

JOHN A. OLSZEWSKI, JR. County Executive

C. PETE GUTWALD, AICP, Director

Department of Permits,

Approvals & Inspections

September 27, 2021

Mitchell J. Kellman, Vice President Director of Zoning Services Daft McCune Walker 501 Fairmount Avenue, Suite 300 Towson, Maryland 21286

RE: Spirit and Intent Request, Zoning Case # 1991-0031-SPHXA and 2004-0592-SPH, L'Hirondelle Club of Ruxton, 7611 L'Hirondelle Club Road, 9th Election District, 2<sup>nd</sup> Council District

Dear Mr. Kellman:

Your recent letter to the C. Peter Gutwald, Director of Permits, Approvals & Inspections was forwarded to me for reply. Based upon the information and site plan (Plan to Accompany DRC Request dated August 9, 2021) provided therein and my review of the above referenced zoning cases, the following has been determined:

- 1. Provided the proposed new buildings and structures do not expand beyond or deviate from the building footprints shown on the aforementioned site plan, and provided the proposed buildings and structures comply with the orders and restrictions in the 1991 and 2004 zoning cases, then the proposed buildings and structures will be in the Spirit and Intent of those orders and restrictions. No additional zoning relief will be required to add the proposed buildings and structures.
- 2. A copy of your request letter, as well as a copy of this response, will be recorded and made a permanent part of the zoning case file.
- 3. You must place a verbatim copy of your request letter, as well as a copy of this response letter and prior approved spirit and intent letters, in the details of all building permit application plans.
- 4. This approval is for zoning purposes only. You will also be required to comply with all other County and State regulations relative to this property.

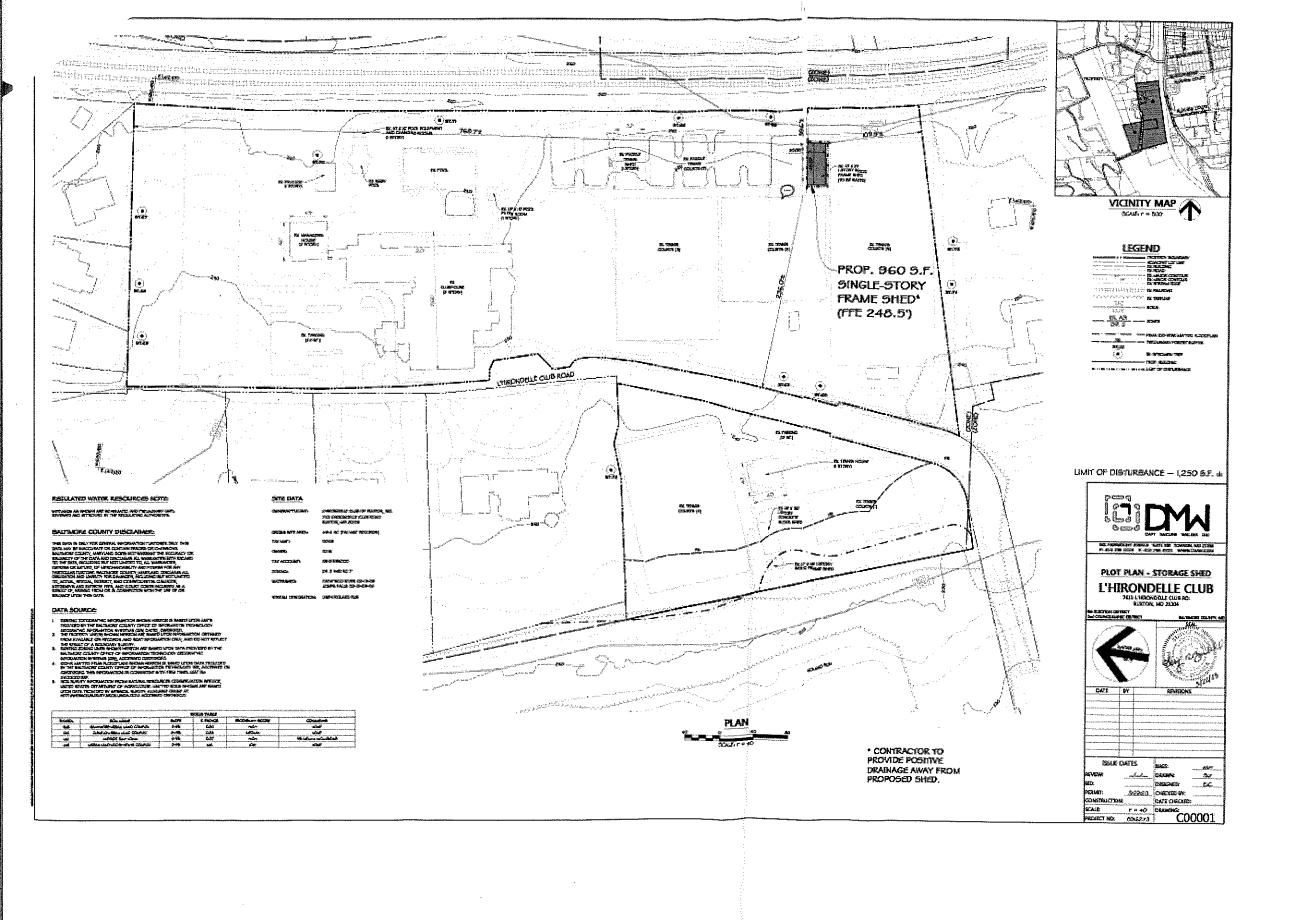
The foregoing is merely an informal opinion. It is not an expert or legal opinion, it is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

We trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact us at 410-887-3391.

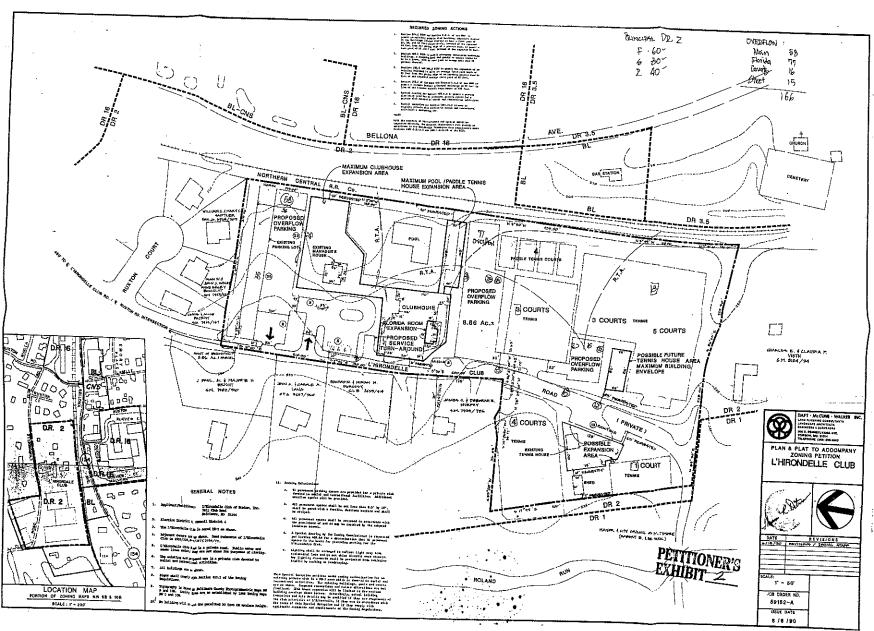
Sincerely,

Jeffrey N. Perlow, Zoning Supervisor

frey N. Perlow



### 1991-0051-SPHXA 2014-0592-SPH



09123950Q0

7611 Lhirondelle ColoRd

IN RE: PETITION FOR SPECIAL HEARING E/S of L'Hirondelle Club Road, 221 ft. W centerline of Ruxton Court 9th Election District 2nd Councilmanic District (7811 L'Hirondelle Club Road)

> L'Hirondelle Club of Ruxton, Inc. By: Arnold Jablon, attorney and agent Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-592-SPH

ORDER ON MOTION FOR RECONSIDERATION

This matter originally came before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by L'Hirondelle Club of Ruxton, Inc., for property they own at 7811 L'Hirondelle Club Road in the Ruxton area of Baltimore County to approve an amendment to the site plan approved in Case No. 91-31-SPHXA, to stripe an existing overflow parking area (located at the northern end of the club property), and to permit a durable and dustless surface consistent with Section 409.8 of the B.C.Z.R. The requested relief was granted with restrictions in this Commission's Findings of Fact and Conclusions of Law dated September 30, 2004.

