| | | |
|---|---|---|
| IN THE MATTER OF:<br>VILLA JULIE COLLEGE-LEGAL OWNERS<br>SWC GREENSPRING VALLEY ROAD AND NACAREMA LANE<br>(1525 GREENSPRING VALLEY ROAD)<br>3RD ELECTION DISTRICT<br>3RD COUNCILMANIC DISTRICT | * | BEFORE THE<br>BOARD OF APPEALS<br>OF BALTIMORE COUNTY<br>CASE NO.: 98-394-SPH |
| RE: SPECIAL HEARING TO AMEND RELIEF GRANTED IN CASE NUMBER 92-285-SPHXA | * | |

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

**ORDER OF DISMISSAL**

This matter having come before this Board on appeal dated July 30, 1998 from the decision of the Zoning Commissioner dated June 30, 1998, wherein the a Petition for Special Hearing to approve amendments to the site plan previously approved in Case No.: 92-285-SPHXA to reflect the construction of new tennis courts in the rear and a reconfiguration of the parking provided in that area was granted.

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

**WHEREAS**, the subject matter has been held on the Board's docket since December 7, 2000, and no further action has occurred in this matter;

**IT IS THEREFORE ORDERED,** this 16th day of June, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 98-394-SPH, be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

**COUNTY BOARD OF APPEALS**
**OF BALTIMORE COUNTY**

Maureen E. Murphy, Chairman

County Board of Appeals of Baltimore County

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

May 7, 2009

Benjamin Bronstein, Esquire
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

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

Re: Villa Julie College / Richard Buck, et al
Case No.: 98-394-SPH and 98-475-SPH

Dear Counsel:

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

Please be advised that the last activity that I have noted in this file is that on December 7, 2000 a conference call took place with counsel and that counsel jointly requested a postponement of these matters.

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

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Duplicate Original/trs

Note to file:

Status letter sent 5/7/09. Follow up on 7/09. If not response, then file for dismissal for lack of prosecution.

Response from C. Halzer — Dismiss LOP - too old all issues resolved

TRANSMISSION VERIFICATION REPORT

TIME: 02/11/2000 11:25
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

| | |
|---|---|
| DATE,TIME | 02/11 11:24 |
| FAX NO./NAME | 94102963719 |
| DURATION | 00:00:47 |
| PAGE(S) | 01 |
| RESULT | OK |
| MODE | STANDARD |

Copy of PP Letter
re SC to
B. Bronstein

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

**Hearing Room -** Room 48
**Old Courthouse, 400 Washington Avenue** **December 7, 2000**

**NOTICE OF POSTPONEMENT**

**CASE #:** 98-394-SPH — **IN THE MATTER OF:** VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road 3rd E; 3rd C **(Petition for SPH filed by VJC)**

**AND**

**CASE #:** 98-475-SPH — **IN THE MATTER OF:** RICHARD BUCK, ET AL -Petitioners /Protestants **(Petition filed by R Buck, et al)**

**Cont'd from 9/15/99**

**(Consolidated for hearing before ZC /One Order)**

which was scheduled for continued hearing on 1/09, 1/10 and 1/11/01 has been postponed by joint request of counsel; TO BE RESET ONLY UPON REQUEST OF EITHER PARTY.

---

**NOTICE:** **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**
**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.**

**Kathleen C. Bianco**
**Administrator**

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd by joint request of counsel (T/C) Sheedy's ltr on request

**Hearing Room -** Room 48
**Old Courthouse, 400 Washington Avenue** July 31, 2000

**AMENDED NOTICE OF REASSIGNMENT**

**CASE #:** 98-394-SPH — **IN THE MATTER OF:** VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road 3rd E; 3rd C **(Petition for SPH filed by VJC)**

**AND**

**CASE #:** 98-475-SPH — **IN THE MATTER OF:** RICHARD BUCK, ET AL -Petitioners /Protestants **(Petition filed by R Buck, et al)**

**Cont'd from 9/15/99**

**(Consolidated for hearing before ZC /One Order)**

which was scheduled for hearing on 10/03/00 with 10/11/00 and 10/17/00 also being held, this matter has been postponed and counsel notified of the following dates:

**REASSIGNED FOR:** **TUESDAY, JANUARY 9, 2001 at 10:00 a.m. /Day #3;**
**WEDNESDAY, JANUARY 10, 2001 at 10:00 a.m. /Day #4; and**
**THURSDAY, JANUARY 11, 2001 at 10:00 a.m. /Day #5**

**(STATUS CALL TO BE MADE TO COUNSEL IN LATE NOVEMBER 2000.)**

**NOTICE:** **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**
**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.**

**Kathleen C. Bianco**
**Administrator**

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd to Jan 2001 by CBA upon suggestion w/ Counsel 7/31/00

**Hearing Room -** Room 48
**Old Courthouse, 400 Washington Avenue** May 3, 2000

**THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT**

**CASE #:** 98-394-SPH — **IN THE MATTER OF:** VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road 3rd E; 3rd C **(Petition for SPH filed by VJC)**

**AND**

**CASE #:** 98-475-SPH — **IN THE MATTER OF:** RICHARD BUCK, ET AL -Petitioners /Protestants **(Petition filed by R Buck, et al)**

**Cont'd from 9/15/99**

**(Consolidated for hearing before ZC /One Order)**

which matter was scheduled for hearing on 5/16, 5/17, and 5/18/00 has been **POSTPONED BY JOINT REQUEST OF COUNSEL** to continue settlement negotiations; and has been

**REASSIGNED FOR:** **TUESDAY, OCTOBER 3, 2000 at 10:00 a.m. /Day #3**

**NOTE: Also holding 2 additional dates (if needed):**
**WEDNESDAY, OCTOBER 11, 2000 at 10:00 a.m. and**
**TUESDAY, OCTOBER 17, 2000 at 10:00 a.m.**
**(STATUS CALL TO BE MADE TO COUNSEL IN LATE AUGUST 2000.)**

**NOTICE:** **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**
**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.**

**Kathleen C. Bianco**
**Administrator**

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College
Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
georgbron@aol.com

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

May 1, 2000

Ms. Kathleen C. Bianco, Administrator
Board of Appeals for Baltimore County
Courthouse - Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: **Case No.: 98-394-SPH and 98-475-SPH**
**Villa Julie College**

Dear Ms. Bianco:

By mutual agreement of counsel, we are requesting that the above-captioned matters currently set before the Board of Appeals on May 16, 17 and 18, 2000 be continued in order to permit the parties continue their settlement negotiations.

May we suggest that the case not be put back in the assignment until on or about October 1, 2000.

Thank you for your kind consideration and attention to this matter.

Very truly yours,

GEORGE & BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh

cc: J. Carroll Holzer, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
00 MAY -2 AM 11:56

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd by joint request to 10/00

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 10, 2000

**SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT / DAYS #3, #4, AND #5**

**CASE #: 98-394-SPH** — **IN THE MATTER OF: VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road 3rd Election District; 3rd Councilmanic (Petition for SPH filed by Villa Julie College)**

**AND**

**CASE #: 98-475-SPH** — **IN THE MATTER OF: RICHARD BUCK, ET AL -Petitioners /Protestants 1525 Greenspring Valley Road (Petition for SPH filed by Richard Buck, et al)**

**Cont'd from 9/15/99**

**(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)**

which matter was scheduled for hearinag on 2/22, 2/23, and 2/24/00 has been **POSTPONED BY JOINT REQUEST OF COUNSEL**; and has been:

**REASSIGNED FOR:** **TUESDAY, MAY 16, 2000 at 10:00 a.m. /Day #3**
**WEDNESDAY, MAY 17, 2000 at 10:00 a.m. /Day #4**
**AND** **THURSDAY, MAY 18, 2000 at 10:00 a.m. /Day #5**

**NOTICE:** **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney. Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.**

Kathleen C. Bianco
Administrator

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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COUNTY BOARD OF APPEALS
00 FEB -7 PM 4: 30

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
georgbron@aol.com

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

February 7, 2000

**VIA FAX 410-887-3182**
**AND FIRST CLASS MAIL**

Ms. Kathleen C. Bianco, Administrator
Board of Appeals for Baltimore County
Courthouse - Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: **Case No.: 98-391-SPH and 98-475-SPH**
**Villa Julie College**

Dear Ms. Bianco:

This is to confirm our phone conversation of February 7, 2000 that by agreement of counsel, the above-entitled cases are to be removed from the assignment on February 22, 23 and 24, 2000 in order to permit the parties an opportunity to negotiate an amicable settlement. It is also mutually agreed with counsel that the cases are to be reset for hearing on May 16, 17 and 18, 2000 in the event no settlement is negotiated.

Thank you for your kind cooperation.

Very truly yours,

GEORGE & BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh

cc: J. Carroll Holzer, Esquire

FROM : GEORGE & BRONSTEIN, LLP PHONE NO. : 410 296 3719 Feb. 07 2000 03:51PM P1

Case No. 98-394-SPH — SPH -To approve amendments to prior grant 92-285-SPHXA or, in alternative, a finding that changes are so minor that amendment is not required.

Case No. 98-475-SPH — SPH -Raising 24 issues relative to potential growth of the college and existing and future uses of property.

6/30/98 -Z.C.'s Order in which Petitions were granted in part and denied in part.
7/30/98 -Z.C.'s Order on Motion for Reconsideration filed by Protestants.

---

12/28/98 - Notice of Assignment for hearing scheduled for Wednesday, February 10, 1999 at 10:00 a.m. sent to following:

J. Carroll Holzer, Esquire
Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al
Benjamin Bronstein, Esquire
Villa Julie College /Carolyn Manuscak, President Villa Julie College
Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

---

1/07/99 -Request for postponement /reassignment from J. Carroll Holzer, Esquire; conflict with previously scheduled development plan hearing before County's Hearing Officer (8-day hearing concluding 2/19/99).
- T/C from B. Bronstein, Esquire; will be unavailable 2/18 through end of March 1999; requests hearing be reset to post-4/01/99; will send letter confirming this.

---

1/11/99 -Letter from Benjamin Bronstein, Esquire, confirming above unavailability dates and requesting hearing be reset for hearing after April 1, 1999.
- Notice of PP and Reassignment sent to parties; scheduled for Tuesday, April 13, 1999 at 10:00 a.m.; also holding Wednesday, April 14, 1999 in the event additional time is needed to conclude this matter. Notice so noted for both dates.

---

3/15/99 -Letter by FAX from J. Carroll Holzer; two experts who testified for his clients at the zoning commissioner's hearing will be out of town on vacation 4/10 - 4/15. Requests PP for 4/13/99 date; will contact B. Bronstein in this regard and also relative to dates; and then will contact this office.

---

4/01/99 -T/C from S. Leese regarding above request. Indicated to him that we were awaiting further word from him per his letter. Reviewed dates; only two dates in near future when same panel could be pulled together would be 6/10 and 6/16/99 (dates confirmed with Board). Okay with C. Holzer; left message for B. Bronstein re his calendar.

Case No. 98-394-SPH — SPH -To approve amendments to prior grant 92-285-SPHXA or, in alternative, a finding that changes are so minor that amendment is not required.

Case No. 98-475-SPH — SPH -Raising 24 issues relative to potential growth of the college and existing and future uses of property.

6/30/98 -Z.C.'s Order in which Petitions were granted in part and denied in part.
7/30/98 -Z.C.'s Order on Motion for Reconsideration filed by Protestants.

---

4/02/99 -T/C from B. Bronstein. Problem with dates as scheduled. kcb to get back with Mr. Bronstein on 4/05/99.

---

4/05/99 -T/C to B. Bronstein regarding dates. Would prefer that two consecutive dates be assigned for hearing this matter. Due to scheduled vacations and likely conflicts, upon telephone confirmation with both B. Bronstein and C. Holzer, will postpone from 4/13 and 4/14 and reassign to post-Labor Day for hearing.
- Second Notice of PP and Reassignment sent to parties; scheduled for Tuesday, September 14, 1999, and Wednesday, September 15, 1999, both dates beginning at 10:00 a.m.

---

8/04/99 -Due to scheduling conflicts at the Board, a Notice of Reassignment /Change in Start Time Day #1 was sent to the parties this date; hearing to begin on Tuesday, September 14, 1999 at 11:00 a.m. (Day #2 9/15/99 to begin at 10:00 a.m. as previously assigned).

---

8/05/99 -T/C with Messrs Bronstein and Holzer regarding possible CBA conflict; no objection by either Mr. Holzer or Mr. Bronstein; agreed to put that "No objection" position on the record 9/14/99.

---

8/20/99 -Letter from C. Holzer regarding expert witness, Jay Graham -- out of town on 9/14 and 9/15; may request part of subsequent day to present testimony of Mr. Graham.

---

8/27/99 -Letter from Ben Bronstein in opposition to Mr. Holzer's request for additional time for testimony of witness, citing scheduling history of this case to accommodate everyone's schedule.

---

8/30/99 -T/C to C. Holzer's office and to B. Bronstein -- request for any additional day or part thereof for the testimony of this witness to be denied, based upon history of case and postponements previously granted. Letter to follow to Mr. Holzer, with copy to Mr. Bronstein, denying this anticipated request, and suggesting that videotaped deposition be taken of Mr. Graham to be provided to the Board prior to conclusion of this hearing.

---

9/14/99 -Day #1 concluded; to 9/15/99 for day #2. (Marks, Stahl, Melvin)

---

9/15/99 -Day #2 concluded; scheduled for two additional days upon confirmation of parties; assigned for Thursday 10/21/99 for Day #3 and Friday, 10/22/99 for Day #4. Notice to be sent. (C.L.M.)

---

Case No. 98-394-SPH — SPH -To approve amendments to prior grant 92-285-SPHXA or, in alternative, a finding that changes are so minor that amendment is not required.

Case No. 98-475-SPH — SPH -Raising 24 issues relative to potential growth of the college and existing and future uses of property.

---

9/16/99 -Notice of Assignment for hearing days #3 and #4 sent to parties as listed; assigned for Thursday, October 21, 1999 at 10:00 a.m. and Friday, October 22, 1999 at 10:00 a.m.

---

10/20/99 -T/C from S. Leese regarding call he received from Mr. Bronstein; unable to appear for 10/21/99 hearing for health reasons; case to be postponed on the record 10/21/99, with decision to be made at that time regarding Friday 10/22/99.

---

10/21/99 -C. Holzer appeared this date; today's hearing continued on the record, as well as Friday, October 22nd, which also was continued. Dates to be assigned.

- T/C to B. Bronstein's office - next group of available dates on Board's schedule would fall in February 2000. Michelle of his office to give him that message later today. Awaiting call back from Mr. Bronstein.

Case No. 98-394-SPH — SPH -To approve amendments to prior grant 92-285-SPHXA or, in alternative, a finding that changes are so minor that amendment is not required.

Case No. 98-475-SPH — SPH -Raising 24 issues relative to potential growth of the college and existing and future uses of property.

---

9/16/99 -Notice of Assignment for hearing days #3 and #4 sent to parties as listed; assigned for Thursday, October 21, 1999 at 10:00 a.m. and Friday, October 22, 1999 at 10:00 a.m.

---

10/20/99 -T/C from S. Leese regarding call he received from Mr. Bronstein; unable to appear for 10/21/99 hearing for health reasons; case to be postponed on the record 10/21/99, with decision to be made at that time regarding Friday 10/22/99.

---

10/21/99 -C. Holzer appeared this date; today's hearing continued on the record, as well as Friday, October 22nd, which also was continued. Dates to be assigned.

- T/C to B. Bronstein's office - next group of available dates on Board's schedule would fall in February 2000. Michelle of his office to give him that message later today. Awaiting call back from Mr. Bronstein.

- Notice of PP and Reassignment sent to parties; reassigned for three hearing days (#3, #4 and #5) for Tuesday, February 22, 2000; Wednesday, February 23, 2000; and Thursday, February 24, 2000, all beginning at 10:00 a.m. Copy of Notice also sent to C.L.M.

---

2/07/2000 -Letter by FAX (original received 2/08/00) from Benjamin Bronstein, Esquire, confirming telephone conversation that, by agreement of counsel, these cases are to be removed from assigned February dates and reassigned to agreed-to May 2000 dates to provide adequate time for possible settlement.

---

2/10/00 -Second Notice of PP and Reassignment sent to parties for Days 3, 4 and 5; scheduled by agreement for Tuesday, May 16, 2000 at 10:00 a.m.; Wednesday, May 17, 2000 at 10:00 a.m.; and Thursday, May 18, 2000 at 10:00 a.m.

---

5/02/00 -T/C from Ben Bronstein -- will be requesting postponement of 5/16 through 5/18 for Villa Julie College to permit parties to continue negotiations for settlement purposes. To be reassigned for on or about 10/01/00.

- Letter from B. Bronstein advising of mutual agreement of counsel for this postponement.

---

5/03/00 -T/C to S. Leese; confirmed that PP would be granted and that 10/03/00 would be next hearing date, with two additional dates being "held" only. K to calendar for 8/00; to contact counsel at that time re status.

---

7/31/00 -T/C to counsel re status of settlement negotiations. Upon verification and confirmation of dates, and in consideration of the Board's current docket of cases to be scheduled, this matter has been postponed to January 9, 10 and 11, 2001 at 10:00 a.m. A status call will be made by this office in late November 2000 to counsel.

| | |
|---|---|
| Case No. 98-394-SPH | SPH -To approve amendments to prior grant 92-285-SPHXA or, in alternative, a finding that changes are so minor that amendment is not required. |
| Case No. 98-475-SPH | SPH -Raising 24 issues relative to potential growth of the college and existing and future uses of property. |

---

12/07/00 -Conference call this date with Messrs. Holzer and Bronstein; counsel jointly request, on behalf of their respective clients, that this matter be postponed from the three dates in January 2001 (1/09, 1/10, and 1/11/01); settlement negotiations are moving forward; to be reset for hearing only upon request of either party or counsel.

-- Notice of Postponement sent this date to parties; pulled from January 2001 schedule; no hearing dates assigned at this time; will be reassigned for hearing only upon request of either party.

HOLZER & LEE

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

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

March 15, 1999
# 7056

RECEIVED
COUNTY BOARD OF APPEALS
99 MAR 16 PM 12:13

**VIA FAX**
Kathleen Bianco, Administrator
County Board of Appeals
Old Courthouse, Room 49
Towson, Maryland 21204

Re: in the Matter of Villa Julie College; 1525 Greenspring Valley Road
Case Numbers 98-394-SPH & 98-475-SPH

Dear Kathy:

I have just learned today from my clients that our two experts who testified before the Zoning Commissioner below, Jeffrey Lees, an architect, and Jay Graham, a landscape architect, will both be out of town on vacation from April 10-15. Therefore, I respectfully request that the Board postpone the scheduled hearing on April 13. I will contact Ben Bronstein to arrange mutually agreeable dates and I will let you know what they are.

If you have any questions, please give me a call at 410-825-6961.

Very truly yours,

J. Carroll Holzer

JCH:clh

cc: Valleys Planning Council
Ben Bronstein, Esq.

A:Letters2/cba.villa

PP'd To Sept. '99

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
georgbron@aol.com

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 27 PM 5:18

August 26, 1999

Ms. Kathleen C. Bianco, Administrator
Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: **Case No.: 98-394-SPH and 98-475-SPH**
**Villa Julie College**

Dear Ms. Bianco:

Upon my return from vacation today, I reviewed a letter dated August 20, 1999 from J. Carroll Holzer to you wherein he stated that Jay Graham, one of his expert witnesses, was unavailable to attend the hearing currently set for September 14 and 15. He further stated there may be a need to schedule a subsequent day to present Mr. Graham's testimony. I must protest.

On December 28, 1998 a hearing notice was sent out setting the case in for hearing on February 10, 1999. On January 5, 1999, almost a month after the hearing notice, Mr. Holzer requested a postponement because of a conflict with another case. On January 8, 1999, before the Board reset the hearing date, I requested the case be set in after April 1, 1999 to avoid any schedule conflict. On January 11, 1999 the case was set in for hearing on April 13, 1999 with a hold on April 14, 1999 if needed. These two dates were selected after consultation with you, Mr. Holzer and me.

On March 15, 1999, two months after the hearing notice, Mr. Holzer wrote to you again and stated that both of his expert witnesses were out of town and that he would reach a mutual agreed hearing date. Again, after conversations with you, Mr. Holzer and me, on April 5, 1999, you sent out a hearing notice designating September 14 and 15, 1999 as the selected hearing dates. If you remember, I was emphatic about the hearing being on consecutive dates. These two dates were also confirmed in your notice of August 4, 1999.

Mr. Holzer's letter of August 20, 1999, four months after the hearing notice, requesting an extended hearing date is fundamentally unfair. Counsel has an obligation to promptly notify all witnesses of a hearing date and to have them clear their calendars for that date. For me to arrange another date is a burden that my client should not have to bear. If a third date is tacked onto this hearing, I will have to bring all of my witnesses back for that date. I do not wish to be uncooperative, but, enough is enough.

Thank you for your kind cooperation

Very truly yours,

GEORGE & BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh

cc: J. Carroll Holzer, Esquire

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 30, 1999

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

Re: In the Matter of Villa Julie College
Case No. 98-394-SPH and Case No. 98-475-SPH

Dear Mr. Holzer:

I am writing in response to your letter of August 20, 1999, in which you indicate that one of your expert witnesses, Jay Graham, will be out of town during the hearing scheduled for September 14 and September 15, 1999, further indicating that additional time may be needed on a subsequent day for this witness to testify. We have also received a response from Mr. Bronstein in opposition thereto. This letter will confirm my telephone calls this date placed to your office and to Mr. Bronstein.

Upon review of your request and Mr. Bronstein's response, as well as a review of the scheduling history of this case, a request for a subsequent day for Mr. Graham's testimony must be denied. I have discussed this situation with the Board, and it is suggested that you arrange for a videotaped deposition of Mr. Graham prior to the scheduled hearing dates. The Board would further request that this videotaped deposition be submitted prior to the conclusion of the hearing in this matter.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
**Administrator**

cc: Benjamin Bronstein, Esquire

FILE

Printed with Soybean Ink on Recycled Paper

HOLZER & LEE

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

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

August 20, 1999
# 7056

**HAND DELIVERED**
Kathleen Bianco, Administrator
County Board of Appeals
Old Courthouse, Room 49
Towson, Maryland 21204

**Re: Matter of Villa Julie College**
**Case Nos. 98-394-SPH & 98-475-SPH**

Dear Ms. Bianco:

Please be advised that of this date, my client, The Valleys Planning Council, has informed me that one of our expert witnesses, Jay Graham, a landscape architect who testified before the Zoning Commissioner below, and will testify before the Board, will be in Boston during the hearing scheduled before the Board of Appeals on September 14 and 15, 1999. Consequently, by way of this letter, I am informing the CBA and all counsel that we may need to schedule part of a subsequent day to present the testimony of Mr. Graham. I trust this will not cause the Board any undue inconvenience.

Very truly yours,

J. Carroll Holzer

JCH:clh

cc: Ben Bronstein, Esq.
Valleys Planning Council

C:letters\Bianco-Villa Julie

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 20 PM 2:40

| | | |
|---|---|---|
| IN THE MATTER OF | * | BEFORE THE |
| VILLA JULIE COLLEGE | * | COUNTY BOARD OF APPEALS |
| 1525 Greenspring Valley Rd. | * | BALTIMORE COUNTY |
| 3rd Councilmanic District | * | CASE NO. 98-394-SPH & 98-475-SPH |

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

SUMMONS AND SUBPOENA DUCAS TECUM

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday Sept. 14 & 15, 1999 at 11:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson, MD and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Custodian of Construction Drawings for attached permit numbers of Villa Julie College #'s B266172, B275048, B260747, B250725, & B275050
Address: Ziger Snead Architects, Inc.
1006 Morton Street, Baltimore, MD 21201

Note: Witness shall be provided who is capable of testifying, interpreting and explaining the construction drawings identified by attached permit numbers.

Name: J. Carroll Holzer, P.A.
Address: 508 Fairmount Ave.
Towson, MD 21286
Phone No.: 410-825-6961

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

Charlotte E. Radcliffe
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not Served: _____, 19____

Sheriff of Baltimore County
a:\Subpoenas/CBA-Villa Julie

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 20 PM 2:40

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 4, 1999

**NOTICE OF REASSIGNMENT /CHANGE IN START TIME FOR DAY 1**

CASE #: 98-394-SPH — IN THE MATTER OF: VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road
3rd Election District; 3rd Councilmanic
(Petition for SPH filed by Villa Julie College)

AND

CASE #: 98-475-SPH — IN THE MATTER OF: RICHARD BUCK, ET AL -Petitioners /Protestants 1525 Greenspring Valley Road
(Petition for SPH filed by Richard Buck, et al)

(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)

which is assigned for hearing on 9/14/99 and 9/15/99 will now begin one hour later on the 9/14/99 assigned date (NO CHANGE FOR 9/15/99); and has been

REASSIGNED FOR: TUESDAY, SEPTEMBER 14, 1999 at 11:00 a.m. /Day #1
WEDNESDAY, SEPTEMBER 15, 1999 at 10:00 a.m. /Day #2

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

**IMPORTANT:** No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.

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

Printed with Soybean Ink

BUILDING DATA

| | | | |
|---|---|---|---|
| DRC NUMBER..... | | WORK DESC-1..... | INT. ALT. - AS PER PLANS - TO COMPLETE INTERIOR |
| CONSTRUCTION..... | 03 | WORK DESC-2..... | OF BLDG. STARTED UNDER "SHELL PERMIT"#B250725 & |
| PLOT..... | * | WORK DESC-3..... | B260747 FOR CLASSROOMS & AUDITORIUM.SEPARATE |
| RECORD PLAT..... | 0 | WORK DESC-4..... | PERMIT REQ#D. FOR ANY ADDIT. WORK.60,788 SF. |
| DATA..... | 5 | WORK DESC-5..... | * REFER TO DRC#06195K - FOR SITE PLANS * |
| ELECTRIC..... | 2 | WORK DESC-6..... | 5192 MECH/ELECTRICAL NON HABITABLE SPACE |
| PLUMBING..... | 2 | PROPOSED USE..... | COLLEGE & CLASSROOMS & AUDITORIUM |
| BUILDING CODE..... | 2 | EXISTING USE..... | COLLEGE |
| IMPROVEMENT CODE..... | 3 | TENANT..... | |
| IMPROVEMENT COMMENT... | ALT. | CONTRACTOR..... | WHITING-TURNER |
| USE CODE..... | 17 | ENGINEER/ARCHIT.. | KENNETH BAUER PE#19945 |
| USE COMMENT..... | COLLEGE | SELLER..... | |
| FOUNDATION..... | 3 | | |
| BASEMENT..... | 1 | | |
| OWNERSHIP..... | 1 | | |
| RESIDENTIAL CATAGORY.. | | | |
| ESTIMATED COST..... | 6 MIL | | |
| CORNER LOT..... | N | | |
| LOT#..... | | | |

| -----TYPE OF-------- | | ----------LOT SETBACK---------- | | -----PLANNING------ | |
|---|---|---|---|---|---|
| CONSTRUCTION..... | 3 | LOT SIZE..... | 60.236AC. | MSTR PLAN AREA.. | |
| HEATING FUEL..... | 1 | FRONT STREET... | | SUBSEWER AREA... | |
| SEWAGE DISPOSAL.. | 2E | SIDE STREET.... | | CRITICAL AREA... | |
| WATER SUPPLY..... | 2E | BACK FRONT..... | NC | | |
| AIR CONDITION.... | 1 | BACK SIDE..... | NC/NC | | |
| | | BACK SIDE ST... | | | |
| | | REAR..... | NC | | |

| -RESIDENTIAL UNITS- | | ----ZONING DATA----- | | ----BUILDING SIZE-------- | | ----DIMENSIONS--- | | ----ASSESSMENT----- | |
|---|---|---|---|---|---|---|---|---|---|
| #EFFICIENCIES... | | DISTRICT... | | FLOOR AREA.. | 60788 | GARBAGE DISP.. | | LAND.... | 1661620.00 |
| 1 BEDROOM..... | | MAP#..... | | WIDTH..... | | POWDER ROOMS.. | | IMPV.... | 9362900.00 |
| 2 BEDROOM..... | | PETITION#.. | | DEPTH..... | | BATH ROOMS.... | | TOTAL... | |
| 3 BEDROOM..... | | DATE..... | | HEIGHT..... | | KITCHENS..... | | | |
| TOTAL BEDROOMS.. | | BLOCK..... | | STORIES..... | | | | | |
| TOTAL APTS..... | | SECTION.... | | | | | | | |
| 1 FAMILY ROOM... | | LIBR..... | 000 | | | | | ---LAST UPDATE--- | |
| | | FOLIO..... | 000 | | | | | DATE.... | 06/27/97 |
| | | BUILDING... | 01 | | | | | TIME.... | 10:30:06 |
| | | | | | | | | USER ID. | PLM |

**********

REQUESTS FOR INSPECTIONS PERMIT# B275050

| DATE | TIME | INSPT | REQUESTED DATE | REQUESTED TIME | INSPT TYPE | DATE | TIME | INSP | REQUESTED DATE | REQUESTED TIME | INSPT TYPE |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 11/17/97 | 102423 | 03C | 11/18/97 | A | CEIL | | | | | | |

BUILDING DATA

DRC NUMBER.....
CONSTRUCTION..... 03
PLOT..... 9
RECORD PLAT..... 0
DATA..... 0
ELECTRIC..... 2
PLUMBING..... 2
BUILDING CODE..... 2
IMPROVEMENT CODE..... 1
IMPROVEMENT COMMENT...
USE CODE..... 17
USE COMMENT..... COLLEGE
FOUNDATION..... 3
BASEMENT..... 1
OWNERSHIP..... 1
RESIDENTIAL CATAGORY..
ESTIMATED COST..... 3,000,000.
CORNER LOT..... N
LOT#.....

WORK DESC-1..... ERECT A "SHELL" BLDG. FOR USE AS;FUTURE OFFICES
WORK DESC-2..... & CLASSROOMS.SEPARATE PERMIT REQUIRED TO
WORK DESC-3..... COMPLETE INTERIOR.ISSUANCE OF THIS PERMIT DOES
WORK DESC-4..... NOT COMMIT BALTIMORE COUNTY TO ISSUE ANY
WORK DESC-5..... SUBSEQUENT PERMITS. WILL SUBMIT DATA SHEETS AT
WORK DESC-6..... A LATER DATE. 211.33'X63.67'X56'= 46,550 SF.
PROPOSED USE..... COLLEGE & "SHELL" ADDITION
EXISTING USE..... COLLEGE
TENANT.....
CONTRACTOR..... WHITING-TURNER
ENGINEER/ARCHIT.. ZIGER/SNEAD,INC. ARCH.#8246-C
SELLER.....

-----TYPE OF--------
CONSTRUCTION..... 3
HEATING FUEL.....
SEWAGE DISPOSAL.. 2E
WATER SUPPLY..... 2E
AIR CONDITION....

----------LOT SETBACK----------
LOT SIZE..... 60.236AC.
FRONT STREET...
SIDE STREET....
BACK FRONT..... 940'
BACK SIDE..... 560'/890'
BACK SIDE ST...
REAR..... 530'

-----PLANNING------
MSTR PLAN AREA..
SUBSEWER AREA...
CRITICAL AREA...

-RESIDENTIAL UNITS-
#EFFICIENCIES...
1 BEDROOM.....
2 BEDROOM.....
3 BEDROOM.....
TOTAL BEDROOMS..
TOTAL APTS.....
1 FAMILY ROOM...

----ZONING DATA-----
DISTRICT...
MAP#.....
PETITION#..
DATE.....
BLOCK.....
SECTION....
LIBR..... 000
FOLIO..... 000
BUILDING... 01

----BUILDING SIZE--------
FLOOR AREA.. 46550
WIDTH..... 211'4"
DEPTH..... 63'8"
HEIGHT..... 56'
STORIES..... 3+BSMT

----DIMENSIONS---
GARBAGE DISP..
POWDER ROOMS..
BATH ROOMS....
KITCHENS......

----ASSESSMENT-----
LAND.... 1561620.00
IMPV.... 9362900.00
TOTAL...

---LAST UPDATE---
DATE.... 10/12/95
TIME.... 14:56:06
USER ID. PLD

**********

BUILDING DATA

| | |
|---|---|
| DRC NUMBER | |
| CONSTRUCTION | 3 |
| PLOT | 9 |
| RECORD PLAT | 0 |
| DATA | 5 |
| ELECTRIC | 2 |
| PLUMBING | 2 |
| BUILDING CODE | 2 |
| IMPROVEMENT CODE | 2 |
| IMPROVEMENT COMMENT | |
| USE CODE | 17 |
| USE COMMENT | |
| FOUNDATION | 3 |
| BASEMENT | 3 |
| OWNERSHIP | 1 |
| RESIDENTIAL CATAGORY | |
| ESTIMATED COST | 2.8MIL |
| CORNER LOT | |
| LOT# | |

| | |
|---|---|
| WORK DESC-1 | CONST SHELL ADDITION ONTO REAR OF SHELL BLDG. |
| WORK DESC-2 | SEE B250725 FOR SHELL BLDG.TO BE FUTURE |
| WORK DESC-3 | AUDITORIUM.SEPARATE PERMIT REQUIRED TO COMPLETE |
| WORK DESC-4 | INTERIOR.ISSUANCE OF THIS PERMIT DOES NOT |
| WORK DESC-5 | GUARANTEE ISSUANCE OF SUBSEQUENT PERMITS BY |
| WORK DESC-6 | BALTIMORE COUNTY.108'X138'X35'=19,400SF. |
| PROPOSED USE | COLLEGE & SHELL ADDITION |
| EXISTING USE | COLLEGE & SHELL BLDG(SEE B250725) |
| TENANT | |
| CONTRACTOR | WHITING-TURNER |
| ENGINEER/ARCHIT | |
| SELLER | |

| TYPE OF | |
|---|---|
| CONSTRUCTION | 1 |
| HEATING FUEL | |
| SEWAGE DISPOSAL | 2E |
| WATER SUPPLY | 2E |
| AIR CONDITION | |

| LOT SETBACK | |
|---|---|
| LOT SIZE | 60.236AC |
| FRONT STREET | |
| SIDE STREET | |
| BACK FRONT | NC |
| BACK SIDE | NC |
| BACK SIDE ST | |
| REAR | 227' |

| PLANNING | |
|---|---|
| MSTR PLAN AREA | |
| SUBSEWER AREA | |
| CRITICAL AREA | |

| RESIDENTIAL UNITS | |
|---|---|
| #EFFICIENCIES | |
| 1 BEDROOM | |
| 2 BEDROOM | |
| 3 BEDROOM | |
| TOTAL BEDROOMS | |
| TOTAL APTS | |
| 1 FAMILY ROOM | |

| ZONING DATA | |
|---|---|
| DISTRICT | |
| MAP# | |
| PETITION# | |
| DATE | |
| BLOCK | |
| SECTION | |
| LIBR | 000 |
| FOLIO | 000 |
| BUILDING | 01 |

| BUILDING SIZE | |
|---|---|
| FLOOR AREA | 19400 |
| WIDTH | 108' |
| DEPTH | 138' |
| HEIGHT | 35' |
| STORIES | 2+MEZZ |

| DIMENSIONS | |
|---|---|
| GARBAGE DISP | |
| POWDER ROOMS | |
| BATH ROOMS | |
| KITCHENS | |

| ASSESSMENT | |
|---|---|
| LAND | 1561620.00 |
| IMPV | 9362900.00 |
| TOTAL | |

| LAST UPDATE | |
|---|---|
| DATE | 02/20/96 |
| TIME | 14:32:42 |
| USER ID | PLS |

**********

BUILDING DATA — PERMIT# B275048

DRC NUMBER.....
CONSTRUCTION..... 03
PLOT..... *
RECORD PLAT..... 0
DATA..... 5
ELECTRIC..... 2
PLUMBING..... 2
BUILDING CODE..... 2
IMPROVEMENT CODE..... 3
IMPROVEMENT COMMENT... ALT.
USE CODE..... 17
USE COMMENT..... COLLEGE
FOUNDATION..... 3
BASEMENT..... 1
OWNERSHIP..... 1
RESIDENTIAL CATAGORY..
ESTIMATED COST..... 6 MIL
CORNER LOT..... N
LOT#.....

WORK DESC-1..... INT. ALT. - AS PER PLANS - TO COMPLETE INTERIOR
WORK DESC-2..... OF BLDG. STARTED UNDER "SHELL PERMIT"#B266172
WORK DESC-3..... FOR GYMNASIUM. 62,276 SF. SEPARATE PERMIT
WORK DESC-4..... REQUIRED FOR ANY ADDITIONAL WORK. *REFER TO
WORK DESC-5..... DRC#06195K - FOR SITE PLANS * 7475 MECH & NON
WORK DESC-6..... HABITABLE SPACE. REVISED 6/27/97 PER JRR.
PROPOSED USE..... COLLEGE & GYMNASIUM
EXISTING USE..... COLLEGE
TENANT.....
CONTRACTOR..... WHITING-TURNER
ENGINEER/ARCHIT.. KENNETH BAUER PE#19945
SELLER.....

-----TYPE OF---------
CONSTRUCTION..... 3
HEATING FUEL..... 1
SEWAGE DISPOSAL.. 2E
WATER SUPPLY..... 2E
AIR CONDITION.... 1

----------LOT SETBACK----------
LOT SIZE..... 60.236AC.
FRONT STREET...
SIDE STREET....
BACK FRONT..... N/C
BACK SIDE.....
BACK SIDE ST...
REAR..... N/C

-----PLANNING------
MSTR PLAN AREA..
SUBSEWER AREA...
CRITICAL AREA...

-RESIDENTIAL UNITS-
#EFFICIENCIES...
1 BEDROOM.....
2 BEDROOM.....
3 BEDROOM.....
TOTAL BEDROOMS..
TOTAL APTS.....
1 FAMILY ROOM...

----ZONING DATA-----
DISTRICT...
MAP#.....
PETITION#..
DATE.....
BLOCK.....
SECTION....
LIBR..... 000
FOLIO..... 000
BUILDING... 01

----BUILDING SIZE--------
FLOOR AREA.. 62276
WIDTH.....
DEPTH.....
HEIGHT.....
STORIES..... 3+BSMT

----DIMENSIONS---
GARBAGE DISP..
POWDER ROOMS..
BATH ROOMS....
KITCHENS......

----ASSESSMENT-----
LAND.... 1561620.00
IMPV.... 9362900.00
TOTAL...

---LAST UPDATE---
DATE.... 06/27/97
TIME.... 10:32:46
USER ID. PLM

**********

REQUESTS FOR INSPECTIONS — PERMIT# B275048

| DATE | TIME | INSPT | REQUESTED DATE | REQUESTED TIME | INSPT TYPE | DATE | TIME | INSP | REQUESTED DATE | REQUESTED TIME | INSPT TYPE |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 10/27/97 | 103202 | 03C | 10/31/97 | A | FIRE | | | | | | |

BUILDING DATA

| | |
|---|---|
| DRC NUMBER..... | |
| CONSTRUCTION..... | 03 |
| PLOT..... | 9 |
| RECORD PLAT..... | 0 |
| DATA..... | 0 |
| ELECTRIC..... | 2 |
| PLUMBING..... | 2 |
| BUILDING CODE..... | 2 |
| IMPROVEMENT CODE..... | 1 |
| IMPROVEMENT COMMENT... | |
| USE CODE..... | 17 |
| USE COMMENT..... | COLLEGE |
| FOUNDATION..... | 3 |
| BASEMENT..... | 1 |
| OWNERSHIP..... | 1 |
| RESIDENTIAL CATAGORY.. | |
| ESTIMATED COST..... | 6 MIL |
| CORNER LOT..... | N |
| LOT#..... | |

| | |
|---|---|
| WORK DESC-1..... | ERECT "SHELL" BLDG AS PER PLANS. |
| WORK DESC-2..... | SEPARATE PERMIT REQUIRED TO COMPLETE INTERIOR. |
| WORK DESC-3..... | ISSUANCE OF THIS PERMIT DOES NOT COMMIT |
| WORK DESC-4..... | BALTIMORE COUNTY TO ISSUE ANY SUBSEQUENT PERMIT |
| WORK DESC-5..... | 155'2X251'8X35'=69,751SF |
| WORK DESC-6..... | |
| PROPOSED USE..... | COLLEGE & SHELL BLDG |
| EXISTING USE..... | COLLEGE |
| TENANT..... | |
| CONTRACTOR..... | WHITING-TURNER |
| ENGINEER/ARCHIT.. | KENNETH BAUER PE#19945 |
| SELLER..... | |

-----TYPE OF--------

| | |
|---|---|
| CONSTRUCTION..... | 3 |
| HEATING FUEL..... | 1 |
| SEWAGE DISPOSAL.. | 2E |
| WATER SUPPLY..... | 2E |
| AIR CONDITION.... | 1 |

----------LOT SETBACK----------

| | |
|---|---|
| LOT SIZE..... | 60.236AC. |
| FRONT STREET... | |
| SIDE STREET.... | |
| BACK FRONT..... | 813' |
| BACK SIDE..... | 340'/1100 |
| BACK SIDE ST... | |
| REAR..... | 433' |

-----PLANNING------

| | |
|---|---|
| MSTR PLAN AREA.. | |
| SUBSEWER AREA... | |
| CRITICAL AREA... | |

-RESIDENTIAL UNITS-

| | |
|---|---|
| #EFFICIENCIES... | |
| 1 BEDROOM..... | |
| 2 BEDROOM..... | |
| 3 BEDROOM..... | |
| TOTAL BEDROOMS.. | |
| TOTAL APTS..... | |
| 1 FAMILY ROOM... | |

----ZONING DATA-----

| | |
|---|---|
| DISTRICT... | |
| MAP#..... | |
| PETITION#.. | |
| DATE..... | |
| BLOCK..... | |
| SECTION.... | |
| LIBR..... | 000 |
| FOLIO..... | 000 |
| BUILDING... | 01 |

----BUILDING SIZE--------

| | |
|---|---|
| FLOOR AREA.. | 69751 |
| WIDTH..... | 155'2" |
| DEPTH..... | 251'8 |
| HEIGHT..... | 35' |
| STORIES..... | 3+BSMT |

----DIMENSIONS---

| | |
|---|---|
| GARBAGE DISP.. | |
| POWDER ROOMS.. | |
| BATH ROOMS.... | |
| KITCHENS..... | |

----ASSESSMENT-----

| | |
|---|---|
| LAND.... | 1561620.00 |
| IMPV.... | 9362900.00 |
| TOTAL... | |

---LAST UPDATE---

| | |
|---|---|
| DATE.... | 04/10/96 |
| TIME.... | 09:34:25 |
| USER ID. | PLF |

**********

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

August 26, 1998

J. Carroll Holzer, Esquire
Holzer and Lee
508 Fairmount Avenue
Towson, MD 21204

Dear Mr. Holzer:

RE: Petition for Special Hearing, Case No.: 98-394-SPH, 1525 Greenspring Valley Road, District: 3c3, Villa Julie College - Owner/Petitioner

Please be advised that an appeal of the above referenced case was filed in this office on August 25, 1998 by Benjamin Bronstein, Esquire on behalf of Villa Julie College. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
98 AUG 26 PM 2:16

Printed with Soybean Ink

BB/mlh/08.25.98

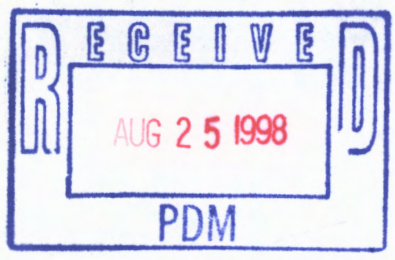
| | | | |
|---|---|---|---|
| IN RE: | PETITION FOR SPECIAL HEARING<br>SW/Corner Greenspring Valley Road and Nacarema Lane<br>(1525 Greenspring Valley Road)<br>3rd Election District<br>3rd Councilmanic District | * | BEFORE THE<br>ZONING COMMISSIONER<br>OF BALTIMORE COUNTY |
| | Villa Julie College<br>Owner/Petitioner | * | CASE NO.: 98-394-SPH |
| | Richard Buck, et al.<br>Protestants | * | AND 98-475-SPH |

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

**NOTICE TO ENTER APPEAL**

On behalf of Villa Julie College, Inc., 1525 Greenspring Valley Road, Owner/Petitioner, by Benjamin Bronstein and George & Bronstein, LLP, its attorneys, please enter an appeal from the Orders of the Zoning Commissioner of Baltimore County dated June 30, 1998, July 30, 1998 and August 25, 1998 to the County Board of Appeals. A check for costs is attached.

GEORGE AND BRONSTEIN, LLP




Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

Attorney for Villa Julie College, Owner/Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on this 25 day of August, 1998, a copy of the foregoing Notice to Enter Appeal was mailed, postage pre-paid to J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Maryland 21204, attorney for Protestants.

Benjamin Bronstein

8/25/98

BB/mlh/08.25.98

| | | | |
|---|---|---|---|
| IN RE: | PETITION FOR SPECIAL HEARING<br>SW/Corner Greenspring Valley<br>Road and Nacarema Lane<br>(1525 Greenspring Valley Road)<br>3rd Election District<br>3rd Councilmanic District | * | BEFORE THE<br><br>ZONING COMMISSIONER<br><br>OF BALTIMORE COUNTY |
| | Villa Julie College<br>Owner/Petitioner | * | CASE NO.: 98-394-SPH |
| | Richard Buck, et al.<br>Protestants | * | AND 98-475-SPH |

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

**NOTICE TO ENTER APPEAL**

On behalf of Villa Julie College, Inc., 1525 Greenspring Valley Road, Owner/Petitioner, by Benjamin Bronstein and George & Bronstein, LLP, its attorneys, please enter an appeal from the Orders of the Zoning Commissioner of Baltimore County dated June 30, 1998, July 30, 1998 and August 25, 1998 to the County Board of Appeals. A check for costs is attached.

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

Attorney for Villa Julie
College, Owner/Petitioner

RECEIVED
25 1998
PDM

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on this 25 day of August, 1998, a copy of the foregoing Notice to Enter Appeal was mailed, postage pre-paid to J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Maryland 21204, attorney for Protestants.

Benjamin Bronstein

8/25/98

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SW/Corner Greenspring Valley Road
and Nacarema Lane * ZONING COMMISSIONER
(1525 Greenspring Valley Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
* Cases Nos. 98-394-SPH and
Villa Julie College, Owner/Petitioner 98-475-SPH
Richard Buck, et al, Petitioners *

* * * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, these matters came before this Zoning Commissioner as a single public hearing on the respective Petitions for Special Hearing filed by the property owner, Villa Julie College (Case 98-394-SPH), and the Valleys Planning Council (Case No. 98-475-SPH); and,

WHEREAS, following a public hearing, a written Findings of Fact and Conclusions of Law was issued on June 30, 1998; and,

WHEREAS, a Motion for Reconsideration was filed on behalf of Valleys Planning Council and an amended Order issued on July 30, 1998; and,

WHEREAS, a Motion for Reconsideration was filed, through counsel, by Villa Julie College as to the July 30, 1998 Order; and,

WHEREAS, an appeal of the decision of the Zoning Commissioner of Baltimore County rendered on June 30, 1998, as amended on July 30, 1998, was filed by the Valleys Planning Council, et al; and,

WHEREAS, said appeal divests the Zoning Commissioner's jurisdiction of this case, and that said appeal will be heard de novo, and that the Board of Appeals will make its own record and issue its own opinion and Order as to the issues presented; barring a dismissal of the appeal or entry of a Consent Order; and,

WHEREAS, however, a ruling on the Motion for Reconsideration filed by Villa Julie College was filed so as to regulate the property until a disposition is reached before the Board of Appeals.

