



JOHN A. OLSZEWSKI, JR.
County Executive

April 3, 2023

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

Mr. Christopher D. Mudd
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204

RE: Spirit and Intent Request
Zoning Case No. 2014-0024-SPH
St. Paul's School, Inc.
11152 Falls Road
Election District 8, Councilmanic District 2

Dear Mr. Mudd,

Your letter of March 24, 2023 to Mr. Jeffrey N. Perlow, Zoning Supervisor, has been referred to me for reply. You requested that a proposed 42'-6" by 33'-4" expansion of, and addition to, an existing building to be used for the St. Paul's Preschool (Program) be considered as within the "spirit and intent" of the latest approved zoning case and all other prior approved zoning cases. Based upon our review of the information you provided, which included a red-lined and approved copy of the First Amended Development Plan, and the approved Zoning Hearing Plan which accompanied the referenced Zoning Case (found on Baltimore County's "My Neighborhood" website); the following has been determined.

The site plan which accompanied the last approved zoning case, as referenced, illustrated the existing Preschool Building, located just northwest of Tony Drive. The expansion/addition will take the place of a temporary gazebo/pavilion. As also shown on the hearing site plan, the new building addition will be no closer to the property lines than the existing tennis court(s), outdoor play area, and the existing Preschool Building. The closest setback to the eastern adjoining property line, as shown on your red-lined plan, is 60 feet which exceeds the property's minimum setback of 35 feet as required by the property's underlying RC2 zoning. It is also noted that the adjoining property to the east of where the addition will be placed is owned by The St. Paul's School.

Since the proposed addition will be located no closer to any of the property lines than all existing St. Paul's School's improvements, no additional uses are proposed than shown on the last approved zoning hearing site plan, and the addition will meet the minimum setback to the adjoining same St. Paul School common ownership property; the Zoning Review Office will consider the proposed Preschool addition as being within the spirit and intent of the last approved Zoning Case and all other approved zoning

cases on the St. Paul's School Property. This approval is contingent upon all other zoning requirements being met including but not limited to required parking, minimum distances between buildings, principal building setbacks or any other requirements as set forth within the BCZR.

THE FOREGOING IS MERELY AN INFORMAL ZONING OPINION; IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND 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 INTERPREATION THEREOF.

If you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mitchell Kellman', with a long horizontal flourish extending to the right.

Mitchell Kellman
Zoning Review

W. Carl Richards
January 9, 2016
Page 2

hearings. The Boys School was (and is) not prohibited from developing its campus outside the building envelope.

Rather, if, in the future, St. Paul's School wished to construct buildings outside of that envelope, it would be required to petition for appropriate relief and attend a public hearing. Over the years, St. Paul's School has made several improvements to the campus, some of which necessitated zoning relief. *See* Case No. 93-119-SPHA; Case No. 00-162-SPH; Case No. 04-553-X; Case No. 08-345-SPHA; and Case No. 14-024-SPH.

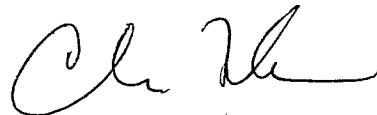
The Boys School now seeks to place temporary modular structures on the property, only for the limited duration of the imminently anticipated construction of the new Upper School building. All of the temporary structures will be located within the building envelope, and they will be removed promptly following completion of construction on the Upper School building (approximately by September, 2019).

At this time, I am seeking confirmation from you that the proposed temporary modular structures, as described in this letter, are within the spirit and intent of the governing special exception and site plan from Case No. Case No. 89-101-SPHX, as amended, and, therefore, may be installed without the need to obtain any further zoning relief.

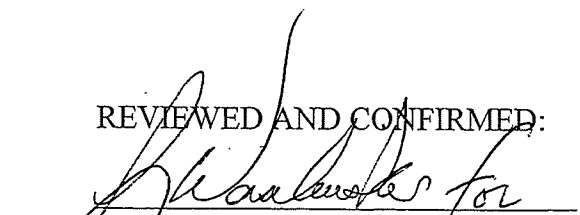
If, after reviewing this information, you are able to offer such confirmation, please countersign this letter below. With this letter, I have enclosed a check in the amount of \$150.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you require any additional information in order to complete your review, please feel free to give me a call.

Thank you for your assistance with this matter.

Very truly yours,


CFO

REVIEWED AND CONFIRMED:


W. Carl Richards, Zoning Supervisor



March 29, 2018

W. Carl Richards, Zoning Supervisor
Baltimore County Department
Of Permits, Approval and Inspections
Office of Zoning Review
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Confirmation of Spirit and Intent
The Boys School of St. Paul's Parish, Inc.
11152 Falls Road

2008-0345-SPHA

2014-0024-SPH-File

Dear Mr. Richards:

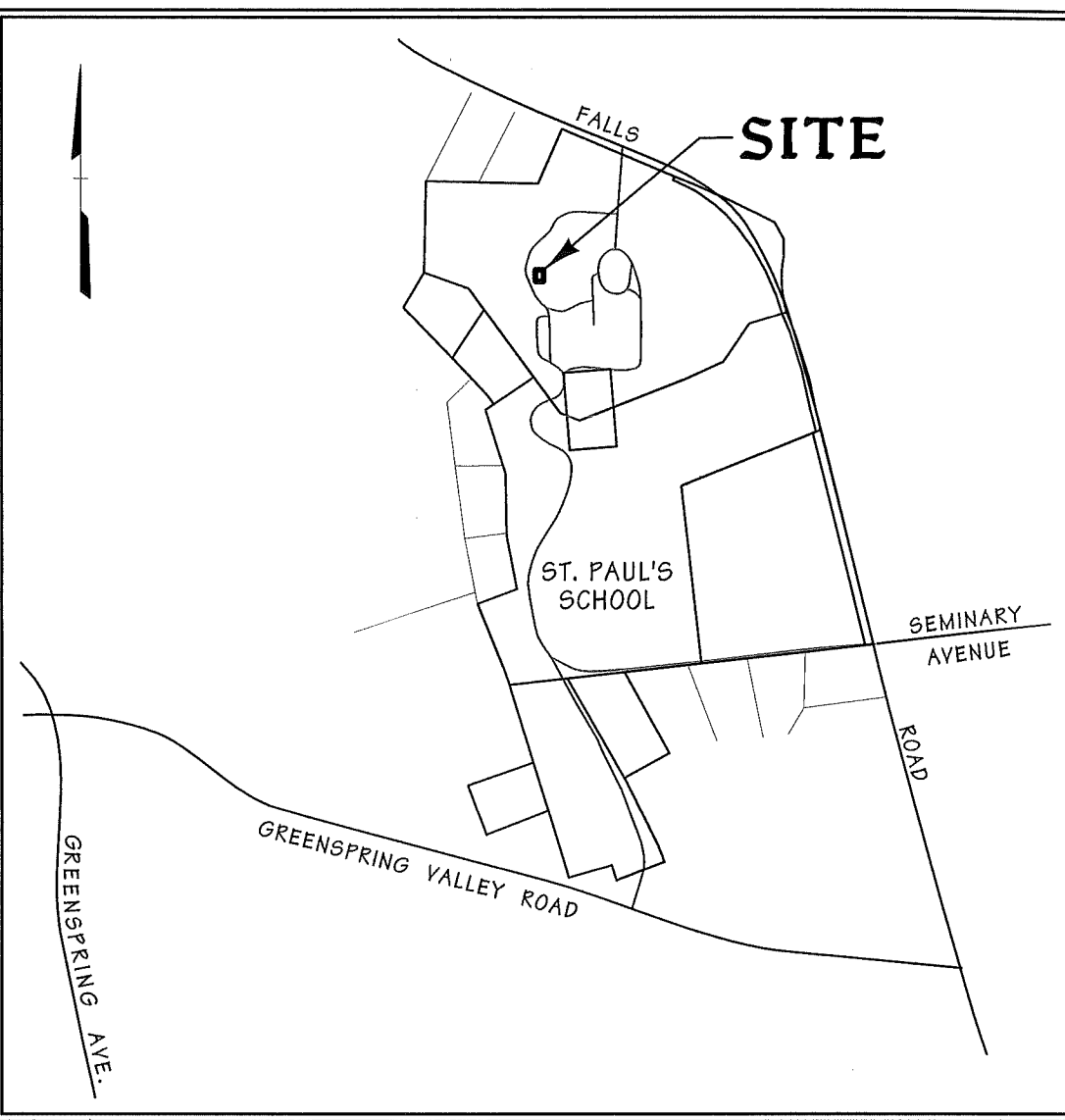
I am writing on behalf of the Boys School of St. Paul's Parish ("the Boys School") regarding certain temporary modular buildings that the Boys School intends to install on its property for the duration of an upcoming construction project. In January of last year, the Boys School obtained approval from Baltimore County's Development Review Committee to demolish an existing classroom building and to construct a new building in its place (PAI No. 08-0706). After having the detailed development plan and permit plans reviewed and approved by agencies, the Boys School is about ready to commence construction. Because it will be demolishing a building that currently houses classrooms, the Boys School must provide temporary space for those classrooms during the construction of a new building. A site plan is enclosed depicting the location of the temporary structures. The purpose of this letter is to confirm that the installation of temporary modular structures on the property (to be removed promptly following completion of construction on the new building) is within the spirit and intent of the special exception and site plan from Case No. Case No. 89-101-SPHX, as amended, which affects the property.

By way of brief history, in 1989, St. Paul's School (collectively referring to the Boys School and St. Paul's School for Girls) sought zoning approval for an expansion of the Falls Road campus. In Case No. 89-101-SPHX, the Boys School sought a special exception to use the property as a private school and to modify or expand its then existing facilities and construct certain anticipated future facilities. The St. Paul's School for Girls, which had previously been granted a special exception, petitioned for a special hearing to amend its approved site plan to expand its facilities.

The relief was granted along with the approval of a site plan reflecting a so-called "building envelope," the purpose of which was to allow for development within that envelope without the need to apply for further zoning relief or attend further public

18-119
ST PAUL'S

*Seek truth, knowledge and
excellence; live by faith,
compassion and integrity.*



VICINITY MAP

Scale: 1"=1000'

GENERAL NOTES

1. Site Address/Owner:
Boy's School of Saint Paul's Parish
11152 Falls Road, P.O. Box 8100
Brooklandville, Md. 21022
 2. Councilmanic District: 2
 3. Election District: 8
 4. Census Tract: 4083
 5. Tax Map: 60 Parcel: 10
 6. Tax Account Number: 08-0802058400
 7. Deed Reference: GLB 2126/131
 8. Area of Site: 34.00 Acres +/-
 9. Watershed: 24 Subwatershed: 61
 10. Property shown is zoned as R.C. 2
 11. Property lines shown hereon are based on deeds of record and other title information and are not from current field surveys. Property lines are subject to checking by the owner.
 12. Zoning History:
Case No. 04-134X, November 30, 1983
Case No. 07-347-SPH, March 2, 1987
Case No. 09-101-SPH, September 30, 1988
Case No. 09-171-SPH, April 9, 1991
Case No. 09-114-SPH, November 19, 1992
Case No. 00-162-SPH, February 25, 2000
Case No. 04-553-X, January 5, 2005
Case No. 08-345-SPH, April 25, 2008
Case No. 14-0024-SPH October 1, 2013
 13. Existing topography around Price building from field run survey performed by Century Engineering, Inc. dated January 2018
 14. No wetlands or 100-year flood plains are located outside of the approved forest buffer shown hereon to the best of our knowledge
 15. No critical areas, archeological sites, endangered species habitat or hazardous materials exist on the site to the best of our knowledge
 16. Parking Summary:
Off-street parking data and computations:
a. Data:

	Boy's	Girl's	School	Total
Students	768	411	1,179	(2016 Enrollment)
Faculty and Staff	100	63	163	

*No students reside on the campus. Boy's school current enrollment for 2016 academic year is 768
 - b. Parking Required:
Faculty and Staff: 163 at 1 space/each = 163 spaces
Fine Arts Center: 600 seats at 1/4 = 150 spaces
Total Required: 313
 - c. Parking Provided: 337 spaces
17. Water is supplied to the site from the public main by 10" metered service located at the intersection of Falls Road and Seminary Avenue. On-site water distribution piping is private. Septic disposal systems are private.
18. Amenity open space (A.O.S.) and floor area ratio (F.A.R.) do not apply.
19. Any new signage will comply with Section 450 of the Baltimore County Zoning Regulations.
20. To the best of our knowledge there have been no permits issued for any buildings at the location of this proposed renovation in the last five (5) years.
21. This site is not located in a failed Basic Services Map Area.
22. A Stormwater Waiver has been applied for based on the trailer being a temporary structure and the area being restored to original conditions.
23. No plumbing fixtures in trailer - no water and sewer connections required.

