IN RE: **PETITION FOR VARIANCE** N/S Garrison Forest Road, 1,740' NW of Kenmar Avenue **(300 Garrison Forest Road)** 3rd Election District 2nd Council District Garrison Forest School, Inc., Legal Owner/Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No. 06-347-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Garrison Forest School, Inc., legal owner of the subject property, through its attorney, Robert A. Hoffman, Esquire. The Petition was filed, pursuant to Section 307.1 of the Baltimore County Zoning Regulations ("BCZR"). The Petitioner seeks relief from Section 1B01.2.C.1.a of the B.C.Z.R. to allow front yard to front yard setbacks of 35 feet and 90 feet between school buildings in lieu of the minimum required 140 feet and to allow a front yard to rear yard setback of 30 feet in between school buildings in lieu of the minimum required 120 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.

Appearing at the requisite public hearing on behalf of the Petitioner were William S. Hodgetts, Assistant Head of School for Finance and Operations for Garrison Forest School, property owner, and Patricia A. Malone, Esquire, attorney for the Petitioner. Also appearing were Fritz Behlen, licensed landscape architect, and Mitchell Kellman, zoning specialist and land planner, both with Daft-McCune-Walker, Inc., the firm responsible for preparation of the site plan in this case, and Julie Wilson, architect with

ORDER RECEIVED FOR FILING
Date 3/2/06
By

CSD. Teresa Moore, Executive Director of the Valleys Planning Council, Inc., appeared as an interested person.

Testimony and evidence offered disclosed that the subject property is located between Reisterstown Road and Garrison Forest Road in the Owings Mills area of Baltimore County. The Garrison Forest School Property contains over 100 acres and is zoned predominantly DR 1, DR 3.5, and RC-5. The school is in the process of making improvements to its campus as described by Julie Wilson, Garrison Forest's architect. Those improvements include relocating the school's internal access road, reconfiguring some of its parking areas, and constructing a two-story Middle School building with a 15,000± square foot footprint and constructing a 1,000± square foot addition to an existing Upper School building.

The requested variance relief pertains to the new Middle School building and the Upper School addition. As confirmed at the hearing, the proposed construction is intended to serve the existing student population and is not intended as a means of expanding enrollment in any significant manner, although there is no restriction on the total number of students. Following construction of the new building and the addition, Garrison Forest plans to consolidate its Middle School population in the new building. As shown on Petitioner's Exhibit 1, the variance requests are confined to a 5.14-acre area in the center of the campus and zoned DR 1. The entire campus is shown on the campus Master Plans, submitted into evidence as Petitioner's Exhibits 2 and 3, showing the before and after views of the campus.

Placement of the proposed new Middle School is limited by the physical features of the site, which include a forest buffer easement area and slopes to the east, pastures to the south, and existing buildings to the north and west. As Ms. Wilson explained, the

new building must be located close enough to the rest of the campus so that students can easily walk between the buildings. For safety reasons, Garrison Forest proposes to relocate its internal road to the south and east of the existing Fine and Performing Arts Center, which will result in a buildable area for the Middle School and also will result in the vehicular traffic being directed away from the buildings. The proposed placement of the Middle School and the proposed addition to one of the Upper School buildings, however, will require approval of reduced setbacks between buildings.

Having considered all of the evidence and testimony on this issue, I am persuaded to grant the variance. In my judgment, Petitioner has demonstrated that the requirements of BCZR Section 307.1 are satisfied. Particularly, I find that special circumstances exist based on the physical features of the property, the location of existing structures, and the school's program requirements regarding accessibility. A practical difficulty will result if strict compliance with the setback requirements applicable to the DR 1 zone is required. The regulations require that, in the DR 1 zone, a 70-foot front yard setback and a 50-foot rear yard setback be maintained for each building. Strict application of these requirements would necessitate a 140-foot front yard to front yard separation and a 120-foot front yard to rear yard separation between buildings. Requiring this great of a separation between these buildings, under these circumstances, is unnecessarily burdensome. The buildings setbacks for which variances have been sought are internal to the Garrison Forest campus and a reduction in these setbacks will not result in any adverse impacts to neighboring properties. The buildings are grouped together in the middle of the campus and are well away from any outside property boundaries.

Although there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, the Department of Environmental Protection

ORDER RECEIVED FOR FILING
Date 3/2/16
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 2, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: **PETITION FOR VARIANCE**
N/S Garrison Forest Road, 1,740' NW of Kenmar Avenue
(300 Garrison Forest Road)
3rd Election District – 2nd Council District
Garrison Forest School, Inc. - Petitioners
Case No. 06-347-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. William Hodgetts, Garrison Forest School, Inc.
300 Garrison Forest Road, Owings Mills, Md. 21117
Messrs. Fritz Behlen & Mitchell Kellman, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286
Ms. Julie Wilson, CSD, 323 W. Camden Street, Suite 700, Baltimore, Md. 21229
Ms. Teresa Moore, VPC, P.O. Box 5402, Towson, Md. 21285
DEPRM; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 300 Garrison Forest Road

which is presently zoned DR1

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)

SEE ATTACHED.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING.

