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of counsel:

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EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

July 18, 2016

Sent Via Hand Delivery

Arnold Jablon, Esquire
Director of Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

**Re: Zoning Verification Letter
7439 Bay Front Road**

Dear Mr. Jablon:

Kindly be advised that I represent the contract purchaser, The Bayfront Club, of the subject property, located at 7439 Bay Front Road (the "Property") within the Sparrows Point community of Baltimore County. This property is zoned DR 5.5 and encompasses approximately 2.083 acres of land. In addition, the site is improved with a longstanding community building, which was constructed in 1920 according to data provided by the Maryland State Department of Assessments and Taxation ("SDAT"). The purpose of this zoning verification letter is to confirm that the continued and proposed use of the property as a community building, as described herein, is permitted pursuant to the authority established in Zoning Case No. 1969-0150-XA, where special exception approval was granted (along with parking variance relief), allowing a community building on the Property.

By way of background, a Civic Association known as the Loyal Order of the Moose, Edgemere Lodge No. 537 (the "Moose Lodge" or the "Lodge"), purchased the property and the existing building by Deed dated May 5, 1955 (Liber 2692, Folio 505). Apparently shortly after their acquisition, the Moose Lodge utilized the Property as its' meeting place and as a community building, and the Property was used for a wide variety of civic, social, and recreational related uses that are often associated with community buildings. For example, some of the activities conducted by the Moose Lodge during the course of its operation included: community meetings; community recreational activities; community picnics; youth classes; and providing a space that was rented by members of the community for both indoor and outdoor events, including birthday parties, reunions, weddings, and other gatherings/celebrations. The Moose Lodge also provided on-site food and beverage service throughout the duration of its operation.

Furthermore, as was previously mentioned, in Zoning Case No. 1969-0150-XA, the Zoning Commissioner granted Special Exception approval allowing a community building on the Property. This approval was granted on January 31, 1969; approximately fourteen (14) years after the Moose Lodge had

acquired the property. The Special Exception legitimized, from a zoning standpoint, the then existing operation on the Property. It is to be noted that the Special Exception approval actually included a second adjoining property. That is, Special Exception approval was granted for the continued use of the existing building (known as 7439 Bay Front Road) as a community building, identified as Building #1 on the Site Plan (which had already been in operation since 1955). Additionally, Special Exception approval was granted for the proposed construction of a second community building, identified as Building #2 on the Site Plan and located on the adjoining property to the west at 7433 Bay Front Road. (See **Exhibits 1A-1B**). This property also contained an existing structure shown as a dwelling. While the Special Exception was granted to allow both Building #1 and Building #2 to operate as community buildings, it appears that Building #2 was never constructed, and for purposes of this request, the contract purchaser will be acquiring only the subject Property that includes Building #1, which is known as 7439 Bay Front Road. The adjacent property known as 7433 Bay Front Road has never been developed for use by the Moose Lodge and is in different ownership. To emphasize, this request is to allow the continued operation of the building which has existed since 1955, not the adjacent property where a building was proposed and never built.

Attached hereto are several documents including two site plans. The first is two pages and is the plan taken from the file for Case 1969-0150-XA (**Exhibits 1A and 1B**). This plan shows both properties and the existing and proposed improvements as they existed at that time thereon. Second, (**Exhibit 2**) is a more recent plan (dated 2007) which shows current conditions. My client proposes no new external construction and the building footprint will remain the same as shown on the more recent plan.

As noted above, Case 1969-0150-XA included requests for both Special Exception approval for the community building and a parking variance. Indeed, a parking variance of 70 spaces was granted, to allow 229 spaces in lieu of the required 299. For the reasons that follow, there remains sufficient parking on the Property to accommodate the proposed use by my client and in compliance with the BCZR and the prior case.