NOW THEREFORE, IT IS ORDERED this 25th day of August, 1998

CERTIFIED COPY FOR FILING
Date 8/25/98
By

by the Zoning Commissioner for Baltimore County that:

(1) the existing outside lights of Villa Julie College shall be as set forth on the site plan which was previously approved and incorporated in case No. 92-285-SPHXA;

(2) that as to new lighting, Villa Julie College will be permitted to maintain lighting on the campus on a 24 hour basis as is necessary to maintain adequate security. It is further anticipated that the aforesaid 24 hour lighting will be low-level in nature and will be located either on the facade of campus buildings or immediately adjacent thereto;

(3) that as to proposed parking lots, said lighting will be routinely extinguished by 11:00 P.M. However, in the event of a "special" event on campus (e.g., concert, sports event, etc.) such parking lot lighting will be allowed to remain on until after the special event has concluded and the attendees have left the premises;

(4) that for all the proposed and existing lighting on campus, same should be directed and focused in a manner downward or towards the interior of the property and not designed or installed so as to cause any improper glare or reflection towards neighboring properties; and,

(5) as to the specifics of the height, wattage, glare, design, etc., of the lighting, same shall be in accordance with the approved site plan and shall not violate any Baltimore County or other governmental standards.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
c: Ms. Carolyn Manuszak, President, Villa Julie College
1525 Greenspring Valley Road, Stevenson, Md. 21153
Messrs. Jack Dillon and Richard Buck, Valleys Planning Council
212 Washington Avenue, Towson, Md. 21285-5402
Mr. Gaylord L. Clark, 1704 Hillside Road, Stevenson, Md. 21153
Mr. Rick Chadsey, G. W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

8/25/98

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SW/Corner Greenspring Valley Road
and Nacarema Lane * ZONING COMMISSIONER
(1525 Greenspring Valley Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
* Cases Nos. 98-394-SPH and
Villa Julie College, Owner/Petitioner 98-475-SPH
Richard Buck, et al, Petitioners *

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

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, these matters came before this Zoning Commissioner as a single public hearing on the respective Petitions for Special Hearing filed by the property owner, Villa Julie College (Case 98-394-SPH), and the Valleys Planning Council (Case No. 98-475-SPH); and,

WHEREAS, following a public hearing, a written Findings of Fact and Conclusions of Law was issued on June 30, 1998; and,

WHEREAS, a Motion for Reconsideration was filed on behalf of Valleys Planning Council and an amended Order issued on July 30, 1998; and,

WHEREAS, a Motion for Reconsideration was filed, through counsel, by Villa Julie College as to the July 30, 1998 Order; and,

WHEREAS, an appeal of the decision of the Zoning Commissioner of Baltimore County rendered on June 30, 1998, as amended on July 30, 1998, was filed by the Valleys Planning Council, et al; and,

WHEREAS, said appeal divests the Zoning Commissioner's jurisdiction of this case, and that said appeal will be heard de novo, and that the Board of Appeals will make its own record and issue its own opinion and Order as to the issues presented; barring a dismissal of the appeal or entry of a Consent Order; and,

WHEREAS, however, a ruling on the Motion for Reconsideration filed by Villa Julie College was filed so as to regulate the property until a disposition is reached before the Board of Appeals.

NOW THEREFORE, IT IS ORDERED this 25th day of August, 1998

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By

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(2) that as to new lighting, Villa Julie College will be permitted to maintain lighting on the campus on a 24 hour basis as is necessary to maintain adequate security. It is further anticipated that the aforesaid 24 hour lighting will be low-level in nature and will be located either on the facade of campus buildings or immediately adjacent thereto;

(3) that as to proposed parking lots, said lighting will be routinely extinguished by 11:00 P.M. However, in the event of a "special" event on campus (e.g., concert, sports event, etc.) such parking lot lighting will be allowed to remain on until after the special event has concluded and the attendees have left the premises;

(4) that for all the proposed and existing lighting on campus, same should be directed and focused in a manner downward or towards the interior of the property and not designed or installed so as to cause any improper glare or reflection towards neighboring properties; and,

(5) as to the specifics of the height, wattage, glare, design, etc., of the lighting, same shall be in accordance with the approved site plan and shall not violate any Baltimore County or other governmental standards.

CERTIFICATE OF POSTING

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

c: Ms. Carolyn Manuszak, President, Villa Julie College
1525 Greenspring Valley Road, Stevenson, Md. 21153
Messrs. Jack Dillon and Richard Buck, Valleys Planning Council
212 Washington Avenue, Towson, Md. 21285-5402
Mr. Gaylord L. Clark, 1704 Hillside Road, Stevenson, Md. 21153
Mr. Rick Chadsey, G. W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

Baltimore County
Zoning Commissioner
Office of Planning

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

August 25, 1998

Benjamin Bronstein, Esquire
George & Bronstein LLP
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

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

RE: Ruling on Motion for Reconsideration
Case Nos. 98-394-SPH and 98-475-SPH
Villa Julie College

Gentlemen:

Enclosed please find a copy of my Ruling on Motion for Reconsideration filed by Valleys Planning Council to the Order issued on July 30, 1998. The Motion has been granted.

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 Ruling 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.
c: Ms. Carolyn Manuszak, President, Villa Julie College
1525 Greenspring Valley Road, Stevenson, Md. 21153

Messrs. Jack Dillon and Richard Buck, Valleys Planning Council
212 Washington Avenue, Towson, Md. 21285-5402

Mr. Gaylord L. Clark, 1704 Hillside Road, Stevenson, Md. 21153

Mr. Rick Chadsey, G. W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

August 13, 1998

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

Dear Mr. Bronstein:

RE: Petition for Special Hearing, Case No.: 98-394-SPH, 1525 Greenspring Valley Road, District: 3c3, Villa Julie College - Owner/Petitioner

Please be advised that an appeal of the above referenced case was filed in this office on July 30, 1998 by J. Carroll Holzer, Esquire on behalf of Richard Buck, et al. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
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BB/mlh/08.03.98

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| IN RE: | PETITION FOR SPECIAL HEARING<br>SW/Corner Greenspring Valley<br>Road and Nacarema Lane<br>(1525 Greenspring Valley Road)<br>3rd Election District<br>3rd Councilmanic District | * | BEFORE THE<br>ZONING COMMISSIONER<br>OF BALTIMORE COUNTY |
| | Villa Julie College<br>Owner/Petitioner | * | CASE NO.: 98-394-SPH |
| | Richard Buck, et al.<br>Protestants | * | AND 98-475-SPH |

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

**MOTION TO REVISE ORDER DATED JULY 30, 1998**

Villa Julie College, Owner/Petitioner, (the "College") by Benjamin Bronstein and George and Bronstein, LLP, its attorneys, respectfully represents:

1. That on July 30, 1998, the Zoning Commissioner for Baltimore County passed an Order amending his Order of June 30, 1998.

2. That the Order of June 30, 1998 imposed new conditions on the College relating to lighting.

3. That the Zoning Commissioner, under §500.6 of the BCZR, is limited to deciding the question posed in paragraph 23 of the Valley Planning Council's Petition for Special Hearing which stated: "Does the existing lighting of the Villa Julie College - height, wattage, glare, design, exceed that proposed under Exhibits #1 and #2; does the existing lighting violate the Baltimore County light standards?"

4. There was no testimony that the lighting was in violation of any exhibits, plans, standards or prior Order.

5. That the conditions imposed are so ambiguous that they

can be interpreted to restrict lighting within buildings as well as parking lot lighting.

6. That the perceived effect of the imposed conditions would adversely effect the College's educational program, expose the College to potential litigation and would be contrary to campus security needs.

WHEREFORE, Petitioner respectfully requests that the Zoning Commissioner grant the Petitioner a prompt hearing on the subject matter of this Petition.

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

Attorney for Villa Julie
College, Owner/Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on this 3 day of August, 1998, a copy of the foregoing Motion to Revise Order Dated July 30, 1998 was mailed, postage pre-paid to J. Carroll Holzer, Esquire, Holzer and Lee, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, attorney for Protestants.

Benjamin Bronstein

7/30/98

| | | | |
|---|---|---|---|
| **IN RE:** | **PETITION FOR SPECIAL HEARING** | * | **BEFORE THE** |
| | **SW/Corner Greenspring Valley Rd. and Nacarema Lane** | * | **ZONING** |
| | **(1525 Greenspring Valley Rd.)** | | |
| | **3rd Election District** | * | **COMMISSIONER** |
| | **3rd Councilmanic District** | | |
| | **Villa Julie College, Owner/Petitioner** | * | **FOR BALTIMORE COUNTY** |
| | **Richard Buck, et al., Petitioners** | * | **Consolidated Cases No. 98-394-SPH &** |
| | | * | **98-475-SPH** |

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

## NOTICE OF APPEAL

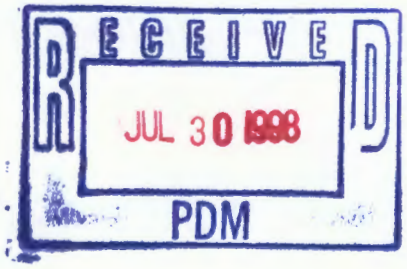
Appellants Richard Buck, et al. in the above captioned case by and through their attorney J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the decision of the Zoning Commissioner of Baltimore County rendered on June 30, 1998, a copy of which is attached hereto and as amended on July 30, 1998 (attached).

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

Respectfully submitted,

J. Carroll Holzer

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




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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of July, 1998 a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Benjamin Bronstein, Esq., George and Bronstein, 29 W. Susquehanna Ave. Towson, MD 21204.

J. Carroll Holzer

NOTICES\A:\Valleys..NOA

| | | | |
|---|---|---|---|
| **IN RE:** | **PETITION FOR SPECIAL HEARING**<br>**SW/Corner Greenspring Valley Rd.**<br>**and Nacarema Lane**<br>**(1525 Greenspring Valley Rd.)**<br>**3rd Election District**<br>**3rd Councilmanic District**<br>**Villa Julie College, Owner/Petitioner**<br><br>**Richard Buck, et al., Petitioners** | * | **BEFORE THE**<br><br>**ZONING**<br><br>**COMMISSIONER**<br><br>**FOR BALTIMORE COUNTY**<br><br>**Consolidated Cases No. 98-394-SPH &**<br>**98-475-SPH** |

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

## NOTICE OF APPEAL

Appellants Richard Buck, et al. in the above captioned case by and through their attorney J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the decision of the Zoning Commissioner of Baltimore County rendered on June 30, 1998, a copy of which is attached hereto and as amended on July 30, 1998 (attached).

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

Respectfully submitted,

J. Carroll Holzer

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

RECEIVED
JUL 30 1998
PDM

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

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of July, 1998 a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Benjamin Bronstein, Esq., George and Bronstein, 29 W. Susquehanna Ave. Towson, MD 21204.

J. Carroll Holzer

NOTICES\A:\Valleys..NOA

7/30/98

| | | | |
|---|---|---|---|
| **IN RE:** | **PETITION FOR SPECIAL HEARING**<br>**SW/Corner Greenspring Valley Rd.**<br>**and Nacarema Lane**<br>**(1525 Greenspring Valley Rd.)**<br>**3rd Election District**<br>**3rd Councilmanic District**<br>**Villa Julie College, Owner/Petitioner**<br><br>**Richard Buck, et al., Petitioners** | * | **BEFORE THE**<br><br>**ZONING**<br><br>**COMMISSIONER**<br><br>**FOR BALTIMORE COUNTY**<br><br>**Consolidated Cases No.**<br>**98-394-SPH &**<br>**98-475-SPH** |

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

**NOTICE OF APPEAL**

Appellants Richard Buck, et al. in the above captioned case by and through their attorney J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the decision of the Zoning Commissioner of Baltimore County rendered on June 30, 1998, a copy of which is attached hereto and as amended on July 30, 1998 (attached).

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

Respectfully submitted,

J. Carroll Holzer

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

RECEIVED
JUL 30 1998
PDM

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

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

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J. Carroll Holzer

*NOTICES\A:\Valleys..NOA*

7/30/98

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SW/Corner Greenspring Valley Road
and Nacarema Lane * ZONING COMMISSIONER
(1525 Greenspring Valley Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
* Cases Nos. 98-394-SPH and
Villa Julie College, Owner/Petitioner 98-475-SPH
Richard Buck, et al, Petitioners *

* * * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Zoning Commissioner for consideration of Petitions for Special Hearing filed by the property owner, Villa Julie College (Case 98-394-SPH), and the Protestants, which included neighboring property owners and the Valleys Planning Council (Case No. 98-475-SPH), as to the College's proposed improvements to the subject property.

As noted within my prior Opinion in this matter, Case No. 98-394-SPH was originally scheduled for public hearing on June 5, 1998. However, in light of the Petition filed by the Protestants in Case No. 98-475-SPH, the matter was continued to consolidate the competing Petitions, and on June 15, 1998, a public hearing was held to entertain all issues on both sides. By Order dated June 30, 1998, most all of the relief requested within the Petition filed in Case No. 98-394-SPH was granted, but for approval of a new parking area along Haul Road. Denial of this portion of the Petitioner's request resulted in a partial granting of the relief sought within the Protestants' Petition filed in Case No. 98-475-SPH.

Subsequent to the issuance of said Order, the Protestants, through their attorney, J. Carroll Holzer, filed a Motion for Reconsideration of those findings and conclusions by letter dated July 7, 1998. Essentially, the Protestants requested the incorporation of what they allege was a

ORDER RECEIVED FOR FILING
Date 7/30/98
By

proffer made by Counsel for Villa Julie College at the hearing regarding lighting of the subject property. Specifically, it was requested that: a) Villa Julie install low-level lighting for all of the permanent lights on the entire parking lot; b) that all parking lights be extinguished by no later than 11:00 PM on any given evening; and, c) that only the building soffit lights that are necessary for security purposes remain lit after 11:00 PM. In addition, an amended landscape plan for the affected parking areas was requested as a condition of approval. A similar request was received in the form of a letter from Gaylord Lee Clark, a nearby resident.

Villa Julie College, through its attorney, Benjamin Bronstein, Esquire, responded to the Protestants' Motion for Reconsideration. Their response, dated July 15, 1998, indicated that there were occasions essential to Villa Julie's function as an educational institution when lights would be required to remain on after 11:00 PM. They noted that existing lighting does not spill over onto adjacent properties. It was also indicated that it would be economically burdensome and unproductive to require the College to submit new plans for lighting and landscaping.

Upon due consideration of the Motion for Reconsideration filed by the Protestants and the response thereto by the Petitioners, I am persuaded to amend the relief granted as set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of July, 1998 that the Order issued in the above-captioned matter on June 30, 1998, be and shall hereby AMENDED as follows:

a) All lighting within parking areas on the subject property shall be of a low-level character and shall be directed downward so as not to cause glare and/or reflection onto adjacent residential properties.

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Date 7/30/98
By

b) Only lighting on or immediately adjacent to the buildings as is necessary for security purposes shall remain on after 11:00 PM on any given evening. All other lighting, including lighting in the parking lot, shall be extinguished by 11:00 PM each evening.

c) No additional lighting and/or landscaping plans need be submitted; however, shall be in accordance with the plan approved and identified as Petitioner's Exhibit 1.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued June 30, 1998, shall remain in full force and effect.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Benjamin Bronstein, Esquire, George & Bronstein
29 W. Susquehanna Avenue, Towson, Md. 21204

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

Ms. Carolyn Manuszak, President, Villa Julie College
1525 Greenspring Valley Road, Stevenson, Md. 21153

Messrs. Jack Dillon and Richard Buck, Valleys Planning Council
212 Washington Avenue, Towson, Md. 21285-5402

Mr. Gaylord L. Clark, 1704 Hillside Road, Stevenson, Md. 21153

Mr. Rick Chadsey, G. W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

People's Counsel; Case Files

ORDER RECEIVED FOR FILING
Date 7/31/98
By

1/30/98

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SW/Corner Greenspring Valley Road
and Nacarema Lane * ZONING COMMISSIONER
(1525 Greenspring Valley Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
* Cases Nos. 98-394-SPH and
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Richard Buck, et al, Petitioners *

* * * * * * * * * * *

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IT IS FURTHER ORDERED that all other terms and conditions of the Order issued June 30, 1998, shall remain in full force and effect.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Benjamin Bronstein, Esquire, George & Bronstein
29 W. Susquehanna Avenue, Towson, Md. 21204

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

Ms. Carolyn Manuszak, President, Villa Julie College
1525 Greenspring Valley Road, Stevenson, Md. 21153

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212 Washington Avenue, Towson, Md. 21285-5402

Mr. Gaylord L. Clark, 1704 Hillside Road, Stevenson, Md. 21153

Mr. Rick Chadsey, G. W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

People's Counsel; Case Files

ORDER RECEIVED FOR FILING
Date 7/30/98
By

7/15/98

BB/mlh/07.15.98

RECEIVED
JUL 16 1998
ZONING COMMISSIONER

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| IN RE: | PETITION FOR SPECIAL HEARING<br>SW/Corner Greenspring Valley<br>Road and Nacarema Lane<br>(1525 Greenspring Valley Road)<br>3rd Election District<br>3rd Councilmanic District | * | BEFORE THE<br>ZONING COMMISSIONER<br>OF BALTIMORE COUNTY |
| | Villa Julie College<br>Owner/Petitioner | * | CASE NO.: 98-394-SPH |
| | Richard Buck, et al.<br>Protestants | * | AND 98-475-SPH |

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

**OWNER/PETITIONER'S RESPONSE TO MOTION FOR RECONSIDERATION**

Villa Julie College, Owner/Petitioner, (the "College") by Benjamin Bronstein and George and Bronstein, LLP, its attorneys, in response to the Protestant/Petitioner's Motion for Reconsideration and says:

1. The proposed changes to the site plan have minimal effect on the previously approved landscape and lighting plans in that the changes are primarily located in the interior of the College campus except for the requesting parking on the Haul Road which was denied.

2. Counsel for the College stated that the College's practice is to turn off lights at 11:00 p.m., except for security lighting absent the need for lighting related to College activities.

3. The College has occasions which are essential to its function as an educational institution to have lights on after 11:00 p.m.

4. The testimony of the College was that lighting and landscaping were not completed at the time of the hearing but that

the College planned to install lighting focused downward.

5. Some existing lighting which may be observed from offsite does not spill over onto adjoining property and that the nearest residences are hundreds of feet removed from the College campus.

6. It would be economically burdensome and unproductive to require the College to submit new plans for lighting and landscape, particularly when the site plan changes do not give rise to a need for new plans or incorporation into an order and that there is no evidence that the existing plans are either inadequate or do not comply with County regulations and standards.

WHEREFORE, Villa Julie College, having answered the Protestant's Motion for Reconsideration requests that it be dismissed.

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

Attorney for Villa Julie College, Owner/Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on this 15 day of July, 1998, a copy of the foregoing Owner/Petitioner Response to Motion for Reconsideration was mailed, postage pre-paid to J. Carroll Holzer, Esquire, Holzer and Lee, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, attorney for Protestants.

Benjamin Bronstein

7/15/98

BB/mlh/07.15.98

JUL 16

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Attorney for Villa Julie
College, Owner/Petitioner

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Benjamin Bronstein

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

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Attorney for Villa Julie College, Owner/Petitioner

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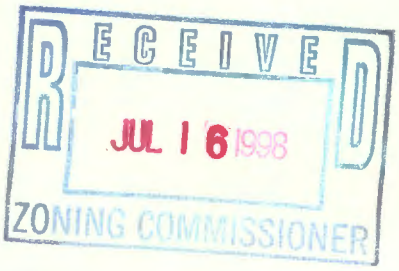
Benjamin Bronstein

LAW OFFICES
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HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

July 15, 1998




The Honorable Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County
Zoning Commissioner's Office
401 Bosley Avenue
Towson, Maryland 21204

RE: **Case No.: 98-394-SPH**
**and 98-475-SPH**

Dear Commissioner Schmidt:

Enclosed please find Owner/Petitioner's Response to Motion for Reconsideration filed in the above entitled case.

Thank you for your kind consideration.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh
Enclosure

cc: J. Carroll Holzer, Esquire
Attorney for Protestant/Petitioner

7/7/98

| | | | |
|---|---|---|---|
| IN RE: | PETITION FOR SPECIAL HEARING<br>SW/Corner Greenspring Valley Road<br>and Nacarema Lane<br>(1525 Greenspring Valley Road)<br>3rd Election District<br>3rd Councilmanic District | * | BEFORE THE<br>ZONING COMMISSIONER<br>OF BALTIMORE COUNTY |
| | Villa Julie College, Owner/Petitioner<br>Richard Buck, et al, Petitioners | * | Case Nos. 98-394-SPH and<br>98-475-SPH |

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**PROTESTANTS/PETITIONERS RICHARD BUCK, ET AL. MOTION FOR RECONSIDERATION**

Protestants/Petitioners Richard Buck, et al, by J. Carroll Holzer, Holzer & Lee in the above-captioned cases hereby request reconsideration of the findings of fact and conclusions of law and order of the Zoning Commissioner for Baltimore County, dated June 30, 1998 granting in part and denying in part the requested relief by both Petitioners/Protestants Richard Buck, et al and owner/Petitioner, Villa Julie College in the following respect:

1. During the course of the combined Hearing on Monday, June 15, 1998, Villa Julie College, owner/Petitioner presented a proffer in regard to concerns expressed by Richard Buck, et al, Protestants relating to lighting on the Villa Julie College site.

2. As an answer to the issues raised by the testimony of Jack Dillon, Executive Director of the Valleys Planning Council on behalf of a number of adjacent property owners that there were concerns in regard to the lighting both of the existing lots as well as any approved or corrected parking areas and that certain limitations be placed upon the lighting scheme of Villa Julie College.

3. In response to that testimony, Counsel for Villa Julie College, Benjamin Bronstein, Esquire, made the following proffer (As best as could be hastily jotted down by Counsel in his notes): (a) Villa Julie agreed to a low-level of lighting for all of the permanent lights on the entire parking lot.

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(b.) Again, with respect to all lights on the parking areas, Villa Julie College agreed to turn off the parking lighting at 11:00 p.m.

(c.) Villa Julie further agreed to only leave on the building soffit lights after 11:00 p.m. for security purposes.

4. Since the Zoning Commissioner approved modification, or reconfiguration to the various parking areas, Protestants desire that the Zoning Commissioner require Villa Julie College to provide an amended Landscape Plan for the affected parking areas as a condition for the approval.

5. Perhaps, because the Zoning Commissioner denied the request of Villa Julie College for the 79 additional parking spaces on the Haul Road, that the agreed proffer by Counsel for Villa Julie College was overlooked as a condition to be attached in the Commissioner's order permitting the reconfiguration of the existing parking lot, the legitimization of parking left off of the original plan, and the approval of parking on an interim basis by building G.

Wherefore, Richard Buck, et al, Protestants, respectfully request the Zoning Commissioner to amend his order of June 30, 1998 to include the conditions proffered by Villa Julie College through Counsel.

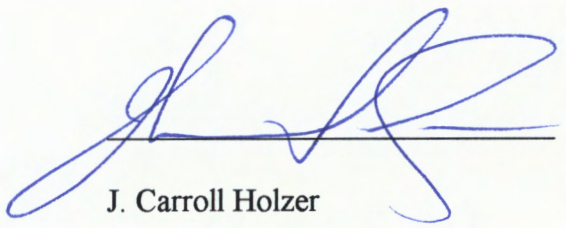
Respectfully submitted,

J. Carroll Holzer

cc: Richard Buck and Jack Dillon of Valleys Planning Council
People's Counsel for Baltimore County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed on July 7, 1998 first-class, postage pre-paid to Benjamin Bronstein, Esquire, George & Bronstein, 29 W. Susquehanna Avenue, Towson, Maryland 21204.



J. Carroll Holzer

a:motions/buck.mot

7/7/98

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|---|---|---|---|
| IN RE: | PETITION FOR SPECIAL HEARING<br>SW/Corner Greenspring Valley Road<br>and Nacarema Lane<br>(1525 Greenspring Valley Road)<br>3rd Election District<br>3rd Councilmanic District<br><br>Villa Julie College, Owner/Petitioner<br>Richard Buck, et al, Petitioners | * | BEFORE THE<br><br>ZONING COMMISSIONER<br><br>OF BALTIMORE COUNTY<br><br>Case Nos. 98-394-SPH and<br>98-475-SPH |

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**PROTESTANTS/PETITIONERS RICHARD BUCK, ET AL. MOTION FOR RECONSIDERATION**

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2. As an answer to the issues raised by the testimony of Jack Dillon, Executive Director of the Valleys Planning Council on behalf of a number of adjacent property owners that there were concerns in regard to the lighting both of the existing lots as well as any approved or corrected parking areas and that certain limitations be placed upon the lighting scheme of Villa Julie College.

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5. Perhaps, because the Zoning Commissioner denied the request of Villa Julie College for the 79 additional parking spaces on the Haul Road, that the agreed proffer by Counsel for Villa Julie College was overlooked as a condition to be attached in the Commissioner's order permitting the reconfiguration of the existing parking lot, the legitimization of parking left off of the original plan, and the approval of parking on an interim basis by building G.

Wherefore, Richard Buck, et al, Protestants, respectfully request the Zoning Commissioner to amend his order of June 30, 1998 to include the conditions proffered by Villa Julie College through Counsel.

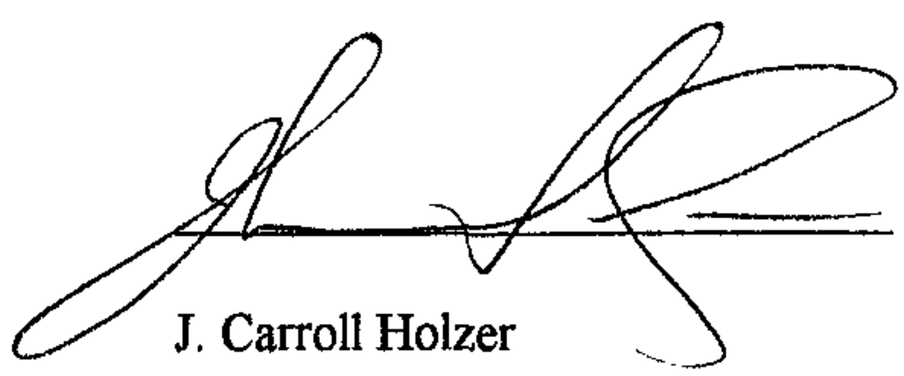
Respectfully submitted,

J. Carroll Holzer

cc: Richard Buck and Jack Dillon of Valleys Planning Council
People's Counsel for Baltimore County

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed on July 7, 1998 first-class, postage pre-paid to Benjamin Bronstein, Esquire, George & Bronstein, 29 W. Susquehanna Avenue, Towson, Maryland 21204.



J. Carroll Holzer

a:motions/buck.mot

HOLZER & LEE

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

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E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US

July 7, 1998

Larry Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204




Dear Mr. Schmidt:

Enclosed please find a Motion for Reconsideration in the Villa Julie College Case in regard to the Opinion rendered by you on June 30, 1998.

I believe that the omission of a lighting condition which had been agreed to by Benjamin Bronstein and Villa Julie is overlooked in your Opinion as an additional condition for the granting of the relief requested by Villa Julie College.

I would appreciate your consideration in regard to amending your order to include the material proffered by Villa Julie College and hopefully suggested in the attached Motion.

Thank you very much for your consideration.

Very truly yours,

J. Carroll Holzer

cc: Benjamin Bronstein, Esquire

c:letters\schmidt.3

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SW/Corner Greenspring Valley Road
and Nacarema Lane * ZONING COMMISSIONER
(1525 Greenspring Valley Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
* Cases Nos. 98-394-SPH and
Villa Julie College, Owner/Petitioner 98-475-SPH
Richard Buck, et al, Petitioners *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The classic writer Homer once penned, "It is tedious to tell again tales already plainly told." If that be the case, the above cited Petitions for Special Hearing come before this Zoning Commissioner for further tedium, to consider the future of the Villa Julie College campus, located at 1525 Greenspring Valley Road. The subject property originally came before me for consideration under Petitions for Special Hearing, Special Exception, and Variance filed by Villa Julie College in prior Case No. 92-285-SPHXA. In that case, I was requested to legitimize the existence of Villa Julie College through the Petition for Special Exception. In addition to a legitimization of the College use, special hearing and variance relief was requested to approve numerous improvements to the site, including the construction of certain academic and administration buildings, a waste water treatment plant, and additional infrastructure. The matter came before me in the summer of 1992, and by way of a 30-page Order issued on July 10, 1992, the Petitions were granted and relief provided, with restrictions and limitations attached thereto. A timely appeal followed to the County Board of Appeals and following a de novo hearing, the Board issued a similar decision as had been rendered by me by way of its Order and Opinion dated July 23, 1993. Appeals to the Circuit Court for Baltimore County and Court of Special Appeals of Maryland affirmed the result.

Following attainment of these approvals, the College set about making certain improvements. New buildings, facilities, and parking areas were constructed, and many of the additions are finished. However, some additional work remains to be done.

The future of Villa Julie College at this point, from a zoning perspective, is raised by the filing of a Petition for Special Hearing by the College in Case No. 98-394-SPH. The Petitioners seek approval of an amendment to the site plan previously approved in Case No. 92-285-SPHXA, or, in the alternative, a finding that the proposed changes to the plan are so minor that an amendment is not required and can be done administratively. Essentially, the nature of the amendment requested within this Petition is four-fold. Villa Julie seeks approval of a new parking area along the previously designated dirt strip, now known as Haul Road; the construction of new tennis courts in the rear of the site and a reconfiguration of the parking provided in that area; the reconfiguration and legitimization of parking which was inadvertently left off the original plan, including a finding that the existing parking in that area is permitted; and, the approval of parking on an interim basis near proposed Building G, until such time as that building is constructed. These amendments to the previously approved site plan are characterized by Villa Julie and its consultants as minor in scope and nature, and the College reluctantly filed the Petition to approve these alterations.

As a reading of the prior opinions in this case will well-attest, Villa Julie's relations with many of its neighbors are strained. In the prior case in 1992, and the appeals that followed, many of the neighbors of the College who reside within the Greenspring Valley vehemently protested the College's plans for expansion. Fearing additional growth, some of

these Protestants, including the Valleys Planning Council and certain individuals who reside in the vicinity, filed their own Petition for Special Hearing, which was docketed as Case No. 98-475-SPH. The Petition for Special Hearing filed by these individuals raised some 24 issues relating to the potential growth of the College and the existing and future uses of the property. The details of that application are fully set out on the schedule attached to the Petition filed in that case.

Originally, Case No. 98-394-SPH was scheduled for public hearing on June 5, 1998. At that time, representatives of the College appeared, as did Benjamin Bronstein, Esquire, counsel for the institution. Appearing in opposition to the College's Petition at that time were several of the individual Protestants and representatives of the Valleys Planning Council, all represented by J. Carroll Holzer, Esquire. By ruling made in open hearing, I continued the case at that time and consolidated the competing Petitions for Special Hearing filed by both sides. The matter was then rescheduled to June 15, 1998 and a public hearing held on that day to entertain all issues. The Opinion which follows represents this Office's decision on both Petitions and a full resolution, at least at this level, of the various amendments and changes to the plan since the original approval in Case No. 92-285-SPHXA.

Testimony was received from Rick Chadsey, the engineer from G. W. Stephens, Jr., and Associates, Inc., who prepared the latest site plan. Mr. Chadsey described the history of the project and site, including his company's acquisition of the project from another firm. He also described, in some detail, the changes from the approved development plan (Case No. III-371), which were proposed. The approved development plan essentially mirrored the plan in prior zoning Case No. 92-285-SPHXA. Mr. Chadsey

indicated that 18 parking spaces were proposed to be used on an interim basis at the footprint of Building G until that building is constructed. He also indicated that 2 additional tennis courts are proposed for construction at the present time, with 2 more courts to be added at some time in the future. Mr. Chadsey testified that the tennis courts were necessary in view of the school's recent affiliation with the NCAA and the need to provide additional athletic facilities. He also indicated that 48 parking spaces had been inadvertently left off the original plan. These spaces apparently have always been used and located at or near Cottage Lane and the Mueller house, behind the main academic building and near Building E. The Petitioner now seeks approval to use those spaces.

Lastly, Mr. Chadsey described the Haul Road area and the proposed new area for parking. He indicated that the road was a significant distance (610 feet) from Greenspring Valley Road, that the parking lot would be landscaped, and was needed to provide additional parking for the campus. He addressed the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as they relate to special exception relief, and indicated that the proposed changes were minor and fell within the spirit and intent of the prior approvals and existing zoning regulations.

Also testifying on behalf of the College was Gary Reif, Director of the Physical Plant. Mr. Reif clarified the NCAA's requirements as to the need for tennis courts, explaining that 6 courts were needed in order to host an athletic event. Thus, it is clear that the College does not need the courts to participate in NCAA athletic activity, only to host a tennis match. Testimony was also received from Joseph Zerhusen, Chief of Security of the College since 1990. Mr. Zerhusen indicated that the areas of parking inadvertently left off the original plan had existed since his

affiliation with the school and that those 48 parking spaces had always been so used.

Testimony was also received from several of the Protestants. These included Richard Buck who resides on Greenspring Avenue, and Timothy Rodgers, who owns an adjacent property. These gentlemen collectively testified that they do not object, per se, to the proposed tennis court additions, the use of the 48 parking spaces inadvertently left off the original plan, nor the parking on an interim basis at the footprint of Building G. They do, however, vehemently object to the proposed new lot on old Haul Road which will provide 79 additional parking spaces. They believe that this represents a further intrusion into the Greenspring Valley and strongly oppose an amendment of the plan to allow that new lot. Mr. Rodgers, in particular, described what he perceived as a "creeping effect of development" and his belief that Villa Julie has ignored the requirements of the previous plan and the restrictions of the prior approval.

Also testifying was Jeffrey Lees, an architect. Mr. Lees was previously a member of the Baltimore County Landmarks Preservation Commission. He described in detail the nature of the site and surrounding community. He opined that the construction of the Haul Road parking lot will negatively impact the open character of the district and the vistas from Greenspring Valley Road.

Testimony was also received from Jay Graham, a landscape architect. I found Mr. Graham's testimony both reasonable and credible. He testified to four factors which may be caused by the construction of the new Haul Road parking lot, which he believes is inappropriate. First, he noted that the construction of such a lot would be an encroachment into the open field in front of the school, thereby dramatically changing the

view of the College campus from Greenspring Valley Road and the houses across the street. He also indicated that the grade of the site would be changed by the construction, which would also disrupt the existing vista. Third, he testified at length about the changed relationship between the open field and the edge of the existing woods/tree line. In this regard, Mr. Graham indicated that notwithstanding any landscaping, the existing character of the site would be unfavorably altered. Fourth, he expressed reservations about lighting of the lot, and its impacts on the surrounding locale. He concluded that the Haul Road parking lot was an "urban landscape feature" which would be improperly sited in the middle of an agricultural setting. From this perspective, the construction of the Haul Road parking lot should not be permitted.

Similar testimony was offered by Jack Dillon, Executive Director of the Valleys Planning Council. Mr. Dillon in particular indicated that his organization did not object to the internal parking on the gravel road, the tennis courts, or parking for an interim period at Building G's footprint. He indicated that these three changes to the plan are not particularly objectionable, in that they are all located behind the front building line of the campus. However, he strongly objects to the proposed parking lot on Haul Road.

Finally, testimony was received from Tunnie Ping, a Professional Land Surveyor retained by David and Susan Cordish, Protestants. His most interesting testimony focused on the differences between the plan offered for approval in the instant case, and the prior approved development plan (Case No. III-371) and the site plan approved by the County Board of Appeals in the prior zoning case. The testimony specifically focused on the changes between those plans. However, no comment or conclusion was

offered as to whether the plans were consistent with one another or whether any differences were inappropriate. Apparently, the testimony was offered to demonstrate that the Villa Julie plan has evolved over the years and the present proposal has significant alterations from the approved plan. However, rebutting testimony was received on this issue from Mr. Chadsey. He opined that the plans were consistent and that any differences were minor. The record is clear as to all of the testimony offered in this regard.

Addressing first the issues presented in the Petition for Special Hearing filed by Villa Julie in Case No. 98-394-SPH, I am persuaded to grant that portion of the Petition seeking approval of the additional tennis courts, the recognition and approval of the 48 parking spaces which were inadvertently left off the original plan, and the use of an area for interim parking at Building G. In this regard, I concur with the testimony offered by Mr. Dillon. These modifications to the plan all occur in that geographic area, behind the front building/development line of the campus, as it faces Greenspring Valley Road. That is, these alterations to the plan all occur within a portion of the site which is already developed. To allow the Petitioner to make changes within that area, for so long as they are not substantially different than what is proposed, is altogether appropriate and reasonable. In my judgment, these changes are consistent with the prior plan, appropriate with the approval and Order issued by the Board of Appeals, and in compliance with the spirit, intent and the letter of the zoning regulations as set out in Section 502.1 of the B.C.Z.R.

Quite a different conclusion is reached as to the proposed Haul Road parking lot. As noted by many of the Protestants' witnesses, this lot

is located in the front yard of the property; that is, between Greenspring Valley Road and the front development/building line of the College campus.

A review of the opinions issued in the prior case is relevant in considering this issue. I recognized the unique location of this property when I issued my initial decision in this case on July 10, 1992. Therein, I stated, "The testimony and evidence submitted by the Petitioner was clear; Villa Julie intends on growing. Although the growth rate will be modest and consistent with the 8% per year historical rate, any growth causes concern... The constraints of this property, the zoning classification of this property, and the agricultural characteristics of the locale are limiting factors." (emphasis in original) (Pages 19 and 20). Later, I concluded "I am particularly concerned that the site remain compatible with the surrounding locale. The improvements proposed, as shown on the site plan, convinces me that the granting of these variances will not destroy that compatibility." (Page 28).

The Opinion issued by the County Board of Appeals following their de novo hearing is more controlling. In its opinion, the Board discussed the traffic generated by the College and its impact on the surrounding locale. In discussing this issue, the Board noted, "None of the College property now utilized for agriculture will be affected or diminished by the proposed building plans." (County Board of Appeals' Opinion, Page 7).

Indeed, the proposed Haul Road parking lot represents a substantial deviation from the original plan. Testimony was offered by a number of the witnesses in response to pointed questions by this Zoning Commissioner, that the front field maintained by the College has been used in the not too distant past for agricultural purposes. Although the field is not presently in crops, it has been in recent years. It is clear that the

construction of the Haul Road parking lot indeed constitutes development of portions of the site previously devoted to agricultural uses.

This point was emphasized in a Zoning Plans Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM). That comment states, "The proposed new parking lot location parallel to Greenspring Valley Road should be relocated elsewhere. The proposed location is prime and productive soils BmB2. This proposal conflicts with Section 26-170 and should not be approved."

The County Board of Appeals likewise feared uncontrolled growth of the College and its effects on agriculture. The Board stated, "The proposed physical expansion of the College is extensive, and expressed fears by Protestants are understandable. Because the College is in an agriculture preservation zone, the degree of growth warrants control under a granted special exception." (County Board of Appeals Opinion, Page 10).

The Board also noted the testimony of Villa Julie's own witnesses at the hearing before it. Describing the plan by Villa Julie's experts, the Board noted, "The plan's goal is to achieve an 'intimate campus' without the new construction using present open areas. Samuel Crosier, Petitioner's Landscape Architect, designed the plan to avoid the removal of wooded areas, and to build taller buildings to reduce the impervious roof area of a lower structure of the same square footage. Major aspects of the plan were designed so that the campus will have less impact on Greenspring Valley Road and adjacent residences. The new construction will generally interconnect with existing buildings in such a building envelope that they will hardly be seen from the road." (County Board of Appeals' Opinion, Pages 13 - 14) In my judgment, the proposed Haul Road parking lot significantly deviates from the Petitioners' original plans, as approved by the

County Board of Appeals and affirmed on appeal. Despite the landscaping proposed, I agree with Mr. Graham's testimony that the pro posed Haul Road parking lot presents a detrimental and permanent negative impact on the character of the frontage of the property. It is indeed a proposed placement of an urban landscape feature in an agriculture setting. Thus, I find that the proposed parking lot would be inconsistent with the prior approvals, the applicable provisions of the B.C.Z.R. and the overall character of the area. Therefore, an amendment of that portion of the plan will not be permitted.

The existence and growth of Villa Julie College has presented, and will no doubt continue to present, the classic confrontation between the need for the growth of a legitimate land use and the preservation of the existing setting of the neighborhood and community. As I believe is abundantly clear in the prior opinion issued by me, I recognize that Villa Julie lawfully exists where it does, that it needs growth to survive and compete, and that the use of the property by the College is a legitimate and permissible use under the property's zoning classification. Nonetheless, Villa Julie must recognize the inherent limitations and constraints of its property. The same features which make the College campus unique and idyllic at this location are limiting. The proposed construction of a parking lot at Towson University or UMBC would no doubt generate not much more than a yawn from the neighbors of those institutions. However, Villa Julie is not located in Towson or Catonsville, but in the Greenspring Valley. Thus, although the addition of a parking lot on a college campus might not seem like much to some, it is significant here and should not be permitted as proposed. Therefore, Villa Julie's Petition shall be granted in part and denied in part, as more fully set forth herein.

As to the Petition for Special Hearing filed by the Protestants in Case No. 98-475-SPH, same will likewise be granted in part and denied in part. That portion of the Petition dealing with the proposed Haul Road parking lot should be granted, so as to prohibit construction of same. However, as to the balance of the issues raised in the Protestants' Petition, same shall be denied. I find no credible testimony before me that Villa Julie has failed to properly develop its site in accordance with the prior approvals. Certainly, the testimony offered by Mr. Ping supports a conclusion that development has not precisely followed the details of the plan approved by the County Board of Appeals. However, a slight deviation is understandable and necessary, due to more finite and certain engineering studies as development proceeds, and discovered conditions in the field. In sum, I find no compelling testimony in the record of this case before me that Villa Julie's development, both existing and proposed (other than the Haul Road parking lot) is inappropriate.

Finally, it is to be noted that in order to "clean up" its site plan, Villa Julie should submit another plan for inclusion in the case files consistent with the terms and conditions of this Order. Such plan shall be modeled upon the plan approved by the County Board of Appeals, with the alterations which have been approved herein, and any minor deviations which have naturally occurred since the original approval. Obviously, the plan shall not show the Haul Road parking lot in that same has been denied. Likewise, the terms and conditions of the Board's prior Order, except as specifically modified herein, shall not be changed. These include the constraints on the College's growth, and particularly, the requirement that any change to the plan in the future will require an additional public hearing.

Pursuant to the advertisement, posting of the subject property, and public hearing held thereon, and for the reasons set forth herein, the Petitions for Special Hearing filed in Cases Nos. 98-394-SPH and 98-475-SPH have been granted in part and denied in part as more fully described above and as set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of June, 1998 that the Petition for Special Hearing filed in Case No. 98-394-SPH, seeking approval of amendments to the site plan previously approved in Case No. 92-285-SPHXA, to reflect the construction of new tennis courts in the rear of the site and a reconfiguration of the parking provided in that area, the reconfiguration and legitimization of parking inadvertently left off the original plan, including a finding that the existing parking in that area is permitted, and finally, the approval of parking on an interim basis near proposed Building G, until such time as that building is constructed, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any future permits, the Petitioners shall submit a revised site plan for inclusion in the files for both Cases Nos. 98-394-SPH and 98-475-SPH, which sets forth the modified relief granted herein and any minor deviations which have naturally occurred since the original approval of the site plan filed in prior Case No. 92-285-SPHXA.

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

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 98-394-SPH to approve a new parking area along the previously designated dirt strip, now known as Haul Road, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 98-475-SPH seeking a determination of some 24 issues identified within the Petition relative to the potential growth of the College and the existing and future uses of the subject property, and in particular, whether the College has adhered to the site plan and Opinion issued by the County Board of Appeals in prior Case No. 92-285-SPHXA, be and is hereby GRANTED in part, and DENIED in part. Specifically, that portion of the Petition for Special Hearing seeking a denial of the proposed new parking area on Haul Road, is hereby GRANTED, and all other issues raised within the Petition, all as more set forth herein, shall be DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

6/30/98

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SW/Corner Greenspring Valley Road
and Nacarema Lane * ZONING COMMISSIONER
(1525 Greenspring Valley Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
* Cases Nos. 98-394-SPH and
Villa Julie College, Owner/Petitioner 98-475-SPH
Richard Buck, et al, Petitioners *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The classic writer Homer once penned, "It is tedious to tell again tales already plainly told." If that be the case, the above cited Petitions for Special Hearing come before this Zoning Commissioner for further tedium, to consider the future of the Villa Julie College campus, located at 1525 Greenspring Valley Road. The subject property originally came before me for consideration under Petitions for Special Hearing, Special Exception, and Variance filed by Villa Julie College in prior Case No. 92-285-SPHXA. In that case, I was requested to legitimize the existence of Villa Julie College through the Petition for Special Exception. In addition to a legitimization of the College use, special hearing and variance relief was requested to approve numerous improvements to the site, including the construction of certain academic and administration buildings, a waste water treatment plant, and additional infrastructure. The matter came before me in the summer of 1992, and by way of a 30-page Order issued on July 10, 1992, the Petitions were granted and relief provided, with restrictions and limitations attached thereto. A timely appeal followed to the County Board of Appeals and following a de novo hearing, the Board issued a similar decision as had been rendered by me by way of its Order and Opinion dated July 23, 1993. Appeals to the Circuit Court for Baltimore County and Court of Special Appeals of Maryland affirmed the result.

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Following attainment of these approvals, the College set about making certain improvements. New buildings, facilities, and parking areas were constructed, and many of the additions are finished. However, some additional work remains to be done.

The future of Villa Julie College at this point, from a zoning perspective, is raised by the filing of a Petition for Special Hearing by the College in Case No. 98-394-SPH. The Petitioners seek approval of an amendment to the site plan previously approved in Case No. 92-285-SPHXA, or, in the alternative, a finding that the proposed changes to the plan are so minor that an amendment is not required and can be done administratively. Essentially, the nature of the amendment requested within this Petition is four-fold. Villa Julie seeks approval of a new parking area along the previously designated dirt strip, now known as Haul Road; the construction of new tennis courts in the rear of the site and a reconfiguration of the parking provided in that area; the reconfiguration and legitimization of parking which was inadvertently left off the original plan, including a finding that the existing parking in that area is permitted; and, the approval of parking on an interim basis near proposed Building G, until such time as that building is constructed. These amendments to the previously approved site plan are characterized by Villa Julie and its consultants as minor in scope and nature, and the College reluctantly filed the Petition to approve these alterations.

As a reading of the prior opinions in this case will well-attest, Villa Julie's relations with many of its neighbors are strained. In the prior case in 1992, and the appeals that followed, many of the neighbors of the College who reside within the Greenspring Valley vehemently protested the College's plans for expansion. Fearing additional growth, some of

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these Protestants, including the Valleys Planning Council and certain individuals who reside in the vicinity, filed their own Petition for Special Hearing, which was docketed as Case No. 98-475-SPH. The Petition for Special Hearing filed by these individuals raised some 24 issues relating to the potential growth of the College and the existing and future uses of the property. The details of that application are fully set out on the schedule attached to the Petition filed in that case.