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

Legal Owner(s):

Garrison Forest School, Inc.
Name - Type or Print

By: William S. Hodgetts
Signature

William Hodgetts, Assistant Head of School for Finance and Operations
Name - Type or Print

Signature

300 Garrison Forest Road (410) 559-3140
Address Telephone No.

Owings Mills, MD
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By DT Date 1/18/06

Case No. 06-347-A

ORDER RECEIVED FOR FILING
Date 3/23/06
By
REV 9/15/98

PETITION FOR VARIANCE

300 Garrison Forest Road

Variance from BCZR Section 1B01.2.C.1.a to allow front yard to front yard setbacks of 35 feet and 90 feet between school buildings in lieu of the minimum required 140 feet.

Variance from BCZR Section 1B01.2.C.1.a to allow a front yard to rear yard setback of 30 feet between school buildings in lieu of the minimum required 120 feet.

ORDER RECEIVED FOR FILING
Date 3/2/06
By

06-347-A

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

Description

To Accompany Petition for Zoning Variance

5.14 Acre Parcel

North Side of Reisterstown Road

Third Election District, Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances, as measured from the point formed by the intersection of the centerline of Kenmar Avenue and the centerline of Reisterstown Road, northwesterly along the centerline of Reisterstown Road 1740 feet, more or less, thence at right angles to said centerline of Reisterstown Road northeasterly 656 feet, more or less, thence leaving said point of beginning and running for lines the four following courses and distances: (1) North 12 degrees 35 minutes 37 seconds West 800.00 feet, thence (2) North 77 degrees 24 minutes 23 seconds East 280.00 feet, thence (3) South 12 degrees 35 minutes 37 seconds East 800.00 feet, and thence (4) South 77 degrees 24 minutes 23 seconds West 280.00 feet, to the point of beginning; containing 5.14 acres of land, more or less.

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

January 17, 2006

Project No. 90080.7 (L90080.7)

STATE OF MARYLAND
MICHAEL DAVID MARTIN
NO. 21234
PROFESSIONAL LAND SURVEYOR

1/17/06

06-347-A

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: #06-347-A
300 Garrison Forest Road
NS Garrison Forest Road, 1,740 feet northwest of centerline of Kenmar Avenue
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Garrison Forest School, Inc. c/o William Hodgetts, Assistant Head of School for Finance and Operations.

Variance: Variance to allow front yard to front yard setbacks of 35 feet and 90 feet between school buildings in lieu of the minimum required 140 feet. To allow a front yard to rear yard setback of 30 feet between school buildings in lieu of the minumum required 120 feet.

Hearing: Wednesday, February 15, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/808 Jan. 31 82899

CERTIFICATE OF PUBLICATION

2/2/, 2006

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 1/31/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2055

DATE 1-20-06 ACCOUNT R-001-006-[illegible]

AMOUNT $ 115.00

RECEIVED FROM: MRS. YOSPE

FOR: Residential Variance Appeal & Administrative Appeal for 324 Hedgepeth Way.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
1/23/2006 1/20/2006 11:22:00
SIO 0006 WALKIN
RECEIPT # 436556 1/20/2006
Dept 5 SIGNS & VERIFICATION
Rcpt for $115.00
$2(B)(3) 1% $1.00
$57.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-347-A

Petitioner/Developer: GARRISON FOREST SCHOOL, INC. C/O WILLIAM HODGETTS

Date of Hearing/Closing: FEB 15, 2006

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 penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

300 GARRISON FOREST RD

The sign(s) were posted on 1/30/06
(Month, Day, Year)

Sincerely,

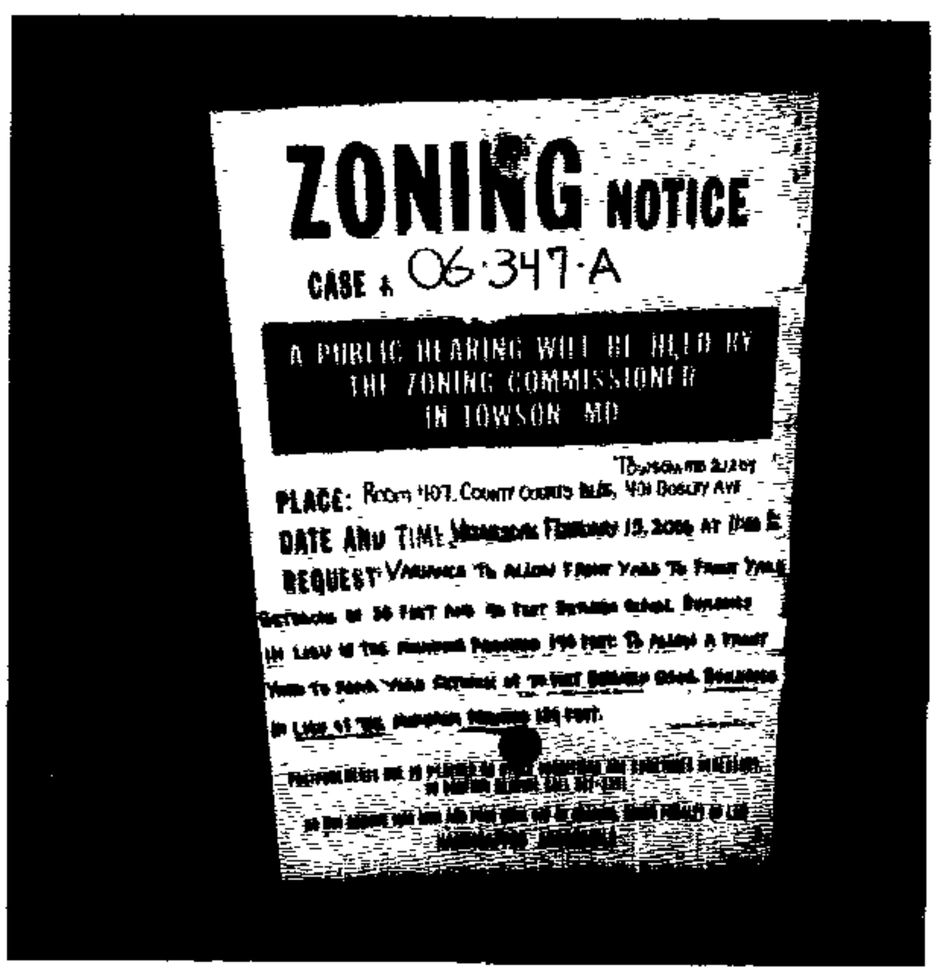
Robert Black 1/31/06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)



