

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE - SW/S Academy Road, * DEPUTY ZONING COMMISSIONER
 335.38' NW of Whitfield Road (700 Academy Road)
 1st Election District * OF BALTIMORE COUNTY
 1st Councilmanic District * Case No. 97-525-SPHA
 Mount DeSales High School, Inc.
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Mount DeSales High School, Inc., by Rev. Michael J. P. Roach, President, through Newton A. Williams, Esquire. The Petitioners seek confirmation that the Residential Transition Area (RTA), as shown on the site plan for this property, is correct, pursuant to Section 1B01.1.B.1.a(1) of the Baltimore County Zoning Regulations (B.C.Z.R.), definition of an RTA, and other relevant provisions of the B.C.Z.R., or, in the alternative, that the school construction is an educational facility, in accordance with Section 1B01.1.B.1.g(9) and (10), and therefore exempt from the RTA regulations. In addition, the Petitioners seek variance relief from Sections 1B01.2.C.1.a and 102.2 of the B.C.Z.R. to permit a distance between buildings of 20 feet in lieu of the required 60 feet, 40 feet front, and 20 feet side yards; or, in the alternative, from Section 1B01.1.B.1.e(5) and all other parts of Section 1B01.1.B, pursuant to Section 1B01.B.1.c(1) and (2), to permit an RTA area of 40 feet in lieu of the required 100 feet, and from Section 1B01.1.B.1.e(5) and all other parts of Section 1B01.1.B., pursuant to Section 1B01.B.1.c(1) and (2), to permit a parking lot setback of 38 feet in lieu of the required 75 feet, and a 0-foot buffer in lieu of the required 50 feet. The subject property

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 Date 7/12/97
 By [Signature]

is located on the southwest side of Academy Road between Old Frederick Road and Edmondson Avenue in Catonsville. The proposed improvements and existing conditions on the property are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Reverend Michael Roach, President of the Mt. DeSales High School, Inc., Christopher Lester and Jay Parekh, Professional Engineers with GVA, Inc., who prepared the site plan for this property, and Newton A. Williams, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 14.13 acres, more or less, split zoned D.R.5.5 and D.R.16, and is improved with a 5-story building which has been the home of the Mt. DeSales High School (Academy) for over 140 years. In order to keep the school viable, the Petitioner is desirous of constructing a sports complex in the northeastern corner of the subject property, as shown on Petitioner's Exhibit 1. The proposed multi-purpose athletic center, accessory parking lot and storm water management facility, have been situated in the northern corner of the subject site, so as not to detract from the historical view of the main, 5-story school building and avoid site constraints due to the topography of the land. However, in order to locate the proposed improvements where shown on Petitioner's Exhibit 1, the requested variance from building to building setback requirements is necessary.

After due consideration of the testimony and evidence presented, I find that the Mt. DeSales High School Academy is an educational facility and the proposed gymnasium/sports complex is being used in conjunction

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therewith for educational purposes. Thus, the proposed improvements are exempt from the RTA requirements set forth in Section 1B01.1.B.1.a (1) and other relevant provisions of the B.C.Z.R. Therefore, this portion of the special hearing request shall be granted and the alternative request shall be dismissed as moot.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I find that practical difficulty or unreasonable hardship will result if the variance from building to building setback requirements is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public

health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

However, inasmuch as I have ruled the proposed sports complex is an educational facility, it is not necessary for the Petitioners to request the variance which seeks a 40-foot RTA setback in lieu of the required 100 feet. Additionally, the variance request for a parking setback of 38 feet and buffer of 0 feet, in lieu of the required 75 feet and 50 feet, respectively, are also not necessary and therefore, shall be dismissed as moot. The variance seeking a distance between buildings of 20 feet in lieu of the required 60 feet, a front yard of 40 feet, and a side yard of 20 feet, shall be granted, given the topography of the site and attempts by the Petitioners to preserve the integrity of its historic main building.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance, as set forth above, shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1997 that the Petition for Special Hearing seeking confirmation that the school construction of the proposed sports complex is an educational facility, pursuant to Section 1B01.1.B.1.g(9) and (10), and therefore exempt from the RTA regulations, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

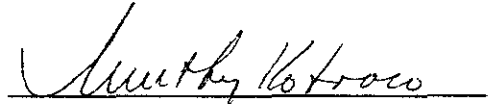
IT IS FURTHER ORDERED that the Petition for Special Hearing seeking confirmation that the Residential Transition Area (RTA), as shown on the site plan for this property, is correct, pursuant to Section 1B01.1.B.1.a(1) of the Baltimore County Zoning Regulations (B.C.Z.R.), definition of an RTA, and other relevant provisions of the B.C.Z.R., be and is hereby DISMISSED AS MOOT; and,

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By [Signature]

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B01.2.C.1.a and 102.2 of the B.C.Z.R. to permit a distance between buildings of 20 feet in lieu of the required 60 feet, 40 feet front, and 20 feet side yards, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the alternative variance from Section 1B01.1.B.1.e(5) and all other parts of Section 1B01.1.B, pursuant to Section 1B01.B.1.c(1) and (2), to permit an RTA area of 40 feet in lieu of the required 100 feet, and from Section 1B01.1.B.1.e(5) and all other parts of Section 1B01.1.B., pursuant to Section 1B01.B.1.c(1) and (2), to permit a parking lot setback of 38 feet in lieu of the required 75 feet, and a 0-foot buffer in lieu of the required 50 feet, be are hereby DISMISSED AS MOOT.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/17/99
By [Signature]



525

Petition for Special Hearing

97-525-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at

700 Academy Road

which is presently zoned

D.R.5.5. and

D.R.16.

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

See attached sheet - Special Hearing Request

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner: Newton A. Williams
Nolan, Plumhoff & Williams

(Type or Print Name)

Signature

700 Nottingham Centre
502 Washington Avenue (410)823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

Mount De Sales High School, Inc.

(Type or Print Name)

Signature

Michael J. P. Roach,
REV. MICHAEL J. P. ROACH.

(Type or Print Name)

Signature

700 Academy Road (410)744-8498

Address

Phone No.

Catonsville

MD

21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams

Name

700 - Nottingham Centre

502 Washington Avenue

410-823-7800

Address

Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1-2 hr.

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MTR

DATE

5/20/97



97-525-SPHA

PETITION FOR SPECIAL HEARING

1. TO CONFIRM THAT THE RESIDENTIAL TRANSITION AREA (R.T.A.) AS SHOWN ON THE SITE PLAN IS CORRECT, PURSUANT TO SECTION 1B01.1.B.1^g(1) DEFINITION OF AN R.T.A., AND OTHER RELEVANT PROVISIONS OF THE REGULATIONS; OR
2. TO CONFIRM THAT THE SCHOOL CONSTRUCTION IS AN EDUCATIONAL FACILITY IN ACCORDANCE WITH SECTION 1B01.1.B.1.g(9) AND (10), THEREBY, EXEMPT FROM THE R.T.A. REGULATIONS.



#525

Petition for Variance

97-525-5PHA

to the Zoning Commissioner of Baltimore County

for the property located at 700 Academy Road

which is presently zoned D.R.5.5. and

This Petition shall be filed with the Office of Zoning Administration & Development Management.

D.R.16.

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 Variance from Section(s)

See attached sheet - Requested Variances

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached sheet - Reasons for Requested Variances

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner: Newton A. Williams
Nolan, Plumhoff & Williams

(Type or Print Name)

Newton A. Williams
Signature
700 Nottingham Centre
502 Washington Avenue
(410)823-7800

Address Phone No.
Towson MD 21204
City State Zipcode

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.

Legal Owner(s):

Mount De Sales High School, Inc.

(Type or Print Name)

Michael J. P. Roach, Pres.
Signature

REV. MICHAEL J. P. ROACH
(Type or Print Name)

Signature

700 Academy Road 410-744-8498

Address Phone No.

Catonsville MD 21228

City State Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams
Nolan, Plumhoff & Williams

Name Suite 700 - Nottingham Centre
502 Washington Avenue 410-823-7800
Address Towson, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1-2hr

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: mta DATE 5/20/97



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PETITION FOR VARIANCE

97-525-SPHA

1. TO SECTIONS 1B01.2.C.1.a AND 102.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A TWENTY (20) FOOT DISTANCE BETWEEN BUILDINGS IN LIEU OF SIXTY (60) FEET (FORTY (40) FOOT FRONT YARD AND TWENTY (20) FOOT SIDE YARD OF BUILDINGS); AND
2. 1B01.1.B.1.e(5) AND ALL OTHER PARTS OF 1B01.1.B, PURSUANT TO 1B01.B.1.c(1) AND (2), TO PERMIT A FORTY (40) FOOT RESIDENTIAL TRANSITION AREA AS SHOWN ON THE PLAN; OR *in lieu of 100' N.W.*
3. TO SECTION 1B01.1.B.1.e(5) AND ALL OTHER PARTS OF 1B01.1.B, PURSUANT TO 1B01.B.1.c(1) AND (2), TO PERMIT A THIRTY-EIGHT (38) FOOT PARKING LOT SETBACK AND A ZERO (0) FOOT BUFFER IN LIEU OF SEVENTY-FIVE (75) FEET AND FIFTY (50) FEET RESPECTIVELY.

**REASONS FOR REQUESTED VARIANCES
MOUNT DE SALES ACADEMY**

97-525-SPHA

1. The subject site contains a historic school building and gatehouse dated from the 19th Century, known as Mount de Sales Academy, a Catholic, girls' high school. It is vital to the school to build a gymnasium addition, with relocated parking.
2. To protect the historic vista and view of Mount de Sales from Whitfield Road on the south, the only areas available for the gymnasium addition and relocated parking areas are limited to western boundary area, the north side of the campus adjacent to garden apartments and the northeastern corner near the apartments and Academy Road.
3. It was originally planned to link the new gymnasium to the Infirmary creating one building, which plan was rejected by the Baltimore County Landmarks Preservation Commission. Thus, being separate buildings, certain setbacks, namely 60 feet, are required.
4. There is insufficient room to move the new gym building and the Storm Water Management area, to allow 60 feet between buildings.
5. That without the requested variances this new gym cannot be built, and the school thereby suffers.
6. That this new building is essential to the educational mission of Mount de Sales.
7. That the welfare of this Catonsville neighborhood and the welfare of Mount de Sales are closely linked. A successful Mount de Sales is good for this area of Catonsville and western Baltimore County.
8. That without the requested variances, this high school will suffer practical difficulty and unreasonable hardship, to the detriment of the health, safety and welfare of the area, and itself.
9. That the building and site are unique in the following ways, at the very least:
 - a. The historic nature of the site;
 - b. The historic nature and location of the buildings;
 - c. The shape and configuration of the north boundary line and area;
 - d. The proximity of the buildings to the boundary line;
 - e. The need to preserve the historic, front vista to the south in front of the main building; and
 - f. The limited areas available for needed parking.



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 17, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/S Academy Road, 335.38' NW of Whitfield Road
(700 Academy Road)
1st Election District - 1st Councilmanic District
Mount DeSales High School, Inc. - Petitioners
Case No. 97-525-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The alternate relief requested within the Petitions for Special Hearing and Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Rev. Michael J. P. Roach, President, Mt. DeSales High School
700 Adademy Road, Catonsville, Md. 21228

People's Counsel; Case Files



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
700 Academy Road, SW/S Academy Road,	*	ZONING COMMISSIONER
335.38' NW of c/l Whitfield Road		
1st Election District, 1st Councilmanic	*	OF BALTIMORE COUNTY
Mount DeSales High School, Inc.	*	CASE NO. 97-525-SPHA
Petitioner		
* * * * *		

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 30th day of June, 1997, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plunhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



#525

Petition for Special Hearing

97-525-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at 700 Academy Road

which is presently zoned D.R. 5.5. and D.R. 16.

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

See attached sheet - Special Hearing Request

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:

Legal Owner(s):

(Type or Print Name)

Mt. De Sales High School, Inc.

(Type or Print Name)

Signature

Signature

Michael J. P. Roach, Pres.
REV. MICHAEL J. P. ROACH

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner: Newton A. Williams
Nolan, Plumhoff & Williams

700 Academy Road (410)744-8498
Address Phone No.

(Type or Print Name)

Catonsville MD 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams
Nolan, Plumhoff & Williams

Signature

Name

Newton A. Williams
700 Nottingham Centre
502 Washington Avenue (410)823-7800

700 - Nottingham Centre
502 Washington Avenue 410-823-7800

Address

Phone No.

City

State

Zipcode

Address

Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: *MTL*

DATE 5/20/97

ORDER RECEIVED FOR FILING

Date 7/12/97

By *[Signature]*



97-525-SPHA

PETITION FOR SPECIAL HEARING

- 9.10.97*
1. TO CONFIRM THAT THE RESIDENTIAL TRANSITION AREA (R.T.A.) AS SHOWN ON THE SITE PLAN IS CORRECT, PURSUANT TO SECTION 1B01.1.B.1.g(1) DEFINITION OF AN R.T.A., AND OTHER RELEVANT PROVISIONS OF THE REGULATIONS; OR
 2. TO CONFIRM THAT THE SCHOOL CONSTRUCTION IS AN EDUCATIONAL FACILITY IN ACCORDANCE WITH SECTION 1B01.1.B.1.g(9) AND (10), THEREBY, EXEMPT FROM THE R.T.A. REGULATIONS.