LEGEND

- 670 Existing Major Contour
- SD Existing Edge of Road
- W Existing Storm Drain and Inlet
- S Existing Sanitary
- Existing Curb and Gutter
- Existing Tree Line
- Existing Drive
- Tract Boundary
- Utility Easement Line
- Existing Building
- Wetlands
- Wetlands Limit
- FBE Forest Buffer Easement

DATA SOURCES:

Existing Planimetrics taken from Baltimore County GIS and LDR aerial and field run topography.

Coordinates and Elevations are referred to the Maryland State Plane Coordinate System (NAD 83/41 and NAVD 83) via GPS and Tied to the following CORS Station.

AF9522 GAIT GAITHERSBURG CORS ARP
DEB103 YORK YORK CORS ARP

DATE	BY	REVISIONS

CENTURY
ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401
www.centuryeng.com

Modular Structures St. PAUL'S SCHOOL Plan to Accompany Building Permit

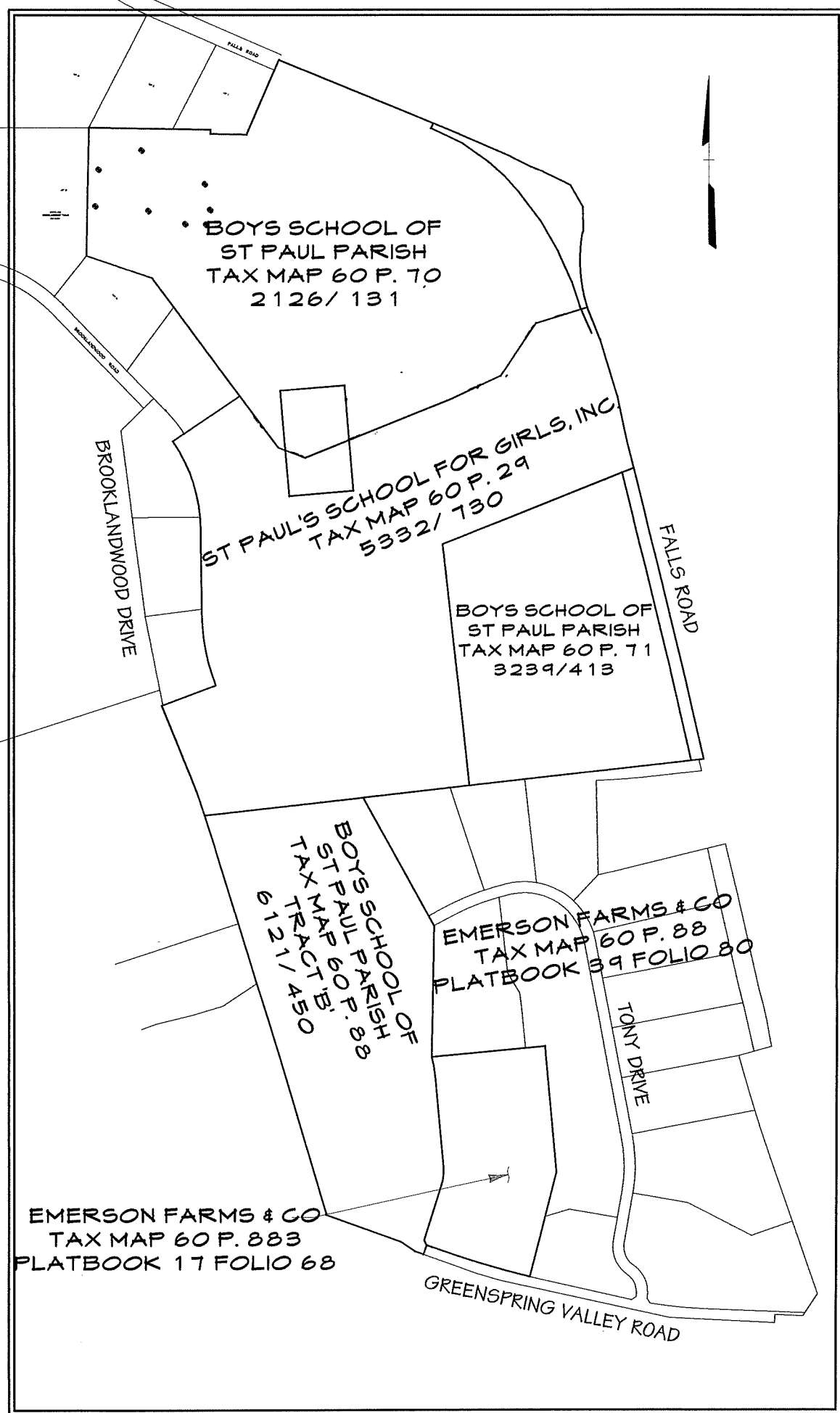
11152 FALLS ROAD, BROOKLANDVILLE, MD
8th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MD



ISSUE DATES	BASE:
REVIEW: 3-26-18	DRAWN: R.T.S.
BID:	DESIGNED: R.T.S.
PERMIT: 4-9-18	CHECKED BY:
CONSTRUCTION:	DATE CHECKED:
SCALE: 1"=60'	DRAWING:
PROJECT NO.: 26025	1 of 1

BOUNDARY OUTLINE

Scale: 1"=500'



PLAN

Scale: 1"=60'

10/8/14

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

*

*

PETITION OF:
THE VALLEYS PLANNING COUNCIL, ET AL. *

FOR JUDICIAL REVIEW OF THE OPINION OF *
THE BOARD OF APPEALS
OF BALTIMORE COUNTY *
JEFFERSON BUILDING – ROOM 203 *
105 W. CHESAPEAKE AVENUE *
TOWSON, MARYLAND 21204 *

CIVIL ACTION
NO. : 03-C-14-008808

IN THE MATTER OF:
BOYS SCHOOL OF ST. PAUL'S, *
LEGAL OWNER/APPLICANT *
FOR PROPERTY LOCATED AT *
11152 FALLS ROAD *
BALTIMORE, MARYLAND 21022 *

8TH ELECTION DISTRICT *
2ND COUNCILMANIC DISTRICT *

BOARD OF APPEALS
CASE NOS.: 14-024-SPH AND CBA-14-022 *

* * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE,
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
OF BALTIMORE COUNTY**

Case No.: 14-024-SPH

August 1, 2013	Petition for Special Hearing to approve an amendment to the Special Exception and accompanying site plan approved in Case No. 04-553-X and amended in Case No. 08-345-SPHA to allow for the construction of an 8,000 sq. ft. maintenance building on Tract A.
August 8, 2013	Entry of Appearance filed by People's Counsel for Baltimore County.
September 5, 2013	Certificate of Posting.
September 5, 2013	Certificate of Publication in newspaper
September 18, 2013	ZAC Comments.
September 26, 2013	Hearing held before the Administrative Law Judge
October 1, 2013	Findings of Fact and Conclusions of Law issued by the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED.
October 30, 2013	Notice of Appeal filed by Michael R. McCann, Esquire, on behalf of Valley's Planning Council, Protestant/Appellant.
October 31, 2013	Appeal received by Board of Appeals.
November 15, 2013	Notice of Assignment – hearing scheduled for January 14, 2014

Case No.: CBA-14-022

October 8, 2013	Department of Permits Approvals and Inspections Development Review Committee (DRC) Application requesting a Limited Exemption for the construction of a maintenance building on Tract A, submitted by Troy Slevin, Century Engineering, Inc., on behalf of St. Paul's School, Applicant.
November 4, 2013	Letter issued by Arnold Jablon, Director of the Department of Permits, Approvals and Inspections wherein it was determined that the project meets the requirements of a limited exemption, and Ordered that the recommendations of the DRC are adopted.
November 27, 2013	Notice of Appeal filed by Michael R. McCann, Esquire, on behalf of Valley's Planning Council, Protestant/Appellant.
December 4, 2013	Appeal received by Board of Appeals.

Case Nos: 14-024-SPH and CBA-14-022

December 27, 2013 Letter from Christopher D. Mudd, Esquire to the Board of Appeals advising that Case Nos. 14-024-SPH and CBA-14-022 are related, request that the cases be consolidated and postponed.

December 30, 2013 Letter from Board of Appeals granting consolidation of Case Nos. 14-024-SPH and CBA-14-022, and granting postponement.

February 27, 2014 Subpoena issued to Dave Thomas, Baltimore County Department of Public Works, requested by Michael R. McCann, Esquire on behalf of Protestants.

March 6, 2014 Board convened for hearing.

Exhibits submitted at hearing before the Board of Appeals:

Petitioner's Exhibit No.

- 1 – Site Plan to Accompany Petition for Special Hearing, dated 8/1/13
- 2A – Aerial Photo, My Neighborhood Map
- 2B – Aerial Photo, My Neighborhood Map
- 3 – Zoning Opinion, Petition for Special Exception, dated 1/5/2005
- 4 – Site Plan to Accompany Petition for Special Exception, dated 1/3/05
- 5 – Maintenance Building, Elevations and Floor Plan
- 6 – Resume of Michael J. Pieranunzi, RLA
- 7 – Aerial, Tract A, Century Engineering
- 8A – Cross Sections, Drawing 1 of 3
- 8B – Cross Sections, Drawing 2 of 3
- 8C – Cross Sections, Drawing 3 of 3
- 9 – Photograph, approximate location of future barn
- 10 – Letter dated September 25, 2013 from Arnold Jablon, Director of Permits, Approvals and Inspections, supporting request to amend Special Exception as proposed.
- 11 – Site Plan to Accompany DRC Request, dated 10-08-13
- 12 – Century Engineering letter dated October 8, 2013 to Colleen Kelly with DRC Application and Checklist
- 13 – Baltimore County Development Management Policy Manual
- 14 – Letter dated November 4, 2013 from Arnold Jablon to Century Engineering approving the Limited Exemption.
- 15 – State Highway Administration letter dated August 6, 2013 to Kristen Lewis advising they have no objection to the proposal.
- 16 – August 7, 2013 ZAC Comments

Protestants' Exhibit No.

- 1 – Petition for Special Exception, Case No. 89-101-SPHX, and Opinion dated 9/13/1988
- 2 – Plan and Plat to Accompany Zoning Petition dated 7/5/1988
- 3 – Letter dated July 19, 1988 from John B. Howard, Esquire to Zoning Commissioner Haines
- 4 – Petition for Special Hearing, Case No. 89-171-SPH, and Opinion dated 4/9/1991
- 5 – Brooklandwood Condominium Plat Tract "A", 1931
- 6 – Petition for Special Hearing, Case No. 93-119-SPHA, and Opinion dated 11/19/1992
- 7 – Plan to Accompany Petition
- 8 – Letter from The Valleys Planning Council to Robert Hoffman, Esquire dated November 17, 1992
- 9 – Petition for Special Exception, Case No. 04-553-X, and Opinion dated 1/5/2005
- 10 – Inter-Office Correspondence dated November 22, 2004 from Office of Planning to Department of Permits and Development Management
- 11 – Petitions for Special Hearing and Variance, Case No. 8-345-SPHA, and Opinion dated 4/25/2008
- 12 – Plan to Accompany Petitions for Variance and/or Special Hearing dated 1/22/2008
- 13 – Petition for Zoning Hearing, Case No. 14-024-SPH
- 14 – County Council Resolution No. 101-96, dated 11/18/1996
- 15 – Not Admitted at Hearing before the Board of Appeals
- 16 – Not Admitted at Hearing before the Board of Appeals
- 17 – 2014 Basic Services Map Sewer Deficient Areas and Areas of Concern
- 18 – Marked "ID Only" at Board of Appeals Hearing – DRC/Development Plan Filings by St. Paul's
- 19 – My Neighborhood Map (2)
- 20 – Master Plan – 2020
- 21 – Site Plan to Accompany Petition for Special Hearing, dated 8/1/13
- 22A – Rule 8 Resolution dated February 26, 2014 – Valleys Planning Council
- 22B – Affidavit to Rule 8 Resolution
- 23 – Development Plan, dated 11/16/1999
- 24 – First Amended Development Plan, dated 5/31/2000

March 6, 2014

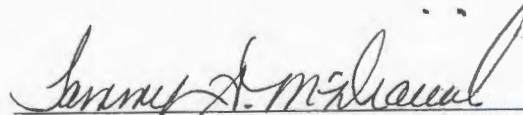
E-mail to Board of Appeals from Amy Newhall expressing her objection to proposal.

April 17, 2014	Letter to Janice Outen of Maryland Department of the Environment from Richard Josephson, Maryland Department of Planning regarding Baltimore County Water and Sewerage Plan, Amendment Cycle 31 Adopted.
April 30, 2014	Post-Hearing Memorandum filed by Christopher D. Mudd, Esquire and Robert A. Hoffman, Esquire, on behalf of Boys School of St. Paul's, Petitioner/Appellee.
April 30, 2014	Protestants' Post-Hearing Memorandum filed by Michael R. McCann, Esquire, on behalf of Protestants.
May 7, 2014	Letter to Board of Appeals from Christopher D. Mudd, Esquire, enclosing a Maryland Department of the Environment letter dated April 30, 2014 addressed to The Honorable Cathy Bevins, Baltimore County Council, approving the Cycle 31 Amendment for Case 13-03 (Emerson Farms – Saint Paul's Schools Maintenance Building) to the 2011 Baltimore County Water Supply and Sewerage Plan.
May 15, 2014	Board convened for Public deliberation.
July 16, 2014	Final Opinion and Order issued by the Board in which the Petition for Special Hearing to approve an amendment to the Special Exception and accompanying site plan approved in Case No.: 04-553-X and amended in 08-345-SPHA to allow for the construction of an 8,000 square foot maintenance building on Tract A was GRANTED; and the Request for Limited Exemption from Development Regulations under BCC 32-4-106 was GRANTED.
August 14, 2014	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael R. McCann, Esquire on behalf of The Valleys Planning Council, Douglas Carroll, and Justin Batoff, Petitioners
August 18, 2014	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
August 22, 2014	Certificate of Compliance sent to all parties and interested persons.
August 28, 2014	Response to Petition for Judicial Review filed by Chrisopher D. Mudd, Esquire and James A. Dunbar, Esquire on behalf of the Boy's School of St. Paul's.
September 4, 2014	Amended Certificate of Compliance sent to all parties and interested persons.

October 8, 2014 Transcript of testimony filed.

October 8, 2014 Record of Proceedings filed in the Circuit Court for Baltimore County.

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



Tammy A. McDiarmid, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Ave.
Towson, Maryland 21204
(410) 887-3180

c: Christopher D. Mudd, Esquire
Michael R. McCann, Esquire
Chris Fallon/Boys School of
St. Paul's Parish
Teresa Moore/The Valleys Planning Council
Michael Pieranunzi/Century Engineering
Troy Slevin/Century Engineering
Francis Smyth
Mitch Kellman
Tom Maddux
Jon and Cheryl Aaron/
Greater Greenspring Association
Elizabeth Wilmerding
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

Henry H. Jenkins
Peter Fenwick
Paul Miller
Kathlien Pontone
Amy Newhall
Justin Batoff
Jeremy Batoff
Doug Carroll
Linda Corbin
Joan Hoblitzell



Board of Appeals of Baltimore County

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

10/10/14

10/10/14



October 8, 2014

Civil Clerk
Circuit Court for Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

RE: In the matter of: Boys School of St. Paul's
Civil Action No.: 03-C-14-008808
Board of Appeals Case Nos.: 14-024-SPH and CBA-14-022

Dear Clerk:

Enclosed for filing please find the Proceedings before the Administrative Law Judge and the Board of Appeals for Baltimore County. Additionally, please allow this letter to reflect the filing of two accordion folders containing the entire Board of Appeals case file, exhibits, and transcript pursuant to Maryland Rule 7-206.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Tammy A. McDiarmid
Legal Secretary

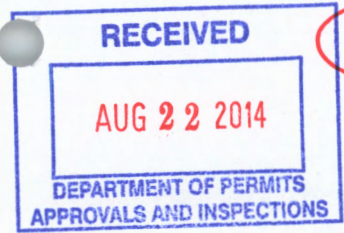
tam
Enclosures

c: See Distribution List

Christopher D. Mudd, Esquire
Michael R. McCann, Esquire
Chris Fallon/Boys School of St. Paul's Parish
Teresa Moore, Executive Director/The Valleys Planning Council
Michael Pieranunzi/ Century Engineering
Troy Slevin/ Century Engineering
Francis Smyth
Mitch Kellman
Tom Maddux
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Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

8/22/14

TO WCN



File

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
THE VALLEYS PLANNING COUNCIL, ET AL.

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. : 03-C-14-008808

IN THE MATTER OF:
BOYS SCHOOL OF ST. PAUL'S,
LEGAL OWNER/APPLICANT
FOR PROPERTY LOCATED AT
11152 FALLS ROAD
BALTIMORE, MARYLAND 21022

3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BOARD OF APPEALS
CASE NOS.: 14-024-SPH AND CBA-14-022

* * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

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

Christopher Mudd, Esquire
Venable, LLP
210 W. Pennsylvania Avenue
Suite 500
Towson, MD 21204

Michael E. McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Chris Fallon
Boys School of St. Paul's Parish
11152 Falls Road
Brooklandville, MD 21002

Michael Pieranunzi
Troy Slevin
Century Engineering
10710 Gilroy Road
Hunt Valley, MD 21031

Francis Smyth
12218 Cleghorn Road
Cockeysville, MD 21030

Mitch Kellman
200 E. Pennsylvania Avenue
Towson, MD 21286

Teresa Moore, Executive Director
The Valleys Planning Council
P.O. Box 5402
Towson, MD 21285

Doug Carroll
1117 Greenspring Valley Road
Lutherville, MD 21093

Justin Batoff
1021 Greenspring Valley Road
Lutherville, MD 21093

Tom Maddox
7210 Bellona Avenue
Baltimore, MD 21212

Jon and Cheryl Aaron
Greater Greenspring Association
121 St. Thomas Lane
Owings Mills, MD 21117

Henry H. Jenkins
12427 Park Heights Avenue
Owings Mills, MD 21117

Peter Fenwick
2315 Geist Road
Owings Mills, MD 21117

Elizabeth Wilmerding
2518 Caves Road
Reisterstown, MD 21136

Paul Miller
11203 Falls Road
Lutherville, MD 21093

Kathlien Pontone
2522 Caves Road
Owings Mills, MD 21117

Amy Newhall
2803 Caves Road
Owings Mills, MD 21117

Jeremy Batoff
1021 Greenspring Valley Road
Lutherville, MD 21093

Linda Corbin
6 Cluttenden Lane
Owings Mills, MD 21117

Joan Hoblitzell
10 Stone Row Court
Cockeysville, MD 21030

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

Lawrence M. Stahl
Managing Administrative Law Judge
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, MD 21204

Arnold Jablon, Director
Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

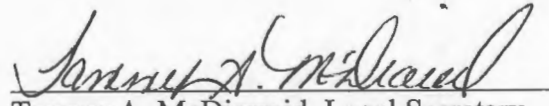
Michael Field, County Attorney
Baltimore County Office of Law
The Historic Courthouse
400 Washington Avenue
Towson, MD 21204

Andrea Van Arsdale, Director
Department of Planning
The Jefferson Building, Suite 100
105 W. Chesapeake Avenue
Towson, MD 21204

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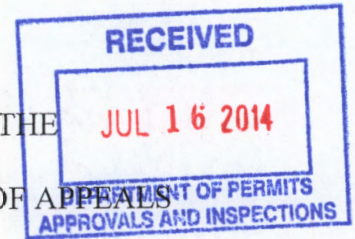
A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 22nd day of August, 2014, a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.



Tammy A. McDiarmid, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180

4.
7/16/14



IN THE MATTER OF
BOYS SCHOOL OF ST. PAUL'S –
Legal Owner/Petitioner
11152 Falls Road
Baltimore, MD 21022

RE: Petition for Special Hearing to Approve
And Amendment to Special Exception and
Request for Limited Exemption

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
* Case Nos. 14-024-SPH
CBA-14-022

* * * * *

OPINION

This case comes to the Board on appeal by Protestant, The Valleys Planning Council (“VPC”) of the final decision from the Office of Administrative Proceedings granting the Petitioner, The Boys School of St. Paul’s Parish, (the “Petitioner”) its request for Special Hearing pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for approval of an amendment to Special Exception and for a Limited Exemption.

A *de novo* public hearing was held on March 6, 2014. The Petitioner was represented by Christopher D. Mudd, Esquire and Venable, LLP. VPC was represented by Michael R. McCann, Esquire. A public deliberation was held on May 15, 2014.

Facts and Evidence

The Petitioner, otherwise known as the ‘St. Paul’s School’, is a 125 acre campus located at 11152 Falls Rd in Brooklandville (the “Property”), and provides private education for boys in the Greenspring Valley area. Located on the same campus is the St. Paul’s School for Girls. The Property is zoned RC2. There is an extensive zoning history which is detailed on the Petitioner’s site plan (Pet. Ex. 1).

In this case, the Petitioner filed for special hearing relief under BCZR §500.7 to approve an amendment to the Special Exception and accompanying site plan which were approved in

Case No. 04-533-X and as amended in Case No. 08-345-SPHA. The request is to allow construction of an 8,000 sq. ft. maintenance building to service both schools. Additionally, the Petitioner seeks a limited exemption under Baltimore County Code §32-4-106(A)(1)(6) from the development review and approval process for 'a minor commercial structure.'

Testifying on behalf of the Petitioner was Francis Smythe, CEO and President of Century Engineering, professional engineers and site planners. Mr. Smythe prepared the site plan. (Pet. Ex. 1). Mr. Smythe explained that the proposed maintenance building will be constructed on a separate parcel containing 7.0 acres known as 'Tract A.' Tract A is located south of Seminary Avenue, west of Falls Road and Tony Drive and abuts Greenspring Valley Drive. Tract A is also zoned RC2.

Tract A was previously part of the Emerson Farm property and was donated to the schools in about 2003. It has 3 historic buildings on the Property as well as a storage building. Presently, both schools park vehicles, equipment and storage material on Tract A without shelter. The current maintenance building is 6,000 square feet and is located on the main campus, west of the gym. (Pet. Ex. 1). Mr. Smythe testified that the location of the present maintenance building on the main campus causes safety issues for the students.

Zoning History

In light of the Petitioner's request to amend the Special Exception and accompanying site plan in Case Nos.: 04-553-x and 08-345-SPH-A, a review of the zoning history is important.

(1) Case No.: 89-101-SPHX. In 1989, the Petitioner filed a Petition for Special Exception to continue to use the Property (a nonconforming use) as a boy's school and to expand the building and facilities which were depicted on a site plan. The requested relief arose out of an agreement between the Petitioner, VPC and the Falls Road Community Association. In lieu of filing for a change in zoning which request would have met with opposition from those community associations, a modified agreement as to the site plan was reached.

The 1989 Opinion issued by the Zoning Commissioner described the site plan as showing “existing facilities” and “the Petitioners’ concept for modification and expansion of those facilities.” (Prot. Ex. 3). Further, the 1989 Opinion indicated that the site plan represented ‘the School’s best current thinking as to what they may want to accomplish in the near-to-intermediate-range future.’ *Id.* The plan also showed ‘proposed buildings and recreational facilities, as well as proposed changes in the traffic circulation system and in parking.’ *Id.* Witness testimony at the time of the hearing indicated that the Schools needed approval of ‘a concept plan that will give them flexibility with respect to the ultimate location and design of planned buildings and other features.’

In addition, a ‘maximum building envelope’ was outlined by slanted hash marks on the 1989 site plan in certain portions of the Property. (Prot. Ex. 2). The hash mark area envelope did not encompass the entire Property but only certain buildings and facilities. *Id.* The hash marks also correspond to the specific list of buildings and/or facilities numbered 1-17 under “The St. Paul’s School Program Legend” on the 1989 Plan. The buildings and facilities included the pool, gym, day care center, academic buildings and chapel.

(2) Case No.: 93-119-SPHA. In 1993, the Petitioner filed a Petition for Special Hearing to modify the maximum building envelope for construction of the chapel. The Zoning Commissioner granted the requested relief and stated that the Petitioner should be given the flexibility to make certain changes in design or locations of the facilities within the building envelope. (Prot. Ex. 6). The plan that accompanied the 1993 Petition for Special Exception delineated the same maximum building envelope.

(3) In 1999, Petitioner submitted a development plan for a limited exemption. (Prot. Ex. 23). The 1999 Plan outlined the maximum building envelope in dashed black lines. The maximum building envelope on this Plan mirrors the hash marks on the 1989 Plan.

(4) In 2000, the Petitioner filed a First Amended Development Plan for approval of a two-story addition to the girls' school. (Prot. Ex. 24). The maximum building envelope, as outlined on the 2000 Plan and reflects the same maximum building envelope on the previous plans.

(5) Case No.: 04-553-X. In 2004, the Petitioner filed for a new Special Exception for the school to use two (2) parcels - Tracts A and B. The Opinion of the Zoning Commissioner states that the school would continue to use the 3 historic structures located on Tract A as residential dwellings. A storage building was also located on Tract A. Tract B was proposed to be used for ball fields. A site plan was admitted into evidence and incorporated into the Zoning Commissioner's Order. On the 2004 site plan there was a list of nine (9) use restrictions. Use restriction No. 9 applied to Tract A:

* * * *

9. Any future use of the common area located north of the existing historic structures on Tract A and identified on the site plan shall require a Petition for Special Hearing.

An additional restriction on Tract A read:

With regard to "Tract A", there are no plans to utilize this property other than for the current residential and maintenance/storage use. Should any future use be considered for the area north of the existing buildings, a petition for special hearing must be filed. Any future use may also be subject to review by the Baltimore County Landmarks Commission.

VPC was a party in the 2004 case. The Opinion recites the testimony of the VPC representative, Jack Dillon, who indicated that the VPC "is in agreement with the use restrictions (Restrictions Nos. 1 through 9) listed on the Petitioner's Exhibit 1, and with those restrictions in place, the Valleys Planning Council has no objection to the requested special exception relief." The

Special Exception relief was granted for “a school in the R.C.2 zone for Tract ‘A’ and 7.753 acres of Tract ‘B’, in accordance with Petitioner’s Exhibit 1...”

(6) Case No.: 08-345-SPHA. In 2008, the Petitioner sought a variance from building setback lines to build a 2-story addition to the upper school building which building would lay 25 feet from the chapel. The Zoning Commissioner granted the relief. Because both of those buildings were included among the 17 buildings in 1989, the maximum building envelope applied to them.

Legal Standard

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said 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 as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors.

In order to grant a request for Special Exception, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

A request for limited exemption can be found in BCC §32-4-106:

§ 32-4-106. LIMITED EXEMPTIONS.

(a) *Exemption from development review and approval process.*

(1) The following proposed development is exempt from compliance with Subtitle 2 of this title:

(i) The building or preparation of land for building a dwelling for one or two families on a single lot or tract that is not part of a recorded plat;

(ii) The building or preparation of land for building on a lot of record lawfully in effect at the time of the building or preparation of the land for building, provided the lot of record did not result from a subdivision of land exempt under § 32-4-105 of this subtitle;

(iii) The construction of one tenant house or the location of one trailer on a farm tract;

(iv) The subdivision of property in accordance with a court order, a will, or the laws of intestate succession;

(v) The resubdivision or lot line adjustment of industrially zoned or commercially zoned parcels of land that have been the subject of a previously approved Development Plan and recorded plat;

(vi) The construction of residential accessory structures or minor commercial structures;

* * * *

Decision

I. The Maximum Building Envelope and the Proposed Building.

The Protestant asserts is that the Petitioner cannot build an 8,000 square foot maintenance building on Tract A because it is outside of the 1989 maximum building envelope. We disagree for the reasons that follow.

(1) Our review begins with the 1989 Opinion, Order and site plan. In that case, a detailed agreement was reached between VPC and the Petitioner as to the extent of the maximum building envelope on 17 facilities and buildings shown and listed on the site plan. The Zoning Commissioner incorporated the site plan into his Order. (Prot. Ex. 1). The maximum building envelope is shown by hash marks on the 1989 Plan. It is confined to specific areas of the campus, but not the whole campus. (Prot. Ex. 2). It corresponds to both existing and proposed buildings.

Highlighting the 1989 Order, we find important the express language of the Zoning Commissioner which clarifies for this Board that the maximum building envelope applies only to the buildings shown on that 1989 Plan:

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of September, 1988, that the use of the property involved in this case for private boys' and girls' schools, and the modification and expansion of the Schools' facilities in conformity with the concept plan introduced as Petitioners' Exhibit 1, as modified to show more general building envelopes, are hereby approved for the buildings shown and, as such, the Petition for Special Hearing for an amendment of the site plan approved in case numbers 84-139-X and 87-347-SPH, as

more particularly described on Petitioners' Exhibit 1, is hereby granted; additionally, the Petition for Special Exception for a private preparatory school is hereby granted from and after the date of this order, subject however to the following restrictions which are conditions precedent to the relief herein granted:

1. In implementing the modified concept plan, the Schools shall have flexibility to make changes in the designs and/or locations of the facilities depicted on the site plan, Petitioners' Exhibit 1, without the need for further hearings before the Zoning Commissioner, as long as the development remains within the indicated building envelopes and complies with all applicable requirements of the Building Code, Development Regulations, and other portions of the Baltimore County Code.

(Emphasis Added).

This Board cannot ignore the plain language of the 1989 Opinion and Order. No part of Tract A, and no building or facility located on Tract A - including the historic structures - was included in the 1989 Order because that property had not yet been given to the school. Tract A was given to the Petitioner in or about 2003.

VPC and the Petitioner, in 1989, could have agreed to a term or condition that all property acquired by, or given to the school after 1989, be subject to the maximum building envelope. The fact that the parties made a detailed agreement as to not only buildings and facilities which existed in 1989 but to proposed buildings not yet in existence at that time (referenced as "St. Paul's School Program Legend" on the Plan) is indicative that parcels later acquired or donated to the school (but not specifically enumerated as one of the 17), were not intended to be restricted by the maximum building envelope.

Thus, in reviewing the language of the 1989 Opinion and Order and the 1989 site plan, we cannot reach the conclusion that the maximum building envelope applies to Tract A.

(2) The Petition here seeks to amend the Special Exception granted in the 2004 case and later amended in the 2008 case. VPC argues that the Petitioner here should have sought to amend the 1989 Special Exception. VPC reasons that if this Petition had properly sought to

amend the 1989 Order, then the maximum building envelope would automatically apply to the proposed building.

Interestingly, in the 2004 case, there was no argument by VPC that the Petition for Special Exception at that time should have sought to amend the 1989 special exception. Indeed, the Petitioner, in 2004, filed for a new special exception so that the tracts could be used by the school. The Petitioner did not, in that case, seek to amend the 1989 Special Exception. (Prot. Ex. 9). Following that case, in 2008, the Petitioner did not seek to amend the 1989 Order but rather the 2004 Order. No objection was made by VPC in 2008 in that regard.¹ Given that the 2004 Order was the first one to deal with Tracts A and B, this Board finds that it was appropriate to seek an amendment of that Order.

As to the issue of whether the 2004 Order imposed the maximum building envelope on the proposed building, we first find significant that the incorporated 2004 site plan delineated both Tract A and B but did not show the maximum building envelope.

Second, VPC, as a party in that case, agreed to a list of nine (9) restrictions which were referred to on the plan as “Use Restrictions” (the “2004 Use Restrictions”). (Pet. Ex. 1). The site plan specified that the use restrictions applied to the “new special exception area” as follows:

THE ST. PAUL’S SCHOOL PROPOSES THE FOLLOWING
USE RESTRICTIONS WITHIN A PORTION OF THE NEW
SPECIAL EXCEPTION AREA.....

(Pet. Ex. 1).

The 2004 Use Restrictions did not incorporate or make reference to the maximum building envelope nor did the restrictions incorporate or refer to the 1989 Order. If VPC wanted

¹ Given that the 2008 case involved expansion of the Upper School building which was one of the 17 buildings listed in the 1989 Order and a request was made to build the addition outside the maximum building envelope, Petitioner probably should have sought amendment of the 1989 Order

to restrict Tract A to the maximum building envelope in 2004, it should have made it one of the listed Use Restrictions.

Third, we find significant that the Parties agreed to express language regarding the *future use of Tract A* including the requirement that the Petitioner file for a special hearing if the common area of Tract A was used in the future. That was the only restriction imposed on Tract A. The Petitioner followed that restriction here by filing for a special hearing. Accordingly, based on our review here, the 2005 Order did not impose the maximum building envelope on the proposed building.

(3) VPC next asserts that the 1989 maximum building envelope applies because the 2005 Order added Tract A and B to the “Special Exception Area.” However, we find, based on our review of the 1989 Order and plan, that the “Special Exception Area” was the total acreage of the school’s property while the “maximum building envelope area” was a smaller area contained within the Special Exception Area. (Pet. Ex. 1). Thus, while the 2005 Order added the acreage for Tracts A and B (14.753 acres +/-) to the total acreage for use ‘as a school’ (106.735 total acres +/-), the maximum building envelope was a specific restriction which applied to the buildings and facilities on the 1989 site plan and which were located on the main campus, not to Tract A or B. Thus, we do not find this argument persuasive.

(4) VPC also relies on the phrase ‘any building’ in the 1993 Zoning Commissioner Opinion in support of their argument that ‘any building’ is subject to the maximum building envelope. That language reads: “.....so long as *any building* was confined within a clearly delineated building envelope area.” (Prot. Ex. 6) (Emphasis Added). However, those words - when read in context of the entire 1993 Opinion - refer to the 17 buildings and facilities listed on the 1989 Plan. In support of that conclusion, the Board notes the sentence following the phrase “any building” in the 1993 Order reserved on “[judging] future modifications.” Again, as of 1993, Tract A was not part of the school.

Further, the 1993 Opinion, reiterated that flexibility in design and location should be given to the Petitioner “of the facilities within the building envelope...” This language is consistent with our interpretation of the 1989 Order of a confined building envelope which is applicable to certain existing and proposed ‘facilities’ that existed in 1989.

In conclusion, weighing the totality of the evidence, the maximum building envelope does not apply to the proposed maintenance building.

II. Special Exception Factors in BCZR §502.1.

With regard to the request to amend the Special Exception granted in Case No.: 04-553-X and as amended in Case No.: 08-345-SPHA, the Board finds that the Petitioner met the burden of proof in regard to the factors set forth in BCZR §502.1. Testifying on behalf of the Petitioner was Michael Peranunzi, R.L.A. who was admitted by the Board as an expert in development plans; in plans involving limited exemptions; in the Baltimore County Zoning Regulations; and the Baltimore County Development Regulations. Mr. Peranunzi is a registered landscape architect and prepared the site plan in this case. (Pet. Ex. 1).

Mr. Peranunzi testified about each of the Special Exception factors and we find that each factor was met as follows:

(A) We find that the proposed maintenance building will not be detrimental to the health, safety or general welfare of the locality where the school is located. Mr. Peranunzi presented the Board with photographs from various vantage points along Greenspring Valley Road. (Pet. Ex. 7). The proposed building will be contained in a secluded area, surrounded by trees on all sides. The building will not be visible from Greenspring Valley Road in any season. The Board finds that this new location will reduce safety concerns for students.

(B) We find that the proposed building will not create congestion on Greenspring Valley Rd., Seminary Rd. and Falls Rd. Indeed, we note that the building can be accessed by an interior road connecting the main campus with Tract A and B. As such, no increase in traffic will occur

as vehicles stored at the maintenance building use the interior road to access other parts of the campus.

(C) We find that the maintenance building will not create a potential hazard from fire, panic or other danger. Given the location of the building away from the main campus, any fire would be isolated, reducing the risk of it spreading to other buildings. The current location of the maintenance building would increase the risk of fire spreading to other buildings.

(D) The 8,000 sq. ft. building will not tend to overcrowd the land or cause undue concentration of population. The building will be located on a 7.0 acre parcel where a storage building already exists. Presently, the school stores vehicles, equipment, supplies outside in the location where the building will be constructed. There is no concern with increase in the population as this is a commercial structure.

(E) We find that the proposed building will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements as there is no impact on these improvements by a commercial structure used exclusively by these private schools. We note that public sewer has already been extended to Tract A for the historic homes. Any request by the Petitioner for extension of the public water and sewer to the proposed building is not an issue before this Board.

(F) We find that the proposed building will not interfere with adequate light and air. The Petitioner provided the Board with elevation drawings of the proposed building. (Pet. Ex. 5). The drawings did not indicate that there would be any negative impact on neighboring buildings or properties with regard to adequate light or air. There was no evidence presented to the contrary.

(G) We find, based on the evidence that the proposed building will be consistent with the purposes of the property's zoning classification (RC2) and also consistent with the spirit and intent of the BCZR. The proposed building will serve both schools which was previously

granted a special exception in Case No.: 04-335-X. A school is an appropriate and compatible use in an RC 2 zone.

(H) We find that the request will not be inconsistent with the impermeable surface and vegetative retention provisions of the BCZR. The current use of the location to store vehicles, equipment and material outside will be improved. The interior access road already exists so there will not be an increase in imperious surface caused by a new road.

(I) We find that the proposed building would not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. There was no evidence of any impact on forests, streams, wetlands, aquifers or floodplains. The proposed building is not detrimental to existing vegetation. The site plan shows that trees will be planted.

Finally, the Board must make a finding under BCZR, 1A01.2.C. which reads:

C. Uses permitted by special exception. The following uses, only, may be permitted by special exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; * * * *

The evidence presented to the Board reveals that while the zoning is RC2, there are no real agricultural uses in the vicinity. As a result, we find that the proposed maintenance building will not be detrimental to the primary agricultural uses in the vicinity.

III. Request for Limited Exemption.

Finally, the Petitioner also requests a limited exemption from the development regulations under BCC 32-4-106A(1)(6) for a minor commercial structure. This is an exemption is from the development review and approval process. Petitioner points out that exemptions are allowed for minor commercial structures up to 25,000 sq. ft.

We note that in 2008, the Baltimore County Development Review Committee approved an exemption for a commercial structure on behalf of the Petitioner. We find that 8,000 square

foot building qualifies as a minor commercial structure and therefore, the exemption is warranted and should be granted.

ORDER

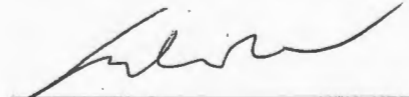
THEREFORE, IT IS THIS 16th day of July, 2014, by the
Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve an amendment to the Special Exception and accompanying site plan approved in Case No.: 04-553-X and amended in 08-345-SPHA to allow for the construction of an 8,000 square foot maintenance building on Tract A, be and the same is hereby **GRANTED**; and it is further,

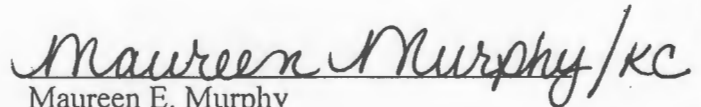
ORDERED that the Request for Limited Exemption from Development Regulations under BCC 32-4-106 be and the same is hereby **GRANTED**.

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

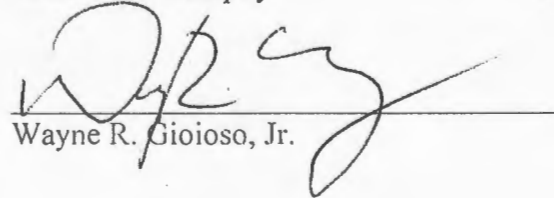
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chairman



Maureen E. Murphy



Wayne R. Gioioso, Jr.



County Board of Appeals of Baltimore County

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July 16, 2014

Christopher D. Mudd, Esquire
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Michael R. McCann, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: *In the Matter of: Boys School of St. Paul's - Legal Owner*
Case Nos.: 14-024-SPH and CBA-14-022

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: See Attached Distribution List

Distribution List

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Chris Fallon/Boys School of St. Paul's Parish
Teresa Moore, Executive Director/The Valleys Planning Council
Michael Pieranunzi/ Century Engineering
Troy Slevin/ Century Engineering
Francis Smyth
Mitch Kellman
Tom Maddox
Jon and Cheryl Aaron/Greater Greenspring Association
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Peter Fenwick
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Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

10/1/13

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(11152 Falls Road)		
3 rd Election District	*	OFFICE OF
2 nd Councilmanic District		
Boys School of St. Paul's Parish	*	ADMINISTRATIVE HEARINGS
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0024-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Christopher D. Mudd, Esquire on behalf of the legal owner, Boys School of St. Paul's Parish. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve an amendment to the Special Exception and accompanying site plan approved in Case No. 04-553-X and amended in Case No. 08-345-SPHA to allow for the construction of an 8,000 sq. ft. maintenance building on Tract A..

Appearing at the public hearing in support of the requests was Chris Fallon, Troy Slevin, Francis Smyth and Michael Pieranunzi. Christopher D. Mudd, Esquire appeared and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. Several members of the community attended the hearing to learn more details about the proposal, and their names are included within the case file.

Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS), the Department of Planning (DOP) and Bureau of Development Plans Review (DPR). DEPS indicated that the Petitioner must comply with the Forest Conservation Regulations and DPR noted that a landscape plan must be

submitted and approved prior to the issuance of a building permit. The DOP indicated that it supports the Petitioner's request.

This case involves the St. Paul's School, which provides facilities for both boys and girls. The school is well regarded and occupies a 125 acre campus (zoned RC2) in the Greenspring Valley area. The school has a lengthy and detailed 30 year zoning history, the highlights of which are detailed on the site plan. Exhibit 1.

A recitation of that history would really serve no purpose, given that the current proposal can be put in appropriate context with an understanding of a few key points. This case concerns "Tract A," which is a seven acre parcel at the south end of the campus that by prior Order has been incorporated into the special exception area for the school. At the time Tract A was added to the campus, the following note was included on the site plan:

With regard to "Tract A", there are no plans to utilize this property other than for the current residential and maintenance/storage use. Should any future use be considered for the area north of the existing buildings, a petition for special hearing must be filed.

The petition for Special Hearing was filed in accordance with this note, and the School seeks to construct a maintenance building on Tract A. The proposed building is a permitted use under the RC2 regulations, and no variance relief is requested.

The hearing in this case was conducted in an informal fashion. The School's CFO, Chris Fallon, stated that the current maintenance building on campus, which houses equipment, office space and approximately 20 employees, is about 6,000 square feet. Mr. Fallon stated the school has "outgrown" that facility. School Board Vice President Francis Smyth noted the existing maintenance building is located in the heart of the campus, where it presents safety concerns with the movement of trucks and equipment that often need to navigate around parents dropping their kids off for school.

As such, the School proposes to construct a new 8,000 square foot building on the southern portion of the campus adjoining Greenspring Valley Road. This parcel (Tract A) is improved with several structures (dwellings) listed on the County's final landmarks list. The School at present also uses this area for storage of the equipment and materials used by the maintenance staff. The proposed building would be situated north of the historic structures, and would not be visible from Greenspring Valley Road. Exhibits 6A-6C. The building would be 27' high, as reflected in a green lined note on the site plan.

Teresa Moore, on behalf of the Valley's Planning Council ("VPC"), identified certain concerns raised by her membership. Although the VPC has not taken a formal position on the case, the following were identified as concerns:

1. Change in building envelope
2. Changes proposed in historic setting
3. Size of proposed building and need for office facilities
4. Extension of public water and sewer to site

Each of these issues is discussed below.

Building Envelope

The building envelope concept was identified in prior zoning cases involving the School, and the VPC is concerned that the proposed building would not be within that envelope. Of course, the building envelope has been amended in the past through the special hearing procedure, which if necessary could also be done in this case. See Order in 93-110-SPHA, Exhibit 7. Having reviewed that prior case, I do not believe it would be wise to disturb or amend the building envelope shown on the plans approved previously.

As an initial matter, Tract A was acquired by the School after the designation of the envelope, and I do not believe that this after-acquired property is subject to that covenant. Bernui v. Tantallon Control, 62 Md. App. 9, 16-17 (1985). Apart from this legal issue, I do not

believe the maintenance building is connected with the core functions of the school (as is the chapel, for example) and Tract A is physically separated from the "main" portion of the campus. I am not in any way questioning the validity or enforceability of the building envelope identified on previous plans. But at the same time, I do not believe the School should be hamstrung and required to construct improvements like the proposed maintenance building within the "envelope," or to seek enlargement of same. As noted above, there are good reasons to construct this building (which plays a "behind-the-scenes" supporting role on campus) at a satellite location.

Thus, I am not inclined to amend or alter in any way the building envelope area shown on earlier plans. I simply believe that the School should be entitled to construct this building to support the infrastructure and grounds of the campus. A different analysis would apply if the structure proposed was designed for use by students or their guests, in which case the "envelope" and the community's concerns with the unchecked growth of the School could be animated.

Historic Structures

As noted in DOP's ZAC comment, several structures (used as dwellings by school faculty/staff) on Tract A are on the County's Final Landmark List. But the Petitioner does not intend to alter or in any way make changes to those structures. In these circumstances, review and approval by the Landmarks Preservation Commission is not required. Baltimore County Code (B.C.C.) §32-7-401 et. seq.

Size of Proposed Building

The proposed building would be 8,000 square feet, which is 2,000 square feet larger than the present maintenance building. In addition, Mr. Fallon noted that approximately 3,000 square foot of space in the current building is used for office/conference facilities. In my opinion, an

8,000 square foot building will in no way overcrowd Tract A (which is 7 acres), and is a reasonable size to accommodate the staff and equipment necessary to service both the boys and girls schools. The building will be attractive and designed by an architect (Exhibits 3A & 3B) and will not be visible in any event from the adjoining roadway.

Extension of Public Sewer

Counsel for Petitioner indicated that the School has made application to have the public sewer (which now serves the historic structures) extended to serve the proposed maintenance building. As I explained at the hearing this is a legislative procedure which requires approval by the County Council and State of Maryland. This office is not involved in the process.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the arguments of the parties, I find that Petitioner's Special Hearing request should be granted.

THEREFORE, IT IS ORDERED this 1st day of October 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve an amendment to the Special Exception and accompanying site plan approved in Case No. 04-553-X and amended in Case No. 08-345-SPHA to allow for the construction of an 8,000 sq. ft. maintenance building on Tract A, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 11152 Falls Road

which is presently zoned RC 2

Deed References: Liber 5636, folio 913

10 Digit Tax Account # 2200019492, 2200019493, 2200019495, 2200019496, 2200019497, 2200020672

Property Owner(s) Printed Name(s) Emerson Farms & Company LLC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the Special Exception and accompanying site plan approved in Case No. 04-553-X and amended in Case No. 08-345-SPHA to allow for the construction of an 8,000 square foot maintenance building on Tract A.

2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. _____ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esquire

Name- Type or Print

Signature

210 W. Pennsylvania Avenue #500

Towson

MD

Mailing Address

City

State

21204 / 410-494-6200

cdmudd@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Boys School of St. Paul's Parish /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Christopher Fallon

Signature #2

11152 Falls Road

Brooklandville

MD

Mailing Address

City

State

21022 / 410-825-4400

cfallon@stpaulsschool.org

Zip Code

Telephone #

Email Address

Representative to be contacted:

Christopher D. Mudd, Esquire

Name - Type or Print

Signature

210 W. Pennsylvania Avenue #500

Towson

MD

Mailing Address

City

State

21204 / 410-494-6200

cdmudd@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0024-SPH

Filing Date 8/1/13

Do Not Schedule Dates:

Reviewer JS

ZONING DESCRIPTION

Beginning for the same at a point on the north side of Greenspring Valley Road, variable width right-of-way. Said point being located 375.94 feet from the western side of Tony Drive, 40 foot wide. Thence running with and binding on said northern right-of-way of Greenspring Valley Road;

- 1) 368.39 feet along the arc of a curve to the right, having a radius of 3500.00 feet and being subtended by a chord bearing North 72° 38' 23" West 368.22 feet to a point of tangency, thence;
- 2) North 69° 37' 28" West 18.81 feet to a point, thence leaving the said northern right-of-way and running
- 3) North 25° 59' 46" West 20.24 feet to a point, thence;
- 4) North 17° 37' 55" East 206.42 feet to a point of curvature, thence
- 5) 67.06 feet along the arc of a curve to the left, tangent to the preceding line, having a radius of 170.00 feet and being subtended by a chord bearing North 06° 19' 51" East 66.63 feet to a point of tangency, thence;
- 6) North 04° 58' 14" West 329.06 feet to a point of curvature, thence;
- 7) 68.60 feet along the arc of a curve to the left, tangent to the preceding line, having a radius of 405.00 feet and being subtended by a chord bearing North 09° 49' 23" West 68.52 feet to a point, thence by a line not tangent to the preceding arc,
- 8) North 85° 01' 46" East 406.76 feet to a point, thence
- 9) South 04° 58' 14" East 453.48 feet to a point, thence
- 10) South 14° 20' 42" West 388.48 feet to the place of beginning.

Containing 304,919 square feet or 7.000 acres of land, more or less.

Being all that same parcel of land shown as Tract A on the plat entitled "Brooklandwood" which is recorded among the Land Records of Baltimore County in Plat Bok 39 Page 80.

Professional Certification

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 21139, Expiration Date June 20, 2014.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **101595**

Date: **8/1/13**

PAID RECEIPT

BUSINESS ACTUAL TIME TEN
 8/02/2013 8/01/2013 10:09:24 2

REC NS02 WALKIN JEW JEE
 >>RECEIPT # 037204 7/31/2013 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 500.00

Dept 5 528 ZONING VERIFICATION
 CR NO. 101595
 Recpt Tot \$500.00
 \$500.00 01 \$500.00
 Baltimore County, Maryland

Total: **\$ 500.00**

Rec From: **EMERSON FARMS + CO. LLC**

For: **2014-0024-SPH**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2014-0024-SPH
Petitioner: EMERSON FARMS + COMPANY, LLC
Address or Location: 11152 FALLS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA LULASEVICH
Address: 210 W. PENNSYLVANIA AVE
SUITE 500
TOUSON, MD 21204
Telephone Number: 410-494-6200

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 5, 2013 Issue - Jeffersonian

Please forward billing to:
Barbara Lukasevich
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

CORRECTED NOTICE OF ZONING HEARING

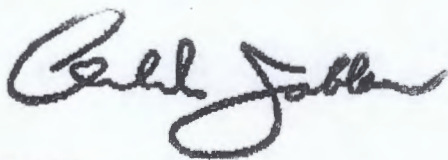
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0024-SPH

11152 Falls Road
N/s Greenspring Valley Road, 376 ft. from W/s of Tony Drive
3rd Election District – 2nd Councilmanic District
Legal Owners: Boys School of St. Paul's Parish

Special Hearing to approve an amendment to the Special Exception and accompanying site plan approved in Case No. 04-553-X and amended in Case No. 08-345-SPHA to allow for the construction of an 8,000 sq. ft. maintenance building on Tract A.

Hearing: Thursday, September 26, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 18, 2013

Boy's School of St. Paul's Parish
Christopher Fallon
11152 Falls Road
Brooklandville MD 21022

RE: Case Number: 2014-0024 SPH, Address: 11152 Falls Road

Dear Mr. Fallon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 1, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
Christopher D. Mudd, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson MD 21204

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Maryland Department of Transportation

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 8-6-13

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0024 SPA
Special Hearing
Boys School of St. Paul's Parish
11152 Falls Road,
MD25

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8-5-13. A field inspection and internal review reveals that an entrance onto MD25 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing. Case Number 2014-0024-SPA.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 12, 2013
Item No. 2014-0024

DATE: August 7, 2013.

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

A landscape plan shall be received and approved prior to the approval of a building permit.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0024-08122013.doc

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 31, 2013

Christopher D. Mudd, Esquire
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

RECEIVED
OCT 31 2013

BALTIMORE COUNTY
BOARD OF APPEALS

RE: APPEAL TO BOARD OF APPEALS
Case No. 2014-0024-SPH
Location: 11152 Falls Road

Dear Mr. Mudd:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 30, 2013. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals

People's Counsel for Baltimore County

Michael R. McCann, Esquire, 118 W. Pennsylvania avenue, Towson, Maryland 21204

Jon & Cheryl Aaron, 121 St. Thomas Lane, Owings Mills, Maryland 21117

Henry H. Jenkins, 12427 Park Heights Avenue, Owings Mills, Maryland 21117

Teresa Moore, P.O. Box 5402, Towson, Maryland 21285

Peter Fenwick, 2315 Geist Road, Reisterstown, Maryland 21136

Elizabeth Wilmerding, 2518 Caves Road, Owings Mills, Maryland 21117

Chris Fallon, 11152 Falls Road, Brooklandville, Maryland 21002

Troy Slevin, 10710 Gilroy Road, Hunt Valley, Maryland 21031

Francis Smyth, 12218 Cleghorn Road, Cockeysville, Maryland 21030

APPEAL

**Petitions for Special Hearing
(11152 Falls Road)
3rd Election District – 2nd Councilmanic District
Legal Owner: Boys School of St. Paul's Parish
Case No. 2014-0024-SPH**

Petition for Special Hearing (August 1, 2013)

Zoning Description of Property

Notice of Zoning Hearing (August 16, 2013)

Certificate of Publication (September 5, 2013)

Certificate of Posting (September 5, 2013) by SSG Robert Black

Entry of Appearance by People's Counsel (August 8, 2013)

Petitioner(s) Sign-in Sheet – 1 page

Citizen(s) Sign-in Sheet – 1 page

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Site Plan
2. Zoning Map
3. 3A-3C Elevation Drawings & Floorplans
4. Photographs- Exhibit
5. Pieranunzi CV
6. 6A-6C Cross Sections
7. Order in # 93-119-SPHA with site plan

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits) – West Law printout of case Betty E. Bernui v. Tantallon Control Committee, et al

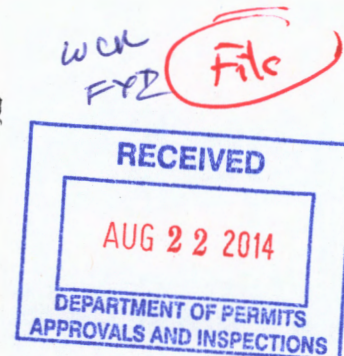
Administrative Law Judge Order and Letter (GRANTED, October 1, 2013)

Notice of Appeal – October 30, 2013 by Michael R. McCann, P.A. / Valleys Planning Council



County Board of Appeals of Baltimore County

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



August 22, 2014

Christopher D. Mudd, Esquire
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Michael R. McCann, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Case No.: 03-C-14-008808
In the Matter of: Boys School of St. Paul's
Board of Appeals Case Nos.: 14-024-SPH/CBA-14-022

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules that a Petition for Judicial Review was filed on August 14, 2014 by Michael R. McCann, Esquire, on behalf of The Valleys Planning Council, Douglas Carroll, and Justin Batoff, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

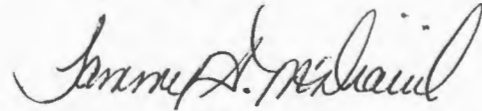
In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Michael R. McCann, Esquire, on behalf of The Valleys Planning Council, Douglas Carroll, and Justin Batoff, having taken the appeal, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rule 16-406d(B) which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request.

Please be advised that the ORIGINAL transcripts must be provided to the Board of Appeals no later than OCTOBER 10, 2014 so that they may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Tammy A. McDiarmid
Legal Secretary

Duplicate Original
Enclosure

c: Chris Fallon/Boys School of St. Paul's Parish
Teresa Moore, Executive Director/The Valleys Planning Council
Michael Pieranunzi/ Century Engineering
Troy Slevin/ Century Engineering
Francis Smyth
Mitch Kellman
Tom Maddox
Jon and Cheryl Aaron/Greater Greenspring Association
Henry H. Jenkins
Peter Fenwick
Elizabeth Wilmerding
Paul Miller
Kathlien Pontone
Amy Newhall
Justin Batoff
Jeremy Batoff
Doug Carroll
Linda Corbin
Joan Hoblitzell
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

Christopher D. Mudd
Counsel

t 410.494.6365
f 410.821.0147
cdmudd@venable.com

October 19, 2016

W. Carl Richards, Jr., Supervisor
Zoning Review Office
Department of Permits, Approvals & Inspections
County Office Building - Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Confirmation of Spirit and Intent
The Boys' School of St. Paul's Parish, Inc.
11152 Falls Road

Dear Mr. Richards:

14-024 SPH

I am writing on behalf of the Boys' School of St. Paul's Parish ("the Boys' School") in conjunction with an application for a limited exemption under Section 32-4-106(a)(vi) of the Baltimore County Code that was presented to the Development Review Committee ("DRC") on July 12, 2016. As explained in that application, the Boys' School proposes to make improvements to the school campus. Specifically, the Boys' School proposes to demolish the existing bleachers and press box associated with a turf field on its property and an adjacent field on property owned by St. Paul's School for Girls ("the Girls' School"), and to construct new bleachers, a new press box, and other amenities. A copy of the Plan to Accompany DRC Request is included with this letter.

By way of brief history, after decades of operating the schools on the various parcels individually owned by the Boys' School and the Girls' School, in the 1980s St. Paul's School (collectively referring to the Boys' School and the Girls' School) sought to obtain special exceptions for the school use within the RC 2 zone. Originally, the Girls' School sought and obtained a special exception for the school use on its properties, in Case No. 1984-139-X. Subsequently, in Case No. 89-101-SPHX (the "1989 Case"), St. Paul's School sought: (i) a special exception to use the Boys' School property as a school and to modify or expand existing facilities and construct certain anticipated future facilities; and (ii) a special hearing to amend the Girls' School's approved site plan to expand its facilities. The site plan approved in the 1989 Case clearly depicts existing and proposed improvements on both the Boys' School properties and the Girls' School properties, including certain facilities that were (and are) used by both schools.

The site plan from the 1989 Case also included a "general building envelope," the purpose of which was to allow for development within that envelope without the need to

W. Carl Richards, Jr., Supervisor
Zoning Review Office
Department of Permits, Approvals & Inspections
October 19, 2016
Page 2

apply for further zoning relief or attend further public hearings (the "Building Envelope" or "Envelope"). See Condition 1 as outlined in the order issued in the 1989 Case. A copy of the order and site plan (Petitioner's Exhibit 1) from the 1989 Case are attached. The Boys' School was (and is) not prohibited from developing its campus outside the Building Envelope. Rather, if, in the future, St. Paul's School wished to construct buildings outside of that Envelope, it would be required to petition for appropriate relief and attend a public hearing. Over the years, St. Paul's School has made several improvements to its properties, some of which necessitated zoning relief. See Case No. 93-119-SPHA; Case No. 00-162-SPH; Case No. 04-553-X; Case No. 08-345-SPHA; and Case No. 14-024-SPH.

The Boys' School now seeks to make additional improvements to the portion of its property located northwest of Seminary Avenue. As stated below, these improvements include demolishing the existing bleachers and press box situated between the field on its property and the field on the Girls' School property, and constructing new bleachers and a new press box and plaza areas (with storage below) and other amenities. As you can see from the Plan to Accompany DRC Request (the "DRC Plan") and Petitioner's Exhibit 1 from Case No. 89-101-SPHX, the improvements will be located entirely within the Building Envelope, although a small area of hardscape/sidewalk will extend outside of the Envelope towards the area marked "Ex. Macadam Parking." Certainly, any "building" will be located within that Envelope.

Lastly, as shown on the enclosed DRC Plan, both the existing bleachers/press box and the proposed replacement improvements are located in close proximity to a property line (the "Property Line" that divides property owned by the Boys' School (the property on which the improvements are located) and adjacent property owned by the Girls' School (on which additional fields are located). The DRC Plan also shows how the limits of the Building Envelope established in the 1989 Case coincides with the Property Line, confirming that buildings were existing, and intended to be, within close proximity of the Property Line. Even though the properties are under separate ownership, the fields and bleacher/press box improvements are designed and function to serve jointly the Boys' School and the Girls' School. For example, the press box is currently designed to open both towards the field on the Boys' School property and the field on the Girls' School property, so as to facilitate use by both schools. Additionally, St. Paul's School programs its athletic activities on both fields, such that the Girls' School will, on occasion, utilize the field and amenities on the Boys' School property and the Boys' School will, on

W. Carl Richards, Jr., Supervisor
Zoning Review Office
Department of Permits, Approvals & Inspections
October 19, 2016
Page 3

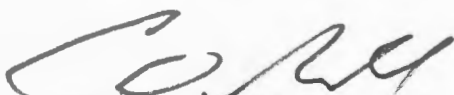
occasion, utilize the field and amenities on the Girls' School property. As a result of this joint use of the fields, amenities, and improvements, the Property Line has no application for zoning/setback purposes, and the proposed bleachers/press box/plazas/amenities are not required to be set back any specified distance from the Property Line. This conclusion is further supported by the delineation and approval of the Building Envelope to coincide with the Property Line in the 1989 Case.

At this time, I am seeking confirmation from you that the proposed improvements, as described in this letter, are within the spirit and intent of the governing special exception and site plan from Case No. Case No. 89-101-SPHX, as amended, and may be constructed without the need to obtain any further zoning relief.

If, after reviewing this information, you are able to offer such confirmation, please countersign this letter below. With this letter, I have enclosed a check in the amount of \$150.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you require any additional information in order to complete your review, please feel free to give me a call.

Thank you for your assistance with this matter.

Very truly yours,



Christopher D. Mudd

Enclosures

REVIEWED AND CONFIRMED:



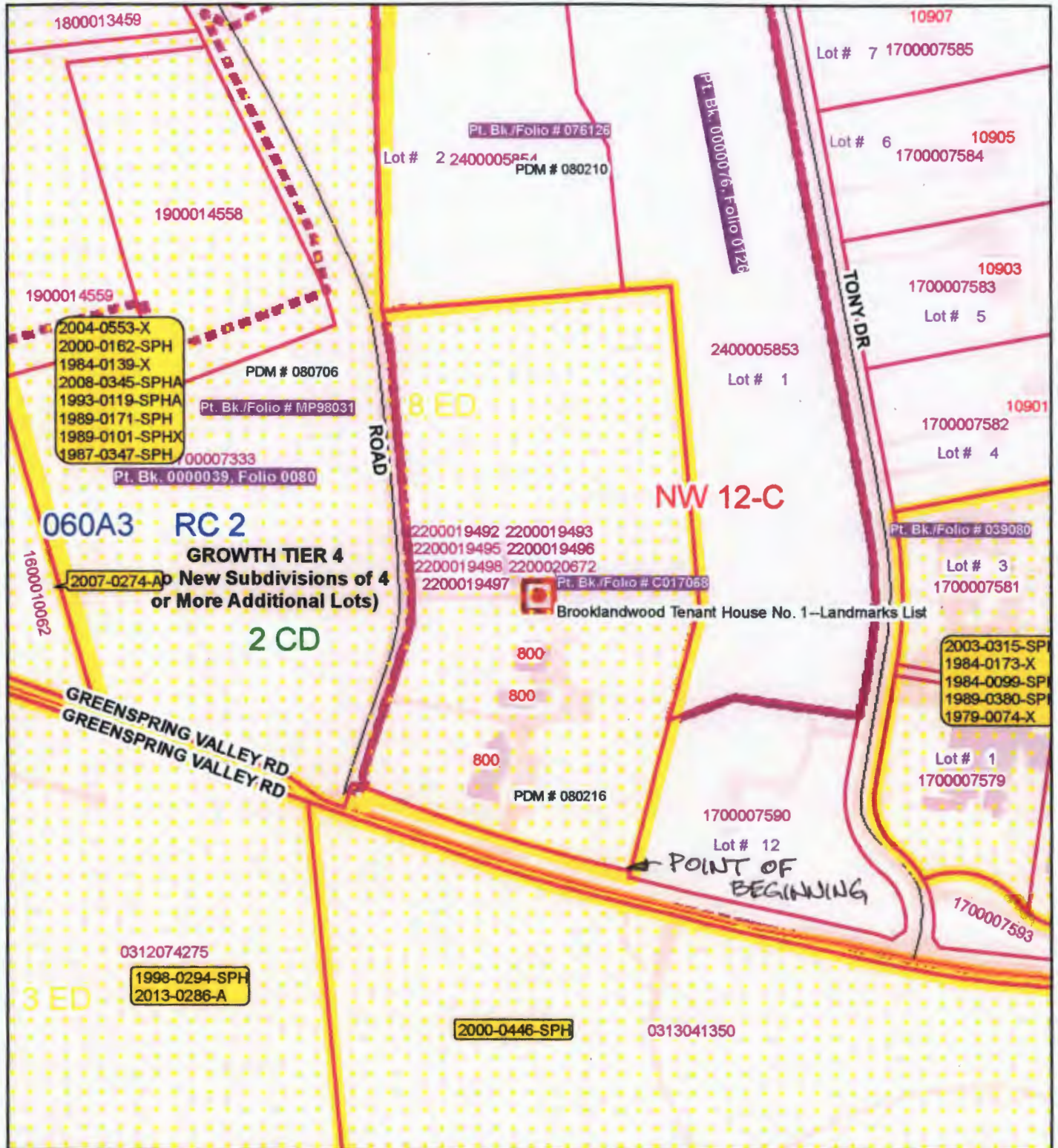
W. Carl Richards, Jr., Supervisor
Zoning Review Office
Department of Permits, Approvals & Inspections

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 08 Account Number - 0802058400	
Owner Information		
Owner Name:	BOYS SCHOOL OF ST PAUL PARISH	Use: EXEMPT COMM
Mailing Address:	ST PAUL PARISH BROOKLANDVILE MD 21022	Principal Residence: NO Deed Reference: 1) /02126/ 00131 2)
Location & Structure Information		
Premises Address:	11152 FALLS RD LUTHERVILLE MD 21093-3724	Legal Description: 34.012 AC SWS 11152-ETC FALL 900 S BROOKLA
Map: 0060	Grid: 0013	Parcel: 0070
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2014
Special Tax Areas:	Town: NONE	Ad Valorem:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation	Tax Class:	
Value Information		
	Base Value	Value
		As of
		01/01/2011
Land:	2,310,100	2,310,100
Improvements	4,764,000	4,764,000
Total:	7,074,100	7,074,100
Preferential Land:	0	
Transfer Information		
Seller:	Date:	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /02126/ 00131	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	800	7,074,100.00
State:	800	7,074,100.00
Municipal:	800	0.00
Tax Exempt:	Special Tax Recapture:	07/01/2014
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Emerson Farms



Publication Date: 7/30/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100 200 300 400
Feet

1 inch = 200 feet

2014-0024-SPH



St. Paul's School
 Baltimore County, MD
 1 inch = 100 feet




VIEW 1



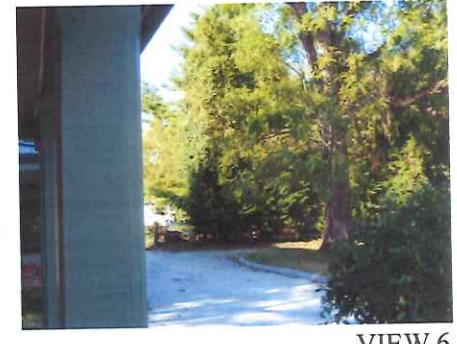
VIEW 5



VIEW 9



VIEW 2



VIEW 6



VIEW 10



VIEW 3



VIEW 7



VIEW 11



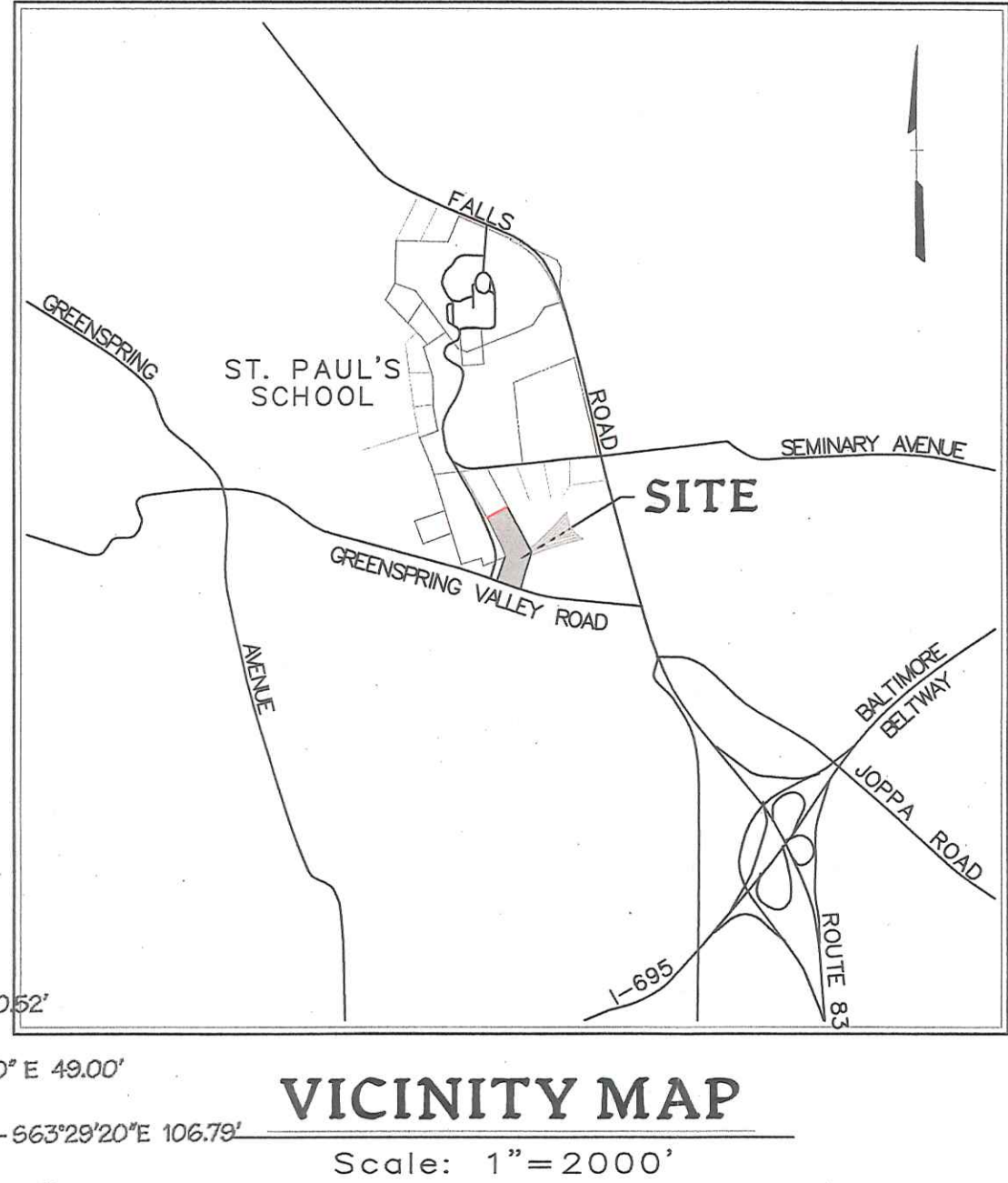
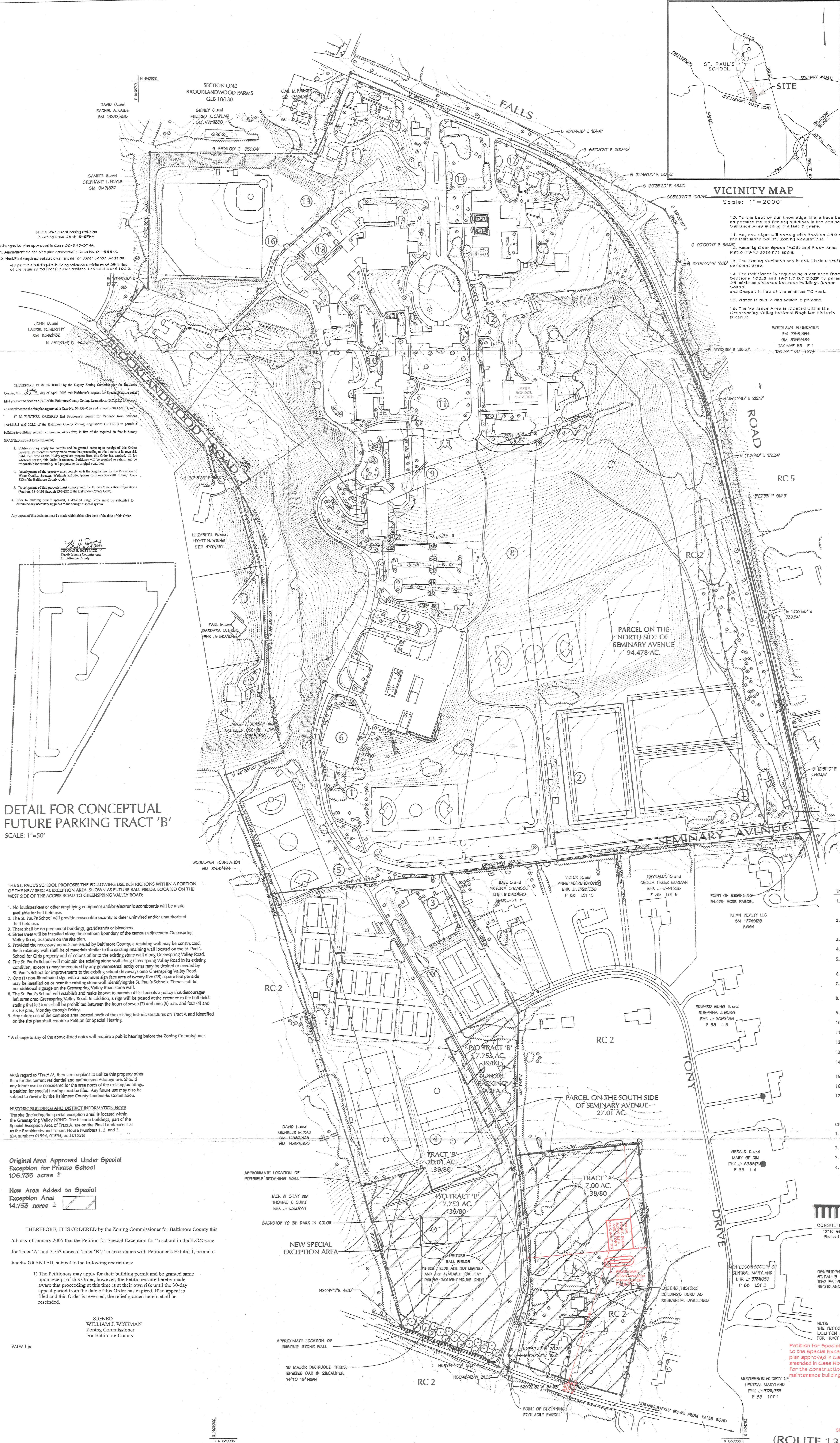
VIEW 4



VIEW 8



VIEW 12



General Notes

- Election District 8, Council District 2
- All driveways and parking areas shall be provided with a durable, dustless surface maintained so as not to create any undesirable conditions. Widths are as shown.
- Existing and proposed academic buildings are as shown and as identified in the legend. Proposed buildings and facilities are schematic and are based on conceptual plan. Accordingly, they are subject to modification and revision if in accordance with the terms of this Special Exception and applicable standards and requirements of the Zoning Regulations.
- Off-street parking data and computations:
a. Date:

	Boys' School	Girls' School	Total
Students*	730	280	1,010 (As shown on the site plan in Case 93-19-SPHX)
Faculty and Staff	124	55	179

* No students reside on the campus.

b. Parking required:

	Boys' School	Girls' School	Total
Faculty and staff - 179 at 1 space/each			179 spaces
Fine Arts Center - 600 seats at 1/4 - 150 spaces			150 spaces
Total Required			329

c. Parking provided:

	Boys' School	Girls' School	Total
Faculty and staff - 179 at 1 space/each			179 spaces
Fine Arts Center - 600 seats at 1/4 - 150 spaces			150 spaces
Total Required			329

d. All regular spaces shall be 8'x16' foot minimum. All new parking areas shall be designed in accordance with the dimensional standards in Sections 409.3 and 409.4 of the Zoning Regulations. Design, screening and landscaping, surface treatment, lighting, distance to street line, treatment at dead ends and striping of parking area shall be in accordance with Design Standards set forth in Section 408.8A, 1 through 6.

5. Storms and drainage courses are shown.

6. Site landscaping and screening shall be in compliance with the Baltimore County Landscape Manual.

7. All site lighting and any future use to illuminate parking area shall be arranged to reflect light away from adjoining residential premises and public spaces.

8. The site is connected to public water at Falls Road. Therefore, the on-site sewer facilities shall be subject to review and approval by DEPDM.

9. Zoning History: The St. Paul's School for Girls was granted a Special Exception for a private school by Petition 84-120 on November 20, 1982, subject to Phase 3 and 33 being marked on the plan as classrooms and approval of a revised plan by the Maryland Department of Transportation and by the Office of Planning and Zoning.

Petition 87-347 SPX, granted by the Zoning Commissioner on March 2, 1987, approved an amended site plan to permit building expansion over time.

Petition 89-101 SPX, granted by the Zoning Commissioner on September 30, 1989, approved a Special Exception for a private preparatory school for the boy's school of St. Paul's Parish portion of the total site and an amendment of the site plan approved in Case No. 84-120 and 87-347 SPX, modified to show general building envelopes in accordance with the concept plan introduced as Petitioner's Exhibit 1. These approvals were granted subject to the following restrictions that are conditions precedent:

- In implementing the modified concept plan, the schools shall have flexibility to make changes in the design and/or locations of the facilities depicted on the site plan, Petitioner's Exhibit 1, without the need for further hearings before the Zoning Commissioner, as long as the development is in compliance with the indicated building envelopes and complies with all applicable requirements of the Building Code, Development Regulations and other portions of the Baltimore County Code.
- The Petitioner shall redesign all parking areas to comply with comments set forth in the August 31, 1989, Inter-office memorandum from Pat Keller, Deputy Director of the Office of Planning and Zoning, to Robert Haines, Zoning Commissioner for Baltimore County, a copy of which is attached hereto and made a part thereof.
- Petitioner shall comply with all Zoning Advisory Committee comments.
- The Petitioner shall install all necessary fire hydrants as required by the Baltimore County Fire Department. Petitioner shall construct and adapt the subject property to comply with the requirements of the Baltimore County Fire Department for equate on-site water supply for fire production prior to the construction of any buildings, structures, or facilities included on Petitioner's Exhibit 1.

Petition 89-171 SPX, granted by the Zoning Commissioner on April 9, 1991, approved a Special Hearing to approve and confirm the nonconforming use of seven (7) historic dwellings, and approve and determine the owner's right to subdivide and generally convert the existing residential units through the use of a condominium association, in accordance with Petitioner's Exhibit 9. These approvals were granted subject to the following restrictions that are conditions precedent:

- The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to file a new Petition for Special Hearing.
- With the exception of restorative work, neither Petitioner nor any subsequent owner, including but not limited to future Condominium Unit Owners may make any changes in any Condominium Unit or the area included in the General and/or Limited Common Elements if such changes result in a change in the exterior appearance or historical character of the Condominium Units or the General and/or Limited Common Elements, unless approved by the Baltimore County Landmark Preservation Commission or its duly authorized designee or assignee.
- Notwithstanding Restriction 2 set forth above, changes may not be in contravention of the B.C.Z.C. regarding nonconforming uses whether or not approved by the Baltimore County Landmark Preservation Commission or its duly authorized designee or assignee.
- The subject property is a nonconforming use and subject to the limitations on nonconforming use as codified in the B.C.Z.C.
- As long as Petitioner owns the property or is engaged in the sale of Condominium Units, Petitioner shall have the right to amend the site plan to relocate boundary lines between the Common Area and any other units, provided however, that such relocation does not materially and adversely affect any Owner other than the Petitioner and that such relocation does not violate Restrictions 2, 3 and 4 set forth above and that such relocation is submitted and approved site plan of all or any part of the development/property prior to said amendment.
- In no event shall the acreage of the subject property be reduced to less than the 7.00 acres submitted herein.
- When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- Prior to transferring any interest in any property by the creation of a Condominium Association, Petitioner shall file any and all documents with the Office of Planning and Zoning evidencing approval of all required State and County agencies and address the restrictions of this Order.

Petition 93-119 SPX, granted by the Zoning Commissioner on November 19, 1992, approved a Variance from Section 1401.3.3.3 of the B.C.Z.C. to permit a setback of 20 feet, in lieu of the required 25 feet a Variance from Section 102.2 of the B.C.Z.C. to permit a separate yard area of 35 feet, in lieu of the required 70 feet, and a Special Hearing seeking modification of the special exception granted and site plan approved in Case No. 89-101 SPX to allow a revised maximum building envelope to reflect final location and building footprint of proposed chapel, subject to the following restrictions:

- The Petitioner may apply for its building permit 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The size and configuration of the proposed chapel shall be as shown on the site plan. Further, the chapel is incidental to the school and not a separate parish. Therefore, its use shall be limited to students, faculty, administration and their appropriate guests.
- Petition 00-162 SPX, granted by the Zoning Commissioner on February 29, 2000, approved a Petition for a Special Hearing to confirm tennis courts as either principal or accessory to the school, and to amend the last approved site plan in prior case no. 93-119 SPX, in accordance with Petitioner's Exhibit 1. These approvals were granted subject to the following restrictions:

- The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appellate process from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- The 14 tennis courts shown on the plan shall not be lit. In the event the Petitioners propose lighting of the courts in any fashion, the Petitioners must seek approval through a new Petition for Special Hearing.
- When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

The St. Paul's School Program Legend

- Improvements of roadway to take majority of traffic through the Seminary Road/Falls Road entrance, which currently has a traffic light and has been expanded. The road design has been developed to alleviate traffic problems at the top of Falls Road and with safety in mind for all students.
- Expansion of existing stadium or the repositioning of the stadium to a new location, approximately the same size, but to include locker spaces, shower and bathroom facilities. The repositioning, if necessary, would be in accordance with applicable wetlands regulations.
- Recent construction of a building to house a day care center run by the St. Paul's School.
- Construction of a pool and related facilities adjacent to boy's school tennis courts.
- Expansion of an existing field house located adjacent to the girl's school varsity field to include lockers, shower and bathroom facilities.
- Construction of a new gym contiguous to the existing structure and approximately the same size.
- Addition of new classrooms at the north and the east of existing building, currently utilized as a parking lot.
- Construction of a separate recreational building, approximately 100 x 150 feet as referenced on the November 3, 1986 site plan.
- Recent construction of a Fine Arts Center.
- Construction of a new building to house a library, classroom, and lab.
- Appropriate walkways, gardens, and gazebos.
- Walkways and necessary fire access to all buildings.
- Renovation of old gymnasium. Construction of a new gymnasium.
- Enclosure of the quad in the lower school and internal renovation. Construction of additional classrooms.
- Construction of chapel.
- Construction of a physical fitness and obstacle course area, west of proposed new gym.
- Renovation, modernization and landscaping of existing faculty housing.

St. Paul's School Zoning Petition
In Zoning Case 93-119-SPHX

Changes to plan approved in Case 89-101 SPX:

- Revised maximum building envelope to reflect final location and building footprint of proposed chapel. Identified previous maximum building envelope as proposed chapel.
- Updated plan to reflect actual building planned and/or constructed since grant of Case 89-101 SPX.
- Updated program legend to reflect changes since grant of Case 89-101.

- to permit a 35' between chapel and adjacent building in lieu of the required 70' (BCZR Sect.102.2)
- to permit a side yard setback of 20' in lieu of the required 35' (BCZR Sect. 1A01.3.8.3)

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
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(410) 528-3525
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A Team of Land Planners, Landscape Architects, Civil Engineers, Surveyors & Environmental Professionals

OWNER/DEVELOPER:
ST. PAUL'S SCHOOL
1155 FALLS ROAD
BROOKLANDVILLE, MD 21022

ST. PAUL'S SCHOOL
1155 FALLS ROAD
PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

NOTE:
THE PETITIONER IS REQUESTING A SPECIAL EXCEPTION FROM A 6500.0 IN THE R22 ZONE FOR TRACT 'A' AND 7.753 ACRES OF TRACT 'B'.

Petition for Special Hearing for an amendment to the Special Exception and accompanying site plan approved in Case No. 08-945-SPHX to allow for the construction of an 8,000 square foot, maintenance building.

MONTEGOMERY SOCIETY OF CENTRAL MARYLAND
EIK. J. 8708/889
P. 88 LOT 1

SIGNED AND SEALED FOR THE
(REVISION DATED 6/1/15)

DATE	BY	REVISIONS
8/14/08		ESTABLISH MAXIMUM BUILDING ENVELOPE.
8/14/08		ALTERNATE DAY CARE LOCATION
8/14/08		ADD CASE # 89-101 SPX AND CHANGES
10/26/09		ADD SPECIAL HEARING REQUEST FOR THE TENNIS COURTS
11/24/04	KO	ADD NEW SPECIAL EXCEPTION AREA TO SCHOOL
8/21/04	KO	REVISION PER MEETING WITH VPC
11/23/04	KO	REVISION PER MEETING WITH VPC
12/10/04	KO	REVISION PER ZONING HEARING
ISSUE DATES		
REVIEW:	DATE:	KO
DRAWN:	DATE:	KO
DESIGNED:	DATE:	
CHECKED BY:	DATE:	
DATE CHECKED:		
DRAWING:		
PROJECT NO.:	82023.12	

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of January 2005 that the Petition for Special Exception for "a school in the R.C.2 zone for Tract 'A' and 7.753 acres of Tract 'B,'" in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appellate period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
1. No loudspeakers or other amplifying equipment and/or electronic scoreboards will be made available for ball field use.
2. The St. Paul's School will provide reasonable security to deter unwanted and/or unauthorized ball field use.
3. There shall be no permanent buildings, grandstands or bleachers.
4. Street trees will be installed along the southern boundary of the campus adjacent to Greenspring Valley Road, as shown on the site plan.
5. Provided the necessary permits are issued by Baltimore County, a retaining wall may be constructed. Such retaining wall shall be of materials similar to the existing retaining wall located on the St. Paul's School for Girls property and of color similar to the existing stone wall along Greenspring Valley Road.
6. The St. Paul's School will maintain the existing stone wall along Greenspring Valley Road in its existing condition, except as may be required by any governmental entity or as may be desired or needed by St. Paul's School for improvements to the existing school driveways onto Greenspring Valley Road.
7. One (1) non-illuminated sign with a maximum sign face area of twenty-five (25) square feet per side may be installed on or near the existing stone wall identifying the St. Paul's Schools. There shall be no additional signage on the Greenspring Valley Road stone wall.
8. The St. Paul's School will establish and make known to parents of its students a policy that discourages late turns onto Greenspring Valley Road. In addition, a sign will be posted at the entrance to the ball fields stating that late turns shall be prohibited between the hours of seven (7) and nine (9) a.m. and four (4) and six (6) p.m., Monday through Friday.
9. Any future use of the common area located north of the existing historic structures on Tract A and identified on the site plan shall require a Petition for Special Hearing.

* A change to any of the above-listed notes will require a public hearing before the Zoning Commissioner.

With regard to "Tract A", there are no plans to utilize this property other than for the current residential and maintenance use. Should any future use be considered for the area north of the existing buildings, a petition for special hearing must be filed. Any future use may also be subject to review by the Baltimore County Landmarks Commission.

HISTORIC BUILDINGS AND DISTRICT INFORMATION NOTE
The site (including the special exception area) is located within the Greenspring Valley NRHD. The historic buildings, part of the Special Exception Area of Tract A, are on the Final Landmarks List as the Brooklandwood Tenant Houses (Numbers 1, 2, and 3). (BA numbers 01594, 01595, and 01596)

Original Area Approved Under Special Exception for Private School
106.735 acres ±

New Area Added to Special Exception Area
14.733 acres ±

THE PETITIONER IS REQUESTING A SPECIAL EXCEPTION FROM A 6500.0 IN THE R22 ZONE FOR TRACT 'A' AND 7.753 ACRES OF TRACT 'B'.

Petition for Special Hearing for an amendment to the Special Exception and accompanying site plan approved in Case No. 08-945-SPHX to allow for the construction of an 8,000 square foot, maintenance building.

SIGNED
WILLIAM J. WISEMAN
Zoning Commissioner
For Baltimore County

WJW:jbs

2014-0024-S14