Appeals court favors Loyola plan

College wants to build a retreat center and five cabins in Parkton

By Laura Barnhardt

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Loyola College, which has been locked in a lengthy dispute over its proposal for a retreat center in northern Baltimore County, should receive approval for the project, the state Court of Special Appeals decided this week.

The ruling reverses a decision by a Baltimore County Circuit Court judge, who sided with Parkton-area residents opposed to building the retreat center in an area designated for agriculture.

A lawyer for the group that objects to the retreat center said he will ask the state's highest court to review the appellate decision, which was issued Wednesday.

"The Court of Special of Appeals seems not to be concerned with urban sprawl," said G. Macy Nelson, attorney for Citizens Against Loyola's Multi-use center, or CALM.

Nelson and Baltimore County People's Counsel Peter Max Zimmerman - whose primary job is to weigh in when he thinks a proposal runs afoul of the county's master plan - argued before the three appellate judges this year that the location chosen for the retreat center would create additional traffic, noise, well problems and disruption to their rural way of life than it would if built elsewhere in the area.

A lawyer for Loyola College argued that the 16,000-square-foot center and five smaller cabins would cause few disruptions to neighbors and would have a less negative effect than would a college, which is allowed in the area by "special exception" to the county's zoning regulations.

James A. Dunbar, the lawyer for Loyola, said the county Board of Appeals and county zoning officials "applied the law properly."

In finding for the college, Court of Special Appeals Judge Timothy E. Meredith, on behalf of the judicial panel, wrote in an unreported opinion that the county Board of Appeals had "conducted an extensive review and analysis of the proposed facility and did not find that the proposed retreat center, at the particular location proposed, would have any material adverse effects above and beyond those inherently associated with such a college facility.

Loyola bought the 107-acre property near York and Stablersville roads in Parkton in 2001.

About 54 acres would continue to be used for farming. The retreat center and five smaller buildings would be built on 10 acres of the remaining land, according the plan. The main lodge is

to include a chapel, meeting rooms, dining and kitchen facilities.

In June 2004, a zoning commissioner granted the college a special exception to the agricultural zoning designation. A year later, the county Board of Appeals upheld the decision.

The residents opposed to the project, who say they fear that the retreat center would eventually expand, appealed.

In May last year, a Circuit Court judge found that the Board of Appeals had not properly applied the law of special exceptions and should have used a broader geographic analysis.

Loyola appealed the ruling by Circuit Judge Ruth A. Jakubowski to the Court of Special Appeals, Maryland's second-highest court. Zimmerman and Nelson filed cross-appeals.

Zimmerman also said that the college incorrectly calculated the center's water use, which conflicts with the county's water and sewage plan.

Both sides argued about the correct interpretation of a 20-year- old law that deals with special exceptions.

"Lawyers for developers read it one way," Nelson said. "Lawyers for preservationists read it another way."

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