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

97-525-SPHA
to the Zoning Commissioner of Baltimore County

for the property located at 700 Academy Road

which is presently zoned D.R.5.5. and

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 Variance from Section(s) D.R.16.

See attached sheet - Requested Variances

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached sheet - Reasons for Requested Variances

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner: Newton A. Williams
Nolan, Plumhoff & Williams

(Type or Print Name)

Signature

700 Nottingham Centre
502 Washington Avenue

(410)823-7800

Address

Towson MD 21204
City State Zipcode

(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.

Legal Owner(s):

Mt. De Sales High School, Inc.

(Type or Print Name)

Signature

REV. MICHAEL J. P. ROACH

(Type or Print Name)

Signature

700 Academy Road

410-744-8498

Address

Phone No

Catonsville

MD

21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams

Name Suite 700 - Nottingham Centre

502 Washington Avenue

410-823-7800

Address Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1-2 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: *mjk*

DATE

5/20/17

ORDER RECEIVED FOR FILING

Date 7/12/17

By *[Signature]*

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on Recycled Paper

PETITION FOR VARIANCE 97-525-SPHA

1. TO SECTIONS 1B01.2.C.1.a AND 102.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A TWENTY (20) FOOT DISTANCE BETWEEN BUILDINGS IN LIEU OF SIXTY (60) FEET (FORTY (40) FOOT FRONT YARD AND TWENTY (20) FOOT SIDE YARD OF BUILDINGS); AND
2. 1B01.1.B.1.e(5) AND ALL OTHER PARTS OF 1B01.1.B, PURSUANT TO 1B01.B.1.c(1) AND (2), TO PERMIT A FORTY (40) FOOT RESIDENTIAL TRANSITION AREA AS SHOWN ON THE PLAN; OR *in lieu of 100' R.D.R.*
3. TO SECTION 1B01.1.B.1.e(5) AND ALL OTHER PARTS OF 1B01.1.B, PURSUANT TO 1B01.B.1.c(1) AND (2), TO PERMIT A THIRTY-EIGHT (38) FOOT PARKING LOT SETBACK AND A ZERO (0) FOOT BUFFER IN LIEU OF SEVENTY-FIVE (75) FEET AND FIFTY (50) FEET RESPECTIVELY.

ORDER RECEIVED FOR FILING

Date 7/2/01

By [Signature]

**REASONS FOR REQUESTED VARIANCES
MOUNT DE SALES ACADEMY**

97-525-5PHA

1. The subject site contains a historic school building and gatehouse dated from the 19th Century, known as Mount de Sales Academy, a Catholic, girls' high school. It is vital to the school to build a gymnasium addition, with relocated parking.
2. To protect the historic vista and view of Mount de Sales from Whitfield Road on the south, the only areas available for the gymnasium addition and relocated parking areas are limited to western boundary area, the north side of the campus adjacent to garden apartments and the northeastern corner near the apartments and Academy Road.
3. It was originally planned to link the new gymnasium to the Infirmary creating one building, which plan was rejected by the Baltimore County Landmarks Preservation Commission. Thus, being separate buildings, certain setbacks, namely 60 feet, are required.
4. There is insufficient room to move the new gym building and the Storm Water Management area, to allow 60 feet between buildings.
5. That without the requested variances this new gym cannot be built, and the school thereby suffers.
6. That this new building is essential to the educational mission of Mount de Sales.
7. That the welfare of this Catonsville neighborhood and the welfare of Mount de Sales are closely linked. A successful Mount de Sales is good for this area of Catonsville and western Baltimore County.
8. That without the requested variances, this high school will suffer practical difficulty and unreasonable hardship, to the detriment of the health, safety and welfare of the area, and itself.
9. That the building and site are unique in the following ways, at the very least:
 - a. The historic nature of the site;
 - b. The historic nature and location of the buildings;
 - c. The shape and configuration of the north boundary line and area;
 - d. The proximity of the buildings to the boundary line;
 - e. The need to preserve the historic, front vista to the south in front of the main building; and
 - f. The limited areas available for needed parking.

ZONING DESCRIPTION

MOUNT DE SALES HIGH SCHOOL, INC.

Parcel 462

Beginning at a point on the southerly right-of-way line of Academy Road which is 60 feet wide at the distance of 335.38 feet northwesterly along said right-of-way line from the northerly end of the fillet curve connecting the southerly right-of-way line of Academy Road with the northerly right-of-way line of Whitfield Road which is 60 wide. Thence the following courses and distances:

- 1) South $41^{\circ} 32' 27''$ East, 335.38 feet;
- 2) Along a curve to the right of radius 20.00 feet and length of 35.04 feet, subtended by a chord bearing South $8^{\circ} 39' 01''$ West 30.73 feet;
- 3) Along a curve to the left of radius 2,292.00 feet and length of 812.08 feet, subtended by a chord bearing South $48^{\circ} 43' 07''$ West 807.84 feet;
- 4) Along a curve to the left of radius 2,864.93 feet and length of 50.00 feet, subtended by a chord bearing South $86^{\circ} 43' 23''$ West 50.00 feet;
- 5) North $31^{\circ} 27' 03''$ West, 498.93;
- 6) North $34^{\circ} 20' 39''$ East, 440.00 feet;
- 7) North $72^{\circ} 35' 57''$ East, 386.75 feet;
- 8) Along a curve to the right of radius 1,970.00 feet and length of 120.00 feet, subtended by a chord bearing South $43^{\circ} 17' 09''$ West 119.98 feet;

to the place of beginning as recorded in Deed Liber 6793, Folio 502. Containing 10.27 acres of land more or less.

ZONING DESCRIPTION

MOUNT DE SALES HIGH SCHOOL, INC.

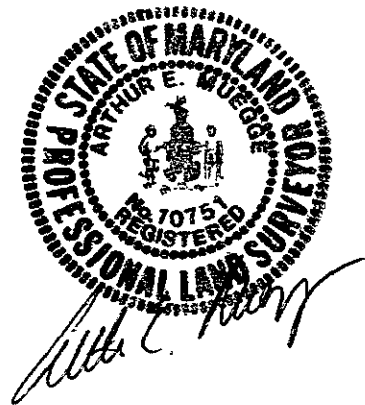
Parcel 'A'

Beginning at a point on the northerly right-of-way line of Northdale Road which is 60 feet wide at the distance of 50.00 feet northwesterly along a curve to the left along said right-of-way line from the intersection of the northerly right-of-way of Whitfield Road, which is 60 feet wide and the right-of-way line of Northdale Road. Thence the following courses and distances:

- 1) North 31° 27' 03" West, 498.93 feet;
- 2) North 34° 20' 39" East, 440.00 feet;
- 3) North 72° 35' 57" East, 386.75 feet;
- 4) Along a curve to the left of radius 1,970.00 feet and length of 105.21 feet, subtended by a chord bearing North 46° 33' 39" West 105.20 feet;
- 5) North 48° 05' 27" West, 193.16 feet;
- 6) South 74° 00' 44" West, 99.23 feet;
- 7) South 14° 00' 00" East, 86.00 feet;
- 8) Along a curve to the right of radius 35.00 feet and length of 54.98 feet, subtended by a chord bearing South 31° 00' 00" West 49.50 feet;
- 9) South 17° 48' 42" East, 86.81;
- 10) South 53° 44' 46" West, 93.01 feet;
- 11) Along a curve to the right of radius 804.00 feet and length of 71.81 feet, subtended by a chord bearing South 72° 40' 48" West 71.15 feet;
- 12) South 75° 14' 20" West, 55.78 feet;
- 13) South 14° 45' 40" East, 17.00 feet;
- 14) Along a curve to the right of radius 35.00 feet and length of 54.98 feet, subtended by a chord bearing South 30° 14' 20" West 49.50 feet;
- 15) South 75° 14' 20" West, 54.00 feet;

- 16) Along a curve to the right of radius 35.00 feet and length of 30.53 feet, subtended by a chord bearing North $79^{\circ} 46' 31''$ West 29.57 feet;
- 17) North $54^{\circ} 47' 22''$ West, 54.78 feet;
- 18) South $35^{\circ} 12' 18''$ West, 149.54 feet;
- 19) South $54^{\circ} 47' 22''$ East, 49.06 feet;
- 20) Along a curve to the right of radius 35.00 feet and length of 32.84 feet, subtended by a chord bearing South $16^{\circ} 52' 38''$ East 31.65 feet;
- 21) South $10^{\circ} 00' 00''$ West, 106.29 feet;
- 22) Along a curve to the right of radius 35.00 feet and length of 26.81 feet, subtended by a chord bearing South $08^{\circ} 23' 49''$ East 26.11 feet;
- 23) South $13^{\circ} 30' 00''$ West, 34.00 feet;
- 24) South $23^{\circ} 50' 32''$ East, 452.60 feet;
- 25) Along a curve to the right of radius 2,864.93 feet and length of 158.01 feet, subtended by a chord bearing South $46^{\circ} 33' 39''$ West 105.20 feet;

to the place of beginning as recorded in Deed Liber 7001, Folio 155. Containing 3.86 acres of land more or less.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

038070

PAID RECEIPT

05/21/97 03 6 ULM R 5324
DEPT 5 513 ZONING VERIFICATION
DR NO. 038070
\$50.00 CK P-A-I-D
Baltimore County Maryland
Office of Budget & Finance

DATE 5-21-97

ACCOUNT

R. C. C. C. C.

AMOUNT

\$

7.00

9323. Street Court
DR.

RECEIVED
FROM:

Mrs. E. L. C. C. C.

FOR:

CIC R. VAN

7.50

7.50

TOTAL

500.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

038067

PAID RECEIPT

05/21/97 01 F. T. R. & 5434
DEPT 5 513 ZONING VERIFICATION
DR NO. 038067
\$500.00 CK P-A-I-D
Baltimore County Maryland
Office of Budget & Finance

DATE 5/20/97

ACCOUNT

01-615

Item 525

By: MJC

AMOUNT

\$ 500.00

RECEIVED
FROM:

Mount De Sales Academy - 700 Academy Rd.

FOR:

020 - Comm. Varma - \$ 250.00

040 - Comm. Sp. Hurg - \$ 250.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF HEARING

The Zoning Commission of Baltimore County, in conformity with the Zoning Act and Regulations of Baltimore County, will hold a public hearing in the Board Room on the property identified herein as follows:

Case #97-525-SPPA
700 Academy Road
S.W.S. Academy Road, 335.88,
NW of Ch Whitted Road
1st Election District
1st Councilmanic
Legal Owner(s):
Mount Desales High School,
Inc.

Special Hearing: to confirm that the R.T.A. as shown on the site plan is correct or to confirm that the school is an educational facility and thereby exempt from the R.T.A. requirements. Variance to permit a 2nd foot distance between buildings in lieu of 80 ft. 40 ft. front yard and 20 ft. side yard of buildings; and to permit a 40 ft. residential revision area as shown on the plan in lieu of 100 ft. and to permit a 38 ft. parking lot setback and a 0 ft. buffer in lieu of 75 ft. and 60 ft. respectively.

Hearing: Tuesday, July 1, 1997 at 8:00 a.m., Room 407 Court Building, 401 Bayley 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.

0081 June 5, C146597

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/5, 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 6/5, 1997.

THE JEFFERSONIAN,

A. H. Enick
LEGAL AD. - TOWSON

525

Request for Zoning Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE**Case No.:** 97-525-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: Variance to permit 20' between buildings in lieu of 60'; to
permit a 40' R.T.A. in lieu of 100'; ~~to~~ to permit a 38' parking lot setback
in lieu of 75'; and a 0' buffer in lieu of 50'; and special hearing
to confirm ~~the~~ ~~correct~~ the correct interpretation of the R.T.A. and confirm
that the school is an educational facility and exempt from R.T.A.

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



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 525

Petitioner: Mount De Sales High School, Inc.

Location: 700 Academy Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Newton Williams

ADDRESS: 760 Nottingham Center / 502 Washington Ave
Towson, MD 21204

PHONE NUMBER: (410) 823-7800

AJ:ggs

(Revised 09/24/96)

TO: PUTUXENT PUBLISHING COMPANY
June 5, 1997 Issue - Jeffersonian

Please forward billing to:

Newton A. Williams, Esq.
502 Washington Avenue #700
Towson, MD 21204
410-823-7800

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: 97-525-SPHA
700 Academy Road
SW/S Academy Road, 335.38' NW of c/l Whitfield Road
1st Election District - 1st Councilmanic
Legal Owner(s): Mount DeSales High School, Inc.

Special Hearing to confirm that the R.T.A. as shown on the site plan is correct or to confirm that the school is an educational facility and thereby exempt from the R.T.A. regulations.
Variance to permit a 20 foot distance between buildings in lieu of 60 ft., 40 ft. front yard and 20 ft. side yard of buildings; and to permit a 40 ft. residential transition area as shown on the plan in lieu of 100 ft.; and to permit a 38 ft. parking lot setback and a 0 ft. buffer in lieu of 75 ft. and 50 ft. respectively.

