SPH filed to approve building (time frame between his choice and time filed is not relevant).

Concern of Board -- application was filed for larger building; applicant had to know that building on application was larger than that approved; seemed that would have been so. However, the community raised issue of size only after structure was there; it was permitted by Baltimore County. While deal was made with community to limit size of building, this was not done. However, building can be limited as to use and number of persons. Limited to 100 people subject to DEPRM approval.

As to hours, facility cannot support use (wells, septic, etc.) -- cannot support kitchen use. No cooking on the premises. It's an attractive building; not out of character with neighborhood. Decision of Board to permit it without a kitchen, and to limit use of building. Smaller building may not be as attractive. Limit use and number of people

permitted inside. Hours to be regulated by Eastern Standard Time and Daylight Savings Time (6:00 p.m. EST; 9:30 p.m. DST). No social functions not related to golf tournaments with normal play. This is an executive course; would not hold two sets of four on a course this size. Limit to 100, subject to DEPRM approval. Kitchen, including dishwasher, becomes country club - this is not approved. Only 100 people as part of tournament - with catering but no kitchen.

Majority (Wescott and Melvin) concur that building should be permitted as it exists (larger size) but with limitations as to the use of the building; no country club usage; no kitchen, etc. No problem with catering, if not cooked on premises. No indication as to what a 40' x 60' building would look like; building as it exists is in character with the neighborhood. But a country club use will not be permitted. Stahl believed building should come down since it was not built as approved.

As to hours of operation, hours to be regulated by Eastern Standard Time (will close at 6:00 p.m.) and Daylight Savings Time (will close at 9:30 p.m. during summer months). No social functions permitted that are not related to golf tournaments or normal play.

Written Opinion and Order to be issued by the Board as required by statute (Majority decision by Wescott and Melvin; building to stay as it is; hours to be limited as discussed; request to be granted with restrictions; concurring /dissenting decision by Stahl -- agrees as to all aspects, but believes building should not be permitted to remain as built; exceeds approved size). Appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.

These minutes indicate public deliberation in this matter was held this date in the subject matter and a final decision rendered by the Board of Appeals.

~~~~~~~~~~~~~~~~~~~~~~

Respectfully submitted,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator
~~~~~~~~~~~~~~~~~~~~~~

8/20/02

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

RECEIVED
SEP 18 2002
BALTIMORE COUNTY
BOARD OF APPEALS

PETITION OF *
BALTIMORE COUNTY, MARYLAND *
a body corporate and politic

FOR JUDICIAL REVIEW OF THE *
DECISION OF THE COUNTY BOARD
OF APPEALS OF BALTIMORE COUNTY *
400 Washington Avenue, Room 49
Towson, Maryland 21204 *

Civil Case No. 3-C-02-7903

IN THE CASE OF CBA-02-122 *
IN THE MATTER OF
MT VISTA GOLF COURSE/ *
DANIEL P. CRISPINO-
LEGAL OWNER *
11101 ELECTION DISTRICT
5th COUNCILMANIC DISTRICT *

RE: CODE INSPECTIONS & *
ENFORCEMENT VIOLATION/
CIVIL CITATION *

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

MOTION TO DISMISS

The Kingsville Community Association, Robin Beers, Doug Behr, Leigh Keller, Bill Button, Diane Neas, and Dottie Foos, individually, have previously filed an Intention to Participate in the Judicial Review in the above captioned matter, Respondents herein, file this Motion to Dismiss the Petition for Judicial Review filed by Baltimore County and request this Honorable Court to dismiss said appeal from the decision of the County

RECEIVED AND FILED
2002 AUG 20 P 3:33
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

FILED SEP 17 2002

Board of Appeals for Baltimore County dated July 16, 2002 for the reason set forth in the attached memorandum of law.

Respectfully submitted,

J. Carroll Holzer

J. Carroll Holzer, Esquire
HOLZER & LEE
508 Fairmount Avenue
Towson, Maryland 21286
Attorney for the Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of August, 2002 a copy of the foregoing Motion to Dismiss was mailed first class, postage pre-paid to Christopher Lee, Esquire, KODENSKI and CANARAS, 19 East Fayette Street, Suite 400, Baltimore, Maryland 21202; and to C. Robert Loskot, Assistant County Attorney, 400 Washington Avenue, Room 219, Towson, Maryland 21204.

J. Carroll Holzer

J. Carroll Holzer, Esq.

Granted
Robert Duncan
9/11/02

True Copy Test
SUZANNE MENSH, Clerk
Per Joann Jones
Deputy Clerk

File

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
MICHAEL T. PATE

* ALSO ADMITTED TO D. C. BAR

ANNEX OFFICE
SUITE 320
606 BALTIMORE AVE.
TOWSON, MD. 21204

RECEIVED
MAY 10 1999
ZONING COMMISSIONER

May 6, 1999

County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Mt. Vista Golf Course, Ltd. Partnership
11101 Raphel Road
11th Election District; 5th Councilmanic
Case No. 97-127-SPHX

Dear Board Members:

I received notice from the Board postponing the June 1, 1999 hearing re: the above. I note that the date of July 13, 1999 was confirmed as the date for the hearing. However, I also note that an additional date was assigned; i.e., July 14, 1999 at 10:00 a.m.

Unfortunately, the undersigned counsel has the case of State of Maryland v. Hill, a serious criminal case set for the District Court for Baltimore County in Essex on July 14, 1999.

I must reluctantly request a postponement.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
06ldr.04
cc: Mr. Daniel P. Crispino
J. Carroll Holzer, Esq.
Greater Kingsville Civic Assn., Inc.
People's Counsel for Baltimore County
Pet Keller, Director/Planning
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director/PDM
Virginia W. Barnhart, County Attorney
Anthony J. DiPaula, Esq.

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

TO **:** Gwen Stephens ***DATE:*** April 12, 2001

FROM **:** Kathi Bianco

SUBJECT: Attached Letter for File /Case No. 97-127-SPHX

Gwen –

There's no action to be taken on the attached letter, but it should be filed in the case file for Mt Vista Golf Course, Ltd., Case No. 97-127-SPHX.

Thanks.

kathi

Attachment

RECEIVED
APR 13 2001
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

LAW OFFICES
MELVIN J. KODENSKI
19 E. FAYETTE STREET
SUITE 400
BALTIMORE, MARYLAND 21202

TELEPHONE (410-685-5100)
FACSIMILE (410-685-5825)

April 9, 2001

Lawrence S. Wescott, Chairman
Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Mt. Vista Golf Course, Ltd.
Case No: 97-127-SPHX
97-127-SPHX

Dear Mr. Wescott:

Please be advised this office represents Mt. Vista Golf Course, Ltd. and I was asked a question by Mr. Danny Crispino concerning the operation of the clubhouse after the golf course was closed.

I reviewed the Order of March 1, 2000, a copy of which I am herewith attaching and it appears there is no restriction on the clubhouse being able to be operated after the course was closed in order to serve the golfers and guests, subject to the conditions as set forth in the Order.

Since we are approaching the Summer hours, there has been some interest in staying open after the course is closed to service the players, unless there is contrary opinion, we will proceed accordingly.

Very truly yours,

Melvin J. Kodenski

MJK:dl
Enclosure
cc: Mt. Vista Golf Course

RECEIVED
COUNTY BOARD OF APPEALS
01 APR 11 PM 12:26

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT JLL REVISION 97-127 SPHX **No.** 043321

DATE 10/24/97 ACCOUNT R001150

AMOUNT $ 400.00

RECEIVED FROM: V. BAKER.

FOR: REVISION TO SPH AND NEW SPX FILING.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

DATA ENTRY
PAID RECEIPT
[illegible] TIME
10/24/1997 10/24/1997 11:[illegible]
[illegible] CASHIER [illegible] REGISTER
[illegible] MISCELLANEOUS CASH RECEIPT
[illegible]
[illegible]
[illegible]
[illegible] Baltimore County, Maryland

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

March 1, 2000

Anthony J. DiPaula, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, MD 21286

RE: In the Matter of Mt. Vista Golf Course Ltd.
Case No. 97-127-SPHX

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter, along with the dissenting /concurring opinion of Mr. Stahl.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Bianco
Administrator

encl.

cc: Edward C. Covahey, Jr., Esquire
Daniel P. Crispino /Mt. Vista
Golf Course Ltd. Partnership
Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.
Greater Kingsville Civic Assn., Inc., and Kevin Lindsay
Diane Neas
Fran Snyder
Leroy Sparr
Joseph Brusak
Nancy Hastings
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

> If [the applicant] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the mater is one for the Board to decide.

With this decision in mind, the Board finds that a lighted driving range would be detrimental to the neighborhood and would adversely affect the public interest. In addition, it finds that the neighborhood would not be adversely affected by operation of the golf course on a year round basis and by limiting the hours of operation to 6:00 p.m. during eastern standard time and 9:00 p.m. during daylight savings time. The Board does not find that the parking lot as presented would adversely affect the neighborhood. Finally, the Board would allow the size of the clubhouse to remain as presently configured, in that it does not adversely affect the neighborhood. However, the operation of the clubhouse shall be limited to no more than 100 patrons due to the adverse effect which could be found by the inadequate water supply and septic system at the present time. In addition, the Board finds that the kitchen must be limited to the present operation due to the same factors of water and sewage. The Board does not feel that catering events strictly limited to golfing tournaments would adversely affect the neighborhood.

O R D E R

IT IS THEREFORE this 1st day of March, 2000 by the County Board of Appeals of Baltimore County

ORDERED that the request for special hearing is **GRANTED** in part and **DENIED** in part subject to the following restrictions:

1. There shall be no lighted driving range on the property.

2. The hours of operation for the golf course shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Eastern Standard Time, except during those months when daylight savings time is in effect, at which time the hours of operation shall be from 6:00 a.m. to 9:00 p.m.

3. The golf course shall be allowed to operate twelve (12) months per year.

4. The parking plan as modified and approved by the Zoning Commissioner is **APPROVED** by the Board and will be allowed.

5. The building shall be allowed to remain at 105' x 87' but there shall be no enlargement of the kitchen operation and the present eating facility shall remain, with the club limited to serving a reasonable menu to golfers and their guests at a capacity of not more than one hundred (100) persons at any one time. The Petitioners are prohibited from advertising or promoting their facility as a restaurant/catering hall but may service up to one hundred (100) persons associated with golfing tournament events.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Thomas P. Melvin

Lawrence S. Wescott

RECEIVED
APR 13 2001
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

RECEIVED
APR 13 2001
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Baltimore County
Department of Permits and
Development Management

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

97-127-SPH

August 29, 1996

Thomas L. Hennessey, Esquire
40 West Chesapeake Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #89)
11101 Raphel Road
11th Election District

Dear Mr. Hennessey:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

The submitted site plan and special hearing request lacks sufficient information to be considered acceptable for a determination of zoning compliance (or not) with the detailed site and landscape plans as approved in the earlier zoning cases.

For example: The provided plan shows a gravel parking lot without any parking, maneuvering, and striping such as was shown on the prior approved plans. Relief from Section 409, BCZR, requires zoning variances, which have not been requested.

Printed with Soybean Ink
on Recycled Paper

97-127-SPH

Landscaping and other issues as specifically approved by the Deputy Zoning Commissioner on earlier petitioners exhibits 1, 5, and 6 are unaddressed on the new plan as are other (multiple) restrictions from case numbers 91-209-SPH and 89-190-X. All restrictions proposed for amendment must be listed specifically in the special hearing petition wording in order for the Zoning Commissioner and the public to be made aware of these proposed changes and for staff to determine if the requests are appropriate to the requirements of the special hearing amendments.

BASED ON THE ABOVE FINDINGS MADE DURING THIS PETITION DROP-OFF REVIEW, STAFF IS UNABLE TO DETERMINE WHAT AND HOW ANY REVISIONS ARE PROPOSED AND, THEREFORE, CANNOT SUPPORT APPROVAL OF THE SPECIAL HEARING/SITE PLAN. STAFF STRONGLY ADVISES REVISIONS TO THE SAME WELL IN ADVANCE OF ANY ZONING HEARINGS.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

89

No Review

VIOLATION for Landscaping

#96-1716 (Gary F.)

Civil Case #0804-SP00021-96

9/19/96
Gwen in calling for written hold request from attorney for this

we asked on 8/23 and have not gotten received.

8/21/96

Drop-Off

Spoke to atty Cuke after Joe L. (achuse)

SPOKE TO JOE LARSON

+MSG TO HENNESSY ON 8/29

PER JOE L. WE'RE HOLDING FOR REVISIONS

SPELLMAN LARSON & ASSOCIATES, I
Suite 107 Jefferson Building
105 West Chesapeake Avenue
TOWSON, MARYLAND 21204

Phone 823-3535

Rev. Plans JLL To Review

97-437

LETTER OF TRANSMITTAL

DATE	JOB NO.
1/28/97	88007

ATTENTION ----------

RE: Mt. Vista Greens G. C.
Raphael Rd.
Case No. 96 - 167 - SPH

TO Ms. Gwen Stephens
Department of Permits & Dev. Mgmt.
Baltimore County
"Hand Delivered"

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
12	8/22/96	--	Plat to Accompany Petition for Special Hearing
			(Rev. 1/24/97)

RECEIVED
FEB - 3 1997
PDM

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit_____copies for approval
☒ For your use ☐ Approved as noted ☐ Submit_____copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return_____corrected prints
☐ For review and comment ☒ To Set in for Hearing
☐ FOR BIDS DUE _____ 19_____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

Gwen: The attached prints have been reviewed with John Lewis and revised in accordance with his comments. Please attach same to the Zoning Petition for the above referenced Case filed by Mr. Thomas Hennessey and set the Case in for Hearing.

Thanks!

COPY TO Dan Crispino
Tom Hennessey

SIGNED: Joseph L Larson

If enclosures are not as noted, kindly notify us at once.

PRODUCT 240-2 NEBS Inc., Groton, Mass. 01471.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 4, 1997

TO: Hearing Officer

FROM: John L. Lewis
Planner II, Zoning Review

SUBJECT: ~~Case #96-167-SPH~~
Mt. Vista Greens Golf Course

The applicant originally did a drop-off petition, which had significant problems. Once advised of these, a postponement of any zoning action was requested pending revisions.

Based on a discussion with the engineer at filing of revisions: The revised plans are to show a change in building/landscape area and some layout changes to the parking lot. The plan was reviewed in light of this revision information and seems to meet filing standards.

JLL:scj

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

March 20, 1997

HAND DELIVERY

Ms. Gwen Stephens
Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NO.: 97-127-SPH (ITEM 89)
MT. VISTA GOLF COURSE LIMITED PARTNERSHIP
SPECIAL HEARING

Dear Gwen:

Please enter the appearance of the undersigned as counsel for the owner/petitioner in the above referenced matter, and treat this as a request for postponement in that, upon review of the client's documentation and file, it would appear that amended and/or additional petitions should be filed before this matter is heard by the Zoning Commissioner. Please advise as soon as possible as to the disposition of this request, and we will see that the sign on the property is appropriately marked to denote that the hearing has been postponed. Please do not reschedule the matter until further notice from the undersigned to allow sufficient time to file the amended and/or additional petitions and/or drawings so that all necessary relief can be addressed at one hearing.

I note that Mr. Holzer has also requested a postponement on behalf of the protestants. My client just received his letter yesterday.

Should you require anything additional, please call me.

Very truly yours,

Anthony J. DiPaula

AJD/ds
3±ds.106

cc: Mt. Vista Golf Course Limited Partnership
Thomas L. Hennessey, Esquire (via facsimile)
Spellman, Larson & Associates, Inc. (via facsimile)
Carroll Holzer, Esquire

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 18, 1997
#6903

HAND DELIVERED

Arnold Jablon, Director
Permits and Development Management
County Office Building
Towson, Maryland 21204

Re: ***Petition for Special Hearing***
Case No. 97-127-SPH
Mt. Vista Golf Course

Dear Mr. Jablon:

Please enter my appearance in the above captioned matter on behalf of The Greater Kingsville Civic Association, Inc. The hearing has been set in before the Zoning Commissioner for **Wednesday, March 26, 1997 at 9:00 a.m.** On that same day, however, at **10:00 a.m.**, I have a hearing before the County Board of Appeals in Case No. 97-52-A, the Matter of Jake Rubenstein in denial of Variance.

Therefore, I respectfully request that Case No. 97-127-SPH be postponed until a later date. If you have any questions, please call me at 825-6961.

Very truly yours,

J. Carroll Holzer

JCH:alt
cc: L. Schmidt, Esq.
T. Hennessey, Esq.
N. Hastings
C:\LETTERS\jablon4.LTR

97-1107

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

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CARROLL COUNTY OFFICE
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ELDERSBURG, MD 21784
(410) 795-8556
FAX: (410) 795-5535

3/14/97
9
TO PS
OK, leave Carroll
call o the side
+ get counselors
new date

March 13, 1997
#6903

HAND DELIVERED

Arnold Jablon, Director
Permits and Development Management
County Office Building
Towson, Maryland 21204

Re: ***Petition for Special Hearing***
Case No. 97-127-SPH
Mt. Vista Golf Course

Dear Mr. Jablon:

Yesterday I became aware that a hearing in the above matter has been set in before the Zoning Commissioner for **Wednesday, March 26, 1997 at 9:00 a.m.** On that same day, however, at **10:00a.m.**, I have a hearing before the County Board of Appeals in Case No. 97-52-A, the Matter of Jake Rubenstein in denial of Variance.

Therefore, I respectfully request that Case No. 97-127-SPH be postponed until a later date. If you have any questions, please call me at 825-6961.

Very truly yours,

J. Carroll Holzer

JCH:alt
cc: L. Schmidt, Esq.
T. Hennessey, Esq.
N. Hastings
C:\LETTERS\ARNJAB2.LTR

RECEIVED
MAR 13 1997
PDM

1/9/97 as wd

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

FAX 410-823-7530

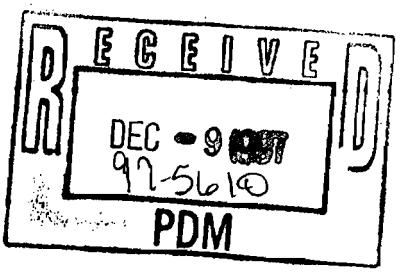
EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

* ALSO ADMITTED TO D. C. BAR

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

December 8, 1997

97-127-SPH



HAND DELIVERY

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: **CASE NO.: 97-127-SPHX**
11101 RAPHAEL ROAD
MT. VISTA GOLF COURSE

Dear Mr. Jablon:

This will acknowledge receipt of Mr. Holzer's letter of December 5, 1997 regarding the above. My only problem with the request for the postponement, however, is that this was set up as an agreed date arranged with the assistance of Roz in your office. Furthermore, proper notice was sent, showing that a copy was sent not only to the undersigned, but also to Mr. Holzer. A copy of the notice of hearing that I received is enclosed herewith. While Mr. Holzer has been very accommodating in the past with respect to rescheduling matters and postponements, on behalf of my client I must respectfully ask that his postponement request be denied. I believe that every courtesy was extended by reaching an agreed date in advance.

Please advise of your decision regarding this matter as early as possible as there are expert witnesses lined up, the expense of which can be somewhat tempered with prompt notice. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/ds
12'ds.39
enclosure

cc: Mt. Vista Golf Course Limited Partnership
J. Carroll Holzer, Esquire

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

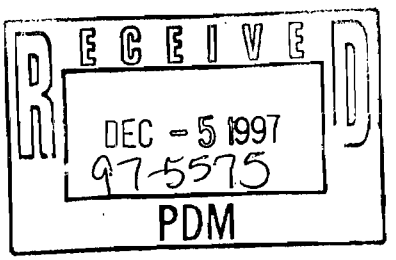
TOWSON OFFICE
305 WASHINGTON AVENUE
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(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US

12/5/97 & WCR To: Soph 12/8/97

December 5, 1997

97-127-SPH

HAND DELIVERED



Arnold Jablon, Director
Department of Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

Re: PDM # XI 624 Mount Vista Greens
Mt. Vista Road and Raphael

Dear Mr. Jablon:

I have represented the Greater Kingsville Community Association in the Mt. Vista Greens matter and it is my understanding that a hearing on a Petition for Special Hearing has been scheduled before the Zoning Commissioner for December 17, 1997 even though I do not have a written notice indicating such a date and time. Because two of the central Protestants and adjacent property owners will not be available until after the holidays, I respectfully request a postponement until after January 1, 1998 to a mutually agreeable time. ?

I would appreciate your prompt attention in this matter and if you need to reach me, please call 410-825-6961.

Very truly yours,

J. Carroll Holzer J.T.

J. Carroll Holzer

12/9/97
RYE said she talked to Holzer + DiPaula before scheduling the hearing on 12-17. The date was agreeable to both parties.
Roslyn Eubanks

JCH:clg
cc: Anthony DiPaula, Esq.
Greater Kingsville C.A.

C:/Jablon14.Ltr

Because of the above info. WCR said to call Holzer + tell him the postponement was denied.

12/9/97 - WCR talked to AJ - AJ said postponement was denied unless DiPaula agreed.

→

H92-0251-pp

12/9/97

WCR talked to Sterling in Holzer's office. DiPaula originally objected. If & when they come to an agreement, they will let WCR know. Until that time, postponement is denied per AJ.

12/10/97 - Sterling (from Holzer's office) came into the Zoning Office. He said not to postpone the hearing - they couldn't reach a decision with Di Paula's office.

12/11/97 Confirmed with Di Paula's office that this hearing would NOT be postponed.

97-127-SPH

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

August 11, 1998

Kristine K. Howanski, Chairman
County Board of Appeals
Courthouse
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
COUNTY BOARD OF APPEALS
98 AUG 10 PM 2:48

Re: Mt. Vista Golf Course, Case 97-127-SPHX

Dear Ms. Howanski,

This office has already entered its appearance in this case, and would like to express its continuing interest in the proceedings.

We are familiar with the earlier final zoning commissioner decisions, beginning with Case 89-190-X, dated December 16, 1988. This approved a golf course special exception, with a site plan, specific building dimension, and limits both on months and hours of operation. There were two subsequent decisions – 91-209-SPH and 92-37-SPH, revising the original order. These were not appealed.

The current petition seeks expansion to a country club, a larger building facility and restaurant (after the fact), year-round operation, and modified parking plan and lighted driving range.

The Commissioner's decision allows a much larger year-round facility. The approved building is 9135 square feet, instead of the original 2400 square feet. There are some restrictions on use, including disallowance of full country club status. Nevertheless, the latest decision permits a dramatic expansion over what was originally approved and then refined between 1988 and 1992.

Petitioner, Greater Kingsville Community Association, and Kevin Lindsay have all appealed.

Upon review of the record, there appears to be neither legal justification nor authority for material changes from the petition as originally approved. Moreover, adherence to earlier decisionmaking supports both integrity and stability of the administrative decisionmaking process.

Hearing date of 9/02/98.

Because of this case's unusual history, we ask that the Board give particular attention to the ramifications of any modification of the letter, spirit, or intent of final decisions of record, establishing parameters for this site.

Very Truly Yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. DeMilio
Deputy People's Counsel

cc: Anthony S. DiPaula, Esq.
J. Carroll Holzer, Esq.

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
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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
MICHAEL T. PATE

* ALSO ADMITTED TO D. C. BAR

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

September 1, 1998

RECEIVED
COUNTY BOARD OF APPEALS
98 SEP -2 PM 1:33

VIA FACSIMILE & FIRST CLASS MAIL
410-887-3182

Kristine K. Howanski, Chairman
Baltimore County Board of Appeals
400 Washington Avenue
Towson, Maryland 21204

RE: **CASE NO.: 97-127-SPHX**
MT. VISTA GOLF COURSE, PETITIONER

Dear Ms. Howanski:

This will confirm that by agreement of the parties, reached between Mr. Holzer on behalf of the Protestants/Appellants, Greater Kingsville Civic Association, Inc. and Kevin Lindsay, and the undersigned on behalf of Mt. Vista Golf Course, Mt. Vista is requesting a postponement of tomorrow's hearing. We have already confirmed with Charlotte the available dates of October 14, 1998 and December 9, 1998. The reason for the postponement is the sudden and unexpected unavailability of Mr. Crispino, the Managing Partner of Mt. Vista who has within the last few days been ordered by his doctor to remain at home and on medication for what manifested itself as extreme hypertension, tightness in the chest, lightheadedness and similar symptoms of a cardiac nature. Mr. Crispino has a history of cardiac problems, including a heart attack in February, 1995.

Thank you for the Board's consideration of this request, as well as Mr. Holzer's concurrence in light of these unfortunate circumstances.

Very truly yours,

Anthony J. DiPaula/ds

Anthony J. DiPaula

AJD/ds
9`ds.2

cc: J. Carroll Holzer, Esquire (via facsimile)
Mt. Vista Golf Course Limited Partnership

File

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 24, 1998

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

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
Mt. Vista Golf Course
Case No. 97-127-SPHX

Dear Mr. Holzer:

In response to your letter dated February 17, 1998 concerning the above-captioned matter, the following comments are offered.

Through the issuance of my Order, it was my intent to deny the Petition for Special Exception and that portion of the Petition for Special Hearing which sought a conversion of the use of the subject property to a country club. However, I confirmed that the permitted use of the property was as a golf course, and attempted to delineate the differences, in my view, between a "golf course" and a "country club."

In prescribing the hours of play at the subject site, I denied that portion of the Petition which sought approval of a lighted driving range. Thus, the game can only be played as nature would allow. When the sun sets and the amount of natural light fades, play on the course and at the driving range will cease.

I also thought it appropriate that those patronizing the course have the option to enjoy a meal at the facility after their play. In my judgment, allowing the building to remain open one hour after sunset would accommodate those patrons. Thus, it was my intent to allow the game to be played for as long as weather and natural lighting conditions allowed, and for the club house building to close one hour after sunset. Obviously, given that the sun sets at different times each day, the precise minute of closing will be continually changing.

I apologize for any confusion you may have found in my Opinion. It is my practice to set out the exact wording used by the Petitioner within my Order, which is why it references the language "the hours of operation shall not exceed 6:00 AM to 9:00 PM." I was merely repeating the prior Order while nonetheless amending same.

Printed with Soybean Ink

I will insert a copy of this letter in the case file for clarification, and have also sent a copy to Mr. DiPaula, counsel for the Petitioner. If anyone believes that an amended Order is necessary, please advise me accordingly.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

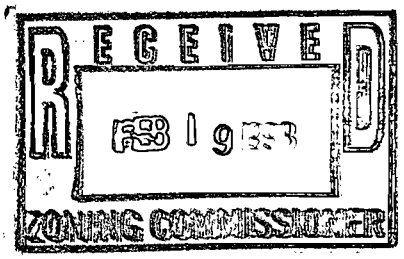
cc: Anthony J. DiPaula, Esquire, Covahey & Boozer
614 Bosley Avenue, Towson, Md. 21204

Case Files

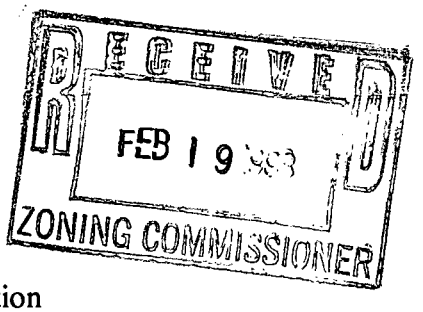
HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

TOWSON OFFICE
305 WASHINGTON AVENUE
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TOWSON, MD 21204
(410) 825-6961
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E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US



February 17, 1998
6903



Lawrence E. Schmidt
Zoning Commissioner
4th Floor, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing and Special Exception
Mt. Vista Golf Course; Case No. 97-127-SPHX

Dear Zoning Commissioner Schmidt:

After discussing your Findings of Fact and Conclusions of Law in the Mt. Vista Greens case with some of my clients, and my own review of your opinion, there appears to be some confusion and inconsistency between your Opinion and the Opinion of the Deputy Zoning Commissioner in Case No. 89-190-X as to the hours of operation of the subject golf course.

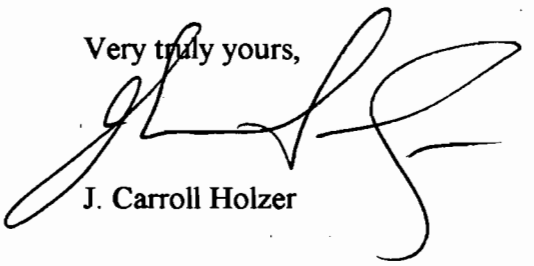
The Deputy Zoning Commissioner in Case No. 89-190-X set forth 13 restrictions to the Special Exception granted. Restriction No. 8 reads, " The hours of operation shall not exceed 6:00 A.M. to 9:00 P.M." In your Opinion dated February 2, 1998, on page 20 in the middle of paragraph number 2 you write, " ... The club may operate year-round, be open until one hour after sunset, and serve a reasonable menu to its patrons."

In the Order dated December 16, 1988, Restriction No. 8 prohibits operation after 9:00 P.M. In your Opinion, the golf course could operate as late as 10:00 P.M. (assuming a summer sunset of 9:00 P.M.) My clients are concerned that your opinion of February 2 unfavorably, and possibly unintentionally, revised Restriction No. 8 expanding the hours of operation of the golf course.

I am not certain that you intended to modify Restriction No. 8 in Case No. 89-190-X; if you did not intend to do so, I respectfully request that you amend your Opinion or take some other measure that clarifies the hours of operation of the golf course.

I appreciate your attention in this matter.

Very truly yours,



J. Carroll Holzer

JCH:clg

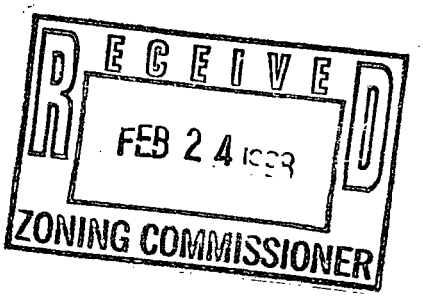
cc: Anthony DiPaula, Esq.
Greater Kingsville Community Assn.

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

TOWSON OFFICE
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(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US

February 19, 1998
6903



Lawrence E. Schmidt
Zoning Commissioner
4th Floor, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing and Special Exception
Mt. Vista Golf Course; Case No. 97-127-SPHX

Dear Zoning Commissioner Schmidt:

In my letter to you dated February 17, 1998, I omitted to reference the third paragraph on page 21 of your opinion in the Mt. Vista decision that begins, "IT IS FURTHER ORDERED that: (3) ..." wherein there also appears to be an inconsistency surrounding the hours of operation of the golf course. In that paragraph on page 21, my clients and I are not clear on whether the hours of operation are set for no later than one hour past sunset, or 12:00 A.M. weekdays, and 1:00 A.M. Saturday and Sunday evenings. I would appreciate your reexamination of your decision insofar as the club's hours of operation are concerned and making revisions, if necessary. If you would like to call me or set up a conference call with Tony DiPaula, please let me know.

Very truly yours,

J. Carroll Holzer

JCH:clg

cc: Anthony DiPaula, Esq.
Greater Kingsville Community Assn.
C:/Letters/MtVistaGreens.Ltr

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

February 19, 1998

RECEIVED
FEB 24 1998
ZONING COMMISSIONER

Lawrence E. Schmidt
Zoning Commissioner
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

RE: **MT. VISTA GOLF COURSE LIMITED PARTNERSHIP**
CASE NO.: 970127-SPHX

Dear Commissioner Schmidt:

In response to Mr. Holzer's letter, to the extent the sun sets very early in October and November, and even March and April for that matter, we were thinking that one hour after sunset is more restrictive than what was previously ordered. It seems that some clarification is in order. The Petitioner would want to keep 9:00 p.m. as previously ordered. For golfers during daylight savings time, one hour after sunset is not unreasonable. There are many who would want to play a round of golf after work, and in the height of the summer months, often the sun does not set until 8:30 to 8:40 p.m. To this extent, your Order is very reasonable.

On behalf of the Petitioner, we would certainly welcome the opportunity of discussing the pros and cons of the current language before any further amendment or revision is made. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/ds
2\ds:119
cc: Mt. Vista Golf Course Limited Partnership
J. Carroll Holzer, Esquire

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

September 1, 1998

RECEIVED
COUNTY BOARD OF APPEALS
98 SEP -1 PM 3:43

Anthony J. DiPaula, Esq.
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

Via facsimile - 410-823-7530

Re: Petitions for Special Hearing and Special Exception, 11101 Raphael Road
11th Election District, 5th Councilmanic
MT. VISTA GOLF COURSE L.P.,
Legal Owner/Petitioner
Case No. 97-127-SPHX

Dear Mr. DiPaula:

This is in reply to your letter dated August 21, 1998.

First of all, this office's correspondence to the County Board of Appeals dated August 11, 1998 was not an *ex parte* communication. We sent copies to all counsel.

Secondly, our letter is not part of an opening statement, but rather reflects specific concerns about the case and our continuing interest as a party to these proceedings. See Md. Nat'l. Capital Park and Planning Comm'n. v. Smith, 333 Md. 3, 9-11 (1993).

Here, the essential material facts are undisputed. Moreover, the presence of counsel for both the Golf Course Partnership and the community residents will sufficiently bring out the details. Under these circumstances, we will not attend the trial phase, but reserve the

right to file a further memorandum concerning our legal analysis of the facts presented. In effect, our letter of August 11, 1998 was sent as a courtesy to advise you and the Board that our interest in the case is continuing.