Originally, Case No. 98-394-SPH was scheduled for public hearing on June 5, 1998. At that time, representatives of the College appeared, as did Benjamin Bronstein, Esquire, counsel for the institution. Appearing in opposition to the College's Petition at that time were several of the individual Protestants and representatives of the Valleys Planning Council, all represented by J. Carroll Holzer, Esquire. By ruling made in open hearing, I continued the case at that time and consolidated the competing Petitions for Special Hearing filed by both sides. The matter was then rescheduled to June 15, 1998 and a public hearing held on that day to entertain all issues. The Opinion which follows represents this Office's decision on both Petitions and a full resolution, at least at this level, of the various amendments and changes to the plan since the original approval in Case No. 92-285-SPHXA.

Testimony was received from Rick Chadsey, the engineer from G. W. Stephens, Jr., and Associates, Inc., who prepared the latest site plan. Mr. Chadsey described the history of the project and site, including his company's acquisition of the project from another firm. He also described, in some detail, the changes from the approved development plan (Case No. III-371), which were proposed. The approved development plan essentially mirrored the plan in prior zoning Case No. 92-285-SPHXA. Mr. Chadsey

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indicated that 18 parking spaces were proposed to be used on an interim basis at the footprint of Building G until that building is constructed. He also indicated that 2 additional tennis courts are proposed for construction at the present time, with 2 more courts to be added at some time in the future. Mr. Chadsey testified that the tennis courts were necessary in view of the school's recent affiliation with the NCAA and the need to provide additional athletic facilities. He also indicated that 48 parking spaces had been inadvertently left off the original plan. These spaces apparently have always been used and located at or near Cottage Lane and the Mueller house, behind the main academic building and near Building E. The Petitioner now seeks approval to use those spaces.

Lastly, Mr. Chadsey described the Haul Road area and the proposed new area for parking. He indicated that the road was a significant distance (610 feet) from Greenspring Valley Road, that the parking lot would be landscaped, and was needed to provide additional parking for the campus. He addressed the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as they relate to special exception relief, and indicated that the proposed changes were minor and fell within the spirit and intent of the prior approvals and existing zoning regulations.

Also testifying on behalf of the College was Gary Reif, Director of the Physical Plant. Mr. Reif clarified the NCAA's requirements as to the need for tennis courts, explaining that 6 courts were needed in order to host an athletic event. Thus, it is clear that the College does not need the courts to participate in NCAA athletic activity, only to host a tennis match. Testimony was also received from Joseph Zerhusen, Chief of Security of the College since 1990. Mr. Zerhusen indicated that the areas of parking inadvertently left off the original plan had existed since his

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affiliation with the school and that those 48 parking spaces had always been so used.

Testimony was also received from several of the Protestants. These included Richard Buck who resides on Greenspring Avenue, and Timothy Rodgers, who owns an adjacent property. These gentlemen collectively testified that they do not object, per se, to the proposed tennis court additions, the use of the 48 parking spaces inadvertently left off the original plan, nor the parking on an interim basis at the footprint of Building G. They do, however, vehemently object to the proposed new lot on old Haul Road which will provide 79 additional parking spaces. They believe that this represents a further intrusion into the Greenspring Valley and strongly oppose an amendment of the plan to allow that new lot. Mr. Rodgers, in particular, described what he perceived as a "creeping effect of development" and his belief that Villa Julie has ignored the requirements of the previous plan and the restrictions of the prior approval.

Also testifying was Jeffrey Lees, an architect. Mr. Lees was previously a member of the Baltimore County Landmarks Preservation Commission. He described in detail the nature of the site and surrounding community. He opined that the construction of the Haul Road parking lot will negatively impact the open character of the district and the vistas from Greenspring Valley Road.

Testimony was also received from Jay Graham, a landscape architect. I found Mr. Graham's testimony both reasonable and credible. He testified to four factors which may be caused by the construction of the new Haul Road parking lot, which he believes is inappropriate. First, he noted that the construction of such a lot would be an encroachment into the open field in front of the school, thereby dramatically changing the

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view of the College campus from Greenspring Valley Road and the houses across the street. He also indicated that the grade of the site would be changed by the construction, which would also disrupt the existing vista. Third, he testified at length about the changed relationship between the open field and the edge of the existing woods/tree line. In this regard, Mr. Graham indicated that notwithstanding any landscaping, the existing character of the site would be unfavorably altered. Fourth, he expressed reservations about lighting of the lot, and its impacts on the surrounding locale. He concluded that the Haul Road parking lot was an "urban landscape feature" which would be improperly sited in the middle of an agricultural setting. From this perspective, the construction of the Haul Road parking lot should not be permitted.

Similar testimony was offered by Jack Dillon, Executive Director of the Valleys Planning Council. Mr. Dillon in particular indicated that his organization did not object to the internal parking on the gravel road, the tennis courts, or parking for an interim period at Building G's footprint. He indicated that these three changes to the plan are not particularly objectionable, in that they are all located behind the front building line of the campus. However, he strongly objects to the proposed parking lot on Haul Road.

Finally, testimony was received from Tunnie Ping, a Professional Land Surveyor retained by David and Susan Cordish, Protestants. His most interesting testimony focused on the differences between the plan offered for approval in the instant case, and the prior approved development plan (Case No. III-371) and the site plan approved by the County Board of Appeals in the prior zoning case. The testimony specifically focused on the changes between those plans. However, no comment or conclusion was

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offered as to whether the plans were consistent with one another or whether any differences were inappropriate. Apparently, the testimony was offered to demonstrate that the Villa Julie plan has evolved over the years and the present proposal has significant alterations from the approved plan. However, rebutting testimony was received on this issue from Mr. Chadsey. He opined that the plans were consistent and that any differences were minor. The record is clear as to all of the testimony offered in this regard.

Addressing first the issues presented in the Petition for Special Hearing filed by Villa Julie in Case No. 98-394-SPH, I am persuaded to grant that portion of the Petition seeking approval of the additional tennis courts, the recognition and approval of the 48 parking spaces which were inadvertently left off the original plan, and the use of an area for interim parking at Building G. In this regard, I concur with the testimony offered by Mr. Dillon. These modifications to the plan all occur in that geographic area, behind the front building/development line of the campus, as it faces Greenspring Valley Road. That is, these alterations to the plan all occur within a portion of the site which is already developed. To allow the Petitioner to make changes within that area, for so long as they are not substantially different than what is proposed, is altogether appropriate and reasonable. In my judgment, these changes are consistent with the prior plan, appropriate with the approval and Order issued by the Board of Appeals, and in compliance with the spirit, intent and the letter of the zoning regulations as set out in Section 502.1 of the B.C.Z.R.

Quite a different conclusion is reached as to the proposed Haul Road parking lot. As noted by many of the Protestants' witnesses, this lot

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is located in the front yard of the property; that is, between Greenspring Valley Road and the front development/building line of the College campus.

A review of the opinions issued in the prior case is relevant in considering this issue. I recognized the unique location of this property when I issued my initial decision in this case on July 10, 1992. Therein, I stated, "The testimony and evidence submitted by the Petitioner was clear; Villa Julie intends on growing. Although the growth rate will be modest and consistent with the 8% per year historical rate, any growth causes concern... The constraints of this property, the zoning classification of this property, and the agricultural characteristics of the locale are limiting factors." (emphasis in original) (Pages 19 and 20). Later, I concluded "I am particularly concerned that the site remain compatible with the surrounding locale. The improvements proposed, as shown on the site plan, convinces me that the granting of these variances will not destroy that compatibility." (Page 28).

The Opinion issued by the County Board of Appeals following their de novo hearing is more controlling. In its opinion, the Board discussed the traffic generated by the College and its impact on the surrounding locale. In discussing this issue, the Board noted, "None of the College property now utilized for agriculture will be affected or diminished by the proposed building plans." (County Board of Appeals' Opinion, Page 7).

Indeed, the proposed Haul Road parking lot represents a substantial deviation from the original plan. Testimony was offered by a number of the witnesses in response to pointed questions by this Zoning Commissioner, that the front field maintained by the College has been used in the not too distant past for agricultural purposes. Although the field is not presently in crops, it has been in recent years. It is clear that the

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construction of the Haul Road parking lot indeed constitutes development of portions of the site previously devoted to agricultural uses.

This point was emphasized in a Zoning Plans Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM). That comment states, "The proposed new parking lot location parallel to Greenspring Valley Road should be relocated elsewhere. The proposed location is prime and productive soils BmB2. This proposal conflicts with Section 26-170 and should not be approved."

The County Board of Appeals likewise feared uncontrolled growth of the College and its effects on agriculture. The Board stated, "The proposed physical expansion of the College is extensive, and expressed fears by Protestants are understandable. Because the College is in an agriculture preservation zone, the degree of growth warrants control under a granted special exception." (County Board of Appeals Opinion, Page 10).

The Board also noted the testimony of Villa Julie's own witnesses at the hearing before it. Describing the plan by Villa Julie's experts, the Board noted, "The plan's goal is to achieve an 'intimate campus' without the new construction using present open areas. Samuel Crosier, Petitioner's Landscape Architect, designed the plan to avoid the removal of wooded areas, and to build taller buildings to reduce the impervious roof area of a lower structure of the same square footage. Major aspects of the plan were designed so that the campus will have less impact on Greenspring Valley Road and adjacent residences. The new construction will generally interconnect with existing buildings in such a building envelope that they will hardly be seen from the road." (County Board of Appeals' Opinion, Pages 13 - 14) In my judgment, the proposed Haul Road parking lot significantly deviates from the Petitioners' original plans, as approved by the

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County Board of Appeals and affirmed on appeal. Despite the landscaping proposed, I agree with Mr. Graham's testimony that the pro posed Haul Road parking lot presents a detrimental and permanent negative impact on the character of the frontage of the property. It is indeed a proposed placement of an urban landscape feature in an agriculture setting. Thus, I find that the proposed parking lot would be inconsistent with the prior approvals, the applicable provisions of the B.C.Z.R. and the overall character of the area. Therefore, an amendment of that portion of the plan will not be permitted.

The existence and growth of Villa Julie College has presented, and will no doubt continue to present, the classic confrontation between the need for the growth of a legitimate land use and the preservation of the existing setting of the neighborhood and community. As I believe is abundantly clear in the prior opinion issued by me, I recognize that Villa Julie lawfully exists where it does, that it needs growth to survive and compete, and that the use of the property by the College is a legitimate and permissible use under the property's zoning classification. Nonetheless, Villa Julie must recognize the inherent limitations and constraints of its property. The same features which make the College campus unique and idyllic at this location are limiting. The proposed construction of a parking lot at Towson University or UMBC would no doubt generate not much more than a yawn from the neighbors of those institutions. However, Villa Julie is not located in Towson or Catonsville, but in the Greenspring Valley. Thus, although the addition of a parking lot on a college campus might not seem like much to some, it is significant here and should not be permitted as proposed. Therefore, Villa Julie's Petition shall be granted in part and denied in part, as more fully set forth herein.

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Date 4/30/98
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As to the Petition for Special Hearing filed by the Protestants in Case No. 98-475-SPH, same will likewise be granted in part and denied in part. That portion of the Petition dealing with the proposed Haul Road parking lot should be granted, so as to prohibit construction of same. However, as to the balance of the issues raised in the Protestants' Petition, same shall be denied. I find no credible testimony before me that Villa Julie has failed to properly develop its site in accordance with the prior approvals. Certainly, the testimony offered by Mr. Ping supports a conclusion that development has not precisely followed the details of the plan approved by the County Board of Appeals. However, a slight deviation is understandable and necessary, due to more finite and certain engineering studies as development proceeds, and discovered conditions in the field. In sum, I find no compelling testimony in the record of this case before me that Villa Julie's development, both existing and proposed (other than the Haul Road parking lot) is inappropriate.

Finally, it is to be noted that in order to "clean up" its site plan, Villa Julie should submit another plan for inclusion in the case files consistent with the terms and conditions of this Order. Such plan shall be modeled upon the plan approved by the County Board of Appeals, with the alterations which have been approved herein, and any minor deviations which have naturally occurred since the original approval. Obviously, the plan shall not show the Haul Road parking lot in that same has been denied. Likewise, the terms and conditions of the Board's prior Order, except as specifically modified herein, shall not be changed. These include the constraints on the College's growth, and particularly, the requirement that any change to the plan in the future will require an additional public hearing.

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Date 1/30/98
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Pursuant to the advertisement, posting of the subject property, and public hearing held thereon, and for the reasons set forth herein, the Petitions for Special Hearing filed in Cases Nos. 98-394-SPH and 98-475-SPH have been granted in part and denied in part as more fully described above and as set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of June, 1998 that the Petition for Special Hearing filed in Case No. 98-394-SPH, seeking approval of amendments to the site plan previously approved in Case No. 92-285-SPHXA, to reflect the construction of new tennis courts in the rear of the site and a reconfiguration of the parking provided in that area, the reconfiguration and legitimization of parking inadvertently left off the original plan, including a finding that the existing parking in that area is permitted, and finally, the approval of parking on an interim basis near proposed Building G, until such time as that building is constructed, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any future permits, the Petitioners shall submit a revised site plan for inclusion in the files for both Cases Nos. 98-394-SPH and 98-475-SPH, which sets forth the modified relief granted herein and any minor deviations which have naturally occurred since the original approval of the site plan filed in prior Case No. 92-285-SPHXA.

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

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Date 6/30/98
By

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 98-394-SPH to approve a new parking area along the previously designated dirt strip, now known as Haul Road, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 98-475-SPH seeking a determination of some 24 issues identified within the Petition relative to the potential growth of the College and the existing and future uses of the subject property, and in particular, whether the College has adhered to the site plan and Opinion issued by the County Board of Appeals in prior Case No. 92-285-SPHXA, be and is hereby GRANTED in part, and DENIED in part. Specifically, that portion of the Petition for Special Hearing seeking a denial of the proposed new parking area on Haul Road, is hereby GRANTED, and all other issues raised within the Petition, all as more set forth herein, shall be DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/21/98
By

6/10/98

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SW/Corner Greenspring Valley Road
and Nacarema Lane * ZONING COMMISSIONER
(1525 Greenspring Valley Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
* Cases Nos. 98-394-SPH and
Villa Julie College, Owner/Petitioner 98-475-SPH
Richard Buck, et al, Petitioners *

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The classic writer Homer once penned, "It is tedious to tell again tales already plainly told." If that be the case, the above cited Petitions for Special Hearing come before this Zoning Commissioner for further tedium, to consider the future of the Villa Julie College campus, located at 1525 Greenspring Valley Road. The subject property originally came before me for consideration under Petitions for Special Hearing, Special Exception, and Variance filed by Villa Julie College in prior Case No. 92-285-SPHXA. In that case, I was requested to legitimize the existence of Villa Julie College through the Petition for Special Exception. In addition to a legitimization of the College use, special hearing and variance relief was requested to approve numerous improvements to the site, including the construction of certain academic and administration buildings, a waste water treatment plant, and additional infrastructure. The matter came before me in the summer of 1992, and by way of a 30-page Order issued on July 10, 1992, the Petitions were granted and relief provided, with restrictions and limitations attached thereto. A timely appeal followed to the County Board of Appeals and following a de novo hearing, the Board issued a similar decision as had been rendered by me by way of its Order and Opinion dated July 23, 1993. Appeals to the Circuit Court for Baltimore County and Court of Special Appeals of Maryland affirmed the result.

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Following attainment of these approvals, the College set about making certain improvements. New buildings, facilities, and parking areas were constructed, and many of the additions are finished. However, some additional work remains to be done.

The future of Villa Julie College at this point, from a zoning perspective, is raised by the filing of a Petition for Special Hearing by the College in Case No. 98-394-SPH. The Petitioners seek approval of an amendment to the site plan previously approved in Case No. 92-285-SPHXA, or, in the alternative, a finding that the proposed changes to the plan are so minor that an amendment is not required and can be done administratively. Essentially, the nature of the amendment requested within this Petition is four-fold. Villa Julie seeks approval of a new parking area along the previously designated dirt strip, now known as Haul Road; the construction of new tennis courts in the rear of the site and a reconfiguration of the parking provided in that area; the reconfiguration and legitimization of parking which was inadvertently left off the original plan, including a finding that the existing parking in that area is permitted; and, the approval of parking on an interim basis near proposed Building G, until such time as that building is constructed. These amendments to the previously approved site plan are characterized by Villa Julie and its consultants as minor in scope and nature, and the College reluctantly filed the Petition to approve these alterations.

As a reading of the prior opinions in this case will well-attest, Villa Julie's relations with many of its neighbors are strained. In the prior case in 1992, and the appeals that followed, many of the neighbors of the College who reside within the Greenspring Valley vehemently protested the College's plans for expansion. Fearing additional growth, some of

these Protestants, including the Valleys Planning Council and certain individuals who reside in the vicinity, filed their own Petition for Special Hearing, which was docketed as Case No. 98-475-SPH. The Petition for Special Hearing filed by these individuals raised some 24 issues relating to the potential growth of the College and the existing and future uses of the property. The details of that application are fully set out on the schedule attached to the Petition filed in that case.

Originally, Case No. 98-394-SPH was scheduled for public hearing on June 5, 1998. At that time, representatives of the College appeared, as did Benjamin Bronstein, Esquire, counsel for the institution. Appearing in opposition to the College's Petition at that time were several of the individual Protestants and representatives of the Valleys Planning Council, all represented by J. Carroll Holzer, Esquire. By ruling made in open hearing, I continued the case at that time and consolidated the competing Petitions for Special Hearing filed by both sides. The matter was then rescheduled to June 15, 1998 and a public hearing held on that day to entertain all issues. The Opinion which follows represents this Office's decision on both Petitions and a full resolution, at least at this level, of the various amendments and changes to the plan since the original approval in Case No. 92-285-SPHXA.

Testimony was received from Rick Chadsey, the engineer from G. W. Stephens, Jr., and Associates, Inc., who prepared the latest site plan. Mr. Chadsey described the history of the project and site, including his company's acquisition of the project from another firm. He also described, in some detail, the changes from the approved development plan (Case No. III-371), which were proposed. The approved development plan essentially mirrored the plan in prior zoning Case No. 92-285-SPHXA. Mr. Chadsey

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Date 6/30/98
By

indicated that 18 parking spaces were proposed to be used on an interim basis at the footprint of Building G until that building is constructed. He also indicated that 2 additional tennis courts are proposed for construction at the present time, with 2 more courts to be added at some time in the future. Mr. Chadsey testified that the tennis courts were necessary in view of the school's recent affiliation with the NCAA and the need to provide additional athletic facilities. He also indicated that 48 parking spaces had been inadvertently left off the original plan. These spaces apparently have always been used and located at or near Cottage Lane and the Mueller house, behind the main academic building and near Building E. The Petitioner now seeks approval to use those spaces.

Lastly, Mr. Chadsey described the Haul Road area and the proposed new area for parking. He indicated that the road was a significant distance (610 feet) from Greenspring Valley Road, that the parking lot would be landscaped, and was needed to provide additional parking for the campus. He addressed the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as they relate to special exception relief, and indicated that the proposed changes were minor and fell within the spirit and intent of the prior approvals and existing zoning regulations.

Also testifying on behalf of the College was Gary Reif, Director of the Physical Plant. Mr. Reif clarified the NCAA's requirements as to the need for tennis courts, explaining that 6 courts were needed in order to host an athletic event. Thus, it is clear that the College does not need the courts to participate in NCAA athletic activity, only to host a tennis match. Testimony was also received from Joseph Zerhusen, Chief of Security of the College since 1990. Mr. Zerhusen indicated that the areas of parking inadvertently left off the original plan had existed since his

affiliation with the school and that those 48 parking spaces had always been so used.

Testimony was also received from several of the Protestants. These included Richard Buck who resides on Greenspring Avenue, and Timothy Rodgers, who owns an adjacent property. These gentlemen collectively testified that they do not object, per se, to the proposed tennis court additions, the use of the 48 parking spaces inadvertently left off the original plan, nor the parking on an interim basis at the footprint of Building G. They do, however, vehemently object to the proposed new lot on old Haul Road which will provide 79 additional parking spaces. They believe that this represents a further intrusion into the Greenspring Valley and strongly oppose an amendment of the plan to allow that new lot. Mr. Rodgers, in particular, described what he perceived as a "creeping effect of development" and his belief that Villa Julie has ignored the requirements of the previous plan and the restrictions of the prior approval.

Also testifying was Jeffrey Lees, an architect. Mr. Lees was previously a member of the Baltimore County Landmarks Preservation Commission. He described in detail the nature of the site and surrounding community. He opined that the construction of the Haul Road parking lot will negatively impact the open character of the district and the vistas from Greenspring Valley Road.

Testimony was also received from Jay Graham, a landscape architect. I found Mr. Graham's testimony both reasonable and credible. He testified to four factors which may be caused by the construction of the new Haul Road parking lot, which he believes is inappropriate. First, he noted that the construction of such a lot would be an encroachment into the open field in front of the school, thereby dramatically changing the

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Date 6/26/92
By

view of the College campus from Greenspring Valley Road and the houses across the street. He also indicated that the grade of the site would be changed by the construction, which would also disrupt the existing vista. Third, he testified at length about the changed relationship between the open field and the edge of the existing woods/tree line. In this regard, Mr. Graham indicated that notwithstanding any landscaping, the existing character of the site would be unfavorably altered. Fourth, he expressed reservations about lighting of the lot, and its impacts on the surrounding locale. He concluded that the Haul Road parking lot was an "urban landscape feature" which would be improperly sited in the middle of an agricultural setting. From this perspective, the construction of the Haul Road parking lot should not be permitted.

Similar testimony was offered by Jack Dillon, Executive Director of the Valleys Planning Council. Mr. Dillon in particular indicated that his organization did not object to the internal parking on the gravel road, the tennis courts, or parking for an interim period at Building G's footprint. He indicated that these three changes to the plan are not particularly objectionable, in that they are all located behind the front building line of the campus. However, he strongly objects to the proposed parking lot on Haul Road.

Finally, testimony was received from Tunnie Ping, a Professional Land Surveyor retained by David and Susan Cordish, Protestants. His most interesting testimony focused on the differences between the plan offered for approval in the instant case, and the prior approved development plan (Case No. III-371) and the site plan approved by the County Board of Appeals in the prior zoning case. The testimony specifically focused on the changes between those plans. However, no comment or conclusion was

offered as to whether the plans were consistent with one another or whether any differences were inappropriate. Apparently, the testimony was offered to demonstrate that the Villa Julie plan has evolved over the years and the present proposal has significant alterations from the approved plan. However, rebutting testimony was received on this issue from Mr. Chadsey. He opined that the plans were consistent and that any differences were minor. The record is clear as to all of the testimony offered in this regard.

Addressing first the issues presented in the Petition for Special Hearing filed by Villa Julie in Case No. 98-394-SPH, I am persuaded to grant that portion of the Petition seeking approval of the additional tennis courts, the recognition and approval of the 48 parking spaces which were inadvertently left off the original plan, and the use of an area for interim parking at Building G. In this regard, I concur with the testimony offered by Mr. Dillon. These modifications to the plan all occur in that geographic area, behind the front building/development line of the campus, as it faces Greenspring Valley Road. That is, these alterations to the plan all occur within a portion of the site which is already developed. To allow the Petitioner to make changes within that area, for so long as they are not substantially different than what is proposed, is altogether appropriate and reasonable. In my judgment, these changes are consistent with the prior plan, appropriate with the approval and Order issued by the Board of Appeals, and in compliance with the spirit, intent and the letter of the zoning regulations as set out in Section 502.1 of the B.C.Z.R.

Quite a different conclusion is reached as to the proposed Haul Road parking lot. As noted by many of the Protestants' witnesses, this lot

ORDER RECEIVED FOR FILING
Date 1/30/98
By

is located in the front yard of the property; that is, between Greenspring Valley Road and the front development/building line of the College campus.

A review of the opinions issued in the prior case is relevant in considering this issue. I recognized the unique location of this property when I issued my initial decision in this case on July 10, 1992. Therein, I stated, "The testimony and evidence submitted by the Petitioner was clear; Villa Julie intends on growing. Although the growth rate will be modest and consistent with the 8% per year historical rate, any growth causes concern... The constraints of this property, the zoning classification of this property, and the agricultural characteristics of the locale are limiting factors." (emphasis in original) (Pages 19 and 20). Later, I concluded "I am particularly concerned that the site remain compatible with the surrounding locale. The improvements proposed, as shown on the site plan, convinces me that the granting of these variances will not destroy that compatibility." (Page 28).

The Opinion issued by the County Board of Appeals following their de novo hearing is more controlling. In its opinion, the Board discussed the traffic generated by the College and its impact on the surrounding locale. In discussing this issue, the Board noted, "None of the College property now utilized for agriculture will be affected or diminished by the proposed building plans." (County Board of Appeals' Opinion, Page 7).

Indeed, the proposed Haul Road parking lot represents a substantial deviation from the original plan. Testimony was offered by a number of the witnesses in response to pointed questions by this Zoning Commissioner, that the front field maintained by the College has been used in the not too distant past for agricultural purposes. Although the field is not presently in crops, it has been in recent years. It is clear that the

construction of the Haul Road parking lot indeed constitutes development of portions of the site previously devoted to agricultural uses.

This point was emphasized in a Zoning Plans Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM). That comment states, "The proposed new parking lot location parallel to Greenspring Valley Road should be relocated elsewhere. The proposed location is prime and productive soils BmB2. This proposal conflicts with Section 26-170 and should not be approved."

The County Board of Appeals likewise feared uncontrolled growth of the College and its effects on agriculture. The Board stated, "The proposed physical expansion of the College is extensive, and expressed fears by Protestants are understandable. Because the College is in an agriculture preservation zone, the degree of growth warrants control under a granted special exception." (County Board of Appeals Opinion, Page 10).

The Board also noted the testimony of Villa Julie's own witnesses at the hearing before it. Describing the plan by Villa Julie's experts, the Board noted, "The plan's goal is to achieve an 'intimate campus' without the new construction using present open areas. Samuel Crosier, Petitioner's Landscape Architect, designed the plan to avoid the removal of wooded areas, and to build taller buildings to reduce the impervious roof area of a lower structure of the same square footage. Major aspects of the plan were designed so that the campus will have less impact on Greenspring Valley Road and adjacent residences. The new construction will generally interconnect with existing buildings in such a building envelope that they will hardly be seen from the road." (County Board of Appeals' Opinion, Pages 13 - 14) In my judgment, the proposed Haul Road parking lot significantly deviates from the Petitioners' original plans, as approved by the

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Date 1/30/92
By

County Board of Appeals and affirmed on appeal. Despite the landscaping proposed, I agree with Mr. Graham's testimony that the pro posed Haul Road parking lot presents a detrimental and permanent negative impact on the character of the frontage of the property. It is indeed a proposed placement of an urban landscape feature in an agriculture setting. Thus, I find that the proposed parking lot would be inconsistent with the prior approvals, the applicable provisions of the B.C.Z.R. and the overall character of the area. Therefore, an amendment of that portion of the plan will not be permitted.

The existence and growth of Villa Julie College has presented, and will no doubt continue to present, the classic confrontation between the need for the growth of a legitimate land use and the preservation of the existing setting of the neighborhood and community. As I believe is abundantly clear in the prior opinion issued by me, I recognize that Villa Julie lawfully exists where it does, that it needs growth to survive and compete, and that the use of the property by the College is a legitimate and permissible use under the property's zoning classification. Nonetheless, Villa Julie must recognize the inherent limitations and constraints of its property. The same features which make the College campus unique and idyllic at this location are limiting. The proposed construction of a parking lot at Towson University or UMBC would no doubt generate not much more than a yawn from the neighbors of those institutions. However, Villa Julie is not located in Towson or Catonsville, but in the Greenspring Valley. Thus, although the addition of a parking lot on a college campus might not seem like much to some, it is significant here and should not be permitted as proposed. Therefore, Villa Julie's Petition shall be granted in part and denied in part, as more fully set forth herein.

As to the Petition for Special Hearing filed by the Protestants in Case No. 98-475-SPH, same will likewise be granted in part and denied in part. That portion of the Petition dealing with the proposed Haul Road parking lot should be granted, so as to prohibit construction of same. However, as to the balance of the issues raised in the Protestants' Petition, same shall be denied. I find no credible testimony before me that Villa Julie has failed to properly develop its site in accordance with the prior approvals. Certainly, the testimony offered by Mr. Ping supports a conclusion that development has not precisely followed the details of the plan approved by the County Board of Appeals. However, a slight deviation is understandable and necessary, due to more finite and certain engineering studies as development proceeds, and discovered conditions in the field. In sum, I find no compelling testimony in the record of this case before me that Villa Julie's development, both existing and proposed (other than the Haul Road parking lot) is inappropriate.

Finally, it is to be noted that in order to "clean up" its site plan, Villa Julie should submit another plan for inclusion in the case files consistent with the terms and conditions of this Order. Such plan shall be modeled upon the plan approved by the County Board of Appeals, with the alterations which have been approved herein, and any minor deviations which have naturally occurred since the original approval. Obviously, the plan shall not show the Haul Road parking lot in that same has been denied. Likewise, the terms and conditions of the Board's prior ORDER, except as specifically modified herein, shall not be changed. These include the constraints on the College's growth, and particularly, the requirement that any change to the plan in the future will require an additional public hearing.

ORDER RECEIVED FOR FILING
Date 12/30/98
By

Pursuant to the advertisement, posting of the subject property, and public hearing held thereon, and for the reasons set forth herein, the Petitions for Special Hearing filed in Cases Nos. 98-394-SPH and 98-475-SPH have been granted in part and denied in part as more fully described above and as set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of June, 1998 that the Petition for Special Hearing filed in Case No. 98-394-SPH, seeking approval of amendments to the site plan previously approved in Case No. 92-285-SPHXA, to reflect the construction of new tennis courts in the rear of the site and a reconfiguration of the parking provided in that area, the reconfiguration and legitimization of parking inadvertently left off the original plan, including a finding that the existing parking in that area is permitted, and finally, the approval of parking on an interim basis near proposed Building G, until such time as that building is constructed, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any future permits, the Petitioners shall submit a revised site plan for inclusion in the files for both Cases Nos. 98-394-SPH and 98-475-SPH, which sets forth the modified relief granted herein and any minor deviations which have naturally occurred since the original approval of the site plan filed in prior Case No. 92-285-SPHXA.

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

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 98-394-SPH to approve a new parking area along the previously designated dirt strip, now known as Haul Road, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 98-475-SPH seeking a determination of some 24 issues identified within the Petition relative to the potential growth of the College and the existing and future uses of the subject property, and in particular, whether the College has adhered to the site plan and Opinion issued by the County Board of Appeals in prior Case No. 92-285-SPHXA, be and is hereby GRANTED in part, and DENIED in part. Specifically, that portion of the Petition for Special Hearing seeking a denial of the proposed new parking area on Haul Road, is hereby GRANTED, and all other issues raised within the Petition, all as more set forth herein, shall be DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/23/98
By

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

**Hearing Room - Room 48**
**Old Courthouse, 400 Washington Avenue**

October 21, 1999

**NOTICE OF POSTPONEMENT & REASSIGNMENT / DAYS #3, #4, AND #5**

**CASE #: 98-394-SPH** — **IN THE MATTER OF: VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road 3rd Election District; 3rd Councilmanic (Petition for SPH filed by Villa Julie College)**

**AND**

**CASE #: 98-475-SPH** — **IN THE MATTER OF: RICHARD BUCK, ET AL -Petitioners /Protestants 1525 Greenspring Valley Road (Petition for SPH filed by Richard Buck, et al)**

**Cont'd from 9/15/99**

**(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)**

which matter was **POSTPONED** on the record on 10/21/99 (for both 10/21 and 10/22/99) has been reassigned for hearing days #3, #4 and #5; and has been

**REASSIGNED FOR:** **TUESDAY, FEBRUARY 22, 2000 at 10:00 a.m. /Day #3**
**WEDNESDAY, FEBRUARY 23, 2000 at 10:00 a.m. /Day #4**
**AND** **THURSDAY, FEBRUARY 24, 2000 at 10:00 a.m. /Day #5**

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

**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**Kathleen C. Bianco**
**Administrator**

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.

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

pp'd w/ joint req to Counsel 5/10, 5/17 and 5/18/00.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 16, 1999

**NOTICE OF ASSIGNMENT /DAYS #3 AND #4**

CASE #: 98-394-SPH

IN THE MATTER OF: VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road
3rd Election District; 3rd Councilmanic
(Petition for SPH filed by Villa Julie College)

AND

CASE #: 98-475-SPH

IN THE MATTER OF: RICHARD BUCK, ET AL -Petitioners /Protestants 1525 Greenspring Valley Road
(Petition for SPH filed by Richard Buck, et al)

Cont'd from 9/15/99

(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)

ASSIGNED FOR: THURSDAY, OCTOBER 21, 1999 at 10:00 a.m. /Day #3
FRIDAY, OCTOBER 22, 1999 at 10:00 a.m. /Day #4

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.

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

pp'd on record 10/21/99 for both dates TO 2/22, 2/23, and 2/24/2000

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 4, 1999

**NOTICE OF REASSIGNMENT /CHANGE IN START TIME FOR DAY 1**

**CASE #: 98-394-SPH** — **IN THE MATTER OF: VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road 3rd Election District; 3rd Councilmanic (Petition for SPH filed by Villa Julie College)**

**AND**

**CASE #: 98-475-SPH** — **IN THE MATTER OF: RICHARD BUCK, ET AL -Petitioners /Protestants 1525 Greenspring Valley Road (Petition for SPH filed by Richard Buck, et al)**

**(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)**

which is assigned for hearing on 9/14/99 and 9/15/99 will now begin one hour later on the 9/14/99 assigned date (NO CHANGE FOR 9/15/99); and has been

**REASSIGNED FOR:** **TUESDAY, SEPTEMBER 14, 1999 at 11:00 a.m. /Day #1**
**WEDNESDAY, SEPTEMBER 15, 1999 at 10:00 a.m. /Day #2**

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

**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**Kathleen C. Bianco**
**Administrator**

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.

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

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# County Board of Appeals of Baltimore County

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

Notice of Reassignment - Date start 9/14/99 (only change) sent 8/04/99

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 5, 1999

**SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT**

**CASE #: 98-394-SPH** — **IN THE MATTER OF: VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road 3rd Election District; 3rd Councilmanic (Petition for SPH filed by Villa Julie College)**

**AND**

**CASE #: 98-475-SPH** — **IN THE MATTER OF: RICHARD BUCK, ET AL -Petitioners /Protestants 1525 Greenspring Valley Road (Petition for SPH filed by Richard Buck, et al)**

**(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)**

which was assigned for hearing before the Board on 4/13 and 4/14/99 has been **POSTPONED** at the request of Counsel for Protestants (without objection by Counsel for Villa Julie College) due to witness unavailability; and has been

**REASSIGNED FOR:** TUESDAY, SEPTEMBER 14, 1999 at ~~10:00 a.m.~~ 11:00 am /Day #1
WEDNESDAY, SEPTEMBER 15, 1999 at 10:00 a.m. /Day #2

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

**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**Kathleen C. Bianco**
**Administrator**

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.

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

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HOLZER & LEE

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J. HOWARD HOLZER
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E-MAIL: JCHOLZER@BCPI.NET

March 15, 1999
# 7056

**VIA FAX**
Kathleen Bianco, Administrator
County Board of Appeals
Old Courthouse, Room 49
Towson, Maryland 21204

Re: in the Matter of Villa Julie College, 1525 Greenspring Valley Road
Case Numbers 98-394-SPH & 98-475-SPH

Dear Kathy:

I have just learned today from my clients that our two experts who testified before the Zoning Commissioner below, Jeffrey Lees, an architect, and Jay Graham, a landscape architect, will both be out of town on vacation from April 10-15. Therefore, I respectfully request that the Board postpone the scheduled hearing on April 13. I will contact Ben Bronstein to arrange mutually agreeable dates and I will let you know what they are.

If you have any questions, please give me a call at 410-825-6961.

Very truly yours,

J. Carroll Holzer

JCH:clh

cc: Valleys Planning Council
Ben Bronstein, Esq.

A:Letters2/cba.villa

99 MAR 15 PM 1:29
RECEIVED
COUNTY BOARD OF APPEALS

Kathi 1-7-99

Ben Bronstein
Called

He will be
UNAvailable from
2/17 thrue end
of March.
April 1ST and after
will be a safe
time to hear
Villa Julie.
He'll send confirmation
letter of this.

Received
1-11-99

Clw
3:14

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

VICTORIA M. SHEARER

CONSTANCE K. PUTZEL
OF COUNSEL

January 8, 1999

Ms. Kathleen C. Bianco, Administrator
Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
COUNTY BOARD OF APPEALS
99 JAN 11 PM 1:21

RE: **Case No.: 98-394-SPH and 98-475-SPH**
**Villa Julie College**

Dear Ms. Bianco:

I have received a copy of Mr. Holzer's letter dated January 5, 1999 wherein he has requested a postponement of the above-entitled case because of a schedule conflict. Because of potential conflicts I have during the latter part of February and March I am requesting that the case be reset for hearing after April 1, 1999.

Thank you for your kind consideration.

Very truly yours,

GEORGE & BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh

cc: J. Carroll Holzer, Esquire
Carolyn Manuszak, President
Mr. Tim Campbell

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 11, 1999

**NOTICE OF POSTPONEMENT & REASSIGNMENT**

**CASE #: 98-394-SPH** — **IN THE MATTER OF: VILLA JULIE COLLEGE -Owner /Petitioner** 1525 Greenspring Valley Road
3rd Election District; 3rd Councilmanic
**(Petition for SPH filed by Villa Julie College)**

**AND**

**CASE #: 98-475-SPH** — **IN THE MATTER OF: RICHARD BUCK, ET AL -Petitioners /Protestants** 1525 Greenspring Valley Road
**(Petition for SPH filed by Richard Buck, et al)**

**(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)**

PP'd at request of Holzer, Jr. to 9/14 & 9/15

which was assigned for hearing before the Board on 2/10/99 has been **POSTPONED** at the request of Counsel for Protestants due to hearing schedule conflict; and has been

**REASSIGNED FOR:** **TUESDAY, APRIL 13, 1999 at 10:00 a.m.**
(Holding **WEDNESDAY, APRIL 14, 1999 if needed /Day #2**)

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

**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**Kathleen C. Bianco**
**Administrator**

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.

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

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Baltimore County
Zoning Commissioner
Office of Planning

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

June 30, 1998

Benjamin Bronstein, Esquire
George & Bronstein
29 W. Susquehanna Avenue
Towson, Maryland 21204

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

RE: PETITIONS FOR SPECIAL HEARING
SW/Corner Greenspring Valley Road and Nacarema Lane
(1525 Greenspring Valley Road)
3rd Election District - 3rd Councilmanic District
Villa Julie College, Owner/Petitioner in Case No. 98-394-SPH and
Richard Buck, et al, Petitioners in Case No. 98-475-SPH

Dear Messrs. Bronstein & Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing in both cases have been granted in part and denied in part, in accordance with the attached combined Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Carolyn Manuszak, President, Villa Julie College
1525 Greenspring Valley Road, Stevenson, Md. 21153

Messrs. Jack Dillon and Richard Buck, Valleys Planning Council
212 Washington Avenue, Towson, Md. 21285-5402

Mr. Rick Chadsey, G. W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

People's Counsel; Case Files

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

May 27, 1998

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 W. Susquehanna, Suite 205
Towson, MD 21204

RE: Item Number: 394
Case Number: 98-394-SPH
Petitioner: Villa Julie College

Dear Mr. Bronstein:

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 April 20, 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 Gwen Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR:rye

Enclosures

Printed with Soybean Ink
on Recycled Paper

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** May 12, 1998

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

**SUBJECT:** Zoning Advisory Petitions **ITEM NO:** 394

The Planning Office recommends that a landscape plan for the parking lot area be submitted for review and approval to this office and the Baltimore County Landscape Architect.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

AFK/JL

RECEIVED
MAY 13 1998
PDM

C:\MSOFFICE\WINWORD\ZAC\NOCOM\NCSHELL.DOC

Baltimore County
Fire Department

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

May 7, 1998

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

RE: Property Owner: VILLA JULIE COLLEGE, 394
PATRICK J. MALEC, 396
FREESTATE INDOOR SPORTS, INC., 401

Location: DISTRIBUTION MEETING OF MAY 4, 1998

Item No.: 394, 396, 401 ZONING AGENDA:

Gentlemen:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

cc: File

RECEIVED
MAY 20 1998
PDM

Printed with Soybean Ink on Recycled Paper

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

INTEROFFICE CORRESPONDENCE

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

Date: May 11, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for May 11, 1998
Item Nos. 394, 396, 397, 398, 399, 400, 401, 402, and 403

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0511.NOC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: June 8, 1998

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




SUBJECT: Zoning Advisory Committee Meeting
for June 1, 1998
REVISED PLANS
Case #98-394-SPH
1525 Greenspring Valley Road
- Villa Julie College

The Development Plans Review Division has reviewed the subject zoning item. The approved final landscape plan has not been implemented.

RWB:HJO:jrb

cc: File

98394SPH.ZON

**Maryland Department of Transportation**
*State Highway Administration*

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 5-22-SV
Item No. ~~#~~ 98-394 STH

Dear Ms. Stephens:

WE have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 130 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 or By E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE**: May 12, 1998

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

**SUBJECT**: Zoning Advisory Petitions **ITEM NO:** 394

The Planning Office recommends that a landscape plan for the parking lot area be submitted for review and approval to this office and the Baltimore County Landscape Architect.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\NOCOM\NCSHELL.DOC

Due Date: May 20, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/pp

SUBJECT: Zoning Item #98-394

Villa Julie College, 1525 Greenspring Valley Road

Zoning Advisory Committee Meeting of May 4, 1998

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

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

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

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

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

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

__X__ Agriculture Preservation: The proposed new parking lot location paralleled to Greenspring Valley Road should be relocated elsewhere. The proposed location is prime and productive soils BmB2. This proposal conflicts with Section 26-170 and should not be approved.

| | | |
|---|---|---|
| RE: PETITION FOR SPECIAL HEARING<br>1525 Greenspring Valley Road (Villa Julie College),<br>Greenspring Valley Rd, 2950' W of Greenspring<br>Avenue, 3rd Election District, 3rd Councilmanic<br><br>Legal Owners: Villa Julie College<br><br>Petitioner(s) | * | BEFORE THE<br><br>ZONING COMMISSIONER<br><br>FOR<br><br>BALTIMORE COUNTY<br><br>Case Number: 98-394-SPH |

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

## ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of May, 1998, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

**for the property located at** 1525 Greenspring Valley Road

**which is presently zoned** RC2

**This Petition shall be filed with the Office of Zoning Administration & Development Management.**
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the site plan approved in Case No.: 92-285-SPHXA
or in the alternative the proposed change is so minor that an amendment need not be required and could be done administratively. BB

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Villa Julie College
(Type or Print Name)

BY: Carolyn Manuszak
Signature
Carolyn Manuszak, President

(Type or Print Name)

Signature

Green Spring Valley Road (410) 486-7000
Address Phone No.

Stevenson, Maryland 21153
City State Zipcode

Attorney for Petitioner: Benjamin Bronstein, Esquire
George & Bronstein, LLP
(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205
Address (410) 296-0200 Phone No.

Towson, Maryland 21204
City State Zipcode

Name, Address and phone number of representative to be contacted.
Rick Chadsey, P.E.
G.W. Stephens & Associates, Inc.
Name
658 Kenilworth Drive, Towson, MD 21204
Address (410) 825-8120 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date 4/20/98
By

DROP-OFF
No Review
4/20/98
uCR

98-394-SPH

# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

**for the property located at** 1525 Greenspring Valley Road

**which is presently zoned** RC2

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Or in the alternative the proposed change is so minor that an amendment need not be required and could be done administratively. BB

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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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Villa Julie College
(Type or Print Name)

BY: Carolyn Manuszak
Signature
Carolyn Manuszak, President

(Type or Print Name)

Signature

Green Spring Valley Road (410) 486-7000
Address Phone No.

Stevenson, Maryland 21153
City State Zipcode

Attorney for Petitioner: Benjamin Bronstein, Esquire

George & Bronstein, LLP
(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205
Address (410) 296-0200 Phone No.

Towson, Maryland 21204
City State Zipcode

Name, Address and phone number of representative to be contacted.
Rick Chadsey, P.E.
G.W. Stephens & Associates, Inc.
Name
658 Kenilworth Drive, Towson, MD 21204
Address (410) 825-8120 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DROP-OFF
No Review
4/20/98
ucl

Zoning Administration
Development Management

98-394-SPH

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to accompany Zoning Petition
April 16, 1998

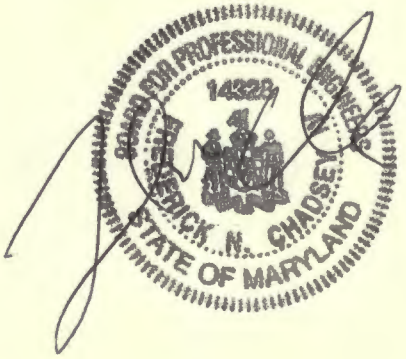
# VILLA JULIE COLLEGE

Beginning for the same at the intersection formed by the centerline of Green Spring Valley Road (30 foot wide) and the centerline of Nacirema Lane (60 foot wide), said intersection having Baltimore County Metropolitan District coordinate values of North 45931.73 and West 25568.14, running thence leaving said intersection, binding on the centerline of said Green Spring Valley Road, the four following courses:

1) North 75 degrees 18 minutes 41 seconds East 940.50 feet,
2) Southeasterly by a curve to the right having a radius of 213.22 feet for a distance of 116.23 feet, said curve being subtended by a chord bearing South 89 degrees 04 minutes 19 seconds East 114.80 feet,
3) South 73 degrees 27 minutes 19 seconds East 470.51 feet and
4) South 73 degrees 15 minutes 18 seconds East 394.90 feet, running thence leaving said centerline the six following courses:
5) South 00 degrees 08 minutes 31 seconds West 350.00 feet,
6) South 42 degrees 58 minutes 31 seconds West 79.92 feet,
7) South 02 degrees 01 minutes 29 seconds East 1013.86 feet,
8) South 89 degrees 40 minutes 29 seconds West 1512.91 feet,
9) North 12 degrees 27 minutes 53 seconds West 244.32 feet and
10) North 12 degrees 35 minutes 12 seconds West 1232.50 feet to the point of beginning.

Containing 60.236 acres of land more or less, 0.661 acres thereof being in the bed of Green Spring Valley Road (30 foot wide).