HEARING: TUESDAY, JULY 1, 1997 at 9:00 a.m., 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.



Baltimore County
Department of Permits and
Development Management

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

May 30, 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: 97-525-SPHA

700 Academy Road

SW/S Academy Road, 335.38' NW of c/l Whitfield Road

1st Election District - 1st Councilmanic

Legal Owner(s): Mount DeSales High School, Inc.

Special Hearing to confirm that the R.T.A. as shown on the site plan is correct or to confirm that the school is an educational facility and thereby exempt from the R.T.A. regulations.

Variance to permit a 20 foot distance between buildings in lieu of 60 ft., 40 ft. front yard and 20 ft. side yard of buildings; and to permit a 40 ft. residential transition area as shown on the plan in lieu of 100 ft.; and to permit a 38 ft. parking lot setback and a 0 ft. buffer in lieu of 75 ft. and 50 ft. respectively.

HEARING: TUESDAY, JULY 1, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Mount DeSales High School, Inc.
Newton A. Williams, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 16, 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.





Baltimore County
Department of Permits and
Development Management

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

June 26, 1997

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 525
Case No.: 97-525-SPHA
Petitioner: Mount De Sales School

Dear Mr. Williams:

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 May 20, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that appears to be the official seal of the Zoning Supervisor.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: June 10, 1997

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

SUBJECT: Mount de Sales Academy

INFORMATION

Item Number: 525

Petitioner: Mount de Sales High School, Inc.

Zoning: DR 5.5 and DR 16

Requested Action: Variance

Summary of Recommendations:

Attached please find a copy of staff report dated April 15, 1997 which reflects the position of this office. In addition, the minutes of the May 8, 1997 of the Landmarks Preservation Commission reflect their position regarding subject property.

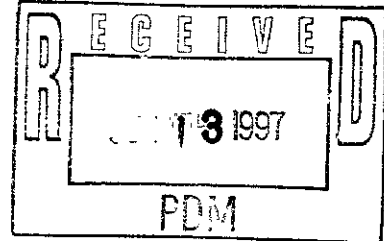
Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kenna

AFK/JL



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Joyce Watson
Department of Permits and
Development Management

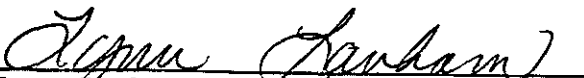
FROM: Lynn Lanham
Development Review Section
Office of Planning

DATE: April 15, 1997

SUBJECT: Mount de Sales Academy (97 038-LIM)

The Office of Planning has reviewed the above referenced project and offers the following comment(s):

1. Approval of this plan should be tabled until after review by the Landmarks Preservation Commission.
2. The plan was first presented to the LPC on November 14, 1996. Revisions were made to the gymnasium design as a result of the LPC's comments. The current architectural drawings were presented to the LPC on April 10, 1997. As these elevations appear to be different from the November drawings, the LPC has requested that the applicant present the revised plans at their meeting on May 8, 1997.
3. The applicant should obtain the approval of the Maryland Historical Trust for this proposal in order not to jeopardize the conditions of their easement.
4. There are numerous large specimen trees on site which contribute to the campus setting of this historic school. The site constraints map should identify the size, condition and species and those trees to remain in the vicinity of the new construction. Of particular concern, is the southernmost parking lot, vicinity of the gym and some in the vicinity of SWM ponds #1 & #2. A reconfiguration of the site layout could offer greater retention of existing trees.
5. Materials and colors of the proposed gymnasium should be indicated for review.
6. The future construction of the music rooms and theater addition will require a modification of standards for building length/width in excess of 200'. A compatibility report and fully developed architectural plans will be required at that time.
7. Approval of this plan does not constitute approval of the areas indicated as "future".
8. Provide a connecting sidewalk to Academy Road.


Lynn Lanham

LL: rdn

97038LIM.LL/PZONE/MINOR

MINUTES
Landmarks Preservation Commission
May 8, 1997

PRESENT:

MEMBERS:

Ms. Elise Butler
Mr. Jeffrey A. Lees
Dr. Rhoda M. Dorsey
Mrs. Judith Kremen
Mr. Timothy M. Rodgers
Ms. Suzanne Boyer
Mrs. Dorothy Foos

GUESTS:

Mr. Chris Lester
Mrs. Melanie Anson
Mrs. Darragh Brady
Ms. Lisa J. Lenderman
Mr. Emmett L. Peake
Mr. Daniel D. Timell
Mrs. Joanne V. Timell
Mr. Michael Ruby
Mr. Ervin McDaniel, OP

The meeting convened at 7:04 p.m.

1. Statement of Operating Procedure

Ms. Butler chaired the meeting in the absence of Mrs. Mascari, who had a family obligation. Ms. Butler stated that the Commission operated under Section 26 of the County Code, its own rules of procedure, and the Secretary of the Interior's Standards.

2. Minutes

Ms. Butler noted that in the absence of a quorum, the minutes for February through April would have to be approved next month.

3. Hearing of Record: Willow Mill Dwelling

Mr. McGrain showed slides of the small miller's dwelling that survived the Willow Mill. This house at 918 Western Run Road had been assigned MHT Inventory No. BA 2781. Ms. Butler read the criteria for listing and Dr. Dorsey and others agreed that the site fulfilled the terms of Criterion No. 1. The owners of the mill, Mr. and Mrs. Daniel D. Timell noted that the house was two-stories of squared log with V-notches. He described how he was removing inauthentic materials. There was some

discussion of eventually replacing the shingles. Mr. Lees stated that log houses were frequently whitewashed as a form of weatherproofing and frequently clad in board and batten some time after construction. Mr. Timell was considering clapboard. Mr. Timell noted that the former owner of Willow Mill had gradually removed all the flooring and internal wooden support and even the roof ties. A couple bought the mill in hope of restoring it but the walls collapsed during a storm and the County condemned the rest. It was agreed not to use Mrs. Mascari's proxy vote in favor of listing the mill dwelling, but to vote in June. Ms. Butler thanked the owners for volunteering the site.

4. St. Joseph's Convent, Texas

Mr. Lees reported visiting the site on April 14. The Committee listened to the arguments of the architects and two out of three agreed that the building could be demolished. Ms. Boyer also added her agreement that the former O'Hara House/Convent lacked merit. Mr. McGrain was expected to contact Monsignor Cook and also Tim Madden of Morris & Ritchie Associates.

5. Relay School House

Mr. Lees and the other members examined a proposal from Robert and Linda Stevenson who expected to buy the former schoolhouse at 1548 South Rolling Road. It was agreed to accept their plan for a picket fence and an arbor. There was some discussion of whether a former schoolhouse needed shutters. There were also shutters in front, and the LPC staff was to correspond with the owners about either adding shutters on the rear or deleting all the existing shutters, both being options. [The members apparently forgot to mention a proposed flag pole.]

6. Mount de Sales Gym

Mr. Chris Lester of George Vaeth, architects, explained the new plans for a gymnasium. The new plan was a free-standing structure rather than a building linked with an atrium to the historic main building. Mr. Lees noted that the LPC members could not follow the plan presented last month because of its departure from the plans they had viewed on-site several months before. Mr. Lester displayed a sheet showing the footprint of the gym and explained its proximity to the main building and the "infirmary." They were creating a "people space" in front of the new building, which involved no alteration of the infirmary.

The next sheet was the plan of the "piazza" including a statue. Brick pavers were to be installed; the parking layout was much like the previous plan, "only slightly relocated." Mr. Lester spoke of the "definition of space." He welcomed advice on the future use of the infirmary, which was obsolete for modern school purposes.

Sheet 3 showed the patterning in the paving of the plaza using bricks and banding, also low walls that served as benches around the piazza.

Sheet 4 displayed the elevations of the all-brick structure. They could not exactly match the brick in the 1852 building, which had been custom burned on-site. There was to be standing seam roofing. "There is not much fenestration because it is a gym."

Mrs. Kremen asked about using more "fake fenestration" instead of two shades of brick to avoid the appearance of excessive linearity. Mr. Lester said he wanted to reduce that look by using darker and lighter brick combined with pilasters. He felt that the proposed building was "not large enough to challenge the main building." He intended to stabilize the infirmary and suggested an office use. He explained the "basillican" massing of the gym and noted that creating that form required a massive truss but avoided building one massive roof. Mr. Lees asked if a clerestory would help. Mr. Lester noted that the historic Music Room was taking a beating from constant use. They tried to enliven the facade of the gym on the surface that faces the community. Mr. Lees believed that the impact on the historic structures had been improved; he thought it was an improvement and did not see any problem. Mrs. Kremen noted that it was a difficult site. Mrs. Lester noted that school enrollment was improving. Mrs. Kremen noted that the MHT easement committee was meeting next week; Mr. Lester agreed to call Michael Bourne the next day and put Mt. de Sales on the agenda. Mr. Lester asked about what legal power the State had since the new building would not tack on to the historic structure. Mrs. Kremen suggested that past contributions of the MHT created an obligation. Ms. Butler noted that the LPC based its concern about the new building in an advisory capacity now that the new construction was not attached to the listed structures.

7. 305 Morris Avenue Plans

Ms. Butler noted that the plans for 305 Morris Avenue were being revised and the issue would come up in June.

8. No. 600 Sudbrook Road

Mr. Emmett Peake, owner of 600 Sudbrook Road in the Sudbrook Park historic District attended. Ms. Butler summed up the issue: that Mr. Peake had come to the LPC to install a door in the house being adapted for assisted living; the LPC had not agreed to the plan for a door; later Mr. Peake got advice from the historic committee in Sudbrook Park and installed a door anyway. Ms. Butler noted that Mr. Peake admits that he should not have acted without Commission approval. Ms. Butler noted that the LPC is not the enforcement agency. Ms. Kremen explained the tie-in between the LPC and the Buildings Engineer, citing the recent letter from Mr. McGrain to Mr. Reisinger.



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 5-30-97
Item No. 525 MJK

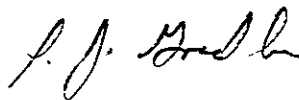
Dear Ms. Eubanks:

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,

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 Government
Fire Department



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

(410) 887-4500

June 3, 1997

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

RE: Property Owner: PRESTIGE DEVELOPMENT CORP.
MOUNT DE SALES HIGH SCHOOL, INC.
GEORGE W. HICKEY
GRANITE MISSIONARY BAPTIST CHURCH
ISX TRANSPORTATION

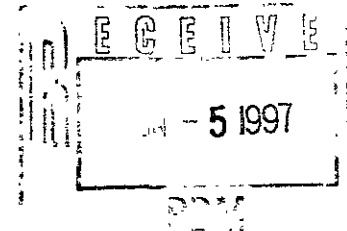
Location: DISTRIBUTION MEETING OF June 2, 1997

Item No.: 522, 525, 526, 529, AND 531 Zoning Agenda:

Gentlemen:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE (410) 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: June 13, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for June 9, 1997
Item No. 525

The Development Plans Review Division has reviewed the subject zoning item. The Landscape Plan must include extensive buffer plantings for four (4) existing adjacent apartment buildings. The planting design for the remainder of the site will be subject to refinement at the Final Landscape Plan stage.

RWB:HJO:jrb

cc: File

ZONE609.525

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 6/10/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: June 2, 97
✓

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

523	529
525	530
526	531
528	532

RBS:sp

BRUCE2/DEPRM/TXTSBP

Tom
7/1/97

BALTIMORE COUNTY, MARYLAND

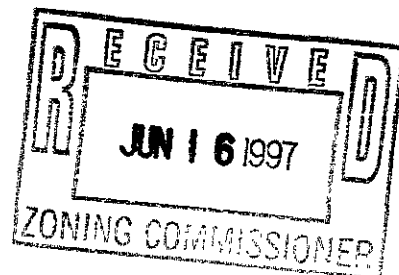
INTER-OFFICE CORRESPONDENCE

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

Date: June 10, 1997

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

SUBJECT: Mount de Sales Academy



INFORMATION

Item Number: 525
Petitioner: Mount de Sales High School, Inc.
Zoning: DR 5.5 and DR 16
Requested Action: Variance

Summary of Recommendations:

Attached please find a copy of staff report dated April 15, 1997 which reflects the position of this office. In addition, the minutes of the May 8, 1997 of the Landmarks Preservation Commission reflect their position regarding subject property.

Prepared by: Jeffrey W. Long
Division Chief: Gary L. Kenna

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Joyce Watson
Department of Permits and
Development Management

DATE: April 15, 1997

FROM: Lynn Lanham
Development Review Section
Office of Planning

*Condition -
TBR - removed -*

SUBJECT: Mount de Sales Academy (97 038-LIM)

The Office of Planning has reviewed the above referenced project and offers the following comment(s):

1. Approval of this plan should be tabled until after review by the Landmarks Preservation Commission.
2. The plan was first presented to the LPC on November 14, 1996. Revisions were made to the gymnasium design as a result of the LPC's comments. The current architectural drawings were presented to the LPC on April 10, 1997. As these elevations appear to be different from the November drawings, the LPC has requested that the applicant present the revised plans at their meeting on May 8, 1997.
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7. Approval of this plan does not constitute approval of the areas indicated as "future".
8. Provide a connecting sidewalk to Academy Road.