The required parking calculated and approved in 1969 is shown on the Site Plan (**Exhibits 1A and 1B**) submitted for Case No. 1969-0150-XA. Specifically, the plan identifies the number of spaces required for both Building #1 as well as the proposed Building #2, and similarly collectively/interchangeably counts the parking spaces provided on both 7439 Bay Front Road (Building #1) and 7433 (Building #2) Bay Front Road. As Building #2 was never constructed, and as this request concerns the property located at 7439 Bay Front Road only. In conducting an analysis of the required number of parking spaces here, only those spaces that are required for Building #1, along with those spaces which are provided/located only on the 7439 Bay Front Road property, are relevant.

As such, the parking requirements for Building #1 (as shown on the Site Plan) are calculated as follows:

First Floor Area = 7,800 sq. ft.

Office Area= 3,500 sq. ft.

- At 1 space for every 300 sq. ft., **12 spaces are required**

Meeting Room Area = 4,300 sq. ft.

- At 1 space for every 6 persons of capacity, **34 spaces are required**

Basement Area = 4,640 sq. ft.

- At 1 space for every 50 sq. ft. of space, **93 spaces are required.**

Thus, it was determined at the time of approval that **139 parking spaces** were required for Building No. 1 on the 7439 Bay Front Road property. Significantly however, a review of the Site Plan for the 7439 Bay Front Road property provides **157 parking spaces** on the Property, which fully satisfies the parking requirements imposed (139 spaces) even without utilizing the approved 70 parking space variance. To confirm this amount of parking, I have included the Site Plan approved in the prior case. That plan is shown on two pages and a match line can be determined. **Exhibit 1A** is that part of the Property closest to the water and shows the building and 60 parking space. These are aligned as a row of 14 spaces adjacent to the side property line, a row of 14 spaces next to the building and two adjacent rows of 16 spaces each. **Exhibit 1B** shows that part of the Property closest to Bay Front Road. It shows another 97 parking spaces laid out in three adjacent rows of 26 spaces each, an 8 space row along the side property line and an 11 space row adjacent to Bay Front road. Also enclosed is the more recent plan (**Exhibit 2**), which generally shows the macadam parking area and the boundaries of the Property, as well as the existing building. **In sum, there is more than enough parking on the property to meet the required parking, not counting the 70 space parking variance that was previously approved.**

Undoubtedly, the prior special exception and variance approvals granted for the subject property, as discussed herein, were utilized and vested by the Moose Lodge lengthy operation. The Lodge shut down several years ago and there has been no intervening use since that time. In my opinion, the prior approvals run with land and continue in force and effect as to any future use of this property as a community building. While the Baltimore County Zoning Regulations ("BCZR") do not specifically define a "community building" use, no definition is needed in the instant case because the contract purchaser plans to offer substantially the same type of community oriented uses as were provided by the Moose Lodge. In fact, upon review of the description of the proposed use advertised on the contract purchaser's webpage (**Exhibit 3**), the similarities between the Moose Lodge and the proposed Bayfront Club are striking. Therein, the following description is provided:

"The Bayfront Club is a beautiful community center built to accommodate the many needs of the immediate Sparrows Point community and the larger Baltimore metropolitan area as well. We are developing the club to be place where people can meet, get together, celebrate, and share. Our mission? To provide an unusually large and airy space, with the tranquility of the waterfront backdrop, to bring the community closer together." See **Exhibit 3**.

Accordingly, like the Moose Lodge, the Bayfront Club plans to offer community membership opportunities along with a diverse array of community oriented uses, which will include providing space to accommodate an array of different indoor and outdoor events, and will also offer food and beverage services upon request. Also like the Moose Lodge, while it is planned that some community events will be open to Bayfront Club members only, it is also anticipated that at times, the Bayfront

July 18, 2016

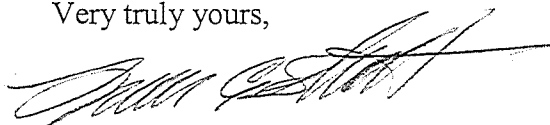
Page 4

Club will be open to the greater community at large on a reservation basis; discounted prices will however be made available to members of the Bayfront Club.