**NOTE: The above description is for zoning purposes only and is not to be used for any conveyances or agreements.**




410-825-8120 • FAX 410-583-0288

98-394-SPH

## CERTIFICATE OF POSTING

**RE: Case # 98-394-SPH**
**Petitioner/Developer:**
**(Villa Julie College)**
**Date of Hearing/Closing:**
**(June 4, 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**

**1525 Greenspring Valley Road Baltimore, Maryland 21093**

**The sign(s) were posted on May 20, 1998**
**(Month, Day, Year)**

**Sincerely,**

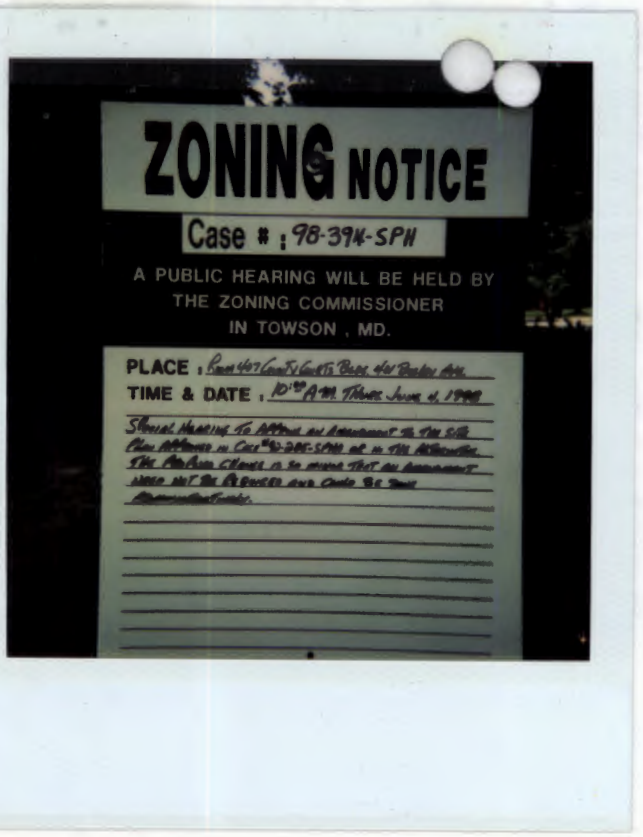
Thomas P. Ogle Sr 5/20/98
**(Signature of Sign Poster & Date)**

**Thomas P. Ogle, Sr.**

**325 Nicholson Road**

**Baltimore, Maryland 21221**

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



# CERTIFICATE OF POSTING

RE: Case No.: 98-394-SPH

Petitioner/Developer: VILLA JULIE COLLEGE

Date of Hearing/Closing: _____

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

[redacted]

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1525 GREENSPRING VALLEY RD.

The sign(s) were posted on 9/3/98 ✓
(Month, Day, Year)

Sincerely,

Gary Freund 9/3/98
(Signature of Sign Poster and Date)

_____
(Printed Name)

_____
(Address)

_____
(City, State, Zip Code)

_____
(Telephone Number)

9/96
cert.doc

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

## Description to accompany Zoning Petition
April 16, 1998

# VILLA JULIE COLLEGE

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410-825-8120 • FAX 410-583-0288

98-394-SPH

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/14/, 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 5/14/, 1998.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

**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: #98-394-SPH
1525 Greenspring Valley Road-Villa Julie College
Valley Road, 2950' W of Greenspring Avenue
3rd Election District
3rd Councilmanic District
Legal Owner(s):
Villa Julie College

**Special Hearing:** to approve an amendment to the site plan approved in case #92-285-SPHXA or in the alternative, the proposed change is so minor that an amendment need not be required and could be done administratively.

**Hearing: Thursday, June 4, 1998 at 10:00 a.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.**

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

5/109 May 14 C228192

**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: #98-394-SPH
1525 Greenspring Valley Road-Villa Julie College
Valley Road, 2950' W of Greenspring Avenue
3rd Election District
3rd Councilmanic District
Legal Owner(s):
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LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
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(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

5/109 May 14 C228192

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/14/, 19 98

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/14/, 19 98.

**THE JEFFERSONIAN,**

A. Henrickson

LEGAL AD. - TOWSON

**BALTIMORE COUNTY, MARYLA**
**OFFICE OF BUDGET & FINANCE**
**MISCELLANEOUS RECEIPT**

**No.** 048727

DATE 4/21/98 ACCOUNT 001-6150

AMOUNT $ 250.00 (WCR)

RECEIVED FROM: George and Bronstein, LLP

FOR: #040 - SPECIAL HEARING

Villa Julie College - 1525 Greenspring Valley Road

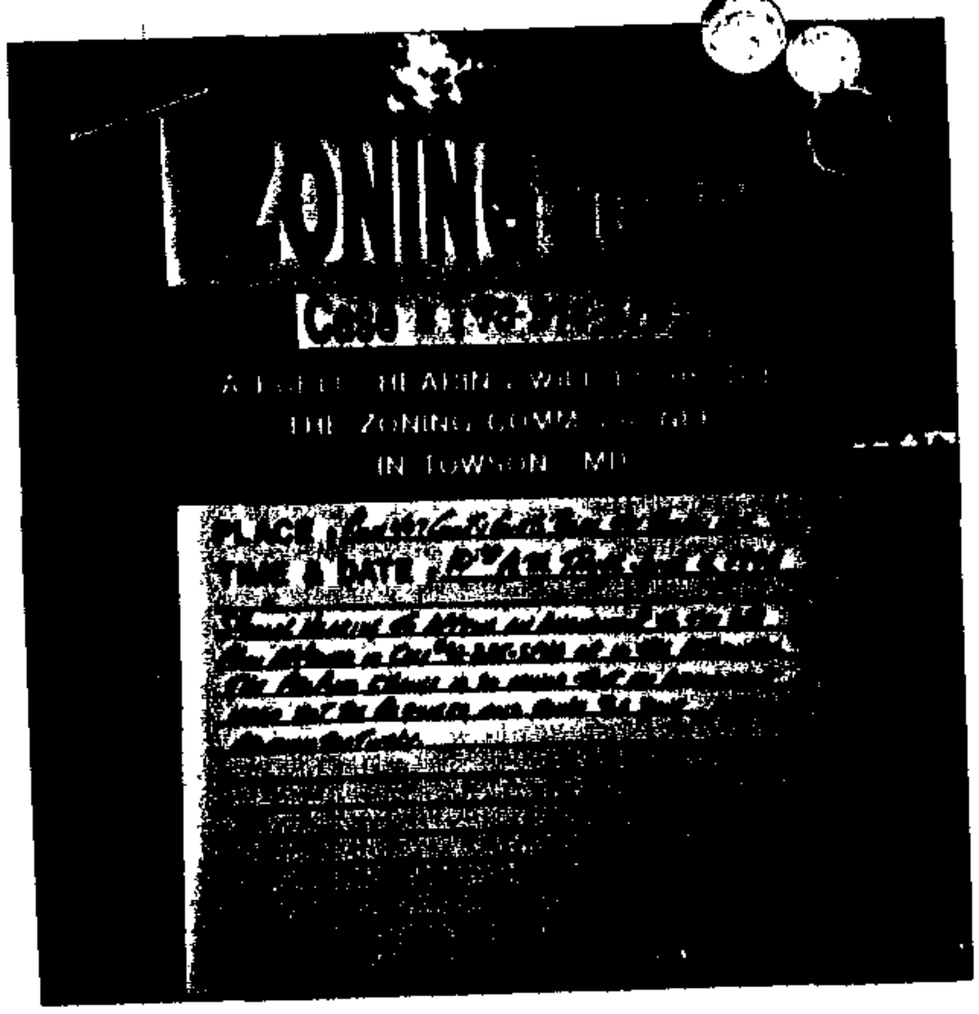
**Drop-Off -- No Review** **ITEM #394**

**CASE #98-394-SPH**

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
4/21/1998 4/21/1998 11:03:10
B.U. W302 CASHIER JRIC JMR DRAWER 2
5 MISCELLANEOUS CASH RECEIPT
Rec'pt # 048727 UPIN:
CR NO. 048727
250.00 CHECK
Baltimore County, Maryland

**CASHIER'S VALIDATION**




ent

**RE: Case # 98- 394-SPH**
**Petitioner/Developer:**
**(Villa Julie College)**
**Date of Hearing/Closing:**
**(June 4, 1998)**

**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 1525 Greenspring Valley Road Baltimore, Maryland 21093**

**The sign(s) were posted on May 20, 1998**
**(Month, Day, Year)**

**Sincerely,**

5/20/98
**(Signature of Sign Poster & Date)**

**Thomas P. Ogle, Sr.**

**325 Nicholson Road**

**Baltimore, Maryland 21221**

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

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:

ITEM 394

REVISED 4/22/98

# ZONING NOTICE

**Case No.:** 98-394-SPH

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

**PLACE:** _____

**DATE AND TIME:** _____

**REQUEST:** SPECIAL HEARING TO APPROVE AN AMENDMENT TO THE SITE PLAN ~~IS~~ APPROVED IN CASE NO. 92-285-SPHXA, OR IN THE ALTERNATIVE, THE PROPOSED CHANGE IS SO MINOR THAT AN AMENDMENT NEED NOT BE REQUIRED AND WOULD BE DONE ADMINISTRATIVELY.

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**

9/96
post.4.doc

TO: PATUXENT PUBLISHING COMPANY
May 14, 1998 Issue - Jeffersonian

Please forward billing to:
Benjamin Bronstein, Esquire 410-296-0200
George & Bronstein, LLP
29 W. Susquehanna Avenue
Suite 205
Towson, MD 21204

---

**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: 98-394-SPH
1525 Greenspring Valley Road - Villa Julie College
Valley Road, 2950' W of Greenspring Avenue
3rd Election District - 3rd Councilmanic District
Legal Owner: Villa Julie College

Special Hearing to approve an amendment to the site plan approved in case #92-285-SPHXA or in the alternative, the proposed change is so minor that an amendment need not be required and could be done administratively.

HEARING: Thursday, June 4, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt sc

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

May 1, 1998

# NOTICE OF ZONING HEARING

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CASE NUMBER: 98-394-SPH
1525 Greenspring Valley Road - Villa Julie College
Valley Road, 2950' W of Greenspring Avenue
3rd Election District - 3rd Councilmanic District
Legal Owner: Villa Julie College

Special Hearing to approve an amendment to the site plan approved in case #92-285-SPHXA or in the alternative, the proposed change is so minor that an amendment need not be required and could be done administratively.

HEARING: Thursday, June 4, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Benjamin Bronstein, Esquire
GW Stephens & Associates, Inc.
Villa Julie College

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 20, 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.

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CCA

# County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 11, 1999

**NOTICE OF POSTPONEMENT & REASSIGNMENT**

CASE #: 98-394-SPH

**IN THE MATTER OF:** VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road
3rd Election District; 3rd Councilmanic
**(Petition for SPH filed by Villa Julie College)**

**AND**

CASE #: 98-475-SPH

**IN THE MATTER OF:** RICHARD BUCK, ET AL -Petitioners /Protestants 1525 Greenspring Valley Road
**(Petition for SPH filed by Richard Buck, et al)**

**(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)**

which was assigned for hearing before the Board on 2/10/99 has been **POSTPONED** at the request of Counsel for Protestants due to hearing schedule conflict; and has been

REASSIGNED FOR: TUESDAY, APRIL 13, 1999 at 10:00 a.m.
(Holding WEDNESDAY, APRIL 14, 1999 if needed /Day #2)

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

**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**Kathleen C. Bianco**
**Administrator**

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.

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

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County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 28, 1998

**NOTICE OF ASSIGNMENT**

**CASE #: 98-394-SPH** — **IN THE MATTER OF: VILLA JULIE COLLEGE -Owner /Petitioner 1525 Greenspring Valley Road 3rd Election District; 3rd Councilmanic**

**(Petition for SPH filed by Villa Julie College)**

**AND**

**CASE #: 98-475-SPH** — **IN THE MATTER OF: RICHARD BUCK, ET AL -Petitioners /Protestants 1525 Greenspring Valley Road**

**(Petition for SPH filed by Richard Buck, et al)**

**(Consolidated for hearing before Zoning Commissioner /One Order issued by ZC)**

pp'd @ req of Counsel for Protestants to 4/13 & 4/14/99

**ASSIGNED FOR: WEDNESDAY, FEBRUARY 10, 1999 at 10:00 a.m.**

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

**Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.**

**IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

**Kathleen C. Bianco**
**Administrator**

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Messrs Jack Dillon & Richard Buck /Valleys Planning Council, et al

Counsel for Appellant /Property Owner : Benjamin Bronstein, Esquire
Appellant /Property Owner : Villa Julie College /Carolyn Manuscak, President Villa Julie College

Rick Chadsey /G.W. Stephens, Jr. & Associates, Inc.

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

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Baltimore County
Department of Permits and
Development Management

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

May 27, 1998

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 W. Susquehanna, Suite 205
Towson, MD 21204

RE: Item Number: 394
Case Number: 98-394-SPH
Petitioner: Villa Julie College

Dear Mr. Bronstein:

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 April 20, 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 Gwen Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR:rye

Enclosures

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# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** May 12, 1998

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

**SUBJECT:** Zoning Advisory Petitions **ITEM NO:** 394

The Planning Office recommends that a landscape plan for the parking lot area be submitted for review and approval to this office and the Baltimore County Landscape Architect.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey M. Long

Division Chief: Carl L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\NOCOM\NCSHELL.DOC

Baltimore County
Fire Department

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

May 7, 1998

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

RE: Property Owner: VILLA JULIE COLLEGE, 394
PATRICK J. MALEC, 396
FREESTATE INDOOR SPORTS, INC., 401

Location: DISTRIBUTION MEETING OF MAY 4, 1998

Item No.: 394, 396, 401 ZONING AGENDA:

Gentlemen:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

cc: File

RECEIVED
MAY 20 1998

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

INTEROFFICE CORRESPONDENCE

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

Date: May 11, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for May 11, 1998
Item Nos. 394, 396, 397, 398, 399, 400, 401, 402, and 403

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0511.NOC

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

INTEROFFICE CORRESPONDENCE

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

Date: June 8, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for June 1, 1998
REVISED PLANS
Case #98-394-SPH
1525 Greenspring Valley Road
- Villa Julie College

CEIVED
JUN 19
NER

The Development Plans Review Division has reviewed the subject zoning item. The approved final landscape plan has not been implemented.

RWB:HJO:jrb

cc: File

98394SPH.ZON

**Maryland Department of Transportation**
*State Highway Administration*

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 5.22.5V
Item No. ~~98~~ 98-394 STH

Dear Ms. Stephens:

WE have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/~~US~~ 130 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 or By E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

August 26, 1998

J. Carroll Holzer, Esquire
Holzer and Lee
508 Fairmount Avenue
Towson, MD 21204

Dear Mr. Holzer:

RE: Petition for Special Hearing, Case No.: 98-394-SPH, 1525 Greenspring Valley Road, District: 3c3, Villa Julie College - Owner/Petitioner

Please be advised that an appeal of the above referenced case was filed in this office on August 25, 1998 by Benjamin Bronstein, Esquire on behalf of Villa Julie College. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: People's Counsel

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

August 13, 1998

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

Dear Mr. Bronstein:

RE: Petition for Special Hearing, Case No.: 98-394-SPH, 1525 Greenspring Valley Road, District: 3c3, Villa Julie College - Owner/Petitioner

Please be advised that an appeal of the above referenced case was filed in this office on July 30, 1998 by J. Carroll Holzer, Esquire on behalf of Richard Buck, et al. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: People's Counsel

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# APPEAL

Petition for Special Hearing
SWC Greenspring Valley Road and Nacarema Lane
(1525 Greenspring Valley Road)
3rd Election District - 3rd Councilmanic District
Villa Julie College - Owner/Petitioner
Case No.: 98-394-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits:
1 - Plat to Accompany Petition for Special Hearing
2 - PDM File (#III-371) on Villa Julie College
3 - Letter from Benjamin Bronstein, Esquire to Kurt Kugelberg, Chairman of Development Review Committee dated June 7, 1995
4 - Letter from John Bernstein to Arnold Jablon, Esquire dated June 20, 1995
5 - Letter from John Bernstein to Honorable Robert O. Schuetz, Baltimore County Board of Appeals, dated January 17, 1996
6 - Order of Dismissal County Board of Appeals dated January 26, 1996
7 - Letter from Donald T. Rascoe, Development Manager, to Mr. Ben Bronstein dated July 14, 1995
8 - Revised Plat to Accompany Petition for Special Hearing
9 - Final Landscape Plan
10A-C - Three Photographs
11 - Baltimore County Uniform Code Enforcement Citation (#98-0179)
12 - Letter from Benjamin Bronstein, Esquire to Arnold Jablon, Director of the Department of Zoning Administration and Development Management dated January 6, 1998
13 - Letter from Arnold Jablon, Director of the Department of Permits and Development Management, to Mr. Benjamin Bronstein, LLP dated January 9, 1998
14 - Letter from Benjamin Bronstein, Esquire, to Stanley J. Schapiro, Code Official, dated May 7, 1998
15 - Chronology

Zoning Commissioner's Order for Case #92-285-SPHXA dated July 10, 1992 (Granted in Part, Denied in Part)

Letter from J. Carroll Holzer, Esquire to Arnold Jablon, Director of the Department of Permits and Development Management dated May 28, 1998

Motion for Reconsideration from J. Carroll Holzer, Esquire to Larry Schmidt, Zoning Commissioner dated July 7, 1998

Owner/Petitioner's Response to Motion for Reconsideration from Benjamin Bronstein, Esquire, to the Honorable Lawrence E. Schmidt, Zoning Commissioner, dated July 15, 1998

Zoning Commissioner's Order dated June 30, 1998 (Granted in Part, Denied in Part)

Zoning Commissioner's Order on Motion for Reconsideration dated July 30, 1998

Notice of Appeal received on July 30, 1998 from J. Carroll Holzer, Esquire on behalf of Richard Buck, et al

c: Benjamin Bronstein, Esquire, George & Bronstein, 29 W. Susquehanna Avenue, Towson, MD 21204
J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, MD 21204
Ms. Carolyn Manuszak, President, Villa Julie College, 1525 Greenspring Valley Rd., Stevenson, MD 21153
Messrs. Jack Dillon & Richard Buck, Valleys Planning Council, 212 Washington Ave., Towson, MD 21285
Mr. Rick Chadsey, G. W. Stephens, Jr. & Associates, Inc., 658 Kenilworth Drive, Towson, MD 21204
People's Counsel

# AMENDED APPEAL

Petition for Special Hearing
SWC Greenspring Valley Road and Nacarema Lane
(1525 Greenspring Valley Road)
3rd Election District - 3rd Councilmanic District
Villa Julie College - Owner/Petitioner
Case No.: 98-394-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

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Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

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Notice of Appeal received on August 25, 1998 from Benjamin Bronstein, Esquire on behalf of Villa Julie College

c: Benjamin Bronstein, Esquire, George & Bronstein, 29 W. Susquehanna Avenue, Towson, MD 21204
J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, MD 21204
Ms. Carolyn Manuszak, President, Villa Julie College, 1525 Greenspring Valley Rd., Stevenson, MD 21153
Messrs. Jack Dillon & Richard Buck, Valleys Planning Council, 212 Washington Ave., Towson, MD 21285
Mr. Rick Chadsey, G. W. Stephens, Jr. & Associates, Inc., 658 Kenilworth Drive, Towson, MD 21204
People's Counsel

Hand Delivered
5/29/98

$ 250.00 fee

# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

**for the property located at** 1525 Greenspring Valley Road

**which is presently zoned** RC 2

SEE ATTACHED PETITION

**This Petition shall be filed with the Office of Zoning Administration & Development Management.**
The undersigned neighbors 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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Petitioners:
(See attached individuals)

Attorney for Petitioner:
J. Carroll Holzer, P.A.
(Type or Print Name)

Signature

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

Phone No.

Zipcode

410-825-6961

Legal Owner(s):

Villa Julie College
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Greenspring Valley Rd.
Address Phone No.

Stevenson, MD 21153
City State Zipcode

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

Benjamin Bronstein, Esq.
Name

29 W. Susquehanna Ave. #205, Towson
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

**Petitioners:**

David and Susan Cordish
17 Greenspring Valley Road

Timothy Rodgers
1701 Greenspring Valley Road

William and Deborah Paterakis
1716 Greenspring Valley Road

Henry Rosenberg
5 High Green Lane

Dr. Gaylord Clark
1704 Hillside Ave.

Gordon Sugar
1 Pamonia North

Richard Blue
1419 Greenspring Valley Rd.

Valleys Planning Council, Inc.
Richard Buck, President
11219 Greenspring Ave.

[Original Signatures filed in triplicate with ZONING ]

# Petition

Petitioners, The Valleys Planning Council, Inc. by Richard Buck President and individuals David and Susan Cordish, Timothy Rodgers, William and Deborah Paterakis, Dr. Gaylord Clark, Gordon Sugar, Richard Blue, by their attorney, J. Carroll Holzer, Holzer & Lee, being interested persons adjoining and adjacent to the subject property described in the description and plats attached hereto, and made in part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to have the Zoning Commissioner determine the following questions presented, and provide for the proper enforcement thereof; and under Section 500.6 to determine any violation or noncompliance with any zoning regulation, or proper interpretation thereof; and further to determine whether the Villa Julie College has adhered to the Opinion and Order of the Baltimore County Board of Appeals, dated July 23, 1993, contained in Case No. 92-285-SPHXA (Exhibit #1) and the plan to accompany Special Exception in Case No. 92-285-SPHXA (Exhibit #2), as required by the County Board of Appeals, and further compliance with the Zoning Regulations of Baltimore County in the following questions:

1. Whether Villa Julie College has illegally deviated from the "building envelope (F)" on Exhibit #2, as further reflected by the Development Plan (Exhibit #3) and the plan to accompany the Special Exception Hearing in Case No. 98-394-SPH (Exhibit #4). And further,

2. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #1.

3. Whether Villa Julie College has illegally deviated from the "waste-water treatment area" as shown on Exhibit #2, further as reflected by the Development Plan Exhibit #3, and the plan to accompany the Special Hearing in Case No. 98-394-SPH (Exhibit #4).

4. Whether Villa Julie College has not complied with the County Board of Appeals Opinion and Order in Case No. 92-285-SPHXA (Exhibit #1), conditions #6 and #7 as related to Question #3.

5. Whether Villa Julie College has illegally deviated from the "parking lot near the soccer and lacrosse field" shown on Exhibit #2, as further reflected by the Development Plan (Exhibit #3) and the plan to accompany Special Hearing Case No. 98-394-SPH (Exhibit #4).

6. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #5.

7. Whether Villa Julie College has illegally deviated from the "main parking field" on Exhibit #2, as further reflected by the Development Plan (Exhibit #3) and the plan to accompany the Special Exception Hearing in Case No. 98-394-SPH (Exhibit #4).

8. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #7.

9. Whether Villa Julie College has illegally deviated from the "parking spaces along drive behind building E" on Exhibit #2, as further reflected by the Development Plan (Exhibit #3) and the plan to accompany the Special Exception Hearing in Case No. 98-394-SPH (Exhibit #4).

10. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #9.

11. Whether Villa Julie College has illegally deviated from the "parking field along temporary construction" on Exhibit #2, as further reflected by the Development Plan (Exhibit #3) and the plan to accompany the Special Exception Hearing in Case No. 98-394-SPH (Exhibit #4).

12. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #11.

13. Whether Villa Julie College has illegally deviated from the "parking field near building G.LRC" on Exhibit #2, as further reflected by the Development Plan (Exhibit #3) and the plan to accompany the Special Exception Hearing in Case No. 98-394-SPH (Exhibit #4).

14. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #13.

15. Whether Villa Julie College has illegally deviated from the "existing tree lines" on Exhibit #2, as further reflected by the Development Plan (Exhibit #3) and the plan to accompany the Special Exception Hearing in Case No. 98-394-SPH (Exhibit #4).

16. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #15.

17. Whether Villa Julie College has illegally deviated from the "existence of a pond north of the proposed parking area" on Exhibit #2, as further reflected by the Development Plan (Exhibit #3) and the plan to accompany the Special Exception Hearing in Case No. 98-394-SPH (Exhibit #4).

18. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #17.

19. Whether Villa Julie College has illegally deviated from and/or exceeded the "permissible building limitations" as proposed by Exhibits #1 and #2; as reflected by Exhibits #3 and #4.

20. Whether Villa Julie College has not complied with conditions #6 and #7 of the Opinion and Order of the Baltimore County Board of Appeals in Case No. 92-285-SPHXA (Exhibit #1) as related to Question #19.

21. Whether Villa Julie College has deviated from and/or exceeded "permissible building limitations" imposed by Exhibits #1 and #2; as reflected by building permits (Exhibit #6).

22. Notwithstanding Baltimore County Zoning Regulations Section 101, definitions, can the gross floor area of Villa Julie College exceed the gross floor area requested by Villa Julie College and approved by the County Board of Appeals, pursuant to Exhibits #1 and #2.

23. Does the exterior existing lighting of Villa Julie College - height, wattage, glare, design, exceed that proposed under Exhibits #1 and #2; does the existing lighting violate the Baltimore County light standards.

24. Such other and further issues as may be raised or deveop at the public hearing on this Petition or raised during the course of the public hearing that relate to deviations by Villa Julie College from Exhibits #1 and #2.

**All the above questions relate to the following facts by way of background:**

1. The Villa Julie College in Case No. 92-285-SPHXA requested a Special Exception from the Zoning Commissioner of Baltimore County. After extended hearings, the Baltimore County Board of Appeals on July 23, 1993 issued an Opinion and Order granting the Special Exception subject to certain conditions (Exhibit #1). Villa Julie College's plan to accompany the Special Exception in Case No. 92-285-SPHXA was submitted as an exhibit and binding by the County Board of Appeals' Order (Exhibit #2). The CBA specifically limited all constructionand exterior physical plant improvements to those shown on Exhibit #2 by Condition #6. Further, the CBA required all modificationsto the restrictions and relief granted by the Order shall be considered only after a public hearing. Villa Julie College did not comply with either condition.

2. Subsequently, thereto, Villa Julie College presented a Development Plan to Baltimore County which was apparently approved dated November 16, 1995, which deviated from the plan to accompany the Special Exception (Exhibit #3).

3. Villa Julie College has submitted a Petition for Special Hearing identified as Case No. 98-394-SPH (Exhibit # 4) to amend the original Case No. 92-285-SPHXA (Exhibit #2). Previously during development, Villa Julie College presented information contained on certain building permit applications that relate directly to the size of the facility to be constructed that are allegedly inconsistent with the plan to accompany Special Exception in 92-285-SPHXA (Exhibit #2 and Exhibit #6).

| | | | |
|---|---|---|---|
| RE: | Petition for Special Hearing<br>1525 Greenspring Valley Road<br>(Villa Julie College)<br>Greenspring Valley Road<br>2950' W Greenspring Avenue | * | BEFORE THE<br><br>ZONING COMMISSIONER<br><br>FOR |
| | 3rd Election District<br>3rd Councilmanic District | * | BALTIMORE COUNTY |
| | | * | CASE NO.: 98-394-SPH<br>and case number not<br>assigned as of this date |

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

**SUBPOENA DUCES TECUM**

TO: Arnold Jablon, Director or his designee
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

At the request of Benjamin Bronstein, Esquire, attorney for the Developer, you are commanded to appear and testify at the following date, time and place:

Date: **June 15, 1998**

Time: **9:00 a.m.**

Place: **Room 106, County Office Building**
**Towson, Maryland 21204**

YOU FURTHER ARE COMMANDED to bring with you to the hearing all such documents and tangible things relating to Villa Julie College in files PDM # III - 371 and Case # 92-285-SPHXA and Case # CBA 95-170 as are within your possession, custody, or control.

Zoning Commissioner for Baltimore County

Date of Issuance: 6/10/98

| | | |
|---|---|---|
| RE: PETITION FOR SPECIAL HEARING<br>1525 Greenspring Valley Road (Villa Julie College),<br>Greenspring Valley Rd, 2950' W of Greenspring<br>Avenue, 3rd Election District, 3rd Councilmanic | * | BEFORE THE |
| | * | ZONING COMMISSIONER |
| | * | FOR |
| Legal Owners: Villa Julie College | * | BALTIMORE COUNTY |
| Petitioner(s) | * | Case Number: 98-394-SPH |

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

## ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of May, 1998, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

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

April 21, 1998

Benjamin Bronstein, Esquire
George and Bronstein, LLP
Susquehanna Building, Suite 205
29 West Susquehanna Avenue
Towson, MD 21204

RE: Drop-Off Petition (Item #394)
Villa Julie College
1525 Greenspring Valley Road
3rd Election District

Dear Mr. Bronstein:

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,

wcr/scj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

98-394-SPH

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

June 1, 1998

Benjamin Bronstein, Esquire
George and Bronstein, LLP
Susquehanna Building, Suite 205
29 West Susquehanna Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #394)
1525 Greenspring Valley Road
Villa Julie College
3rd Election District

Dear Mr. Bronstein:

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 imcomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

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

Sincerely,

Joseph Merrey/scj

Joseph C. Merrey
Planner II
Zoning Review

JCM:rye

Enclosure (receipt)

c: Zoning Commissioner

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

May 14, 1998

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Drop-Off Petition Review (Item #394)
1525 Greenspring Valley Road
3rd Election District

Dear Mr. Bronstein:

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 imcomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

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

Very truly yours,

Joseph C. Merrey
Planner II
Zoning Review

JCM:rye

Enclosure (receipt)

c: Zoning Commissioner

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on Recycled Paper

Baltimore County
Zoning Commissioner
Office of Planning

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

June 5, 1998

Benjamin Bronstein, Esquire
George & Bronstein LLP
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

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

RE: Case No. 98-394-SPHA and the consolidation of another case regarding Villa Julie (case number not assigned as of this date) Village Julie College

Gentlemen:

Confirming recent telephone conversation, please be advised that the new date for the above captioned matter has now been scheduled for Monday, June 15, 1998 at 9:00 A.M. in Room 106 of the County Office Building. I apologize for any inconvenience regarding the scheduling of this matter.

Very truly yours,

Lawrence E. Schmidt

LES:mmn
bc: Carl Richards

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on Recycled Paper

6/1/98
& WCR To Soph
File
Ag 6/4

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

**MULTIPLE FAX TRANSMITTAL**

| | |
|---|---|
| TO: Arnold Jablon | FAX NO.: 410-887-5708 |
| TO: Carolyn Manuszak, Pres.<br>Villa Julie College | FAX NO. |

| | |
|---|---|
| FROM: Benjamin Bronstein | PHONE NO.: 410-296-0200 |
| DATE: June 1, 1998 | Pages (including cover): 2 |
| Reference: Villa Julie College | |

Message:

ORIGINAL WILL NOT FOLLOW ✓

ORIGINAL WILL FOLLOW BY _____ REGULAR MAIL
_____ COURIER
_____ OTHER _____

**PRIVILEGED AND CONFIDENTIAL**

**THE INFORMATION SUPPLIED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND MAY BE LEGALLY PRIVILEGED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS REFERENCED ABOVE VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.**

IF YOU WISH TO SPEAK TO THE FAX OPERATOR, PLEASE CALL 410-296-0200

DATE SENT: June 1, 1998
TIME SENT: 11:50 a.m.
OPERATOR: Michelle

98-2166

98-394-SPH

FROM : GEORGE & BRONSTEIN, LLP PHONE NO. : 410 296 3719 Jun. 01 1998 11:58AM P1

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

June 1, 1998

**VIA FAX 410-887-5708**

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

RE: **Petition for Special Hearing**
**Case No.: 98-394-SPH**
**1525 Greenspring Valley Road**
**Villa Julie College**

Dear Mr. Jablon:

I have received a copy of a letter, together with a Petition filed by Mr. Holzer on behalf of the Valleys Planning Counsel and others. I strenuously object to consolidation of the Petition filed by Mr. Holzer with the Petition filed by Villa Julie College.

A continuance would cause the College to suffer irreparable harm.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh

cc: Carolyn Manuszak, President (via fax)
Villa Julie College

FROM : GEORGE & BRONSTEIN, LLP PHONE NO. : 410 296 3719 Jun. 01 1998 11:59AM P2

4/17/98

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

April 17, 1998

**HAND DELIVERED**

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

RE: **1525 Greenspring Valley Road**

Dear Mr. Jablon:

In reference to the above entitled property I am hereby enclosing the following:

1. Petition for Special Hearing in triplicate.

2. Twelve (12) copies of the Plat to Accompany Special Hearing.

3. Three (3) copies of the description under seal.

4. Copy of the 200 Scale Zoning Map.

5. My check to cover costs of filing.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

VIOLATION
NO REVIEW

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh
Enclosures

RECEIVED
APR 17 1998
98 1512

98-394-SPH

JCM

#394

Drop-off
For Review

Sophia
5-4-98

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

May 7, 1998

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

RE: **Petition for Special Hearing**
**Case No.: 98-394-SPH**
**1525 Greenspring Valley Road**
**Villa Julie College**

Dear Mr. Jablon:

Enclosed please find twelve (12) amended plats to be filed in above entitled case. I am enclosing my check payable to Baltimore County, Maryland in the amount of $100.00 to cover costs.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh
Enclosures

cc: Rick Chadsey, P.E.
G.W. Stephens & Associates

Carolyn Manuszak, President
Villa Julie College

Dep-Det
Ret Ret

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

July 15, 1998

RECEIVED
JUL 16

The Honorable Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County
Zoning Commissioner's Office
401 Bosley Avenue
Towson, Maryland 21204

RE: **Case No.: 98-394-SPH**
**and 98-475-SPH**

Dear Commissioner Schmidt:

Enclosed please find Owner/Petitioner's Response to Motion for Reconsideration filed in the above entitled case.

Thank you for your kind consideration.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh
Enclosure

cc: J. Carroll Holzer, Esquire
Attorney for Protestant/Petitioner

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

August 3, 1998

**HAND DELIVERED**

The Honorable Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County
Zoning Commissioner's Office
401 Bosley Avenue
Towson, Maryland 21204

RE: **Case No.: 98-394-SPH**
**and 98-475-SPH**

Dear Commissioner Schmidt:

Enclosed please find Owner/Petitioner's Motion to Revise Order Dated July 30, 1998 to be filed in the above entitled case.

Thank you for your kind consideration.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh
Enclosure

cc: J. Carroll Holzer, Esquire
Attorney for Protestant/Petitioner

HOLZER & LEE

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

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

May 28, 1998

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

**Re: Petition for Special Hearing filed by Villa Julie College**
**Case No. 98-394-SPH**
**Hearing Date: June 4, 1998**

Dear Mr. Jablon:

Enclosed please find a copy of a Petition for Special Hearing involving the Villa Julie College which raises a number of issues to be determined by the Zoning Commissioner. Previously, Villa Julie College had filed its own plan to amend a Special Exception granted to it in Case No. 92-285-SPHXA by Case No. 98-394-SPH, currently scheduled for a hearing on June 4, 1998. I would respectfully request that the hearing on June 4 be postponed and consolidated with the Petition for Special Hearing filed this date with your Department, which encompasses some of the same issues as the case currently scheduled for June 4.

For judicial economy purposes, it would appear that a consolidation of the instant Petition for Special Hearing with Case No. 98-394-SPH be done in order to save the Zoning Commissioner from conducting two hearings in this regard. I would certainly be available to consult with the assignment office to find a mutually agreeable date with Mr. Bronstein.

Very truly yours,

J. Carroll Holzer

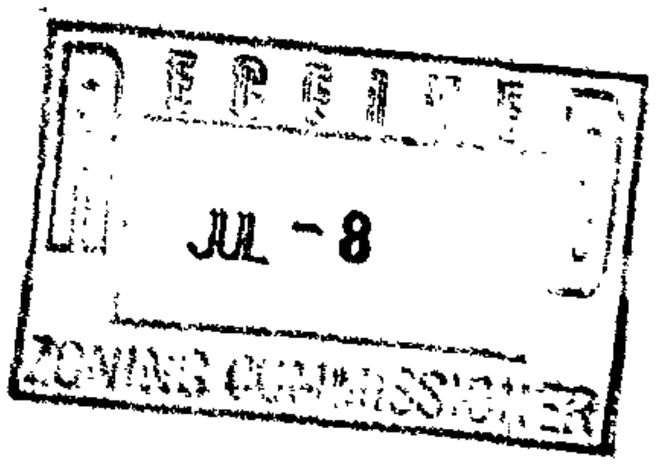
a:petitions\villa.pet

HOLZER & LEE

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

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

July 7, 1998




Larry Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

Enclosed please find a Motion for Reconsideration in the Villa Julie College Case in regard to the Opinion rendered by you on June 30, 1998.

I believe that the omission of a lighting condition which had been agreed to by Benjamin Bronstein and Villa Julie is overlooked in your Opinion as an additional condition for the granting of the relief requested by Villa Julie College.

I would appreciate your consideration in regard to amending your order to include the material proffered by Villa Julie College and hopefully suggested in the attached Motion.

Thank you very much for your consideration.

Very truly yours,

J. Carroll Holzer

cc: Benjamin Bronstein, Esquire

c:letters\schmidt.3

6/4/98

PLEASE PRINT CLEARLY

## PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
|---|---|
| Ben Bronstein | 29 W Susquehanna Ave 21204 |
| GARY REIF | 1525 Greenspring Valley RD 21153 |
| Timothy M Campbell | 1525 GREENSPRING VALLEY RD 21153 |
| RICK CHADSEY | 658 KENILWORTH DR Towson 21204 |
| Joseph ZERHUSEN | 4102 KAHLSTON RD. 21236 |
| LINDA L. MONK | 205 CEDARCROFT RD. 21212 |
| MARIE A. WEBER | 5 BEXLEIGH CT, APT 301 21234 |
| RALPH W. SMITH | 19705 GUNPOWDER RD. 21102 |
| Joe GLOS | 2316 BIRMINGHAM CT 21054 |
| JIM O'BRIEN | 6206 MOSSWAY 21212 |

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6/4/98

PLEASE PRINT CLEARLY

**PROTESTANT(S) SIGN-IN SHEET**

| NAME | ADDRESS |
| --- | --- |
| J. Carroll Holzer | 305 Washington Ave |
| Jack Dillon - VPC | 212 Washington Ave |
| Richard Buck | 11219 Greenspring Ave L.T. 21093 |

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

July 23, 1993

Michael J. Collins, Esquire
NEUBERGER, QUINN, GIELEN
& RUBIN, P.A.
Equitable Bank Center Tower II
100 South Charles Street
Baltimore, MD 21201

Re: Case No. 92-285-SPHXA
Villa Julie College, Inc.

Dear Mr. Collins:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

cc: Benjamin Bronstein, Esquire
Michael Chomel, Esquire
J. Carroll Holzer, Esquire
K. Donald Proctor, Esquire
Ms. Carolyn Manuszak/Villa Julie College
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Donald T. Rascoe /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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Exhibit 1

| | | |
|---|---|---|
| IN THE MATTER OF THE THE APPLICATION OF VILLA JULIE COLLEGE, INC. FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES ON PROPERTY LOCATED ON THE SOUTH SIDE GREENSPRING VALLEY ROAD, 9' EAST OF NACIREMA LANE (1521 GREENSPRING VALLEY RD) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT | * | BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 92-285-SPHXA |

* * * * * * * * *

## O P I N I O N

This is an appeal from the decision of the Zoning Commissioner for Baltimore County, Maryland, dated July 19, 1992 in which the Petition for Special Exception to approve the use of the property for a private college in accordance with the site plan was granted, with certain restrictions; and granted a Petition for Special Hearing to approve a modified parking plan and a residential caretaker dwelling as an accessory use to the college; and granted the Petition for Zoning Variances to permit variances from sections of the Baltimore County Zoning Regulations (BCZR) on property zoned R.C. 2.

Appearing before the Board were the following legal counsel: Benjamin Bronstein, Esquire, and Michael Chomel, Esquire, representing Villa Julie College, Inc.; J. Carroll Holzer, Esquire, representing the Valleys Planning Council and a number of individuals; H. Donald Proctor, Esquire, representing Barton and Elizabeth Mitchell, Clark Farm Associates, and Tim and Mary Rodgers; and Michael J. Collins, Esquire, representing Northwest Land Corporation.

Appearing and testifying for Villa Julie College were the

following: Dave Bowers, representing the Maryland Environmental Service; Michael Lancaster, Chief Business Officer, Villa Julie College; Samuel Crozier, Landscape Architect & Land Planner; Gene Neff, Director of Public Works; Wesley Guckert, Traffic Engineer; and Frederick Chadsey, P.E., Water Resource Engineer.

Appearing and testifying in opposition to Villa Julie were the following: F. Pierce Linaweaver, P.E., Civil and Environmental Engineer; Guana Clark Watts, Landscape Architect and partner in Clark Farm Associates; Elizabeth Mitchell, neighbor abutting Villa Julie; Timothy Rodgers, neighbor; Jervis Spencer Finney, neighbor; Thomas O'Brecht, neighbor; Martin Wells, traffic expert; Gordon Sugar, abutting property owner; Clarence Mielke, contract farmer for this area; James Highsaw, Natural Resource Planner; Paul Scheidt, Director, Maryland Agricultural Land Preservation Foundation; John Contestable, Chief of Engineering Access for State of Maryland; John Dillon, Deputy Chief of Community Planning; Norman Gerber, Professional Planner; Oscar Keys, Engineer, formerly with the Department of Public Works; James Dieter, Director of the Department of Environmental Protection & Resource Management; and, as an independent witness, James Gracey, representing Trout Unlimited; and entered by Holzer and not objected to were nine letters, Protestants' Exhibits 9 through 17, in opposition to Villa Julie.

Direct testimony from these witnesses consumed some 7 full days and produced some 64 exhibits for this Board's consideration.

In considering the merits of the case before the Board,

numerous issues were presented, often asserting meritorious arguments on both sides. Consideration had to be given to construction of a wastewater, treatment plant (WWTP), earlier approved by the Baltimore County Council to eliminate a long-existing septic system failure at the college. Whether an R.C. 2 zone allows a WWTP was acknowledged by this Board as a result of the County Council's action in amending its water & sewage plan and passing Resolution 2-91 on January 7, 1991, authorizing the joint use of a wastewater treatment facility by Villa Julie College and the Sisters of Notre Dame de Namur. The Treatment capacity of the plant and the plans for discharge were momentous considerations for the Board in light of testimony from experts on both sides of the matter.

Although the college has existed for several decades and qualifies to continue as a nonconforming use, the institution seeks a Special Exception to enable it to expand, a factor that is restricted under its present nonconforming status. The different variances are requested for a building expansion of 100,000 sq. ft. to eliminate crowded instructional areas and to accommodate an increased enrollment anticipated in future years. On this matter, the Board must decide whether the extent of the intended growth of Villa Julie College, at its location in the Greenspring Valley, is proper under the specifications of the special exception law, Section 502.1 of the BCZR.

Since the college's establishment in 1947, sewage disposal has been accomplished by a septic system, there being no public water

or sewage in the R.C. 2 zoned valley. Testimony has established that the Greenspring Valley is situated upon a rich and plentiful aquifer which runs reasonably close to the surface. Although a concern of property owners, the college has been granted by the State a 60,000 gallon/day water draw from the valley aquifer. The location of the disposal field for the college at present is on the adjacent property of the Sisters of Notre Dame de Namur, with whom the college was once affiliated. The system was designed for disposal of 6,000 gallons of wastewater per day, but with physical expansion in the past two decades, the system is receiving up to 28,000 gallons per day solely from the college. Recognizing the failure of the system in 1989, attempts to repair the septic system have not succeeded and approximately 8,000 gallons of wastewater have to be trucked away each day. Since there was no testimony on the remaining 20,000 gallons /day, the Board will assume it is absorbed through the existing septic system.

Dave Bowers, representative of the Maryland Environmental Services (MES), a quasi state, public and private agency, testified to his retention to study the problem of wastewater treatment at Villa Julie. Based on studies involving the Maryland State Department of Environment (MDE) and the Baltimore County Department of Environmental Protection and Resource Management (DEPRM), Mr. Bowers recommended the construction of a WWTP that would treat up to 60,000 gallons of wastewater per day. He reviewed for the Board at length the operations of the planned WWTP, its location, size, procedures and operations, maintenance, measures for emergencies,

and the treatment and discharge into an existing stream that originates on campus. The plant was described as a "state of the art" filtration system that could be open to view, but which will be housed in a shed-like structure in a wooded area and would be comparable to farm buildings in the agricultural zone.

Subsequent to the County Council's authorization of a WWTP by Resolution 2-91 to solve the septic problem at the college, Villa Julie applied for a permit from MDE to discharge 62,900 gallons per day into the stream leading to the Jones Falls, which was approved in May 1992.

Counsel for the Protestants raised issue over the plan to discharge into an intermittent stream, treated effluent that will flow across Protestants' properties for one-quarter mile to the Jones Falls. Counsel for protesting property owners described the intermittent stream as more like a swale than a stream.

Protestants' attorneys countered that Council's amendment of the Master Water and Sewer Plan authorized construction of a WWTP in an R.C. 2 zone provided for a "community plant" to service both the college and the Sisters. However, testimony in this hearing revealed that the Sisters of Notre Dame would not participate with the college in the WWTP, but would use their septic system. Gene Neff, Director of Public Works for Baltimore County, testified that this would change the WWTP from a "community plant" to a "multi-use plant" that under Section 101 (BCZR) is an accessory structure that can serve only one user and must be located on its property. Mr. Neff said an amendment to the authorization can be readily

accomplished and bring the proposed WWTP into conformity.

The Baltimore County Council has designated a college as a permissible use by special exception in an R.C. 2 zone, and thereby conditionally compatible with the uses in an R.C. 2 zone. The determining factor in this case is whether the standards of Section 502.1 of the BCZR are met by the college in their proposed use.

Section 502.1 provides that the use for the Special Exception requested will not:

a. Be detrimental to the health, safety, or general welfare of the locality involved;

b. Tend to create congestion in roads, streets or alleys therein;

c. Create a potential hazard from fire, panic or other dangers;

d. Tend to overcrowd land and cause undue concentration of population;

e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

f. Interfere with adequate light and air;

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

The above standards of 502.1 will be addressed in a general manner in subsequent referral to the issues of this case.

Of particular importance in this matter, the Petitioner for a special exception in an R.C. 2 zone must show that the use

(expansion) would not be detrimental to the primary agricultural uses in the vicinity. (Section 1A01.2.C of the BCZR.) Addressing Protestants' concern that the college does nothing to enhance agriculture, the Board is convinced that the college will not be detrimental to the surrounding agricultural use as it exists today in the Greenspring Valley. Testimony by Mr. Clarence Mielke, the contract farmer for most of the acreage in the valley, indicated that he had no present traffic problems in moving equipment to the properties by road, often crossing land from one farm to another. In all of his farming operations, Mr. Meilke said he endeavored to move equipment at the early hours of the morning to avoid delays for himself and others. He did testify that recent subdivision of acreage for large estate lots in the Greenspring Valley has reduced his operations there. We also note that on their plan, the college has not taken from their present open land. None of the college property now utilized for agriculture will be affected or diminished by the proposed building plans.

Another concern of the Protestants is an "existing" traffic congestion along the Greenspring Valley Road and the inevitable traffic increase that could result with a college expansion, coupled with an increase of general traffic on this connector road to the beltway. The traffic study by Petitioner's expert, West Guckert, was persuasive that the "A" levels of service at the college entrance and the major intersections in the locale today would continue, assuring that the traffic in and out of the college could even double. Testimony by Mr. Guckert stated that the

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The proposed physical expansion of the college is extensive, and expressed fears by Protestants are understandable. Because the college is in an agricultural preservation zone, the degree of growth warrants control under a granted special exception. As determined by the Zoning Commissioner, the Board concurs that limiting the enrollment of the college is reasonable. Norman Gerber, expert witness, stated that the college could increase in size, but the proposed expansion, if unbridled, will be detrimental and change the character of the valley. Mr. Gerber asserted that the college "as proposed" is not in the spirit and intent of the zone and that Section 502.1 tests the need for limitations.

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wastewater treatment plant, the Council did not set a maximum limit; yet, Resolution 2-91 in authorizing the operation of a community sewage treatment for, Villa Julie and Sisters of Notre Dame specifies "with capacity subject to a Special Exception to the R.C. 2 zoning." Other evidence exhibits the State's acknowledgement that the capacity issue is a County decision.