Lynn Lanham

LL:rdn

97038LIM.LL/PZONE/MINOR

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

* ALSO ADMITTED IN D.C.

** ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE

502 WASHINGTON AVENUE

TOWSON, MARYLAND 21204-4528

(410) 823-7800

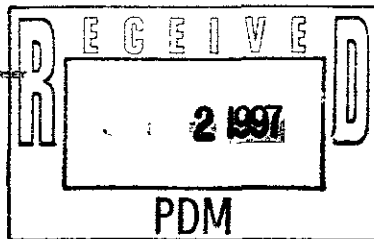
TELEFAX (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823 -



May 30, 1997

97-525

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

HAND DELIVERED
AND
BY MAIL

Re: Mount De Sales Academy, Item 525, Filed May 20, 1997
Possible Broad Department Review for R.T.A. Variances

Dear Mr. Jablon:

At the outset, we would like to thank you and your staff for your cooperation in aiding a very prompt filing, particularly Mr. Mitch Kellman.

REQUESTED VARIANCES

We have asked for certain internal variances between buildings, as well as, if necessary, RTA variances. However, we believe the R.T.A. requirements are met on the site plan as shown, as noted below.

As a part of our Special Hearing Relief, we have asked for a confirmation that the existing RTA's as shown, particularly along Academy Road, meet the definitions of RTA's, particularly Section 1B01.1B.1.a.(1), at page 1B-6 of the Regulations (B.C.Z.R.).

POSSIBLE R.T.A. VARIANCES AND AGENCIES

However, in the event the Commissioner should disagree, under Section 1B01.B.1.c.(1), this subsection calls for the allowance of possible RTA variances "upon the recommendation of Public Works, Planning and Zoning, Environmental Protection and Resource Management, Zoning Administration and Development Management, Recreation and Parks, Community Development, or the Economic Development Commission, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant or contains no more than one single family detached, semi-detached or duplex dwelling."

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Arnold Jablon, Director
May 30, 1997
Page Two

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For the convenience of you and your staff, a copy of our petitions with reasons attached is enclosed.

One of the main points of our letter is to request that this case be circulated among those agencies in case recommendations are needed. The speed with which this has been filed, and very likely set for hearing is appreciated, but we did not want to overlook this agency review if you and your staff agree it is required.

Thanking you and your staff for your cooperation in this regard, I am

Respectfully,



Newton A. Williams

NAW:mao

cc: Mr. Mitchell Kellman, PADM
Permits and Development Management
County Office Building
Towson, Maryland 21204

Mrs. Gwen Stephens, PADM
Permits and Development Management
County Office Building
Towson, Maryland 21204

Sister Philip Joseph, Mount De Sales Academy
700 Academy Road
Baltimore, Maryland 21228

Mr. George Vaeth, A.I.A., George Vaeth Associates, Inc.
5501 Twin Knolls Road, Suite 108
Columbia, Maryland 21045

Arnold Jablon, Director

May 30, 1997

Page Three

Mr. Merril E. Plait, Riemier Muegge & Associates

8818 Centre Parke Drive, Suite 200

Columbia, Maryland 21045

Enclosure - Petitions with attached exhibits

FAX TRANSMISSION

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
502 WASHINGTON AVENUE, SUITE 700
TOWSON, MARYLAND 21204
(410) 823-7800
FAX: (410) 296-2785

97-525

To: Hon. Timothy M. Koturco

Date: May 22, 1997.

Fax #: 410-887-3468

Pages: 1, including this cover sheet.

From: Newton Williams

Subject: Mount De Sales Academy Hearing Date, POSTING DATE,

COMMENTS: Item 525, filed May 20, 1997

Dear Commissioner Koturco:

1. Thank you and your staff, particularly Mr. Mitch Kellman for your help in getting this filed.
2. PDM is reviewing certain plans under Permit No. App. B305743.
3. Please let us know as soon as possible as to the hearing date SINCE WE NEED TO POST IT.
4. Also, I need to avoid a conflict on hearing dates/days with the Wetgate filing, 11-448, which may be continued from May 23rd.

Again, thank you for your help.

Respectfully,

Newton

CONFIDENTIALITY NOTICE

"WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland laws."

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

all 410
Fax CC: Mr. Carl Richards, PDM, Fax 887-5708
Mrs. Gwen Stephens PDM, Fax 887-5708
Mr. Mitch Kellman, Fax 887-5708
St. Philip Joseph, O.P., Fax 741-6105
George Voth Associates, Inc., Fax 997-2719
Rumr Muegge & Assoc. Fax 997-9282

RIEMER MUEGGE
& ASSOCIATES INC

ENGINEERING • ENVIRONMENTAL SERVICES • PLANNING • SURVEYING

TRANSMITTAL

Date: May 19, 1997

To: Nolan, Plumhoff, and Williams
502 Washington Avenue
Nottingham Center, Suite 200
Towson, Maryland 21204

Attn: Mr. Newton Williams, Esq.

Project: Mount de Sales Academy
Development Plan
Job #96 E 5801
PDM File # I - 459

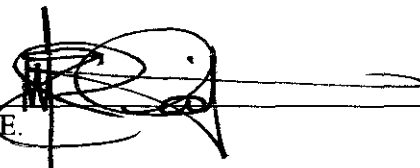
Enclosed: Fifteen (15) sets - Plan to Accompany the Variance (Bluelines)
Three (3) copies - Zoning Description, signed and sealed (8 1/2" x 11")
One (1) copy - Zoning Plan (Xerox)

Remarks:

Newton :

Here is the material for the submission of the variance request. Please feel free to call me should you have any comments or questions.

Thanks,


Merril E. Plait, P.E.
Project Manager

cc: JDP, WVA

F:\DOC\MERRIL\BALTO\MOUNT\TRANS\NEWTON1.TRA

8818 Centre Park Drive • Columbia, MD 21045 • tel 410.997.8900 • fax 410.997.9282

COLUMBIA - FREDERICK

#525

discussion of eventually replacing the shingles. Mr. Lees stated that log houses were frequently whitewashed as a form of weatherproofing and frequently clad in board and batten some time after construction. Mr. Timell was considering clapboard. Mr. Timell noted that the former owner of Willow Mill had gradually removed all the flooring and internal wooden support and even the roof ties. A couple bought the mill in hope of restoring it but the walls collapsed during a storm and the County condemned the rest. It was agreed not to use Mrs. Mascari's proxy vote in favor of listing the mill dwelling, but to vote in June. Ms. Butler thanked the owners for volunteering the site.

4. St. Joseph's Convent, Texas

Mr. Lees reported visiting the site on April 14. The Committee listened to the arguments of the architects and two out of three agreed that the building could be demolished. Ms. Boyer also added her agreement that the former O'Hara House/Convent lacked merit. Mr. McGrain was expected to contact Monsignor Cook and also Tim Madden of Morris & Ritchie Associates.

5. Relay School House

Mr. Lees and the other members examined a proposal from Robert and Linda Stevenson who expected to buy the former schoolhouse at 1548 South Rolling Road. It was agreed to accept their plan for a picket fence and an arbor. There was some discussion of whether a former schoolhouse needed shutters. There were also shutters in front, and the LPC staff was to correspond with the owners about either adding shutters on the rear or deleting all the existing shutters, both being options. [The members apparently forgot to mention a proposed flag pole.]

6. Mount de Sales Gym

Mr. Chris Lester of George Vaeth, architects, explained the new plans for a gymnasium. The new plan was a free-standing structure rather than a building linked with an atrium to the historic main building. Mr. Lees noted that the LPC members could not follow the plan presented last month because of its departure from the plans they had viewed on-site several months before. Mr. Lester displayed a sheet showing the footprint of the gym and explained its proximity to the main building and the "infirmary." They were creating a "people space" in front of the new building, which involved no alteration of the infirmary.

The next sheet was the plan of the "piazza" including a statue. Brick pavers were to be installed; the parking layout was much like the previous plan, "only slightly relocated." Mr. Lester spoke of the "definition of space." He welcomed advice on the future use of the infirmary, which was obsolete for modern school purposes.

Sheet 3 showed the patterning in the paving of the plaza using bricks and banding, also low walls that served as benches around the piazza.

Sheet 4 displayed the elevations of the all-brick structure. They could not exactly match the brick in the 1852 building, which had been custom burned on-site. There was to be standing seam roofing. "There is not much fenestration because it is a gym."

Mrs. Kremen asked about using more "fake fenestration" instead of two shades of brick to avoid the appearance of excessive linearity. Mr. Lester said he wanted to reduce that look by using darker and lighter brick combined with pilasters. He felt that the proposed building was "not large enough to challenge the main building." He intended to stabilize the infirmary and suggested an office use. He explained the "basillican" massing of the gym and noted that creating that form required a massive truss but avoided building one massive roof. Mr. Lees asked if a clerestory would help. Mr. Lester noted that the historic Music Room was taking a beating from constant use. They tried to enliven the facade of the gym on the surface that faces the community. Mr. Lees believed that the impact on the historic structures had been improved; he thought it was an improvement and did not see any problem. Mrs. Kremen noted that it was a difficult site. Mrs. Lester noted that school enrollment was improving. Mrs. Kremen noted that the MHT easement committee was meeting next week; Mr. Lester agreed to call Michael Bourne the next day and put Mt. de Sales on the agenda. Mr. Lester asked about what legal power the State had since the new building would not tack on to the historic structure. Mrs. Kremen suggested that past contributions of the MHT created an obligation. Ms. Butler noted that the LPC based its concern about the new building in an advisory capacity now that the new construction was not attached to the listed structures.

7. 305 Morris Avenue Plans

Ms. Butler noted that the plans for 305 Morris Avenue were being revised and the issue would come up in June.

8. No. 600 Sudbrook Road

Mr. Emmett Peake, owner of 600 Sudbrook Road in the Sudbrook Park historic District attended. Ms. Butler summed up the issue: that Mr. Peake had come to the LPC to install a door in the house being adapted for assisted living; the LPC had not agreed to the plan for a door; later Mr. Peake got advice from the historic committee in Sudbrook Park and installed a door anyway. Ms. Butler noted that Mr. Peake admits that he should not have acted without Commission approval. Ms. Butler noted that the LPC is not the enforcement agency. Ms. Kremen explained the tie-in between the LPC and the Buildings Engineer, citing the recent letter from Mr. McGrain to Mr. Reisinger.

MOUNT DE SALES ACADEMY

- I. Catholic, Girls, High School
Academy Road
Catonsville
Founded 1850's
- II. Main Building - Historic Status
7 Levels
Classrooms, Library, Music Hall
Chapel and Classrooms
In Continual process of restoration, safety upgrades and preservation
Linked to Infirmary
- III. Proposed, new, multi-purpose Athletic Center
NE/C of Campus
Proposed to be linked to Infirmary - veto - Landmark Preservation Commission
Needed - no home games, no gym, modern locker rooms, etc.
Only appropriate site on campus
Gatehouse
Parking lot
Irregular property line
Distance between buildings variance - not needed if linked - interior variance
- IV. Residential Transition Areas
 - A. Scenario One - Academy Road - Right of way
60 feet in width plus 40 feet of property - meets the letter of Section (R.T.A.) 1B01.B1.(1) definition - but observe the Policy Manual
 - i. 100 foot area, including 75 buffer and 50 foot strip
 - ii. paving, 60 feet, plus planted area of 40 feet equals 100 foot R.T.A. area
 - iii. Gatehouse - non-conforming, historic building and screen
 - B. Scenario Two - R.T.A. Variance(s) - i.e. primarily 40 feet, but for 2 foot incursion at parking lot corner - 75 and 50 foot buffers
 - i. Parking needed - Zoning Commissioner letter
 - ii. Present parking area in same area
 - iii. New athletic building badly needed
 - iv. Correctly located - building in NE/C
 - v. Meets 307 tests - both building and site peculiar and unique
 - iv. Stable, competitive Mount De Sales - good for its own health, safety and welfare and good for its neighborhood

- C. Scenario Three - Originally planned to be linked - Landmarks Preservation Commission - severed the direct link - it is an addition to an existing education campus and building - Section 1B01.B.g.(9)
 - i. Exemption treatment - appropriate
 - ii. meets definition of RTA, i.e., 60 feet of road plus 40 foot strip
 - iii. NE/C - correct portion of this campus
 - iv. It is in no way detrimental to the homes along the E/S of Academy Road.
 - v. Exemption consistent with school/County processing until internal variance need noted.

V. Interior Variance, 20 feet for 60 feet required distance between buildings - Section 307

- A. Originally new building was to be linked to Infirmary - Landmarks Preservation Commission veto/objections.
- B. Interior variance.
- C. Unique, correct NE/C of site is correct for new building.
- D. Building should not be shrunk.
- E. Building cannot be resited without extreme "practical difficulty and unreasonable hardship."
- F. Resiting would place new building closer to northern and eastern Boundaries, namely garden apartments and Academy Road homes.
- G. Health, safety and welfare of Mount De Sales and its neighbors are interwoven and will be advanced by new building and a healthy, viable Mount De Sales entering the twenty first century.