Thirdly, our observation as to the proposed size of the facility comes from page 3 of the Zoning Commissioner's Opinion, where the clubhouse is described as 105' x 87' in dimension (9,135 square feet). If you have now reduced your request to less than 7,000 square feet, it is not reflected in the Opinion. Anyway, this would not materially affect or mitigate the concerns which we expressed.

We are also sending a copy of this letter to the Board for inclusion in the file.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: Kristine K. Howanski, Esq.,
Chairman, County Board of Appeals

J. Carroll Holzer, Esq.

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
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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
MICHAEL T. PATE

* ALSO ADMITTED TO D. C. BAR

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

August 21, 1998

Peter Max Zimmerman, People's Counsel
Carol S. DeMilio, Deputy People's Counsel
Room 47, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: **MT. VISTA GOLF COURSE**
CASE NO.: 97-127-SPHX

Dear Mr. Zimmerman and Ms. DeMilio:

We have certainly had our share of cases over the years, and I regret having to write this letter, but I must take strong exception to what has lately become the practice of communicating with the Board of Appeals on pending cases in what would be deemed an ex parte communication if the Board were part of the judicial branch of government. I am referring specifically to your letter of August 11, 1998 expressing your sentiments and constituting, at least in part, your opening statement in the case; assuming you will be present for the hearing on September 2, 1998. As noted in the opening line of the letter, your office has entered its appearance in the case and I can see no purpose the letter serves other than to influence the Board's thinking in advance. Furthermore, contrary to what is stated in your letter, Mt. Vista no longer seeks expansion to a country club, or a "restaurant", and the building is not 9135 square feet, but is less than 7,000 square feet. At least be factually accurate.

If you have anything further to say to the Board regarding this case, please do so on the record at the hearing. Since you communicated with the Board, we feel compelled to copy this letter to the Board to note the inaccuracies contained in your letter, and our position regarding the mere existence of your letter.

Very truly yours,

Anthony J. DiPaula

AJD/ds
8`ds.79
cc: √Board of Appeals for Baltimore County
Mt. Vista Golf Course Limited Partnership

RECEIVED
COUNTY BOARD OF APPEALS
98 AUG 24 PM 2:39

December 19, 1997

Lawrence Schmidt, Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson, Md. 21204

Dear Mr. Schmidt

I attended the Zoning Hearing regarding the Mount Vista Golf Course on December 16. Since I didn't have the opportunity to speak the Hearing, I thought I should put my thoughts in writing.

We own a home across the road from the Golf Course. Our family has lived on Raphel Road since before World War II. At that time, there were few families on the Road. None of the families now near the golf course were there, and none experienced the change from a very quiet country community on a quiet country road to what it is today. I can say with confidence that if my parents, who are still alive, had the option of leaving it the way it was, they would have.

The reason I mention this is that no one likes to see changes that in any way make their lives less pleasant than they are. Benefits to the community often occur at someone's expense. Certainly, the golf course is perceived by a number of families in that way.

I and my family would like to see the Mt. Vista have all the amenities of other golf courses, with a restaurant, a liquor license which is essential to a good restaurant, and a well managed, well kept golf course. A course with all the amenities would improve the community. Most people would agree that to be the case, I think.

The opponents of the course began fighting it from day one. Although much has been made about building being too large, for example, it is difficult to ignore the conclusion that the objection to the size merely masks the real objection, i.e., that the opponents simply do not want a golf course as most would define it to be there. What they would allow is something that is not economically viable. Whether their intention is to destroy the course or not, meeting all of their objections would have that effect.

Much has been made about the size of the building. As I understand it, the County issued the building permits. Whether the Zoning Board approved it appears to be moot. Baltimore County, regardless of the actions of individual components of its government, approved what stands there now.

What is of concern to me and others I have talked to is the effect this protracted process might have on the future of the golf course and the community, generally. I do not know the financial condition of the owner, whether failure to provide what is being asked for will result in business failure, but it is clear that the hold up has cost a lot of money. Those

lost dollars mean less profits, less employment, fewer benefits for employees. It means less money to go into improvements, or the maintenance of what is there. It hurts the community.

After seven years, it is time to end the dispute and allow the Golf Course management to attend to what should be its concern, providing something of value to the community and the public, generally. While some accommodation to those who feel hurt by the Golf Course plans might be in order, the more important matter at hand is for the County make a decision quickly which will enable the Mt. Vista Golf Course to get on with the business of creating a viable entity.

Sincerely,

Herman E. Schmidt

12/17/97

To: Hearing Examiner

From: Ken Holt, Del. 6th Dist.

As past president of the Greater Kingsville Civic Association, I participated in a hearing between Baltimore county and developers of the golf course which established specific agreements relating to the operation of the golf course. These agreements among other things prohibited night lighting of the driving range. I expect that the hearing examiner will review the record and abide by the commitments made during the initial permit process.

Sincerely,

Ken Holt

File 12/17 Sm

IN THE MATTER OF Mt. Vista Greens G. C. 11101 Raphael Rd. 5th Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 97-127-SPHX

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

SUBPOENA

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

TO: Larry Yeager, SWM
DEPRM
County Courts Bldg.

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

at Room 407 Courts Bldg. 401 Bosley Ave.
(Place where attendance is required)

on Wed. the 17th day of December, 19 97 at 9:00 a.m. / ~~p.m.~~ XXX for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents, test results, reports, correspondence, memos, etc. connected with the Mt. Vista Golf Course.

J. Carroll Holzer, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 12/11/97

Zoning Commissioner

SHERIFF'S RETURN

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

Date: _____ Fee: $_____

SHERIFF

FORMS\A:\SUBPOENA.DRF

file 12/17 Jen

IN THE MATTER OF
Mt. Vista Greens G. C.

11101 Raphael Rd.

5th Councilmanic District

* BEFORE THE ZONING

* COMMISSIONER OF

* BALTIMORE COUNTY

* Case No. 97-127-SPHX

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

SUBPOENA

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

TO: Rob Powell, Groundwater Management
DEPRM
County Courts Bldg.

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

at Room 407 Courts Bldg. 401 Bosley Ave.
(Place where attendance is required)

on Wed. the 17th day of December, 19 97 at 9:00 a.m. / ~~p.m.~~ XXX for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents, test results, reports, correspondence, memos, etc. connected with the Mt. Vista Golf Course.

J. Carroll Holzer, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 12/11/97

Zoning Commissioner

SHERIFF'S RETURN

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

Date: _____ Fee: $_____

_____
SHERIFF

FORMS\A:\SUBPOENA.DRF

IN THE MATTER OF	*	BEFORE THE
Mt. Vista Golf Course, Ltd.	*	COUNTY BOARD OF APPEALS
11101 Raphel Rd.	*	BALTIMORE COUNTY
Petition for Special Hearing	*	CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday September 7, 1999 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Avery Hardin
Address: Permits and Development Management, Co. Office Bldg.
Towson, MD

Note: Any and all files, memos, reports, comments, plans, correspondence, etc. in your office for Mt. Vista Green Golf Course.

Name: J. Carroll Holzer
Firm: _____
Address: 508 Washington Ave. Towson, 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Charlotte E. Radcliffe
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not Served: _____, 19___

Sheriff of Baltimore County
a:\forms\cba.sub

RECEIVED
COUNTY BOARD OF APPEALS
99 SEP -7 AM 8:59

IN THE MATTER OF	*	BEFORE THE
Mt. Vista Golf Course, Ltd.	*	COUNTY BOARD OF APPEALS
11101 Raphel Rd.	*	BALTIMORE COUNTY
5th Councilmanic District	*	CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday Sept. 2 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse 400 Washington Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Larry Yeager, DEPRM
Address: County Courts Bldg.
4th Floor

Note: Please bring any and all documents, reports, studies, correspondence, etc. that relate to Mt. Vista Golf Course.

Name: J. Carroll Holzer, P.A.
Firm: Holzer and Lee
Address: 508 Fairmount Ave.
Towson, MD 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
98 AUG 31 AM 8:28

IN THE MATTER OF	*	BEFORE THE
Mt. Vista Golf Course, Ltd.	*	COUNTY BOARD OF APPEALS
11101 Raphel Rd.	*	BALTIMORE COUNTY
5th Councilmanic District	*	CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday Sept. 2 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse 400 Washington Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Rob Powell, DEPRM
Address: County Courts Bldg.
4th Floor

Note: Please bring any and all files, notes, reports, studies, memos, correspondence, etc. that relate to Mt. Vista Golf Course.

Name: J. Carroll Holzer, P.A.
Firm: Holzer and Lee
Address: 508 Fairmount Ave.
Towson, MD 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
98 AUG 31 AM 8:27

IN THE MATTER OF * BEFORE THE

Mt. Vista Golf Course, Ltd. * COUNTY BOARD OF APPEALS

11101 Raphel Rd. * BALTIMORE COUNTY

5th Councilmanic District * CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday Sept. 2 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse 400 Washington Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Bruce Seeley, DEPRM
Address: County Courts Bldg. 4th Floor

Note: Please bring all files, memos, correspondence, studies, reports, etc. that relate to Mt. Vista Golf Course.

Name: J. Carroll Holzer, P.A.
Firm: Holzer and Lee
Address: 508 Fairmount Ave.
Towson, MD 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
98 AUG 31 AM 8:27

IN THE MATTER OF	*	BEFORE THE
Mt. Vista Golf Course	*	COUNTY BOARD OF APPEALS
11101 Raphel Rd.	*	BALTIMORE COUNTY
Petition for Sp. Hearing	*	CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday December 9 at 10:00 a.m. at Room 48, located at Old Courthouse, 400 Washington Ave. Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Avery Hardin
Address: Landscape Review & Approval
County Office Bldg.

Name:
Firm:
Address:

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
98 DEC -4 PM 12:48

IN THE MATTER OF * BEFORE THE

Mt. Vista Golf Course * COUNTY BOARD OF APPEALS

11101 Raphel Rd. * BALTIMORE COUNTY

Petition for Sp. Hearing * CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday December 9 at 10:00 a.m. at Room 48, located at Old Courthouse, 400 Washington Ave. Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Larry Yeager
Address: DEPRM
County Courts Bldg.
Towson, MD 21204

Name:
Firm:
Address:

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
98 DEC -4 PM 12:49

IN THE MATTER OF
Mt. Vista Golf Course Ltd.

Daniel Crispino, Partner

11101 Raphel Rd. Kingsville

* BEFORE THE

* COUNTY BOARD OF APPEALS

* BALTIMORE COUNTY

* CASE NO. 96-167-SPH

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday April 8, 1997 at 10:00 a.m. at Room 48 ~~Basement, Old Courthouse, 400 Washington Ave., Towson~~ , located at and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Custodian of the records, Chesapeake Federal
Address: ~~2001 E. Joppa Rd.~~
Baltimore, MD 21234

Custodian of the records: Please produce all documents, applications, drawings, correspondence, financial statements, etc. in connection w/ Mt. Vista Golf Course, James and/or Paul Stadler, legal owners, DACR, Inc., and/or Daniel P. Crispino, Partner in connection with loans and/or mortgages.

Name:
Firm:
Address:

J. Carroll Holzer, P.A.
305 Washington Ave.
Suite 502
Towson, MD 21204
825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Kathleen C. Bianco
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

97 APR -1 PM 12:22

IN THE MATTER OF * BEFORE THE

Mt. Vista Golf Course * COUNTY BOARD OF APPEALS

11101 Raphel Road * BALTIMORE COUNTY

Kingsville, MD * CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday March 31, 1999 at 9:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Dave Lykens, Environmental Impact Review
Address: DEPRM
County Courts Bldg.

Name: J. Carroll Holzer, P.A.
Firm: 508 Fairmount Ave.
Address: Towson, MD 21286

410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Kathleen C. Bianco
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

99 MAR 30 PM 12:18

RECEIVED
COUNTY BOARD OF APPEALS

IN THE MATTER OF * BEFORE THE

Mt Vista Golf Course * COUNTY BOARD OF APPEALS

11101 Raphael Rd. * BALTIMORE COUNTY

_____ * CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday March 31, 1999 at 9:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Rob Powell, DEPRM
Address: 4th Floor
County Courts Bldg.

Name: ____
Firm: ____
Address: ____

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Kathleen C. Bianco
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

99 MAR 30 AM 10:42

RECEIVED
COUNTY BOARD OF APPEALS

IN THE MATTER OF * BEFORE THE
Mt. Vista Golf Course *
11101 Raphael Rd., Kingsville * COUNTY BOARD OF APPEALS
Daniel Crispino, Partner * BALTIMORE COUNTY
* CASE NO. 96-167-SPH

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday April 8 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Bruce Seeley
Address: DEPRM
County Courts Bldg.

Witness: Produce all plans, correspondence, notes, memos, etc. related to Mt. Vista Golf Course

Name: J. Carroll Holzer, P.A.
Firm:
Address: 305 Washington Ave.
Suite 502
Towson, MD 21204

825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Kathleen C. Bianco
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

97 APR -8 P1:05

IN THE MATTER OF Mt. Vista Golf Course 11101 Raphael Rd., Kingsville Daniel Crispino, Partner	*	BEFORE THE COUNTY BOARD OF APPEALS BALTIMORE COUNTY CASE NO. 96-167-SPH

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday April 8 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Joe Larson
Address: Spellman, Larson & Associates
105 W. Chesapeake Ave. Towson, MD 21204

Witness: Produce all plans, correspondence, notes, memos, etc. related to Mt. Vista Golf Course

Name: J. Carroll Holzer, P.A.
Firm: 305 Washington Ave.
Address: Suite 502
Towson, MD 21204

825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Kathleen C. Bianco
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

97 APR -2 PM 1:04

IN THE MATTER OF	*	BEFORE THE
Mt. Vista Golf Course, Ltd.	*	COUNTY BOARD OF APPEALS
11101 Raphel Rd.	*	BALTIMORE COUNTY
Petition for Special Hearing	*	CASE NO. 97-127-SPHX

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

RENEWAL OF SUBPOENA

Please re-issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday September 7, 1999 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Dave Lykens, Environmental Impact Review
Address: DEPRM, County Courts Bldg.
Towson, MD

Note: Any and all files, memos, reports, comments, tests, correspondence, etc. in above case.

Name: J. Carroll Holzer
Firm: _____
Address: 508 Washington Ave. Towson, 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Charlotte E. Radcliffe
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not Served: _____, 19____

Sheriff of Baltimore County
a:\forms\cba.sub

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 31 AM 10: 23

IN THE MATTER OF	*	BEFORE THE
Mt. Vista Golf Course, Ltd.	*	COUNTY BOARD OF APPEALS
11101 Raphel Rd.	*	BALTIMORE COUNTY
Petition for Special Hearing	*	CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday September 7, 1999 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Michael Moorefield
Address: DEPRM, County Courts Bldg.
Towson, MD

Note: Any and all files, memos, reports, comments, records, correspondence, etc. in 8/16/99 violation against Mt. Vista Green Golf Course.

Name: J. Carroll Holzer
Firm: _____
Address: 508 Washington Ave. Towson, 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not Served: _____, 19___

Sheriff of Baltimore County
a:\forms\cba.sub

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 31 AM 10: 22

IN THE MATTER OF	*	BEFORE THE
Mt. Vista Golf Course, Ltd.	*	COUNTY BOARD OF APPEALS
11101 Raphel Rd.	*	BALTIMORE COUNTY
Petition for Special Hearing	*	CASE NO. 97-127-SPHX

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

RENEWAL OF SUBPOENA

Please re-issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday September 7, 1999 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Rob Powell
Address: DEPRM, County Courts Bldg.
Towson, MD

Note: Any and all files, memos, reports, comments, tests, correspondence, etc. in above case.

Name: J. Carroll Holzer
Firm: _____
Address: 508 Washington Ave. Towson, 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Charlotte E Radcliffe
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not Served: _____, 19___

Sheriff of Baltimore County
a:\forms\cba.sub

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 31 AM 10: 26

IN THE MATTER OF	*	BEFORE THE
Mt. Vista Golf Course, Ltd.	*	COUNTY BOARD OF APPEALS
11101 Raphel Rd.	*	BALTIMORE COUNTY
Petition for Special Hearing	*	CASE NO. 97-127-SPHX

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday September 7, 1999 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Larry Yeager
Address: DEPRM, County Courts Bldg.
Towson, MD

Note: Any and all files, memos, reports, comments, tests, correspondence, etc. for a SWM facility for Vista Green Golf Course.

Name: J. Carroll Holzer
Firm: _____
Address: 508 Washington Ave. Towson, 21286
410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Charlotte E Radcliffe
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not Served: _____, 19___

Sheriff of Baltimore County
a:\forms\cba.sub

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 31 AM 10: 26

Case Number _____

PLEASE *PRINT* LEGIBLY

~~CE[redacted]~~S SIGN-IN SHEET

Name	Address	City, State	Zip Code
DOUG BEHR	7451 BRADSHAW ROAD	KINGSVILLE	21087
ROBIN BEERS	12442 JERUSALEM ROAD	"	"
LEIGH KELLER	P.O. BOX 174 JERUSALEM RD.	"	21087
BILL BUTTON	7419 GOETTNER RD	KINGSVILLE	21087
Diane Nees	7449 Mt Vista Rd	Kingsville	21087
Dorothy Foos	6403 Lewis Rd.	Baldwin, Md	21013

Revised 4/17/00

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
ANTHONY J. DiPAULA, ESQ.	614 BOSLEY AVE. – TOWSON, 21204
HERM SCHMIDT	10928 RAPHEL RD BRADSHAW MD 21021
Wm Rutkowski	11311 Raphel Rd Upper Falls MD 21156
Glenn Cook	40 W. Chesapeake Ave Suite 600 Towson 21204
Gil Fowler GIL FOWLER	12317 STONEY BRTHR RD KINGSVILLE
FRED CHRISTIAN	2108 BOSTON ST APT 209 BALTO MD 21231
CHARLES D. EASTER	3422 NORTHERN WAY BALTIMORE MD 21234
DAVID CASPIAN	12708 CRAFTON RD. 21085
RONALD BUNTING	4004 KAHLSTON RD
KURT LOUDERBACK	10 BARKWIND CT 21234
GREGG TAYLOR	3819 PERRYHURST PL. 21236
THOMAS J. VAUGHAN	1801 THORNTON RIDGE 21204
RICK CHADSEY	658 KENILWORTH DR. 21204
Dr Bernadette Stundich	11207 Lynn Dr. 21087
Cassandra Christian	2108 Boston St 21231
Gerald Scott	7711 BRADSHAW RD 21087
Kyle Sc	160 KINGSMILL CT
PAUL D. VALLE	9 PALMWAY CT. 21013
Marshall Clayton	10908 Raphel Rd 21021 Bradshaw
Bill Snyder	2615 Mount Christ Rd, 21087
JUDI SOOTS	19907 YORK RD PARKTON MD 21120

Printed with Soybean Ink on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Edward B. McGehee	200 A Burkwood Ct. 21015
C. Warren Schindhelm	8601 Oak Rd 21234

Printed with Soybean Ink on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Lewis L. Fleury	424 Woodbine Ave. Towson MD 21204
✓ Diane F. Neas	7449 Mt. Vista Rd Kingsville 21087
✓ Nancy Hastings	7714 Buck Hill Rd. Kingsville
✓ LEROY SPARR	11010 Raphel RD, Upper Falls, MD, 21156
✓ JOHN BAKER	7613 MT. VISTA RD MD 21087
✓ Kevin Lindsey	11022 Raphael Rd. Upper Falls
✓ Sean Snyder	7615 Mt. Vista Kingsville 21156 21087
Joseph Brusak	7612 Mt Vista Rd 21087
✓ LEIGH KELLER	12233 JERUSALEM RD. P.O. BOX 174, KINGSVILLE, MD. 21087
✓ Eva Lallas	11215 Cedar Ln. Kingsville 21087
✓ TOM KNEESHAW	11 KINGS GLEN CT KINGSVILLE 21087
✓ ROBIN BEERS	12442 JERUSALEM ROAD KINGSVILLE 21087
Leroy M. SPARR representing H Leroy Sparr	11016 Raphel Rd Upper Falls Md 21156
✓ Doug Behr	7451 BRADSHAW RD Kingsville 21087
~~✓ Donald Scott~~	~~7217 BRADSHAW RD~~
~~✓ Marshall Clayton~~	~~10205 Raphel Rd Bradshaw~~ 21021
HARRY J. HERMAN JR	10936 RAPHEL RD 21156
JOSEPH R. WILSON	11605 BEAR RD KINGSVILLE
Frank Forman Jr.	6809 Sunshine Ave
~~Ben Snyder~~	
BILL BUTTON	7419 GOETTNER RD 21087
Ken Holt	10627 Jones Rd Bradshaw, 21021
Dorothy T. Foos	6403 Lewis Road - Baldwin Md. 21013

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Diane J Near	7442 Mt. Vista Rd 21087
Nancy Hastings	7714 Bush Hill Rd. 21087
ROBIN BEERS	12442 JERUSALEM RD. KINGSVILLE 21087
Joe Brusak	7612 Mt Vista RD Kingsville 21087
FRANCES SNYDER	7615 Mt Vista Rd KINGSVILLE 21087
PAUL M. FLOWMAN GKCA	13105 FORK RD BALDWIN MD 21013
LEIGH KELLER	P.O. BOX 174 KINGSVILLE 21087
	12233 JERUSALEM RD.
LeRoy SPARR	11010 RAPHEL RD, Upper Falls, MD 21156
Eva Lallas	11215 Cedar Ln 21087
Dorothy E. Foos	6403 Lewis Rd. Baldwin, Md. 21013
BILL BUTTON	7419 GOETTNER RD KINGSVILLE, MD 21087

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: June 5, 2000

TO: Arnold Jablon, Director
Permits & Development Management

FROM: Charlotte E. Radcliffe
Board of Appeals

SUBJECT: **CLOSED FILES:**
97-127-SPHX –Mt. Vista Golf Course, Ltd.
98-3-SPH –Robert Poleski & Michael Poleski
98-235-A –Evelyn Sims
98-471-A –Jean D. & Cermontine A. Webster

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 97-127-SPHX; 98-3-SPH; 98-235-A; & 98-471-A;
P w/ LG-Exhibits

97-127-SPH

N 47608.
E 58687.

89-190-X

E60,000

E61,500

R.C.5

N581,000

N47,000

SUBJECT SITE

RADNOR ROAD

PRIVATE ROAD

89-190-X

R.C.5

R.C.5

N46,000

G.B.E. CO. P.L.

JOHN F. KENNEDY

ROAD

N45,000

SCALE	LOCATION	SHEET
1" = 200'±	NORTHWEST OF GUNPOWDER 89	N. E. 12 – J
DATE OF PHOTOGRAPHY JANUARY 1986		

REVISED #97-127-SPHX

AMENDED

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at ~~E/S Raphel Road~~ 11101 RAPHAEL RD.

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits & 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 whether or not the Zoning Commissioner should approve~~ (1) amend the previously approved special exception (#89-190X) from a golf course to a golf course and country club with a clubhouse and other appropriate facilities (BCZR Section 101), as also provided in BCZR 1A04.2.B.8; (2) to amend the previously approved site plan to allow a clubhouse building that is 105' x 87' in lieu of 40' x 60' as originally shown and approved; (3) to amend the restrictions of the special exception to extend the hours of operation to 12:00 a.m. weekdays, and 1:00 a.m. Friday, Saturday and Sunday in lieu of 9:00 p.m. (No. 8), to allow a lighted driving range (open until 11:00 p.m.), and to allow the facility to remain open year round in lieu of March 15 through November 30 (No. 9); and (4) to approve a modified parking plan pursuant to BCZR 409.12.B.

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Mt. Vista Golf Course Limited Partnership
(Type or Print Name)

By: DACR, Inc., General Partner

Signature By: Daniel P. Crispino, PRES.
(Type or Print Name)

Signature

Raphel Road at Mt. Vista 410-592-5467
Address Phone No.

Bradshaw, MD 21012
City State Zipcode

Name, Address and phone number of representative to be contacted.

Attorney for Petitioner:

Anthony J. DiPaula
(Type or Print Name)

Covahey & Boozer, P.A.
Signature

614 Bosley Avenue 410-828-9441
Address Phone No.

Towson, MD 21204
City State Zipcode

Daniel P. Crispino
Name

same
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 DAY

unavailable for Hearing the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE 10/24/97

ORDER RECEIVED FOR FILING
Date 2/2/98
By

Revised 9/5/95

PLEASE CONTACT ATTY TO SCHEDULE.

REVISED 97-127-SPHX

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at ~~E/S Raphel Road~~ 11101 RAPHAEL RD.

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits & 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a country club (BCZR Section 101) pursuant to BCZR Section 1A04.2.b.8, it having been previously approved as a golf course in Case No. 89-190X.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Mt. Vista GOlf Course Limited Partnership
(Type or Print Name)

By: DACR, Inc., General Partner

Signature By: Daniel P. Crispino, Pres.

(Type or Print Name)

Signature

Raphel Road at Mt. Vista 410-592-5467
Address Phone No.

Bradshaw, MD 21012
City State Zipcode

Name, Address and phone number of representative to be contacted.

Daniel P. Crispino
Name

same
Address Phone No.

Attorney for Petitioner:

Anthony J. DiPaula
(Type or Print Name)

Covahey & Boozer, P.A.

Signature

614 Bosley Avenue 410-828-9441
Address Phone No.

Towson, MD 21204
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 DAY

unavailable for Hearing the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: JAR DATE ~~9/25~~ 10/24/97

ORDER RECEIVED FOR FILING
Date 9/25/97
By

Revised 9/5/95

PLEASE CONTACT ATTY TO SCHEDULE

89

Petition for Special Hearing

97-127-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 11101 Raphel Road, 11th Election District

special exception for a golf course and ancillary uses 89-190X. See also 91-209 SPH and 92-37 SPH **which is presently zoned** RC5 with a

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 whether or not the Zoning Commissioner should approve

An amendment of the previously granted Special Exceptions in accordance with the attached plans.

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Thomas L. Hennessey
(Type or Print Name)

Signature

40 W. Chesapeake Ave. 823-7710
Address Phone No.

Towson, MD 21204
City State Zipcode

DROP-OFF
No REVIEW
8/21/96
ucl

Legal Owner(s):

Mt. Vista Golf Course Limited Partnership
(Type or Print Name)

By: DACR, Inc.

By: Daniel P. Crispino
Signature

Daniel P. Crispino
(Type or Print Name)

Daniel P. Crispino
Signature

c/o International Crane Company

1300 Race Street
Address Phone No.

Baltimore, MD 21030
City State Zipcode

Name, Address and phone number of representative to be contacted.

Daniel P. Crispino
Name

1300 Race Street 727-0424
Address Phone No.

Balto. MD 21230

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

89

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) 825-5215

97-127-SPH

DESCRIPTION FOR A ZONING PETITION FOR SPECIAL HEARING - MOUNT VISTA GREENS GOLF COURSE - RAPHAEL ROAD, 11TH DISTRICT, BALTIMORE COUNTY, MD

Beginning for the same at a point on the East side of Raphael Road at the distance of 280 feet, more or less, Northerly along the East side of Raphael Road from the centerline of Mt. Vista Road and running thence at right angles to Raphael Road North 86 Degrees 09 Minutes 08 Seconds East 2603.19 feet thence South 11 Degrees 10 Minutes 38 Seconds East 1236.74 feet South 79 Degrees 52 Minutes 28 Seconds West 492.73 feet South 10 Degrees 53 Minutes 34 Seconds East 434.64 feet South 11 degrees 11 Minutes 30 Seconds East 73.39 feet and South 81 Degrees 34 Minutes 18 Seconds West 2235.95 feet to the East side of Raphael Road herein referred to and running thence and binding on the East side of Raphael Road North 32 Degrees 32 Minutes 16 Seconds West 92.79 feet Northwesterly by a curve to the right with a radius of 490.00 feet the distance of 246.13 feet and North 03 Degrees 50 Minutes 52 Seconds East 1645.92 feet to the place of beginning.

Containing 110.023 acres of land, more or less.

08/21/96

Robert E. Spellman
REGISTERED PROFESSIONAL LAND SURVEYOR

PETITION OF: BALTO COUNTY

CIVIL ACTION # 3-C-02-7903

IN THE MATTER OF

Mt. Vista Golf Course

RECEIVED FROM THE COUNTY BOARD OF APPEALS CERTIFIED DOCUMENTS, EXHIBITS AND BOARD'S RECORD EXTRACT FILED IN THE ABOVE-ENTITLED CASE.

Clerk's Office

Date: 8-20-02

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

No. 028525

DROP-OFF

DATE 2/13/97 ACCOUNT 001-6150

AMOUNT $ 100.00 (WCR)

RECEIVED FROM: Mt. Vista Golf Course Ltd. Partner.

FOR: #110 - REVISIONS
Case [redacted]

01A00#0233MICHRC $100.00
BA C002:29PM02-13-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

No. 023367

ITEM #89

DATE 8/22/96 ACCOUNT 001-6150

AMOUNT $ 285.00 (WCR)

RECEIVED FROM: Law Offices - Thomas L. Hennessey

FOR: #020 - VARIANCE
#080 - SIGN POSTING
11101 Raphel Road

DROP-OFF
NO REVIEW

02091#0106MICHRD $285.00
BA COD:06ANOR-23-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 050805

DATE 3/6/98 ACCOUNT R-001-6150

AMOUNT $ 210.00

RECEIVED FROM: Mount Vista Golf Course

FOR: Appeal - Case #97-127-SPHX

RYE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
3/06/1998	3/06/1998	11:17:44

REC WS04 CASHIER LSMI LXS DRAWER 4
5 MISCELLANOUS CASH RECEIPT
Receipt # 041349 OFLN
CR NO. 050805

210.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 05080

DATE 3/6/98 ACCOUNT R-001-6150

AMOUNT $ 460.00

RECEIVED FROM: J. Carroll Holzer, P.A.

FOR: Appeal - Case #97-127-SPHX

RYE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
3/06/1998	3/06/1998	11:18:23

REG WS04 CASHIER LSMI LXS DRAWER 4
5 MISCELLANOUS CASH RECEIPT
Receipt # 041350 OFLN
CR NO. 050804

460.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-127-SPHX
11101 Raphael Road
E/S Raphael Road, 280' +/- N of c/l Mt. Vista Road
11 Election District
5th Councilmanic District
Legal Owner(s):
Mt. Vista Golf Course Limited Partnership

Special Exception: for a country club and a special hearing to amend the prior special exception plan in case #89-190-X, to include a country club and facilities, building size, changes in certain restrictions and to approve a modified parking plan.

Hearing: Wednesday, December 17, 1997 at 9:00 a.m. in Room 407, Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

11/395 Nov. 27 C192438

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 27, 1997

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 Nov. 27, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-127-SPH
(Item 89)
11101 Raphael Road
E/S Raphael Road, 280' +/- N of c/l Mt. Vista Road
11th Election District
5th Councilmanic
Legal Owner(s):
Mt. Vista Golf Course Limited Partnership
Special Hearing: to approve an amendment to the previously granted Special Exceptions in accordance with the attached plans.
Hearing: Wednesday, March 26, 1997 at 9:00 a.m. in Rm. 106, County Office Building.

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.

2/385 Feb. 27 C122688

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb 27, 1997

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 Feb 27, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.: #97-127-SPH

Petitioner/Developer: MT. VISTA GOLF COURSE LIMITED PARTNERSHIP, ETAL C/O JOSEPH LARSON

Date of Hearing/Closing: 3/26/97 @ 9:00 AM ROOM-106 COUNTY OFFICE BLDG.

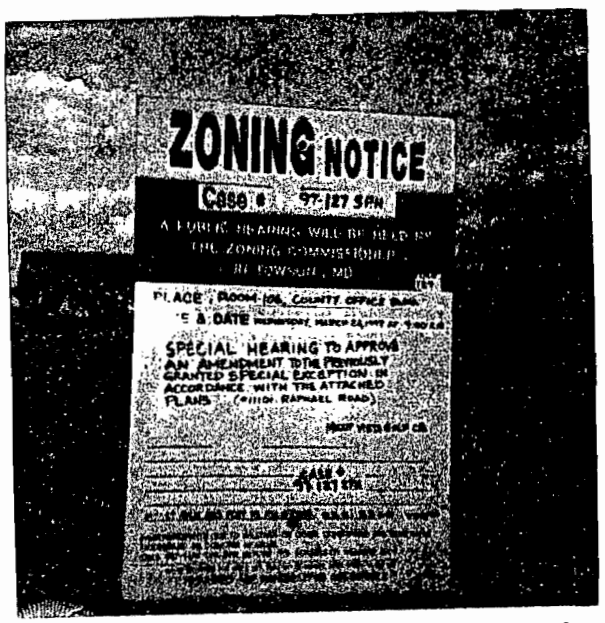
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #11101 RAPHAEL ROAD

The sign(s) were posted on 3/10/97
(Month, Day, Year)



MT. VISTA GOLF COURSE
97-127 SPH
H- 3/26/97 P. 3/10/97

Sincerely,

Patrick M. O'Keefe 3/12/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 97-127-SPHX

Petitioner/Developer: MT. VISTA GOLF COURSE, ETAL
C/O ANTHONY DIPAULA, ESQ & DEAN HOOVER G.W.S.