The Maryland Department of Environment (MDE) authorized a flow of 60,000 gallons per day into the stream, based at that time on a permit for a "community Plant" for two institutions. It has been ascertained that the Sisters of Notre Dame discharged approximately 10,000 gallons into the septic system per day. Dr. Pierce Linaweaver, testifying for the Protestants, concluded that Villa Julie is currently using approximately 25,000 gallons per day with a student population of 1,770. Therefore, the Board concurs that the capacity of 60,000 gallons by MDE should be reduced by the 10,000 gallons the Sisters of Notre Dame discharged for a capacity of 50,000 gallons per day for the college WWTP. The Board is reminded of testimony that the plant has a design capacity greater than what the actual flow of the college might be (50,000 gallons) which allows for future growth and permits flexibility in the future. Mr. Linaweaver translates this capacity to a student population of 2,500 registered for classes at the Villa Julie campus. Mr. Jack Dillon of the Baltimore County Planning Office testified that the Office of Planning and Zoning has concerns as to the possibility of uncontrolled expansion once the new buildings are constructed and the WWTP is installed. If unchecked, a

repetition of the current situation could occur. In order to ensure effective control, it is recommended that any growth above 2,500 students should be subject to the granting of an additional special exception by the Zoning Commissioner.

Imposition of a ceiling on total student enrollment from the present 1,700 is not to place the college at a disadvantage but to be in accord with the need to best maintain the character of the valley. The college is known for its excellent programs, and for its diligence in recruiting students. The Board is cognizant of several private colleges in the State which limit their enrollment for various reasons. It may be necessary for the college to offer off-campus classes at satellite centers, as does Johns Hopkins, Loyola College, the University of Maryland, and others.

In regard to a mathematical cap with a 5 percent increase in enrollment over the previous year for on-campus students, it is well known that high school graduates apply and are accepted by several colleges. The number of new students as well as other under graduates who report the first day is an unknown. Therefore, the Board will allow the increased annual enrollment at the Villa Julie campus to be based on a 5 percent increase of the total campus enrollment for the Fall semester of the previous college year to a maximum of 2,500. The Board has taken into consideration that the construction of new buildings was to eliminate over-crowded instructional areas, provide for new programs, and add student extra-curricular facilities, as well as a rise in student enrollment. The construction plan assured in the granting of the

special exception was to correct these inadequacies and not to guarantee that the new building will readily be filled with students. When the college requires a change in this limitation, an additional public hearing will be necessary to determine how the installation of the WWTP, the improvements to Greenspring Valley Road, and the expansion of the physical campus have actually affected the surrounding locale. As a result of all this testimony, the Board will find as a fact that Section 502.1 has been met, and the special exception should be granted with appropriate restrictions.

Villa Julie's Petition for Zoning Variances in this case feels it is justified in that strict compliance with the BCZR would result in a practical difficulty and an unreasonable hardship. Most variances requested relate to distances between existing buildings in the interior of the college property, and not adjoining property of other owners as in many variance requests. These distance variances will permit design of a multi-level building which will not spread out into open space of the campus. The plan's goal is to achieve an "intimate campus" without the new construction using present open areas. Samuel Crozier, Petitioner's landscape architect, designed the plan to avoid removing wooded areas, and to build taller buildings to reduce the impervious roof area of a lower structure of the same square footage. Major aspects of the Plan were designed so that the campus will have less impact on Greenspring Valley Road and adjacent residents. The new construction will generally

interconnect with existing buildings in such a building envelope that they will hardly be seen from the road. Mr. Crozier opined that if the variances are not granted he doesn't know whether the desired 100,000 sq. ft. expansion will fit in the building envelope.

Counsel for the Protestants asserted that the request for variances has not met the legal requirement of Section 307.1, that "practical difficulty or unreasonable hardship" must be demonstrated. Protestants claim that the Plan is based on "cost" factors for the college and to accomplish "aesthetic" objectives. Counsel referred to numerous cases of "where" a variance should be granted. In reviewing these legal decisions, the Board feels that the testimony of Norman Gerber and others in this hearing describing the Villa Julie property and its location as "unique" makes our consideration under 307.1 somewhat broader. As Protestants argue, Villa Julie has the ability within the building envelope or its boundaries to comply with the BCZR. However, changes have to be made under Resolution 2-91 by the County Council, and, to accomplish these plans, expert testimony by Frederick Chadsey referred to a design team of a dozen specialists from government and industry that worked on the plan to solve various problems and hardships that confronted the college's future needs. From these studies the Petition for Variances came forward, and in the opinion of this Board, are presented to resolve practical difficulties in their effort to satisfy, among many considerations, the preservation of the pristine aspects of the

Greenspring Valley. The Board feels that Section 307.1 is met.

In regard to the variance for height of the new buildings, the Board views this proposed elevation as not in harmony with the spirit and intent of the R.C. 2 zone. The Board realizes that today a new institution would not be approved under the present BCZR. However, Villa Julie is in place and seeks to expand. Petitioner cites testimony by witnesses who speculate that the college could grow to 3,500+ students before being detrimental to its environs, a size the Plan obviously expects to satisfy. However, the enrollment is to be limited to 2,500 and the scale of the building construction to accommodate and satisfy the enrollment goal of the college could b reduced so as not to require a height variance of 20 feet for Building "B" and for 13 feet for two buildings within building envelope "F". Petitioner cites the topography descent from Greenspring Valley Road as a factor that allows the increased height of a multi-story building that will not be too obvious from the road. However, the Board is cognizant of testimony by Mr. Crozier that he never tried to devise a plan to comply with the 35-foot height restriction. Expert witnesses for the Protestants maintain that the desired aesthetics and cost factors can be accomplished by broadening the base of the buildings and complying with height restrictions of the BCZR.

The Petition for Special Hearing for modified parking has merit and the relocation will obviously enhance this important aspect of a college for commuters, as well as the stormwater management plan.

The variance for signage applying to directional signs within and along the campus driveways is reasonable.

The Board is basically impressed with the proposed design for improvements as shown on the site plan. The design team has confined its plan to a 16-acre campus of the 60-acre property. The buildings are positioned in an enclosed quadrangle that will bring intimacy to the students and staff while having little impact to its neighbors and the surrounding environs.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property (McLean v. Soley, 270 Md. 216, 1973).

To prove practical difficulty or unreasonable hardship, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

It is clear from the testimony that if some of the variances are granted, such use, as proposed and controlled, will not be contrary to the spirit of the BCZR, and will not result in any injury to the public good.

It has been recognized that special circumstances and conditions exist that are unique to this site, and that the

requirements from which the Petitioner seeks relief will restrict the use of the land due to the special conditions unique to this particular location. In addition, the variances to be granted will not cause any injury to the public health, safety, and general welfare. Further, granting of these variances will be in strict harmony with the spirit and intent of the BCZR.

**O R D E R**

IT IS THEREFORE this 23rd day of July, 1993 by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Hearing to approve a modified parking plan and a residential caretaker dwelling as an accessory use to the college be and is hereby GRANTED; and it is further

ORDERED that the Petition for Special Exception to approve the use of the property for a private college, be and is hereby GRANTED; and it is further

ORDERED that the requested variance to permit a maximum of height of 48 ft. in height within building envelope "F" in lieu of the permitted 35 ft. for two proposed buildings be and is hereby DENIED; and it is further

ORDERED that the following variances be and are hereby GRANTED, said variances to permit:

1. 42 ft. between existing Buildings #1 and #2 in lieu of the required 70 ft.;

2. 30 ft. between existing Building #3 and existing storage building in lieu of the required 70 ft.;

3. 32 ft. between existing maintenance equipment building and existing storage building in lieu of the required 70 ft.;

4. 40 ft. between existing Building "E" and

existing shed in lieu of the required 70 ft.;

5. 60 ft. between existing Building "C" and existing Building "A" in lieu of the required 70 ft.;

6. 60 ft. between existing Building "A" and proposed envelope "F" in lieu of the required 70 ft.;

7. 20 ft. between existing building "D" and proposed building envelope "F" in lieu of the required 70 ft.;

8. a total of 105.2 sq. ft. of existing signs in lieu of the permitted 30 sq. ft.;

9. a maximum height of 39.5 ft. in lieu of the permitted 35 ft. for existing Building "A";

10. maximum height of 54.8 ft. in lieu of the permitted 35 ft. for existing Building "B";

11. a distance of 0 ft. in lieu of the required 70 ft. between the two proposed buildings within building envelope "F"; and

12. 503 parking spaces 8 ft. wide x 18 ft. deep in lieu of the required 8.5 ft. wide x 18 ft. deep.

The following restrictions are conditions precedent to the relief granted herein:

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

2. Construction of the wastewater treatment plant as shown on the Petitioner's site plan shall be permitted as an accessory structure/use to the college. Therefore, use of the WWTP shall be limited strictly to the college and use by adjoining properties is prohibited.

3. Total student enrollment at the college shall be limited to 2,500 students. This limitation shall not apply to students who exclusively attend off-site/satellite campuses or programs, or who are enrolled through a correspondence

program. It is the intent of this restriction to limit the number of students who attend the classes or regularly use the facilities on the subject site.

4. Student growth shall be limited to 5 percent per year. The base year shall be determined to be total on campus student enrollment for the Fall 1993 semester. Student enrollment for succeeding academic years shall be limited to 5 percent of the enrollment in the Fall semester of each succeeding year until total enrollment reaches 2,500 students.

5. The maximum discharge of the WWTP shall be 50,000 gallons per day.

6. All construction and exterior physical plant improvement shall be limited to that shown on the Petitioner's site plans submitted at the hearing.

7. All modifications to the above restrictions and the relief granted within this Order shall be considered only after a public hearing.

8. The Petitioner shall submit semi-annual reports to the Zoning Commissioner to insure compliance with Restrictions 3, 4 and 5 above. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property, and shall make available to that inspector all books, records and reports necessary to confirm compliance with the restrictions stated herein.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

John G. Disney

John G. Disney

Harry E. Buchheister, Jr.

Harry E. Buchheister, Jr.

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

July 23, 1993

98-475-SPH

Michael J. Collins, Esquire
NEUBERGER, QUINN, GIELEN
& RUBIN, P.A.
Equitable Bank Center Tower II
100 South Charles Street
Baltimore, MD 21201

Re: Case No. 92-285-SPHXA /
Villa Julie College, Inc.

Dear Mr. Collins:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

cc: Benjamin Bronstein, Esquire
Michael Chomel, Esquire
J. Carroll Holzer, Esquire
K. Donald Proctor, Esquire
Ms. Carolyn Manuszak/Villa Julie College
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Donald T. Rascoe /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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Exh #1

| | | |
|---|---|---|
| IN THE MATTER OF THE THE APPLICATION OF VILLA JULIE COLLEGE, INC. FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES ON PROPERTY LOCATED ON THE SOUTH SIDE GREENSPRING VALLEY ROAD, 9' EAST OF NACIREMA LANE (1521 GREENSPRING VALLEY RD) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT | * | BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 92-285-SPHXA |

* * * * * * * * *

## O P I N I O N

This is an appeal from the decision of the Zoning Commissioner for Baltimore County, Maryland, dated July 19, 1992 in which the Petition for Special Exception to approve the use of the property for a private college in accordance with the site plan was granted, with certain restrictions; and granted a Petition for Special Hearing to approve a modified parking plan and a residential caretaker dwelling as an accessory use to the college; and granted the Petition for Zoning Variances to permit variances from sections of the Baltimore County Zoning Regulations (BCZR) on property zoned R.C. 2.

Appearing before the Board were the following legal counsel: Benjamin Bronstein, Esquire, and Michael Chomel, Esquire, representing Villa Julie College, Inc.; J. Carroll Holzer, Esquire, representing the Valleys Planning Council and a number of individuals; H. Donald Proctor, Esquire, representing Barton and Elizabeth Mitchell, Clark Farm Associates, and Tim and Mary Rodgers; and Michael J. Collins, Esquire, representing Northwest Land Corporation.

Appearing and testifying for Villa Julie College were the

following: Dave Bowers, representing the Maryland Environmental Service; Michael Lancaster, Chief Business Officer, Villa Julie College; Samuel Crozier, Landscape Architect & Land Planner; Gene Neff, Director of Public Works; Wesley Guckert, Traffic Engineer; and Frederick Chadsey, P.E., Water Resource Engineer.

Appearing and testifying in opposition to Villa Julie were the following: F. Pierce Linaweaver, P.E., Civil and Environmental Engineer; Guana Clark Watts, Landscape Architect and partner in Clark Farm Associates; Elizabeth Mitchell, neighbor abutting Villa Julie; Timothy Rodgers, neighbor; Jervis Spencer Finney, neighbor; Thomas O'Brecht, neighbor; Martin Wells, traffic expert; Gordon Sugar, abutting property owner; Clarence Mielke, contract farmer for this area; James Highsaw, Natural Resource Planner; Paul Scheidt, Director, Maryland Agricultural Land Preservation Foundation; John Contestable, Chief of Engineering Access for State of Maryland; John Dillon, Deputy Chief of Community Planning; Norman Gerber, Professional Planner; Oscar Keys, Engineer, formerly with the Department of Public Works; James Dieter, Director of the Department of Environmental Protection & Resource Management; and, as an independent witness, James Gracey, representing Trout Unlimited; and entered by Holzer and not objected to were nine letters, Protestants' Exhibits 9 through 17, in opposition to Villa Julie.

Direct testimony from these witnesses consumed some 7 full days and produced some 64 exhibits for this Board's consideration.

In considering the merits of the case before the Board,

numerous issues were presented, often asserting meritorious arguments on both sides. Consideration had to be given to construction of a wastewater treatment plant (WWTP), earlier approved by the Baltimore County Council to eliminate a long-existing septic system failure at the college. Whether an R.C. 2 zone allows a WWTP was acknowledged by this Board as a result of the County Council's action in amending its water & sewage plan and passing Resolution 2-91 on January 7, 1991, authorizing the joint use of a wastewater treatment facility by Villa Julie College and the Sisters of Notre Dame de Namur. The Treatment capacity of the plant and the plans for discharge were momentous considerations for the Board in light of testimony from experts on both sides of the matter.

Although the college has existed for several decades and qualifies to continue as a nonconforming use, the institution seeks a Special Exception to enable it to expand, a factor that is restricted under its present nonconforming status. The different variances are requested for a building expansion of 100,000 sq. ft. to eliminate crowded instructional areas and to accommodate an increased enrollment anticipated in future years. On this matter, the Board must decide whether the extent of the intended growth of Villa Julie College, at its location in the Greenspring Valley, is proper under the specifications of the special exception law, Section 502.1 of the BCZR.

Since the college's establishment in 1947, sewage disposal has been accomplished by a septic system, there being no public water

or sewage in the R.C. 2 zoned valley. Testimony has established that the Greenspring Valley is situated upon a rich and plentiful aquifer which runs reasonably close to the surface. Although a concern of property owners, the college has been granted by the State a 60,000 gallon/day water draw from the valley aquifer. The location of the disposal field for the college at present is on the adjacent property of the Sisters of Notre Dame de Namur, with whom the college was once affiliated. The system was designed for disposal of 6,000 gallons of wastewater per day, but with physical expansion in the past two decades, the system is receiving up to 28,000 gallons per day solely from the college. Recognizing the failure of the system in 1989, attempts to repair the septic system have not succeeded and approximately 8,000 gallons of wastewater have to be trucked away each day. Since there was no testimony on the remaining 20,000 gallons /day, the Board will assume it is absorbed through the existing septic system.

Dave Bowers, representative of the Maryland Environmental Services (MES), a quasi state, public and private agency, testified to his retention to study the problem of wastewater treatment at Villa Julie. Based on studies involving the Maryland State Department of Environment (MDE) and the Baltimore County Department of Environmental Protection and Resource Management (DEPRM), Mr. Bowers recommended the construction of a WWTP that would treat up to 60,000 gallons of wastewater per day. He reviewed for the Board at length the operations of the planned WWTP, its location, size, procedures and operations, maintenance, measures for emergencies,

and the treatment and discharge into an existing stream that originates on campus. The plant was described as a "state of the art" filtration system that could be open to view, but which will be housed in a shed-like structure in a wooded area and would be comparable to farm buildings in the agricultural zone.

Subsequent to the County Council's authorization of a WWTP by Resolution 2-91 to solve the septic problem at the college, Villa Julie applied for a permit from MDE to discharge 62,900 gallons per day into the stream leading to the Jones Falls, which was approved in May 1992.

Counsel for the Protestants raised issue over the plan to discharge into an intermittent stream, treated effluent that will flow across Protestants' properties for one-quarter mile to the Jones Falls. Counsel for protesting property owners described the intermittent stream as more like a swale than a stream.

Protestants' attorneys countered that Council's amendment of the Master Water and Sewer Plan authorized construction of a WWTP in an R.C. 2 zone provided for a "community plant" to service both the college and the Sisters. However, testimony in this hearing revealed that the Sisters of Notre Dame would not participate with the college in the WWTP, but would use their septic system. Gene Neff, Director of Public Works for Baltimore County, testified that this would change the WWTP from a "community plant" to a "multi-use plant" that under Section 101 (BCZR) is an accessory structure that can serve only one user and must be located on its property. Mr. Neff said an amendment to the authorization can be readily

accomplished and bring the proposed WWTP into conformity.

The Baltimore County Council has designated a college as a permissible use by special exception in an R.C. 2 zone, and thereby conditionally compatible with the uses in an R.C. 2 zone. The determining factor in this case is whether the standards of Section 502.1 of the BCZR are met by the college in their proposed use.

Section 502.1 provides that the use for the Special Exception requested will not:

a. Be detrimental to the health, safety, or general welfare of the locality involved;

b. Tend to create congestion in roads, streets or alleys therein;

c. Create a potential hazard from fire, panic or other dangers;

d. Tend to overcrowd land and cause undue concentration of population;

e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

f. Interfere with adequate light and air;

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

The above standards of 502.1 will be addressed in a general manner in subsequent referral to the issues of this case.

Of particular importance in this matter, the Petitioner for a special exception in an R.C. 2 zone must show that the use

(expansion) would not be detrimental to the primary agricultural uses in the vicinity. (Section 1A01.2.C of the BCZR.) Addressing Protestants' concern that the college does nothing to enhance agriculture, the Board is convinced that the college will not be detrimental to the surrounding agricultural use as it exists today in the Greenspring Valley. Testimony by Mr. Clarence Mielke, the contract farmer for most of the acreage in the valley, indicated that he had no present traffic problems in moving equipment to the properties by road, often crossing land from one farm to another. In all of his farming operations, Mr. Meilke said he endeavored to move equipment at the early hours of the morning to avoid delays for himself and others. He did testify that recent subdivision of acreage for large estate lots in the Greenspring Valley has reduced his operations there. We also note that on their plan, the college has not taken from their present open land. None of the college property now utilized for agriculture will be affected or diminished by the proposed building plans.

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we consider a government ruling permitting the discharge of treated wastewater into a swale which has been ruled by the State Administrative Judge as a state waterway, a tributary to the Jones Falls, and thereby acceptable as the channel for the treated wastewater. One of the neighbors, Gordon Sugar, offered the college a right-of-way for a sewer line across his acreage to the Jones Falls but was refused. The Board feels this solution could be a cure-all for much of the opposition to Villa Julie's needs for correcting a self-created health problem, provide for future expansion, and bring no detriment to the surrounding community. The Board states this opinion with awareness that the matter of the stream is not within our jurisdiction. There is assurance in the plan to minimize any thermal shock to the stream.

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Counsel for the Petitioner argues that the site plan is self-limiting. He asserts that the County Council did not intend to limit the size of the college. In regard to the limitation on the

wastewater treatment plant, the Council did not set a maximum limit; yet, Resolution 2-91 in authorizing the operation of a community sewage treatment for Villa Julie and Sisters of Notre Dame specifies "with capacity subject to a Special Exception to the R.C. 2 zoning." Other evidence exhibits the State's acknowledgement that the capacity issue is a County decision.

The Maryland Department of Environment (MDE) authorized a flow of 60,000 gallons per day into the stream, based at that time on a permit for a "community Plant" for two institutions. It has been ascertained that the Sisters of Notre Dame discharged approximately 10,000 gallons into the septic system per day. Dr. Pierce Linaweaver, testifying for the Protestants, concluded that Villa Julie is currently using approximately 25,000 gallons per day with a student population of 1,770. Therefore, the Board concurs that the capacity of 60,000 gallons by MDE should be reduced by the 10,000 gallons the Sisters of Notre Dame discharged for a capacity of 50,000 gallons per day for the college WWTP. The Board is reminded of testimony that the plant has a design capacity greater than what the actual flow of the college might be (50,000 gallons) which allows for future growth and permits flexibility in the future. Mr. Linaweaver translates this capacity to a student population of 2,500 registered for classes at the Villa Julie campus. Mr. Jack Dillon of the Baltimore County Planning Office testified that the Office of Planning and Zoning has concerns as to the possibility of uncontrolled expansion once the new buildings are constructed and the WWTP is installed. If unchecked, a

repetition of the current situation could occur. In order to ensure effective control, it is recommended that any growth above 2,500 students should be subject to the granting of an additional special exception by the Zoning Commissioner.

Imposition of a ceiling on total student enrollment from the present 1,700 is not to place the college at a disadvantage but to be in accord with the need to best maintain the character of the valley. The college is known for its excellent programs, and for its diligence in recruiting students. The Board is cognizant of several private colleges in the State which limit their enrollment for various reasons. It may be necessary for the college to offer off-campus classes at satellite centers, as does Johns Hopkins, Loyola College, the University of Maryland, and others.

In regard to a mathematical cap with a 5 percent increase in enrollment over the previous year for on-campus students, it is well known that high school graduates apply and are accepted by several colleges. The number of new students as well as other under graduates who report the first day is an unknown. Therefore, the Board will allow the increased annual enrollment at the Villa Julie campus to be based on a 5 percent increase of the total campus enrollment for the Fall semester of the previous college year to a maximum of 2,500. The Board has taken into consideration that the construction of new buildings was to eliminate over-crowded instructional areas, provide for new programs, and add student extra-curricular facilities, as well as a rise in student enrollment. The construction plan assured in the granting of the

special exception was to correct these inadequacies and not to guarantee that the new building will readily be filled with students. When the college requires a change in this limitation, an additional public hearing will be necessary to determine how the installation of the WWTP, the improvements to Greenspring Valley Road, and the expansion of the physical campus have actually affected the surrounding locale. As a result of all this testimony, the Board will find as a fact that Section 502.1 has been met, and the special exception should be granted with appropriate restrictions.

Villa Julie's Petition for Zoning Variances in this case feels it is justified in that strict compliance with the BCZR would result in a practical difficulty and an unreasonable hardship. Most variances requested relate to distances between existing buildings in the interior of the college property, and not adjoining property of other owners as in many variance requests. These distance variances will permit design of a multi-level building which will not spread out into open space of the campus. The plan's goal is to achieve an "intimate campus" without the new construction using present open areas. Samuel Crozier, Petitioner's landscape architect, designed the plan to avoid removing wooded areas, and to build taller buildings to reduce the impervious roof area of a lower structure of the same square footage. Major aspects of the Plan were designed so that the campus will have less impact on Greenspring Valley Road and adjacent residents. The new construction will generally

interconnect with existing buildings in such a building envelope that they will hardly be seen from the road. Mr. Crozier opined that if the variances are not granted he doesn't know whether the desired 100,000 sq. ft. expansion will fit in the building envelope.

Counsel for the Protestants asserted that the request for variances has not met the legal requirement of Section 307.1, that "practical difficulty or unreasonable hardship" must be demonstrated. Protestants claim that the Plan is based on "cost" factors for the college and to accomplish "aesthetic" objectives. Counsel referred to numerous cases of "where" a variance should be granted. In reviewing these legal decisions, the Board feels that the testimony of Norman Gerber and others in this hearing describing the Villa Julie property and its location as "unique" makes our consideration under 307.1 somewhat broader. As Protestants argue, Villa Julie has the ability within the building envelope or its boundaries to comply with the BCZR. However, changes have to be made under Resolution 2-91 by the County Council, and, to accomplish these plans, expert testimony by Frederick Chadsey referred to a design team of a dozen specialists from government and industry that worked on the plan to solve various problems and hardships that confronted the college's future needs. From these studies the Petition for Variances came forward, and in the opinion of this Board, are presented to resolve practical difficulties in their effort to satisfy, among many considerations, the preservation of the pristine aspects of the

Greenspring Valley. The Board feels that Section 307.1 is met.

In regard to the variance for height of the new buildings, the Board views this proposed elevation as not in harmony with the spirit and intent of the R.C. 2 zone. The Board realizes that today a new institution would not be approved under the present BCZR. However, Villa Julie is in place and seeks to expand. Petitioner cites testimony by witnesses who speculate that the college could grow to 3,500+ students before being detrimental to its environs, a size the Plan obviously expects to satisfy. However, the enrollment is to be limited to 2,500 and the scale of the building construction to accommodate and satisfy the enrollment goal of the college could b reduced so as not to require a height variance of 20 feet for Building "B" and for 13 feet for two buildings within building envelope "F". Petitioner cites the topography descent from Greenspring Valley Road as a factor that allows the increased height of a multi-story building that will not be too obvious from the road. However, the Board is cognizant of testimony by Mr. Crozier that he never tried to devise a plan to comply with the 35-foot height restriction. Expert witnesses for the Protestants maintain that the desired aesthetics and cost factors can be accomplished by broadening the base of the buildings and complying with height restrictions of the BCZR.

The Petition for Special Hearing for modified parking has merit and the relocation will obviously enhance this important aspect of a college for commuters, as well as the stormwater management plan.

The variance for signage applying to directional signs within and along the campus driveways is reasonable.

The Board is basically impressed with the proposed design for improvements as shown on the site plan. The design team has confined its plan to a 16-acre campus of the 60-acre property. The buildings are positioned in an enclosed quadrangle that will bring intimacy to the students and staff while having little impact to its neighbors and the surrounding environs.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property (McLean v. Soley, 270 Md. 216, 1973).

To prove practical difficulty or unreasonable hardship, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

It is clear from the testimony that if some of the variances are granted, such use, as proposed and controlled, will not be contrary to the spirit of the BCZR, and will not result in any injury to the public good.

It has been recognized that special circumstances and conditions exist that are unique to this site, and that the

requirements from which the Petitioner seeks relief will restrict the use of the land due to the special conditions unique to this particular location. In addition, the variances to be granted will not cause any injury to the public health, safety, and general welfare. Further, granting of these variances will be in strict harmony with the spirit and intent of the BCZR.

O R D E R

IT IS THEREFORE this 23rd day of July, 1993 by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Hearing to approve a modified parking plan and a residential caretaker dwelling as an accessory use to the college be and is hereby GRANTED; and it is further

ORDERED that the Petition for Special Exception to approve the use of the property for a private college, be and is hereby GRANTED; and it is further

ORDERED that the requested variance to permit a maximum of height of 48 ft. in height within building envelope "F" in lieu of the permitted 35 ft. for two proposed buildings be and is hereby DENIED; and it is further

ORDERED that the following variances be and are hereby GRANTED, said variances to permit:

1. 42 ft. between existing Buildings #1 and #2 in lieu of the required 70 ft.;

2. 30 ft. between existing Building #3 and existing storage building in lieu of the required 70 ft.;

3. 32 ft. between existing maintenance equipment building and existing storage building in lieu of the required 70 ft.;

4. 40 ft. between existing Building "E" and

existing shed in lieu of the required 70 ft.;

5. 60 ft. between existing Building "C" and existing Building "A" in lieu of the required 70 ft.;

6. 60 ft. between existing Building "A" and proposed envelope "F" in lieu of the required 70 ft.;

7. 20 ft. between existing building "D" and proposed building envelope "F" in lieu of the required 70 ft.;

8. a total of 105.2 sq. ft. of existing signs in lieu of the permitted 30 sq. ft.;

9. a maximum height of 39.5 ft. in lieu of the permitted 35 ft. for existing Building "A";

10. maximum height of 54.8 ft. in lieu of the permitted 35 ft. for existing Building "B";

11. a distance of 0 ft. in lieu of the required 70 ft. between the two proposed buildings within building envelope "F"; and

12. 503 parking spaces 8 ft. wide x 18 ft. deep in lieu of the required 8.5 ft. wide x 18 ft. deep.

The following restrictions are conditions precedent to the relief granted herein:

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

2. Construction of the wastewater treatment plant as shown on the Petitioner's site plan shall be permitted as an accessory structure/use to the college. Therefore, use of the WWTP shall be limited strictly to the college and use by adjoining properties is prohibited.

3. Total student enrollment at the college shall be limited to 2,500 students. This limitation shall not apply to students who exclusively attend off-site/satellite campuses or programs, or who are enrolled through a correspondence

program. It is the intent of this restriction to limit the number of students who attend the classes or regularly use the facilities on the subject site.

4. Student growth shall be limited to 5 percent per year. The base year shall be determined to be total on campus student enrollment for the Fall 1993 semester. Student enrollment for succeeding academic years shall be limited to 5 percent of the enrollment in the Fall semester of each succeeding year until total enrollment reaches 2,500 students.

5. The maximum discharge of the WWTP shall be 50,000 gallons per day.

6. All construction and exterior physical plant improvement shall be limited to that shown on the Petitioner's site plans submitted at the hearing.

7. All modifications to the above restrictions and the relief granted within this Order shall be considered only after a public hearing.

8. The Petitioner shall submit semi-annual reports to the Zoning Commissioner to insure compliance with Restrictions 3, 4 and 5 above. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property, and shall make available to that inspector all books, records and reports necessary to confirm compliance with the restrictions stated herein.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

John G. Disney

John G. Disney

Harry E. Buchheister, Jr.

Harry E. Buchheister, Jr.

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE
S/S Greenspring Valley Road, 0 ft. ZONING COMMISSIONER
E of Nacirema Lane
1521 Greenspring Valley Road * OF BALTIMORE COUNTY
8th Election District
3rd Councilmanic District * Case No. 92-285-SPHXA

Villa Julie College, Inc. *
Petitioner

**********

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, Petition for Special Exception, and Petition for Zoning Variance filed by Villa Julie College, Inc. As to the Petition for Special Exception, authorization was originally requested to permit a private college and group child care center (Class B) in an R.C.2 zone. Subsequently, the special exception was amended to delete the request for a group child care center. Therefore, that portion of the special exception will be denied and only the request to approve a college considered. As to the special hearing, the College seeks approval of a modified parking plan and a residential caretakers dwelling as an accessory use to the College. As to the zoning variances, there are 13 specific variances requested. They are specifically listed on the Petition and will not be set forth again herein, rather are incorporated by reference. The need for these variances is generated by proposed construction on the site. Specifically, the Petitioner proposes to construct an academic center building and an administration building. Further, expansion of the existing learning resource center building is contemplated. The majority of the variances requested relate to the various height and distance between building requirements of the Baltimore County Zoning Regulations ("B.C.Z.R.") Further, a parking variance is requested to permit 503 parking spaces of the dimension 8 ft. wide by 18 ft.

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Date 7/16/92
By Mr. Gerard

deep in lieu of the required 18-1/2 ft. wide and 18 ft. deep. Also, the College seeks a variance from the sign requirements of Section 413.1.b. of the B.C.Z.R., to permit a sign of 105.2 sq. ft. in lieu of the permitted 30 sq. ft.

The above Petitions were the subject of a lengthy hearing before me. A full six days of testimony and argument was offered. Additionally, numerous exhibits, including site plans, photographs, aerial maps, studies and reports were received. The parties also submitted lengthy memoranda outlining the evidence that they believe is germane and setting forth the legal authority for their positions. Further, I visited the site and walked the property. I have also inspected the neighborhood which surrounds the use. All of these things were considered in my deliberations and evaluation of the issues presented.

The Petitioner is Villa Julie College, Inc., a small liberal arts institute of higher learning located on Greenspring Valley Road. The College was represented by Benjamin Bronstein, Esquire and Michael Chomel, Esquire. Numerous members of the Administration, Faculty and student body appeared at the hearing in support of their college. Significant testimony, both expert and from lay witnesses was offered in support of the Petitions.

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By M. Lenhart

In opposition to the Petitions, numerous community groups and individual residents appeared. These included the Valleys Planning Council, the Homeowners of Greenspring Association, the Greenspring Valley Association, the Velvet Valley Association, the Falls Road Community Association, Douglas A. Carroll, III, Mr. and Mrs. Henry G. Hagen, Mr. and Mrs. Lawrence P. Naylor, III, Mr. and Mrs. Richard B. Buck and Mr. and Mrs. J. Stephen Immelt. All of these Protestants were represented by J. Carroll Holzer, Esquire. Other Protestants included Barton S. and Elizabeth Mitchell,

Clark Farm Associates , Timothy M. and Mary Stewart Rodgers, Mr. and Mrs. Thomas F. Obrecht, and Mr. and Mrs. Richard F. Blue. These Protestants were represented by K. Donald Proctor, Esquire. Additionally, many citizens of Baltimore County and, in fact, residents outside of the County deluged my office with letters and postcards expressing their position as to the Petitions.

A simple statement of the relevant background is in order. Villa Julie College was established in the late 1940s by the Sisters of Notre Dame who own property immediately next door. In 1967, the College was separated from the Sisters and is now a non-profit institution, governed by a Board of Trustees. It has grown from a small medical secretary's college to an accredited four year college. The present enrollment is approximately 1700 students. Of this number, approximately 53% reside in Baltimore County. There are 190 faculty members and 120 other employees, both full and part time, who work on site.

As to the subject site, Villa Julie College is located on the floor of the Greenspring Valley, an agricultural prize of Baltimore County. The entire site, which encompasses approximately 60 acres, is zoned R.C.2. The sole vehicular access to the College is by Greenspring Valley Road, a State highway. Presently, there exists approximately 103,000 sq. ft. of building on site. This includes a learning and resource center, a classroom known as Knott Hall, the Mueller house which contains offices, a student center and a child day care center. Significant expansion of the physical facilities on site is proposed. This includes construction of a 45,000 sq. ft. academic center, expansion to the learning resource center of approximately 3,300 sq. ft. and a classroom and general purpose building contemplated to be 50,000 sq. ft. Further, realignment of the existing parking is proposed.

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Date 7/16/92
By Mr. Barnett

As indicated, Villa Julie is located in an R.C.2 zone. The subject site is nestled on the Greenspring Valley floor. To both the north and south, the Valley rises to a plateau. In terms of uses, the entire Valley is dedicated to agriculture and residential pursuits. There are working farms within the subject locale and numerous large estate homes in which many of the Protestants reside.

Under Section 1A01.2.C.19 of the B.C.Z.R. a college is permitted by special exception. However, use of the property as a school only by special exception was not always the case. The college originally existed as of right and may well qualify to continue as a nonconforming use. However, as provided both in the B.C.Z.R. and under law, a nonconforming use is restricted in terms of its growth. Due to the College's intended expansion, the Petitioner chooses to come before me seeking approval of the use as a special exception rather than under a Petition for Special Hearing to establish a nonconforming use.

In considering the merits of the case before me, numerous issues are presented. The parties hereto disagree as to the relevant facts and those provisions of the regulations involved which need be applied to those facts. Generally speaking, consideration must be given to the proposed construction of a waste water treatment plant to solve the college's existing septic system failure, the merits of the special exception request as it relates to a college in an R.C.2 zone and the variances requested for the proposed new academic buildings.

It must also be stated that this case is not about the merits of Villa Julie as a college. The institution deserves the fine reputation it enjoys. That cannot be disputed. What must be decided is whether the College, at this location, is permissible under the tenants of the special

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By M. Gomez

exception law. Clearly, the future of the College, as well as the Greenspring Valley, hangs in the balance.

Proposed Waste Water Treatment Facility

Much of the testimony and evidence presented concerned the college's proposal to construct and operate a waste water treatment plant ("W.W.T.P.") on site. This facility would be constructed to handle and dispose of the sewage and waste water generated by the College. The issues generated by this proposal are many and complex. Not only can the parties not agree as to whether the W.W.T.P. is an appropriate method of disposing of the College's sewage, there is threshold disagreement as to whether consideration of the proposed facility is an issue within my jurisdiction. It is of particular note that the College's Petitions for Special Exception, Special Hearing and Variance make no reference to the W.W.T.P., a fact which was not lost on the Office of Planning and Zoning. Specifically, within that office's Zoning Advisory comment dated March 6, 1992, authored by Jack Dillon and Jeffrey Long, it was noted that, "Although the present Petition request does not cover the proposed treatment plant, this office fully supports the conditions requested by the Department of Environmental Protection and Resource Management (D.E.P.R.M.) which deals with treatment plant facilities." (Emphasis added). Further, as is evidenced by the wording within its Petitions for relief, the College claims that I lack the authority to determine the propriety of the W.W.T.P. In contrast, the Protestants aver that same should be considered in the context of this case and, further, that the W.W.T.P. should not be permitted or, if so permitted, its size and output limited. Prior to addressing the issues, generated by this proposed facility, an overview of the history relating to the present need for the W.W.T.P. is in order.

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Date 7/10/92
By M. Gerwitz

The College began operations in approximately the late 1940s. It has expanded since that time, both in terms of physical plant and enrollment, although the size and scope of the improvements on campus are not well documented. However, physical expansion apparently occurred in 1950, 1952, 1961, 1971 and in the early 1980s. Due to its location in the Greenspring Valley, the property is not served by public water and sewer. Sewage disposal is now and has always been accomplished by a septic system. The location of the disposal field for the College's system is on the neighboring property owned by the Sisters of Notre Dame de Namur ("Sisters"). The existing system was originally designed for disposal of 6,000 gallons of waste water per day. Testimony presented was that four to five times that amount is presently being released into that system. It is estimated that approximately 28,000 to 29,000 gallons of waste water per day are being generated by the College. In approximately 1989, the failure of the system was recognized. Although attempts to repair the system have been made in the past, those attempts have not succeeded. There can be no dispute that the system must be replaced. Simply stated, the system is overwhelmed by the present demands made upon it. It was not originally designed to handle the present volumes and the soil and subsurface conditions are such that it cannot be repaired.

It is also to be noted that the Villa Julie system was originally believed to be part of a system shared with the Sisters' property next door. However, evidence presented convinces me that, in fact, there are two systems; one for the College and the other for the Sisters' property. The Sisters septic system may or may not be failing but might quite possibly be rehabilitated to handle the limited needs of the Sisters property. The

Date 11/6/92
By M.

future of the Sisters' property and their septic system is not an issue before me.

Due to the failure of the College's system, Villa Julie retained Maryland Environmental Services, ("M.E.S.") a not-for-profit government institution comprised of State and non-State employees in April of 1990. Their representative, Dane Bower, testified at the hearing. He indicated that an extensive study was undertaken by his agency. This study included evaluations of the system and consultations by M.E.S. with the Maryland State Department of Environment ("M.D.E."), Baltimore County's Department of Environmental Protection and Resource Management ("D.E.P.R.M."), and several engineering firms. Based on these studies, a recommendation was made to, and adopted by, the College to construct a waste water treatment plant. This plant will be located in the southwest quadrant of the site. Construction will be in two phases. First, a system to accommodate the College's current volume of waste water will be built. This construction will include the necessary infrastructure to increase the plant's capacity to handle up to 60,000 gallons per day of waste water. When ultimately constructed to its full extent, it will be large enough to handle Villa Julie's proposed enrollment growth.

Under Maryland law, Baltimore County is required to submit to M.D.E., for acceptance, a water supply and sewage plan. In accordance with this requirement, Baltimore County has submitted and received approval of such a plan. In view of the proposed W.W.T.P., an amendment to the County's plan was sought by Villa Julie. This amendment was approved by resolution of the Baltimore County Council on January 7, 1991. (See Petitioner's Exhibit No. 9). That amendment grants authorization from the County for Villa Julie and the Sisters of Notre Dame to operate "a community sewage treatment plant for

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Date 7/16/92
By M. Grumm

the combined properties, with a capacity subject to a special exception to the R.C.2 zoning." The significance of the wording used within the amendment will be discussed hereinafter.

In any event, upon submission of the Council's resolution, M.D.E. approved the amendment. (See Petitioner's Exhibit No. 10.) Within their approval, M.D.E. authorized the operation of the community sewage treatment plant for Villa Julie, without establishing its capacity.

Subsequently, Villa Julie appeared before M.D.E.'s Water Management Administration to obtain a State waste water discharge permit. At that time, Villa Julie requested a permit to discharge up to 62,900 gallons per day into an unnamed tributary of the Jones Falls. By their decision dated May 20, 1992, M.D.E. approved the College's request and issued the permit. This was after a public hearing which was attended by the identical Protestants who appeared in the instant case. Further, the Protestants filed an appeal which is currently pending.

That factual foundation having been established, attention is now turned to the questions presented by this proposed construction.

Is the proposed W.W.T.P. the best/only way to solve the College's sewage disposal needs?

After considering all of the testimony and evidence offered, the obvious answer to this question is "Yes". This conclusion is overwhelmingly supported by the evidence received. The Protestants suggest that a number of alternatives are available to the College to correct the current failure of the existing system. However, none of these are practical or workable. Clearly, none of the parties desire an extension of the public water and sewer system to the College. For planning/political reasons, this is not an alternative. Testimony was presented that the system was failing both from

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By Ms. Lynch

a hydraulic and treatment standpoint. Due to the site conditions, it cannot be repaired. Creation of the septic fields on other portions of the property is, likewise, not practical. The Protestants suggest that a spray irrigation/pump and haul combination system be employed. Presently, the College is dealing with its failing system by hauling sewage from the site on a nearly daily basis. As Mr. Dieter of D.E.P.R.M. testified, this method of disposal is employed on a temporary basis and is not a long range solution. Overall, I am persuaded by the testimony of Messrs. Dieter of D.E.P.R.M., Mr. Neff of Public Services and Mr. Bauer of M.E.S. All of these witnesses testified that the waste water treatment plant is a best and only means of permanent correction of the College's existing sewage disposal failures. Further, and just as significantly, it is to be noted that the W.W.T.P. is the only sewage plan offered by the Petitioner. That is, the College's site plan references only the construction of a W.W.T.P. to solve current/future sewage disposal needs. I will not dictate that the College should consider and/or employ alternative systems.

Does the Zoning Commissioner have the authority/jurisdiction to properly consider the waste water treatment plant?

As indicated heretofore, the Petitioner avers that the issue of the waste water treatment plant is not properly before me. The Petitioner's arguments in this regard are three pronged; namely, (1) that the County Council's amendment of the Master water and sewer plan to permit a W.W.T.P. was a planning, not zoning decision and, therefore, is not within the Zoning Commissioner's jurisdiction; (2) that the Federal and State authority have preempted the field of waste water treatment and discharge thereby precluding Baltimore County from regulating the proposed facility, and (3) that any regulation by Baltimore County would cause a dual system of regulating the

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By Zi Zoning

W.W.T.P. and treated discharge, thereby leading to confusion and imposing an unfair burden upon the Petitioner to litigate the same issue on two separate fronts. For the reasons set forth below, all of their arguments are rejected.

As to the planning vs. zoning argument, both parties cite Gregory v. Board of County Commissioners of Frederick County, 89 Md. App. 635, 599 A2d 469 (1991) as dispositive. That case dealt with an amendment to the Frederick County Comprehensive Water and Sewage Plan similar in nature to the amendment adopted by the Baltimore County Council for the Villa Julie property. In Gregory, Frederick County residents appealed the County Commissioners adoption of the amendment and, on appeal, the case came before the Court of Special Appeals. The Appellate Court held that the adoption of the amendment to the comprehensive water and sewage plan was not a "zoning action" but rather, was a "planning action". As such, the Court concluded that the Board's action was not appealable under Maryland Annotated Code, Article 66B, Section 4.08(a).

Although that case is dispositive on the issue that an amendment to the comprehensive plan is a planning decision, I do not believe that the characterization of the amendment in that context precludes my consideration of the propriety of the construction of the facility. As the Protestants correctly point out in their memorandum, the issue before me is whether a W.W.T.P. is a permitted use at this location under the Baltimore County Zoning Regulations. Simply stated, is the proposed W.W.T.P. a permissible use or structure in an R.C.2 zone, pursuant to the B.C.Z.R. This issue is quite different from that presented in the Gregory case.

The Petitioner requests an overly broad interpretation of the holding in Gregory. If such a theory was adopted, the prerogative of the County

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By Jn. Garvey

to govern land use would be lost. I do not believe the holding of Gregory is to be construed in such a sweeping fashion. The Court's opinion supports the view that its holding was to be narrowly construed and not impinge on County land use regulations. Specifically the Gregory Court noted: "The amendment was not substantially concerned with use regulation; while it changed the water supply and sewage services priority categories of the subject properties, it had no impact, in and of itself, on the otherwise allowable uses of the properties as determined by their zoning classifications." (p. 641)

As a second basis for its contention that I am precluded from consideration of the propriety of the waste water treatment plant, the College alleges that Federal and State authority have fully occupied the field of waste water treatment and discharge through M.D.E. The Petitioner notes that it has already endured a lengthy administrative procedure to obtain the waste water discharge permit from M.D.E. Thus, the Petitioner contends that Baltimore County is precluded from consideration of this issue. In their respective arguments concerning this topic, both sides cite that Court of Appeals decision, Ad + Soil, Inc. v. County Commissioners of Queen Anne's County, 307 Md. 327 513 A2d 893 (1986).

For its part, the Petitioner argues that the Federal government has delegated unto M.D.E. a procedure for regulating the issuance of waste water permits. The chain of the permitting process is fully set forth within the Petitioner's Memorandum in Opposition to Motion to Dismiss the Petition for Special Exception. Indeed, the Federal government and State of Maryland have established such procedures. Notwithstanding the establishment of these procedures, I am persuaded by the Protestants' argument that this Federal/State process has not precluded local governments involvement with

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Date 1/10/92
By Mr. Gardner

the regulation of waste water treatment facilities. As the Court noted in Ad + Soil, "These statutory provisions manifest a general legislative purpose not to prohibit local legislation, but rather to coordinate and supplement such legislation through the enactment of a State wide regulatory panoply. Indeed, this body of State law clearly contemplates a pervasive and vital role for local legislation in the field of sewage management." (p. 904) Further, the Court in Ad + Soil said that the County water and sewage plan "must be consistent with all local zoning regulations." Further, I note that Sections 9-505(a)7 and 9-505(a)9 of the Environmental Article of the Annotated Code which require the County plan to "take into account all relevant planning {and} zoning information. . . " Accordingly, I find that Baltimore County, and more particularly the Office of the Zoning Commissioner, is not precluded from consideration of the waste water treatment facility by the doctrine of State/Federal preemption of this area. Although, I will not repeat their arguments fully herein, I believe that the Protestants have correctly summarized the law and the Ad + Soil holding in their memoranda.

As to the Petitioner's last argument, it is claimed that County "involvement" in the waste water treatment plant would involve dual regulation and, therefore, be unduly burdensome to the Petitioner. With this assertion, I simply do not agree. It is not the intent of this office to regulate the operation of the W.W.T.P. to insure water quality or mirror the function of M.D.E. My examination of this issue is from a land use/zoning perspective. Clearly M.D.E. regulation of the technical operation of the W.W.T.P. will not be affected by my decision.

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Date 3/10/92
By Ms. Carmen

Is the proposed W.W.T.P. permitted in an R.C.2 zone and, more specifically, is the proposed W.W.T.P. permitted at this site?

Having determined that I have the authority to consider the proposed W.W.T.P., consideration is now given as to whether the proposed facility at the proposed location is proper, pursuant to the B.C.Z.R.

In this regard, the Protestants offer several arguments. First, the Protestants note that the proposed W.W.T.P. is not a permitted use in an R.C.2 zone, in that it is not identified within the list of those uses which are permitted as of right in an R.C.2 zone within the B.C.Z.R. With this assertion, I agree. Further, it is correctly noted by the Protestants that the W.W.T.P. cannot qualify as a special exception under the regulations. Further, the W.W.T.P. is not a public utility, nor serves a public use, and is, therefore, not permitted on those basis.

