

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 NE/S Greenspring Valley Rd., 1100'
 SE of c/l Greenspring Avenue * ZONING COMMISSIONER

8th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 The Baltimore Province of the * Case No. 98-305-SPH
 Sisters of Notre Dame deNamur, Inc.,
 Legal Owner
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the site known as the Maryvale Tenant House, located on the northeast side of Greenspring Valley Road, east of Greenspring Avenue in the Greenspring Valley section of Baltimore County. The Petition was filed by The Baltimore Province of the Sisters of Notre Dame deNamur, Inc., property owners. The Petitioner seeks approval of a waiver pursuant to Baltimore County Code, Section 26-172(a) or (b) of Sections 26-103(c)(8) and 26-278. Assuming that the waiver is granted, the Petitioner seeks a determination that the development plan in case No. VIII-651 need not be amended. The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing and the First Amended Development Plan and Special Exception plat for residential community known as Westwicke (Petitioner's Exhibit No. 8).

Appearing at the requisite public hearing held for this case were Sr. Jeanne McGlone, Sr. Patricia Loomer and Sr. Bernadette Glodek, all on behalf of The Baltimore Province of the Sisters of Notre Dame deNamur, Inc. Also present was Michael Maguire, a planning/zoning consultant, and Charles Gilmore, a structural engineer, both from Daft, McCune, Walker, Inc. The Petitioner was represented by David K. Gildea, Esquire and G. Scott Barhight, Esquire. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
 3/24/98
 Date *M. Novak*
 BY

The subject property/structure at issue is well known to this Zoning Commissioner and has been the subject of recent public interest. The Baltimore Province of the Sisters of Notre Dame deNamur, Inc., own a large tract of land, split zoned R.C.2 and R.C.5, located in the Greenspring Valley of Baltimore County. Among the uses which take place on that property is the Maryvale School, a private school for girls operated by the Sisters.

In the mid 1990s, the Sisters entered in a contract for the sale of a portion of their holdings to the Scottish Development Company, LLC for the development of the property with 29 single family dwellings. The sale of that property was consummated and, in fact, a development plan for the project was submitted for review by Baltimore County. Ultimately, after the project made its way through the development review process, the residential subdivision was approved.

Although the Sisters sold a portion of the tract for the residential subdivision, they did retain a significant part of the property. Presently, they own approximately 106 acres, split zoned R.C.2 and R.C.5. The property is located with frontage on Greenspring Valley Road and can also be accessed by Falls Road.

Formerly, the Sisters' property contained a small house known as the Maryvale Tenant House. This small structure was located on the southern edge of the property, immediately abutting Greenspring Valley Road. The structure was apparently quite old and was originally used as a tenant house when the property and surrounding lands were held in single ownership as an estate farm.

In 1995, when the development plan was considered for approval, the Maryvale Tenant House was on the Landmarks Preservation Committee's preliminary landmarks list. Under the County's historic preservation statute,

ORDER REC'D FOR FILING
Date 3/24/98
By [Signature]

the Landmark Preservation Committee initially identifies sites which may have historic value and designates same on its preliminary landmarks list. Under such a designation, the structures must be preserved. Moreover, after such a designation, the property and/or structure is inspected and studied for a determination as to whether same should be placed on the final historic landmarks list. Ultimately, this designation is conferred or denied by action of the Baltimore County Council.

In this case, pursuant to Bill 105-96, enacted August 5, 1996, the Council declined to incorporate the site on its historical landmarks list. At the hearing before me, the Petitioner submitted a series of documents (Petitioner's Exhibits 2 thru 7) outlining the sequence of events beginning with the initial placement of the structure on the County's preliminary landmarks list and its ultimate decision not to include the building on the County's final historical landmarks list. Those documents are self explanatory and the impact of same need not be repeated here.

In addition to the County's historic preservation statute, the State of Maryland also maintains a list of historic properties. Under the State's statute, a building can be designated on the Maryland Historic Trust inventory of historic properties. In fact, the Maryvale Tenant House was so included on said inventory.

In recognition of the structures' inclusion on the County's preliminary landmarks list and the State's inventory, a note was added to the development plan in 1995 regarding the structure. That note states, "This structure (MHT No. BA1601) is currently listed on the preliminary Baltimore County and Preservation list and is subject to Section 26-278 of the Baltimore County Code." As noted above, subsequent to the approval of

COPIES RECEIVED FOR FILING
Date 3/24/98
By M. Donah

that plan, the County Council voted to not include the site on the County's final landmarks list.

As noted in many of the documents submitted at the hearing and corroborated by the proffered testimony offered, the building was apparently in quite a state of disrepair. Indications are that in 1995, the septic and well systems serving the structure were failing and the premises had been unoccupied since 1993. Apparently, certain members of the Baltimore Province of the Sisters of Notre Dame deNamur had resided in the structure until 1983 and vacated the premises at that time due to the deteriorating condition of the structure and the failing well and septic system. In the years since 1983, the property had become a magnet to vagrants and was also considered an attractive nuisance to the children who live and go to school in the vicinity.

Due to the deteriorating condition of the building, the failing well and septic system, concerns over potential liability for injury to those who might be at the structure, and the financial hardship associated with retaining or repairing the building, the Sisters obtained a razing permit from Baltimore County and the structure was razed in January of 1998. It need be emphasized that, by that time, the structure was no longer entitled to protection under Baltimore County's statute, however, remained on the Maryland Historical Trust inventory of historic properties. Pursuant to Section 26-278 of the Baltimore County Code, the structure should have been preserved or a waiver of that provision obtained before razing.

The Petitioner comes before me now seeking a waiver of the requirements of Section 26-278 of the Code, pursuant to Section 26-172. Section 26-172 empowers the Hearing Officer (Zoning Commissioner) to grant a waiver of certain of the requirements of Division 3, 4, and 5 of the development regulations (including Section 26-278) upon the recommendation

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3/24/98
Date 3/24/98
By Mr. Gowan

of the Department Director. In this case, such a recommendation was given by the Office of Planning, albeit grudgingly.

In addressing this waiver, it is first to be noted that the Petitioner now comes before me seeking "forgiveness", as opposed to "permission". It is apparent that the development regulations envision that a Petitioner will seek a waiver beforehand in order to obtain approval to undertake a certain action. In this case, the action has been undertaken already (i.e., demolition of the building). Although the case is, therefore, procedurally distinct, an examination of the County Code indicates no prohibition on a property owner/Petitioner seeking a waiver after the fact. Thus, the Petition for Special Hearing may be properly considered at this time. More importantly, the standard for obtaining a waiver, whether before or after the fact, is the same. In order for any waiver to be granted, the Petitioner must demonstrate that same has been recommended by the Department Director and that a waiver request complies with the provisions of Section 26-172(a) and/or (b).

In applying to those standards to the matter at issue, I am easily persuaded that the waiver should be granted. In my judgement, the size, scope and nature of the proposed development does not justify strict compliance with the regulation and a grant of the waiver would be within the scope, purpose and intent of the regulations. The County Council's action in declining to include the property on the final Landmark's list is persuasive that the structure has no historic value. Moreover, the deteriorating condition of the building, the failing septic/well systems, the potential injury to children or trespassers and the expense necessary to rehabilitate the building are all significant considerations which support a grant of the waiver. Thus, despite the backwards approach of

ORDER RECOMMENDED FOR FILING
Date 3/21/98
By M. G. G. G.

the Petitioner's request for relief, the merits of the issue under consideration supports a grant of the waiver.

Having determined that a waiver should be granted, the next issue for consideration is whether the development plan need be amended. In my judgment, it need not. As noted above, the plan references the structure with a single note which is fully set forth hereinabove. In effect, that note discloses two facts; that the structure was "currently" listed on the preliminary Baltimore County landmarks list, and that as such, the property was subject to Section 26-278 of the Code. There is no amendment needed to this note. Those statements were accurate at the time the plan was approved and remain accurate today. Indeed, the property was on the County's preliminary list in 1995 when the plan was submitted and approved. The subsequent act of the County Council in excluding the property from the final list does not change the fact that the property was, at one time, on the preliminary list. Secondly, indeed the structure is subject to the provisions of Baltimore County law, including Section 26-278. More importantly, the County law permits, by Section 26-172, a waiver of the requirements of Section 26-278. That is, the property is subject to County law and, thus, either a waiver must be obtained, or the property preserved. By the grant of the waiver, preservation is not required.

For all of these reasons, I am persuaded to grant the Petition for Special Hearing. It is not my intent to reward the Petitioner for its demolition of the structure prior to the obtaining of the required waiver. However, that procedural issue is a matter for the Zoning Enforcement Division and not an issue for my consideration. To the contrary, as to the matter which I must consider (i.e., whether a granting of a waiver is

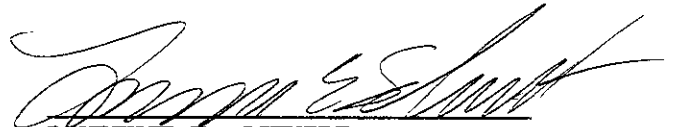
DATE: 2/24/98
By: [Signature]

appropriate pursuant to Section 26-172), I easily find that the merits of this case support such a grant.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of March 1998 that, pursuant to the Petition for Special Hearing, approval of a waiver pursuant to Baltimore County Code, Section 26-172(a) or (b) or Sections 26-103(c)(8) and 26-278, be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with the applicable provisions of law.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORIGINAL RECEIVED FOR FILING
DATE 3/24/98
BY CM. Hovak



Baltimore County
Zoning Commissioner
Office of Planning

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

March 23, 1998

David K. Gildea, Esquire
G. Scott Barhight, Esquire
Whiteford, Taylor and Preston, LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 98-305-SPH
The Baltimore Province of the Sisters of Notre Dame deNamur, Inc.

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

- c: Sisters Jeanne McGlone, Patricia Loomer and Bernadette Glodek
1531 Greenspring Valley Road, Stevenson, Md. 21153
- c: Michael Maguire and Charles Gilmore, Daft, McCune, Walker, Inc.
200 E. Pennsylvania, Avenue, Baltimore, Md. 21286





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Maryvale Tenant House (northeast side of Greenspring Valley Road, East of Greenspring Avenue) which is presently zoned RC-2 and RC-5

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(1) Waiver pursuant to Baltimore County Code Section 26-172(b) of Baltimore County Code Sections 26-203(c)(8) and Section 26-278.

(2) Assuming the Waiver is granted, a determination that the Development Plan in case number VIII-651 need not be amended.

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/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner: G. Scott Barhight, Esquire
David K. Gildea, Esquire and Whiteford,
Taylor & Preston L.L.P.

(Type or Print Name)

Signature

210 W. Pennsylvania Ave. (410)832-2000

Address Phone No.

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):

The Baltimore Province of the Sisters of
Notre Dame de Namur, Inc.

(Type or Print Name)

Signature

Sister Patricia Loomer

(Type or Print Name)

Signature

1531 Greenspring Valley Rd (410)486-5599

Address Phone No.

Stevenson, MD 21153

City State Zipcode

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

G. Scott Barhight, Esquire

David K. Gildea, Esquire

Name

210 W. Pennsylvania Ave.

(410)832-2000

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

Reused
2/24/98



98-305-SPH

Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at Maryvale Tenant House (northeast side of Greenspring Valley Road, East of Greenspring Avenue) which is presently zoned RC-2 and RC-5

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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

I:

ore Province of the Sisters of Notre
amur, Inc.

unadette Gluck, Inc

enspring Valley Road (410)486-5599
Phone No.:

n, MD 21153

State

Zip Code

dress and phone number of representative to be contacted

David K. Gildea, Esquire
Whiteford, Taylor & Preston L.L.P.

[Signature]
Signature

210 West Pennsylvania Ave. (410) 832-2000
Address Phone No.

Towson,
City

MD
State

21204-4515
Zip Code

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Name

210 West Pennsylvania Ave.
Towson, MD 21204
Address

(410) 832-2000
Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

128078

**DROP OFF
NO REVIEW
2/13/98 WCR**

98-305-SPH

**These are not our
forms - New
petition forms
coming per WCR.**

**Sophia
2/18/98**

Description

To Accompany Petition for Special Hearing

1.00 Acre

Northeast Side of Greenspring Valley Road

Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the two following courses and distances measured from the intersection of the centerline of Green Spring Avenue with the centerline of Greenspring Valley Road (1) Easterly along the centerline of Greenspring Valley Road 1100 feet, more or less, and thence (2) Northerly 15 feet, more or less, to the point of beginning, thence leaving said point of beginning and running the three following courses and distances, viz: (1) North 28 degrees 29 minutes 26 seconds East 160.00 feet, thence (2) South 61 degrees 30 minutes 34 seconds East 226.38 feet, and thence (3) South 01 degree 41 minutes 26 seconds East 186.78 feet to the northeast side of Greenspring Valley Road, thence binding thereon the two following courses and distances, viz: (4) North 60 degrees 19 minutes 01 second West 70.30 feet, and thence (5) North 61 degrees 30 minutes 34 seconds West 250.00 feet to the point of beginning; containing 1.00 acre of land, more or less.

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

February 11, 1998

Project No. 89113.F (L89113.F)



98-305-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 048719

DATE 2/13/98 ACCOUNT 001-6150

AMOUNT \$ 50.00 (WCR)

RECEIVED FROM: Whiteford, Taylor & Preston

FOR: #030 -- SPECIAL HEARING

Maryvale Tenant House
Case #98-305-SPII

Drop-Off - No Review

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
2/17/98 2/17/98 09:29:26
REF 0504 CASHIER LSNIT LXS WORKER
5 MISCELLANEOUS DEBIT RECEIPT
Receipt # 059370
CHK NO. 048719

50.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BSPH

NOTICE OF PUBLIC HEARING

The zoning Commission of Baltimore County is hereby giving notice that a public hearing will be held on the proposed rezoning of the property identified herein as follows:

Case: #98-305-SPH
 Maryland Tenant House
 NE/S. Greenspring Valley
 Road, 1100. SE of centerline
 Greenspring Avenue
 8th Election District
 3rd Councilman District
 Legal Owner(s): The Baltimore Province of the Sisters of Notre Dame de Namur, Inc.