In conclusion, the proposed Bayfront Club, as described herein, is a permitted use as a community building at the property located at 7439 Bay Front Road. In fact, just as under the Zoning Regulations in effect when Zoning Case No. 1969-0150-XA was decided in 1969, community buildings still are permitted by special exception under the current DR 5.5 Regulations. As such, the previously approved special exception approval to operate a community building on 7439 Bay Front Road, continues in effect as a binding judgment that runs with the land, and thus, the proposed community building identified as the Bayfront Club, is permitted as a matter of right pursuant to Zoning Case No. 1969-0150-XA.

In sum, the request herein is seeking verification that the proposed community building use, as described as the Bayfront Club, is permitted as a matter of right both inside of and outside of the existing structure on 7439 Bay Front Road. I have enclosed herewith a check in the amount of \$500.00 to cover the cost of your expedited review of this inquiry. Thank you in advance for your review of the contents of this letter. Should you have any questions, or if further information is required in order to consider this request, please contact me at 410-821-0070.

Very truly yours,



Lawrence E. Schmidt

CC: W. Carl Richards, Jr., Chief, Zoning Review Bureau of PAI
Christopher W. Corey, Esquire

ACCEPTED AND AGREED: *

JNP/WCR for



Arnold Jablon, Esquire

Director of Department of Permits, Approvals and Inspections

* This approval is only as to 7433 Bay Front Road
and any future use of 7439 Bay Front
Road will require approval of the Zoning
Office and/or a Special Hearing to
amend Case 1969-150-XA.

Ex. 3

[Facilities](#)

[Home](#)

[Location](#)

[Meetings & Events](#)

BAYFRONT CLUB



The Bayfront Club is a beautiful community center built to accommodate the many needs of the immediate Sparrows Point community and the larger Baltimore metropolitan area as well.

We are developing the club to be a place where people can meet, get together, celebrate, and share. Our mission? To provide an unusually large and airy space, with the tranquility of the waterfront backdrop, to bring the community closer together.

We plan to offer a diverse set of possible uses of this long standing community building. With a capacity of over 300 on site, as well as the beautiful backdrop of the waterfront, we can host indoor and outdoor events that will benefit residents of the local community, the DMV, and their organizations.

Our space is available for meetings, classes, recitals, birthday parties, weddings, community activities, neighborhood picnics, and after school youth activities.

An individual or organization may contact us to request a space reservation. Costs for the space will vary based on availability and popularity of the time zone. Food and beverage service is available on-site for events as well. There are discounts available for residents of the Sparrows Point Community.

We look forward to hearing from you and helping you plan your meeting, activity, celebration, or gathering.

Comments are closed.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION AND VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Robert Franklin, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

In Section 409.2 b. 1. (3) (5) to permit 229 parking spaces in lieu of the required 299.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for... Community Building

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Edgemore Lodge #537
Legal Order of Masse
Address: 4739 Bayfront Road, 21210
Robert A. Puterman
Petitioner's Attorney
Address: E. Redwood Street, 21202
Legal Owner
Address: 2300 Sparrows Point Road, 21219
Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day of _____, 1968, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1968, at 11:00 o'clock

Zoning Commissioner of Baltimore County.

(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that ~~agreement~~ the petitioner has met the requirements of Section 502.1 of the Baltimore Zoning Regulations, the special exception for a Community Building should be granted.

As strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and the variance requested to Sec. 409.2.b.(3)(5) to permit 229 parking spaces in lieu of the required 299 spaces, would give relief without substantial injury to the public health, safety or general welfare of the locality involved, the variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1968, that the herein described property on _____ should be and the same is hereby re-classified from _____ to _____ that _____ a Special Exception for a Community Building should be and the same is granted, from and after the date of this order. It is further ORDERED that the variance to permit 229 spaces instead of the required 299 should be and the same is granted. The recommendations of all the departments of the County have been complied with.

Site plan is subject to approval of the Bureau of Public Works & Office of Plan. & Pursuant to the advertisement, posting of property and public hearing on the above petition Zoning and appearing that by reason of _____

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1968, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a _____ zone; and/or the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

KELLER & KELLER State Registered Land Surveyors

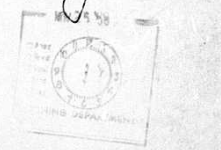
3914 WOODLEE AVENUE
BALTIMORE, MARYLAND 21206

DESCRIPTION

Nov. 21st, 1968.