This office received correspondence dated October 12, 2004 from Mr. Richard L. DiPietro, an adjacent property owner to the above-captioned property, wherein he requested a Motion for Reconsideration of the September 30, 2004 Order. The motion was received for filing by this office on October 13, 2004. Mr. DiPietro's apparently asked that this office delay the approval of the requested relief by Petitioners until a determination is made as to ownership of the storm drain and maintenance issues are resolved.

By letter dated October 22,2004 this Deputy Commissioner requested Mr. DiPietro to clarify his request. No response has been received to this request after four months and presumably Mr. DiPietro's concerns were resolved.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_ day of January, 2005, that the Motion for Reconsideration filed by Mr. DiPietro, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

January 4, 2005

Mr. & Mrs. Richard L. DiPietro 7614 L'Hirondelle Club Road Ruxton, Maryland 21204

Re: Motion for Reconsideration
Case No. 04-592-SPH
Property: 7611 L'Hirondelle Club Road

Dear Mr. & Mrs. DiPietro:

Enclosed please find the order on motion for reconsideration rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John J. Muerphy

JVM:raj Enclosure

c: Arnold Jablon, Esquire David Karceski, Esquire Venable, LLP 210 Allegheny Avenue Towson, MD 21204



Visit the County's Website at www.baltimorecountyonline.info

IN RE: PETITION FOR SPECIAL HEARING \*

E/S of L'Hirondelle Club Road, 221 ft. W

centerline of Ruxton Court

9th Election District

2nd Councilmanic District

(7811 L'Hirondelle Club Road)

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-592-SPH

BEFORE THE

L'Hirondelle Club of Ruxton, Inc.

By: Arnold Jablon, attorney and agent

Petitioners

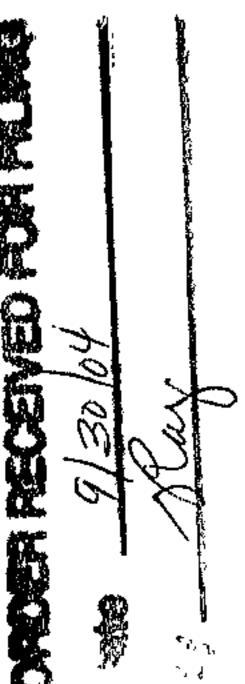
\* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, L'Hirondelle Club of Ruxton, Inc., by Arnold Jablon, attorney and agent. The Petitioners are requesting special hearing relief for property they own at 7811 L'Hirondelle Club Road in the Ruxton area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the site plan approved in Case No. 91-31-SPHXA, to stripe an existing overflow parking area (located at the northern end of the club property), and to permit a durable and dustless surface consistent with Section 409.8 of the B.C.Z.R.

The property was posted with Notice of Hearing on August 25, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 24, 2004 to notify any interested persons of the scheduled hearing date.

Notice is taken that the property, which is the subject of this special hearing request, consists of 8.86 acres, more or less, and is zoned DR 2.



### Applicable Law

### Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as 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 power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were submitted by the Office of Planning dated August 27, 2004, a copy of which is attached hereto and made a part hereto.

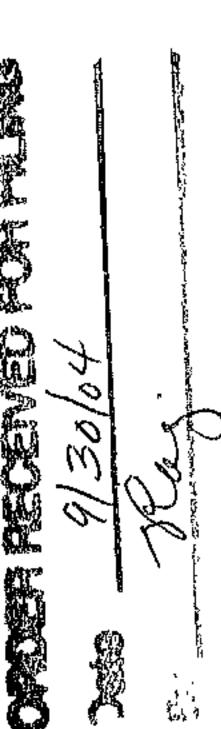
### Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were William Sawers, Jr., on behalf of the Petitioner. Karen Watsic, P.E. appeared on behalf of Daft, McCune, Walker, Inc., the engineering firm that prepared the plan to accompany the site plan. Arnold Jablon, Esquire and David Karceski, Esquire represented the Petitioner. Kimberly Warren and Nancy Horst attended the hearing from the Ruxton Riderwood Community Association. Richard and Cornelia DiPietro attended the hearing as protestants. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

This property is a 8.86 parcel of land, which is zoned DR 2. The L'Hirondelle Country Club which Mr. Sawers indicated was founded in 1872 on the shores of then Lake Roland improves the property. The Club provides all typical country club functions and facilities except it has no golf course.





The issue in this case is paving the "overflow parking " area shown on Petitioner's Exhibit No. 1 which is now a grassy strip of land. This area consists of 0.2 acres and according to the Club manager, Mr. Sawers, is used when special events at the Club fill the available paved parking lots. He indicated that the existing parking lots fill up approximately 30 times a year. When this occurs, he stated that the members and guests park on the grassy strip and this causes members to complain. Sixty-six spaces are allowed in this area at the present time by Case No. 91-31-SPHXA. See Exhibit No. 1 in the 1991 case. The Petitioner proposes to add an additional 18 parking spaces to bring the total to 84 spaces. See Exhibit No. 1 in this case.

Mr. Jablon argues that no zoning relief is needed. He notes that the zoning regulations require parking areas to be paved and striped. All they want to do is pave and stripe the "overflow parking" area allowed in the prior case.

The most immediate impact of paving this grassy area would be the three adjoining properties to the north. The Petitioner indicated that they contacted each of the three owners of the adjoining properties and had reached an agreement for their support. They agreed that the north property line will be heavily landscaped and thereby isolate these homes from the expanded parking. See Landscape Plan attached to Exhibit No. 1.

The primary problem, however, is water coming from this property and other properties in the area that eventually arrives at the front step of the DiPeitro family home that lies at the bottom of a larger drainage area. Mr. Jablon proffered that the Petitioner had taken many steps to have the best possible drainage design for water coming off of the new parking area. He stated that in context of the overall drainage area the additional water runoff from the parking area was negligible. He noted that the Club was exempt from managing the quantity of runoff but was required by DEPRM to manage the quality of runoff. The new paving is only 25 ft. from the north property line. Within that area is the landscape buffer for the properties on the north side

of the property and the storm water management facility, a grass channel, to collect water from the parking lot. Mr. Jablon proffered that this storm water design was reviewed and approved by DEPRM in a letter dated August 4, 2004, marked as Petitioner's Exhibit 10, wherein it was indicated that the additional runoff "will have no measurable effect downstream..." In any case, Mr. Jablon argued that DEPRM would have a further review of storm water management before a permit would be issued so that any concerns could be addressed at the permit stage.

Ms. Watsic, the Petitioner's professional engineer, echoed Mr. Jablon's remarks. She indicated that the slope of the land falls naturally from a 7.4 acre drainage area north of the light rail tracks which in turn drains to a 3.1 acre area south of the tracks. See Petitioner's Exhibit No. 8. The proposed parking is located in the latter area and shaded in green. Water from both of these drainage areas flows under Club Road via a culvert to discharge near the DiPietro home shown in orange on the exhibit. She emphasized that adding 0.2 acres of new impervious parking will have no measurable effect downstream but wanted to satisfy the DiPietro concerns.

When questioned about alternative approaches to improve the flooding problem downstream, Ms. Watsic indicated that she tried to design the collection channel to have water recharge (flow back) into the ground. However, she indicated the soils in the area prevented substantial recharging as they drain so poorly. She also considered porous paving, as recommended by the Office of Planning, as another way to reduce storm water runoff but again the soils prevented much benefit. She also considered underground storage to no avail. Because the soils are so poor in the area, the underground tank would fill and not discharge thereby eliminating its effectiveness after the first rain and possibly becoming a source for mosquito breeding. She thought the grass channel proposed far more superior, although not perfect. She indicated the proposed design would increase the runoff for the parking lot only 2.75% for a one year storm.

