

IN THE MATTER OF THE
PETITIONS FOR SPECIAL
EXCEPTION AND SPECIAL
HEARING BY HILLSIDE
NOMINEE, INC.

Property located on the N &
S/S Hillside Road, 1600' W
of Greenspring Avenue
(1426 Hillside Road)
3rd Election District
3rd Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 00-465-SPHX
*

* * * * *

CONSENT ORDER

Irene Maumenee and Niels Maumenee ("Appellants") filed an appeal with this Board after the Zoning Commissioner of Baltimore County granted, by Order dated October 5, 2000, the Petition for Special Exception and the Petition for Special Hearing filed by Petitioner Hillside Nominee, Inc. on behalf of The Park School of Baltimore, Inc. ("Park School"). The Petition for Special Exception sought approval for a private school/day camp use with two non-illuminated baseball/softball fields, two non-illuminated soccer/lacrosse fields, and one 10,000 square-foot school building. The Petition for Special Hearing sought a reduction in the site area for non-conforming dwellings and confirmation that the proposed 88 parking spaces are adequate to serve the private school/day camp use.

The property under consideration, approximately 129 acres zoned RC 2 ("Property"), is irregularly shaped with frontage on Hillside Road, between Greenspring Avenue and Stevenson Road. The 120.9-acre parcel subject to the Petition for Special Exception is located within a National Register Historic District. The adjacent 8.1-acre

parcel, which is the subject of the Petition for Special Hearing, has eight residential structures that are listed on the Maryland Historic Trust Inventory. Although the general character of the neighborhood is rural/residential and agricultural, the north side of the Property predominantly abuts the campus of Villa Julia College.

The current legal owner of the Property is Hillside Nominee, Inc. All proposed improvements to the Property for the school and camping uses are to be used and maintained by Park School. Park School is a private grammar and preparatory school (Grades K through 12) located at Old Court Road in Brooklandville, Maryland, approximately two miles from the Property.

Park School will use the Property to support student athletic programs, as well as host field trips, science studies, and a day camp (as restricted by the hereinafter mentioned Restrictive Covenant Agreement). Specifically, the site plan calls for the construction of a single 10,000 square-foot building, which will be used primarily as an outdoor/science learning center. The northern portion of the Property will be used to create athletic fields. The plan provides 88 parking spaces to support the proposed use.

On September 12, 2000, the Zoning Commissioner held a public hearing on the requested relief at which many interested persons appeared, including The Valleys Planning Council, Inc. ("VPC"), Greenspring Valley Association, Inc. ("GVC"), Appellants, and several other property owners. Concerns were raised regarding the requested relief primarily due to the size, scope, and location of the proposed improvements and the potential negative impacts the proposed use would have upon neighboring properties. Following the hearing, the Zoning Commissioner granted the

requested relief on October 5, 2000, subject to certain conditions, one of which related to the provisions of a draft Restrictive Covenant Agreement that was negotiated by and between the Park School, VPC, GVA, Henry G. Hagan, Len Stoler, Richard Blue, and Gaylord Clark. The Zoning Commissioner incorporated the draft Restrictive Covenant Agreement into the Order granting the Petitions for Special Exception and for Special Hearing.

On November 2, 2000, Appellants filed an appeal with the Board of Appeals. During the pendency of this appeal, representatives of Park School met with all parties and/or their counsel in an effort to modify the draft Restrictive Covenant Agreement to further reduce any negative impacts the proposed private school/day camp use may have on the parties and upon the surrounding community. Accordingly, the parties informed the Board that they successfully reached an agreement, which has been reduced to writing in the form of a Restrictive Covenant Agreement submitted to the Board as Petitioners' Exhibit 1. It is the desire and intent of all parties that the Restrictive Covenant Agreement be incorporated into this Board's decision and be recorded among the Land Records of Baltimore County.

All parties to this matter, therefore, have requested this Board, pursuant to this proposed Consent Order, jointly submitted, to adopt and incorporate by reference the Restrictive Covenant Agreement, submitted as Petitioners' Exhibit 1, into a final Order of this Board. With the restrictions contained in the Restrictive Covenant Agreement, the Board finds that there will be no negative impact and, therefore, finds that the requested relief should be granted.

WHEREFORE, the County Board of Appeals of Baltimore County, this 13th day of December 2001, orders that the Restrictive Covenant Agreement, submitted as Petitioners' Exhibit 1, is hereby adopted and incorporated into this Order as is set forth herein in its entirety, and that, subject to the terms and conditions of the Restrictive Covenant Agreement, the following relief is hereby granted:

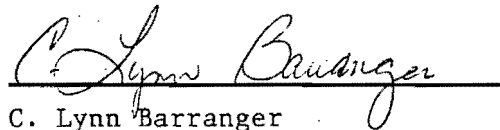
(1) the Petition for Special Exception for a private school/day camp use is GRANTED; and,

(2) the Petition for Special Hearing to confirm a reduction in the site area for non-conforming dwellings and to confirm that the proposed 88 parking spaces are adequate to serve the private school/day camp use is GRANTED.

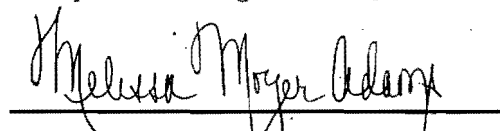
COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY



Charles L. Marks



C. Lynn Barranger



Melissa Moyer Adams

TO1DOCS1/122942 v1



County Board of Appeals of Baltimore County

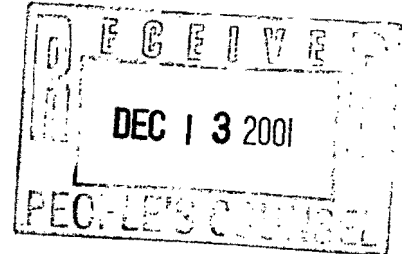
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

cd
par

December 13, 2001

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Hillside Nominee, Inc.*
Case No. 00-465-SPHX



Dear Mr. Hoffman:

Enclosed please find a copy of the Consent Order issued this date in the subject matter by the
County Board of Appeals of Baltimore County.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Hillside Nominee, Inc. and Gordon E. Sugar Inc
c/o Isaac Neuberger, Authorized Agent
Francis X. Borgerding, Jr., Esquire
Irene and Niels Maumenee
J. Carroll Holzer, Esquire
Jack Dillon, Executive Director
Dr. David Jackson
Lee Rosenberg /The Park School
John P. Machen, Esquire
Robert Legg, Esquire
Edmund Haile /Daft, McCune & Walker
Michael Staiano /Staiano Engineering, Inc.
Mickey Cornelius /The Traffic Group
Bob Frankel Mark Lerner
Gaylord Clark Gary Reif
Timothy M. Rodgers Eleanor May
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence Schmidt, Z.C.
Arnold Jablon, Director /PDM