Special Hearing: to approve a waiver pursuant to Baltimore County Code Section 26-172(b) of Baltimore County Code Sections 26-203(c)(8) and Section 26-278; and assuming the waiver is granted, a determination that the Development Plan in case number VIII-651 need not be amended.

Hearing: Wednesday, March 18, 1998 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHWIDT
 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.

2/448 Feb. 26 209775

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/26, 1998

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 2/26, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

**RE: Case No. 98-305-SPH
Petitioner/Developer:
(Sisters Of Notre Dame)
Date of Hearing/~~Closing~~:
(Mar. 18, 1998)**

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

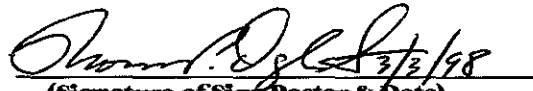
Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

Maryvale Tenant House Greenspring Valley Road Baltimore, Maryland 21093 _____

**The sign(s) were posted on _____ Mar. 3, 1998 _____
(Month, Day, Year)**

Sincerely,

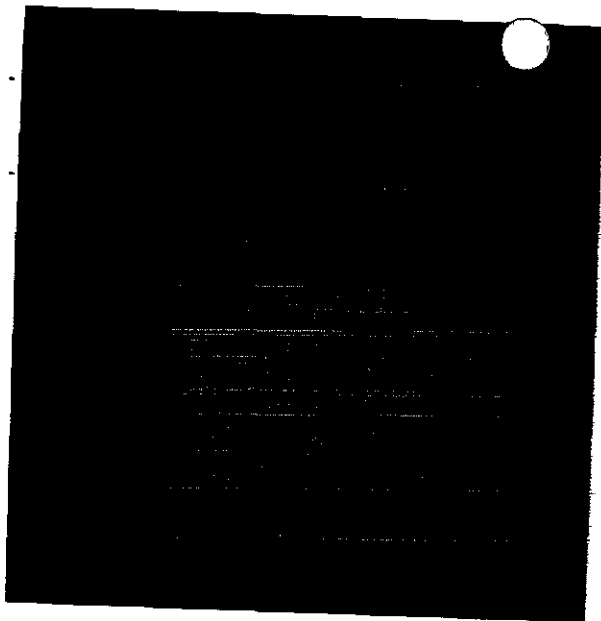

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**



98-305-SPH

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.: 98-305-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: _____
Special Hearing to approve a waiver pursuant to Baltimore County
Code Section 26-172(b) of Baltimore County Code Sections 26-
203(c)(8) and Section 26-278; assuming that the waiver is granted, a
determination that the Development Plan in case number VIII-651
need not be amended.

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

TO: PATUXENT PUBLISHING COMPANY
February 26, 1998 Issue - Jeffersonian

Please forward billing to:

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

419-832-2000

NOTICE OF ZONING 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: 98-305-SPH

Maryvale Tenant House

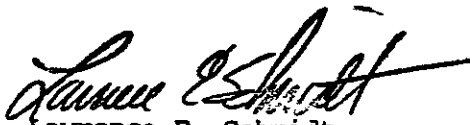
NE/S Greenspring Valley Road, 1100' SE of centerline Greenspring Avenue

8th Election District - 3rd Councilmanic District

Legal Owner: The Baltimore Province of the Sisters of Notre Dame de Namur, Inc.

Special Hearing to approve a waiver pursuant to Baltimore County Code Section 26-172(b) of Baltimore County Code Sections 26-203(c)(8) and Section 26-278; and assuming the waiver is granted, a determination that the Development Plan in case number VIII-651 need not be amended.

HEARING: Wednesday, March 18, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

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.



Baltimore County
Department of Permits and
Development Management

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

February 18, 1998

NOTICE OF ZONING 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: 98-305-SPH

Maryvale Tenant House

NE/S Greenspring Valley Road, 1100' SE of centerline Greenspring Avenue

8th Election District - 3rd Councilmanic District

Legal Owner: The Baltimore Province of the Sisters of Notre Dame de Namur, Inc.

Special Hearing to approve a waiver pursuant to Baltimore County Code Section 26-172(b) of Baltimore County Code Sections 26-203(c)(8) and Section 26-278; and assuming the waiver is granted, a determination that the Development Plan in case number VIII-651 need not be amended.

HEARING: Wednesday, March 18, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: G. Scott Barhight, Esquire
David K. Gildea, Esquire
The Balto. Province of the Sisters of Notre Dame de Namur, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 3, 1998**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

March 12, 1998

G. Scott Barhight, Esq.
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: Item No.: 305
Case No.: 98-305-SPH
Petitioner: The Baltimore Province of the Sisters of Notre
Dame de Namur, Inc.

Dear Mr. Barhight:

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 February 24, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: March 2, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for March 2, 1998
 Item Nos. 299, 300, & 305

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

RWB:HJO:jrb

cc: File

ZONE0302.NOC



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

February 23, 1998

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

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF February 23, 1998

Item No.: See Below 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.

3. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

299, 301, 303, 304, and 305

REVIEWER: LT. ROBERT R. SAUERWALD

Fire Marshal Office, PHONE 887-4831, MS-1102F

cc: File





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 2/24/98
Item No. 305 wcl

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

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

TO: PDM

DATE: 3/11/98

FROM: R. Bruce Seeley *RBS/98*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Feb 23, 98

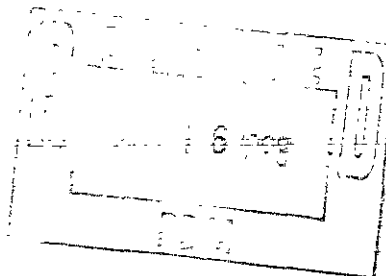
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

305

RBS:sp

BRUCE2/DEPRM/TXTS8P



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

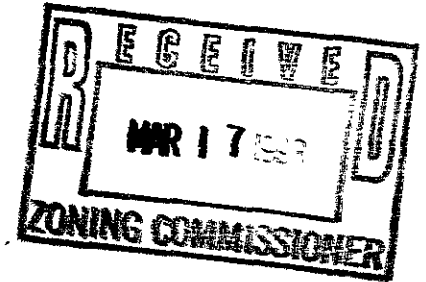
TO: Arnold Jablon, Director
and Development Management

Date: March 17, 1998

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



SUBJECT: Maryvale Tenant House



INFORMATION

Item Number: 305

Petitioner: The Baltimore Province of the Sisters of Notre Dame de Numur,
Inc.

Zoning: RC 2 & RC 5

Requested Action:

- 1) Waiver pursuant to Baltimore County Code Section 26-172 of the Baltimore County Code Sections 26-203(c) (8) and Section 26-278.
- 2) Assuming the waiver is granted, a determination that the Development Plan in case VII-651 need not be amended.

Summary of Recommendations:

A Concept Plan Conference was held on March 13, 1995. The applicant noted on the Site Constraints and Site Proposal Map (dated February 13, 1995) the following: "Existing structure to be removed." The Planning Office advised that a waiver must be requested for the proposed demolition of the subject structure.

A Development Plan Conference was held on June 21, 1995 at which time it was that because the "Carlisle Tenant House" was place on the LPC Preliminary Landmarks List on June 8, 1995, the plan would be forwarded to the Baltimore County Planning Board on July 6, 1995.

The Office of Planning in a report to the Planning Board stated, in part, the following: "Given (a) the absence of any foreseeable adverse effect on the Carlisle Tenant House from the Westwicke development, (b) the owner's acknowledgment by the note on the plan that the house is subject to the County's preservation law, and (c) the Landmarks Preservation Commission's independent authority over any future proposals to alter, relocate or demolish the structure, the Planning Board's decision to the Hearing Officer should be that no modifications to the Westwicke development plan are necessary in relation to the Carlisle Tenant House." The Planning Board voted

unanimously to approve the recommendation of the Office of Planning. The Hearing Officer approved the Development Plan on August 17, 1995, and the Board of Appeals affirmed this decision on November 15, 1995.

At a Landmarks Preservation Commission Meeting held on June 8, 1995, John McGrain stated that the property (Maryvale Tenant House) was not likely to yield information or material important to history. The larger tract of which the tenant house is a part was owned by personalities of historic importance, but research reveals that these people did not live in this house. Also, at its previous hearing held on May 14, 1992, the Landmarks Preservation Commission voted not to put the Maryvale Tenant House on its list.

On July 25, 1996 Councilman T. Bryan McIntire, stated the following: "This property is presently owned by the Sisters of Notre Dame de Namur. I am reliably informed that they have critical financial restraints in order to provide care for their elderly and infirmed Sisters. They have advised me that they cannot afford to preserve the house. They will be glad to receive any offers from individuals or groups who may desire to move house. If this does not happen on or before April 1, 1997, the house will be removed, and the parcel on which it sits will be placed in an environmental trust -- never to be developed." Please note that the subject property has, in fact, been placed in an M.E.T. easement and that the site can never be developed.

On August 5, 1996, the County Council did not place the subject property on the Final Historical Landmarks List (see Bill No. 105-96).

In conclusion, it is with great reluctance that the Office of Planning recommends to the Zoning Commissioner that the requested waivers be granted, and approval of this waiver should in no way be interpreted as condoning this action. There is no doubt that the Sisters of Notre Dame de Namur received poor advice and, consequently, did not follow the proper procedure in removing the Maryvale Tenant House. The present facts are indisputable and the structure has been demolished. The preservation of this structure has essentially become moot as a result of the actions preceding the instant request. In addition, please be advised that placement of the subject property into a M.E. T. easement is the only aspect of this case that can be considered a mitigating factor.

Prepared by:

Jeffrey W. Long

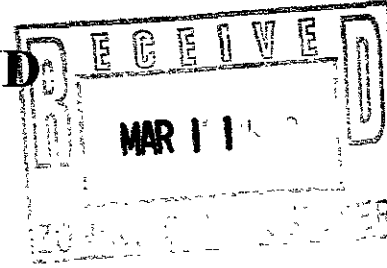
Division Chief:

Gary L. Keim

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Lawrence E. Schmidt
Zoning Commissioner

DATE: March 11, 1998

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

SUBJECT: Maryvale Tenant House

The Maryvale Tenant House was partially demolished recently by the Sisters of Notre Dame DeNamur. This building is shown on the Westwicke Development Plan as a structure that "must be preserved" under Section 26-278 of the Baltimore County Code, due to the fact that it is listed on the Maryland Historical Trust Inventory and is located within the Greenspring Valley National Register District. The County Council, however, declined to list this building on the County's Final Landmarks List.

While the demolition of this building is regrettable, its current condition causes me to request your consideration of the granting of a waiver under Section 26-172 of the code, given the fact the preservation of this building as a historic structure under Section 26-278 has been mooted by its partial demolition. Please note that the easements which encumber this property appear to preclude the building of any other structure on the site of the Maryvale Tenant House.

A detailed staff report will follow.

A handwritten signature in cursive script that reads "Pat Keller".

Arnold F. 'Pat' Keller, III

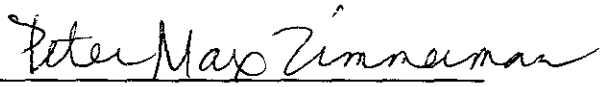
AFK:bjs

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
Maryvale Tenant House, NE/S Greenspring Val- * ZONING COMMISSIONER
ley Rd, 1100' SE of c/l Greenspring Ave *
8th Election District, 3rd Councilmanic * OF BALTIMORE COUNTY
The Baltimore Province of the Sisters *
of Notre Dame de Namur, Inc. * CASE NO. 98-305-SPH
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
People's Counsel for Baltimore County


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 13th day of March, 1998, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq. and David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.


PETER MAX ZIMMERMAN

fb
3/18

IN RE: PETITION FOR
Maryvale Tenant House
NE/S Greenspring Valley Rd., 1100' SE
of centerline Greenspring Avenue, 8th
Election District-3rd Councilmanic
District
Legal Owners: The Baltimore Province
of the Sisters of Notre Dame de Namur,
Inc.

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* Case No.: 98-305-SPH

* * * * *

SUBPOENA

TO: Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary Baltimore County Council
Custodian of Records for Baltimore County Council
400 Washington Avenue
Towson, Maryland 21204
(Baltimore County)

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

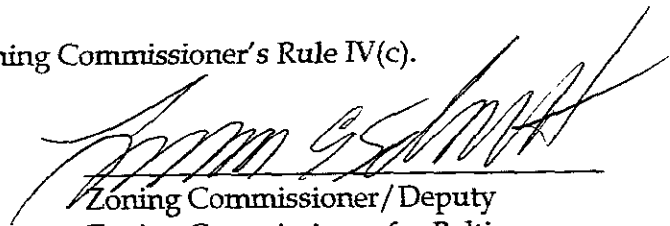
To produce any and all documents or objects related to the Maryvale Tenant House (BA No.
1601) in possession of the County Council or any individual County Council persons.

in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204 on

Wednesday, the 18th day of March, 1998, at 9:00 a.m., and continuing from day to day until
completed, regarding the above-captioned case, for the purpose of testifying at the request of
Petitioner, The Baltimore Province of the Sisters of Notre Dame de Namur, Inc.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).


Zoning Commissioner/Deputy
Zoning Commissioner for Baltimore
County

Issued: _____
130193

IN RE: PETITION FOR
Maryvale Tenant House
NE/S Greenspring Valley Rd., 1100' SE
of centerline Greenspring Avenue, 8th
Election District-3rd Councilmanic
District
Legal Owners: The Baltimore Province
of the Sisters of Notre Dame de Namur,
Inc.

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* Case No.: 98-305-SPH

* * * * *

SUBPOENA

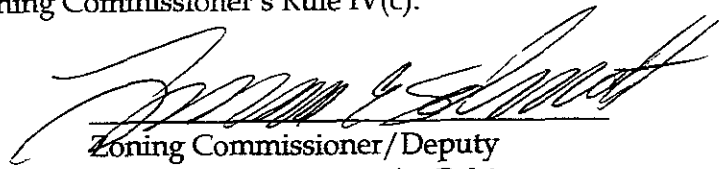
TO: J. Rodney Little
Director, The Maryland Historical Trust
Maryland Department of Economic and Community Development
100 Community Place
Crownsville, Maryland 21032
(Anne Arundel County)

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

To produce all documents or objects related to the Maryvale Tenant House (MHT No. BA1601)
in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204 on
Wednesday, the 18th day of March, 1998, at 9:00 a.m., and continuing from day to day until
completed, regarding the above-captioned case, for the purpose of testifying at the request of
Petitioner, The Baltimore Province of the Sisters of Notre Dame de Namur, Inc.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).