300 GARRISON FOREST RD

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: 06-347-A

Petitioner: GARRISON FOREST SCHOOL

Address or Location: 300 GARRISON FOREST RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Avenue
Towson, MD. 21204

Telephone Number: (410) 494-6244

Department of Permits and Development Management

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

Baltimore County

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

January 24, 2006

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: 06-347-A
300 Garrison Forest Road
NS Garrison Forest Road, 1,740 feet northwest of centerline of Kenmar Avenue
3rd Election District, 2nd Councilmanic District
Legal Owner: Garrison Forest School, Inc. c/o William Hodgetts, Assistant Head of School for Finance and Operations

Variance to allow front yard to front yard setbacks of 35 feet and 90 feet between school buildings in lieu of the minimum required 140 feet. To allow a front yard to rear yard setback of 30 feet between school buildings in lieu of the minimum required 120 feet.

Hearing: Wednesday, February 15, 2006 @ 11:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

C: Robert A. Hoffman, Esq., Venable, LLP, 210 Allegheny Ave., Towson, MD 21204
Garrison Forest School, Inc. c/o Wm. Hodgetts, Asst. Head of School for Finance & Operations, 300 Garrison Forest Road, Owings Mills, MD 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 31, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 31, 2006 Issue - Jeffersonian

Please forward billing to:
Amy Dontell (410-494-6244)
210 Allegheny Avenue
Towson, MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-347-A
300 Garrison Forest Road
NS Garrison Forest Road, 1,740 feet northwest of centerline of Kenmar Avenue
3rd Election District, 2nd Councilmanic District
Legal Owner: Garrison Forest School, Inc. c/o William Hodgetts, Assistant Head of School for Finance and Operations

Variance to allow front yard to front yard setbacks of 35 feet and 90 feet between school buildings in lieu of the minimum required 140 feet. To allow a front yard to rear yard setback of 30 feet between school buildings in lieu of the minimum required 120 feet.

Hearing: Wednesday, February 15, 2006 @ 11:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue, Towson, MD 21204

WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(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

Baltimore County

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

February 13, 2006

Robert A. Hoffman
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman

RE: Case Number: 06-347-A, 300 Garrison Forest Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 18, 2006.

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: clb

Enclosures

c: People's Counsel
Garrison Forest School William Hodgetts 300 Garrison Forest Rd. Owings Mills 21117

Printed on Recycled Paper

BW 2/15

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

FEB 28 2006

TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM

DATE: February 28, 2006

SUBJECT: Zoning Item # 347
Address 300 Garrison Forest Road
(Garrison Forest School, Inc.)

Zoning Advisory Committee Meeting of January 30, 2006

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

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

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: D. Lykens Date: February 6, 2006

RECEIVED FOR FILING

S:\Devcoord\ZAC06-347.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 14, 2006

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

SUBJECT: 300 Garrison Forest Road

INFORMATION:

Item Number: 6-347

Petitioner: Garrison Forest School, Inc.

Zoning: DR 1

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning has reviewed the petitioner's request and architectural elevation drawings prepared by Cochran, Stephenson and Donkervoet, Inc, Architects dated 2/1/06. The Office of Planning does not oppose either of the proposed variances. Additionally, the Office of Planning recommends a modification of standards be granted to allow a building length of 255 feet in lieu of 200 feet.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by: Curtis M Long

Division Chief: Jeffrey W. Long for Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-347.doc

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

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 1-24-06

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

RE: Baltimore County
Item No. 347 DT

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,

Steven D. Foster, Chief
Engineering Access Permits Division

Baltimore County
Fire Department

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

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

January 26, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 30, 2006

Item No.: 346,347,348,349,350,351,352,353,354

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant William F Connolly
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: February 13, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 6, 2006
Item Nos. 346, 347, 348, 350, 351, 353, and 355

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

RECEIVED
FEB 1 1 2006
ZONING

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-02132006.doc

RE: PETITION FOR VARIANCE 300 Garrison Forest Road; N/S Garrison Forest Road, 1,740' NW c/line Kenmar Ave 3rd Election & 2nd Councilmanic Districts Legal Owner(s): Garrison Forest School, Inc by William Hodgetts, Assistant Head of School Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-347-A

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

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 and all 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 6th day of February, 2006, a copy of the foregoing Entry of Appearance was mailed to, Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
FEB 06 2006
Per.....