The Honorable Dana Levitz
Beverly Stiver



IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
& SPECIAL EXCEPTION		
N & S/S Hillside Road, 1600' W	*	ZONING COMMISSIONER
of Greenspring Avenue		
3rd Election District	*	OF BALTIMORE COUNTY
3rd Councilmanic District		
(1426 Hillside Road)	*	CASE NO. 00-465-SPHX
Hillside Nominee, Inc.	*	
& Gordon E. Sugar, Inc.		
Petitioners	*	

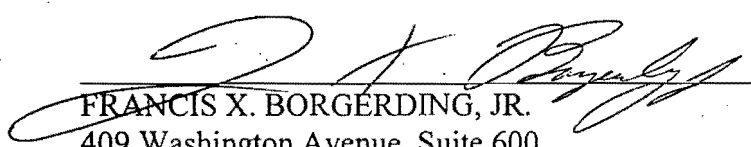
* * * * *

NOTICE OF APPEAL

Appellants, Irene Maumenee and Niels Maumenee, by and through their attorney, Francis X. Borgerding, Jr., hereby note an appeal to the County Board of Appeals from the decision of the Zoning Commissioner of Baltimore County rendered on October 5, 2000 in the above-captioned case, and attached hereto and incorporated herein as **Exhibit A**.

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

Respectfully submitted,


FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR APPELLANTS

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of November, 2000, a copy of the foregoing Notice of Appeal was mailed, first-class, postage prepaid to:

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, L.L.P.
210 Allegheny Avenue
Towson, Maryland 21204

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

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
400 Washington Avenue
Old Court House
Towson, Maryland 21204

County Board of Appeals
Basement, Old Court House
Towson, Maryland 21204


FRANCIS X. BORGERDING, JR.

10/5/00
PMZ
Follow, appealed

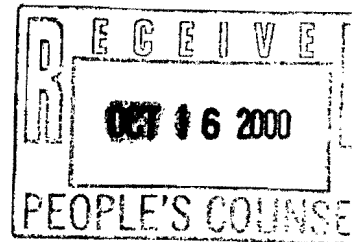
IN RE: PETITIONS FOR SPECIAL HEARING
& SPECIAL EXCEPTION

N & S/S Hillside Road, 1600' W
of Greenspring Avenue
3rd Election District
3rd Councilmanic District
(1426 Hillside Road)

Hillside Nominee, Inc.
& Gordon E. Sugar, Inc.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 00-465-SPHX

* * * * *



FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Special Exception and Petition for Special Hearing for the property located at 1426 Hillside Road in the Greenspring Valley. The Petition was filed by Hillside Nominee, Inc. and Gordon E. Sugar, Inc., property owners. The special exception relief requested is for a private school/day camp use with non-illuminated ball fields and one 10,000 sq. ft. school building. Special hearing relief is requested to confirm a reduction in the site area for non-conforming dwellings and to confirm that the proposed 88 parking spaces are adequate to serve the private school/day camp use. The subject property and requested relief are more particularly shown on the site plan to accompany the petitions for special exception and special hearing, marked as Petitioners' Exhibit 2.

After a series of postponements, due to inadequate public notice, the matter was scheduled for public hearing on September 12, 2000. Appearing at the hearing in support of the petition were David E. Jackson from the Park School, Edmund Haile, a civil engineer/consultant from Daft, McCune & Walker, Inc., Michael Staiano, acoustical engineer and Mickey Cornelius, a traffic engineer. Also appearing in support of the request were a number of residents of the locale and supporters of the Park School, including Bob Frankel, Mark Lerner,

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Jim Howard, Lee Rosenberg, Robert Legg and Gaylord Clark. Appearing as interested persons and/or protestants were Jack Dillon from the Valleys Planning Council and J. Carroll Holzer, its attorney, Irene and Niels Maumenee, Hon. Dana Levitz, Gary Reif, Timothy M. Rodgers, Eleanor May and Beverly Stiver.

008 00 [An examination of the site plan shows that the subject property is approximately 129 acres in area, zoned RC 2. The property is an irregularly shaped parcel with frontage on Hillside Road, between Greenspring Avenue and Stevenson Road. The property is located in the Greenspring Valley, a National Registry Historic District, and the general neighborhood is rural/residential and agricultural in character. However, the rear of the property abuts Villa Julia College, an institutional use. It is also to be noted that although primarily located on the north side of Hillside Road, a portion of the parcel actually straddles that road and is located on the south side thereof.

Presently, the property is improved with 8 dwellings which are largely clustered in an area immediately adjacent to Hillside Road. Testimony and evidence offered was that these dwellings are listed with the Maryland Historic Trust. There is no intent to relocate or alter these buildings. The interior of the property is largely undeveloped, although it does feature several existing residences and ruins of buildings which were abandoned many years ago. The interior of the site also features woodlands and is in active agriculture use.

The property was at one time under the control of Gordon Sugar, who is now deceased. Mr. Sugar's estate, through the current property owners, anticipate signing a long term lease with the Park School for its use of the property. As is more particularly shown on the site plan, the school anticipates using the property in furtherance of its education program. The details of the proposed use were explained at the hearing by Mr. Jackson from the Park School and are

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Date 10/15/00

By R. Jackson

also shown on the site plan. The plan shows the construction of a single 10,000 sq. ft. building which will be primarily used in conjunction with an outdoor/science learning center. Additionally, a major component of the proposed use is to provide facilities for the Park School athletic program. Specifically, a baseball diamond and a softball field are proposed, as shown on the plan. Additionally, two soccer/lacrosse fields are also proposed. An area of parking containing 88 spaces will be provided.

Mr. Jackson testified extensively about the proposed use and his remarks are within the record of this case and will not be repeated herein. However, it can be summarized that the Park School presently has approximately 880 students in grades K through 12 and that the athletic component of their education is important to the overall program. It is visualized that the fields will be used in the fall and spring seasons to accommodate practices and varsity soccer, lacrosse, baseball and softball games against other schools. It is anticipated that the heaviest period of time for this use will be from 3:00 p.m. to 5:30 p.m. (after school). Students will be bused or driven by private automobile from existing Park School campus nearby. Students from the Park School's competitors will also arrive by bus or private vehicle.