Additionally, the Protestants note the absence of language within the Petition for Special Exception requesting approval of the W.W.T.P. Further, it is noted that there is no joint request for special exception by both Villa Julie and the Sisters for their community systems.

Although I concur with the Protestants in all of these respects, I, nonetheless, believe that the W.W.T.P. may be permitted. In making my decision, a determination of the nature of the proposed plant must be made. The plant is not the primary use for this site. Obviously, it is entirely incidental to the use of the property as a College. As was gleaned from the evidence about the history of the system and its failure, Villa Julie's initial notice that their septic system was failing occurred in 1989. At that time, it was believed that Villa Julie and the Sisters shared a common system. Although it was recognized that Villa Julie contributed a high percentage of the total sewage, it was believed that the Sisters property also contributed to and used the failing system. In fact, it is clear that Villa Julie's efforts in obtaining the Council's amendment and subsequent

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By Mr. Gian

approval through M.D.E. were based upon this premise. In fact, it has been determined that that premise is incorrect. The septic systems for the two properties are independent and, as proposed, the W.W.T.P. will serve only the College. In view of that fact, it is clear that the W.W.T.P. constitutes an accessory use or structure, as that term is defined within the B.C.Z.R. Specifically, Section 101 defines an accessory use as a use which "(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served". All of those criteria accurately describe the W.W.T.P. proposed by the Petitioner.

Moreover, as the Protestants correctly point out, the Court of Special Appeals in Carroll County Commissioners v. Zent, 86 Md. App. 745 held that the accessory use may serve only the principal use on the subject property. In fact, I adopted a similar holding in Helix Health System, case No. 92-186-SPH. In my view, the proposed W.W.T.P. can be permitted only as an accessory use or structure. Unfortunately, the Petitioner has found itself in a difficult position due to the incorrect premise which they operated under.

Specifically, when obtaining the amendment to the Master Plan from the County Council, the Petitioner requested authorization to establish a "community sewage treatment plant". A community plant is defined under the relevant State regulation as a plant which serves two or more properties. This is to be distinguished from a "multi-use" plant, which serves only one structure. Believing both the Sisters and Villa Julie systems to be joined, the

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extends to that permitted by the State. I must work in concert with M.D.E. and in accordance with their technical findings to assure water quality.

That conclusion, notwithstanding, a further comment is in order. The issue of regulating the amount of flow is much akin to the old analogy of whether the tail is wagging the dog or the dog is wagging its tail. For reasons which will be discussed hereinafter, I am determined to establish limits on the growth of Villa Julie College. The purpose of those limits will be to insure compatibility of the subject use with the surrounding locale. The environmental/sewage issues generated by the waste water treatment plant will be considered. The limitation of flow, a restriction upon the number of students enrolled, or similar restrictions are only means to obtain a stated goal (compatibility with the surrounding locale) and not ends of those means themselves.

Special Exception for a college

Having decided that the waste water treatment plant is permissible, attention must now be given to the Petition for Special Exception. As indicated previously herein, that Petition has been amended to delete the request for a group child care center. Thus, only consideration need be given as to whether the College is a permissible use under the special exception standards.

The case is presented in an unusual fashion in that the College already exists and has been in place for over 40 years. That is, I am not confronted with a question where a special exception use is proposed on undeveloped land; rather, am asked to legitimize an existing use. This provides me with a rare opportunity to consider how the College now impacts its locale rather than speculating on the possible impacts of a proposed special exception use.

Date 7/10/2 By M. Gr

As has been stated many times by the appellate courts of this State, a special exception use is, under law, presumptively valid. By designating a college as a permissible use by special exception in an R.C.2 zone, the Baltimore County Council has identified that use as valid on a prima facie basis. The Courts have repeatedly emphasized this principal in their discussion of special exception law in Maryland. See Schultz v. Pritts, 291 Md. 1 432 A2d 1319 (1981) and Peoples Counsel v. Mangione 85 Md. App. 738, 584 A2d 1318 (1991). Thus, armed with the knowledge that a special exception use has been predetermined by the Council to be conditionally compatible with the uses in a R.C.2 zone, consideration must then be given of the specific standards set forth in Section 502.1. Specifically, the Petitioner has the burden of adducing testimony and evidence that would show the proposed use meets those standards.

A review of that regulation is relevant. Section 502.1 of the B.C.Z.R. provides:

> "Before any special exception may be granted, it must appear that the use for which the special exception is requested will not: (a) be detrimental to the health, safety, or general welfare of the locality involved; (b) tend to create congestion on roads, streets or alleys therein; (c) create a potential hazard from fire, panic or other dangers; (d) tend to overcrowd land and cause undue concentration of population; (e) interfere with adequate provisions for schools, parks, water sewerage, transportation or other public requirements conveniences or improvements; f) interfere with adequate light and air; (g) be inconsistent with the purposes of the property's zoning classification or, in any way, inconsistent with the spirit and intent of the zoning regulations and (h) be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations."

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By Jn. Garvey

In addition to meeting this test, the Petitioner faces a second hurdle for a special exception to be granted in a R.C.2 zone. Specifically, Section 1A01.2.C. of the B.C.Z.R. provides that a special exception in an R.C.2 zone may be granted. . . "provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity. . .". Thus, the Petitioner must not only demonstrate that the provisions of Section 502.1 have been satisfied but that the proposed use will not be detrimental to the primary agricultural uses in this locale.

In evaluating the impact of Villa Julie on its locale at the present time, I am convinced that the Petitioner has satisfied their burden. That is, I find that the College has met the standards set forth within Section 502.1 of the B.C.Z.R. Specifically, I do not find that Villa Julie is detrimental to the health, safety or general welfare of the locality. It does not cause congestion in the transportation system, undue concentration of population or overcrowd land, interfere with adequate provisions for public requirements or, otherwise, detrimentally affect the surrounding community. Likewise, the present use is not detrimental to the primary agricultural uses in the vicinity. Thus, I am persuaded that a special exception use consistent with the College's current size and enrollment should be granted. My conclusion, in this respect, is based on the evidence presented, which convinces me that the College does not now adversely affect its surrounding locale and the agricultural uses therein.

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By Mr. Gardner

Notwithstanding my conclusion in this regard, I cannot be short sighted. The testimony and evidence submitted by the Petitioner was clear; Villa Julie intends on growing. Although the annual growth rate will be modest and consistent with the 8% per year historical rate, <u>any</u> growth causes

concern. Clearly, this site could not house an institution of higher learning similar to the Towson State University Campus. The constraints of this property, the zoning classification of the property and agricultural characteristics of the surrounding locale are limiting factors. Certainly Villa Julie concedes that it does not wish to become another Towson State University. However, the demands on any small college are enormous. It must grow to survive. To remain stagnant threatens its existence. The question is presented; how much growth should be permitted?

In searching for an answer to this question, several of the factors set forth in Section 502.1 are germane. These will be examined in turn.

One of the considerations as set forth within Section 502.1(b) concerns traffic. As indicated, access to the Villa Julie Campus is from Greenspring Valley road. The Protestants correctly note that this is the only roadway which serves the College; hence all traffic will be borne by it. As to this issue, the Petitioner produced the testimony of Wesley Guckert, an expert Traffic Engineer who owns The Traffic Group, Inc. Mr. Guckert testified as to his extensive traffic analysis of the site and locale. This analysis included traffic counts taken at nearby intersections, as well as counts taken at Villa Julie's entrance. Mr. Guckert also discussed extensive and projected levels of service for the intersections which are nearby. Mr. Guckert concluded that the College causes no present adverse traffic impact in the locale and that, even with modest growth, there will be no adverse affect in the foreseeable future. In his view, the existing road work is sufficient to accommodate an increased number of students in the foreseeable future. Mr. Guckert also notes that not all of the students are on campus in any given time and thus, increased total enrollment may not cause any additional congestion.

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By Mr. Smith

In contrast to this testimony, the Protestants produced Martin J. Wells, the President of Wells and Associates. Mr. Wells also qualified as a traffic engineer, and an expert in the field of traffic engineering. As with Mr. Guckert, Mr. Wells performed an extensive study of the subject locale. However, his conclusions are quite different. He finds that the existing traffic levels near the school entrance at peak use periods are already straining the roadways' capacity. Any increase in the student body, in Mr. Wells' view, would exacerbate an already existing problem.

Also testifying on this issue was John M. Contestabile, Chief of Engineering for the State Highway Administration. Mr. Contestabile described the current plans for the widening of Greenspring Valley Road near the Villa Julie entrance. Mr. Contestabile noted that two additional lanes will be added, one for eastbound traffic and the other for westbound traffic. This will provide a left hand turn lane for westbound traffic and an acceleration/ deceleration lane for eastbound traffic. In Mr. Contestabile's view, there is no safety problem now, and the installation of two additional traffic lanes will accommodate the additional traffic generated by Villa Julie's proposed growth.

In considering all of the testimony presented, I am persuaded that there exists no detrimental affect on traffic congestion caused by the College presently. Further, I am persuaded by Messrs. Guckert and Contestabile that the room for school expansion exists, particularly if Greenspring Valley Road is widened as suggested by the State Highway Administration. With prudent scheduling of classes by the College, I believe that the existing roadway is sufficient to accommodate Villa Julie's proposed growth through, at least, the end of this decade.

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By M. Sonnenburg

A second issue for consideration under the standards set forth in Section 502.1 arises out of subsection (e), which pertains to considerations of water, sewage and other public requirements. As to sewage, my rationale in permitting the installation of the waste water treatment plant is relevant here. That is, I believe such a facility is the preferable way for Villa Julie to solve its current septic failure. Further, I am persuaded by the voluminous expert testimony that the installation of the W.W.T.P. will not detrimentally affect the surrounding locale. The W.W.T.P. is a state of the art facility and the efforts made by its engineers to control the amount of discharge are impressive. Particularly, when comparing the W.W.T.P. with other alternatives, disposal of sewage and the proposed system is preferable.

As to the water use of the College, only a brief comment is in order. The testimony was convincing that the Valley floor sits upon a rich and plentiful aquifer. There appears to be no danger that either the present use or limited expansion would detrimentally effect the neighbors water supply. Thus, I am convinced that a granting of the special exception will not interfere with adequate water provisions for the surrounding locale.

As to the other provisions of Section 502.1, I am persuaded that Villa Julie has presented sufficient evidence to justify the granting of the special exception. Particularly, the character and credibility of the testimony presented was sufficient to support a finding that the special exception will not be detrimental in any of the areas set forth in Sections 502.1. A. thru F. and 502.1.H. My sole reservation, as it applies to proposed expansion of the College, arises out of the standards set forth in Section 502.1.G.

This particular provision of the B.C.Z.R. is of note. It provides that the special exception may not be granted if it will "Be inconsistent with

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Date 7/12/92
By M. Gruber

the purposes of the property zoning classification, nor in any way be inconsistent with the spirit and intent of these zoning regulations." This section, goes hand in hand with the provisions of Section 1A01.2.C. As cited above, that section of the B.C.Z.R. provides that the special exception use cannot be detrimental to the primary agricultural uses in its vicinity.

Sections 1A00.1 and 1A00.2 of the B.C.Z.R. set forth the findings and purposes, respectively, used by the County Council to establish the resource conservation zone. Those findings and purposes will not be repeated herein, but speak for themselves. I am charged by the Council to consider those findings and purposes. It is clear that the legislature intended that a classification of R.C. is to foster the development of agriculture and prevent urban sprawl. Intensive development is to be prohibited. Although the above cited sections govern R.C. zones as a whole, similar findings are found within the B.C.Z.R. as they relate to R.C.2 zoning. Specifically, Section 1A01.1.A. and 1A01.1.B. set forth the Council's findings and purposes for that specific zoning classification. It is stated that "The R.C.2 zoning classification is established pursuant to the legislative findings above, in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses". Sec. 1A01.1.B. (emphasis added)

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Date 7/10/92
By M. Gerhold

Again, as set forth above, I find the present use of the site as a college campus is not inconsistent with those findings and purposes. Uncontrolled expansion, however, would be. The Petitioner correctly points out that Villa Julie is bound by its site plan and amendments thereto and would require a special hearing to amend the approved special exception. Although that is true, the proposed physical expansion is sizeable. Specifically,

Villa Julie proposes nearly doubling the classroom and office facilities on site. In my view, a corresponding increase of the enrollment would be harmful to the existing agricultural surroundings and detrimental to the subject locale. Thus, the extent of Villa Julie's expansion must be controlled.

Having reached this determination, a method must be found to monitor the expansion of the College. In my view, there are three possibilities, each which enjoys its distinct advantages and disadvantages. These possibilities include limiting the number of students; regulating and limiting the flow of discharge from the waste water treatment plant; and limiting the physical plant on site.

Limiting the number of students is an obvious way to control growth. Unfortunately, it is not fail safe. The College currently has an enrollment of approximately 1700. Some students are full time; whereas, others attend on a part time basis. Although none resides on campus, the detrimental effect which the College might cause to the surrounding locale, occurs when the number of students on campus, <u>at any given time</u>, overwhelms the capacity of the site. For example, if all students attended the same class at the same time, there is no doubt that such a scenario would detrimentally effect the surrounding agricultural locale. The important factor, therefore, is how many students there are on campus at any given time. It is hoped that Villa Julie will wisely schedule its classes and functions to insure that the facility is not overcrowded and does not overwhelm the community at any given time. However, it is recognized that there are some inherent difficulties in scheduling. Certain classes and faculty are available only at certain times, for example.

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By M. Gorman

After considering all of these factors and the need to control Villa Julie's growth, I am convinced that my Order granting the special exception

should be restricted to control the rate of growth and establish on capacity. Thus, my Order shall be restricted to prevent no more than 2500 students, including both full and part time to be enrolled for classes at the subject campus in any given semester. Students enrolled in correspondence classes or who exclusively attend off site or satellite facilities shall not be included in that maximum. Any requested increase above that limit shall require the College to first petition for a modification of this special exception. That Petition shall require a public hearing. Further, the annual rate of growth of students shall be limited at 5% per year, based upon enrollment for the Fall 1992 school semester. A determination of these figures was not developed lightly or arbitrarily. It is noted that the Zoning Advisory comment from the Office of Planning, likewise, suggests a 2500 student cap. Although I do not know how the Planning Staff reached that conclusion, the figure was reached by me after consideration of the College's historical growth, the number of students presently enrolled, consideration of additional traffic generated by more students and a judgment as to the amount of students which, in my view, would overburden the land and cause real detriment on the surrounding agricultural locale. This is not to say that expansion might not eventually push the number of students over 2500; however, before that occurs, an additional public hearing will be necessary to determine how the installation of the W.W.T.P., the improvements to Greenspring Valley Road, and the expansion of the physical campus have actually affected the surrounding locale.

As to the discharge capacity of the Waste Water Treatment Plant, I, again, repeat that my decision, in this respect, is not to impinge on the M.D.E.'s authority. The imposition of a restriction by me, in this respect, is intended only to insure limited growth. In calculating the needs of the

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By

College based upon the proposed student body growth rate stated above, as well as corresponding increased faculty and staff, I believe that a 50,000 gallon per day discharge is appropriate. Thus, Villa Julie shall be restricted to a discharge level no higher than that daily rate. If such an increase is required in the future, a modification of this special exception must be sought by way of a hearing.

As to the last limited factor which might be employed, I have given consideration to restricting the development of the physical plant on site. However, the testimony produced by Villa Julie was that the existing plant is seriously overcrowded and threatens the quality of education provided. In that I believe that the majority of the proposed increase in space will be directed to cure the current overcrowded situation, I shall merely restrict the special exception to the site plan submitted, without further limiting the physical plant.

The request variances

As indicated above, Villa Julie's Petition for Zoning Variances contain some thirteen different variances. Eleven of the variances pertain to height and distance requirements between proposed and existing buildings. One of the variances relates to signage and the last one to the dimension of parking spaces to be provided on the site.

The Protestants do not object to many of the requested variances but are in opposition to five of the variances as they particularly relate to the height of the proposed buildings and their distance from existing structures.

It should first be noted that I am satisfied with the proposed scheme and layout of the Petition's proposed improvements as shown on the site plan. For the reasons set forth in my discussion of the special exception

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By Jn. Grma

above, it is clear that Villa Julie needs more physical plant, not only to accommodate its growth but to satisfy existing needs. The proposed site plan also keeps a large area of the entire lot undisturbed. In fact, there is a significantly sized field in the northwest quadrant of the site which will remain an agricultural use. The buildings, both existing and proposed, are clustered to the rear of the site in a manner designed to produce as little impact as possible on the surrounding locale. Further, the grade of the property has been utilized to reduce the impact of the structures. I have particularly considered the impacts of the proposed building during my site visit. I do not find that, as proposed, the improvements will be overwhelming or out of character with what already exists on site and is permissible.

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

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

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

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Date 7/19/92
By Mr. Gardner

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances and conditions exist that are peculiar to this site, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

I am particularly concerned that the site remain compatible with the surrounding locale. The improvements proposed, as shown on the site plan, convinces me that the granting of these variances will not destroy that compatibility.

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

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 10th day of July 1992 that the Petition For Special Hearing to approve a modified parking plan and a residential caretaker dwelling as an accessory use to the College, as more particularly shown on Petitioner's Exhibits Nos. 2 and 25, be and is hereby approved; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve the use of the property for a private college and a group child

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Date 7/10/92
By Mr. Gordon

care center (Class B), be and is hereby GRANTED IN PART and DENIED IN PART, so as to grant the Petition for Special Exception to allow a private college, in accordance with the Petitioner's site plan and as restricted below, and so as to deny the Petition for Special Exception to permit a group child care center (Class B); and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit variances from Sections 102.2, 1A01.3.B.3, 413.1.b. and 409.3 of the B.C.Z.R., as more fully set forth in schedule A, which is attached hereto and made a part hereof, be and is hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted herein:

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

2. Construction of the waste water treatment plant as shown on the Petitioner's site plan, shall be permitted as an accessory structure/use to the College. Therefore, use of the W.W.W.P. shall be limited strictly to the College and use by adjoining properties is prohibited.

3. Total student enrollment at the College shall be limited to 2500 students. This limitation shall not apply to students who exclusively attend offsite/satellite campuses or programs or, who are enrolled through a correspondence program. It is the intent of this restriction to limit the number of students who attend the classes or regularly use the facilities on the subject site.

4. Student growth shall be limited to 5% per year. The base year shall be determined to be total on campus student enrollment for the Fall 1992 semester. Student enrollment for succeeding academic years shall be limited to 5% of the enrollment in the prior year. the Fall semester of each succeeding year

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By Ms. Grimm

5. The maximum discharge of the W.W.T.P. shall be 50,000 gallons per day.

6. In view of the Petitioner's withdrawal of that portion of the Petition for Special Exception for the group child care center, there shall be no child care services on site.

7. All construction and exterior physical plant improvement shall be limited to that shown on the Petitioner's site plans submitted at the hearing.

8. All modifications to the above restrictions and the relief granted within this Order shall be considered only after a public hearing.

9. The Petitioner shall submit semi-annual reports to this office to insure compliance with Restrictions 3, 4, and 5 above. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property, and shall make available to that inspector all books, records and reports necessary to confirm compliance with the restrictions stated herein.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

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Date 7/19/82
By Mr. Schmidt

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ENTER - NEXT DETAIL     PF2 - APPROVALS      PF7 - PREV. SCREEN  PF9 - SAVE
PF1 - GENERAL PERMIT    PF3 - INSPECTIONS    PF8 - NEXT  SCREEN  CLEAR - MENU
                                                                 PANEL BP1005M
TIME:  13:26:45      AUTOMATED PERMIT TRACKING SYSTEM    LAST UPDATE  06/17/96
DATE:  05/12/98            BUILDING DETAIL 2                  PLD      11:43:58

PERMIT #: B274226          BUILDING SIZE                LOT SIZE AND SETBACKS
                           FLOOR:   19500               SIZE: 60.2364 AC.
                           WIDTH:                       FRONT STREET:
GARBAGE DISP:              DEPTH:                       SIDE  STREET:
POWDER ROOMS:              HEIGHT:                      FRONT SETB:     NC
BATHROOMS:                 STORIES:                     SIDE  SETB:     NC/NC
KITCHENS:                                               SIDE STR SETB:
                           LOT NOS:                     REAR  SETB:     NC
                           CORNER LOT:
ZONING INFORMATION                                      ASSESSMENTS
DISTRICT:                  BLOCK:                       LAND:          1561620.00
PETITION:                  SECTION:                     IMPROVEMENTS: 9362900.00
DATE:                      LIBER:   000                 TOTAL ASS.:
MAP:                       FOLIO:   000
                           CLASS:   01
PLANNING INFORMATION
MSTR PLAN AREA:      SUBSEWER:       CRIT AREA:              PASSWORD:
                                     ----------
ENTER - NEXT DETAIL     PF2 - APPROVALS      PF7 - PREV. SCREEN  PF9 - SAVE
PF1 - GENERAL PERMIT    PF3 - INSPECTIONS    PF8 - NEXT  SCREEN  CLEAR - MENU
                                                                 PANEL BP1018M
TIME:  13:26:55      AUTOMATED PERMIT TRACKING SYSTEM    LAST UPDATE  06/17/96
DATE:  05/12/98          APPROVALS DETAIL SCREEN             PLD      11:45:10

PERMIT #: B274226   CONTROL #: GR
AGENCY      DATE       CODE  COMMENTS
--------    --------   ----  --------
SEDI CTL    06/17/96    01   MM/JP
ZONING      06/17/96    01   CAM/JP
PUB SERV    06/17/96    01   CAM/JP
ENVRMNT     06/17/96    01   MM/JP
PERMITS     06/17/96    01   SMD/JP...P/U...PER "AUTH.TO RELEASE"
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(9)

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 01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"
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ENTER - GENERAL PERMIT    PF4 - ISSUE PERMIT
PF3 - INSPECTIONS         PF8 - GENERAL SCREEN W/NEXT PERMIT  CLEAR - MENU
                                                                PANEL BP100
TIME:  13:27:16      AUTOMATED PERMIT TRACKING SYSTEM   LAST UPDATE  07/31/97
DATE:  07/31/97       GENERAL PERMIT APPLICATION DATA        PDM      11:07:11

[PERMIT # B311132]    PROPERTY  ADDRESS
RECEIPT #: A333084    1525        GREENSPRING VALLEY DR
CONTROL #: GR           SUBDIV:  2640 W OF GREENSPRING AV
XREF #:    B311132    TAX ACCOUNT #: 0322035480     DISTRICT/PRECINCT 03   1
                           OWNERS INFORMATION (LAST, FIRST)
FEE:         40.00    NAME: VILLA JULIE COLLEGE
PAID:        40.00    ADDR: 1525 GREENSPRING VALLEY DR. 21153
PAID BY: APP
          DATES             APPLICANT INFORMATION
[APPLIED: 07/16/97]    NAME: ANDREW FERRETTI
[ISSUED:  07/31/97] COMPANY: G.W. STEPHENS JR. & ASSOC. INC
OCCPNCY:              ADDR1: 658 KENILWORTH DRIVE SUITE 100
                      ADDR2: TOWSON, MD. 21204
INSPECTOR: 03R     PHONE #: 410-825-8120       LICENSE #:
NOTES: KRA/LW

                                                    PASSWORD :
                                    ---------------------
ENTER - PERMIT DETAIL  PF3 - INSPECTIONS   PF7 - DELETE        PF9 - SAVE
PF2 - APPROVALS        PF4 - ISSUE PERMIT  PF8 - NEXT PERMIT   PF10 - INQRY
                                                                PANEL BP100
TIME:  13:27:20      AUTOMATED PERMIT TRACKING SYSTEM   LAST UPDATE  07/16/97
DATE:  05/12/98          BUILDING DETAIL 1                  PDM      10:21:53
                                                  TRACT:          BLOCK:
[PERMIT # B311132]  PLANS:  CONST 0    PLOT 8   PLAT     DATA     EL 2   PL 2
                       TENANT
BUILDING CODE: 2       CONTR:
IMPRV 7                ENGNR: GWS INC
USE  23   GRADING      SELLR:

FOUNDATION   BASE       [WORK - GRADING AND SODDING FOR ATHLETIC FIELD:
                        16000 SF OF DISRURBED AREA]
CONSTRUC FUEL SEWAGE WATER    [PERMIT EXPIRES 2 YEARS FROM DATE OF ISSUE]
                 2E     2E
CENTRAL AIR
ESTIMATED COST
10000.00          [PROPOSED USE: COLLEGE & GRADING]
OWNERSHIP: 1     EXISTING USE: COLLEGE
RESIDENTIAL CAT:
#EFF:      #1BED:      #2BED:      #3BED:      TOT BED:        TOT APTS:
1 FAMILY BEDROOMS:                  PASSWORD:
                                    ---------------------
ENTER - NEXT DETAIL    PF2 - APPROVALS     PF7 - PREV. SCREEN  PF9 - SAVE
PF1 - GENERAL PERMIT   PF3 - INSPECTIONS   PF8 - NEXT  SCREEN  CLEAR - MENU
                                                                PANEL BP100
TIME:  13:27:27      AUTOMATED PERMIT TRACKING SYSTEM   LAST UPDATE  07/16/97
DATE:  05/12/98          BUILDING DETAIL 2                  PDM      10:21:53
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ENTER - NEXT DETAIL  PF2 - APPROVALS  PF7 - PREV. SCREEN  PF9 - SAVE
PF1 - GENERAL PERMIT  PF3 - INSPECTIONS  PF8 - NEXT SCREEN  CLEAR - MENU
PANEL BP1018

TIME: 13:27:39  AUTOMATED PERMIT TRACKING SYSTEM  LAST UPDATE 07/31/97
DATE: 05/12/98  APPROVALS DETAIL SCREEN  PLR  11:39:04

PERMIT #: B311132  CONTROL #: GR

| AGENCY | DATE | CODE | COMMENTS |
|---|---|---|---|
| SEDI CTL | 07/23/97 | 01 | JH/TT |
| ZONING | 07/25/97 | 01 | JCM/WCR NO CHANGE IN USE. |
| PUB SERV | 07/16/97 | 01 | CAM/LW |
| ENVRMNT | 07/30/97 | 01 | GWM-07-30 CB////EIR-07-29 VK |
| PERMITS | 07/31/97 | 01 | DAS SC |

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

ENTER - GENERAL PERMIT  PF4 - ISSUE PERMIT
PF3 - INSPECTIONS  PF8 - GENERAL SCREEN W/NEXT PERMIT  CLEAR - MENU



Issued

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

DATE: 10-12-95

OEA: 1A&B/SP
HISTORIC DISTRICT/BLDG.

PERMIT #: B250725
RECEIPT #: A269529
CONTROL #: C-
XREF #:

FEE: 1164. +5. +120.
PAID: 1289.
PAID BY: Applt
INSPECTOR:

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

BUILDING 1 or 2 FAM.
CODE CODE _____
BOCA CODE ✓

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

PROPERTY ADDR: 1525 EASTON SPRING VALLEY ☐ YES ☑ NO
STEVENSON MD 21153
SUBDIV: 2640 W of Greenspring Ave ☐ DO NOT KNOW
TAX ACCOUNT #: 0322035980 DISTRICT/PRECINCT 03 13

OWNER'S INFORMATION (LAST,FIRST)
NAME: VILLA JULIE COLLEGE, INC.
ADDR: 1525 EASTON SPRING VALLEY RD 21153

DOES THIS BLDG. HAVE SPRINKLERS YES — NO —

APPLICANT INFORMATION
NAME: Robert Clancy
COMPANY: VILLA JULIE COLLEGE
STREET 1525 EASTON SPRING VALLEY RD
CITY,ST,ZIP STEVENSON MD 21153
PHONE #: 486 7000 MHIC LICENSE #: _____
APPLICANT SIGNATURE: Robert Clancy TRACT: _____ BLOCK: _____
PLANS: CONST 3 PLOT 14 PLAT — DATA 6 EL 2 PL 2
TENANT
CONTR: WHITING - TURNER
ENGNR: Tigar & Snead, Inc. Architect #8246-C
SELLR:

DESCRIBE PROPOSED WORK: Erect Shell Building. Separate Permit Required To Complete Interior. Issuance of this Permit Does Not Grit Baltimore County To Issue Subsequent Permits. 211'4" x 63'8" x 56' = 46,590 ☆

TYPE OF USE

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

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

WILL SUBMIT DATA SHEETS ALB

TYPE FOUNDATION: ___ SLAB ___ BLOCK ✓ CONCRETE
BASEMENT: 1. ✓ FULL 2. ___ PARTIAL 3. ___ NONE

TYPE OF CONSTRUCTION: ___ MASONRY ✓ WOOD FRAME ✓ STRUCTURE STEEL ___ REINF. CONCRETE

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

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

TYPE OF WATER SUPPLY: 1. ___ PUBLIC SYSTEM ___ EXISTS ___ PROPOSED; 2. ✓ PRIVATE SYSTEM ✓ EXISTS ___ PROPOSED

CENTRAL AIR: 1. ✓ 2. ___
ESTIMATED COST OF MATERIALS AND LABOR: $ 7 Mil
PROPOSED USE: College Shell Bldg For Future Classrooms/Offices
EXISTING USE: College

OWNERSHIP: 1. ✓ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ___ RENTAL

RESIDENTIAL CATEGORY: 1. ___ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ___ Y 2. ___ N
POWDER ROOMS
BATHROOMS KITCHENS
CLASS A1 LIBER FOLIO

BUILDING SIZE
FLOOR 46550
WIDTH 211'4"
DEPTH 63'8"
HEIGHT 56'
STORIES 2+Roof
LOT #'S
CORNER LOT 1. ___ Y 2. ✓ N

LOT SIZE AND SETBACKS
SIZE 60.236Ac
FRONT STREET
SIDE STREET
FRONT SETBK 940
SIDE SETBK 560/890
SIDE STR SETBK
REAR SETBK 530
ZONING

APPROVAL SIGNATURES — DATE

| | | |
|---|---|---|
| BLD INSP | : | : |
| BLD PLAN REV | : OK TO FILE ALB | : 10/12/95 |
| FIRE | : 17A | : |
| BLDG CTL | : 4 ENC OK TO FILE-CK | : 10/12/95 |
| ZONING | : 11A TIM OK TO FILE | : 10/12/95 |
| DEPRM | : 11 | : |
| ENVIRON SERV | : 4 ENG. OK to file | : 10/12/95 |
| PERMITS | : | : |

DRC LTR JUNE 26, 95

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

Wants To

1100 ☆ +5+12

Plans Require Notes To Delete Floor Plans Per ALB, Waived

Plans

TAX # 03-22-035480

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

DATE: 4-9-96

OEA: COPY LC

HISTORIC DISTRICT/BLDG. ☐ YES ☒ NO ☐ DO NOT KNOW

OK For 4-10-96

RMIT #: B266286
CEIPT #: A296300
NTROL #: C-
EF #:

E: 144.00' x 51.00' x 121.00'
ID: 160.00'
ID BY: ppl
SPECTOR:

HAVE CAREFULLY READ THIS APPLICATION O KNOW THE SAME IS CORRECT AND TRUE, O THAT IN DOING THIS WORK ALL PROVI- ONS OF THE BALTIMORE COUNTY CODE AND PROPRIATE STATE REGULATIONS WILL BE PLIED WITH WHETHER HEREIN SPECIFIED NOT AND WILL REQUEST ALL REQUIRED SPECTIONS.

BUILDING 1 or 2 FAM. CODE ____ BOCA CODE X

YPE OF IMPROVEMENT
.X NEW BLDG CONST
.____ ADDITION
.____ ALTERATION
.____ REPAIR
.____ WRECKING
.____ MOVING
.____ OTHER

PROPERTY ADDRESS 1525 Greensprng Valley Rd. Stevenson, MD. 21153
SUBDIV: N/A 03-22-035480
TAX ACCOUNT #: ~~Bath Co # 330-0480~~
OWNER'S INFORMATION (LAST,FIRST) DISTRICT/PRECINCT 03 13
NAME: Villa Julie College (Inc.
ADDR: 1525 Greenspring Valley Rd Stevenson, MD 21153

DOES THIS BLDG. HAVE SPRINKLERS YES ___ NO X

APPLICANT INFORMATION
NAME: Robert W. Clancy
COMPANY: Villa Julie College
STREET 1525 Greenspring Valley Rd.
CITY,ST,ZIP Stevenson, MD. 21153
PHONE #: (410)-486-7000 MHIC LICENSE #: N/A
APPLICANT SIGNATURE: Robert W Clancy TRACT: ____ BLOCK: ____
PLANS: CONST 3X PLOT 10 PLAT 0 DATA 10 EL ____ PL ____
TENANT Villa Julie College
CONTR: The Whiting-Turner Contracting Company
ENGNR: George, Miles and Buhr
SELLR:

DESCRIBE PROPOSED WORK:
Construction of a new, state approved, wastewater treatment facility on the property of Villa Julie College.
60' x 50 x 25'6" = 3,000 SF Refer to B266286
for extra Allowed Per Zoning Hearing!

YPE OF USE

RESIDENTIAL
1.___ ONE FAMILY
2.___ TWO FAMILY
3.___ THREE AND FOUR FAMILY
4.___ FIVE OR MORE FAMILY (ENTER NO UNITS)____
5.___ SWIMMING POOL
6.___ GARAGE
7.___ OTHER

NON-RESIDENTIAL
08.___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09.___ CHURCH, OTHER RELIGIOUS BUILDING
10.___ FENCE (LENGTH ____ HEIGHT ____)
11.___ INDUSTRIAL, STORAGE BUILDING
12.___ PARKING GARAGE
13.___ SERVICE STATION, REPAIR GARAGE
14.___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15.___ OFFICE, BANK, PROFESSIONAL
16.___ PUBLIC UTILITY
17.___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18.___ SIGN
19.___ STORE ___ MERCANTILE ___ RESTAURANT
SPECIFY TYPE ____
20.___ SWIMMING POOL
SPECIFY TYPE ____
21.___ TANK, TOWER
22.___ TRANSIENT HOTEL, MOTEL (NO. UNITS ____)
23.X OTHER Wastewater Treatment Facility

Waive Data
Sheets Ctd
1 Issued

YPE FOUNDATION: 1.___ SLAB 2.___ BLOCK 3.X CONCRETE
BASEMENT: 1.___ FULL 2.___ PARTIAL 3.X NONE

TYPE OF CONSTRUCTION: 1.___ MASONRY 2.X WOOD FRAME 3.___ STRUCTURE STEEL 4.___ REINF. CONCRETE

TYPE OF HEATING FUEL: 1.___ GAS 2.___ OIL 3.X ELECTRICITY 4.___ COAL

TYPE OF SEWAGE DISPOSAL: 1.___ PUBLIC SEWER ___EXISTS ___PROPOSED 2.X PRIVATE SYSTEM ___ SEPTIC X EXISTS ___PROPOSED ___ PRIVY ___EXISTS ___PROPOSED

TYPE OF WATER SUPPLY: 1.___ PUBLIC SYSTEM ___EXISTS ___PROPOSED 2.X PRIVATE SYSTEM X EXISTS ___PROPOSED

CENTRAL AIR: 1.___ 2.___
ESTIMATED COST: $ 1,260,000 OF MATERIALS AND LABOR
PROPOSED USE: Wastewater Treatment Facility
EXISTING USE: School

OWNERSHIP 1.X PRIVATELY OWNED 2.___ PUBLICLY OWNED 3.___ SALE 4.___ RENTAL

RESIDENTIAL CATEGORY: 1.___ DETACHED 2.___ SEMI-DET. 3.___ GROUP 4.___ TOWNHSE 5.___ MIDRISE 6.___ HIRISE
#EFF: ____ #1BED: ____ #2BED: ____ #3BED: ____ TOT BED: ____ TOT APTS/CONDOS: ____
1 FAMILY BEDROOMS ____
GARBAGE DISPOSAL 1.___Y 2.___N BATHROOMS ____ CLASS 1
POWDER ROOMS ____ KITCHENS ____ LIBER ____ FOLIO ____

BUILDING SIZE
FLOOR 3,000 ft²
WIDTH 50 ft
DEPTH 60 ft
HEIGHT 25'-4"
STORIES 1
LOT #'S ____
CORNER LOT 1.___Y 2.___N

LOT SIZE AND SETBACKS
SIZE 60.276AC
FRONT STREET ____
SIDE STREET ____
FRONT SETBK ____
SIDE SETBK ____
SIDE STR SETBK ____
REAR SETBK 160'
ZONING ____

APPROVAL SIGNATURES — DATE

| | | |
|---|---|---|
| BLD INSP | | |
| BLD PLAN | [illegible] E. Nevins | 4/9 |
| FIRE | [illegible] E. Nevins | 4/9 |
| SEDI CTL | | |
| ZONING | [illegible] | 4/10/96 |
| PUB SERV | | |
| ENVRMNT | 4/9 NC. Ostafile - M. [illegible] | 4/9 |
| | | |
| PERMITS | | |

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

**THE VALLEYS**
**PLANNING COUNCIL, INC.**

**212 Washington Avenue**
**P.O. Box 5402**
**Towson, Maryland 21285-5402**
**410-337-6877**
**410-296-5409 (FAX)**

December 29, 1997

Mr. Donald T. Rascoe
Development Manager
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Villa Julie refinement of development plan for additional parking

Dear Mr. Rascoe,

The proposed "minor amendment " to the Villa Julie College development plan is of serious concern to us. We believe that this proposal is more than a minor amendment because it utilizes land not previously identified as future parking as part of the Special Exception case. Furthermore, it begins to encroach into the view corridor along Green Spring Valley Road. We find this unacceptable. I would urge you to recommend that this be refiled as an amendment to the Special Exception and have them file for a hearing before the Zoning Commissioner

Sincerely

Jack Dillon
Executive Director

Prot. No 14

Cc: Richard B. Buck
David Cordish

# GRAHAM LANDSCAPE ARCHITECTURE

Prot. No 8

**Jay Graham, ASLA**
**Partner**

*Project Assignment:*
Principal, Designer

*Education:*
Bachelor of Architecture, 1969
Master of Landscape Architecture, 1972
from University of Virginia

*Years of Experience:*
26 years
14 years with
Graham Landscape Architecture

*Professional Registration:*
Registered Landscape Architect
in Maryland, 1976
in Virginia, 1986
Registered Architect
in Virginia, 1974

*Professional Affiliations:*
American Society of
Landscape Architects,
President, Maryland Chapter 1995-1996
Landscape Architecture Foundation,
Board Member, 1980-1981
Washington Architectural Forum,
Board Member, 1993-1995
1,000 Friends of Maryland,
Board Member, 1998

*Publications:*
*Time Saver Standards for*
*Landscape Architecture*
Section 620: Interior Landscape
McGraw-Hill Book Company, 1988
"A Vision Shared or a Chance Missed"
*Freehand* Magazine
Maryland AIA, 1995

*As Principal in Charge of Design, Jay Graham oversees the development and implementation of design and maintains the focus on fulfilling each client's expectations.*

Mr. Graham brings an extensive background in landscape architecture services, including prior positions at the University of Virginia and RTKL Associates. He has specialized experience in educational facilities, residential, and high-profile projects. His creative ideas in landscape design, as well as his attention to detail and his success in executing the narrative impact of a project, have won him recognition.

Mr. Graham's experience with the design of academic facilities includes master planning, as well as site specific design. Mr. Graham is keenly aware of the need to have the landscape convey a strong, positive image for the institution.

Mr. Graham has also become a contributor and author on topical issues concerning landscape design. Several published pieces include, "The Thoughtfully Furnished Garden," "Art in the Landscape," and "A Vision Shared or a Chance Missed." Many of the firm's projects, such as the fountain at the Governor's Mansion, the historic Porto Bello estate, and the Baltimore-Washington International Airport, have been published and won awards.

**PROJECT EXPERIENCE**

***University of Rochester***
*Rochester, New York*
Wilson Commons Quadrangle

Strategic Facilities Plan

***University of Virginia***
*Charlottesville, Virginia*
Newcomb Hall

Law School

***St. Mary's College***
*St. Mary's City, Maryland*
William Donald Schaefer Hall

Baltimore Hall

St. Mary's Hall Renovation

Margaret Brent Hall

Kent Hall Renovation

***United States Naval Academy***
*Annapolis, Maryland*
Visitor's Center

Entrance Boulevard and Main Gate

Physical Training Facility

***Wor-Wic Community College***
*Salisbury, Maryland*
Master Plan

***Miles Point***
*Town of St. Michael's, Maryland*

***Baltimore-Washington International Airport***
*Anne Arundel County, Maryland*

Professional Resume of Tunnie Ping

- Co-founder and Principal of Windward Associates, Inc., Consulting Engineers and Land Surveyors - 1983
- Education : Associate Degree - Civil Engineering and Business Management
  Johns Hopkins University - 1968
- Maryland Registered Professional Land Surveyor - 1983
- Delaware Registered Professional Land Surveyor - 1986
- Continuously employed in the field of civil engineering and land surveying for over 30 years

Protestants
~~#~~
#10

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

From: Case No. 98-394-SAH

1) Prot. Pet. Ex #9B - Transparency 8½ x 11 (475)
2) Pet. Exh 10 A B & C - Pic
3) Pet Ex 9 - Landscape Pl. - colored
4) Pro. Pet Exh 9A+B - Colored aerial (475)

J. Carroll Holzer, Esq. - 9-8-99 - CW
will return 9-10-99 / DEPOSITION

---

Exhibit taken 9/10/99 by Jack Dillon /VPC for duplication (to the COB)

Protestant's Exhibit Nos. 11, 12 & 13 (98-475-SPH)

Jack Dillon 9/10/99

Jack Dillon /VPC 9/10/99

Printed with Soybean Ink on Recycled Paper

ZONING COMMISSIONER

PETITIONER'S EXHIBIT 16

**CHRONOLOGY**

07/23/93 Board of Appeals 92/285 SPHXA

05/04/95 Court of Special Appeals reverses and remands

06/07/95 B. Bronstein's letter to Kurt Kugelberg, DRC Chairman (Exhibit)

06/20/95 Valley Planning Council opposes request (Exhibit)

07/14/95 Don Rascoe's reply letter (Exhibit)

08/09/95 Valley Planning files appeal together with Richard Buck (Exhibit)

12/12/95 Notice of Hearing

01/17/96 John Bernstein withdraws appeal (Exhibit)

01/26/96 Board of Appeals signs Order of Dismissal (Exhibit)

12/16/97 Development Plan filed Chadsey

12/29/97 DRC approves

01/06/98 B. Bronstein's letter to A. Jablon request Haul Road approval to site plan (Exhibit)

01/09/98 A. Jablon's reply - Administrative approval only (Exhibit)

03/09/98 Valley Planning Council files for zoning violation including interior and Haul Road parking (Exhibit)

04/17/98 Petition filed in this case (Exhibit)

05/01/98 Hearing Officer findings (Exhibit)

05/27/98 VJC notifies Hearing Officer it will desist from parking pending special hearing (Exhibit)

05/28/98 Valley Planning Council files Special Hearing (Exhibit)

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

January 6, 1998

Arnold Jablon, Director
Department of Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: **Villa Julie College**
**Case No.: 92-285-SPHXA**

Dear Mr. Jablon:

On December 29, 1997 the DRC approved a minor amendment to the development plan (letter Exhibit 1). As you can see, Villa Julie proposed adding parking on a dirt road previously used to haul dirt to a stockpile which has since been removed. The College believes that the proposed parking provides a superior location for faculty and student parking and is within the spirit and intent of the approved Special Exception Plan (letter Exhibit 2) and the Baltimore County Zoning Regulations.

The proposed parking will provide minimal adverse aesthetic impact in that the parking is located at the southern end of a large farm field where the contours of the land and a landscape buffer virtually obscure visual impact to the surrounding area, including Green Spring Valley Road which is 600 feet more or less to the north. Additional landscaping will be provided and no existing vegetation is being removed. All work can be accomplished under the current grading permit.

§407 of the Baltimore County Zoning Regulations designates parking for colleges at 1 per employee plus visitor spaces and student parking as determined by the Zoning Commissioner. Villa Julie is a vibrant living institution and therefore its site plan occasionally requires refinement. The site plan approved by the Zoning Commissioner and the Board of Appeals remains intact and will remain so if this amendment to the special exception plan is approved. Requiring the College to submit to an adversarial zoning

ZONING COMMISSIONER
PETITIONER'S EXHIBIT 12

process on any minor change would make a mockery of the zoning process, particularly in light of the previously protracted litigation. I submit that the proposed plan meets with the spirit and intent of the Baltimore County Zoning Regulations and the spirit and intent of the special exception plan.

Thank you for your kind consideration in this matter.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh
Enclosure

bcc: Carolyn Manuszak, President
Rick Chadsey, P.E.

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

January 9, 1998

Mr. Benjamin Bronstein, LLP
Susquehanna Building, Suite 205
29 West Susquehanna Avenue
Towson, Maryland 21204

RECEIVED
JAN 14 1998
GEORGE & BRONSTEIN, LLP

Dear Mr. Bronstein:

Re: Villa Julie College Case No. 98-285-SPHXA

I am in receipt of your letter, dated January 6, 1998, in which you request approval of a change to the approved site plan in the above referenced case. The proposed change is for the addition of a parking area. You state that this change is minor and within the spirit and intent of the approved order.

I cannot agree that the proposed change should be approved administratively as a "de minimus" change. The development regulations clearly state that only a "material" change to an approved development plan be required to undergo approval in the same manner as the original approval. A "refinement" only needs to be approved administratively by the DRC. In the instant matter, this was done. There is no similar provision for approved zoning plans. There is no question that changes to zoning plans, by way of variances and special exceptions, as approved by the zoning commissioner, are treated differently than development plans approved in his capacity as hearing officer.

This is not to say that the zoning office will not consider changes if in its opinion the proposed changes meet the spirit and intent of the approved plan. However, it is the posture of the zoning office that the only changes that may be considered for administrative approval are those which have no impact on zoning issues, e.g., movement of a building within an approved envelope, the expansion of a proposed building by approximately 10% within the envelope that will not effect the approved parking calculations, or a change in use that has no impact on the approved plan or the requisite zoning requirements as approved. Most importantly, the criteria includes the zoning office's conclusion that the intention of the zoning commissioner, as stated in his approval, would not be altered or effected by the proposed change.

ZONING COMMISSIONER

PETITIONER'S EXHIBIT 13

Printed with Soybean Ink
on Recycled Paper

In the instant situation, you are requesting an addition to the plan, which may have been, if requested originally, an important consideration to the zoning commissioner in arriving at his decision. The point is that I cannot form a clearly defined opinion from the approved site plan whether as it would have or not. This is sufficient for the zoning office to require that a petition for special hearing be filed in order for the zoning commissioner to make that determination. I would suggest that you file the petition to amend the approved site plan or, in the alternative, to have the zoning commissioner determine that the proposed addition is so minor that an amendment need not be required and could be done administratively. This petition is not for a special exception and is not subject to Section 502.1, but rather to Section 500.7, Baltimore County Zoning Regulations.

If you require further information, please feel free to contact me.

Sincerely,

Arnold Jablon
Director

AJ/cab

ZONING COMMISSIONER

PETITIONER'S EXHIBIT_____

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

May 7, 1998

Stanley J. Schapiro, Code Official
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING COMMISSIONER
PETITIONER'S EXHIBIT 14

RE: **Citation Case No.: 98-0179**
**1525 Greenspring Valley Road**
**Villa Julie College**

Dear Mr. Schapiro:

The purpose of this letter is to request a modification of your Order of May 1, 1998. Please be advised that pending a disposition of the special hearing before the Zoning Commissioner which is now scheduled for June 4, 1998 at 10:00 a.m., the College will desist from permitting parking along the "Haul Road" and along the service road known as Cottage Lane. It will also limit the parking next to the administration building to 18 in number as permitted.