Zoning Commissioner/Deputy
Zoning Commissioner for Baltimore
County

Issued: _____
130169



Baltimore County
Department of Permits and
Development Management

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

March 2, 1998

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, MD 21204-4515

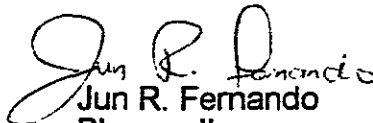
RE: Drop-Off Petition Review (Item #305)
Maryvale Tenant House
8th Election District

Dear Mr. Barhight & Mr. Gildea:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,


Jun R. Fernando
Planner II
Zoning Review

JRF:rye

Enclosure (receipt)

c: Zoning Commissioner





Baltimore County
Department of Permits and
Development Management

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

February 17, 1998

G. Scott Barhight, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Drop-Off Petition
Case Number 98-305-SPH
Maryvale Tenant House
8th Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures



SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

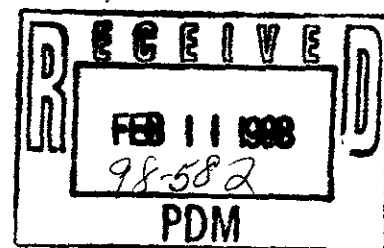
1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

2/12/98
8
WCP

February 11, 1998

Via Hand Delivery

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



**Re: Maryvale Tenant House
Petition for Special Hearing for a Waiver Pursuant to
Baltimore County Code Section 26-172(b)
The Baltimore Province of the Sisters of Notre Dame de Namur,
Inc., Owner**

Dear Mr. Jablon:

Enclosed please find twelve (12) original copies of a Petition for Special Hearing, three copies of the property description, one copy of the 200 scale zoning map and a \$50.00 fee for filing for the above referenced property.

John Reisinger's January 27, 1998 letter directed The Baltimore Province of the Sisters of Notre Dame de Namur ("SND") to file the Petition for Special Hearing for a waiver pursuant to Baltimore County Code Section 26-172(b) of Baltimore County Code Sections 26-203(c)(8) and 26-278, or face the imposition of substantial fines. see attached letter. You have made it clear that if SND does not immediately file a Petition for Special Hearing for a waiver pursuant to Section 26-172(b), substantial fines will be imposed. SND hereby files the Petition for Special Hearing to avoid the immediate imposition of fines.

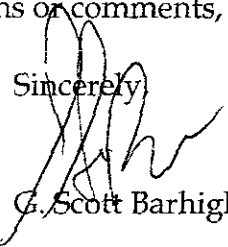
By filing the Petition for Special Hearing, in no way is SND waiving any of its rights to appeal the decision of the Department of Permits and Development Management issued on January 27, 1998 by John R. Reisinger, Buildings Engineer. Nor is SND waiving any of its other rights by filing the Petition for Special Hearing, including but not limited to, any appeal rights or constitutional challenges regarding any and all issues which relate to this property.

98-305-SPH

Mr. Arnold Jablon
February 11, 1998
Page 2

Should you have any questions or comments, please contact me.

Sincerely,



G. Scott Barhight

GSB:bhb

CC: Mr. John R. Reisinger, Balto. Co. Permits & Development Mgmt.,
Buildings Engineer
Sister Bernadette Glodek, The Baltimore Province of the Sisters of Notre Dame de
Namur, Inc.
Mr. Edmund F. Haile, P.E., Daft-McCune-Walker
Mr. Michael Maguire, Daft-McCune-Walker
David K. Gildea, Esquire

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
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FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
dgkidea@wtplaw.com

February 24, 1998

Via Hand Delivery

Mr. Carl Richards
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

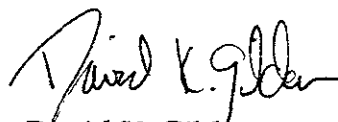
Re: **Maryvale Tenant House**
Case No.: **98-305-SPH**
Our File No.: **60940/00158**

Dear Mr. Richards:

Enclosed please find three original executed Petitions for Special Hearing with the Baltimore County seal for the above referenced matter. Thank you for your kind attention to this matter.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,


David K. Gildea

DKG:bhb
Enclosures
CC: G. Scott Barhight, Esquire
Joseph J. Mezzanotte, Esquire
129249

JAN-27-'98 TUE 14:25 ID: BALTO CO PERMITS&LIC TEL NO: 321-887-2824

W559 P81



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353
Fax: (410) 887-5708

Post-It Fax Note	7571	Date	1/23/98	Page	2
To:	John Reisinger	From:	John Reisinger		
On:		Co:			
Phone:		Phone:	410-887-9585		
Fax:	410-278-9705	Fax:	410-887-2824		

January 27, 1998

Baltimore Province of the Sisters of
Notre Dame de Namur, Inc.
11300 Falls Road
Baltimore, Md 21093

Re: Carlisle House Razing
Westwicke Development Plan

On January 23, 1998, the Carlisle House on the Greenspring Valley Road side of your property was partially razed. This action was in violation of the Baltimore County Development Regulations which state in section 26-278 that a building on the Maryland Landmarks Inventory List must be preserved. This building is also shown on the development plan for Westwicke with a note stating removal is not allowed.

The procedure the law provides for removing such a building in these circumstances is found in section 26-172(b) which says that a waiver of requirements for the development plan may be granted by a hearing officer. In addition, section 26-211 provides for revision of a development plan itself based on whether the proposed change is material or only a refinement.

Because of the razing action that was taken, therefore, you will have until February 9, 1998 to apply for a special hearing to consider a waiver of the prohibition against razing, and a revision of the development plan. Specifically, you will need to apply for a special hearing under section 26-172(b) for a waiver of the prohibition from removing the structure found in section 26-278.

98-305-SPH

JAN-27-'98 TUE 14:27 ID:BAUTO CO PERMITS&LIC TEL NO:301-887-2824

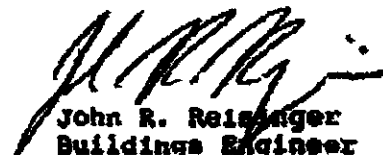
#359 P02

and a determination of whether the development plan change is material or a refinement under section 26-211. In view of the circumstances, you may request an expedited hearing.

If the waiver of the prohibition to remove the structure is not obtained, or the development plan is not revised, the structure will have to be reconstructed to as close to its former condition as possible under section 26-120. Therefore, the razed material must remain on the site, sorted and stored in a way that will not present a danger to the public.

For information on the procedure for applying for a special hearing, please contact the Zoning Review Section at 410-887-3391. If you have any other questions, please contact me at 410-887-4585.

Sincerely,



John R. Reisinger
Buildings Engineer

C. Scott Barhight
Scottish Development Co, Inc
Tom Repsher, DPW
Arnold Jablon

PRO-SERV

P.O. Box 9410, Baltimore, MD 21228-0410

P.O. Box 2355
Hagerstown, MD 21741-2355

Eastern Shore Office
P.O. Box 95
Salisbury, MD 21803

Thomas Corner P.O. Box 12305
Norfolk, VA 23502-0305

Virginia Beach Office
309 Aragona Blvd., #102-411
Virginia Beach, VA 23462

Newport News/Hampton Office
12917 H Jefferson Avenue, #283
Newport News, VA 23602

Service: THOMAS J. PEDDICORD, Jr.
LEGISLATIVE COUNSEL/SECT: BALTIMORE COUNTY COUNCIL
Address: CUSTODIAN OF RECORDS FOR BALTIMORE COUNTY
RES. 400 WASHINGTON AVE, Rm 205
POE TOWSON MD 21204
POS

BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

COUNTY OF MARYLAND FOR

CASE # 98-305-SPH

IN RE: PETITION FOR
MARYVALE TENANT HOUSE

Plaintiff/Judgment Creditor

Defendant/Judgment Debtor

Trial Date _____ Issue Date _____ Return Date _____

PROOF OF SERVICE/RETURN OF PRIVATE PROCESS SERVER

The undersigned, hereby certifies as follows:

1. That I am a competent private person over 18 years of age and not a party to the above.
2. That I served process upon THOMAS J. PEDDICORD, Jr.

DESCRIPTION: Sex _____ Race _____ Ht _____ Wt _____ Hair _____ Approx. Age _____
on the 9th day of MARCH, 1998 at _____ am, _____ pm
at the above address

by delivering and leaving with the person served a copy of each of the following: (address where served)

SUBPOENA

3. That the cost of service is \$ _____.
4. That I was unable to serve because _____

I solemnly affirm under the penalties of perjury that the matters and facts set forth herein are true and correct.
Neil Gillespie (Print Name) _____ (Signature) _____ 3-9-98 (Date Served)

SUSCRIBED AND SWORN TO BEFORE ME THIS
____ DAY OF _____, 19 ____

NOTARY PUBLIC, My commission expires: _____

ACKNOWLEDGEMENT

I acknowledge receipt of copies of all papers specified above.

X

(signature of person served)

Date _____

Attorney/Client

David Gildea, Esq
WHITEFORD TAYLOR & PRESTON
210 W. Pennsylvania Ave, Ste 400
Towson MD 21204

Tel. 410.832.2000

SPECIAL INSTRUCTIONS/Note

Member of
NATIONAL ASSOCIATION
OF PROFESSIONAL
PROCESS SERVERS



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

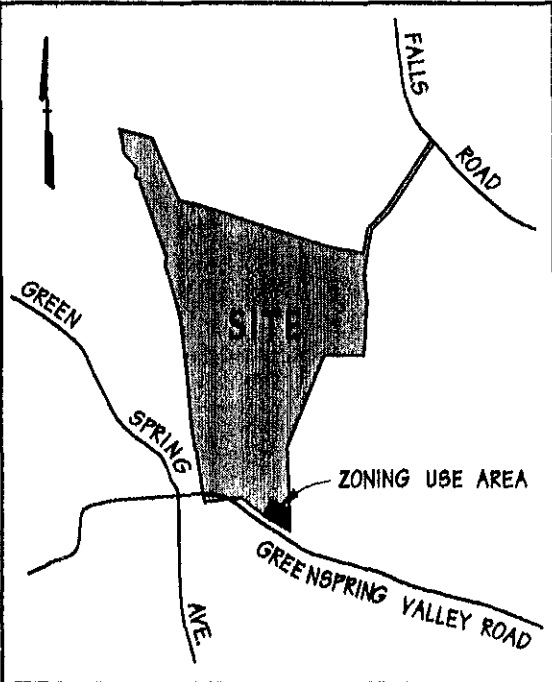
NAME

ADDRESS

Sr. JEANNE McGLOVE, SND
Sr. Patricia Loomer SND
Sr. Bernadette Hodul SND
MICHAEL MAGUIRE
CHARLES GILMORE
David K. Gildea

1531 GREENSPRING VALLEY RD. STEVENSON, MD
1531 Greenspring Valley Rd. Stevenson, MD
1531 Greenspring Valley Rd. Stevenson
200 E. PENNSYLVANIA AVE 21286 MD
" " " " "
210 W. Penn. Ave
Towson, MD. 21204

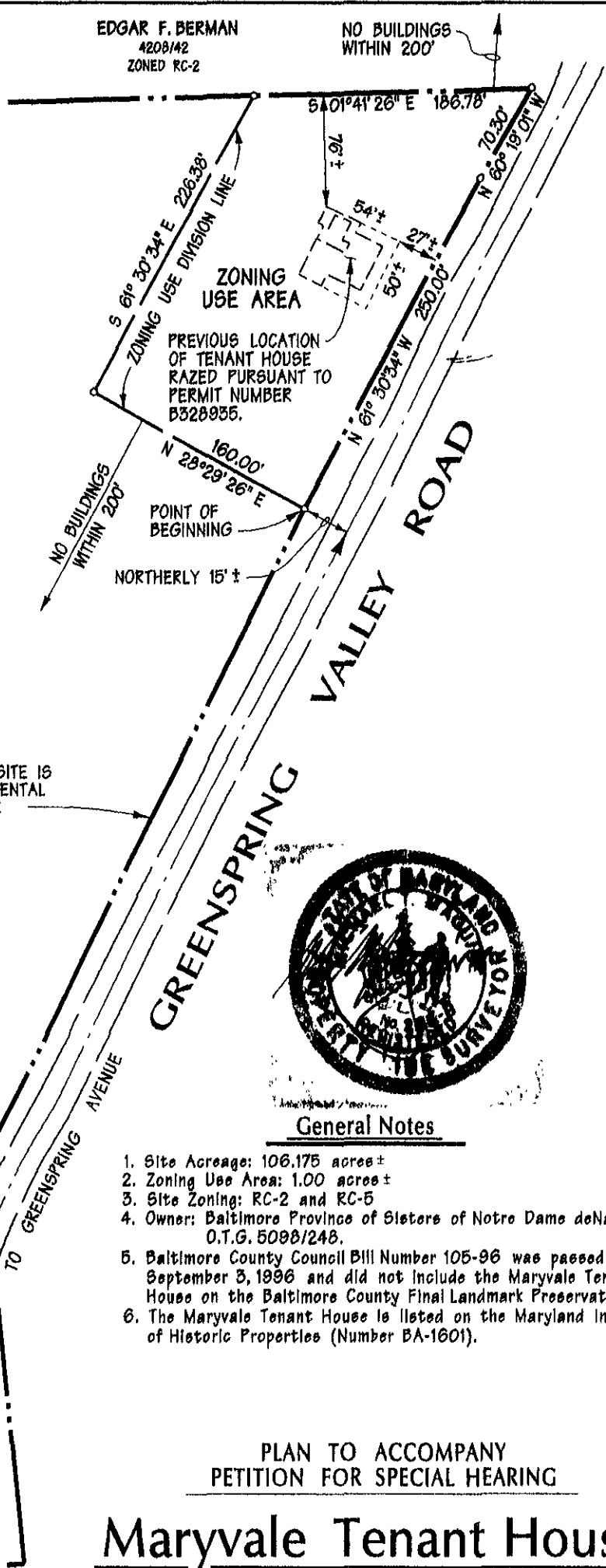




VICINITY MAP

SCALE: 1" = 2000'

39.15 ACRES OF THE 106.175 ACRE SITE IS SUBJECT TO A MARYLAND ENVIRONMENTAL TRUST CONSERVATION EASEMENT PER DEED S.M. 12276/178



General Notes

1. Site Acreage: 106.175 acres ±
2. Zoning Use Area: 1.00 acres ±
3. Site Zoning: RC-2 and RC-5
4. Owner: Baltimore Province of Sisters of Notre Dame deNamur O.T.G. 5098/248.
5. Baltimore County Council Bill Number 105-96 was passed on September 3, 1996 and did not include the Maryvale Tenant House on the Baltimore County Final Landmark Preservation list.
6. The Maryvale Tenant House is listed on the Maryland Inventory of Historic Properties (Number BA-1601).

PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING

Maryvale Tenant House

8th Election District - 3rd Councilmanic District
Baltimore County, Maryland

RUSSELL E. MORRIS, J.

45124
ZONED RC-2

98-305-SPH

GREENSPRING AVE.



DMW

Draft McCune Walker, Inc.
800 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4706

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

SCALE: 1"=100'	JOB NO.: 89113F	DATE: Feb. 11, 1998
DRAWN BY: MSS	CHECKED BY: MTM	FILE: 89113F.WR2

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
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G. SCOTT BARHIGHT
DIRECT NUMBER
+10 832-2050
2029522@rcimail.com

July 12, 1996

Pet No 2

The Honorable T. Bryan McIntire
Baltimore County Council
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

**Re: Carlisle Tenant House a.k.a. Maryvale Tenant House
1128-1130 Greenspring Valley Road
Final Landmarks Preservation List Proposal**

Dear Councilman McIntire:

As you know, we represent the Sisters of Notre Dame de Namur in regard to their property located at the Maryvale High School. One of the structures on that property, a farmhouse that sits on the Greenspring Valley Road, was placed on the Preliminary Landmarks Preservation List by the Landmarks Preservation Commission ("LPC") at its meeting on June 8, 1995. The proposal to place this farmhouse on the Final Landmarks Preservation List came before the County Council during its public hearing on Monday, July 1, 1996. Frank Gant, an award winning architect who specializes in historic preservation, and I testified on behalf of the Sisters. No one testified in support of the LPC recommendation.

The LPC based its decision to place this farmhouse on the Preliminary Landmarks List on its opinion that the house is associated with a personality, group, event or series of events of historical importance. This is demonstrated in the minutes from the LPC meeting of June 8, 1995 attached to this letter as Exhibit A.

As I am sure you are also aware, the Baltimore County Code sets up five criteria for placing properties on the Preliminary Landmarks Preservation List. Those criteria are found in Section 26-540(c)(1)-(5) (attached to this letter as Exhibit B). The Sisters of Notre Dame de Namur presented testimony to the LPC at the meeting on June 8, 1995

from Mr. Gant, as an expert in historic preservation and restorations. Mr. Gant testified that the tenant house on their property did not satisfy criteria numbers 2, 3 and 4 of that Code Section because it is not a distinctive example of a particular architectural style or period, it is not a good example of the work of a noted architect or master builder, and is not a work of notable artistic merit or an object of singular natural beauty. Mr. Gant summarized this testimony during the County Council Public Hearing on July 1, 1996. Mr. John McGrain, a noted authority on local history and the Baltimore County Historic Preservation Officer, also stated at that meeting that the property was not likely to yield information or materials important in pre-history or history.

Therefore, the LPC voted to place the property on the Preliminary Landmarks List based solely on its belief that the farmhouse met criterion number 1. That belief was based entirely on information contained in a report prepared in 1980 for the Maryland Historic Trust by Mr. James T. Wollon on behalf of the Valleys Planning Council.

In that report, a copy of which is attached to this letter as Exhibit C, Mr. Wollon traces the ownership of the tenant house. You can see on page 4 of that report that the property was first owned by David Carlisle, then Burlington Carlisle, then Mary and Jesse Slingluff, then George Brown, then Robert and Louise Sloan, then Catherine Wickes, then Ottalie Cochran and then the Trinity College. The Trinity College transferred the property to the Sisters of Notre Dame de Namur in 1970. The members of the LPC who voted to place this farmhouse on the Preliminary Landmarks Preservation List were of the opinion that these individuals were prominent figures in Baltimore history. They stated that as owners of the property, those individuals may have resided in the farmhouse, thus lending it some historic significance.

In order to determine whether or not any of those individuals ever resided in the farmhouse, I asked an associate in my office, Ms. Christine McSherry, to research the residences of those individuals. The attached memorandum (Exhibit D) from Ms. McSherry to me dated March 12, 1996 is the result of her research. Ms. McSherry was able to establish that David Carlisle, George Brown, Robert and Louise Sloan and Catherine Wickes lived elsewhere during the time that they owned this property. She was not able to conclusively establish that Burlington Carlisle or Mary and Jesse Slingluff lived elsewhere during the time that they owned the property. However, there is some evidence that Burlington Carlisle lived elsewhere, and he is not a figure of any note in the history of Baltimore County. Mary and Jesse Slingluff only owned this property for one year, and there is no evidence that they resided in the farmhouse at any time.

The Sisters of Notre Dame de Namur do not believe that this farmhouse belongs on the Landmarks Preservation List because there is no evidence that it is associated

with a personality, group, event or series of events of historic importance. They object to placing the house on the list for many other reasons as well.

First, the LPC previously considered placing the property on the list. On May 14, 1992, the LPC voted that the farmhouse did not belong on the list. There is no justification for the LPC reversing this 1992 decision, especially when there is no new information to support a change in their position. The Sisters question the legality of the LPC's reversal on this issue.

Second, the Sisters are in difficult financial straits. The members of the order are aging and they need to utilize their income for the care of their elderly and infirm sisters. There is no justification for forcing the Sisters to use their limited income to preserve this farmhouse at the expense of their aging Sisters. In addition to the estimate \$200,000 plus or minus to renovate the farmhouse, additional expenses will be incurred to install a new well and septic system. The old septic system failed and a new one is needed. It will need to be relocated uphill from the farmhouse, and that will require pumping of effluent. Additionally, due to contamination caused by an underground storage tank that has been properly remediated, a new well will also need to be located and installed. Even assuming that these repairs and improvements are made, the Sisters have no use for the premises. The previously approved Development Plan and Special Exception for the Maryvale School do not permit the use of the structure as a principal residence.

Third, the entire parcel on which the farmhouse sits is designated to be placed in an environmental trust. The Sisters cannot use the property for any residential purpose. The beauty of the Greenspring Valley will be better preserved by holding the land as open, natural space, than by forcing the restoration of this dilapidated farmhouse?

On behalf of the Sisters of Notre de Namur, I wish to express their appreciation for your assistance in voting to keep this house off the final Landmarks Preservation List. Thank you for your consideration of this matter.

Sincerely,

G. Scott Barhight

GSB:sl

Enclosures

cc: Sr. Marie Kelly, SND

TJM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: All Councilmembers

FROM: Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

SUBJECT: Landmarks List

DATE: June 19, 1996

At the conclusion of the legislative session on July 1, the Council will hold a public hearing on the proposed final historic landmarks list submitted by the Landmarks Preservation Commission and reviewed by the Executive. There are ten structures proposed for addition to the list (numbers 131 through 140).

Attached is a copy of the proposed bill and a brief description of the structures on the list.

TJP:ml

Attach.

cc: Kurt A. Heinrich
Debbie Patchak

ALLCC.1

Put No 3

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1996, Legislative Day No. _____

Bill No. _____

Mr. Kevin Kamenetz, Chairman
By Request of County Executive

By the County Council, _____

A BILL
ENTITLED

AN ACT concerning

Final Historical Landmarks List

FOR the purpose of adding new landmarks to the Final Historic Landmarks List; and generally relating to the Baltimore County Historical Landmark List

WHEREAS, the Landmarks Preservation Commission has met and compiled a list of additional structures to be added to the Final Historical Landmarks List; and

WHEREAS, public hearings have been held to determined that the structures should be included on the "preliminary landmarks list"; and

WHEREAS, the Commission has found that the structures contribute substantially to the architectural and/or historical heritage of the county, state or nation; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

WHEREAS, the following structures identified on the preliminary landmarks list have been approved by the Commission and supported by the County Executive, now therefore

Section 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that new items (131 through 139) inclusive, be and they are hereby added to the final historical landmarks list, to read as follows:

Final Historical Landmarks List

The following historical landmarks are hereby adopted as a part of the final historical landmarks list:

(131) Hereford High School Barn, 17301 York Road, Hereford

(132) Beachmont Farm Mansion, Slave House, and Yard Garden,
6415 Mount Vista Road, Kingsville

(133) Grupy Hollow Building, Tanyard Site, and Spring House,
11568A Belair Road, Kingsville

(134) Carlisle Tenant House, a.k.a., Maryvale Tenant House,
1128-1130 Green Spring Valley Road, Lutherville

(135) Trenton Mill Dwelling House, 4701 Trenton Mill Road, Trenton, Upperco

(136) Conclusion Farm, 1519 Gerber Road, Western Run Valley, including:
Main House, Spring House, Bank Barn, Upping Stone, Marble Entrance

(137) Cowdensville A.M.E. Church, 1100 Sulphur Spring Road, Arbutus

(138) Fullerton Fire-Police Station, 7856 Belair Road, Fullerton

(139) Limespring Farm (Mansion), 5530 East Glen Arm Road, Glen Arm

1 (140) Pikesville Fire Station, Masonry and Brick Front Facade only, 1212

Reisterstown Road, Pikesville

3 Section 2. AND BE IT FURTHER ENACTED, that this final historical landmarks
4 it shall be maintained by the Landmarks Preservation Commission as provided in Section
5 26-559 of the Baltimore County Code, 1988, as amended.

6 Section 3. AND BE IT FURTHER ENACTED, that this Act shall take effect
7 forty-five days from the date of its enactment.

**CAPSULE DESCRIPTIONS OF
NINTH SERIES OF
PRELIMINARY LANDMARKS LISTS**

Hereford High School Barn - Ca. 1858 - 17301 York Road, Hereford. Frame bank barn or hillside barn in Pennsylvania tradition, 40 by 50 feet, framed by the Mortise and tenon technique with many adze-hewn girts, massive posts, and bolsters. This former farm belonged to several generations of the Mays family, starting with John Mays in 1821. This is probably the new barn worth \$300 added to John P. Mays' tax account in 1859. Acquired in 1892 by Edmond Burton, following an auction when the bar was specifically advertised. The entire 147-acre Burton farm was acquired by the Board of Education in 1950 to build Hereford High School, completed 1953. The barn was used for the school's agricultural programs, later for storage of machinery. Its wooden walls are now sheathed in metal. Deteriorating in 1994-95.

Beachmont Farm Mansion, Slave House, and Yard Garden - ca. 1823 - 6415 Mount Vista Road, Kingsville. Hilltop dwelling with landscaped grounds, house, with old rear wing dating from about 1823, was expanded with high-style French Victorian, Mansard-roof main block. This was the Jesse Garrett property starting from 1838 to 1878. Garrett's son-in-law, Thomas Armstrong carried out the elegant expansion. Congressman William P. Cole owned the farm in the 1930's. In 1950, W.H. and Aimee Burton Foard purchased the farm. Ms. Foard left the farm in trust for Church purposes on her death in 1984. (volunteered)

Grupy Hollow Building Tanyard Site, and Ruined Spring House - Ca. 1823 - 11568 Belair Road, Kingsville. Small stone house next to road is a survival of the tanyard once conducted in the valley of Broad Run by Francis Grupy (pronounced "Groopie") from 1823 to 1854. The place was later called Bell's Valley for the next owners, who practiced farming rather than tanning hides. The 1850 census showed that the tanyard produced 2,000 sides of leather per annum. This may be the only tanyard survival in the county. (volunteered)

Carlisle Tenant House - Ca. 1825-1850 - 1128-1130 Green Spring Valley Road, Campus of Maryvale Preparatory School. Frame tenant house regarded as a contributing resource in the Green Spring Valley National Register Historic District. Suffering from advanced decay. It had been an outbuilding of the David Carlisle farm across the road. Later, the residence of the Headmistress of Maryvale. House is also in the "must be preserved" category in relation to development regulations (Sect. 26-278).

Trenton Mill House - 1836 - 4701 Trenton Mill Road at northwest corner of Trenton Road. Stone house in vernacular style, two stories, 22 x 60 feet; gable roof; tin covering; served the owners of the Trenton Mill when the village was called Zoucksville. Date-stone marker 1836 in chimney. Superbly restored.

Conclusion Farm - Ca. 1800-1810 - 1519 Gerber Road, Western Run Valley. Superb stone house built in two phases, one part between 1800 and 1810, the other in 1854, a Greek Revival design as completed. Also, large, well crafted stone bank barn (deteriorated), small stone spring house, an "upping stone," and two marble entrance gate posts. The house is an example of the home of a successful farmer. Long association with Cole and Bosley families.

The Fullerton Fire-Police Station - 1920 - 7856 Belair Road, is a clone of the other 1920 fire stations and is perched between St. Peter's Lutheran Church and a ramp leading to the beltway. The north (or right hand) bay is still used by the Police Department, the south wing by the Councilmanic office for the 6th District, currently housing the Honorable Joseph Bartenfelder, who sponsored the nomination of the site to the LPC agenda. Also, used as the office of the Central Alarmers.