In addition to the athletic activities on the site, the property will also be used for class field trips and science studies. The proposed use in this regard was characterized as an outdoor learning center where students would conduct nature studies in connection with the Park School's scientific program. It is also anticipated that the site will be utilized during the summer for camps.

Expert testimony was offered in supported of the petitions. Specifically, Mr. Haile, from Daft, McCune & Walker, discussed the special exception requirements set out in Section 502.1 of the Baltimore County Zoning Regulations. Indeed, in order for a proposed special

exception use to be approved, a petitioner must show that the use meets the requirements and standards set out in that section. Essentially, Mr. Haile testified that the use could be conducted on site without detrimental impact to the health, safety or general welfare of the locale. Also offering expert testimony on behalf of the Petitioner was Mr. Michael Staiano. Mr. Staiano is an acoustical engineer by profession and conducted studies regarding the potential noise effects of athletic events at the site. He testified, that in his opinion, the fields are isolated enough and the site large enough so that there will not be detrimental noise impacts to adjacent properties. Again, his full testimony is set out in the record of the case.

Also testifying was Mickey Cornelius, a traffic engineer. Mr. Cornelius computed sight distance from the access point on Hillside Road in both directions. He indicated that sight distance in an easterly direction was 465 ft., more than sufficient to accommodate anticipated traffic. He also indicated that to the west sight distance was blocked by vegetation and undergrowth. However, if that growth is removed, the distance would be increased to 450 ft.

In Mr. Cornelius' judgment, the proposed use will not detrimentally impact traffic patterns in the area. Mr. Cornelius noted that the site would generate relatively low volumes of traffic and that minimal, if any, traffic will be coming to or leaving the site during the morning peak hour (7:00 a.m. to 9:00 a.m.). Admittedly, during the evening peak hour (4:00 p.m. to 6:00 p.m.) there will be traffic impacts. However, Mr. Cornelius testified that Hillside Road can safely accommodate the additional traffic volumes. Subsequent to the hearing, the Petitioner supplemented the record by providing information regarding a speed study performed by Mr. Cornelius' firm.

Testimony was also offered by the protestants and interested citizens who appeared. Counsel for the Valleys Planning Council, Inc. and the Petitioner offered a restrictive covenant agreement which was accepted into the record of this case as Joint Exhibit No. 1. That agreement sets out a series of conditions and limitations agreed to by and between The Valleys Planning Council, Inc., the Greenspring Valley Association, Inc., Henry G. Hagan, individually, Len Stoler, individually, Richard Blue, Jr., individually, and Gaylord Clark, individually, and the Park School. The agreement, which speaks for itself, sets out a variety of terms and conditions regarding the proposed use of the property and potential future expansion. It was indicated at the hearing that all parties to the agreement wished that it be incorporated by this Zoning Commissioner into any approval granted in this case.

There were, however, citizens who appeared at the hearing who are not parties to the agreement and are concerned about the proposal. Mr. Carroll, among others, expressed concerns over the loss of the use of the site for agricultural purposes. As I have stated in other written opinions regarding proposed development of RC zoned parcels, maintenance of the present use of the site is irrelevant in considering the merits of the proposed special exception. The question presented in this case is whether the proposed use will be detrimental to the health, safety and general welfare of the locale in accordance with the standards set forth in Section 502.1 of the B.C.Z.R. and the case law which as interpreted same. (See e.g. People's Counsel v. Mangione, 85 Md. App. 738 (1991)). The Zoning Regulations do not mandate that this site continue to be farmed or used for agricultural purposes. The property owners, irrespective of whether they lease the property to the Park School, are under no legal obligation to use this property for agricultural purposes or, indeed, for any use. Indeed, American legal and cultural traditions regarding private property rights recognize the right of a property owner to use his/her

land as he/she best sees fit. To insist that this land remain agricultural is contrary to those traditions. Thus, this petition cannot be denied in the name of preserving agriculture.

A more salient point, however, relates to traffic considerations. Judge Levitz and others testified about traffic conditions on Hillside Road and that issue is specifically identified as a consideration which must be evaluated under Section 502.1(B) of the Baltimore County Zoning Regulations. Following the hearing, I went to the site on two occasions, between the hours of 3:00 p.m. to 5:00 p.m. During my site visits, the traffic on Hillside Road was light. Indeed, these personal observations, as well as the testimony offered by Mr. Cornelius, is persuasive to a finding that the volumes of traffic presently on Hillside Road and anticipated by this use are not problematic. That is, that road can handle the anticipated volumes. Nonetheless, concerns exist about site access. During my visits, it was observed that the property slopes away from Hillside Road, thereby making exit from the site potentially difficult for certain vehicles, particularly school buses. Additionally, the sight distances in both directions are somewhat limited. Although I find the testimony of Mr. Cornelius credible, Judge Levitz' testimony about his informal measurement of the sight distance, as well as my own personal view of present conditions raises concern. Part of the difficulty is that Mr. Cornelius acknowledged that the trees and vegetation need be removed and it is difficult to envision potential conditions after that work.

Based upon the testimony and evidence offered in this case, I am persuaded that the petitions should be granted. However, in approving the petitions, I will impose certain conditions to mitigate negative impacts to the surrounding locale, pursuant to the authority granted to me in Section 502.2 of the B.C.Z.R. First, the provisions of the draft restrictive covenant agreement (Joint Exhibit No. 1) shall be incorporated as a condition on the grant of the

special exception and special hearing relief.

Secondly, I will require that in the event any future improvements to the site are contemplated, that the Petitioner file a special hearing at that time to insure ongoing public participation. That is, in the event additional clearing, improvements, and/or fields are one day proposed, the Petitioner need file a special hearing before an amended site plan is accepted by Baltimore County. It is the intent of this restriction to assure future public review and comment, as well as to require additional county approval through the Office of the Zoning Commissioner.

Third, I recognize that it is unfortunate that Baltimore County did not conduct sight distance studies prior to the hearing. It would be inappropriate for this Zoning Commissioner to direct those studies at this time and consider those findings outside the public hearing. Such a review would be in the nature of an *ex parte* communication and my findings and conclusions must be based upon the record in this case made in open hearing. Nonetheless, in that I am authorized to impose reasonable conditions, I will require that the Petitioner obtain, from the Developer's Plans Review Division of Baltimore County (i.e. Traffic Engineering) an affirmative statement that a Baltimore County employee(s) has conducted a field study of sight distances and finds that same are in compliance with all County standards. Such written statement must be obtained from Baltimore County and submitted to this Zoning Commission for inclusion in the case file prior to the issuance of any permits. It is envisioned that the Bureau of Traffic Engineering will conduct its own independent evaluation of road/access conditions at the site and render an opinion as to whether traffic can safely enter and exit the site. If the Bureau of Traffic Engineering makes a favorable recommendation, then written confirmation of same shall be added in the case file and permits may thereafter be issued.