Bill Wiseman - Re: ZAC comment

From: Dennis Kennedy
To: Schuhmann, Bette
Date: 02/14/06 11:42 AM
Subject: Re: ZAC comment

Bette:
We will have no comment on Case No. 06-347. The paper copy will follow.
Dennis Kennedy

>>> Bette Schuhmann 02/14/06 9:47 AM >>>
Dennis - I'm writing for Bill to advise that we do not have a comment from you in Case No. 06-347 (300 Garrison Forest Road). Would you please look into this and if you have a comment, forward it to us at your earliest convenience? Thank you!

P.S. The hearing is tomorrow!

Bette Schuhmann
bschuhmann@co.ba.md.us
410-887-3868

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-347 A
DATE

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Patricia A. Malone	210 Allegheny Ave.	Towson MD 21204	
Mitch Kellman	200 E. Pennsylvania Ave	Towson MD 21286	mkellman@DMW.com
Tom Wolfe /DMW	" " " "	" " "	twolfe@DMW.com
Bill Hodgetts	300 Garrison Forest Rd.	Owings Mills MD 21117	billhodgetts@gfs.org
Richard Hollingshead	300 GARRISON FOREST RD.	OWINGS MILLS, MD 21117	
FRITZ BEHLER /DMW	200 E. PENN AVE	TOWSON, MD 21286	
Julie Wilson, AIA	323 W. CAMDEN ST #700	Baltimore MD 21029	jwilson@csdarch.com

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

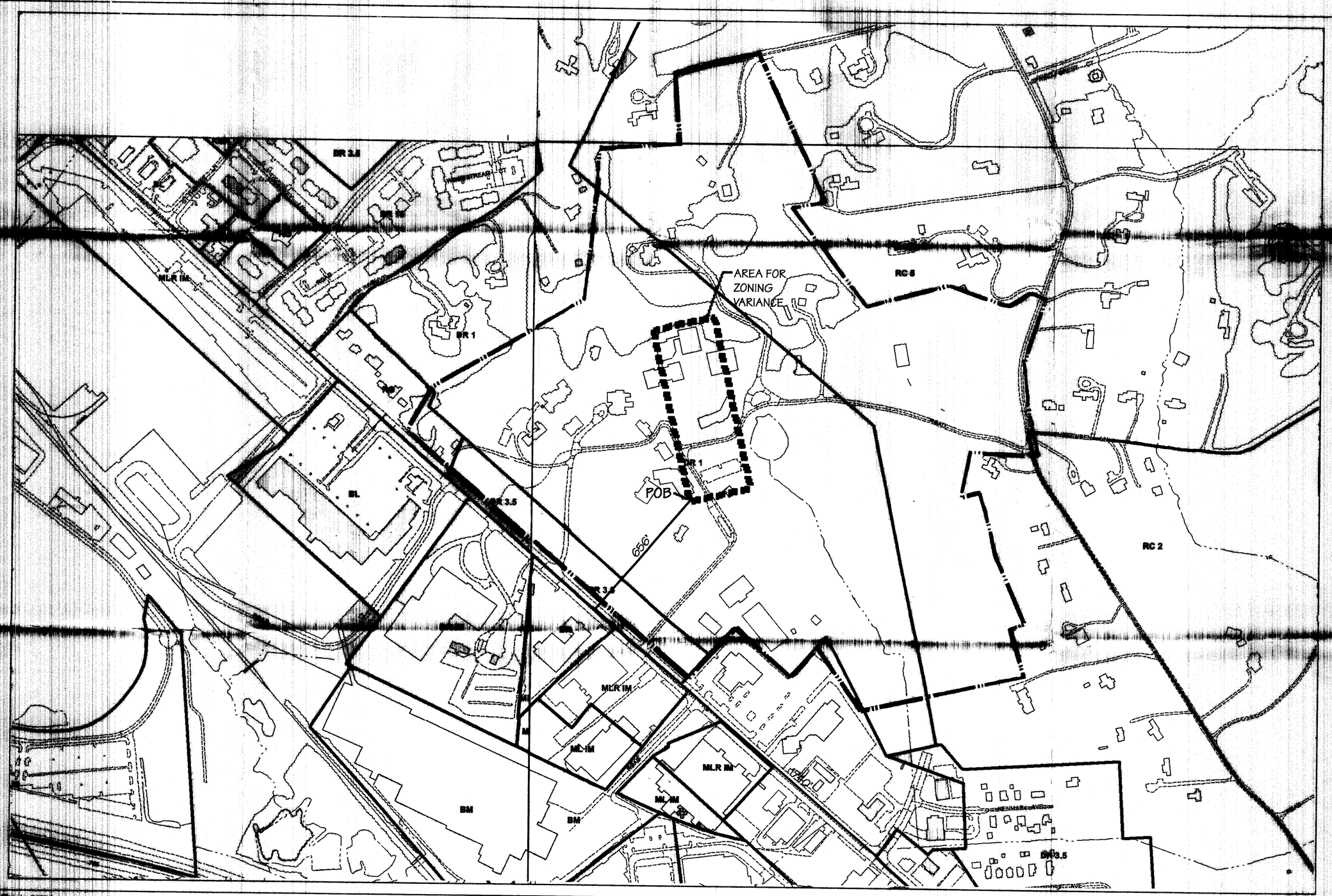
CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Teresa Moore	PO Box 5402	Towson MD 21285	moorevpc@comcast.net