Cowdensville A.M.E. Church - 1907 - 1100 Sulphur Spring Road, Arbutus. This congregation dates from 1857 according to the cornerstone of the present building. The church stands on a triangular parcel at the intersection of Shelbourne Road and Sulphur spring Road, across the road from a large landscaped cemetery, Arbutus Memorial Park. The lot was purchased from Alice Tyler in 1907, the same date given on the cornerstone. The church is a frame building with composition shingles and opalescent windows. Inside, the fittings and furnishings are undisturbed late Vicotrian, with dark woodwork and carved pews. In 1991, John McGrain and Lenwood Johnson conducted a video tape interview with members, who recalled the expression going to "the Relay" to catch the B. & O. train. The earliest known mention of a community called Cowdensville, said to be "flourishing" appeared in the Maryland Journal, June 20, 1878. The Jeffersonian of November 8, 1946, reported an attempted arson, using a flammable liquid, on the church. The woods to the west of the church contain the ruins of the once populous Sulphur Spring Hotel, now the UMBC campus and site of a proposed research park. (volunteered)

Lime Spring Farm - Ca. 1823 - 5530 East Glen Arm Road. As analyzed by James T. Wollon, Jr., AIA, this 2 1/2 story stone and stucco house in the Long green Valley National Register Historic district was built in two phases, (1) 1810-1825 and, (2) 1849. The east (or right hand) side is the oldest, three bays wide plus and is the East wing; the west end of two more bays includes double parlors and a Greek revival entrance porch. The west end of the house can be dated at 1849 by an inscription in the mortar of a cellar wall. Almost all original detailing survives, some Georgian-Federal, the rest Greek Revival. Elmer R. Haile, Jr., reported in 1981, that this was the home of a prosperous farmer, Robert Hall, whose "improvements" were \$0 in the 1818 tax list, \$100 in 1823, and \$450 in 1833. During the ownership of Joshua Price, Major Harry Gilmor's Confederate raiders camped one night at Limeapring in July, 1864. The house today exactly resembles a photographic postcard postmarked 1917. The house and grounds are a superb showplace (RC-2 zoning). (volunteered)

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1996, Legislative Day No. 15

Bill No. 105-96

Mr. Kevin Kamenetz, Chairman
By Request of County Executive

By the County Council, August 5, 1996

A BILL
ENTITLED

Put No 4

AN ACT concerning

Final Historical Landmarks List

FOR the purpose of adding new landmarks to the Final Historic Landmarks List; and generally relating to the Baltimore County Historical Landmarks List.

WHEREAS, the Landmarks Preservation Commission has met and compiled a list of additional structures to be added to the Final Historical Landmarks List; and

WHEREAS, public hearings have been held to determine that the structures should be included on the "preliminary landmarks list"; and

WHEREAS, the Commission has found that the structures contribute substantially to the architectural and/or historical heritage of the county, state or nation; and

WHEREAS, the following structures identified on the preliminary landmarks list have been approved by the Commission and supported by the County Executive; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 WHEREAS, the County Council held a public hearing on the preliminary
2 landmarks list on July 1, 1996, now, therefore

3 Section 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
4 COUNTY, MARYLAND, that new items (131 through 139) inclusive, be and they are
5 hereby added to the final historical landmarks list, to read as follows:

6 Final Historical Landmarks List

7 The following historical landmarks are hereby adopted as a part of the final historical
8 landmarks list:

9 (131) Hereford High School Barn, 17301 York Road, Hereford

10 (132) Beachmont Farm Mansion, Slave House, and Yard Garden,
11 6415 Mount Vista Road, Kingsville

12 (133) Grupy Hollow Building, Tanyard Site, and Spring House,
13 11568A Belair Road, Kingsville

14 (134) Trenton Mill Dwelling House, 4701 Trenton Mill Road, Trenton, Upperco

15 (135) Conclusion Farm, 1219 Gerber Lane, Western Run Valley, including:

16 Main House, Spring House, Bank Barn, Upping Stone, Marble Entrance

17 (136) Cowdensville A.M.E. Church, 1100 Sulphur Spring Road, Arbutus

18 (137) Fullerton Fire-Police Station, 7856 Belair Road, Fullerton

19 (138) Limespring Farm (Mansion), 5530 East Glen Arm Road, Glen Arm

20 (139) Pikesville Fire Station, Masonry and Brick Front Facade only, 1212
21 Reisterstown Road, Pikesville

1 Section 2. AND BE IT FURTHER ENACTED, that this final historical landmarks
2 list shall be maintained by the Landmarks Preservation Commission as provided in Section 26-559
3 of the Baltimore County Code, 1988, as amended.

4 Section 3. AND BE IT FURTHER ENACTED, that this Act shall take effect
5 forty-five days from the date of its enactment.

**COUNTY COUNCIL OF BALTIMORE COUNTY**

COURT HOUSE, TOWSON, MARYLAND 21204

T. BRYAN MCINTIRE
COUNCILMAN, THIRD DISTRICTCOUNCIL OFFICE: 887-3196
887-3387**FOR IMMEDIATE RELEASE**
July 25, 1996For information contact
Councilman T. Bryan McIntire
887-3196**MARYVALE TENANT HOUSE**

"For reasons of compassion and concern, I will not put the Maryvale Tenant House on the final Landmarks Preservation List to be voted on by the County Council," said T. Bryan McIntire (R), Owings Mills and North County Councilman. "This property is presently owned by the Sisters of Notre Dame de Namur. I am reliably informed that they have critical financial restraints in order to provide care for their elderly and infirmed Sisters. They have advised me that they cannot afford to preserve the house. They will be glad to receive any offers from individuals or groups who may desire to move the house. If this does not happen on or before April 1, 1997, the house will be removed, and the parcel on which it sits will be placed in an environmental trust -- never to be developed."

At a Commission meeting held on June 8, 1995, there was expert testimony that the tenant house did not satisfy the Baltimore County Preservation criteria. Mr. John McGrain, the Baltimore County Historical Preservation Officer, stated that the property was not likely to yield information or materials important to history. The larger tract of which the tenant house is a part was owned by personalities of historic importance, but research reveals that these people did not live in this house. Also, at its previous hearing held on May 14, 1992, the Landmarks Preservation Commission voted not to put the Maryvale Tenant House on its list.



The Baltimore County Code establishes five criteria for placing properties on the Preliminary Landmarks Preservation List. Those standards are found in Section 26-540(c)(1)-(5). The law states that for a structure to be put on the Preliminary Landmarks Preservation List, it must meet one or more of the following:

- (1) It must be associated with the personality, group or event, or historic importance;**
- (2) It must be a distinctive example of a particular architectural style;**
- (3) It must be a good example of the work of a noted architect or master builder;**
- (4) It must be a work of notable artistic merit; and**
- (5) It must yield information or materials important to history.**

In reaching this difficult decision, Councilman McIntire had before him extensive resource materials and consulted several experts in the field of historic preservation and restoration.



Ref No 6

COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

DOUGLAS B. RILEY
COUNCILMAN FOURTH DISTRICT

COUNCIL OFFICE: 887-3389
887-3196

July 18, 1996

G. Scott Barhight, Esquire
Whiteford, Taylor and Preston, L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

Re: Maryvale Tenant House

Dear Scott:

Thank you for apprising me of the opposition of the Sisters of Notre Dame de Namur to listing the Maryvale Tenant House on the Final Landmarks List. I feel as a general matter that items proposed for landmark status should have the support of their owners, as well as the Landmarks Commission. I am not inclined at this time to include the Maryvale Tenant House on the Final Landmarks List.

Sincerely,

Douglas B. Riley
Councilman, Fourth District

DBR:dlm
BARHIGHT.LTR

RECEIVED

JUL 22 1996

WHITEFORD, TAYLOR & PRESTON



WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

July 23, 1996



Put No 7

CHRISTINE K. MCSHERRY

DIRECT NUMBER
410 832-2027
2029522@mcimail.com

The Honorable T. Bryan McIntire
Baltimore County Council
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

**Re: Carlisle Tenant House a.k.a. Maryvale Tenant House
1128-1130 Greenspring Valley Road
Final Landmarks Preservation List Proposal**

Dear Councilman McIntire:

Thank you for your telephone call yesterday in regard to the tenant house on the property at the Maryvale School. Your suggestion that the property could be kept off the Final Landmarks Preservation List if the Sisters agreed not to do anything to the house until next spring seemed like a very reasonable one to me. I conveyed that suggestion to the representatives of the Sisters of Notre Dame de Namur. They have agreed that if the property is left off of the Final Landmarks Preservation List, they will do nothing to raze or remove it until April 1, 1997.

In the meantime, if anyone is interested in removing the house from their property they will be happy to permit them to do so. In this way, anyone who is serious about removing the house or preserving it will have eight months in which to do so.

The Honorable T. Bryan McIntire
July 23, 1996
Page 2

The Sisters agree that that is a fair and reasonable resolution of the disagreement about the historic value of this house. Thank you for your cooperation in reaching this resolution.

Sincerely,

Christine K. McSherry

Christine K. McSherry

CKM:sl

cc: Sr. Jeanne McGlone
Sr. Anne Denise Blake

79471

MINUTES

LANDMARKS PRESERVATION COMMISSION

JUNE 8, 1995

PRESENT: **MEMBERS:** Mrs. Ruth B. Mascari, Chairman
 Ms. Elise Butler
 Mr. Jeffrey Lees
 Mrs. Barbara Weeks
 Mrs. Kathy Levin
 Mr. Daniel Colhoun
 Mrs. Margaret East
 Ms. Suzanne Boyer
 Mr. Paul F. McKean

GUESTS: Mr. Tim Dugan, OPZ
 Ms. Christine McSherry
 Mr. L.J. Link, Jr.
 Mr. Howard Alderman
 Mr. Mark Schlenoff
 Mr. Nelson Fackler
 Mr. John Bernstein
 Ms. Vicki L. Almond
 Ms. Karyn B. Calvert
 Ms. Rona Sue London
 Sister Marie, Sisters of
 Notre Dame DeNamour
 Ms. Elaine Tassy, Sunpapers
 Mr. Jeff Raymond, Patuxent
 Publishing

The meeting was convened at 7:38 p.m.

1. Procedures

The chairman announced that the commission operated under Section 26 of the Baltimore County Code, 1988, as amended, and under the National Park Standards of the Secretary of the Interior, and the commission's rules and design guidelines.

2. Announcements

- a. The chair noted that the Planning Board will need to appoint a new member on June 16. We should suggest that they could appoint anyone, board member or not, as their representative, if Ms. Foos did not wish to continue.
- b. There was to be a preservation roundtable at Crownsville on Saturday, June 10.

EXHIBIT

A

- c. Mr. Bendler had written a letter to the Executive Office noting the four terms that end on June 16. Mrs. Weeks noted that she would be willing to continue; she agreed to contact her councilman, Mr. Riley.
- d. Mrs. Mascari had received a mailer from the Commission on African-American history about a series of focus groups meeting at various times throughout the next year.
- e. The chair noted that the Baltimore County Historical Trust had mailed out application forms for awards. The papers were due back on August 1.
- f. It was suggested that the 10th Breakfast for Preservation be a larger affair, possibly a continental breakfast combined with a Renovator's Roundtable with various workshops at separate tables, possibly held on a Saturday.
- g. Ms. Butler noted that the walking tour of Trenton village would be Wednesday, June 14, at 7:00 p.m., starting from the church parking lot.

3. Minutes of May 11

On a motion by Mr. Lees, seconded by Ms. Butler and unanimously passed, the minutes of May 11 were accepted.

4. Lutherville Fence Issue

Mr. Mark Schlenhoff of Lutherville presented new photographs of the fence at St. John's Methodist Church along with a newly erected playground structure, both of which were installed without a review by the LPC. Mr. Schlenhoff described the fence as a "pen" for children at the day care center recently opened. The fence still lacked masking or a vegetation barrier; he believed that the church body had not yet responded to the LPC's letter. He also felt that advertising signs were not appropriate. "That's the update of the situation." Mr. Nelson Fackler of Lutherville stated that there were now two signs. He noted that mulch had been installed. He thought that the LPC had to go back to the original decision to order the fence removed.

Mrs. Mascari noted that the LPC had not heard from the church trustees. She called the preacher and informed him that the structure was against the law. The minister stated he wasn't aware of the situation and then called the chairman of the board of trustees. The minister expected the chairman to attend tonight's meeting. Mrs. Mascari summed up stating that the church had built something without proper permitting. The chair read the LPC staff letter of May 8 addressed to the church board (filed herewith as part of the record).

Some miscellaneous discussion ensued, the chair noting that the LPC could order the removal of an illegal structure. Ms. Butler read from the county code and noted that we would have to go to the Office of Law or the Circuit Court to enjoin the owners to remove the fence. Mr. Schlenhoff submitted a letter from Mr. Ruppertsberger stating that he would support the decision of the LPC (herewith attached as part of the record).

Ms. Butler moved that the LPC forward to the Office of Law our statement that the fence and playground were constructed without review by the LPC, citing the penalty section of the county code. Mrs. Weeks seconded the motion. Mr. Fackler asked how long it might take to get results. Mrs. Mascari hoped the church would resolve the issue once we go to the law office. Mr. Fackler wanted to see "the wrong kind of fence gone." Ms. Butler suggested that citizens can act more effectively by persuasion than can the legal machinery. On a call for the vote, the motion was carried by seven votes.

5. Hearing of Record

Mr. McGrain showed slides of (1) the Samuel Owings House, 100 Painters Mill Road, and (2) the Maryvale Tenant House, a.k.a., Carlisle Tenant House, 1128-1130 Green Spring Valley Road. The discussions were recorded on tape.

- a. Samuel Owings House. Ms. Butler noted that Samuel Owings was a Revolutionary Patriot. Ms. Vicki Almond submitted a letter expressing the concern of the Baltimore County Historical Trust with the house. Mrs. Mascari also introduced a letter from Dr. Charles J. Scheve emphasizing the contributions of Samuel Owings, urging the listing of the house. (Both letters were added to the record). Mrs. East reported talking to the architect Mr. Kobosa who had restored the house in 1972; he recalled that there had been a barn and slave house.

Mr. Howard Alderman, attorney for Dr. David Miller, one of the owners who was out of town, stated that the owners and their architect wished to appear at a future meeting to report on the current status of the house and alternatives. He introduced the architect Larry Link. Mr. Alderman promised that the owners would come to the next meeting to provide information. Mr. Alderman also requested copies of the tape.

Mrs. Mascari invited the LPC members to comment, stating "we are required to follow Section 26-540" in regard to the hearing date, noting that the [part] owner had knowledge of the hearing and was represented by counsel and architect.

Ms. Butler thought it would be helpful if the owners would come in to the Commission. She felt she had enough data to decide; we would welcome the owners to bring proposals. The chair instructed the staff to make the letter from Mr. Jules Lichter part of the record (herewith attached).