Moreover, Traffic engineering may improve whatever reasonable requirements (e.g. clearing of vegetation, alteration of grade, etc.) which might be necessary. In the event a negative conclusion is reached, the matter will be reset for another hearing before me for further review and this approval shall be rescinded.

I enter this restriction due to the conflicting testimony and evidence offered in this case and my field investigation. It bears emphasis that consideration must be given not only to those present users of Hillside Road, but potential users in the event this plan comes to fruition. Obviously, there should be reasonable assurance that school buses and similar large vehicles can safely enter and exit this site without endangering the health of those passengers and users of the road.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of October, 2000, that the Petitioners' Request for Special Exception, for a private school/day camp use with non illuminated ball fields and one 10,000 sq. ft. school building and the Petitioners' Request for Special Hearing, to confirm a reduction in the site area for non-conforming dwellings and to confirm that the proposed 88 parking spaces are adequate to serve the private school/day camp use, be and they are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Any appeal of this decision by any interested party must be within thirty (30) days of this Order.
2. The provisions of the draft restrictive covenant agreement (Joint Exhibit No. 1) shall be incorporated as a condition attached to the approval of the special exception/special hearing relief.

3. If any future improvements to the site are contemplated, the Petitioners shall file for a special hearing at that time to insure public participation. It is the intent of this restriction to assure future public review and comment, and that further county approval will be obtained.
4. The Petitioners must obtain from the Developer's Plans Review Division of Baltimore County (i.e. Traffic Engineering) an affirmative statement that the appropriate County employee(s) has conducted a field study of sight distances and finds that same are in compliance with County standards and will provide adequate public safety. Such written proof must be obtained from Baltimore County and submitted in this case file prior to the issuance of any permits. The Bureau of Traffic Engineering will conduct its own independent evaluation of road/access conditions at the site and render an opinion as to whether traffic can safely enter and exit the site. If the Bureau of Traffic Engineering makes such a favorable recommendation, then written confirmation of same shall be added in the case file. In the event a negative conclusion is reached, then the approval granted in here shall be null and void, all as more fully set out above.
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

NOTA RECEIVED FOR FILING

1989 12/15/89

W. R. G. [Signature]

DRAFT – Amended 8-10
9-12-00

*Joint
Exhibit 1*

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT is entered into, as of the ____ day of, 2000, by and between THE PARK SCHOOL OF BALTIMORE, INC. (PARK SCHOOL), a private, non-profit, grades K-12 school, and THE VALLEYS PLANNING COUNCIL, INC. (VPC) a Maryland nonprofit corporation, and the GREENSPRING VALLEY ASSOCIATION, INC. (GVA), a local community association, and the following individuals Henry G. Hagan, Len Stoler, Richard Blue and Gaylord Clark .

RECITALS:

A. The PARK SCHOOL, anticipates signing a lease for a parcel of land, which constitutes a portion of that certain property containing 129.00 acres of land, which is located on the north side of Hillside Road approximately 1100 feet west of Greenspring Avenue in the Third Councilmanic District of Baltimore County. The property is more particularly described in a deed recorded among the land records of Baltimore County at Liber 14194, folio 725 and Liber 8750, folio 347, and the portion being leased is shown as the "Special Exception Area" attached hereto as Exhibit A (the "Land").

B. At the present time, the Land is zoned RC 2 and is primarily used for agriculture and residential purposes. There are 11 rental units on the Land, 8 of which have direct access to Hillside Road and are on the Maryland Historical Trust Inventory. The Land is within the Greenspring Valley National Register Historic District.

C. PARK SCHOOL is located on Old Court Road approximately two (2) miles from the property under consideration. The Land has been offered to PARK SCHOOL from the Gordon E. Sugar Estate for a period of 99 years under a bargain lease. PARK SCHOOL desires to obtain a special exception for a private school, *and day camp* in order to construct athletic fields and a field science building on the Land. To this end the PARK SCHOOL has filed a petition for a special exception under zoning case no. 00-465SPHX.

D. VPC and GVA are associations of Baltimore County area residents interested, among other matters, in preserving the Greenspring Valley and the surrounding land from intrusive and inappropriate types of land uses.

E. VPC, GVA and individual land owners have reviewed the submitted site plans and desire to place certain restrictions upon the Land and the use of the Land in order to ensure that the Land is used and maintained in a manner consistent with the plans as proposed and to assure that future use does not have a deleterious effect on the Greenspring Valley in general and its immediate neighbors.

Date 10/5/00

By J.P. Emerson

F. PARK SCHOOL affirms the value of preserving the natural and agricultural character of the Greenspring Valley, and recognizes the concerns of VPC and GVA and the listed individuals. PARK SCHOOL is willing to place certain restrictions on the Land in return for the agreement described below.

G. In order to make the covenants, restrictions, and conditions contained in this Agreement binding and fully effective on the leasehold property, the parties have entered into this Agreement, to the end and with the intent that the PARK SCHOOL, and its successors and assigns of the bargain leasehold interests will hold, use, and hereafter convey the Special Exception subject to the said covenants, restrictions, and conditions.

AGREEMENTS:

NOW, THEREFORE, in consideration of the mutual agreement and understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

THE PARK SCHOOL, ON BEHALF OF ITSELF, AND ITS SUCCESSORS AND ASSIGNS, AGREES AS FOLLOWS:

1. That only that portion of the Land identified as ingress and egress, athletic fields and parking areas (as identified on the plat to accompany the Special Exception *marked as Exhibit A attached hereto and incorporated herein*) (the "Plat") shall be used as part of this Special Exception for certain programs enumerated below of a school, day camp and athletic events. Park School will have unlimited access to all areas of the Land for a variety of uses, such as nature study and cross country running(not closer than 50' to the adjacent property line), which can utilize that portion of the Land without construction of additional improvements. Nothing in this provision shall preclude use of the remaining Land as described in Paragraphs 2 and 14 below. However, the only building envisioned is as identified under #2 below. No other buildings will be allowed. Other than agriculture the Land is restricted for the exclusive use of the PARK SCHOOL for its educational and athletic programs identified herein.