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Mr. DiPeitro related his existing problems with flooding, his extraordinary efforts to protect his property and his opposition to one additional drop of water being added to the runoff upstream. He indicated that at his request a representative from DEPRM visited his home and told him that DEPRM would not have approved the waiver regarding controlling quantity of water had they known of the downstream flooding problem. Ms. Watsic indicated that she understood DEPRM had all the facts and that they would not approve the grading permit until they were satisfied. Again, she emphasized the increase in runoff due to this project was not measurable in the "big picture".

### Findings of Fact and Conclusions of Law

### By right or special hearing

Mr. Jablon argues that there is no need for a special hearing in this matter since the parking plan approved in Case No. 91-31-SPHXA allows for overflow parking on the area in question. He notes that all parking spaces, whether overflow or permanent, are required under Section 409.8A2 to be durable and dustless surfaces and under Section 409.8A.6 to be striped. The Petitioner simply wants to do what the regulations require.

However, it appears from my review of Case No. 91-31-SPHXA that the specific relief requested and granted regarding parking was to approve a parking plan having 91 permanent parking spaces. Authority for this approach is found in Section 409.12 of the B.C.Z.R. This approach takes the place of showing that each aspect of the country club provides enough parking to satisfy the regulations. There is no doubt that the site plan for the 1991 case showed the area in question as overflow parking without specifying any number of spaces.

In reviewing the proposed plan marked as Petitioner's Exhibit No. 1, I see that the area in question looks like an extension of the existing parking plan whether one calls these new spaces overflow or not. The islands separating groups of spaces in the gray area of Exhibit No. 1 are

2000 - 20

identical with and extensions of the islands across the line in the previously approved permanent parking area. Similarly, the new parking spaces were simply extended from the previously approved spaces. There is physically nothing to distinguish one parking space from another. Ducks come to mind. Most importantly, I note the absence of the words "overflow parking" in the new plan. If approved, the new plan would not make any distinction regarding overflow vs. permanent parking. Consequently, I find that the request is in actuality to grant a new parking plan with 109 spaces (18 additional spaces overall).

Under these circumstances, I find that the Special Hearing is needed and that the essence of the hearing is to amend the previously approved special parking plan granted in Case No. 91-31-SPHXA. Having determined that a special hearing is needed, the next inquiry is the scope of the hearing for the additional 18 parking spaces. I note the 1991 case showed permanent parking distributed over the site. Since I am treating this request as a modification of the prior plan allowing 91 spaces, the increase of 18 spaces is really part of the overall parking plan. Thus, I conclude that the whole site is at issue.

The DiPeitros reasonably plead that not an additional drop of runoff be permitted upstream. Ms. Watsic indicated she tried many different approaches to achieve some runoff quantity control but because of the limited space and poor soils could not find a suitable means. Again, I am aware DEPRM has approved the grass channel design proposed.

I think, however, that Ms. Watsic's considerable skill to provide some quantitative runoff control is unnecessarily hampered by defining that all quantity facilities must be located in the 25 ft. strip along the new paved area. I note that the 3.1 acre drainage area west of Bellona Avenue (as shown in Petitioner's Exhibit No. 8) is much wider than this 25 ft. strip and I believe will provide room for quantity management so that there can be no increase at all for a one year storm. For example, there appears to be areas behind the manager's house to locate such

facilities.

Therefore, I will approve the modified parking plan from 91 spaces to 108 spaces on the condition that the site must handle the one-year storm, in addition to implementing the landscaping plan presented.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this **30** day of September, 2004, that the Special Hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the site plan approved in Case No. 91-31-SPHXA, to allow 108 parking spaces in lieu of the previously approved 91 parking spaces, and to allow the Petitioner to stripe and pave the area indicated on Petitioner's Exhibit No. 1 with a durable and dustless surface, be and is hereby GRANTED subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Developer must comply with the landscape plan which shows specific planting and other treatment for the neighboring residential property owners to the north and west of the parking area; and
- 2. The storm water runoff from the new, proposed parking must be conveyed to a suitable outfall, subject to review and approval by the Baltimore County Department of Environmental Protection & Resource Management (DEPRM).

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



### **Baltimore County**

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 30, 2004

Arnold Jablon, Esquire David Karceski, Esquire Venable, LLP 210 Allegheny Avenue Towson, MD 21204

Re: Petition for Special Hearing
Case No. 04-592-SPH
Property: 7611 L'Hirondelle Club Road

Dear Messrs. Jablon & Karceski;

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: William B. Sawers, Jr., L'Hirondelle Club, 7611 L'Hirondelle Club Rd.,
 Ruxton, MD 21204
 Karen Watsic, P.E., GWS, 1020 Cromwell Bridge Rd., Towson, MD 21486
 Mr. & Mrs. Richard L. DiPietro, 7614 L'Hirondelle Club Rd., Ruxton, MD 21204
 Kimberly Warren, 605 Meadow Ridge Rd., Towson, MD 21204
 Nancy W. Horst, 7819 Ellenham Ave., Towson, MD 21204





Case No. 04-597-5PH

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

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for the property located at	7611 L'Hirondelle Club Road
	s presently zoned DR2
This Petition shall be filed with the Department of Permits and Development of the property situate in Baltimore County and which is described nade a part hereof, hereby petition for a Special Hearing under Section County, to determine whether or not the Zoning Commissioner should appropriately.	i in the description and plat attached hereto and in and 500 7 of the Zoning Regulations of Baltimore impre
an amendment to the site plan approved in Case stripe an existing overflow parking area (localend of the Club property) and to permit a dura surface consistent with Section 409.8 of the Econing Regulations.	ated at the northern able and dustless

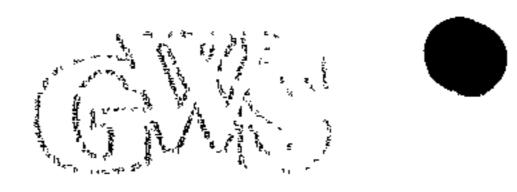
I, or we, agree to pa	ay expenses of above	ed as prescribed by the social Hearing, advertise imore County adopted put	ing, posting, etc. and	further agree to and are to aw for Baltimore County.	o be bounded by the
		•		y declare and affirm, unde are the legal owner(s) of this Petition.	
Contract Purch	aser/Lessee:		Legal Owner	(s):	
			L'Hirondell	e Club of Ruxton,	Inc.
Name - Type or Print		<del></del>	Name - Type or Pri	int	
Signature	<del> </del>	•	Signature Arnold Jabl	on, attorney and	agent
Address		Telephone No.	Name - Type or Pri	int	
City Attorney For Po	State	Zip Code	Signature 7611 L'Hiro	ondelle Club Road	(410) 825-2400
Arnold Jablo		ז	Address Ruxton,	Maryland 2	Telephone No.
Name - Type or Print	\ \ \ \ \		City	State	Zip Code
Cialatina	QA		Representati	ve to be Contacted:	•
Signature Venable LLP	)		Arnold Jab	lon	
Company 210 Alleghen	y Avenue (410)4	94-6200	Name 210 Alleghe	eny Avenue (410)49	
Address Towson,	Maryland	Telephone No. 21204	Address Towson,	Maryland	Telephone No. 21204
Cíty	State	Zip Code	City	State	Zip Code
<b>3</b>				OFFICE USE ONLY	
<b>X</b>			ESTIMATED	LENGTH OF HEARIN	IG