Date of Hearing/Closing: 12/17/97 @ 900 AM

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 11101 RAPHAEL ROAD @ GOLF COURSE ENTR.

The sign(s) were posted on 12/1/97
(Month, Day, Year)

Sincerely, Patrick M. O'Keefe 12/3/97
Patrick M O'Keefe 12/3/97
(Signature of Sign Poster and Date)

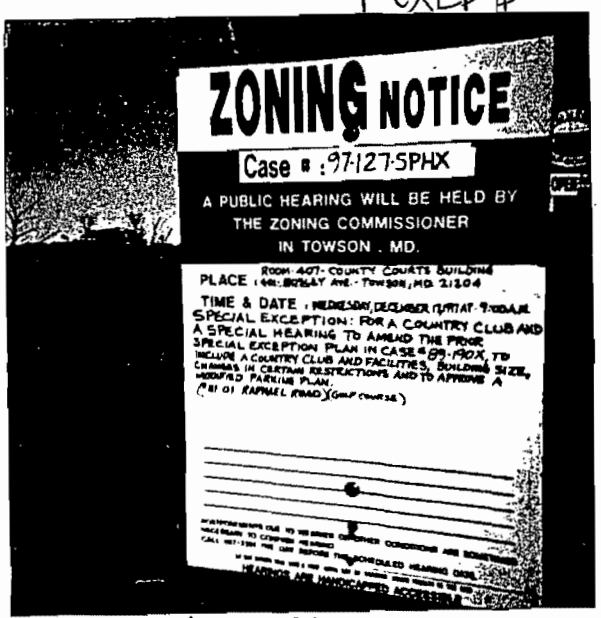
Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 905-8571
(Telephone Number)

FIXED @



CASE # 97-127-SPHX MT. VISTA
11101-RAPHAEL RD. (GOLF COURSE)
HEARING 12/17/97 @ 900 AM

CERTIFICATE OF POSTING

RE: Case No.: 97-127 SPHX

Petitioner /Developer: MT. VISTA GOLF COURSE L.P.

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11101 RAPHAEL RD.

The sign(s) were posted on 4/2/98
(Month, Day, Year)

Sincerely,

Gary C. Freund 4/2/98
Signature of Sign Poster and Date

GARY C. FREUND
Printed Name

Address

City, State, Zip Code

Telephone Number

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

REVISED 10/24/97

Date to be Posted: Anytime before but no later than *_____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

97-127-SPHX ~~[illegible]~~

Case No.: ~~98-167-SPHX~~

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: A SPECIAL EXCEPTION FOR A COUNTRY CLUB AND A SPECIAL HEARING TO AMEND THE PRIOR SPECIAL EXCEPTION PLAN IN CASE # 89-190-X, TO INCLUDE A COUNTRY CLUB AND FACILITIES, ~~AND~~ BUILDING SIZE, CHANGES IN CERTAIN RESTRICTIONS AND TO APPROVE A MODIFIED PARKING PLAN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

TO: PUTUXENT PUBLISHING COMPANY
February 27, 1997 Issue - Jeffersonian

Please foward billing to:

Joseph Larson
Spellman and Larson & Associates, Inc.
105 W. Chesapeake Avenue #107
Towson, MD 21204
823-3535

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-127-SPH (Item 89)
11101 Raphel Road
E/S Raphael Road, 280'+/- N of c/l Mt. Vista Road
11th Election District - 5th Councilmanic
Legal Owner(s): Mt. Vista Golf Course Limited Partnership

Special Hearing to approve an amendment to the previously granted Special Exceptions in accordance with the attached plans.

HEARING: WEDNESDAY, MARCH 26, 1997 at 9:00 a.m. in Room 106, County Office Building.

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.

Baltimore County
Department of Permits and
Development Management

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

February 21, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-127-SPH (Item 89)
11101 Raphel Road
E/S Raphael Road, 280'+/- N of c/l Mt. Vista Road
11th Election District - 5th Councilmanic
Legal Owner(s): Mt. Vista Golf Course Limited Partnership

Special Hearing to approve an amendment to the previously granted Special Exceptions in accordance with the attached plans.

HEARING: WEDNESDAY, MARCH 26, 1997 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Mt. Vista Golf Course Limited Partnership
Thomas L. Hennessey, Esq.
Spellman Larson & Associates, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 11, 1997.
(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.

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 14, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-127-SPHX
11101 Raphael Road
E/S Raphael Road, 280' +/- N of c/l Mt. Vista Road
11th Election District - 5th Councilmanic District
Legal Owner(s): Mt. Vista Golf Course Limited Partnership

Special Exception for a country club and a special hearing to amend the prior special exception plan in case #89-190-X, to include a country club and facilities, building size, changes in certain restrictions and to approve a modified parking plan.

HEARING: WEDNESDAY, DECEMBER 17, 1997 at 9:00 a.m. in Room 407, Courts Building, 401 Bosley Avenue.

Arnold Jablon
Director

cc: Anthony J. DiPaula, Esquire
Mt. Vista Golf Course Ltd. Partnership
J. Carroll Holzer, Esquire

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 2, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
November 26, 1997 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaula, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204
410-828-9441

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-127-SPHX
11101 Raphael Road
E/S Raphael Road, 280' +/- N of c/l Mt. Vista Road
11th Election District - 5th Councilmanic District
Legal Owner(s): Mt. Vista Golf Course Limited Partnership

Special Exception for a country club and a special hearing to amend the prior special exception plan in case #89-190-X, to include a country club and facilities, building size, changes in certain restrictions and to approve a modified parking plan.

HEARING: WEDNESDAY, DECEMBER 17, 1997 at 9:00 a.m. in Room 407, Courts Building, 401 Bosley Avenue.

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.

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

May 22, 1998

NOTICE OF ASSIGNMENT

CASE #: 97-127-SPHX

IN THE MATTER OF: MT. VISTA GOLF COURSE LTD. PARTHERSHIP -Petitioner 11101 Raphel Road
11th Election District; 5th Councilmanic

(Petition for Special Hearing GRANTED in part and DENIED in part by Z.C.)

ASSIGNED FOR: **WEDNESDAY, SEPTEMBER 2, 1998 at 10:00 a.m.**

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

pp'd @ req of Counsel for Petitioner Reset to 10/14 and 12/09/98. Notice by FAX to Counsel 9/02 and dup mail 9/07/98

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Petitioner : Anthony J. DiPaula, Esquire
Appellant /Petitioner : Daniel P. Crispino /Mt. Vista Golf Course Ltd. Partnership
Messrs. Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.

Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Greater Kingsville Civic Assn., Inc., and Kevin Lindsay

Diane Neas
Leroy Sparr
Fran Snyder
Joseph Brusak
Nancy Hastings

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

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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
MICHAEL T. PATE

* ALSO ADMITTED TO D. C. BAR

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

September 1, 1998

VIA FACSIMILE & FIRST CLASS MAIL
410-887-3182

Kristine K. Howanski, Chairman
Baltimore County Board of Appeals
400 Washington Avenue
Towson, Maryland 21204

RE: **CASE NO.: 97-127-SPHX**
MT. VISTA GOLF COURSE, PETITIONER

Dear Ms. Howanski:

This will confirm that by agreement of the parties, reached between Mr. Holzer on behalf of the Protestants/Appellants, Greater Kingsville Civic Association, Inc. and Kevin Lindsay, and the undersigned on behalf of Mt. Vista Golf Course, Mt. Vista is requesting a postponement of tomorrow's hearing. We have already confirmed with Charlotte the available dates of October 14, 1998 and December 9, 1998. The reason for the postponement is the sudden and unexpected unavailability of Mr. Crispino, the Managing Partner of Mt. Vista who has within the last few days been ordered by his doctor to remain at home and on medication for what manifested itself as extreme hypertension, tightness in the chest, lightheadedness and similar symptoms of a cardiac nature. Mr. Crispino has a history of cardiac problems, including a heart attack in February, 1995.

Thank you for the Board's consideration of this request, as well as Mr. Holzer's concurrence in light of these unfortunate circumstances.

Very truly yours,

Anthony J. DiPaula/ds

Anthony J. DiPaula

AJD/ds
9`ds.2

cc: J. Carroll Holzer, Esquire (via facsimile)
Mt. Vista Golf Course Limited Partnership

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US

September 1, 1998
6903

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

Re: In The Matter of Mt. Vista Golf Course, Ltd.
Case No. 97-127-SPHX

Dear Ms. Bianco:

I received a telephone call this morning from counsel for Mt. Vista Golf Course, Anthony DiPaula, who requested a postponement of tomorrow's hearing before the Board because his prime client is ill and cannot participate in the hearing. I have spoken with my clients and none has objected to the postponement provided that the case be rescheduled for October 14 and December 9, 1998. And, of course, if another dates falls out between October 14 and December 9, we would appreciate it being set in for a second hearing date.

Also, I would like to inform the Board that I have moved my office on Friday, August 28, 1998. My new address is : J. Carroll Holzer, P.A., 508 Fairmount Avenue, Towson, Maryland, 21286. My phone and fax numbers remain the same.

Very truly yours,

J. Carroll Holzer

JCH:clh

cc: Anthony Dipaula, Esq.

RECEIVED
COUNTY BOARD OF APPEALS
98 SEP -1 PM 1:16

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

October 6, 1998

NOTICE OF REASSIGNMENT /Day #1

CASE #: 97-127-SPHX

IN THE MATTER OF: MT. VISTA GOLF COURSE LTD. PARTNERSHIP -Petitioner 11101 Raphel Road
11th Election District; 5th Councilmanic
(Petition for Special Hearing GRANTED in part and DENIED in part by Z.C.)

which was scheduled for Day #1 of hearing on 10/14/98 has been **REASSIGNED** to begin hearing on 12/09/98 (as Day #1) due to scheduling difficulties arising from anticipated changes in Board membership, as discussed with Counsel to this matter; and has been

REASSIGNED FOR: **WEDNESDAY, DECEMBER 9, 1998 at 10:00 a.m.**
(Day #1, with no additional dates assigned at this time.)

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Petitioner : Anthony J. DiPaula, Esquire
Appellant /Petitioner : Daniel P. Crispino /Mt. Vista Golf Course Ltd. Partnership
Messrs. Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.

Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Greater Kingsville Civic Assn., Inc., and Kevin Lindsay

Diane Neas
Leroy Sparr
Fran Snyder
Joseph Brusak
Nancy Hastings

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

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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 28, 1998

NOTICE OF REASSIGNMENT /Days #2 & #3

CASE #: 97-127-SPHX

(cont'd from 12/09/98)

IN THE MATTER OF: MT. VISTA GOLF COURSE LTD. PARTNERSHIP -Petitioner 11101 Raphel Road
11th Election District; 5th Councilmanic

(Petition for Special Hearing GRANTED in part and DENIED in part by Z.C.)

ASSIGNED FOR: TUESDAY, MARCH 30, 1999 at 9:00 a.m. /Day #2 and WEDNESDAY, MARCH 31, 1999 at 9:00 a.m. /Day #3

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Petitioner : Anthony J. DiPaula, Esquire
Appellant /Petitioner : Daniel P. Crispino /Mt. Vista Golf Course Ltd. Partnership
Messrs. Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.

Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Greater Kingsville Civic Assn., Inc., and Kevin Lindsay

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Leroy Sparr
Fran Snyder
Joseph Brusak
Nancy Hastings

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

c: L.M.S.

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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 1, 1999

NOTICE OF REASSIGNMENT /Days #4 & #5

CASE #: 97-127-SPHX

IN THE MATTER OF: MT. VISTA GOLF COURSE LTD. PARTNERSHIP -Petitioner 11101 Raphel Road
11th Election District; 5th Councilmanic

(cont'd from 3/31/99)

(Petition for Special Hearing GRANTED in part and DENIED in part by Z.C.)

ASSIGNED FOR:

TUESDAY, JUNE 1, 1999 at 10:00 a.m. /Day #4 and
TUESDAY, JULY 13, 1999 at 10:00 a.m. /Day #5

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: **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).**

Kathleen C. Bianco
Administrator

pp'd 7/13 - #4 7/14 - #5 per Counsel's request

cc: Counsel for Appellant /Petitioner : Anthony J. DiPaula, Esquire
Edward C. Covahey, Jr., Esquire
Appellant /Petitioner : Daniel P. Crispino /Mt. Vista Golf Course Ltd. Partnership
Messrs. Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.

Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Greater Kingsville Civic Assn., Inc., and Kevin Lindsay

Diane Neas
Leroy Sparr
Fran Snyder
Joseph Brusak
Nancy Hastings

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

c: L.M.S.

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HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

April 16, 1999

Kathleen Bianco
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Ave.
Towson, Maryland 21204

Re: Mt. Vista Golf Course

Dear Ms. Bianco:

Enclosed please find a notice I just received from the Court of Special Appeals scheduling the Long Green vs. Executive Auto case which I am counsel for June 1, 1999. I have called the Court of Special Appeals and they will not reschedule the Hearing. I therefore must request a postponement of the Mt. Vista case from that date. Obviously I am not sure when I will be able to get back to the County from Annapolis.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

RECEIVED
BOARD OF APPEALS
99 APR 19 PM 1:17
COUNTY

Enclosure

cc: Covahey

a:/letters2/bianco.ltr

PP to 7/14/99 @ 10°° /5
change 7/13 /4

Court of Special Appeals

Robert C. Murphy Courts of Appeal Building
Annapolis, Md. 21401-1699

LESLIE D. GRADET
CLERK

(410) 260-1450
WASHINGTON AREA 1-888-200-7444

Notice Date 04/12/1999

J. CARROLL HOLZER, ESQUIRE
HOLZER AND LEE
508 FAIRMOUNT AVENUE
TOWSON, MD 21286

Re: LONG GREEN VS. EXECUTIVE

No. 01839, September Term, 1998

Dear Counsel:

Argument in the above-referenced case has been set for 06/01/1999, in Courtroom 002. Please report to this office no later than 9:00 a.m. on that date.

Very truly yours,

Leslie D. Gradet

LESLIE D. GRADET
CLERK

Maryland Relay Service
1-800-735-2258
TT/VOICE

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 30, 1999

NOTICE OF POSTPONEMENT & REASSIGNMENT /Days #4 & #5

CASE #: 97-127-SPHX IN THE MATTER OF: MT. VISTA GOLF COURSE LTD. PARTNERSHIP -Petitioner 11101 Raphel Road
11th Election District; 5th Councilmanic

(cont'd from 3/31/99)

(Petition for Special Hearing GRANTED in part and DENIED in part by Z.C.)

which was scheduled for day #4 on 6/01/99 has been **POSTPONED** at the request of Counsel for Appellants /Protestants due to Court of Special Appeals schedule conflict; and has been

REASSIGNED FOR: **TUESDAY, JULY 13, 1999 at 10:00 a.m. /Day #4 and WEDNESDAY, JULY 14, 1999 at 10:00 a.m. /Day #5**

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

pp'd as to Day 5 only; left Tue Day 5 9/01/99

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Petitioner : Anthony J. DiPaula, Esquire
Edward C. Covahey, Jr., Esquire
Appellant /Petitioner : Daniel P. Crispino /Mt. Vista Golf Course Ltd. Partnership
Messrs. Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.

Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Greater Kingsville Civic Assn., Inc., and Kevin Lindsay

Diane Neas
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Joseph Brusak
Nancy Hastings

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

c: L.M.S.

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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
MICHAEL T. PATE

* ALSO ADMITTED TO D. C. BAR

ANNEX OFFICE
SUITE 320
606 BALTIMORE AVE.
TOWSON, MD. 21204

May 6, 1999

County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Mt. Vista Golf Course, Ltd. Partnership
11101 Raphel Road
11th Election District; 5th Councilmanic
Case No. 97-127-SPHX

Dear Board Members:

I received notice from the Board postponing the June 1, 1999 hearing re: the above. I note that the date of July 13, 1999 was confirmed as the date for the hearing. However, I also note that an additional date was assigned; i.e., July 14, 1999 at 10:00 a.m.

Unfortunately, the undersigned counsel has the case of State of Maryland v. Hill, a serious criminal case set for the District Court for Baltimore County in Essex on July 14, 1999.

I must reluctantly request a postponement.

Very truly yours,

Edward C. Covahey, Jr.

99 MAY 10 PM 1:49
RECEIVED
COUNTY BOARD OF APPEALS

ECC,Jr./ldr
06ldr.04
cc: Mr. Daniel P. Crispino
J. Carroll Holzer, Esq.
Greater Kingsville Civic Assn., Inc.
People's Counsel for Baltimore County
Pet Keller, Director/Planning
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director/PDM
Virginia W. Barnhart, County Attorney
Anthony J. DiPaula, Esq.

Day 5 ppd 40 5/03/99

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 May 13, 1999

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT /Days #4 & #5
(Postponed as to Day #5 only.)

CASE #: 97-127-SPHX

IN THE MATTER OF: MT. VISTA GOLF COURSE LTD. PARTNERSHIP -Petitioner 11101 Raphel Road
11th Election District; 5th Councilmanic

(cont'd from 3/31/99)

(Petition for Special Hearing GRANTED in part and DENIED in part by Z.C.)

Day #5, which was scheduled for 7/14/99, has been **POSTPONED** at the request of Counsel for Appellant /Petitioner due to Court conflict; and has been

REASSIGNED FOR: **TUESDAY, JULY 13, 1999 at 10:00 a.m. /Day #4 and TUESDAY, SEPTEMBER 7, 1999 at 10:00 a.m. / Day #5**

Please note that 7/13/99 remains as hearing day #4.)

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.
IMPORTANT: 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).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Petitioner : Anthony J. DiPaula, Esquire
Edward C. Covahey, Jr., Esquire
Appellant /Petitioner : Daniel P. Crispino /Mt. Vista Golf Course Ltd. Partnership
Messrs. Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.

Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Greater Kingsville Civic Assn., Inc., and Kevin Lindsay

Diane Neas
Leroy Sparr
Nancy Hastings
Fran Snyder
Joseph Brusak
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.M.S.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 26, 1999

NOTICE OF DELIBERATION

IN THE MATTER OF:
MT VISTA GOLF COURSE LTD PARTNERSHIP
Case No. 97-127-SPHX

Having heard this matter on 12/09/98; 3/30, 3/31, 7/13 and 9/07/99, and memos having been filed by the parties thereto on 10/25/99, deliberation has been scheduled as follows:

DATE AND TIME : **THURSDAY, DECEMBER 9, 1999 at 9:15 a.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Petitioner : Anthony J. DiPaula, Esquire
Edward C. Covahey, Jr., Esquire
Appellant /Petitioner : Daniel P. Crispino /Mt. Vista Golf Course Ltd. Prtnrshp
Messrs. Rick M. Chadsey III and Dean Hoover /G.W. Stephens, Jr.

Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Greater Kingsville Civic Assn., Inc., and Kevin Lindsay

Diane Neas Fran Snyder
Leroy Sparr Joseph Brusak
Nancy Hastings

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

copies: L.M.S.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 3, 2002

NOTICE OF ASSIGNMENT

CASE #: CBA-02-122
[Ref CC #01-7565]

IN THE MATTER OF: *Mt. Vista Golf Course Ltd.*
Legal Owner /Defendant 11101 Raphel Road

Code Inspections and Enforcement Violation / (BCC Section 1-7)

ASSIGNED FOR: **WEDNESDAY, JUNE 19, 2002 at 9:00 a.m.**

NOTICE: **This matter has been assigned for hearing in accordance with Section 1-7(g), *Baltimore County Code.***

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.

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Legal Owner : Melvin J. Kodenski, Esquire
Appellant /Legal Owner : Daniel P. Crispino /Mt Vista Golf Course Ltd

Doug Behr
Robin Beers
Leigh Keller
Bill Button
Diane Neas
Dorothy Foos

Avery Harden, Baltimore County Landscape Architect
Stanley J. Schapiro, Code Enforcement Hearing Official /PDM
James H. Thompson, Code Inspection & Enforcement Supervisor /PDM
Arnold Jablon, Director /PDM
C. Robert Loskot, Assistant County Attorney
Edward J. Gilliss, County Attorney

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Received 6/11/02 - Letter of Appeal from Counsel for Appellant.

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 3, 2002

NOTICE OF ASSIGNMENT

CASE #: CBA-02-122
[Ref CC #01-7565]

IN THE MATTER OF: *Mt. Vista Golf Course Ltd.*
Legal Owner /Defendant 11101 Raphel Road

Code Inspections and Enforcement Violation / (BCC Section 1-7)

ASSIGNED FOR: **WEDNESDAY, JUNE 19, 2002 at 9:00 a.m.**

NOTICE: **This matter has been assigned for hearing in accordance with Section 1-7(g), *Baltimore County Code.***

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.

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Legal Owner : Melvin J. Kodenski, Esquire
Appellant /Legal Owner : Daniel P. Crispino /Mt Vista Golf Course Ltd

Doug Behr
Robin Beers
Leigh Keller
Bill Button
Diane Neas
Dorothy Foos

J. Carroll Holzer, Esquire
Counsel for Protestants
(entered 5/13/02)

Avery Harden, Baltimore County Landscape Architect
Stanley J. Schapiro, Code Enforcement Hearing Official /PDM
James H. Thompson, Code Inspection & Enforcement Supervisor /PDM
Arnold Jablon, Director /PDM
C. Robert Loskot, Assistant County Attorney
Edward J. Gilliss, County Attorney

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

6/20/02
pp'd to @ req. of Appellant - schedule conflict

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 16, 2002

NOTICE OF REASSIGNMENT

CASE #: CBA-02-122 **IN THE MATTER OF:** *Mt. Vista Golf Course Ltd.*
[Ref CC #01-7565] Legal Owner /Defendant 11101 Raphel Road

Code Inspections and Enforcement Violation / (BCC Section 1-7)

which was assigned to be heard on 6/19/02 has been **REASSIGNED** at the request of Counsel for Appellant /Legal Owner due to Circuit Court conflict; and has been

REASSIGNED FOR: **TUESDAY, JUNE 11, 2002 at 2:00 p.m.**

NOTICE: **This matter has been assigned for hearing in accordance with Section 1-7(g), *Baltimore County Code.***

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.

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Legal Owner : Melvin J. Kodenski, Esquire
Appellant /Legal Owner : Daniel P. Crispino /Mt Vista Golf Course Ltd

Counsel for Protestants : J. Carroll Holzer, Esquire
: Doug Behr Bill Button
Robin Beers Diane Neas
Leigh Keller Dorothy Foos

Avery Harden, Baltimore County Landscape Architect
Stanley J. Schapiro, Code Enforcement Hearing Official /PDM
James H. Thompson, Code Inspection & Enforcement Supervisor /PDM
Arnold Jablon, Director /PDM
C. Robert Loskot, Assistant County Attorney
Edward J. Gilliss, County Attorney

Printed with Soybean Ink on Recycled Paper

USB 421

S 4

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 6, 2002

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: CBA-02-122 **IN THE MATTER OF:** *Mt. Vista Golf Course Ltd.*
[Ref CC #01-7565] Legal Owner /Defendant 11101 Raphel Road

Code Inspections and Enforcement Violation / (BCC Section 1-7)

which had been reassigned to be heard on 6/11/02 has been **REASSIGNED** at the request of Appellant /Legal Owner due to previous schedule conflict with reassigned date; and has been

REASSIGNED FOR: **THURSDAY, JUNE 20, 2002 at 10:30 a.m.**

NOTICE: **This matter has been assigned for hearing in accordance with Section 1-7(g), *Baltimore County Code.***

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.

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Legal Owner : Melvin J. Kodenski, Esquire
Appellant /Legal Owner : Daniel P. Crispino /Mt Vista Golf Course Ltd

Counsel for Protestants : J. Carroll Holzer, Esquire
: Doug Behr Bill Button
Robin Beers Diane Neas
Leigh Keller Dorothy Foos

Avery Harden, Baltimore County Landscape Architect
Stanley J. Schapiro, Code Enforcement Hearing Official /PDM
James H. Thompson, Code Inspection & Enforcement Supervisor /PDM
Arnold Jablon, Director /PDM
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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 21, 2002

NOTICE OF DELIBERATION

IN THE MATTER OF:

Mt. Vista Golf Course, Ltd.
Case No. CBA-02-122 /CC 01-7565

Having concluded this matter on 6/20/02, deliberation has been scheduled for the following date and time:

DATE AND TIME : **TUESDAY, JULY 2, 2002 at 9:45 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

Kathleen C. Bianco
Administrator

c:

Counsel for Appellant /Legal Owner : Melvin J. Kodenski, Esquire
Appellant /Legal Owner : Daniel P. Crispino /Mt Vista Golf Course Ltd

Counsel for Protestants : J. Carroll Holzer, Esquire
: Doug Behr Bill Button
Robin Beers Diane Neas
Leigh Keller Dorothy Foos

Avery Harden, Baltimore County Landscape Architect
Stanley J. Schapiro, Code Enforcement Hearing Official /PDM
James H. Thompson, Code Inspection & Enforcement Supervisor /PDM
Arnold Jablon, Director /PDM
C. Robert Loskot, Assistant County Attorney
Edward J. Gilliss, County Attorney

FYI copy to: S.L.B.

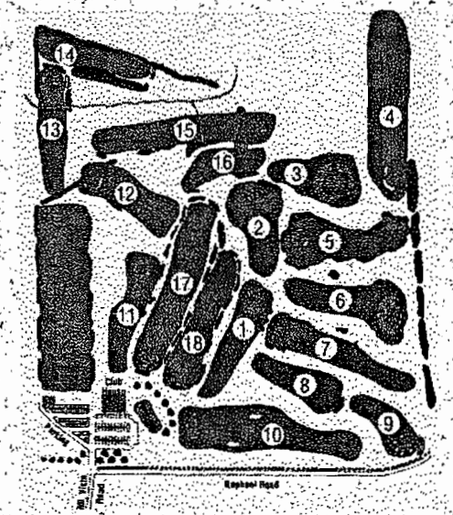
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(3)

EXHIBITS

PET / PROT

(19970127)



HOLE	1	2	3	4	5	6	7	8	9	OUT
BLUE	190	158	110	245	176	265	240	164	120	1668
WHITE	180	145	100	235	166	255	230	154	100	1565
RED	170	135	90	200	156	190	180	144	90	1355
HANDICAP	9	12	7	6	16	2	14	13	18	
PAR	3	3	3	4	3	4	4	3	3	30

HOLE	10	11	12	13	14	15	16	17	18	IN	TOT.
BLUE	330	185	160	230	140	275	135	259	270	1984	3652
WHITE	320	170	150	220	120	260	75	250	260	1825	3390
RED	310	160	140	158	115	250	65	240	250	1688	3043
HANDICAP	11	1	15	4	10	1	17	3	5		
PAR	4/5	3	3	4	3	4/5	3	4	4	32	62

USGA Course Rating/Slope

Tee	Front Nine	Back Nine	Overall
Blue	29.2 / 89	28.7 / 82	57.9 / 86
White	28.9 / 88	28.4 / 81	57.3 / 85
Red	26.9 / 86	25.6 / 79	55.6 / 81

Mt. Vista is a cart-path-only & soft spike facility.

11101 Raphael Road
Bradshaw, Maryland 21021

18 Hole Executive Golf Course

Golf Lessons

Driving Range

Pro Shop

Tournaments & Outings

11101 Raphael Road
Bradshaw, Maryland 21021
410-592-5467

Head Pro • Fred Christian
Superintendent • Gil Fowler

Pet No 1

Welcome to Mt. Vista Golf Course

Thank you for your interest in Mt. Vista Golf Course. We are happy you are considering the possibility of becoming a part or our golf family.

Mt. Vista is a semiprivate, 18 hole, executive golf course. There are ten par three holes and eight par four holes laid out on 65 acres of white pine tree fairways and greens. Our course can meet the needs of golfers at all levels of play. It will provide a challenging and enjoyable round of golf.

To help improve your game, Mt. Vista has a 30 station driving range and a practice putting green. The golf pros at Mt. Vista can provide the lessons necessary to take you to your next level of play. After an enjoyable round of golf you can complete the day with a visit to our newly completed clubhouse and pro shop.

Membership Rates

Single Membership
..... $1,000.00

Husband/Wife Membership
..... $1,300.00

Family Membership
Each Child 6 - 15 years $200.00
Each Child 16 - 21 years $300.00
Children under 16 must accompanied by an adult.

Corporate Membership
..... $1,200.00
Additional Members $900.00
(minimum of three)

Senior Membership* *(over 60 years old)*
Single $700.00
Husband/Wife $1,000.00

Member Benefits

Members receive discounted rates:
- Golf cart rental
- Driving range balls
- Selected pro shop merchandise

New Member will receive complimentary green fees and cart rental passes for weekdays:
Husband/Wife, Sr. Husband/Wife
..... 7 passes per year
Single, Senior Single, Corporate
..... 5 passes per year

* Due to the low price, the Senior Membership is good only Monday - Friday

Member Rates

Green Fees *(18 Holes)*

	WEEKDAYS	WEEKENDS
Adult	INCLUDED	INCLUDED
Senior	INCLUDED	N/A
Junior	INCLUDED IN FAMILY MEMBERSHIP	
Twilight *(All Ages)*	INCLUDED	

Cart Rentals *(18 Holes)*

	WEEKDAYS	WEEKENDS
Senior	$5.00	N/A
Single	$6.25	$6.75
Pullcarts	$4.00	$4.25
Twilight	$5.00	$5.00

Range Balls

Large Basket *(approx. 140 balls)*	$7.00
Medium Basket *(approx. 80 balls)*	$4.25
Small Basket *(approx. 40 balls)*	$3.00
Warm-up Bag *(20 balls)*	$2.00
11 Large Baskets	$35.00
11 Small Baskets	$30.00

Weekdays: *Monday - Friday*
Weekends: *Saturday & Sunday*

Open Daily

6 a.m. - 8:30 p.m. *(During D.S.T.)*
(Hours subject to change during E.S.T. please call for the most current hours)

Tee-Times for Twilight can be made the day before or the day of play.

Non-Member Rates

Green Fees *(18 Holes)*

	WEEKDAYS	WEEKENDS
Adult	$13.75	$17.00
Senior	$9.75	$14.00
Junior*	$9.75	$16.00
2 - 4 PM	$12.00	$14.00
Twilight *(All Ages)*	$10.00	$12.00

*Juniors (ages 8-15) may play anytime on weekdays and after 2:00 p.m. on weekends. Juniors must always be accompanied by an adult and are not permitted to operate golf carts.

Cart Rentals *(18 Holes)*

	WEEKDAYS	WEEKENDS
Senior	$6.00	$6.50
Single	$7.50	$9.00
2-- 4 PM	$7.00	$8.00
Twilight	$6.00	$6.00
Pullcarts	$5.00	$5.00
Clubs	$10.00	$10.00

Range Balls

Large Basket *(approx. 140 balls)*	$7.50
Medium Basket *(approx. 80 balls)*	$4.75
Small Basket *(approx. 40 balls)*	$3.50
Warm-up Bag *(20 balls)*	$2.00
11 Large Baskets	$40.00
11 Small Baskets	$30.00

Raincheck Policy

Rainchecks will only be offered when play is suspended due to lightening. If conditions have not improved after a waiting period of 45 minutes, rainchecks will be offered based on the number of holes and amount of time played.
NO RAINCHECKS FOR TWILIGHT GOLF.

Mt. Vista Golf Course Rules and Regulations

- All greens fees are sold under the condition that each foursome "Keep Pace" with the group ahead.
- No one shall be permitted on the course at any time without a valid greens fee receipt. Greens fees are not transferable.
- Appropriate dress is required. Shirts must have sleeves and golf or tennis shoes must be worn at all times. Athletic turf shoes are prohibited.
- Each Player is responsible for replacing divots, repairing ball marks, and smoothing sand bunkers.
- No more than four players are allowed in any group.
- ALL golfers must report to the Starter a minimum of 15 minutes prior to their starting time.
- All motorized or walking carts must be kept 30 feet from greens and tees and on paths when provided. No carts are permitted between the sand bunkers and the green.
- A maximum of two bags and two riders per motorized golf cart.
- All directional signs, ropes chains and barriers must be obeyed by all motorized and walking cart patrons.
- Carts must be driven at a reasonable speed. Take caution on all bridges.
- Juniors under sixteen years of age, whether proficient players or not are not allowed to drive a golf cart.
- Children under sixteen years of age and approved by the golf professional are allowed to ride (BUT NOT DRIVE) in a cart, provided they are accompanied by an adult member.
- Any golfer playing more holes than originally signed for will be charged for a minimum of an extra nine hole regardless of the number of extra holes played.
- For your own safety, refrain from retrieving balls from any ponds or woods.
- No clubs or golf bags permitted in clubhouse.
- Mt. Vista Golf Course is a cart path only and soft spike facility. Handicap flags are available for 90° only, whenever conditions permit.

Soots Consultants
P.O Box 415
Parkton, Maryland 21120

Jueri Soots
Principal

Pet No 3

Overview of Credentials:

Mr. Soots' background encompasses over thirty years of diversified experience in the electrical field in consulting, design, research and development. Special Skills in lighting include:

- Interior and exterior lighting systems design
- Lighting studies involving light trespass, glare control and environmental integration
- Energy efficient lighting control systems design

Has performed many projects for Maryland Department of Motor Vehicles, Maryland Mass Transit Administration, Baltimore Gas & Electric Co., Cathedral Mary Our Queen, Maryland Department of Transportation, NASA Goddard Space Flight Center, Potomac Electric Power Company, City of Baltimore, Maryland Department of Transportation, American Red Cross, Maryland Department of General Services and U.S Federal General Services Administration.