2. The area outlined as "proposed building 10,000 sq. ft." on the Plat is identified as the only building to be constructed for educational purposes. The purpose of this building is as classrooms in conjunction with nature and field studies. Because of the nature of this use students may use, the entire Land when part of a scheduled program for the purpose of nature or field study, and the building shall be restricted in the Special Exception to that purpose.

3. The proposed building hereafter constructed or later altered shall not exceed a total of 20,000 (gross) square feet. In addition to nature and field studies, the building may be used for limited educational purposes and / or storage of educational and athletic equipment. The building shall be constructed of natural materials and be painted or stained a color that is in keeping with the agricultural buildings on or adjacent to the Land.

4. There shall not be any grandstands or permanent bleachers constructed on the Land, *except that bleachers that can be removed* and that are not more than 5 tiers high, approximately seven feet tall, set on concrete footings, for use during games will be permitted.

5. Lighting: There shall be no lighted athletic fields. Any lighting for the parking lot and for security purposes shall be of low level downward direction design and the light source shall not be visible offsite.

6. Provision for restrooms may be provided in one of the existing houses on the Land and identified on the final approved site plan. Should the proposed natural science building be constructed, restrooms will be provided there. There shall be no provisions for locker rooms or showers but there may be rooms to allow for changing and / or provide for shelter from inclement weather.

7. There shall be no use of loudspeakers or similar broadcasting equipment permitted. An electronic scoreboard not to exceed twenty (20) feet high with back lighted numbers will be permitted. No horns or electronic buzzers shall be permitted and only whistles will be used during games. *

8. There shall be no external signage allowed other than a non-lighted, ground mounted school identification sign at the entrance on Hillside Road, similar in size and design to the existing sign at PARK SCHOOL, a security sign, internal directional signs, and boundary "No Trespassing" signs prohibiting dogs, hunting, trapping, etc. *

9. There shall be no overnight camping or activity on the Land, except in conjunction with PARK SCHOOL the natural science curriculum or the PARK SCHOOL summer camp program and shall be limited to no more than twelve overnights per year month and the All overnight camping activity shall be limited to the area identified on the site plan, on the west side of the access road. There shall be no persons on site after dark or before sunrise other than for emergencies, agricultural purposes, or for the permitted campouts.

10. The hours of athletic PARK SCHOOL activity shall be limited to daylight hours and not permitted after dark, except as allowed under item 9 above.

11. It shall be the responsibility of PARK SCHOOL to provide reasonable security to deter uninvited and unauthorized use of the Land.

12. Additional landscaping consisting of native plant species (trees and shrubbery) shall be planted along the boundaries of the area developed as an athletic field so as to reasonably minimize visual observation from the adjoining property. Additional planting shall also be provided along the northern and western property lines of the Land adjacent to the Stoler and Clark properties. The planting area shall be of sufficient width to create an adequate and effective buffer as reasonably determined by the County Landscape Architect.

13. The areas of the Land currently in agricultural production will remain in active agricultural production, with access to and from such agricultural areas through the Land to be

provided for farm equipment. Park School will make all reasonable efforts to retain an agricultural use in such areas. Should the tenant farmers in the future decline to farm any or all of the agricultural areas, Park School ~~will~~ School will not be required to continue agriculture, but will allow the property to return to a natural condition. If Park School is subsequently able to locate tenant farmers for the Land, Park School shall have the right to recommence agricultural operations.

14. A limited expansion area for not more than two athletic fields, or *other school or day camp* uses, may be utilized in the area identified as "crop 9.1 acres" on the Plat, ~~located~~ located directly south of Villa Julie College. This area will be subject to all of the restrictions provided herein.

15. Because of the location of the existing drive onto Hillside Road, the PARK SCHOOL shall petition the County for a "Caution" sign on Hillside Road, or other safety features as may be reasonably suggested by the County.

The covenants and restrictions contained herein shall run with *PARK SCHOOL'S leasehold interest in the* Land for ninety-nine (99) years from the date of execution hereof.

16. PARK SCHOOL will support a decision by the owner of the Land to grant a perpetual conservation easement to the Maryland Environmental Trust or Land Preservation Trust, and will not assert its Special Exception to prevent such easement. Park School will not be responsible for initiating the easement donation process.

17. PARK SCHOOL agrees to make this Agreement an exhibit to its Special Exception request and to have the Zoning Commissioner *incorporate its terms and conditions as a part of his order granting the Special Exception*

THE VPC, GVA AND THE INDIVIDUAL PARTIES AGREE AS FOLLOWS:

~~18. This Agreement does not preclude a modification of the special exceptions to allow for equestrian activities. The VPC, GVA and the individuals are not required to support such a change in the use of the Land.~~

~~19.~~ 18. VPC will actively support Park School's request for a Special Exception to the Zoning Commissioner, including the submission of a letter of support and testifying at the hearing in support of the Special Exception.

~~20.~~ 19. VPC will use its good offices to advocate for approval of the Special Exception with other residents of Greenspring Valley and Baltimore County who may oppose the request.

~~21.~~ 20. VPC will support a future request by Park School for a Special Hearing to the Zoning Commissioner for the development of additional athletic fields in the northwest section of the Land, south of Villa Julie College, provided the request to amend the Special Exception is consistent with the terms of this Agreement described in Paragraph 14 above.

CONDITIONS:

223. The agreement of PARK SCHOOL to these covenants and restrictions is conditioned upon final, non-appealable approval of its request before the Zoning Commissioner, Board of Appeals, on appeal for a Special Exception, no. 00-465SPHX, and upon final approval of its development plan for the four athletic fields and the nature center.

CONDITIONS PRECEDENT:

This agreement, and particularly the obligations and restrictions set forth above, shall not be effective and binding upon the SCHOOL unless and until a final, non-appealable Special Exception is granted by the Zoning Commissioner in accordance with this Agreement and the Special Exception plat filed in Case Number 00-465SPHX. If the condition precedent shall not be satisfied on or before September 12, 2005, then in such event this Agreement shall have no further force and effect.