Case No.: 06-347 A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	EXISTING CONDITIONS	
No. 3	CAMPUS MASTER PLAN	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Legend

Zoning — Streams — Vegetation

Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

067C3	068A3	068B3		069A3
068C1	067A1			069A1
068C2	067A2	067B2	067C2	069A2

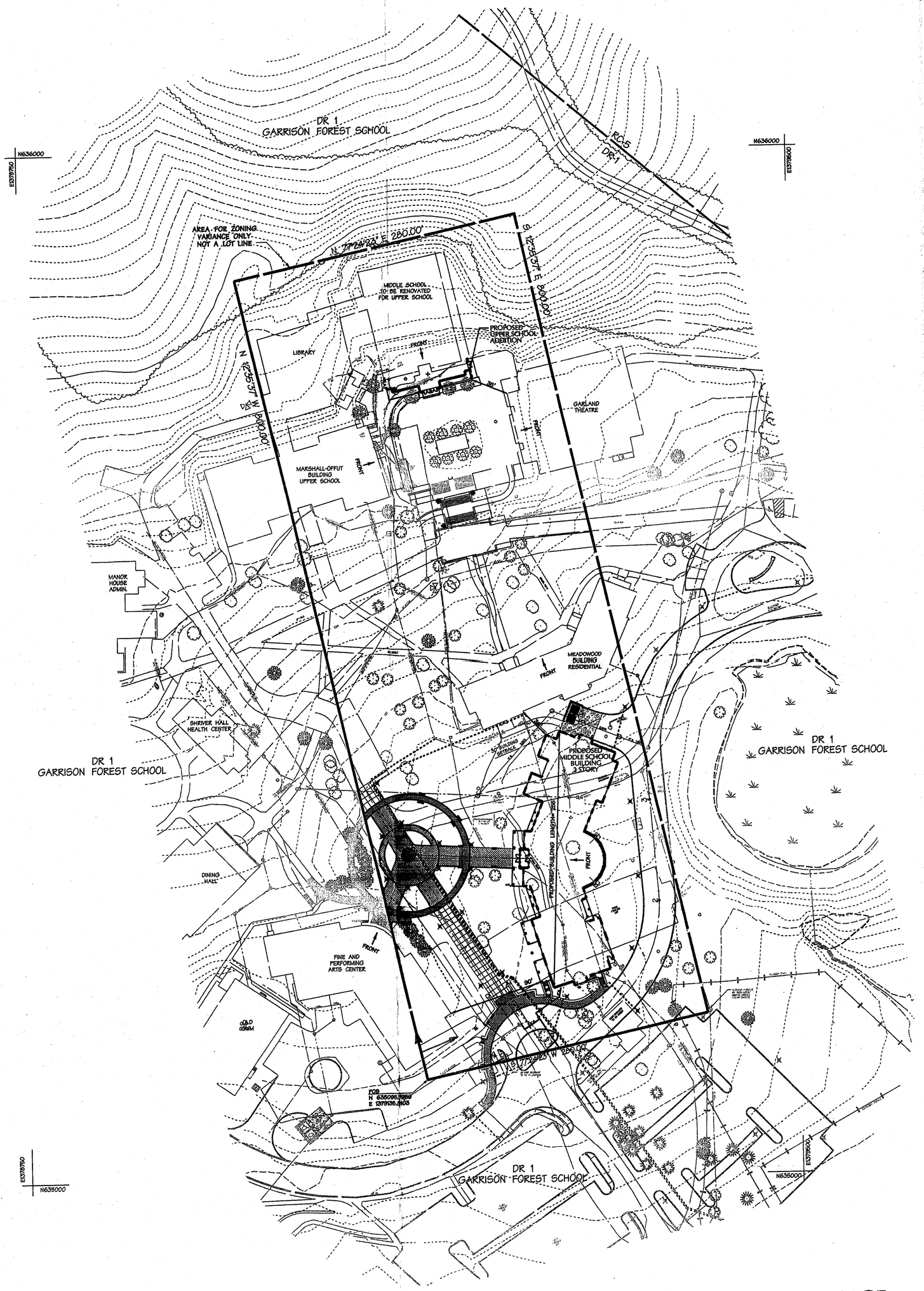
Scale

1" = 200'

0 100 200 400 Feet

1

06-347-A



AREA OF VARIANCE

50 0 50 100
SCALE OF FEET 1" = 50'

GENERAL NOTES

1. OWNER/APPLICANT: GARRISON FOREST SCHOOL, INC.
300 GARRISON FOREST ROAD
OWINGS MILLS, MD 21117

2. SITE INFO: GROSS SITE AREA: 100.0 AC.+/- (4,356,000 SQ.FT. +/-)
VARIANCE AREA: 5.14 AC. +/- (223,898 SQ.FT. +/-)
ZONING: DR 1
EXISTING LAND USE: EDUCATIONAL FACILITY
PROPOSED PRINCIPAL LAND USE: EDUCATIONAL FACILITY.
ELECTION DISTRICT: 3
COUNCILMANIC DISTRICT: 2

3. NO PORTION OF THE SITE IS LOCATED WITHIN A DESIGNATED AREA OF CRITICAL STATE CONCERN, AND NO PORTION OF THE SITE LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

4. THE SITE LIES WITHIN THE GREENSPRING VALLEY NATIONAL REGISTER HISTORIC DISTRICT. HISTORIC STRUCTURES BA-1699 (ROBINSWOOD) AND BA-1701 (LOCHINVAR) ARE SHOWN ON THE PLAN.

5. THERE ARE NO KNOWN SIGNIFICANT WILDLIFE COMMUNITIES ONSITE. WETLAND DELINEATION WAS APPROVED AS SHOWN ON APRIL 25, 1996 BE DEPRM.

6. THERE ARE NO KNOWN SIGNIFICANT VIEWS.

7. THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN PER THE NATIONAL FLOOD INSURANCE PROGRAM, RATE MAP COMMUNITY PANEL 240010-0220-C.

8. ALL SIGNAGE TO CONFORM TO SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS. SIGN ELEVATION DRAWINGS SHOULD BE SUBMITTED TO THE OFFICE OF PLANNING FOR APPROVAL PRIOR TO BUILDING PERMIT APPLICATION. THE SIGN SHALL INCLUDE THE STREET ADDRESS.

9. BASED UPON THE RECORDS IN THE BALTIMORE COUNTY ZONING REVIEW OFFICE, THE FOLLOWING PERMITS WERE ISSUED ON THE PROPERTY:
   - 730-73 - NEW SCHOOL BUILDING
   - 670-73 - NEW UPPER SCHOOL
   - 488-70 - DORM ALTERATION
   - 534-81 - 2 STORY ADDITION
   - 126-80 - STORAGE SHED
   - 539-75 - ADDITION AND ALTERATION
   - 704-82 - STAIR TOWER ADDITION AND DORM ROOM
   - 902-72 - CONSTRUCT ART AND SCIENCE BUILDING
   - 1373-81 - GRADING FOR ATHLETIC FIELD

10. THERE ARE NO KNOWN EXISTING WELLS, SEPTICS, OR UNDERGROUND STORAGE TANKS ON OR WITHIN 100' OF THE PROPERTY.

11. MAXIMUM BUILDING HEIGHT NOT TO EXCEED 50'.

12. THERE ARE NO KNOWN EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS PER SECTION 4A02, BCZR.

13. THE APPLICANT WILL REQUEST A FAVORABLE RECOMMENDATION BY THE DIRECTOR OF THE OFFICE OF PLANNING FOR A BUILDING LENGTH OF 255 FEET.

ZONING HISTORY

A. Case 95-492-A: Petition requesting a variance to permit a 40 foot setback between buildings in lieu of the required 110 foot setback and a 15 foot side yard setback in lieu of the required 50 foot setback. Order granted August 07, 1995 by the Zoning Commissioner for Baltimore County, 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

B. Case 02-470-SPHA: Petition requesting a waiver to permit access through an existing right-of-way in lieu of the required in-fee strip. In addition, petition requests a variance to permit the existing right-of-way length of 1,500 feet in lieu of the maximum allowed 1,000 feet in an R.C. zone. Order to permit access through an existing right-of-way in lieu of the required in-fee strip granted July 01, 2002. Order to permit an existing right-of-way length of 1,500 feet in lieu of the maximum allowed 1,000 feet was dismissed as moot on July 01, 2002.

DRC Approvals
DRC No. 101804F: Refinement to the Development Plan, under Section 32-4-262. Approved November 9, 2004.
DRC No. 070005: Refinement to the Development plan, under Section 26-211. Approved July 21, 2000.
DRC No. 010496: B-7 Limited Exemption. Approved January 26, 1999.
DRC No. 042171R: A-7 Limited Exemption. Approved May 16, 1997.

Request for Zoning Confirmation Letter
Letter to request confirmation that Section 424.2 of the Baltimore County Zoning Regulations permits the group child care center by right as part of the private school use. Reviewed and approved by Baltimore County Department of Permits and Developments Management on January 6, 2006.

PARKING TABULATION:

REQUIRED PARKING:
160 EMPLOYEES @ 1P.S./EACH = 160 P.S.
101 11TH & 12TH GRADE STUDENTS LESS 25 ON-CAMPUS RESIDENTS =
76 POTENTIAL DRIVERS ONLY HALF OF WHICH DRIVE @ 1P.S./EACH = 38 P.S.
SUBTOTAL = 160 + 38 = 198 SPACES
+ 30% FOR VISITORS = 257 P.S. REQUIRED
PARKING PROVIDED:
TOTAL PARKING PROVIDED = 343 P.S.

PETITION FOR VARIANCE

Variance from BCZR Section 1B01.2.C.1.a to allow front yard to front yard setbacks of 35 feet and 90 feet between school buildings in lieu of the minimum required 140 feet.

Variance from BCZR Section 1B01.2.C.1.a to allow a front yard to rear yard setback of 30 feet between school buildings in lieu of the minimum required 120 feet.