I trust that this will eliminate the need for any further proceedings as well as abate the imposition of any civil penalty. Thank you for your kind attention to this matter.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh

cc: Carolyn Manuszak, President
Villa Julie College

ZONING COMMISSIONER
PETITIONER'S EXHIBIT 11

Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351, Extension 7285
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

## BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

*SERVE ON RESIDENT AGENT/CORPORATE OFFICER (IF APPLICABLE)*
CATHERINE A. CURTIS
1525 GREENSPRING VALLEY RD

Citation/Case No. 98-0179

Name (s) VILLA JULIE COLLEGE INC.

Address 1525 GREENSPRING VALLEY RD. STEVENSON MD. 21153

Owner ☒ Occupant ☐ Related Citations _____

Location and Date (s) of Violation: 1/12/98 ; 2/6/98 ; 3/4/98

@ 1525 GREENSPRING VALLEY RD.

Vehicle License No.: _____ Vehicle ID: _____

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS (CIRCLE RELEVANT ZONE BELOW, IF APPLICABLE):

| | | | | |
|---|---|---|---|---|
| § 1B01(DR) | § 1A01(RC2) | § 1A02(RC3) | § 1A03(RC4) | § 1A04(RC5) |
| § 200(RAE) | § 202(ROA) | § 204(RO) | § 205(OR1) | § 206(OR2) |
| § 207(O3) | § 210(SE) | § 216(BMM) | § 221(BMB) | § 229(CB)(BLR) |
| § 230(BL) | § 233(BM) | § 236(BR) | § 240(MR) | § 247(MLR) |
| § 253(ML) | § 256(MH) | | | |

1) BCZR 500.4 ; 500.6 ; 500.9
2) 26-121 BCC
3) FAILURE TO REMOVE PARKING EXCEPTION.
4) FAILURE TO COMPLY WITH DEVELOPMENT PLAN.
5) _____
6) _____
7) NOT SHOWN ON SPEC.
8) _____

*(Unless otherwise noted, all references are to zoning regulations.)*

**IMPORTANT TO READ REVERSE FOR IMPORTANT INFORMATION AND DIRECTIONS**

VIOLATION SITE

# NOTICE TO DEFENDANT

Pursuant to Section 1-8, Baltimore County Code a penalty has been assessed as a result of the violation cited herein in the amount indicated:

$ 1,000.00

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# 36 Preservation Briefs

HPS

Technical Preservation Services

# Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes

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Cultural landscapes can range from thousands of acres of ruraltracts of land to a small homestead with a front yard of lessthan one acre. Like historic buildings and districts, these specialplaces reveal aspects of our country's origins and developmentthrough their form and features and the ways they were used. Culturallandscapes also reveal much about our evolving relationship withthe natural world.

*A cultural landscape* is defined as "a geographic area,including both cultural and natural resources and the wildlifeor domestic animals therein, associated with a historic event,activity, or person or exhibiting other cultural or aestheticvalues." There are four general types of cultural landscapes,not mutually exclusive*: historic sites, historic designed landscapes,historicvernacular landscapes, and ethnographic landscapes.* Theseare defined on the Table on page 2.1

***Historic landscapes*** include residential gardensand community parks, scenic highways, rural communities, institutionalgrounds, cemeteries, battlefields and zoological gardens. Theyare composed of a number of character defining features whichindividually or collectively contribute to the landscape's physicalappearance as they have evolved over time. In addition to vegetationand topography, cultural landscapes may include water featuressuch as ponds, streams, and fountains; circulation features suchas roads, paths, steps, and walls; buildings; and furnishings,including fences, benches, lights and sculptural objects.



Depo. Exh # 3

Most historic properties have a cultural landscape component thatis integral to the significance of the resource. Imagine a residentialdistrict without sidewalks, lawns and trees or a plantation withbuildings but no adjacent lands. A historic property consistsof all its cultural resources - landscapes, buildings, archeologicalsites and collections. In some cultural landscapes, there maybe a total absence of buildings.

This Preservation Brief provides preservation professionals, culturalresource managers, and historic property owners a step-by-stepprocess for preserving historic designed and vernacular landscapes,two types of cultural landscapes. While this process is ideallyapplied to an entire landscape, it can address a single featuresuch as a perennial garden, family burial plot, or a sentineloak in an open meadow. This Brief provides a framework and guidancefor 9 undertaking projects to ensure a successful balance betweenhistoric preservation and change.

**Definitions**

***Historic Designed Landscape*** **-** a landscape that wasconsciously designed or laid out by a landscape architect, mastergardener, architect, or horticulturist according to design principles,or an amateur gardener working in a recognized style or tradition.The landscape may be associated with a significant person(s),trend, or event in landscape architecture; or illustrate an importantdevelopment in the theory and practice of landscape architecture.Aesthetic values play a significant role in designed landscapes.Examples include parks, campuses, and estates.

***Historic Vernacular Landscape*** **-** a landscape thatevolved through use by the people whose activities or occupancyshaped that landscape. Through social or cultural attitudes ofan individual, family or a community, the landscape reflects thephysical, biological, and cultural character of those everydaylives. Function plays a significant role in vernacular landscapes.They can be a single property such as a farm or a collection ofproperties such as a district of historic farms along a rivervalley. Examples include rural villages, industrial complexes,and agricultural landscapes.

***Historic Site*** **-** a landscape significant for itsassociation with a historic event, activity, or person. Examplesinclude battlefields and president's house properties.

***Ethnographic Landscape*** **-** a landscape containinga variety of natural and cultural resources that associated peopledefine as heritage resources. Examples are contemporary settlements,religious sacred sites and massive geological structures. Smallplant communities, animals, subsistence and ceremonial groundsare often components.

## Developing a Strategy and Seeking Assistance

Nearly all designed and vernacular landscapes evolve from, orare often dependent on, natural resources. It is these interconnectedsystems of land, air and water, vegetation and wildlife whichhave dynamic qualities that differentiate cultural landscapesfrom other cultural resources, such as historic structures. Thus, their documentation,treatment, and ongoing management require a comprehensive, multi-disciplinaryapproach.

Today, those involved in preservation planning and managementfor cultural landscapes represent a broad array of academic backgrounds,training, and related project experience. Professionals may haveexpertise in landscape architecture, history, landscape archeology,forestry, agriculture, horticulture, pomology, pollen analysis,planning, architecture, engineering (civil, structural, mechanical,traffic), cultural geography, wildlife, ecology, ethnography,interpretation, material and object conservation, landscape maintenanceand management. Historians and historic preservation professionalscan bring expertise in the history of the landscape, architecture,art, industry, agriculture, society and other subjects. Landscapepreservation teams, including on-site management teams and independentconsultants, are often directed by a landscape architect withspecific expertise in landscape preservation. It is highly recommendedthat disciplines relevant to the landscapes' inherent featuresbe represented as well.

Additional guidance may be obtained from State Historic PreservationOffices, local preservation commissions, the National Park Service,local and

state park agencies, national and state chapters ofthe American Society of Landscape Architects, the Alliance forHistoric Landscape Preservation, the National Association of OlmstedParks, and the Catalog of Landscape Records in the United Statesat Wave Hill among others.2

A range of issues may need to be addressed when considering howa particular cultural landscape should be treated. This may includethe in-kind replacement of declining vegetation, reproductionof furnishings, rehabilitation of structures, accessibility provisionsfor people with disabilities, or the treatment of industrial propertiesthat are rehabilitated for new uses.

## Preservation Planning for Cultural Landscapes

Careful planning prior to undertaking work can help prevent irrevocabledamage to a cultural landscape. Professional techniques for identifying,documenting, evaluating and preserving cultural landscapes haveadvanced during the past 25 years and are continually being refined.Preservation planning generally involves the following steps:historical research; inventory and documentation of existing conditions;site analysis and evaluation of integrity and significance; developmentof a cultural landscape preservation approach and treatment plan;development of a cultural landscape management plan and managementphilosophy; the development of a strategy for ongoing maintenance;and preparation of a record of treatment and future research recommendations.

The steps in this process are not independent of each other, norare they always sequential. In fact, information gathered in onestep may lead to a re-examination or refinement of previous steps.For example, field inventory and historical research are likelyto occur simultaneously, and may reveal unnoticed cultural resourcesthat should be protected.

The treatment and management of cultural landscape should alsobe considered in concert with the management of an entire historicproperty. As a result, many other studies may be relevant. Theyinclude management plans, interpretive plans, exhibit design,historic structures reports, and other.

These steps can result in several products including a CulturalLandscape Report (also known as a Historic Landscape Report),statements for management, interpretive guide, maintenance guideand maintenance records.

### Cultural Landscape Reports

A Cultural Landscape Report (CLR) is the primary report that documentsthe history, significance and treatment of a cultural landscape.A CLR evaluates the history and integrity of the landscape includingany changes to its geographical context, features, materials,and use.

CLWs are often prepared when a change (e.g. a new visitor's centeror parking area to a landscape) is proposed. In such instances,a CLR can be a useful tool to protect the landscape's character-definingfeatures from undue wear, alteration or loss. A CLR can providemanagers, curators and others with information needed to makemanagement decisions.

A CLR will often yield new information about a landscape's historicsignificance and integrity, even for those already listed on theNational Register. Where appropriate, National Register filesshould be amended to reflect the new findings.

### Historical Research

Research is essential before undertaking any treatment. Findingswill help identify a landscape's historic period(s) of ownership,occupancy and development, and bring greater understanding ofthe associations and characteristics that make the landscape orhistory significant. Research findings provide a foundation tomake educated decisions for work, and can also facilitate ongoingmaintenance and management operations, interpretation and eventualcompliance requirements.

A variety of primary and secondary sources may be consulted. Primaryarchival sources can include historic plans, surveys, plats, taxmaps, atlases, U. S. Geological Survey maps, soil profiles, aerialphotographs, photographs, stereoscopic views, glass lantern slides,postcards, engravings, paintings, newspapers, journals, constructiondrawings, specifications, plant lists, nursery catalogs, householdrecords, account books and personal correspondence. Secondarysources include monographs, published histories, theses, NationalRegister forms, survey data, local preservation plans, state contextsand scholarly articles. (See Figures 5-7, page 4.)

Contemporary documentary resources should also be consulted. Thismay include recent studies, plans, surveys, aerial and infraredphotographs, Soil Conservation Service soil maps, inventories,investigations and interviews. Oral histories of residents, managers,and maintenance personnel with a long tenure or historical associationcan be valuable sources of information about changes to a landscapeover many years. (Figures 8-9, page 4) For properties listed inthe National Register, nomination forms should be consulted.

**Preparing Period Plans**

In the case of designed landscapes, even though a historic designplan exists, it does not necessarily mean that it was realizedfully, or even in part. Based on a review of the archival resourcesoutlined above, and the extant landscape today, an *as-builtperiod plan* may be delineated. For all successive tenures of ownership, occupancyand landscape *change, period pl* **us** should be generated(see Figure 13, page 6). Period plans can document to the greatestextent possible the historic appearance during a particular periodof ownership, occupancy, or development. Period plans should bebased on primary archival sources and should avoid conjecture.Features that are based on secondary or less accurate sourcesshould be graphically differentiated. Ideally, all referencedarchival sources should be annotated and footnoted directly on*period plans.*

Where historical data is missing, period plans should reflectany gaps in the CLR narrative text and these limitations consideredin future treatment decisions (See Treatments for Cultural Landscapeson page 13.)

**Inventorying and Documenting Existing Conditions**

Both physical evidence in the landscape and historic documentationguide the historic preservation plan and treatments. To documentexisting conditions, intensive field investigation and reconnaissanceshould be conducted at the same time that documentary researchis being gathered. Information should be exchanged among preservationprofessionals, historians, technicians, local residents, managersand visitors.

To assist in the survey process, National Register Bulletins havebeen published by the National Park Service to aid in identifying,nominating and evaluating designed and rural historic landscapes.Additionally, Bulletins are available for specific landscape typessuch as battlefields, mining sites, and cemeteries.6

Although there are several ways to inventory and document a landscape,the goal is to create a baseline from a detailed record of thelandscape and its features as they exist at the present (consideringseasonal variations).7 Each landscape inventory should addressissues of boundary delineation, documentation methodologies and techniques, the limitationsof the inventory, and the scope of inventory efforts. These aremost often influenced by the timetable, budget, project scope,and the purpose of the inventory and, depending on the physicalqualities of the property, its scale, detail, and the interrelationshipbetween natural and cultural resources. For example, inventoryobjectives to develop a treatment plan may differ considerablycompared to those needed to develop an ongoing maintenance plan.Once the criteria for a landscape inventory are developed andtested, the methodology should be explained.

**Preparing Existing Condition Plans**

Inventory and documentation may be recorded in plans, sections,photographs, aerial photographs, axonometric perspectives, narratives,video-or any combination of techniques. Existing conditions shouldgenerally be documented to scale, drawn by hand or generated bycomputer. The scale of the drawings is often determined by thesize and complexity of the landscape. Some landscapes may requiredocumentation at more than one scale. For example, a large estatemay be documented at *a* small scale to depict its spatialand visual relationships, while the discrete area around an estate mansionmay require a larger scale to illustrate individual plant materials,pavement patterns and other details. The same may apply to *an* entire rural historic district and a fenced vegetable garden containedwithin. (See Figures 14-15, page 8).

When landscapes are documented in photographs, *registrationpoints* can be set to indicate the precise location and orientationof features. Registration points should correspond to significantforms, features and spatial relationships within the landscapeand its surrounds (see Figure 22, page 1 1 for an example.) The points may also correspondto historic views to illustrate the change in the landscape todate. These locations may also be used as a management tool todocument the landscape's evolution, and to ensure that its character-definingfeatures are preserved over time through informed maintenanceoperations and later treatment and management decisions.

All features that contribute to the landscape's historic charactershould be recorded. These include the physical features describedon page 1 (e.g. topography, circulation), and the visual and spatialrelationships that are character defining. The identificationof existing plants, should be specific, including genus, species,common name, age (if known) and size. The woody, and if appropriate,herbaceous plant material should be accurately located on theexisting conditions map. To ensure full representation of successionalherbaceous plants, care should be taken to document the landscapein different seasons, if possible.

Treating living plant materials as a curatorial collection hasalso been undertaken at some cultural landscapes. This process,either done manually or by computer, can track the condition andmaintenance operations on individual plants. Some sites, suchas the Frederick Law Olmsted National Historic Site, in Brookline,Massachusetts have developed a field investigation numbering systemto track all woody plants. (See Table, page 9) Due to concemfor the preservation of genetic diversity and the need to replacesignificant plant materials, a number of properties are beginningto propagate historically important rare plants that are no longercommercially available, unique, or possess significant historicassociations. Such herbarium collections become a part of a site'snatural history collection.

Once the research and the documentation of existing conditionshave been completed, a foundation is in place to analyze the landscape'scontinuity and change, determine its significance, assess itsintegrity, and place it within the historic context of similarlandscapes.

**Reading the Landscape**

A noted geographer stated, "The attempt to derive meaningfrom landscapes possesses overwhelming virtue. It keeps us constantlyalert to the world around us, demanding that we pay attentionnot just to some of the things around us but to all of them-thewhole visible world in all of its rich, glorious, messy, confusing,ugly, and beautiful complexity."4

Landscapes can be read on many levels-landscape as nature, habitat,artifact, system, problem, wealth, ideology, history, place andaesthetic.5 When developing a strategy to document a culturallandscape, it is important to attempt to read the landscape inits context of place and time. (See Figures 16-17, page 8)

Reading the landscape, like engaging in archival research, requiresa knowledge of the resource and subject area as well as a willingnessto be skeptical. As with archival research, it may involve serendipitousdiscoveries. Evidence gained from reading the landscape may confirmor contradict other findings and may encourage the observer andthe historian to revisit both primary and secondary sources with a fresh outlook.Landscape investigation may also stimulate other forms of researchand survey, such as oral histories or archeological investigations,to supplement what appeared on-site.

There are many ways to read a landscape-whatever approach is takenshould provide a broad overview. This may be achieved by combiningon-the-ground observations with a bird's-eye perspective. To beginthis process, aerial photographs should be reviewed to gain anorientation to the landscape and its setting. Aerial photographscome in different sizes and scales, and can thus portray differentlevels of detail in the landscape. Aerial photographs taken ata high altitude, for example, may help to reveal remnant fieldpatterns or traces of an abandoned circulation system; or, portionsof axial relationships that were part of the original design,since obscured by encroaching woodland areas. Low altitude aerialphotographs can point out individual features such as the arrangementof shrub and herbaceous borders, and the exact locations of furnishings,lighting, and fence alignments. This knowledge can prove beneficialbefore an on-site visit.

Aerial photographs provide clues that can help orient the viewerto the landscape. The next step may be to view the landscape froma high point such as a knoll or an upper floor window. Such avantage point may provide an excellent transition before physicallyentering the cultural landscape.

On ground, evidence should then be studied, including character-definingfeatures, visual and spatial relationships. By reviewing supportingmaterials from historic research, individual features can be understoodin a systematic fashion that show the continuum that exists onthe ground today. By classifying these features and relationships,the landscape can be understood as an artifact, possessing evidenceof evolving natural systems and human interventions over time.

For example, the on-site investigation of an abandoned turn-of-the-centuryfarm complex reveals the remnant of a native oak and pine forestwhich was cut and burned in the mid-nineteenth century. This previoususe is confirmed by a small stand of mature oaks and the presenceof these plants in the emerging secondary woodland growth thatis overtaking this farm complex in decline. A ring count of thetrees can establish a more accurate age. By *reading* othercharacter-defining features-such as the traces of old roads, remnanthedgerows, ornamental trees along boundary roads, foundation plantings,the terracing of grades and remnant fences -the visual, spatialand contextual relationships of the property as it existed a centuryago may be understood and its present condition and integrityevaluated.

The findings of on-site reconnaissance, such as materials uncoveredduring archival research, may be considered primary data. Thesefindings make it possible to inventory and evaluate the landscape'sfeatures in the context of the property's current condition. Character-definingfeatures are located in situ, in relationship to each other andthe greater cultural and geographic contexts.

**Historic Plant Inventory**

Within cultural landscapes, plants may have historical or botanicalsignificance. A plant may have been associated with a historicfigure or event or be part of a notable landscape design. A plantmay be an uncommon cultivar, exceptional in size, age, rare andcommercially/ unavailable. If such plants are lost, there wouldbe a loss of historic integrity and biological diversity of thecultural landscape. To ensure that significant plants are preserved,an inventory of historic plants is being conducted at the NorthAtlantic Region of the National Park Service.8 Historical landscapearchitects work with landscape managers and historians to gatheroral and documented history on the plant's origin and potentialsignificance. Each plant is then examined in the field by an experthorticulturist who records its name, condition, age, size, distribution,and, any notable botanic characteristics.

Plants that are difficult to identify or are of potential historicalsignificance are further examined in the laboratory by a planttaxonomist who compares leaf, fruit, and flower characteristicswith herbarium specimens for named species, cultivars and varieties.For plants species with many cultivars, such as apples, roses,and grapes, specimens may be sent to specialists for identification.

If a plant cannot be identified, is dying or in decline, and unavailablefrom commercial nurseries, it may be propagated. Propagation ensuresthat when rare and significant plants decline, they can be replacedwith genetically-identical plants. Cuttings are propagated andgrown to replacement size in a North Atlantic Region HistoricPlant Nursery.

- 1. The Arnold Arboretum's preservation technician, lilac specialist,and horticulturist compare lilacs from the Vanderbilt MansionNational Historic Site in Hyde Park, New York with lilac specimensin the Arboretum's living collection. (courtesy Olmsted Center)
- 2. The Arnold Arboretum's horticulturist and preservationtechnician examine an enormous black locust tree at the Home ofF.D. Roosevelt National Historic Site in Hyde Park, NY. (courtesyOlmsted Center)

3. The Arnold Arboretum's horticulturist, landscape historian,and preservation technician examine shrubs at the Longfellow NationalHistoric Site in Cambridge, MA. (courtesy Olmsted Center)

**Site Analysis: Evaluating Integrity and Significance**

By analyzing the landscape, its change over time can be understood.This may be accomplished by overlaying the various period planswith the existing conditions plan. Based on these findings, individualfeatures may be attributed to the particular period when theywere introduced, and the various periods when they were present.

It is during this step that the *historic significance* ofthe landscape component of a historic property and its integrityare determined. Historic significance is the recognized importancea property displays when it has been evaluated, including whenit has been found to meet National Register Criteria.9 A landscapemay have several areas of historical significance. An understandingof the landscape as a continuum through history is critical inassessing its cultural and historic value. In order for the landscapeto have integrity, these character-defining features or qualitiesthat contribute to its significance must be present.

While National Register nominations document the significanceand integrity of historic properties, in general, they may notacknowledge the significance of the landscape's design or historicland uses, and may not contain an inventory of landscape featuresor characteristics. Additional research is often necessary toprovide the detailed information about a landscape's evolutionand significance useful in making decision for the treatment andmaintenance of a historic landscape. Existing National Registerforms may be amended to recognize additional areas of significanceand to include more complete descriptions of historic propertiesthat have significant land areas and landscape features.

*Integrity* is a property's historic identity evidenced bythe survival of physical characteristics from the property's historicor prehistoric period. The seven qualities of integrity are location,setting, feeling, association, design, workmanship and materials.10When evaluating these qualities, care should be taken to considerchange itself. For example, when a second-generation woodlandovertakes an open pasture in a battlefield landscape, or a woodlandedge encloses a scenic vista. For situations such as these, thereversibility and/or compatibility of those features should beconsidered, both individually, and in the context of the overalllandscape. Together, evaluations of significance and integrity,when combined with historic

research, documentation of existing conditions, and analysis findings,influence later treatment and interpretation decisions. (See Figure21-23)

## Developing a Historic Preservation Approach and Treatment Plan

Treatment may be defined as work carried out to achieve a historicpreservation goal-it cannot be considered in a vacuum. There aremany practical and philosophical factors that may influence theselection of a treatment for a landscape. These include the relativehistoric value of the property, the level of historic documentation,existing physical conditions, its historic significance and integrity,historic and proposed use (e.g. educational, interpretive, passive,active public, institutional or private), long- and short-termobjectives, operational and code requirements (e.g. accessibility,fire, security) and costs for anticipated capital improvement,staffing and maintenance. The value of any significant archeologicaland natural resources should also be considered in the decision-making process. Therefore,a cultural landscape's preservation plan and the treatment selectedwill consider a broad array of dynamic and interrelated considerations.It will often take the form of a plan with detailed guidelinesor specifications.

Adopting such a plan, in concert with a preservation maintenanceplan (page 18-19), acknowledges a cultural landscape's ever-changingexistence and the interrelationship of treatment and ongoing maintenance.Performance standards, scheduling and record keeping of maintenanceactivities on a day-to-day or month-to-month basis, may then beplanned for. Treatment, management, and maintenance proposalscan be developed by a broad range of professionals and with expertisein such fields as landscape preservation, horticulture, ecology,and landscape maintenance.

The selection of a primary treatment for the landscape, utilizingthe Secretary of the Interior's Standards for the Treatment ofHistoric Properties, establishes an overall historic preservationapproach, as well as a philosophical framework from which to operate.Selecting a treatment is based on many factors. They include managementand interpretation objectives for the property as a whole, theperiod(s) of significance, integrity, and condition of individuallandscape features.

For all treatments, the landscape's existing conditions and itsability to convey historic significance should be carefully considered.For example, the life work, design philosophy and extant legacyof an individual designer should all be understood for a designedlandscape such as an estate, prior to treatment selection. Fora vernacular landscape, such as a battlefield containing a largelyintact mid-nineteenth century family farm, the uniqueness of thatagrarian complex within a local, regional, state, and nationalcontext should be considered in selecting a treatment.

The overall historic preservation approach and treatment approachcan ensure the proper retention, care, and repair of landscapesand their inherent features.11 In short, the Standards act asa preservation and management tool for cultural landscapes. Thefour potential treatments are described in the box opposite.

Landscape treatments can range from simple, inexpensive preservationactions, to complex major restoration or reconstruction projects.The progressive framework is inverse in proportion to the retentionof historic features and materials. Generally, preservation involvesthe least change, and is the most respectful of historic materials.It maintains the form and material of the existing landscape.Rehabilitation usually accommodates contemporary alterations oradditions without altering significant historic features or materials,with successful projects involving minor to major change. Restorationor reconstruction attempts to recapture the appearance of a property,or an individual feature at a particular point in time, as confirmedby detailed historic documentation. These last two treatmentsmost often require the greatest degree of intervention and thus,the highest level of documentation.

In all cases, treatment should be executed at the appropriatelevel reflecting the condition of the landscape, with repair workidentifiable upon close inspection and/or indicated in supplementalinterpretative information. When repairing or replacing a feature,every effort should be made to achieve visual and physical compatibility.Historic materials should be matched in design, scale, color andtexture.

A landscape with a high level of integrity and authenticity maysuggest preservation as the primary treatment. Such a treatmentmay emphasize protection, stabilization, cyclical maintenance,and repair of character-defining landscape features. Changes overtime that are part of the landscape's continuum and are significant in their own right may be retained,while changes that are not significant, yet do not encroach uponor erode character may also be maintained. Preservation entailsthe essential operations to safeguard existing resources. (Figures27-28)

Rehabilitation is often selected in response to a contemporaryuse or need-ideally such an approach is compatible with the landscape'shistoric character and historic use. Rehabilitation may preserveexisting fabric along with introducing some compatible changes,new additions and alterations. Rehabilitation may be desirableat a private residence in a historic district where the homeowner'sgoal is to develop an appropriate landscape treatment for a frontyard, or in a public park where a support area is needed for itsmaintenance operations. (Figures 29-31)

When the most important goal is to portray a landscape and itscharacter-defining features at an exact period of time, restorationis selected as the primary treatment. Unlike preservation andrehabilitation, interpreting the landscape's continuum or evolutionis not the objective. Restoration may include the removal of featuresfrom other periods and/or the construction of missing or lostfeatures and materials from the reconstruction period. In

allcases, treatment should be substantiated by the historic researchfindings and existing conditions documentation. Restoration andreconstruction treatment work should avoid the creation of a landscapewhose features did not exist historically. For example, if featuresfrom an earlier period did not co-exist with extant features froma later period that are being retained, their restoration wouldnot be appropriate. (Figures 32-34)

In rare cases, when evidence is sufficient to avoid conjecture,and no other property exists that can adequately explain a certainperiod of history, reconstruction may be utilized to depict avanished landscape. The accuracy of this work is critical. Incases where topography and the subsurface of soil have not beendisturbed, research and existing conditions findings may be confirmedby thorough archeological investigations. Here too, those featuresthat are intact should be repaired as necessary, retaining theoriginal historic features to the greatest extent possible. Thegreatest danger in reconstruction is creating a false pictureof history.

False historicism in every treatment should be avoided. This appliesto individual features as well as the entire landscape. Examplesof inappropriate work include the introduction of historic-lookingbenches that are actually a new design, a fanciful gazebo placedin what was once an open meadow, executing an unrealized historicdesign, or designing a historic-looking landscape for a relocatedhistoric structure within "restoration."

**Landscape Interpretation**

Landscape interpretation is the process of providing the visitorwith tools to experience the landscape as it existed during itsperiod of significance, or as it evolved to its present state.These tools may vary widely, from a focus on existing featuresto the addition of interpretive elements. These could includeexhibits, self-guided brochures, or a new representation of alost feature. The nature of the cultural landscape, especiallyits level of significance, integrity, and the type of visitationanticipated may frame the interpretive approach. Landscape interpretationmay be closely linked to the integrity and condition of the landscape,and therefore, its ability to convey the historic character andcharacter-defining features of the past. If a landscape has highintegrity, the interpretive approach may be to direct visitorsto surviving historic features without introducing obtrusive interpretivedevices such as free-standing signs. For landscapes with a diminishedintegrity, where limited or no fabric remains, the interpretiveemphasis may be on using extant features and visual aids (e.g.markers, photographs, etc.) to help visitors visualize the resourceas it existed in the past. The primary goal in these situationsis to educate the visitor about the landscape's historic themes,associations and lost character-defining features or broader historical,social and physical landscape contexts.

**Treatments for Cultural Landscapes**

*Prior to undertaking work on a landscape, a treatment planor similar document should be developed. The four primary treatmentsidentified in the Secretary of the Interior's Standards for theTreatment of Historic Properties12, are:*

***Preservation*** *is defined as the act or process of applyingmeasures necessary to sustain the existing form, integrity, andmaterials of an historic property. Work, including preliminarymeasures to protect and stabilize the property, generally focusesupon the ongoing maintenance and repair of historic materialsand features rather than extensive replacement and new constructionsNew additions are not within the scope of this treatment; however,the limited and sensitive upgrading of mechanical, electricaland plumbing systems and other code-required work to make propertiesfunctional is appropriate within a preservation project.*

***Rehabilitation*** *is defined as the act or process of makingpossible a compatible use for a property through repair, alterations,and additions while preserving those portions or features whichconvey its historical or cultural values.*

***Restoration*** *is defined as the act or process of accuratelydepicting the form, features, and character of a property as itappeared at a particular period of time by means of the removalof features from other periods in its history and reconstructionof missing features from the restoration period. The limited andsensitive upgrading of mechanical, electrical and plumbing systemsand other code-required work to make properties functional isappropriate within a*

*restoration project.*

***Reconstruction** is defined as the act or process of depicting,by means of new construction, the form, features, and detailingof a non-surviving site, landscape, building, structure, or objectfor the purpose of replicating its appearance at a specific periodof time and in its historic location.*

## Developing a Preservation Maintenance Plan and Implementation

Throughout the preservation planning process, it is importantto ensure that existing landscape features are retained. Preservationmaintenance is the practice of monitoring and controlling changein the landscape to ensure that its historic integrity is notaltered and features are not lost. This is particularly importantduring the research and long-term treatment planning process.To be effective, the maintenance program must have a guiding philosophy,approach or strategy; an understanding of preservation maintenancetechniques; and a system for documenting changes in the landscape.

The philosophical approach to maintenance should coincide withthe landscape's current stage in the preservation planning process.A Cultural Landscape Report and Treatment Plan can take severalyears to complete, yet during this time managers and propertyowners will likely need to address immediate issues related tothe decline, wear, decay, or damage of landscape features. Therefore,initial maintenance operations may focus on the stabilizationand protection of all landscape features to provide temporary,often emergency measures to prevent deterioration, failure, orloss, without altering the site's existing character.

After a Treatment Plan is implemented, the approach to preservationmaintenance may be modified to reflect the objectives definedby this plan. The detailed specifications prepared in the TreatmentPlan relating to the retention, repair, removal, or replacementof features in the landscape should guide and inform a comprehensivepreservation maintenance program. This would include schedulesfor monitoring and routine maintenance, appropriate preservationmaintenance procedures, as well as ongoing record keeping of workperformed. For vegetation, the preservation maintenance programwould also include thresholds for growth or change in character,appropriate pruning methods, propagation and replacement procedures.

To facilitate operations, a property may be divided into discretemanagement zones (Figure 41). These zones are sometimes definedduring the Cultural Landscape Report process and are typicallybased on historically defined areas. Alternatively, zones createdfor maintenance practices and priorities could be used. Examplesof maintenance zones would include woodlands, lawns, meadow, specimentrees, and hedges.

Training of maintenance staff in preservation maintenance skillsis essential. Preservation maintenance practices differ from standardmaintenance practices because of the focus on perpetuating thehistoric character or use of the landscape rather than beautification.For example, introducing new varieties of turf, roses or treesis likely to be inappropriate. Substantial earth moving (or movementof soil) may be inappropriate where there are potential archeologicalresources. An old hedge or shrub should be rejuvenated, or propagated,rather than removed and replaced. A mature specimen tree may requirecabling and careful monitoring to ensure that it is not a threatto visitor safety. Through training programs and with the assistanceof preservation maintenance specialists, each property could developmaintenance specifications for the care of landscape features.

Because landscapes change through the seasons, specificationsfor ongoing preservation maintenance should be organized in acalendar format. During each season or month, the calendar canbe referenced to determine when, where, and how preservation maintenanceis needed. For example, for some trees structural pruning is bestdone in the late winter while other trees are best pruned in thelate summer. Serious pests are monitored at specific times ofthe year, in certain stages of their life cycle. This detailedcalendar will in turn identify staff needs and work priorities.

Depending on the level of sophistication desired, one approachto documenting maintenance data and recording change over timeis to use a computerized geographical or visual information system.13Such a system would have the capability to include plans and photographsthat would focus on a site's landscape features.

6 See National Park Service *National Register Bulletins* underSelected Reading (opposite).

7 The Historic American Buildings Survey, HABS, has generatedstandards for landscape documentation that they now utilize ona number of projects. Specifically, a case study on recordinghistoric landscapes is included in *Recording Historic Structures,* pp. 206-219. See Selected Reading (opposite).

8 This is being undertaken with technical assistance from theOlmsted Center for Landscape Preservation a partnership betweenthe National Park Service and the Arnold Arboretum of HarvardUniversity that provides cultural landscape technical assistance,technology development and training.

9 See *National Register Bulletin 16A: How to Complete the NationalRegister Registration Form.* Washington, D.C.: U.S. Departmentof the Interior, National Park Service, Interagency ResourcesDivision, 1991.

10 Ibid.

11 The standards are general principles for the treatment of buildings,structures, sites, objects, districts and landscapes. The treatmentstandards are one set of standards included in the broader groupknown as the *Secretary of the Interior's Standards for Archaeologyand Historic Preservation.*

12 The Secretary of the Interior is responsible for establishingprofessional standards and providing advice on the preservationand protection of all cultural resources listed on or eligiblefor the National Register of Historic Places. For a copy of thebrochure, *The Secretary of the Interior's Standards for theTreatment of Historic Properties*, 1992 contact the NationalPark Service Preservation Assistance Division (424) Box 37127Washington, DC 20013-7127.

13 A visual information system, a computer-aided mapping programwith a linked database, has been developed for the historic landscapeat the Frederick Olmsted National Historic Site. Data can be accesseddirectly from a digitized map such as information on each plantincluding identification, age, location, size, condition, andmaintenance history.

**Acknowledgements**

This publication has been prepared pursuant to the National HistoricPreservation Act of 1966, as amended, which directs the Secretaryof the Interior to develop and make information concerning historicproperties. Comments on the usefulness of this publication maybe directed to H. Ward Jandl, Deputy Chief, Preservation AssistanceDivision, National Park Service, P.O. Box 37127, Washington, D.C.20013-7127. This publication is not copyrighted and can be reproducedwithout penalty. Normal procedures for credit to the author andthe National Park Service are appreciated.

The author, Charles A. Birnbaum, Coordinator, Historic Landscape Initiative, Preservation Assistance Division, National Park Service would like to acknowledge the assistance of H. Ward Jandl and Kay Weeks. The Olmsted Center for Landscape Preservation at the Frederick Law Olmsted National Historic Site including Margie Coffin, Lauren Meier, Nora Mitchell, and Charlie Pepper provided invaluable support. In particular, the proposed rewrite on Preservation Maintenance and historic plant materials was written by Margie Coffin. Significant contributions were also made by Patricia M. O'Donnell, Linda McClelland, Ellen Lipsey, Christine Capella Peters, Robert Page, Ian Firth and Robert Melnick. Usefulcomments and technical assistance were provided by regional NPS staff (Mary Hughes, Lucy Lawliss, Jill Cowley, Sherda Williams, Michael Crowe, Robbyn Jackson) and staff at the Preservation Assistance Division (Cheryl Wagner, Michael Auer and Anne Grimmer).

Washington, D.C. September, 1994

*to develop and make available information concerning historic properties. Technical Preservation Services (TPS), Heritage Preservation Services Division, National Park Service prepares standards, guidelines, and other educational materials on responsible historic preservation treatments to a broad public.*

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# The Secretary of the Interiors Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes



Preservation of the Cultural Continuum
Canyon de Chelly National Monument, AZ

*The Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for the Treatment of Cultural Landscapes provide guidance to landscape owners, managers, landscape architects, preservation planners, architects, contractors, and project reviewers who are planning and implementing project work.*



**Read this brief introduction to the Standards and Guidelines, then go to the HLI Publication Catalog for ordering information.**


Introduction
Defining Landscape Terminology
Preservation Planning and the Treatment of Cultural Landscapes
Some Factors to Consider When Selecting an Appropriate Treatment




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$19.00

Depo. Exh # 2

## Introduction

The Secretary of the Interior is responsible for establishing professional standards and providing advice on the preservation of cultural resources listed in or eligible for listing in the National Register of Historic Places. In partial fulfillment of this responsibility, the Secretary of the Interior's Standards for Historic Preservation Projects were developed in 1976. They consisted of seven sets of standards for the acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction of historic buildings.

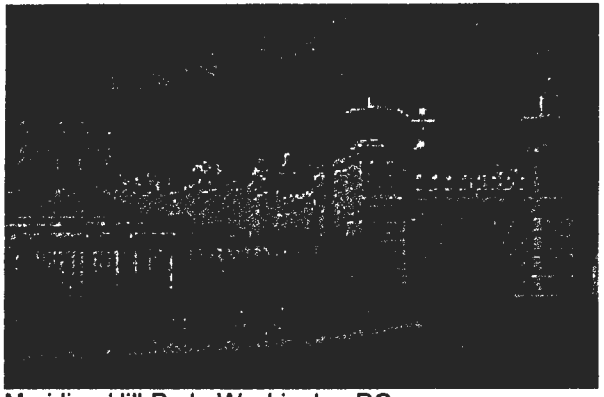
Since their publication in 1976, the Secretary's Standards have been used by State Historic Preservation Officers and the National Park Service to ensure that projects receiving federal money or tax benefits were reviewed in a consistent manner nationwide. The principles embodied in the Standards have also been adopted by hundreds of preservation commissions across the country in local design guidelines

In 1992, the Standards were revised so that they could be applied to all historic resource types included in the National Register of Historic Places--buildings, structures, sites, objects, districts, and landscapes. The revised Standards were reduced to four sets by incorporating protection and stabilization into preservation, and by eliminating acquisition, which is no longer considered a treatment. Re-titled, *The Secretary of the Interior's Standards for the Treatment of Historic Properties,* this new, modified version addresses four treatments: preservation, rehabilitation, restoration, and reconstruction. The *Guidelines for the Treatment of Cultural Landscapes* illustrate how to apply these four treatments to cultural landscapes in a way that meets the Standards.

Of the four, Preservation standards require retention of the greatest amount of historic fabric, including the landscape's historic form, features, and details as they have evolved over time. *Rehabilitation* standards acknowledge the need to alter or add to a cultural landscape to meet continuing or new uses while retaining the landscape's historic character. *Restoration* standards allow for the depiction of a landscape at a particular time in US history by preserving materials from the period of significance and removing materials from other periods. *Reconstruction* standards establish a framework for recreating a vanished or non-surviving landscape with new materials, primarily for interpretive purposes.

*The Secretary of the Interior's Standards for the treatment of Historic properties,* revised in 1992, were codified as *36* CFR Part 68 in the 12 July 1995 *Federal Register(Vol. 60,* No. 133) with an "effective" date of 11 August 1995. The revision replaces the 1978 and 1983 versions of 36 CFR 68 entitled The Secretary of the *Interior's Standards for Historic Preservation Projects.*

# Preservation Planning and the Treatment of Cultural Landscapes


Meridian Hill Park, Washington DC

**CAREFUL PLANNING PRIOR TO TREATMENT** can help prevent irrevocable damage to a cultural landscape. Professional techniques for identifying, documenting, and treating cultural landscapes have advanced over the past twenty-five years and are continually being refined. As described in the National Park Service publication, Preservation Brief #36: Protecting Cultural Landscapes, the preservation planning process for cultural landscapes should involve: historical research; inventory and documentation of existing conditions; site analysis and evaluation of integrity and significance; development of a cultural landscape preservation approach and treatment plan; development of a cultural landscape management plan and management philosophy; development of a strategy for ongoing maintenance; and, preparation of a record of treatment and future research recommendations.

In all treatments for cultural landscapes, the following general recommendations and comments apply:

1. Before undertaking project work, research of a cultural landscape is essential. Research findings help to identify a landscape's historic period(s) of ownership, occupancy and development, and bring greater understanding of the associations that make them significant. Research findings also provide a foundation to make educated decisions for project treatment, and can guide management, maintenance, and interpretation. In addition, research findings may be useful in satisfying compliance reviews (e.g. Section 106 of the National Historic Preservation Act as amended).
2. Although there is no single way to inventory a landscape, the goal of documentation is to provide a record of the landscape as it exists at the present time, thus providing a baseline from which to operate. All component landscapes and features (see definitions below) that contribute to the landscape's historic character should be recorded. The level of documentation needed depends on the nature and the significance of the resource. For example, plant material documentation may ideally include botanical name or species, common name and size. To ensure full representation of existing herbaceous plants, care should be taken to document the landscape in different seasons. This level of research may most often be the ideal goal for smaller properties, but may prove impractical for large, vernacular landscapes.

3. Assessing a landscape as a continuum through history is critical in assessing cultural and historic value. By analyzing the landscape, change over time -the chronological and physical "layers" of the landscape -can be understood. Based on analysis, individual features may be attributed to a discrete period of introduction, their presence or absence substantiated to a given date and, therefore the landscape's significance and integrity evaluated. In addition, analysis allows the property to be viewed within the context of other cultural landscapes.
4. In order for the landscape to be considered significant, character-defining features that convey its significance in history must not only be present, but they also must possess historic integrity. Location, setting, design, materials, workmanship, feeling and association should be considered in determining whether a landscape and its character-defining features possess historic integrity.
5. Preservation planning for cultural landscapes involves a broad array of dynamic variables. Adopting comprehensive treatment and management plans, in concert with a preservation maintenance strategy, acknowledges a cultural landscape's ever-changing nature and the interrelationship of treatment, management and maintenance.

## Some Factors to Consider When Selecting an Appropriate Treatment

The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources. They cannot be used to make essential decisions about which contributing features of a cultural landscape should be retained and which can be changed . But once a specific treatment is selected, the Standards can provide the necessary philosophical framework for a consistent and holistic approach for a cultural landscape project.

A treatment is a physical intervention carried out to achieve a historic preservation goal -- it cannot be considered in a vacuum. There are many practical and philosophical variables that influence the selection of a treatment for a landscape. These include, but are not limited to, the extent of historic documentation, existing physical conditions, historic value, proposed use, long and short term objectives, operational and code requirements (e.g. accessibility, fire, security) and anticipated capital improvement, staffing and maintenance costs. The impact of the treatment on any significant archeological and natural resources should also be considered in this decision making process. Therefore, it is necessary to consider a broad array of dynamic and interrelated variables in selecting a treatment for a cultural landscape preservation project.

For some cultural landscapes, especially those that are best considered ethnographic or heritage landscapes, these

Guidelines may not apply. However, if people working with these properties decide that community coherence may be affected by physical place and space--or if there is potential for loss of landscape character whose significance is rooted in the community's activities and processes (or other aspects of its history)--this guide may be of service.

- **Change and Continuity:** There is a balance between change and continuity in all-cultural resources. Change is inherent in cultural landscapes; it results from both natural processes and human activities. Sometimes that change is subtle, barely perceptible as with the geomorphological effects on landform. At other times, it is strikingly obvious, as with vegetation, either in the cyclical changes of growth and reproduction or the progressive changes of plant competition and succession. This dynamic quality of all cultural landscapes is balanced by the continuity of distinctive characteristics retained over time. For, in spite of a landscape's constant change (or perhaps because of it), a property can still exhibit continuity of form, order, use, features, or materials. Preservation and rehabilitation treatments seek to secure and emphasize continuity while acknowledging change.

- **Relative Significance in History:** *A* cultural landscape may be a significant resource as a rare survivor or the work of an important landscape architect, horticulturist or designer. It may be the site of an important event or activity, reflect cultural traditions, or other patterns of settlement or land use. This significance may be derived from local, regional, or national importance. Cultural landscapes may be listed in the National Register of Historic Places individually or as contributing features in a historic district. In some instances, cultural landscapes may be designated National Historic Landmarks by the Secretary of the Interior for their exceptional significance in American history.

- **Integrity and Existing Physical Condition:** Prior to selecting a treatment, it is important to understand and evaluate the difference between integrity and existing conditions. Integrity is the authenticity of a cultural landscape's historic identity: it is the physical evidence of its significance. Existing conditions can be defined as the current physical state of the landscape's form, order, features and materials. For example, the integrity of an abandoned garden may be clear based on its extant form, features, and materials, but existing conditions may be poor, due to neglect or deferred maintenance.

- **Geographical Context:** The *surroundings* of a cultural landscape, whether an urban neighborhood or rural farming area, may contribute to its significance and its historic character and should be considered prior to treatment. The setting may contain *component landscapes or features* (see definitions, page 9) which fall within the property's historic boundaries. It also may be comprised of separate properties beyond the landscape's boundaries, and perhaps those of the National Register listing. The landscape context can include the overall pattern of the circulation networks, views and vistas into and out of the landscape, land use, natural features, clusters of structures, and

division of properties.

- Use. Historic, current, and proposed use of the cultural landscape must be considered prior to treatment selection. Historic use is directly linked to its significance [bottom left], while current and proposed use(s) can affect integrity and existing conditions. Parameters may vary from one landscape to another. For example, in one agricultural landscape, continuation of the historic use can lead to changes in the physical form of a farm to accommodate new crops and equipment. In another agricultural property, new uses may be adapted within the landscape's existing form. Order and features.

- **Archeological Resources:** Prehistoric and historic archeological resources may be found in cultural landscapes above and below the ground [below] and even under water. Examples of prehistoric archeological resources include prehistoric mounds built by Native-Americans. Examples of historic archeological resources include remnants of buildings, cliff dwellings, and villages; or, features of a sunken garden, mining camp, or battlefield. These resources not only have historical value, but can also reveal significant information about a cultural landscape. The appropriate treatment of a cultural landscape includes the identification and preservation of significant archeological resources. Many landscape preservation projects include a site archeologist.

- **Natural Systems:** Cultural landscapes often derive their character from a human response to natural features and systems. The significance of these natural resources may be based on their cultural associations and from their inherent ecological values. Natural resources form natural systems that are interdependent on one another and which may extend well beyond the boundary of the historic property. For example, these systems can include geology, hydrology, plant and animal habitats, and climate. Some of these natural resources are particularly susceptible to disturbances caused by changes in landscape management. Many natural resources such as wetlands or rare species fall under local, state, and federal regulations, which must be considered. Since natural resource protection is a specialized field distinct from cultural landscape preservation, a preservation planning team may want to include an expert in this area to address specific issues or resources found within a cultural landscape. Natural systems are an integral part of the cultural landscape and must be considered when selecting an appropriate treatment.

- **Management and Maintenance:** Management strategies are long-term and comprehensive. They can be one of the means for implementing a landscape preservation plan. Maintenance tasks can be day-to-day, seasonal, or cyclical, as determined by management strategies. Although routine horticultural activities, such as mowing and weeding, or general grounds maintenance, such as re-laying pavement or curbs, may appear routine, such activities can cumulatively alter the character of a landscape. In contrast, well-conceived management and maintenance activities can sustain character and integrity over an extended period. Therefore, both the management and maintenance of cultural landscapes should be considered when selecting a treatment.