Mr. John Bernstein, director of the Valleys Planning Council, thought it was one of the most important monuments to the agricultural past. Ms. Butler cited the five criteria in the County Code (26-540) concerning architectural heritage. The chair invited a motion. Ms. Butler proposed that the structure met Criterion No. 1 due to its association with Samuel Owings and his contribution to the milling industry. She moved to place the Samuel Owings House on the Preliminary Landmarks List based on Criteria No. 1, 2, 3, and 5 of Section 26-540(c) [Baltimore County Code, 1988, as amended]. The motion was seconded by Ms. Boyer and Mr. Colhoun. Mr. McKean noted that when the house was open to the elements before 1972, he used to use it as a classroom for young carpenters, demonstrating the applicability of Criterion No. 5. Mrs. Mascari suggested that, under Criterion No. 3, it was a very good example of a type of construction, but there could be no known architect; it was the work of a master builder. Mr. Lees wondered if the entire house had once been stuccoed [as was the plantation office wing in Claire A. Richardson's 1970 Kodachrome slide]. After some miscellaneous discussion, the question was called and the vote was 9-0 in favor of adding the structure to the Preliminary Landmarks List.

- b. Maryvale Tenant House, etc. Ms. Christine McSherry of Whiteford, Preston and Taylor spoke for the Sisters of Notre Dame deNamour, claiming that they did not see the sign. Mr. McGrain noted that a couple named Jeff and Carol Burger (254-4982) had seen the sign and called asking about the availability of the house. Mrs. East and John Bernstein reported also seeing the sign. Ms. McSherry noted that the Sisters could not afford to keep the house and were willing to give it away; they wished to remove it.

Mr. McKean asked about Dr. Doug Carroll's interest in buying the house, a plan that had fallen through according to Ms. McSherry. Ms. McSherry introduced Frank Gant, a restoration contractor who had worked in Annapolis, Charles Village, Frederick, and on local sites including McCoy Hall, Homewood, and Saints Phillip and James Church. Mr. Gant gave extensive data on the decay of the house and noted the lack of fine craftsmanship. He felt that the house lacked associative value with notable persons. He thought restoration could cost \$200,000 to \$250,000. Mr. Bernstein rebutted, saying that he thought that the Carlises were a notable

family of builders, one of whom built "Rockland" [the mansion]. Mr. Gant insisted that the house was not a distinctive example and cited its inherent problems, closeness to the road, the failed septic system, etc. Ms. Butler wondered why the owners would object to putting the house on the list if they were willing to give it away, since the next owner would have to face the problem. Ms. McSherry was afraid that if no one would accept the house, the owners would face the penalties. Ms. Mascari cited a 1995 letter from Mr. Tim Dugan suggesting that the ground around the house was no longer contaminated with oil. Mr. McKean noted that the sewer issue is routinely solved all over the county. The commission looked at some 1992 photos by Mr. Tim Rodgers showing interior deterioration. Ms. Mascari read a letter of 1992 from the Baltimore County Historical Trust regretting the commission's vote not to list the house then (attached herewith as part of the record).

Ms. McSherry objected that the Sisters had not been invited on April 6 to the LPC monthly meeting. Ms. Mascari noted that the discussion was part of Mr. Dugan's regular informational report on plans passing through the development process. Ms. Butler noted that there was no legal requirement to announce ordinary discussion.

The chair called for the question. Mr. McKean thought moving a house a short distance was probably acceptable within the register district. Mr. Colhoun asked Ms. McSherry if the only purpose of demolishing the house was to get the density for the development of Westwicke. Further discussion ensued about the Sisters need to dispose of surplus property, the potential profits of "Westwicke" development. Ms. McSherry noted that Mr. Bernstein's personal offer to take the house depended on the owner paying for the move. Ms. McSherry also noted that Jim Wollon's 1980 description showed the house as "unremarkable." After further discussion on previous points, Mr. Lees moved that the LPC add the site to the Preliminary Landmarks List based on its contribution to a National Register Historic District and under Criterion No. 1, i.e., its association with a personality or group in the Green Spring Valley. The motion was seconded by Mr. McKean and passed 7 to 2, in the following breakdown:

Affirmative

Mrs. Mascari
Mrs. East
Mr. McKean
Ms. Butler

Mr. Lees
Mr. Colhoun
Mrs. Weeks

Negative

Mrs. Levin
Ms. Boyer

Mr. Dugan clarified a point about the first draft of "Westwicke" which read "Existing Structure to be removed."

6. OPZ Information on Plans

Mr. Dugan presented a list of topics, including:

- a. Brown-Miller House. This house on Main Street, Reisters-town, belongs to the SHA and was in the path of a proposed extension of Glyndon Drive. "Our former concern was with losing the continuity on Main Street." Recently, the Board of Appeals denied the plan of moving the house to the Ferra property. Mr. Dugan thought the decision could be further appealed but an appeal might not be taken. He noted that the higher courts are opposing the excessively liberal use of special exemptions and variances. The issue is at this moment moot. Mrs. Levin asked about the Glyndon Drive plan. Mr. Dugan thought the plan tied in with the former plan for Owings Mills Boulevard. The Planning Board agreed not to try to save the right-of-way through the proposed "Glyndon Mews" development. The highway segment was deleted from the Capital Budget, thus there will be no extension of Glyndon Drive. That could affect the State Highway's plan. The answer is unknown. Mr. McGrain was to inform Councilman McIntire that we have been brought up to date as much as possible.
- b. Samuel Owings House/Ulm. Mr. Dugan displayed a development plan showing the Owings House and a proposed 9-story office tower. Mrs. Levin pointed out an existing medical office west of the mansion. The project got a limited exemption as a minor development. OPZ was already aware that it was an historic building, and Mr. Keller had written to the developer's attorney on March 9 that the site contained a "must be preserved" structure. This letter was addressed to Mr. Howard Alderman and requested data on how the house would be preserved. OPZ would not sign off on the project until the LPC agreed. There was mention that a suit filed against the limited exemption by Mr. J. Carroll Holzer had been dropped by the original protestants. It was agreed that Mr. McGrain inform the buildings engineer about the Preliminary Landmarks List status of the house.
- c. Glyndon Project. Mr. Dugan had received color photos from Mr. Timothy Rodgers showing a garage on the Sacred Heart property that the church wanted to demolish. Mr. Rodgers had reported shortly after the May 11 meeting that the garage was not historic. Mr. Rodgers had also left photos of the restored Choate House at 9600 Liberty Road, Randallstown.
- d. Council Bills. The County Council was to vote on the delayed Franklinville historic district at the July 3 meeting.
- e. Legislation Update. The first meeting was to be June 13 for considering improvements to the landmarks legislation. Mr. Lees suggested that any structure in a National Register historic district should automatically meet the criteria.

- f. Coll Property. There was a proposal to put a new house behind the Coll House, an MHT Inventory site on Rolling Road. OPZ had already denied the plan, to which the LPC members concurred.
- g. Derrymore. A plan came in for the Derrymore House, MHT Inventory Site No. BA 1595 on Falls Road. OPZ urged against two driveways although they probably couldn't stop the plan. Mr. Dugan was to request suitable plantings. Mrs. Mascari and Mrs. Weeks agreed to look at the site the next day. It was generally agreed to recommend "single driveway and buffering."
- h. Caves Area Project. Mr. Dugan displayed a plan showing five lots which seemed to contain no issue at all. Mr. McKean asked where the "Tuttle Barn" was: a ruin often claimed to be the "Garrison Fort." The ruin was just off the property. It was agreed that Mr. McGrain check for the exact distance to some houses on the northern fringe of the Green Spring Valley Historic District, which Mr. McKean recalled as one brick, the other stone (like Dr. Craddock's 18th century physician's office).

7. Oliver House

Mr. Lees reported that Mr. Crum and Richard Brandt of the MHT had met and urged the owner to repair the slate first instead of doing a total reroofing. They recommended some suitable slate contractors to Mr. Crum. Mr. Brandt knew of a type of shingle recently used on the Orchard Street Church. Contractors known to be working in historic preservation included Clyde Thompson and Krupnik Brothers. There was a deadline for spending the funds.

8. Wiseburg Inn

Ms. Butler reported reviewing the extensive files on the Wiseburg Inn searching for the presence or absence of the owners' barn in the final version of the County Council bill. We could only be sure by going back to the text of the original bill. The owners of the inn do not want to put the right-of-way into an easement until the highway issue is resolved. We have to go step by step. Mr. McGrain was to check the council for the text of the final bill.

9. Adjournment

On a motion by Mrs. East, seconded by Mrs. Weeks and unanimously accepted, the meeting was adjourned at 10:21 p.m.

Sec. 26-540. Compilation and maintenance of landmarks list; removal therefrom.

(a) The commission shall compile and maintain a list of structures, both public and private, in the county, which the commission deems to be of significant historical, architectural, archeological, or cultural value.

(b) The commission shall conduct public hearings to determine if the structures on the list may be included on the preliminary landmarks list. Such public hearings shall be held no sooner than forty-five (45) days nor later than sixty (60) days from the time that a sign is conspicuously posted according to the list recommended by the commission, giving notice of the public hearing on whether such structure should appear on the preliminary landmarks list. Where it is impossible or impracticable to post a sign giving notice as aforesaid, such notice shall be published in a newspaper of general circulation in the county for three (3) successive weeks.

(c) Before any structure may be placed on the preliminary landmarks list, the commission must specifically find that the structure contributes substantially to the architectural and/or historical heritage of the county, state, or nation because of any one (1) or more of the following:

- (1) It is associated with a personality, group, event, or series of events of historical importance;
- (2) It is a distinctive example of a particular architectural style or period;
- (3) It is a good example of the work of a noted architect or master builder;
- (4) It is a work of notable artistic merit or an object of singular natural beauty; or
- (5) It has yielded or may be likely to yield information or materials important in prehistory or history.

(d) Thereafter, the preliminary landmarks list, as approved by the commission, shall be submitted to the county executive for review prior to introduction in the county council for adoption as a final landmarks list. No such law shall be passed

upon by the county council until it has given notice that the particular proposal is pending and has a hearing thereon. Such hearings shall be held twice in each year unless five (5) members of the county council agree otherwise for reasons emergency in nature giving at least twenty (20) days notice hereof in at least two (2) newspapers of general circulation throughout the county. During the period of such notice the preliminary landmarks list, as approved by the commission, shall be shown and exhibited in the county office building or at such other public place as the county council may designate for public inspection, and the commission shall, at least thirty (30) days before the hearing, notify the owners of each property on the preliminary landmarks list of the time and place of the hearing. The notice to the property owner shall be sent by certified mail, return receipt requested, to the person whose name last appears on the tax rolls of the collector of state and county taxes for the county as owner of the property.

(e) Copies of the preliminary landmarks list and the final landmarks list shall be available for public inspection in the department of permits and licenses, the office of planning and zoning, the land records office of the county, all branches of the county public library, and in the office of the commission.

(f) The owner of any structure which appears on the final landmarks list may petition the commission for removal from the list. The commission shall then follow the notice and public hearing procedures set forth in subsection (b) of this section. Thereafter, if the commission determines that such structure no longer contributes substantially to the architectural or historical heritage of the county, state, or nation, it shall approve the removal thereof and submit the same to the county executive for review prior to introduction in the county council as a law.

(g) In order to implement the standards and requirements set forth in this article, the commission and the office of planning shall jointly prepare a manual of historic preservation guidelines and regulations.

(Code 1978, § 22-150; Bill No. 18, 1990, § 3)

Sec. 26-541. Action by commission on changes to county-owned structures.

Plans for renovation, reconstruction, alteration, or demolition of any structure on the preliminary

MARYLAND HISTORICAL TRUST
1980 REPORT WITH UPDATES

X-888.550
Y-579.630
MAGI # 0316012404

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC

WICKCLIFFE TENANT HOUSE/ CARLISLE TENANT HOUSE

AND/OR COMMON

Maryvale sisters' Home (formerly)

2 LOCATION

Third Councilmanic District

STREET & NUMBER

1128 Green Spring Valley Road

Second

CONGRESSIONAL DISTRICT

CITY, TOWN

Lutherville

VICINITY OF

Baltimore County

COUNTY

STATE

Maryland

3 CLASSIFICATION

CATEGORY

OWNERSHIP

STATUS

PRESENT USE (1992)

___DISTRICT

___PUBLIC

___OCCUPIED

___AGRICULTURE

___MUSEUM

X BUILDING(S)

X PRIVATE

X UNOCCUPIED

___COMMERCIAL

___PARK

___STRUCTURE

___BOTH

___WORK IN PROGRESS

___EDUCATIONAL

___PRIVATE RESIDENCE

___SITE

PUBLIC ACQUISITION

ACCESSIBLE

___ENTERTAINMENT

___RELIGIOUS

___OBJECT

___IN PROCESS

___YES: RESTRICTED

___GOVERNMENT

___SCIENTIFIC

___BEING CONSIDERED

___YES: UNRESTRICTED

___INDUSTRIAL

___TRANSPORTATION

X NO

___MILITARY

X OTHER: VACANT

4 OWNER OF PROPERTY

NAME

Sisters of Notre Dame de Namur

Telephone #: 747-4201

STREET & NUMBER

Landing Road

CITY, TOWN

Ilchester

VICINITY OF Ellicott City

STATE, zip code

Maryland 21083

5 LOCATION OF LEGAL DESCRIPTION

Liber #: 5098

Folio #: 248

COURTHOUSE,

REGISTRY OF DEEDS, ETC.

Baltimore County Courts Building

STREET & NUMBER

401 Bosley Avenue

CITY, TOWN

Towson

STATE

Maryland

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

Green Spring Valley Study by Valleys Planning Council

DATE

1980

X FEDERAL STATE COUNTY LOCAL

DEPOSITORY FOR
SURVEY RECORDS

Maryland Historical Trust 100 Community Place

CITY, TOWN

Crownsville

STATE

MD 21032-2032

EXHIBIT

C

CONDITION

— EXCELLENT
— GOOD
— FAIR

☒ DETERIORATED (1992)
— RUINS
— UNEXPOSED

CHECK ONE

— UNALTERED
☒ ALTERED

CHECK ONE

☒ ORIGINAL SITE
— MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The MARYVALE Sisters' House is a two storey frame farm house, six bays in length, its south facade closely oriented to the road. In form this house appears to be a typical five-bay house of the late nineteenth century with a pediment in the roof centered on the principal front; and with an extra bay at its east end, its form and height equal to that of the main house. The original section of the house is the easterly room, one bay in width; it probably dates from the second quarter of the nineteenth century. Its chimney is on its west side. The room adjacent to the west -- immediately east of the center hall -- is only slightly later and it shared the same chimney. The north wing behind the east room is part of this early house. About 1875 the center hall and west room were added, the gable centered above the new principal entrance unifying the whole as a typical house of the period. The north wing behind the west end dates from the twentieth century.