BINDING EFFECT:

This Agreement shall be recorded by the PARK SCHOOL at its expense among the Land Records of Baltimore County, upon satisfaction of the conditions precedent described in CONDITIONS PRECEDENT above; and, the same shall run with and be binding upon the PARK SCHOOL and upon all present and future holders of the leasehold estate in the Land, and shall inure to the benefit of each of the parties respectively, their successors, personal representatives, heirs, and assigns. Should PARK SCHOOL fail to record this Agreement within thirty (30) days of the final, non-appealable Special Exception order, the VPC may record the same at PARK SCHOOL's School's expense. At such time as the 99-year lease between the Gordon E. Sugar Estate and PARK SCHOOL expires or is terminated and PARK SCHOOL no longer has any interest of an kind in the Land the obligations, covenants and restrictions in this Agreement shall no longer have any force or effect.

TERMINATION:

Notwithstanding the above, this Agreement and the obligations, covenants and restrictions contained herein shall cease and be of no further force and effect at the expiration of ninety-nine (99) years from the date of this Agreement.

MISCELLANEOUS PROVISIONS:

The parties warrant and represent that they have taken all necessary action required to be taken by their respective charters, by-laws, or other organizational documents to authorize the execution of this Agreement.

This Agreement, which may be executed in counterparts, contains the entire understanding of the parties.

In the event of any discrepancies between the Exhibits and the wording of this Agreement, the language of this Agreement supercedes.

Each of the parties warrants that it has carefully read and understands this Agreement, is cognizant of the terms hereof, and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

Failure, in any instance, to enforce any of the covenants, restrictions, and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, or condition in the event of another violation occurring prior or subsequent thereto.

In the event that any one or more of the covenants, restrictions, and conditions contained in the Agreement should be declared invalid, the remaining covenants, restrictions, and conditions shall continue in full force and effect.

IN WITNESS THEREOF, the parties have executed this Agreement as of the day and year first above written.

ATTEST/WITNESS: — PARK PARK SCHOOL

By: _____ (SEAL)
Name:
Title:

THE VALLEYS PLANNING COUNCIL, INC.

By: _____ (SEAL)
Kathleen Pontone, Secretary

GREENSPRING VALLEY ASSOCIATION, INC.

By: _____ (SEAL)
Name:
Title:

GREENSPRING VALLEY PROPERTY OWNERS

Henry G. Hagaen
10710 Greenspring Avenue

(SEAL)

Gaylord Clark
1704 Hillside Road

(SEAL)

Richard F. Blue, Jr.
1419 Greenspring Valley Road Valley Road

(SEAL)

Len Stoler
1425 Greenspring Valley Road

(SEAL)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 2000, before me, a Notary Public in and for the State aforesaid, personally appeared _____, who acknowledged the he is the _____ of PARK SCHOOL, a body corporate, and that he, as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as _____.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2000, before me, a Notary Public in and for the State aforesaid, personally appeared George C. Doub, who acknowledged the he, is the President of THE VALLEYS PLANNING COUNCIL, INC., a body corporate, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as President.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this ____ day of ____ 2000, before me, a Notary Public in and for the State aforesaid, personally appeared _____, who acknowledged the he, is the _____ of GREENSPRING VALLEY ASSOCIATION, INC., a body corporate, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as President.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, CITY/COUNTY OF _____, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2000, before me a Notary Public in and for the State aforesaid, personally appeared HENRY G. HAGAEN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, CITY/COUNTY OF _____, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2000, before me a Notary Public in and for the State aforesaid, personally appeared GAYLORD CLARK, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, CITY/COUNTY OF _____, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2000, before me a Notary Public in and for the State aforesaid, personally appeared RICHARD F. BLUE, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, CITY/COUNTY OF _____, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2000, before me a Notary Public in and for the State aforesaid, personally appeared LEN STOLER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: _____

CERTIFICATION

I HEREBY CERTIFY that the foregoing instrument was prepared by or under the supervision of the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

J. Michael Brennan

TO1DOCS1/JMB01/103605.01



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1426 Hillside Road
which is presently zoned RC2

This Petition shall be filed with the Department of Permits and 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

Special Hearing to confirm a reduction in site area for non-conforming dwellings, and to confirm that the proposed 88 parking spaces are adequate to serve the private school/day camp use.

review
CRD.

may pose legal questions
change in nonconforming use

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Patricia A. Malone
Name - Type or Print _____
Signature _____
Venable, Baetjer & Howard, LLP
Company _____
210 Allegheny Avenue 410-494-6200
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

SEE ATTACHED
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

Patricia A. Malone
Name _____
210 Allegheny Avenue 410-494-6200
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 00-465-SPHX

Reviewed By WCL Date 5/9/00

REV 9/15/98

Drop Off

No Review

SIGNATURE PAGE

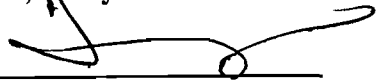
Legal Owners:

**Hillside Nominee, Inc.
One Pomona North
Baltimore, Maryland 21208**

By: 

**Isaac M. Neuberger, Authorized Agent
Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.
One South Street
27th Floor
Baltimore, Maryland 21202
(410) 332-8550**

**Gordon E. Sugar, Inc.
One Pomona North
Baltimore, Maryland 21208**

By: 

**Isaac M. Neuberger, Authorized Agent
Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.
One South Street
27th Floor
Baltimore, Maryland 21202
(410) 332-8550**



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1426 Hillside Road
which is presently zoned RC2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, is owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use herein described property for

Special Exception for a private school/day camp use (non-illuminated ballfields and one 10,000 square foot school building).

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Patricia A. Malone

Name - Type or Print

Signature

Venable, Baetjer & Howard, LLP

Company

210 Allegheny Avenue 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Patricia A. Malone

Name

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By GC

Date 5/9/00

Case No. 00-465-SPHX

REV 09/15/98

Drop off

No Review

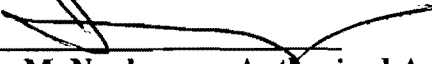
SIGNATURE PAGE

Legal Owners:

**Hillside Nominee, Inc.
One Pomona North
Baltimore, Maryland 21208**

By: 
**Isaac M. Neuberger, Authorized Agent
Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.
One South Street
27th Floor
Baltimore, Maryland 21202
(410) 332-8550**

**Gordon E. Sugar, Inc.
One Pomona North
Baltimore, Maryland 21208**

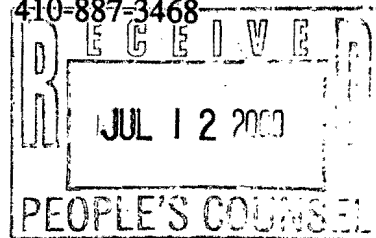
By: 
**Isaac M. Neuberger, Authorized Agent
Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.
One South Street
27th Floor
Baltimore, Maryland 21202
(410) 332-8550**



Baltimore County
Zoning Commissioner

CP PHZ
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 11, 2000



Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

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

RE: PETITION FOR SPECIAL EXCEPTION
& SPECIAL HEARING
Case No. 00-465-SPHX
Property: 1426 Hillside Road
3rd Election District, 3rd Councilmanic District
Petitioners: Hillside Nominee, Inc. and Gordon E. Sugar, Inc.

