IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCER – S/S Hampton Lane, NW/S Providence Road (815 – 817 Hampton Lane) 9th Election District 4th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 03-180-SPHA
School Sisters of Notre Dame Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, the School Sisters of Notre Dame, by Sister Christine Mulcahy, through their attorney, C. William Clark, Esquire. The Petitioners request a special hearing to approve, 1) a building length of 224 feet in lieu of the maximum allowed 200 feet for a non-residential building in a residential zone, pursuant to the Comprehensive Manual of Development Policies (C.M.D.P.), and, 2) if necessary, pursuant to Section 1B01.B.1(g)(10), a finding that a proposed athletic center complies to the extent possible with Residential Transition Area (RTA) use requirements and is compatible with the character and general welfare of the surrounding residential premises. In addition, the Petitioners request variance relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks for both a proposed non-residential principal building and an existing non-residential building of 17.5 feet each in lieu of the required 30 feet; and, if necessary a variance from Section 1B01.2.B.2 of the B.C.Z.R. to permit a non-residential building length of 224 feet in lieu of the maximum allowed 200 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

This matter was originally scheduled for a public hearing on November 18, 2002. At that time, it was postponed and continued at the request of the neighbors/Protestants in order for

Counsel to be retained. The matter was rescheduled and conducted in its entirety on November 26, 2002. Appearing at that hearing on behalf of the School Sisters of Notre Dame were Al Bianco; Melanie Moser, Landscape Architect with Daft-McCune-Walker, Inc., the consultants who prepared the site plan for this property; John J. Dimenna, Architect with Rubeling & Associates, Inc.; and C. William Clark, Esquire, attorney for the Petitioners. Also appearing in support of the request were Mike Constantine, Ingrid Monse, Mike Campitelli, and Bob LaPierre. Sister Christine Mulcahy, Head Mistress of the School appeared on the first hearing date, but was unavailable on the continued hearing date. Numerous individuals appeared either as interested citizens or in opposition to the request. James and Ruth Synodinos appeared in opposition to the request, as did Mary Ellen Pease and Jim Cosmos. Other individuals who appeared are listed on the sign-in sheets that were circulated at the hearing and contained in the case file as part of the record.

In support of the request, testimony was received from John J. Dimenna, an Architect with Rubeling & Associates, Inc. Mr. Dimenna generally described the site and the history of its use. The property is an irregularly shaped parcel with frontage on Hampton Lane near Providence Road and the Baltimore Beltway (I-695) in Towson. The property is approximately 56.06 acres in area, zoned D.R.2, and is the site of the campus for the Notre Dame Preparatory School, a Catholic school for girls. Apparently, the Petitioners acquired the property and initial improvements were constructed in 1960. At that time, the existing school building was constructed and contained a gymnasium for physical education and varsity athletics. Mr. Dimenna indicated that the existing gym, which seats approximately 400 people, is undersized and insufficient for the school's purposes.

The subject of the Petitions filed relates to a new proposed athletic center. The new center will be larger than the existing gym and provide more and better facilities. It will seat approximately 600 individuals, nearly 50% more than the existing facility. Because the school has both a middle school and high school component, it is anticipated that the middle school students will use the existing gym and the high school students will use the new facility. In addition to

physical education classes, the new gym will also be used to house varsity sports events such as basketball, volleyball, etc., as well as other events.

Mr. Dimenna described the proposed building in detail and submitted building elevation drawings of the structure as Petitioner's Exhibits 7A and 7B. The building will be somewhat irregularly shaped, neither square nor rectangular in character, and will be approximately 43 feet in height above-grade and 224 feet in length on its longest side. The 224-foot length is measured on the longest side of the building that faces the existing school. The new building will be situated immediately adjacent to the side of the existing school building and a smaller two-story classroom building, and located 92 feet from the property line. In this regard, that property line separates the school's property from residential dwellings that abut Gypsy Lane East. Mr. & Mrs. Synodinos are the closest neighbors and other individuals from that street appeared at the hearing, either in opposition to the request or as interested parties.

Mr. Dimenna described in detail efforts that were made to minimize the impact of the proposed new building on adjacent residential properties. He testified that the building as currently proposed is approximately 35% smaller than the initial proposal. He indicated that several community meetings had been held with residents in an effort to address their concerns. Some of these concerns apparently have been met; however, certain of the individuals who appeared from the community remain opposed to the proposal. Mr. Dimenna also testified about the architectural features of the proposed building, including the design thereof and the materials to be used in construction. He opined that the building would be compatible with the adjacent residences and would not detrimentally impact those properties. The full extent of Mr. Dimenna's testimony is reflected in the record of this case.

Also testifying in support of the request was Melanie Moser, a Registered Landscape Architect with Daft-McCune-Walker, Inc. She confirmed that the original campus was developed in approximately 1960. She also indicated that there is no record of which she was aware that Baltimore County approved development on the property at that time. Obviously, building permits would have been issued; however, there is no evidence that the project was reviewed by the Joint

Subdivision Planning Committee (JSPC), County Review Group (CRG), or other similar development review process which might have existed at that time. Ms. Moser testified that there was additional construction over the years. Most recently, a building addition identified as the Knott Performing Arts center was constructed at the side/front of the existing school building. Apparently that construction occurred in 1997. Also, Ms. Moser indicated that Daft-McCune-Walker, Inc. submitted plans for approval to the County when certain athletic fields were added. Specifically, the plan shows that the rear of the subject property is improved with a softball field and several athletic fields that are used for soccer, field hockey, etc. There are also tennis courts located towards the rear of the property. Ms. Moser indicated that when these facilities were developed, a plan was submitted to Baltimore County for approval. That plan has been incorporated into the site plan submitted in the instant case. The site plan shows the location of those facilities as well as areas of forest conservation easement, which have been designated. Additionally, a portion of the rear of the site is in use as a storm water management pond to handle runoff from existing buildings, fields and impervious surfaces. Obviously, the existence of these fields, the storm water management facility, and the areas of forest conservation easement limit potential areas for building on the property.

Ms. Moser testified that the subject building would be appropriate for the property and the neighborhood. She indicated that the building meets both the required RTA buffers (50 feet) and setbacks (75 feet) as well as the 30-foot side yard setbacks required under the zoning regulations. She believes that the building will be consistent and compatible with existing improvements. She also acknowledged that the proposed construction would result in the loss of approximately 10 parking spaces. The largest parking field is located towards the front of the site; however, there are a number of spaces along the side of the existing school building. Up to 10 of these parking spaces might be lost as the result of the proposed construction.

Mr. Synodinos testified in opposition to the request. He described the proposed building as "tasteless" and indicated that same is inappropriate for the location. He believes that the building will detrimentally impact his property and expressed specific concerns about the proposed height,

mass and color of the building. Although admitting that parking is generally not a problem at the school, he did note that parking occasionally spills over at times of special events. He expressed concern that a larger gymnasium might increase the frequency of those events. He also expressed concerns about noise from the use of the facility and from air conditioning/heating systems that would be roof-mounted. Finally, he is concerned about the potential loss of mature landscaping that would buffer the view from his property.

Mary Ellen Pease also testified in opposition to the request. She described the proposal as "offensive" and "shocking." Her reasons for opposition are more difficult to understand, given the fact that she lives a significant distance from the site on Stone Barn Court. That is, neither the subject property nor the proposed building will be visible from her house. Nonetheless, she described herself as one "invested in the neighborhood" and objects to the proposal.

Finally, testimony was also received from Jim Cosmos, another resident of Gypsy Lane East. He testified that the fine arts building addition was constructed around the time of his acquisition of his property and expressed concerns about future development of the Notre Dame site. However, he opined that his property has nearly doubled in value in the five years that he has owned same, notwithstanding its proximity to Notre Dame Preparatory and the improvements thereon.

Turning to the relief requested, special hearing relief is sought to approve the proposed building length of 224 feet in lieu of the maximum allowed 200 feet. As noted above, the proposed building is of irregular shape and is neither square nor rectangular in character. One side of the structure is 224 feet at its maximum length. This is the side of the structure that is farthest from the property line and closest to existing buildings on the campus. A favorable comment was received from the Office of Planning regarding this request. The Office of Planning requested the insertion of several restrictions that can be incorporated as restrictions to the relief granted to mitigate the mass of the building. Further testimony was offered that the requested building length was necessary to accommodate the proposed uses and activities therein.

Based upon the testimony and evidence offered, I am persuaded that special hearing relief should be granted in this regard. The factors cited above are persuasive to a finding that relief can be granted without detrimental impact to adjacent properties and that the building length is not inappropriate. The second relief sought under the Petition for Special Hearing relates to RTA requirements contained in Section 1B01.1B of the B.C.Z.R. Therein, the regulations list certain exceptions to RTA requirements, including "an addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking and screening requirements are maintained." Obviously, the building is devoted to educational activity. Additionally, the building is designed to be consistent with existing buildings on the Notre Dame campus. For these reasons, I find that special hearing relief is appropriate and should be granted.

The other Petition filed seeks variance relief, two of which are from the same Section (i.e. 1B01.2.C.1(a)) and request side yard setbacks of 17.5 feet in lieu of the required 30 feet for both the existing and proposed building. Section 102.2 of the B.C.Z.R. provides "No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use." Under that Section, each building must maintain its own separate yard area. As noted above, the plan has been designed to locate the proposed gymnasium building as close to the existing building as possible. Indeed, to require strict adherence to the regulations for which variance relief is sought would result in the proposed building being located closer to the property line and adjacent neighbors' property. As more particularly shown on the site plan, the proposed gymnasium will be situated 35 feet from an existing two-story classroom building. It was indicated that such proximity is warranted so as to allow an appropriate pedestrian flow between structures and also, as noted above, to erect the proposed building as far from the neighbors as possible. In view of the language of Section 102.2 cited above, the 35-foot distance between buildings has essentially been designated as a 17.5-foot side yard for each building. Under Section 1B01.2.C.1(a), a 60-foot separation would be required; that is, a 30-foot yard for each building.

Clearly, variance relief is warranted here. To require strict adherence to the regulation would actually cause a detrimental impact to surrounding properties by locating the building closer to the property line than proposed. Moreover, in terms of the practical use of the structure, it is essential that the buildings be located within close proximity. The final request seeks variance relief for a non-residential building length of 224 feet in lieu of the maximum allowed 200 feet. Variance relief is requested, if necessary, if relief cannot be granted pursuant to the Petition for Special Hearing. In this case, it appears that special hearing relief is the most appropriate manner in which relief should be sought on this issue. Thus, the Petition for Variance is unnecessary and shall therefore be dismissed as moot.

A final comment is in order about the Protestants' suggestions that the proposed building be located elsewhere on the subject property. It need be emphasized that the use of the property as a private school is permitted by right in the D.R. zone. This is not a special exception case in that this use is expressly allowed in this zone by right. The Protestants offered two alternatives as to the location of the building. First, it was proposed that the new gymnasium be located in the front yard of the site, near the existing parking lot. I reject this suggestion for a variety of reasons. First, construction of the building in that portion of the site would be problematic insofar as use of the structure. It is a vital design element that the gymnasium be located within close proximity to the school building so that students may easily access same. Placing the structure in the front yard would defeat this purpose. Moreover, the building would be more visible to the houses on Hampton Lane and traffic on that road. Finally, placement of the building where suggested might disrupt existing parking patterns on-site, which apparently can occasionally be difficult.

The second suggestion for a proposed relocation has more merit, but upon reflection must also be disregarded. It was proposed that the gymnasium building be constructed immediately to the rear of the existing school building in an area shown on the site plan as "Parcel 37". This would place the building further from the side property line. Upon first blush, this appeared to be a reasonable approach. I remain unconvinced by concerns offered by the school that construction of

the new gym to the rear of the existing building would hide the structure and make it difficult to for visitors to find. The property and improvements thereon are sufficiently sized and oriented so that I do not believe visitors would be unable to find the building if it were located on Parcel 37. Moreover, the existing athletic fields are located to the rear of the subject property. Although not convinced by that concern, I am persuaded by the testimony offered by Ms. Moser on this issue. During cross-examination, she opined that the building could not be located in that area due to a number of site constraints. Specifically, she observed that the topography in that area was steep and that the grades would not allow construction in that area. Essentially, she believes that these site constraints would not permit the building to be located in Parcel 37 of the property. Her expert testimony in this regard was undisputed, either by lay or expert testimony. I find it both credible and persuasive, and thus decline to deny the Petitions and require that the building be relocated.

Pursuant to the advertisement posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted as set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of December, 2002 that the Petition for Special Hearing to approve 1) a building length of 224 feet in lieu of the maximum allowed 200 feet for a non-residential building in a residential zone, pursuant to the Comprehensive Manual of Development Policies (C.M.D.P.), and, 2) if necessary, pursuant to Section 1B01.B.1(g)(10), a finding that a proposed athletic center complies to the extent possible with Residential Transition Area (RTA) use requirements and is compatible with the character and general welfare of the surrounding residential premises., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks for both a proposed non-residential principal building and an existing non-residential building of 17.5 feet each in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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) Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated November 15, 2002, a copy of which is attached hereto and made a part hereof. Additionally, the Petitioners shall landscape that area of the property between the residences on Gypsy Lane and the proposed gymnasium. Said landscaping shall include non-deciduous evergreen trees to buffer the proposed and existing improvements on that side.

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

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, if necessary, from Section 1B01.2.B.2 of the B.C.Z.R. to permit a non-residential building length of 224 feet in lieu of the maximum allowed 200 feet, be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

IN THE MATTER OF NOTRE DAME PREPARATORY SCHOOL	*	IN THE
	*	CIRCUIT COURT
DEVELOPER		
	*	OF BALTIMORE COUNTY
815 – 817 HAMPTON LANE TOWSON, MARYLAND 21204	*	MARYLAND
APPROVAL OF LIMITED EXEMPTION DEVELOPMENT PLAN: PDM No.: 9-703 (CBA 03-127)	*	Case No.: 3-C-04-0216
	*	and
and	*	Case No.: 3-C-03-12804
SPECIAL HEARING Case No.: 03-180 SPHA	*	
	*	

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

RECEIVED
FEB 14 2005
BALTIMORE COUNTY
BOARD OF APPEALS

DEVELOPMENT AGREEMENT

This "Agreement" made this 31st day of ~~December~~ January, ~~2004~~ 2005, by and among the School Sisters of Notre Dame, 815 Hampton Lane, Baltimore, Maryland 21286, (hereinafter "Notre Dame") and James and Ruth Synodinos, 1142 Gypsy Lane East, Towson, Sophie Balis, 1142 Gypsy Lane East; Steve and Susan Porter, 1150 Gypsy Lane East, Fred and Shirley Regler, 1141 Gypsy Lane East; Mary Ellen Pease, 704 Stone Barn Court, Victor and Nancy Lockeheed, 1005 Katy Lane; Steve Berenson, 1138 Gypsy Lane East; James Kosmas, 1139 Gypsy Lane; and Hampton Improvement Association (hereinafter referred to collectively as "Neighbors").

RECITALS

WHEREAS, the School Sisters of Notre Dame (hereinafter "Notre Dame") filed a Petition for Special Hearing before the Zoning Commissioner and the County Board of

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Appeals, known as Case No.: 03-180-SPHA requesting approval for the construction of a building with a length of 224 feet in lieu of the maximum allowed of 200 feet for a non-residential building in a residential zone and a finding that a proposed athletic center complies to the extent possible with the residential transition area (RTA) use requirements as compatible with the character and general welfare of the surrounding residential premises and

WHEREAS, a decision of the County Board of Appeals approving that request was appealed to the Circuit Court for Baltimore County and assigned Case No.: 3-C-03-12804, and

WHEREAS, Notre Dame also received final approval of a limited exemption Development Plan by the Baltimore County Department of Permits and Development Management on May 15, 2003. (Development Plan/PDM IX-703) and,

WHEREAS, the Decision of the Baltimore County Board of Appeals affirming the approval of the Development Plan has likewise been appealed through a Petition for Judicial Review to the Circuit Court, Case No.: 3-C-04-0216 and

WHEREAS, Notre Dame and the Neighbors have discussed a settlement and resolution of the Neighbors' appeals and the appropriate development of the Notre Dame Preparatory School; and

WHEREAS, the parties hereto intend to resolve the outstanding issues related to the athletic facility proposed by Notre Dame in accordance with the Agreements and enforcement provisions hereof.

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and other good and valuable considerations the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree to as follows:

1. The above Recitals form an integral part of this Agreement and are incorporated herein as if set forth again in their entirety.

2. Upon complete execution of this Agreement by all parties, the Neighbors agree to dismiss both Circuit Court appeals with prejudice.

3. Notre Dame and the Neighbors hereby agree to the resolution of the following issues:

A. ***Noise*** -- Notre Dame agrees to install an acoustic package to the HVAC on the new gymnasium building and to install screen walls around the units to absorb noise from those units.

B. ***Modification of existing lights***. Notre Dame has agreed to install the type of lighting as attached as Exhibit #1 on the three (3) existing light poles on the parking lot of Notre Dame. The light fixture would be lowered on the existing pole from the current height of thirty (30) feet down to a height of twenty (20) feet. Notre Dame further agrees that on the new gymnasium building, all lighting fixtures shall have appropriate shields/shades and that the light will be directed away from the adjacent property owners residing on Gypsy Lane East. Notre Dame also agrees to remove the existing walpac lighting fixtures (2) on the Northwest corner of the existing Knott Building. Notre Dame agrees to use compatible lighting with residential use-metal halide lighting in lieu of high-pressure sodium.

C. ***The use of "No Parking" signs and shuttle service from local church***. The school has instituted such a policy and plan and has utilized it for major school events, such as gym meets and graduation and agrees to continue to do so anytime parking could exceed the capacity of the existing school parking spaces. To assist with the traffic and parking situation on East Gypsy Lane and Hampton Lane during special events, the parties agree as follows:

a. "No Parking" signs shall be placed along Hampton Lane.

b. Shuttle bus service shall be provided from St. Thomas Episcopal Church to and from the school.

c. County volunteer police will be utilized at all events in which parking could exceed the capacity of the existing parking spaces.

D. ***The Landscape Proposal and Planting Schedule***.

Daft, McCune, Walker made a copy of the special screening plan for the final landscaping plan for Notre Dame Prep available and had a series of photographs attached along with the detailed information about the types of trees and other plantings to be made. Representatives from Daft, McCune, Walker were made available to respond to any questions on those plans giving the schedule of construction and the fact that grading might disturb the areas to be landscaped. The contractor was scheduled to install the landscaping the fall of 2004. Notre Dame Prep agrees to maintain, for the

foreseeable future during its ownership of the property, all the plantings and trees detailed in the Landscape Plan for the new building as well as the "special screening plan for the final landscape plan" discussed in Notre Dame Prep's February 24, 2004 letter. Said plan is attached as Exhibit #2.

E. ***Liaison Committee***. Notre Dame agrees to designate a liaison representative from the school who will receive phone calls, complaints, inquiries and correspondence, and if warranted, meet with any representatives or neighboring property owners or community organizations to discuss issues in regard to events at the school and its affect upon the Neighbors as they may arise. The initial representative of Notre Dame shall be Ann Lynn ~~Landon~~ Lambdin, who can be reached at 410-825-6202. The initial representative of the Community Association is Mr. Jim Synodinos, 1142 Gypsy Lane East, Towson, Maryland 21286.

4. This Agreement shall be construed, interpreted and enforced according to the laws of the State of Maryland, without regard to principles of conflict of law. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms of any such provision shall be more strictly construed against one party or the other by reason of the rule of construction that a document is to be construed most strictly against the party who itself or through its agent who prepared the same, it being agreed that the agents of all parties hereto have participated in the preparation of this Agreement.

5. The terms, conditions, rights and obligations of this Agreement shall be binding on the parties hereto and their respective heirs, personal representative, successors and assigns of the parties hereto as if they had been original signatories hereto.

6. This Agreement contains the full and complete agreement of the parties hereto and no oral agreements, past, present or future shall be effective or binding on or against the parties unless the same shall be reduced to writing and executed in the same manner as this Agreement.

7. Each of the parties hereto warrant that they or have the authority to enter into this Agreement and to bind themselves hereby and have carefully read and understand this Agreement and are cognizant of the terms and conditions hereof and the obligations associated herewith.

8. The parties hereto each warrant and represent that they have the power and requisite legal authority to bind themselves, their organization if acting in a representative capacity and their successors and assigns to the agreements herein contained, and if a corporation, limited liability company, partnership or similar entity, each further warrants and represents that it is duly organized and is in existence in accordance with Maryland law and that it has taken all necessary action required to be taken by its charter, by-laws, or other organizational documents to authorize the execution of this Agreement.

9. Any notices required are permitted to be given by either party to the other shall be addressed to the parties as follows:

Notre Dame Prep School
815 – 817 Hampton Lane
Towson, Maryland 21204

With a copy to: C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204-4528

Mr. Jim Synodinos
1142 Gypsy Lane East
Towson, Maryland 21286

With a copy to: J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

10. Any notice that is required to be given pursuant to this Agreement shall be in writing and shall be deemed given upon actual receipt and shall be sent to all other parties by certified or registered mail, prepaid, or by Federal Express or other commercial overnight courier service to the last known address of the receiving party.

11. This Agreement may be amended only by a subsequent written instrument and signed by the parties hereto or their respective successors and/or assigns.

12. The 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 any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect.

13. Each of the parties hereto have had the benefit of private legal counsel before entering into this Agreement and each has agreed to be responsible for their respective counsel fees.

14. This Agreement may be executed in counterparts, each of which shall be deemed an original for all purposes, all of which shall together constitute a single and the same Agreement; each counterpart may be signed and transmitted initially by telefacsimile and the facsimile shall be considered as containing original signatures, provided that said counterpart is provided subsequently to each other party in its original form.

15. The parties hereto covenant and agree to execute such instrument or instruments as may be necessary from time to time to carry out the intent of the Agreement or to amend this Agreement as may be required by any governmental agencies having jurisdiction over this matter in order to obtain all required approvals required and to otherwise comply with all applicable laws, regulations and codes in keeping with the spirit and intent of this Agreement.

16. Notwithstanding any provision hereof to the contrary and irrespective of any rule, construction or precedent under the common law of the United States and/or Maryland, neither this Agreement nor any provision hereof shall be binding on any party

hereto nor shall any portion of this Agreement be enforceable in any proceeding or otherwise disclosed to any person or entity other than the parties hereto and their respective legal counsel unless and until the complete signatures of all parties to this Agreement have been affixed hereto as provided herein.

17. Enforcement – If any party to this Agreement, or any party's successor, is required to institute legal action to enforce the terms of this Agreement, and is successful thereafter (whether by judgment or by settlement) in obtaining enforcement of the Agreement, that party or successor shall be entitled to recover reasonable attorneys' fees and court costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or to make substantial progress toward remedying the violation within sixty (60) days after receipt of this notice may legal action be instituted.

IN WITNESS WHEREOF, the parties hereto have affixed their respective hands and seals the date and year first written above.

WITTNESS/ATTEST:

SCHOOL SISTERS OF NOTRE DAME

by: _____

NEIGHBORS:

_____

_____

JAMES & RUTH SYNODINOS
1142 Gypsy Lane East
Towson, Maryland 21286

MARY ELLEN PEASE
704 Stone Barn Court
Towson, Maryland 21286

SOPHIA BALIS
1142 Gypsy Lane East
Towson, Maryland 21286

STEVE & SUSAN PORTER
1150 Gypsy Lane East
Towson, Maryland 21286

FRED & SHIRLEY REGLER
1141 Gypsy Lane East
Towson, Maryland 21286

STEVE BERENSON
1138 Gypsy Lane East
Towson, Maryland 21286

HAMPTON IMPROVEMENT ASSOC.
By: RICH BADMINGTON, President

VICTOR & NANCY ~~LOCKHEED~~ LOUGHEED
1005 Katy Lane
Towson, Maryland 21286

JAMES KOSMAS
1139 Gypsy Lane
Towson, Maryland 21286

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for the Neighbors

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of January, 2005, a copy of the foregoing Development Agreement was mailed first class, postage pre-paid to the following: C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, Maryland 21204-4528.

J. CARROLL HOLZER, Esquire

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IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY *

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS; *
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE *
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG; *
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA *
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN *
and EMILY ULRICH

IN THE MATTER OF: *
PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane) *
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

BEFORE THE COUNTY BOARD OF *
APPEALS
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
Case No. 03-180-SPHA *

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 5th day of December, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than December 30, 2004.

JUDGE

C:\My Docs\Orders 2004\Synodinos NDP Extend Time Case No. 3-C-03-12804

FILED DEC 7 2004

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-03-012804

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DEC 04 2003
BALTIMORE COUNTY
BOARD OF APPEALS

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Ave
Baltimore, MD 21204

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY
*
PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

RECEIVED
NOV 19 2004
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF: *
PETITIONS FOR SPECIAL HEARING
AND VARIANCE *
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane) *
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

BEFORE THE COUNTY BOARD OF *
APPEALS
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
Case No. 03-180-SPHA *

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 15th day of November, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than November 29, 2004.

JUDGE

C \My Docs\Orders 2004\Synodinos NDP Extend Time Case No 3-C-03-12804

True Copy Test
Clerk of the Circuit Court
Baltimore County

FILED NOV

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-03-012804

RECEIVED
NOV 03 2004
BALTIMORE COUNTY
BOARD OF APPEALS

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Ave
Baltimore, MD 21204

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE & BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER; KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH

IN THE MATTER OF:
PETITIONS FOR SPECIAL HEARING AND VARIANCE
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Case No. 03-180-SPHA

Case No. 3-C-03-12804

RECEIVED
OCT 28 2004
BALTIMORE COUNTY
BOARD OF APPEALS

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

JOINT MOTION TO EXTEND TIME TO

TRANSMIT RECORD UNDER RULE 7-206

Pursuant to Rule 1-204 and Rule 7-206 (d), Petitioners, individuals Jim and Ruth Synodinos, et al., by and through their attorney, J. Carroll Holzer and Holzer and Lee, and counsel for Respondents, School Sisters of Notre Dame, C. William Clark, herein file

CIVIL DEPT. OCT 28 2004

their Motion to Extend Time for Transmitting the Record to the Clerk of the Court in the above captioned matter and say as follows:

1. Petitioners file their Petition for Judicial Review with the Clerk of the Court on November 20, 2003 from the decision and Order of the Board of Appeals in Case No. 03-180-SPHA.

2. The record in the instant matter includes the transcript of testimony before the County Board of Appeals all of which is to be filed within 60 days after the Board of Appeals receives the Petition for Judicial Review which would be on or about February 3, 2004. (See Notification from the Board of Appeals dated December 3, 2003 filed previously)

3. The parties in this case are attempting to come to an agreement or settlement of unresolved issues and need additional time for further negotiations.

4. Granting the instant motion would not prejudice either party and not affect the oral argument which has not as yet been set.

5. Undersigned counsel jointly request extending the time to transmit the record in the instant matter until November 29, 2004.

WHEREFORE, for all the foregoing reasons, undersigned counsel respectfully request that the Motion to Extend Time to Transmit the Record be extended until November 29, 2004.

Respectfully submitted,

J. Carroll Holzer
508 Fairmount Ave.
Towson, MD 21286
410-825-6961
Attorney for Petitioners

C. William Clark
Nolan, Plumhoff & Williams
502 Washington Ave.
Suite 700
Towson, MD 21204
410-823-7800
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 28 day of October, 2004, a copy of the foregoing Motion to Extend Time to Transmit Record was mailed first class, postage pre-paid, to C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson, MD, 21204; and hand delivered to the Board of Appeals for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, MD 21204.

J. Carroll Holzer

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE & BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER; KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	Case No. 3-C-03-12804
IN THE MATTER OF: PETITIONS FOR SPECIAL HEARING AND VARIANCE NOTRE DAME PREPARATORY SCHOOL S/S Hampton Lane (815-817 Hampton Lane) 9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	*	
BEFORE THE COUNTY BOARD OF APPEALS 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 Case No. 03-180-SPHA	*	

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the_____ day of November, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than November 29, 2004.

_____

JUDGE

C:\My Docs\Orders 2004\Synodinos NDP Extend Time Case No. 3-C-03-12804

7/26/04

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY
*

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

IN THE MATTER OF: *
PETITIONS FOR SPECIAL HEARING
AND VARIANCE *
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane) *
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

RECEIVED
AUG 12 2004
BALTIMORE COUNTY
BOARD OF APPEALS

BEFORE THE COUNTY BOARD OF *
APPEALS
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
Case No. 03-180-SPHA *

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 26 day of July, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than September 20, 2004.

True Copy Test
SUZANNE MENSH, Clerk
By M. Ogle, Deputy
Assistant Clerk

JUDGE

C:\My Docs\Orders 2004\Synodinos NDP Extend Time Case No 3-C-03-12804

FILED JUL 30 2004

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-03-012804

RECEIVED
AUG 07 2003
BALTIMORE COUNTY
BOARD OF APPEALS

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Ave
Baltimore, MD 21204

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS;
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED &
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE &
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER;
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH

Case No. 3-C-03-12804

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:
PETITIONS FOR SPECIAL HEARING
AND VARIANCE
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF
APPEALS
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Case No. 03-180-SPHA

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

JOINT MOTION TO EXTEND TIME TO TRANSMIT RECORD UNDER RULE 7-206

Pursuant to Rule 1-204 and Rule 7-206 (d), Petitioners, individuals Jim and Ruth Synodinos, et al., by and through their attorney, J. Carroll Holzer and Holzer and Lee, and counsel for Respondents, School Sisters of Notre Dame, C. William Clark, herein file their fifth Motion to Extend Time for Transmitting the Record to the Clerk of the Court in the above captioned matter and say as follows:

CIVIL DEPT. JUL 22 2004

1. Petitioners filed their Petition for Judicial Review with the Clerk of the Court on November 20, 2003 from the decision and Order of the Board of Appeals in Case No. 03-180-SPHA.

2. The record in the instant matter includes the transcript of testimony before the County Board of Appeals all of which is to be filed within 60 days after the Board of Appeals receives the Petition for Judicial Review which would be on or about February 3, 2004.

3. The parties in this case are attempting to come to an Agreement or settlement of unresolved issues and need additional time for further negotiations.

4. Granting the instant motion would not prejudice either party and not affect the oral argument which has not as yet been set.

5. Undersigned counsel jointly request extending the time to transmit the record in the instant matter to pursue further settlement negotiations until September 20, 2004.

WHEREFORE, for all the foregoing reasons, undersigned counsel respectfully request that the Motion to Extend Time to Transmit the Record be extended until September 20, 2004.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Petitioners

7/26/04

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY

*

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

IN THE MATTER OF: *
PETITIONS FOR SPECIAL HEARING
AND VARIANCE *
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane) *
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

RECEIVED
AUG 4 7 2004
BALTIMORE COUNTY
BOARD OF APPEALS

BEFORE THE COUNTY BOARD OF *
APPEALS
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
Case No. 03-180-SPHA *

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 26 day of July, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than September 20, 2004.

True Copy Test
SUZANNE MENSH, Clerk
By M. Olga Diaz
Assistant Clerk

JUDGE

C:\My Docs\Orders 2004\Synodinos NDP Extend Time Case No. 3-C-03-12804

FILED JUL 30 2004

C. William Clark per JAH telephone approval

C. WILLIAM CLARK, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Suite 700
Towson, Maryland 21204
410-823-7800
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July, 2004, a copy of the foregoing Motion to Extend Time to Transmit Record was faxed to: C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson, Maryland, 21204; and hand-delivered to the Board of Appeals for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

C:\My Docs\Motions 2004\Synodinos-NDP 5th Extend Time Case No. 3-C-12804

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS;	*	Case No. 3-C-03-12804
STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE	*	
BERENSON; TED WIES; MARGOT	*	
GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE &	*	
BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER;	*	
KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	
IN THE MATTER OF: PETITIONS FOR SPECIAL HEARING	*	
AND VARIANCE	*	
NOTRE DAME PREPARATORY SCHOOL S/S Hampton Lane (815-817 Hampton Lane)	*	
9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	*	
BEFORE THE COUNTY BOARD OF APPEALS	*	
400 WASHINGTON AVENUE	*	
TOWSON, MARYLAND 21204 Case No. 03-180-SPHA	*	

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the_____ day of July, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than September 20, 2004.

_____

JUDGE

C:\My Docs\Orders 2004\Synodinos NDP Extend Time Case No. 3-C-03-12804

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY

*

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

IN THE MATTER OF: *
PETITIONS FOR SPECIAL HEARING
AND VARIANCE *
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane) *
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

BEFORE THE COUNTY BOARD OF *
APPEALS
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
Case No. 03-180-SPHA *

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 9th day of June, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than July 29, 2004.

JUDGE

C:\My Docs\Orders-2004\Synodinos NDP Extend Time Case No. 3-C-03-12804

JUN 10 2004

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-03-012804

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Ave
Baltimore, MD 21204

3/1/04

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE & BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER; KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH

IN THE MATTER OF:
PETITIONS FOR SPECIAL HEARING AND VARIANCE
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
Case No. 03-180-SPHA

Case No. 3-C-03-12804

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 2 day of April, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than May 5, 2004.

Judge

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-03-012804

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Ave
Baltimore, MD 21204

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY

*

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

IN THE MATTER OF: *
PETITIONS FOR SPECIAL HEARING
AND VARIANCE
NOTRE DAME PREPARATORY SCHOOL *
S/S Hampton Lane (815-817 Hampton Lane)
9th ELECTION DISTRICT *
4th COUNCILMANIC DISTRICT

*

BEFORE THE COUNTY BOARD OF
APPEALS *
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204 *

Case No. 03-180-SPHA

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

JOINT MOTION TO EXTEND TIME TO TRANSMIT RECORD UNDER RULE 7-206

Pursuant to Rule 1-204 and Rule 7-206 (d), Petitioners, individuals Jim and Ruth Synodinos, et al., by and through their attorney, J. Carroll Holzer and Holzer and Lee, and counsel for Respondents, School Sisters of Notre Dame, C. William Clark, herein file their fifth Motion to Extend Time for Transmitting the Record to the Clerk of the Court in the above captioned matter and say as follows:

1 CIVIL DEPT JUN 7 2004

1. Petitioners filed their Petition for Judicial Review with the Clerk of the Court on November 20, 2003 from the decision and Order of the Board of Appeals in Case No. 03-180-SPHA.

2. The record in the instant matter includes the transcript of testimony before the County Board of Appeals all of which is to be filed within 60 days after the Board of Appeals receives the Petition for Judicial Review which would be on or about February 3, 2004. (See previously filed Notification from the Board of Appeals dated December 3, 2003)

3. The parties in this case are attempting to come to an Agreement or settlement of unresolved issues and need additional time for further negotiations.

4. Granting the instant motion would not prejudice either party and not affect the oral argument which has not as yet been set.

5. The original Joint Motion to Extend Time to Transmit Record was filed on January 13, 2004 extending the time to file the record to March 3, 2004.

6. A second Motion to Extend the Time to Transmit the Record was filed with the Clerk of the Court on March 3, 2004. On March 4, 2004, the Court signed an Order extending the time to file the Record to April 5, 2004. A fourth Joint Motion to Extend Time was filed with the Clerk of the Court on May 4, 2004 extending time to file the Record until June 7, 2004.

7. Undersigned counsel jointly request extending the time to transmit the record in the instant matter to pursue final settlement negotiations until July 29, 2004.

WHEREFORE, for all the foregoing reasons, undersigned counsel respectfully request that the Motion to Extend Time to Transmit the Record be extended until July 29, 2004.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Petitioners

C. WILLIAM CLARK, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Suite 700
Towson, Maryland 21204
410-823-7800
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 2004, a copy of the foregoing Motion to Extend Time to Transmit Record was faxed to: C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson, Maryland, 21204; and hand-delivered to the Board of Appeals for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

C:\My Docs\Motions 2004\Synodinos-NDP 4th Extend Time Case No. 3-C-12804

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS;	*	Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED &	*	
SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT	*	
GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE &	*	
BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER;	*	
KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	
IN THE MATTER OF: PETITIONS FOR SPECIAL HEARING	*	
AND VARIANCE NOTRE DAME PREPARATORY SCHOOL	*	
S/S Hampton Lane (815-817 Hampton Lane) 9th ELECTION DISTRICT	*	
4th COUNCILMANIC DISTRICT	*	
BEFORE THE COUNTY BOARD OF APPEALS	*	
400 WASHINGTON AVENUE TOWSON, MARYLAND 21204	*	
Case No. 03-180-SPHA	*	

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the_____ day of June, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than July 29, 2004.

_____

JUDGE

C:\My Docs\Orders 2004\Synodmos NDP Extend Time Case No. 3-C-03-12804

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE & BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER; KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH

IN THE MATTER OF:
PETITIONS FOR SPECIAL HEARING AND VARIANCE
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
Case No. 03-180-SPHA

Case No. 3-C-03-12804

RECEIVED
MAY 10 2004
BALTIMORE COUNTY
BOARD OF APPEALS

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 6th day of May, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than June 7, 2004.

JUDGE

True Copy Test
Clerk
Per
Deputy Clerk

C:\My Docs\Orders 2004\Synodinos NDP Extend Time Case No 3-C-03-12804

FILED MAY 07 2004

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

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

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-03-012804

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Ave
Baltimore, MD 21204

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY

*

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

IN THE MATTER OF: *
PETITIONS FOR SPECIAL HEARING
AND VARIANCE
NOTRE DAME PREPARATORY SCHOOL *
S/S Hampton Lane (815-817 Hampton Lane)
9th ELECTION DISTRICT *
4th COUNCILMANIC DISTRICT

*

BEFORE THE COUNTY BOARD OF
APPEALS *
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204 *

Case No. 03-180-SPHA

RECEIVED
APR 05 2004
BALTIMORE COUNTY
BOARD OF APPEALS

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

JOINT MOTION TO EXTEND TIME TO TRANSMIT RECORD UNDER RULE 7-206

Pursuant to Rule 1-204 and Rule 7-206 (d), Petitioners, individuals Jim and Ruth Synodinos, et al., by and through their attorney, J. Carroll Holzer and Holzer and Lee, and counsel for Respondents, School Sisters of Notre Dame, C. William Clark, herein file their third Motion to Extend Time for Transmitting the Record to the Clerk of the Court in the above captioned matter and say as follows:

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

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

CIVIL DEPT. APR 05 2004

1. Petitioners filed their Petition for Judicial Review with the Clerk of the Court on November 20, 2003 from the decision and Order of the Board of Appeals in Case No. 03-180-SPHA.

2. The record in the instant matter includes the transcript of testimony before the County Board of Appeals all of which is to be filed within 60 days after the Board of Appeals receives the Petition for Judicial Review which would be on or about February 3, 2004. (See attached Notification from the Board of Appeals dated December 3, 2003)

3. The parties in this case are attempting to come to an Agreement or settlement of unresolved issues and need additional time for further negotiations.

4. Granting the instant motion would not prejudice either party and not affect the oral argument which has not as yet been set.

5. The original Joint Motion to Extend Time to Transmit Record was filed on January 13, 2004 extending the time to file the record to March 3, 2004.

6. A second Motion to Extend the Time to Transmit the Record was filed with the Clerk of the Court on March 3, 2004. On March 4, 2004, the Court signed an order extending the time to file the Record to April 5, 2004.

7. Undersigned counsel jointly request extending the time to transmit the record in the instant matter to pursue further settlement negotiations until May 5, 2004.

WHEREFORE, for all the foregoing reasons, undersigned counsel respectfully request that the Motion to Extend Time to Transmit the Record be extended until May 5, 2004.

Respectfully submitted,

J. Carroll Holzer
508 Fairmount Ave.
Towson, MD 21286
410-825-6961
Attorney for Petitioners

C. William Clark
Nolan, Plumhoff & Williams
502 Washington Ave.
Suite 700
Towson, MD 21204
410-823-7800
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5th day of April, 2004, a copy of the foregoing Motion to Extend Time to Transmit Record was faxed to C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson, MD, 21204; and hand delivered to the Board of Appeals for Baltimore County, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

J. Carroll Holzer

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

December 3, 2003

C. William Clark, Esquire
Nolan, Plumhoff & Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Md 21204

RE: Circuit Court Civil Action No. 3-C-03-12804
Petition for Judicial Review
Jim and Ruth Synodinos, et al
815-817 Hampton Lane, Towson
Case No.: 03-180-SPHA

Dear Mr. Clark:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on November 20, 2003, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. **3-C-03-12804.**

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton
Legal Secretary

/trs
Enclosure

c: J. Carroll Holzer, Esquire
James and Ruth Synodinos et al
School Sisters of Notre Dame / Sister Christine Mulcahy
Bob LaPierre
Daft McCume Walker, Inc.
People's Counsel for Baltimore County
Pat Keller, Director/Planning
Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director/PDM

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on Recycled Paper

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE & BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER; KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	Case No. 3-C-03-12804
IN THE MATTER OF: PETITIONS FOR SPECIAL HEARING AND VARIANCE NOTRE DAME PREPARATORY SCHOOL S/S Hampton Lane (815-817 Hampton Lane) 9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	*	
BEFORE THE COUNTY BOARD OF APPEALS 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 Case No. 03-180-SPHA	*	

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the day of April, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than May 5, 2004.

_____

Judge

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY

*

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

IN THE MATTER OF: *
PETITIONS FOR SPECIAL HEARING
AND VARIANCE *
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane) *
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

BEFORE THE COUNTY BOARD OF *
APPEALS
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
Case No. 03-180-SPHA *

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 4th day of March, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than April 5, 2004.

Judge

True Copy Test
SUZANNE MENSH, Clerk
Per _____
Assistant Clerk

FILED MAR 09 2004

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-03-012804

RECEIVED
MAR 1 [illegible] 2003
BALTIMORE COUNTY
BOARD OF APPEALS

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Ave
Baltimore, MD 21204

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE & BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER; KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	Case No. 3-C-03-12804
IN THE MATTER OF: PETITIONS FOR SPECIAL HEARING AND VARIANCE NOTRE DAME PREPARATORY SCHOOL S/S Hampton Lane (815-817 Hampton Lane) 9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	*	
	*	
BEFORE THE COUNTY BOARD OF APPEALS 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204	*	
Case No. 03-180-SPHA		

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

JOINT MOTION TO EXTEND TIME TO TRANSMIT RECORD UNDER RULE 7-206

Pursuant to Rule 1-204 and Rule 7-206 (d), Petitioners, individuals Jim and Ruth Synodinos, et al., by and through their attorney, J. Carroll Holzer and Holzer and Lee, and counsel for Respondents, School Sisters of Notre Dame, C. William Clark, herein file their second Motion to Extend Time for Transmitting the Record to the Clerk of the Court in the above captioned matter and say as follows:

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286
(410) 825-6961
FAX (410) 825 4923

CIVIL DEPT. MAR 0 3 2004

1. Petitioners filed their Petition for Judicial Review with the Clerk of the Court on November 20, 2003 from the decision and Order of the Board of Appeals in Case No. 03-180-SPHA.

2. The record in the instant matter includes the transcript of testimony before the County Board of Appeals all of which is to be filed within 60 days after the Board of Appeals receives the Petition for Judicial Review which would be on or about February 3, 2004. (See attached Notification from the Board of Appeals dated December 3, 2003)

3. The parties in this case are attempting to come to an Agreement or settlement of unresolved issues and need additional time for further negotiations.

4. Granting the instant motion would not prejudice either party and not affect the oral argument which has not as yet been set.

5. The previous Joint Motion to Extend Time to Transmit Record was filed on January 13, 2004 extending the time to file the record to March 3, 2004.

6. Undersigned counsel jointly request extending the time to transmit the record in the instant matter to pursue further settlement negotiations until April 5, 2004.

WHEREFORE, for all the foregoing reasons, undersigned counsel respectfully request that the Motion to Extend Time to Transmit the Record be extended until April 5, 2004.

County Board of Appeals of Baltimore County

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

December 3, 2003

J. Carroll Holzer, Esquire
Holzer and Lee
508 Fairmount Avenue
Towson, Md 21286

RE: Circuit Court Civil Action No. 3-C-03-12804
Petition for Judicial Review
Jim and Ruth Synodinos, et al
815-817 Hampton Lane, Towson
Case No. 03-180-SPHA

Dear Mr. Holzer:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with the Maryland Rules.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton
Legal Secretary

/trs
Enclosure
c: James and Ruth Synodinos et al
C. William Clark
School Sisters of Notre Dame Sister Christine Mulcahy
Bob LaPierre
Daft McCume Walker, Inc
People's Counsel for Baltimore County

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on Recycled Paper

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS;	*	Case No. 3-C-03-12804
STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE	*	
BERENSON; TED WIES; MARGOT	*	
GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE &	*	
BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER;	*	
KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	
IN THE MATTER OF:	*	
PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	
NOTRE DAME PREPARATORY SCHOOL S/S Hampton Lane (815-817 Hampton Lane)	*	
9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	*	
BEFORE THE COUNTY BOARD OF	*	
APPEALS 400 WASHINGTON AVENUE	*	
TOWSON, MARYLAND 21204 Case No. 03-180-SPHA	*	

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the day of March, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than April 5, 2004.

_____

Judge

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS;	*	Case No. 3-C-03-12804
MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED &	*	
SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT	*	
GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE &	*	
BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER;	*	
KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	
IN THE MATTER OF: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	
NOTRE DAME PREPARATORY SCHOOL S/S Hampton Lane (815-817 Hampton Lane)	*	
9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	*	
	*	
BEFORE THE COUNTY BOARD OF APPEALS	*	
400 WASHINGTON AVENUE TOWSON, MARYLAND 21204	*	
Case No. 03-180-SPHA		

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

JOINT MOTION TO EXTEND TIME TO

TRANSMIT RECORD UNDER RULE 7-206

Pursuant to Rule 1-204 and Rule 7-206 (d), Petitioners, individuals Jim and Ruth Synodinos, et al., by and through their attorney, J. Carroll Holzer and Holzer and Lee, and counsel for Respondents, School Sisters of Notre Dame, C. William Clark, herein file

CIVIL DEPT. JAN 13 2004

their Motion to Extend Time for Transmitting the Record to the Clerk of the Court in the above captioned matter and say as follows:

1. Petitioners file their Petition for Judicial Review with the Clerk of the Court on November 20, 2003 from the decision and Order of the Board of Appeals in Case No. 03-180-SPHA.

2. The record in the instant matter includes the transcript of testimony before the County Board of Appeals all of which is to be filed within 60 days after the Board of Appeals receives the Petition for Judicial Review which would be on or about February 3, 2004. (See attached Notification from the Board of Appeals dated December 3, 2003)

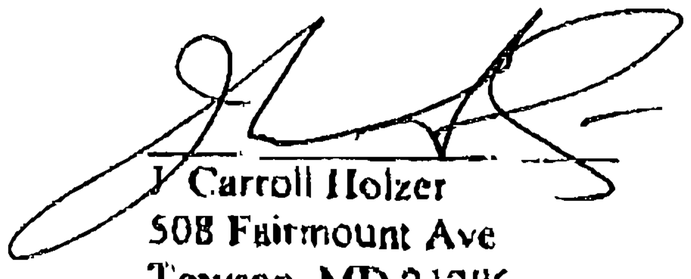
3. The parties in this case are attempting to come to an agreement or settlement of unresolved issues and need additional time for further negotiations which have been recently delayed by the recent holiday.

4. Granting the instant motion would not prejudice either party and not affect the oral argument which has not as yet been set.

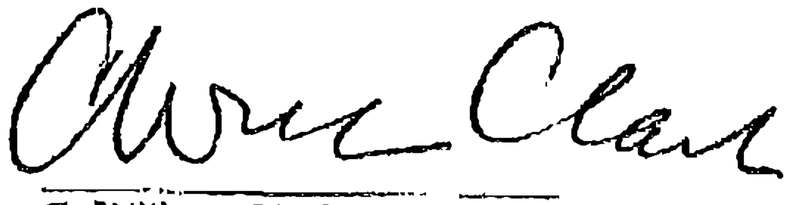
5. Undersigned counsel jointly request extending the time to transmit the record in the instant matter until March 3, 2004.

WHEREFORE, for all the foregoing reasons, undersigned counsel respectfully request that the Motion to Extend Time to Transmit the Record be extended until March 3, 2004.

Respectfully submitted,



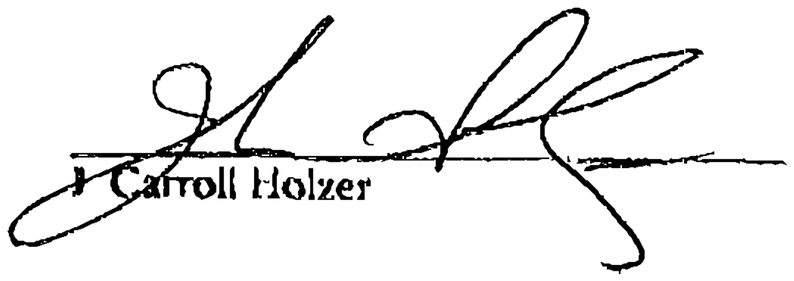
J Carroll Holzer
508 Fairmount Ave
Towson, MD 21286
410-825-6961
Attorney for Petitioners



C. William Clark
Nolan, Plumhoff & Williams
502 Washington Ave.
Suite 700
Towson, MD 21204
410-823-7800
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 12th day of January, 2004, a copy of the foregoing Motion to Extend Time to Transmit Record was mailed first class, postage pre-paid, to C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson, MD, 21204; and the Board of Appeals for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, MD 21204.



J Carroll Holzer

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS;	*	Case No. 3-C-03-12804
STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE	*	
BERENSON; TED WIES; MARGOT	*	
GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE &	*	
BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER;	*	
KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	
IN THE MATTER OF: PETITIONS FOR SPECIAL HEARING	*	
AND VARIANCE	*	
NOTRE DAME PREPARATORY SCHOOL S/S Hampton Lane (815-817 Hampton Lane)	*	
9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	*	
BEFORE THE COUNTY BOARD OF APPEALS	*	
400 WASHINGTON AVENUE	*	
TOWSON, MARYLAND 21204 Case No. 03-180-SPHA	*	

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the day of January, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than March 3, 2004.

_____

Judge

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY

*

PETITION OF.

* Case No

INDIVIDUALS JIM AND RUTH *
SYNODINOS, MARY ELLEN PEASE; *
SOPHIA BALIS; STEVE AND SUSAN PORTER; *
FRED AND SHIRLEY REGLER; STEVE AND * C-03-12804
ELANE BERENSON; TED WIES; MARGOT *
GERDING, DAVID AND JEAN GOLDBERG; JACK *
AND JOAN CONROY; WAYNE AND BARBARA *
PAUL; CARLOS AND CLARA MILLAN; DICK *
AND MARILYN FOSTER; KEVIN AND KATHY *
FARRELL; JOHN AND EMILY ULRICH *

IN RE. PETITIONS FOR SPECIAL HEARING AND *
VARIANCE
S/S Hampton Lane (815-817 Hampton Lane) *
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

BEFORE THE COUNTY BOARD OF *
APPEALS OF BALTIMORE COUNTY
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
CASE NO: 03-180-SPHA *

RECEIVED
DEC 1 2003
BALTIMORE COUNTY
BOARD OF APPEALS

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

PETITION FOR JUDICIAL REVIEW

Pursuant to Rule 7-202, Petitioners, individuals Jim and Ruth Synodinos, et al. by and through their attorney, J. Carroll Holzer and Holzer and Lee, request Judicial Review of the Opinion of the County Board of Appeals of Baltimore County in the above referenced matter rendered on November 6, 2003 and attached hereto.

Petitioners were parties before the County Board of Appeals and fully participated in the proceedings.

RECEIVED
2003 NOV 20 P 3:26
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

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

Respectfully Submitted,

J. Carroll Holzer
508 Fairmount Ave.
Towson, MD 21286
410-825-6961
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 20th day of November, 2003, a copy of the foregoing Petition for Judicial Review was mailed first class, postage pre-paid, to the Board of Appeals for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, MD 21204; and People's Counsel for Baltimore County, Basement Old Courthouse, 400 Washington Avenue, Towson, MD 21204; and C. William Clark, Nolan, Plumhoff and Williams, 502 Washington Ave., Towson, MD 21204

J. Carroll Holzer

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
SCHOOL SISTERS OF NOTRE DAME -LEGAL	*	COUNTY BOARD OF APPEALS
OWNER /PETITION FOR SPECIAL HEARING		
AND VARIANCE ON PROPERTY LOCATED	*	OF
ON THE NW/S PROVIDENCE ROAD		
(815-817 HAMPTON LANE)	*	BALTIMORE COUNTY
9TH ELECTION DISTRICT	*	Case No.: 03-180-SPHA
4TH COUNCILMANIC DISTRICT		

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

OPINION

This case comes before this Board as an appeal from the decision of the Zoning Commissioner approving a special hearing for the construction of a building with a length of 224 feet in lieu of the maximum allowed 200 feet for a non-residential building in a residential zone and a finding that a proposed athletic center complies to the extent possible with Residential Transition Area (RTA) use requirements as compatible with the character and general welfare of the surrounding residential premises.

The Commissioner also granted a Petition for Variance seeking relief from § 1B01.2.C.1.a of the *Baltimore County Zoning Regulations* (BCZR) to permit side yard setbacks for both the proposed nonresidential principal building and an existing nonresidential building of 17.5 feet each in lieu of the required 30 feet.

Petitioner, School Sisters of Notre Dame, was represented by C. William Clark, Esquire and NOLAN, PLUMHOFF & WILLIAMS, CHTD. The Appellants /Protestants, who were neighbors living adjacent to the campus of the Preparatory School, were represented by J. Carroll Holzer, Esquire. A 3-day hearing was held on April 2, July 8, and September 9, 2003. A public deliberation was held on October 23, 2003.

Facts

Petitioner, School Sisters of Notre Dame, operates the Notre Dame Preparatory School, a Catholic girls' school, with frontage on Hampton Lane near Providence Road and the Beltway (I-695) in Towson, Maryland. John J. DiMenna, an Architect with the firm of Rubeling & Associates, Inc., described the property as approximately 56.06 acres in area zoned D.R. 2. Petitioner acquired the property and initial improvements were constructed in 1960. At that time, the existing school building contained a gymnasium for physical education and varsity athletics. Mr. DiMenna indicated the existing gym, which seats approximately 400 people, is undersized and is insufficient for the school's purposes. The school now operates a middle school as well as a high school.

Petitioner proposes to construct a new building as an athletic center containing a gymnasium for upper school students. It will also contain a fitness center, a training facility, activities room, locker room, toilet facilities, and a couple of small classrooms. There will also be mechanical and electrical spaces. The majority of the building is on one level; however, a portion of the building on the south side is a two-story building. The lower level houses the locker facilities for the athletes as well as the exercise room. The proposed building would be located to the west of the existing buildings at the rear of the Knott Performing Arts Center.

Mr. DiMenna described the building as being irregularly shaped and will be approximately 224 feet in length on its longest side, which is the side of the building that will face the existing school. The nearest side to the residences on Gypsy Lane East is approximately 120 feet long. The building is approximately 161 feet wide and approximately 43 feet in height above grade. The northwest corner of the building will be located approximately 92 feet from the property line shared with the residences that face Gypsy Lane. The southeast corner of the

building would be approximately 115 feet from the same property line.

The Petitioner is seeking approval to permit a side yard for a proposed nonresidential principal building of 17½ feet in lieu of the required 30 feet and a side yard for the existing nonresidential principal building of 17 ½ feet in lieu of the required 30 feet as required in BCZR § 1B01.2.C.1.a. This Petitioner also seeks a variance if necessary from § 1B01.2.B.2 to permit a nonresidential building length of 224 feet in lieu of the permitted 200 feet.

The Petitioner seeks approval by way of special hearing to approve a building length of 224 feet in lieu of the permitted 200 feet for a nonresidential building in a residential zone. It also seeks approval, if necessary, of the proposed building pursuant to § 1B01.B.1(g)(10), that the proposed athletic center complies to the extent possible with the RTA use requirements, and is compatible with the character and general welfare of the surrounding residential premises.

Petitioner presented the testimony of Melanie Moser, a planner with Daft, McCune & Walker, a civil engineering firm in Towson, Maryland. Ms. Moser was accepted as an expert in Baltimore County zoning regulations and the development regulations and policies of the County, as well as in the field of landscape architecture. She had testified that the existing school building is not perpendicular to the western property line but sits on a knoll on the interior of the property. The outside property line of the site bends many times and is an irregular shape. She described the site as having several environmental constraints, including a stream system along the western property line which creates the need for a forest buffer. There are also some wetlands close to Hampton Lane which also creates another required forest buffer.

Ms. Moser stated that the site contains several topographic changes with the high point of the site being located in the center and falling approximately 90 feet toward the stream system that flows offsite in the southwest corner of the property. Several athletic fields were constructed

on the south end of the property. In addition, a stormwater management facility was constructed in that area which was designed to receive stormwater from the athletic fields and to handle stormwater flowing from the area of the Performing Arts Center and the classroom additions. A significant buffer of trees stands along the western side of the property along the property line that is shared with the properties that face Gypsy Lane East, including those of numerous Protestants. The other improvements on the site include a small building associated with the athletic field and a series of parking lots around the school.

Ms. Moser stated that the BCZR required that no yard could be part of another yard. She testified that the side yard requirement for a nonresidential principal building in a D.R. zone is 30 feet. She indicated that the proposed building for the athletic center is at a distance of 35 feet from the closest existing building of the school. If the area was divided in half, this would result in two side yards of 17 ½ feet for each building. She indicated that the Petitioner had held a number of meetings with the community, neighboring property owners and community associations which resulted in the proposed building being placed closer to the existing buildings so as to avoid the necessity of obtaining a variance from the setback required from the property line. This also reduced the number of trees in the buffer that would need to be removed in order to construct the new building. However, the results of the movement of the building requires that the side yards for the proposed building and the existing building be 17 ½ feet instead of the required 30 feet.

Ms. Moser stated that she felt there were special circumstances and conditions that existed that were peculiar to the land and structure in this situation which made the variance necessary. She stated that the forest buffer, which existed on the western side of the property line, contained fairly mature deciduous trees, 65 to 85 feet in height and approximately 60 to 80

years old. If the variance was not granted, the building would have to be constructed closer to the property line, necessitating the removal of a number of these large trees, which would make the building more visible to the property owners on Gypsy Lane East.

Ms. Moser also discussed the Residential Transition Area which was generated by the project. Mr. DiMenna indicated in his testimony that the rear of the gym, which is two stories facing Gypsy Lane East, would be constructed of stone masonry, which would conform to the construction of the other buildings on the campus. Testimony also indicated that, of the present 243 parking spaces, approximately 10 would be lost due to the construction of the new gymnasium.

Various Protestants testified with respect to their concerns regarding the project. Mr. Ralph Hemphill, Ms. Virginia Hancock, and Mr. Shane Abernathy, President of Hampton Improvement Association, testified that the proposed gym was too large relative to its relationship with the residential homes on Gypsy Lane and on Hampton Lane and that it created additional traffic and numbers of people where the neighborhood is already impacted by too much overflow parking and traffic from the school. Mr. Abernathy felt that the gymnasium was not compatible with a residential neighborhood due to its size and height.

Mr. Jim Synodinos testified that he lives adjacent to the Notre Dame property. He took pictures indicating the impact of the existing Fine Arts Center and the Knott building on his backyard and his house. He testified that the new gym would be even closer and higher relative to his house. He expressed concern that an additional 600-person gymnasium would cause additional parking problems if events were held concurrently with an activity in the 400-seat gymnasium. He objected to noise problems related to the existing school facilities and felt that the new gymnasium would add additional noise problems by the heating and air-conditioning

elements required to service the structure.

Mr. Synodinos further testified that in the past year he requested the Petitioners to shield their existing buildings from the residences on Gypsy Lane and that they had failed to do so. He indicated they allowed him to pay for trees to be planted on their property to shield his backyard. Mr. Synodinos objected to the removal of mature trees which created a buffer between Gypsy Lane. He submitted a drawing which showed the elevation between Gypsy Lane East, his house, his garage, and the proposed gymnasium and the existing classrooms and classroom building. He felt that the new gymnasium at 43 feet high literally towered over Gypsy Lane due to the 30-foot height differential between the base of the gymnasium and the base of Gypsy Lane East.

Protestants also presented an exhibit prepared by Mr. Charles Benzing, a qualified expert with 35 years of drafting experience, which showed the relative proportions of the Hayes and Synodinos houses to the proposed new gymnasium.

The Protestants also presented Mr. Jack Dillon, an expert qualified in land planning. Mr. Dillon testified that he felt that the large structure was creeping closer to the Hampton community. He felt that the building was more of a significant encroachment into the community than any previous improvement to the school. He also felt that the new building would bring more requirements for parking that were not considered by the Petitioner.

Mr. Dillon proposed two alternatives for the location of the building on the property. One would locate the proposed addition to the south side of the existing building in the rear of Parcel #37. The other would be to construct it out in front of the current building along the Hampton Lane area. Neither of these alternatives would require the two requested variances. A third consideration was to reverse the proposed building so that the higher portion of it would be at a lower elevation and would have less impact on the community.

In rebuttal to the Protestants' testimony, Mr. DiMenna testified that the location of the new building was selected in order to provide proximity to existing parking and access to classrooms and adjacent gym and pool. This would cluster all of the athletic facilities at that particular end of the campus. He stated that locating the building at the north end of the campus would be very difficult since there was no sewerage or water at that location. In addition, that area is used for overflow parking for large events taking place at the school.

Mr. DiMenna felt that locating the building on Parcel #37 was impractical because of the topography. There is a great deal of rock in the area, and it was not clear if the building would be able to be located there. In addition, it would require extending parking to the area and it would require the removal of one of the athletic fields. Finally, turning the building around would present additional problems. There was a question as to whether or not that would permit the building to be handicapped accessible. In addition, that portion of the building would have windows which would reflect light out onto Gypsy Lane, which would not occur under the proposed configuration of the building.

Mr. DiMenna indicated that the Petitioner proposed spending an additional $38,000 on a sound attenuation package which would substantially reduce the amount of noise coming from the heating and air conditioning equipment on the building and on other buildings on the campus. He also indicated that the lighting on the building was cylinder type lighting which only threw light down and above the lighting receptacle. There was no thought of any lighting shining off the building into the Gypsy Lane area.

The Petitioner submitted a letter from the Baltimore County Office of Planning indicating that the office had approved the materials for the facing of the building closest to the adjacent residential neighborhood which would be primarily stone with minimal use of vertical

siding. In addition, the office had reviewed and approved the revised landscaping plan which would include eight Norway spruce trees and an evergreen hedge as well as planting primarily evergreen trees adjacent to the proposed athletic center. This plan had been reviewed by the County Landscape Architect, Avery Harden, and had been found acceptable (Petitioner's Exhibit #14).

Decision

Notre Dame Preparatory School sits on approximately 56 acres which is zoned D.R. 2. It is a Catholic school for girls and is a permitted use in a D.R. 2 zone. The property is irregular in shape, and a stream is on the western side of the property. There are wetlands near Hampton Lane and these have generated forest buffers and forest conservation easements. The land dropped severely from the peak at the center of the property about 90 feet down to the stream area on the western side of the property. At the south end of the property, there are various athletic fields and a stormwater management facility. There is no sewerage or water available to the northern section of the property along Hampton Lane, making the possibility of placing a building at that location very difficult. In addition, the location of the building at the suggested area of Lot #37 was problematic due to the rock outcroppings in that area and the fact that parking would be very difficult in that area.

It appears that the most logical placement of the proposed building is in the area proposed by the Petitioner. It not only facilitates the ability of students to access the building easily, but also allows the stormwater runoff from the building to enter the present stormwater management pond.

The Petition seeks variance relief from § 1B01.2.C.1(a) of the *Baltimore County Zoning Regulations* and requests side yard setbacks of 17.5 feet in lieu of the required 30 feet for both

the existing and the proposed buildings. Section 102.2 of the BCZR provides "no yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use." Under that section, each building must maintain its own separate yard area.

Petitioner's plan has been designed to locate the building as close to the existing building as possible. If the building was constructed in accordance with the required side yard setbacks, without the variance relief sought, the proposed building would be located at least 30 feet closer to the property line of the adjacent neighbor's property.

Variance relief is also requested for § 1B01.2.B.2 of the BCZR to permit a nonresidential building length of 224 feet in lieu of the maximum permitted 200 feet.

Section 307.1 of the BCZR states as follows:

> (T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

The Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995) stated:

> ...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...."

The Court then went on to state its interpretation of the uniqueness factor. In doing so, the Court

stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions....

Therefore, the Board must first evaluate the uniqueness of the property being considered before making any determination with respect to the variance. In the current situation, the Board finds that the property is unique in that it is a large 56-acre piece of property with steep slopes dropping at least 90 feet. The perimeters of the property are heavily wooded, providing a buffer between the school property and the residential properties which abut the school and generally are 1 to 1 ½ acre lots. The school property contains forest conservation and buffer areas as well as wetlands. In addition, it has large outcroppings of rock, and the steep descent of the property makes it very difficult to build on certain areas of the property, in particular the area considered to be Parcel #37 to the rear of the school.

The Board finds that the variance relief in this situation is warranted since to require strict adherence to the regulation would cause practical difficulty and, in fact, a detrimental impact to the surrounding properties by locating the building closer to the property line than proposed. This would require encroachment into the forest buffer area between the school property and the adjacent neighbors for at least 30 feet; this causing the destruction of a number of 60 to 70-foot trees which are 60 to 80 years old.

The Board also finds that the variances should be granted for the width of the building being 224 feet in lieu of the maximum allowed 200 feet since the width is required in order for the gymnasium to meet the standard requirements for basketball courts plus the installation of bleachers

on the side of the courts.

In making this finding, the Board is aware of the finding of the Court of Appeals in *McLean v. Soley*, 270 Md. 208, 210 (1973), cited by the Court in *Cromwell v. Ward (supra)*. The Court cited the opinion in *Soley*, stating:

> Given the unique facts of this case, we think those criteria are met by this evidence: that the construction of the building in strict compliance with the side yard requirements would result in a destruction of the trees; that the preservation of trees in the construction of the first section had contributed...to full occupancy...that the benefits of retaining the trees would accrue to the general public; that greater density would result from strict compliance....

The Board feels that the granting of the variance does allow the retention of the older trees and the forest buffer area which will be supplemented by the school in order to provide additional buffers to the neighbors.

The Petitioner also seeks special hearing relief from the Residential Transition Area (RTA) requirements contained in § 1B01.1.B of the BCZR. Specifically, subsection (g)(10) of that section allows exceptions to residential transition for:

> ...a new community building or other structures, devoted to civic, social, recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible, with RTA use requirements will be maintained and the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

Mr. DiMenna, the architect for Petitioner, testified that he had viewed the homes in the neighborhood as to the style and type of construction and exterior materials. He said that many of the buildings were of stone construction. The materials in the Performing Arts Center and the educational building of the school are currently constructed with Butler stone. Mr. DiMenna indicated that it was the intention to construct the exterior of the gym, particularly the area facing

the Gypsy Lane neighbors, with Butler stone. In addition, Petitioner introduced a letter from the Planning Office indicating that it had approved the construction materials for the gymnasium building and also the landscaping plan submitted to further introduce evergreen trees in the forestation area between the neighbors on Gypsy Lane and the property.

Therefore the Board finds that the building meets the exceptions to the RTA and will grant the special hearing.

Since the Board has granted the variance for the length of the building from 200 feet to 224 feet, the Board finds no need to grant that portion of the special hearing relief requested by Petitioner, and finds that that is moot.

The Protestants also raised the issue of the parking problems attendant to the construction of the new gymnasium building. They anticipated additional parking problems in the neighborhood, particularly in the event that two events were held simultaneously in the new and older gymnasiums. The older gym seats about 400 people. This issue was raised before the Zoning Commissioner in Case No. 03-408-SPH. That decision was entered into evidence by Petitioner as Exhibit #22. The Zoning Commissioner found that the parking to be provided by the School, even after the construction of the new building, was adequate. Petitioner also noted that the School did not anticipate an increase in enrollment.

There was no appeal taken from the decision in Case No. 03-408-SPH; therefore, that decision is final with respect to the parking issues raised concerning the new gymnasium.

The Board is aware of the concerns of the neighbors with respect to maintenance of the forest buffer area between the school and the neighboring properties, the question of lighting on the buildings, and the problem of noise from the heating and air conditioning units for both the new building and the older buildings. Therefore, the Board will condition its granting of the variances

and special hearing on the basis of the following:

1. No additional driveways or service drives will be permitted between the proposed building and the residences on Gypsy Lane and Katey Court.

2. The Petitioner shall maintain the existing forest buffer area and complete the landscaping and plantings in the forest buffer area as submitted to the Baltimore County Office of Planning. New trees and shrubs planted in accordance with the approved Landscape Plan will be maintained by the Petitioner.

3. The Petitioner shall control the noise level associated with the heating and air conditioning units of the proposed building to an acceptable level appropriate to the residential neighborhood insofar as possible.

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 6th day of November, 2003, that the Petition for Variance seeking relief from § 1B01.2.C.1(a) of the *Baltimore County Zoning Regulations* (BCZR) to permit side yard setbacks for both a proposed nonresidential principal building and an existing nonresidential building of 17.5 feet each in lieu of the required 30 feet, and the Petition for Variance seeking relief from § 1B01.2.B.2 of the BCZR to permit a nonresidential building length of 224 feet in lieu of the maximum allowed 200 feet be and is hereby **GRANTED**; and it is further,

ORDERED, that the Petitioner for Special Hearing to approve a finding pursuant to § 1B01.B.1(g)(10) that a proposed athletic center complies to the extent possible with the Residential Transition Area (RTA) use requirements and is compatible with the character and general welfare of the surrounding residential premises be and is hereby **GRANTED** with the following restrictions:

1. No additional driveways or service drives will be permitted between the proposed building and the residences on Gypsy Lane and Katey Court.

2. The Petitioner shall maintain the existing forest buffer area and complete the landscaping and plantings in the forest buffer area as submitted to the Baltimore County Office of Planning. New trees and shrubs planted in accordance with the approved Landscape Plan will be maintained by the Petitioner.

3. The Petitioner shall control the noise level associated with the heating and air conditioning units of the proposed building to an acceptable level appropriate to the residential neighborhood insofar as possible.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a building length of 224 feet in lieu of the maximum allowed 200 feet for a nonresidential building in a residential zone, pursuant to the *Comprehensive Manual of Development Policies* be and is hereby **DISMISSED as moot.**

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Margaret Worrall

Lawrence S. Wescott

County Board of Appeals of Baltimore County

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

November 6, 2003

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

RE: *In the Matter of: Schools Sisters of Notre Dame*
- Legal Owner /Petitioner /Case No. 03-180-SPHA

Dear Mr. Holzer:

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.

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: J. Carroll Holzer, Esquire
James and Ruth Synodinos et al
C. William Clark, Esquire
School Sisters of Notre Dame
Sister Christine Mulcahy
Bob La Pierre
Daft McCune Walker, Inc.
People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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on Recycled Paper

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

IN RE:

PETITION FOR VARIANCE	* BEFORE THE
Notre Dame Preparatory School 815-817 Hampton Lane Towson, Maryland 21286 9th Election District 4th Councilmanic District	* COUNTY BOARD OF * APPEALS * OF BALTIMORE COUNTY
	* CASE No.03-180-SPHA
School Sisters of Notre Dame Petitioner	*

* * * * * * * * * *

PETITIONER'S POST HEARING MEMORANDUM

School Sisters of Notre Dame, by their attorneys C. William Clark and Nolan, Plumhoff & Williams, Chartered, file this Petitioner's Post Hearing Memorandum in support of the petitions for variances and a special hearing, and for reasons say:

THE PROPOSED BUILDING

The Petitioner proposes to construct a new building on the campus of the Notre Dame Preparatory School operated by the Petitioner. The building as described by John DiMenna, an architect with the firm of Rubeling and Associates Architects, will be irregularly shaped, and will be

approximately 224 feet in length on its longest side, which is the side of the building that will face the existing school. The side nearest to the residences on Gypsy Lane East is approximately 120' long. (See sheet 2 of Petitioner Exhibit 1.) The building is approximately 161' wide. Illustrations of the building were contained in Petitioner's Exhibit No. 7A and 7B and show that the building will be approximately 43 feet in height above grade. The northwest corner of the building will be located approximately 92 feet from the property line shared with the residences that face Gypsy Lane East. The southwest corner of the building would be approximately 115 feet from the same property line. (See Sheet 2 of Petitioners Exhibit 1). The Petitioner proposes to use the building as a new athletic center containing a gymnasium for upper school (high school) students. The proposed building will contain a fitness center, a training facility, an activities room, locker room, toilet facilities, a couple of small classrooms, and mechanical and electrical spaces. The majority of the building is on one level; a portion to the south of the building is a two-story building.

The lower level houses the locker facilities for the athletes, as well as the exercise room. The proposed building would be located to the west of the existing buildings at the rear of the Knott Performing Art Center.

RELIEF REQUESTED

Petitioner seeks approval to permit a side yard for a proposed non-residential principal building of 17-½ feet in lieu of the required 30 feet, and a side yard for the existing non-residential principal building of 17-½ feet in lieu of the required 30 feet as required in Section 1B01.2.C.1.a. Petitioner seeks a variance, if necessary, from Section 1B01.2.B.2 to permit a non-residential building length of 224 feet in lieu of the permitted 200 feet.

Petitioner seeks approval by way of a special hearing to approve a building length of 224 feet in lieu of the permitted 200 feet for a non-residential building in a residential zone, and if necessary, approval of the proposed building pursuant to Section 1B01.B.1(g)(10) for the proposed athletic center that complies to the extent possible with the

RTA use requirements, and is compatible with the character and general welfare of the surrounding residential premises.

APPLICABLE LAW

Section 307.1 of the Baltimore County Zoning Regulations permits the granting of variances from height and area regulation in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request, and where strict compliance with the Zoning Regulations for Baltimore County will result in practical difficulty or unreasonable hardship. Section 500.7 of the Zoning Regulations grants to the Zoning Commissioner the power to conduct such other hearings and pass such orders thereon and shall, in his discretion, be necessary for the proper enforcement of all Zoning Regulations, subject to the right of appeal to the County Board of Appeals.

The RTA requirements and exceptions of the BCZR, Section 1B01.B are admitted as Petitioners Exhibits 11 A and B.

ARGUMENT

I. THE UNCONTRADICTED EVIDENCE DEMONSTRATES THAT PETITIONER MEETS THE REQUIREMENTS FOR APPROVAL OF THE VARIANCES.

a. Side Yard

The Petitioner offered the testimony of Melanie Moser, a planner with Daft, McCune, Walker, a civil engineering firm in Towson, MD. She is a registered landscape architect with twenty (20) years of experience and qualified as an expert witness with regard to the Baltimore County Zoning Regulations and the Development Regulations and Policies of Baltimore County, as well as in the field of landscape architecture. She described the site which contains 56 acres and is zoned D.R.2. The site is improved with a school and is shown on Petitioner's Exhibit No. 1. The existing school building is not perpendicular to the western property line and sits on a knoll on the interior of the property. The outside property line of the site bends many times and is an irregular shape. She described that the site has several environmental constraints including a stream system along the western property line, which creates the need for a forest

buffer. There are some wetlands close to Hampton Road, which also creates another required forest buffer. Scattered throughout the site are forest conservation easements as shown on Petitioner's Exhibit No. 1. The site has quite a bit of topographic change across it, the high point being located in the center of the site, and falling approximately 90 feet towards the stream system that flows off-site in the southwest corner of the property. Several ballfields exist in the south end of the property and a storm water management facility, which was designed to receive storm water from the ballfields and to handle storm water flowing from the area of the Performing Arts Center and the classroom additions. A significant buffer of trees stands along the western side of the property along the property line that is shared with the properties that face Gypsy Lane East including those of numerous Protestants. The other improvements on site include a small building associated with the athletic field and a series of parking lots, all as shown on Petitioner's Exhibit No. 1.

She explained that Section 102.2 of the Baltimore County

Zoning Regulations requires that no yard can be part of another yard. She testified that the side yard requirements for a non-residential principal building in a D.R. zone consist of 30 feet. She noted that the building, as proposed, for the athletic center, is at a distance of 35 feet from the closest existing building, which area if divided in half, would result in two side yards of 17-½ feet for each building. She relayed that the Petitioner held a number of meetings with the community, neighboring property owners and community association which resulted in the building proposed being placed closer to the existing buildings, so as to avoid the necessity of obtaining a variance from the setback required from the property line, and also reduce the amount of woods that exist in the buffer, which would need to be removed. However, the result requires that the side yards for the proposed building and the existing building next to it to be varianced down to a distance of 17-½ feet from the required 30 feet. She opined there were special circumstances and conditions that existed that were peculiar to the land and structure, which is

subject to the variance request including, but not limited to, saving as much of the buffer of trees along the western property line as possible and accommodating the requests of the neighboring property owners to move the building further off the property line.

Ms. Moser described the trees and the buffer between the proposed location and the property line as being a variety of fairly mature deciduous trees, 65 to 85 feet in height, and approximately 60 to 80 years old. The buffer contains some young saplings coming up in the forest and an occasional evergreen as well. Petitioner's Exhibits 4A -F consist of photographs showing the buffer with fall coloring in the trees. Petitioners Exhibit 6 contain an aerial view of the site which shows the extent of the tree buffer surrounding and existing on the site.

Furthermore, as discussed below, a Residential Transition Area is generated and projects into the site. Were the proposed buildings not placed as shown, additional variances would be necessary from the RTA requirements which are found in Petitioners Exhibit 8. Among the purposes of

the RTA is the desire to assure adequate buffers and screening between dissimilar housing types. Section 1B1(a)(2) BCZR. By placing the buildings closer together, the Petitioner can save at least an additional 17.5' to approximately 23' (given the angle of the proposed building when compared to the property line) of the existing mature tree buffer.

Additionally, Petitioner offered the comments of The Office of Planning, which were admitted as Petitioner's Exhibit 2. The Office of Planning supports the requested variances. These circumstances justify the variances requested. In the case of *McLean v. Solely* 270 Md 208 , the Court of Appeals approved a variance for a side yard setback (1)based upon evidence demonstrating that an area approximately 15 feet wide filled with mature, existing trees would be saved if the variance was granted. The Court observed that a number of attractive trees could be retained which benefitted general public. In McLean, the Court also analyzed the "practical difficulty" test contained in The Baltimore County Zoning Regulations and laid out its 3

components. Ms. Moser testified as to the components. In her opinion,(1) compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property for permitted purpose and would render conformity with the restrictions unnecessarily burdensome, (2) that granting the variance applied for would do substantial justice to the applicant as well as the other property owners in the district, and (3) that relief could be granted in such a fashion that the spirit of the ordinance would be observed and the public safety and welfare secured. She testified that there was a practical difficulty in retaining trees if the building has to be moved westerly another 25 feet.

Ms. Moser's testimony and the testimony and exhibits upon which her opinions are based, meet the requirements of Section 307.1 of the Baltimore County Zoning Regulations.

The testimony and evidence offered by the Petitioner, with respect to meeting the test of Section 307.1 for approval of variances, was not controverted in any significant way by any of the testimony or evidence offered

by the Protestants. Jack Dillon, offered by the Protestants as an expert witness in zoning matters, did not offer any opinion concerning the approval of the variances. The thrust and weight of the Protestants' other witnesses and their objections to the proposed building, did not in any way refute the testimony that the side yard variances should be granted.

b. Building Length

Likewise, Ms. Moser explained that the Comprehensive Manual of Development Policies contains a requirement with respect to the length of a non-residential building in a residential zone that limits it to 200 feet. She observed that there exist two processes for seeking relief, and one may request of a special hearing through the Zoning Commissioner or seek a variance pursuant to Section 1B01.2.B.2, which requires that building lengths be in accordance with the Comprehensive Manual of Development Policies. Ms. Moser opined that special hearing relief should be granted, or the variance can be approved, allowing the building to be 224 feet in lieu of the required 200 feet.

John DiMenna, the architect who designed the building, testified that the main performance court for the basketball runs the long axis of the gymnasium and then two small basketball courts will run perpendicular and occupy the same space as the performance court. He testified that there are standards applicable to the length, size and width of a basketball court for high school athletics in the State of Maryland. The court was designed to meet those requirements with enough interior space for the court and the required clearances around the court for safety sake, plus room for the bleachers. He testified that essentially the minimum space necessary to have the retractable bleachers and one full length standard performance court dictated the length of the large part of the building together with the requirement of having stairwells to have access to the second story of the building required the building to be 224 feet in length.

Petitioner offered the comments from The Office of Planning as evidence. Petitioner's Exhibit 2 contains the Planning Office's statement supporting the request to construct a building with the length of 224'. The Office

requested additional information concerning the material, architecture details, landscaping and a pedestrian walkway. Petitioner's Exhibit 14, the June 25, 2003 comments, contain The Office of Planning's approval of the architectural elevations, the materials, and the revised landscape plan.

II. THE EVIDENCE DEMONSTRATES THAT THE PROPOSED BUILDING COMPLIES, TO THE EXTENT POSSIBLE, WITH RTA USE REQUIREMENTS AND IS COMPATIBLE WITH THE SURROUNDING RESIDENTIAL PREMISES.

Ms. Moser testified that since single family detached homes lie within 150 feet of the property line, they cause the generation of a residential transition area (RTA). The RTA projects a distance of 100 feet into the property to be developed, the first 50 feet to be an undisturbed buffer, which will be honored. If the RTA requirements applied, then within the distance of 100 feet of the property line, structure cannot be erected. Ms. Moser testified that if the side yard requirements of the Baltimore County Zoning Regulations were observed, it might be necessary to obtain variances from the RTA requirement in order to construct the building.

Ms. Moser testified that the proposed building is a new

structure devoted to recreational or educational activities, and under Section 1B01.B.(10). of the Zoning Regulations, it qualifies for an exception to the residential transition area, provided that the proposed improvements were planned in such a way that compliance to the extent possible with RTA use requirements will be maintained, and the building can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. She expressed familiarity with the Planning Department's comments, which were contained in Petitioner's Exhibit No. 2. She also relied in part upon the testimony of Mr. DiMenna, the architect, with regard to the proposed building. Mr. DiMenna testified that he had viewed the homes in the neighborhood as to the style and type of construction and exterior materials. He said a lot of the buildings are stone houses. The materials on the Knott Performing Art Center and the Kirby educational building are primarily Butler stone. On the final day of the hearing, Mr. DiMenna testified that the Planning Department approved the final materials selected for use in connection with the building. Petitioner's Exhibit 13 shows the west elevation of the proposed building

and details the exterior materials to be used. That side of the building will be viewed from the Gypsy Lane East properties. Mr. DiMenna also explained in the Petitioner's case in chief, that the buildings are segmented and architecturally varied, which is a design technique to make a larger building be read as a series of smaller components which have the effects of mitigating a large monolithic facade. He designed the building in segments to break up the mass of the building, and he placed the longest edge of the building the farthest from the property line shared with the residents of Gypsy Lane East. Mr. DiMenna further observed that the proposed building is oriented north and south so as to make use of good natural light in the various rooms, but that required the building not to be parallel to the existing property line to the west. He designed the proposed building so that there are no windows on the back side of the gym, which is the side closest to the property line shared with the Gypsy Lane East residences. That way, no light would emanate from the gymnasium. Mr. DiMenna opined that in his opinion the architectural detail described and materials proposed reflected the regional residential element, and from

an architectural standpoint, the proposed building is compatible to those in the surrounding residential neighborhood.

The Office of Planning commented on the proposed building. In Petitioner's Exhibit 2, the Office states the building elevations provided demonstrate that the scale, massing and materials are compatible with the existing school. The comment states that the mass of the proposed gym is segmented and architecturally varied and that the overall building complex presents a consistent architectural theme. The Office of Planning wrote that the proposal meets the Compatibility Objectives of the CMDP and BCZR. Petitioner's Exhibit 14 contains the Office of Planning's approval of the materials proposed and the revised Landscape Plan.

In addition to relying on Mr. DiMenna's testimony and the Office of Planning's comments, Ms. Moser also considered the landscape plan that was proposed preliminarily, and the final landscape plan, in conjunction with the amount of the buffer being retained on site, all of which provide screening, meeting the spirit and intent of the residential transition area requirements. The Preliminary Landscape Plan

is the Petitioner's Exhibit No. 9 and the Final Landscape Plan is Petitioner's Exhibit No. 21 A and B.

Protestants offered several witnesses most of whom live in the neighborhood of the Petitioner's property. They offered a variety of objections which the Petitioners believe constitute, at best, complaints that the proposed building is not compatible with the neighborhood. Several of the witnesses complained about traffic and parking. Some of the witnesses complained about noise ,including, noise from the parking lots following athletic or other events at the school. Some of the noise complaints concerned mechanical noises emanating from the heating, air conditioning and ventilation systems for the school. None of the concerns mentioned above demonstrate that the amount of traffic, parking problems or noises are unexpected results from the operation of a middle and high school on the property. In fact, Jack Dillon, admitted that one would expect that to be the case with such a school. Questions regarding the amount of parking on site have been determined by the Zoning Commissioner in Case No. 03-408 SPH, a copy of which was admitted as Petitioner's Exhibit 22. As Ms. Moser testified,

no appeal has been taken from that decision. Thus, a final judgment has been issued that the parking on site is adequate for the school, including, the consideration of the proposed new athletic facility and the fact that the existing gymnasium will remain. One must examine the "compatibility" element contained in the Baltimore County Zoning Regulations regarding RTA. What it states is that the proposed improvements must be planned in such a way that compliance, to the extent possible, with RTA use requirements will be maintained. The property is zoned DR2. Schools, both high school and middle schools, are permitted as a matter of right in residential zones, including DR2. In fact, Petitioner has operated a school at the site since 1960. (Petitioner's Exhibit 23) Thus, the noise, traffic and parking complaints, since they are not unexpected results of operating a school, cannot bar the construction of the proposed gymnasium since the school is a permitted use in that residential zone.

The Protestants presented testimony through several witnesses that the size and mass of the proposed athletic facility is not compatible with the surrounding residential premises, and that it will loom over the neighboring

properties. Mr. Syndinos' view, however, will be limited by the garage, he has constructed in his back yard as illustrated in Petitioner's Exhibit 21 A. Although, there is a change in grade, it is clear upon examination of Petitioner's Exhibits 17, 19 and 20 that only a small portion of the peak of the roof of the proposed building would be visible by a person approximately 6 feet tall standing on Gypsy Lane East in front of the Synodinos' residence, and also in front of the house next door. The Landscape Plan calls for the installation of an evergreen screen at a height designed to be below the canopy of the existing deciduous trees, which in Ms. Moser's opinion as a professional landscape architect, will provide adequate screening of the building. The Office of Planning joined in that observation, including, in its comments a statement that Avery Harden, the landscape architect for Baltimore County has approved. The plan (Petitioner's Exhibit 21 A) calls for the installation of thirteen 10' to 12' tall evergreen trees, nine 6' to 8' and five 8' to 10' tall holly trees, nine 8' to 10' tall flowering trees, two shade trees at a height of 12' to 14' at the time of installation, and an evergreen hedge consisting

of 64 shrubs along the parking lot and at the building. These plants would be in addition to the retention of the existing mature trees which would be in excess of 75' deep from the edge of the retained tree line over to the property line shared with the Gypsy Lane East residences. Mr. Dillon conceded in his testimony that landscaping can minimalize the visual impact of the building and that parts of the building will be screened out by the proposed landscape plantings.

Section 26-282(b)(6) includes the proposed landscape design among its compatibility objectives. Both Ms. Moser and Mr. Dillon acknowledge that there is no definition of the term "compatible" in the Baltimore County Zoning Regulations. The Office of Planning, referred to a section on "compatibility" found in Section 26-282 of the Baltimore County Code. A copy of that Section of the Code was admitted as Petitioner's Exhibit 12. That section of the code does not contain a definition of "compatibility", as such, but does list compatibility objectives. In that section of the code, a definition of a "neighborhood" can be found which includes existing buildings and land uses adjacent to, and extending from, the proposed development to a definable

boundary such as a primary collector or arterial road, a significant change in character or land use, or a major natural feature. Both Ms. Moser and Mr. Dillon include in the definition of "neighborhood" the area bounded on the west by Dulaney Valley Road, bounded on the north by Hampton Lane, both sides, continuing eastward and bounded on the east by Providence Road, and on the south by the Baltimore Beltway. Within that area, in addition to the large building on the Petitioner's property, are two other large churches, and the buildings on the Hampton National Historical Site. Mr. Dillon noted four elements in his definition of compatibility, including the social impact of the use and the requirement of being responsive to community needs. Neither of those elements is contained in Section 26-282 of the Baltimore County Code, nor does Ms. Moser agree that they are proper considerations in assessing the compatibility of a proposed improvement.

Again one must examine the requirement contained in the RTA regulations. Since this new school building qualifies for an exception, the regulations do not require an absolute finding that the building proposed be "compatible", but

rather a finding that the proposed improvements are planned in such a way that compliance to the extent possible with RTA use requirements will be maintained, and that it can be otherwise expected to be compatible with the character and general welfare of the surrounding premises. Only one piece of the corner of the proposed athletic facility sits within the 100' RTA area. The dimensions of that triangular piece are 8' at the base and 22' in height. (See sheet 2 of Petitioner's Exhibit 1). Obviously, if the building were to be built as first proposed, a distance 25' closer to the shared property line, it could be argued it is less compatible than it is now. Of course, it was relocated at the request of the neighboring property owners. As Mr. Dillon acknowledged, but for that small corner of the building being positioned as it is one would not need even to consider the compatibility issue. The proposed building sits at an angle from the shared property line and will not provide a monolithic facade as some of the Protestants' witnesses suggest. Mr. Dillon suggested that there were three other locations on the site of the building where the building could be constructed physically, which he opined

might be more compatible with the residential premises since it would be further away from the properties on Gypsy Lane East. However, he had not conducted any study of those sites, and had no information to refute the testimony of the evidence offered by the Petitioner's witnesses that each of those sites present problems which the proposed site does not have. Parcel 37, behind the existing buildings, has rock out croppings and potentially would require a blasting of rock for the building to be placed there. It sits at a grade 20' higher than the proposed site, which would make it more visible from Katy Court and surrounding properties. Additionally, Mr. DiMenna believes that there would be difficulty providing handicapped access as well as functional parking and vehicular access to a building at that location. Furthermore, that location might defeat one of the principal design requirements in that it would not be closely located to the existing gymnasium and other athletic and recreational facilities at the school. Another location was proposed by Mr. Dillon: a field which is occasionally used as auxiliary parking to the east of the existing building and somewhat forward of it towards Hampton Lane. Ms. Moser testified that

there is no storm water management facility that covers that area, and additionally, there is no sewer line installed which can be accessed in that area of the property in order to handle the waste from that building. Mr. Dillon proposed flipping the building around, or building it into the side of the hill, but Mr. DiMenna explained for various architectural reasons that neither of those proposals would work, and they potentially could cause the loss of part of the field known as Schmid field.

Finally, the Protestants object to light emanating from the buildings on the school, and noise coming from the existing heating and air conditioning units. They complained that similar problems might result from the proposed building. In rebuttal, John DiMenna described the lighting plan which will be approved by Baltimore County, at the time building permits are issued, which calls for lights that would only permit the light to shine directly downward, which will not permit any light to reflect onto neighboring properties. He also testified as to the sound attenuation packages that have been ordered, both for inside the units and for screens around the units that will provide heating

and air conditioning for the buildings. Some of the compatibility elements in Section 26-282 include analyzing the:

(1) arrangement and orientation of the proposed buildings...

(2) the building and parking lot layouts...

(4) the open spaces...

(5) Locally significant features of the site...

(6) the proposed landscape design...

(8) The scale, proportions, massings and detailing of the proposed building...

All of these elements having been considered, Ms. Moser testified that in her opinion the proposed improvements are planned in such a way that compliance to the extent possible with the RTA use requirements will be maintained and that it can be expected to be compatible with the character and general welfare of the surrounding residential premises.

CONCLUSION

In sum, the Petitioner, which has operated a school in this neighborhood for over forty years, proposes to build a new athletic facility on its campus. The proposed use meets

a fundamental need for the education of its students in the 21st Century. The Petitioner retained the services of highly qualified professionals to design the building and prepare its site plan. It incorporates first rate architectural elements, not only as to the design, but also as to the building materials to be utilized. The Petitioner responded to the concern of the community by redesigning the site plan and is providing extensive, professionally designed landscaping to shield the proposed building from the view from neighboring properties. The Petitioner strongly believes this permitted us of its property compliments the general welfare of its community and should be adjudged to be compatible.

For the foregoing reasons, the Petitioners submit that the Petitions for Variance and the Special Hearing requests should be approved.

Respectfully Submitted,

C. William Clark
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204
(410) 823-7800
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2003, a copy of the foregoing Petitioner's Post Hearing Memorandum was mailed first class, postage pre-paid to the following attorney of record:

J. Carroll Holzer, Esquire
Holzer and Lee
508 Fairmount Ave.
Towson, Maryland 21286

Attorney for Protestants

C. William Clark

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE S/S HAMPTON LANE NW/S PROVIDENCE ROAD (815 – 817 Hampton Lane) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT SCHOOL SISTERS OF NOTRE DAME Petitioners	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 03-180-SPHA

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

MEMORANDUM OF PROTESTANTS/APPELLANTS

This Memorandum is submitted on behalf of Appellants in lieu of final argument before the Board of Appeals by **J. Carroll Holzer,** and Holzer & Lee.

STATEMENT OF THE CASE

This matter comes before the County Board of Appeals of Baltimore County for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, the School Sisters of Notre Dame. The Petitioners request a Special Hearing to approve:

1. A building length of 224 feet in length in lieu of the maximum allowed 200 feet for a non-residential building in a Residential Zone, pursuant to the Comprehensive Manual Development Policies; and

2. Pursuant to Section 1B01.b.1(g)(10), a finding that a proposed Athletic Center complies to the extent possible with residential transition area use requirements and is compatible with the character and general welfare of the surrounding residential premises.

3. In addition, the Petitioners request variance relief from Section 1B01.2.c.1.a of the Baltimore County Zoning Regulations to permit side yard setbacks for both the proposed non-residential building and an existing non-residential building of 17.5 feet each in lieu of the required thirty (30) feet and a variance from Section 1B01.2.b.2 of the Baltimore County Zoning Regulations to permit a non-residential building length of 224 feet in lieu of the maximum 200 feet.

The subject of the Petitions filed relates to a new proposed Athletic Center. The new center will be larger than the existing gym and will operate concurrently with said existing gym. The new facility will seat 600 individuals while the existing gym seats approximately 400 individuals.

The Zoning Commissioner granted relief on December 24, 2002, approving all Petitions. The matter came before the County Board of Appeals on April 2, 2003, July 8, 2003 and September 9, 2003. This Memorandum is to be submitted on or before September 29, 2003.

STATEMENT OF FACTS AND ARGUMENT

On the first hearing day, Petitioner presented John J. Dimenna, an architect from Rubeling & Associates. He described the property of the Sisters as 56.06 acres zoned D.R. 2. It is the site of the campus for the Notre Dame Preparatory School, a Catholic School for girls. The original school building was constructed approximately in 1960 and contained a gymnasium for physical education and varsity athletics. It seats 400 people. The new gymnasium will seat 600 people. The school has a middle school and high school component and it is anticipated that middle school students will use the existing gym and the high school students will use the new facility.

The witness described the height of the building of the new structure as 43 feet in height above grade and 224 feet in length on its longest side. The new building will be situated adjacent to the existing school building and between a residential community in which the Protestants reside. The property line that separates the school's property from the residential dwellings abutting Gypsy Lane East include Mr. & Mrs. James Synodinos, the Hayes, and other interested Protestants. Melanie Moser, a registered landscape architect with Daft, McCune & Walker, testified that there is no record in the County file that a Development Plan or Site Plan was approved in 1960 by Baltimore County. There is no record that a Development Plan was reviewed and approved by the JSPC (Joint Subdivision Planning Committee), or the CRG (County Review Group) or through the CIM (Community Input Meeting) process. In 1997, the School added a Performing Arts Center constructed on the side of the existing school building which was closest to Gypsy Lane. Thereafter, certain athletic fields were added in the rear of the property to include softball, soccer and field hockey fields and tennis courts.

She testified that the proposed construction would result in the loss of existing parking spaces (approximately ten (10)). There are no new parking spaces proposed as a result of the construction of the 600 seat gymnasium. The testimony was that approximately 243 parking spaces existed and approximately ten (10) would be lost due to this construction.

(Note: A review of Petitioner's Exhibit #1, the Site Plan will reflect that out of the 56+ acres for the Sisters of Notre Dame, all of the development since 1960 has occurred between the school as constructed in 1960 and the Gypsy Lane neighbors.) Both Dimenna and Moser were forced to acknowledge that physically the proposed

gymnasium could be built elsewhere on the site. The reason for constructing it at its proposed location was for the convenience to the Sisters of Notre Dame in the functioning of the School operation and athletic facilities. Both Dimenna and Moser acknowledged a loss of parking spaces as a result of the new construction with no new proposed spaces being provided for the additional 600 users of the new gymnasium.

Ms. Moser testified that the current building location of the existing facility was 280 feet from the residents of Gypsy Lane and that, if the proposed gymnasium is approved in its present location, it will be 92 feet from the Gypsy Lane residential property.

PROTESTANTS CASE'

On July 8, 2003, the second day of hearing, the Protestants called Mr. Charles Benzing, who qualified as an expert of 35 years in drafting. He prepared a Protestants' Exhibit showing the relative proportions of the Hayes and Synodinos houses to the proposed new gymnasium. It was marked as a Protestants' Exhibit and it purported to show the elevations and relative sizes of the proposed gym with the adjacent residential properties. It did not purport to establish a perspective in terms of depth between the two (2) properties. This Protestants' Exhibit was designed to show the relative elevations of the proposed gym and the existing homes on Gypsy Lane.

Mr. Ralph Hemphill, Ms. Virginia Hancock and Mr. Shane Abernathy, President of Hampton Improvement Association, all testified as to the concerns regarding this project. They opined that the proposed gymnasium was too large relative to its relationship with the residential homes on Gypsy Lane and on Hampton Lane; that it

created additional traffic and numbers of people where the neighborhood is already impacted by too much overflow parking and traffic from the School.

Mr. Abernathy testified that the Community Association position was that the gymnasium was not compatible with the residential neighborhood due to its size and height. He expressed concerns in regard to traffic and parking and large scale events.

Mary Ellen Pease, a neighbor, requested the Board deny the variance. She testified that the gymnasium was out of character with the neighborhood and that the typography of the land created a height differential which caused the new gymnasium to tower over adjacent properties. Ms. Pease was concerned that the existing gym holds 400 people and many times during a sporting event at the school, cars will be parked on Gypsy Lane and Hampton Lane. She opined that an additional 600 seats in the new gym, if an event is concurrently held utilizing the old and new gymnasiums, will cause an overflow of traffic and parking problems in the neighborhood.

Jim Synodinos testified as to his concerns. He identified himself as an adjacent property owner for many years. He took pictures and introduced them as Protestants' Exhibits showing the relative impact of the existing Fine Arts Center and Knott building upon from his back yard and his house. He testified that the new gym will be even closer and higher relative to his house. He testified that all of the drawings and photographs submitted by the Petitioners were taken when the foliage was on the trees. Synodinos photographs were taken in the fall of the year when there was no foliage and the existing buildings which are lower in height than the new gymnasium and much further away than the proposed gym are clearly visible from his property and the major portion of the residential neighborhood on Gypsy Lane and Katy Court.

Synodinos testified that this building is not compatible with the residential neighborhood and that it will have a negative impact on his property and his other neighbors on Gypsy Lane. He was likewise testifying on behalf of neighbors on Katy Court who would have a clearer view of the proposed new gymnasium. Synodinos testified as to the current parking problems caused by events being held on the Petitioner's property which overflowed onto Hampton Lane and onto his street. He submitted photographs establishing that there is a current parking problem in the community. He likewise expressed concern about an additional 600 person gymnasium if events were held concurrently in both gyms. He testified as to noise problems related to the existing school facilities and objected to noise being produced by heating and air conditioning elements on the new gymnasium.

He testified that when the new ball fields were constructed by the school, many trees were removed and the trees planted by the Petitoners were allowed to die and never replaced. He objected to the length of the building and the height. Synodinos further testified that in the past when he requested the Petitioners to shield their existing buildings from the residents on Gypsy Lane that they failed to do so. (However, they permitted Synodinos to pay for trees to be planted on their property to shield his backyard). Synodinos objected to the removal of the mature trees that create a buffer between the School and Gypsy Lane residents.

He proposed that to make the gymnasium compatible with the surrounding neighborhood, it should be either lowered by approximately 25 feet into the ground into its current location or moved to behind the existing School in the area known as "Parcel 37" or placed in front of the building in the open space overlooking Hampton Lane.

Synodinos, referring to Petitioner's Exhibit #1, objected to the cramming of a 600 seat gymnasium within 92 feet of his property and suggested that with 56 acres, the School could find a better location with less negative impact upon the adjacent residential community. A review of the Petitioner's Exhibit #1 Site Plan will confirm that all additions to the existing Notre Dame Preparatory School from 1960 have been added to the Gypsy Lane East side of the property to the point that they are literally touching the property line.

Synodinos submitted a drawing which showed the elevation between Gypsy Lane East, his house, his garage and the proposed new gymnasium and the existing classrooms and classroom building. He opined that the proposed new gymnasium at 43 feet literally towered over Gypsy Lane due to the 30 foot height differential between the base of the gymnasium and the base of Gypsy Lane East.

Synodinos further testified that the building should be limited to that length required by the County Zoning Regulations. (Note: It should be noted that the Petitioner attempted to illustrate that the gymnasium would not be seen from Gypsy Lane through an exhibit which purported to show that only a tip of the roof of the gymnasium would be seen from Gypsy Lane.) First, this attempt fails because it does not accurately reflect the loss of leaves and foliage on the trees which would permit an unobstructed view of the massive structure of the gymnasium. Secondly, it purports to show the view from Gypsy Lane and does not reflect what will be observed by the individuals who reside along Gypsy Lane adjacent to the subject property. Finally, it does not purport in any way to establish what will be viewed by the public and residents of Katy Court, who will have an entirely different and unobstructed view of the massive structure.)

Mr. Synodinos further testified as to the loss of parking spaces by the construction of this facility and the congesting overcrowding impact upon the adjacent residential streets and neighborhoods.

Synodinos further requests that the Board, if it is inclined to grant the relief requested by the Petitioner, place certain limitations upon the approval of this Plan and they are as follows:

1. Conditional approval that no additional driveways or service drives will be permitted between the proposed building and the residents on Gypsy Lane and Katy Court.

2. To require preservation and maintenance of the existing buffer.

3. To provide and require for maintenance of any new trees and buffers planted as a result of the approved landscape plan.

4. To require review and control of any stream erosion to Loch Raven Reservoir from the property.

5. To control the noise level associated with the proposed building to be at an acceptable level and appropriate to the residential neighborhood.

6. To provide an appropriate means of enforcement on the part of the impacted neighbors in the event the School fails to comply with any of the Board's decisions.

The next witness presented by the Protestants was Jack Dillon, who qualified as an expert in land planning. Dillon obtained experience in land use and worked for many years for Baltimore County in the Office of Planning. He was an environmental planner in the Comprehensive Planning Division and retired from the County in 1996. He had

occasion to visit the site as well as view the Synodinos property in March, 2003. He drove through the community and reviewed the Site Plan and the ZAC (Zoning Advisory Committee) comments. He testified that he observed the subject site and the community in late March and early May before the deciduous trees bloomed. He testified that the majority of the trees in the neighborhood and on the subject site are deciduous. He testified he was struck by the view of the school from the corner of Katy Court and Gypsy Lane. The view of the school and the proposed gym from that location of the subject site is very visible and will be made more so by the proposed new building. He observed that the entire property is more visible because a major wooded area on the site was removed along the South and Western border to allow for the construction of the athletic fields.

In Dillon's analysis, he found four (4) things that were disturbing. First, that the proposed building represents a much more significant encroachment into the community than any previous improvement of the School. Second, the size and the massing of the structure and its incompatible use with the residential community. Third, the social impact of having a gymnasium so close to residences; and Fourth, a total lack of consideration of the need for additional parking at the School.

Dillon testified that the existing Knott Fine Arts Building and Kirby Center are now 220 feet to the property line at its closest point on the west side of the School. He found this setback fairly reasonable for a school that owns about 56 acres of land. He testified that when working with a large school like this one, it is important to look at it in its context with its surroundings community. The school does not exist alone and in isolation. Here we have a private school that has been in this location since the early

1960's. The adjacent community also dates back to the 1950's. The houses in the immediate community to the west are mostly single story ranch homes with full basements that sit on half to one acre lots. They seem to hug the terrain as they are set into hillsides.

He then testified that the proposed building will extend 138 feet closer to the community and rise to over 40 feet above grade only 92 feet from the common property lines. He testified the effect would be startling during the six (6) months of the year that the remaining trees are not in leaf.

He testified that an issue of compatibility does exist with this proposal and that the Planning Staff did not apparently consider the impact of the project on the adjacent community. He testified that the staff report of November 15, 2002, reflected a concern for architectural and materials compatibility with the existing school. He testified that the issue of compatibility should have been analyzed from the standpoint of the entire community including the residential neighborhood.

Dillon opined that it was not uncommon to have large buildings near smaller ones near high density areas; however, this area is not zoned high density use, or even commercial use. The zoning is DR 2 and DR 1. It is an area with large lots with well maintained homes and property.