A one storey porch shelters the south front and extends around the east end. 1/1 windows have louvred blinds and a dormer is on either side of the pediment in the roof.

The east room -- the original section of the house -- is void of almost all historic details, the fireplace in the large chimney closed. A turning stairway is enclosed south of the chimney, the door to the closet beneath it retaining its BALDWIN PATENT hinges. The room to the north, probably the kitchen when first built, has very plain detailing and a closed fireplace at its north end. The room between the original east room and the center hall of ca. 1875 retains a mantel of that latter period with plain pilasters supporting a plain frieze. Weatherboards are exposed at the back of a cupboard south of the chimney. The center hall is narrow and it contains an open stair to the second floor, its rail supported by plain rectangular balusters and a turned newel of moderately stout proportions. The west parlor has modern finishes.

The second floor plan is similar and the two steps down from the center hall into the room immediately to the east suggests the two different building periods. The four-panel doors and two-plane beaded architraves throughout the second storey date from the ca. 1875 period.

The attic is accessible by the enclosed stair from the east room; the two east rooms of the attic are plastered on circular-sawn lath whereas the attic is unfinished above the center hall and west room. The straight-sawn rafters are mitered at the ridge.

The only cellar is beneath the east parlor, presumed to be the second portion of the house.

UPDATE: In April, 1992, John McGrain took photographs and went through the house. The structure has been vacant several years; old newspapers in a bundle dated from mid-1983. Rain damage has penetrated the roof of the eastern most ell or back-building; the floors of the back room are entirely rotted and probably not capable of supporting a person at either level. We determined that the Wycliffe Castle or Maryvale Castle is not visible from this property in the leafless season. The eastern side yard presents a view of a house set back about a city block from the road, the residence of the late Dr. Edgar Berman. The other problem with this house is that percolation tests adjoining the dwelling have been failures. An old septic system, now inoperable, is located west of the house.



1980

PERIOD		AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
☐ PREHISTORIC	☐ ARCHEOLOGY-PREHISTORIC	☐ COMMUNITY PLANNING	☐ LANDSCAPE ARCHITECTURE	☐ RELIGION	
☐ 1400-1499	☐ ARCHEOLOGY-HISTORIC	☐ CONSERVATION	☐ LAW	☐ SCIENCE	
☐ 1500-1599	☐ AGRICULTURE	☐ ECONOMICS	☐ LITERATURE	☐ SCULPTURE	
☐ 1600-1699	☒ ARCHITECTURE	☐ EDUCATION	☐ MILITARY	☐ SOCIAL/HUMANITARIAN	
☐ 1700-1799	☐ ART	☐ ENGINEERING	☐ MUSIC	☐ THEATER	
☐ 1800-1899	☐ COMMERCE	☐ EXPLORATION/SETTLEMENT	☐ PHILOSOPHY	☐ TRANSPORTATION	
☐ 1900-	☐ COMMUNICATIONS	☐ INDUSTRY	☐ POLITICS/GOVERNMENT	☐ OTHER (SPECIFY)	
		☐ INVENTION			

SPECIFIC DATES

BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

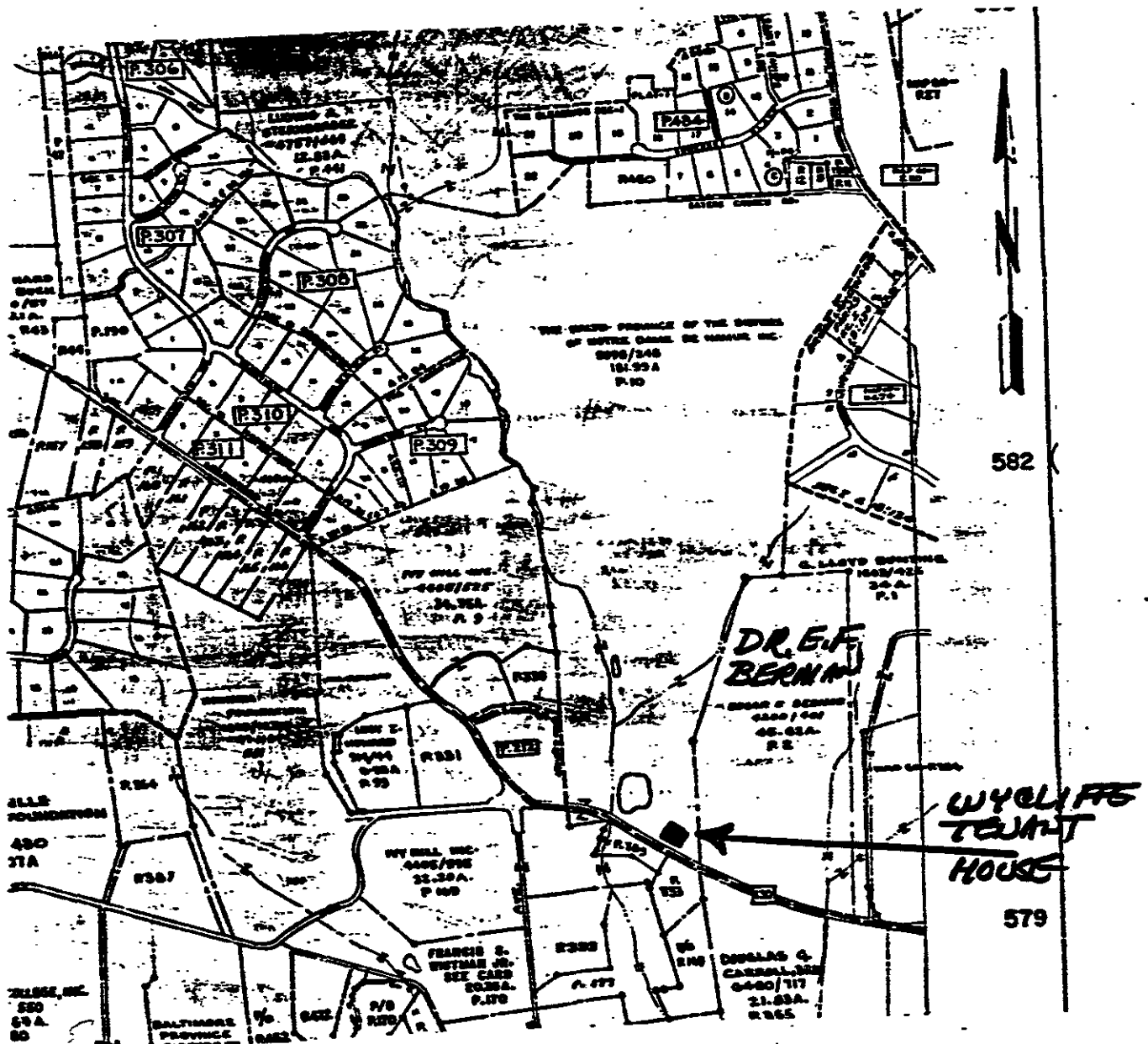
The easterly portions of the MARYVALE Sisters' House date at least from the second quarter of the nineteenth century. In the late nineteenth century the house was lengthened to its present size, its gable emphasizing the entrance, disguising the assymetry in its length and recalling that picturesque feature of the Gothic-revival period.

<u>Deed Search</u> - Wickcliffe Tenant House (Maryvale Sisters' House)			
	<u>Liber</u>	<u>Folio</u>	
1837	RK 2981	497	<u>Grantor</u> David Carlisle
			<u>Grantee</u> Burlington Carlisle
1858	16	325	Burlington Carlisle
			Mary and Jesse Slingluff
1859	24	122	Mary & Jesse Slingluff
			George Brown
1903	254	499	Carroll Brown trustee for George Brown II
			Robert & Louise Sloan
1913	406	218	Robert & Louise Sloan
			Catherine Wickes
1944	1335	315	Safe Deposit & Trust Co. Trustee for C. Wickes
			Ottalie Cochran
1945	1393	324	Ottalie Cochran=
			Title Inc.
1945	1393	330	Title Co.
			Trinity College
1970	5098	248	Trinity College
			Sisters of Notre Dame

c. 1850

BA 1601
 Wickcliffe Tenant House
 (Maryvale Sisters' House)
 1728 Green Spring Valley Road
 Lutherville, Md.
 private

Now used as a home for the Headmistress of Maryvale School, this tenant house was originally on part of the estate "Lystra." The easterly portions of the house date at least from the second quarter of the nineteenth century.



TAX MAP 59 (1984)

9 MAJOR BIBLIOGRAPHICAL REFERENCES

Baltimore County Land Records, County Courts Building, Towson, Md.
J. C. Sidney map of City and County of Baltimore, Md. from original
surveys; Baltimore, James M. Stephen 1850.
Dawn F. Thomas and Thomas W. Barnes, The Green Spring Valley: Its
History and Heritage, 2 vols. (Baltimore, The Maryland Historical Society,
1978).

CONTINUE ON SEPARATE SHEET IF NECESSARY

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY 2 1/2 acres

VERBAL BOUNDARY DESCRIPTION

New lines proposed for sale of this parcel, 1992.

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE None

COUNTY None

STATE

COUNTY

11 FORM PREPARED BY

NAME / TITLE	James T. Wollon, Jr., A.I.A., Dawn F. Thomas, Joan E. Buck, Research
ORGANIZATION	Valleys Planning Council
STREET & NUMBER	212 Washington Avenue
CITY OR TOWN	Towson
DATE	3-21-80
TELEPHONE	828-7807
STATE	Maryland

The Maryland Historic Sites Inventory was officially created
by an Act of the Maryland Legislature, to be found in the
Annotated Code of Maryland, Article 41, Section 181 KA,
1974 Supplement.

The Survey and Inventory are being prepared for information
and record purposes only and do not constitute any infringe-
ment of individual property rights.

RETURN TO: Maryland Historical Trust
The Shaw House, 21 State Circle
Annapolis, Maryland 21401
(301) 267-1438

WHITEFORD, TAYLOR & PRESTON L.L.P.
MEMORANDUM

TO: G. Scott Barhight
FROM: Christine K. McSherry
DATE: March 12, 1996
RE: Maryvale Tenant House (Client No. 60940/155)
(a.k.a. Wickcliffe Tenant House/Carlisle Tenant House)

On June 8, 1995, the Baltimore County Landmarks Preservation Commission voted to place the Maryvale Tenant House on the Preliminary Landmarks List. The Commission claims that the farmhouse meets the first criteria for placing a structure on the Landmarks List, because it is "associated with a personality, group, event or series of events of historical importance." (Baltimore County Code §26-540(c)(1)). They base this decision on the deed search included in the 1980 Maryland Historical Trust Inventory Form for State Historic Sites Survey.

That deed search indicates that the property was owned by David Carlisle until 1837, when the property was transferred to Burlington Carlisle. In 1858, Burlington Carlisle transferred the property to Mary and Jesse Slingluff. In 1859, Mr. and Mrs. Slingluff transferred the property to George Brown. In 1903, Carroll Brown, the trustee for George Brown, II, transferred the property to Robert and Louise Sloan. In 1913, Mr. and Mrs. Sloan transferred it to Catherine Wickes. In 1944, the Safe Deposit and Trust Company, Trustee for Catherine Wickes, transferred the property to Ottalie Cochran. In 1945, Ottalie Cochran transferred the property to Title, Inc. The title company then transferred the property directly to Trinity College in 1945. In 1970, Trinity College transferred the property to the Sisters of Notre Dame. They are the present owners of the property.

I have researched the various individuals who owned this property to try to establish whether or not they ever actually lived in the tenant house. My research shows that David Carlisle, George Brown, Robert and Louise Sloan, and Catherine Wickes all lived elsewhere during the time that they owned this property. Burlington Carlisle may have lived on this property or on other properties he owned in the Greenspring Valley. Jesse and Mary Slingluff only owned the property for one year, and probably did not reside there.

David Carlisle. David Carlisle was a builder in the Greenspring Valley in the first half of the 19th century. He is known to have built Rockland and the Aquila P.

EXHIBIT D

Giles residence, which was later known as "Lystra Springs." (*The Greenspring Valley, Its History and Heritage*, Dawn F. Thomas, Maryland Historical Society, Baltimore, Maryland 1978, page 289). Carlisle married Urath Owings Cockey in 1837. She was the daughter of Samuel Owings and the widow of Edward Cockey. After they married, Carlisle probably moved into his wife's house, known as "Melinda's Prospect" in the Worthington Valley. That property was left by Edward Cockey to his first son, Charles, who was only a child of five at the time of his death. The 1850's census lists all five of Urath and Edward Cockey's children, as well as the one son of Urath and David Carlisle as living in the same Carlisle household. *Ibid.*

In 1852, Charles Cockey took ownership of "Melinda's Prospect" in the Worthington Valley. His stepfather, David Carlisle died that same year. David and Urath Carlisle may have been living in Baltimore City at the time of his death, because records indicate that Urath Carlisle was living in the City in 1853. *Ibid.* Thus, it appears that in 1837 when David Carlisle conveyed this property to Burlington Carlisle he was already living in the Worthington Valley in Urath Cockey's home. He may have moved from that home into the City prior to his death in 1852. Therefore, he was not residing in the tenant house.

Burlington Carlisle. Burlington Carlisle appears to have been a son of David Carlisle from a marriage which preceded his marriage to Urath Cockey. According to *The Greenspring Valley, Its History and Heritage*, by Dawn F. Thomas, no records have been found to explain Burlington Carlisle's lineage. However, he was thirty years younger than David Carlisle and was living in the Valley in 1850 on the northwest side of the intersection of Greenspring Avenue and Greenspring Valley Road. His mother may have been Elizabeth Carlisle because there is a tombstone in the Hunt family cemetery near Hunts Church which carries the inscription: "In memory of Elizabeth Carlisle, consort of David Carlisle, who departed this life the 13th of November, 1833, in the 48th year of her age." (*Id.* at 289).

That same text states that the 1850 census lists Burlington Carlisle, age 33 as a carpenter and a native Marylander. *Ibid.*¹ It also states that by 1857, Burlington Carlisle owned 226 ½ acres of Valley property, and the 1857 map shows him as living on land on the south side of Greenspring Valley Road, near Stevenson, and west of "Greenspring Punch". *Ibid.* It is likely that Burlington Carlisle built his home on this property between 1853 and 1857. *Id.* at 290. This is the property that is the present

¹ According to his tombstone, Burlington Carlisle was born in 1807. Thus, he would have been 43, not 33, in 1850.

home of Mr. and Mrs. H. Norman Baetjer, II, and which is sometimes referred to as "The Carlisle House". Ibid.

The 1860 census lists Burlington Carlisle as a farmer with real estate worth \$35,000. He and his wife, Anne C. Carlisle, lived at the property on the south side of Greenspring Valley Road, near Stevenson and west of "Greenspring Punch" with their seven children. Burlington Carlisle died on February 3, 1869 at the age of 62 and was buried at the Stone Chapel. After his death, his widow, Anne C. Carlisle continued to live on their farm known as "Meadowdale." Ibid. It is most likely that "Meadowdale," "The Carlisle House" and the present property owned by Mr. and Mrs. Baetjer are the same property. Ibid.

Burlington Carlisle purchased most of Urath Carlisle's property after David Carlisle died. However, David Carlisle granted the property on which the Maryvale tenant house sits to Burlington Carlisle in 1837. At that time Burlington Carlisle was 30 years old. This was four years after the death of Elizabeth Carlisle, and in the same year that David Carlisle married Urath Owings Cockey. I was unable to find any conclusive information on Burlington Carlisle's residence during the period between 1837 and 1857. The Greenspring Valley, Its History and Heritage, states that he was living on the the northwest side of the intersection of Greenspring Avenue and Greenspring Valley Road in 1850. Id. at 289. However, the 1850 map shows him as the owner, and possibly the occupant, of this property. Id. at 66. By 1857 he is known to have lived on the south side of Greenspring Valley Road, near Stevenson and west of "Greenspring Punch".

Burlington Carlisle also bought some of Urath Carlisle's property in the Valley that she had inherited from David Carlisle and from her father. He purchased 141 acres of land at public auction from Urath Carlisle. This was land that David Carlisle bought in 1840 from Hannah Owings Ballard, in Owings Valley, about 2 miles below the Green Spring. After David Carlisle died in 1852, Urath Carlisle sold the land, along with 25 additional acres to Burlington Carlisle. On January 8, 1853, he purchased 60 ¼ acres of "Greenspring Punch" and Severn from Urath Carlisle for \$2,882.50. Id. at 289.

It is unclear whether Burlington Carlisle ever lived on the property where the tenant house now stands. As indicated earlier, he may have lived there between 1837 and 1857, because the 1850 map shows his name at this location. However, he may have also lived elsewhere in the Greenspring Valley, on any of the other lands that he owned. He built his home, "The Carlisle House" sometime between 1853 and 1857, so it is likely that he owned the property for sometime before 1853. Whether or not Burlington Carlisle lived on this property, he is not a character of any note in the history

of Baltimore. Although David Carlisle, who may have been his father, was a prominent builder, Burlington Carlisle did not follow in his father's footsteps in that regard.

Mary and Jesse Slingluff. Jesse Slingluff was at one time president of the Commercial and Farmers Bank (*The Greenspring Valley, Its History and Heritage*, page 317). He was also head of the firm of Slingluff and Company. Jesse Slingluff ranked as one of the most prominent figures in business and civic affairs in Baltimore in his day. (*Tercentenary History of Maryland*, Andrews, SJ Clark Publishing Company, Chicago, Illinois, 1925, page 289).

Jesse Slingluff's brother, Upton Slingluff, bought "Summerfield", also known as "Oakdene", in 1852 from Mrs. Frederick Harrison. This was originally the home of Captain John Cockey, and was built between 1735-1737. It was built on land south of Greenspring Valley Road, between Falls Road and Greenspring Avenue, just west of "Helmore". Jesse and Mary Slingluff may have purchased the land north of Greenspring Valley Road, planning to build a home near his brother. However, there is no record that they ever did so. (*The Greenspring Valley, Its History and Heritage*, page 317).

Apparently, Mary and Jesse Slingluff had at least one son named Charles Bohn Slingluff born and reared in Baltimore. Charles Bohn Slingluff's son, Jesse Slingluff was born in Baltimore County, Maryland on June 7, 1870 and admitted to the Maryland Bar in 1897. He married a Kathleen K. Kernan in 1902, and became a partner at Marbury, Grossnel and Williams in 1904.

I was not able to learn anything about the residence of Mary and Jesse Slingluff. However, they only owned the property on which the Maryvale tenant house sits for one year, from 1858 to 1859. As Mr. Slingluff's brother, Upton Slingluff owned the "Summerfield" property across the road from this property, it is far more likely that Mr. and Mrs. Slingluff stayed at his brother's home than that they would have stayed in this modest tenant house. Their social status would have most likely prevented them from residing in so humble a home. Also, the fact that they sold the property within one year of the purchase does not indicate that they made this property their home.

George Brown. The Slingluffs conveyed the property to George Brown in 1859, when George Brown was 14 years old. George Brown was the son of Alexander Davison Brown and Colgate Nesbitt Brown and was their only child. He was born November 29, 1845 at "Brooklandwood" and was nicknamed "Brook." (*Alexander Brown and his Descendants*, Mary Elizabeth Brown, p. 38, privately printed, 1917). That estate comprised 2,200 acres of land in the vicinity of the intersection of Falls Road and Greenspring Valley Road. George Brown inherited the estate from his father and lived

there his entire life. He died May 17, 1902. (*Tercentenary History of Maryland*, page 54-55).

George Brown married Francis Mactier Winchester of Clymmalire, Baltimore County, Maryland on December 6, 1866. Mr. and Mrs. George Brown had ten children, among them Henry Carroll Brown. (*Alexander Brown and his Descendants*, pg. 38). During George Brown's lifetime, "Brooklandwood" was divided into five estates; "The Homestead", "Fernwood", "The Grove", "Mill Farm", and "Hickory Knoll". "The Grove" was the home of George and Fannie Brown's daughter, Isabella (Mrs. James McK. Merryman). "Fernwood" was used by Dr. and Mrs. Nathan R. Smith, George and Fannie Brown's daughter, Colgate and her husband. "Mill Farm" was used by George Brown, Jr., the youngest son of George and Fannie Brown. "Forest Knoll" was built by Mrs. George Brown, Sr. after her husband's death and she lived there for the remainder of her life. (*Tercentenary History of Maryland*, page 55).

Henry Carroll Brown inherited the original homestead at "Brooklandwood" from his father and grandfather. He was the eldest living son of George and Fannie Brown, and was known as Carroll. (*Alexander Brown and his Descendants*, Mary Elizabeth Brown, privately printed 1917, page 29). Apparently, he was also the trustee for George Brown, II, who appears to have been a nephew.

George Brown died on May 17, 1902. The tenant house at Maryvale was conveyed by Carroll Brown, trustee for George Brown, II in 1903 to Robert and Louise Sloan. If the property had been left by George Brown to one of his grandchildren, it is logical that his eldest son would be the trustee responsible for its disposition. It is also logical that the disposition would follow one year after his death. *Ibid.*

The George Brown that owned the property on which the Maryvale tenant house sits was the great-grandson of the original Alexander Brown who immigrated from Ireland to Baltimore in 1800 and opened Alexander Brown & Sons. Alexander Brown had four sons, William, George, John and James. His son, George Brown, was born in Ireland in 1787 and married Isabelle McLanahan. When Alexander Brown died, George Brown became the head of Alexander Brown & Sons. This George Brown had a son named Alexander Davidson Brown, born May 30, 1823. Alexander Davidson Brown is the father of the George Brown who owned the property (*Alexander Brown and his Descendants*, pages 7-10, page 29, page 38-39). The Browns purchased "Brooklandwood" from Charles Carroll of Carrollton in 1846. At that time the estate totaled 1,792 acres. George Brown purchased it on March 28, 1846 and gave it to his son, Alexander Davidson Brown and his wife. (*The Greenspring Valley, its History and Heritage*, page 225).

When Alexander D. Brown died on March 19, 1892, he left "Brooklandwood" to his son, George. Id. at 226. George and his wife, Fannie M. Winchester built their house, "Fernwood", on approximately 100 acres of "Brooklandwood" property about 1885. When George and Fannie moved into "Brooklandwood", they rented "Fernwood" to Robert N. Sloan. After George died in 1902 "Fernwood" was sold to Robert Sloan. Ibid. George and Fannie Brown occupied "Brooklandwood" for 10 years. When George Brown died in 1902, his wife moved to "Forest Knoll" which was built to the west of "Brooklandwood". Ibid. The house was later known as "Knollwood" and was sold after Mrs. Brown died. Ibid. In 1903 Mrs. Brown conveyed "Brooklandwood" to her son, Henry Carroll Brown. Ibid.

There is no evidence at all that George Brown or any of his family members ever lived in the tenant house. There is however a great deal of evidence that they lived in the homestead at "Brooklandwood", and in the other large homes on the property mentioned above. There is concrete evidence that George Brown and Fannie Winchester Brown lived in "Fernwood" from 1885 until 1892, and then moved to "Brooklandwood" from 1892 until 1902. During the period from 1859 when the property was transferred to George Brown and 1885 when "Fernwood" was built, it is highly unlikely that George Brown would have lived in this humble tenant house. They led a lifestyle of international recreation and no doubt resided at "Brooklandwood." It is highly unlikely that George Brown, who owned and lived at "Brooklandwood", ever resided at the tenant house. Also, although George Brown inherited a position of wealth and prominence, he did very little of note in the history of Baltimore.

Robert and Louise Sloan. As previously mentioned, Robert N. Sloan rented "Fernwood" from George and Fannie Brown after George Brown inherited "Brooklandwood" from his father. When George Brown died in 1902, Robert Sloan purchased "Fernwood". "Fernwood" is the property adjacent to the property on which sits the Maryvale tenant house. Robert and Louise Sloan also purchased the property on which the tenant house sits in 1903 from Carroll Brown, trustee for George Brown, II. I was not able to find much more information on Robert and Louise Sloan, except to learn that they lived at "Fernwood".

However, there appears to have been a Dr. Louise Sloan, born in 1899 who may have been their daughter. This Dr. Louise Sloan was a 1916 graduate of Bryn Mawr School, and received her doctorate in experimental psychology from Bryn Mawr College in 1926. She had two brothers, Robert Sloan and John L. Sloan and was married to a Dr. William M. Roland. Dr. Louise Sloan was associated with the Wilmer Eye Clinic at Johns Hopkins University from 1929 until she retired in 1974. Robert and

Louise Sloan sold the property on which the tenant house sits in 1913 to Catherine Wickes.

Robert and Louise Sloan rented "Fernwood" from George and Fannie Brown from 1892 until 1902 when they purchased it. The property on which the tenant house sits was conveyed to them in 1903, probably to supplement the property that they purchased at "Fernwood". As they were already living at "Fernwood", certainly they would not have moved into the modest tenant house when they purchased the property on which it sits.

Catherine Wickes. Dr. and Mrs. Walter F. Wickes purchased 80 acres of the "Brooklandwood" estate in 1912. On that property they built "Wickcliffe," a stone residence modeled after Warwick Castle in England (*The Greenspring Valley, its History and Heritage*, pages 190-192). Clearly, Dr. and Mrs. Wickes lived in the home that they built on these 80 acres, and not in the tenant house on Greenspring Valley Road.

I spoke with Dawn Thomas, the author of *The Greenspring Valley, Its History and Heritage*, on Tuesday, March 12, 1996. I asked Ms. Thomas if she would be willing to undertake further research to pin down specifically whether or not David Carlisle, Burlington Carlisle or Mary and Jesse Slingluff ever lived in the tenant house. I explained to her that the property had been placed on the Preliminary Landmarks Preservation List, and that my clients would like to prevent it from being placed on the final Landmarks Preservation List.

Ms. Thomas told me that she would be happy to help if she could, but that she has not been involved in any research on Greenspring Valley since her book was published. She stores all her records from her research at her house in Westminster and will not be able to review them for several months. She could not recall anything about this house coming up during her research for the book.

She did, however, tell me that they included 99% of the facts and details revealed by their research. She told me that if they had come across anything about this house that made it at all remarkable or noteworthy, she would have included it in her book. She also agreed with my assumption that the Brown Family would never have lived in this house while "Brooklandwood" was available to them. She added that if the house sits on the Maryvale property, any research that they would have uncovered would have been included in the section on Wickcliffe. When I reminded her that there was nothing in the section on Wickcliffe pertaining to this tenant house, she stated that she

would assume then that they had not learned anything about the house in their research.

I also interviewed Sam Hopkins, former president of the Maryland Historical Society and my father-in-law. He concurred with my assessment that the George Brown who owned this property was the grandson of the George Brown who helped his father found Alex Brown & Sons. While the elder George Brown was a significant figure in Baltimore history, his grandson was not. Mr. Hopkins knew Catherine Wickes and her husband, and told me that although they were very social, they did not make any significant cultural or civic contributions to Baltimore. He told me "I would say that this house really doesn't have any historical significant, it's just an example of a framehouse built in that period. It is a house that was probably somebody's home, the home of somebody who managed the property for the owner. I suspect that it may have been built by George Brown. I'm trying to think, but I can't remember there being a Brown out there in my time, so I'm sure that it's George Brown, and I suspect that he had a much larger tract of land which may have been fitted where St. Paul School is now."

Based on my interviews with Dawn Thompson and Sam Hopkins, and my review of the following materials, I am confident that none of the owners of this property ever lived there, with the possible exception of Burlington Carlisle. There is a possibility that Burlington Carlisle lived there from 1837 when the property was given to him by his father until 1857 when he is known to have lived at "The Carlisle House". However, Burlington Carlisle is not a person of any importance in the history of Baltimore. All of the other owners either lived elsewhere, or would have had no reason to live on this property.

WHITEFORD, TAYLOR & PRESTON L.L.P.
MEMORANDUM

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