Education:

Maryland Institute of Art
Air University U.S.A.F.; Gunther, Alabama - Engineering

Professional Memberships:

Member, Illuminating Engineering Society, The Society of Military Engineers, National Fire Protection Association, and National Electrical Inspectors Association. Mr. Soots is also listed in the 1996-1997 Edition of the National Directory of WHO's WHO in Executives and Professionals, which is registered at the Library of Congress in Washington, D.C.

Continued Education:

Engineering Center Specialty Courses: Baltimore Gas & Electric Co., Industrial and Commercial Power Reviews; Illuminated Engineering Society Lighting Application; National Electric Code Potomac Electric Power Company, Interior and Exterior Lighting Workshop.

Specific Lighting Project Experience:

- Potomac Electrical Power Company (1993)
  - Field survey and retrofit analyses for interior and exterior lighting systems

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

DATE: November 6, 1997

To: Arnold L. Jablon

From: R. Bruce Seeley RBS/97

Subject: Zoning Item #97-127-SPHX

Mt. Vista Greens, 11101 Raphael Road

Zoning Advisory Committee Meeting of November 3, 1997

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ The Forest Buffer Easement has been approved but has never been recorded. We have letters from owners, engineers and attorneys promising to do it but it has never been done.

__X__ Ground Water Management: See previous comments.

DL:sp

Mt/Vista.doc.

PRE
5/14/90
2:30 PM
RM. 321

CRG
5/24/90
1:30 PM
RM. 301

ections and
nt
fice Building
Chesapeake Avenue
laryland 21204

1. Waiver of SWM must be approved
2. Need to investigate the possibility of rare + endangered plants on site. To be surveyed by the State's Natural Heritage Program.

PRE
10/15/90
10:30 am
Rm 321

CRG
10/25/90
10:00 am
Rm 301

VISTA GREENS XI-624

Raphel Road
J.F. Kennedy Memorial Hwy.

PETITIONER'S
EXHIBIT No. 4

Pet No 7

PETITION SUPPORTING MT. VISTA GOLF COURSE ZONING REQUESTS

By signing below, I hereby acknowledge that I am aware of the pending Zoning Petitions filed by Mt. Vista Golf Course Limited Partnership in Case No. 97-127-SPHX seeking a special exception to be a country club with an enlarged clubhouse and other appropriate facilities including food services, and its Petition to revise its plan and operation to approve its existing clubhouse; to extend its hours of operation to 12:00 a.m. weekdays and 1:00 a.m. on weekends; to allow a lighted driving range to be open until 11:00 p.m.; to allow the facility to remain open year round in lieu of closing from December 1 through March 14; and to allow its current parking lot to serve all of these uses, and I am in favor of the Zoning Commissioner granting these Petitions and am not opposed to any of the requests.

Signature	Name Printed	Address
Celia Jones	Celia Jones	5427 EBENEZER RD.
Hazel Leach	HAZEL LEACH	11135 Raphel Rd
Alfred Ruthkowski	ALFRED RUTKOWSKI	11211 Raphel Rd.
Eleanor Taylor	ELEANOR TAYLOR	11211 Raphel Rd.
Jean Peyton	Jean Peyton	11211 Raphel Rd.
[redacted] Robert Cadle Sr		11135 Raphel Rd
Morgan D. Walter	MORGAN WALTER	10830 RAPHEL Rd.
Earl Walter	EARL WALTER	10832 RAPHEL Rd.
Elizabeth Scharf	Elizabeth Scharf	10818 Raphel Rd
Marshall L. Clayton	MARSHALL L. CLAYTON	10900 Raphel Rd.
Anne V. Clayton	Anne V. Clayton	10900 Raphel Rd.
Norman Schmidt		
John T. Rohe	JOHN T. ROHE	4422 FITCH AVE
Schmidt Annabelle		10980 Raphael Rd.
Elizabeth C. Rohe	Elizabeth Rohe	4222 Fitch Ave

PETITION SUPPORTING MT. VISTA GOLF COURSE ZONING REQUESTS

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Signature	Name Printed	Address
John C. Ryan	John C. Ryan	P.O.Box 5 7726 Bradshaw Rd Upper Falls Md.
Ramona S. Ryan	Ramona S. Ryan	P.O.Box 5 7726 Bradshaw Rd, Upper Falls 21156
Debra L Bell	DEBRA L BELL	11 Long Bottom Ct Kingsville Md 21087
Charles E Bell	Charles E. Bell	11 Long Bottom ct. Kingsville MD 21087

PETITION SUPPORTING MT. VISTA GOLF COURSE ZONING REQUESTS

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Signature	Name Printed	Address
Richard DeSantis	Richard DeSantis	1410 Shore Rd. 21220
Dennis Trageser	DENNIS TRAGESER	11608 CEDAR LANE 21087
Bud Corbin	BUD CORBIN	303 LATIMER RD 21054
James W Bonnett	James W BONNETT	14009 Glen Heigh Rd
Samuel W Naylor	SAMUEL W NAYLOR	4128 RAMSTON RD
Elizabeth L Bonnett	ELIZABETH L. BONNETT	14009 Glen Heigh Rd - 21013
Norman J Hess	NORMAN J. HALLS	11 CARDOR CT. - 21236
Keith Pullen	Keith Pullen	9435 Orbitan CT. 21234
Richard Fraley	RICHARD FRALEY	8638 ROCK OAK RD 21234
Walt Buchanan	WALT BUCHANAN	928 Jackson Blvd 21014
Herbert L Christ	HERBERT CHRIST	4821 VICKY M 21236
Gary G. Lembach	GARY G. LEMBACH	9002 TRANSOMS RD 21236
Dayle M Lembach	DAYLE M. LEMBACH	9002 TRANSOM SR 21236
Sherry Bomia	SHERRY BOMIA	16 BLACKFOOT CT 21220
Jennifer Manthe	Jennifer Manthe	7 Rosecrans PLACE, Apt 7A 2123

Golf rip!

PETITION SUPPORTING MT. VISTA GOLF COURSE ZONING REQUESTS

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Signature	Name Printed	Address
	TERRY HALL	12116 BELAIR RD
	WAYNE JAMES	8002 YUCCA WESTERN RD
	Dale M. Troll	8642 Saxon Circle
~~Douglas~~ yeah!	yeah!	
Anna Kahoe	Anna Kahoe	25 Idlewild St.
	Brian Azar	9209 Snyder Ln.
	Mike Coursels	11706 Hillside Rd
	Patricia Gerhold	6901 Mt Vista Rd
	JAMES L SHAFFETT	6901 Mt Vista Rd
	Edward F. Griffith Jr.	12411 Glenbower Rd.
	Bonnie Wisniewski	13303 Tyler Cove
	Lauren G. Gregory	9100 Bradshaw Rd
	Bobby J. Loyd	6737 MT VISTA RD
	CHARLES BEALMEAR	11832 BelAir RD
	DONNA Mechaleke	12710 Lee Ben Rd

PETITION SUPPORTING MT. VISTA GOLF COURSE ZONING REQUESTS

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Signature	Name Printed	Address
Gil Fowler	GIL FOWLER	12317 STONEY BATTER RD
Thomas Trovato	THOMAS TROVATO	12001 BROOKNOLL DR
Charles D. Fowler	Charles D. Fowler	7025 Sunshine Ave 21087
Dewise Metzbower	D. Metzbower	7604 Bradshaw Rd
William Lee Smith	W.II Lee. Smith	6721 Mt Vista Rd 21087
Ronald Webb	Ronald Webb	508 Greenbridge Rd, Bel Air MD 21014
Harold T. Higuchi	HAROLD T. Higuchi	501 GREENRIDGE RD
Thomas M. Stevens	THOMAS M. STEVENS	MAINTENANCE FACILITY BUILDING
Paulette Brinkman	PAULETTE CRISPINO	3220 Rock Creek Ct
Eric Brinkman	ERIC BRINKMAN	3220 Rock Creek Ct
Donna Trovato	DONNA TROVATO	83 AUBEL Rd
Guy R. Fielder	Guy R. Fielder	1324 Glenville Rd
Shirley Fowler	SHIRLEY FOWLER	12317 Stoney Batter Rd
Gene Crocetti	GENE CROCETTI	2902 WINCHESTER WAY 21047
F.G. Nardi	F. G. NARDI	1103 PEACHTREE RD 21047

PETITION SUPPORTING MT. VISTA GOLF COURSE ZONING REQUESTS

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Signature	Name Printed	Address
John Fiorini	JOHN FIORINI	FORK HARDWARE
Roy Hornander	Roy Hornander	Fork Hardware
Dianne L. Fiedler	DIANNE L. FIEDLER	FORK HARDWARE
Rod Clayton	Rod Clayton	" "
Les Rogge	LES ROGGE	CHERRY HILL RD BALTIMORE
Ralph S. Havey	RALPH S. HAVEY	FOREST HILL, MD 21050
Dan Smith	DAN SMITH	12652 Town Rd Fork, MD, 21051 21082
Earle K Alexander	EARLE ALEXANDER	13785 Bottom RD
	Clint R. Clayton	12452 Hartford Rd.
Marie Dawson	MARIE DAWSON	KINGSVILLE MD 21087
Heather Carter	Heather carter	FORK Hardware
Erin Lauderdale	E. RIIVE-LAUDERDALE	
Richard Huber	RICHARD HUBER	Fork Rd Fork, MD.
Gene Adkins	GENE ADKINS	KINGSVILLE MD
Anthony F Feurer	Anthony F Feurer	11038 Gunpowder Rd. Kingsville MD 21087

PETITION SUPPORTING MT. VISTA GOLF COURSE ZONING REQUESTS

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Signature	Name Printed	Address
	PETER G. MATTES	11404 MARVON RD.
	GUS P. MATTES	3 STABLE CT.
	ANGELA TAVIK	4 Thomas Point Ct
	Andrew Markopoulos	806 Lancaster Dr.
	Angelike Lazarides	8535 Westerman Circle
	JESSE THURLOW	9 WOODMAR CT 21087
	PAUL AMIRAULT	5 WOODMAR CT 21087
	JOSEPH HUGEL	7 WOODMAR CT. 21087
	WILLIAM KING	11411 MARVON RD 21087
	WILLIAM E BURROWS	11413 MARVON RD 21087
	Norman Bellot	11511 Marvon Rd. 21087
	Wallace Boniface	3 Wood Mar Ct 21087
	Tom Bruno	11410 Marvon Rd
	C.A. Zorn III	11407 Marvon Rd
	PATRICIA C. CRONIN	11500 Holt Road 21087
	EARL ACQUAVIVA	11400 Marvon RD. 21087

Greater Kingsville Civic Association, Inc.

P.O. Box 221 • Kingsville, Maryland 21087-1737

To: Sophia
Baltimore County Department of Zoning
Re: Parking at Mt. Vista Greens for Charity Hayride
Fr: Diane F. Neas, Second Vice President, Greater Kingsville Civic Association
Dt: October 2, 1997

On behalf of the board of directors of the Greater Kingsville Civic Association, Inc.:

We would like for you to allow the use of the Mt. Vista Greens Golf Course parking lot to be utilized for off site parking for the Huber's farm charity hayrides on October 10, 11,17, 18, 24 and 25, 1997.

If you have any questions please call me anytime at 410/592-9257 or our president, Liz Healy, at 410/821-7100 during regular business hours)

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US

February 17, 1998
6903

Lawrence E. Schmidt
Zoning Commissioner
4th Floor, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing and Special Exception
Mt. Vista Golf Course; Case No. 97-127-SPHX

Dear Zoning Commissioner Schmidt:

After discussing your Findings of Fact and Conclusions of Law in the Mt. Vista Greens case with some of my clients, and my own review of your opinion, there appears to be some confusion and inconsistency between your Opinion and the Opinion of the Deputy Zoning Commissioner in Case No. 89-190-X as to the hours of operation of the subject golf course.

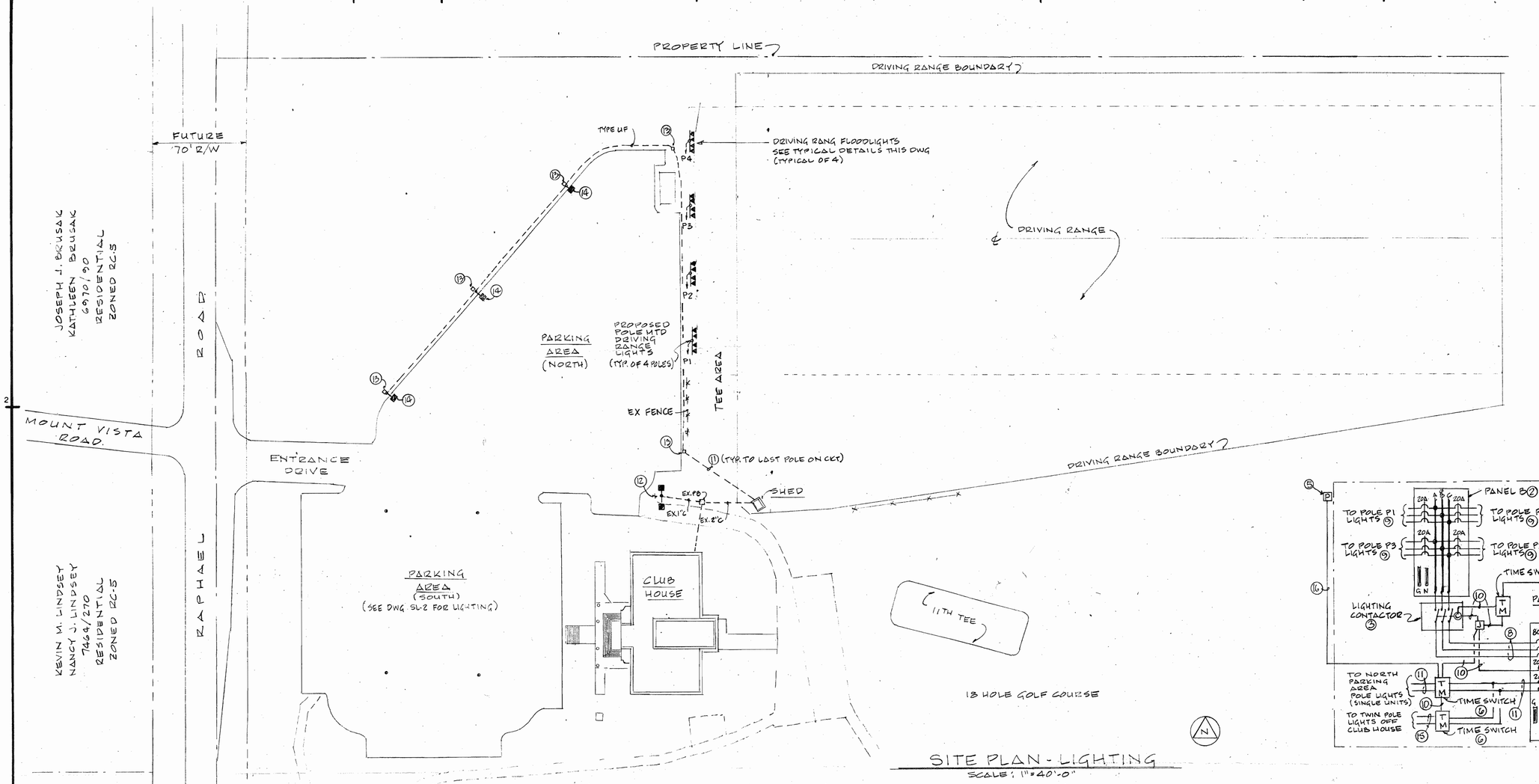
The Deputy Zoning Commissioner in Case No. 89-190-X set forth 13 restrictions to the Special Exception granted. Restriction No. 8 reads, " The hours of operation shall not exceed 6:00 A.M. to 9:00 P.M." In your Opinion dated February 2, 1998, on page 20 in the middle of paragraph number 2 you write, " ... The club may operate year-round, be open until one hour after sunset, and serve a reasonable menu to its patrons."

In the Order dated December 16, 1988, Restriction No. 8 prohibits operation after 9:00 P.M. In your Opinion, the golf course could operate as late as 10:00 P.M. (assuming a summer sunset of 9:00 P.M.) My clients are concerned that your opinion of February 2 unfavorably, and possibly unintentionally, revised Restriction No. 8 expanding the hours of operation of the golf course.

I am not certain that you intended to modify Restriction No. 8 in Case No. 89-190-X; if you did not intend to do so, I respectfully request that you amend your Opinion or take some other measure that clarifies the hours of operation of the golf course.

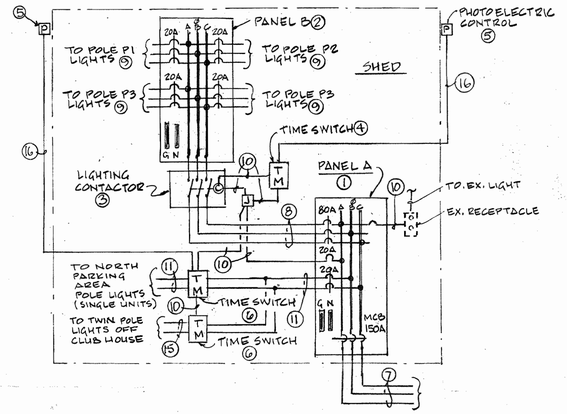
#8A

PROT

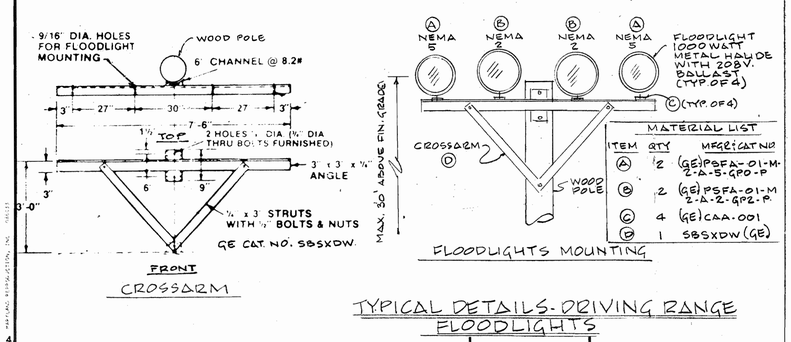


SITE PLAN - LIGHTING

SCALE: 1"=40'-0"

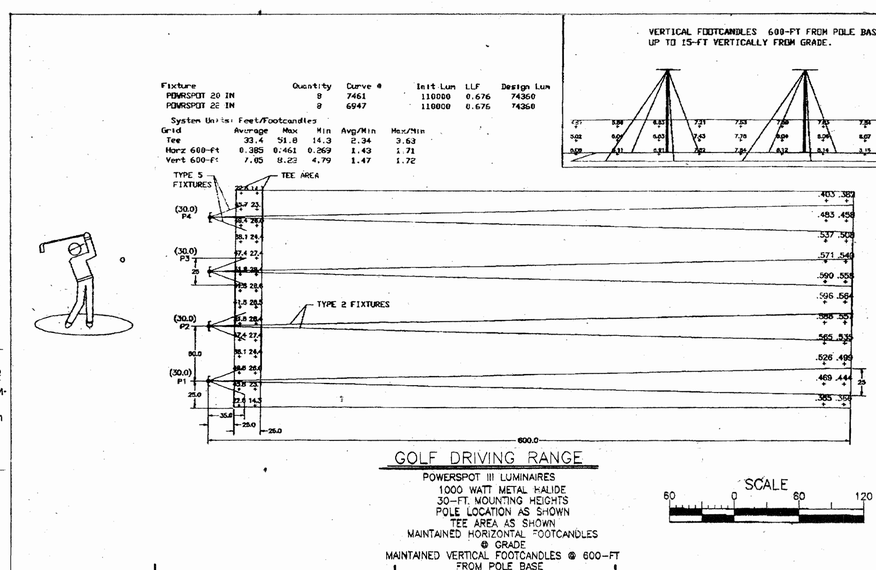


POWER - WIRING SCHEMATIC



ITEM	QTY	MFR/CAT NO
A	2	(GE) PSFA-01-M-2-A-5-QPO-P
B	2	(GE) PSFA-01-M-2-A-2-QP2-P
C	4	(GE) CAA-001
D	1	585XDW (GE)

TYPICAL DETAILS - DRIVING RANGE FLOODLIGHTS



Fixture	Quantity	Curve #	Init Lum	LLF	Design Lum
POWRSPOT 20 IN	8	7461	110000	0.676	74360
POWRSPOT 22 IN	8	6947	110000	0.676	74360

System Units: Feet/Footcandles

Grid	Average	Max	Min	Avg/Min	Max/Min
Tee	33.4	51.8	14.3	2.34	3.63
Horz 600-ft	0.385	0.461	0.269	1.43	1.71
Vert 600-ft	7.05	8.23	4.79	1.47	1.72

GOLF DRIVING RANGE

POWERSPOT III LUMINAIRES
1000 WATT METAL HALIDE
30-FT. MOUNTING HEIGHTS
POLE LOCATION AS SHOWN
TEE AREA AS SHOWN
MAINTAINED HORIZONTAL FOOTCANDLES @ GRADE
MAINTAINED VERTICAL FOOTCANDLES @ 600-FT FROM POLE BASE

DRAWING NOTES

1. PANEL A: 120/208V, 3Ø 4W, 225A. MAINS WITH 150A MAIN C.B. AND (1) 80A, 3P C.B, (1) 20A, 2P CB, (2) 20A, 1P. CB'S AND (27) 1P SPACES.
2. PANEL B: 120/208V, 3Ø 4W, 125A MAIN LUGS ONLY. AND (4) 20A, 3P CB'S. (8) 1P SPACES.
3. LIGHTING CONTACTOR, MECHANICALLY HELD, ELECTRICALLY OPERATED 100A, 3P., SQUARE D CLASS 8903
4. TIME SWITCH, MOMENTARY CONTACT WITH ASTRONOMIC DIAL AND RESERVE POWER, TORK # 1848A2L
5. PHOTOELECTRIC CONTROL - TORK # 2101
6. TIME SWITCH, WITH ASTRONOMIC DIAL AND RESERVE POWER. DPST, 40A, 208V. TORK 7202ZL
7. 3#2/0, 1#6 GND IN EX. 2"C TO 150A, 3P CB IN EX. DISTRIBUTION PANEL LOCATED IN CLUB HOUSE ELECT. RM.
8. 3#4, 1#8 GND IN 1"C
9. 3#10, 1#12 GND IN 1/2"C
10. 2#12, 1#12 GND IN 1/2"C (120V. CONTROL CKT).
11. 2#8, 1#12 GND IN 1"C (TYPE UF WHERE DIRECT BURIED)
12. PARKING LOT POLE MOUNTED LIGHTS. SEE DWG SL-2 FOR TYPE
13. PULL BOX 12"x12" FLUSH GRADE MTD. W.P.
14. POLE LIGHT SHALL BE SAME AS DETAIL SHOWN ON DWG SL-2 EXCEPT SINGLE UNITS TYPE IV DIST, RWLD # WACW417-M-
15. 2#12, 1#12 GND VIA EXISTING UNDERGROUND RACEWAY SYSTEM.
16. 3#12, 1#12 GND 1/2"C

date of revisions
12/13/97

MOUNT VISTA GREENS GOLF COURSE

11101 RAPHAEL ROAD
11TH ELECTION DIST. BALTIMORE CO. MD

PROPOSED DRIVING RANGE LIGHTING.

SODIS CONSULTANTS
— LIGHTING DIVISION —
P.O. Box 415
Parkton, Maryland 21120
(Phone) 343-0256
(Fax) 343-0304

sheet no:
SL-1

date: 11-20-97

PAULINE RUTKOWSKI
6208 / 26
RESIDENTIAL
ZONED RC-5

N 86° 09' 08" E 2603.19'

50'

BUILDING SETBACK LINE

ZONED RC-5
RESIDENTIAL
JOSEPH J BRUSAK III
KATHLEEN BRUSAK
6570/88

280'+/-

24' DRAIN

MOUNT VISTA ROAD

1645.82'

RESIDENTIAL
HENRY H LINDSEY
MARY T LINDSEY
7464/270
ZONED RC-5

EXIST. DWELL.

SEPTIC

WELL

ROAD

RESIDENTIAL
LARRY H SPARKS
MARY L SPARKS
5580/225
ZONED RC-5

RESIDENTIAL
JOSEPH W ZOLENAS
8286/608
ZONED RC-5

EXISTING PAVING

BUILDING SETBACK LINE

SEPTIC

EXIST. DWELL

WELL

FUTURE 70' R/W

75'

PLAT 50/140
RESIDENTIAL
ZONED RC-5

MARK J. ZOLENAS
6765/908

RAPHAEL

N 03° 50' 52" W

HARRY J HERMAN
JULLIE M HERMAN
6402/780
RESIDENTIAL
ZONED RC-5

HERMAN SCHMIDT
1205/314
RESIDENTIAL
ZONED RC-5

R=400.00'
L=246.13'

N 32° 32' 16" W
92.70'

WELL

S 81° 34' 18" W

BUILDING SETBACK LINE

50'

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 14th day of December, 1988 that the Petition for Special Exception for a golf course in an R.C. 5 zone, 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:

CASE NO 89-130-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 requirements of the Zoning Plans Advisory Comittee as set forth in their comments submitted hereto, including, but not limited to those submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 3, 1988 and the Office of Planning dated November 29, 1988.

3) CRG approval of this project is required without a waiver.

4) Petitioners shall landscape the property at a minimum as set forth in Petitioner's 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 the low-profile, cut-off lighting fixtures as depicted in Petitioner's 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 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 AM to 9:00 PM.

9) 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.

10) The area designated as existing woods on Petitioner's Exhibit 5 shall remain open and undeveloped unless modified by 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 PM.

12) Prior to the issuance of any permits, Petitioners shall submit the site 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 and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICS
Deputy Zoning Commissioner
for Baltimore County

18 HOLE
EXECUTIVE
GOLF COURSE

E STREAM

E STREAM

E STREAM

WOODS

THIS AREA IS
NOT TO BE DISTURBED

150' SUSQUEHANNA TRANSMISSION RIGHT OF WAY
(BALTIMORE GAS & ELECTRIC CO.)

S 11° 10' 38" E

RESIDENTIAL
HEFFERN LAND
PARTNERSHIP
6141 / 130
ZONED RC-5

50'

12,936.74'

RESIDENTIAL
KENNETH W. SCHMID
11504/135
ZONED RC-5

RESIDENTIAL
MICHAEL P. BROWN
MILDRED M. BROWN
5410/615
ZONED RC-5

RESIDENTIAL
DONALD W. OLOUGH
ZONED RC-5

BUILDING SETBACK LINE

S 70° 52' 28" W 492.73'

50'

S 10° 59' 34" E 434.64'

S 11° 11' 30" E
79.39'

2235.95'

STATE ROADS COMMISSION
OF MARYLAND
VACANT
ZONED RC-5

E STREAM

WOODS

HERMAN SCHMIDT
1205 / 314
RESIDENTIAL
ZONED RC-5

NOTE: A WAIVER OF STORMWATER MANAGEMENT REQUIREMENTS WAS GRANTED MAY 30, 1990

NOTE: THE C.R.G PLAN WAS APPROVED ON 10/25/90.

FLOOR AREA RATIO

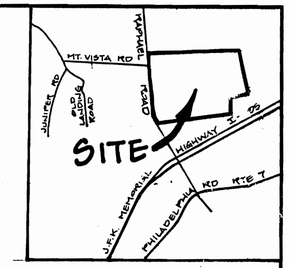
1ST FLOOR	5,750 SF
2ND FLOOR	1,247.5 SF
TOTAL	6,997.5 SF

F.A.R.:
6,997.5 SF ÷ 110.0 Acs
= 0.0015

PARKING TABULATION

PARKING REQUIRED
8 SPS. PER HOLE (GOLF COURSE)
8 x 18 : 144 SPACES
1.5 SPS. PER TEE (RANGE)
1.5 x 27 : 41 SPACES
TOTAL REQUIRED 185 SPACES
TOTAL PROVIDED 185 SPACES

NOTE:
REFER TO SHEET No. 2 OF 2
FOR PARKING & BUILDING DETAIL



VICINITY MAP
SCALE: 1" = 2000'

SITE DATA

COUNCILMANIC DIST.	5
AREA OF TRACT	110.023 ACS.
EXISTING ZONING	RC-5
DEED REFERENCE	7878 / 186
TAX ACCT. No.	19-00-003441
UTILITIES	
WATER	- PRIVATE WELL
SEWER	- PRIVATE SEWAGE DISPOSAL SYSTEM

OWNER
MT VISTA GOLF COURSE
LIMITED PARTNERSHIP
11101 RAPHAEL ROAD
BALTIMORE CO., MD
21021

REGISTERED PROFESSIONAL ENGINEER
14320
PATRICK N. SHISLEY
STATE OF MARYLAND

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS LAND SURVEYORS
LAND PLANNERS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

REVISIONS		
NO.	DATE	DESCRIPTION
1	12-7-96	ZONING OFFICE COMMENTS
2	1-24-97	REV. PER ZONING OFFICE COMMENTS
3	10/16/97	ADDED LIGHTS TO DRIVING RANGE

SPELLMAN, LARSON
&
ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING AND
SPECIAL EXCEPTION

MOUNT VISTA GREENS GOLF COURSE

11101 RAPHAEL ROAD

11TH ELECTION DIST. BALTIMORE CO., MD

SCA.: 1"=100'
DATE: 8/22/97
DES. F.J.:
DRN. BY: P.M.N.
SHT. 1 OF 2

Prot No 1

This is Report Line Number One
This is Report Line Number Two

12-16-1997 Volume by Lane Report - D1210002.PRN 14:10 Pg 1

Sta: 000000000000 Id: 000000000000 Cld: 01 Fmt: 200 - Imperial Int: 60 Min.
Start: Wed - Dec 10, 1997 at 18:00 End: Tue - Dec 16, 1997 at 12:00
City/Town: County: Baltimore
Location: RAPHAEL RD .3 MI. S OF MT VISTA RD. File: D1210002.PRN
Ln1-North Ln2-South Ln3-

Wed - Dec 10, 1997

Lane	1	2	Total
19:00	249	103	352
20:00	141	71	212
21:00	100	40	140
22:00	67	30	97
23:00	59	22	81
24:00	44	19	63
Daily Totals	660	285	945
Percentages	69.84	30.16	

Thu - Dec 11, 1997

01:00	33	14	47
02:00	19	9	28
03:00	11	6	17
04:00	10	4	14
05:00	6	3	9
06:00	6	15	21
07:00	15	69	84
08:00	31	167	198
09:00	62	281	343
10:00	41	110	151
11:00	47	85	132
12:00	63	104	167
13:00	71	77	148
14:00	63	83	146
15:00	94	82	176
16:00	135	101	236
17:00	218	113	331
18:00	274	114	388
19:00	260	98	358
20:00	138	75	213
21:00	96	36	132
22:00	62	33	95
23:00	67	20	87
24:00	43	20	63
Daily Totals	1865	1719	3584
Percentages	52.04	47.96	

Fri - Dec 12, 1997

01:00	24	11	35
02:00	9	5	14

MAINT	SIGN	DRW	DATE	S	A/P	ROAD NAME 1ST	ROAD NAME 2ND	ROAD NAME 3RD	ROAD NAME 4TH	TYPE	SUB-TYPE
County	289	318	10/21/96	A	xyz	Academy La	Johnnycake Rd	Old Frederick Rd		Traff	
County	212	218	1/19/95	B		Aigburth Rd	York Rd			Traff	
County	051	001	1/24/94	B		Allegheny Ave	Bosley Ave			Traff	
County	028	167	3/13/96	D		Allegheny Ave	Dulaney Valley Rd	Joppa Rd	York Rd	Traff	
County	018	171	4/17/95	C		Allegheny Ave	Washington Ave			Traff	
State	S 001	---	2/06/97	A		Allender Rd	Pulaski Hwy			Traff	
County	264	287	10/02/96	B		Alter St	Patterson Ave			Traff	
County	306	342	1/25/96	C		Ambassador Rd	Belmont Ave	Dogwood Rd		Traff	
State	S 002	---	8/23/94	B	--P	Annapolis Rd	Daisy Ave	Rose Ave		Traff	
State	S 004	---	4/30/94	A	--P	Annapolis Rd	Virginia Ave			Traff	
State	S 005	---	7/10/95	B	A-P	Ashby Ave	Eastern Ave	Southern Ave		Traff	
County	321	384	6/04/96	C		Ashland Rd	York Rd			Traff	
State	S 006	---	6/05/97	B	A-P	Avon Beach Rd	Broening Hwy	Maryland Ave		Traff	
County	318	358	6/01/94	C		Avondale Rd	Joppa Rd			Traff	
County	312	356	12/20/94	B		Avondale Rd	Putty Hill Ave			Traff	
County	227	241	4/06/95	A		Aylesbury Rd	Timonium Rd			Traff	
County	246	271	3/13/97	A		Back River Neck Rd	Country Ridge La			Traff	
County	250	273	11/06/95	A		Back River Neck Rd	E Homberg Ave			Traff	
County	007	009	3/29/95	C		Back River Neck Rd	Eastern Ave	Stemmers Run Rd		Traff	
County	286	313	8/22/95	A		Back River Neck Rd	Middleborough Rd	Hilltop Ave		Traff	
County	141	051	2/25/97	A		Back River Neck Rd	Williams Ave			Traff	
State	S 007	---	9/13/94	B		Baker La	Belair Rd	Chapel Rd		Traff	
County	030	023	2/21/96	B	A-P	Baltimore Ave	Dundalk Ave	N Center Pl		Traff	
State	S 009	---	7/29/97	A		Baltimore Natl Pike	Coleridge Rd			Traff	
State	S 010	---	3/03/97	C		Baltimore Natl Pike	Ingleside Ave			Traff	
State	S 011	---	10/29/96	C		Baltimore Natl Pike	Johnnycake Rd			Traff	
State	S 012	---	4/10/97	A		Baltimore Natl Pike	Nuwood Dr			Traff	
State	S 008	---	1/23/95	A		Baltimore Natl Pike	Pike Park Plaza	Kiddie City		Traff	
State	S 013	---	3/18/97	D		Baltimore Natl Pike	Rolling Rd			Traff	
State	S 014	---	8/12/97	A		Baltimore Natl Pike	St Agnes La			Traff	
State	S 015	---	7/08/93	A		Baltimore Natl Pike	Westview Mall			Traff	
State	S 016	---	8/11/92	B		Baltimore Natl Pike	Winters La			Traff	
State	S 017	---	2/16/95	A		Baltimore St	North Point Blvd			Traff	
County	022	022	3/06/97	B	A-P	Bayshio Rd	Dundalk Ave	St Helena Ave		Traff	
County	372	443	8/13/97	B		Beaconsfield Dr	Honeygo Blvd			Traff	
County	400	480	5/18/94	A		Beaconsfield Dr	Perry Hall Blvd			Traff	
County	353	423	2/10/97	C		Beaver Dam Rd	Cuba Rd	Shawan Rd		Traff	
County	401	481	3/06/95	C		Beaver Dam Rd	McCormick Rd			Traff	
County	386	464	4/04/94	B		Beaver Dam Rd	Warren Rd			Traff	
State	S 018	---	6/10/96	B		Beechfield Ave	Wilkens Ave			Traff	
State	S 020	---	8/21/94	C		Belair Rd	Bradshaw Rd	Sunshine Ave		Traff	
State	S 021	---	7/06/95	A		Belair Rd	Dunfield Rd			Traff	
State	S 022	---	3/21/96	D		Belair Rd	Ebenezer Rd	Joppa Rd		Traff	
State	S 023	---	1/10/94	B		Belair Rd	Fitch Ave			Traff	
State	S 024	---	8/15/94	B		Belair Rd	Fleetwood Ave			Traff	
State	S 025	---	6/03/97	A		Belair Rd	Forge Rd			Traff	
State	S 019	---	5/14/96	A		Belair Rd	Fowler Ave	Belair Beltway Plaza		Traff	
State	S 026	---	1/12/94	B		Belair Rd	Fullerton S.C.	Putty Hill Plaza		Traff	
State	S 027	---	4/09/97	D		Belair Rd	Fullerton Ave	Taylor Ave		Traff	
State	S 028	---	5/06/96	A		Belair Rd	Henry Ave			Traff	
State	S 029	---	6/20/96	B		Belair Rd	India Ave	Joppa Rd		Traff	
City	C 001	---	7/28/94	A		Belair Rd	Maple Ave	Northern Pkwy		Traff	
State	S 030	---	8/07/96	A		Belair Rd	Mount Vista Rd			Traff	
State	S 167	---	12/18/96	A		Belair Rd	Necker Ave	Ridgelys Choice Dr		Traff	
City	C 002	---	5/15/97	A		Belair Rd	Overlea Ave			Traff	

Plot No 2

Serv 12/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: December 12, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 11101 Raphael Rd

Prob No 3

Amended Comment

INFORMATION

Case Number: 97-127-SPHA

Petitioner: Mt. Vista Golf Course Limited Partnership

Zoning: RC-5

Summary of Recommendation:

Staff does not support allowing a lighted driving range at the subject property unless the applicant can demonstrate that the use will have no negative impact on the community. In addition, the applicant should be required to (1) provide a durable and dustless surface in the parking area serving the facilities, and (2) store all maintenance equipment within a suitable building.

Mt. Vista Road is designated as a scenic route in the 1989-2000 Master Plan.

Prepared by: Jeffrey W Long

Division Chief: Arnold F Keller

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\127A.DOC

BALTIMORE COUNTY, MARYLAND

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.

Prod No 4

JLP:TE:sp

MTVISTA/DEPRM/TXTSBP

12/16/97

TO: Carroll Holzer

FM: LeRoy SPARR

SUBJ: Golf Course

Dear Carroll

I plan to talk/testify about the stuff in the enclosed letter which I sent in 1991 & 1997 to the Zoning Commission.

LeRoy Sparr

Prod No 5 A

25 April 1997

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

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.

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-

PROT #6

50th ANNIVERSARY GWS 1940-1990

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

GEORGE WILLIAM STEPHENS, JR.
(1888-1983)

W. HARRY JESSOP, JR., P.L.S.
CHIEF EXECUTIVE OFFICER

LEONARD A. PARRISH, P.E.
PRESIDENT

JAMES A. MARKLE, P.E.
FREDERICK N. CHADSEY, IV, P.E.
PAUL W. TAYLOR, P.E.
VICE PRESIDENTS

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ASSOCIATES
JOHN M. CONWELL, JR., P.E.
ROWAN G. GLIDDEN, L.A.
GERALD P. MARAGOS, P.E. & P.L.S.
WALTER H. NOYES, P.L.S.

October 13, 1997

Protestants No 6

DEPRM
Rob Powell
401 Bosley Avenue
Towson, Maryland 21204

Re: Mount Vista Golf
Uses of the Club House

Dear Mr. Powell,

On behalf of our client, I am writing this letter to confirm the food service uses in the Club House and request the testing of the area on the northeast side of the site. The Club House will be used as the following:

1. Bar and Restaurant - seating for 100 persons
2. The same room will be leased out for special events - 100 persons.

If you have any questions, please call.

Very truly yours,

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

Dean C. Hoover

Dean C. Hoover

DCH:elo

TOWSON: 658 KENILWORTH DRIVE • SUITE 100 • TOWSON, MARYLAND • 21204 • (410) 825-8120 • FAX (410) 583-0288
BEL AIR: 203 EAST BROADWAY • BEL AIR, MARYLAND • 21014 • (410) 879-1500 • (410) 838-3800 • FAX (410) 893-0425
P.E. - Professional Engineer, P.L.S. - Professional Land Surveyor, P.P.L.S. - Professional Property Line Surveyor, L.A. - Landscape Architect

	MBTU	HOT	COLD	IND.	DIR	VENT
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97-127-SPH



Prot No 8

Landscape Notes

I. GENERAL

1. THESE PLANS SHALL BE USED FOR PLANTING INSTALLATION ONLY.
2. IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THIS PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY TO PERFORM SUCH WORK. THE COST OF SUCH WORK SHALL BE INCLUDED IN THE BASE BID.
3. THE CONTRACTOR SHALL NOTE THAT IN THE CASE OF ANY DISCREPANCY BETWEEN ANY SCALED DIMENSIONS AND THE FIGURED DIMENSIONS SHOWN ON THESE PLANS, THE FIGURED DIMENSIONS SHALL GOVERN.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS NOT SCHEDULED FOR REMOVAL OR DEMOLITION. COST OF REPAIR TO EXISTING IMPROVEMENTS SHALL BE INCLUDED IN THE BASE BID.

II. LANDSCAPING

A. STANDARDS:

1. ALL PLANT MATERIAL, CONSTRUCTION METHODS AND MATERIAL PLACEMENT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF "AMERICAN STANDARD FOR NURSERY STOCK" AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC., THE "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS," AS PROPOSED BY THE LANDSCAPE CONTRACTORS ASSOCIATION, AND THE LATEST EDITION OF THEIR STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS OF THE MARYLAND STATE DEPARTMENT OF TRANSPORTATION.
2. ALL TREES SHALL BE DELIVERED TO THE SITE BALLED AND BURLAPPED. ALL SHRUBS SHALL BE BALLED AND BURLAPPED OR IN CONTAINERS. ALL GRASSES & PERENNIALS SHALL BE IN CONTAINERS.

B. MAINTENANCE:

1. AFTER THE PLANTING HAS BEEN APPROVED BY THE LANDSCAPE ARCHITECT AND THE OWNER, THE MAINTENANCE OF WATERING AND WEEDING OF SUCH PLANTS AND PLANTED AREAS SHALL BE PROVIDED BY THE OWNER. SINCE THE PLANTS ARE TO BE GUARANTEED BY THE CONTRACTOR, THE CONTRACTOR SHALL PERIODICALLY CHECK THE MAINTENANCE CONDUCTED BY THE OWNER. IF THE CONTRACTOR IS NOT SATISFIED WITH THE MAINTENANCE OF THE PLANTS, A WRITTEN REPORT, IN TRIPLICATE, STATING APPROPRIATE CHANGES SHALL BE GIVEN IMMEDIATELY TO THE LANDSCAPE ARCHITECT; TWO COPIES WILL BE FORWARDED TO THE OWNER. BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING.

2. MAINTAIN TREES UNTIL FINAL ACCEPTANCE, BUT IN NO CASE, LESS THAN 60 DAYS AFTER FINAL ACCEPTANCE OF PLANTING. MAINTAIN ALL PLANTS BY PRUNING, CULTIVATING AND WEEDING AS REQUIRED FOR HEALTHY GROWTH. RESTORE PLANTING SAUCERS. TIGHTEN AND REPAIR STAKE AND GUY SUPPORTS AND RESET TREES TO PROPER GRADES OR VERTICAL POSITION AS REQUIRED. RESTORE OR REPLACE DAMAGED WRAPPINGS. SPRAY AS REQUIRED TO KEEP ALL PLANTS FREE OF INSECTS AND DISEASE.

C. WATERING

1. IN THE ABSENCE OF ADEQUATE RAINFALL, WATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK, AND IN SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4 INCHES. WATERING SHALL NOT BE DONE DURING THE HEAT OF THE DAY. CONTRACTOR SHALL PROVIDE A SEPARATE LUMP SUM PRICE IN THE OVERALL LANDSCAPE BID FOR WATERING TO ALL NEW PLANTINGS DURING ONE GROWING SEASON.

D. EXCAVATION:

1. DEPTH AND WIDTH OF EXCAVATION FOR PLANTING OF ALL PLANTS SHALL BE TO TWICE THE DEPTH AND WIDTH OF ROOT BALL OR CONTAINER OF PLANT TO BE INSTALLED, EXCEPT AS NOTED ON DETAILS.

E. TOPSOIL, PLANTING MIX, FERTILIZER, MULCH AND SOIL AMENDMENTS:

1. ALL TOPSOIL SHALL BE WELL GRADED LOAM OF GOOD UNIFORM QUALITY AND SHALL BE A NATURAL FRIABLE SOIL FREE OF OBJECTS LARGER THAN ONE INCH IN ANY DIMENSION, AND FREE OF TOXIC SUBSTANCES, WEEDS AND ANY MATERIAL OF SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL CONTAIN AT LEAST 5% ORGANIC MATTER. IF SUFFICIENT TOPSOIL IS NOT AVAILABLE ON THE SITE TO MEET THE DEPTH AS SPECIFIED HEREIN, THE CONTRACTOR SHALL FURNISH ADDITIONAL TOPSOIL. PRIOR TO TOPSOIL DELIVERY, THE CONTRACTOR SHALL OBTAIN THE LANDSCAPE ARCHITECT'S APPROVAL OF THE SOURCE FROM WHICH TOPSOIL IS TO BE FURNISHED.
2. FOR PLANTING MIX MIX THOROUGHLY 2/3 APPROVED TOPSOIL (SEE "TOPSOIL") AND 1/3 APPROVED ORGANIC MATTER.
3. FERTILIZER TABLETS OR SPIKES TO BE PLACED AT EACH TREE AND SHRUB AT A RATE OF 1 PER 2" OF TRUNK CALIPER OR GALLON OF ROOTBALL. TABLETS OR SPIKES SHALL NOT BE IN CONTACT WITH THE ROOTBALL.
4. MULCH MATERIAL SHALL BE OF UNIFORM SIZE, FINE SHREDDED TANBARK HARDWOOD MULCH OR APPROVED EQUAL. MULCH SHALL BE A REDDISH-DARK BROWN COLOR AND SHALL BE LAID TO A UNIFORM MINIMUM DEPTH OF 2 INCHES. MULCH AREAS AROUND TREES AT THE RATE OF 1' OF DIAMETER PER 4" OF TRUNK CALIPER.
5. HYDROGEL ABSORBENT MATERIAL SHALL BE ADDED TO THE PLANTING HOLE FOR EACH TREE AND SHRUB AT THE RATE OF 4 OUNCES PER 2-1/2" CALIPER OR GALLON OF ROOTBALL. HYDROGEL MATERIAL SHALL BE VITERRA "GELSCAPE," "TERRASORB," OR APPROVED EQUAL.

F. SUBSTITUTIONS:

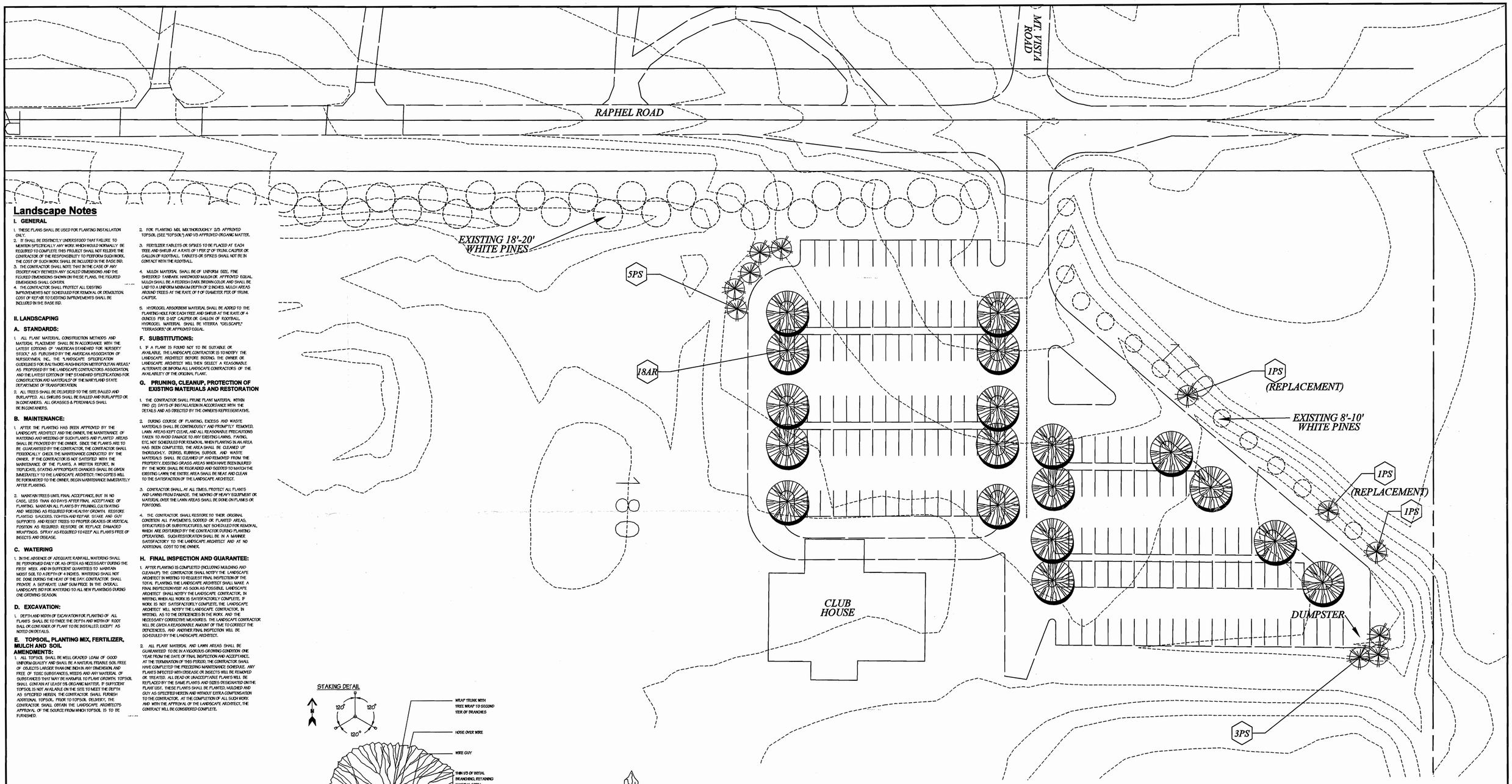
1. IF A PLANT IS FOUND NOT TO BE SUITABLE OR AVAILABLE, THE LANDSCAPE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT BEFORE BIDDING. THE OWNER OR LANDSCAPE ARCHITECT WILL THEN SELECT A REASONABLE ALTERNATE OR INFORM ALL LANDSCAPE CONTRACTORS OF THE AVAILABILITY OF THE ORIGINAL PLANT.

G. PRUNING, CLEANUP, PROTECTION OF EXISTING MATERIALS AND RESTORATION

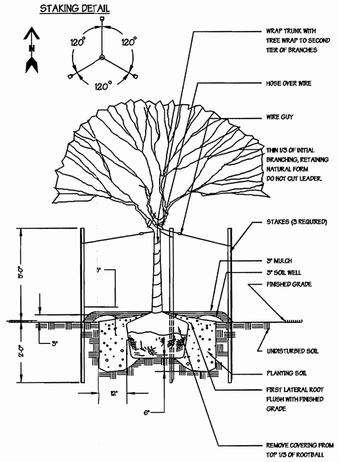
1. THE CONTRACTOR SHALL PRUNE PLANT MATERIAL WITHIN TWO (2) DAYS OF INSTALLATION IN ACCORDANCE WITH THE DETAILS AND AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
2. DURING COURSE OF PLANTING, EXCESS AND WASTE MATERIALS SHALL BE CONTINUOUSLY AND PROMPTLY REMOVED. LAWN AREAS KEPT CLEAR, AND ALL REASONABLE PRECAUTIONS TAKEN TO AVOID DAMAGE TO ANY EXISTING LAWNS, PAVING, ETC. NOT SCHEDULED FOR REMOVAL. WHEN PLANTING IN AN AREA HAS BEEN COMPLETED, THE AREA SHALL BE CLEANED UP THOROUGHLY. DEBRIS, RUBBISH, SUBSOIL AND WASTE MATERIALS SHALL BE CLEANED UP AND REMOVED FROM THE PROPERTY. EXISTING GRASS AREAS WHICH HAVE BEEN INJURED BY THE WORK SHALL BE REGRADED AND SODDED TO MATCH THE EXISTING LAWN. THE ENTIRE AREA SHALL BE NEAT AND CLEAN TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT.
3. CONTRACTOR SHALL, AT ALL TIMES, PROTECT ALL PLANTS AND LAWNS FROM DAMAGE. THE MOVING OF HEAVY EQUIPMENT OR MATERIAL OVER THE LAWN AREAS SHALL BE DONE ON PLANKS OR PONTOONS.
4. THE CONTRACTOR SHALL RESTORE TO THEIR ORIGINAL CONDITION ALL PAVEMENTS, SODDED OR PLANTED AREAS, STRUCTURES OR SUBSTRUCTURES, NOT SCHEDULED FOR REMOVAL, WHICH ARE DISTURBED BY THE CONTRACTOR DURING PLANTING OPERATIONS. SUCH RESTORATION SHALL BE IN A MANNER SATISFACTORY TO THE LANDSCAPE ARCHITECT AND AT NO ADDITIONAL COST TO THE OWNER.

H. FINAL INSPECTION AND GUARANTEE:

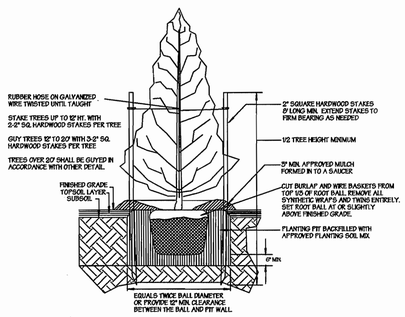
1. AFTER PLANTING IS COMPLETED (INCLUDING MULCHING AND CLEANUP), THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING TO REQUEST FINAL INSPECTION OF THE TOTAL PLANTING. THE LANDSCAPE ARCHITECT SHALL MAKE A FINAL INSPECTION VISIT AS SOON AS POSSIBLE. LANDSCAPE ARCHITECT SHALL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, WHEN ALL WORK IS SATISFACTORILY COMPLETE. IF WORK IS NOT SATISFACTORILY COMPLETE, THE LANDSCAPE ARCHITECT WILL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, AS TO THE DEFICIENCIES IN THE WORK AND THE NECESSARY CORRECTIVE MEASURES. THE LANDSCAPE CONTRACTOR WILL BE GIVEN A REASONABLE AMOUNT OF TIME TO CORRECT THE DEFICIENCIES, AND ANOTHER FINAL INSPECTION WILL BE SCHEDULED BY THE LANDSCAPE ARCHITECT.
2. ALL PLANT MATERIAL AND LAWN AREAS SHALL BE GUARANTEED TO BE IN A VIGOROUS GROWING CONDITION ONE YEAR FROM THE DATE OF FINAL INSPECTION AND ACCEPTANCE. AT THE TERMINATION OF THIS PERIOD, THE CONTRACTOR SHALL HAVE COMPLETED THE PREceding MAINTENANCE SCHEDULE. ANY PLANTS INFECTED WITH DISEASE OR INSECTS WILL BE REMOVED OR TREATED. ALL DEAD OR UNACCEPTABLE PLANTS WILL BE REPLACED BY THE SAME PLANTS AND SIZES DESIGNATED ON THE PLANT LIST. THESE PLANTS SHALL BE PLANTED, MULCHED AND GUY AS SPECIFIED HEREIN AND WITHOUT EXTRA COMPENSATION TO THE CONTRACTOR. AT THE COMPLETION OF ALL SUCH WORK AND WITH THE APPROVAL OF THE LANDSCAPE ARCHITECT, THE CONTRACT WILL BE CONSIDERED COMPLETE.



STAKING DETAIL



Tree Planting Detail
NOT TO SCALE



Evergreen Planting Detail
NOT TO SCALE

PLANT SCHEDULE

KEY	QUANT.	BOTANICAL NAME	COMMON NAME	SIZE	COND.	SPACING	REMARKS
MAJOR DESIDUOUS TREES							
AR	18	Acer rubrum 'October Glory'	October Glory Red Maple	2-2 1/2" cal.	B&B	as shown	full crown
EVERGREEN TREES							
PS	11	Pinus Strobus	White Pine	5-6'	B&B	as shown	

SCALE: 1"=40'

SUPPLEMENTAL LANDSCAPE PLAN

MOUNT VISTA GREENS

RAPHEL ROAD

OWNER/DEVELOPER
DAN CRISPINO
RAPHEL ROAD
BRADSHAW, MD 21201

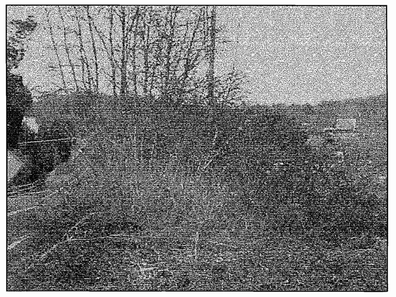
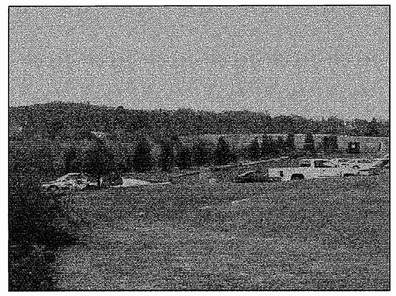
GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD
TOWSON, MARYLAND 21286
(410) 825-8120

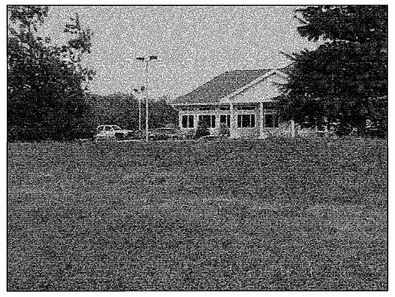
BALTIMORE COUNTY, MARYLAND

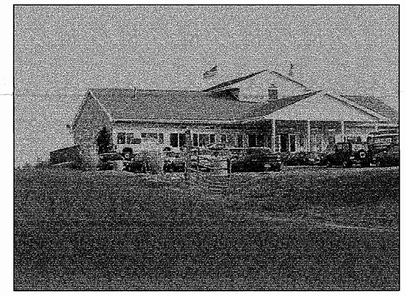
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JANUARY 30, 2002

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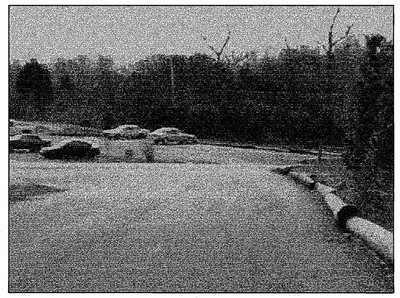
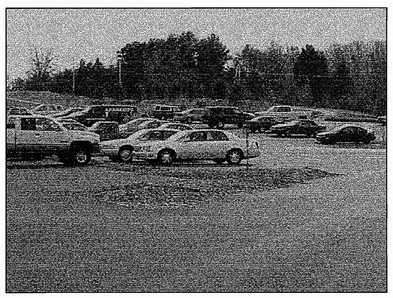
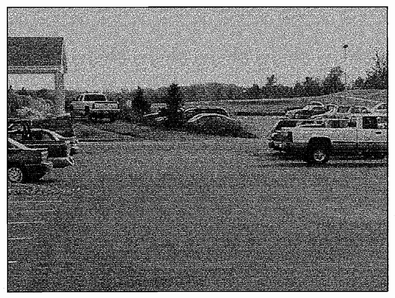









SUPPLEMENTAL LANDSCAPE PLAN

MOUNT VISTA GREENS

RAPHAEL ROAD

OWNER/DEVELOPER

DAN CRISPINO
RAPHEL ROAD
BRADSHAW, MD 21201

GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

1020 CROMWELL BRIDGE ROAD
TOWSON, MARYLAND 21286
(410) 825-8120

BALTIMORE COUNTY, MARYLAND *JANUARY 30, 2002*

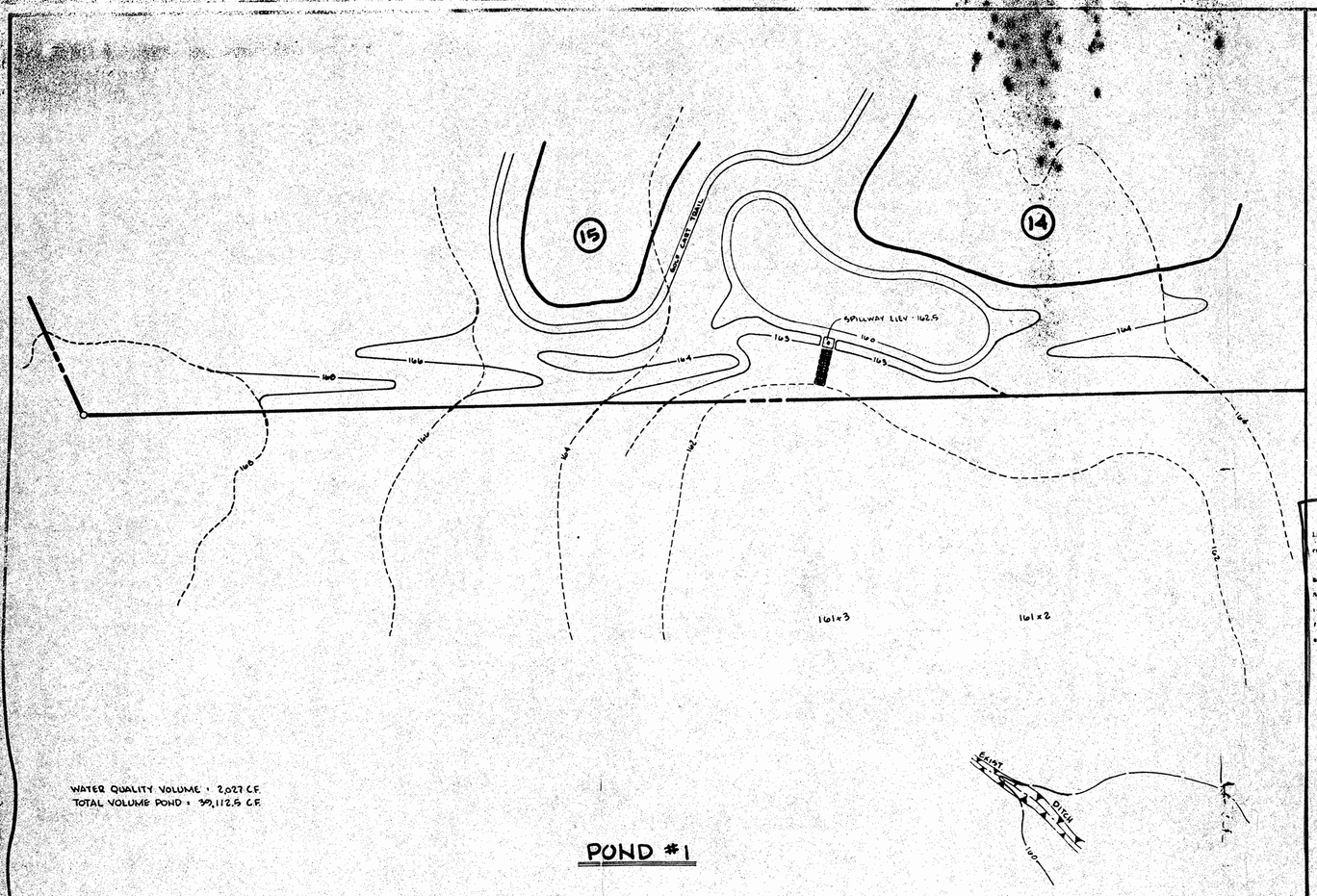
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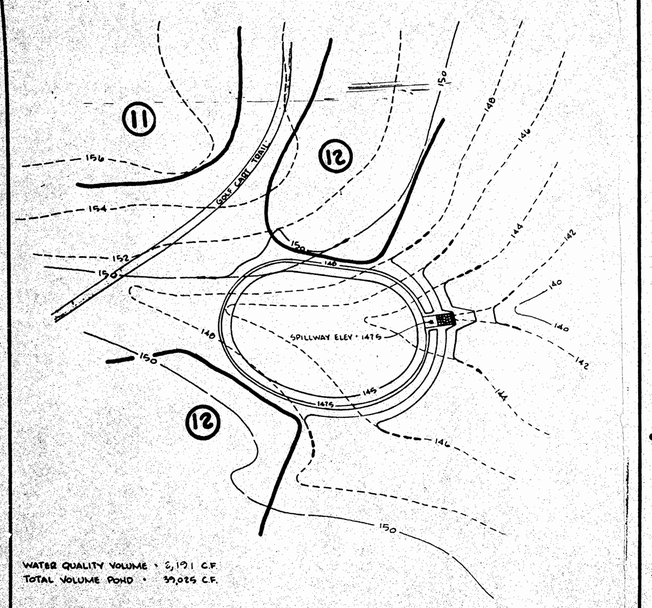
EXHIBITS

LARGE PLATS

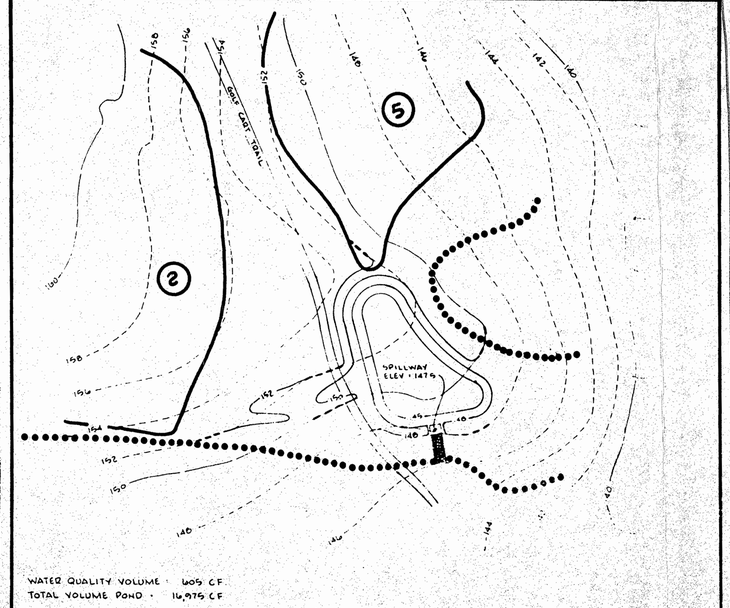
(19970127)



POND #1



POND #2



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

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 14th day of December, 1988 that the Petition for Special Exception for a golf course in an R.C. 5 zone, 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:

CASE No. 89-130-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 requirements of the Zoning Plans Advisory Committee as set forth in their comments submitted herein, including, but not limited to those submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 3, 1988 and the Office of Planning dated November 28, 1988.

3) CRG approval of this project is required without a waiver.

4) Petitioners shall landscape the property at a minimum as set forth in Petitioner's Exhibits 5 and 8. 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 the low-profile, cut-off lighting fixtures as depicted in Petitioner's 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 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 AM to 9:00 PM.

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

10) The area designated as existing woods on Petitioner's Exhibit 5 shall remain open and undeveloped unless modified by 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 PM.

12) Prior to the issuance of any permits, Petitioners shall submit the site 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 and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

89-130-X

Petition:
To allow a golf course in a RC-5 Zone

ORDER:
Granted with the following restrictions:

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 herein, including, but not limited to those submitted by the Dept. of Environmental Protection & Resource Management (D.E.P.R.M.) dated 10/03/88 and the Office of Planning dated 11/28/88.
3. C.R.G. 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 8. 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 courses 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 site 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 restrictions of this order.

91-209-SPH

Petition:
For an amendment to the Site Plan approved in Case No. 89-130-X to comply with an approved CRG Plan, and to approve an extension of the time period for activation of the Special Exception granted previously in Case No. 89-130-X from two to four years, or in the alternative, to find that the improvements made to the site constitute activation of said Special Exception within the period allowed by law.

ORDER:
Amendment to the Site Plan approved;
Extension approved from two to three years until 12/18/91, with the following restrictions:

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. 89-130-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 Exhibits 5 and 8 submitted in previous Case No. 89-130-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. 89-130-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 A.M. to 9:00 P.M.
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. 89-130-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 P.M.
11. When applying for a Building Permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

92-27-SPH

Petition:
An amendment to the restrictions on the relief granted in Case No. 89-130-X and 91-209-SPH to permit: a lighted driving range; operating hours of 8:00 A.M. to 10:00 P.M. and to require that the entrance be secured by 10:30 P.M.; to permit operation of the golf courses and/or driving range from March 1 through December 31 of each year; and a finding that restriction No. 5 applies only to the relief granted in restriction No. 4.

ORDER:
The Petition for Special Hearing to approve an amendment to the restrictions on the relief granted in prior Case Nos. 89-130-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. 6 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. 89-130-X and 91-209-SPH to permit a lighted driving range; to change the hours of operation to 8:00 A.M. to 10:00 P.M.; and to require that the entrance to the subject property be secured by 10:30 P.M., 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 89-130-X not affected by this decision shall remain in full force and effect.

98-187-SPH

Petition:
To determine whether "clubhouse" as constructed is in conformance with and meets the spirit and intent of Special Exception granted in Case No. 89-130-X and (2) whether restaurant use is permitted under RC-5 Special Exception when Special Exception request and Deputy Zoning Commissioner Order was for "golf course".

ORDER:
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. 89-130-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. 89-130-X, and as such, the Petition for Special Hearing is GRANTED; and,

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 60' x 80' in dimension, or file a Petition for Special Hearing to amend the relief granted in the previous 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.

NOTE:
SEE SHEET 4 OF 5 FOR PLAN VIEW.

ZONING ADVISORY BOARD COMMENTS:

OFFICE OF PLANNING AND ZONING

1. SCHEMATIC LANDSCAPING HAS BEEN SHOWN ON THE C.R.G. PLAN TO COMPLY WITH PLANNING OFFICE COMMENTS AND A FORMAL LANDSCAPE PLAN WILL BE SUBMITTED AT TIME 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 #2.
6. MAINTENANCE BUILDING IS SHOWN ON SHEETS 1 & 2 OF 5.
7. CLUBHOUSE TO BE USED FOR PRO-SHOP, CART RENTAL, TICKET BOOTH AND GENERAL ADMINISTRATIVE USES.

FIRE PREVENTION BUREAU

5. ADVISORY ON FIRE PREVENTION ASSOC. STD. #101 'LIFE SAFETY CODE'.

BUREAU OF TRAFFIC ENGINEERING

1. ADVISORY ON GENERATION OF ADDITIONAL TRIPS.

D.E.P.R.M.

1. PERCOLATION TESTS HAVE BEEN CONDUCTED AND APPROVED BY THE D.E.P.R.M. DIVISION OF WATER AND SEWER.
2. WATER WELL USED FOR WATER SUPPLY WILL COMPLY WITH BALTIMORE COUNTY STANDARDS FOR CAPACITY AND POTABILITY.
3. A HYDROGEOLOGICAL STUDY AND AN ENVIRONMENTAL EFFECTS REPORT HAVE BEEN SUBMITTED AND APPROVED.

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 10-25-90
With The Following Action Taken

PLAN APPROVED
Plan Approved By: Lydia C. Kotula
Plan Approved By: Francis Mooney
Approval Expiration Date: 10-25-93
Plan Disapproved
Continued & Not Resolved
Plan Referred To Plan. Bd.

DEC 27 1990

REVISIONS		
NO	DATE	DESCRIPTION
1	10-19-90	PER PRE-CRG COMMENTS
2	10-25-90	REVISED PER CRG COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BROADSHAW, MARYLAND 21201
(301) 592-9200

CRG PLAN

MOUNT VISTA GREENS "WATER QUALITY POND" RAPHAEL ROAD

11TH ELECTION DISTRICT — BALTIMORE COUNTY

SCALE: 1" = 50' | DES BY: H.M.A.

PAULINE RUTKOWSKI
6308/128
66.81 Ac.
Residential Use
R.C.-5

N 85° 39' 34" W 2603.15'

DRIVING RANGE

PUTTING GREEN

SEPTIC AREA

WELL AREA

STANLEY P. & CAROLINE ZOLENAS
R-6 Residential Use

HERMAN SCHMIDT
1205/0314
26.35 Ac.
Residential Use
S 89° 45' 53" W 2235.95'
FUTURE 70' R/W W/30' PAVING & RADIUS OF 1,000.00'
R.C.-5

HERMAN SCHMIDT
1205/0314
Residential Use
S 00° 14' 07" E - 92.44'

PAULINE RUTKOWSKI
6308/128
66.81 Ac.
Residential Use
R.C.-5

POND #1

POND #2

N 46,000 E 60,000

N 46,000 E 61,500

THIS AREA NOT TO BE DISTURBED

BALTIMORE GAS & ELECTRIC TRANSMISSION CO.

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

PFEFFERS LAND PARTNERSHIP
6141/0733
22.487 Ac.
Residential Use

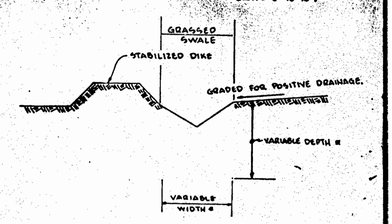
S 02° 59' 03" E 1236.74'

ALLEN & MAGNOLIA YOUNGER
5 Ac.
Residential Use

S 88° 04' 03" W 492.73'

R.C.-5

NOTE: MAINTAIN HEIGHT OF GRASS 5" TO 10".



TYPICAL SECTION VEGETATED SWALE
NO SCALE

* SWALE DESIGN FOR DEPTH AND WIDTH TO BE DETERMINED BY SPECIFIC SITE CONDITIONS & DRAINAGE AREA

= TEMPORARY SWALE

= MONITORING WELLS

NOTE:
SEE SHEET 5 OF 5 FOR DETAIL OF WATER QUALITY PONDS.

BALTIMORE COUNTY, MD
COUNTY REVIEW GROUP
This Plan Was Reviewed By The C.R.G. On 10-25-90 With The Following Action Taken

PLAN APPROVED
Public Utilities
Traffic Engineering
Bureau of Engineering Access Permits
Development Control Section
Plan Disapproved
Continued Hrg. Required
Plan Referred To Plan Advisory Committee
PUBLIC SERVICES C.R.G. Nº 90-11
PLANNING, Nº XI-1042

R.C.-5

REVISIONS		
NO	DATE	DESCRIPTION
1	10-19-90	PER PDE-CRG COMMENTS
2	10-25-90	REVISED PER C.R.G. MEETING

DEC 27 1990

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG, TOWSON, MD., 21204
PHONE: 823-3535

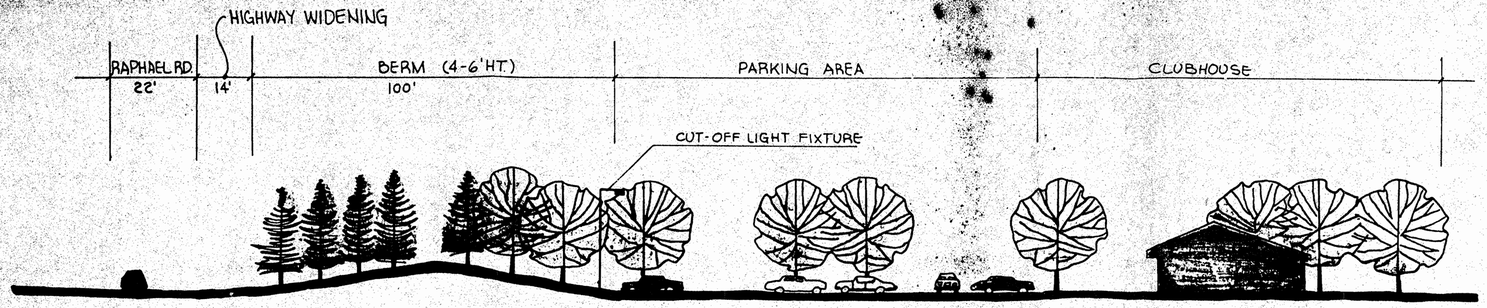
OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

C.R.G. PLAN

MOUNT VISTA GREENS
WATER QUALITY PLAN
RAPHAEL ROAD

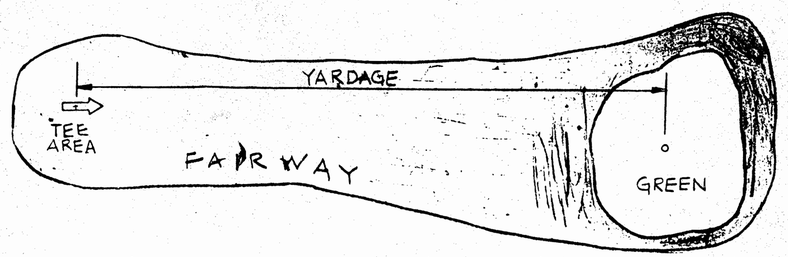
Election District #11 Baltimore County MD

SCALE: 1" = 100' DES. BY: J.L.L. SHT. 4 OF 5

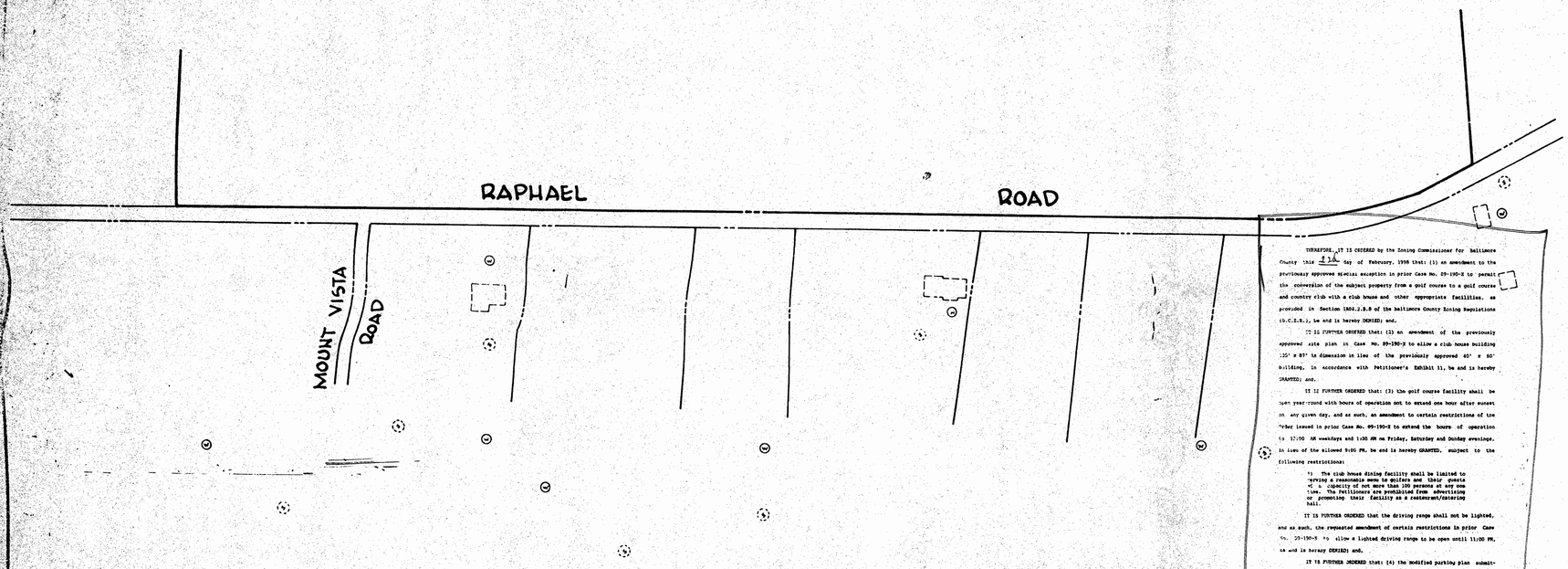


TYPICAL CROSS SECTION
PARKING AREA
NOT TO SCALE

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	115
14	180
15	240
16	140
17	100
18	275



WELLS & SEPTICS LOCATION ACROSS RAPHAEL ROAD

SCALE: 1" = 100'

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of February, 1958 that: (1) an amendment to the previously approved special exception in prior Case No. 89-190-X to permit the conversion of the subject property from a golf course to a golf course and country club with a club house and other appropriate facilities, as provided in Section 1A04.2.B.8 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that: (2) an amendment of the previously approved site plan in Case No. 89-190-X to allow a club house building 135' x 83' in dimension in lieu of the previously approved 40' x 80' building, in accordance with Petitioner's Exhibit 11, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that: (3) the golf course facility shall be open year-round with hours of operation not to extend one hour after sunset on any given day, and as such, an amendment to certain restrictions of the Order issued in prior Case No. 89-190-X to extend the hours of operation to 12:00 AM weekdays and 1:00 AM on Friday, Saturday and Sunday evenings, in lieu of the allowed 9:00 PM, be and is hereby GRANTED, subject to the following restrictions:

1) The club house dining facility shall be limited to serving a reasonable menu to golfers and their guests at a capacity of not more than 100 persons at any one time. The Petitioners are prohibited from advertising or promoting their facility as a restaurant/catering hall.

IT IS FURTHER ORDERED that the driving range shall not be lighted, and as such, the requested amendment of certain restrictions in prior Case No. 89-190-X to allow a lighted driving range to be open until 11:00 PM, be and is hereby DENIED; and,

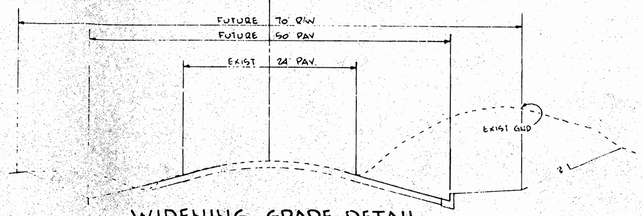
IT IS FURTHER ORDERED that: (4) the modified parking plan submitted into evidence as Petitioner's Exhibit 11, pursuant to Section 409.12.B of the B.C.Z.R., be and is hereby GRANTED, subject to the following restriction:

1) The present parking lot shall be improved and upgraded in accordance with the modified parking plan identified herein as Petitioner's Exhibit 11. This includes the paving layout and the surfacing of the lot. Additionally, the lights on the lot shall not exceed a height of 12 feet.

IT IS FURTHER ORDERED that the Petition for Special Exception, to approve the use of the subject property as a country club, pursuant to Section 1A04.2.B.8 of the B.C.Z.R., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the property may be operated as a golf course with permissible accessory uses, all as more fully described herein.

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County



WIDENING GRADE DETAIL
N.T.S.

LEGEND

LIMIT OF WETLANDS

EXPIRES APPROVED W/ DESIGN (FOREST BUFFER)
50' BUFFER

TEST PIT

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
10-25-90 With The Following Action Taken
PLAN APPROVED
Plan Approved D.P.W. Justin Schmidt
Plan Approved D.O.S. Francis Mossey
Approved D.E.P.R.S. 10-25-93
Plan Disapproved
Contingent Apg. Required
Plan Referred To Plan. Bd.

DEC 27 1990

PUBLIC SERVICES C.R.G. Nº 90111
PLANNING Nº XI-624

REVISIONS		
NO.	DATE	DESCRIPTION
1	7-19-90	REVISED PER DPR-C.R.G COMMENTS
2	"	REVISED PER DEPRM COMMENTS
3	10-19-90	PER DPR-C.R.G COMMENTS
4	10-25-90	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
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

C.R.G. PLAN

MOUNT VISTA GREENS
DETAILS
RAPHAEL ROAD

Election District #11 Baltimore County, MD.

SCALE: NO SCALE | DES. BY: J.L.L. | SHT. 3 OF 5
DATE: 4-24-90 | DRAWN BY: J.L.L., JR.

SOIL LIMITATION CHART

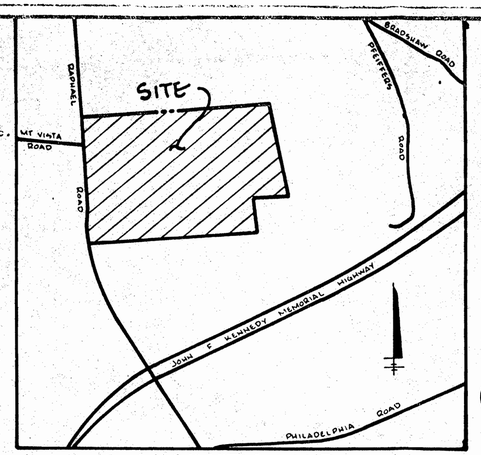
SYM	SERIES	W/ BASEMENT	W/O BASEMENT	STREETS & PARKING	TYPE
Av	Alluvial land	Severe: high water table; flooding hazard	Severe: high water table; flooding hazard	Severe: high water table; flooding hazard	D
BtA	Beltsville	Moderate: seasonally perched water table	Slight	Moderate: seasonally perched water table	C
BtB	Beltsville	Moderate: seasonally perched water table	Slight	Moderate: seasonally perched water table; slope	C
CkB2	Chillum	Slight	Slight	Severe Slope Severe Slope	C
CkC2	Chillum	Moderate: Slope	Moderate: Slope	Severe: Slope	C
DcB	Delanco	Moderate: moderately high water table	Slight	Moderate: moderate high water table; slope	C
EsD	Elsinboro	Slight	Slight	Moderate: Slope	B
LeD2	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
MaB2	Montalto	Slight	Slight	Moderate Slope	B
SlB	Sassafras	Slight	Slight	Moderate: Slope	B
SlC2	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 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'

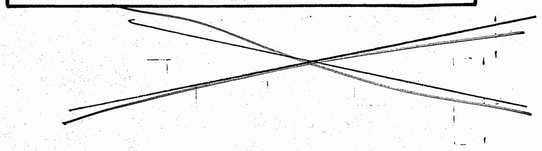
NOTE

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 10-09-89 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 WAIVER BY CRG., 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 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



SIDE ELEVATION
PROPOSED CLUBHOUSE

PARKING TABULATION

PARKING REQUIRED

8 SPS. PER HOLE (GOLF COURSE) 8 x 18 :	144 SPACES
1.5 SPS. PER TEE (RANGE) 1.5 x 27 :	41 SPACES
TOTAL REQUIRED	185 SPACES
TOTAL PROVIDED	185 SPACES

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 5 FOR PLAN VIEW.

WATER USAGE CALCULATIONS

BASED ON BALTO. CO. HEALTH DEPARTMENT REQUIREMENTS

DRIVING RANGE	27 TEES x 5 GAL/DAY	135 GPD
GOLF COURSE	MAX. USAGE (2 FOURSOMES PER HOUR (10 MIN PER FOURSOME) ESTIMATE 12 HRS. OF OPERATION PER DAY 6 FOURSOMES x 12 HR = 72 FOURSOMES 72 x 20 GAL/GREEN (800 + 10 GPD)	2,880 GPD
TOTAL USAGE	2880 + 135	3,015 (3,000 GPD)

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 (SEE ZONING NOTE)
DEED REFERENCE: 7872 | 186
PROPERTY NUMBER: 19-00-003441
AVERAGE DAILY TRIPS: 0.70/AC. 0.70 x 11.07 = 77.75 ADTS
OPEN SPACE REQUIRED: NONE REQUIRED
FLOOR AREA RATIO: 3,000 ÷ 4,888,200.00 = 0.0005

PARKING REQUIREMENTS: GOLF COURSE = PARKING REQ. = 8 SPACES/HOLE
18 HOLES x 8 SPACES = 144 SPACES
DRIVING RANGE = 1.5 SPACES/TEE
27 TEES x 1.5 = 41 SPACES

TOTAL SPACES REQUIRED = 185 SPACES
TOTAL SPACES PROPOSED = 185 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
30% MAJOR DECIDUOUS = 41 TREES
30% EVERGREEN = 25 TREES
MINOR DECIDUOUS = 16 TREES

NOTE:
HIGHWAY WIDENING AREA = 17,628 S.F. OR 0.4048 AC.±

NOTE
STORMWATER MANAGEMENT WAIVER GRANTED BY DEPRM ON NOV 30, 1990

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 10-25-90 With The Following Action Taken

PLAN APPROVED
Plan Approved DPW Lyali Cohen
Plan Approved OPZ Francis Morsey
Approval Expiration Date 10-25-93
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

PUBLIC SERVICES C.R.G. Nº 90111
PLANNING Nº XI-624

REVISIONS		
NO	DATE	DESCRIPTION
1	5-10-90	REVISED PER DEPW'S CONT. COMMENTS
2	7-10-90	REVISED PER DEPRM COMMENTS
3	9-10-90	REVISED PER DEPW'S COMMENTS
4	10-10-90	PER DEPRM COMMENTS
5	10-19-90	PER PRE-C.R.G. COMMENTS
6	10-25-90	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

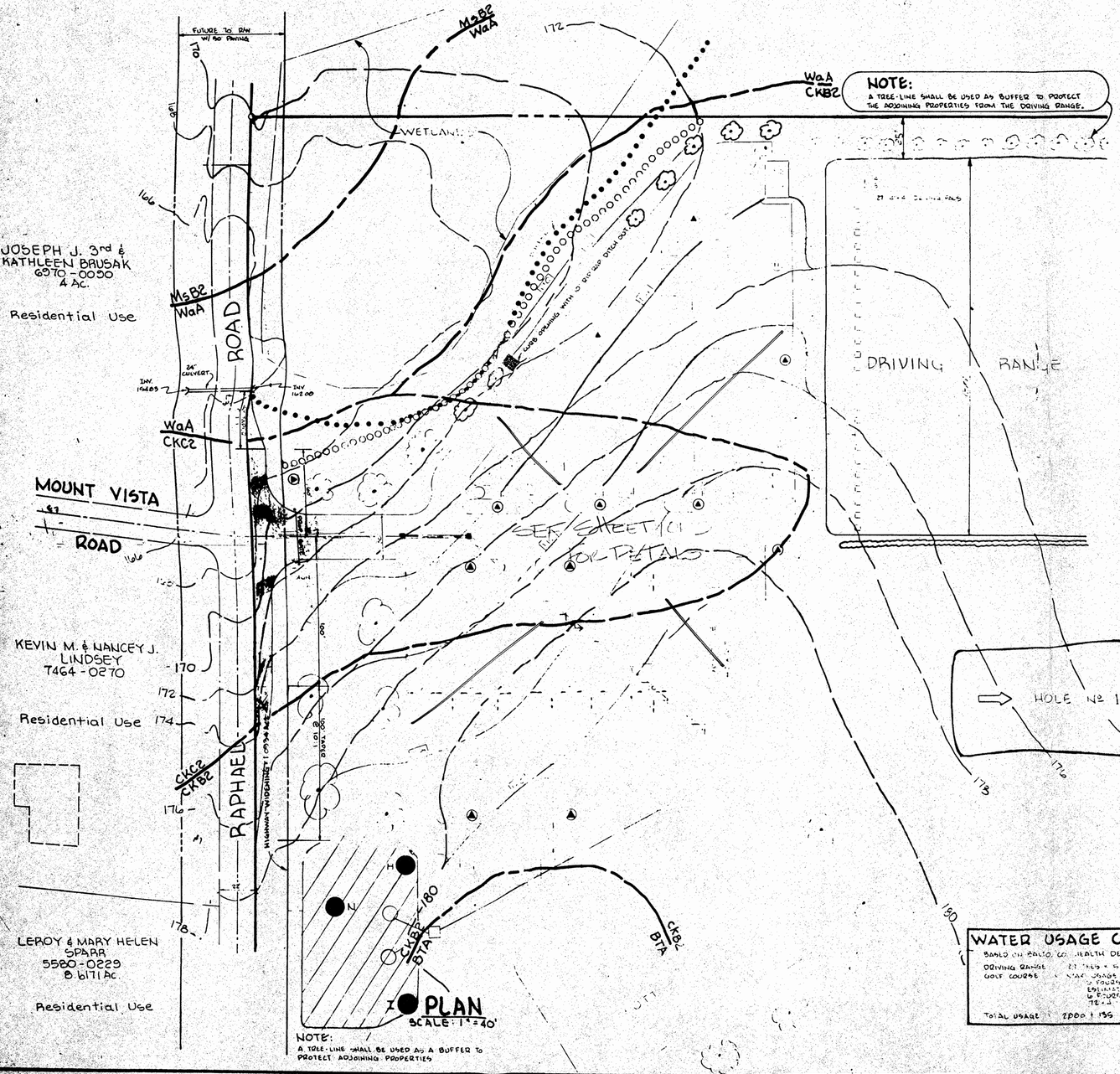
OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

C.R.G. PLAN

MOUNT VISTA GREENS
DETAILS & NOTES
RAPHAEL ROAD

Election District 11 Baltimore County, MD.

SCALE: 1" = 40' | DES. BY: J.L.L.
DATE: 4-26-89 | DRN. BY: N.S., J.M.B.
SHT. 2 OF 5



PAULINE KRUTKOWSKI
6208/326
6.62 Ac.
Residential Use

R.C.-50

PROPOSED SCREENING

N 85° 39' 34" W 2603.19'

L.O.D.

MAINTENANCE BUILDING AND FUELING FACILITIES

DRIVING RANGE

Future covered Tees

9.00'

CLUB House

POND #3

POND #2

POND #1

SEPTIC AREA

WELL AREA

TOTAL

25' BUFFER

PROTECTIVE BUFFER EASEMENT LIMITS

PROTECTIVE COVENANT BUFFERS

THIS AREA NOT TO BE DISTURBED

JOSEPH J. 3rd & MATHLEEN BRUSAK
6370-0080
5 Ac.
Residential Use

MT. VISTA ROAD

KEVIN M. & NANCEY J. LINDSEY
7464-0270
Residential Use

LEROY & MARY HELEN SPARR
5500/0229
8.611 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
8753/0508
8.03 Ac.
Residential Use

HARRY J. JR. & JULIE HERMAN
6638-0780
7 Ac.
Residential Use

HERMAN SCHMIDT
1205/0314
7.80 Ac.
Residential Use
N 24° 26' 05" W - 92.44'

R= 490.00'
A= 246.19'
Δ= 28°46'48"
T= 125.72'
CH= N 10°02'41" W
243.55'

HERMAN SCHMIDT
1205/0314
26.35 Ac
Residential Use

R.C.-5

PROPOSED SCREENING

L.O.D.

S 89° 45' 53" W 2235.35'

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)

TRANSMISSION CO.

PFEFFERS LAND PARTNERSHIP
6141-0733
22.4187 Ac.
Residential Use
1236.74'

N47,500 E61,500

S 02° 59' 03" E

S 02° 59' 55" E - 73.39'

STATE OF MARYLAND STATE ROADS COMMISSION
10.82 Ac.
VACANT

S 88° 04' 03" W 492.73'

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 POND
*SEE SHEET 3 OF 5 & 5 OF 5 FOR ZONING COMMISSIONER ORDERS
* PROPOSED PARKING AREA DURABLE & DUSTLESS SURFACE

Parking & Travelway Typical Detail

GOLF COURSE

FLOOR AREA RATIO	
1ST FLOOR	5,750 SF
2ND FLOOR	1,247.5 SF
TOTAL	6,997.5 SF

F.A.R.:
6,997.5 SF ÷ 110.0 Acs
= 0.0015

SIGN DETAIL
(SCALE: 1/2" = 1')
SINGLE-FACE NON-ILLUMINATED SIGN
(15 SQ. FT.)

1ST AMENDED C.R.G. PLAN 2/4/98

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
(410) 876-1105

14328 REGISTERED FOR PROFESSIONAL ENGINEERS FREDERICK N. CHASEN STATE OF MARYLAND

⊕ = MONITORING WELLS

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
10-25-90 With The Following Action Taken
PLAN APPROVED

Plan A	DPW	Jack Schmidt
Plan A	DEPRM	Francis Morsey
Plan A	DP&Z	10-25-93
Plan D		
Additional Req. Required		
Plan Referred To Plan. Bd.		

PUBLIC SERVICES C.R.G. Nº 90111
PLANNING Nº XI-624

R.C.-5

NO	DATE	DESCRIPTION
6	10-25-90	REVISED PER C.R.G. MEETING
5	10-19-90	PER PRE-CRG COMMENTS

REVISIONS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

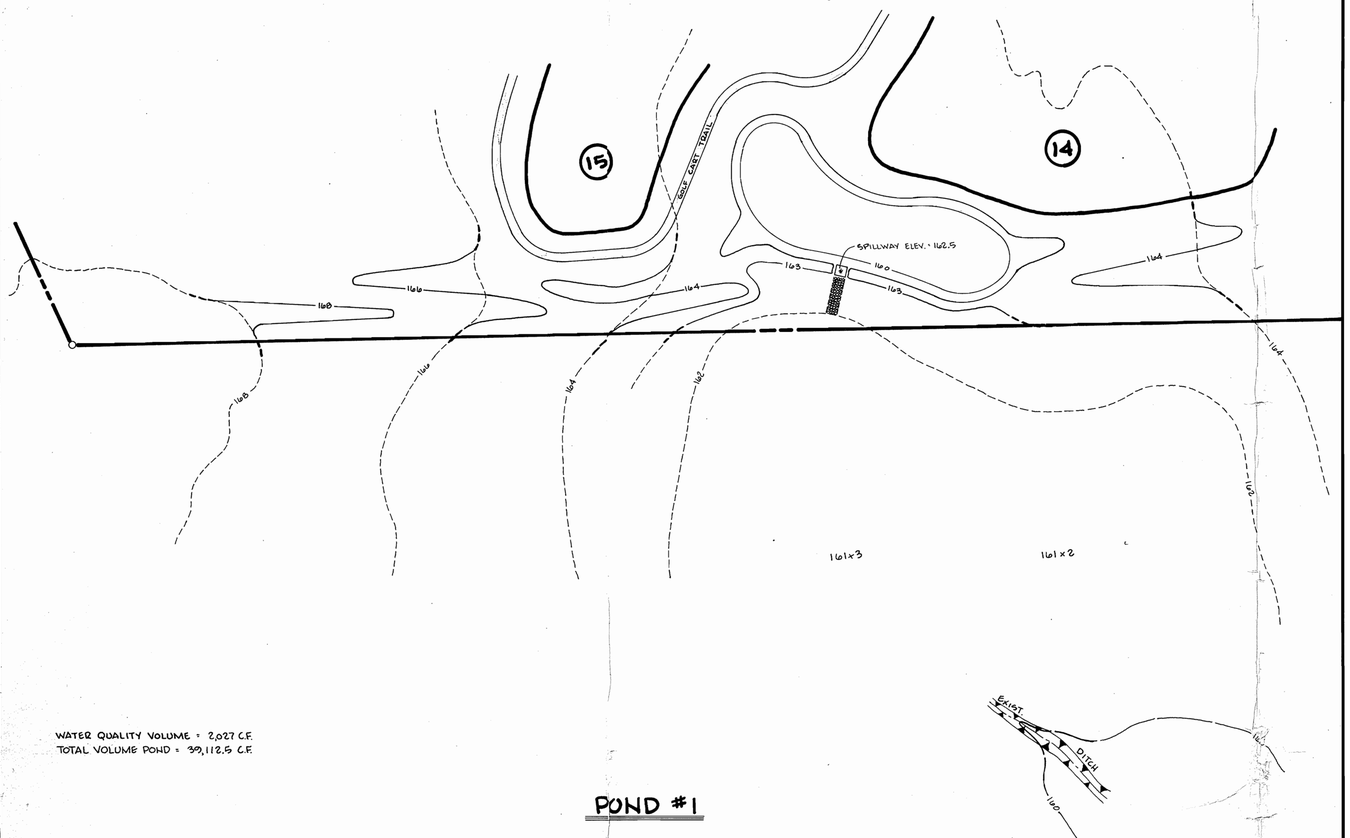
OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

C.R.G. PLAN XI-624

MOUNT VISTA GREENS MASTER PLAN
RAPHAEL ROAD

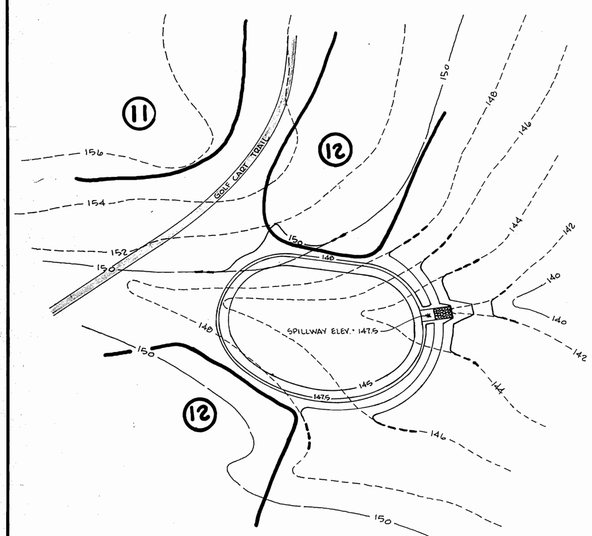
Election District #11 Baltimore County, MD

SCALE 1"=100'	DES. BY: J.L.L.	SHT. 1 OF 5
DATE: 4-26-89	DRN. BY: N.S. J.M.B.	