Dear Messrs. Hoffman & Holzer:

This letter is to confirm that the above-captioned matter, previously scheduled for hearing on Monday, July 17, 2000, has been rescheduled for Thursday, August 10, 2000 at 9:00 a.m. in Room 407 of the County Courts Building. It became necessary to postpone this hearing because the property was not reposted for the July 17, 2000 hearing date after the case had been previously postponed from June 19, 2000. Mr. Hoffman's office has agreed to have the property reposted with the new hearing date, time and location by no later than July 26, 2000 so as to meet the required 15-day posting period. It will not be necessary to readvertise the property.

In the meantime, should you have any questions concerning this matter, please do not hesitate to call me.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

c: Ms. Sophia Jennings, ~~DPDM~~; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 10, 2000

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

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

RE: PETITION FOR SPECIAL EXCEPTION
& SPECIAL HEARING

Case No. 00-465-SPHX

Property: 1426 Hillside Road

3rd Election District, 3rd Councilmanic District

Petitioners: Hillside Nominee, Inc. and Gordon E. Sugar, Inc.

HILLSIDE NOMINEE / G. SUGAR

Dear Messrs. Hoffman & Holzer:

This letter is to confirm that the above-captioned matter, previously scheduled for hearing on this date, has once again been postponed and rescheduled for Tuesday, September 12, 2000 at 11:00 a.m. in Room 407 of the County Courts Building. In the event this hearing is not concluded on September 12, we have scheduled the case to continue on Monday, September 18, 2000. This postponement became necessary due to the disappearance of the notice sign posted at the property. Mr. Hoffman's office has agreed to have the property reposted with the new hearing date, time and location by no later than August 28, 2000 so as to meet the required 15-day posting period. It will not be necessary to readvertise the property.

In the meantime, should you have any questions concerning this matter, please do not hesitate to call me.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

c: Ms. Sophia Jennings, DPDM; People's Counsel; Hon. Dana Levitz; Case File



Census 2000



For You, For Baltimore County



Census 2000



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46
VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
410-494-6201

November 16, 2000

Via Hand Delivery

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

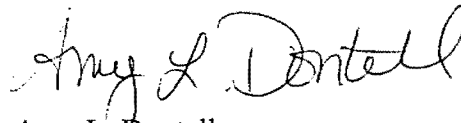
Re: Case No. 00-465-SPHX
Hillside Nominee, Inc. & Gordon E. Sugar, Inc., Petitioner

TO:DOCS1/Baw01/108139 v1
Dear Mrs. Bianco:

I am writing on behalf of Robert Hoffman to request that three (3) days be set aside to hear the above caption matter. Please forward us the Notice of Assignment once available.

If you have any questions please do not hesitate to call.

Sincerely,


Amy L. Dontell
Legal Assistant

ALD

cc: Robert A. Hoffman, Esquire

Francis X. Borgerding, Jr., Esquire

J. Carroll Holzer, Esquire

People's Counsel for Baltimore County

TO:DOCS1/Baw01/108139 v1



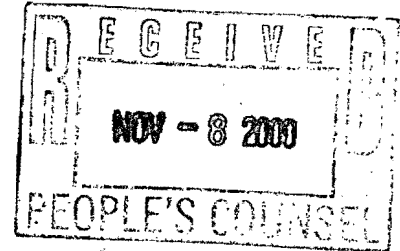
Baltimore County
Zoning Commissioner

November 3, 2000

Follow an appeal
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
N & S/S Hillside Road, 1600' W of Greenspring Avenue (1426 Hillside Road)
3rd Election District - 3rd Council District
Hillside Nominee, Inc., & Gordon E. Sugar, Inc. - Petitioners
Case No. 00-465-SPHX



Dear Mr. Hoffman:

Pursuant to the conditions attached to the Order issued in the above-captioned matter on October 5, 2000, I have received correspondence from Rahee J. Famili, Professional Engineer in the Bureau of Development Plans Review. A copy of Mr. Famili's letter to Mickey Cornelius of The Traffic Group, dated October 13, 2000 is attached hereto. Mr. Famili indicates that he conducted a field visit at the site and confirms that adequate sight distance will be provided after existing trees and vegetation are cleared. Mr. Famili further directed that the site plan be amended with the appropriate note to show 400-foot sight lines.

Mr. Famili's letter satisfies Restriction No. 4 of my Opinion. Moreover, the Petitioners are required to make access improvements as are necessary to insure adequate access to the site and clear the necessary trees and vegetation. Also, I would appreciate a copy of the fully executed covenant agreement between Park School, the Valleys Planning Council, the Greenspring Valley Association, and other individuals. A draft of that agreement was attached to my Order.

Please do not hesitate to contact me should you have any questions in this regard.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Dr. David E. Jackson, 2700 Greenspring Valley Road, Owings Mills, Md. 21117
Mr. James Howard, The Park School, Old Court Rd, P.O.Box 8200, Brooklandville, Md. 21022
Mr. Robert Frankel, 21 Evan Way, Baltimore, Md. 21208
Mr. Edmund Haile, Jr., Daft-McCune-Walker, 200 E. Pennsylvania Ave., Towson, Md. 21204
Mr. Michael Staiano, Staiano Engineering, Inc., 1923 Stanley Ave., Rockville, Md. 20851
Mr. Mickey Cornelius, The Traffic Group, Inc, 9900 Franklin Sq.Dr., H, Baltimore, Md. 21236
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21286
The Honorable Dana M. Levitz, 8605 Keller Avenue, Stevenson, Md. 21153
Mr. Jack Dillon, Valleys Planning Council, 207 Courtland Avenue, Towson, Md. 21204
Dr. Irene Manmensee and Mr. Niels Maumensee, 1700 Hillside Road, Stevenson, Md. 21153
Isaac M. Neuberger, Esquire, 27th Floor, Commerce Pl., One South St., Baltimore, Md. 21202
Mr. Sid Emmer 1801 Falls Road, Baltimore, Md. 21201
Mr. Timothy M. Rogers, 1701 Greenspring Valley Road, Baltimore, Md. 21153
Ms. Eleanor L. May, 1535 Hillside Road, Box 115, Baltimore, Md. 21153
Ms. Beverly Stiver, 1426 Hillside Road, Stevenson, Md. 21153
Mr. Gary Reif, 1525 Greenspring Valley Road, Baltimore, Md. 21153