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 6/22/04

### TOWSON 1020 CROMWELL BRIDGE ROAD FOWSON, MARYLAND 21286-3396

TOWSON, MARYLAND 21286-3396 410/825-8120 FAX 410/583-0288



### GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS
LAND PLANNERS
LAND SURVEYORS

### BELCAMP, MARYLAND

WATER'S EDGE CORPORATE CAMPUS 4690 MILLENNIUM DRIVE, SUITE 100 BELCAMP, MARYLAND 21017 1-888-297-2340 410-297-2345

### Description

To Accompany Zoning Petition

8.86 Acre Parcel

South of Ruxton Road

East and West Side of L'Hirondelle Club Road

West Side of Northern Central Railway

Baltimore County, Maryland

Beginning for the same at a point in the center of L'Hirondelle Club Road, said point being southerly 450-feet from the intersection of the centerline of L'Hirondelle Club Road with the centerline of Ruxton Road, thence continuing to run and bind on the centerline of said road, the three following courses and distances, viz: (1) South 2 degrees 00 minutes East 210.00 feet, then (2) South 2 degrees 45 minutes East 150.00 feet and thence (3) South 8 degrees 30 minutes East 200.00 feet, then leaving said centerline of L'Hirondelle Road and running (4) South 86 degrees 21 minutes 00 seconds West 16.65 feet, thence (5) South 85 degrees 12 minutes 00 seconds West 40.62 feet, thence (6) North 78 degrees 29 minutes 30 seconds West 21.00 feet, thence (7) South 75 degrees 26 minutes 40 seconds West 39.17 feet, thence (8) South 85 degrees 00 minutes West 116.03 feet, thence (9) South 17 degrees 45 minutes East 400.00 feet, thence (10) North 84 degrees 30 minutes East 228.00 feet, thence

H592

(11) South 86 degrees 00 minutes East 254.50 feet to the west side of the Northern Central Railroad, thence running and binding on the west side of said railroad, the five following courses and distances (12) North 9 degrees 15 minutes West 100.00 feet, thence (13) North 5 degrees 45 minutes West 100.00 feet, thence (14) North 3 degrees 30 minutes West 495.00 feet, thence (15) North 2 degrees 00 minutes West 140.00 feet and thence (16) North 135.00 feet, thence leaving the west side of said railroad and running (17) South 88 degrees 00 minutes West 318.00 feet and thence (18) South 88 degrees 00 minutes West 15.00 feet to the point of beginning; containing 8.86 acres of land, more or less.

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

June 22, 2004



# MOTTEE OF ZOMING HEARING

The Zonara Commissioner of Baltimage County, by authority of the Zetting Act and Requisitions of Baltimore County will hold a public hearing in Towson; Maryland on the property identified herein as follows:

Case: #04-592-SPH

7611 L'Hirondelle Club Road

Eside of L'Hirondelle Club Road

Eside of L'Hirondelle Club Road

Eside of L'Hirondelle Club Road

Centerline of Ruxton Court

9th Election District — 2nd Councilmanic District

Legal Owner(s): L'Hirondelle Club of Ruxton, Inc.

Arnold Jabion, attorney and agent

Arnold Jabion, attorney and agent

Special Hearing: to stripe an existing overflow parking

(located at northern end of the Club property) and to permit a durable and dustless surface.

Hearing: Tuesday, August 24, 2004 at 9:00 a.m. in Room

Avenue...

LAWRENCE E SCHMIDT

Zoning Commissioner for Baltimore Courny

NOTES: (1) Hearings are Handicapped Accessible; for special: accommodations Please. Contact, the Zoning

Commissioner's Cline at (410) 893-4336.

(2) For information concerning the File and/or Hearing.

Contact, the Zoning Fewew Office at (410) 897-3391.

JT8/640 August 10.

# TE OF PUBLICATION

8/12 L 2004

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing kly newspaper published in Baltimore County, Md., in the following wee once in each of On

X The Jeffersonian Arbutus Times

Catonsville Times

☐ Towson Times

Owings Mills Times

☐ NE Booster/Reporter North County News Mullus

LEGAL ADVERTISING

The Zoning Corninssioner of Baltinge County, by authority of the Zoning Act and Repetitions of Baltinger County will hold a public hearing in Tewson, Maryland on the property identified herein as follows:

Case: #04-592-SPH

ZG11 L'Hirondelle Club Road
Eside of L'Hirondelle Club Road; 224 feet west of centerline of Ruxton Court
9th Election District — 2nd Councilmanic District
9th Election District — 2nd Councilmanic District
Special Hearing: L'Hirondelle Club of Ruxton, Inc.
Amold Jahlon, attorney and agent
tocated at northern and of the Club property, and to bermit a durable and dustless surface.

Hearing: Thursday, September 9, 2004, 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

Commissioner's Office at (410) 887-4386

Contact the Zoning Review Office at (410) 887-3391

If 8/775 August 24

1,20C+

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing newspaper published in Baltimore County, Md., in the following weekly once in each of ono

X The Jeffersonian

Arbutus Times

Catonsville Times Towson Times Owings Mills Times

NE Booster/Reporter 

North County News

Mulman

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

RE: Case No. 04-592-5PH

Petitioner/Developer: L'HIRONDELLE CLUB
OF RUXTON TIC ARNOLD JABLONS

Date of Hearing/Closing: SEPT 9, 2009

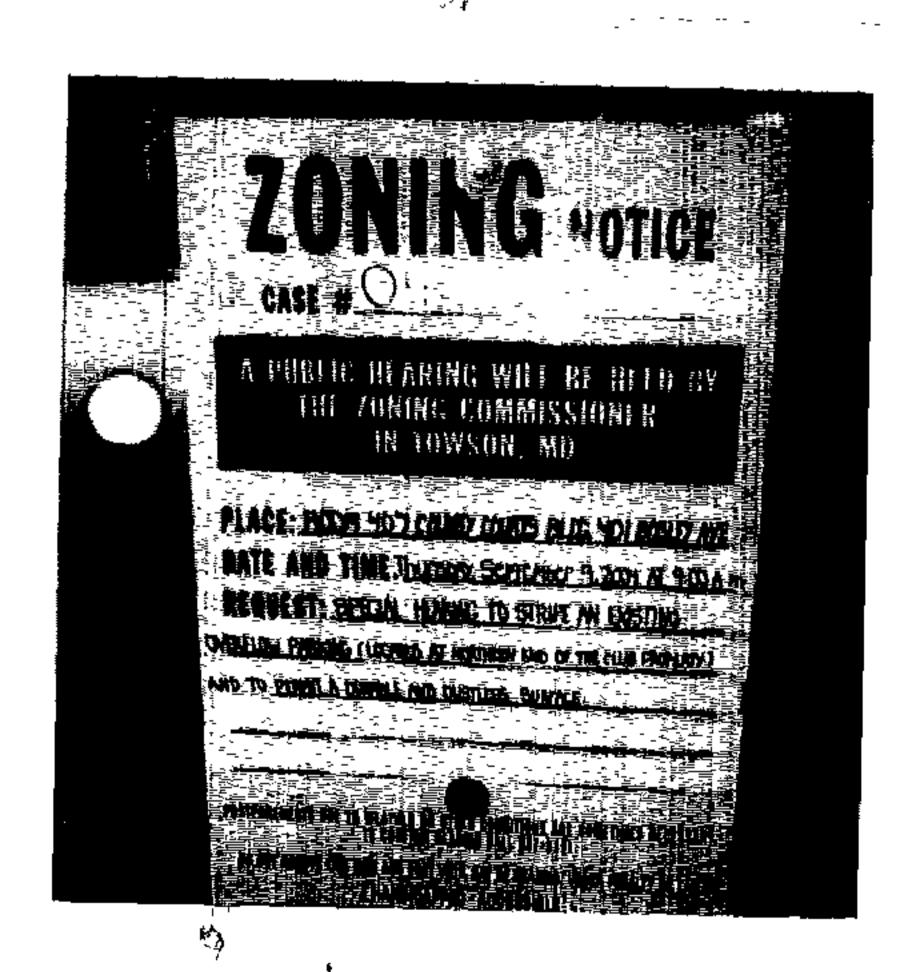
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penal- posted conspicuously on the property le	ties of perjury that the necessary sign(s) required by law were ocated at:
<u> 76/1 L</u>	HIRONDELLE CLUB ROAD
The sign(s) were posted on	8/25/04 (Month, Day, Year).

Sincerely,



Robert Black	8/26/m
(Signature of Sign Poster)	(Date)
SSG Robert Black	
(Print Name)	<del></del>
1508 Leslie Road	
(Address)	, t
Dundalk, Maryland 21222	
(City, State, Zip Code)	<del></del>
(410) 282-7940	
(Telephone Number)	

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 04-597-5PU  Petitioner: L'Hirondelle Club or Ruxton
Address or Location: Tell L'Hirondelle Club Road
PLEASE FORWARD ADVERTISING BILL TO:  Name: Amy Doote 11
Address: Lenable, LLP
20 Allegheny Avenue
Towson, Mary land 21204
Telephone Number: 410 - 494 - 6244

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 10, 2004 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204

410-494-6244

### **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: 04-592-SPH

7611 L'Hirondelle Club Road

E/side of L'Hirondelle Club Road, 221 feet west of centerline of Ruxton Court 9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: L'Hirondelle Club of Ruxton, Inc, Arnold Jablon, attorney and agent

Special Hearing to stripe an existing overflow parking (located at northern end of the Club property) and to permit a durable and dustless surface.

Hearing: Tuesday, August 24, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Charles & Schwick

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.

### Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



### Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

July 6, 2004

### **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: 04-592-SPH

7611 L'Hirondelle Club Road

E/side of L'Hirondelle Club Road, 221 feet west of centerline of Ruxton Court 9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: L'Hirondelle Club of Ruxton, Inc. Arnold Jablon, attorney and agent

Special Hearing to stripe an existing overflow parking (located at northern end of the Club property) and to permit a durable and dustless surface.

Hearing: Tuesday, August 24, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco Director

TK:klm

C: Arnold Jablon, Venable, LLP, 210 Allegheny Ave., Towson 21204 L'Hirondelle Club of Ruxton, Inc., 7611 L'Hirondelle Club Road, Ruxton 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 9, 2004.

- (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.



Visit the County's Website at www.baltimorecountyonline.info

## Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



### Baltimore County

James T. Smith, Jr, County Executive Timothy M. Kotroco, Director

July 22, 2004

### **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: 04-592-SPH

7611 L'Hirondelle Club Road

E/side of L'Hirondelle Club Road, 221 feet west of centerline of Ruxton Court 9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: L'Hirondelle Club of Ruxton, Inc, Arnold Jablon, attorney and agent

Special Hearing to stripe an existing overflow parking (located at northern end of the Club property) and to permit a durable and dustless surface.

Hearing: Thursday, September 9, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Arnold Jablon, Venable, LLP, 210 Allegheny Ave., Towson 21204 L'Hirondelle Club of Ruxton, Inc., 7611 L'Hirondelle Club Road, Ruxton 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 25, 2004.
  - (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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 24, 2004 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue

Towson, MD 21204

410-494-6244

### **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: 04-592-SPH

7611 L'Hirondelle Club Road

E/side of L'Hirondelle Club Road, 221 feet west of centerline of Ruxton Court

9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: L'Hirondelle Club of Ruxton, Inc, Arnold Jablon, attorney and agent

Special Hearing to stripe an existing overflow parking (located at northern end of the Club property) and to permit a durable and dustless surface.

Hearing: Thursday, September 9, 2004, 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 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.

### Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

August 31, 2004

Arnold Jablon Venable, LLP. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 04-592-SPH, 7611 L'Hirondelle Club Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 2004.

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,

U. Call Rill D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:

L'Hirondelle Club of Ruxton, Inc. 7611 L'Hirondelle Club Road Ruxton 21204



Visit the County's Website at www.baltimorecountyonline.info

### Zoning Commission

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



### Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 22, 2004

Mr. & Mrs. Richard L. DiPietro 7614 L'Hirondelle Club Road Ruxton, Maryland 21204

Re: Petition for Special Hearing
Case No. 04-592-SPH
Property: 7611 L'Hirondelle Club Road

Dear Mr. & Mrs. DiPietro:

Our office received your motion for reconsideration on October 13, 2004, but I am not quite sure what you are asking me to do. My Order issued on September 30, 2004 contains a restriction, which specifies that storm water runoff must be conveyed to a suitable outfall that is subject to review and approval by DEPRM.

Can you tell me more precisely what more you want me to do? Your motion seems to suggest that I simply keep the file open. I am note sure why that would be necessary.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj

c: Arnold Jablon, Esquire David Karceski, Esquire Venable, LLP 210 Allegheny Avenue Towson, MD 21204



Visit the County's Website at www.baltimorecountyonline.info

### Richard L. DiPietro 7614 L'Hirondelle Club Road Ruxton, MD 21204

RECEIVED

OCT 1 3 2004

ZONING COMMISSIONER

October 12, 2004

John V. Murphy Baltimore County Zoning Office 401 Bosley Ave. Suite #405 Towson, MD 21204

Re: Case No. 04-592-SPH

Dear Mr. Murphy,

Thank you for your consideration in our case against L'Hirondelle Club's request for Special Hearing regarding their parking facilities.

Until we can determine who is actually the owner of the storm drain, who is responsible for the maintenance of it, and how we can best handle the run-off (DEPRM and Storm Drain Department); we feel it is in our best interest to formally Request a "Motion for Reconsideration" in this matter.

Sincerely,

Richard L. DiPietro



### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

**DATE:** August 27, 2004

AUG 3 1 2004

ZONING COMMISSIONER

**SUBJECT:** 

7611 L'Hirondelle Club Road

**INFORMATION:** 

**Item Number:** 

4-592

Petitioner:

L'Hirondelle Club of Ruxton

Zoning:

DR 2

Requested Action:

Special Hearing

### SUMMARY OF RECOMMENDATIONS:

The site in question is within the Ruxton, Riderwood Lake Roland Area Community Plan 2001. The subject request is to amend Case No. 91-31sphxa to pave and stripe an existing overflow parking area.

The Office of Planning reviewed the petitioner's request and has the following comments:

- 1. The developer must comply with the landscape plan showing specific planting and other treatment for the neighboring residential property owners to the north and west of the parking area.
- 2. As the majority of the site consists of buildings and parking lots with little open or green space, a porous paving for the parking area is preferred to reduce stormwater runoff and any impact upon neighboring property owners.

Prepared by:

Division Chief:

AFK/LL:MAC:

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 23, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 12, 2004 Item Nos. 585 (592) 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 605,

606, 607, 608, and 609

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

RWB:CEN:jrb

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.2.64

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

RE:

**Baltimore County** 

Item No. 592

LTM

Dear. Ms. Matthews:

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,

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

1. 1. Howelle

### Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



### Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 1, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 1, 2004

Item No.:

585, 592, 596, 598-609

Dear Ms. Mathews:

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.

6. The Fire Marshal's Office has no comments at this time.

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

CC: File

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

July 30, 2004

SUBJECT:

Zoning Items # See List Below

RECEIVED

JUL 3 0 2004

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of July 19, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-585

04-592

04-593

04-594

04-595

04-596

04-600

04-601

04-604

04-605 04-606

04-607

04-608

04-609

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

RE:

PETITION FOR SPECIAL HEARING

BEFORE THE

7611 L'Hirondelle Club Road; E/side of

L'Hirondelle Club Rd, 221' W c/line Ruxton Ct\*

9<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Owner(s): L'Hirondelle Club of Ruxton\*

**FOR** 

Petitioner(s)

**BALTIMORE COUNTY** 

ZONING COMMISSIONER

04-592-SPH

\*

### 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 and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 1 3 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

### Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



### **Baltimore County**

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

July 22, 2004

Arnold Jablon Venable, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Jablon:

RE: Case Number: 04-592-SPH, 766 L'Hirondelle Club Road

The above matter, previously scheduled for August 24, 2004, has been postponed. The new hearing date is indicated in this notice attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

linky Korroco

Timothy Kotroco

Director

TK:klm

C: L'Hirondelle Club of Ruxton, Inc., 7611 L'Hirondelle Club Rd., Ruxton 21204



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 Telephone 410-494-6200 Facsimile 410-821-0147

www.venable.com

aejablon@venable com

ARNOLD JABLON

(410) 494-6298

25 August 2003

Kristeri ostport OK to post

Timothy M. Kotroco, Director
Department of Permits and Development Management
County Office Building
111 West Chesapeake Ave
Towson, Maryland 21204

Re: In Re: Case No. 04-592 SPH

7611 L'Hirondelle Club Road

Dear Mr. Kotroco:

This matter has recently been scheduled for 24 August 2004 at 9:00 a.m.