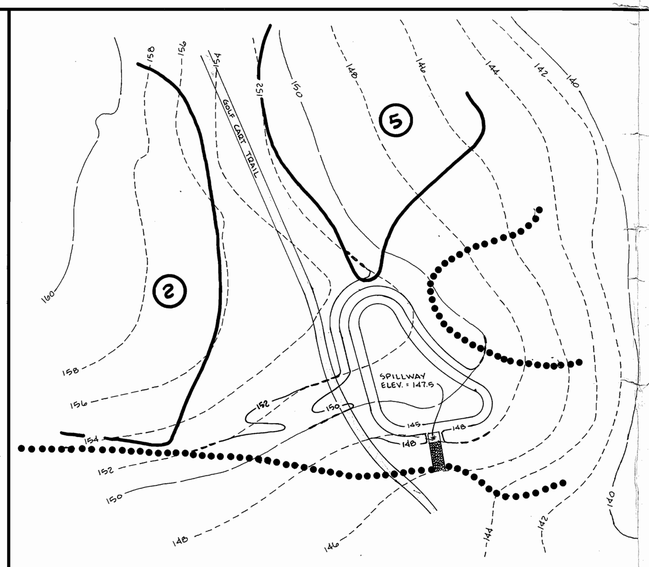
WATER QUALITY VOLUME = 2,027 C.F.
TOTAL VOLUME POND = 39,112.5 C.F.

POND #1



WATER QUALITY VOLUME = 8,191 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 #10.
6. REFER TO GENERAL NOTE #2, SHT. 1 OF 5.
7. THE DRIVING RANGE WILL NOT BE LIGHTED.
8. HOURS OF OPERATION WILL BE 10:00 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 COMMENTS:

OFFICE OF PLANNING AND ZONING

1. SCHEMATIC LANDSCAPING HAS BEEN SHOWN ON THE C.R.G. PLAN TO COMPLY WITH PLANNING OFFICE COMMENTS AND A FORMAL LANDSCAPE PLAN WILL BE SUBMITTED AT TIME 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 #2.
6. MAINTENANCE BUILDING IS SHOWN ON SHEETS 1 & 2 OF 5.
7. CLUBHOUSE TO BE USED FOR PRO-SHOP, CART RENTAL, TICKET BOOTH AND GENERAL ADMINISTRATIVE USES.

FIRE PREVENTION BUREAU

5. ADVISORY ON FIRE PREVENTION ASSOC. STD. #101 'LIFE SAFETY CODE'.

BUREAU OF TRAFFIC ENGINEERING

1. ADVISORY ON GENERATION OF ADDITIONAL TRIPS.

D.E.P.R.M.

1. PERCOLATION TESTS HAVE BEEN CONDUCTED AND APPROVED BY THE D.E.P.R.M. DIVISION OF WATER AND SEWER.
2. WATER WELL USED FOR WATER SUPPLY WILL COMPLY WITH BALTIMORE COUNTY STANDARDS FOR CAPACITY AND POTABILITY.
3. A HYDROGEOLOGICAL STUDY AND AN ENVIRONMENTAL EFFECTS REPORT HAVE BEEN SUBMITTED AND APPROVED.

NOTE:
SEE SHEET 4 OF 5 FOR PLAN VIEW.

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
10-25-90 With The Following Action Taken

PLAN APPROVED
Plan Approved DPW Leslie C. Schmidt
Plan Approved OPZ Francis Morsey
Approval Expiration Date 10-25-93
Plan Disapproved
Continued Hrg. Required
Plan Referred To Plan. Bd.

DEC 27 1990
OFFICE OF PLANNING AND ZONING

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, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BROADSHAW, MARYLAND 21201
(301) 592-9200

C.R.G. PLAN
MOUNT VISTA GREENS
"WATER QUALITY PONDS"
RAPHAEL ROAD

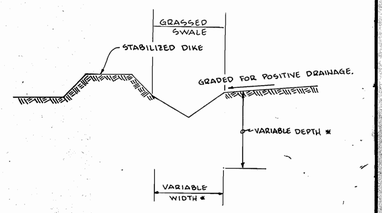
11TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

SCALE: 1" = 50'	DES. BY: H.M.A.	SHT. 5 OF 5
DATE: 9-27-90	DRN. BY: J.M.B.	

88007

163893
TCA 301-565-3340

NOTE: MAINTAIN HEIGHT OF GRASS 6" TO 10".



TYPICAL SECTION VEGETATED SWALE

NO SCALE

* SWALE DESIGN FOR DEPTH AND WIDTH TO BE DETERMINED BY SPECIFIC SITE CONDITIONS & DRAINAGE AREA.

= VEGETATED SWALE

⊕ = MONITORING WELLS

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
5580-0289
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 ZOLENIAS
6753/0508
2.09 Ac.
Residential Use

HARRY J. JR. & JULIE HERMAN
6692-0780
7 Ac.
Residential Use

HERMAN SCHMIDT
1205/0314
7.30 Ac.
Residential Use

PAULINE RUTKOWSKI
6308/26
66.21 Ac.
Residential Use

R.C.-5

DRIVING RANGE

PUTTING GREEN

SEPTIC AREA

WELL AREA

POND #1

POND #2

POND #3

N 85° 39' 34" W 2603.19'

S 89° 45' 53" W 2235.95'

N 04° 20' 43" E 1645.92'

R = 490.00'
A = 246.13'
Δ = 28°46'48"
T = 125.72'
CH = N 10°02'41" W - 243.55

N 24° 26' 05" W - 92.44'

FUTURE 70' R/W w/50' PAVING & RADIUS OF 1,000.00'

N46,000 E1,500

N47,500 E1,500

S 02° 59' 03" E 1296.74'

S 88° 04' 03" W 492.73'

S 02° 59' 55" E - 73.39'

THIS AREA NOT TO BE DISTURBED

PFEFFERS LAND PARTNERSHIP
6141-0733
22.4187 Ac.
Residential Use

ALLEN & MAGNOLIA YOUNGER
5 Ac.
Residential Use

STATE OF MARYLAND STATE ROADS COMMISSION
10.82 Ac.
VACANT

ALLEN & MAGNOLIA YOUNGER
2528-0144
4.90 Ac.
Residential Use

HERMAN SCHMIDT
1205/0314
26.35 Ac.
Residential Use

R.C.-5

R.C.-5

R.C.-5

SUSQUEHANNA TRANSMISSION CO.

NOTE:
SEE SHEET 5 OF 5 FOR DETAIL OF WATER QUALITY PONDS.

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 10-25-90 With The Following Action Taken

PLAN APPROVED
Plan Approved DPW _____
Plan Approved OPZ _____
Approval Expiration Date 10-25-93
Plan Disapproved _____
Continued Mtg. Required _____
Plan Referred To Plan. Ed. _____

PUBLIC SERVICES C.R.G. № 90111
PLANNING № XI-624

REVISIONS		
NO.	DATE	DESCRIPTION
1	10-10-90	PER DPR-CRG COMMENTS
2	10-25-90	REVISED PER C.R.G. MEETING

DEC 27 1990
OFFICE OF ZONING

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

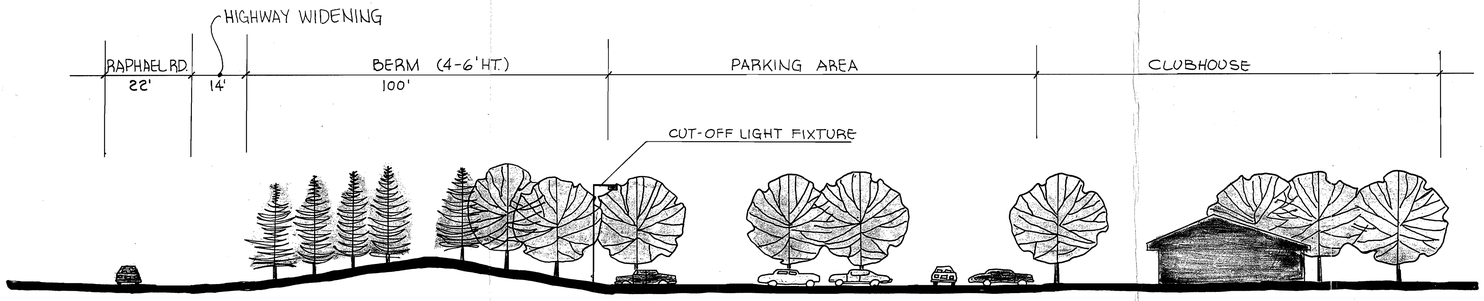
C.R.G. PLAN

MOUNT VISTA GREENS
WATER QUALITY PLAN
RAPHAEL ROAD

Election District #11 Baltimore County, MD

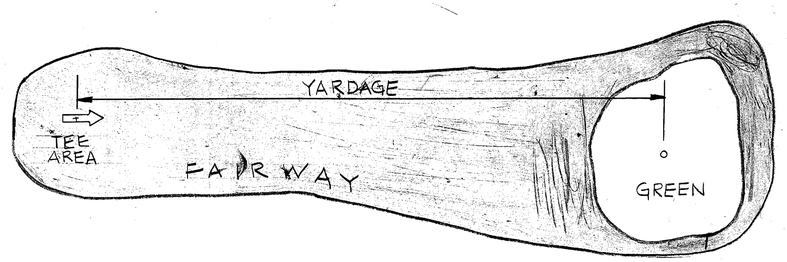
SCALE: 1" = 100'	DES. BY: J.L.L.	SHT. 4 OF 5
DATE: 9-27-90	DRN. BY: N.S., J.M.B.	

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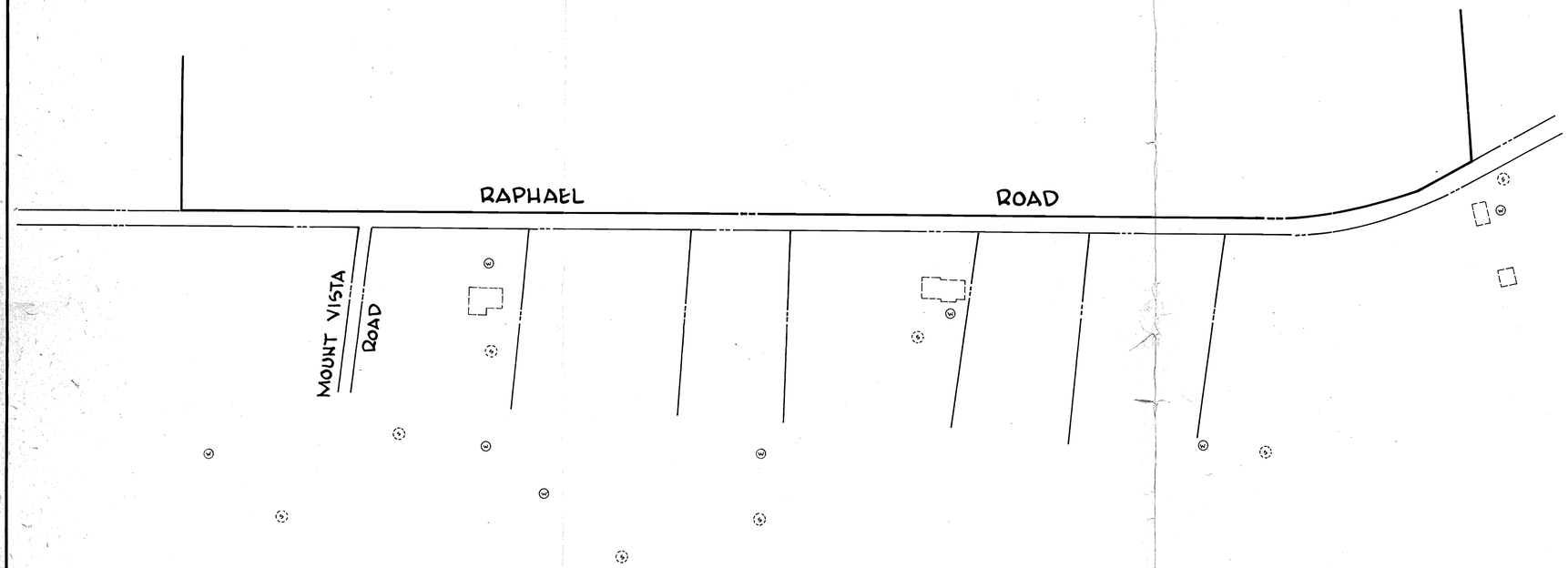


TYPICAL CROSS SECTION
PARKING AREA
NOT TO SCALE

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



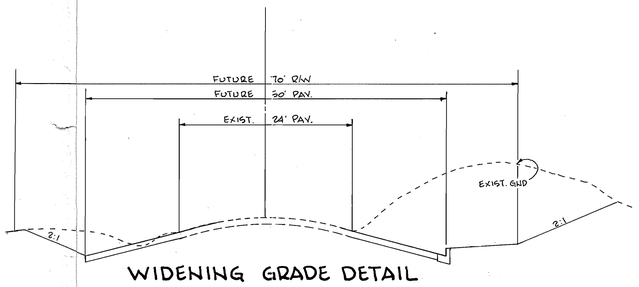
WELLS & SEPTICS LOCATION ACROSS RAPHAEL ROAD
Ⓦ = WELLS ⊛ = SEPTICS

SCALE: 1" = 100'

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.

LEGEND

CART PATH
LIGHT POLE ▲
NON-TIDAL WETLANDS — LIMIT OF WETLANDS —
BUFFER LIMITS — 25' BUFFER APPROVED BY DEPRM (FOREST BUFFER)
EDGE OF WOODS
PERCOLATION: ⊕ = TEST PIT
WELL AREA
SEWAGE DISPOSAL AREA

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 10-25-90 With The Following Action Taken

PLAN APPROVED
Plan Approved DPW
Plan Approved OPZ
Approval Expiration Date 10-25-93
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

DEC 27 1990
OFFICE OF PLANNING AND ZONING

REVISIONS		
NO.	DATE	DESCRIPTION
1	5-18-90	REVISED PER PRE-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

PUBLIC SERVICES C.R.G. Nº 90111
PLANNING Nº XI-624

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
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PHONE: 823-3535

OWNER / DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

C.R.G. PLAN

MOUNT VISTA GREENS
DETAILS
RAPHAEL ROAD

Election District #11 Baltimore County, MD.

SCALE: NO SCALE	DES. BY: J.L.L.	SHT. 3 OF 5
DATE: 4-26-89	DRN. BY: N.S., J.M.B.	

TCA 301-565-3340

#88007

SOIL LIMITATION CHART

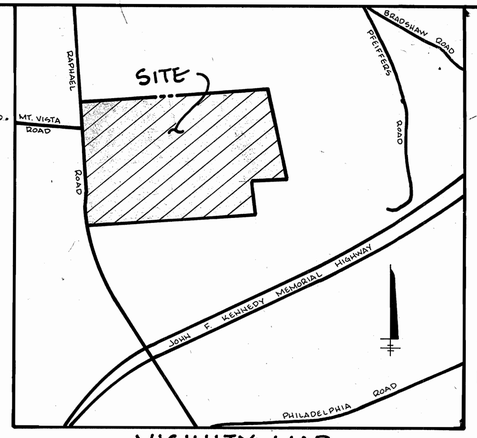
SYM.	SERIES	W/ BASEMENT	W/O BASEMENT	STREETS & PARKING	TYPE
Av	Alluvial land	Severe: high water table; flooding hazard	Severe: high water table flooding hazard	Severe: high water table; flooding hazard	D
BtA	Beltsville	Moderate: seasonally perched water table	Slight	Moderate: seasonally perched water table	C
BtB	Beltsville	Moderate: seasonally perched water table	Slight	Moderate: seasonally perched water table; slope	C
CkB2	Chillum	Slight	Slight	Severe: Slope Severe: Slope	C
CkC2	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
LeD2	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
MaB2	Montalto	Slight	Slight	Moderate: Slope	B
SlB	Sassafras	Slight	Slight	Moderate: Slope	B
SlC2	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'

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 10-09-89 AND THE OFFICE OF PLANNING DATED 11-28-89.
3. C.R.G. 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.

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 (SEE ZONING NOTE)
DEED REFERENCE: 7872/186
PROPERTY NUMBER: 19-00-003441
AVERAGE DAILY TRIPS: 0.70/AC. 0.70 x 111.07 = 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 x 8 SPACES = 144 SPACES
DRIVING RANGE = 1.5 SPACES/TEE
27 TEES x 1.5 = 41 SPACES
TOTAL SPACES REQUIRED = 185 SPACES
TOTAL SPACES PROPOSED = 185 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 S.F. or 1.0934 Ac.±

NOTE
STORMWATER MANAGEMENT WAIVER REQUEST APPROVED JANUARY 30, 1990

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
10-25-90 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW
Plan Approved OPZ
Approval Expiration Date 10-25-93
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

PUBLIC SERVICES C.R.G. Nº 90111
PLANNING Nº XI-624

NO.	DATE	DESCRIPTION
1	3-26-90	Revised per Pre-Dev. Conf. comments
2	5-10-90	Revised per Pre-CRG Comments
3	6-25-90	Revised per CRG Comments
4	9-26-90	Revised per DEPRM Comments
5	10-19-90	Per Pre-CRG Comments
6	10-25-90	Revised per C.R.G. Meeting

DEC 27 1990

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

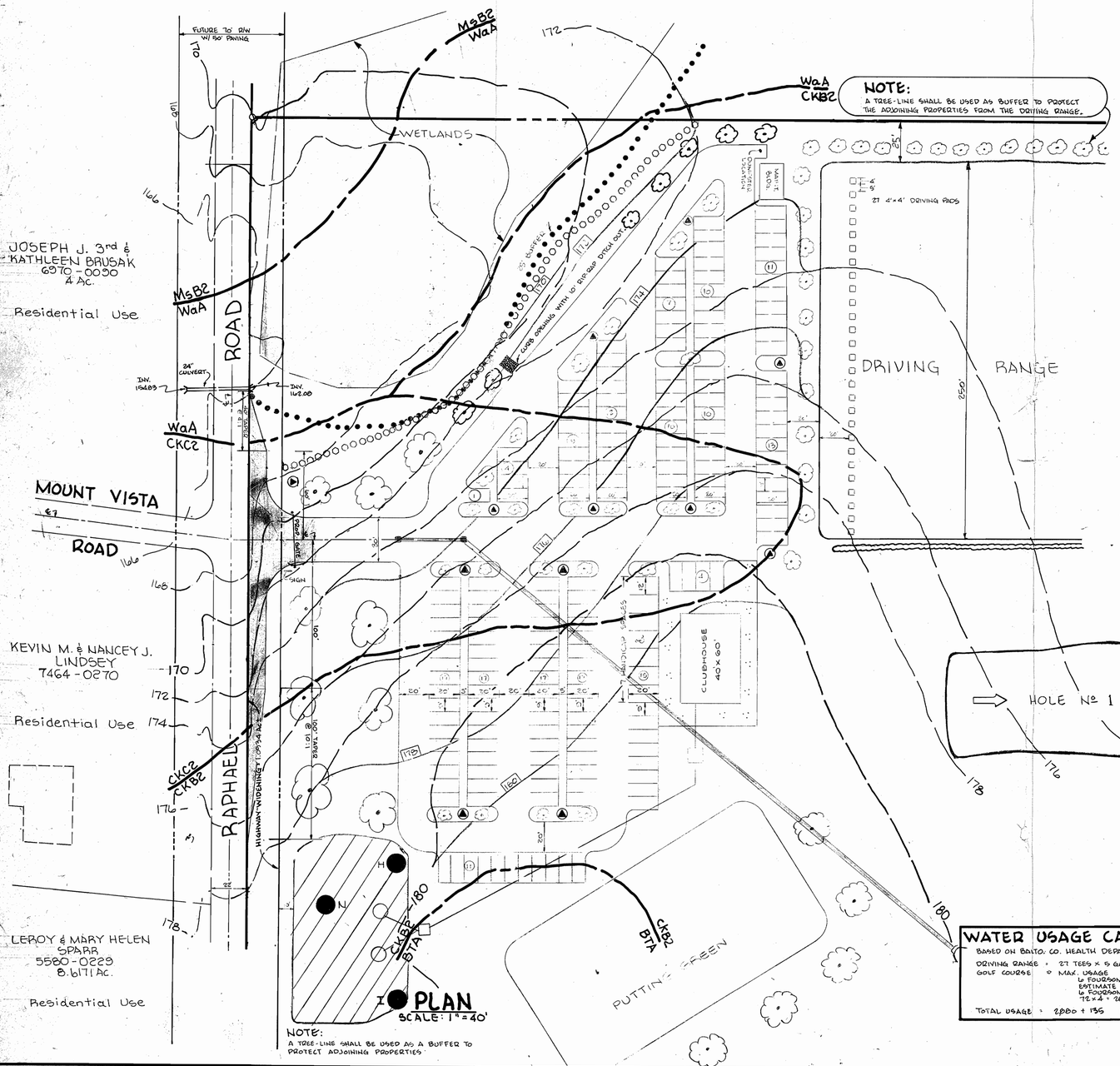
OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

C.R.G. PLAN

MOUNT VISTA GREENS
DETAILS & NOTES
RAPHAEL ROAD

Election District 11 Baltimore County, MD.

SCALE: 1" = 40'	DES. BY: J.L.L.	SHT. 2 OF 5
DATE: 4-26-89	DRN. BY: N.S., JMB	



WATER USAGE CALCULATIONS

BASED ON BALTO. CO. HEALTH DEPARTMENT REQUIREMENTS:

DRIVING RANGE = 27 TEES x 5 GAL/DAY = 135 G.P.D.
GOLF COURSE = MAX. USAGE
4 FOURSOMES PER HOUR (10 MIN. PER FOURSOME)
ESTIMATE 12 HRS. OF OPERATION PER DAY
4 FOURSOMES x 12 HR. = 72 FOURSOMES
72 x 4 = 288 GOLFERS 288 x 10 G.P.D. = 2,880 G.P.D.

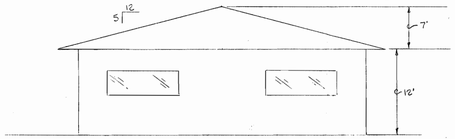
TOTAL USAGE = 2880 + 135 (USE 3,000 G.P.D.)

ZONING NOTE:

ON 12-16-88 THE DEPUTY ZONING COMMISSIONER GRANTED A SPECIAL EXCEPTION FOR A GOLF COURSE IN AN R.C.-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 CWB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS, SEE SHEET 1 OF 5 FOR PLAN VIEW.



SIDE ELEVATION
PROPOSED CLUBHOUSE
(N.T.S.)

TCA 301-585-3340

#88007

PAULINE RUTKOWSKI
6308/26
66.21 Ac.
Residential Use

R.C.-5

PROPOSED SCREENING

N 85° 39' 34" W 2603.19'

L.O.D.

MAINTENANCE BUILDING (NO PLUMBING FACILITIES)

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

LEROY Md SPARR
5655/0614
3.004 Ac.
Residential Use

STANLEY P. & JOSEPHINE ZOLENAS
G.698 Ac.
Residential Use

MARK JOSEPH ZOLENAS
6753/0508
2.09 Ac.
Residential Use

HARRY J. JR. & JULIE HERMAN
6692-0780
7 Ac.
Residential Use

HERMAN SCHMIDT
1205/0314
7.30 AC.
Residential Use
N 24° 26' 05" W - 92.44'

HERMAN SCHMIDT
1205/0314
26.35 Ac.
Residential Use

R.C.-5

R.C.-5

R = 490.00'
A = 246.13'
Δ = 28°46'48"
T = 125.72'
CH = N 10°02'41" W - 243.55'

R.A.P.H.A.E.L. ROAD

900' DRIVING RANGE

(SEE SHT 2 OF 5 FOR DETAILS)

STARTER AREA

PUTTING GREEN

SEPTIC AREA

WELL AREA

POND #1

POND #2

POND #3

25' BUFFER

100' BUFFER

APPROXIMATE WETLANDS BUFFER LIMITS (25' BUFFER)

APPROXIMATE WETLANDS BUFFER LIMITS (100' BUFFER)

L.O.D.

S 89° 45' 33" W 2235.35'

FUTURE 70' R/W W/50' PAVING & 6 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)

PROPOSED SCREENING

N 47,500
E 61,500

S 02° 59' 03" E 1236.74'

PFEFFERS LAND PARTNERSHIP
6141-0735
22.4187 Ac.
Residential Use

THIS AREA NOT TO BE DISTURBED

JACK BROWN
0397-0053
7.793 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
N 46,000
E 61,500

SUSQUEHANNA TRANSMISSION CO.

L.O.D. = LIMIT OF DISTURBANCE

NOTE:
SEE SHEET 5 OF 5 FOR DETAIL OF WATER QUALITY PONDS.

⊕ = MONITORING WELLS

SIGN DETAIL
(SCALE: 1/2" = 1')

SINGLE-FACE NON-ILLUMINATED SIGN (15 SQ. FT.)

5'-0" × 3'-0"
GOLF COURSE
4'-0"

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 10-25-90 With The Following Action Taken

PLAN APPROVED

Plan Approved DPW
Plan Approved OPZ
Approval Expiration Date 10-25-93

Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

PUBLIC SERVICES CRG. Nº 90111
PLANNING Nº XI-624

R.C.-5

NO.	DATE	DESCRIPTION
6	10-25-90	REVISED PER C.R.G. MEETING
REVISIONS		
1	3-26-90	Revised per Pre-Dev. Conf. comments
2	5-10-90	Revised per Pre-CRG Comments
3	6-25-90	REVISED PER C.R.G. COMMENTS
4	9-24-90	REVISED PER D.E.P.R.M. COMMENTS
5	10-19-90	PER PRE-CRG. COMMENTS

RECEIVED
DEC 27 1990
OFFICE OF PLANNING AND ZONING

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNER/DEVELOPER
JAMES STADLER
11118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

C.R.G. PLAN XI-624

MOUNT VISTA GREENS MASTER PLAN RAPHAEL ROAD

Election District #11 Baltimore County, MD

SCALE: 1"=100'	DES. BY: J.L.L.	SHT. 1 OF 5
DATE: 4-26-89	DRN. BY: N.S. JMB.	

#88007

89-190-X

Petition:
To allow a golf course in a RC-5 Zone
ORDER:
Granted with the following restrictions:

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 (D.E.P.R.M.) dated 10/03/88 and the Office of Planning dated 11/28/88.

3. C.R.G. 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 restrictions of this order.

91-209-SPH

Petition:
For an amendment to the Site Plan approved 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 previously in Case No. 89-190-X 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.
ORDER:
Amendment to the Site Plan approved;
Extension approved from two to three years until 12/16/91, with the following restrictions

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.

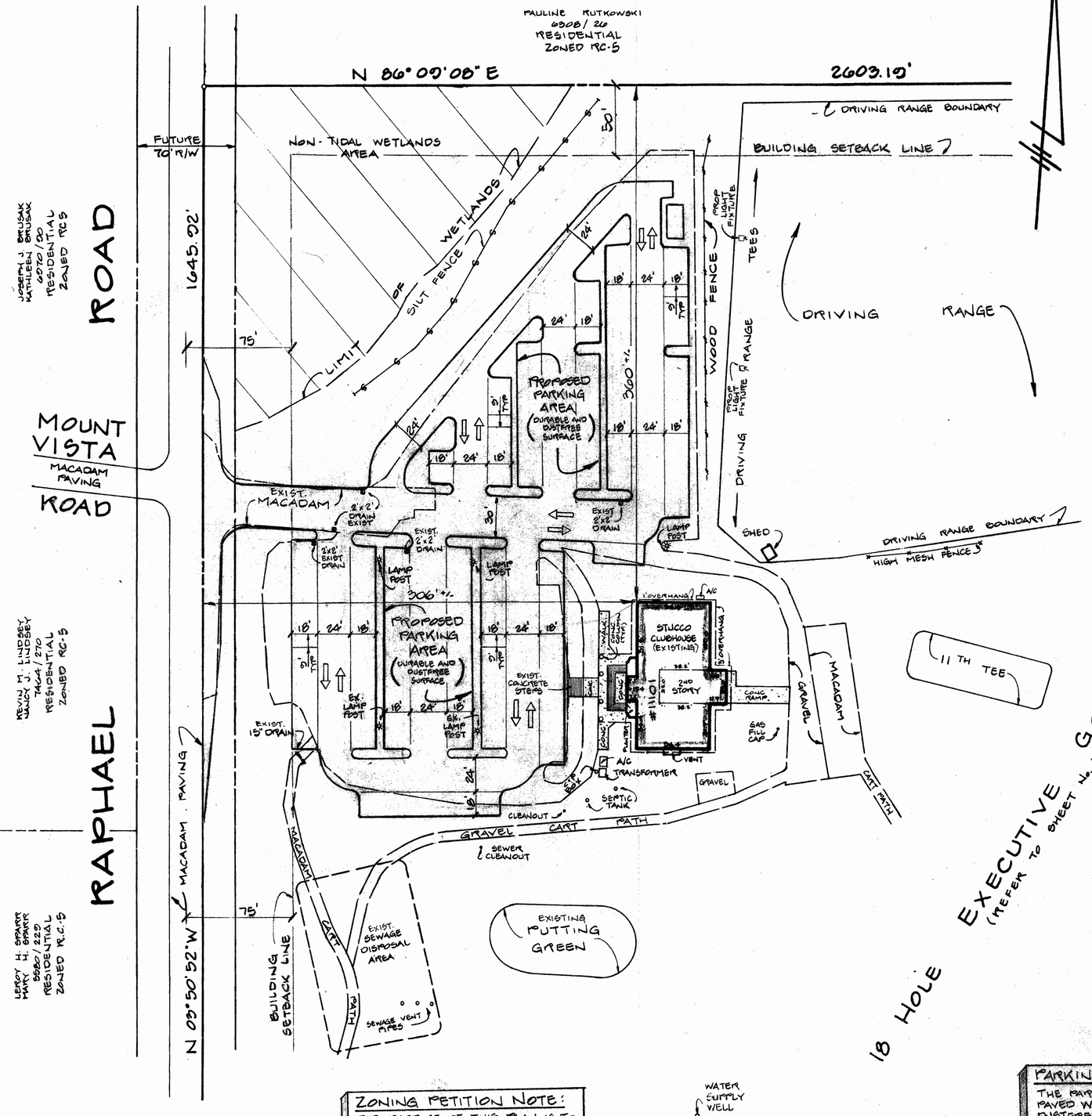
7. The hours of operation shall not exceed 6:00 A.M. to 9:00 P.M.

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 P.M.

11. When applying for a Building Permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



ZONING PETITION NOTE:
THE PURPOSE OF THIS PLAN IS TO AMEND A PREVIOUSLY APPROVED SITE PLAN RELATED TO CASE No. 91-209 SPH.

PARKING LOT NOTE:
THE PARKING LOT WILL BE PAVED WITH A DURABLE & DUSTFREE SURFACE AND BE PERMANENTLY STRIPED

NOTE:
REFER TO SHEET 1 OF 2 FOR SITE DATA : TOTAL PROPERTY OUTLINE

92-37-SPH

Petition:
An amendment to the restrictions on the relief granted in Case No. 89-190-X and 91-209-SPH to permit: a lighted driving range; operating hours of 6:00 A.M. to 10:00 P.M. and to require that the entrance be secured by 10:30 P.M.; to permit operation of the golf course and/or driving range from March 1 through December 31 of each year; and a finding that restriction No. 5 applies only to the relief granted in restriction No. 4.

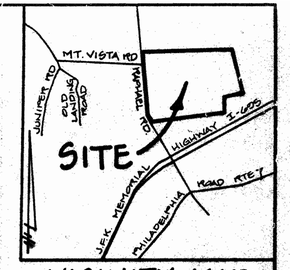
ORDER:
The Petition for Special Hearing to approve an amendment to the restrictions on the relief granted in prior Case Nos. 89-190-X and 91-209-SPH to permit the operation of the golf course and/or driving range to run from March 15th through November 30th of each year, and a finding that Restriction 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 A.M. to 10:00 P.M., and to require that the entrance to the subject property be secured by 10:30 P.M., 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.