Dillon went on further to say that there is a sense scale here and that setbacks are important and in his opinion, the proposed addition is too large and too close to residential dwellings. He found that the 56 acre property is not unique for a school.

In addressing the social impact of a gymnasium of this size, he found that the noise of a gymnasium so close the residences could be annoying, especially at night.

There is also the "after game exodus" and the resulting noise of students and friends yelling, slamming doors, honking horns, etc. His conclusion was that the proximity of the proposed structure as designed is inappropriate.

Dillon also found that the proposed building will change the parking and circulation pattern and that additional parking appears to be absent. He took exception to the proposal that since there will be no additions to the student body, that no additional parking spaces were required. He concluded that this position appeared to miss the "common sense" test. He testified there will be two (2) gymnasiums, one seating 400 and the other 600 and that it was conceivable that two (2) events could occur at the same time, yet because no additional students are anticipated, no additional parking will be required. He testified that the evidence from the community reflected that there is already a problem in the community during major events at the school and cars are parked along Hampton Lane and Gypsy Lane.

Dillon found that there were two (2) alternatives for the school to consider. One would be to relocate to the proposed addition to the south side of the existing building in the rear near Parcel #37. The other would be to construct it out in front of the building along Hampton Lane area. Neither of these alternatives would require the two (2) requested variances. He did consider another alternative and that was to reverse the proposed building so the higher portion of it would be at a lower elevation and would have less impact on the community.

Finally, he opined that it appears that the School has grown without a Master Plan and by moving in the direction closer toward Gypsy Lane, they have not seriously considered the impact of the School upon the adjacent community. He testified that the

School has 56 acres and there are alternatives that will allow them to build without having such impact. He realized that there may be rock in portions of the school property; however, he testified there is rock all through the Hampton area and that is not an unusual construction feature to deal with and has not been a deterrent for other construction in the area.

On Day 3, the Developer called Dimenna and Moser to rebut the Protestants' case. The Petitioner submitted drawings attempting to illustrate that the proposed gymnasium would not be seen from Gypsy Lane. The response to that has been previously addressed in this Memorandum. The Petitioners did attempt to address the noise issue by suggestion of noise suppression material for the new gymnasium as well as a proposed lighting plan which would not interfere with the quiet enjoyment of the neighbors. Clearly, the Board should require the Developer's proposals as a condition for approval.

Finally, Melanie Moser attempted to address the landscape plan which is proposed to shield the proposed gymnasium from the adjacent properties. While this proposal is commendable, the difficulty as illustrated by past experiences is that the School does not either fully comply with the landscaping requirements and/or fails to properly maintain such planting to the detriment of the neighbors, particularly those living along Katy Court and Gypsy Lane. If the Board is inclined to accept these proposals by the Petitioner, then the Board should be very clear in its opinion and order with the conditions attached that maintenance and compliance is necessary for the preservation of the approval if it is granted by the Board.

CONCLUSION

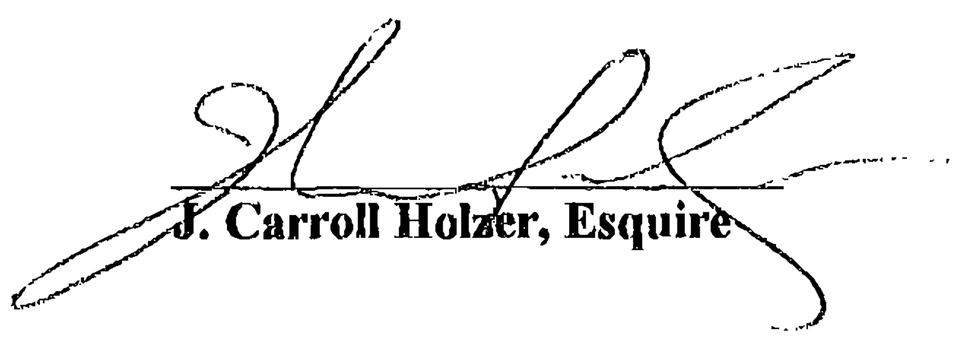
Protestants request that based upon the evidence presented to the Board that the Special Hearing Relief requested by Petitioners should be denied on the basis that the building length is not appropriate, nor compatible with the adjacent community and residential area and that detrimental impact will occur to the adjacent properties and community by the approval of a gymnasium of the size and nature proposed by the Petitioner.

Respectfully submitted,

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants/Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 26th day of September 2003, a copy of the foregoing Memorandum of Protestants was mailed first class, postage pre-paid, to: C. William Clark, Esquire, Nolan, Plumhoff and Williams, 502 Washington Avenue, Suite 700, Towson, Maryland.



J. Carroll Holzer, Esquire

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IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE—S/S Hampton Lane, NW/S Providence Road (815—817 Hampton Lane) 9th Election District 4th Council District School Sisters of Notre Dame Petitioners	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE Case No. 03-180-SPHA

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

NOTICE OF APPEAL

Appellants Jim and Ruth Synodinos; Mary Ellen Pease; Sophia Balis; Steve and Susan Porter; Fred and Shirley Regler; Steve and Elane Berenson; Ted Wies; Margot Gerding; David and Jeanne Goldberg; Jack and Joan Conroy; Wayne and Barbara Paul; Carlos and Clara Millan; Dick and Marilyn Foster; Kevin and Kathy Farrell; and John and Emily Ulrich; by and through their attorney, J. Carroll Holzer and Holzer and Lee, feeling aggrieved by the decision of the Zoning Commissioner in the above captioned matter, hereby appeal to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated December 24, 2002, attached hereto and incorporated herein as **Exhibit #1**.

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

Respectfully submitted,

J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
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410-825-6961
Attorney for Appellants

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Certificate of Service

I HEREBY CERTIFY that on the 16th day of January, 2003, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to C. William Clark, Esq., Nolan, Plumhoff and Williams, 502 Washington Avenue, Towson, MD 21204; and the County Board of Appeals, Basement Old Courthouse, 400 Washington Ave., Towson, MD 21204; and People's Counsel for Baltimore County, Basement Old Courthouse, 400 Washington Ave., Towson, MD 21204.

J. Carroll Holzer

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
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410-887-4386
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December 24, 2002

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
S/S Hampton Lane, NW/S Providence Road
(815 – 817 Hampton Lane)
9th Election District – 4th Council District
School Sisters of Notre Dame - Petitioners
Case No. 03-180-SPHA

Dear Mr. Clark:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Sister Christine Mulcahy, School Sisters of Notre Dame
815-817 Hampton Lane, Baltimore, Md. 21286
Ms. Melanie Moser, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Ave., Towson, Md. 21286
Mr. John J. Dimenna, Rubeling & Assoc., 401 Jefferson Ave., Towson, Md. 21286
Mr. & Mrs. James Synodinos, 1142 Gypsy Lane, Towson, Md. 21286
Ms. Mary Ellen Pease, 704 Stone Barn Court, Towson, Md. 21286
Mr. Jimmy Kosmas, 1139 Gypsy Lane E, Towson, Md. 21286
Senator James Brochin, 1201 Merediths Ford, Towson, Md. 21286
Mr. Ray Giudice, 525 E. Seminary Avenue, Towson, Md. 21286
Ms. Nancy Lougheed, 1005 Katy Lane, Towson, Md. 21286
Ms. Judy Cohen, 602 St. Francis Road, Towson, Md. 21286
Ms. Mary Katherine Scheeler, 714 E. Seminary Avenue, Towson, Md. 21286
Mr. Fred Regler, 1141 Gypsy Lane, E, Towson, Md. 21286
Mr. Les Bley, 1309 Brook Meadow Drive, Towson, Md. 21286
Mr. & Mrs. C. Richard Frost, 1118 Gypsy Lane W, Towson, Md. 21286
Mr. Steve Berenson & Ms. Elana Westphal, 1138 Gypsy Lane W, Towson, Md. 21286
Mr. Scott Porter, 1150 Gypsy Lane, Towson, Md. 21286
Mr. Richard DeLabio, 1145 Gypsy Lane East, Towson, Md. 21286
Mr. Bernard Conroy 1132 Gypsy Lane West, Towson, Md. 21286
Ms. Anne Martin, 208 Beech View Court, Towson, Md. 21286
Mr. Bob Conkwright, 601 St. Francis Road, Towson, Md. 21286
Ms. Nancy Powell, 502 Stratford Court, Towson, Maryland 21286
Ms. Pat Van Nattan, 1200 Meredeths Ford Road, Towson, Md. 21286
Ms. Elizabeth Johnson, 600 E. Seminary Avenue, Towson, Md. 21286
Office of Planning; People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

9th Election District, 4 th Councilmanic District

for the property located at 815-817 Hampton Lane

which is presently zoned DR2

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

(1) a building length of 224' in lieu of the permitted 200'in the CMDP for a non residential building in a residential zone and(2) if necessary, pursuant to Section 1B01.B1.(g)(10) , a proposed athletic center that complies to the extent possible with RTA use requirements and is compatable with the character and general welfare of the surrounding residential premises.

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:

C. William Clark, Esquire
Name - Type or Print

City

Signature

NOLAN, PLUMHOFF& WILLIAMS, CHTD.
Company

502 Washington Avenue — (410) 823-7800
Address — Telephone No.

Towson, — MD — 21204
City — State — Zip Code

Legal Owner(s):

School Sisters of Notre Dame
Name - Type or Print

By: Sister Christine Mulcahy, SSND
Signature

Sister Christine Mulcahy
Name - Type or Print

Signature

815-817 Hampton Lane — (410) 825-6202
Address — Telephone No

Baltimore, — MD — 21286
State — Zip Code

Representative to be Contacted:

DMW Daft-McCune-Walker, Inc.
Name

200 E. Pennsylvania Avenue — (410) 296-3333
Address — Telephone No

Towson, — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK **Date** 10/11/02

Case No. 03-180-SPHA

REV 9/15/98

Description

To Accompany Petition for Zoning Variance

56.06 Acre Parcel

South Side of Hampton Lane

Northwest Side of Providence Road

Ninth Election District, Baltimore County, Maryland

DMW

Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

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

Beginning for the same at the end of the second following courses and distances measured from the intersection of the centerline of Providence Road and Hampton Lane, (1) North 38 degrees 21 minutes 51 seconds West 51.37 feet, and thence (2) South 51 degrees 38 minutes 09 seconds West 35.16 feet, thence running for the twenty-two following courses and distances, viz: (1) South 59 degrees 37 minutes 15 seconds West 22.03 feet, thence (2) South 41 degrees 56 minutes 16 seconds West 59.01 feet, thence (3) North 55 degrees 35 minutes 44 seconds West 223.25 feet, thence (4) South 34 degrees 26 minutes 10 seconds West 145.00 feet, thence (5) South 34 degrees 26 minutes 10 seconds West 199.88 feet, thence (6) South 55 degrees 35 minutes 44 seconds East 201.46 feet, thence (7) South 38 degrees 46 minutes 06 seconds West 299.76 feet, thence (8) North 55 degrees 35 minutes 44 seconds West 249.98 feet, thence (9) South 37 degrees 16 minutes 39 seconds West 499.98 feet, thence (10) South 30 degrees 46 minutes 09 seconds West 449.80 feet, thence (11) South 57 degrees 41 minutes 41 seconds East 248.71 feet, thence (12) South 22 degrees 56 minutes 15 seconds West 225.45 feet, thence (13) South 53 degrees 27 minutes 17 seconds West 133.00 feet, thence (14) South 70 degrees 33 minutes 16 seconds West 310.87, thence (15) North 85 degrees 21 minutes 54

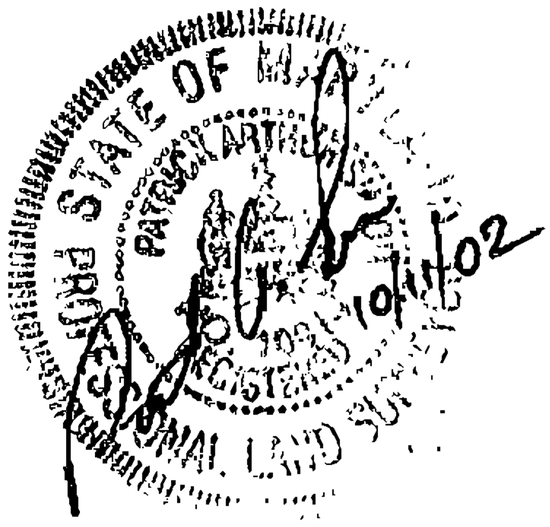
#4 /80

seconds West 233.44 feet, thence (16) North 73 degrees 56 minutes 02 seconds West 139.42 feet, thence (17) North 44 degrees 06 minutes 38 seconds West 191.99 feet, thence (18) North 59 degrees 06 minutes 41 seconds West 40.79 feet, thence (19) North 47 degrees 48 minutes 06 seconds West 177.90 feet, thence (20) North 48 degrees 19 minutes 22 seconds West 64.41 feet, thence (21) North 41 degrees 39 minutes 28 seconds East 379.83 feet, thence (22) North 10 degrees 19 minutes 48 seconds East 284.84 feet, and thence (23) North 10 degrees 21 minutes 28 seconds East 1315.23 feet to a point of nontangency, thence binding on the south side of Hampton Lane the seven following courses and distances, viz: (24) Southeasterly by a line curving to the left, having a radius of 577.87 feet, for a distance of 315.64 feet (the arc of said curve being subtended by a chord bearing South 74 degrees 32 minutes 08 seconds East 311.73 feet), thence (25) North 89 degrees 49 minutes 00 seconds East 34.68 feet to a point of curvature, thence (26) Southeasterly by a line curving to the right, having a radius of 3325.00 feet, for a distance of 611.59 feet (the arc of said curve being subtended by a chord bearing South 84 degrees 54 minutes 50 seconds East 610.73 feet to a point of curvature, thence (27) South 79 degrees 38 minutes 30 seconds East 214.34 feet, thence (28) Southeasterly by a line curving to the right, having a radius of 775.00 feet, for a distance of 555.37 feet (the arc of said curve being subtended by a chord bearing South 59 degrees 06 minutes 44 seconds East 543.57 feet), thence (29) South 37 degrees 50 minutes 01 second East 42.08 feet to a point of nontangency, and thence (30) Southeasterly by a line curving to the right, having a radius of 25.00 feet, for a distance of 22.42 feet (the arc of said curve being subtended by a chord bearing South 12 degrees 18 minutes 50 seconds East 21.67 feet) to the place of beginning; containing 56.06 acres of land, more or less.

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

September 26, 2002

Project No. 96021.D (L96021.D)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17894

DATE 10/11/02 ACCOUNT 001-006-6150

AMOUNT $ 500.00

RECEIVED FROM: [illegible]

FOR: [illegible]

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JT - 180

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME
10/15/2002 10/11/2002 14:31:20
REG WSM WALTH 006 DAD DASHER 2
RECEIPT # 198868 10/11/2002 GELN
DEPT 5 NZA ZONING VERIFICATION
DR #1 017894
Amount Tot $500.00
500.00 CK .00 CA
Baltimore County, Maryland

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: #03-180-SPHA
815-817 Hampton Lane
S/West corner of Hampton Lane and Providence Road
9th Election District - 4th Councilmanic District
Legal Owner(s): School Sisters of Notre Dame

Special Hearing: to approve (1) a building length of 224 feet in lieu of the permitted 200 feet in the CMDP for a non-residential building in a residential zone, and (2) if necessary, to approve an athletic center that complies to the extent possible with R1A use requirements and is compatible with the character and general welfare of the surrounding residential premises **Variance:** to permit a side yard setback of 17.5 feet in lieu of the required 30 feet and a side yard for an existing building of 17.5 feet in lieu of the 30 feet and, if necessary, a variance to permit a non-residential building length of 224 feet in lieu of the permitted 200 feet.

Hearing: Monday, November 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
J1/11/628 Nov. 5 C5728/2

CERTIFICATE OF PUBLICATION

11/7, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/5, 2002.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-100-SPHA

Petitioner/Developer: SCHOOL SISTERS OF NOTRE DAME

Date of Hearing/Closing: 11/18/02

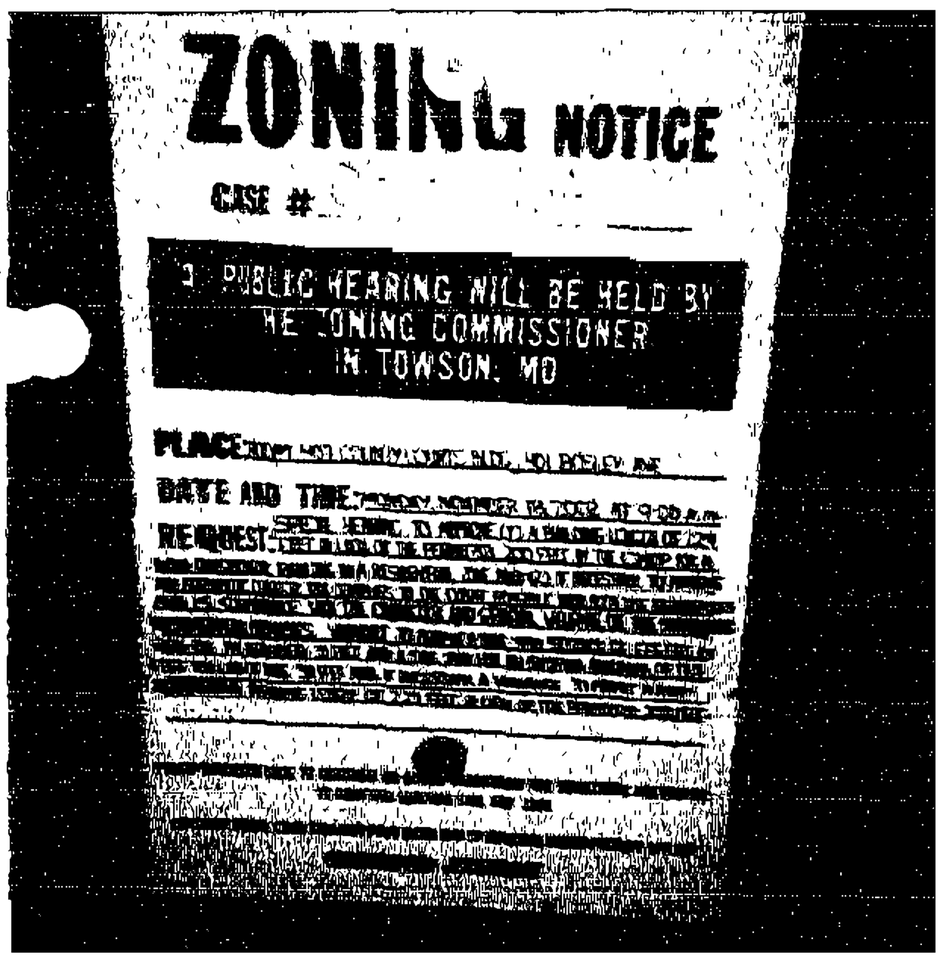
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 815-817 HAMPTON LANE

The sign(s) were posted on 11/2/02
(Month, Day, Year)



Sincerely,

11/2/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-180-SPHA

School Sisters of Notre Dame (SSND) - LEGAL OWNERS

815-817 Hampton Lane - Towson

9th ELECTION DISTRICT

APPEALED: 1/16/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-180-SPHA

School Sisters of Notre Dame (SSND) - LEGAL OWNERS

815-817 Hampton Lane - Towson

9th ELECTION DISTRICT APPEALED: 1/16/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 03-180 SPHA

Petitioner/Developer:

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

EXIT DRIVE ON HAMPTON LA.

The sign was posted on 2/13, 2003

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-180-SPHA

Petitioner: School Sisters of Notre Dame

Address or Location: 815-817 Hampton Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mitch Kellman (DMW, Inc.)

Address: 200 E. Pennsylvania Ave.
Towson, MD 21286

Telephone Number: 410-296-3333

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 23, 2002

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: 03-180-SPHA
815-817 Hampton Lane
S/west corner of Hampton Lane and Providence Road
9th Election District District – 4th Councilmanic District
Legal Owner: School Sisters of Notre Dame

Special Hearing to approve (1) a building length of 224 feet in lieu of the permitted 200 feet in the CMDP for a non-residential building in a residential zone, and (2) if necessary. To approve an athletic center that complies to the extent possible with RTA use requirements and is compatible with the character and general welfare of the surrounding residential premises. Variance to permit a side yard setback of 17.5 feet in lieu of the required 30 feet and a side yard for an existing building of 17.5 feet in lieu of the 30 feet and, if necessary, a variance to permit a non-residential building length of 224 feet in lieu of the permitted 200 feet.

HEARING: Monday, November 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: C. William Clark, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Towson 21204
School Sisters of Notre Dame, 815-817 Hampton Lane, Baltimore 21286
Daft-McCune-Walker, Inc., 200 E. Pennsylvania Avenue, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 1, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 5, 2002 Issue – Jeffersonian

Please forward billing to:
Mitch Kellman 410-296-3333
DMW, Inc.
200 E. Pennsylvania Avenue
Towson, MD 21286

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: 03-180-SPHA
815-817 Hampton Lane
S/west corner of Hampton Lane and Providence Road
9th Election District District – 4th Councilmanic District
Legal Owner: School Sisters of Notre Dame

Special Hearing to approve (1) a building length of 224 feet in lieu of the permitted 200 feet in the CMDP for a non-residential building in a residential zone, and (2) if necessary. To approve a athletic center that complies to the extent possible with RTA use requirements and is compatible with the character and general welfare of the surrounding residential premises. Variance to permit a side yard setback of 17.5 feet in lieu of the required 30 feet and a side yard for an existing building of 17.5 feet in lieu of the 30 feet and, if necessary, a variance to permit a non-residential building length of 224 feet in lieu of the permitted 200 feet.

HEARING: Monday, November 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

March 7, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-180-SPHA

IN THE MATTER OF: ***School Sisters of Notre Dame***
- Legal Owner 815-817 Hampton Lane
9th Election District; 4th Councilmanic District

12/24/02 -ZC's Order in which special hearing request was GRANTED; Variance as to setbacks GRANTED with restrictions; variance as to non-residential building length of 224' dismissed as moot.

ASSIGNED FOR: **WEDNESDAY, APRIL 2, 2003 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).

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

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : James and Ruth Synodinos et al

Counsel for Petitioner : C. William Clark, Esquire
Petitioner : School Sisters of Notre Dame
Sister Christine Mulcahy
Bob La Pierre

Daft McCune Walker, Inc.

People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

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on Recycled Paper

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

April 4, 2003

NOTICE OF ASSIGNMENT /Day #2

CASE #: 03-180-SPHA

IN THE MATTER OF: ***School Sisters of Notre Dame***
- Legal Owner 815-817 Hampton Lane
9th Election District; 4th Councilmanic District

Day #2 from 4/02/03

12/24/02 -ZC's Order in which special hearing request was GRANTED; Variance as to setbacks GRANTED with restrictions; variance as to non-residential building length of 224' dismissed as moot.

ASSIGNED FOR: **TUESDAY, JULY 8, 2003 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).

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

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : James and Ruth Synodinos et al

Counsel for Petitioner : C. William Clark, Esquire
Petitioner : School Sisters of Notre Dame
Sister Christine Mulcahy
Bob La Pierre

Daft McCune Walker, Inc.

People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

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on Recycled Paper

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

July 8, 2003

NOTICE OF ASSIGNMENT /Day #3

CASE #: 03-180-SPHA

IN THE MATTER OF: *School Sisters of Notre Dame*
- Legal Owner 815-817 Hampton Lane
9th Election District; 4th Councilmanic District

Day #3 from 7/08/03

12/24/02 -ZC's Order in which special hearing request was GRANTED; Variance as to setbacks GRANTED with restrictions; variance as to non-residential building length of 224' dismissed as moot.

ASSIGNED FOR: **TUESDAY, SEPTEMBER 9, 2003 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).

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

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : James and Ruth Synodinos et al

Counsel for Petitioner : C. William Clark, Esquire
Petitioner : School Sisters of Notre Dame
Sister Christine Mulcahy
Bob La Pierre

Daft McCune Walker, Inc.

People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

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

file copy

September 9, 2003

NOTICE OF DELIBERATION

IN THE MATTER OF:

SCHOOL SISTERS OF NOTRE DAME -
Legal Owner
Case No-03-180-SPHA

Having heard this matter over three days of public hearing (4/02/03; 7/08/03; and 9/09/03), public deliberation has been scheduled for the following date /time:

DATE AND TIME : **THURSDAY, OCTOBER 23, 2003 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

Note: Memos are due from counsel on Monday, September 29, 2003
(Four [4] copies to be filed: Original and three copies)

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : James and Ruth Synodinos et al

Counsel for Petitioner : C. William Clark, Esquire
Petitioner : School Sisters of Notre Dame
Sister Christine Mulcahy
Bob La Pierre

Daft McCune Walker, Inc.

People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

fyi: 2-4-3

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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
pdmlandacq@co.ba.md.us

November 15, 2002

C. William Clark
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, MD 21204

Dear Mr. Clark:

RE: Case Number: 03-180-SPHA, 815-817 Hampton Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 11, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
School Sisters of Notre Dame, Sister Christine Mulcahy, 815-817 Hampton Lane, Towson 21286
Daft-McCune Walker, Inc., 200 E. Pennsylvania Avenue, Towson 21286

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Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.22.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 180 BR

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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
Fire Department

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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 22, 2002

ATTENTION: George Zahner

Property Owner: Sister Christine Mulcahy

Location: 815-817 Hampton Lane

Item No.: 180

Dear Mr. Zahner:

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 Baltimore County Fire Prevention Code; the NFPA 1 & 101, 2000 editions, prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 15, 2002

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

SUBJECT: 815-817 Hampton Lane

INFORMATION:

Item Number: 03-180

Petitioner: School Sisters of Notre Dame

Zoning: DR 2

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a side yard for a proposed non-residential principal building of 17.5 feet in lieu of the minimum required 30feet; and a side yard for an existing non-residential principal building of 17.5 feet in lieu of the minimum required 30feet.

This office also supports the request to permit a non-residential building length of 224 feet in lieu of the maximum permitted 200 feet. The total building length or fullest building width of a non-residential principal building may be increased from the maximum 200' length up to 300' upon favorable recommendation of the Director of the Office of Planning to the Hearing Officer subject to the following:

1) The materials are specified;
2) The buildings are segmented and architecturally varied to break up their massing;
3) Landscaping is used to visually break up the massing of the façade;
4) The architectural details reflect regional residential elements; and,
5) Buildings shall comply with Sections 26-203.d.20, and 26-282, "Compatibility," of the Development Regulations.

The Applicant has provided building elevations with materials indicated, a floor plan, and site and landscape plans. The elevations demonstrate that the scale, massing and materials of this addition are compatible with those of the existing school. The mass of the proposed gym is segmented and architecturally varied. The overall building complex will present a consistent architectural theme. The Office of Planning has reviewed these submissions and recommends favorably for the modification of standards and that this proposal meets the Compatibility Objectives of the CMDP and Baltimore County Development Regulations subject to the listing below:

1) Material colors should be specified.

2) The western elevation of the gymnasium is the portion of the building closest to the neighboring residential community. As such, the façade elevation materials should be primarily stone and with minimal use of vertical siding or preferably dryvit.

3) Provide a pedestrian walkway from the locker room to the adjacent field.

4) Submit a Final Landscape Plan and Lighting Plan (to include building mounted lights) to this office for review and approval prior to the issuance of building permits.

5) Submit a final landscape plan to the Office of Planning for review and approval prior to the issuance of any building permits. The landscape plan shall include enhanced landscaping along the full length of the western property boundary.

Prepared by: _____

Section Chief: _____

AFK/LL:MAC:

LD 1/55

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 14, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 28, 2002
Item Nos.171, 173, 174, 175, 176, 177,
180, and 181

and

Item No. marked: "Use Permit Posting"
(111 Hanover Pike)

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

RWB:CEN:jrb

cc: File

ZAC-10 28-2002-NO COMMENT ITEMS-11142002

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/TGT

DATE: November 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of October 21, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

171, 174, 175, 176, 178, 179, 180

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Larry E. Schmidt
Zoning Commissioner
For Baltimore County

DATE: June 25, 2003

RECEIVED

JUN 26 2003

ZONING COMMISSIONER

FROM: Lynn Lanham
Chief, Development Review Section
Office of Planning

SUBJECT: School Sisters of Notre Dame
815-817 Hampton Lane
Case Number 03-180 SPHA

The Office of Planning has reviewed and approves the architectural elevations of the proposed athletic center (rendered in color) received by the Office of Planning on May 13, 2003. The materials of the west elevation facing, and closest to the adjacent residential neighborhood, have been revised to be primarily stone with minimal use of the vertical siding. Colors and materials are similar to and complement the existing structure.

The Office of Planning has also reviewed and approves the revised landscape plan submitted on June 10, 2003. This plan adds material along the western property boundary (8 Norway Spruce and an evergreen hedge) as well as a detailed planting of primarily evergreen trees adjacent to the proposed athletic center. Avery Harden has also reviewed this plan and finds it acceptable.

Pedestrian walkways have been added to connect the proposed addition to the parking and drop-off areas as well as a connection to the athletic fields.

The Office of Planning recommends that these plans and elevations satisfy the conditions of your order dated December 24, 2002.

Lynn Lanham

LL:kma
C: John Dimena
Melanie Moser

\\NCII_NW\VOL3\WORKGRPS\DEVREV\ZAC\03-180conditions met.doc

RE:	PETITION FOR SPECIAL HEARING & VARIANCE	*	BEFORE THE
	815-817 Hampton Lane SW corner Hampton Lane & Providence Road	*	ZONING COMMISSIONER
	9th Election District 4th Councilmanic District	*	FOR
	Legal Owner: Sister Christine Mulcahy School Sister of Notre Dame	*	BALTIMORE COUNTY
	Petitioner(s)	*	03-180-SPHA

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

ENTRY OF APPEARANCE

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

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 22nd day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Daft-McCune-Walker, Inc., 200 E. Pennsylvania Avenue, Towson, MD. 21286; and to C. William Clark, Esquire, NOLAN, PLUMHOFF & WILLIAMS, CHTD., 502 Washington Avenue, Towson, MD. 21204 Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
By

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 17, 2003

C. William Clark
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, MD 21204

Dear Mr. Clark:

RE: Case No. 03-180-SPHA, 815-817 Hampton Lane

Please be advised that an appeal of the above-referenced case was filed in this office on January 16, 2003 by J. Carroll Holzer on behalf of Jim and Ruth Synodinos, Mary Ellen Pease, Sophia Balis, Steve and Susan Porter, Fred and Shirley Regler, Steve and Elane Berenson, Ted Wies, Margot Gerding, David and Jeanne Goldberg, Jack and Joan Conroy, Wayne and Barbara Paul, Carlos and Clara Millan, Dick and Marilyn Foster, Kevin and Kathy Farrell, and John and Emily Ulrich.. 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,

Arnold Jablon
Director

AJ:rlh

c: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM
People's Counsel
School Sisters of Notre Dame, Sr. Christine Mulcahy, 815-817- Hampton Lane, Baltimore 21286
DAFT-McCune-Walker, Inc., 200 E. Pennsylvania Avenue, Towson 21286
J. Carroll Holzer, 508 Fairmount Ave., Towson 21286

Printed with Soybean Ink
on Recycled Paper

APPEAL

815-817 Hampton Lane
(Address)
(Location)
9th Election District - Councilmanic District 4th
SSND - Legal Owner
N/A - Contract Purchaser
Case No.: 03-180-SPHA

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

✓ Petition for Special Hearing and Variance(October 11, 2002)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (October 23, 2002)

✓ Certification of Publication (The Jeffersonian issue November 5, 2002)

✓ Certificate of Posting (November 2, 2002 posted by SSG Robert Black)

✓ Entry of Appearance by People's Counsel (October 22, 2002)

✓ Petitioner(s) Sign-In Sheet
One

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
3 Sheets

✓ Zoning Advisory Committee Comments

Petitioners' Exhibits:
- ✓ 1. Plan to Accompany Petition for Zoning Variance and Special Hearing
- ✓ 2. Comment from the Dept. of Planning
- ✓ 3. Paper on John J. Dimenna
- ✓ 4a-l Photos
- ✓ 5. Scale of Athletic Center-Notre Dame Preparatory School
- ✓ 6. Aerial Photo of Athletic Center of Notre Dame Preparatory School
- ✓ 7. Elevation level plat
- ✓ 8. 3 pages from the BCZR
- ✓ 9. Landscape Plan of proposed Athletic Ctr.-Notre Dame Preparatory School

Protestants' Exhibits:
- ✓ 1a.-3g. Photos
- ✓ 2. Hand-drawn map

Miscellaneous (Not Marked as Exhibits):
None

✓ Zoning Commissioner's Order (December 24, 2002 - GRANTED)

✓ Notice of Appeal received on January 16, 2003 from J. Carroll Holzer on behalf multiple clients.

c: People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM
C. William Clark, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson 21204
J. Carroll Holzer, 508 Fairmount Ave., Towson 21286
School Sisters of Notre Dame, Sr. Christine Mulcahy, 815-817- Hampton Lane, Baltimore 21286

date sent 1/21/03 rlh

SISTER CHRISTINE MULCAHY
SCHOOL SISTER OF NOTRE DAME
815-817 HAMPTON LANE
BALTIMORE MD 21286
PETITIONER

C WILLIAM CLARK ESQUIRE
NOLAN, PLUMHOFF & WILLIAMS, CHTD
502 WASHINGTON AVENUE
TOWSON MD 21204
ATTORNEY FOR PETITIONER

DAFT MCCUNE WALKER INC
200 EAST PENNSYLVANIA AVENUE
TOWSON MD 21286

J CARROLL HOLZER
HOLZER & LEE
508 FAIRMOUNT AVENUE
TOWSON, MD 21286
ATTORNEY FOR APPELLANT

JAMES AND RUTH SYNODINOS ET AL
1142 GYPSY LANE EAST
TOWSON MD 21286
APPELLANTS (VARIOUS NAMES LISTED IN APPEAL)

JAMES AND RUTH SYNODINOS ET AL
C/O J CARROLL HOLZER
HOLZER & LEE
508 FAIRMOUNT AVENUE
TOWSON, MD 21286
APPELLANTS

NOTIFICATIONS

Case No. 03-180-SPHA

SPH – Building length of 224' ilo 200' for nonresidential building in residential zone per CMDP; and, if necessary, find that proposed athletic center complies with RTA; compatible with character and welfare of surrounding community;
VAR – Side yard setbacks; and, if necessary, variance to permit non-residential bldg length of 224' ilo maximum allowed 200'

12/24/02 -ZC's Order in which special hearing request was GRANTED; Variance as to setbacks GRANTED with restrictions; variance as to non-residential building length of 224' dismissed as moot.

2/26/03 – Request for expedited hearing filed by Sister Christine Mulcahy, Headmistress, Notre Dame Prep.

3/07/03 –Notice of Assignment sent to following; assigned for hearing on Wednesday, April 2, 2003, at 10:00 a.m.:

J. Carroll Holzer, Esquire
James and Ruth Synodinos et al
C. William Clark, Esquire
School Sisters of Notre Dame
Sister Christine Mulcahy
Bob La Pierre
Daft McCune Walker, Inc.
People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

3/31/03 – Letter from J. Dillon to C. Holzer – in response to subpoena, he will be unable to attend hearing on 4/02/03; recovering from knee replacement surgery.

4/02/03 – Board convened for hearing (Stahl, Wescott, Worrall); completed day #1; assigned to 7/08/03 for day #2 with confirmation of availability of counsel, clients, witnesses.
-- NOTE: Possible use of 5/20/03 for day #2; T/C to Mr. Holzer this date 5 p.m. – okay on his calendar per S. Leese; will have to check with clients; also left voice mail message for Mr. Clark. Will confirm as soon as possible with all parties prior to reassigning Boards for the week of May 20th.

4/04/03 – Upon confirmation with all parties, **day #2** will be assigned to **Tuesday, July 8, 2003 at 10:00 a.m.**
FYI copy to L.S.W.

4/17/03 – Letter from Sister Christine Mulcahy, Headmistress at Notre Dame Prep – requesting consideration for earlier date for hearing day #2. Letter this date to Sister Christine advising her that no earlier date is available; file is noted and consideration will be given should something become available, with confirmation of parties. Copy to Messrs. Clark, Holzer and Zimmerman.

7/08/03 – Board convened for day #2; concluded same. Upon confirmation with counsel /parties and panel members, to be assigned for a third hearing day to 9/09/03; notice to be sent.
- Notice of Assignment, Day #3 sent this date; assigned for Tuesday, September 9, 2003 at 10:00 a.m.
FYI copy to Stahl, Wescott, Worrall.

9/09/03 – Hearing concluded (2-3-4); memos due from counsel on Monday, 9/29/03; Notice of Deliberation sent this date to all parties; assigned for Thursday, October 23, 2003 at 9:00 a.m.

9/26/03 -- Memorandum of Protestants /Appellants filed by J. Carroll Holzer, Esquire.

9/29/03 – Petitioner's Post Hearing Memorandum filed by C. William Clark, Esquire. Copies to Stahl and Worrall (in office 9/30/03); and by mail to Wescott.

10/23/03 – Board convened for deliberation (Stahl, Wescott and Worrall); G – Variances requested; G –SPII as to RTA and buffers; special hearing relief as to length of building is MOOT due to grant of variance. Written Opinion and Order to be issued; appellate period to run from date of Order. (4)

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:	School Sisters of Notre Dame Case No.: 03-180-SPHA	
DATE:	October 23, 2003	
BOARD/PANEL:	Lawrence M. Stahle Lawrence S. Wescott Edward W. Crizer, Jr.	LMS LSW EWC
RECORDED BY:	Theresa R. Shelton / Legal Secretary	

PURPOSE: To deliberate the Petition for Special Hearing and Variance filed by Sister Christine Mulcahy on behalf of the School Sisters of Notre Dame to approve a building length of 224' ilo the req'd 200' in the CMDP for a non-residential building in a residential zone and if necessary to approve a proposed athletic center; and to deliberate the request for variance to permit a side yard setback of 17.5 ft ilo req'd 30 ft. and length of 224 ilo req'd 200'

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- ✓ Practical difficulty
- ✓ If variance is approved – no need for Special Hearing – the issue becomes moot
- ✓ Petitioner's expert witness directed testimony to the standards of Cromwell
- ✓ Property sits on a knoll; environmental constraints (stream on west; wetlands, etc.); irregular shape; topography is varied; storm water management; forest conservation easement and utilities right-of-way.
- ✓ Uniqueness to the site itself
- ✓ Building being attached to the school – other locations mentioned – addition to building would not require variances / if attached would move out of RTA – could attach by breezeway, etc.
- ✓ Trees – growth of trees
- ✓ If variance not granted – trees would be removed
- ✓ The current plan is a good faith effort by the school – the location is not a bad place to put the building, but the uniqueness is at issue
- ✓ Flipping the building discussed – the Board is not the planning department, it must work with the testimony presented
- ✓ Testimony was given as to it's uniqueness
- ✓ Cromwell vs. Ward and McClean case discussed

- ✓ Uniqueness is when an inherit character is not shared with others
- ✓ Practical difficulty by abutting properties – standard of trees
- ✓ The stand of trees screen the property
- ✓ The quantifying issue for uniqueness is the trec – if variance is denied – trees are diminished
- ✓ Part of the uniqueness is the forest screening to this particular piece of property
- ✓ Size of trees and forest buffer make it unique
- ✓ View of building by other properties, cutting 30 feet of trees will make the building view even more prominent
- ✓ Length of building is a State requirement – practical difficulty
- ✓ Scholl entitled to exception Section 1B01.1(g)(10) – RTA does not require absolute – must comply to extent possible
- ✓ School is allowed there by right and meets requirements

DECISIONS BY BOARD MEMBERS: Unanimous decision to grant the Petition for Special Hearing and Variance filed by Sister Christine Mulcahy on behalf of the School Sisters of Notre Dame to approve a building length of 224' ilo the req'd 200' in the CMDP for a non-residential building in a residential zone and if necessary to approve a proposed athletic center; and to deliberate the request for variance to permit a side yard setback of 17.5 ft ilo req'd 30 ft. and length of 224 ilo req'd 200'. The Special Hearing becomes MOOT.

FINAL DECISION: That the Board AFFIRMS the Zoning Commissioner's Order dating December 24, 2002, GRANTING the Petitioners request for a Variance to approve a building length of 224' ilo the req'd 200' in the CMDP for a non-residential building in a residential zone and to approve a proposed athletic center; and the request for variance to permit a side yard setback of 17.5 ft ilo req'd 30 ft. and length of 224 ilo req'd 200', with the following conditions to be set forth in the Board's Order:

1. That no additional driveways or roadways shall be constructed;
2. To preserve and maintain the forest buffer in fatuity;
3. That Landscape plan which is approved is maintained and enforced and new planting will be maintained in fatuity;
4. That there will be put in place buffers on both the heating and air-conditioning units to control noise; and
5. Lighting will be as set forth in the plan and the light is to be forced down and maintained and preserved as described in the plan.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton
County Board of Appeals

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

MDP
Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

October 22, 2002

Mr. George Zahner
111 West Chesapeake Avenue
County Office Building, Room 111
Mail Stop # 1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda, October 28, 2002**
Case numbers 03-171-A, 03-173-SPH, 03-174-SPHA, 03-175-A, 03-176-A, 03-177-A, 03-178-A, 03-179-SPH, 03-180-SPHA, 03-181-SPH, and 111 Hanover Pike Property

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 10/21/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

RECEIVED
OCT 24 2002
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Baltimore County
Zoning Commissioner

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

November 19, 2002

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/Corner Hampton Lane & Providence Road
(815-817 Hampton Lane)
9th Election District – 4th Council District
School Sisters of Notre Dame – Petitioners
Case No. 03-180-SPHA

Dear Mr. Clark:

This letter is to confirm that the above-captioned matter was continued in open hearing on November 18, 2002 at the request of J. Carroll Holzer, Esquire, on behalf of the Hampton Improvement Association. By agreement of all parties, the matter has been scheduled to reconvene on Monday, November 25, 2002, at 10:00 AM in Room 407 of the County Courts Building.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21204
Mr. M. Shane Abernathy, Hampton Improvement Assoc., P.O. 9735, Baltimore, Md. 21284
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

April 17, 2003

Sister Christine Mulcahy
Headmistress
Notre Dame Preparatory School
815 Hampton Lane
Towson, MD 21286

RE: *In the Matter of: Notre Dame Preparatory School*
Case No. 03-180-SPHA

Dear Sister:

The Board is in receipt of your correspondence of April 16th regarding an expedited hearing date for the subject matter.

When the Board adjourned after the first day of hearing on April 2nd, July 8th was the earliest date open for day #2 and was confirmed as to availability of all parties. At this point in time, the Board's docket is scheduled through October 2, 2003, with no open dates available prior to July 8th.

While your request for an earlier date for day 2 cannot be accommodated at this time, the file has been so noted. Should earlier dates become available due to dismissal or postponement, consideration will be given to earlier assignment of this matter, upon confirmation with counsel.

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

Very truly yours,

Kathleen C. Bianco
Administrator

c: C. William Clark, Esquire
J. Carroll Holzer, Esquire
Office of People's Counsel

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on Recycled Paper

IN RE:

PETITION FOR VARIANCE	* BEFORE THE
Notre Dame Preparatory School 815-817 Hampton Lane Towson, Maryland 21286 9th Election District 4th Councilmanic District	* COUNTY BOARD OF * APPEALS * OF BALTIMORE COUNTY
	* CASE No.03-180-SPHA
School Sisters of Notre Dame Petitioner	*

* * * * * * * * * *

SUBPOENA

TO: Lynn Lanham, Chief,
Development Review Section or her designee
Baltimore County Office of Planning
401 Bosley Avenue, Room 406
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the County Board of Appeals of Baltimore County in Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204 on Tuesday, September 9, 2003, at 10:00 AM in connection with the above-captioned case, for the purpose of testifying and to bring with you any and all records, documents, reports and photographs of 815-817 Hampton Lane, Baltimore County, Maryland, at the request of:

RECEIVED
SEP 3 2003
BALTIMORE COUNTY
BOARD OF APPEALS

LAW OFFICES
LAN, PLUMHOFF
& WILLIAMS,
CHARTERED

C. William Clark
Nolan, Plumhoff, & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204
(410) 823-7800
Attorney For Petitioners

C. William Clark

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

County Board of Appeals of
Baltimore County

Issued: 9-3-03

Z:\Data\JENNIFERDATA\WPDOCS\BUD\CWC\ZONING-CLIENTS\NotreDamePrep\SubpoenaBdapp.wpd

IN THE MATTER OF	*	BEFORE THE
School Sisters of Notre Dame	*	COUNTY BOARD OF APPEALS
815-817 Hampton Lane	*	BALTIMORE COUNTY
9th Election District 4th Councilmanic District	*	CASE NO. 03-180-SPHA

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday, April 2, 2003 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Jack Dillon

Address: 543 Park Ave.
Towson, MD 21204

Name: J. Carroll Holzer
Firm: Holzer & Lee
Address: 508 Fairmount Ave., Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above cases. The Board requests the Sheriff to issue the summons set forth herein.

Theresa R. Shelton
County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2000

Not Served: _____, 2000

Sheriff of Baltimore County
C:\Subpoenas\cba.sub

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

02/11/05

Case Number: 03-C-03-012804 AE
Date Filed: 11/20/2003
Status: Closed/Inactive
Judge Assigned: To Be Assigned,
Location :

In The Matter of: Jim Synodinos, et al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	03-180-SPHA
Case Folder ID	C03012804V01

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	001	Synodinos, Jim		BT SE 02/08/05	11/21/03
		Party ID: 0630730			
Attorney	0012186	Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear. 11/21/2003		11/21/03
PET	002	Synodinos, Ruth		BT SE 02/08/05	11/21/03
		Party ID: 0630731			
Attorney	0012186	Holzer, J Carroll Holzer And Lee The 508 Building	Appear: 11/21/2003		11/21/03

508 Fairmount Avenue
Towson, MD 21286-5448
(410)825-6961

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	003	Pease, Mary Ellen		BT SE 02/08/05	11/21/03
		Party ID: 0630732			
Attorney		0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	004	Balis, Sophia		BT SE 02/08/05	11/21/03
		Party ID: 0630733			
Attorney		0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear 11/21/2003		11/21/03
PET	005	Porter, Steve		BT SE 02/08/05	11/21/03
		Party ID: 0630734			
Attorney		0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	006	Porter, Susan		BT SE 02/08/05	11/21/03
		Party ID: 0630735			
Attorney		0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	007	Regler, Fred		BT SE 02/08/05	11/21/03
		Party ID: 0630736			
Attorney		0012186 Holzer, J Carroll Holzer And Lee The 508 Building	Appear: 11/21/2003		11/21/03

508 Fairmount Avenue
Towson, MD 21286-5448
(410)825-6961

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	008	Regler, Shirley		BT SE 02/08/05	11/21/03
			Party ID: 0630737		
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	009	Berenson, Steve		BT SE 02/08/05	11/21/03
			Party ID: 0630738		
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	010	Berenson, Elane		BT SE 02/08/05	11/21/03
			Party ID: 0630739		
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	011	Wies, Ted		BT SE 02/08/05	11/21/03
			Party ID: 0630740		
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	012	Gerding, Margot		BT SE 02/08/05	11/21/03
			Party ID: 0630741		
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building	Appear: 11/21/2003		11/21/03

508 Fairmount Avenue
Towson, MD 21286-5448
(410)825-6961

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	013 Goldberg, David		BT SE 02/08/05	11/21/03
	Party ID: 0630742			
Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear 11/21/2003		11/21/03
PET	014 Goldberg, Jean		BT SE 02/08/05	11/21/03
	Party ID: 0630743			
Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear. 11/21/2003		11/21/03
PET	015 Conroy, Jack		BT SE 02/08/05	11/21/03
	Party ID: 0630744			
Attorney.	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear. 11/21/2003		11/21/03
PET	016 Conroy, Joan		BT SE 02/08/05	11/21/03
	Party ID: 0630745			
Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear. 11/21/2003		11/21/03
PET	017 Paul, Wayne		BT SE 02/08/05	11/21/03
	Party ID: 0630746			
Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building	Appear: 11/21/2003		11/21/03

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Towson, MD 21286-5448
(410)825-6961

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	018	Paul, Barbara		BT SE 02/08/05	11/21/03
		Party ID: 0630747			
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	019	Millan, Carlos		BT SE 02/08/05	11/21/03
		Party ID: 0630748			
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	020	Millan, Clara		BT SE 02/08/05	11/21/03
		Party ID. 0630749			
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear 11/21/2003		11/21/03
PET	021	Foster, Dick		BT SE 02/08/05	11/21/03
		Party ID: 0630/50			
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear. 11/21/2003		11/21/03
PET	022	Foster, Marilyn		BT SE 02/08/05	11/21/03
		Party ID. 0630751			
	Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building	Appear: 11/21/2003		11/21/03

508 Fairmount Avenue
Towson, MD 21286-5448
(410)825-6961

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PET	023 Farrell, Kevin		BT SE 02/08/05	11/21/03
		Party ID: 0630752		
Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	024 Farrell, Kathy		BT SE 02/08/05	11/21/03
		Party ID: 0630753		
Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear 11/21/2003		11/21/03
PET	025 Ulrich, John		BT SE 02/08/05	11/21/03
		Party ID: 0630754		
Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 11/21/2003		11/21/03
PET	026 Ulrich, Emily		BT SE 02/08/05	11/21/03
		Party ID: 0630755		
Attorney	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear. 11/21/2003		11/21/03
ITP	001 Board Of Appeals Of Baltimore County		BT SE 02/08/05	11/21/03
		Party ID: 0630756		
Mail:	400 Washington Ave Baltimore, MD 21204	11/21/03	11/21/03 CMS	11/21/03 CMS

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
ITP	002 Notre Dame Preparatory School		BT SE 02/08/05	01/09/04
		Party ID: 0640807		
Attorney:	0020817 Clark, C William Nolan, Plumhoff & Williams, Chartered 502 Washington Avenue Nottingham Center Ste 700 Towson, MD 21204-4528 (410)823-7800	Appear: 01/09/2004		01/09/04

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	User
02/08/05	SE	Settlement	BT	BEFORE TRIAL/HEARING	PH

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned,	J	11/21/03	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0001000	Petition for Judicial Review	11/20/03	11/21/03	PET001	TBA		02/08/05	CMS PH
0002000	Notice of Service of Discovery	12/04/03	12/08/03	000	TBA		02/08/05	SAP PH
0003000	Notice of Intention To Participate	01/05/04	01/09/04	000	TBA		01/09/04	NF NF
0004000	Motion and Order to Extend Time	01/20/04	01/20/04	000	JOH	Granted	01/20/04	MI MI
0005000	Joint Motion to Extend Time filed by all petitioners	03/09/04	03/09/04	000	JGT	Granted	03/09/04	MI MI
0006000	Joint Motion to Extend Time	04/08/04	04/08/04	000	RAJ	Granted	04/08/04	MI MI
0007000	Joint Motion To Extend Time To Transmit Record Under Rule 7-206	05/07/04	05/07/04	000	TJB	Granted	05/07/04	JBJ JBJ
0008000	Consent Motion to Extend Time Filed by PET001-Synodinos, PET002-Synodinos	06/10/04	06/10/04	PET001	CMK	Granted	06/10/04	MI MI

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0009000	Joint Motion to Extend Time Filed by PET001-Synodinos, PET002-Synodinos	07/30/04	07/30/04	PET001	KGC	Granted	07/26/04	MI MI
0010000	Joint Motion to Extend Time to transmit the record	09/23/04	09/23/04	000	JNB	Granted	09/20/04	PH MI
0011000	Joint Motion to Extend Time	11/05/04	11/05/04	000	SS	Granted	11/01/04	MI MI
0012000	Joint Motion to Extend Time	12/07/04	12/07/04	PET001	BEC	Granted	12/01/04	MI MI
0013000	Joint Motion to Extend Time to transmit record is extended no later than January 30, 2005.	01/04/05	01/04/05	000	DML	Granted	12/30/04	MR MR
0014000	Joint Motion to Extend Time to Transmit Record	02/04/05	02/04/05	000	SS	Granted	02/04/05	CKC CKC
0015000	Settlement Agreement	02/04/05	02/08/05	000	TBA		02/08/05	PH PH
0016000	*Development Agreement	02/07/05	02/09/05	000	TBA			PH PH
0017000	Docket entries sent to Board of Appeals for Baltimore County	02/11/05	02/11/05	000	TBA			CVM CVM

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1YRT	One Year Tickle (Jud	CLOSED	11/19/04	365	no	no	DAAA	D	001	000
SLMR	Set List for Motions	CANCEL	02/11/04	22	no	no	MEXT	D	004	000
SLMR	Set List For Motions	CANCEL	03/31/04	22	no	no	MEXT	D	005	000
SLMR	Set List For Motions	CANCEL	04/30/04	22	no	no	MEXT	D	006	000
SLMR	Set List For Motions	CANCEL	05/29/04	22	no	no	MEXT	D	007	000
SLMR	Set List For Motions	CANCEL	07/02/04	22	no	no	MEXT	D	008	000
SLMR	Set List For Motions	CANCEL	08/21/04	22	no	no	MEXT	D	009	000
SLMR	Set List For Motions	CANCEL	10/15/04	22	no	no	MEXT	D	010	000
SLMR	Set List For Motions	CANCEL	11/27/04	22	no	no	MEXT	D	011	000
SLMR	Set List For Motions	CANCEL	12/29/04	22	no	no	MEXT	D	012	000
SLMR	Set List For Motions	CANCEL	01/26/05	22	no	no	MEXT	D	013	000

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
SLMR	Set list For Motions	CLOSED	02/26/05	22	no	no	MEXT	D	014	000

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF: **INDIVIDUALS:**
JIM AND RUTH SYNODINOS; *
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE AND SUSAN PORTER; *
FRED AND SHIRLEY REGLER;
STEVE AND ELAINE BERENSON; *
TED WIES; MARGOT GERDING;
DAVID AND JEAN GOLBERG; *
JACK AND JOAN CONROY;
WAYNE AND BARBARA PAUL; *
CARLOS AND CLARA MILLAN;
DICK AND MARILYN FOSTER; *
KEVIN AND KATHY FARRELL; and
JOHN AND EMILY ULRICH *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE COUNTY BOARD OF APPEALS No. **3-C-03-12804**
OF BALTIMORE COUNTY *
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204

*

IN THE MATTER OF
SCHOOL SISTERS OF NOTRE DAME - *
LEGAL OWNERS;
815-817 HAMPTON LANE *
TOWSON, MD 21286

*

9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

CASE NO.: 03-180-SPHA *

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

2003 DEC -4 A 11: 37

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

J. Carroll Holzer, Esquire
Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286

Jim and Ruth Synodinos
1142 Gypsy Lane, Towson, Md 21286

Jim and Ruth Synodinos, et al
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286

Mary Ellen Pease
704 Stone Barn Court, Towson, Md 21286

Sophia Balis
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286

Steve And Susan Porter
1150 Gypsy Lane, Towson, Md 21286

Fred And Shirley Regler
1141 Gypsy Lane, E., Towson, Md 21286

Steve And Elaine Berenson
1138 Gypsy Lane, W., Towson, Md 21286

Ted Wies
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286

Margot Gerding
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286

David and Jean Goldberg
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue,
Towson, Md 21286

Jack and Joan Conroy
1132 Gypsy Lane, West, Towson Md 21286

Wayne and Barbara Paul
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue,
Towson, Md 21286

Carlos and Clara Millan
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue,
Towson, Md 21286

Dick and Marilyn Foster
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue,
Towson, Md 21286

Kevin and Kathy Farrell
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue,
Towson, Md 21286

John and Emily Ulrich
C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue,
Towson, Md 21286

C William Clark, Esquire
Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue,
Towson, Md 21204

Sister Christine Mulcahy
School Sisters Of Notre Dame, 815-817 Hampton Lane, Towson, Md 21286

Bob Lapierre
School Sisters Of Notre Dame, 815-817 Hampton Lane, Towson, Md 21286

Daft Mccune Walker Inc
200 East Pennsylvania Avenue, Towson Md 21286

Peter Max Zimmerman
People's Counsel For Baltimore County, Old Courthouse, Room 47,
400 Washington Avenue, Towson, Maryland 21204

Carole S. Demilio
Deputy People's Counsel For Baltimore County, Old Courthouse, Room 47,
400 Washington Avenue, Towson, Maryland 21204

A copy of said notice is attached hereto and prayed that it may be made a part hereof.

Theresa R. Shelton

Theresa R. Shelton, Legal Secretary
County Board Of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, Md 21204 (410-887-3180)

I hereby certify that a copy of the foregoing certificate of notice has been mailed to: J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; Jim and Ruth Synodinos, 1142 Gypsy Lane, Towson, Md 21286; Jim and Ruth Synodinos, et al; C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; Mary Ellen Pease, 704 Stone Barn Court, Towson, Md 21286; Sophia Balis, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, ; Towson, Md 21286; Steve And Susan Porter, 1150 Gypsy Lane, Towson, Md 21286; Fred And Shirley Regler, 1141 Gypsy Lane, E., Towson, Md 21286; Steve And Elaine Berenson, 1138 Gypsy Lane, W., Towson, Md 21286; Ted Wies, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; Margot Gerding, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; David And Jean Goldberg, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; Jack And Joan Conroy, 1132 Gypsy Lane, West, Towson Md 21286; Wayne And Barbara Paul, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; Carlos And Clara Millan, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; Dick And Marilyn Foster, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; Kevin And Kathy Farrell, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; John And Emily Ulrich, C/O J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, Md 21286; Sister Christine Mulcahy, School Sisters Of Notre Dame, 815-817 Hampton Lane, Towson, Md 21286; C William Clark, Esquire, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Towson, Md 21204; Bob Lapierre, School Sisters Of Notre Dame, 815-817 Hampton Lane, Towson, Md 21286; Daft Mccune Walker Inc., 200 East Pennsylvania Avenue, Towson Md 21286; Peter Max Zimmerman, People's Counsel For Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; and Carole S. Demilio, Deputy People's Counsel For Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204, this 3rd day of December, 2003.

Theresa R. Shelton

Theresa R. Shelton, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

County Board of Appeals of Baltimore County

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

December 3, 2003

J. Carroll Holzer, Esquire
Holzer and Lee
508 Fairmount Avenue
Towson, Md 21286

RE: Circuit Court Civil Action No. 3-C-03-12804
Petition for Judicial Review
Jim and Ruth Synodinos, et al
815-817 Hampton Lane, Towson
Case No.: 03-180-SPHA

Dear Mr. Holzer:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with the Maryland Rules.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton
Legal Secretary

/trs
Enclosure
c: James and Ruth Synodinos et al
C. William Clark
School Sisters of Notre Dame / Sister Christine Mulcahy
Bob LaPierre
Daft McCume Walker, Inc.
People's Counsel for Baltimore County

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on Recycled Paper

County Board of Appeals of Baltimore County

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

December 3, 2003

C. William Clark, Esquire
Nolan, Plumhoff & Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Md 21204

RE: Circuit Court Civil Action No. 3-C-03-12804
Petition for Judicial Review
Jim and Ruth Synodinos, et al
815-817 Hampton Lane, Towson
Case No.: 03-180-SPHA

Dear Mr. Clark:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on November 20, 2003, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. **3-C-03-12804.**

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton
Legal Secretary

/trs
Enclosure

c: J. Carroll Holzer, Esquire
James and Ruth Synodinos et al
School Sisters of Notre Dame / Sister Christine Mulcahy
Bob LaPierre
Daft McCume Walker, Inc.
People's Counsel for Baltimore County
Pat Keller, Director/Planning
Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director/PDM

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IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF: **INDIVIDUALS:**
JIM AND RUTH SYNODINOS;
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE AND SUSAN PORTER;
FRED AND SHIRLEY REGLER;
STEVE AND ELAINE BERENSON;
TED WIES; MARGOT GERDING;
DAVID AND JEAN GOLBERG;
JACK AND JOAN CONROY;
WAYNE AND BARBARA PAUL;
CARLOS AND CLARA MILLAN;
DICK AND MARILYN FOSTER;
KEVIN AND KATHY FARRELL; and
JOHN AND EMILY ULRICH

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

IN THE MATTER OF
SCHOOL SISTERS OF NOTRE DAME - LEGAL OWNERS;
815-817 HAMPTON LANE
TOWSON, MD 21286

9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

CASE NO.: 03-180-SPHA

TRANSCRIPT
1-26-04
original record
to 3-3-04

CIVIL ACTION
No. **3-C-03-12804**

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

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY:

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of

proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD APPEALS AND DEPARTMENT OF PERMITS & LICENSES OF BALTIMORE COUNTY

03-180-SPHA

October 11, 2002	Petition for Special Hearing and Variance filed by Sister Christine Mulcahy on behalf of the School Sisters of Notre Dame by and through their attorney C. William Clark to approve a building length of 224' ilo the req'd 200' in the CMDP for a non-residential building in a residential zone and if necessary to approve a proposed athletic center VAR: to permit a side yard setback of 17.5 ft ilo req'd 30 ft. and length of 224 ilo req'd 200'
October 22	Entry of Appearance filed by People's Counsel for Baltimore County
October 23	Notice of Zoning Hearing
November 2	Certificate of Posting
November 5	Publication in newspaper
November 15	ZAC Summary of Comments
November 18	Hearing Held before the Zoning Commissioner
December 24	Findings of Fact and Conclusions of Law issued by the Zoning Commission. Petition for Special Hearing Request GRANTED – Petition for Variance – DISMISSED AS MOOT
January 16, 2003	Notice of Appeal filed by J. Carroll Holzer, Esquire, on behalf of the following: Jim and Ruth Synodinos Mary Ellen Pease Sophia Balis Steve and Susan Porter Fre3d and Shirley Regler Steve and Elane Berenson

Ted Wies
Margot Gerding
David and Jeanne Goldberg
Jack and Joan Conroy
Wayne and Barbara Paul
Carlos and Clara Millian
Dick and Marilyn Foster
Kevin and Kathy Farrell
John and Emily Elrich

April 2	Hearing before the Board of Appeals – Day #1
July 8	Hearing before the Board of Appeals – Day #2
September 9	Hearing concluded before the Board of Appeals – Day #3

Petitioner's Exhibits

1	Site Plan
2	Baltimore County Inter-office Correspondence from Arnold F. "Pat" Keller, III to Arnold Jablon, Director, dtd November 15, 2002 – 2 pages
3	Resume – John J. Dimenna, AIA – 1 page
4A – 4I	Photographs – 2 per sheet – 9 pages
5	Reduced site plan showing athletic center
6	Aerial photograph of site
7A and 7B	Elevation drawings
8	Baltimore County Zoning Regulations 1B-4 ; 1B-5 and 1B-6
9	Preliminary Landscape Plan
10	Undated sign in sheet
11A	Baltimore County Zoning Regulations 1B-4 ; 1B-5 and 1B-6
11B	Baltimore County Zoning Regulations 1B-7; three copies
12	Planning, Zoning and Subdivision Control §26-282 – 2 pages
13	West Elevation of athletic center

14	Baltimore County Inter-office Correspondence from Lynn Lanham to Larry E. Schmidt, dtd June 25, 2003 – 1 page
15	Lighting plans – 3 pages
16	Acoustic Screen /Sound Drawings – 3 pages
17	Drawing – Line of vision through site -- 1 page
18	3D TOPO of site
19	View from Gypsy Lane – Sheet #1
20	View from Gypsy Lane – Sheet #2
21A and 21B	Final Development Plan / 5-20-03
22	Key Sheet R-SW w/NDP property superimposed
23	Findings of Fact and Conclusion of Law for case number 03-408-SPH

Appellant/ Protestants Exhibits

1	Undated sign in sheet
1B	Sign in sheet #2, dated 4/2/02
2	Elevation Drawing
3	East and North Elevation Drawing
4	East Elevation Drawing
5A – 5F	Photographs
6A – 6D	Photographs
7	Sign in sheet dated 7/8/03 – 3 pages
8	Resume – Jack Dillon, PA - 3 pages
9	1995 Aerial view – color
10	2000 Aerial view – black and white

11A	Colored version of Plat
11B and 11C	Tissue paper overlays on Exhibit 11A (Plat)
12	Sign in Sheet dated 9/9/03
September 26	Memorandum of Protestants/Appellants, filed by J. Carroll Holzer, Esquire, on behalf of Appellants/Protestants.
September 29	Petitioner's Post Hearing Memorandum filed by C. William Clark, Esquire, on behalf of Petitioner.
October 23	Board convened for Public Deliberation.
November 6	Opinion issued by the Board of Appeals GRANTING the Petition for Special Hearing with restrictions and GRANTING the Petition for Variance.
November 20	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Jim and Ruth Synodinos, et al, by and through their attorney, J. Carroll Holzer.
December 4	Certificate of Notice sent to interested parties.
Janaury , 2004	Transcript of Proceedings filed.
	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered before the Board.

Respectfully submitted,

_____

Theresa R. Shelton, Legal Secretary
County Board of Appeals of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204 (410) 887-3180

c: J. Carroll Holzer, Esquire
C. William Clark, Esquire
People's Counsel For Baltimore County

TRANSCRIPT REQUEST

Appealed: 11/20/03

Received: 12/01/03

Case: SSND – 815-817 Hampton Lane
Case No.: 03-180-SPHA

Hearing date(s): 4/02/03
7/08/03
9/09/03

Carolyn Peatt

Petition filed by: J CARROLL HOLZER

410-825-6961

FAX: 410-825-4923

Due Date: **January 26, 2004**

THANK YOU

December 2, 2003

C William Clark

(410) 823-7850

email
cwclark@nolanplumhoff.com

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A WILLIAMS
(RETIRED 2000)

RALPH E DEITZ
(1918-1990)

September 29, 2003

VIA HAND DELIVERY

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

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Notre Dame Preparatory School
Case No.: 03-180-SPHA

Dear Clerk:

Enclosed herein please one original and three copies of the Petitioner's Post Hearing Memorandum to be filed in the above captioned case.

If you have any questions or concerns regarding this matter, please contact my office.

Thank you for your attention to this matter.

Very truly yours,

C. William Clark

CWC

Enclosures
cc: J. Carroll Holzer, Esquire
Sister Christine Mulcahy, School Sisters of Notre Dame
Bob Lapierre, Notre Dame Prep.
Z:\Data\JENNIFERDATA\WPDOCS\BUD\CWC\ZONING-CLIENTS\NotreDamePrep\BdAppealsltr.wpd

THE HAMPTON IMPROVEMENT ASSOCIATION

M. Shane Abernathy
President

November 13, 2002

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Zoning Office
401 Bosley Ave, Room 405
Towson, MD 21240

RE: Notre Dame Prep Proposed Addition
815-817 Hampton Lane
Request to Construct a Recreational Facility
03-132-SPHA

Dear Mr. Kotroco,

On behalf of the Board of Directors of the Hampton Improvement Association (HIA), I write to provide community input regarding the above referenced project.

Please find the attached position letter dated September 9, 2002. This input is in reference to the Zoning Hearing scheduled for November 18, 2002.

Thank you for your consideration. If you have any questions regarding the matters referenced in this letter, please contact me at 410-823-3515.

Sincerely,

M. Shane Abernathy

THE HAMPTON IMPROVEMENT ASSOCIATION

M. Shane Abernathy
President

September 9, 2002

Mr. Donald Rascoe
Baltimore County
Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Notre Dame Prep Proposed Addition
815-817 Hampton Lane
Request to Construct a Recreational Facility

Dear Mr. Rascoe,

On behalf of the Board of Directors of the Hampton Improvement Association (HIA), I write to provide community input regarding the above referenced project.

This project is the addition of a 30,000 square foot building that will rise approximately 65 feet above the adjacent residences in Hampton that share a property line with Notre Dame Prep (NDP).

We have met with representatives of NDP and the Hampton Community. We conducted three open community meetings to review the project, seek community input and review alternatives for the project. The following details the areas of concern with the project and the proposed resolution.

1) Location of the Structure: This is the primary concern as this is a large structure and it will tower over adjacent properties. The presence of such a structure will diminish property values of the homes located within visual proximity to the new structure. NDP has resisted relocating the structure to another section of their 56-acre campus.
2) Buffer Zone: The existing buffer of forest between the community and NDP will be negatively impacted from this proposed structure. NDP has agreed to attempt to minimize this impact.
3) Noise Pollution: The roof top HVAC equipment noise will intrude into the surrounding community and disrupt the residential environment. NDP has agreed in uncertain terms to attempt to minimize this impact.

THE HAMPTON IMPROVEMENT ASSOCIATION

4) Traffic and Parking: There will be a reduction in existing on campus parking with the new structure. This reduction will be extensive during the two-year construction phase and minimal after the building is complete. There has been no contingency plan given to the community to handle parking during construction. Upon completion of the building the only community concern is the ongoing traffic problems at the Hampton Lane/Providence Road intersection during the morning and afternoons when school is in session.
5) Storm Water Management: This proposed structure would adversely impact the water runoff from NDP property. It is our understanding that the Department of Permits and Development Management is aware of this and has a plan to manage the proposed changes.

In summary this project represents a material change to all previously filed construction and grading plans for NDP. The school does not have a short or long term development plan. There are members of the community who are aggrieved by the proposed building plan. All of the opportunities listed above would be muted if this proposed structure were placed elsewhere on the school campus. HIA has no enforcement authority, as there are no restrictive covenants for NDP. We are satisfied with the progress that has been made in addressing the issues with the proposed structure, however, it should be noted that if our covenants were in place at the NDP parcel we would not approve this structure as presented.

Thank you for your consideration. If you have any questions regarding the matters referenced in this letter, please contact me at 410-823-3515.

Sincerely,

M. Shane Abernathy

THE
HAMPTON
IMPROVEMENT
ASSOCIATION

Cc:

Mr. Arnold Jablon, Director
Baltimore County
Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Mr. Carl Richards
Baltimore County
Office of Zoning
111 West Chesapeake Avenue
Towson, MD 21204

Mr. Arnold "Pat" Keller, Director
Baltimore County
Office of Planning
401 Bosley Avenue
Towson, MD 21204

Ms. Lynn Lanham
Baltimore County
Office of Planning
401 Bosley Avenue
Towson, MD 21204

Hon. Wayne Skinner
District 4 Councilman
400 Washington Avenue
Towson, MD 21204

Hon. Bryan McIntyre
District 3 Councilman
400 Washington Avenue
Towson, MD 21204

Notre Dame
ESTABLISHED 1873

8101 Hampton Lane

Towson, Maryland 21286

410-825-6202

www.notredameprep.com

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

April 16, 2003

Baltimore County Board of Appeals
Attention: Ms. Kathleen Bianco
Room 49 – The Old Court House
Towson, MD 21204

Re: ***Request to Expedite Appeal Hearing: Case No. 03-180-SPHA***

Dear Ms. Bianco:

I'm again asking for your help in expediting the date for the continuation of the appeal hearing for the above case that is currently scheduled for July 8, 2003. The delays created by the process continue to subject our school to additional and excessive costs. Though we understand the appeals system was created to preserve the rights of the citizens of Baltimore County, we also hope that you can appreciate the hardships that the process is causing Notre Dame Preparatory School.

We are extremely grateful for your assistance in moving the original appeal hearing up by several months and we are again asking for your help in moving this date up as much as possible. Please contact Bob La Pierre at (410) 825-6202, extension 1006 if you have any questions or concerns regarding this request.

Sincerely,

Sister Christine Mulcahy
Headmistress

Jack Dillon, APA
543 Park Avenue
Towson, Maryland 21204

March 26, 2003

J. Carroll Holzer
Holzer and Lee
508 Farimount Ave.

Re: Case No. 03-180-SPHA
School Sisters of Notre Dame

Dear Mr. Holzer:

In response to the subpoena issued for the above referenced case I must advise you that I am unable to attend the hearing scheduled for April 2, 2003. I am now at home recovering from knee replacement surgery and will be receiving in home physical therapy through the end of March and then will be receiving out patient physical therapy for the first two weeks in April.

Please keep me advised as to any additional hearing dates that may be scheduled for this case.

Sincerely,

Jack Dillon

c: Counsel for Petitioner/Developer: C. William Clark, Esquire
Office of People's Counsel
Kathleen C. Bianco, County Board of Appeals

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Mitch Kellman has
per Mr Clark 10/11/02
GDZ

to Jessica to
set in w/ Mr. Clark
Dept -

Mid-Atlantic Masonry, Inc.

03-180-SPHA 10/15/02

not on
accen list
GDZ

FAX TRANSMITTAL SHEET

To: _____

Attention: Bob Barrett

From: Mike Campitelli

Fax Number: 410-887-5781

Number of pages: 3

COMMENTS:

Arnold is free any time to speak with you to get a hearing date.

BC it was just submitted.

Date of Transmission / Time of Transmission

10-07-02

[ ] Original will not follow [ ] Original will follow
[ ] Regular Mail [ ] Next Day Mail [ ] Other

RECEIVED
OCT 10 2002
02-4160
DEPT OF PLANNING AND
DEVELOPMENT MANAGEMENT

P.O. BOX 822 • REISTERSTOWN, MARYLAND 21136
Phone (410) 526-0259 Fax (410) 833-6222

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

9th Election District, 4 th Councilmanic District

for the property located at 815-817 Hampton Lane

which is presently zoned DR2

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

(1) a building length of 224' in lieu of the permitted 200'in the CMDP for a non residential building in a residential zone and(2) if necessary, pursuant to Section 1B01.B1.(g)(10) , a proposed athletic center that complies to the extent possible with RTA use requirements and is compatable with the character and general welfare of the surrounding residential premises.

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:

C. William Clark, Esquire
Name - Type or Print

Signature

NOLAN, PLUMHOFF& WILLIAMS, CHTD.
Company

502 Washington Avenue (410) 823-7800
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

School Sisters of Notre Dame
Name - Type or Print

By: Sister Christine Mulcahy
Signature

Sister Christine Mulcahy
Name - Type or Print

Signature

815-817 Hampton Lane (410) 825-6202
Address Telephone No

Baltimore, MD 21286
City State Zip Code

Representative to be Contacted:

DMW Daft-McCune-Walker, Inc.
Name

200 E. Pennsylvania Avenue (410) 296-3333
Address Telephone No

Towson, MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ **Date** _____

Case No. _____

REV 9/15/98

Petition for Variance

9th Election District, 4th Councilmanic District

to the Zoning Commissioner of Baltimore County

for the property located at 815-817 Hampton Lane

which is presently zoned DR2

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 Variance from Section(s) 1B01.2.C.1.a to permit a front yard for a proposed non-residential principal building of 17.5' in lieu of the required 60' and a side yard for an existing non-residential principal building of 17.5' in lieu of the required 30' and if necessary, a variance from Section 1B01.2.B.2 to permit a non-residential building length of 224' in lieu of the permitted 200'

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons. (Indicate hardship or practical difficulty) due to site constraints and special circumstances applicable to the property and its buildings, as will be explained at a Hearing on this Petition.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we agree to pay expenses of above Variance, 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:

C. William Clark, Esquire

Name - Type or Print

C. William Clark

Signature

NOLAN, PLUMHOFF & WILLIAMS, CHTD.

Company

502 Washington Avenue (410) 823-2800

Address Telephone No.

Towson, MD 21204

City State Zip Code

Case No. _____

REV: 9/15/98

Legal Owner(s):

School Sisters of Notre Dame

Name - Type or Print

By: Sister Christine Mulcahy, SNDN

Signature

Sister Christine Mulcahy

Name - Type or Print

Signature

815-817 Hampton Lane (410) 825-6202

Address Telephone No.

Baltimore, MD 21286

City State Zip Code

Representative to be Contacted:

DMW Daft-McCune-Walker, Inc.

Name

200 E. Pennsylvania Avenue (410)296-333

Address Telephone No.

Towson, MD 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

facsimile
TRANSMITTAL

To: Mr. C. William Clarke

Fax: 410.296.2765

Pages: 2, including this cover sheet.

Date: September 16, 2004

Dear Bud:

Attached please find the light fixture we would like to install on the (3) existing light poles on the parking lot of NDP. Additionally to achieve a safe lighting level, we will be required to lower the existing light poles to 20' above the support post from the current 30'.

Please let me know if you need any additional information.

Thanks

Mike

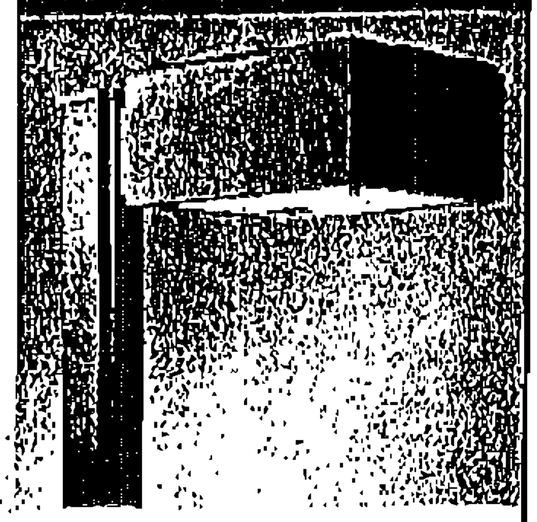
From the desk of...

Constantine Commercial Construction
8660 Citation Road
Baltimore, Maryland 21221
410.686.6300

Exh. # 1

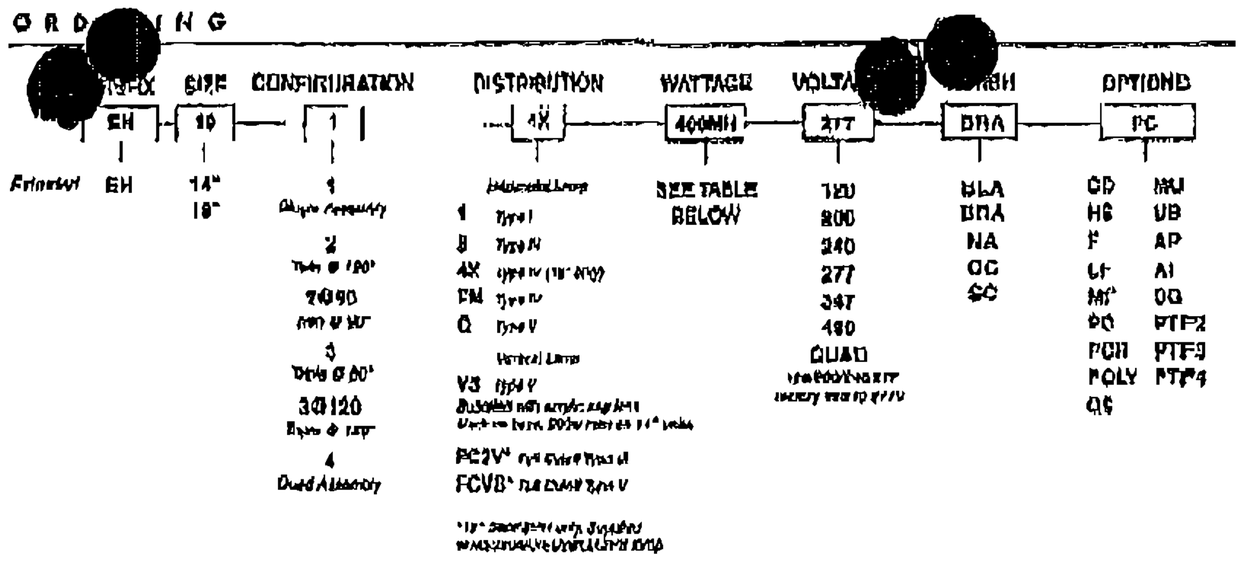
Gardco

FORM 10
EH STYLE



The Gardco arm mounted Square Form 10 products are sharp cutoff luminaires for high intensity discharge lamps up to 1000 watts. The EH units are manufactured from mitered extruded aluminum and finished in an Architectural Class 1 anodizing. EH Luminaires can accept one of eight (8) interchangeable and rotatable precision segmented optical systems.

ORDERING



WATTAGE:

14"	18"
100MH*	250MH
150MH*	400MH
175MH	
200MH	320PSMH
250MH	350PSMH
	360PSMH
175PSMH*	400PSMH
	450PSMH
100HPS	
150HPS*	250HPS
	400HPS

MH Metal Halide
PSMH Pulse Start Metal Halide
HPS High Pressure Sodium

1. Medium Base lamp
2. Luminaire with medium base lamp holder only
3. Lamp not included
4. 400W or MTR
5. Uses 5.2Q ballast only
6. Uses 5.2Q ballast only
7. 400W or MTR
8. 400W or MTR

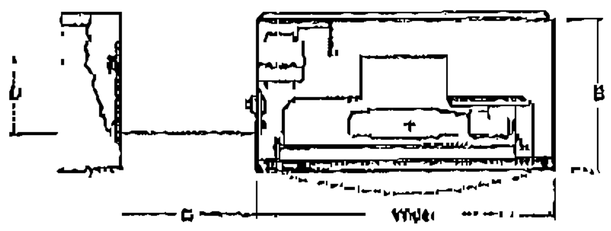
FINISH:

BLA	Black Anodized
DNA	Bronze Anodized
NA	Natural Anodized
MP	Bronze Paint
BLP	Black Paint
CC	Custom Color Paint (Specify RAL or Federal 595 paint # when ordering. Submit sample or RAL/595 #.)
SC	Special Color Paint (Paint Supply Only)

OPTIONS:

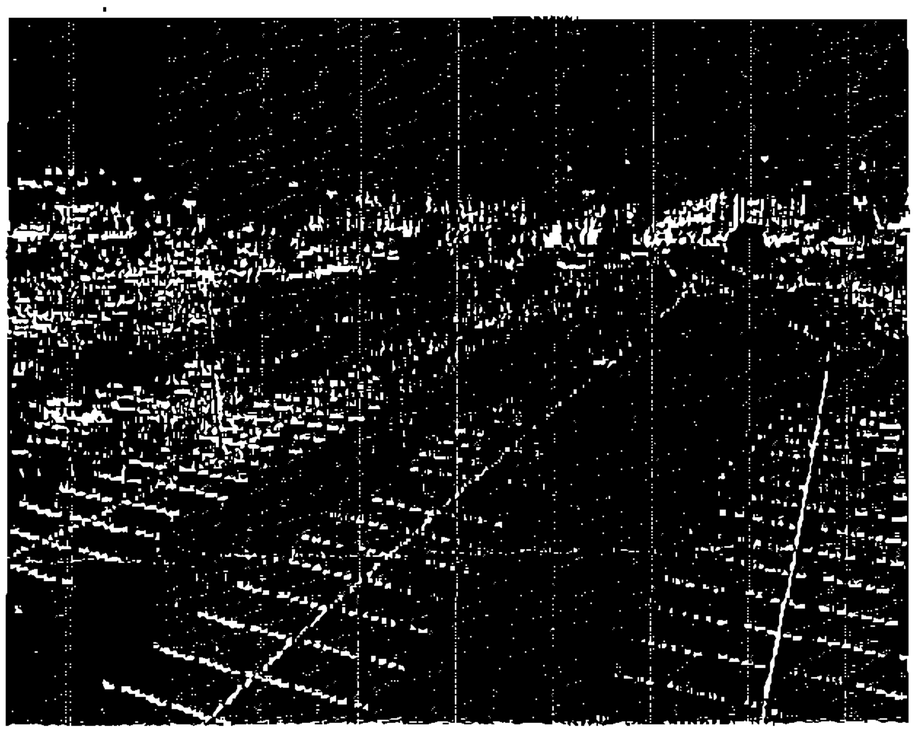
CD	Cold Deep Diffuser
HS	Internal Houseside Shield (Specify aluminum with NA finish)
F	Fusing (in line)
LP	Low Power Factor Ballast
MP	Metal Arm Finish
PC	Photocontrol and Receptacle (Not available with 480V, 208V transformer, 347V or 480V ballast)
PCM	Photocontrol Receptacle only (Photocontrol not included. Must be ordered separately)
POLY	Polycarbonate Roof Lens (Not available with QUAD, NA finish, 480V or 347V)
QS	Quartz Standby
RD	18" Uplift Gradient
UD	Quick Disconnect for Bullet Tray
AP	Adjustable Knuckle - Pole Mount (Only available with 1 and 2 @ 180° configuration)
AT	Adjustable Knuckle - Tenon Mount (Fits 2 3/8" tenon. Not with 14" EH)
SC	Special Color (Specify RAL or Federal color) (Requires aluminum with NA option.)
PT2	Pole Top Fitter - 2 3/8" Diameter Tenon
PTF3	Pole Top Fitter - Bolt 12" Diameter Tenon
PTF4	Pole Top Fitter - 6 1/2 4" Diameter Tenon

DIMENSIONS



Size	Width	A	C (Min)	C (Max)	D
14	14"	7"	2"	5"	5"
	(35.56 cm)	(17.78 cm)	(5.08 cm)	(12.70 cm)	(12.70 cm)
18	18"	10"	2"	9"	7"
	(45.72 cm)	(25.40 cm)	(5.08 cm)	(22.86 cm)	(17.78 cm)

Size	EPA (ft²) Single	Twin	Quad	Approximate Weight (lbs) Single	Twin	Quad
14	1.1	2.3	2.9	60	80	120
18	2.1	4.0	5.6	55	110	220



For current ordering information, please visit our website at http://www.gardcolighting.com.

MARY KATHERINE SCHEELER

RESIDENT OF HAMPTON - 37 YEARS

714 EAST SEMINARY AVENUE 21286

AS A HAMPTON RESIDENT FOR A VERY LONG TIME, I, AND MANY OF MY NEIGHBORS, HAVE BEEN PROUD TO HAVE NOTRE DAME PREP. PROUD TO KNOW WHAT A FINE EDUCATION GREATER BALTIMORE YOUNG WOMEN WERE RECEIVING RIGHT HERE IN OUR COMMUNITY.

ONE OF THE PRINCIPLES THAT WE KNOW IS BEING TAUGHT EVERY DAY IN EVERY CLASSROOM AT NOTRE DAME IS—

DO UNTO OTHERS AS YOU WOULD HAVE THEM DO UNTO YOU.

THE GOLDEN RULE.

WE ASK THAT NOTRE DAME PREP PRACTICE THAT WITH THEIR NEIGHBORS.

Notre Dame
ESTABLISHED 1873

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

February 24, 2003

Baltimore County Board of Appeals
Attention: Ms. Kathleen Bianco
Room 49 – The Old Court House
Towson, MD 21204

Re: ***Request to Expedite Appeal Hearing: Case No. 03-180-SPHA***

Dear Ms. Bianco:

Please expedite the date for the appeal hearing in the above case. The costs to the school associated with delaying the appeal hearing into the summer months combined with those already incurred through our efforts to meet the reasonable demands of some our neighbors are significant. In addition, by missing our construction start window of March; the school is already faced with revising the construction timeline that is dependent on the school's operating program requirements.

Therefore, I'm asking that you take these hardships into account and consider scheduling the appeal hearing within the next two months. To delay the appeal hearing until June or July will result in additional costs and operating hardships for the school and will jeopardize the school's ability to finance the project at current rates.

Please contact Bob La Pierre at (410) 825-6202, extension 1006 if you have any questions or concerns regarding this request.

Sincerely,

Sister Christine Mulcahy
Headmistress

Nam	Address	email	phon
Nancy Reed	502 Stratford Ct	~~NPatterno~~ NPatterno@AOL	#108252440
Pat Van Natter	1200 Merrietta Ford Rd. Towson 21286		
Jeri Morton	Councilman McIntire		410-887-3387
Elizabeth S. Johnson	600 E. Seminary Ave.		416 296-0998

LOST DOG

PLEASE HELP US FIND

PEANUT

AFFECTIONATE YOUNG GERMAN SHORT-HAIRED POINTER

CREAM-COLORED BODY, CHOCOLATE-COLORED MARKINGS AND EARS. WEARING INVISIBLE FENCE TRANSMITTER COLLAR, AND SEPARATE GREEN NYLON COLLAR

MISSING FROM MILLDAM ROAD SUNDAY EVENING, NOVEMBER 24

MUCH-LOVED FAMILY PET
CALL ANYTIME

410-583-7269

11/25/02

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Justin Christian Mulcahy	815 Hampton Lane	Towson, MD 21286	MulcahyC@notreDameProp.com
Melanie Moser	DMW 200 E Pennsylvania	Towson, MD 21286	mmoser@dmw.com
Mike Gasmanine	1132 Concord DR.	Towson MD 21286	michaelec CCCONST.COM
David Monge	401 Jefferson Avenue	Towson MD 21286	Ingridsmail@yahoo.com
Mason Campbell	1101 Berrymans LA	Reisterstown MD 21136	MDMasonry@Rees.com
Bob LaPierre	103 Achsah Way	Owings Mills, MD 21117	lapierrer@notredameprep.com
John J. Dimenna	401 Jefferson Ave.	Towson, MD 21286	jdimenna@rubelaw.com
Christian Clark	502 Washington Ave Ste 510	Towson MD 21284	cwclark@mhlawfirm.com
Al Bianco	815 Hampton Lane	Towson, MD 21286	biancoa@notredameprep.com

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 1
DATE 10/29/2002

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Janet Symchowicz	1142 Gypsy Lane E	Towson MD 21286	JSymch@aol.com
Ruth Symchowicz	1142 Gypsy Lane	Towson 21286	
Nancy Lougheed	1005 Flat Land Lane	Towson 21286	vlougheed@hotmail.com
Judy Cohen	602 St. Francis Rd.	Towson 21286	
Mary Ellen Pease	704 Stone Burn Ct	Towson 21286	mepease@comcast.net
MARY KATHLEEN SCHEER	714 EAST SEMINARY AVE.	TOWSON 21286	mkscheler@comcast.net
Fritz Regler	1141 Gypsy Lane E.	Towson MD 21286	
LES BLEY	1309 BROOKMEADOW DR	TOWSON MD 21286	
Jimmy Kosmas	1139 Gypsy Lane E	Towson MD 21286	Jimmy Demetri@AOL.com
Jim BROCHIN	1201 MEADOWFORD	TOWSON, MD 21286	BROCHIN1201@AOL.com
RAY GILDICE	525 E. SEMINARY AV.	TOWSON, MD 21286	
C. Richard Foster	1118 Gypsy Lane W.	Towson, Md 21286	JSIRDICK@EROLS.COM
Marilynn B. Foster	1118 Gypsy Lane W	Towson, MD 21286	
Steve Berenson	1132 Gypsy Lane W	" " 21286	Sonylasttrack@comcast.net
Elaine Westphal	1138 Gypsy Lane W	Towson, MD 21286	Elanadesign@comcast.net
Scott Porter	1150 Gypsy Lane	Towson, MD 21286	SPORTER@CO.BA.MD.US

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 1002
DATE 5.1.02

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Mary Ellen Rease	704 Stone Barn Ct	Towson 21286	mrease@comcast.net
Gina Symeonides	1142 Gypsy Lane East	Towson 21286	JSYM60@AOL.COM
Rick Symeonides	1142 Gypsy Lane East	Towson 21286	
Richard DeLobio	1145 Gypsy Lane East	Towson 21286	
Bernard J Conroy	1132 GYPSY LANE WEST	TOWSON 21286	
FRED DETTER	1141 " "	" "	
Anne Martin	208 Beech Tree Ct	Towson, MD 21286	martinjv@bcpl.net
Bob Cawood	909 E. Joppa Rd	"	BCawood@Cawood.NET

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY *

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No.3-C-04-0216
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

*

IN THE MATTER OF:
APPROVAL OF LIMITED EXEMPTION *
NOTRE DAME PREPARATORY SCHOOL
S/S Hampton Lane (815-817 Hampton Lane) *
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT *

*

BEFORE THE COUNTY BOARD OF
APPEALS *
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204 *

DEVELOPMENT PLAN/PDM IX-703

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 20th day of September, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than October 29, 2004.

J. Norris Byrnes
Judge

IN THE CIRCUIT COURT FOR *
BALTIMORE COUNTY

*

PETITION OF:
INDIVIDUALS JIM & RUTH SYNODINOS; * Case No.3-C-04-0216
MARY ELLEN PEASE; SOPHIA BALIS;
STEVE & SUSAN PORTER; FRED & *
SHIRLEY REGLER; STEVE & ELANE
BERENSON; TED WIES; MARGOT *
GERDING; DAVID & JEAN GOLDBERG;
JACK & JOAN CONROY; WAYNE & *
BARBARA PAUL; CARLOS & CLARA
MILLAN; DICK & MARILYN FOSTER; *
KEVIN & KATHY FARRELL; JOHN
and EMILY ULRICH *

IN THE MATTER OF: *
APPROVAL OF LIMITED EXEMPTION
NOTRE DAME PREPARATORY SCHOOL *
S/S Hampton Lane (815-817 Hampton Lane)
9th ELECTION DISTRICT *
4th COUNCILMANIC DISTRICT

*

BEFORE THE COUNTY BOARD OF
APPEALS *
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204 *

DEVELOPMENT PLAN/PDM IX-703

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 9 day of March, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than April 5, 2004.

Judge

FILED MAR 16 2004

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-04-000216

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

TO: COUNTY BOARD OF APPEALS
400 Washington Ave
Baltimore, MD 21204

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: INDIVIDUALS JIM & RUTH SYNODINOS; MARY ELLEN PEASE; SOPHIA BALIS; STEVE & SUSAN PORTER; FRED & SHIRLEY REGLER; STEVE & ELANE BERENSON; TED WIES; MARGOT GERDING; DAVID & JEAN GOLDBERG; JACK & JOAN CONROY; WAYNE & BARBARA PAUL; CARLOS & CLARA MILLAN; DICK & MARILYN FOSTER; KEVIN & KATHY FARRELL; JOHN and EMILY ULRICH	*	Case No.3-C-04-0216
IN THE MATTER OF: APPROVAL OF LIMITED EXEMPTION NOTRE DAME PREPARATORY SCHOOL S/S Hampton Lane (815-817 Hampton Lane) 9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	*	
BEFORE THE COUNTY BOARD OF APPEALS 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204	*	
DEVELOPMENT PLAN/PDM IX-703		

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

ORDER

Upon Consideration of counsel's Joint Motion to Extend Time to Transmit Record Under Rules 1-204 and 7-206 (d), it is this the 7 day of April, 2004, **ORDERED:** The County Board of Appeals shall transmit the transcript of proceedings and the record in the above captioned matter to the Clerk of the Circuit Court no later than May 5, 2004.

Judge

Edith Copy Test
Entering Deputy Clerk

FILED APR 13 2004

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-04-000216

May 5th

RECEIVED
APR 12 2004
BALTIMORE COUNTY
BOARD OF APPEALS

TO: COUNTY BOARD OF APPEALS
400 Washington Ave
Baltimore, MD 21204

TIANA GREEN	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
WAYNE THOMPSON	*	BALTIMORE COUNTY
Defendant	*	Case No. 03-C-03-1380

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

ORDER TO EXTEND TIME IN WHICH TO RESPOND TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Having read and considered Defendant's Motion to Extend Time in Which to Respond to Interrogatories and Request for Production of Documents, IT IS this 8 day of April, 2004 by the Circuit Court for Baltimore County, Maryland,

ORDERED: That the Defendant be granted extended time to respond to Plaintiff's discovery.

Defendant shall respond by May 8, 2004

JUDGE

FILED: APR 8 2 2004

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-03-012804

RECEIVED
APR 12 2004
BALTIMORE COUNTY
BOARD OF APPEALS

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Ave
Baltimore, MD 21204

Duplicate 7-09-03 Verified 9/09/03

Appellant / ~~Petitioner~~ PROTESTANTS

1. Sign in sheet - attendance - Day 1
2. A. Afternoon sign in sheet - Day 1.
2. Elevation drawing by witness Benzing
3. Rubling & Associates drawings
   June 24, 2002 1/8" = 1'
4. Rubling & Assoc. drawings
   April 22, 2003
5. Photos
   - A. From backdoor looking east w/ Kast bldg.
   - B. Same view
   - C. 50' from back fence
   - D. same as C, w/ ladder for perspective
   - E. same view as CD
   - F. Thru brush to location of proposed bldg.

OK

6. Photos
   - A. HAMPTON LANE, cars parked
   - B. 3-7-03 HAMPTON LANE to GYPSY LANE
   - C. 1-30-03 Existing driveway to H. LANE
   - D. From Symodenos backyd.
   - Where cars will be parked when new bldgs. built

OK

7. Sign in sheet - Day #2 (3 pg)
8. Dillon resume
9. 1995 Aerial view - City. GIS - (color)
10. 2002 " photo - (blk. & white)
11. A. Colored version of Pet. # 1
    - B. overlays on tissue paper
    - C. " " " "
12. Sign-in sheet for 9/9/03

Prot. # 7 p: 1.

Special Hearing 7/8/03

* Rick & Jan Mynderse	1142 Gypsy Lane East	410-821-8583
* Gary Hancock	548 Hampton Ln.	
* Charles Benzing - Cadco, Inc. - Baltimore		410-747-8001
Jan Kaucher	1105 Hampton South	410-321-7713
Nancy Lougheed	1005 Katy Ln.	410-821-9182
Kathy + Nancy Shell	1184 Gypsy Lane	410-823-1870
Jack Dillon	543 Park Ave 21204	410-337-4877
* RALPH HECMPHILL	909 ~~Gy~~ Stags Head Rd	410-825-1735
Hank & Elaine Runge	521 Valley View Rd	410-825-6360
Donald Rum	1203 Windy Gate Road	410-828-9505
Judy Cohen	602 St. Francis Rd	410-825-0622
* Mary Ellen Pease	704 Stone Barn Ct	410 494 0387
MARY KATHERINE SCHEELER	714 E. SEMINARY AVENUE	410-823-7907
Richard De Labio	1145 Gypsy Lane	410-828-8055
W. Shane Abernethy	1314 Westcliff Rd	410 0233515

Post. 7 page 2.

SIGN-IN FOR HIA

Mike Lawlor.	602 Valley View Rd Hampton Imp. Assn - Director	410-484-1800
Laurel C Burch	1201 Daves Cove Rd 21286	410-828-1374
Martha Daisey	544 Hampton Ln 21286	410-321-2435
Preston Dorsey	544 Hampton Ln. "	
Laurel Burch	1201 Daves Cove Rd 21286	828-1374

Pet. #7 p. 3 PM (3)

Spencer Kearney	7/8/03	
Gerhard Ellenbing	7/8/03	1109 Hampton Garth
Robert S Stefan	7/8/03	1103 Gypsy Lane W.
Rae Ann McInnis	7/08/03	611 East Seminary
Sophia Balin	7/08/03	1146 Gypsy La. E

Plat 1B

Sign In Sheet #2

Bd of Appeals Hearing
4/12/02

Name	Address	Phone #
Pat Van Natten	1200 Meredith Ford Rd 21206	410-668-4630
Michael Hays	11406 Gypsy Lane	410 256 5002
CHARLES W. BLACK	1131 Gypsy LA.	410 256-3699
Eleanor C. Conkwright	601 St. Francis Rd	410-821-9419
Bob Conkwright	601 St. Francis Rd	410 821 9419

(HAMPTON IMPROVEMENT ASSOCIATION BOARD MEMBER)

Prot. #1

Protestants Sign-In - CASE 03-180-SPHA

	ADDRESS	Phone #
MARY KATHERINE SCHEGLER	704 Seminary Ave 21286	8257707
ARTHUR N. ROGERS III	710 Seminary 21286	8211710
Jim Synodinos	1142 Gypsy Lane	821-8580
Ruth Synodinos	1142 Gypsy Lane	821-8580
Richard De Labio	1145 Gypsy Lane	828 8055
Carl Meinecke	315 N. Colonial Ave Westminster 21157	
Nancy Loughead	1005 Katy Ln, Towson 21286	
WAYNE A. PAUL	1114 GYPSY LANE West 21286	
Stephen Berenson	1138 Gypsy Lane	823 3393
Mary Ellen Prusa	704 Stone Barn Ct. 21286	410 494 0387

"Rolexlands"
Symbols
1A - 1C
2 ↓
3A - 3C

Jade H 03-180-5PNA






UHK-759

















Plot Plan 2

Proposed
E-Gym
33000 SqFt
+-

Existing
1150SF +-
Shed (Garage)

Existing
2500 SqFt +-
Dwelling

33000 SF +-

100
+-

Property Line
+-

43'

14' 24' 75' +- 30' +- 55' +-

Center Line
Gypsy
Lane
East

Existing
Parking
Lot

412.5

100SF +-

Shed

15' +-

400SF +-

Dwelling
1142

15' +-

18'

12' +-

Street

385

Protestants 5A-F, 6A-D } 10 photos

03-180-SPHH

Notre dame





'03 1 15















3/7/63

Lucien Barnes et Hampton La

Gypsy La 2

Breaking Lease from

and Damages

Plat. 6B



Per. # 8

Jack Dillon, APA
543 Park Avenue
Towson, Maryland 21204
(410) 321-0021

PROVIDE PROFESSIONAL PLANNING AND ZONING ASSISTANCE IN THE AREAS OF LAND USE, LAND USE ANALYSIS, SITE EVALUATION AND DESIGN.

EMPLOYMENT HISTORY

THE VALLEYS PLANNING COUNCIL, Inc.
EXECUTIVE DIRECTOR
MAY 1997 - PRESENT

PRIVATE CONSULTANT
MARCH 1996 - PRESENT

BALTIMORE COUNTY, MARYLAND
Office of Planning, Community Planning Division,
Senior Planner and Deputy Division Chief
Rural and served as 2nd,3rd and 5th District Planner
August 1987 - February 1996 (retired)

Office of Planning, Community Planning Division
Planner II – 2nd and 3td District Area Planner
June 1981 – August 1987
Administrator of Baltimore County Agricultural Land Preservation Program (1979-1981)

Office of Planning, Comprehensive Planning Division, Environmental
Studies Section
Planner II – Environmental Planner
October 1974 - June 1981

Prior to October 1974 was with the Baltimore County Zoning Office
P& Z Tec. II, P& Z Tec. III, Chair of Zoning Advisory Committee (1969-1973), Chief of Zoning Enforcement (1973-1974)
June 1967 - September 1974 and February 1962 - May 1967
I was with the Department of Public Works assigned to special projects at the Johns Hopkins University and The Baltimore City / County Analyzer Office.

EDUCATION:

MORGAN STATE UNIVERSITY
Graduate Program in Landscape Architecture
1992 - 1994 (not complete)

UNIVERSITY OF MARYLAND
Graduated Para Legal
1978

UNIVERSITY OF BALTIMORE
Graduated B.S. Degree in Business Management
Planning Courses At Johns Hopkins University

1969

ADDITIONAL EDUCATION

DUNDALK COMMUNITY COLLEGE
Media/TV Production
1984-1986

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
1969 - 1970

GEORGIA INSTITUTE OF TECHNOLOGY
Institute in Urban Planning
1969

JOHNS HOPKINS UNIVERSITY
Appraisal of Real Estate
1975

OTHER PROFESSIONAL EXPERIENCE

CATONSVILLE COMMUNITY COLLEGE
Visiting Lecturer - Zoning and Subdivision Design
Spring 1991

UNIVERSITY OF MARYLAND, SCHOOL OF SOCIAL WORK AND URBAN PLANNING
Visiting Lecturer - Use of Video in the Art of Planning
February 1987

TOWSON STATE UNIVERSITY
Department of Geography and Environmental Planning
Instructor of Two Three Credit Courses Entitled Principals of Zoning
And Planning Implementation
February 1972 - December 1981

Member of The American Planning Association

SIGNIFICANT PROFESSIONAL ACCOMPLISHMENTS

Planner and Author/CO Author of a variety of Reports and Planning Studies, Including:

The Enduring Rural Landscape – VPC, September 2001
The Essex/Middle River Community Assessment 1995
The Owings Mills Open Space Concept Plan 1995
Hanover Pike Corridor Plan 1993
Hereford A Preliminary Analysis 1987
The Reisterstown Road Corridor Study 1987
Plan for Owings Mills, Maryland 1984
The Old Court Road Corridor Study 1984
Site Selection for The Northwest Area Multipurpose Center 1982

Proposed Amendment To Baltimore County Zoning Regulations - Sludge
Disposal in Baltimore County 1982
Areas of Critical of State Concern in Baltimore County 1979
Planner responsible for the organization and administering the Agricultural Land Preservation Program for
Baltimore county 1979 - 1981
Primary Draftsman of The Four Resource Conservation Zones for
Baltimore County, which have become the basis for controlling growth
In rural Baltimore County, 1975
Development and Adminstration of the Video Production unit within The office of
Planning.
Producer of Video "The Grove" which won a National
Association of Counties Award in 1993.

Court and Agency Proceedings:

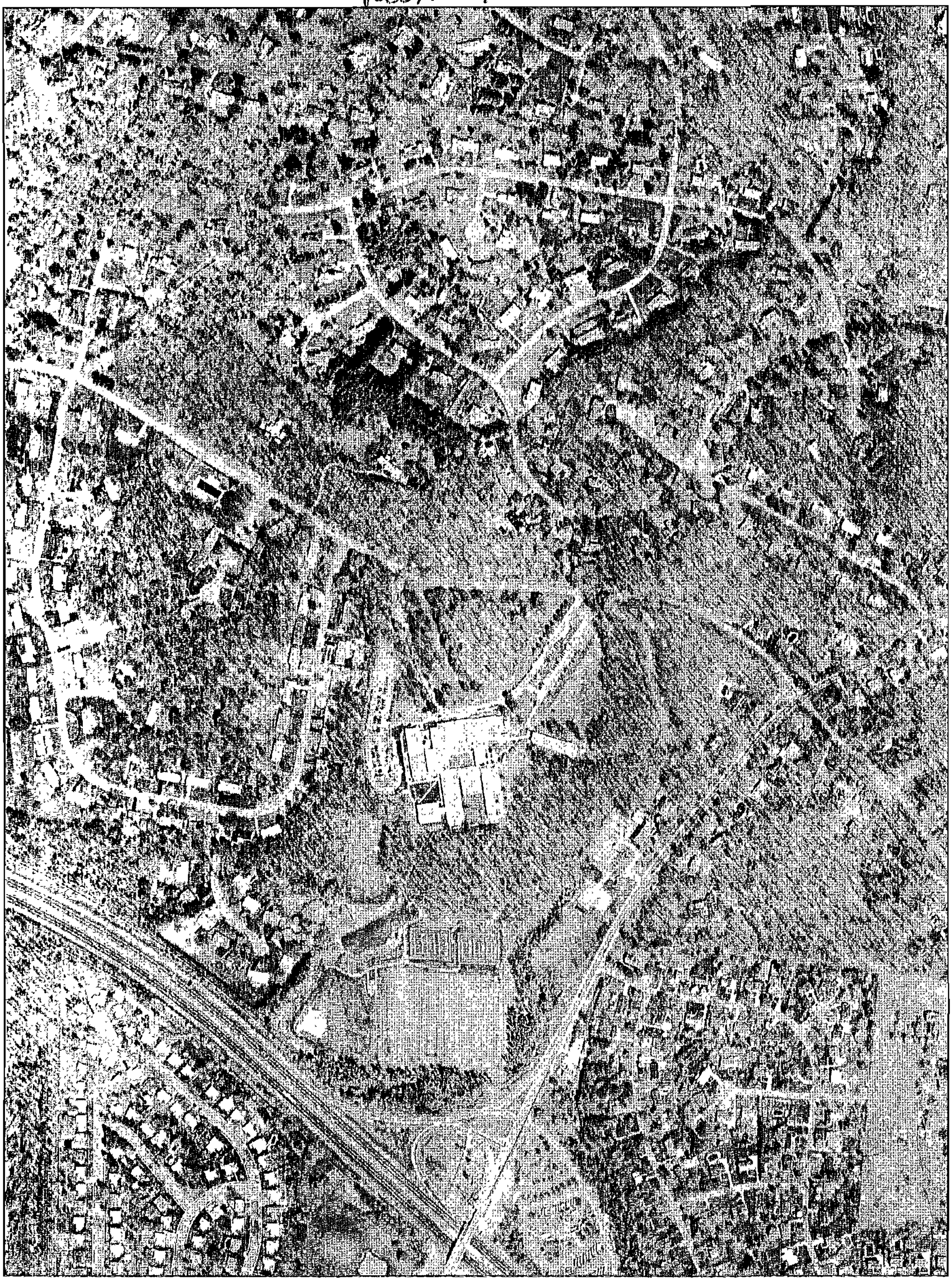
Since 1965 I have provided testimony as an expert witness before the Baltimore County
Planning Board, various Legislative Sub-Committees in Annapolis, The Baltimore County
Council, The Baltimore County Zoning Commissioner, The Baltimore County Board of Appeals, The
Calvert County Board of Appeals, The District Court of Maryland and The Circuit Court of Maryland, and
I have presented testimony before the Planning Commission For The Town of Ocean City, and the
Dorchester County Board of Appeals.

December, 2002

Plot. #9



PLOT. # 10



9/9/03 - 10 AM

Prot. #12

Nancy Lougheed	1005 Katy Ln.
Steve Berenson	1138 Gypsy Lane
M. Elaine Westphal	1138 Gypsy Lane
Kathy Corrigan	510 Hampton Land.
James Eglebrecht	1142 Gypsy Lane
Mark Symodanios	1142 Gypsy Lane
Jim Lewis	1106 Gypsy Hill Ct.
Richard De Lobo	1145 Gypsy Lane
Martha Davison	514 Hampton Ln.
Helen Mon-dOean	601 Stage Head Ct.
MV Hancock	506 Hampton Ln.
Mary Ellen Peace	
Jim McDonagh	704 Hampton Lane
Bob Stegan	1103 Gypsy Lane W.
Sandy Ulrich	1102 Gypsy Lane W.

Verified 7/09/03

Verified 9/09/03

CBA-03-180-SPHA

Exhibits

Petitioners

1. ~~Design~~ Site plan
2. Planning Dept. Comments 2 pg. 11/15/02
3. John DiMenna AIA - resume
4. Photographs of site 4A-N2 2 per sheet / 9 pgs.
5. Reduced version - proposed bldg.
6. Aerial photo of site
7. A+B Elevation drawings
8. RTA requirements
9. Preliminary landscape plan
10. Sign in sheet - attendance
11. A. BCZR 1801 1B-4, 5, 6
    B. BCZR 1801 1B-7 (3 copies)
12. Section 26-282 "Neighborhood" definition
13. Western elevation of athletic center
14. June 25, 2003 letter from Lanham to Schmidt
15. Lighting plans 3 pgs.
16. Sound attenuation sketches 3 pgs
17. Site section & aerial photo w/ proposed bldg. superimposed plus archit. drawing * Plastic Roll in CBA closet
18. 3D aerial topo of site w/ proposed bldg.
19. View from Soapy Lane - photo representation 7/03 * w/ #17 - Roll in CBA closet
20. " " " " - p. 2
21. A+B 2 pgs. Trial landscape plan 5/20/03
22. Key Sheet R-SW w/ NDP property superimposed
23. Case no. 03-408-SPH

* Exhibits 17, 19 and 20 are rolled together and marked for this case (one roll of exhibits)

Plaintiffs - over →

Duplicate 7-09-03 Unfiled 9/09/03

Appellant / ~~Petitioner~~ Protestants

✓✓✓ 1. Sign in sheet - attendance - Day 1

✓✓✓ 2. A.M. Afternoon sign in sheet - Day 1

id ~~not~~ 2. Elevation drawing by witness Benzing

id ~~not~~ ✓ 3. Rubling + Associates drawings

June 24, 2002 1/8" = 1'

id ~~not~~ ✓ 4. Rubling + Assoc. drawings

April 22, 2003

✓✓ 5. Photos

A. From backdoor looking east w/ last bldg.

B. Same view

OK C. 50' from back fence

D. Same as C, w/ ladder for perspective

E. Same view as CD

F. Thru brush to location of proposed bldg.

✓✓ 6. Photos

A. Hampton Lane, canopied

B. 3-7-03 Hampton Lane to Gypsy Lane

OK C. 1-30-03 Existing driveway to H. Lane

D. From Sywodenas backyard

Where cars will be parked when new bldgs. built

✓✓ 7. Sign in sheet - Day #2 (3 pg)

✓✓ 8. Dillon resumé

✓✓ 9. 1995 Aerial view - Cty. GIS - (color)

✓✓ 10. 2002 " photo - (blk. & white)

✓✓ 11. A Colored version of Pet. #1

B. overlays on tissue paper

C. " " " "

✓ 12. Sign-in sheet for 9/9/03

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 15, 2002

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

SUBJECT: 815-817 Hampton Lane

INFORMATION:

Item Number: 03-180

Petitioner: School Sisters of Notre Dame

Zoning: DR 2

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a side yard for a proposed non-residential principal building of 17.5 feet in lieu of the minimum required 30feet; and a side yard for an existing non-residential principal building of 17.5 feet in lieu of the minimum required 30feet.

This office also supports the request to permit a non-residential building length of 224 feet in lieu of the maximum permitted 200 feet. The total building length or fullest building width of a non-residential principal building may be increased from the maximum 200' length up to 300' upon favorable recommendation of the Director of the Office of Planning to the Hearing Officer subject to the following:

1) The materials are specified;
2) The buildings are segmented and architecturally varied to break up their massing;
3) Landscaping is used to visually break up the massing of the façade;
4) The architectural details reflect regional residential elements; and,
5) Buildings shall comply with Sections 26-203.d.20, and 26-282, "Compatibility," of the Development Regulations.

The Applicant has provided building elevations with materials indicated, a floor plan, and site and landscape plans. The elevations demonstrate that the scale, massing and materials of this addition are compatible with those of the existing school. The mass of the proposed gym is segmented and architecturally varied. The overall building complex will present a consistent architectural theme. The Office of Planning has reviewed these submissions and recommends favorably for the modification of standards and that this proposal meets the Compatibility Objectives of the CMDP and Baltimore County Development Regulations subject to the listing below:

1) Material colors should be specified.

2) The western elevation of the gymnasium is the portion of the building closest to the neighboring residential community. As such, the façade elevation materials should be primarily stone and with minimal use of vertical siding or preferably dryvit.

3) Provide a pedestrian walkway from the locker room to the adjacent field.

4) Submit a Final Landscape Plan and Lighting Plan (to include building mounted lights) to this office for review and approval prior to the issuance of building permits.

5) Submit a final landscape plan to the Office of Planning for review and approval prior to the issuance of any building permits. The landscape plan shall include enhanced landscaping along the full length of the western property boundary.

Prepared by: _____

Section Chief: _____

AFK/LL:MAC:

JOHN J. DIMENNA, AIA, — **Senior Vice President and Partner**

Rubeling & Associates, Inc. — **Architecture + Interior Design**

"If you focus on the client's concerns and correctly define the problem, then the project is assured of success. Without these you can have a good solution to the wrong problem, but the goal is a good solution to the right problem."

A graduate from the University of Maryland School of Architecture in 1977, **John DiMenna** obtained his architectural license in 1980. He joined DMJM Architects/Engineers where he worked on Section A-B of the Baltimore Region Rapid Transit System. John continued his professional development with MMM Design Group in Athens, Greece as a project manager for the design of banks, department stores and apartments for the new city of Brega, Libya and master planning neighborhood centers for the new city of Madinet Hamad, Bahrain.

Since joining **Rubeling & Associates** in 1982, John's extensive professional experience has expanded from master planning, designing and executing construction documents to include the successful management of complex projects such as office and banking facilities, schools, and other educational projects.

As Rubeling & Associates' senior vice-president, John is responsible for the firm's financial management as well as client project management for major corporations. Projects executed under John's direction include a 280,000 g.s.f. renovation of the National Security Agency Linguistics School, Life Safety Upgrade at the NationsBank head office (now Bank of America) and conversion of the Towson Blue Cross/Blue Shield Building into Baltimore County's Public Safety Headquarters. He is also the primary contact for all of the firm's Baltimore County Public Schools' projects.

John is a registered architect in the state of Maryland, past president of the Baltimore Chapter of The America Institute of Architects and a former Director to the Maryland Society of Architects. Currently he is Treasurer of the Mid-Atlantic Council of AIA which represents the region to the National AIA Board. He also served as chairman of the Architectural Review Committee for the Mount Vernon-Belvedere Historical District from 1979 through 1988 and three terms on the Baltimore County Architectural Review Board.

Athletic Center
Glenelg Country School
Glenelg, Maryland

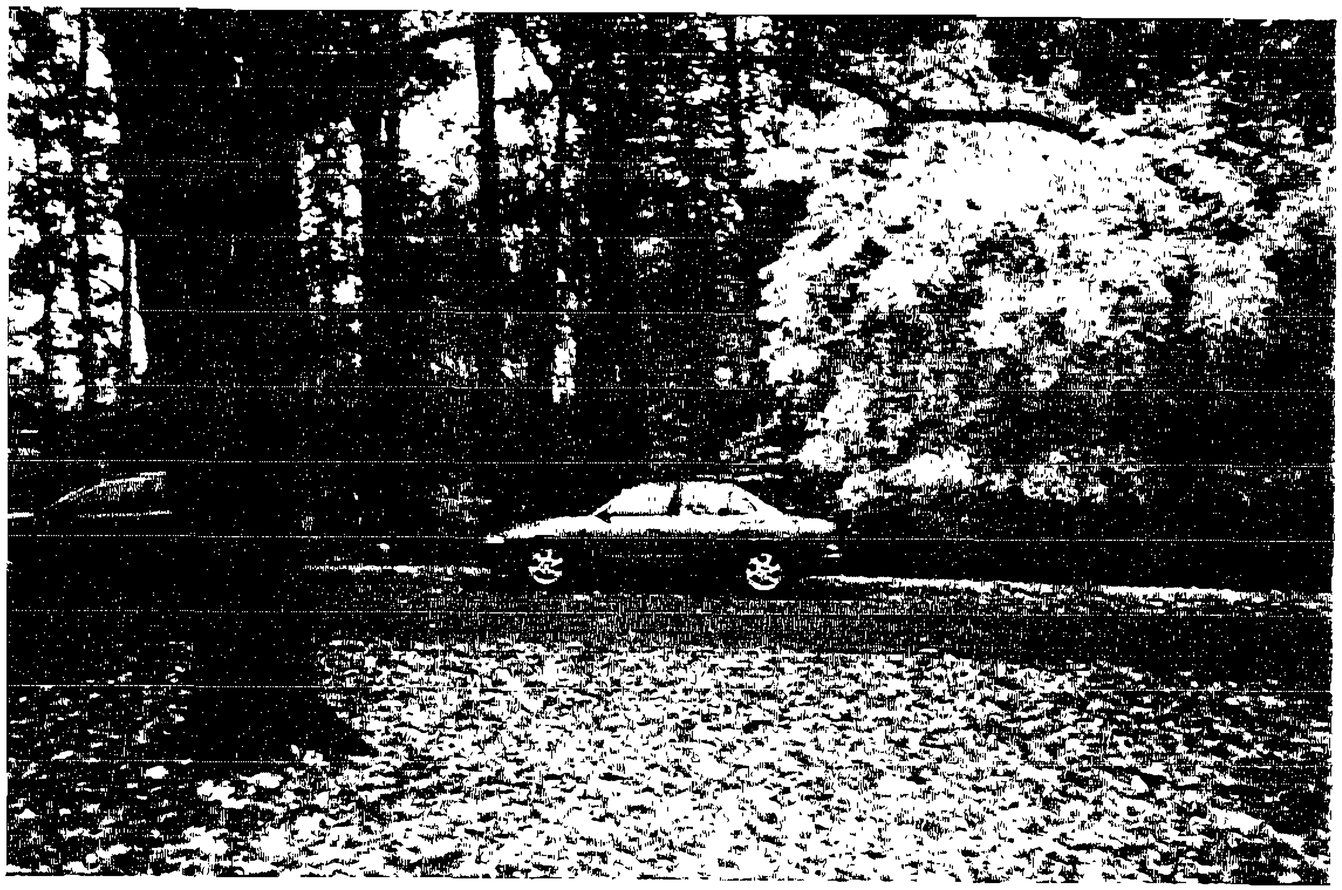
Science Labs
Howard Community College
Columbia, Maryland

Addition
Catonsville High School
Baltimore County, Maryland

Cafeteria/Classroom/Gym
Franklin Middle School
Baltimore County, Maryland

Performing Arts and Classroom Additions
Notre Dame Preparatory High School
Towson, Maryland

Maryland Fire and Rescue Institute
University of Maryland
College Park, Maryland

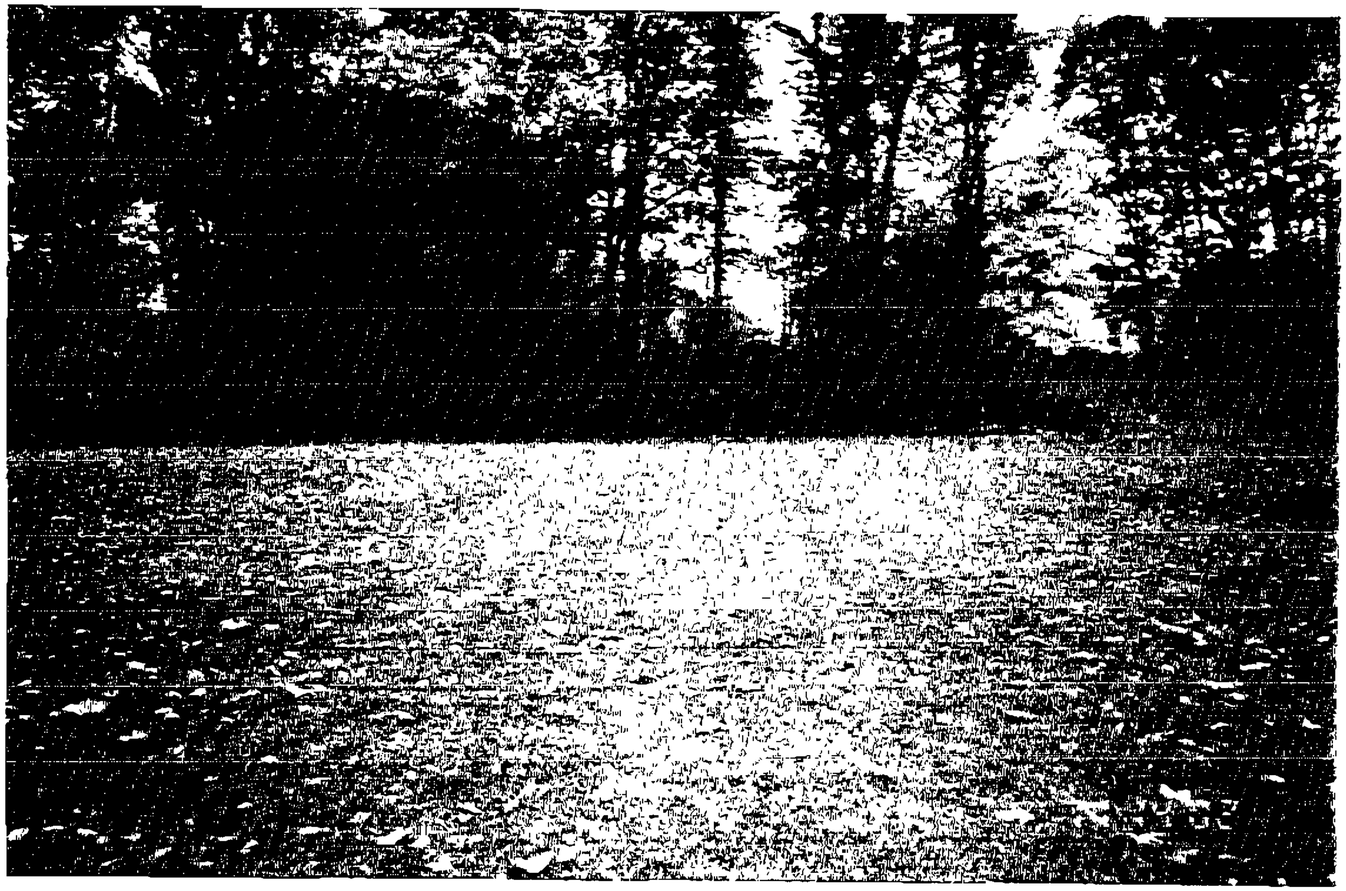


B. View From Parking Facing Small Field Buffer

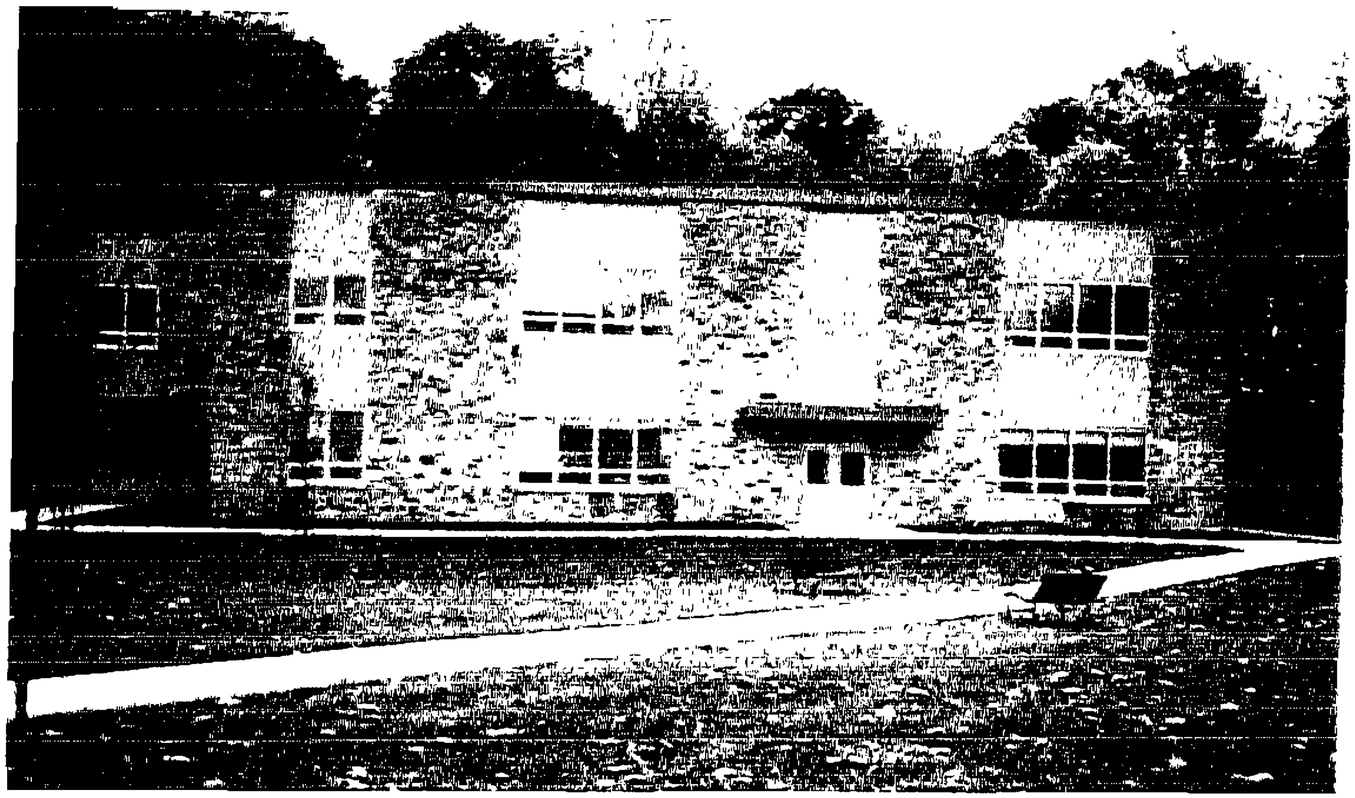
Pat Exhibit 4.4



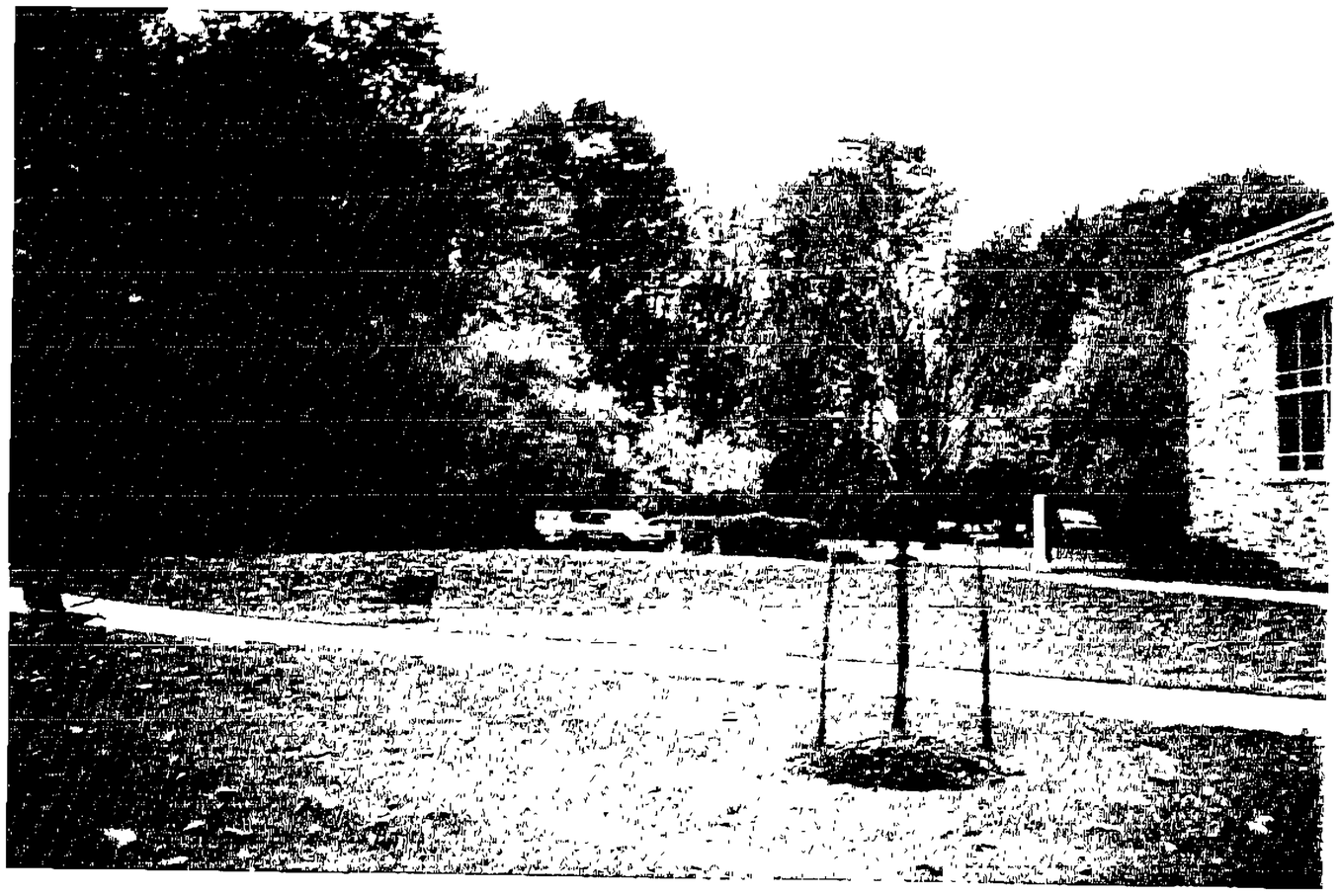
A. View From Parking Facing Buffer



E. View From Smith Field Facing Parking



F. View From Quad Facing Kirby Bldg.



61. View From Side Facing Buffer

Let 4D



62. View From Road Facing Buffer



H. View From Kraft Performing Arts Facing Fields - South



I. View From Parking Facing Butler



I2. View From Parking Facing Buffer



J. View From Parking Facing Small Field



k. View From Parking Facing Kaft Perf. Arts Bldg.



L. View From Parking Facing Kaft Perf. Arts Bldg.



No. View Towards Main Entrance of School

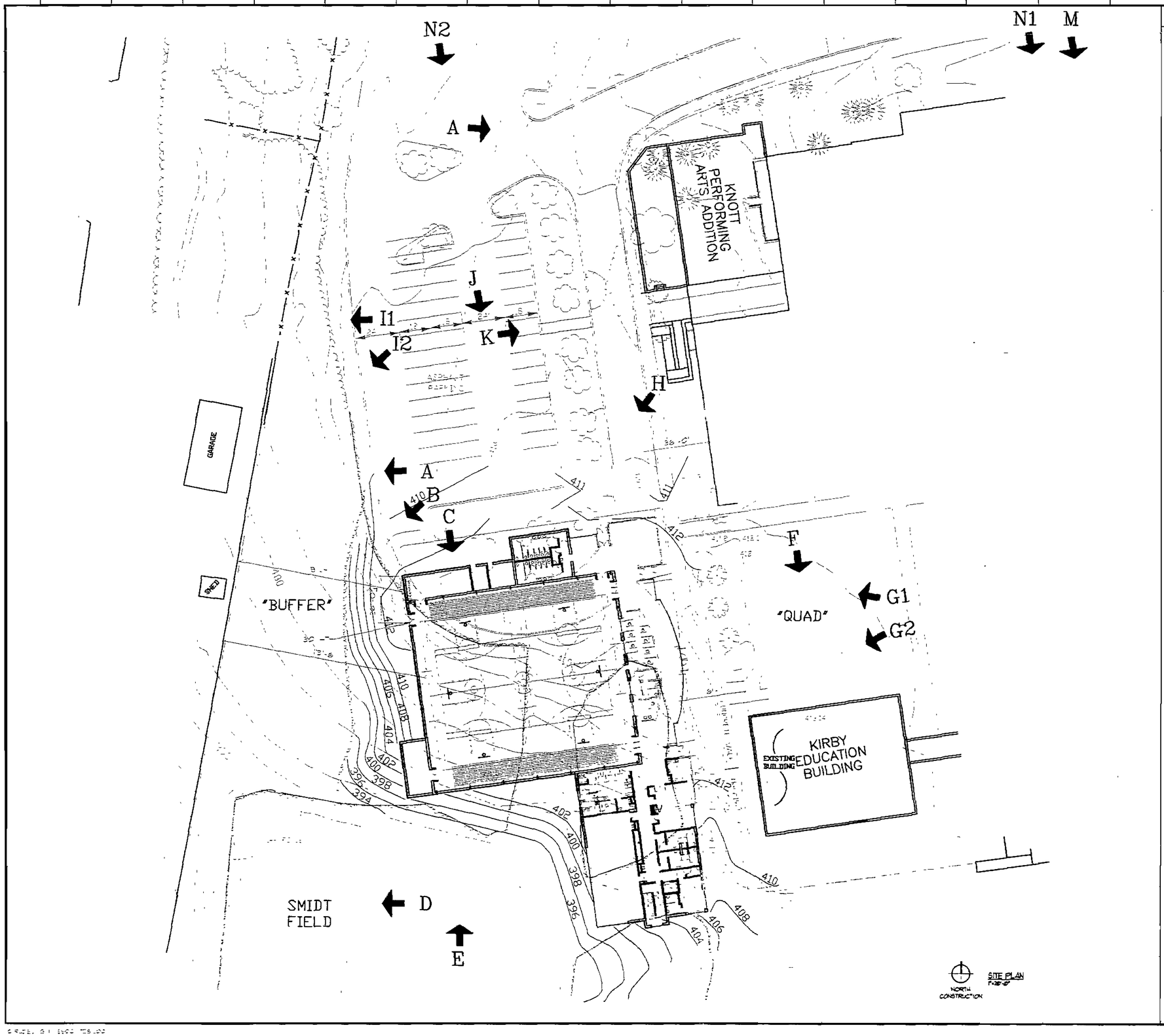


No. View From Entrance Drive



NE. View From Bed

Lot
45



DRAWING NOTES

RUBELING & ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN

ATHLETIC CENTER
NOTRE DAME PREPARATORY SCHOOL
815 HAMPTON LANE
TOWSON, MARYLAND 21286

REVISIONS

NO	DESCRIPTION	DATE

LAST REV
PROJECT NO - 02-037
DATE
SCALE 1/8"=1'-0"
TITLE
SITE PLAN

SHEET
A
001

as revised, if situated on property owned by the county, state or federal government or by a governmental agency. **[Bill No. 220-1981]**

17. Transit facilities. **[Bill No. 91-1990]**

18. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:

    a. Accessory radio or television receiving antennas.

    b. Wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line.[1]

    c. Home occupations, as defined in Section 101.[2]

    d. Parking spaces, including accessory garage spaces.

    e. Offices for the conduct of business incidental to the rental, operation, service or maintenance of apartment buildings.

    f. Signs, subject to Section 450. **[Bill No. 89-1997]**

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

19. Commercial film production, subject to Section 435. **[Bill No. 57-1990]**

B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics. **[Bill No. 124-1981]**

1. Residential transition areas and uses permitted therein. **[Bill No. 2-1992]**

    a. Definitions and purpose. **[Bill No. 2-1992]**

        (1) The residential transition area (RTA) is a one-hundred-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.

---

[1] **Editor's Note: Former Item c, which followed this item and permitted automotive-service stations, was repealed by Bill No. 172-1993.**

[2] **Editor's Note: Former Item e, which followed this item and permitted offices of certain professional persons as an accessory use to their residences, was repealed by Bill No. 105-1972, effective 8-26-1982.**

(2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

b. Generation of residential transition area. An RTA is generated if the property to be developed lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which: **[Bill No. 2-1992]**

(1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or

(2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

c. Variance of RTA. **[Bill No. 2-1992]**

(1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of Public Works, Planning, Environmental Protection and Resource Management, Permits and Development Management, Recreation and Parks, Community Development or the Economic Development Commission, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semidetached or duplex dwelling.

(2) The RTA for a tract may be modified as directed by findings pursuant to Sections 26-206 and 26-282 of the Baltimore County Code, 1988 Edition, as revised. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

d. A residential transition use is any use: **[Bill No. 2-1992]**

(1) Permitted as of right under Section 1B01.1.A; or

(2) Any use permitted by special exception under Section 1B01.1.C, except an accessory use permitted only by special exception; or

(3) Any parking area permitted under Section 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.

e. Conditions in residential transition areas. **[Bill No. 2-1992]**

(1) The RTA may contain single-family detached, semidetached or duplex dwellings.

(2) Group-house, back-to-back group houses, multifamily building and parking lots shall be set back from the tract boundary 75 feet and provide a fifty-foot RTA buffer.

(3) The fifty-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures, but it may be bisected by roads, paths and trails that are designed to connect to adjoining developments.

(4) The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of the fixture shall not exceed 0.2 candle at the tract boundary.

(5) Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception or pursuant to Section 409.8.B, shall provide a fifty-foot buffer and seventy-five-foot setback, and a height not to exceed 35 feet within the one-hundred-foot transition area.

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

g. Exceptions to residential transition. The restrictions contained in Paragraphs a through e above, of this Subsection B.1, do not apply to: **[Bill Nos. 109-1982; 40-1992]**

(1) A proposed dwelling to be placed in a RTA containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling which has the same or lesser number of dwelling units and party walls as the existing dwelling units. **[Bill Nos. 109-1982; 40-1992]**

(2) Public utility uses (except public utility service centers and storage yards). Such uses shall be governed by the provisions of Sections 411 and 502 and such other applicable sections of these regulations. **[Bill 40-1992]**

(3) Notwithstanding the provisions of Section 104, the reconstruction of an existing church, community building or other structure devoted to civic, social, recreational, fraternal or educational activity which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area

Pet. # 10

From/On Behalf of Notre Dame Prep

Sister Christina Mulcahy SSND
Cami Colaiossi
DORI DiVENTI
Bob La Pierre
Fr. Pat McLaughlin
Lauren Rolkil Actress
Michelle Barja Farley
Christopher BROWN
Connor Stanwick - student
Mary P. BARTEL
Rachel N. Mech - Student
Judith D. Wallace
Michael Constantelli
MICHAEL CONSTANTINE
Melanie Moser
JOHN J. DIMENNA

Pet. 11A

CWC

as revised, if situated on property owned by the county, state or federal government or by a governmental agency. **[Bill No. 220-1981]**

17. Transit facilities. **[Bill No. 91-1990]**

18. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:

    a. Accessory radio or television receiving antennas.

    b. Wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line.[1]

    c. Home occupations, as defined in Section 101.[2]

    d. Parking spaces, including accessory garage spaces.

    e. Offices for the conduct of business incidental to the rental, operation, service or maintenance of apartment buildings.

    f. Signs, subject to Section 450. **[Bill No. 89-1997]**

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

19. Commercial film production, subject to Section 435. **[Bill No. 57-1990]**

B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics. **[Bill No. 124-1981]**

1. Residential transition areas and uses permitted therein. **[Bill No. 2-1992]**

    a. Definitions and purpose. **[Bill No. 2-1992]**

        (1) The residential transition area (RTA) is a one-hundred-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.

---

[1] **Editor's Note: Former Item c, which followed this item and permitted automotive-service stations, was repealed by Bill No. 172-1993.**

[2] **Editor's Note: Former Item e, which followed this item and permitted offices of certain professional persons as an accessory use to their residences, was repealed by Bill No. 105-1972, effective 8-26-1982.**

(2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

b. Generation of residential transition area. An RTA is generated if the property to be developed lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which: **[Bill No. 2-1992]**

(1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or

(2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

c. Variance of RTA. **[Bill No. 2-1992]**

(1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of Public Works, Planning, Environmental Protection and Resource Management, Permits and Development Management, Recreation and Parks, Community Development or the Economic Development Commission, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semidetached or duplex dwelling.

(2) The RTA for a tract may be modified as directed by findings pursuant to Sections 26-206 and 26-282 of the Baltimore County Code, 1988 Edition, as revised. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

d. A residential transition use is any use: **[Bill No. 2-1992]**

(1) Permitted as of right under Section 1B01.1.A; or

(2) Any use permitted by special exception under Section 1B01.1.C, except an accessory use permitted only by special exception; or

(3) Any parking area permitted under Section 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.

e. Conditions in residential transition areas. **[Bill No. 2-1992]**

(1) The RTA may contain single-family detached, semidetached or duplex dwellings.

(2) Group-house, back-to-back group houses, multifamily building and parking lots shall be set back from the tract boundary 75 feet and provide a fifty-foot RTA buffer.

(3) The fifty-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures, but it may be bisected by roads, paths and trails that are designed to connect to adjoining developments.

(4) The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of the fixture shall not exceed 0.2 candle at the tract boundary.

(5) Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception or pursuant to Section 409.8.B, shall provide a fifty-foot buffer and seventy-five-foot setback, and a height not to exceed 35 feet within the one-hundred-foot transition area.

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

g. Exceptions to residential transition. The restrictions contained in Paragraphs a through e above, of this Subsection B.1, do not apply to: **[Bill Nos. 109-1982; 40-1992]**

(1) A proposed dwelling to be placed in a RTA containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling which has the same or lesser number of dwelling units and party walls as the existing dwelling units. **[Bill Nos. 109-1982; 40-1992]**

(2) Public utility uses (except public utility service centers and storage yards). Such uses shall be governed by the provisions of Sections 411 and 502 and such other applicable sections of these regulations. **[Bill 40-1992]**

(3) Notwithstanding the provisions of Section 104, the reconstruction of an existing church, community building or other structure devoted to civic, social, recreational, fraternal or educational activity which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area

Ret. 11B

of the structure or alter the location or use of the structure. **[Bill No. 40-1992]**

(4) An addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations including setback, parking and screening requirements, are maintained. **[Bill Nos. 109-1982; 40-1992]**

(5) A new church or other building for religious worship constructed on a parcel of land large enough to provide landscaped but otherwise unimproved yard areas of 100 feet between any improvement and any property line other than street frontages. **[Bill Nos. 109-1982; 40-1992]**

(6) A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. **[Bill Nos. 109-1982; 40-1992]**

(7) Shoreline fishing and shellfish facilities. Such uses shall be governed by the provisions of Sections 500.4, 1A01.2.C.9, 1A02.2.B.10, 1A04.2.B.7 and 1B01.1.C.8. **[Bill Nos. 109-1982; 40-1992]**

(8) An addition to an existing trailer park or mobile home park or contiguous to such park. If the park is lawfully in existence in a D.R. Zone on the effective date of this act. **[Bill Nos. 109-1982; 40-1992]**

(9) An addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking, and screening requirements, are maintained. **[Bill Nos. 109-1982; 40-1992]**

(10) A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. **[Bill Nos. 109-1982; 40-1992]**

(11) Principal use Class A and Class B group child care centers, provided that the Zoning Commissioner determines, during the

of the structure or alter the location or use of the structure. **[Bill No. 40-1992]**

(4) An addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations including setback, parking and screening requirements, are maintained. **[Bill Nos. 109-1982; 40-1992]**

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(8) An addition to an existing trailer park or mobile home park or contiguous to such park. If the park is lawfully in existence in a D.R. Zone on the effective date of this act. **[Bill Nos. 109-1982; 40-1992]**

(9) An addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking, and screening requirements, are maintained. **[Bill Nos. 109-1982; 40-1992]**

(10) A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. **[Bill Nos. 109-1982; 40-1992]**

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of the structure or alter the location or use of the structure. **[Bill No. 40-1992]**

(4) An addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations including setback, parking and screening requirements, are maintained. **[Bill Nos. 109-1982; 40-1992]**

(5) A new church or other building for religious worship constructed on a parcel of land large enough to provide landscaped but otherwise unimproved yard areas of 100 feet between any improvement and any property line other than street frontages. **[Bill Nos. 109-1982; 40-1992]**

(6) A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. **[Bill Nos. 109-1982; 40-1992]**

(7) Shoreline fishing and shellfish facilities. Such uses shall be governed by the provisions of Sections 500.4, 1A01.2.C.9, 1A02.2.B.10, 1A04.2.B.7 and 1B01.1.C.8. **[Bill Nos. 109-1982; 40-1992]**

(8) An addition to an existing trailer park or mobile home park or contiguous to such park. If the park is lawfully in existence in a D.R. Zone on the effective date of this act. **[Bill Nos. 109-1982; 40-1992]**

(9) An addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking, and screening requirements, are maintained. **[Bill Nos. 109-1982; 40-1992]**

(10) A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. **[Bill Nos. 109-1982; 40-1992]**

(11) Principal use Class A and Class B group child care centers, provided that the Zoning Commissioner determines, during the

Per. # 12

tions, buildings, structures, pavements, grading, clearing or other disturbances of the soils will be limited or restricted in accordance with policies established by the department of environmental protection and resource management to promote agricultural uses and protect the county's soil resources.
(Code 1978, § 22-99; Bill No. 18, 1990, § 2; Bill No. 113, 1992, § 5)

Sec. 26-278. Preservation of natural or historic features.

Natural features (including watercourses, waterfalls, beaches and significant vegetation) and historic structures or sites identified on any of the lists referred to in section 26-203(c)(8) must be preserved. In particular, the county must find that an adequate method of protecting any known habitat of an endangered species has been proposed.
(Code 1978, § 22-100; Bill No. 29-95, § 1, 5-21-95)

Sec. 26-279. Street layout generally.

The proposed street layout must adequately separate dwelling units from adjacent arterial streets. In addition, the approval authority may require curvilinear, cul-de-sac or U-shaped streets where necessary to meet the purposes of these regulations. Any cul-de-sac or dead-end street (including any permitted temporary dead-end street) must have adequate paved turning space, and the county may limit the length of such a street.
(Code 1978, § 22-101)

Cross reference—Roads, bridges and sidewalks, tit. 31.

Sec. 26-280. Names of development and streets.

The county may require a change in the proposed name of any streets or of a proposed development.
(Code 1978, § 22-102)

Cross reference—Roads, bridges and sidewalks, tit. 31.

Sec. 26-281. Designated areas.

(a) For those improvements described in sections 26-263, 26-264 and 26-265, the county may require specifications for materials and design that further the objectives of revitalization areas, growth areas and rural agricultural areas.

(b) A design review panel shall provide the county with analysis and comments on site design review and architectural design review in accordance with the provisions of section 26-219 and the comprehensive manual of development policies.
(Code 1978, § 22-103; Bill No. 12, 1993, § 2)

Sec. 26-282. Compatibility.

(a) The director of planning shall make compatibility recommendations to the hearing officer for:

(1) Cluster subdivisions;

(2) Development in the RCC, R-0, OR-1, OR-2, O-3, SE or OT zones or the CR districts or a PUD development; or

(3) Alternative site design dwellings as provided in the comprehensive manual of development policies.

(b) Development of property, subject to section 26-282(a) shall be designed to achieve the following compatibility objectives in accordance with the guidelines in the comprehensive manual of development policies:

(1) The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood;

(2) The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood;

(3) The proposed streets are connected with the existing neighborhood road network where ever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood;

(4) The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.

(5) Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design;

(6) The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities;

(7) The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood;

(8) The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood;

(c) Neighborhood means, for the purpose of a compatibility finding, the existing buildings and land uses adjacent to and extending from the proposed development to a definable boundary such as a primary collector or arterial road, a significant change in character or land use, or a major natural feature.

(d) (1) In an S-E zone, buildings shall be made compatible with the streetscape and the landscape by methods which reduce the large-scale visual impact of buildings.

(2) The predominant exterior material on any building shall not require periodic refinishing or maintenance, including but not limited to, painted wood, painted metal siding, prefinished metal siding or painted masonry, nor shall any exterior wall be made from any unfinished material including but not limited to; raw wood, unfinished concrete block or concrete surfaces. Satisfactory predominant exterior materials include brick, glass, architectural concrete surfaces, decorative masonry units or stucco.

(e) This section does not apply to a research park.

(Code 1978, § 22-104; Bill No. 18, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 46, 1992, § 3; Bill No. 186-94, § 10, 1-14-95; Bill No. 112-99, § 3, 1-10-00)

Sec. 26-283. Adoption of development manuals.

(a) In order to implement the standards and requirements set forth in this division, the county shall prepare development manuals in accordance with the requirements of this section and submit same to the planning board for its action under subsection (c) of this section.

(b) (1) The department of public works shall prepare the following manuals and submit same to the planning board within thirty (30) days of the effective date of this article:

a. Design manual.

b. Manual of standards details.

c. Manual of standards specifications.

d. Manual of stormwater management policy.

e. Manual of sediment control and slope protection.

(2) The department of public works shall prepare a manual of uniform traffic-control devices.

(3) The department of public works shall prepare a manual of development procedures.

(4) The office of planning and zoning and the department of recreation and parks shall jointly prepare a manual of design and administration of the open space requirements set forth in sections 26-272 through 26-274 of these regulations and submit same to the planning board within six (6) months of the effective date of this article.

(5) The office of planning and zoning shall prepare a manual of landscaping standards and submit same to the planning board.

(6) The department of environmental protection and resource management shall prepare a manual to implement the standard set out in section 26-275.

Pet. #14

RECEIVED
JUN 3 0 2003
RUBELING & ASSOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Larry E. Schmidt
Zoning Commissioner
For Baltimore County

DATE: June 25, 2003

FROM: Lynn Lanham
Chief, Development Review Section
Office of Planning

SUBJECT: School Sisters of Notre Dame
815-817 Hampton Lane
Case Number 03-180 SPHA

The Office of Planning has reviewed and approves the architectural elevations of the proposed athletic center (rendered in color) received by the Office of Planning on May 13, 2003. The materials of the west elevation facing, and closest to the adjacent residential neighborhood, have been revised to be primarily stone with minimal use of the vertical siding. Colors and materials are similar to and complement the existing structure.

The Office of Planning has also reviewed and approves the revised landscape plan submitted on June 10, 2003. This plan adds material along the western property boundary (8 Norway Spruce and an evergreen hedge) as well as a detailed planting of primarily evergreen trees adjacent to the proposed athletic center. Avery Harden has also reviewed this plan and finds it acceptable.

Pedestrian walkways have been added to connect the proposed addition to the parking and drop-off areas as well as a connection to the athletic fields.

The Office of Planning recommends that these plans and elevations satisfy the conditions of your order dated December 24, 2002.

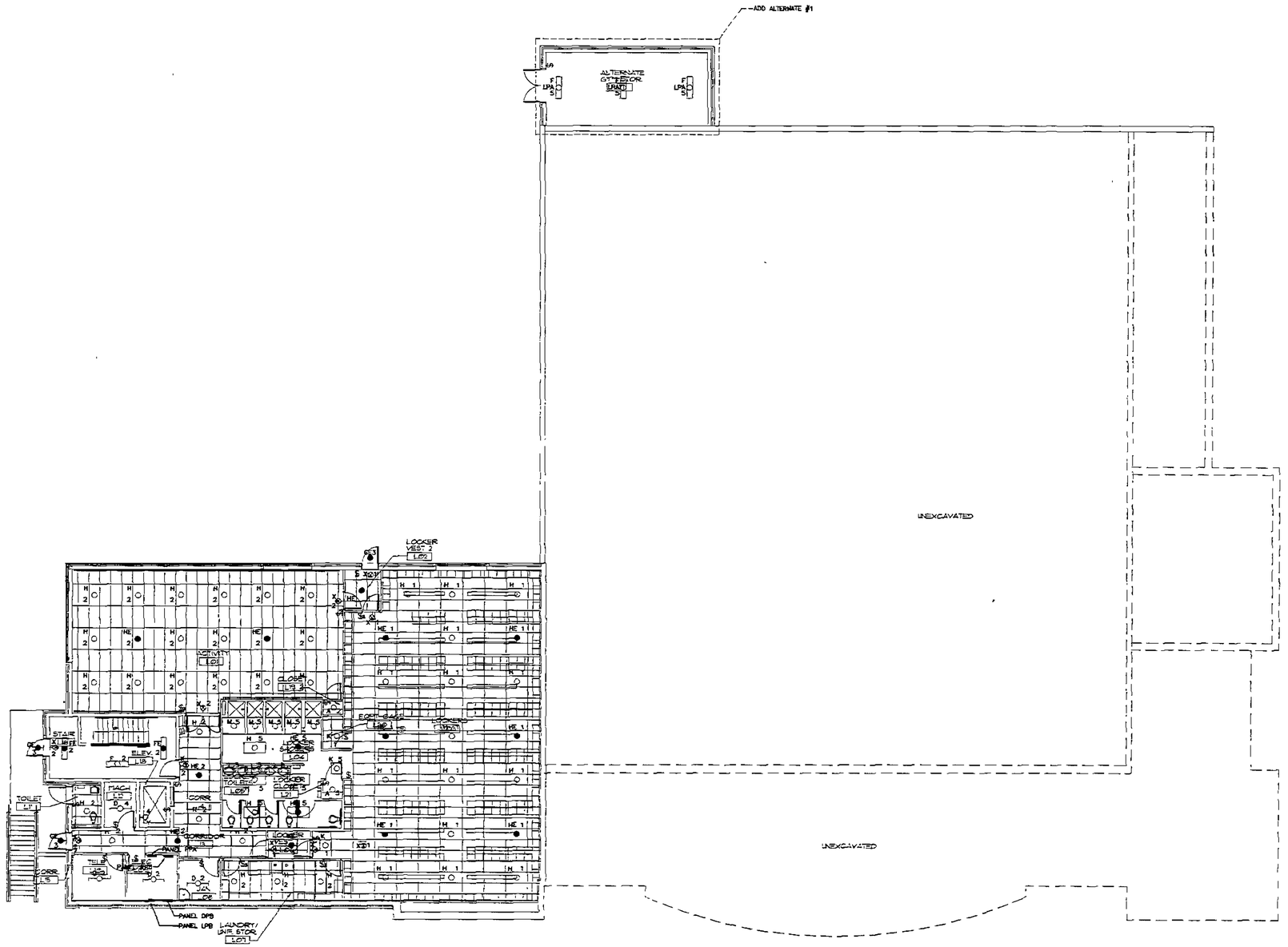
Lynn Lanham

LL:kma
C: John Dimena
Melanie Moser

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REFERENCED NOTES

1. ALL CIRCUITS ON THIS PLAN SHALL BE FED BY PANEL LPEL UNLESS NOTED OTHERWISE.



LOWER LEVEL FLOOR PLAN - LIGHTING 1

SCALE: 1/8" = 1'-0"

RUBELING & ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN

Century Engineering, Inc

SPORTS AND FITNESS CENTER
NOTRE DAME PREPARATORY SCHOOL
815 HAMPTON LANE
TOWSON, MARYLAND 21286

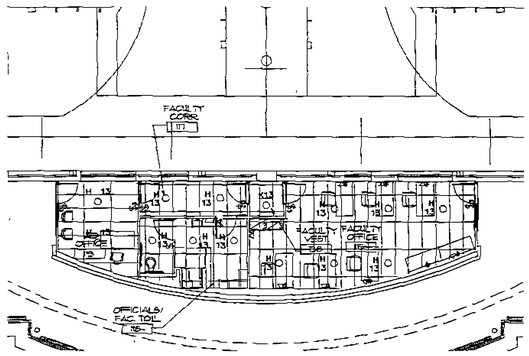
REVISIONS:		
No.		Date
	Issued for Bid	5-30-03

LAST REV.:
PROJECT NO.: 02-037
DATE: 5-30-03
SCALE: AS NOTED
TITLE: LOWER FLOOR PLANS -LIGHTING
SHEET: E
101

Pd. #15

22111.01

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GYM OFFICE PLAN – LIGHTING ①

SCALE: 1/8" = 1'-0"

REFERENCED NOTES

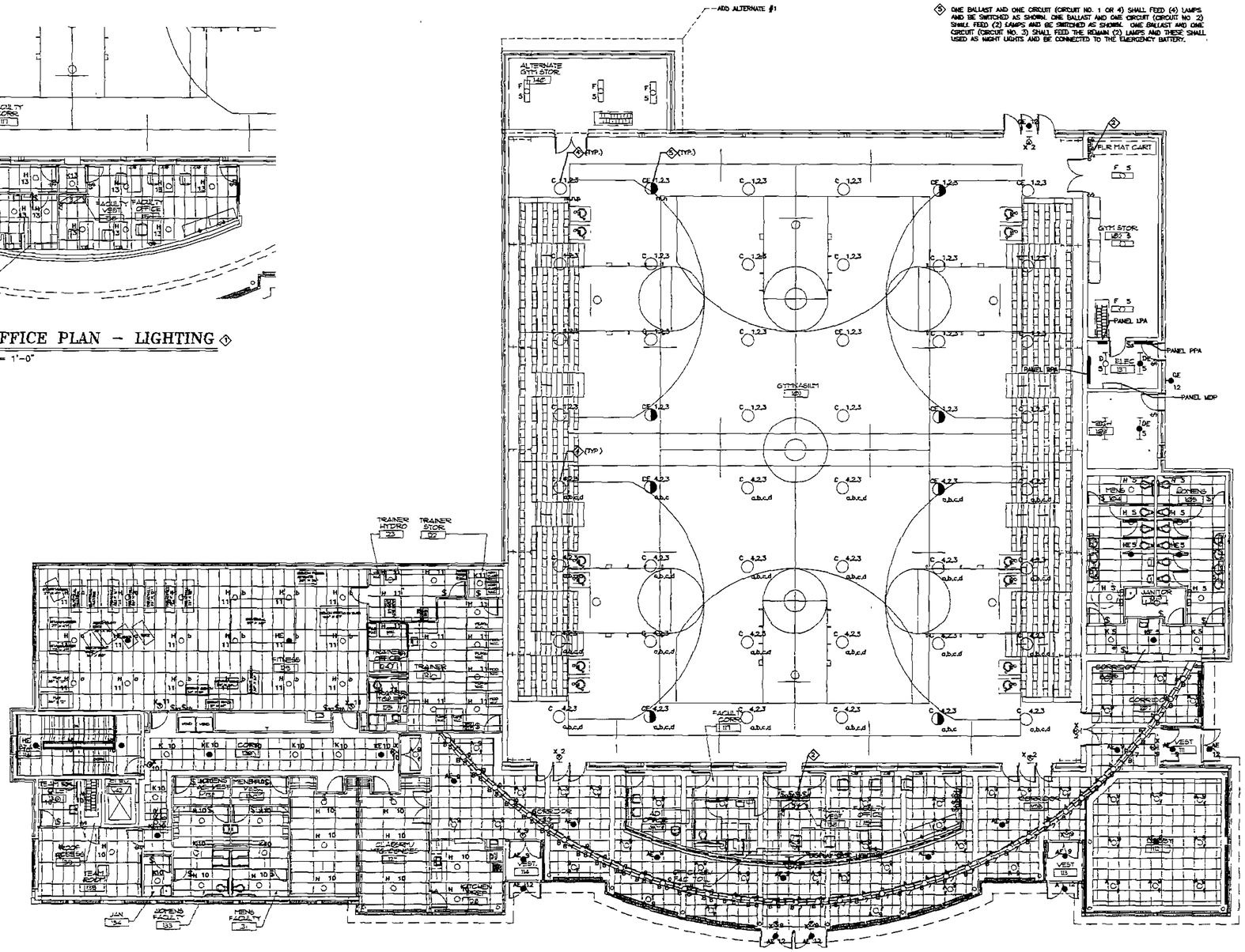
① ALL CIRCUITS ON THIS PLAN SHALL BE FED BY PANEL LPA, UNLESS NOTED OTHERWISE.

② SWITCHING FOR HALF OF GYMNASIUM LIGHTING.

③ ONE LAMP SHALL NOT BE SWITCHED AND SHALL REMAIN ON AS NIGHT LIGHT. THE LAMP SHALL BE ON AN EMERGENCY BATTERY BACKUP.

④ ONE BALLAST AND ONE CIRCUIT (CIRCUIT NO. 1 OR 4) SHALL FEED (4) LAMPS AND BE SWITCHED AS SHOWN. ONE BALLAST AND ONE CIRCUIT (CIRCUIT NO. 2) SHALL FEED (2) LAMPS AND SWITCHED AS SHOWN. ONE BALLAST AND ONE CIRCUIT (CIRCUIT NO. 3) SHALL FEED THE REMAIN (2) LAMPS AND BE SWITCHED AS SHOWN.

⑤ ONE BALLAST AND ONE CIRCUIT (CIRCUIT NO. 1 OR 4) SHALL FEED (4) LAMPS AND BE SWITCHED AS SHOWN. ONE BALLAST AND ONE CIRCUIT (CIRCUIT NO 2) SHALL FEED (2) LAMPS AND BE SWITCHED AS SHOWN. ONE BALLAST AND ONE CIRCUIT (CIRCUIT NO. 3) SHALL FEED THE REMAIN (2) LAMPS AND THESE SHALL USED AS NIGHT LIGHTS AND BE CONNECTED TO THE EMERGENCY BATTERY.



MAIN FLOOR PLAN – LIGHTING ①

SCALE: 1/8" = 1'-0"

RUBELING & ASSOCIATES, INC
ARCHITECTURE
INTERIOR DESIGN

Century Engineering, Inc

SPORTS AND FITNESS CENTER
NOTRE DAME PREPARATORY SCHOOL

815 HAMPTON LANE
TOWSON, MARYLAND 21286

REVISIONS:

no.	description	date
	Issued for Bid	5-30-03

LAST REV.:
PROJECT NO.: 02-051
DATE: 5-30-03
SCALE: AS NOTED

TITLE:
MAIN FLOOR PLANS –LIGHTING

SHEET:
E
102

22111.01

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LIGHTING FIXTURE SCHEDULE

TYPE	DESCRIPTION	LAMP	VOLTS	MOUNTING	MFGR	REMARKS
A	6" VERTICAL FLUORESCENT DOWNLIGHT WITH OPEN BAFFLE	1-32W	277	RECESSED	VANTAGE BAF132E2	
AE	6" VERTICAL FLUORESCENT DOWNLIGHT WITH OPEN BAFFLE WITH EMERGENCY BATTERY	1-32W	277	RECESSED	VANTAGE BAF132E2EM	
B	FLUORESCENT COVE LIGHTING	1-F32T8	277	MOUNT IN COVE	HUBBELL 532411B01	
C	HIGH BAY COMPACT FLUORESCENT LUMINAIRE WITH WHITE ALUMINUM HOUSING, POLYCARBONATE REFLECTOR, SAFETY CHAINS, POWER HOOK AND CORD AND PLUG, 3 SWITCHLEGS, WIRE GUARD	(6) 26W. DTT 4100K	277	STEM SUSPEND AT 4' BELOW CEILING	VANTAGE RDV-22-6/26Q-4-E-277V- MCP-WG- SAFETY CHAINS	
CE	HIGH BAY COMPACT FLUORESCENT LUMINAIRE WITH WHITE ALUMINUM HOUSING, POLYCARBONATE REFLECTOR, SAFETY CHAINS, POWER HOOK AND CORD AND PLUG, 3 SWITCHLEGS, WIRE GUARD W/EMERGENCY BATTERY ON 2 LAMPS	(6) 26W. DTT 4100K	277	STEM SUSPEND AT 4' BELOW CEILING	VANTAGE RDV-22-6/26Q-4-E-277V- MCP-WG- SAFETY CHAINS-EM	
D	4' FLUORESCENT STRIP WITH SYMMETRICAL REFLECTOR AND WIRE GUARD	2-F32T8	277	SURFACE	HUBBELL 432X8-277-SSRW1-SWG4	
E	EMERGENCY LIGHTING UNIT	INCLUDED	277	AS SHOWN ON DWGS.	HUBBELL PBR252-R12H	
FE	1X4 FLUORESCENT WRAPAROUND FIXTURE WITH EMERGENCY BATTERY	(2) 32W T8	277	CEILING MOUNTED	HUBBELL WAZ232A277EM	
GE	EXTERIOR COMPACT FLUORESCENT SURFACE WITH EMERGENCY BATTERY CUTOFF: DIRECTED DOWNWARD	(1) 42W TTT	277	WALL MOUNTED	DESIGNPLAN PGM-42WTTT-1-2-0-4-T-1	
H	2' x 4' FLUORESCENT PARABOLIC LUMINAIRE WITH 3" DEEP, 24 CELL, SEMI-SPECULAR LOUVER	(5) F32 T8 4100K	277	RECESSED	HUBBELL BEM2X4SW	
HE	2' x 4' FLUORESCENT PARABOLIC LUMINAIRE WITH 3" DEEP, 24 CELL, SEMI-SPECULAR LOUVER W/ EMERGENCY BATTERY	(3) F32 T8 4100K	277	RECESSED	HUBBELL BEM2X4SW - EM	
K	2' x 2' FLUORESCENT DIRECT/ INDIRECT LUMINAIRE WITH SIDE BASKET PERFORATED SHIELDS	3-F40W BMX	277	RECESSED	DAY-O-LITE PDSF-RS8-277-ELEC	
KE	2' x 2' FLUORESCENT DIRECT/ INDIRECT LUMINAIRE WITH SIDE BASKET PERFORATED SHIELDS W/ EMERGENCY BATTERY	3-F40W BMX	277	RECESSED	DAY-O-LITE PDSF-RS8-277-ELEC-EM	
L	4' FLUORESCENT SQUARED BRACKET VANITY FIXTURE WITH WHITE ACRYLIC DIFFUSER	2-F32T8	277	SURFACE 6" ABOVE MIRROR	PROGRESS P7024-30	
M	COMPACT FLUORESCENT CEILING MOUNTED SHOWER FIXTURE WET LOCATION LISTED	(2) 13W	277	CEILING	TERON EAGLE 822/13	
X	AC POWERED, CAST ALUMINUM L.E.D. EXIT SIGN WITH GREEN STENCIL FACE	L.E.D.	277	AS SHOWN ON DWG'S	LIGHTALARMS 2XLD-A-G-A	PROVIDE WIRE GUARD WHERE NOTED ON PLANS
Y	VAPORTIGHT COMPACT FLUORESCENT	(1) 13W BMX	277	PER ELEV SUPPLIER	STONCO VM0L13WEL	

DISTRIBUTION PANEL DPA

277/480 AMPERES-3 PHASE-4 WIRE
1000 AMPERE, MAIN CIRCUIT BREAKER
SURFACE MOUNTED ENCLOSURE
Isc=42,000 A.I.C. SYM.

SERVICE ENTRANCE EQUIPMENT

CKT NO.	SERVING	CIRCUIT BREAKER P.	FRAME	TRIP	NOTES
1	PANEL LPA	3	100	100	②
2	PANEL PPA	3	150	150	②
3	TRANSFORMER TA	3	125	125	
4	PANEL DPB	3	600	600	
5	SURGE SUPPRESSOR	3	100	60	
6	RTU-1	3	110	110	
7	RTU-2	3	110	110	
8	RTU-3	3	125	125	
9	RTU-4	3	100	100	

DISTRIBUTION PANEL DPB

277/480 AMPERES-3 PHASE-4 WIRE
600 AMPERE, MAIN LUGS ONLY
SURFACE MOUNTED ENCLOSURE
Isc=42,000 A.I.C. SYM.

CKT NO.	SERVING	CIRCUIT BREAKER P.	FRAME	TRIP	NOTES
1	PANEL LPB	3	100	100	
2	PANEL PPB	3	125	125	
3	TRANSFORMER TB	3	50	50	①
4	ELEVATOR	3	150	150	

① PROVIDE SHUNT TRIP COIL FOR CONNECTION TO HEAT DETECTORS IN ELEVATOR IN PIT, TOP OF SHAFT & MACHINE ROOM.

② PROVIDE CURRENT LIMITING TYPE CIRCUIT BREAKER.

PANEL PPB

480/277 VOLT-3 PHASE-4 WIRE WYE 600 AMP MAIN LUGS ONLY SURFACE MOUNTED ENCLOSURE
Isc=10,000 A.I.C. SYM.

CKT NO.	SERVING	BREAKERS POLE	AMP	CKT NO.	SERVING	BREAKERS POLE	AMP
1	ELEC. CONVECTOR LOCKER RM	1	25	2	ELEC. CONVECTOR LOCKER RM	1	15
3	ELEC. CONVECTOR LOCKER RM	1	15	4	ELEC. CONVECTOR LOCKER RM	1	15
5	EWH-1	1	15	6	ELEC. CONVECTOR LOCKER RM	1	30
7	EWH-1	1	15	8	EWH-3	1	20
9	TU-4-10,TU-4-11	3	20	10	UH-1	1	20
11	-	-	-	12	TU-4-12, TU-4-13	3	20
13	-	-	-	14	-	-	-
15	TU-4-14	1	20	16	-	-	-
17	EWH-1	1	15	18	UH-1	1	20
19	SPARE	1	20	20	SPARE	1	20
21	SPARE	1	20	22	SPARE	1	20
23	SPACE	-	-	24	SPACE	-	-
25	SPACE	-	-	26	SPACE	-	-
27	SPACE	-	-	28	SPACE	-	-
29	SPACE	-	-	30	SPACE	-	-
31	SPACE	-	-	32	SPACE	-	-
33	SPACE	-	-	34	SPACE	-	-
35	SPACE	-	-	36	SPACE	-	-
37	SPACE	-	-	38	SPACE	-	-
39	SPACE	-	-	40	SPACE	-	-
41	SPACE	-	-	42	SPACE	-	-

PANEL LPB

277/480 VOLT-3 PHASE-4 WIRE WYE 400 AMP MAIN LUGS ONLY SURFACE MOUNTED ENCLOSURE
Isc=10,000 A.I.C. SYM.

CKT NO.	SERVING	BREAKERS POLE	AMP	CKT NO.	SERVING	BREAKERS POLE	AMP
1	LTG LOCKER ROOM	1	20	2	LTG ACTIVITY	1	20
3	LTG EXTERIOR	1	20	4	LTG ELEV. MACHINE RM/ ELEV	1	20
5	LTG LOCKER ROOM RESTROOM	1	20	6	SPARE	1	20
7	SPARE	1	20	8	SPARE	1	20
9	SPARE	1	20	10	SPARE	1	20
11	SPARE	1	20	12	SPARE	1	20
13	SPARE	1	20	14	SPARE	1	20
15	SPACE	-	-	16	SPACE	-	-
17	SPACE	-	-	18	SPACE	-	-
19	SPACE	-	-	20	SPACE	-	-
21	SPACE	-	-	22	SPACE	-	-
23	SPACE	-	-	24	SPACE	-	-
25	SPACE	-	-	26	SPACE	-	-
27	SPACE	-	-	28	SPACE	-	-
29	SPACE	-	-	30	SPACE	-	-

PANEL RPB

480/277 VOLT-3 PHASE-4 WIRE WYE 400 AMP MAIN LUGS ONLY SURFACE MOUNTED ENCLOSURE
Isc=10,000 A.I.C. SYM.

CKT NO.	SERVING	BREAKERS POLE	AMP	CKT NO.	SERVING	BREAKERS POLE	AMP
1	DRYER	2	30	2	REC ACTIVITY ROOM	1	20
3	-	-	-	4	REC ELEV. MACH RM	1	20
5	WASHER	1	20	6	REC LOCKER ROOM	1	20
7	REC LAUNDRY, JAN	1	20	8	REC EXEC	1	20
9	REC TELEPHONE RM	1	20	10	REC LOCKER RM	1	20
11	MAID DRYER LOCKER ROOM	1	30	12	REC LOCKER RM	1	20
13	MAID DRYER LOCKER ROOM	1	30	14	REC STAFF LOUNGE	1	20
15	MAID DRYER LOCKER ROOM	1	30	16	MAID DRYER RESTROOM	1	30
17	ELEVATOR CAB LIGHTING	1	20	18	CLOCK	1	20
19	SPARE	1	20	20	SPARE	1	20
21	SPARE	1	20	22	SPARE	1	20
23	SPARE	1	20	24	SPARE	1	20
25	SPARE	1	20	26	SPARE	1	20
27	SPARE	1	20	28	SPARE	1	20
29	SPACE	-	-	30	SPACE	-	-
31	SPACE	-	-	32	SPACE	-	-
33	SPACE	-	-	34	SPACE	-	-
35	SPACE	-	-	36	SPACE	-	-
37	SPACE	-	-	38	SPACE	-	-
39	SPACE	-	-	40	SPACE	-	-
41	SPACE	-	-	42	SPACE	-	-

PANEL PPA

480/277 VOLT-3 PHASE-4 WIRE WYE 600 AMP MAIN LUGS ONLY SURFACE MOUNTED ENCLOSURE
Isc=10,000 A.I.C. SYM.

CKT NO.	SERVING	BREAKERS POLE	AMP	CKT NO.	SERVING	BREAKERS POLE	AMP
1	UH-2 STORAGE	1	20	2	UH-2 MEDI RM	1	20
3	EXTRA MEN'S RESTROOM	1	15	4	EXTRA WOMEN'S RESTROOM	1	15
5	CUH-1 VESTIBULE	1	15	6	CUH-1	1	15
7	DRAFT BARRIER HEATER	1	15	8	DRAFT BARRIER HEATER	1	15
9	EWH-1	1	15	10	EWH-2 MENS	1	15
11	EWH-1 TEAM RM	1	15	12	EWH-2 WOMENS	1	15
13	CUH-1	1	15	14	UH-2 STORAGE ROOM	1	20
15	TU-3-1,TU-3-2	3	20	16	TU-3-7, TU-3-8	3	20
17	-	-	-	18	-	-	-
19	-	-	-	20	-	-	-
21	TU-4-5,TU-4-8	3	15	22	TU-4-1, TU-4-2, TU-4-3	3	20
23	-	-	-	24	-	-	-
25	-	-	-	26	-	-	-
27	TU-3-4,TU-3-5, TU-3-6	3	20	28	TU-4-7, TU-4-9	1	20
29	-	-	-	30	TU-3-9, TU-4-4, TU-4-6	1	20
31	-	-	-	32	DRAFT BARRIER HEATER	1	20
33	DRAFT BARRIER HEATER	1	20	34	DRAFT BARRIER HEATER	1	20
35	DRAFT BARRIER HEATER	1	20	36	DRAFT BARRIER HEATER	1	20
37	DRAFT BARRIER HEATER	1	20	38	DRAFT BARRIER HEATER	1	20
39	DRAFT BARRIER HEATER	1	20	40	DRAFT BARRIER HEATER	1	20
41	DRAFT BARRIER HEATER	1	20	42	DRAFT BARRIER HEATER	1	20
43	SPARE	1	20	44	SPARE	1	20
45	SPARE	1	20	46	SPARE	1	20
47	SPARE	1	20	48	SPARE	1	20
49	SPARE	1	20	50	SPARE	1	20
51	SPARE	1	20	52	SPARE	1	20
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55	SPACE	1	20	56	SPACE	1	20
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PANEL LPA

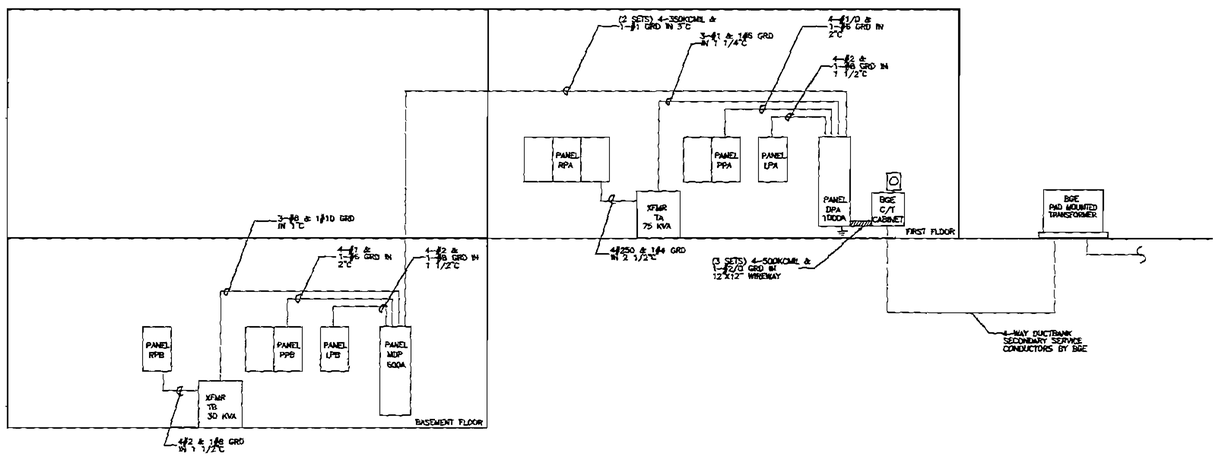
480/277 VOLT-3 PHASE-4 WIRE WYE 400 AMP MAIN LUGS ONLY SURFACE MOUNTED ENCLOSURE
Isc=10,000 A.I.C. SYM.

CKT NO.	SERVING	BREAKERS POLE	AMP	CKT NO.	SERVING	BREAKERS POLE	AMP
1	LTG GYM	1	20	2	LTG GYM	1	20
3	LTG GYM	1	20	4	LTG GYM	1	20
5	LTG STAIR, ELEC., MECH	1	20	6	LTG RESTROOM	1	20
7	LTG COVE	1	20	8	LTG COVE	1	20
9	LTG LOBBY	1	20	10	LTG CLASSROOM	1	20
11	LTG FITNESS,TRAINING	1	20	12	LTG EXTERIOR	1	20
13	LTG GYM, OFFICE	1	20	14	SPARE	1	20
15	SPARE	1	20	16	SPARE	1	20
17	SPARE	1	20	18	SPARE	1	20
19	SPARE	1	20	20	SPARE	1	20
21	SPARE	1	20	22	SPARE	1	20
23	SPARE	1	20	24	SPARE	1	20
25	SPARE	1	20	26	SPARE	1	20
27	SPARE	1	20	28	SPACE	-	-
29	SPACE	-	-	30	SPACE	-	-

PANEL RPA

480/277 VOLT-3 PHASE-4 WIRE WYE 400 AMP MAIN LUGS ONLY SURFACE MOUNTED ENCLOSURE
Isc=10,000 A.I.C. SYM.

CKT NO.	SERVING	BREAKERS POLE	AMP	CKT NO.	SERVING	BREAKERS POLE	AMP
1	WATER HEATER	2	15	2	CIRCULATING PUMP	3	20
3	-	-	-	4	-	-	-
5	REC FITNESS	1	20	6	-	-	-
7	REC WATER FOUNTAIN	1	20	8	REC CORRIDOR, STAIR	1	20
9	FREEZER	1	20	10	REC TEAM RM TOILET	1	20
11	REC TEAM RM	1	20	12	SPARE	1	20
13	REC WOMEN'S FACILITY	1	20	14	REC MEN'S FACILITY	1	20
15	REC JANITOR	1	20	16	REC CLASSROOM	1	20
17	REC TRAINER TOILET	1	20	18	REC CLASSROOM STORAGE	1	20
19	REC WATER FOUNTAIN	1	20	20	REC TRAINING ROOM	1	20
21	REC AD OFFICE	1	20	22	REC TRAINER ROOM	1	20
23	REC OFFICIALS RESTROOM	1	20	24	REC TRAINER OFFICE	1	20
25	REC OFFICE	1	20	26	REC TRAINING ROOM	1	20
27	REC OFFICE	1	20	28	REC WATER FOUNTAIN	1	20
29	REC OFFICE	1	20	30	REC MEN'S ROOM	1	20
31	REC OFFICE	1	20	32	REC WOMENS ROOM	1	20
33	REC MEDI, ELEC. STOR	1	20	34	REC JANITORS CLOSET	1	20
35	REFRIGERATOR	1	20	36	REC GYM	1	20
37	SCOREBOARD	1	20	38	REC GYM	1	20
39	HAND DRYER RESTROOM	1	30	40	HAND DRYER RESTROOM	1	30
41	HAND DRYER TEAM ROOM	1	30	42	HAND DRYER MENS	1	30
43	MOTORIZED BLEACHER	3	20	44	HAND DRYER WOMENS	1	30
45	-	-	-	46	MOTORIZED BLEACHER	3	20
47	-	-	-	48	-	-	-
49	HIGH BOY MOBILE WHIRLPOOL	1	20	50	-	-	-
51	LCD WHIRLPOOL	1	20	52	ICE MACHINE TRAINERS ROOM	1	20
53	TV'S FITNESS ROOM	1	20	54	FREEZER TRAINERS ROOM	1	20
55	STAIRMASTER	1	20	56	STAIRMASTER/ELIPTICAL TRAINER	1	20
57	BIKE	1	20	58	TREADMILL	1	20
59	TREADMILL	1	20	60	TREADMILL	1	20
61	EF-1	1	20	62	SAF-1	1	20
63	EF-2	1	20	64	SAF-2	1	20
65	EF-3	1	20	66	TRAINERS TABLE	1	20
67	EF-4	1	20	68	MOTORIZED BACKBOARD	1	20
69	EF-5	1	20	70	MOTORIZED BACKBOARD	1	20
71	EF-6	1	20	72	MOTORIZED BACKBOARD	1	20
73	HAND DRYER	1	30	74	GYM RECEPTACLE PANC	1	20
75	PRINTER PAX	1	20	76	GYM RECEPTACLE PANC	1	20
77	MOTORIZED SCREEN	1	20	78	VENDING MACHINE	1	20
79	DISPLAY CASE LIGHTING	1	20	80	VENDING MACHINE	1	20
81	MOTORIZED DIMMER	1	20	82	EXTERIOR BODY RECEPTACLE	1	20
83	MOTORIZED SHADE	1	20	84	SPARE	1	20
85	SPARE	1	20	86	SPARE	1	20
87	SPARE	1	20	88	SPARE	1	20
89	SPARE	1	20	90	SPARE	1	20
91	SPARE	1	20	92	SPARE	1	20
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107	SPARE	1	20	108	SPARE	1	20
109	SPARE	1	20	110	SPARE	1	20



POWER RISER DIAGRAM

NOT TO SCALE

RUBELING & ASSOCIATES, INC
ARCHITECTURE
INTERIOR DESIGN

Century Engineering, Inc.

SPORTS AND FITNESS CENTER
NOTRE DAME PREPARATORY SCHOOL

615 HAMPTON LANE
TOWSON, MARYLAND 21286

REVISIONS:

NO.	DESCRIPTION	DATE
	Issued for Bid	6-26-03

LAST REV.:
PROJECT NO.: 02-257
DATE: 5-26-03
SCALE: AS NOTED
TITLE:

PANELBOARD SCHEDULES AND RISER DIAGRAM

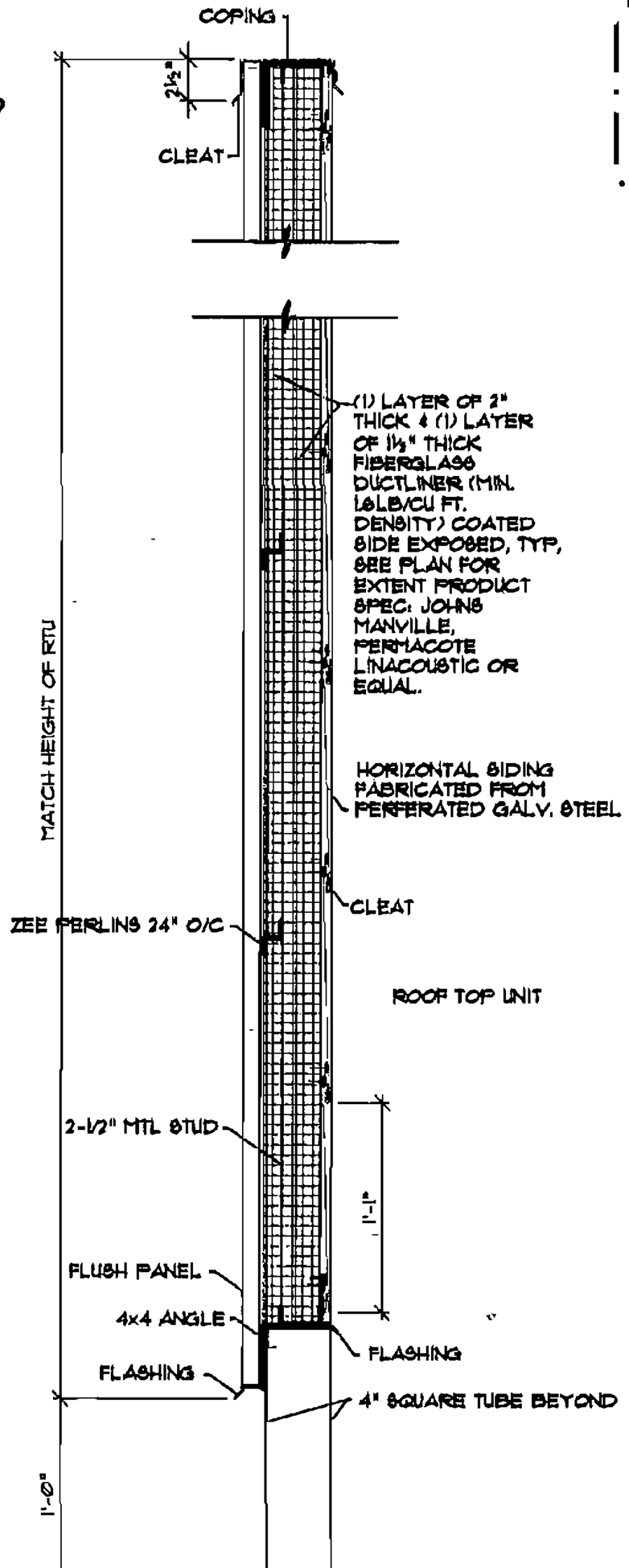
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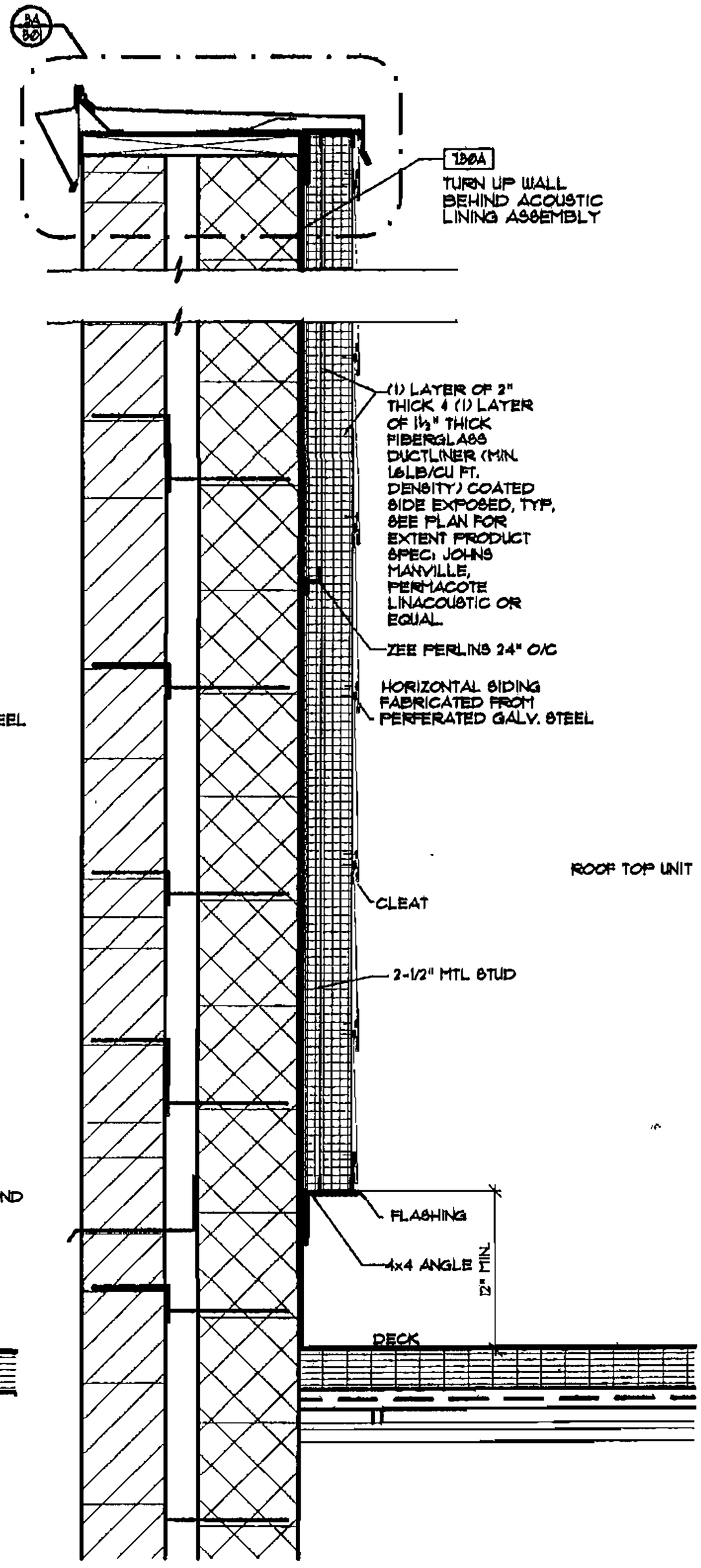
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Pet. #16



8A ACOUSTIC SCREEN DETAIL
1½" = 1'-0"



8D ACOUSTIC WALL LINING
1½" = 1'-0"

RUBELING & ASSOCIATES ARCHITECTS
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286
410-337-2888
FAX: 410-337-2974

NOTRE DAME PREP. SCHOOL

815 HAMPTON LANE
TOWSON, MD

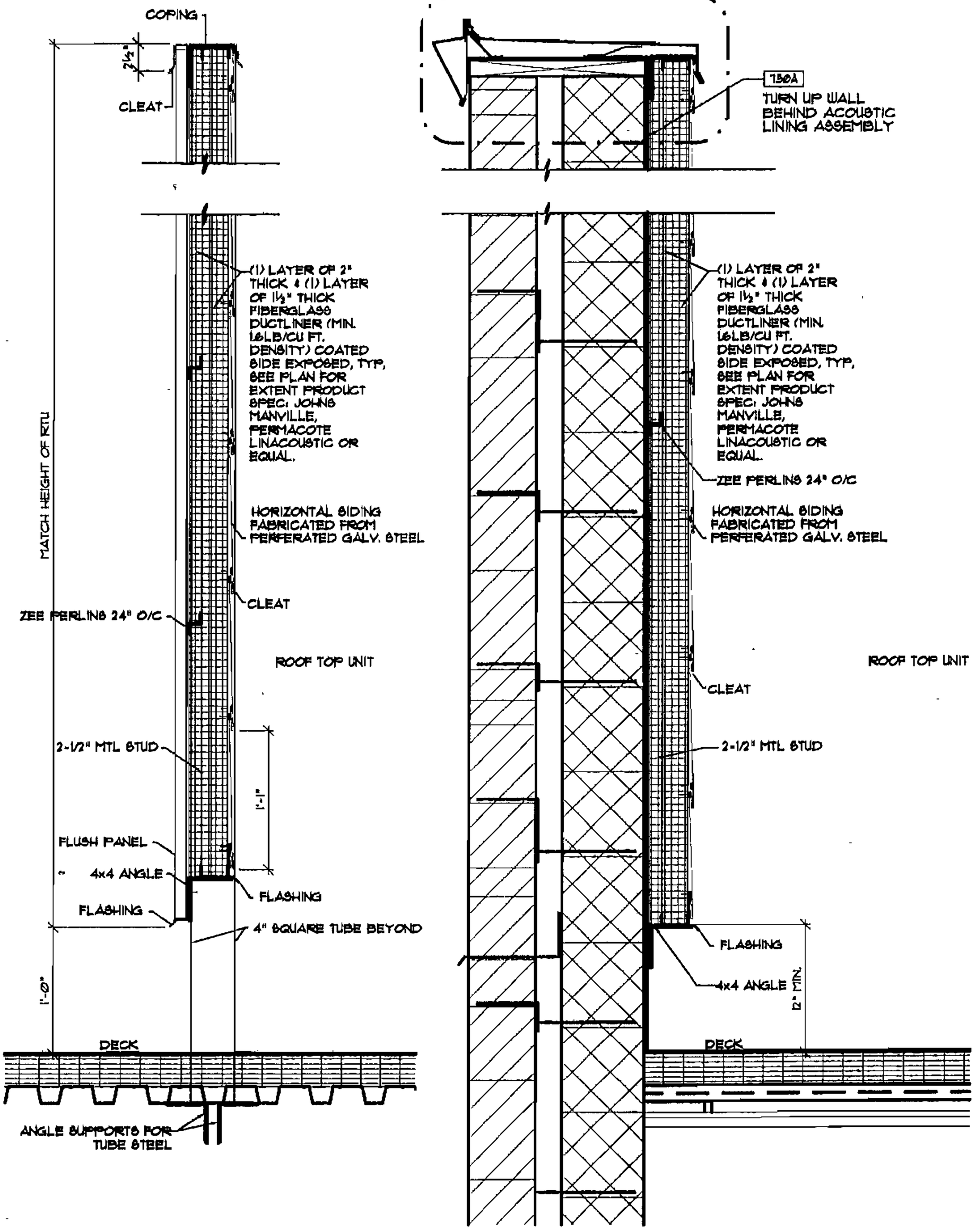
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DATE
SCALE N.T.S.

PERFORATED SCREEN DETAIL

SHEET A

104

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8A ACOUSTIC SCREEN DETAIL 1½" = 1'-0"

8D ACOUSTIC WALL LINING 1½" = 1'-0"

RUBELING
& ASSOCIATES
ARCHITECTS
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410-337-2666
FAX: 410-337-2974

NOTRE DAME PREP. SCHOOL

815 HAMPTON LANE
TOWSON, MD

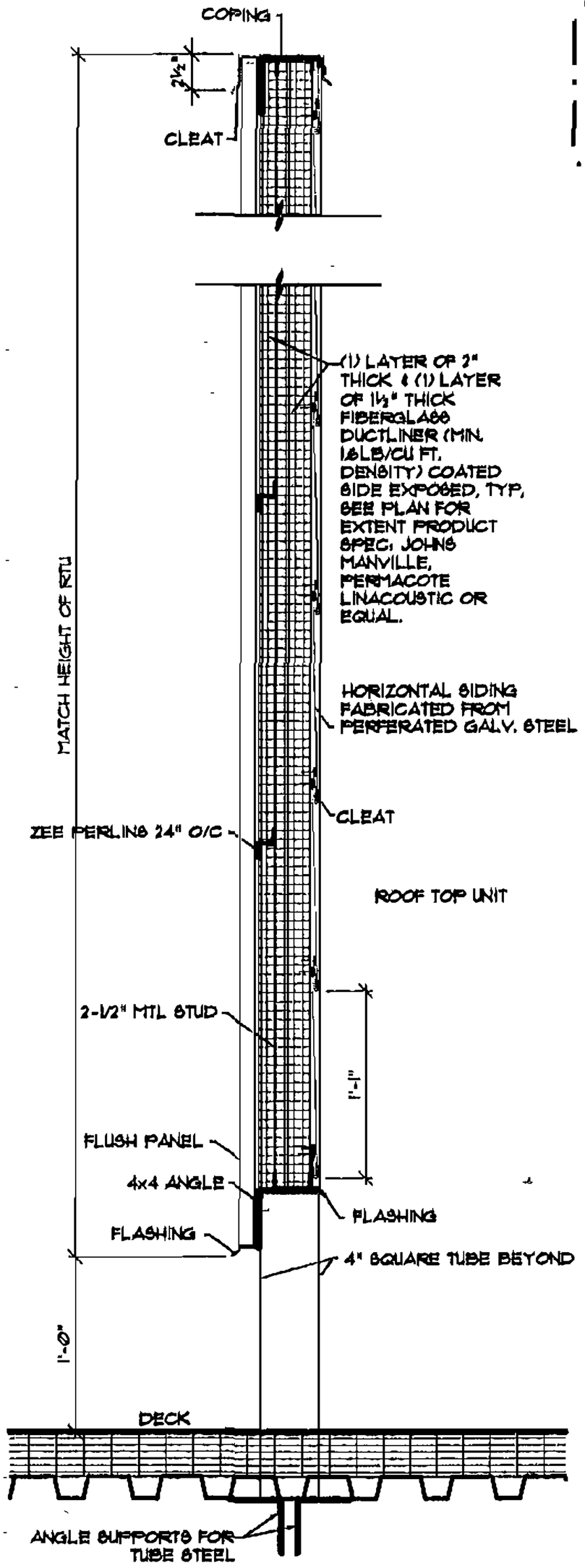
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PERFORATED SCREEN DETAIL

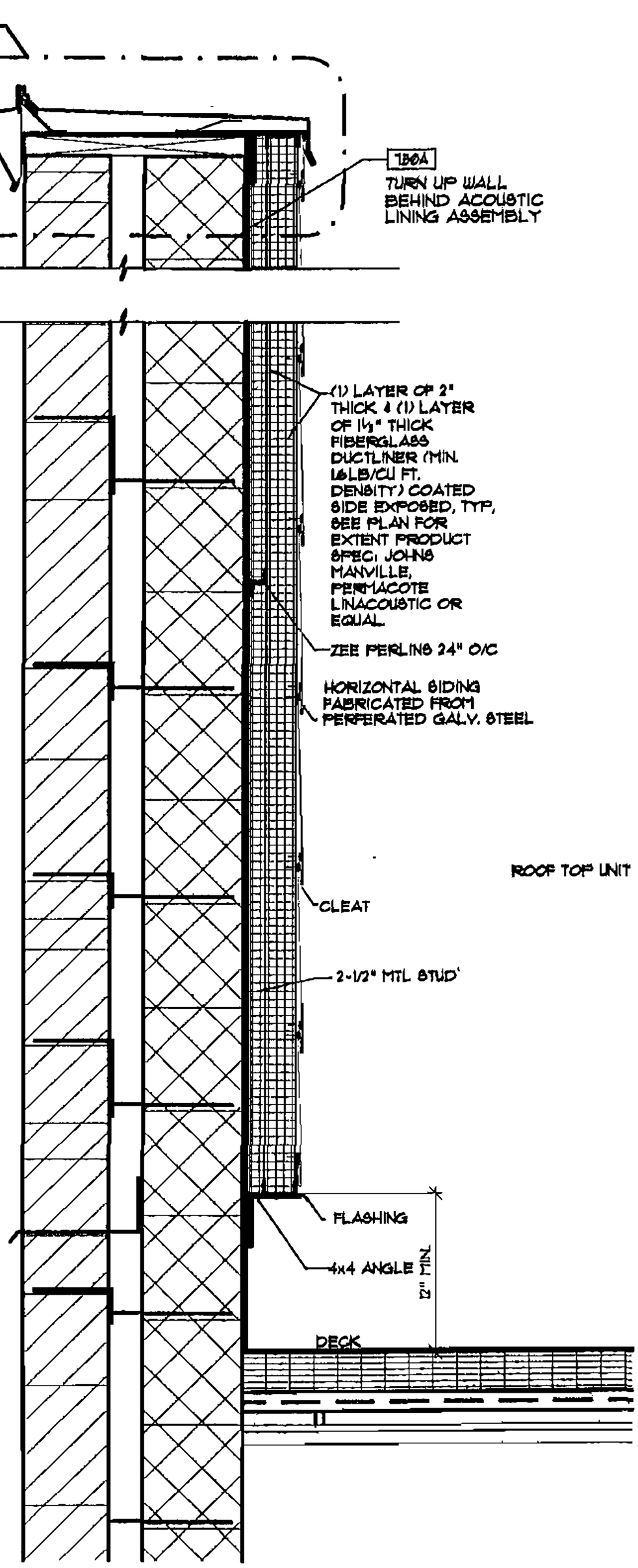
SHEET A

104

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8A ACOUSTIC SCREEN DETAIL
1½" = 1'-0"



8D ACOUSTIC WALL LINING
1½" = 1'-0"

RUBELING
& ASSOCIATES
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815 HAMPTON LANE
TOWSON, MD

PROJ. NO. 02-037
DATE
SCALE N.T.S.

PERFORATED SCREEN DETAIL

SHEET
A
104

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KEY SHT.

R-5U

Pet. # 22

500 SCALE

RED FOX CT.

RD.

LOT RD.

COVE RD.

WILLOW RD.

WOODSHOLE

STONE BARN RD.

STONE BARN CT.

STONE BARN RD.

STONE

CAPTAINS CT.

BARN

STAG HEADS CT.

STAG

DOVES COVE RD.

RD.

RD.

WOODTOP CT.

WEST

HAMPTON

54' R/W

HUNTSMAN CT.

HEADS CT.

NEXT

ECHO NORTH CT.

SLEEPY DELL CT.

LANE

54' R/W

HUNTSMAN RD.

ECHO CT. SOUTH

GYPSY LANE EAST

54' R/W

NOTRE DAME PREP

ROAD

RD.

COMPENS

MARY LANE

SOUTHWICK CT.

D 43

SOUTHWICK DR.

STARBIT RD.

SIBLEY RD.

RD.

GREEN

GAWDOR COURT

CONCORDIA

DUNBLANE RD

D 44

KIRKCOLM RD.

Set 12

Per. # 23

IN RE: PETITION FOR SPECIAL HEARING S/S Hampton Lane, NW/S Providence Road **(815-817 Hampton Lane)** 9th Election District 4th Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Notre Dame Preparatory School, Inc., Property Owners; James & Ruth Synodinos And Mary Ellen Pease, Petitioners	*	Case No. 03-408-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by James and Ruth Synodinos, and Mary Ellen Pease, through their attorney, J. Carroll Holzer, Esquire, for the subject property, known as 815 – 817 Hampton Lane, owned by Notre Dame Preparatory School, Inc. The Petition was filed, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking a determination as to a number of issues related to existing and proposed development on the subject property. As set forth in the Supplemental Sheet attached to the Petition, the Petitioners seek a determination as to the following:

1) Whether Notre Dame Preparatory School, Inc. (property owners) has ever complied with the requirements of Section 26-171(B)(a) as required by Development Review Committee (DRC) Project #09148H, dated September 29, 1998;

2) Whether a development plan was ever submitted and approved by Baltimore County for any development on the subject property;

3) Whether all building setback, height and area requirements set forth in the B.C.Z.R. for property zoned D.R.2 have been met;

4) Whether variances are required for a building length of 400 feet by 435 feet in lieu of the maximum allowed 200 feet, pursuant to the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.);

5) Whether the B.C.Z.R. parking requirements have been met on the subject site;

6) Whether the property is in compliance with Sections 26-169 and 26-180 of the B.C.Z.R., pursuant to Section 26-1 of the Baltimore County Code; and,

7) Resolution of such other and further issues to be named at the hearing.

As noted above, the Petition for Special Hearing was filed pursuant to Section 500.7 of the B.C.Z.R., which provides in part, that the Zoning Commissioner shall have the authority to conduct such hearings and pass such Orders as may be necessary for the proper enforcement of all zoning regulations. Moreover, that Section also provides that any interested person may petition the Zoning Commissioner for a public hearing to determine any rights whatsoever related to a given property. In this case, James and Ruth Synodinos, and Mary Ellen Pease filed the instant Petition for Special Hearing. Mr. & Mrs. Synodinos reside adjacent to the subject property on Gypsy Lane and Ms. Pease lives nearby on Stone Barn Court. The Petitioners present a series of questions as set forth above related to the uses on the subject property. Specifically, the Petitioners generally raise issues as to whether the existing and proposed development of the site is in accordance with the zoning and development review regulations of Baltimore County.

Appearing at the requisite public hearing in support of the request were James and Ruth Snyodinos, Mary Ellen Pease, and their attorney, J. Carroll Holzer, Esquire. Numerous other residents from the surrounding community also appeared in support of the request and their attendance is reflected in the Citizen's Sign In Sheet that was circulated at the hearing and contained in the case file. Appearing as Protestants in the matter on behalf of Notre Dame Preparatory School, Inc., property owners, were Sister Christina Mulcahy, Head Mistress, Robert LaPierre, and Mike Campitelli. Also present were Mitchell Kellman and Melanie Moser, on behalf of Daft-McCune-Walker, Inc., the engineering consultants retained by the property owners, and C. William Clark, Esquire, attorney for Notre Dame Preparatory School, Inc.

The subject property is more particularly known as the campus of the Notre Dame Preparatory School, Inc., a Catholic middle/high school for girls. The undersigned Zoning Commissioner is familiar with the property by virtue of the recent Petitions for Special Hearing

and Variance filed by the property owners under Case No. 03-180-SPHA. This Zoning Commissioner heard that case on November 26, 2002 and rendered a decision granting the requested relief on December 24, 2002. It deserves emphasis to note that the relief granted in that matter did not allow Notre Dame to construct any building higher than that permitted by Code or closer to the common property line with adjacent residences. To the contrary, the relief granted in Case No. 03-180-SPHA allowed separate campus buildings to be closer to one another (17.5') than permitted by the regulations (30'). The relief allowed the structures to not only be closer to one another, but provided that they be further from adjacent residential properties. In any event, Counsel for the Petitioners proffered at the hearing that despite a thorough search, they were unable to verify that Baltimore County has lawfully approved any of the development that has occurred on the Notre Dame Preparatory School campus over the years. That is, Mr. Holzer indicated that he and his clients were unable to initially locate any records within County agency files, which corroborated and confirmed that development of the subject property had been formally approved. Ultimately, during their investigation of this matter, the Petitioners became aware that Baltimore County granted a limited exemption, pursuant to Section 26-171.B.9 of the Baltimore County Code, on or about February 10, 2003.

In response to the Petitioners' allegation and the issues raised within their Petition, Counsel for the property owners submitted a series of exhibits (Respondents' Exhibits 1 – 27) which fully detail the history of development of the Notre Dame Preparatory School campus. Collectively, these exhibits establish that the School was originally constructed in 1960. At that time, plans were approved by Baltimore County and construction commenced for the main administrative/classroom building. It need particularly be noted that the B.C.Z.R. and development review regulations then in effect did not limit a non-residential principal building in the D.R. zone to a maximum length of 200 feet. The original classroom/administrative building exceeds that dimension.

Later, the Baltimore County Council amended the zoning regulations to prohibit the length of non-residential principal buildings in the D.R. zone of no greater than 200 feet (see, e.g.

Section 1B01.2.B.2 of the B.C.Z.R.). However, given that this limitation was not in effect when the first building was approved and constructed, it does not apply to that structure.

Additionally, representatives of Notre Dame produced detailed records regarding improvements to the campus that occurred in 1998. These were three-fold in nature; that is, an athletic field expansion, the addition of a fine arts center and classroom space to the original building, and the construction of a restroom/storage facility adjacent to the athletic field. It need particularly be noted that the addition of the fine arts center/classroom building did not effectively lengthen the original building. Those additions essentially filled in an open "notch" in the floor plan of the building. That is, the original structure was squared off; however, its length from end to end remained the same. Additionally, insofar as the 1998 improvements, the property owners submitted a series of documents, including permit applications, permits, and correspondence. Collectively, those exhibits are persuasive to a finding that the improvements completed in 1998 were appropriately reviewed and approved by Baltimore County. Similarly, the more recent construction, which was granted by my Order in Case No. 03-180-SPHA, was likewise properly reviewed and approved.

Based upon the testimony and evidence offered, most particularly Respondents' Exhibits 1 – 27, I am persuaded that Notre Dame Preparatory School, Inc. has properly complied with all relevant development and zoning regulations. Thus, I find the answer to Items 1, 2, 3 and 6 of the issues raised in Petitioner's Supplemental Sheet, is in the affirmative and that the subject property has been developed in compliance with and conforms to all relevant development and zoning regulations. In answer to Item 4, variance relief is not required. The final issue for consideration relates to Item 5 as to whether the subject property is in compliance with the County's parking regulations.

Testimony and evidence presented revealed that there are presently 234 parking spaces available on site. It was indicated, however, that there are 60 additional spaces available along the driveway that leads to the interior of the property from Hampton Lane. These spaces have recently been formally marked; however, have always been used for parking by students, staff and visitors.

Additionally, during special activities, it was indicated that employees of the School monitor the parking of cars on a grass lawn area on the site. Mr. LaPierre, Business Manager for the School, indicated that this parking arrangement works well. It is also to be noted that Notre Dame Preparatory School features an enrollment of approximately 690 children. There are currently 530 students in the upper/high school, and approximately 160 students in the lower/middle school.

The parking regulations originally in effect when the school was built required 1 space for every 6 seats within the school's auditorium facility. The present regulations codified in Section 409 of the B.C.Z.R indicate that 1 space per employee is required, plus the Zoning Commissioner shall determine the appropriate number of visitor spaces and student parking. In addition to the numbers of students identified above, the Notre Dame has 114 employees.

The neighbors of the School no doubt are impacted by the use of the subject property. A visitor at any high school in the Baltimore Metropolitan area immediately notices that more students drive to school in the year 2003 than was typical in years past. The availability of automobiles to teenaged drivers seems now an expectation. Particularly with an affluent student body at a school such as Notre Dame, many of the upper high school students drive to school. Additionally, it is obvious that irrespective of whatever parking is provided on the site, some individuals will elect to park on adjacent public streets. This might be for matters of convenience so that those individuals can hasten their exit at dismissal time when the parking lot empties. Absent special parking permits issued by the Baltimore County Police Department, the adjacent public streets may be used for parking by anyone.

Upon due consideration of the evidence offered, I am persuaded that the parking provided is appropriate and in compliance with the B.C.Z.R. The approximate 300 spaces provided as well as the lawn parking available during times of special events appear to be appropriate. Additionally, it is to be noted that the School does not anticipate enrollment to be increased as a result of the recently approved improvements to the property. Although there will no doubt be some occasions when traffic conditions on site and in the immediate neighborhood will be

congested, there is no reasonable restriction I can impose to mitigate this circumstance and I am persuaded that the School will act responsibly to provide on-site parking to the maximum.