Please be advised that the President and the General Manager of my client will be unavailable on this date, both will be out of town on vacation.

I am therefore requesting a postponement. It is my understanding that this matter can be re-scheduled for 9 September 2004 at 9:00 a.m. Thank you for your consideration.

Sincerely,

Axnold\Jablon

RECEIVED

JUL 2 0 2004

Per...

PECEIVED

04-193/
JUL 2 0 2004

DEVELOPMENT MANAGEMENT



Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave.
Towson, Maryland 21204

# Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Avenue, Towson, Maryland 21204, to be our attorney-infact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 7611 L'Hirondelle Club Road, Ruxton, Maryland 21204, property that we own.

L'Hirondelle Club of Ruxton, Inc. (owner)

William B. Sawers, Jr., General Manager

7611 L'Hirondelle Club Road, Ruxton, Maryland 21204

Address

#597

Roll

# Richard L. DiPietro 7614 L'Hirondelle Club Road Ruxton, MD 21204

RECEIVED

John V. Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Ave. #405
Towson, MD 21204

JAN 1 1 2005

ZONING COMMISSIONER

Re: Case Number 04-592-SPH

Dear Commissioner Murphy,

Regarding your letter of January 4, 2005, I wish to respond as follows:

Shortly after the zoning hearing on this matter, I contacted your office with a question as to what we should do next. I spoke with an administrative assistant of yours (a woman—didn't get her name) and she told me we should file a "motion for reconsideration". She never told us there was a time-line involved, or what the next steps would be.

As you may be aware, we have also had meetings with the Permits Departments (deprm) of the County (they will not issue any permits until the out-flow problem is resolved). We still can not determine who owns or is responsible for the drain in question.

In addition, we have been talking with L'Hirondelle Club and their Engineers about how we can resolve this issue independently (the County will not provide resources to resolve the problem).

We still oppose the zoning request. Please advise as to what we need to do to protect our rights in this continuing process. I believe your assistant advised us to file the wrong motion.

Sincerely,

Richard L. DiPietro

VENABLE LLP

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

ARNOLD JABLON (410) 494-6298

aelablon@venable.com

art will call his

Timothy M. Kotroco, Director
Department of Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

26 June 2006

Re: L'Hirondelle Club of Ruxton, Inc. 7611 L'Hirondelle Club Road

Case No: 91-31 SPHXA

Dear Mr. Kotroco:

This office represents L'Hirondelle Club of Ruxton, Inc., the owner of a private club located at 7611 L'Hirondelle Club Road in Baltimore County. In 1990, our client was granted a special exception and variances in case No. 91-31 SPHXA. The special exception was to enable it to expand the existing private club in a DR 2 zone and to construct a new building devoted to social and recreational activities, including tennis courts, pool, and clubhouse. In Case No. 04-592 SPH, the original site plan as approved in Case NO. 91-31 was amended to permit 108 parking spaces in lieu of the previously approved 91 spaces and to permit the striping and paving of an area shown for "overflow parking". Our client now is interested in making a minor adjustment to the site plan that will permit the Club to expand the existing bar area, which is located in the clubhouse. I attach a copy of the plan approved in Case No. 91-31, which shows the proposed expansion, 32' x 15'. This expansion will be into the existing terrace area. The terrace area will be expanded slightly as well. See exhibit A, attached.

We are requesting confirmation that our client may proceed to expand the existing bar area as otherwise permitted without having to proceed to hearing in order to amend the approved plan. We are requesting that you agree that the proposal is within the spirit and intent of the special exception granted in Case No. 91-31 sphxa.

June 26, 2006 Page 2

The area in which the bar and its attendant terrace area are proposed will not extend beyond that which is shown on the plan. L'Hirondelle Club has limited membership; it's membership does not expand but remains constant. New members are accepted only when vacancies occur in its membership rolls. In other words, the proposed expansion is to meet the needs of its current members, and is not an attempt to attract additional membership. The Club as a result of Case No 04-592 has 108 paved and striped parking spaces plus an additional area still noted for overflow parking. The expansion of the bar area will not increase traffic to the Club nor increase the number of people who currently use the existing bar area.

Therefore, we request that you agree, as described above, that the proposed expansion of the bar into the area marked on the plan is within the spirit and intent of the site plan approved in case No. 91-31 sphxa and no further zoning hearing is required to amend the plan. If you agree with our conclusions, I am requesting that you sign on the appropriate signature line provided below and request that you return the attached copy of this letter to me.

Date

Sincerely,

Arnold Jablon AEJ/aj

Enclosure

c: Mr. W. Carl Richards, Jr.

Timothy Kotroco, Director

Department of Permits and Development Management

After an initial review and meeting held with Timothy Kotroco, the Director of PDM, it was determined that a special hearing would be required for any changes to the subject property, due to the fact that there was a protestant that forced the most recent expansion to be approved by public hearing. After submittal of the agreement dated August 18, 2005 that was signed by the protestant and that proposed more extensive renovations than what was requested in this letter, this office will now approve these changes as being in the Spirit and Intent of the last zoning case and plan.

AGREEMENT

Joi. JNP see me-Cin

THIS AGREEMENT is made as of the day of March, 2005, by and between L'HIRONDELLE CLUB OF RUXTON, INC., a Maryland corporation (the "Club") and RICHARD LEE DIPIETRO and CORNELIA LEE DIPIETRO, residents of the State of Maryland (collectively, the "DiPietros").

### RECITALS

- A. The Club owns the property and the improvements thereon known as the L'Hirondelle Club and located at 7611 L'Hirondelle Club Road, Ruxton, Maryland 21204 (the "Club Property"). The DiPietros own the property and the improvements thereon located at 7614 L'Hirondelle Club Road, Ruxton, Maryland 21204 (the "DiPietro Property"), which is located across the street from the Club Property.
- B. The Club wishes to make certain improvements to the Club Property, including but not limited to the construction of parking lot improvements. The parties wish to provide proper stormwater drainage for stormwater flowing from the Club Property to the DiPietro Property.
- C. In consideration for the support by the DiPietros of the proposed improvements to the Club Property, the Club has agreed to provide for the stormwater management facilities, as hereinafter described.

### <u>witnesseth</u>

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. Recitals. The foregoing Recitals are true and correct and are incorporated herein by reference.
- 2. <u>Hasement</u>. (a) The DiPietros agree to grant an easement to the Club for a stormwater drainage pipe to be located underground through the DiPietro Property, at a location mutually acceptable to the Club and the DiPietros. The easement agreement shall be prepared and recorded at the Club's expense, and shall be in form and substance reasonably satisfactory to both parties.
- (b) The DiPietros further agree that they shall enter into and execute the aforesaid easement agreement when presented to them by the Club.
- 3. SWM Facilities. The Club agrees that it will design, obtain all necessary permits, and construct the stormwater management facilities to be located on the Club Property and the

underground stormwater drainage pipe to be located through the DiPietro Property, at the Club's sole cost and expense. The design of the stormwater management facilities and size of the stormwater drainage pipe will be determined by the civil engineering firm retained by the Club, and all of such designs and improvements shall be constructed in accordance with all applicable Baltimore County regulations and requirements.

Maintenance. Following construction of the stormwater management facilities on the Club Property and the underground stormwater drainage pipe through the DiPietro Property, the Club shall restore any disturbed portions of the DiPietro Property to as close to its pre-existing condition as is practicable. Thereafter the Club shall maintain, at its sole cost and expense, the stormwater management facilities on the Club Property, and the DiPietros shall maintain, at their sole cost and expense, the underground stormwater drainage pipe located through the DiPietro Property. The Club also agrees to install a sump system on the Club Property to filter debris out prior to the stormwater flowing into the stormwater drainage pipe, which sump system will be maintained by the Club at its sole cost and expense.

The Club agrees to indemnify and hold harmless the DiPietros and their agents from and against any and all claims, damages, losses and expenses, for bodily injury, illness or death, or for property damage arising out of the Club's installation or use of the easement on and through the DiPietro property, which are caused in whole or in part by the Club, its contractors or anyone whom the Club permits or brings onto the DiPietro property.