BEGINNING for the same at the corner formed by the intersection of the North side of Bay Front Road, 20' wide, and the West side of Lodge Farm Road; said place of beginning being also at the corner formed by the intersection of the Southern right-of-way of the Sparrows Point and Baltimore Railroad and the Western outline of Lodge Forest; and running thence from said place of beginning, binding on the said Northernly side of said Bay Front Road, with the use thereof in common with others, South 86°53' West 273.79'; thence leaving the said Northernly side of said Bay Front Road, crossing said Road and running South 05°22'14" West 573.30' to the waters of the Patuxent River; thence binding on said waters the four following courses and distances, viz: North 69°32'10" East 105.49'; South 84°27' East 117.53'; North 66°55' East 67.63' and South 83°03' East 68.26' to the division line between lots #139 and #140 on the Plat of Lodge Forest; thence binding on said division line and running North 03°07' West 278.90' to the South side of Irigouis Avenue, 20' wide; thence binding on the said South side of said Irigouis Avenue, with the use thereof in common with others, South 86°53' West 35.35' to the said Western outline of said Lodge Forest; thence binding on said outline and running North 08°00' East 267.97' more or less, to the place of beginning.

SUBJECT to a strip of land 5' wide for the future widening of Bay Front Road.
CONTAINING 4.272 Acres of land, more or less.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: January 3, 1969

FROM: George E. Gervell, Director of Planning

SUBJECT: Petition #69-150-XA. Special Exception for Community Building. Variance to permit 229 parking spaces instead of the required 299 spaces. North side of Bay Front Road and the west side of Lodge Farm Road. Robert Franklin, Petitioner.

15th District

HEARING: Wednesday, January 15, 1969 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for a community building together with a variance to the off-street parking requirements. We note that the use requested exists presently on the property and that testimony from neighbors could shed light on whether or not it complies with Section 502.1 of the Zoning Regulations. Is the parking proposed to be provided sufficient to service the activities on this site?

GEG:sm

INTER-OFFICE CORRESPONDENCE BUREAU OF TRAFFIC ENGINEERING Baltimore County, Maryland Towson, Maryland 21204

Date: January 30, 1969

TO: Mr. John G. Rose
FROM: C. Richard Moore
SUBJECT: Zoning Petition #69-150
Item 127 - ZAC - November 26, 1968

This office is in receipt of a letter from Robert S. Puterman indicating that the subject property will never have more than 500 persons at any event. If this were a requirement, this office would have no objection to the variance to parking.

C. Richard Moore
Engineer II

CAM:mr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John Rose Date: November 26, 1968
FROM: William M. Greenwalt
SUBJECT: Item 127 - Zoning Advisory Committee Meeting, November 26, 1968

127. Property Owner: Robert Franklin
Location: S/S Bay Front Rd. & Lodge Forest Rd.
District: 15th
Present Zoning: R-6
Proposed Zoning: S.E. for Community Bldg. & Var. to Sec. 409.2B (1), (3), (5)
No. Acres: 4.272

If any part of the building is used for food service it will be necessary to submit complete plans and specifications of the building and equipment to the Division of Food Control for review and approval prior to any construction.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

William M. Greenwalt
Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

WMG/ca

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose Date: November 26, 1968
FROM: Captain Charles F. Morris, Sr.
Fire Bureau
SUBJECT: Item #127 - Zoning Agenda, Tuesday, November 26, 1968

Property Owner: Robert Franklin
Location: S/S Bay Front Road and Lodge Farm Road
District: 15th

1. Fire Bureau will require all clearing regulations be carried out when site is to be cleared for construction.
2. All Fire Bureau requirements shall be required when construction plans are submitted for approval.

cc: Mr. Martin J. Hanna,
Fire Protection Engineer

Comments - Zoning Plat

127. Property Owner: Robert Franklin
Location: S/S Bay Front Road and Lodge Forest Road

District: 15th
Present Zoning: R-6
Proposed Zoning: S.E. for Community Bldg. & Var. to Sec. 409.2B (1), (3), (5)
No. Acres: 4.272

This is a Special Exception for a community building and Variance for parking in R-6 zone.