CASE# 06-347-A

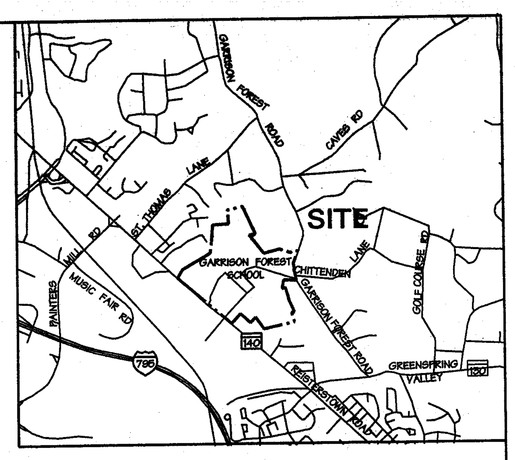
BENCH MARKS:

19177 N 4030.76 W 4892.34 ELEV. 463.546
PK SPIKE IN MAG. SUN SIDE OF REISTERSTOWN RD AT ENTRANCE TO MALCO PLASTICS.

19178 N 3686.85 W 4966.33 ELEV. 460.624
PK SPIKE IN MAG. SUN SIDE OF REISTERSTOWN RD OPPOSITE ENTRANCE TO R & H MOTOR CARS.

LEGEND

- Tract Boundary
- Utility Easement Line
- 575 Ex. Minor Contour
- 570 Ex. Major Contour
- Ex. Edge of Road
- Ex. Building
- Ex. Tree Line
- Existing Tree
- Wetland
- D.R.3.5 BL Zoning Line
- Existing Light



LOCATION MAP

SCALE: 1" = 2000'

DATA SOURCES:
TOPOGRAPHY FROM 1996 AERIAL PHOTOGRAPHY AND BALTIMORE COUNTY PHOTOGRAMMETRY BASED ON MARYLAND STATE GRID (NAD83) AND DATUM (NAD'88), SUPPLEMENTED WITH DAFT-McCUNE-WALKER, INC. FIELD SURVEYS DATED FEBRUARY 1997, NOVEMBER 1997, NOVEMBER 1998, AND DMW CONSTRUCTION DRAWINGS BASED ON BALTIMORE COUNTY GRID AND DATUM.

BOUNDARY INFORMATION IS APPROXIMATE AND IS BASED ON A DEED MOSAIC PREPARED BY DAFT-McCUNE-WALKER, INC., DATED SEPTEMBER 1998.

WETLANDS AND STREAMS SHOWN HEREON WERE LOCATED IN THE FIELD BY DMW AND APPROVED BY BALTO. CO. DEPRM ON 5/21/06.

ZONING BOUNDARIES SHOWN HEREON FROM 2004 BALTO. CO. 200 SCALE ZONING MAPS 67B1, 67C1, and 58C3.

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

Plan to Accompany Variance Request

GARRISON FOREST SCHOOL

300 Garrison Forest Road
Owings Mills, MD 21117

3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

NAD83

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER PRINCIPAL LANDSCAPE ARCHITECT
1-19-06

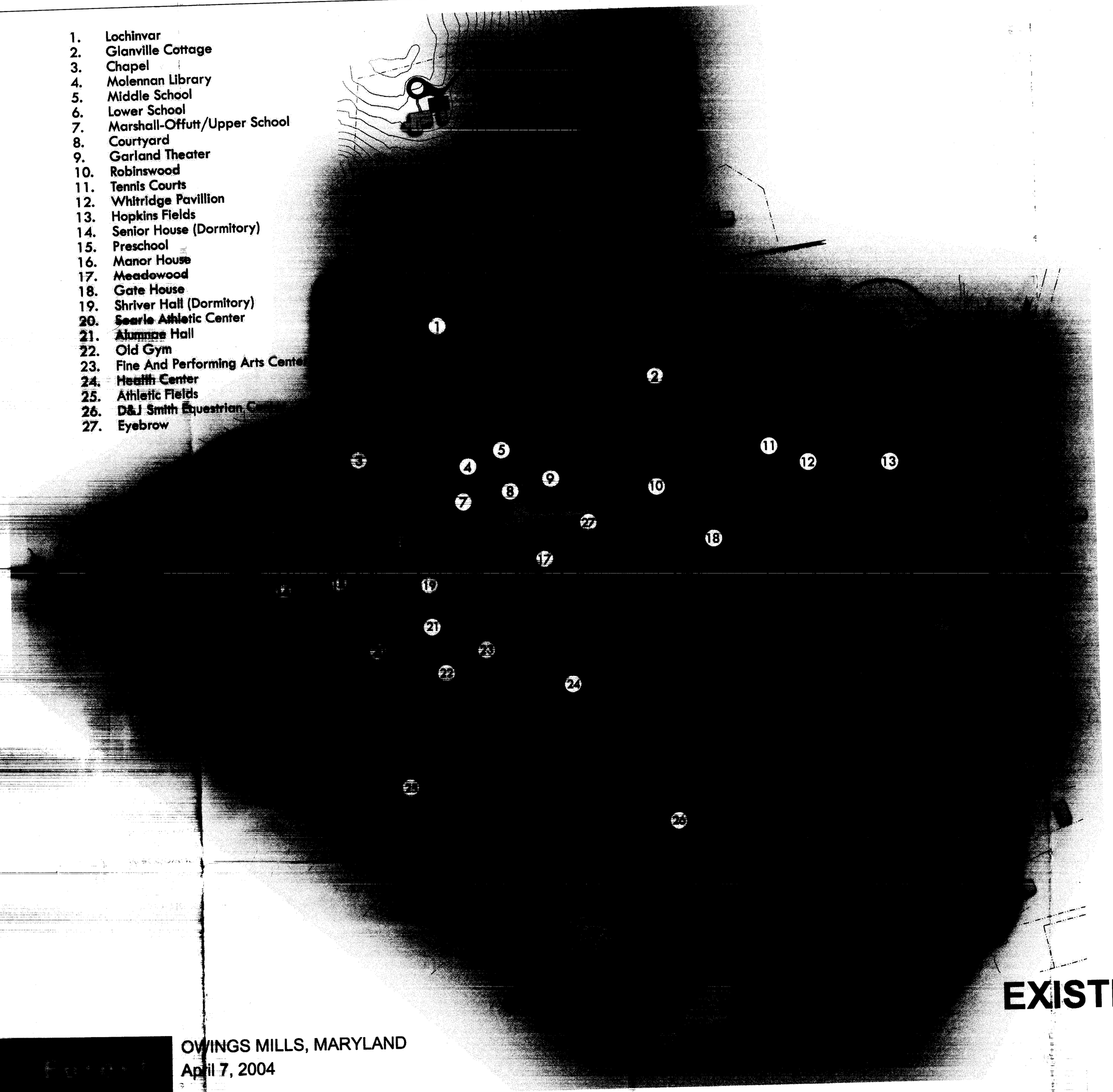
DATE	BY	REVISIONS

ISSUE DATES

REVIEW:	01/17/06
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	KO
DRAWN:	TEW/KO
DESIGNED:	FPB
CHECKED BY:	
DATE CHECKED:	
SCALE:	AS SHOWN
PROJECT NO.:	90080.5
DRAWING:	1 of 1

PETITIONER'S EXHIBIT NO. 1

1. Lochinvar
2. Glanville Cottage
3. Chapel
4. Molennan Library
5. Middle School
6. Lower School
7. Marshall-Offutt/Upper School
8. Courtyard
9. Garland Theater
10. Robinswood
11. Tennis Courts
12. Whitridge Pavillion
13. Hopkins Fields
14. Senior House (Dormitory)
15. Preschool
16. Manor House
17. Meadowood
18. Gate House
19. Shriver Hall (Dormitory)
20. Searle Athletic Center
21. Alumnae Hall
22. Old Gym
23. Fine And Performing Arts Center
24. Health Center
25. Athletic Fields
26. D&J Smith Equestrian Center
27. Eyebrow



[redacted]

OWINGS MILLS, MARYLAND
April 7, 2004

PETITIONER'S
EXHIBIT NO. 2

EXISTING SITE PLAN

Scale: NTS

PEOPLE ARCHITECTURE

CSD

PETITIONER'S
EXHIBIT NO. 3

MASTER PLAN PHASE 1

Scale: NTS

N

PEOPLE ARCHITECTURE
CSD

and Resource Management (DEPRM) noted that development of the property must comply with the regulations for the protection of water quality, streams, wetlands and floodplains, as set forth in Sections 33-3-101 through 33-3-120 of the Baltimore County Code.

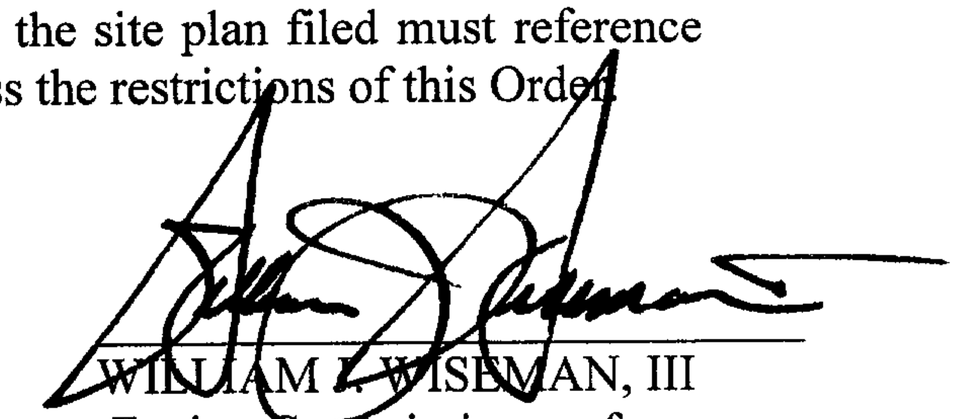
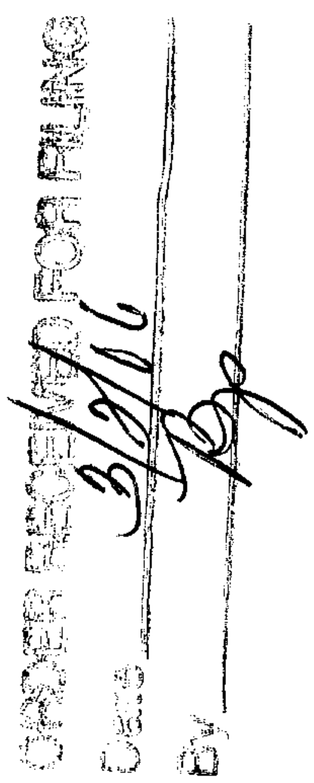
Pursuant to the advertising and posting of the property, and public hearing held thereon, for the reasons set forth above, the Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of March 2006, 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 allow front yard to front yard setbacks of 35 feet and 90 feet between school buildings in lieu of the minimum required 140 feet and to allow a front yard to rear year setback of 30 feet between school buildings in lieu of the minimum required 120 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2. Compliance with the ZAC comments submitted by the Department of Environmental Protection and Resource Management, dated February 28, 2006, a copy of which is attached hereto and made a part hereof.

3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner of
Baltimore County