- **Interpretation**: Interpretation can help in understanding and "reading" the landscape. The tools and techniques of interpretation can include guided walks, self-guided brochures, computer-aided tours, exhibits, and wayside stations. Interpretive goals should compliment treatment selection, reflecting the landscape's significance and historic character. A cultural landscape may possess varying levels of integrity or even differing periods of significance, both of which can result in a multi-faceted approach to interpretation. In some cases, interpretation and a sound interpretive strategy can inform decisions about how to treat a landscape.

- **Special Requirements:** Work that must be done to meet accessibility, health and safety, environmental protection or energy efficiency needs is usually not part of the overall process of protecting cultural landscapes; rather this work is assessed for its potential impact on the cultural landscape.

- **Accessibility Considerations:** It is often necessary to make modifications to cultural landscapes so that they will be in compliance with current accessibility code requirements. Three specific Federal laws require accessibility to certain cultural landscapes: the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990. Federal rules, regulations and standards have been developed which provide guidance on how to accomplish access to historic areas for people with disabilities. Work must be carefully planned and undertaken so that it does not result in the loss of character-defining features. The goal is to provide the highest level of access with the lowest level of impact on the integrity of the landscape.

- **Health and Safety Considerations:**. In undertaking work on cultural landscapes, it is necessary to consider the impact that meeting current health and safety codes (for example, public health, life safety, fire safety, electrical, seismic, structural, and building codes) will have on character-defining features. For example, upgrading utility service, storm or sewer drainage systems requires trenching which can disturb soils, plants and archeological resources. Special coordination with the responsible code officials at the state, county, or municipal level may be required. Securing required permits and licenses is best accomplished early in project planning work. It is often necessary to look beyond the "letter" of code requirements to their underlying purpose; most modern codes allow for alternative approaches and reasonable variance to achieve compliance.

- **Environmental Protection Requirements:** Many cultural landscapes are affected by requirements that address environmental issues. Legislation at the federal, state and municipal level have established rules and regulations for dealing with a variety of natural resources -- including water, air, soil and wildlife. Work predicated on such legislation must be carefully planned and undertaken so that it does not result in the loss of a landscape's character-defining features. Securing required permits and licenses should be considered early in project work, and special efforts should be made to coordinate with public agencies responsible for overseeing specific environmental

concerns.

● **Energy Efficiency:** Some features of a cultural landscape, such as buildings, structures, vegetation and furnishings, can play an energy-conserving role. Therefore, prior to undertaking project work to achieve greater energy efficiency, the first step should always be to identify and evaluate existing historic features to assess their inherent energy conserving potential. If it is determined that such work is appropriate, then it needs to be carried out with particular care to insure that the landscape's historic character is retained.

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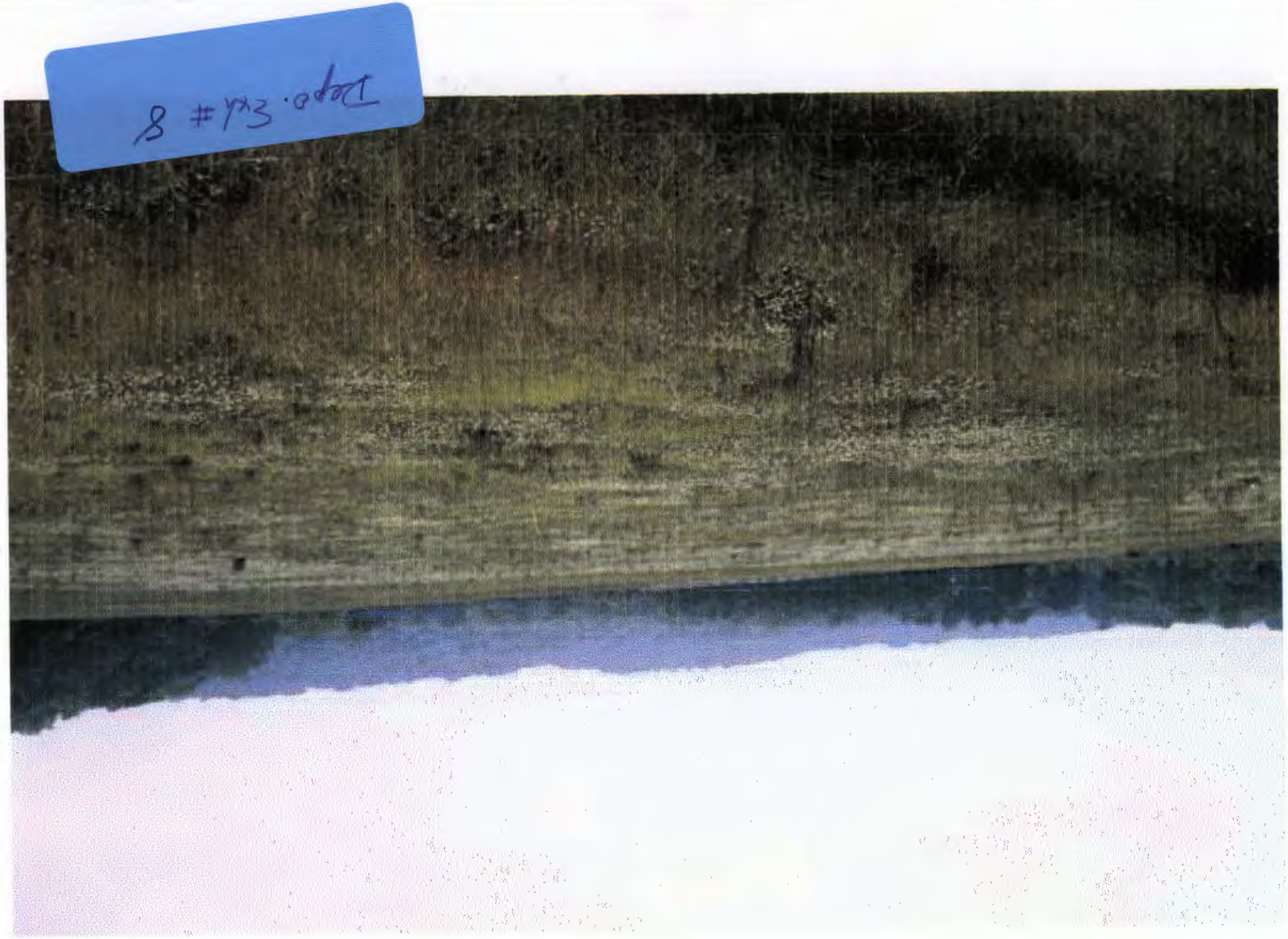
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Depo. Exh # 7

Depo. Exh# 9



**JAY GRAHAM** **Resume**

*EDUCATION*

University of Virginia, Charlottesville, VA
Masters in Landscape Architecture, 1972
Bachelor of Architecture, 1969

*ORGANIZATIONS*

1000 Friends of Maryland, Board Member, 1998-1999
President-Elect, ASLA Maryland Chapter, 1995
Board Member, Washington Architectural Forum, AIA, 1993-present
Chair, ASLA Community Assistance Team in Baltimore, 1987
Chair, ASLA Open Committee on Interior Landscape, 1983-1985
Chair, ASLA Technical Services Committee, 1980-1983
Director, Landscape Architecture Foundation, 1980-1981

*EXPERIENCE*

Founded Graham Landscape Architecture in 1984

Projects include:
- Governor's Mansion in Annapolis
- Landscape enhancement at BWI Airport
- United States Naval Academy:
  - Visitor's Center
  - Entrance Boulevard
  - Physical Training Facility
- St. Mary's College of Maryland:
  - William Donald Schaefer Hall
  - Baltimore Hall
  - Margaret Brent Hall
  - Kent Hall Renovation
  - St. Mary's Hall Renovation
- Wor-Wic Community College
- University of Virginia:
  - Law School
  - Newcomb Hall
- University of Delaware:
  - Chemistry Building
  - Hugh R. Sharp Campus
- University of Rochester:
  - Wilson Commons Quadrangle
  - Strategic Facilities Plan

Graham Depo. Exh #1

# AMENDED APPEAL

(AS TO 2ND APPEAL BY B. BRONSTEIN)

Petition for Special Hearing
SWC Greenspring Valley Road and Nacarema Lane
(1525 Greenspring Valley Road)
3rd Election District - 3rd Councilmanic District
Villa Julie College - Owner/Petitioner
Case No.: 98-394-SPH (RIDING W/ 98-475-SPH)

RECEIVED
COUNTY BOARD OF APPEALS
98 AUG 26 PM 2:16

- Petition for Special Hearing
- Description of Property
- Certificate of Posting
- Certificate of Publication
- Entry of Appearance of People's Counsel
- Zoning Advisory Committee Comments
- Petitioners and Protestants Sign-In Sheets
- Petitioners' Exhibits:
  - 1 - Plat to Accompany Petition for Special Hearing
  - 2 - PDM File (#III-371) on Villa Julie College
  - 3 - Letter from Benjamin Bronstein, Esquire to Kurt Kugelberg, Chairman of Development Review Committee dated June 7, 1995
  - 4 - Letter from John Bernstein to Arnold Jablon, Esquire dated June 20, 1995
  - 5 - Letter from John Bernstein to Honorable Robert O. Schuetz, Baltimore County Board of Appeals, dated January 17, 1996
  - 6 - Order of Dismissal County Board of Appeals dated January 26, 1996
  - 7 - Letter from Donald T. Rascoe, Development Manager, to Mr. Ben Bronstein dated July 14, 1995
  - 8 - Revised Plat to Accompany Petition for Special Hearing
  - 9 - Final Landscape Plan
  - 10A-C - Three Photographs
  - 11 - Baltimore County Uniform Code Enforcement Citation (#98-0179)
  - 12 - Letter from Benjamin Bronstein, Esquire to Arnold Jablon, Director of the Department of Zoning Administration and Development Management dated January 6, 1998
  - 13 - Letter from Arnold Jablon, Director of the Department of Permits and Development Management, to Mr. Benjamin Bronstein, LLP dated January 9, 1998
  - 14 - Letter from Benjamin Bronstein, Esquire, to Stanley J. Schapiro, Code Official, dated May 7, 1998
  - 15 - Chronology
- Zoning Commissioner's Order for Case #92-285-SPHXA dated July 10, 1992 (Granted in Part, Denied in Part) VEF
- Letter from J. Carroll Holzer, Esquire to Arnold Jablon, Director of the Department of Permits and Development Management dated May 28, 1998
- Motion for Reconsideration from J. Carroll Holzer, Esquire to Larry Schmidt, Zoning Commissioner dated July 7, 1998
- Owner/Petitioner's Response to Motion for Reconsideration from Benjamin Bronstein, Esquire, to the Honorable Lawrence E. Schmidt, Zoning Commissioner, dated July 15, 1998
- Zoning Commissioner's Order dated June 30, 1998 (Granted in Part, Denied in Part)
- Zoning Commissioner's Order on Motion for Reconsideration dated July 30, 1998
- Notice of Appeal received on July 30, 1998 from J. Carroll Holzer, Esquire on behalf of Richard Buck, et al
- Notice of Appeal received on August 25, 1998 from Benjamin Bronstein, Esquire on behalf of Villa Julie College

2ND 1ST * * c: Benjamin Bronstein, Esquire, George & Bronstein, 29 W. Susquehanna Avenue, Towson, MD 21204
* J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, MD 21204
Ms. Carolyn Manuszak, President, Villa Julie College, 1525 Greenspring Valley Rd., Stevenson, MD 21153
Messrs. Jack Dillon & Richard Buck, Valleys Planning Council, 212 Washington Ave., Towson, MD 21285
Mr. Rick Chadsey, G. W. Stephens, Jr. & Associates, Inc., 658 Kenilworth Drive, Towson, MD 21204
People's Counsel

# APPEAL

Petition for Special Hearing
SWC Greenspring Valley Road and Nacarema Lane
(1525 Greenspring Valley Road)
3rd Election District - 3rd Councilmanic District
Villa Julie College - Owner/Petitioner
Case No.: 98-394-SPH (RIDING W/ 98-475-SPH)

RECEIVED
COUNTY BOARD OF APPEALS
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- Petition for Special Hearing
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Messrs. Jack Dillon & Richard Buck, Valleys Planning Council, 212 Washington Ave., Towson, MD 21285
Mr. Rick Chadsey, G. W. Stephens, Jr. & Associates, Inc., 658 Kenilworth Drive, Towson, MD 21204
People's Counsel

Petitioner's Ex. 10 A, B & C

98-394-SPH
98-475-SPH



Depo. Exh # 9

Greenspring Valley Road

N

Native Planting Key

Trees :
QP = PIN OAK
LS = SWEET GUM
PO = SYCAMORE
AR = RED MAPLE

Shrubs :
ARB = CHOKECHERRY
CA = SUMMERSWEET

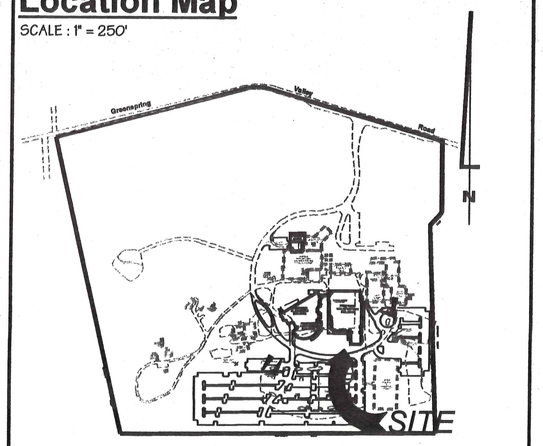
34 CA
3 QP
43 AR/B
3 AR
39 AR/B
PROP. MAC. PAVING
4 PO
3 LS
FB
FP

Notes:
ALL PROPOSED SIGNS SHALL BE IN ACCORDANCE WITH THE LATEST U.S. DEPT. OF TRANSPORTATION MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Proposed Signs:
1 STOP SIGN (R1-1)
2 DEER RIGHT (R4-7A)
3 ONE WAY (R6-2)

EX. PAVING
FUTURE ADMIN. ADDITION
EXISTING ADMINISTRATION WING
FUTURE PARKING
EXISTING MAIN BUILDING (LEARNING CENTER)
EXIST. ART WING
EXISTING MUELLER HOUSE
Existing Paving to Remain
EXIST. STUDENT CENTER
EXIST. KNOTT HALL
EXIST. GARAGE
EX. GRAVEL ROAD
PROPOSED CLASSROOM BUILDING
PROPOSED MULTIPURPOSE BUILDING
PROPOSED AUDITORIUM BUILDING
PHASE I PLANTING (PROPOSED)
PROP. LOADING DOCK
EXIST. EXCHANGE
EX. SHEDS
EXIST. SHED
EX. HOUSE
EXIST. PET CEMETERY
PROPOSED
Sisters of Notre Dame De Namur Restirement Home 1548 / 493
N12°34'00"W
S42°59'59"W 79.92'
S02°01'29"E 1013.66'

## Location Map
SCALE : 1" = 250'




## Benchmark
GALVANIZED SPIKE IN MACADAM ON NORTH SIDE OF GREENSPRING VALLEY ROAD
N 46150.62
W 24635.92
ELEVATION = 413.950

## Legend
EXISTING TREE TO REMAIN
EXISTING TREE TO BE REMOVED
PROPOSED MAJOR DECIDUOUS TREE
PROPOSED MINOR DECIDUOUS TREE
PROPOSED EVERGREEN TREE
PROPOSED SHRUB

## Note :
1. PROPOSED UTILITIES BY OTHERS
2. THIS PLAN SHALL BE USED FOR PLANTING ONLY SEE C-13A & B FOR UTILITY LAYOUT

ZONING COMMISSIONER
PETITIONER'S EXHIBIT 9

ZONING COMMISSIONER
PETITIONER'S EXHIBIT

0 25 50 100 200
SCALE : 1" = 50'

**Owner / Developer**
**VILLA JULIE COLLEGE**
**1525 GREENSPRING VALLEY ROAD**
**BALTIMORE, MARYLAND 21093**

# FINAL LANDSCAPE PLAN

# VILLA JULIE COLLEGE

1525 GREENSPRING VALLEY ROAD
BALTIMORE COUNTY, MARYLAND 21153

SCALE : 1" = 30'
DATE : JUNE 3, 1998

ELECTION DISTRICT : 3
COUNCILMANIC DISTRICT : 3

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS
609 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

THIS PLAN IS SEALED AND CERTIFIED AS BEING IN ACCORDANCE WITH THE APPROVED DEVELOPMENT PLAN

| NO. | DATE | REVISIONS |
|---|---|---|

PROJECT NO: 6758
DESIGNED: T.N.W.
DRAWN: A.C.F.
CHECKED: T.N.W.
FILE: 6758landscape.sht
DRAWING NO.
C - 14C
SHEET 1 OF 3
6-03-98 EMT

Hayes Exh # 11

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

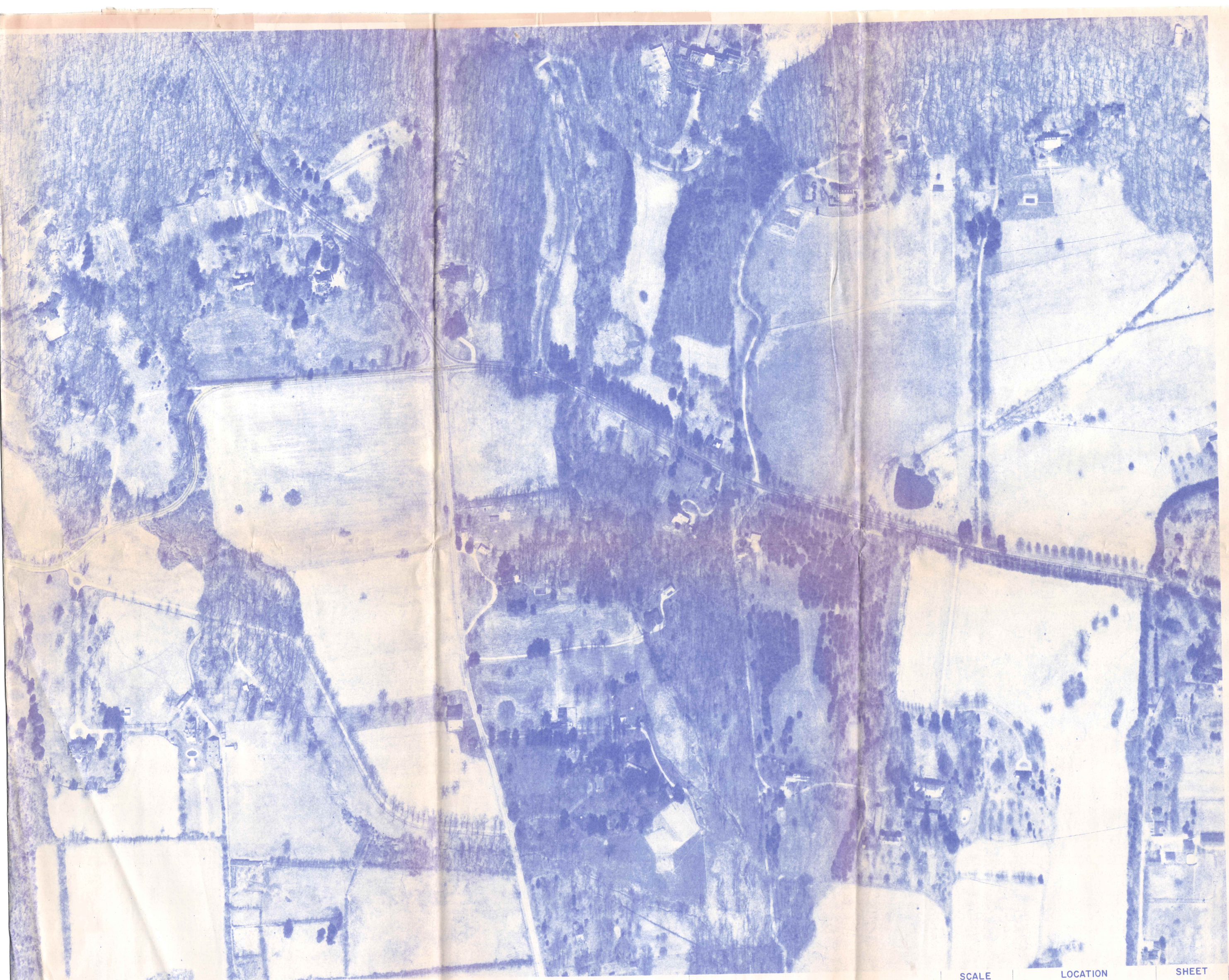
DATE OF PHOTOGRAPHY
JANUARY

LOCATION
Dep^s Exh # 10

SHEET
N W
12-E

Prot Pet Exhibit 6A
9A & B

OTOGRAPHICS, INC.
5401



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

# PHOTOGRAPHIC MAP

| SCALE | LOCATION | SHEET |
|---|---|---|
| 1" = 200'± | BROOKLANDVILLE | N.W. 12-D |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

MICROFILMED

LEGEND

| | |
|---|---|
| PROPERTY BOUNDARY | |
| EXISTING PAVING | |
| EXISTING FENCE | |
| WETLANDS | W W |
| EXISTING LAMP POST | LP |
| EXISTING FIRE HYDRANT | |
| EXISTING TREE LINE | |
| PROP. PARKING AREA | |
| PROP. BUILDING AREA | |
| 100 YR. FLOODPLAIN | FP FP |
| 1' FREEBOARD | |
| EX. OVERHEAD ELECTRIC | OHE OHE |
| EX. UNDERGROUND ELECTRIC | E E |
| EX. SANITARY | |
| EX. STORM DRAIN | |
| EX. WATER | |
| EX. GAS MAIN | |
| EX. TREES TO REMAIN | |

| | |
|---|---|
| PAVED PARKING LOT | |
| FOREST BUFFER | FB |
| PROP. SANITARY | SS |
| PROP. LIGHT | |
| BUILDING RESTRICTION LINE | |
| VARIANCE NUMBER | (2) |
| FRONTS OF BUILDINGS | |
| PROP. PARKING SPACE COUNT | 7 |
| EXIST. PARKING SPACE COUNT | (7) |

## SOIL TYPES & LIMITATIONS

| SOIL TYPE | BLDG. - W/ BSMT. | BLDG. - W/O BSMT. | PARKING | U.S.D.A. |
|---|---|---|---|---|
| BmB2 | SLIGHT | SLIGHT | MODERATE | B |
| CaA | MODERATE | SLIGHT | MODERATE | C |
| CaB2 | MODERATE | SLIGHT | MODERATE | C |
| CwB2 | MODERATE | MODERATE | SEVERE | B |
| GnB | SEVERE | MODERATE | SEVERE | C |
| Mo | SEVERE | SEVERE | SEVERE | D |

NELSON H. HENDLER & WIFE
5862/624
P. 456

ELIZABETH MITCHELL
6180/061
P. 184

THOMAS W. BRUNIGE & WIFE
5194/730
P. 387

Greenspring Valley Road

Future State Row 40' from existing c/l of Greenspring Valley Road

Limit of Disturbance

New Academic Multi-Purpose Building

Future Administration Addition
27 interim parking spaces, 8 spaces to be removed upon construction of addition, 18 ultimate parking spaces

New Academic Center

Ex. Main Building

Mueller House

Ex. General Services Building

Ex. Soccer & Lacrosse Field

Ex. Art Wing

Limit of Disturbance

Proposed natural screen planting - native species

Ex. Entrance Sign

Ex. Traffic Sign

Ex. Info. Sign

Ex. Underground Storage Tank

Ex. Septic Tanks To Be Abandoned

Limit of Disturbance

Ex. Student Center

150 interim parking
87 ultimate parking

Ex. Pump House To Remain

Ex. Tennis Courts & Basketball Court

2 Future Tennis Courts
93 interim parking to be removed upon construction of future tennis courts.

2 Proposed Tennis Courts

Approximate location of sanitary disposal field (to be abandoned)

SWM West Pond

SWM East Pond

Limit of Disturbance

22' use-in-common right-of-way 4756/550

Ex. 22' use-in-common right-of-way 4756/550

Sisters of Notre Dame de Namur Retirement Home 1540/493

Sisters of Notre Dame

Northwest Land Corporation 4501/406 P. 316

Private Road

Nacirema Lane

Ex. Gas Main

Ex. Hodgson Drive

Ex. Storage Bldg. (To Remain)

Ex. Playground

Ex. Tennis Courts (To Be Removed)

Ex. Paving (To Be Removed)

Ex. Pump House (To Remain)

Ex. Greenhouse (To Remain)

Ex. Garage (To Remain)

Ex. Cinder Track (To Remain)

Ex. Underground Sprinkler & Drainage Tank (24,000 Gal.)

Ex. Concrete Vault Water Storage Tank (100,000 Gal.)

Ex. Stand Pipe

Ex. Under Ground Oil Tank

Ex. Spring

Ex. Storage Bldg. (To Remain)

Ex. Shed (To Remain)

Ex. Barn (To Remain)

Ex. Stable (To Remain)

Ex. Cottage (To Remain)

Ex. Garage (To Remain)

Ex. Shed (To Remain)

Ex. Greenhouse (To Remain)

Ex. Shed (To Remain)

Ex. Garage (To Remain)

Ex. Shed (To Remain)

Ex. Shed (To Remain)

Ex. Shed

# General Notes

1. EXISTING ZONING: RC 2
   CURRENT USE: COLLEGE
2. COUNCILMANIC DISTRICT: 3
3. CENSUS TRACT 4038.01
4. WATERSHED 24
5. SUBSEWERSHED 61
6. ELECTION DISTRICT #8
7. TAX ACCOUNT NUMBER 0322035480
8. DEED REFERENCE 4756/550
9. WETLANDS HAVE BEEN FIELD LOCATED. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO SIGNIFICANT GEOLOGICAL FORMATIONS OR OTHER UNUSUAL NATURAL FORMATION, NO CRITICAL AREAS, NO ARCHEOLOGICAL SITE, NO ENDANGERED SPECIES HABITAT AND NO HAZARDOUS MATERIALS ON SITE.
10. TRANSIT SERVICE VIA METRO BUS LINE M-12 SERVICE RUNS APPROXIMATELY EVERY HOUR.
11. AREA BETWEEN THE SIGHT LINES & THE CURB LINE OF GREENSPRING VALLEY ROAD MUST BE DEDICATED TO THE MARYLAND STATE HIGHWAY ADMINISTRATION.
12. ON SITE LIGHTING SHALL BE SO ARRANGED & SHIELDED AS TO CONFINE ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINES OF THE SITE AND TO PREVENT THE REFLECTED LIGHT RAYS FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF ONCOMING VEHICLES.
13. ALL PARKING, MANEUVERING & AISLE AREAS WILL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE AND PERMANENTLY STRIPED.
14. AVERAGE DAILY TRIPS: 13 TRIPS/1,000 S.F. BUILDING

| | | |
|---|---|---|
| EXISTING - | 103,282/1,000 x 13 = | 1,343 ADT'S |
| PROPOSED - | 201,063/1,000 X 13 = | 2614 ADT'S |

15. STORM WATER MANAGEMENT WILL BE PROVIDED FOR 2 YR, 10 YR & 100 YR STORMS. SWM PLANS APPROVED.
16. NET AREA OF SITE (BY DEED) 59.68 AC +/-
    GROSS AREA OF SITE - 60.236 AC +/-
17. BUILDING AREAS

| EXISTING BUILDINGS | STORIES | GROSS FLOOR AREA |
|---|---|---|
| A. LEARNING & RESOURCE CENTER (LIBRARY) | 2 | 27,463 S.F. |
| A. LEARNING & RESOURCE CENTER (ADMIN) | 2 | 6,867 S.F. |
| A. LEARNING & RESOURCE CENTER (ART WING) | 2 | 4,060 S.F. |
| B. CLASSROOM (KNOTT HALL) | 3 | 42,432 S.F. |
| C. MUELLER HOUSE (OFFICES) | 2 | 1,993 S.F. |
| D. STUDENT CENTER (CLASSROOMS & OFFICES) | 2 | 15,384 S.F. |
| E. GENERAL SERVICES BUILDING (COLLEGE STORE) | 1 | 5,083 S.F. |
| TOTAL EXISTING BUILDING AREA | | 103,282 S.F. |
| PROPOSED BUILDINGS | | GROSS AREA |
| F. WEST BUILDING (CLASSROOMS, OFFICES & AUDITORIUM) | 3 | 45,074 S.F. |
| G. ADMINISTRATION ADDITION (OFFICES) | 1 | 3,400 S.F |
| H. EAST BUILDING (CLASSROOMS, OFFICES, GYM & DINING) | 2 | 49,307 S.F. |
| TOTAL PROPOSED | | 97,781 S.F. |
| TOTAL EXISTING AND PROPOSED | | 201,063 S.F. |

18. EXISTING FLOOR TO AREA RATIO: 103,282/2,623,880 = 0.039
19. PROPOSED FLOOR TO AREA RATIO: 201,063/2,623,880 = 0.077
20. MAXIMUM HEIGHT OF THE PROPOSED BUILDINGS IS 48 FEET. THIS MEASUREMENT IS TAKEN FROM THE PROPOSED HIGHEST PART OF THE PROPOSED BUILDING TO THE CLOSEST PROPOSED GRADE.
21. LANDSCAPED OPEN SPACE FOR PARKING LOT.

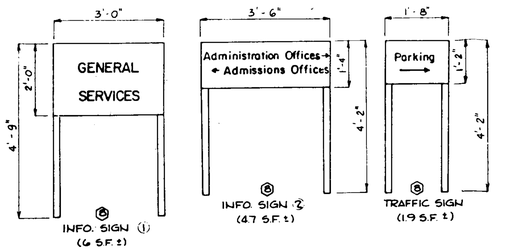
| | | |
|---|---|---|
| TOTAL PAVED AREA OF PARKING LOT: | | 288,802 S.F. |
| MIN. PARKING LOT LANDSCAPED AREA: | 7% x 288,802 | 20,216 S.F. +/- |
| LANDSCAPED AREA PROVIDED | | 44,915 S.F.+/- |

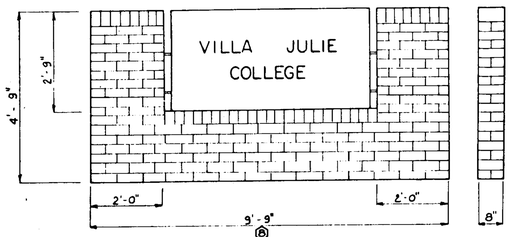
RC-2 ZONING IS EXEMPT FROM REQUIREMENTS OF BALTIMORE COUNTY LANDSCAPE MANUAL. LANDSCAPE REQUIREMENTS OF THE ZONING ORDER HAVE BEEN MET ONSITE. A FINAL LANDSCAPE PLAN HAS BEEN APPROVED FOR THIS SITE.

22. PARKING TABULATION

| | INTERIM | ULTIMATE |
|---|---|---|
| PARKING SPACES EXISTING: | 681 SPACES | 681 SPACES |
| PARKING SPACES PROPOSED: | | |
| COMPACT SPACES (7.5' x 16') | 416 SPACES | 416 SPACES |
| STANDARD SPACES (8.5' x 18') | 743 SPACES | 693 SPACES |
| HANDICAPPED SPACES | 22 SPACES | 22 SPACES |
| TOTAL PARKING PROVIDED | 1,163 SPACES | 1091 SP. |
| HANDICAPPED SPACES REQUIRED | | 20 |

23. TOPOGRAPHIC SURVEY & BOUNDARY SURVEY WAS PERFORMED BY OTHERS. (G.W. STEPHENS TAKES NO RESPONSIBILITY FOR ITS ACCURACY).
24. THE EXISTING FREESTANDING HOUSES WILL BE HOOKED UP TO THE TREATMENT PLANT.
25. EXISTING HOUSE #1 (CARETAKER RESIDENCE) INCLUDES EXCESS STRUCTURES IN REAR YARD WEST OF BUILDING 'C' & 'E' AND DOES NOT EXCEED 35' IN HEIGHT. HOUSE #1 IS CURRENTLY BEING LIVED IN BY A CARETAKER OF THE SITE.
26. WASTEWATER TREATMENT PLANT IS A FACILITY TO BE CONSTRUCTED TO TREAT THE EFFLUENT OF VILLA JULIE COLLEGE.
27. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT.
28. ANY FOREST BUFFER SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
29. CONTINUING USE VARIANCES FOR THE EXISTING HOUSES THAT ARE NOW WITHIN THE PROPOSED FOREST BUFFER & THE BUILDING RESTRICTION AREA WILL BE FILED AT D.E.P.R.M.
30. ALL UNDERGROUND UTILITIES SHALL BE FIELD LOCATED BEFORE ANY DESIGN WORK OR CONSTRUCTION TAKES PLACE. G.W.S. DOES NOT TAKE ANY RESPONSIBILITY FOR THEIR LOCATION SHOWN ON THIS PLAN.
31. ALL LAB WASTE IS STORED IN THE LAB BUILDING & IS DISPOSED OF BY A LICENSED WASTE DISPOSAL COMPANY.
32. THERE IS NO BUILDING, PROPERTY OR SITE WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY OF HISTORIC PROPERTIES, THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARKS LISTS, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHAEOLOGICAL SURVEY, NOR IS THERE ANY BALTIMORE COUNTY HISTORIC DISTRICT, OR NATIONAL REGISTER DISTRICT COVERING THE PROPOSED DEVELOPMENT.
33. THERE ARE NO DESIGNATED AREAS OF CRITICAL STATE CONCERN ONSITE AS IDENTIFIED UNDER THE PROCEDURES OF SECTION 5-611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
34. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS MATERIALS ONSITE.
35. ELEVATION DRAWINGS FOR THE PROPOSED ADMINISTRATION BUILDING ADDITION WILL BE SUBMITTED PRIOR TO ISSUANCE OF BUILDING PERMIT FOR THE ADDITION.




ENTRANCE SIGN
(92.6 S.F. +/- BOTH SIDES)

## Sign Variances

AS PER 413.1b

# Zoning History

A. ON JULY 19, 1992 THE ZONING COMMISSIONER OF BALTIMORE COUNTY, IN CASE NO. 92-286-SPHXA, APPROVED A PETITION FOR SPECIAL EXCEPTION FOR A PRIVATE COLLEGE IN AN RC 2 ZONE, A SPECIAL HEARING FOR A MODIFIED PARKING PLAN AND A RESIDENTIAL CARETAKER DWELLING AS AN ACCESSORY USE, TOGETHER WITH REQUESTED VARIANCES. THE ZONING COMMISSIONER'S ORDER WAS APPEALED TO THE COUNTY BOARD OF APPEALS.

B. ON JULY 23, 1993 THE COUNTY BOARD OF APPEALS APPROVED THE FOLLOWING ORDER:

IT IS THEREFORE THIS 23RD DAY OF JULY, 1993 BY THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY ORDERED THAT THE PETITION FOR SPECIAL HEARING TO APPROVE A MODIFIED PARKING PLAN AND A RESIDENTIAL CARETAKER DWELLING AS AN ACCESSORY USE TO THE COLLEGE BE AND IS HEREBY GRANTED, AND IT IS FURTHER

ORDERED THAT THE PETITION FOR SPECIAL EXCEPTION TO APPROVE THE USE OF THE PROPERTY FOR A PRIVATE COLLEGE, BE AND IS HEREBY GRANTED; AND IT IS FURTHER

ORDERED THAT THE REQUESTED VARIANCE TO PERMIT A MAXIMUM OF HEIGHT OF 48 FT. IN HEIGHT WITHIN BUILDING ENVELOPE "F" IN LIEU OF THE PERMITTED 35 FT. FOR TWO PROPOSED BUILDINGS BE AND IS HEREBY DENIED; AND IT IS FURTHER

ORDERED THAT THE FOLLOWING VARIANCES BE AND ARE HEREBY GRANTED, SAID VARIANCES TO PERMIT:

1. 42 FT. BETWEEN EXISTING BUILDINGS #1 AND #2 IN LIEU OF THE REQUIRED 70 FT.;
2. 30 FT. BETWEEN EXISTING BUILDING #3 AND EXISTING STORAGE BUILDING IN LIEU OF THE REQUIRED 70 FT.;
3. 32 FT. BETWEEN EXISTING MAINTENANCE EQUIPMENT BUILDING AND EXISTING STORAGE BUILDING IN LIEU OF THE REQUIRED 70 FT.;
4. 40 FT. BETWEEN EXISTING BUILDING "E" AND EXISTING SHED IN LIEU OF THE REQUIRED 70 FT.;
5. 60 FT. BETWEEN EXISTING BUILDING "C" AND EXISTING BUILDING "A" IN LIEU OF THE REQUIRED 70 FT.;
6. 60 FT. BETWEEN EXISTING BUILDING "A" AND PROPOSED ENVELOPE "F" IN LIEU OF THE REQUIRED 70 FT.;
7. 20 FT. BETWEEN EXISTING BUILDING "D" AND PROPOSED BUILDING ENVELOPE "F" IN LIEU OF THE REQUIRED 70 FT.;
8. A TOTAL OF 1052 SQ. FT. OF EXISTING SIGNS IN LIEU OF THE PERMITTED 300 SQ. FT.;
9. A MAXIMUM HEIGHT OF 39.5 FT. IN LIEU OF THE PERMITTED 35 FT. FOR EXISTING BUILDING "A";
10. MAXIMUM HEIGHT OF 54.8 FT. IN LIEU OF THE PERMITTED 35 FT. FOR EXISTING BUILDING "B";
11. A DISTANCE OF 0 FT. IN LIEU OF THE REQUIRED 70 FT. BETWEEN THE TWO PROPOSED BUILDINGS WITHIN BUILDING ENVELOPE "F"; AND
12. 503 PARKING SPACES 8 FT. WIDE X 18 FT. DEEP IN LIEU OF THE REQUIRED 85 FT. WIDE X 18 FT. DEEP.

THE FOLLOWING RESTRICTIONS ARE CONDITIONS PRECEDENT TO THE RELIEF GRANTED HEREIN:

1. THE PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. CONSTRUCTION OF THE WASTEWATER TREATMENT PLANT AS SHOWN ON THE PETITIONER'S SITE PLAN SHALL BE PERMITTED AS AN ACCESSORY STRUCTURE/USE TO THE COLLEGE. THEREFORE, USE OF THE WWTP SHALL BE LIMITED STRICTLY TO THE COLLEGE AND USE BY ADJOINING PROPERTIES IS PROHIBITED.
3. TOTAL STUDENT ENROLLMENT AT THE COLLEGE SHALL BE LIMITED TO 2,500 STUDENTS. THIS LIMITATION SHALL NOT APPLY TO STUDENTS WHO EXCLUSIVELY ATTEND OFF-SITE/SATELLITE CAMPUSES OR PROGRAMS, OR WHO ARE ENROLLED THROUGH A CORRESPONDENCE PROGRAM. IT IS THE INTENT OF THIS RESTRICTION TO LIMIT NUMBER OF STUDENTS WHO ATTEND THE CLASSES OR REGULARLY USE THE FACILITIES ON THE SUBJECT SITE.
4. STUDENT GROWTH SHALL BE LIMITED TO 5 PERCENT PER YEAR. THE BASE YEAR SHALL BE DETERMINED TO BE TOTAL ON CAMPUS STUDENT ENROLLMENT FOR THE FALL 1993 SEMESTER. STUDENT ENROLLMENT FOR SUCCEEDING ACADEMIC YEARS SHALL BE LIMITED TO 5 PERCENT OF THE ENROLLMENT IN THE FALL SEMESTER OF EACH SUCCEEDING YEAR UNTIL TOTAL ENROLLMENT REACHES 2,500 STUDENTS.
5. THE MAXIMUM DISCHARGE OF THE WWTP SHALL BE 50,000 GALLONS PER DAY.
6. ALL CONSTRUCTION AND EXTERIOR PHYSICAL PLANT IMPROVEMENT SHALL BE LIMITED TO THAT SHOWN ON THE PETITIONER'S SITE PLANS SUBMITTED AT THE HEARING.
7. ALL MODIFICATIONS TO THE ABOVE RESTRICTIONS AND THE RELIEF GRANTED WITHIN THIS ORDER SHALL BE CONSIDERED ONLY AFTER A PUBLIC HEARING.
8. THE PETITIONER SHALL SUBMIT SEMI-ANNUAL REPORTS TO THE ZONING COMMISSIONER TO INSURE COMPLIANCE WITH RESTRICTIONS 3, 4 AND 5 ABOVE. UPON REQUEST AND REASONABLE NOTICE, THE PETITIONER SHALL PERMIT A REPRESENTATIVE OF THE ZONING ENFORCEMENT DIVISION TO MAKE AN INSPECTION OF THE SUBJECT PROPERTY, AND SHALL MAKE AVAILABLE TO THAT INSPECTOR ALL BOOKS, RECORDS AND REPORTS NECESSARY TO CONFIRM COMPLIANCE WITH THE RESTRICTIONS STATED HEREIN.

A. ON APPEAL TO THE CIRCUIT COURT FOR BALTIMORE COUNTY, CASE NO.: 93CV7403, ON APRIL 1, 1994, THE HONORABLE BARBARA KERR HOWE, PRESIDING, REVERSED THE COUNTY BOARD OF APPEALS ORDER OF JULY 23, 1993 AND REMANDED THE CASE TO THE COUNTY BOARD OF APPEALS FOR FURTHER PROCEEDINGS. FROM THIS ORDER, VILLA JULIE COLLEGE, THE PETITIONER, APPEALED TO THE COURT OF SPECIAL APPEALS.

B. ON MAY 4, 1995, IN CASE NO.: 1033, SEPTEMBER TERM 1033, THE COURT OF SPECIAL APPEALS, IN AN UNREPORTED PER CURIAM OPINION, REVERSED THE DECISION OF THE CIRCUIT COURT, AND AFFIRMED THE SPECIAL EXCEPTION FOR A PRIVATE COLLEGE, THE SPECIAL HEARING, FOR A MODIFIED PARKING PLAN AND A CARETAKERS RESIDENCE AS AN ACCESSORY USE. THE COUNTY BOARD OF APPEALS ORDER RELATED TO VARIANCES REMAINS IN FULL FORCE AND EFFECT AS THE PART OF THE ORDER WAS NOT APPEALED. THE COURT OF SPECIAL APPEALS FURTHER REVERSED THAT PART OF THE RESTRICTION OF THE COUNTY BOARD OF APPEALS ORDER LIMITING THE COLLEGE GROWTH LIMITATION TO 5% PER YEAR AND MODIFIED RESTRICTION 5 OF THE COUNTY BOARD OF APPEALS LIMITING DISCHARGE OF THE WASTE WATER TREATMENT PLANT TO 50,000 GALLONS PER DAY BY DIRECTING THE LIMITATION BE EXPRESSED AS AVERAGE GALLONS PER DAY. THE COURT REMANDED THE CASE WITH DIRECTIONS THAT THE CIRCUIT COURT AFFIRM IN PART AND REVERSE IN PART THE DECISION OF THE BOARD OF APPEALS, CONSISTENT WITH THE COURT OF SPECIAL APPEALS OPINION.

C. ON THE 12TH DAY OF JULY, 1995 JUDGE HOWE, IN CASE NO.: 93CV7403, SIGNED THE FOLLOWING ORDER:

1. BOARD OF APPEALS TO IMPOSE A 50,000 GALLON PER DAY MAXIMUM CAPACITY. REDUCTION IS REVERSED. THE DISCHARGE CAPACITY OF VILLA JULIE'S PROPOSED WASTE WATER TREATMENT PLANT SHALL BE SET A ON A DAILY AVERAGE OF 50,000 GALLONS PER DAY, COMPUTED IN ACCORDANCE WITH THE MDE'S COMAR REGULATIONS.
2. CASE REMANDED TO THE BALTIMORE COUNTY ZONING BOARD FOR CONFORMING ACTION.

# Stormwater Management

### D.A. 'A' (Drainage To The West)

EX. RUNOFF:

| | |
|---|---|
| 2 YR | 4.34 cfs |
| 10 YR | 13.90 cfs |
| 100 YR | 25.97 cfs |

PROPOSED RUNOFF TO WEST STORMWATER MANAGEMENT FACILITY:

| | |
|---|---|
| 2 YR | 19.37 cfs |
| 10 YR | 20.73 cfs |
| 100 YR | 33.47 cfs |

### West SWM Pond Release Rates (from TR-20)

| | |
|---|---|
| 2 YR | 1.79 cfs |
| 10 YR | 10.33 cfs |
| 100 YR | 21.70 cfs |

### West SWM Pond Volume of Storage

| | |
|---|---|
| 2 YR | 0.09 AC/FT. |
| 10 YR | 0.24 AC. FT. |
| 100 YR | 0.34 AC. FT. |
| TOP OF DAM | EL. 368 |

### D.A. 'B' (Drainage To The East)

EX. RUNOFF:

| | |
|---|---|
| 2 YR | 22.31 cfs |
| 10 YR | 50.86 cfs |
| 100 YR | 83.21 cfs |

PROPOSED RUNOFF TO EAST STORMWATER MANAGEMENT FACILITY:

| | |
|---|---|
| 2 YR | 30.14 cfs |
| 10 YR | 64.97 cfs |
| 100 YR | 104.00 cfs |

### East SWM Pond Release Rates (from TR-20)

| | |
|---|---|
| 2 YR | 18.00 cfs |
| 10 YR | 46.94 cfs |
| 100 YR | 75.05 cfs |

### East SWM Pond Volume of Storage

| | |
|---|---|
| 2 YR | 0.25 AC/FT. |
| 10 YR | 0.43 AC./FT. |
| 100 YR | 0.62 AC.-FT. |
| TOP OF DAM | EL. 368 |

## Plat to Accompany Petition for Special Hearing

# Villa Julie College

PLANNING NO.
ELECTION DISTRICT NO. 8
CENSUS TRACT 4038.01

PUBLIC SERVICE NO. 911777
COUNCILMATIC DISTRICT NO. 3
BALTIMORE COUNTY, MARYLAND

| REVISIONS | | REVISIONS | |
|---|---|---|---|
| 10-30-95 | PER AGENCY COMMENTS | 9-6-96 | PARKING COUNT. |
| 3-17-98 | BRING STMD. EXCEPTION PLAN INTO COMPLIANCE W/DEV. PLAN; AS BUILT CONSTRUCTION - ADDED 4 TENNIS COURTS - RECONFIGURED PARKING | | |

OWNER
VILLA JULIE COLLEGE
1525 GREENSPRING VALLEY RD.
STEVENSON, MD. 21153

APPLICANT
VILLA JULIE COLLEGE
c/o GEORGE & BRONSTEIN
29 WEST SUSQUEHANNA AVENUE
SUITE 205
TOWSON, MD. 21204
BENJAMIN BRONSTEIN, ATTY. AT LAW

VILLA JULIE COLLEGE
Pro Discendo Pro Vivendo

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

VILLA JULIE COLLEGE.

POB

GREEN SPRING VALLEY N.R.H.D.

R.C. 5

R.C. 2

HIGH GREEN LA.

THICKET ROAD

PRIVATE ROAD

GREEN SPRING VALLEY ROAD

PRIVATE RD

VILLA JULIE JR. COLLEGE

130

N 48,000

N 47,000

N 46,000

N 45,000

N 44,000

W 24,000

W 22,500

GREEN

# BALTIMORE COUNTY
# OFFICE OF PLANNING AND ZONING
# OFFICIAL ZONING MAP

| SCALE | LOCATION | SHEET |
|---|---|---|
| 1" = 200'± | STEVENSON | N. W. 12-E |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | S-SW |

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMC
OFFICE OF PLA
OFFICIAL

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