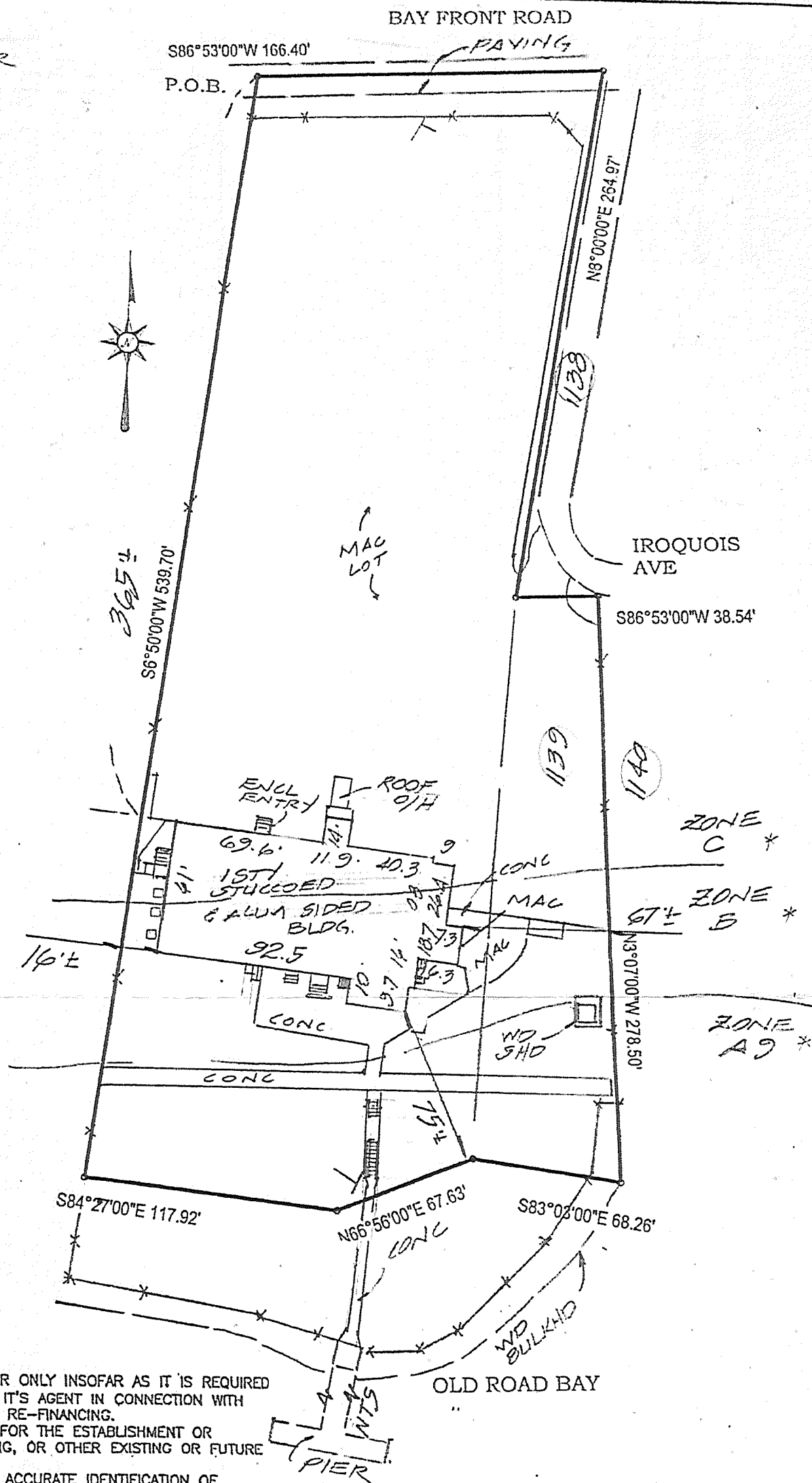
All facilities are available in the existing building and adequate to serve the proposed addition by application.

Bay Front Road shall ultimately be improved with curb and gutter and 40 feet of macadam paving on a 60-foot right-of-way.

A grading permit will be required and enforcement of the grading to comply with the plan will be in the jurisdiction of the Building Inspectors Office.

CLB:rw

NOTE: ROUGH SCALED
FLOOD ZONE LINES PER
240010 0555 B.



1. THE PLAT IS IF BENEFIT TO A CONSUMER ONLY INSOFAR AS IT IS REQUIRED BY A LENDER OR A TITLE COMPANY OR IT'S AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER FINANCING OR RE-FINANCING.
2. THE PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDING, OR OTHER EXISTING OR FUTURE IMPROVEMENTS.
3. THE PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR RE-FINANCING.
4. I HAVE EXAMINED FLOOD INSURANCE RATE MAP PANEL NUMBER 240010 0555 B* FOR THE SUBJECT PROPERTY AND IT APPEARS TO LIE WITHIN ZONE A9, B, C * PER SAID MAP.
5. DIMENSIONS SHOWN TO APPARENT LOT LINE ARE $\pm$ 2".
6. DATE OF FIELD WORK: 10-12-07.

LOCATION DRAWING

7439 BAY FRONT ROAD

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600

DATE: 10-15-07

SCALE: 1"=60'