THEREFORE, pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of June 2003 that the following finding is made; to wit, that the subject property has been developed in compliance with and conforms with all applicable zoning and development review regulations, and as such, the Petition for Special Hearing be and is hereby DENIED.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

JUN 19
NOLAN, PLUMHOFF &
WILLIAMS, CHTD.

(SHEET N.E. 12-B)

(SHEET N.E. 11-A)

(SHEET N.E. 11-C)

(SHEET N.E. 10-B)

N 44,000

N 43,000

N 42,000

N 41,000

N 40,000

E 6,000

E 7,500

E 9,000

E 10,500

E 12,000

N 577,000

N 574,000

D.R. 2

D.R. 3.5

D.R. 1

B.L.

HAMPTON HOUSE
(HISTORIC SHRINE)
(U.S. GOVERMENT)

GRNHSE.

HAMPTON VILLAGE

NOTRE DAME
PREP. SCHOOL

SITE

CAMPUS
HILLS

GOUCHER
COLLEGE

ATHLETIC FIELD

TENNIS COURTS

POOL

PARKING AREA

GULVER ROAD

HAMPTON ESTATE LANE

HAMPTON GARTH

PRIVATE ROAD

BALTIMORE BELTWAY

WEST ECHO COURT NORTH

ECHO CT. SOUTH

GYPSY LANE

SLEEPY DELL COURT

STAGS HEAD ROAD

HUNTSMAN ROAD

HAMPTON LANE

COMPENS RD.

GREEN ACRE COURT

CAMDOR COURT

DUNBLANE ROAD

CONCORDIA MINEBANK ROAD

KIRKCOLM ROAD

DRIVE

SOUTHWICK ROAD

SOUTHWICK CT.

STARBIT ROAD

SIBLEY ROAD

SWIFT COURT

PROVIDENCE ROAD

R - SW
N - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

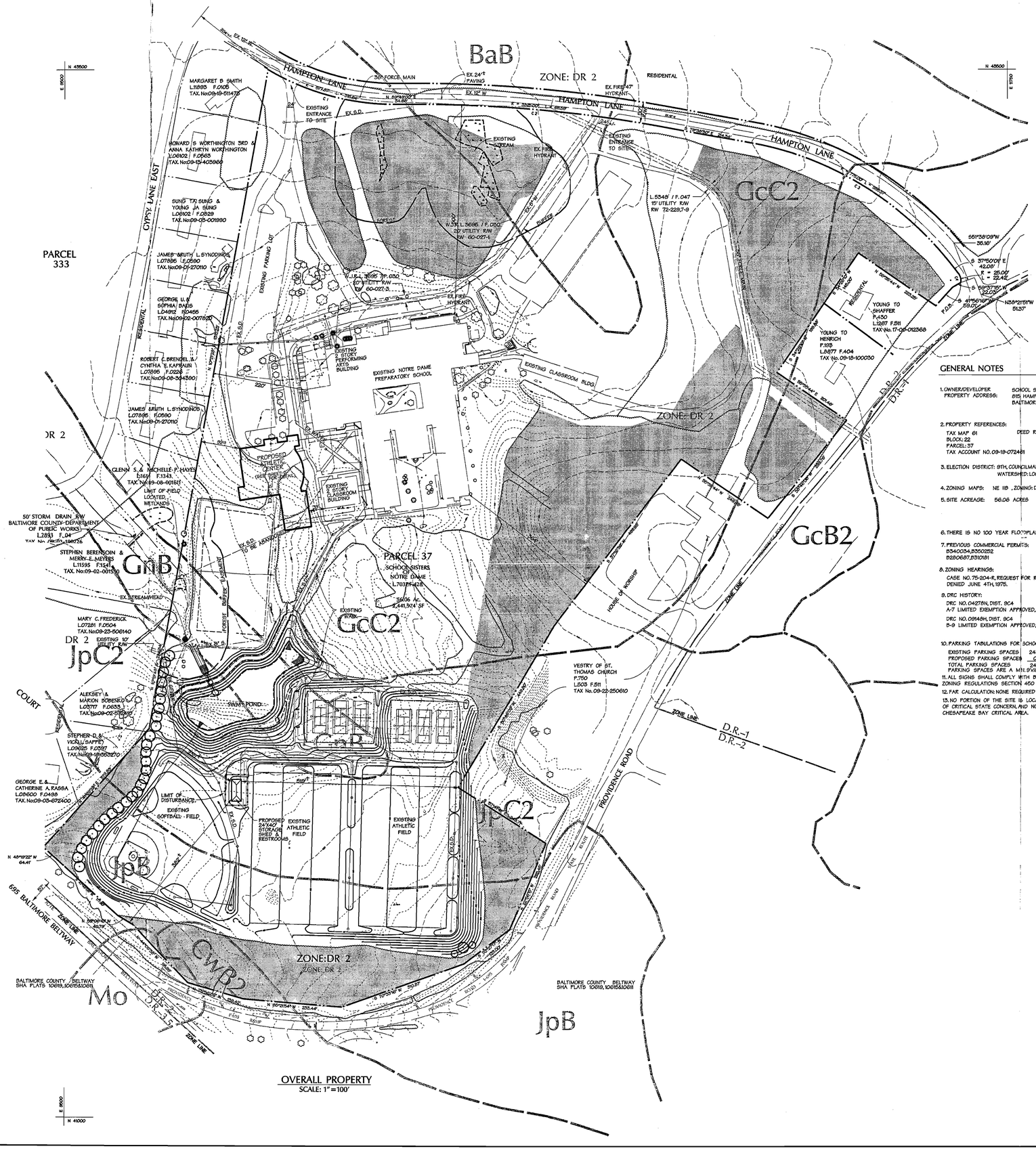
Chairman, County Council

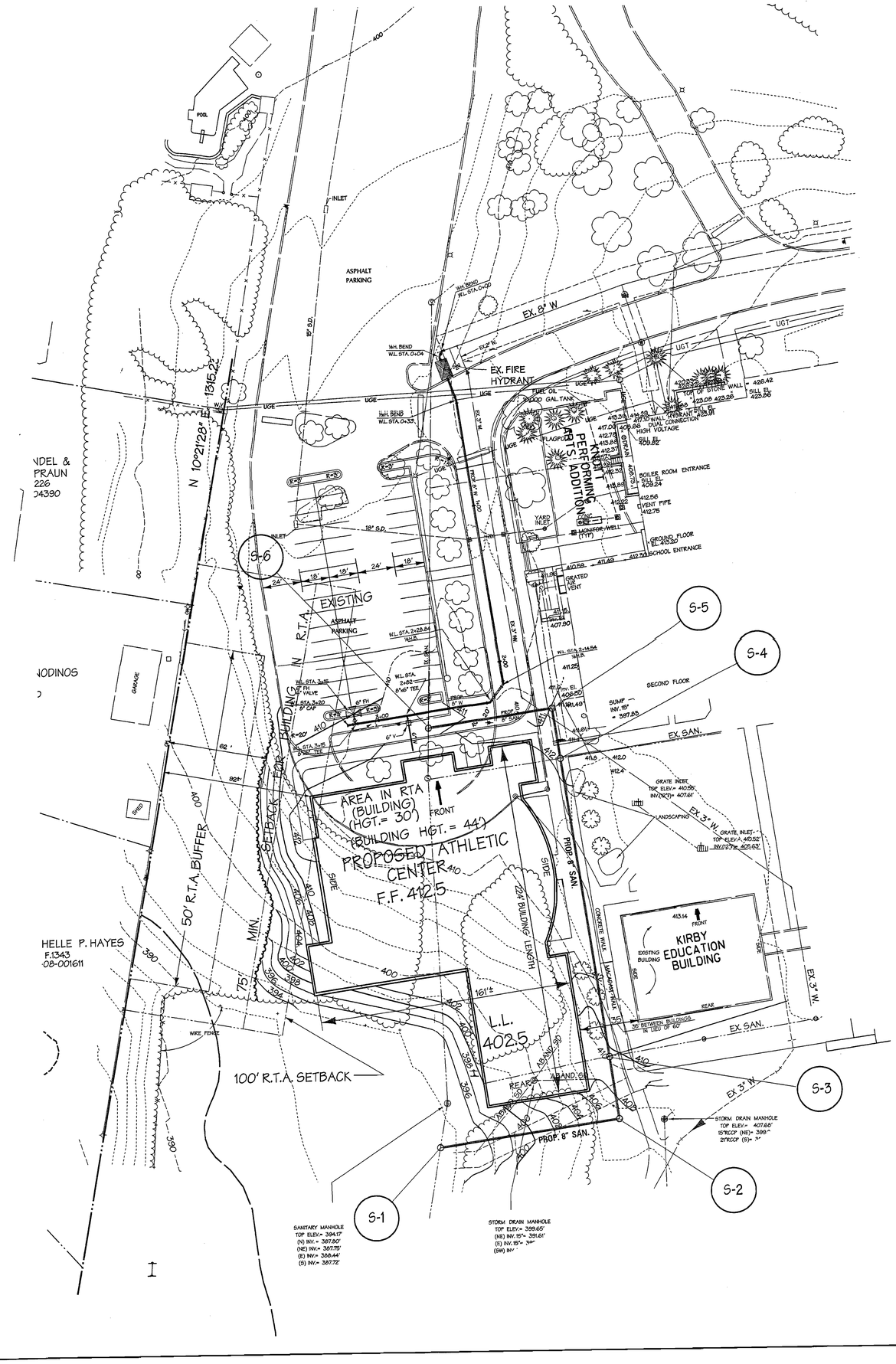
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

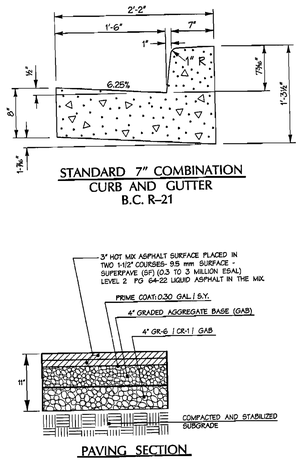
SCALE	LOCATION	SHEET
1" = 200'±	HAMPTON	N.E. 11-B
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 11B

#180


BaB
GcC2
GcB2
GnB
JpC2
JpB
CwB
CwB2
Mo
ZONE: DR 2
RESIDENTIAL
HAMPTON LANE
GYPSY LANE EAST
KATY COURT
PROVIDENCE ROAD
695 BALTIMORE BELTWAY
PARCEL 333
PARCEL 37
SCHOOL SISTERS OF NOTRE DAME
L.7037 F.428
38.06 Ac.±
1,641,924 SF
EXISTING NOTRE DAME PREPARATORY SCHOOL
EXISTING 2 STORY PERFORMING ARTS BUILDING
EXISTING CLASSROOM BLDG.
PROPOSED ATHLETIC CENTER (SEE SHEET 2 OF 2)
EXISTING 2 STORY CLASSROOM BUILDING
EXISTING ATHLETIC FIELD
PROPOSED 24'X40' STORAGE SHED & RESTROOMS
EXISTING SOFTBALL FIELD
LIMIT OF DISTURBANCE
EXISTING PARKING LOT
SWM POND
EXISTING STREAM
EX. FOREST
EX. STREAMHEAD
EX. WETLANDS
LIMIT OF FIELD LOCATED WETLANDS
EX. 24" PAVING
EX. 12" W
EX. 8" FORCE MAIN
EX. FIRE HYDRANT
EXISTING ENTRANCE TO SITE
EX. S.D.
PROPOSED S.D. TO BE REMOVED
50' STORM DRAIN R/W BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS) L.2883 F.04 TAX No. 09-02-1961126
EXISTING 10' UTILITY R/W
W.S.R. L.3696 F.050 20' UTILITY R/W EW 60-027-3
L.5348 / F.047 15' UTILITY R/W RW 72-229,7-9
MARGARET B SMITH L.11895 F.0105 TAX No.09-19-511478
HOWARD S WORTHINGTON 3RD & ANNA KATHRYN WORTHINGTON L.06902 / F.0565 TAX No.09-151-405960
SUNG TAI SUNG & YOUNG JA SUNG L.08902 / F.0828 TAX No.09-08-001990
JAMES &RUTH L.SYNODINOS L.07895 F.0590 TAX No.09-01-270110
GEORGE U.& SOPHIA) BAEIS L.04912 F.0455 TAX No.09-02-007690
ROBERT C.BRENDEL & CYNTHIA S.KAPNAUN L.07896 F.0226 TAX No.09-08-344580
JAMES &RUTH L.SYNODINOS L.07895 F.0590 TAX No.09-01-270110
GLENN S.& MICHELLE P. HAYES L.5161 F.1343 TAX No.09-08-001517
STEPHEN BERENSOHN & MERRY E. MEYERS L.11595 F.1541 TAX No.09-02-001530
MARY C.FREDERICK L.07321 F.0504 TAX No.09-23-506140
ALEKSEY & MARION BOBENKO L.02717 F.0633 TAX No.09-02-010410
STEPHEN D.& VICKI L.SAPPE L.09025 F.0287 TAX No.09-19-503270
GEORGE E.& CATHERINE A.RASSA L.02600 F.0488 TAX No.09-03-072400
YOUNG TO SHAFFER L.430 F.511 L.1287 F.511 TAX No. 17-05-012568
YOUNG TO HENRICH F.103 L.8877 F.A04 TAX No. 09-18-100030
VESTRY OF ST. THOMAS CHURCH F.750 L.603 F.511 TAX No. 09-22-250610
BALTIMORE COUNTY BELTWAY SHA PLATS 10618,10615&10611
S51°38'09"W 36.16'
S 37°50'01" E 42.05'
R = 28.00'
L = 22.42'
S 59°37'15" W 22.03'
N 41°56'16" W 59.05'
N38°21'51"W 51.37'
N 48°19'22" W 64.41'
S 41°40'38" W 38.57'
N 80°23'54" W 233.48'
S 80°23'54" E 233.48'
S 10°35'47" W 30.37'
S 79°24'44" E 22.03'
S 10°35'16" W 180.00'
S 79°24'44" E 204.48'
N 79°24'44" W 226.03'
N 10°35'16" E 180.00'
N 79°24'44" W 204.48'
S 79°24'44" E 226.03'
N 10°35'16" E 180.00'
N 79°24'44" W 204.48'
S 79°24'44" E 226.03'
S 10°35'16" W

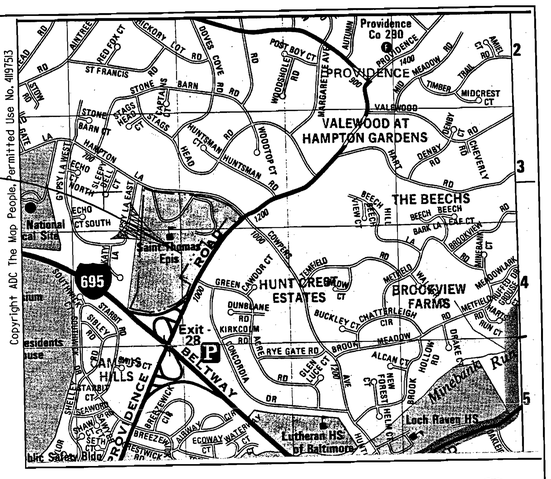




STANDARD 7" COMBINATION CURB AND GUTTER
B.C. R-21

PAVING SECTION

SITE



Copyright ADC The Map People, Permitted Use No. 4197503

LOCATION MAP

SCALE: 1" = 2000'

GENERAL NOTES

1. Unless otherwise noted, all construction shall be in accordance with the latest Baltimore County Plumbing Code and Department of Public Works Standard Specifications and details. In case of conflict or discrepancy, the plumbing code shall apply.
2. Existing site features and utilities shown have been based upon surveys and other sources believed to be reliable. The correctness or completeness of the information shown is not guaranteed. The Contractor shall verify all information before commencing work.
3. The Contractor shall notify Miss Utility at 1-800-257-7777 a minimum of five working days prior to construction.
4. The Contractor shall maintain, repair, and/or replace any existing sediment control devices encountered and disturbed during the course of construction. At the end of each day, all measures and devices shall be repaired or replaced before leaving the work site.
5. Construction shall follow the Sequence of Construction on the approved Erosion and Sediment Control drawings.
6. The Contractor shall obtain all necessary permits and inspections.
7. The Contractor shall maintain traffic at all times.
8. Numerically written dimensions shall take precedence over scaled dimensions.
9. Unless otherwise noted, dimensions from curb are measured at face of curb.
10. Refer to architectural drawings for building dimensions.
11. All grading and excavation shall be performed in accordance with the geotechnical engineer's report and inspected by a geotechnical engineer.
12. The Contractor shall determine the exact location and depth of all existing utilities, as necessary. Report any discrepancies from the plans to DMW. All utilities shall be retained unless labeled otherwise. The Contractor shall be responsible for all costs and work required to adjust existing and proposed utilities and appurtenances to finish grades within the limits of work. Damage to existing conditions and utilities shall be repaired to the owner's satisfaction at the expense of the Contractor.
13. The Contractor shall have all private utilities located prior to any construction.
14. Existing utilities which are not to be removed or abandoned shall remain operational at all times. Appropriate existing utilities shall remain in service until replacement/relocated utilities are operational.
15. The Contractor shall coordinate the location of all water, sewer, and drain with the mechanical drawings.
16. Unless otherwise noted, all utility connections shall be capped or plugged five feet from buildings.
17. Prior to construction, the mechanical consultant shall have determined the adequacy of water supply.
18. Only Baltimore City personnel shall operate public water valves. The Contractor shall notify the Baltimore County inspector or area engineer (410-887-3531) to arrange a shutdown.
20. Unless otherwise noted, all proposed water lines shall have four feet minimum cover, 0.5 feet minimum vertical clearance from all storm drain lines, and 1.0 feet minimum vertical clearance above sanitary sewer lines.
21. All fire mains shall be installed in accordance with the latest N.F.P.A. 24.
22. The Contractor shall discharge chlorinated flush water into an operational sanitary sewer manhole.
23. Site work and utilities construction specification for materail and workmanship shall be that of Baltimore County DPW or Baltimore County Plumbing Code in effect at time of construction.

LEGEND

- CONCRETE CURB
- FIRE HYDRANT
- WATER VALVE
- STORM DRAIN MANHOLE
- SEWER MANHOLE
- SEWER CLEANOUT
- CONDUIT
- TRANSFORMER
- LIGHT POLE
- SIGN

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

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

DETAIL PLAN

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING FOR PROPOSED ATHLETIC CENTER NOTRE DAME PREPARATORY SCHOOL

9TH ELECTION DISTRICT | 4TH COUNTY COUNCIL DISTRICT | BALTIMORE COUNTY, MARYLAND

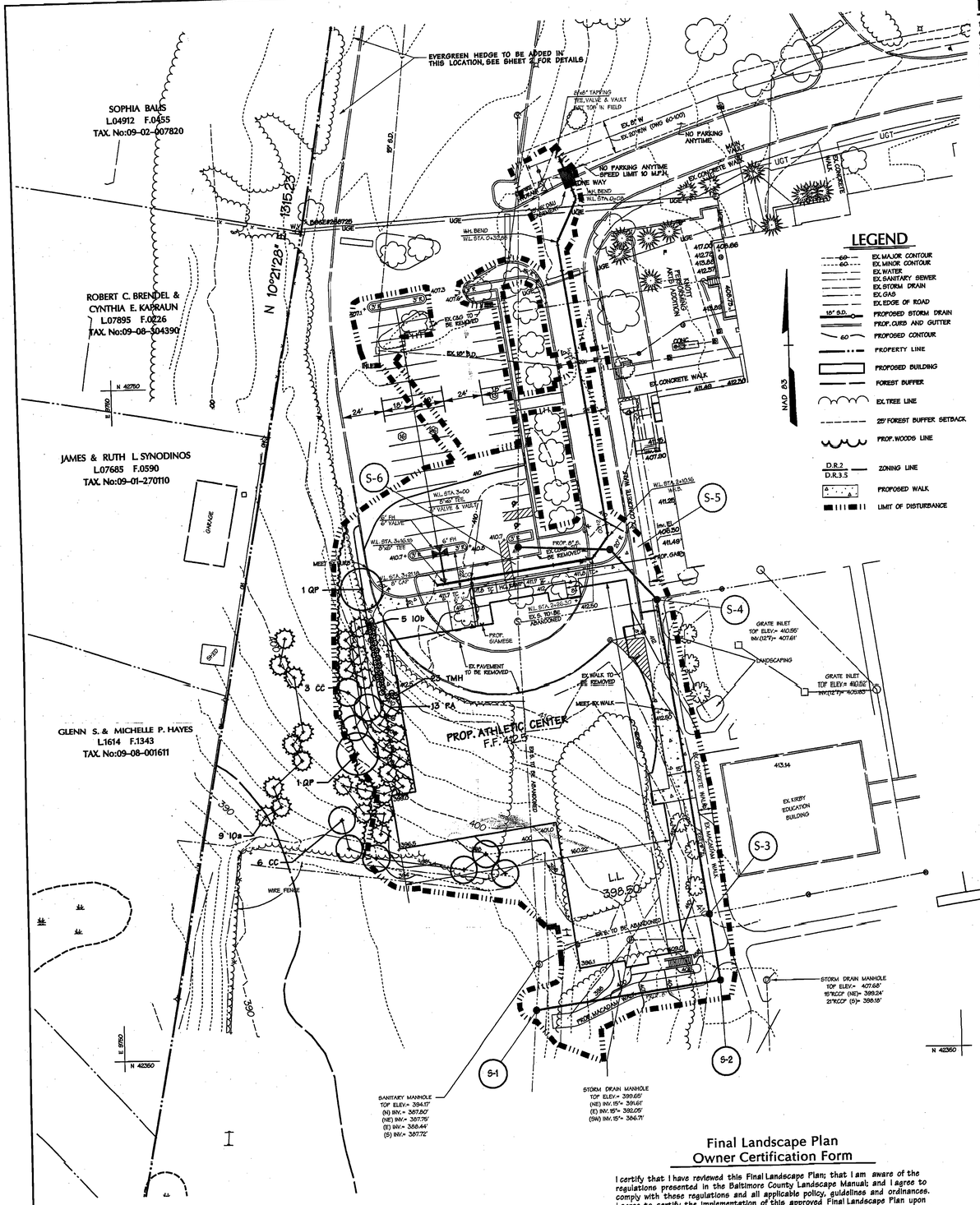
STATE OF MARYLAND — WELKNITE ROGER — No. 658 — LANDSCAPE ARCHITECT

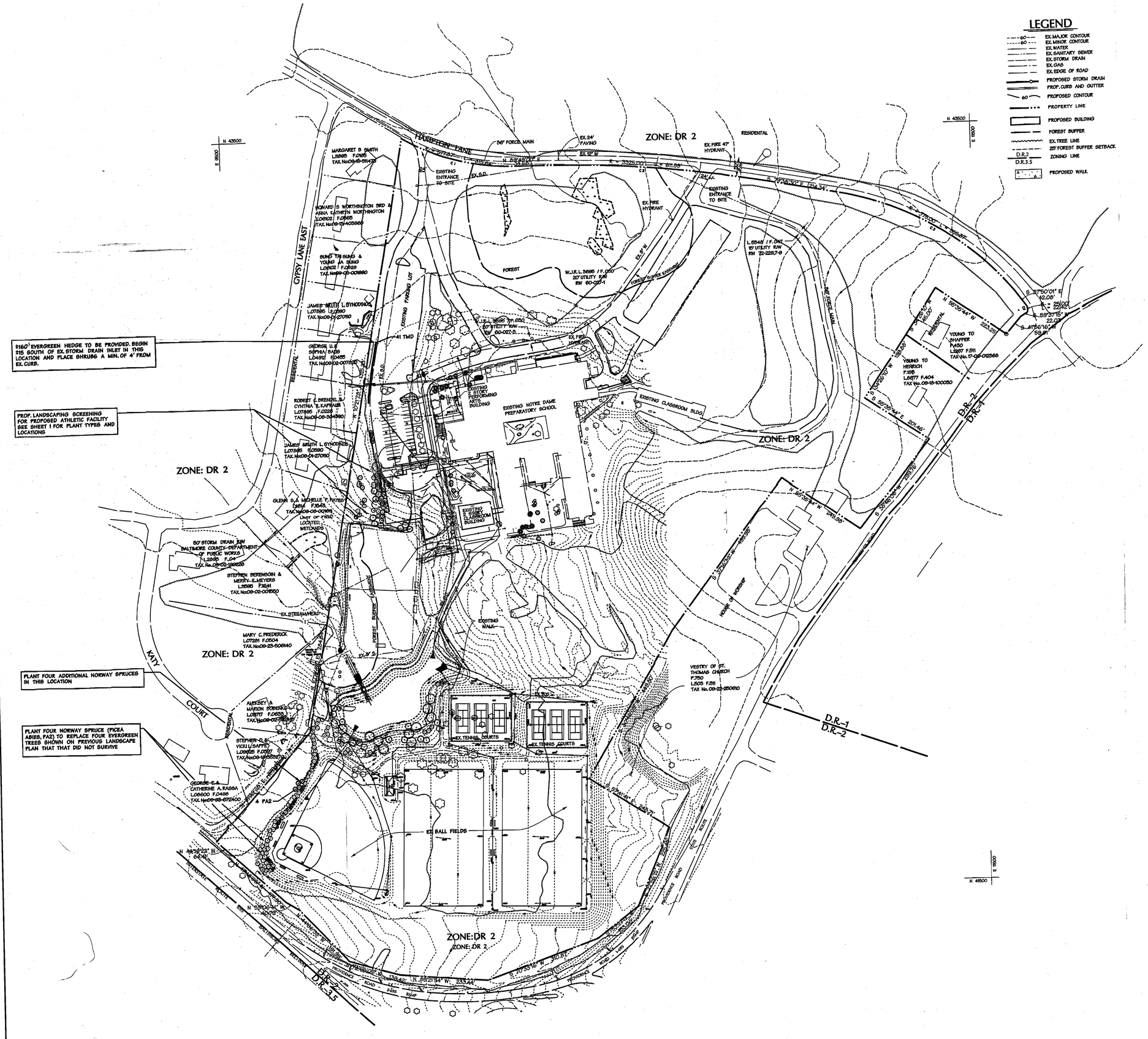
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REVIEW:	6-20-02
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	
DRAWN:	
DESIGNED:	
CHECKED BY:	MJK
DATE CHECKED:	10/10/02
SCALE:	1"=30'
PROJECT NO.:	96021.D
DRAWING:	2 of 2

DATE	BY	REVISIONS

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J:\projects\96021\dwg\96021.DP
Fri Oct 11 09:50:17 2002


EVERGREEN HEDGE TO BE ADDED IN THIS LOCATION, SEE SHEET 2 FOR DETAILS
SOPHIA BAUS
L.04912 F.0455
TAX. No:09-02-007820
ROBERT C. BRENDEL & CYNTHIA E. KAPRAUN
L.07895 F.0226
TAX. No:09-08-304390
JAMES & RUTH L SYNODINOS
L.07685 F.0590
TAX. No:09-01-270110
GLENN S. & MICHELLE P. HAYES
L.1614 F.1343
TAX. No:09-08-001611
N 10°21'28" E 1315.25'
NO PARKING ANYTIME
SPEED LIMIT 10 M.P.H.
ONE WAY
EX. 8" W
EX. SCHIN (DNG 60-100)
EX. CONCRETE WALK
EX. CURB & GUTTER
EX. BUILDING TO BE REMOVED
EX. 10" S.D.
EX. 6" S.D.
EX. 8" S.D.
EX. 15" S.D.
EX. 18" S.D.
EX. 24" S.D.
EX. 30" S.D.
EX. 36" S.D.
EX. 42" S.D.
EX. 48" S.D.
EX. 54" S.D.
EX. 60" S.D.
EX. 72" S.D.
EX. 84" S.D.
EX. 96" S.D.
EX. 108" S.D.
EX. 120" S.D.
EX. 132" S.D.
EX. 144" S.D.
EX. 156" S.D.
EX. 168" S.D.
EX. 180" S.D.
EX. 192" S.D.
EX. 204" S.D.
EX.



Final Landscape Plan
Owner Certification Form

I certify that I have reviewed this Final Landscape Plan; that I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation prior to PWA closeout if applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, Room 207, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

Sister Christine Mahady c.h.m.f.c.s
Applicant Signature — Date — Print Name

815 HAMPTON LANE
Address (Print) — Street

BALTIMORE, MD — 21286
City — State — Zip

PDM No. _____ Permit No. _____

Final Landscape Plan
Landscape Architect Certification Form

It is certified that this landscape plan is in compliance with all plans previously approved by Baltimore County and the Baltimore County comments attendant thereto.

Melanie Moser — MELANIE MOSER
Signature — Print Name

STATE OF MARYLAND · MELANIE MOSER · No. 661 · LANDSCAPE ARCHITECT
Affix Seal

10.13.03
Date

NOTE: SEE SHEET 1 FOR LANDSCAPE NOTES AND DETAILS AND FOR PLANTING/SCREENING FOR PROPOSED ATHLETIC FACILITY BUILDING.

DATA SOURCES:

1. TOPOGRAPHIC INFORMATION SHOWN HEREON FROM PHOTOGRAMMETRY BY AIR SURVEY CORPORATION, STERLING VIRGINIA. ADDITIONAL TOPOGRAPHIC DETAIL BY DMW AND SUPPLEMENTED THROUGH FEILD RUN BY DMW ON JUNE 16, 1998 AND MARCH 28, 2002.
2. BOUNDARY SHOWN HEREON IS FEILD SURVEYED, COMPILED AND COMPLETED BY DMW DATED APRIL, 1998.

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

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

FINAL LANDSCAPE PLAN

Notre Dame Preparatory School
Athletic Center

Baltimore County, Maryland
9th Election District — Councilmanic District 4

NAD83

STATE OF MARYLAND · MELANIE MOSER · No. 661 · LANDSCAPE ARCHITECT
THIS PLAN IS SEALED & CERTIFIED AS BEING IN ACCORDANCE WITH THE APPROVED SPECIAL HEARING PLAN.

DATE	BY	REVISIONS

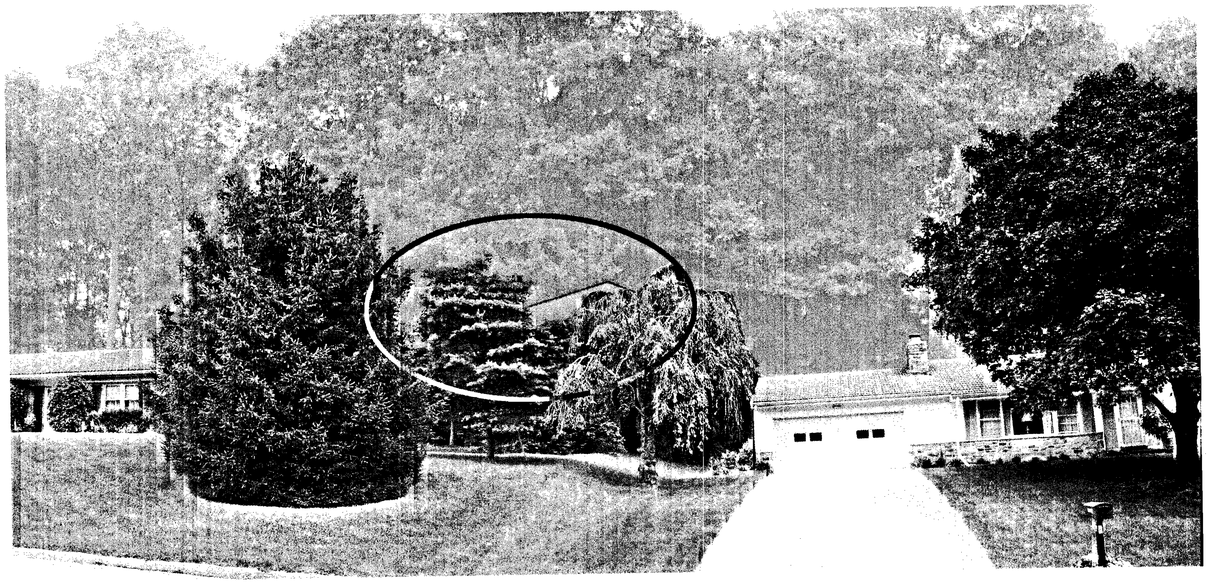
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REVIEW: 05-20-03
BID:
PERMIT:
CONSTRUCTION:

BASE: AJS
DRAWN: AJS
DESIGNED: MM
CHECKED BY:
DATE CHECKED:
SCALE: 1"=100'
PROJECT NO.: 96021.D
DRAWING: 2 of 2

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e 5/21/2003 8:45:53 AM asuna o:\lyon\96021d\lyon 96021.d





VIEW FROM GYPSY LANE
SHEET #2

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN

ATHLETIC CENTER
NOTRE DAME PREPARATORY SCHOOL
815 HAMPTON LANE
TOWSON, MARYLAND 21286

REVISIONS

NO	DESCRIPTION	DATE

LAST REV.
PROJECT NO.: 01-037
DATE: 7-7-03
SCALE:
TITLE:
VIEW FROM
GYPSY LANE 2

SHEET
A
303

EXHIBIT #20

©RUBELING & ASSOCIATES 2002





VIEW FROM GYPSY LANE
SHEET #1

RUBELING
& ASSOCIATES INC.
ARCHITECTURE
INTERIOR DESIGN

ATHLETIC CENTER
NOTRE DAME PREPARATORY SCHOOL
815 HAMPTON LANE
TOWSON, MARYLAND 21286

REVISIONS

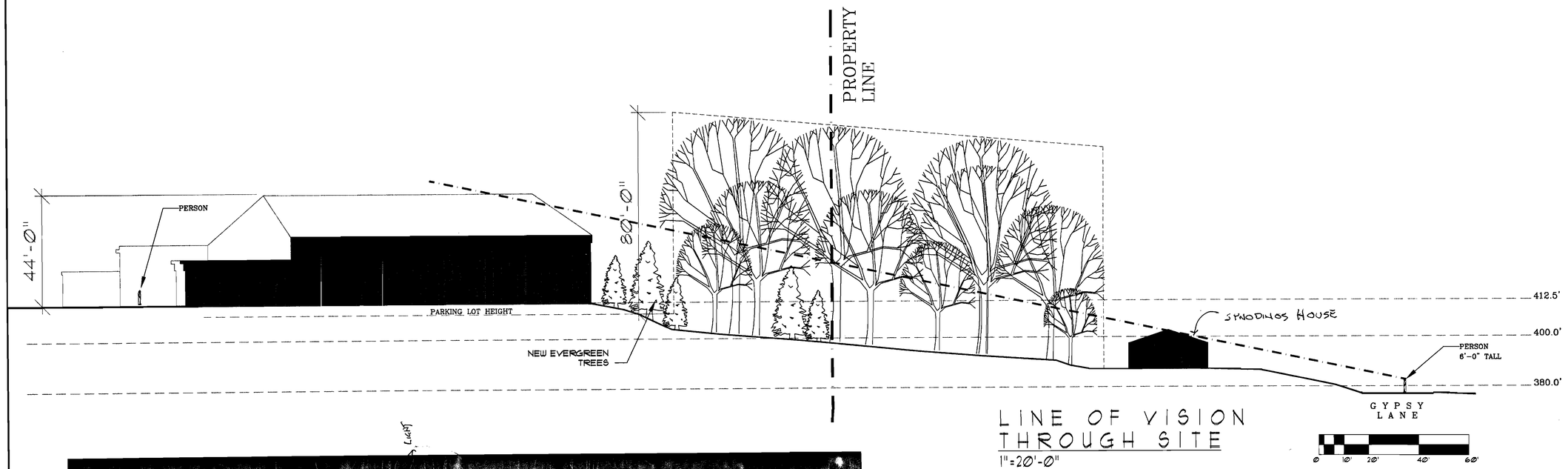
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DATE: 7-7-03
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SHEET
A
302

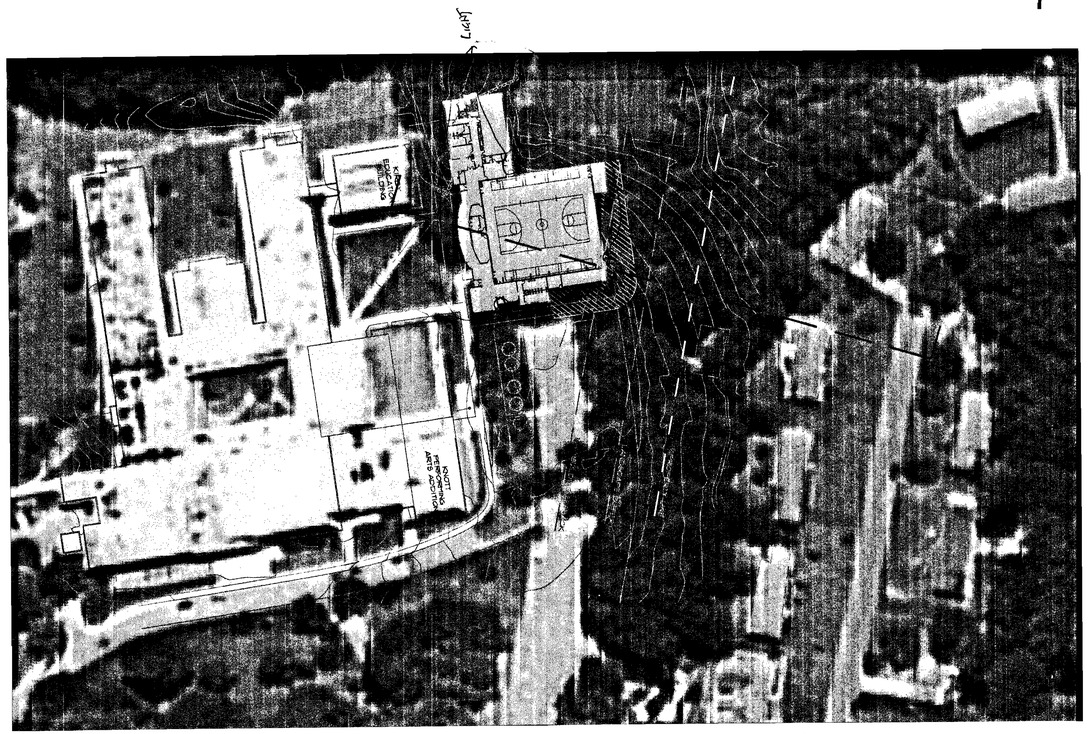
EXHIBIT #19

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LINE OF VISION THROUGH SITE

1"=20'-Ø"



1" = 100'-Ø"

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
24 N.E. JEFFERSON AVENUE 02
TOWSON, MARYLAND 21286-5208
410-832-2626
FAX: 410-832-2664

NOTRE DAME PREP
SPORTS & FITNESS CENTER
815 HAMPTON LANE
TOWSON, MARYLAND 21286

REVISIONS:		
NO.	DESCRIPTION	DATE

LAST REV.:

PROJECT NO.: Ø2-Ø37

DATE: 7-Ø7-Ø3

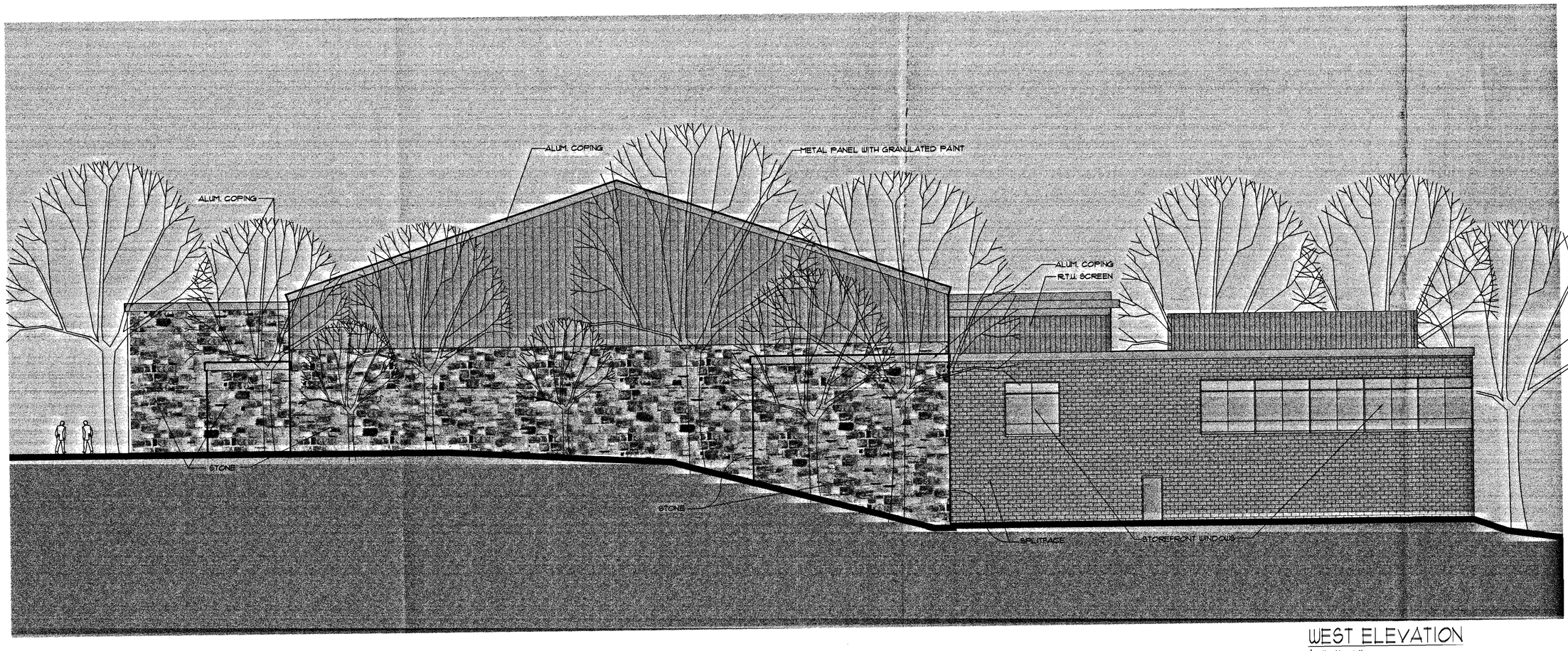
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TITLE:
SITE
SECTION

SHEET:
A

ØØ2

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WEST ELEVATION
1/8"=1'-0"

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
24 E. MONUMENT AVENUE 02
TOWSON, MARYLAND 21286
410-252-2626
FAX: 410-252-2624

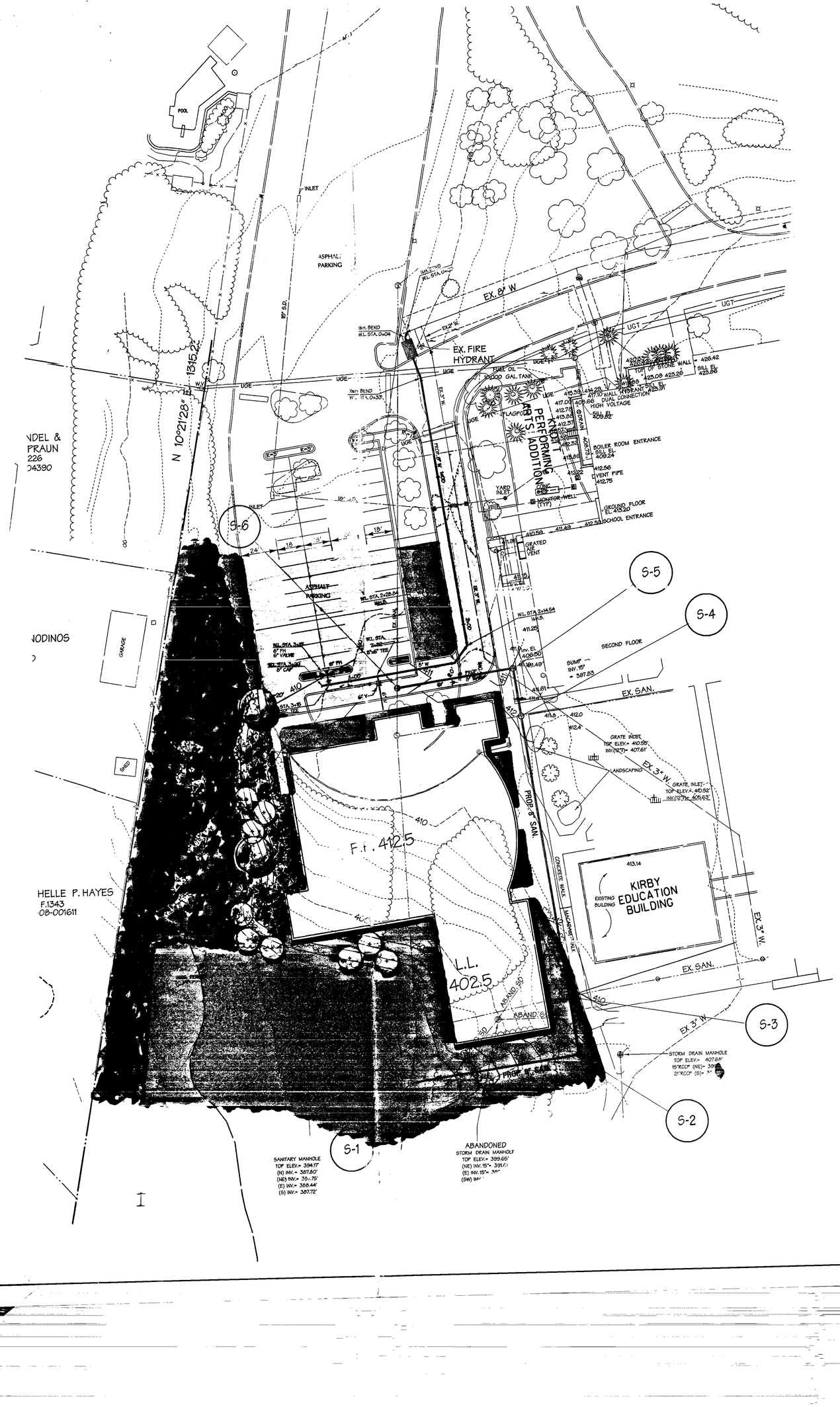
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NOTRE DAME PREPARATORY SCHOOL
815 HAMPTON LANE
TOWSON, MARYLAND 21286

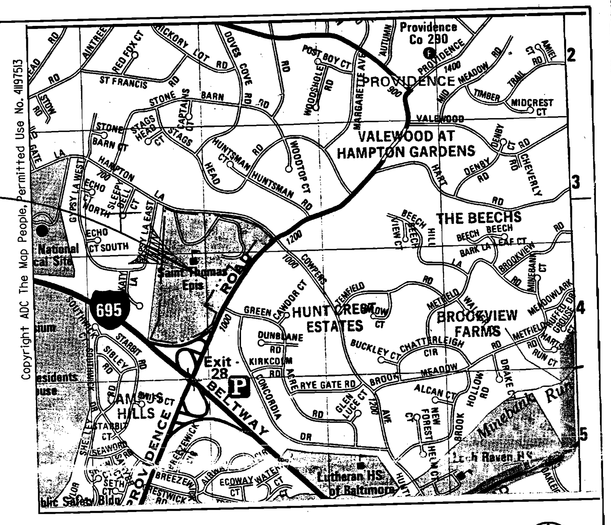
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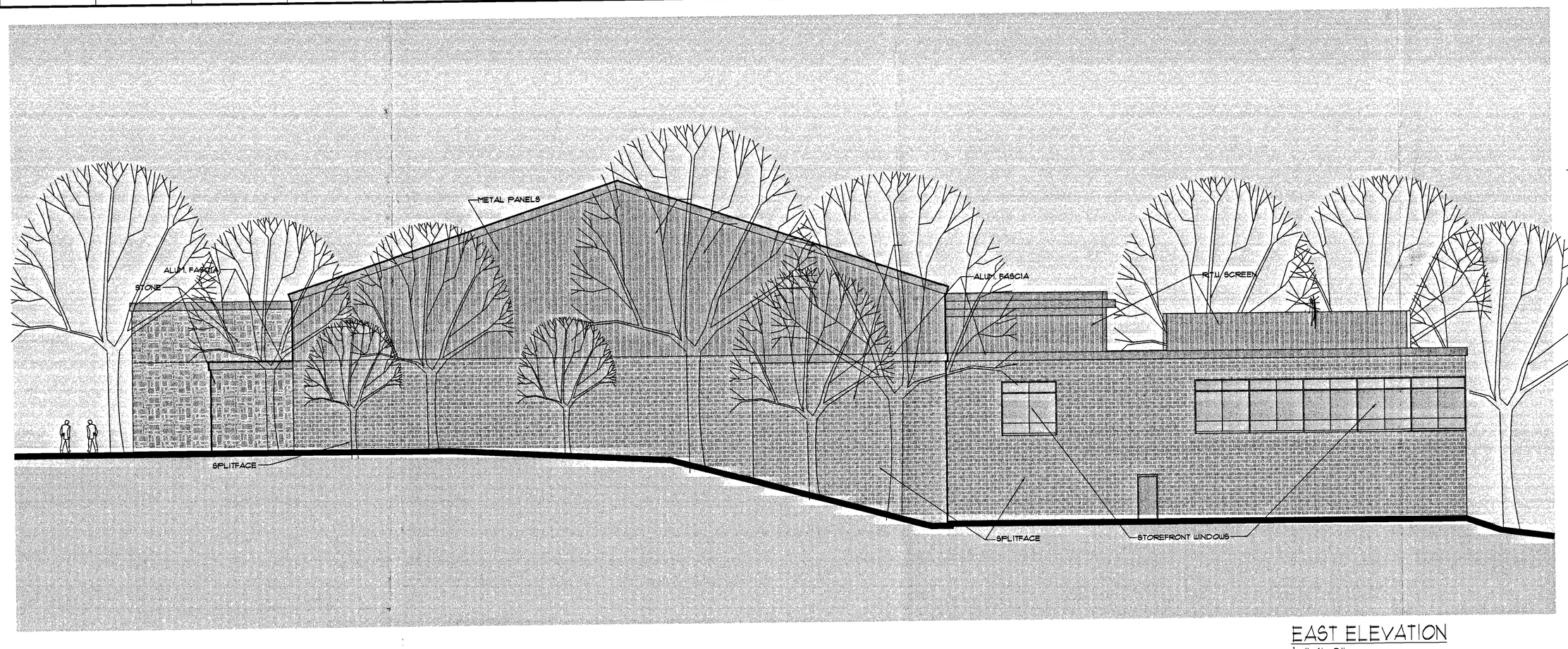
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SHEET: A
202

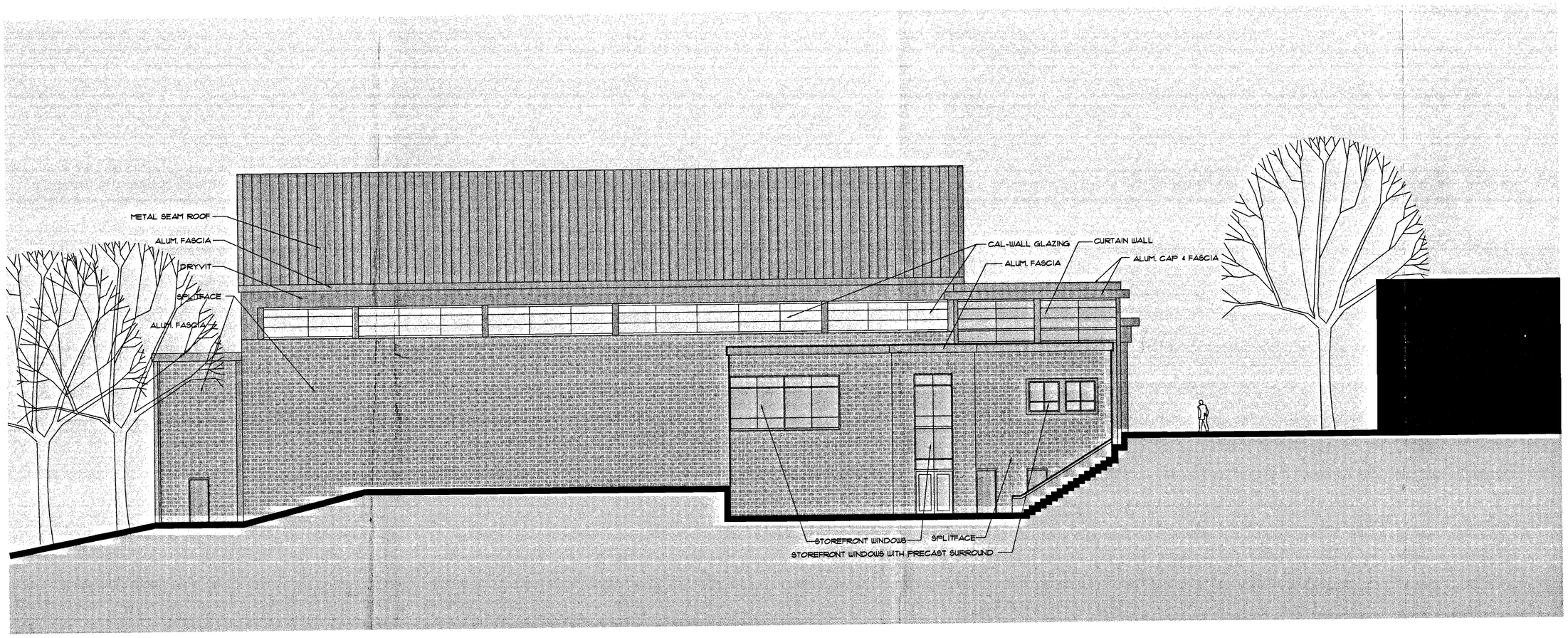
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SITE
Providence Co 290
PROVIDENCE
VALEWOOD
VALEWOOD AT HAMPTON GARDENS
THE BEECHS
BEECH
BEECH HILL CT
BEECH HILL RD
BEECH TREE CT
BEECH TREE LA
BEECH TREE RD
BEECH VIEW CT
BEECH VIEW RD
BEECH VIEW TER
BEECH VIEW WAY
BEECH WOOD CT
BEECH WOOD RD
BEECH WOOD TER
BEECH WOOD WAY
BEECHWOOD CT
BEECHWOOD RD
BEECHWOOD TER
BEECHW



EAST ELEVATION
1/8"=1'-0"



RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
24 W.M. HOWARD STREET
TOWSON, MARYLAND 21286
410-296-2626
FAX: 410-296-2664

ATHLETIC CENTER
NOTRE DAME PREPARATORY SCHOOL
815 HAMPTON LANE
TOWSON, MARYLAND 21286

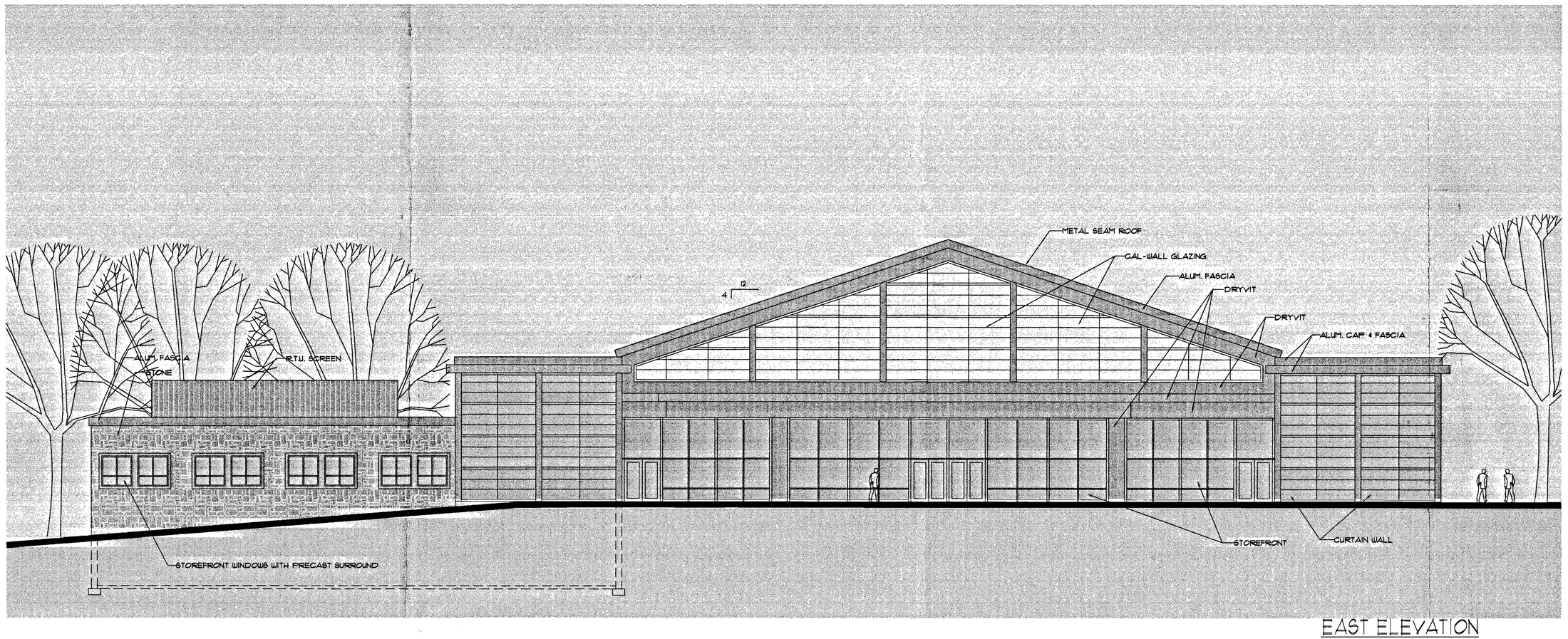
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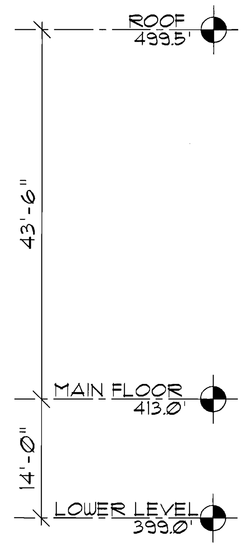
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SPLIT FACE

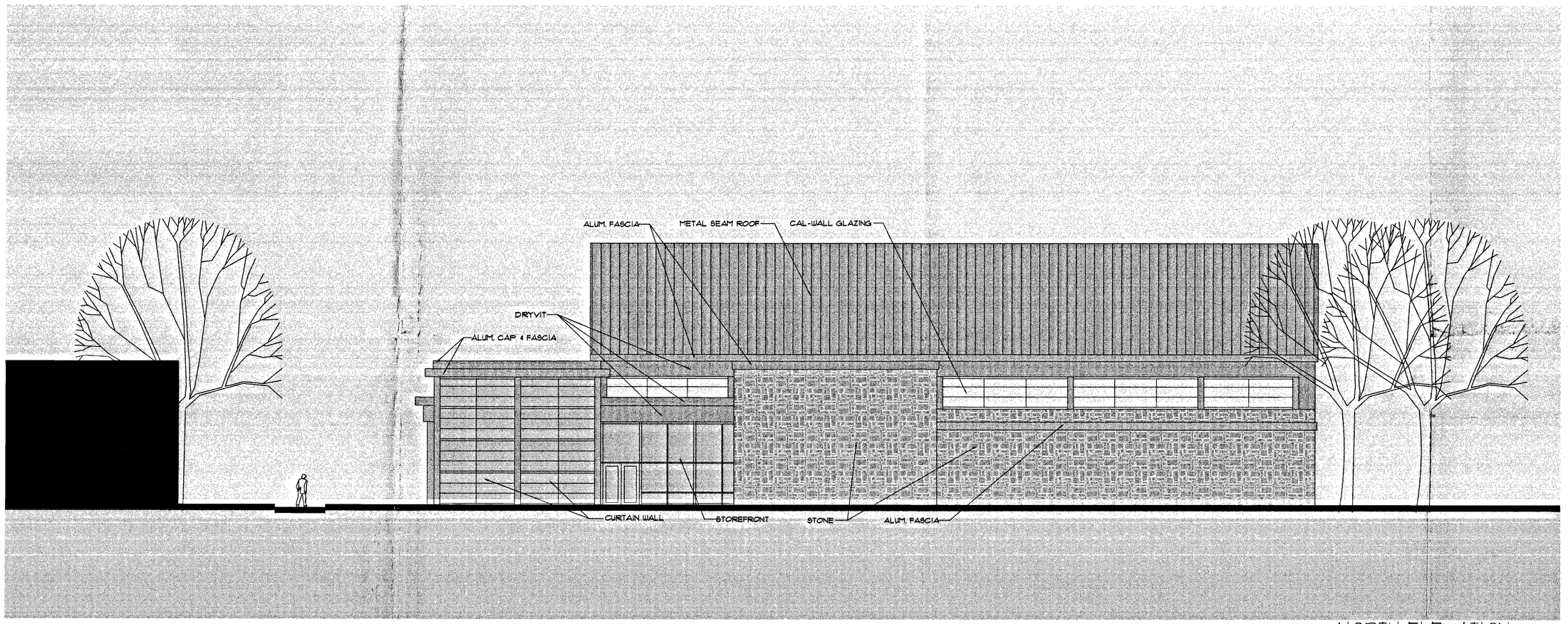
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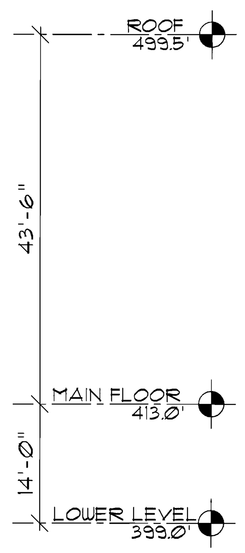


EAST ELEVATION
1/8"=1'-0"





NORTH ELEVATION
1/8"=1'-0"



RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
24 W.SE. HOOFERSHOT AVENUE 202
TOWSON, MARYLAND 21204-2093
410-828-8686
FAX: 410-828-8684

ATHLETIC CENTER
NOTRE DAME PREPARATORY SCHOOL

815 HAMPTON LANE
TOWSON, MARYLAND 21286

REVISIONS:

NO.	DESCRIPTION	DATE

LAST REV.:
PROJECT NO.: 02-037
DATE: 6/24/02
SCALE: 1/8"=1'-0"
TITLE: EAST AND NORTH ELEVATIONS

SHEET: A

201

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AREA OF TREES
TO BE REPLACED

NORTH
CONSTRUCTION

SITE PLAN
1"=100'-0"

0 50' 100' 200' 300'

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
24 N.W. HIGHWAY, SUITE 102
TOWSON, MARYLAND 21286
410-828-8989
FAX: 410-828-8984

ATHLETIC CENTER
NOTRE DAME PREPARATORY SCHOOL

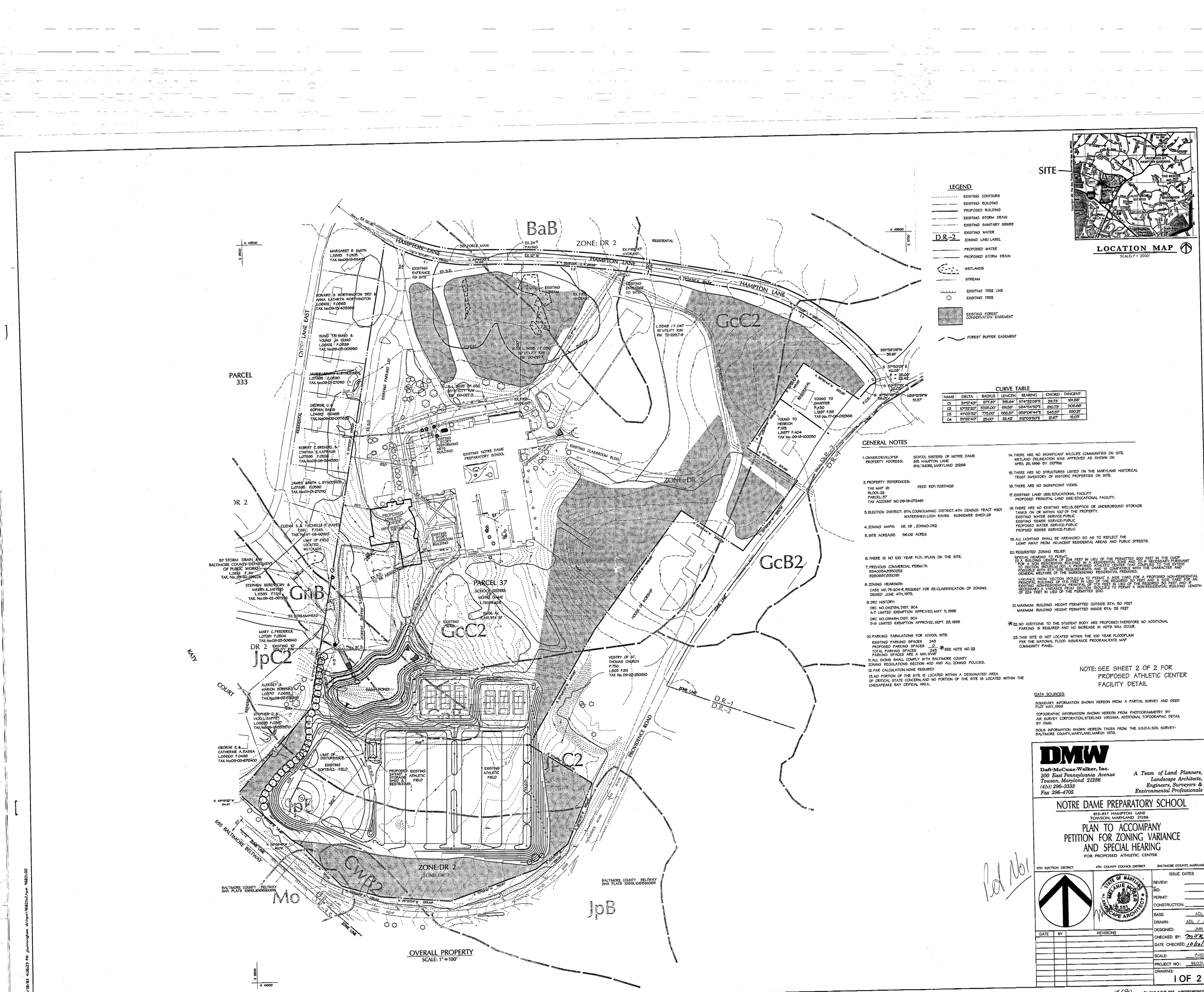
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TOWSON, MARYLAND 21286

REVISIONS:

NO.	DESCRIPTION	DATE

LAST REV.:
PROJECT NO.: 01-031
DATE: 8-6-02
SCALE: 1"=100'
TITLE: SITE PLAN
SHEET: A
003

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CURVE TABLE

NAME	DELTA	RADIUS	LENGTH	BEARING	CHORD	TANGENT
C1	31°17'43"	577.57'	315.64'	S74°52'05"E	311.73'	161.66'
C2	10°32'20"	3325.00'	611.59'	S84°54'50"E	610.73'	306.66'
C3	41°03'32"	775.00'	555.27'	S69°06'44"E	543.57'	290.21'
C4	91°22'40"	25.00'	22.42'	S12°08'50"E	21.67'	12.03'

GENERAL NOTES

1. OWNER/DEVELOPER: SCHOOL SISTERS OF NOTRE DAME
   PROPERTY ADDRESS: 815 HAMPTON LANE, BALTIMORE, MARYLAND 21286
2. PROPERTY REFERENCES: DEED REF: 7037/428
   TAX MAP 61
   BLOCK: 22
   PARCEL: 37
   TAX ACCOUNT NO. 09-19-072461
3. ELECTION DISTRICT: 9TH, COUNCILMANIC DISTRICT: 4TH, CENSUS TRACT 4901
   WATERSHED: LOCH RAVEN SUBSEWER SHED: 28
4. ZONING MAPS: NE 11B , ZONING: DR2
5. SITE ACREAGE: 56.06 ACRES
6. THERE IS NO 100 YEAR FLOODPLAIN ON THE SITE.
7. PREVIOUS COMMERCIAL PERMITS:
   B340034, B350252
   B280687, B310181
8. ZONING HEARINGS:
   CASE NO. 75-204-R, REQUEST FOR RE-CLASSIFICATION OF ZONING. DENIED JUNE 4TH, 1975.
9. DRC HISTORY:
   DRC NO. 042788, DIST. 9C4
   A-7 LIMITED EXEMPTION APPROVED, MAY 11, 1998
   DRC NO. 091488, DIST. 9C4
   B-9 LIMITED EXEMPTION APPROVED, SEPT. 29, 1998
10. PARKING TABULATIONS FOR SCHOOL SITE:
    EXISTING PARKING SPACES 245
    PROPOSED PARKING SPACES 0
    TOTAL PARKING SPACES 245 *SEE NOTE NO. 22
    PARKING SPACES ARE A MIN. 9'x18'
11. ALL SIGNS SHALL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS SECTION 450 AND ALL ZONING POLICIES.
12. FAR CALCULATION: NONE REQUIRED
13. NO PORTION OF THE SITE IS LOCATED WITHIN A DESIGNATED AREA OF CRITICAL STATE CONCERN, AND NO PORTION OF THE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
14. THERE ARE NO SIGNIFICANT WILDLIFE COMMUNITIES ON SITE. WETLAND DELINEATION WAS APPROVED AS SHOWN ON APRIL 25, 1996 BY DEPRM.
15. THERE ARE NO STRUCTURES LISTED ON THE MARYLAND HISTORICAL TRUST INVENTORY OF HISTORIC PROPERTIES ON SITE.
16. THERE ARE NO SIGNIFICANT VIEWS.
17. EXISTING LAND USE: EDUCATIONAL FACILITY
    PROPOSED PRINCIPAL LAND USE: EDUCATIONAL FACILITY.
18. THERE ARE NO EXISTING WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS ON OR WITHIN 100' OF THE PROPERTY.
    EXISTING WATER SERVICE: PUBLIC
    EXISTING SEWER SERVICE: PUBLIC
    PROPOSED WATER SERVICE: PUBLIC
    PROPSED SEWER SERVICE: PUBLIC
19. ALL LIGHTING SHALL BE ARRANGED SO AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS.
20. REQUESTED ZONING RELIEF:
    SPECIAL HEARING TO PERMIT:
    (1) A BUILDING LENGTH OF 224 FEET IN LIEU OF THE PERMITTED 200 FEET IN THE CMDP FOR A NON RESIDENTIAL BUILDING IN A RESIDENTIAL ZONE AND (2) IF NECESSARY PURSUANT TO SECTION 1B01.1B1.a(1)(D) A PROPOSED ATHLETIC CENTER THAT COMPLIES TO THE EXTENT POSSIBLE WITH RTA' USE REQUIREMENTS, AND IS COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING RESIDENTIAL PREMISES.
    VARIANCE FROM SECTION 1B01.2.C.1.a TO PERMIT A SIDE YARD FOR A PROPOSED NON-RESIDENTIAL PRINCIPAL BUILDING OF 17.5 FEET IN LIEU OF THE REQUIRED 30 FEET AND A SUM OF 75 FEET IN LIEU OF THE REQUIRED 80 FEET AND TO PERMIT EXISTING NON-RESIDENTIAL PRINCIPAL BUILDING SIDE YARDS OF 17.5 FEET IN LIEU OF THE REQUIRED 50 FEET AND IF NECESSARY, A VARIANCE FROM SECTION 1B02.2.B.2 TO PERMIT A NON-RESIDENTIAL BUILDING LENGTH OF 224 FEET IN LIEU OF THE PERMITTED 200.
21. MAXIMUM BUILDING HEIGHT PERMITTED OUTSIDE RTA: 50 FEET
    MAXIMUM BUILDING HEIGHT PERMITTED INSIDE RTA: 35 FEET
22. *NO ADDITIONS TO THE STUDENT BODY ARE PROPOSED; THEREFORE NO ADDITIONAL PARKING IS REQUIRED AND NO INCREASE IN ADTS WILL OCCUR.
23. THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN PER THE NATIONAL FLOOD INSURANCE PROGRAM, RATE MAP COMMUNITY PANEL.

NOTE: SEE SHEET 2 OF 2 FOR PROPOSED ATHLETIC CENTER FACILITY DETAIL

DATA SOURCES:

BOUNDARY INFORMATION SHOWN HEREON FROM A PARTIAL SURVEY AND DEED PLOT MAY, 1988

TOPOGRAPHIC INFORMATION SHOWN HEREON FROM PHOTOGRAMMETRY BY AIR SURVEY CORPORATION, STERLING VIRGINIA. ADDITIONAL TOPOGRAPHIC DETAIL BY DMW.

SOILS INFORMATION SHOWN HEREON TAKEN FROM THE U.S.D.A. SOIL SURVEY- BALTIMORE COUNTY, MARYLAND, MARCH 1976.

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

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

NOTRE DAME PREPARATORY SCHOOL

815-817 HAMPTON LANE
TOWSON, MARYLAND 21286

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING

FOR PROPOSED ATHLETIC CENTER

9TH ELECTION DISTRICT | 4TH COUNTY COUNCIL DISTRICT | BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND — MELANIE MOSER — No. 551 — LANDSCAPE ARCHITECT

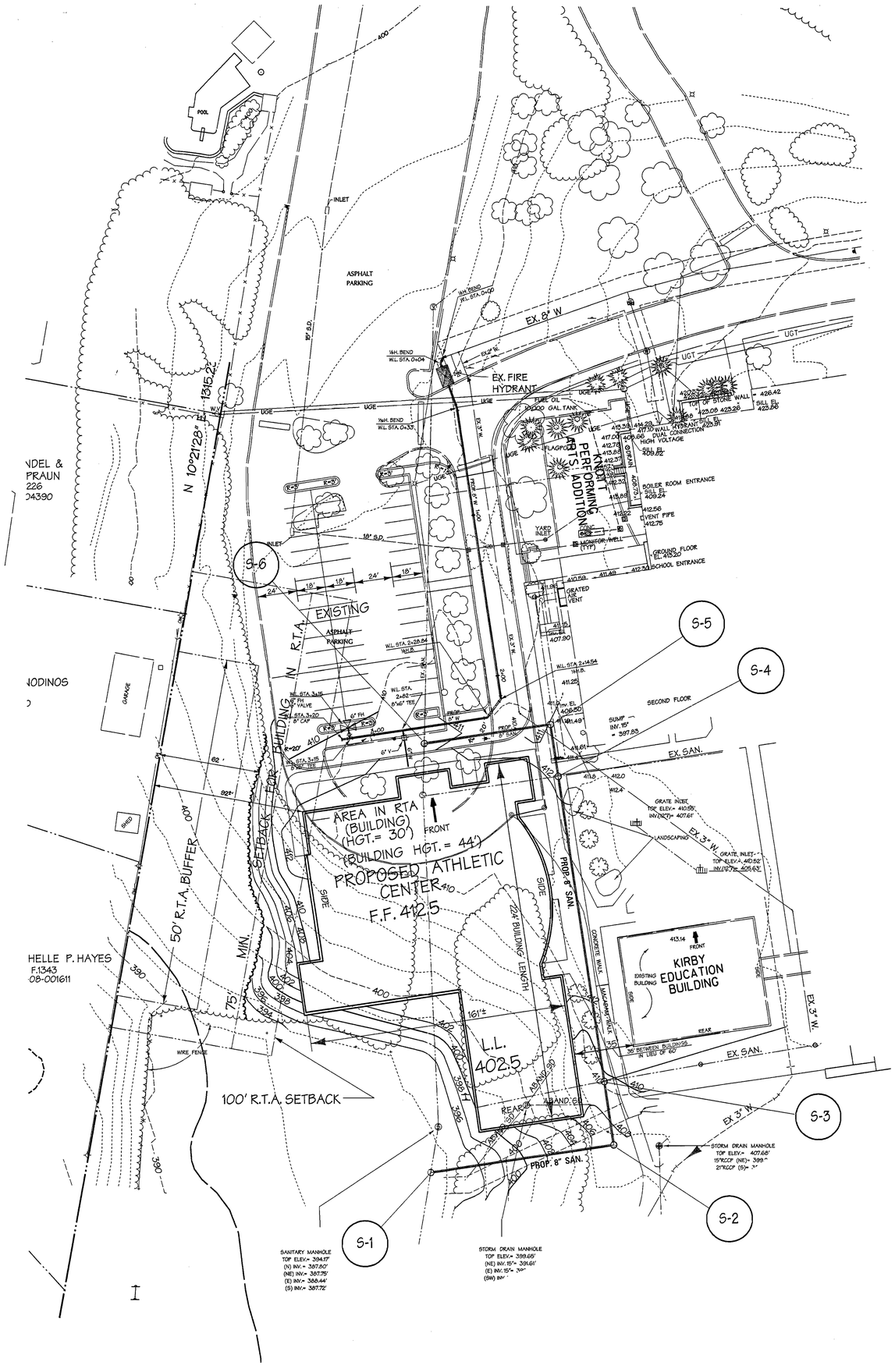
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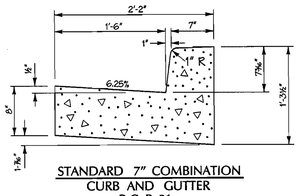
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DESIGNED: JMH
CHECKED BY: MJK
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PROJECT NO.: 96021.D
DRAWING: 1 OF 2

DATE	BY	REVISIONS

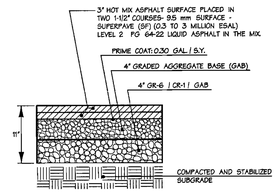
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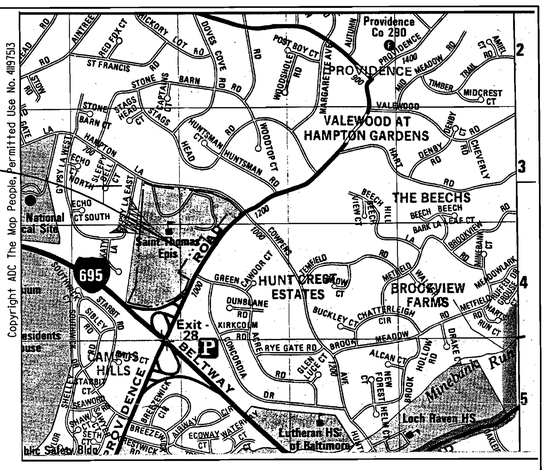


STANDARD 7" COMBINATION CURB AND GUTTER B.C. R-21



PAVING SECTION

SITE



LOCATION MAP

SCALE: 1" = 2000'

GENERAL NOTES

1. Unless otherwise noted, all construction shall be in accordance with the latest Baltimore County Plumbing Code and Department of Public Works Standard Specifications and details. In case of conflict or discrepancy, the plumbing code shall apply.
2. Existing site features and utilities shown have been based upon surveys and other sources believed to be reliable. The correctness or completeness of the information shown is not guaranteed. The Contractor shall verify all information before commencing work.
3. The Contractor shall notify Miss Utility at 1-800-257-7777 a minimum of five working days prior to construction.
4. The Contractor shall maintain, repair, and/or replace any existing sediment control devices encountered and disturbed during the course of construction. At the end of each day, all measures and devices shall be repaired or replaced before leaving the work site.
5. Construction shall follow the Sequence of Construction on the approved Erosion and Sediment Control drawings.
6. The Contractor shall obtain all necessary permits and inspections.
7. The Contractor shall maintain traffic at all times.
8. Numerically written dimensions shall take precedence over scaled dimensions.
9. Unless otherwise noted, dimensions from curb are measured at face of curb.
10. Refer to architectural drawings for building dimensions.
11. All grading and excavation shall be performed in accordance with the geotechnical engineer's report and inspected by a geotechnical engineer.
12. The Contractor shall determine the exact location and depth of all existing utilities, as necessary. Report any discrepancies from the plans to DMW. All utilities shall be retained unless labeled otherwise. The Contractor shall be responsible for all costs and work required to adjust existing and proposed utilities and appurtenances to finish grades within the limits of work. Damage to existing conditions and utilities shall be repaired to the owner's satisfaction at the expense of the Contractor.
13. The Contractor shall have all private utilities located prior to any construction.
14. Existing utilities which are not to be removed or abandoned shall remain operational at all times. Appropriate existing utilities shall remain in service until replacement/relocated utilities are operational.
15. The Contractor shall coordinate the location of all water, sewer, and drain with the mechanical drawings.
16. Unless otherwise noted, all utility connections shall be capped or plugged five feet from buildings.
17. Prior to construction, the mechanical consultant shall have determined the adequacy of water supply.
18. Only Baltimore City personnel shall operate public water valves. The Contractor shall notify the Baltimore County Inspector or area engineer (410-887-3531) to arrange a shutdown.
20. Unless otherwise noted, all proposed water lines shall have four feet minimum cover, 0.5 feet minimum vertical clearance from all storm drain lines, and 1.0 feet minimum vertical clearance above sanitary sewer lines.
21. All fire mains shall be installed in accordance with the latest N.F.P.A. 24.
22. The Contractor shall discharge chlorinated flush water into an operational sanitary sewer manhole.
23. Site work and utilities construction specification for materail and workmanship shall be that of Baltimore County DPW or Baltimore County Plumbing Code in effect at time of construction.

LEGEND

- CONCRETE CURB
- FIRE HYDRANT
- WATER VALVE
- STORM DRAIN MANHOLE
- SEWER MANHOLE
- SEWER CLEANOUT
- CONDUIT
- TRANSFORMER
- LIGHT POLE
- SIGN

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

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

DETAIL PLAN

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING FOR PROPOSED ATHLETIC CENTER NOTRE DAME PREPARATORY SCHOOL

9TH ELECTION DISTRICT | 4TH COUNTY COUNCIL DISTRICT | BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND · MELANIE J. ROSEN · 1551 · LANDSCAPE ARCHITECT

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PERMIT:
CONSTRUCTION:

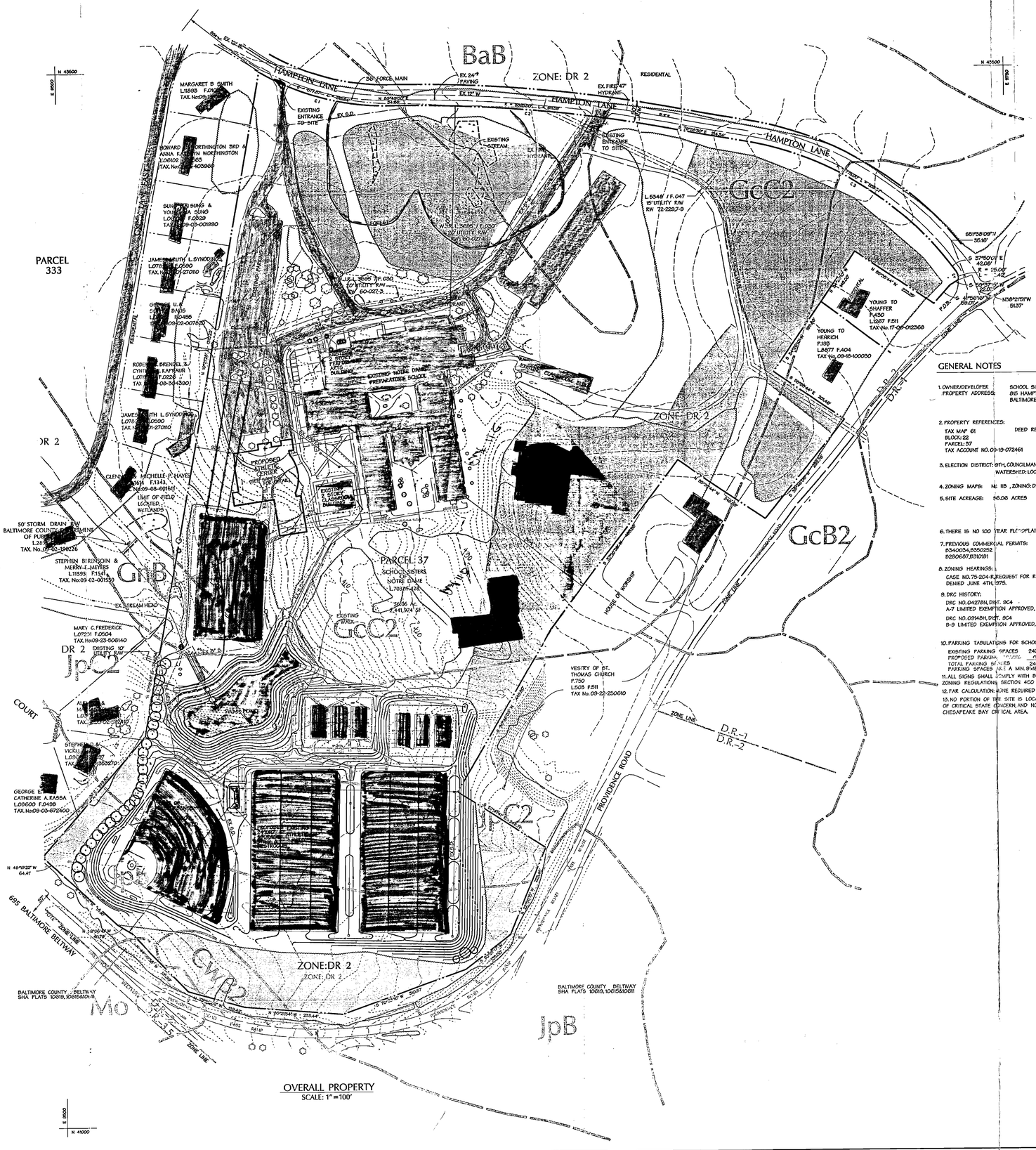
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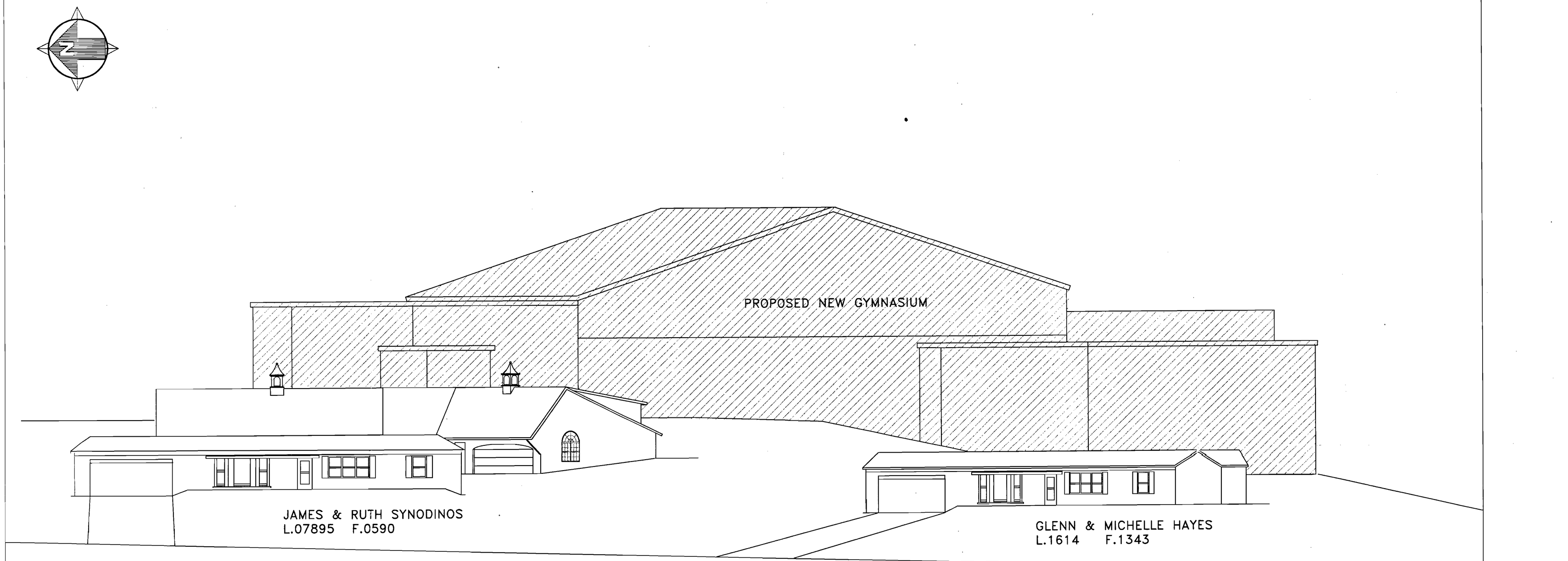
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DRAWING: 2 of 2

DATE	BY	REVISIONS

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BaB
GcC2
GcB2
GnB
JpC2
JpB
MrC2
MrB2
MrC2
MrB2
MrC2
MrB2



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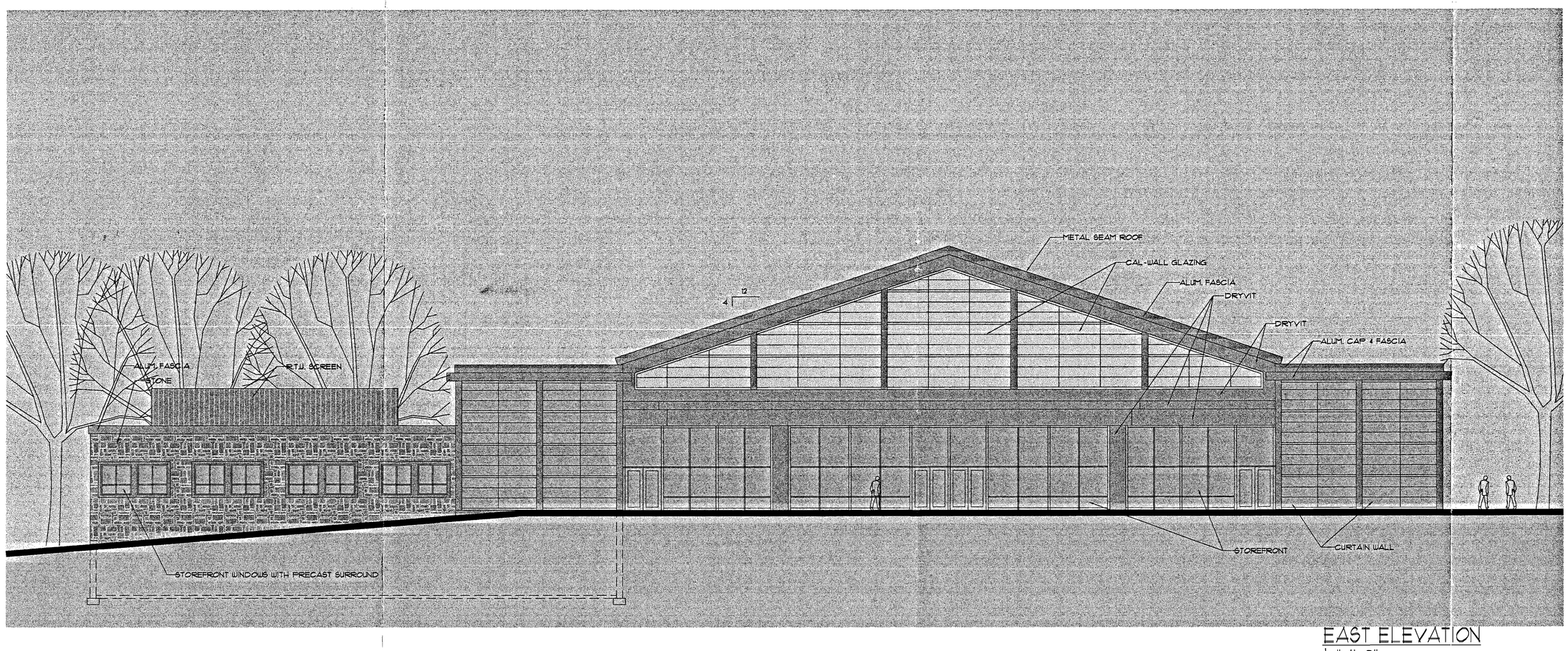
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P R O P O S E D

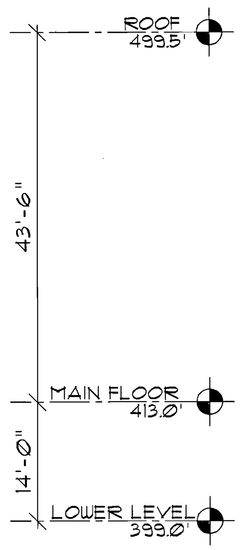
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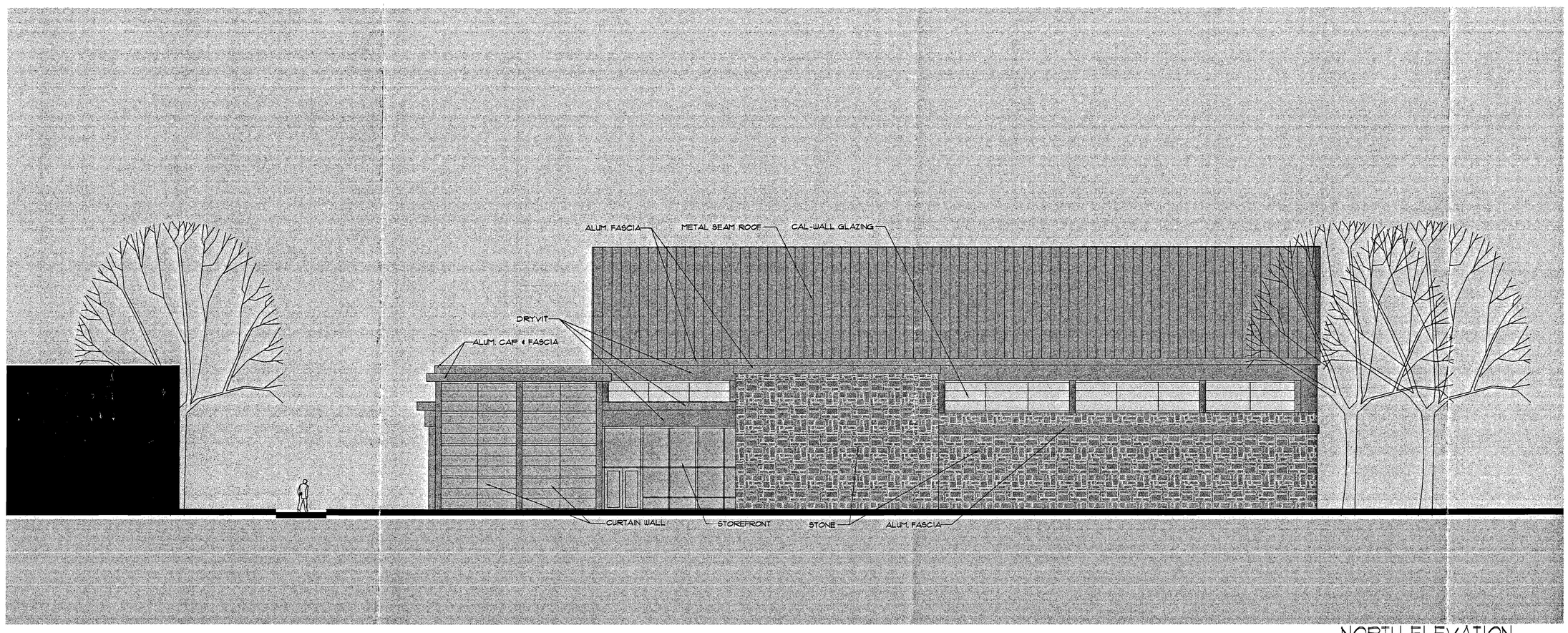
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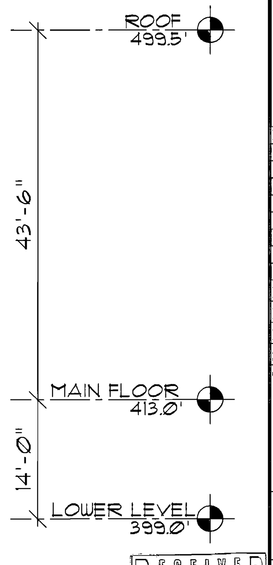


EAST ELEVATION
1/8"=1'-0"





NORTH ELEVATION
1/8"=1'-0"



RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
24 N.W. SHOPPERS STAR VILLAGE
TOWSON, MARYLAND 21286
410-583-8888
FAX: 410-583-8884

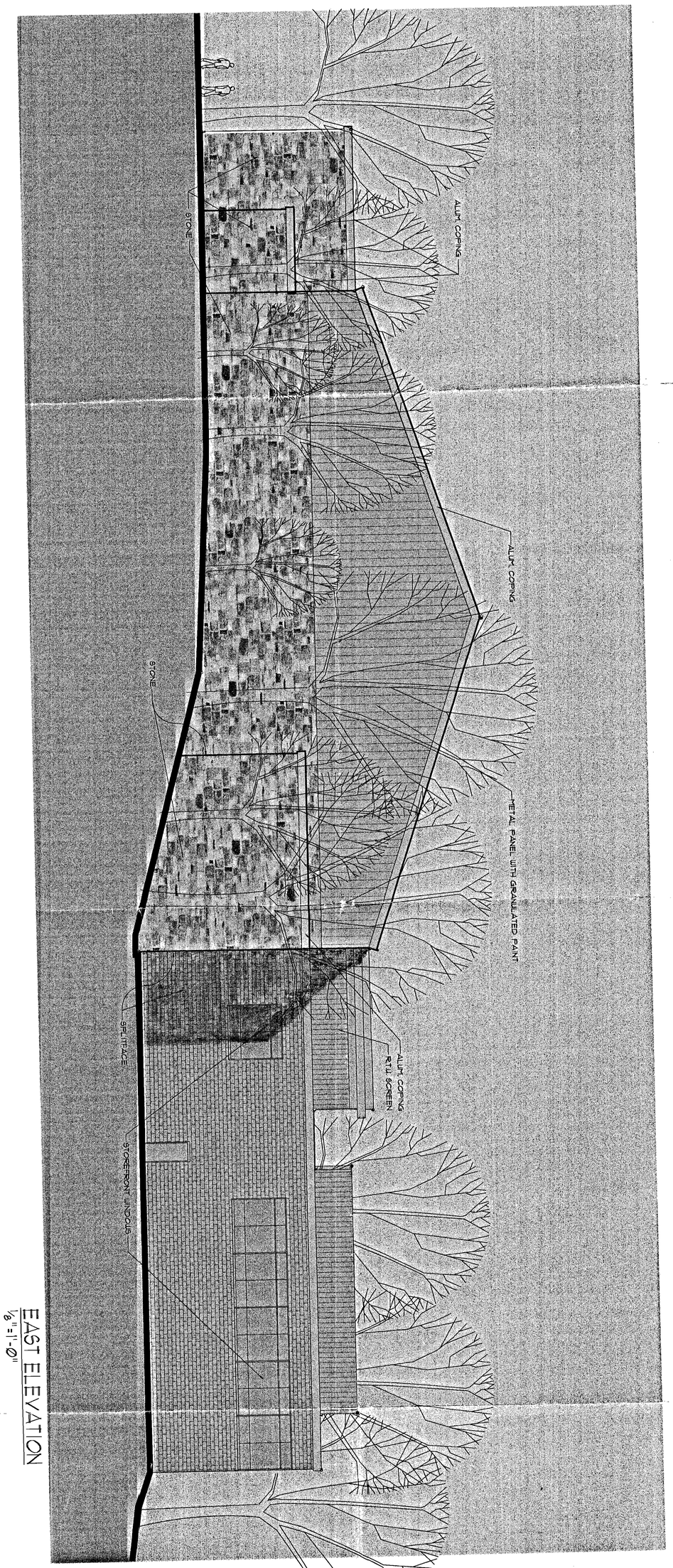
ATHLETIC CENTER
NOTRE DAME PREPARATORY SCHOOL
815 HAMPTON LANE
TOWSON, MARYLAND 21286

REVISIONS:		
NO.	DESCRIPTION	DATE

LAST REV.:
PROJECT NO.: 02-031
DATE: 6/24/02
SCALE: 1/8"=1'-0"
TITLE: EAST AND NORTH ELEVATIONS
SHEET: A
201

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EAST ELEVATION
1/8"=1'-0"

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ARCHITECTURE
INTERIOR DESIGN
BALTIMORE, MONTGOMERY & WORCESTER COUNTIES
410-494-8588
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TOWSON, MARYLAND 21286

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REVISIONS:		
NO.	DESCRIPTION	DATE

LAST REV.:
PROJECT NO.: 02-031
DATE: 4/22/03
SCALE: 1/8"=1'-0"
TITLE: EAST ELEVATION

SHEET: A 202

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Respectfully submitted,

J. Carroll Holzer
508 Fairmount Ave.
Towson, MD 21286
410-825-6961
Attorney for Petitioners

for & with approval of C. William Clark

C. William Clark
Nolan, Plumhoff & Williams
502 Washington Ave.
Suite 700
Towson, MD 21204
410-823-7800
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 3rd day of March, 2004, a copy of the foregoing Motion to Extend Time to Transmit Record was faxed to C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson, MD, 21204; and the Board of Appeals for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, MD 21204.

J. Carroll Holzer

County Board of Appeals of Baltimore County

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

December 3, 2003

J. Carroll Holzer, Esquire
Holzer and Lee
508 Fairmount Avenue
Towson, Md 21286

RE: Circuit Court Civil Action No. 3-C-03-12804
Petition for Judicial Review
Jim and Ruth Synodinos, et al
815-817 Hampton Lane, Towson
Case No.: 03-180-SPHA

Dear Mr. Holzer:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with the Maryland Rules.

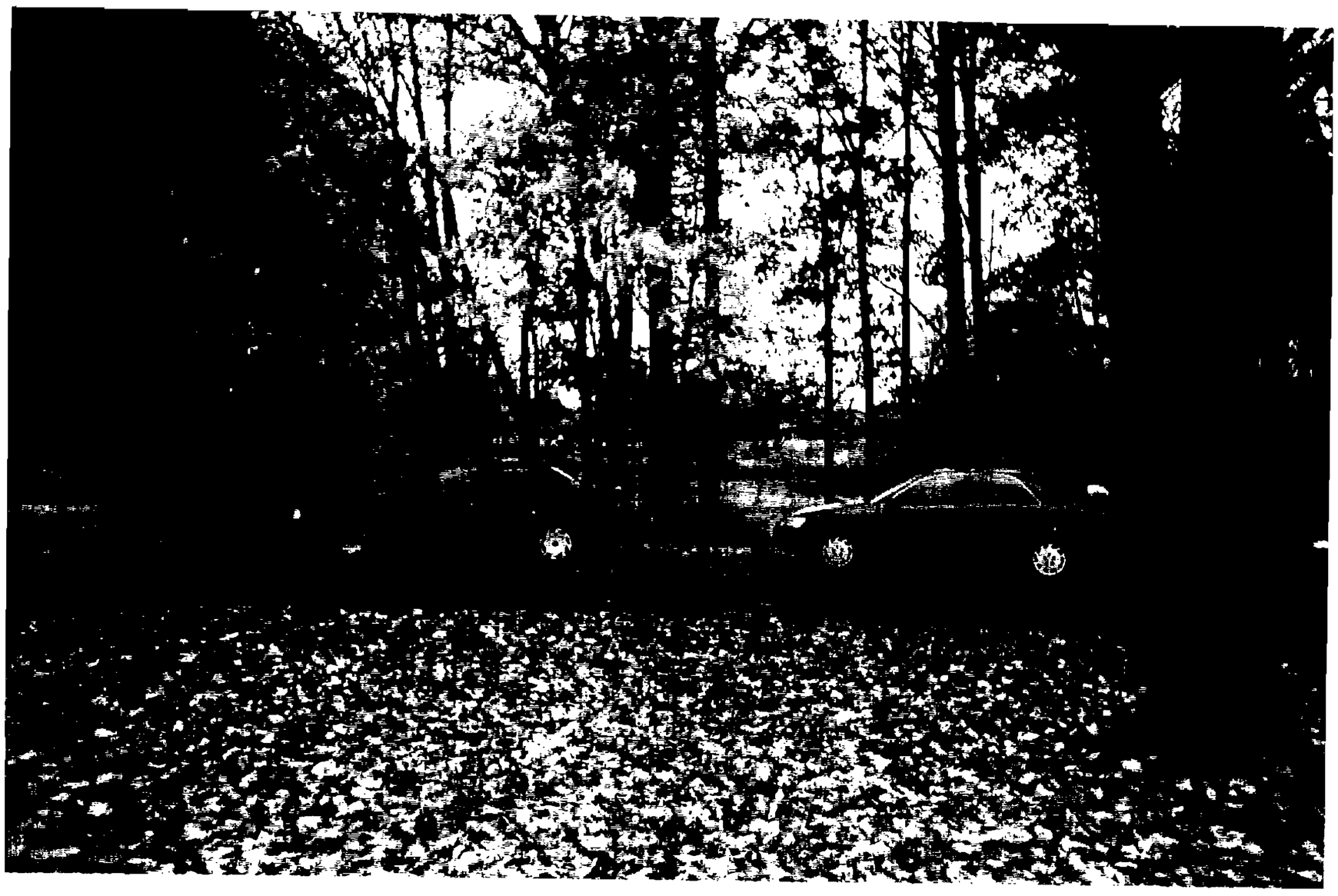
Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton
Legal Secretary

/trs
Enclosure
c: James and Ruth Synodinos et al
C. William Clark
School Sisters of Notre Dame / Sister Christine Mulcahy
Bob LaPierre
Daft McCume Walker, Inc.
People's Counsel for Baltimore County

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