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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

97-525-SPHN

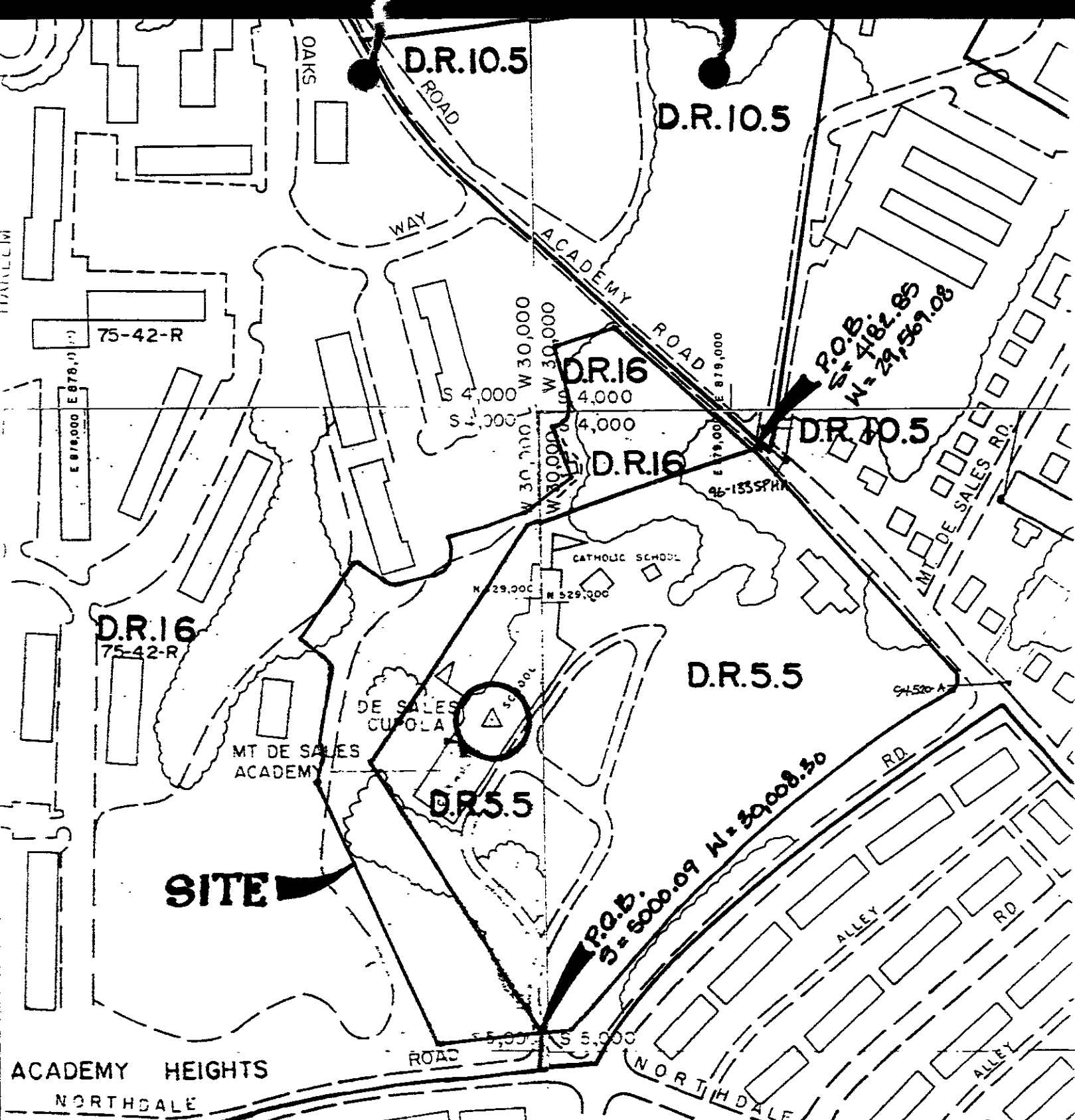
NAME

ADDRESS

Newton O. Williams
Christopher Lester
JAY PAREKH
Dr. Michael Roach

502 Wash. Ave. 21204
GVA, Inc.
5501 Twin Knolls Rd Columbia 21045
8818 CENTRE PARK DR. COLUMBIA, MD 21045
700 Academy Road 21228





SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

97-525-SPHA

CATONSVILLE

SHEET

S.W.

I-F

#525

TRADITION



Tradition

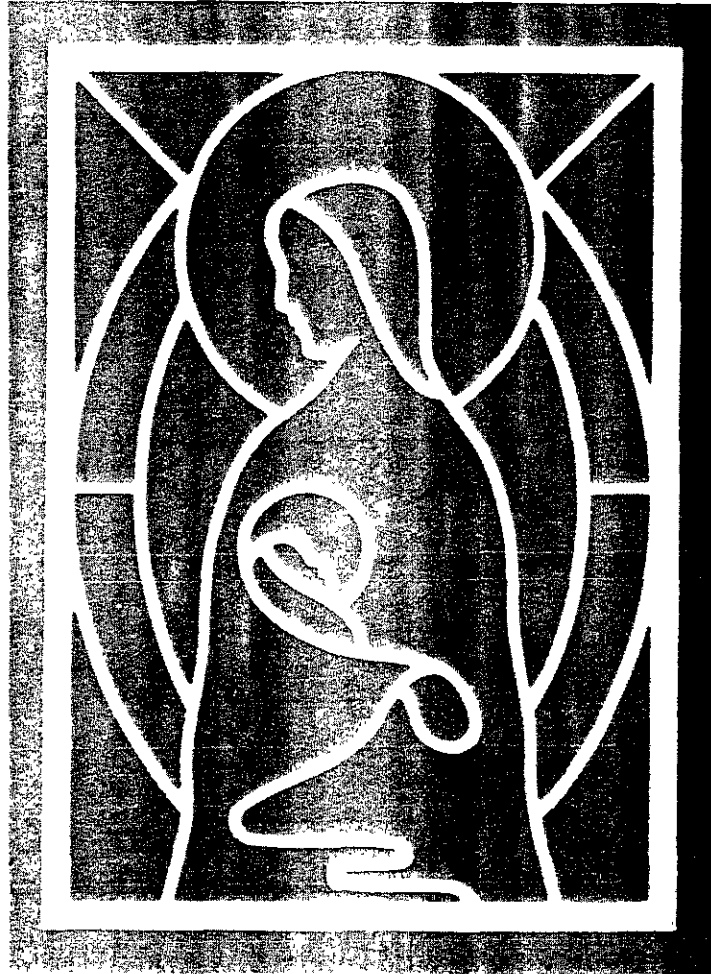
Excellence

Faith

Foundations
for the Future

Mount de Sales Academy

Catonsville, Maryland

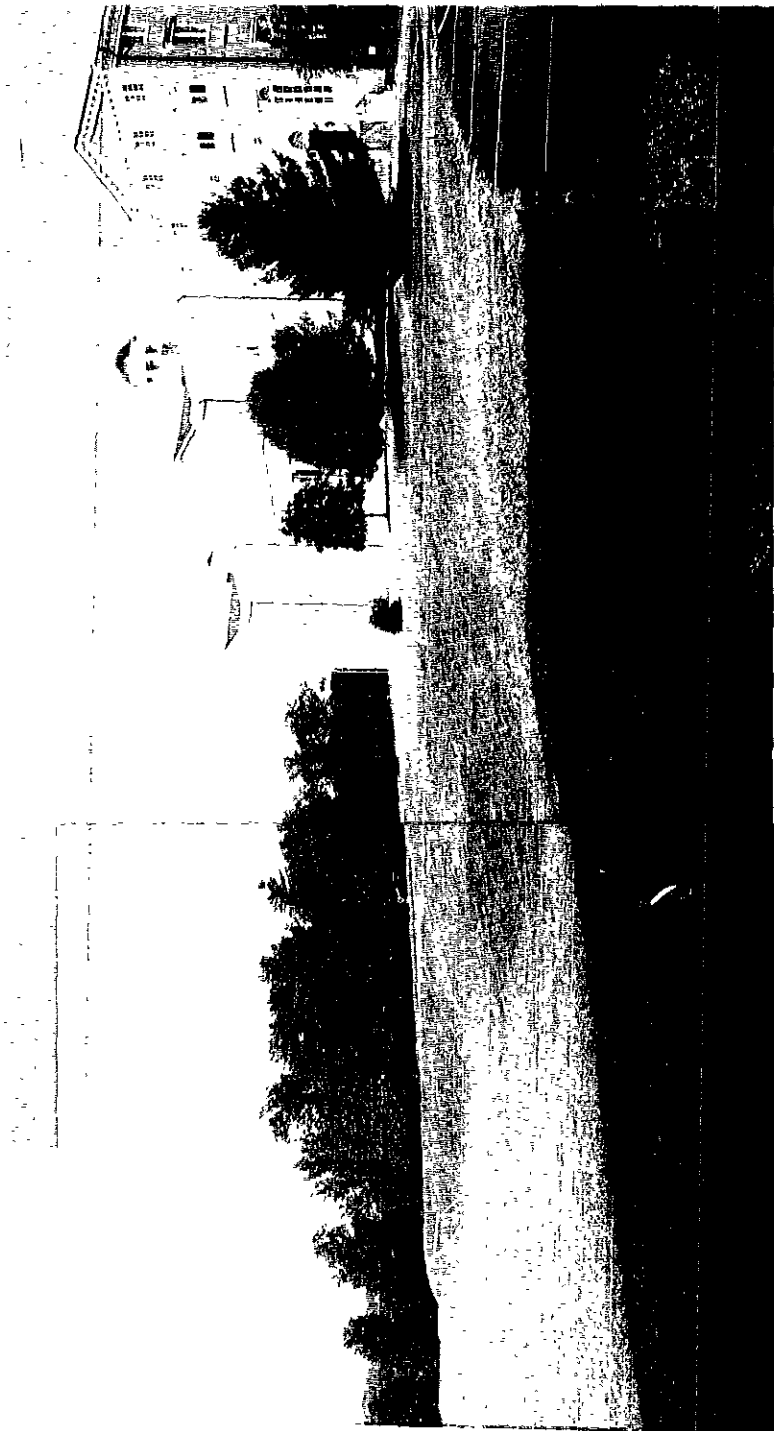
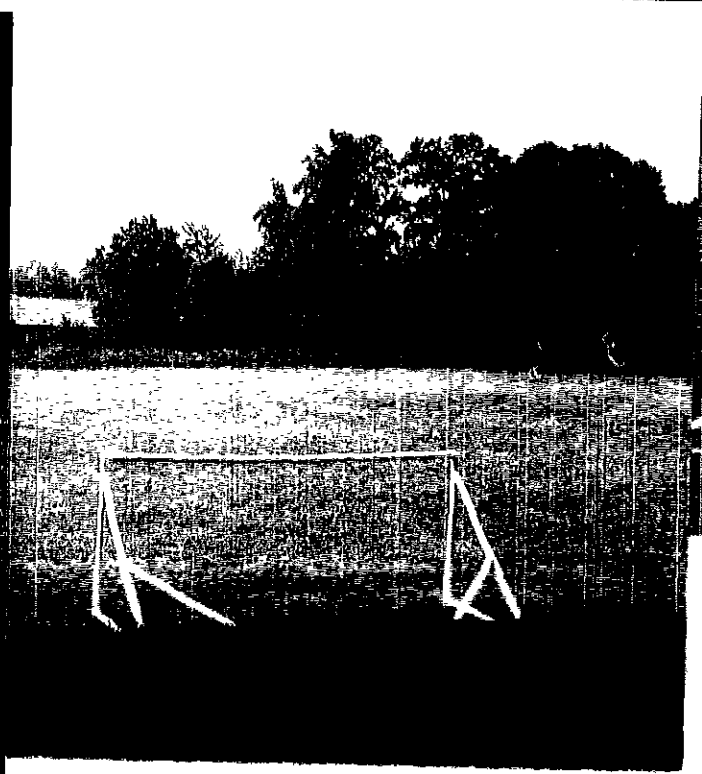