JOB NUMBER: HP-7842

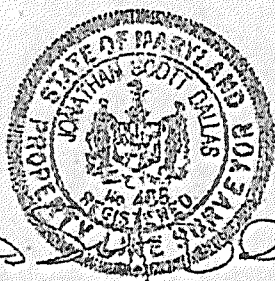
DRAWN BY: JSD

CHECKED BY: JSD

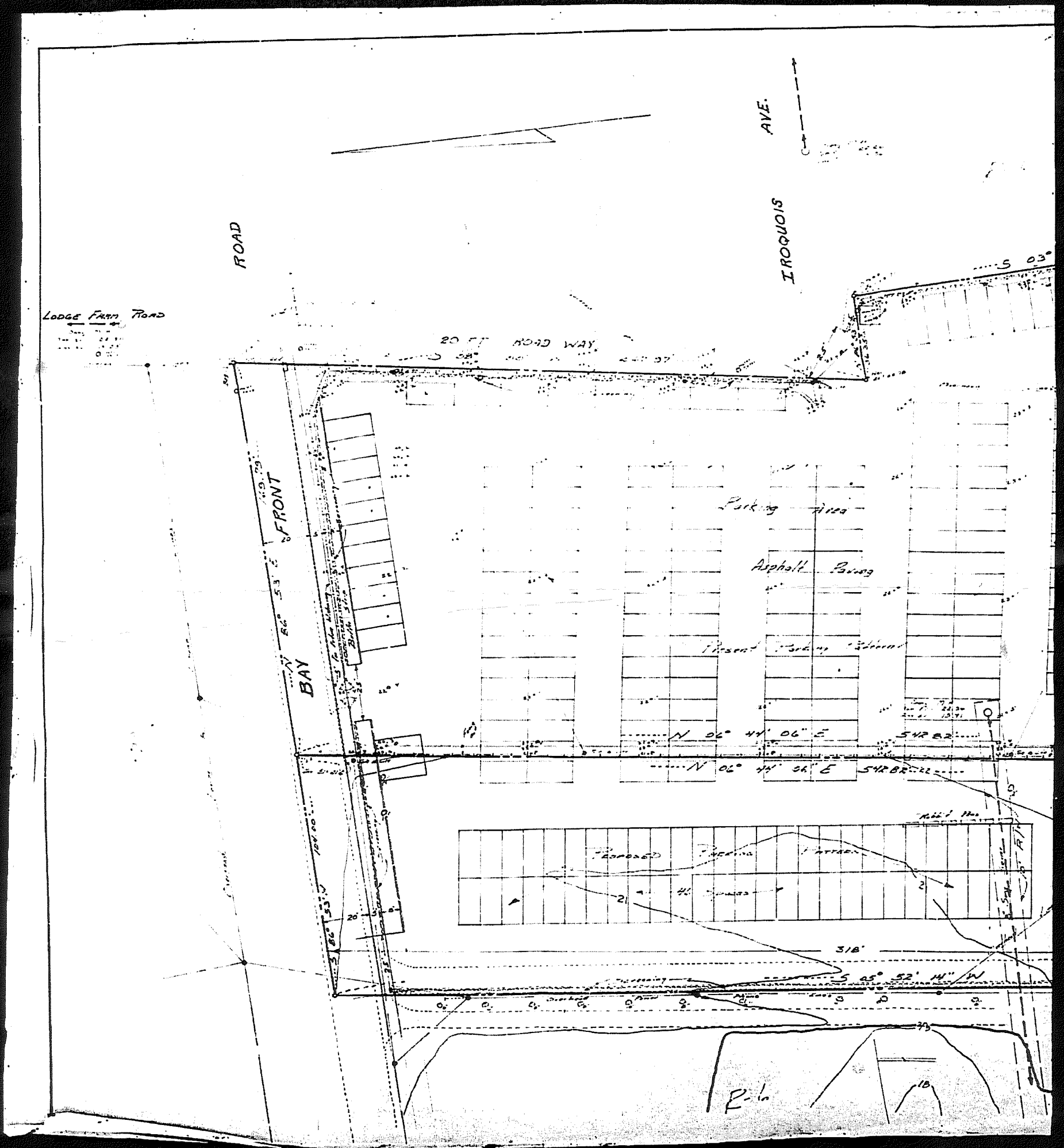
DEED REF: 2692-505

15TH EL DIST.

BALT CO, MD



Ex. 1B



EX 1A



Property	Area	Volume
Edgemere Moose Lodge #537	100.00	2.99
Lot adjacent to & West of Edgemere Moose Lodge #537	100.00	2.29
Total	200.00	5.28

ZONED: R-6

REQUEST: Exception for addition of 100 sq. ft. to the rear of the building

Outline & Topographic Survey of the Edgemere Moose Lodge #537 & Lot adjacent to & West of Edgemere Moose Lodge #537
15th Elec Dist. Balto. Co., MD.

CONTOUR INTERVAL: 10'

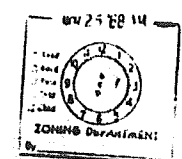
SCALE: 1" = 20' DATE: Oct. 7th, 1968

J. Edgar & Son

NOTE: All elevations referred to Balto. Co. Station No. Elev. = 21.77

#69-150XA
Map #15
P. 1500 Neck
SE-BH
X

OFFICE
CDPV



LODGE FRANK ROAD

Survey 1914
Twp. 21 N. R. 22 E. S. 26
Sec. 11
Twp. 21 N. R. 22 E. S. 26
Sec. 11

ROAD

FRONT

BAY

20 FT ROAD WAY

AVE.

IROQUOIS

Parking Area

Asphalt Paving

Present Parking Pattern

PROPOSED PARKING PATTERN

46 Spaces

318'