- 5. Speed Bump. The Club and the DiPietros will request Baltimore County to construct a "speed bump" across L'Hirondelle Club Road (the "Road") near or over the culvert that crosses the Road from the Club property to the DiPietro property. The Club and the DiPietros will cooperate and make every effort to accomplish this goal.
- 6. No Opposition. In consideration for the improvements to be constructed by the Club, at the Club's expense, the DiPietros agree that they will not oppose the Club's proposed parking lot improvements on the Club Property, and the DiPietros further agree they will not oppose the Club proceeding with any master plan improvements to the Club Property, as envisioned in the CSD 15 September 2004 Master Plan, either now or in the future. The Club agrees that, should there be any significant changes in the scope of these improvements, the Club will gain the DiPietros consent prior to proceeding with such improvements.
  - 7. Contingency. The terms and provisions of this Agreement shall be contingent upon the Club (a) obtaining all necessary approvals and permits from Baltimore County to

construct the proposed improvements to the Club and through the DiPietro's Property, and (b) obtaining a temporary construction easement from Stephan M. Loewentheil and Beth Farber Loewentheil. If the Club is not successful in obtaining any of such approvals or permits, or the temporary construction easement, the Club shall promptly notify the DiPietros and this Agreement shall terminate and be of no further force or effect.

- 8. Binding Effect. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns. The terms and provisions of this Agreement are intended to run with the land in perpetuity.
- 9. Amendment. This Agreement may only be amended by a written instrument executed by the Club and the DiPietros, or their respective heirs, personal representatives, successors and assigns.
- 10. Counterparts. This Agreement may be executed in separate counterparts, all of which taken together shall constitute a single original instrument.
- 11. Notice. The Club shall notify the DiPietros approximately ten (10) days before the initial work is done to construct the improvements and provide the name and telephone number for those contractors responsible for construction of the proposed improvements through the easement.

WITNESS the hands and seals of the parties hereto as of the day and year first above written.

WITNESS:	L'HIRONDELLE CLUB OF RUXTON, INC.
Viene alban	By: Mame: Name: Title: Grant MANNER
	Title: Govern Mantice
There Ralban	Richard Lee DiPietro (SEAL)
There a albam	Corners J. D. Pur (SEAL)

I HEREBY CERTIFY that on this / day of March; 2005, before me a Notary Public in and for the State aforesaid, personally appeared Delland Lawes Q.

L'HIRONDELLE CLUB OF RUXTON, INC., a Maryland corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she

executed the same for the purposes therein contained by signing

his/her name as Montal Manager of THE L'HIRONDELLE CLUB, INC.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: 8-1-07

I HEREBY CERTIFY that on this 18 th day of warm, 2005, before me a Notary Public in and for the State aforesaid, personally appeared RICHARD LEE DIPIETRO, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

My Commission Expires: 6-1-07

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

I HEREBY CERTIFY that on this Arth day of March, 2005, before me a Notary Public in and for the State aforesaid, personally appeared CORNELIA LEE DIPIETRO, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: 8-1-07

TO1DOCS1/JMB01/#203679 v1

PLEASE PRINT CLEARLY

CASE NAME OF RUNTON
CASE NUMBER O4-592.37

# PETITIONER'S SIGN-IN SHEET

ne juston B venable. cor dukakeshe verah 21204 2022 71204 CITY, STATE, ZIP 702,207 Tons 2 NS 1020 CLOWNER PAINS SKWEES JR NAME KANGER K

PLEASE PRINT CLEARLY

CASE NAME L'HIRONDEUS CLUB CASE NUMBER 04-592-5PH DATE 9/9/04

# CITIZEN'S SIGN-IN SHEET

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Page 1 of 1

### William Sawers

From:

Davies, Jack (Hunt Valley) [Jack.Davies@right.com]

Sent:

Wednesday, September 08, 2004 5:11 PM

To:

William Sawers

Subject: Parking Lot Paving Project

Bíll:

I cannot be at the hearing on the 9th, but I am strongly in favor of the project. As the immediate neighbor to the lot and on L'Hirondelle Club Road, I see the positives as:

- Alleviating the over-flow parking onto L'Hirondelle Club Road, which is illegal and dangerous.

- Replacing a couple of very tall trees (that will need to be replaced anyway) with very nice trees and plantings that will improve the appearance and probably absorb more of the water.

- Improving the functionality and appearance of the lot versus the current parking of some cars on the grass.

And from listening the other night, it sounds as though the run-off is not being increased and that the new swail could actually improve the water flow into the drainage pipe.

I will look forward to having this improvement become a reality.

Thanks for your efforts, Jack

Jack Davies
Vice President
Career Management Consulting
4 North Park Drive, Suite 400
Hunt Valley, MD 21030
Phone 410.527.1655 Fax 410.527.1712
jack.davies@right.com

## RIGHT MANAGEMENT CONSULTANTS

MANAGING THE HUMAN SIDE OF CHANGE

www.right.com

Det HH

Telephone 410-494-6200 Facsimile 410-821-0147 www.venable.com

ARNOLD JABLON (410) 494-6298

aciabion@venable.com

Mr. and Mrs. John Davies 1.
7616 L'Hirondelle Club Road
Ruxton, Maryland 21204

15 December 2003


Re: L'Hirondelle Club


Dear Mr. and Mrs. Davies:


As the attorney for the L'Hirondelle Club, and, on its behalf, I want to thank you for meeting with Mr. William Sawers.


As he explained to you, the Club is interested in making some minor adjustments to the site plan that will thereby permit the Club to pave an existing grass parking area located along the Club's northern property line, as shown on the attached site plan. A 24 foot wide landscape buffer will be installed along the entire length of the newly paved parking area between it and the adjacent residential lots.


It is my understanding that you will not oppose and would support the amendment of the existing site plan, approved in Case No. 91-31sphxa. The Club will request permission from the Zoning office of the Department of Permits and Development Management to revise the existing site plan to reflect its proposal as described above so that the Club may proceed to accomplish this minor adjustment to the plan and to then pave the existing grass parking area and install the landscape buffer.

















Board of Governors L'Hirondelle Club 7611 L'Hirondelle Club Road Towson, Maryland 21204

Attention: Mr. William A. Clemens, President

Having recently received a hand delivered notification disapproving plans by L'Hirondelle Club to pave a grassy portion of the existing parking lot, I would like to express my absolute approval of the plan.

A lifetime resident of Ruxton (75 years) and nearly as long a member of L'Hirondelle Club, I am always concerned by any change to either the community or the Club.

However, the changes to the parking lot are not for the purpose of increasing membership, traffic, truck delivery, night lighting, noise or catered functions. It is strictly to better care and provide for our present membership and offer a higher degree of safety. Walk down Club road during a Club event and see the parking problem (a fire engine would not have a chance to operate under the conditions.) In addition, the parking lot will be properly locked when not in use.

In regards to the numerous trees to be removed, again a safety factor is involved. The trees to be removed are large, old, partially rotten and very dangerous to us who reside near them. Only this winter one fell missing my house by a few feet and causing loss of power for one week. A new clean buffer, as prescribed by the Club plan will be far better than what currently exists.

My lot (1601 Ruxton Court) has an approximate 165' border with the L'Hirondelle Club parking lot. My exposure to any changes of said parking lot will be greater than any other property. Still, I strongly favor the present Club plan and hope to see it implemented in the near future.

Sincerely,

William Sadtler

06/31/04 IUE 11:42 PAX 410 825 2402

T. HIKONDELTE CLUB

7-23-04

Dear Neighbor,

As you may know, L'Hirondelle Club is planning an expansion of their existing parking facilities. Hopefully, you have received a notice of both a ... meeting on 9-1-04 at the club to review these plans, and also notice of the official hearing for Baltimore County on 9-09-04. As residents of Club Road and also members of L'Hirondelle Club, we are very concerned about any plans to expand the size or operations of the Ciub. We believe it is big enough, if not too big already. Any expansion will endanger the tranquil environment (the plan includes removing numerous trees) we feel should be preserved in our neighborhood.