A College Preparatory School
Founded 1852

A. Main, Historic Building,
Mount De Sales, dating
from 1850's -
Lobbying NW

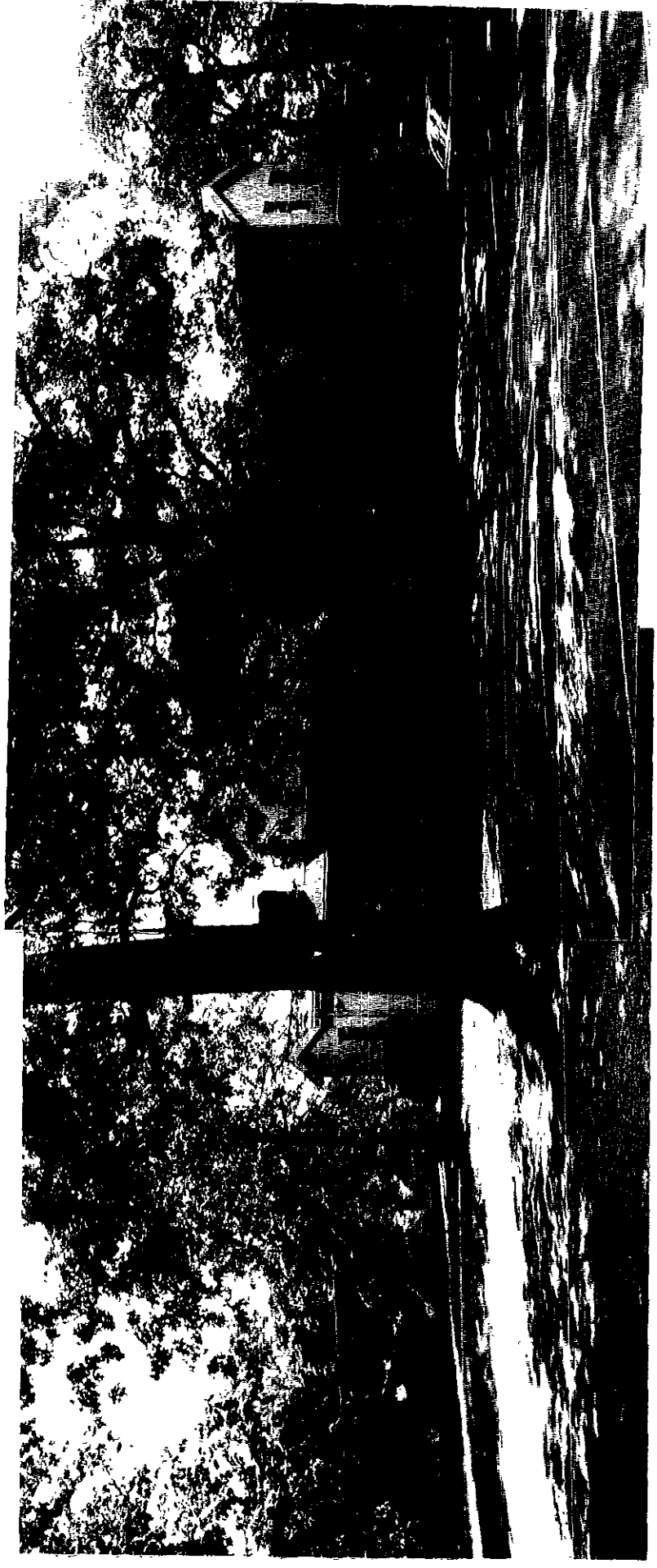
RETIRED'S EXHIBIT 2A

B. Looking S, SW and W at Mount De Sales
and Academy Heights Row Homes.





C. Historic Gate House, looking
east



D. Historic Gate House looking SE

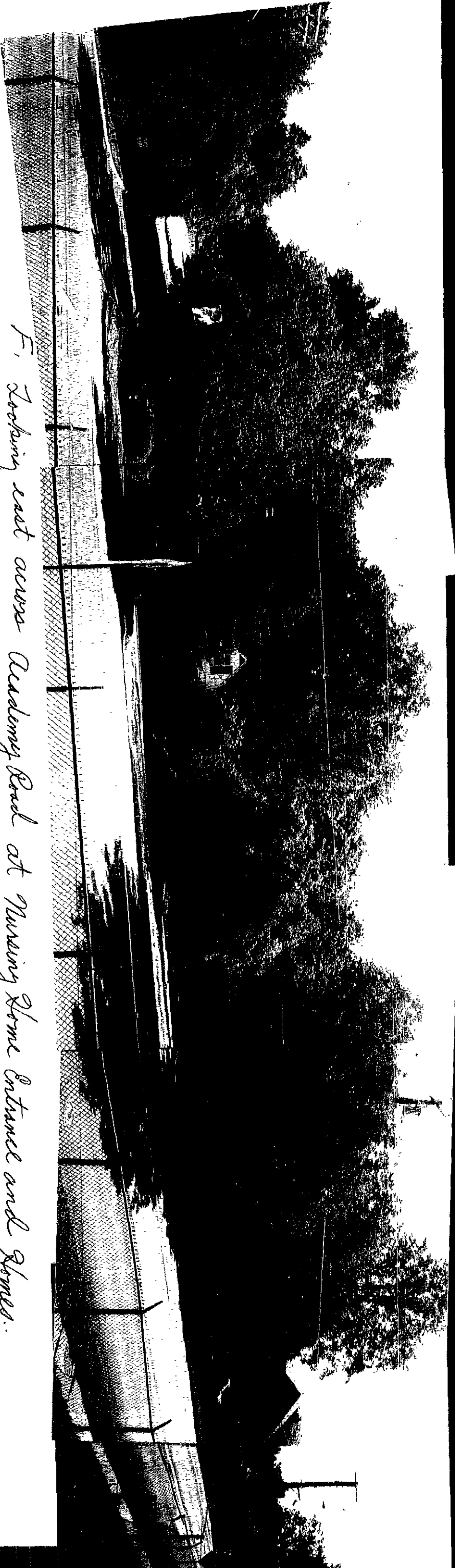
JB

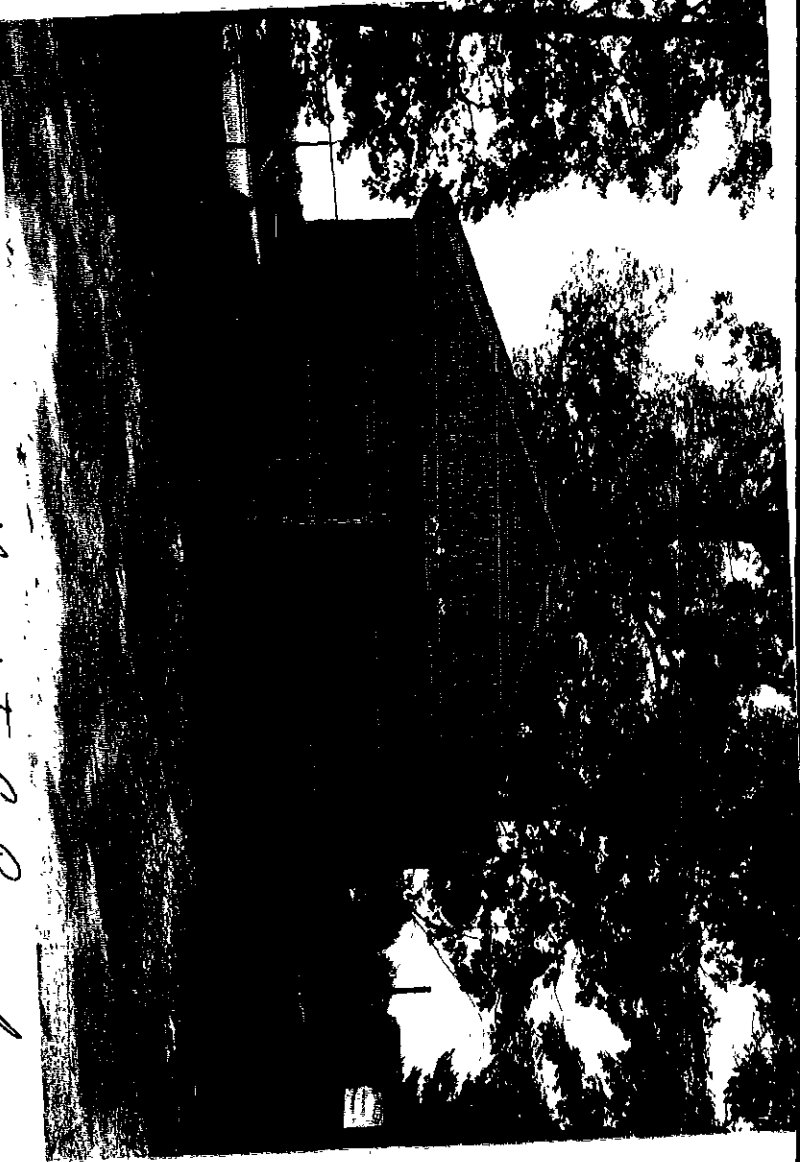


E, Proposed Parking Lot and Multi Purpose Athletic Building Site

F. Looking east across Academy Road at Nursing Home Entrance and Homes.

2D





C. Modern, 2 Car Garage To Be Removed



H. Old, See House to be removed.

21

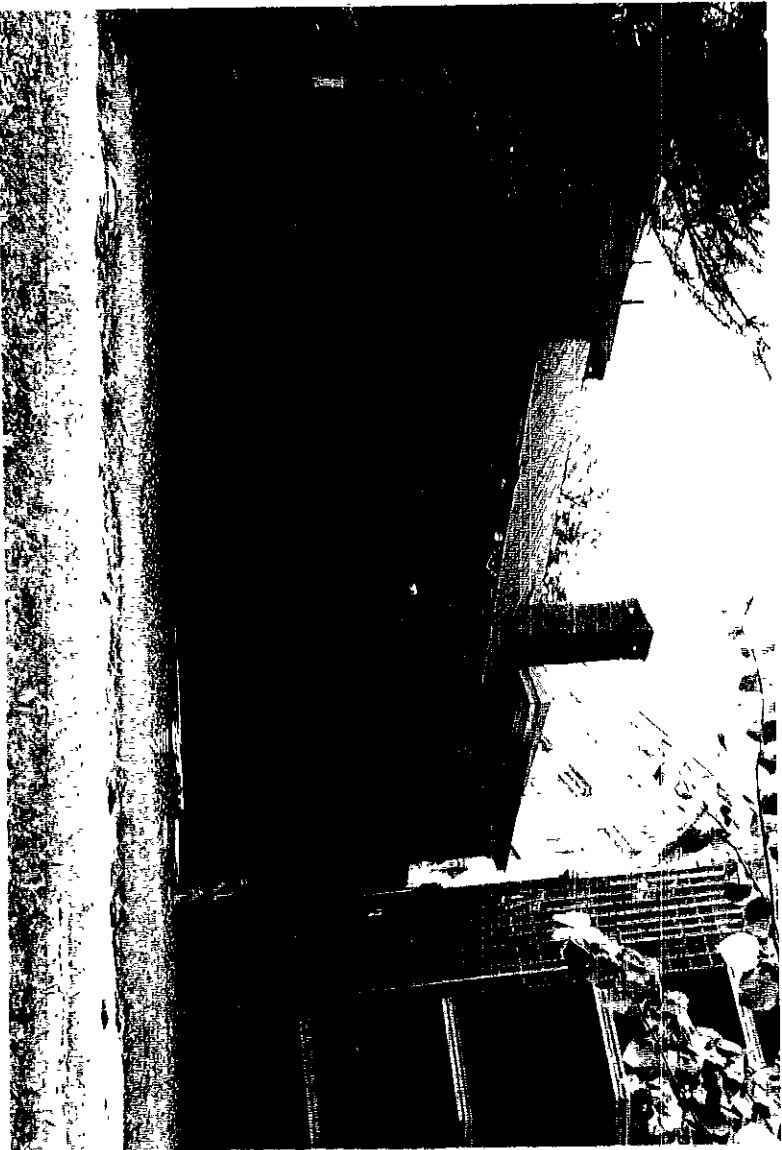


I, Main Building and Dormitory, looking west



J, Apartments looking north from NE/c of
Dormitory

27



X, North side - front of Engineering
Building and corner (NE) of
Main Building



Z, North side near of main
Building with wrought iron
porches.



M. Present road in view of Shipmirey



M. Same road, further east, looking toward Academy Road.

24

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHATZ

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE

502 WASHINGTON AVENUE

TOWSON, MARYLAND 21204-4528

(410) 823-7800

TELEFAX (410) 296-2765

5531/01.
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RALPH E. DEITZ
(1918-1990)

May 30, 1997

PETITIONER'S
EXHIBIT

3

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Permits and Development Management
County Office Building
Towson, Maryland 21204

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AND
BY MAIL

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Respectfully,



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Arnold Jablon, Director
May 30, 1997
Page Three

Mr. Merrill E. Plait, Riemier Muegge & Associates
8818 Centre Parke Drive, Suite 200
Columbia, Maryland 21045

Enclosure - Petitions with attached exhibits



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 700 Academy Road

which is presently zoned D.R.5.5. and
D.R.16.

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 Variance from Section(s)

See attached sheet - Requested Variances

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached sheet - Reasons for Requested Variances

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner: Newton A. Williams
Nolan, Plumhoff & Williams

(Type or Print Name)

Newton A. Williams
Signature
700 Nottingham Centre
502 Washington Avenue
(410)823-7800

Address Phone No.
Towson MD 21204
City State Zipcode

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.

Legal Owner(s):

Mount De Sales High School, Inc.

(Type or Print Name)

Michael J. P. Roach, Pres.
Signature

REV. MICHAEL J. P. ROACH.
(Type or Print Name)

Signature

700 Academy Road 410-744-8498

Address Phone No.

Catonsville MD 21228

City State Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams
Nolan, Plumhoff & Williams

Name Suite 700 - Nottingham Centre
Address 502 Washington Avenue 410-823-7800
Towson, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates: _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



Printed with Soybean Ink
on Recycled Paper

PETITION FOR VARIANCE

1. TO SECTIONS 1B01.2.C.1a AND 102.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A TWENTY (20) FOOT DISTANCE BETWEEN BUILDINGS IN LIEU OF SIXTY (60) FEET (FORTY (40) FOOT FRONT YARD AND TWENTY (20) FOOT SIDE YARD OF BUILDINGS); AND
2. 1B01.1.B.1.c(5) AND ALL OTHER PARTS OF 1B01.1.B, PURSUANT TO 1B01.B.1.c(1) AND (2), TO PERMIT A FORTY (40) FOOT RESIDENTIAL TRANSITION AREA AS SHOWN ON THE PLAN; OR *in lieu of 100' M.G.W.*
3. TO SECTION 1B01.1.B.1.c(5) AND ALL OTHER PARTS OF 1B01.1.B, PURSUANT TO 1B01.B.1.c(1) AND (2), TO PERMIT A THIRTY-EIGHT (38) FOOT PARKING LOT SETBACK AND A ZERO (0) FOOT BUFFER IN LIEU OF SEVENTY-FIVE (75) FEET AND FIFTY (50) FEET RESPECTIVELY.

**REASONS FOR REQUESTED VARIANCES
MOUNT DE SALES ACADEMY**

1. The subject site contains a historic school building and gatehouse dated from the 19th Century, known as Mount de Sales Academy, a Catholic, girls' high school. It is vital to the school to build a gymnasium addition, with relocated parking.
2. To protect the historic vista and view of Mount de Sales from Whitfield Road on the south, the only areas available for the gymnasium addition and relocated parking areas are limited to western boundary area, the north side of the campus adjacent to garden apartments and the northeastern corner near the apartments and Academy Road.
3. It was originally planned to link the new gymnasium to the Infirmary creating one building, which plan was rejected by the Baltimore County Landmarks Preservation Commission. Thus, being separate buildings, certain setbacks, namely 60 feet, are required.
4. There is insufficient room to move the new gym building and the Storm Water Management area, to allow 60 feet between buildings.
5. That without the requested variances this new gym cannot be built, and the school thereby suffers.
6. That this new building is essential to the educational mission of Mount de Sales.
7. That the welfare of this Catonsville neighborhood and the welfare of Mount de Sales are closely linked. A successful Mount de Sales is good for this area of Catonsville and western Baltimore County.
8. That without the requested variances, this high school will suffer practical difficulty and unreasonable hardship, to the detriment of the health, safety and welfare of the area, and itself.
9. That the building and site are unique in the following ways, at the very least:
 - a. The historic nature of the site;
 - b. The historic nature and location of the buildings;
 - c. The shape and configuration of the north boundary line and area;
 - d. The proximity of the buildings to the boundary line;
 - e. The need to preserve the historic, front vista to the south in front of the main building; and
 - f. The limited areas available for needed parking.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

700 Academy Road

which is presently zoned D.R.5.5. and
D.R.16.

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

See attached sheet - Special Hearing Request

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner: **Newton A. Williams**
Nolan, Plumhoff & Williams

(Type or Print Name)

Signature

700 Nottingham Centre
502 Washington Avenue (410)823-7800

Address

Towson

MD

Phone No.

21204

City

State

Zipcode

Legal Owner(s):

Mount De Sales High School, Inc.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

700 Academy Road (410)744-8498

Address

Phone No.

Catonsville

MD

21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams

Name

700 - Nottingham Centre

502 Washington Avenue

410-823-7800

Address

Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

PETITION FOR SPECIAL HEARING

1. TO CONFIRM THAT THE RESIDENTIAL TRANSITION AREA (R.T.A.) AS SHOWN ON THE SITE PLAN IS CORRECT, PURSUANT TO SECTION 1B01.1.B.1.g(1) DEFINITION OF AN R.T.A., AND OTHER RELEVANT PROVISIONS OF THE REGULATIONS; OR
2. TO CONFIRM THAT THE SCHOOL CONSTRUCTION IS AN EDUCATIONAL FACILITY IN ACCORDANCE WITH SECTION 1B01.1.B.1.g(9) AND (10), THEREBY, EXEMPT FROM THE R.T.A. REGULATIONS.

PETITIONER'S
EXHIBIT 4

b. wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line; [Bill No. 100, 1970.]

c. automotive-service stations, but only within community garages (see Section 405); [Bill No. 100, 1970.]

d. home occupations, as defined in Section 101; [Bill No. 100, 1970.]

e.²

f. parking spaces, including accessory garage spaces; [Bill No. 100, 1970.]

g. offices for the conduct of business incidental to the rental, operation, service, or maintenance of apartment buildings; [Bill No. 100, 1970.]

h. accessory signs (see Section 413); [Bill No. 100, 1970.]

i. swimming pools, tennis courts, garages, utility shed, satellite receiving dishes (subject to Section 429) or other accessory structures or uses (all such accessory structures or uses subject to the height and area provisions for buildings as set forth in Section 400). [Bill No. 71, 1987.]

15. Commercial film production, subject to Section 435. [Bill No. 57, 1990.]

B. Dwelling-Type and other supplementary use restrictions based on existing subdivision and development characteristics. [Bill No. 100, 1970; No. 124, 1981.]

* 1. Residential Transition Areas and Uses Permitted Therein. [Bill No. 100, 1970; No. 124, 1981; Bill No. 2, 1992.]

a. Definitions and purpose. [Bill No. 100, 1970; No. 124, 1981; Bill No. 2, 1992.]

1st
unario

60' R. of Way.
+
40' of Property

- (1) The residential transition area (RTA) is a 100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.
- (2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

b. Generation of residential transition area. {Bill No. 2, 1992.}

An RTA is generated if the property to be developed lies adjacent to land zoned D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or R.C. which:

- (1) contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or
- (2) is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

Section 1B01.1B1.C.(1)

2nd
Scenario

c. Variance of RTA. {Bill No. 2, 1992.}

- * (1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of Public Works, Planning and Zoning, Environmental Protection and Resource Management, Zoning Administration and Development Management, Recreation and Parks, Community Development, or the Economic Development Commission, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semi-detached or duplex dwelling.
- (2) The RTA for a tract may be modified as directed by findings pursuant to Section 26-206 and Section 26-282 of the Code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

d. A residential transition use is any use: {Bill No. 2, 1992.}

- (1) permitted as of right under paragraph 1B01.1A; or

- (2) any use permitted by special exception under paragraph 1B01.1.C, except an accessory use permitted only by special exception; or
- (3) any parking area permitted under paragraph 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.

Section 1B01.1B.1.e *

Conditions in residential transition areas. {Bill No. 2, 1992.}

- (1) The RTA may contain single-family detached, semi-detached or duplex dwellings.
- (2) Group-house, back-to-back group houses, multi-family building and parking lots shall be set back from the tract boundary 75 feet and provide a 50-foot RTA buffer.
- * (3) The 50-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures, but it may be bisected by roads, paths, and trails that are designed to connect to adjoining developments.
- (4) The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of the fixture shall not exceed .2 candles at the tract boundary.
- * (5) Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception, or pursuant to Section 409.8.B, shall provide a 50-foot buffer and 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area.

*Contradicts
Definition*

- f. Any subdivision of land or PUD that has received CRG approval or reclamation plan approval or has been accepted for filing prior to the date of adoption of Bills No. 2-92 or 3-92 is subject to the laws in effect at the time of the approval or filing. {Bill No. 2, 1992.}

Section 1B01.1B.1.g

g. Exceptions to residential transition.

The restrictions contained in sub-subparagraph a. through e. above, of this Subparagraph B.1. do not apply to: {Bill NO. 124, 1981; No. 109, 1982; No. 40, 1992.}

- (1) A proposed dwelling to be placed in a RTA containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling which has the same or lesser number of dwelling units and party walls as the existing dwelling units. {Bills No. 124, 1981; No. 109, 1982; No. 40, 1992.}
- (2) Public utility uses (except public utility service centers and storage yards). Such uses shall be governed by the provisions of Section 411, 502 and such other applicable sections of these regulations. {Bills No. 124, 1981; No. 40, 1992.}
- (3) Notwithstanding the provisions of Section 104, the reconstruction of an existing church, community building, or other structure devoted to civic, social, recreational, fraternal, or educational activity which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure. {Bills No. 124, 1981; No. 40, 1992.}
- (4) An addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations including setback, parking, and screening requirements, are maintained. {Bill No. 109, 1982; No. 40, 1992.}
- (5) A new church or other building for religious worship constructed on a parcel of land large enough to provide landscaped but otherwise unimproved yard areas of 100 feet between any improvement and any property line other than street frontages. {Bills No. 109, 1982; No. 40, 1992.}

- (6) A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. {Bills No. 109, 1982; No. 40, 1992.}
- (7) Shoreline fishing and shellfish facilities. Such uses shall be governed by the provisions of Section 500.4 and Subparagraphs 1A01.2C.9, 1A02.2B.10, 1A04.2B.7 and 1B01.1C.7.a of these regulations. {Bills No. 124, 1981; No. 109, 1982; No. 40, 1992.}
- (8) An addition to an existing trailer park or mobile home park or contiguous to such park. If the park is lawfully in existence in a D.R. zone on the effective date of this act. {Bills No. 109, 1982; No. 40, 1992.}

Section 1B01.1.B.1.g.9

- (9) An addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking, and screening requirements, are maintained. {Bills No. 109, 1982; No. 40, 1992.}

Section 1B01.1.B.1.g.(10)

NO
SE

- (10) A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the zoning commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. {Bills No. 109, 1982; No. 40, 1992.}
- (10a) Principal use Class A and Class B group child care centers, provided that the zoning commissioner determines, during the special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special

exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. {Bills No. 200, 1990; 59, 1991; No. 40, 1992.}

(11) The conversion of a dwelling to a bed and breakfast home, bed and breakfast inn, or country inn pursuant to Section 402D or 402E. {Bills No. 113, 1988; No. 40, 1992.}

(12) Notwithstanding the provisions of Section 104, the reconstruction of an existing nursing home which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure. {Bills No. 37, 1988; No. 40, 1992.}

(12a) Transit facilities and rail passenger stations shall be exempt from the RTA requirements. {Bills No. 91, 1990; No. 40, 1992.}

h. The provisions contained in Sub-subparagraphs a. through e. of Subparagraph B.1., shall not apply to existing developments as described in Subparagraph A.1. of Subsection 1B02.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of said subsection. {Bills No. 100, 1970; No. 124, 1981; No. 40, 1992.}

2. Use Regulations in Existing Developments. In existing developments as described in Subparagraph A.1. of Subsection 1B02.3 uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Office of Planning and Zoning, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504. {Bill No. 100, 1970.}

3. Use Regulations for Existing Subdivision Tracts. On subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of Subsection 1B02.3. the uses permitted shall be those indicated in the plan or, where the use is not indicated and if not inconsistent with the plan, the uses shall be those permitted under zoning regulations in effect at the time the tentative approval was granted. {Bill No. 100, 1970.}

C. ³ Uses Permitted by Special Exception. The following uses, only, are permitted by special exception in all D.R. zones, subject to the restrictions hereinafter prescribed: {Bills No. 105, 1982; No. 36, 1988.}

#5

PETITIONER'S
EXHIBIT 5

RT-1 RESIDENTIAL TRANSITION AREA

(M-84-8 5/1/84)

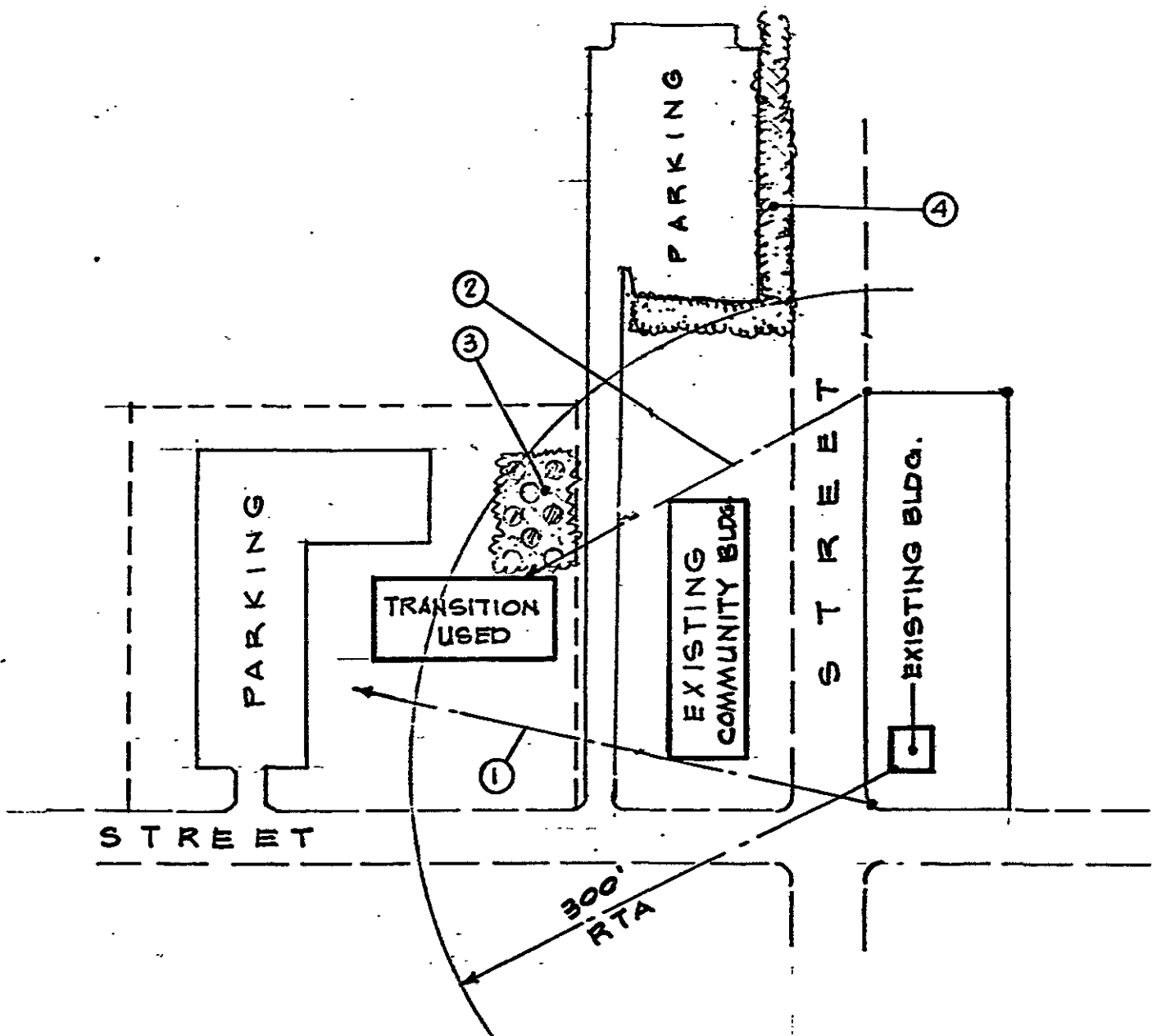
Upon consideration of Section 1B01.1.B.1.a, BCZR, which defines a RTA; of Section 1B01.1.B.1.b.3 which requires a minimum building setback of 75 feet from any residential "lot line" if the front or side of the building faces that lot line or 150 feet if the rear of building does so; of Section 1B01.1.B.1.b.3(a) and (b) which establish the criteria for determining the distances of the setback and the location of width of the buffer area; of Section 1B01.1.B.1.b.5(a)(1) which defines the purpose of the buffer area; the following rules shall apply:

1. When more than one tract boundary line falls within a RTA, projected from dwellings or vacant lots adjoining the tract at issue, a buffer area must be established only between the dwelling and/or vacant lot(s) that create the buffer area.
2. Where a dwelling or lot that projects and/or creates the transition area does not adjoin the tract boundary line at issue, and if a structure exists between the dwelling or lot that creates or projects the transition area, or if the distance between the transition use and dwelling or lot is greater than the actual required transition area setback:
 - A. The setback required between the transition use and the tract boundary of the developing tract shall be the same as that required for the structure if it were not in a transition area. However, in no case shall the transition use be situated closer to the lot from which the transition area is created or projected than the required transition area setback.
 - B. Buffering will be required in all instances where the transition use is visible from the lot from which the transition area is projected.
3. A RTA is not created or projected from a dwelling or lot that is situated in any zone other than D.R.
4. For the purpose of determining RTA setbacks and buffering requirements for parking lots, a parking area shall be considered a parking lot that requires buffering and setbacks when it provides the required parking spaces for more than one individual dwelling unit or more than three spaces.

5. Any private street, road, or service drive that is designed to provide required parking or maneuvering areas necessary to support on-site parking spaces shall be considered as a residential transition parking lot or use that requires buffering or screening.
6. When two transition uses occur within a RTA, and each use requires a different width buffer, the procedures to determine the proper width of the buffer area is as follows:
 - A. In instances where one use is located behind the other as they relate to the property line from which the RTA is projected, the use closest to the residential property line shall determine the width.
 - B. In other instances, width of the buffer area shall coincide with that required by the transition use predominantly visible from the residential property line creating the RTA.
7. Transition requirements do not apply as long as there are no external changes or additions requested.

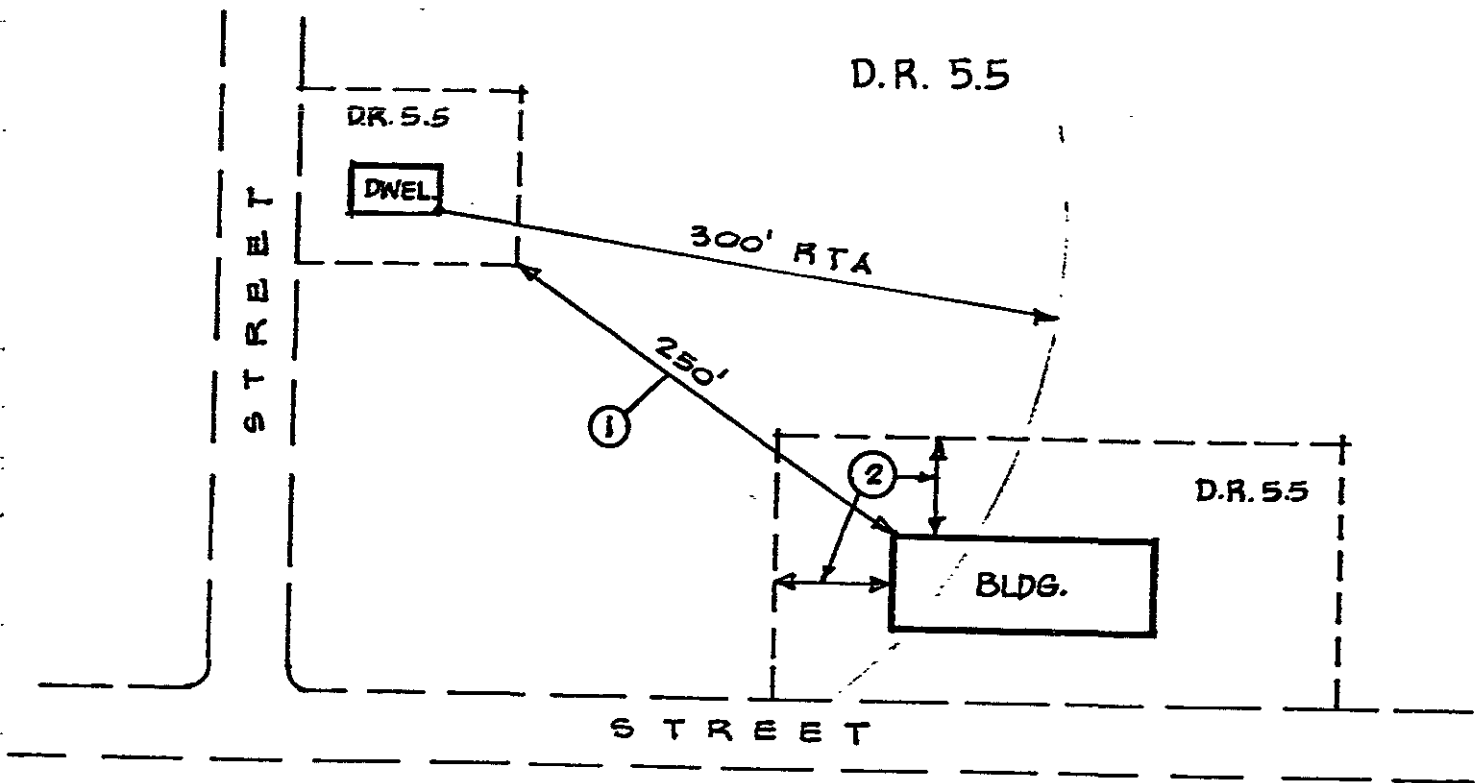
see CBA 84-52X

RT-2 BUFFER LOCATION CRITERIA



- ① LINE OF SIGHT BETWEEN LOT/YRD. AREA AND TRANSITION USE
TRANSITION NOT VISIBLE WITHIN 300' OF LOT.
- ② TRANSITION USE VISIBLE ON LINE OF SIGHT BETWEEN
YARD AREA AND 300' DISTANCE.
- ③ BUFFER REQUIRED BETWEEN VISIBLE PORTION OF
TRANSITION USE AND YARD AREA.
- ④ SCREENING REQUIRED FOR PARKING LOT PER
SECTION 409.2.CC(1) OUTSIDE OF 300' RTA.

RT-3 TRANSITION SETBACKS



THE RTA SETBACK ② MAY BE REDUCED FROM THE REQUIRED 150 FT. TO THE SETBACK REQUIRED FOR A BUILDING OR USE THAT IS NOT IN TRANSITION, IF DISTANCE ① IS EQUAL TO OR GREATER THAN THE 150 FT. SETBACK.

MARYLAND
HISTORICAL



TRUST

Office of Preservation Services

RECEIVED

MAY 29 1997

GEORGE VAETH & ASSOCIATES INC

Parris N. Glendening, Governor
Patricia J. Payne, Secretary

May 27, 1997

PETITIONER'S
EXHIBIT 6

Mr. Chris Lester
George Vaeth & Associates
5501 Twin Knolls Road, Suite 108
Columbia, MD 21045

Re: Mt. deSales Academy
Baltimore County

Dear Mr. Lester:

Thank you for your presentation concerning the minor alterations to Mt. deSales Academy at the Easement Committee of the Maryland Historical Trust on May 13, 1997. As you are aware, the easement on the property extends ten feet around the building and the actual design of the gymnasium is not an issue.

The Committee considered the request to turn the existing central window at ground level, on the northeast side of the building, into a door. The issue was discussed after your departure and was recommended for approval, provided the width of the masonry opening and the width of the frame be maintained, as you suggested. Details of the doors, as provided by FAX on 5/20/97, were reviewed and approved. The second item, relating to the reconfiguration of the existing retaining wall, was also recommended for approval.

Based upon the recommendations of the Easement Committee, I approve of the above stated alterations to the window/door and the retaining wall at Mt. deSales Academy. This approval is valid for a period of six months from the date of this letter.

If you have additional questions concerning the easement, please contact Michael Bourne at (410) 514-7633.

Sincerely,

J. Rodney Little
Director

cc: Mr. Joseph McNamara
Ms. Judith Kremen
Mr. John W. McGrain
Ms. Jo Anne Warthen (Mt. deSales)

Division of Historical and Cultural Programs

100 Community Place • Crownsville, Maryland 21032 • (410) 514-_____

The Maryland Department of Housing and Community Development (DHCD) pledges to foster the letter and spirit of the law for achieving equal housing opportunity in Maryland.



EQUAL HOUSING
OPPORTUNITY



George Vaeth Associates, Inc.
Architecture • Interior Design

5501 Twin Knolls Road, Suite 108
Columbia, Maryland 21045

Tel. 410 997 1000
Fax 410 997 2719

MEMORANDUM FOR RECORD

PROJECT: *Mount De Sales Academy Sports Complex* **DATE:** *5-13-97*

PARTICIPANTS: *Baltimore County Landmarks Preservation Commission (LPC)* **PROJ. NO.:** *#9608*
- *Mr. John Magraine et. al.*
Maryland Historic Trust (MHT) **FILE:** *C.D.*
- *Mr. Michael Bourne et. al.*
Christopher R. Lester - George Vaeth Associates, Inc. (GVA)

ROUTE TO: *Sister Philip Joseph, O.P.*
Father Michael Roach

SUBMITTED BY: *Christopher R. Lester*

The Architect has met with the governmental agencies listed above in an effort to clarify the status and intent of the project relative to the historic structures on the site. The following represents a brief synopsis of those meetings.

On the evening of May 8, 1997, GVA met with the Baltimore Co. LPC. Although the commission has no direct authority to direct or alter the design of the building (provided we stay detached from the historic structures), they do act in an advisory role to the Baltimore Co. Permit Dept. In this sense GVA presented a "courtesy" explanation of the siting, architecture, and detailing of the proposed structure. The commission was very receptive of the plans and, in fact, received an endorsement in the meeting from Mr. Jeff Lees, the member of the commission who had been the most vocally opposed to the previously "attached" scheme. A formal response to our presentation was requested and it is hoped that we will be in receipt of such shortly.

A presentation of the same intent was made to the Maryland Historic Trust on May 13, 1997. The focus of this agency was on the extent of work being proposed within the historic easement. GVA explained the requirement for a new double door located at the lower level from the Cafeteria needed to access the Piazza and ultimately the Sports Complex proper. It was pointed out that the head and jambs of the door were being maintained and that the only work proposed was to extend the bottom of the opening to accommodate the new wood panel double door. The committee seemed pleased with the solution presented and requested a copy of the door detailing which GVA indicated would be forwarded to Mr. Michael Bourne of the MHT.

With an eye toward the future removal of the "bridge" linking the Infirmary to the main structure, GVA requested a formal opinion from the MHT on that issue. The committee indicated that it was not part of the scope of our work for the current permit, but that they could certainly comment preliminarily on that item. There appeared to be some hesitation in the meeting to commit to a direction as some members were not in agreement. A follow-up phone call with Mr. Bourne, however, indicated that after further discussion, they would "probably allow the removal of the bridge." As in the case of the LPC, a formal response is to be issued indicating their ruling(s). This will also be issued to the Baltimore Co. Permit office and the LPC.

The Architect requests all parties receiving a copy of this memo to notify the Architect in writing, within five (5) days of receipt of same, of any additions or corrections to this memorandum.