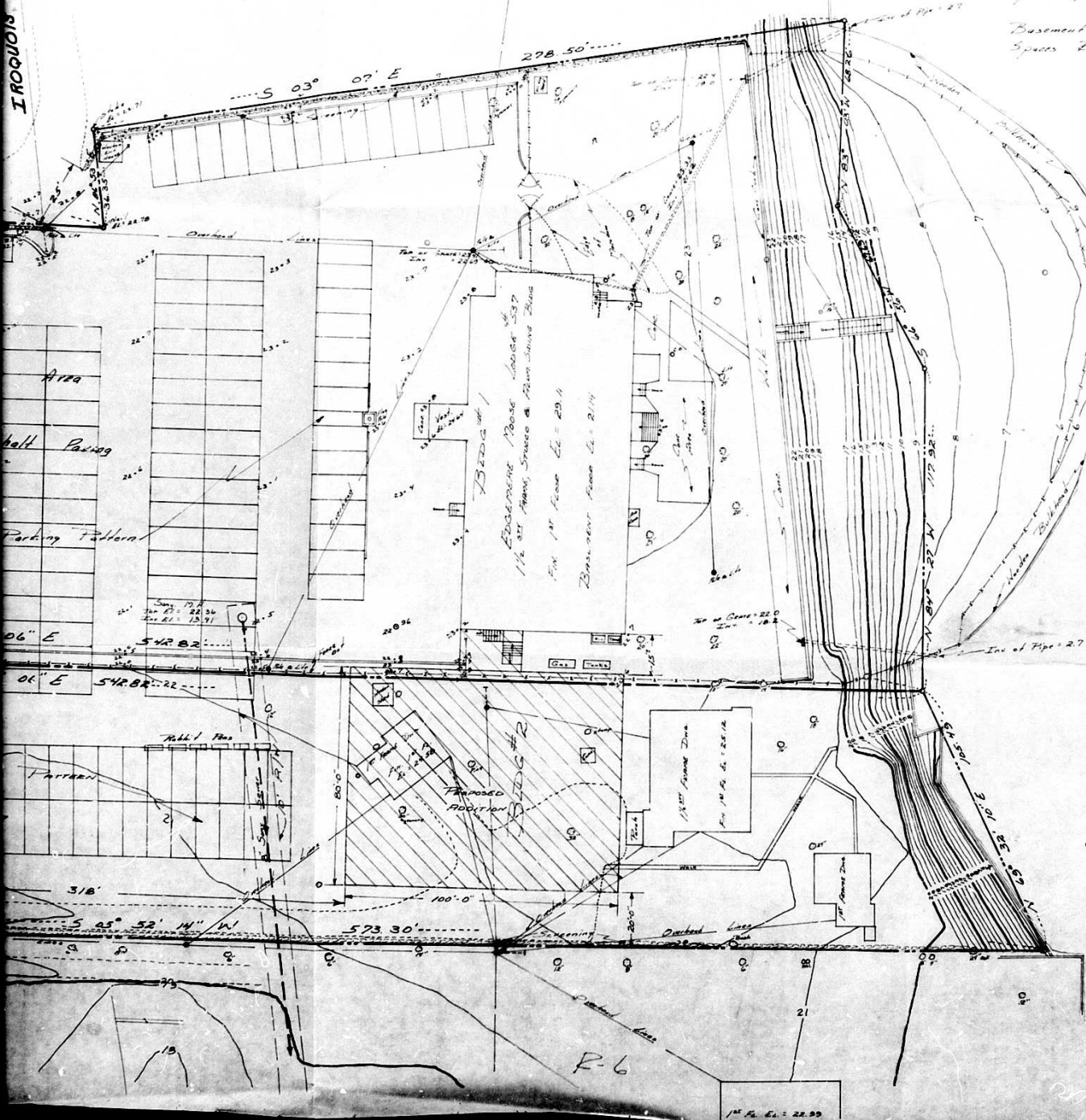
Securing

R-6

10

R-6

IROQUOIS



Base #1
Parking Data

1st Floor Area = 7000"
Office Area = 2500"
Spaces Required = $\frac{2500}{300} = 8$

Base #2
Parking Data

Recharging Bulb Area = 2000"
Spaces Required = $\frac{2000}{300} = 6$

Recharging Area = 4300"
Total Attendance = 200 People
Space Required = (space for each 2 people) $\frac{200}{2} = 100$

Basement Area = 4640"
Spaces Required = $\frac{4640}{300} = 15$

Total Spaces Required = 299
Total Spaces Provided = 229

ZONED: R-6

REQUEST: Exception for Addition to Club house & Additional Parking

Outline & Topographical Survey of the Edgemere Moose Lodge #537 & Lot Adjacent to a West of Edgemere Moose Lodge #537
15th ELEC DIST. BALTO. CO., MTD.

CONTOUR INTERVAL = 1'

SCALE: 1" = 20'

DATE: Oct. 7th, 1968

John J. [Signature]

NOTE:

All elevations referred to Balto. Co. Station No. Elev. = 21.77

#69-150XA
Map #15
Potomac Neck
SE-BH
X



OFFICE
COPV