96-167-SPH

Petition:
To determine whether "clubhouse" 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 "golf course".
ORDER:
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,
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 80' in dimension, or file a Petition for Special Hearing to amend the relief granted in the previous 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.



VICINITY MAP
SCALE: 1"=2000'

91-137-SPH

OWNER
MT. VISTA GOLF COURSE
LIMITED PARTNERSHIP
11101 RAPHAEL ROAD
BALTIMORE CO., MD
21021

SURVEYORS CERTIFICATION

STATE OF MARYLAND — ROBERT E. SPELLMAN — No. 4205 — REGISTERED PROFESSIONAL LAND SURVEYOR

ROBERT E. SPELLMAN PLS # 4205

REVISIONS		
NO.	DATE	DESCRIPTION
1	12-2-96	ZONING OFFICE COMMENTS
2	1-24-97	REV. PER ZONING OFFICE COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

MOUNT VISTA GREENS GOLF COURSE

11101 RAPHAEL ROAD

11TH ELECTION DIST. BALTIMORE CO., MD

SCALE: 1"=40'	DES. BY:	SHT. 2 OF 2
DATE: 8/22/96	DRN. BY: R.M.N.	

88507

PAULINE RUTKOWSKI
6308 / 26
RESIDENTIAL
ZONED RC-5

N 86° 09' 08" E 2603.19'

50' BUILDING SETBACK LINE

PARKING AREA & CLUBHOUSE
(SEE SHEET 2 OF 2)

ZONED RC-5
RESIDENTIAL
JOSEPH J. BRUSAK III
KATHLEEN BRUSAK
6470 / 80

280' +/-

24' DRAIN

MOUNT VISTA ROAD

1645.82'

SEPTIC
RESIDENTIAL
KEVIN M. LINDSEY
NANCY J. LINDSEY
7464 / 270
EXIST. DWELL.
WELL

ROAD

RESIDENTIAL
LEROY H. SPARR
MARY H. SPARR
5560 / 220
ZONED RC-5

RESIDENTIAL
LEROY H. SPARR
LINDA M. SPARR
8694 / 815
ZONED RC-5

EXISTING PAVING

BUILDING SETBACK LINE

SEPTIC
EXIST. DWELL
WELL

FUTURE 70' R/W

75'

PLAT 80/140
RESIDENTIAL
ZONED RC-5

HARRY J. HERMAN
JULIA M. HERMAN
780
RESIDENTIAL
ZONED RC-5

RAPHAEL

N 03° 50' 52" W

HERMAN SCHMIDT
7137 / 677
RESIDENTIAL
ZONED RC-5

R = 490.00'
L = 246.13'

18 HOLE EXECUTIVE GOLF COURSE

WOODS

THIS AREA IS NOT TO BE DISTURBED

℄ STREAM

℄ STREAM

℄ STREAM

150' SUSQUEHANNA TRANSMISSION RIGHT OF WAY (BALTIMORE GAS & ELECTRIC CO.)

S 11° 10' 38" E

RESIDENTIAL
HEFFNERS LAND PARTNERSHIP
6141 / 139
ZONED RC-5

50'

RESIDENTIAL
EDMUND ROSENBERGER
9211 / 115
ZONED RC-5

12.36.74'

BUILDING SETBACK LINE

50'

S 70° 52' 28" W 402.73'

S 10° 59' 34" E 434.04'

STATE ROADS COMMISSION OF MARYLAND
VACANT
ZONED RC-5

WOODS

℄ STREAM

S 11° 11' 30" E
79.39'

2235.05'

BUILDING SETBACK LINE

50'

S 81° 34' 18" W

N 32° 32' 16" W
92.70'

WELL

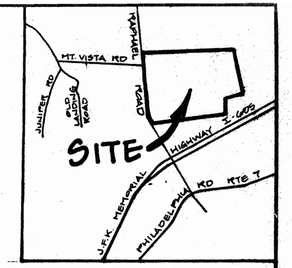
HERMAN SCHMIDT
1205 / 314
RESIDENTIAL
ZONED RC-5

NOTE: A WAIVER OF STORMWATER MANAGEMENT REQUIREMENTS WAS GRANTED MAY 30, 1990

NOTE: THE C.R.G. PLAN WAS APPROVED ON 10/25/90.

97-127-SPH

VICINITY MAP
SCALE: 1" = 2000'



SITE DATA

COUNCILMANIC DIST.	5
AREA OF TRACT	110.023 ACS.
EXISTING ZONING	RC-5
DEED REFERENCE	7072 / 186
TAX ACCT. No.	19-00-003441
UTILITIES	
WATER	- PRIVATE WELL
SEWER	- PRIVATE SEWAGE DISPOSAL SYSTEM

FLOOR AREA RATIO

1ST FLOOR	5,750 SF
2ND FLOOR	1,247.5 SF
TOTAL	6,997.5 SF

F.A.R.:
6,997.5 SF ÷ 110.0 Acs
= 0.0015

PARKING TABULATION

PARKING REQUIRED

8 SPS. PER HOLE (GOLF COURSE) 8 x 18 :	144 SPACES
1.5 SPS. PER TEE (RANGE) 1.5 x 27 :	41 SPACES
TOTAL REQUIRED	185 SPACES
TOTAL PROVIDED	185 SPACES

NOTE:
REFER TO SHEET No. 2 OF 2 FOR PARKING & BUILDING DETAIL

OWNER
MT VISTA GOLF COURSE LIMITED PARTNERSHIP
11101 RAPHAEL ROAD
BALTIMORE CO., MD 21021

SURVEYORS CERTIFICATION

STATE OF MARYLAND — ROBERT E. SPELLMAN — 4503 — REGISTERED PROFESSIONAL LAND SURVEYOR

ROBERT E. SPELLMAN PLS # 4503

REVISIONS		
NO	DATE	DESCRIPTION
1	12-2-96	ZONING OFFICE COMMENTS
2	1-24-97	REV. PER ZONING OFFICE COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

MOUNT VISTA GREENS GOLF COURSE

11101 RAPHAEL ROAD

11TH ELECTION DIST. BALTIMORE CO., MD

SCALE: 1"=100'	DES. BY:	SHT. 1 OF 2
DATE: 8/22/96	DRN. BY: R.M.N.	

89-190-X

Petition:
To allow a golf course in a RC-5 Zone
ORDER:
Granted with the following restrictions:

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 (D.E.P.R.M.) dated 10/03/88 and the Office of Planning dated 11/28/88.

3. C.R.G. 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 restrictions of this order.

91-209-SPH

Petition:
For an amendment to the Site Plan approved 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 previously in Case No. 89-190-X 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.
ORDER:
Amendment to the Site Plan approved;
Extension approved from two to three years until 12/16/91, with the following restrictions

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.

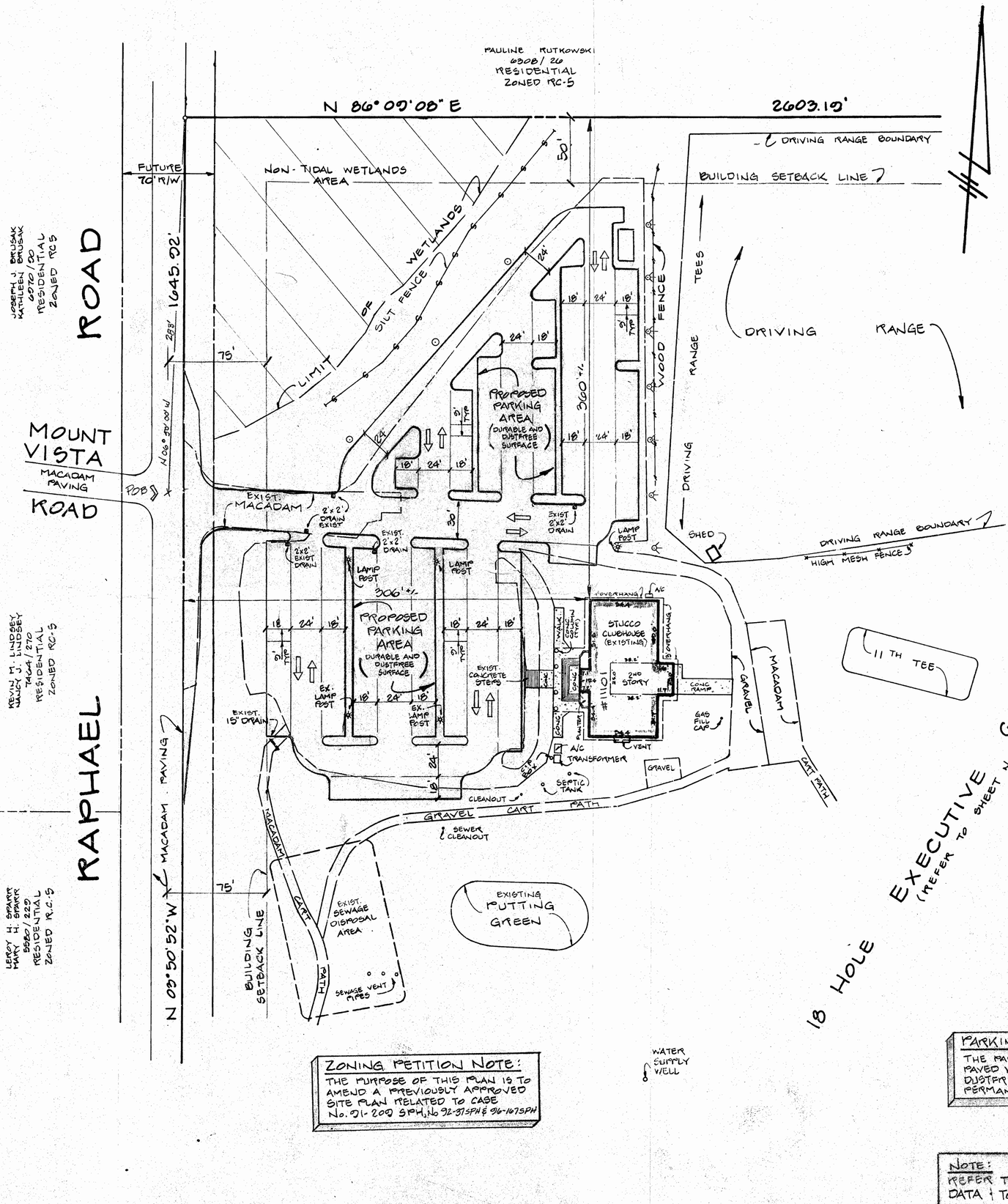
7. The hours of operation shall not exceed 6:00 A.M. to 9:00 P.M.

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 P.M.

11. When applying for a Building Permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



ZONING PETITION NOTE:
THE PURPOSE OF THIS PLAN IS TO AMEND A PREVIOUSLY APPROVED SITE PLAN RELATED TO CASE No. 91-209 SPH, No 92-37SPH & 96-167SPH

PARKING LOT NOTE:
THE PARKING LOT WILL BE PAVED WITH A DURABLE & DUSTFREE SURFACE AND BE PERMANENTLY STRIPED

NOTE:
REFER TO SHEET 1 OF 2 FOR SITE DATA & TOTAL PROPERTY OUTLINE

92-37-SPH

Petition:
An amendment to the restrictions on the relief granted in Case No. 89-190-X and 91-209-SPH to permit: a lighted driving range; operating hours of 6:00 A.M. to 10:00 P.M. and to require that the entrance be secured by 10:30 P.M.; to permit operation of the golf course and/or driving range from March 1 through December 31 of each year; and a finding that restriction No. 5 applies only to the relief granted in restriction No. 4.

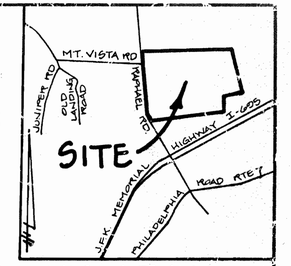
ORDER:
The Petition for Special Hearing to approve an amendment to the restrictions on the relief granted in prior Case Nos. 89-190-X and 91-209-SPH to permit the operation of the golf course and/or driving range to run from March 15th through November 15th of each year, and a finding that Restriction 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 A.M. to 10:00 P.M., and to require that the entrance to the subject property be secured by 10:30 P.M., 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.

96-167-SPH

Petition:
To determine whether "clubhouse" 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 "golf course".
ORDER:
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,
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 80' in dimension, or file a Petition for Special Hearing to amend the relief granted in the previous 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.



VICINITY MAP
SCALE: 1" = 2000'

OWNER
MT. VISTA GOLF COURSE
LIMITED PARTNERSHIP
11101 RAPHAEL ROAD
BALTIMORE CO., MD
21021

PROPOSED 30' HIGH POLES TO LIGHT THE DRIVING RANGE WITH APPROVED LIGHTING FIXTURES
PROPOSED PARKING LOT LIGHTS

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS LAND SURVEYORS
LAND PLANNERS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

REVISIONS		
NO.	DATE	DESCRIPTION
1	12-2-96	ZONING OFFICE COMMENTS
2	1-24-97	REV. PER ZONING OFFICE COMMENTS
3	10/16/97	ADDED LIGHTS TO THE DRIVING RANGE

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
AND SPECIAL EXCEPTION

MOUNT VISTA GREENS GOLF COURSE

11101 RAPHAEL ROAD

11 TH ELECTION DIST. BALTIMORE CO., MD

SCALE: 1" = 40'
DATE: 8/22/97
DES BY:
DRN BY: R.M.N.
SHT 2 OF 2

88-207

PAULINE RUTKOWSKI
6308/26
RESIDENTIAL
ZONED RC-5

N 86° 09' 08" E 2603.19'

50'

BUILDING SETBACK LINE

ZONED RC-5
RESIDENTIAL
JOSEPH J. BRUSAK III
KATHLEEN A. BRUSAK
6370/80

280'+/-

24' DRAIN

MOUNT VISTA ROAD

1045.82'

SEPTIC
RESIDENTIAL
HENRY M. LINDSEY
NANCY J. LINDSEY
7462/270
EXIST. DWELL.
WELL

ROAD

RESIDENTIAL
LEROY H. SPARKS
MARY H. SPARKS
5580/225
ZONED RC-5

RESIDENTIAL
JOSEPH W. ZOLENAS
8986/000
ZONED RC-5

EXISTING

BUILDING SETBACK LINE

PARKING AREA

SEPTIC
EXIST. DWELL
WELL

FUTURE 70' R/W

75'

PLAT 50/140
RESIDENTIAL
ZONED RC-5

MARK J. ZOLENAS
6765/508

RAPHAEL

N 03° 50' 52" W

HARRY J. HERMAN
JULLIE A. HERMAN
4652/782
RESIDENTIAL
ZONED RC-5

HERMAN SCHMIDT
1205/314
RESIDENTIAL
ZONED RC-5

R: 490.00'
L: 246.13'

N 32° 32' 16" W
92.79'

WELL

S 81° 34' 18" W

BUILDING SETBACK LINE

50'

18 HOLE
EXECUTIVE
GOLF COURSE

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 14th day of December, 1989 that the Petition for Special Exception for a golf course in an R.C. 5 zone, 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:

CASE No. 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 requirements of the Zoning Plans Advisory Committee as set forth in their comments submitted herein, including, but not limited to those submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 3, 1989 and the Office of Planning dated November 28, 1989.

3) CRG approval of this project is required without a waiver.

4) Petitioners shall landscape the property at a minimum as set forth in Petitioner's 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 the low-profile, cut-off lighting fixtures as depicted in Petitioner's 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 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 AM to 9:00 PM.

9) 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.

10) The area designated as existing woods on Petitioner's Exhibit 5 shall remain open and undisturbed unless modified by 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 PM.

12) Prior to the issuance of any permits, Petitioners shall submit the site 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 and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICS
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

& STREAM

& STREAM

& STREAM

WOODS

THIS AREA IS
NOT TO BE DISTURBED

S 11° 10' 38" E

RESIDENTIAL
MEFFERDS LAND PARTNERSHIP
6141/122
ZONED RC-5

50'

1236.74'

RESIDENTIAL
KATHLEEN W. SCHMID
11504/195
ZONED RC-5

RESIDENTIAL
MICHAELETTA M. NIKOLAKAKI
5907/035
ZONED RC-5

RESIDENTIAL
CHRISTOPHER J. OLSZEWSKI
ZONED RC-5

BUILDING SETBACK LINE

S 70° 52' 28" W 492.73'

50'

S 10° 53' 34" E 434.44'

S 11° 11' 30" E
73.30'

2235.95'

STATE ROADS COMMISSION
OF MARYLAND
VACANT
ZONED RC-5

WOODS

HERMAN SCHMIDT
1205/314
RESIDENTIAL
ZONED RC-5

NOTE: A WAIVER OF STORMWATER MANAGEMENT REQUIREMENTS WAS GRANTED MAY 30, 1990

NOTE: THE C.R.G PLAN WAS APPROVED ON 10/25/90.

Revised
97-127-SPHX
10/24/97

FLOOR AREA RATIO

1ST FLOOR	5,750 SF
2ND FLOOR	1,247.5 SF
TOTAL	6,997.5 SF

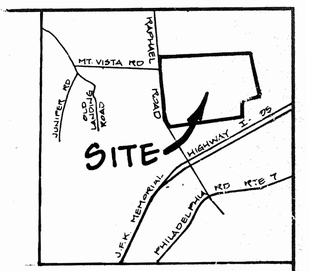
F.A.R:
6,997.5 SF ÷ 110.0 Acs
= 0.0015

PARKING TABULATION

PARKING REQUIRED

8 SPS. PER HOLE (GOLF COURSE) 8 x 18 :	144 SPACES
1.5 SPS. PER TEE (RANGE) 1.5 x 27 :	41 SPACES
TOTAL REQUIRED	185 SPACES
TOTAL PROVIDED	185 SPACES

NOTE:
REFER TO SHEET No. 2 OF 2
FOR PARKING BUILDING DETAIL



VICINITY MAP
SCALE: 1" = 2000'

SITE DATA

COUNCILMANIC DIST.	5
AREA OF TRACT	110.023 ACS.
EXISTING ZONING	RC-5
DEED REFERENCE	7872/186
TAX ACCT. No.	19-00-003441
UTILITIES	
WATER	- PRIVATE WELL
SEWER	- PRIVATE SEWAGE DISPOSAL SYSTEM

OWNER
MT VISTA GOLF COURSE
LIMITED PARTNERSHIP
11101 RAPHAEL ROAD
BALTIMORE CO., MD
21021

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS LAND SURVEYORS
LAND PLANNERS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

REVISIONS		
NO.	DATE	DESCRIPTION
1	12-26-96	ZONING OFFICE COMMENTS
2	1-24-97	REV. PER ZONING OFFICE COMMENTS
3	10/16/97	ADDED LIGHTS TO REVISED RANGE

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING AND
SPECIAL EXCEPTION

MOUNT VISTA GREENS GOLF COURSE

11101 RAPHAEL ROAD

11TH ELECTION DIST. BALTIMORE CO., MD

SCALE:	1"=100'	DES. F.C.	SHT. 1 OF 2
DATE:	8/22/97	DRN. BY: P.M.N.	

PAULINE RUTKOWSKI
6308/ 20
RESIDENTIAL
ZONED RC-5

N 86° 09' 08" E 2603.19'

FUTURE 70' R/W

NON-TIDAL WETLANDS AREA

50'

BUILDING SETBACK LINE

DRIVING RANGE BOUNDARY

WETLANDS

SILT FENCE

LIMIT OF

EDGE OF GRAVEL

WOOD FENCE

TEES

DRIVING RANGE

DRIVING RANGE

JOSEPH J BRUSAK
KATHLEEN BRUSAK
6076/ 20
RESIDENTIAL
ZONED RC-5

ROAD

1645.92'

75'

MOUNT VISTA

MACADAM PAVING

ROAD

GRAVEL PARKING AREA

360'+/-

EXISTING ENTRANCE

32'+/-

MACADAM

2'x2' DRAIN

LAMP POST

SHED

DRIVING RANGE BOUNDARY

HIGH MESH FENCE

306'+/-

1' OVERHANG

A/C

STUCCO CLUBHOUSE

#11101

2ND STORY

CONC. RAMP

GAS FILL CAP

VENT

A/C TRANSFORMER

SEPTIC TANK

CONCRETE STEPS

DRIVE

WALK

GRAVEL

PLANTER

11 TH TEE

MACADAM

GRAVEL

CART PATH

EDGE OF GRAVEL

CLEANOUT

GRAVEL CART PATH

SEWER CLEANOUT

15" DRAIN

MACADAM

CART PATH

75'

BUILDING SETBACK LINE

SEWAGE DISPOSAL AREA

SEWAGE VENT PIPES

PUTTING GREEN

18 HOLE EXECUTIVE GOLF COURSE
(REFER TO SHEET No. 1 OF 2)

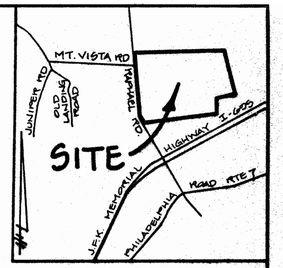
WATER SUPPLY WELL

KEVIN M. LINDSEY
NANCY LINDSEY
7464/ 270
RESIDENTIAL
ZONED RC-5

LEROY H. SPARR
MARY SPARR
8583/ 229
RESIDENTIAL
ZONED R.C.5

RAPHAEL

N 09° 50' 52" W MACADAM PAVING



VICINITY MAP
SCALE: 1" = 2000'

OWNER
MT. VISTA GOLF COURSE
LIMITED PARTNERSHIP
11101 RAPHAEL ROAD
BALTIMORE CO., MD
21021

SURVEYORS CERTIFICATION

STATE OF MARYLAND — ROBERT E. SPELLMAN — No. 4503 — REGISTERED PROFESSIONAL LAND SURVEYOR

ROBERT E. SPELLMAN PLS # 4503

REVISIONS		
NO	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING

MOUNT VISTA GREENS GOLF COURSE

11101 RAPHAEL ROAD

11TH ELECTION DIST. BALTIMORE CO., MD

NOTE:
REFER TO SHEET 1 OF 2 FOR TOTAL PROPERTY OUTLINE OF TRACT

SCALE: 1" = 40'	DES. BY:	SHT. 2 OF 2
DATE: 8/22/96	DRN. BY: R.M.N.	

88007

PAULINE RUTKOWSKI
6308 / 26
RESIDENTIAL
ZONED RC-5

N 86° 00' 08" E 2603.10'

50' BUILDING SETBACK LINE

PARKING AREA & CLUBHOUSE
(SEE SHEET 2 OF 2)

ZONED RC-5
RESIDENTIAL
JOSEPH J BRUSAK III
KATHLEEN BRUSAK
6070/80

280 +/-

MOUNT VISTA ROAD

24' DRAIN

1045.02'

SEPTIC
RESIDENTIAL
NANCY J LINDSEY
7464/270
EXIST DWELL
WELL

ROAD

RESIDENTIAL
LEROY H SPARR
MARY H SPARR
5580/220
ZONED RC-5

RESIDENTIAL
LEROY H SPARR
LISA G SPARR
8504/218
ZONED RC-5

EXISTING PAVING

BUILDING SETBACK LINE

SEPTIC
EXIST. DWELL
WELL

FUTURE 70' R/W

75'

PLAT 5121/40
RESIDENTIAL
ZONED RC-5

HARRY J HERMAN
JULLIE M HERMAN
6602/780
RESIDENTIAL
ZONED RC-5

RAPHAEL

N 03° 50' 52" W

HERMAN SCHMIDT
7137/677
RESIDENTIAL
ZONED RC-5

R: 400.00'
L: 246.13'

N 32° 32' 16" W
92.70'

WELL

18 HOLE EXECUTIVE GOLF COURSE

BUILDING SETBACK LINE 50'

S 81° 34' 18" W

HERMAN SCHMIDT
1205 / 314
RESIDENTIAL
ZONED RC-5

E STREAM

E STREAM

E STREAM

WOODS

WOODS

THIS AREA IS NOT TO BE DISTURBED

180' SUSQUEHANNA TRANSMISSION RIGHT OF WAY
(BALTIMORE GAS & ELECTRIC CO.)

S 11° 10' 30" E 1230.74'

RESIDENTIAL
FREEFORM LAND PARTNERSHIP
6141 / 139
ZONED RC-5

RESIDENTIAL
EDMOND KOTTENSTETTE
9211 / 115
ZONED RC-5

50'

BUILDING SETBACK LINE

S 70° 52' 28" W 492.73'

50'

S 10° 53' 34" E 434.04'

S 11° 11' 30" E 79.30'

STATE ROADS COMMISSION
OF MARYLAND
VACANT
ZONED RC-5

2235.05'

NOTE: A WAIVER OF STORMWATER MANAGEMENT REQUIREMENTS WAS GRANTED MAY 30, 1990

NOTE: THE C.R.G PLAN WAS APPROVED ON 10/25/90.

FLOOR AREA RATIO

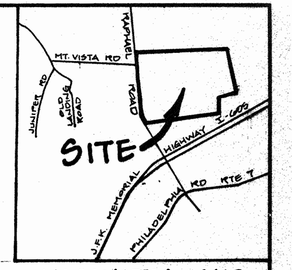
1ST FLOOR	5,750 SF
2ND FLOOR	1,247.5 SF
TOTAL	6,997.5 SF

F.A.R:
6,997.5 SF ÷ 110.0 Acs
= 0.0015

PARKING TABULATION

PARKING REQUIRED
8 SPS. PER HOLE (GOLF COURSE)
8 x 18 : 144 SPACES
1.5 SPS. PER TEE (RANGE)
1.5 x 27: 41 SPACES
TOTAL REQUIRED 185 SPACES
TOTAL PROVIDED 185 SPACES

NOTE:
REFER TO SHEET No. 2 OF 2
FOR PARKING & BUILDING DETAIL



VICINITY MAP
SCALE: 1" = 2000'

SITE DATA

COUNCILMANIC DIST.	5
AREA OF TRACT	110.023 ACS.
EXISTING ZONING	RC-5
DEED REFERENCE	7872 / 186
TAX ACCT. No.	19-00-003441
UTILITIES	
WATER	- PRIVATE WELL
SEWER	- PRIVATE SEWAGE DISPOSAL SYSTEM

OWNER
MT VISTA GOLF COURSE
LIMITED PARTNERSHIP
11101 RAPHAEL ROAD
BALTIMORE CO., MD
21021

SURVEYORS CERTIFICATION

OLD

STATE OF MARYLAND
ROBERT E. SPELLMAN
No. 4503
REGISTERED
PROFESSIONAL LAND SURVEYOR

ROBERT E. SPELLMAN PLS # 4503

REVISIONS		
NO.	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING

MOUNT VISTA GREENS GOLF COURSE

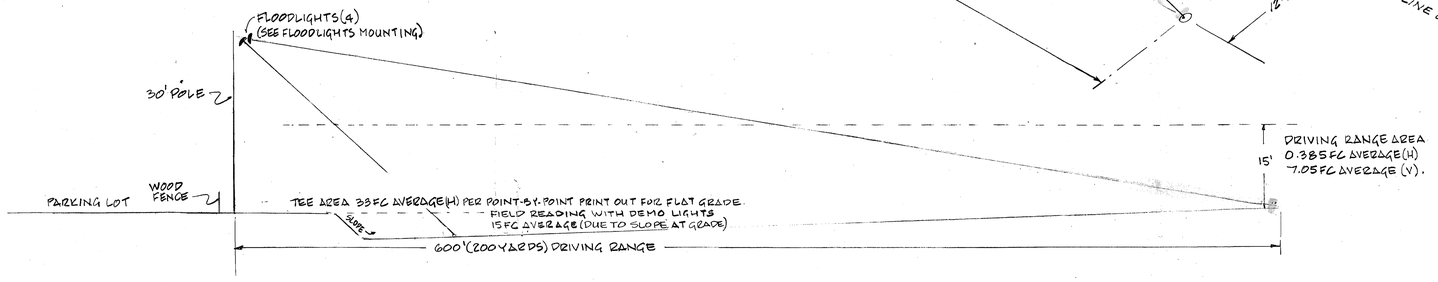
11101 RAPHAEL ROAD

89

11TH ELECTION DIST. BALTIMORE CO., MD

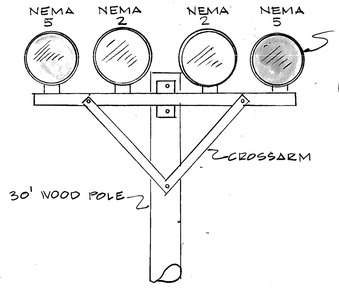
SCALE: 1"=100'	DES. BY:	SHT. 1 OF 2
DATE: 5/22/96	DRN. BY: P.M.N.	

FLOODLIGHTS AIMING POINTS



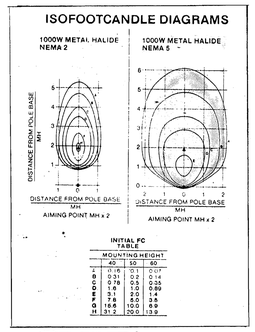
CROSS SECTION DRIVING RANGE

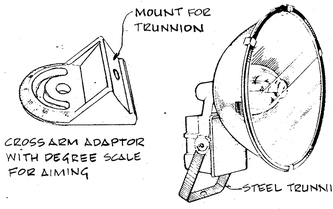
Pettinga #5

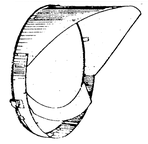


FLOODLIGHTS MOUNTING

(TYPICAL OF 4 POLES)







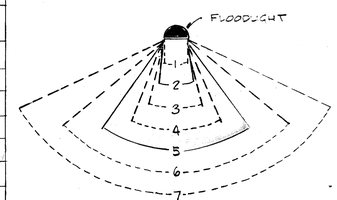
OPTIONAL EXTERNAL GLARE CONTROL LOUVER FOR NEMA 5 REFLECTORS.

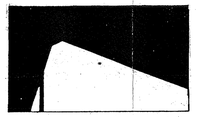
DETAILS - FLOODLIGHT

FLOODLIGHT NEMA CLASSIFICATION

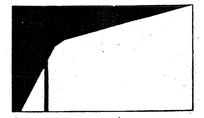
NEMA* TYPE	BEAM DESCRIPTION	HORIZONTAL FIELD ANGLE
1	VERY NARROW	10° - 18°
2	NARROW	18° - 29°
3	MEDIUM NARROW	29° - 46°
4	MEDIUM	46° - 70°
5	MEDIUM WIDE	70° - 100°
6	WIDE	100° - 130°
7	VERY WIDE	130°+

* NATIONAL ELECTRICAL MANUFACTURERS ASSOC.

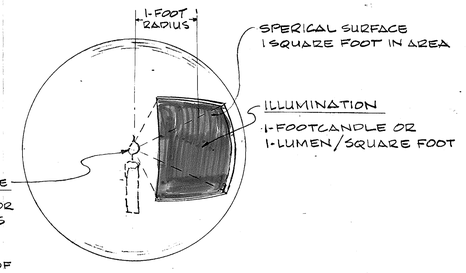




FLOODLIGHT (CUT-OFF)
(PROPOSED)



FLOODLIGHT (NONCUT-OFF)
(NOT TO BE USED)



ENGLISH LIGHTING MEASUREMENT

ONE LUMEN UNIFORMLY DISTRIBUTED OVER ONE SQ. FT. PRODUCES AN ILLUMINATION OF ONE FOOTCANDLE

REPRESENTATIVE LEVELS OF ILLUMINATION

	FOOTCANDLES
STARLIGHT	0.0002
MOONLIGHT	0.02
STREET LIGHT	0.5 TO 2.0
DAYLIGHT	
AT NORTH WINDOW	50 - 200
IN SHADE (OUTDOORS)	100 - 1000
DIRECT SUNLIGHT	5000 - 10000
OFFICE LIGHTING	50 - 100
CAR DOME LIGHT	1.5 - 2.5
GAS STATION - PUMPS	20 - 30

DAY-BRITE LIGHTING TERMINOLOGY

QUALITY OF LIGHT

Pertains to distribution of luminance in an environment. It is a positive term that implies that all lighting should contribute favorably to visual performance, comfort, ease of seeing, safety and aesthetics. It is usually regarded as the absence of harshness, glare or other discomfort factors.

BRIGHTNESS...is a subjective (usually negative) psychological reaction to lighting. Brightness is sometimes referred to with statements such as "the brighter the bulb, the better." This is inaccurate. "Brightness" does not refer to the amount of light coming from a given light source, but rather to the way your eye perceives that light. For example, brightness is used in reference to the effect on your eyes of lights from the headlights of an approaching car and your reaction to them.

GLARE...is the sensation produced by luminance within the visual field that is significantly greater than the illuminance to which the eyes are adapted. It results from high luminances or insufficiently shielded light sources in the field of view or from reflecting areas of high luminance.

DISABILITY GLARE...results in reduced visual performance and visibility. It often is accompanied by discomfort.

DISCOMFORT GLARE...is glare producing discomfort. It does not necessarily interfere with visual performance or visibility.

LIGHT TRESPASS...is a situation which occurs when, due to lack of adequate beam control, light from a source is distributed onto areas where the illumination is unwanted.

SPILL LIGHT...lumens distributed by the luminaire which are outside the beam spread.

MT. VISTA GOLF COURSE

PROPOSED DRIVING RANGE LIGHTING DESIGN SUPPORT DATA

date of revisions

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sheet no
DRL-1

DATE: 12/13/97