We have expressed our concerns and opposition of these plans to the current Board of Directors. These concerns are: Increased traffic. increased truck (delivery) activity, increased night lighting, increased noise, increased membership, increased catering functions, and (for us) drainage problems. We hope you share these concerns, as well as have some of your own. The issue is not really about parking. It is about preserving the character of our neighborhood. While the club says these changes are "minimal", we disagree and hope you will

t00.

Any increase in commercial activity in Ruxton should be avoided. This includes L' Hirondelle Club. Without a clearly defined and comprehensive plan that addresses all of our concerns; we cannot support the changes currently proposed for the club.

Sincerely,

Lee & Lee Di Pietro

7614 L'Hirondelle Club Rd.

# KAREN WATSIC, P.E.

42 Ketch Cay Ct. Baltimore, MD 21220

(410)335-6520

kwatsic@aol.com

Education:

M.S.; The Johns Hopkins University; Environmental Engineering; 1994

B.S.; The Johns Hopkins University; Civil Engineering; 1993

Registrations:

Professional Engineer, Maryland 23096

Professional Engineer, West Virginia 15212

Professional Affiliations:

Technical Advisory Committee to the Civil Engineering Dept, Johns Hopkins Univ.

Advisory Board Member, Chesapeake Bay Memories Charities

# PROJECT MANAGEMENT EXPERIENCE:

Responsible for proposal and budget development, concept planning, design, project management, and implementation for multidisciplinary civil and environmental engineering projects. Projects range from commercial real estate development to environmental remediation projects for superfund sites. Typical project development includes proposal preparation, development of project schedules, budgets, and coordination of engineering plans and specifications, review of shop drawings, preparation of detailed cost estimates including present worth analysis of long-term operation and maintenance costs, conducting regular meetings with clients, contractors, other multi-disciplined consultants, and regulatory review agencies. Experienced in the preparation of detailed engineering economic feasibility studies and real estate due diligence reports. Responsible for preparing presentations and presenting projects at public and regulatory meetings. Responsible for tracking and responding to comments to bring projects through government reviews. Proficient in utilizing various computer modeling and design software packages (ie Microstation) as well as word processing and spreadsheet packages. Responsible for managing staff resources including other engineers, designers, and subconsultants.

# SITE DEVELOPMENT EXPERIENCE

Project manager for a group specializing in site planning, grading & drainage, utility design, stormwater management and water quality facility design, sediment and erosion control, and construction phase services. Experience includes new commercial construction, redevelopment of commercial/industrial sites, and residential development projects. Familiar with permitting and the development process in Baltimore City, Baltimore County MD, Howard County MD, and Anne Arundel County. Involved in all phases of project from due diligence investigations, conceptual design submittals through construction document preparation, permitting, and construction. Example projects currently constructed include:

- Arundel Mills Corporate Park 300,000 SF Office, Hotel, Daycare Campus, AA County
- Joppa Place Restaurant, Bank, Office Center Baltimore County
- Ashland Marketplace (58,000 SF Grocery/21,000 SF Retail)-Baltimore County
- Perryhall Marketplace (55,300 SF Grocery/ 14,000 SF Retail)-Baltimore County
- Safeway Grocery and 28,000 SF Retail Center Arundel Mills Anne Arundel County
- Reisterstown Road Plaza (Redevelopment of Plaza and Pad Sites) —Baltimore City
- 195/Eastern Business Center (Subdivision, Warehouse and Mini Storage redevelopment)-Baltimore City
- Madison Warehouse (200,000 SF Warehouse) Baltimore City
- The Noxell Property (20 Acre Commercial Subdivision)-Baltimore County
- The Millenium Building (75,000 SF Office)-Baltimore County
- Wawa Food Market Pulaski Highway–Baltimore County
- Renaissance at Columbia Gateway (367,000 SF Office/Warehouse redevelopment)-Howard County,
- Woodlands II (114,000 SF Office)-Howard County,
- Tufton Springs Residential Subdivision (Well and Septic), Baltimore County
- Greenspring Ridge Residential Subdivision (Well and Septic), Baltimore County
- Tufton Springs II Residential Subdivision (Well and Septic), Baltimore County

# CONSTRUCTION ADMINISTRATION/MANAGEMENT

Responsible for bid document preparation and bidding assistance, shop drawing review, responding to Contractor requests for information during bidding and construction, issuing addenda, evaluating/negotiating Contractor change orders, attending project progress meetings, preparation of as-built record drawings, coordinating onsite QA/QC inspection services.

# **CONSTRUCTION INSPECTION**

Field engineer with responsibilities to monitor construction activities and perform construction materials inspections (soil, concrete, geosynthetics). Experience includes quality control field inspections of compacted fill, concrete construction, steel construction, and caisson construction as well as laboratory testing of soils and concrete. Informed contractors, engineers, and construction manager

IN RE: PETITIONS FOR SPECIAL \* BEFORE THE EXCEPTION, ZONING VARIANCE

AND SPECIAL HEARING

9th Election District 4th Councilmanic District

Legal Owner: L'Hirondelle Club of Ruxton, Inc.

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

NO. 91-31-SPHXA

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

Petitioners herein request a Special Exception under the Baltimore County Zoning Regulations (B.C.Z.R.) to expand an existing private club and construct a new building devoted to social and recreational activities in a D.R. 2 zone, pursuant to Section 1B01.1.C.6. B.C.Z.R.

Petitioners also request the following variances:

- - from §504.2 B.C.Z.R. and CMDPV.B.2 to permit an existing private club building, expansion thereof or new buildings related thereto, to have a front yard of 10, 20 and 25 feet respectively, instead of the required 60 feet from the paving edge of a private road and to permit a rear yard of 10 and 7 feet instead of the required 40 feet;
- - from §400.1 B.C.Z.R. to permit accessory structures, including buildings, a swimming pool and paddle or tennis courts to be in a front, side or rear yard and to occupy more than 40 percent thereof;
- - from §§303.1 and 504.2 B.C.Z.R. to permit the expansion of an existing building to allow an average front yard depth of 25 feet from the paving edge of an existing

# Department of Environmental Protection and Resource Management

401 Bosley Avenue, Suite 416 Towson, Maryland 21204



# Baltimore County

James T. Smith, Jr., County Executive David A.C. Carroll, Director

Storm Water Engineering

410 887-3768 FAX 410 887-4804

August 12, 2004

Ms. Karen Watsic, PE GW Stephens, Jr. & Associates, Inc. 1020 Cromwell Bridge Road Towson, Maryland 21286-3396

RECEIVED

AUG 1 6 2004

GEORGE WILLIAM STEPHENS JR & ASSOCIATES, INC.

RE: L'HIRONDELL CLUB
Stormwater Management Variance
Jones Falls Watershed
Project I.D. D940476

Dear Ms. Watsic:

This office has reviewed the information submitted and finds that a variance from the requirement of 100-year management can be granted under Section 14-155 (d) (l) (ii) of Article V of the Baltimore County Code. Section 14-155 (d) (l) (ii) allows a variance to be granted if there are exceptional circumstances such that strict adherence to the provisions of this design standards would result in unreasonable hardship or practical difficulty and not fulfill the intent of this article. The proposed development will result in an increase in the 100-year storm of 1 c.f.s. This project is directly upstream of Lake Roland and this small increase will have no measurable effect on downstream properties.

It is proposed to provide water quality and recharge volume for this development by a grass channel adjacent to the new paving. Although the grass channel meets the criteria for a grass channel as required in Section 5.3 of the Stormwater Management Design Manual, there is one concern. The contours for the new parking area is almost perpendicular to the grass channel. Therefore, the length of flow in the channel has not been maximized. The proposed grades on the new parking area should be revised to get the runoff into the grass channel as far upstream as possible, thus maximizing the level of water quality treatment provided. A revised grading plan will need to be submitted before stormwater management concerns are addressed on this project.

If there are any questions contact Edward M. Schmaus at 410-887-3768.

Very truly yours,

Thomas L. Vidmar, PE, Deputy Director

Department of Environmental Protection and Resource

Management

TLV:pms



Visit the County's Website at www.baltimorecountyonline.info