Mr. Rahee Famili, PDM; People's Counsel; Case File

Census 2000

For You, For Baltimore County

Census 2000



RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
1426 Hillside Road, N/S Hillside Ave,
appx. 1600' W of Greenspring Ave
3rd Election District, 3rd Councilmanic

Legal Owner: Hillside Nominee, Inc. and
Gordon E. Sugar, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-465-SPHX

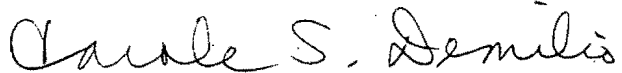
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 24th day of May, 2000 a copy of the foregoing Entry of Appearance was mailed to Patricia A. Malone, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



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

November 20, 2000

Patricia A. Malone, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Ms. Malone:

Hillside Nominee, Inc. / Gordon Sugar

RE: Case No. 00-465-SPHX, 1426 Hillside Road

Please be advised that an appeal of the above-referenced case was filed in this office on November 2, 2000 by Francis X. Borgerding, Jr., Esquire on behalf of Irene Maumenee and Niels Maumenee. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,



672

Arnold Jablon
Director

AJ:gdz

C: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600,
Towson 21204
Hillside Nominee, Inc., and Gordon E. Sugar, Inc., c/o Isaac Neuberger, Neuberger
Quinn, Gielen, Rubin & Gibber, P.A., One South Street, 27th Floor, Baltimore 21202
David A. Jackson, 2700 Greenspring Valley Road, Owings Mills 21117
Mark Lerner, 1829 Reisterstown Road, Baltimore 21208
Lee Rosenberg, 1 Pomona East, Apt. 508, Baltimore 21208
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson 21286
Jack Dillon, 207 Courtland Avenue, Towson 21204
Niels & Irene H. Maumenee, 1700 Hillside Road, Stevenson 21153
Dana Levitz, 8605 Keller Avenue, Stevenson 21153
Timothy M. Roadpeb, 1701 Greenspring Valley, Stevenson 21153
Eleanor L. May, 1535 Hillside Road, Box 115, Stevenson 21153

Beverly Stiver, 1426 Hillside Road, Stevenson 21153
Mickey Cornelius, 9900 Franklin Square Drive, Suite H, Baltimore 21236
David Jackson, The Park School, 2700 Greenspring Valley Road, Owings Mills 21117
Gary Reif, 1525 Greenspring Valley, Stevenson 21153
People's Counsel

APPEAL

Petitions for Special Hearing and Special Exception
1426 Hillside Road
N&S/S Hillside Road, 1600' W of Greenspring Avenue
3rd Election District – 3rd Councilmanic District
Hillside Nominee, Inc. and Gordon E. Sugar, Inc. - Legal Owners
Case Number: 00-465-SPHX

Petition for Special Hearing (filed 5-9-00)

Petition for Special Exception (filed 5-9-00)

Description of Property

Notice of Zoning Hearing for Hearing on 6-16-00 (dated 5-24-00)

Letter Correcting Hearing Date to 6-19-00 (dated 5-26-00)

Notice of Zoning Hearing for Hearing on 9-12-00 (dated 8-15-00)

Notice of Zoning Hearing for Hearing on 9-12-00 (dated 8-23-00)

Certification of Publication for Hearing on 6-19-00 (6/1/00 – The Jeffersonian)

Certificate of Posting for Hearing on 6-19-00 (6/3/00 – Patrick M. O'Keefe)

Certificate of Posting for Hearing on 8-10-00 (7-25-00 – Patrick O'Keefe Sr.) - NOT ORIGINAL FORM

Certificate of Posting for hearing on 9-12-00 (8-24-00 – Mitchell J. Kellman)

Entry of Appearance by People's Counsel (dated 5/24/00)

Petitioner(s) Sign-In Sheets (2)

Protestant(s) Sign-In Sheet

Citizen(s) Sign-In Sheets (2)

Zoning Advisory Committee Comments (no cover letter)

Joint Exhibits:

- 1 Restrictive Covenant Agreement Draft (Unsigned)

Petitioners' Exhibits:

- 2 Properties on The Maryland Inventory of Historic Properties
Plat to Accompany Request for Special Exception for a Private
Preparatory School and Summer Camp and a Special Hearing to Allow
Residential Use to Remain (dated 4-28-00)

Misc. (Not Marked As Exhibits):

Eleven Photographs
Letter to Timothy M. Kotroco, Deputy Zoning Commissioner from J. Carroll
Holzer, Esquire requesting a postponement (dated 6/14/00)
Letter to J. Carroll Holzer, Esquire from Arnold Jablon, Director
rescheduling hearing for 7-17-00 (dated 6-20-00)
Letter to Robert A. Hoffman, Esquire from Timothy M. Kotroco, Deputy
Zoning Commissioner rescheduling hearing for 8-10-00 (dated 7-11-00)

Letter to Mr. Tim Kotrocco, Deputy Zoning Commissioner from Mary Jane Blaustein supporting Park School (dated 7-13-00)

Letter to Robert A. Hoffman, Esquire from Timothy M. Kotrocco, Deputy Zoning Commissioner rescheduling hearing for 9-12-00 (dated 8-10-00)

Letter to Ms. Irene H. Maumenee from Arnold Jablon, Director denying request for continuance (dated 8-31-00)

Letter to Lawrence E. Schmidt, Esquire, from Robert A. Hoffman, Esquire clarifying testimony (dated 9-14-00)

Letter to Mr. Lawrence Schmidt, Zoning Commissioner from Doug Carroll opposing Park School (dated 9-25-00)

Letter to Robert A. Hoffman, Esquire from Lawrence E. Schmidt, Zoning Commissioner clarifying order (dated 11-3-00)

Zoning Commissioner's Order dated 10/5/00 (Granted with Restrictions)

Notice of Appeal received on 11/2/00 from Francis X. Borgerding, Jr., Esquire, on behalf of Irene and Niels Maumenee

C: Venable, Baetjer & Howard, LLP, Patricia A. Malone, Esquire, 210 Allegheny Avenue,
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Neuberger, Quinn, Gielen, Rubin & Gibber, P.A., One South Street, 27th Floor
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People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM