TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

In 200600 Consistence or manifestation of the property situate in Baltimore County and Wich is dec. Sed in the description and plat attacked hereto and made a part hered, hereby petition (i) that the zoning status of the herein described property be re-classified, pursuant

to the 7-ning Law of Baltimore County, from an.....

This property has been used as a ciric and social club for many years and is now owned and operated by the applicant under a non-conforming use. The reason for this application for change is to have the zoning consistent with the useage.

See attached description

vetition for Variance from Section 409,2b-(3) - To permit 18 parking spaces
instead of the required 35 spaces.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Civic and pleasure club

erty is to be posted and advertised as prescribed by Zoning Regulation

perty is to be posted and severaged as prescribed of coming argumatons.

Two, agree to pay expenses of above re-classification and/or Special Exception advertising, etc., upon filing of this petition, and further agree to a d are to be bound by the zoning ltimore County adopted pursuant to the Zoning Law for Baltimor

Caret american Legeon Post 100 Legal Story of action John J. Brennan

Loycla Federal Bldg. Petitioner's Attorney Towson, Maryland 21204

CELVED FOR FILLING

ORDER REC

ORDERED By The Zoning Comm.ssioner of Baltimore County, this.

..., 197 ..., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation taroughout Baltmore County, that property be posted, and that the public hear ag be had before the Zoning
Jillogm. Expens of Baltimore County in Room 106, County Office But in Towson, Baltimore

FRANK S. LEE

May 21, 1971

No. 401 Serries Avenue
South side of Gerries Avenue 165 feet east of Mage Avenue
Let 11 Plat of subdivision of Heary Gerries 6/146
15th District deltimore County, Maryland

Beginning for the same a; the intersection of the south side of beginning being 165 feet measured in a santeny direction along the south side of Gerries Avenue from the east side of Mace Avenue, and thence running and binding on the south side of Gerries Avenue Sut 100 the south in the Gerries Avenue for a line of direct avenue South 10 degrees 30 minutes East 50 feet thence leaving Gerries Avenue for a line of direct South 10 degrees 30 minutes leaving Gerries Avenue for a line of direct South 10 degrees 30 minutes East 50 feet to the east side of side 15 feet alley and thence running and binding on the east side of sid 15 foot alley North 19 degrees 30 minutes East 172.50 feet to the place of beginning.



RONALD J. KEARAS Alterary of Lan BALTIMORE, MARYLAND 2122

November 15th, 1971

County Board of Appeals County Office Building 111 W. Cnesapeake Avenu Towson, Maryland 21204

Attention: Mr. John A. Slowik Chairman

Re: File No. 72-7-XA American Legion Post No. 148

Dear Mr. Slowik:

In response to the Appeal's Board request following the hearing in the referenced caw on October 19th we would like it submit; on behalf of the Protestants, a proposal for restrictions to be added to the special exception zoning change sought by the American Legion Post.

As you recall, the building in question is surrounded by As you recall, the building in question is surrounded by private residence properties. The main concern of these property owners is to insure that their use of their own property and o the general peace and quiet of the neighborhood is not disturied by tenants or owners of the Legion Property. A general respiritive clause preventing use of the building in question after twelve o'clock midnight on each night of the week and ten P.M. on Sundays would be assit desirable. A restriction of this nature would probably eliminatemost of the complaints connected with the use of

If the above requirement is too restrictive the Board might consider as an alternative the following:

County Board of Appeals

November 15th, 1971

200

No paid effairs should last beyond 1:00 A.M.
Only six such affairs would be allowed per year.
Sunday use would still be limited to 10:00 P.M.
Sunday afternoon use would be limited to four per year.

In addition to the above it must be made clar that the alley behind and beside the property must be allowed to remain oper at all times.

On behalf of the residents in the neighborhood surrounding the American "egion Post I have been asked to acain express our appreciation for the consideration given by the Board of Appeals to the various fears, trepidations and concern regarding the use of this property. If it could in some way be guaranteed that no additional use of the property would be made beyond that currently enjoyed by the American Legion at the present time the neighborhood would be satisfied. The main concern, of course, is that a new owner would not be as considerate of the neighborhood as the present owners have been.

I lope that you will take our recommendations into consideration.

Very truly yours

Conste Learn Ronald J. Kearns Attorney-At-Law

Reca mily

rjk:bc

BALTIMORE COUNTY, MARYLAND

NTER-OFFICE CORRESPONDENCE

Date July 20, 1971

FRO. George E. Gavrelis, Director of Planning

Petition, #71-7-XA. South side of Gerrins Avenue 165 feet east of Mace Avenue. Petition for Special Exception for Civic and Pleasure Club. Petition for Variance for Off-Street Parking. Essex American Legion Post No. 148 - Petitioner

15th District

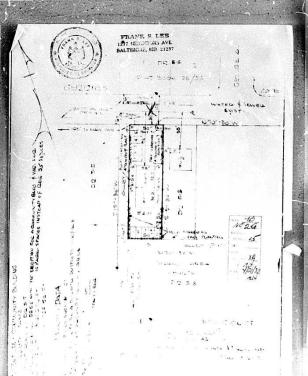
HEARING: Wednesday, July 21, 1971 (10:00 a.m.)

The staff of the Office of Planning and Zaning has reviewed the subject patition and has the

We see no reason to object to the granting of this request for a special exception and parking variance as long as it can be established that the activities on this property will not create a parking problem which will adversely affect the \*urrounding neighborhood.

GERRIES CHURCH LOT II PLAT OF SUBDIVISION OF HENRY GERREIS PLAT BOOK G/IAG 15TH DISTART BALTIMORE COUNTY, MORYLAND DATE: 5-21-71

Get 1404



CERTIFICATE OF POSTING Date of Penting Suff 30, 71 Jegun Post No. 148 Location of property Sts & Dervis at 165' Fast of Man on Location of Signs: I Guel IN FRONT of Alul - Gerries or Posted by Marl X Kees Date of return: Oct - 7 - 71

	9		
2 Syn	ZONING DEPARTMENT	E OF POSTING OF BALTIMORE COUNTY OF, Nicryland	#22-7-XA
Posted for: 15 H Posted for: 14 L Petitioner: Essay Location of property: 5	any Wed Ju Commean Is of Ahris	Dete of Poets 4 24 1974 B Legion Foot A Oral 1651 Earth	July 1 21 10,00 AM. 148
		in find of Ex	
Posted by Mich	A Acr	Date of return:	uy 8 - 71

in liber 110 /62 coords of

19922435 par 169

THIS DEED, Made this 18 day of February, 1954, by and setween THE IDLE HOUR ROD AND OUN CLUB INCORPORATED, a cody corporate, of the first part, and ESSEX POST NO. 148 DEPARTMENT OF MARY-LAND AMERICAN LEGION, INC., a body corporate, of the second part.

WITNESSETH, that in consideration of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said first party does hereby grant and convey unto the said second party, its successors and assigns, in fee eimple, all that lot of ground structe in the Fifteenth Election District of Baltimore County, State of Maryland, and being known and designated as Lot No. 11 on a Plat of the Sub-division of Henry Gerreis Land recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6 folio 146.

BEING the same property which by deed dated October 9, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1418 folio 553 was conveyed by Louis G. Schiesser and wife to said first party.

TOGETHER with the buildings and improvements thereon and all the rights and appurtenances thereunto belonging or in any wise

TO HAVE AND TO HOLD the above described land and premises unto the said second party, its successors and assigns, forever

AND said first party covenants that it has done no act to encumber said land, that it will warrant specially the property hereby conveyed, and that it will execute such further assurances of said land as may be requisite.

AS WITNESS the corporate seal of said body corporate, and the signature of William H. Neinken ite . President 1862435 page 170

thereof, duly attested, the day and year first above written:

Warren M. Grymer

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 18 74 day of Pabruary, 1954. before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared William H. Weinken , President of The Idle Hour Rod and Gun Club Incorporated, a body corporate, and acknowledged the aforegoing Deed to be the act and deed of said body corporate.

AS WITNESS my hand and Notabial Seal:

BROWN FOR RECORD \$6 19 1954 - 145P M & RECORDED IN THE LAND RECORDS OF BALTIMORE\_COUNTY, LIBER G.L.B. 2435 FOLIO /67 GRORGE L. BYERLY, CLERK.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

BUREAU OF DEPARTMENT OF TRAFFIC ENGINEERING

BUBIAL OF HEALTH DEP. ATMENT PROJECT DI ANNINO BUILDING DEPARTMENT BOARD OF SDUCATION

RE: Type of Mearing: Special Exception Location: 5/5 Gerries Ave., 165' E. of Maca Ave. Patitioner: American Legion Post #1108 Committee /testing of June 8, 19/1 | 15th Listrict | Item 178

June 22, 1971

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced putition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the south side of Gerfes Avenus approximately 165 fact east of Macu Avenus. The property is currently improved with a 161 Macu Avenus and the second of the second of the property is completely surrounded by residential properties. Upon our investigation of the property was found that no screening what cover was in place. The priving area was a gravel covered lot in the front and thern was no surfacing on the rear parking lot.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Gerries Avenue, an existing County rood, is proposed to be improved as a 30-foot closed type highway cross section on a 50 foot right of way. Highway improvements are not required in connection with any grading or building permit application (See Drawing C-1726, 50-219, file 5).

John J. Brennan, Esq. Page 2 June 22, 1971

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards, and based upon a 30 foot roadway width.

The alleyways adjacent to the site are for residential use only. Therefore, the petitioner shall provide means to prevent ingress or egress of vehicular traffic.

Frovisions for accommodating sorm water or drainage have not been indicated on the submitted plan.

Storm dra'n construction will be required in connection with any grading or building permit application.

The patitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which any results, due to improper grading or improper installation of disinage facilities, would be the full responsibility of the patitioner.

Mater and Sanitary Sewers

Both public water supply and sanitary sewerage are available and are serving this property.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject spacial exception and parking variance can be expected to create traffic and parking problems on Gerries Avenue when affairs are being held:

FIRE PREVENTION BUREAU:

Building shall comply with all Fire Department requirements.

BOARD OF EDUCATION:

No bearing on student population.

BUILDINGS ENGINEER'S OFFICE:

At this time no comment from this office.

labo I Beannan Fee Page 3 June 22, 1971

HEALTH DEPARTMENT:

Public water and sewers are available to the site.

Food Control Comment: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health for review and approval.

Air Pollution Commant: The building or buildings on this site may be subject to registration and compliance with the Kar, Jind State Health Air Pollution Control Regulations. Additional Information may be obtained from the Division of Air Pollution, Bultimore County Department of Health.

ZONING ADMINISTRATION DIVISION:

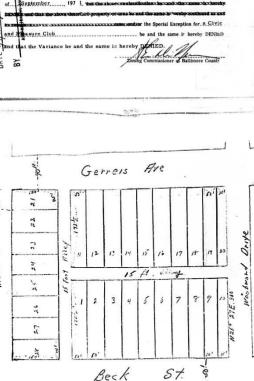
This settition must be revised to request a variance for off street parking requesting 10 parking spaces instead of the required 35. Also, we concur with the Traffic Engineering Opportunent that if the subject variance is granted it would be expected to create traffic and parking problems along Gerrica Kewneu. Because of this possibility, we recommend to the attorneys for the partitioner to try to locate parking at another location that wight be available that is within the 300 foot range of the property. This would not include the parking are 100 foot range of the property state of the property of

This patition is accepted for filing on the date of the acciosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 50 days after the fact on the filing certificate, will be formarded to you in the near future.

Very truly yours,

Clast Ma OLIVER L. HYERS. Chairman

APR 25 1974



W.P.C 1106 folio 146

Stone.

W

RE: PETITION FOR SPECIAL EXCEPTION for Civic and Pleasure Club, and for VARIANCE from Section 409.2b-(3) from Zonine Regulations of Baltimorr COUNTY BOARD OF APPEALS 05 County
S/S of Gerries Avenue 165 feet Fost BALTIMORE COUNTY American Legion Post No. 148 N. 72 7 VA . . . . .

600

OPINION

This case comes before the Board on an appeal from an Order of the Zoning Commissioner dated September 9, 1971 denving the requested petition. The Buttles and a Country Country Country for a Chair and Country Class in order to have the zoning consistent with the use of the property, and he also requests that a Variance be granted to permit ten (10) parking spaces instead of the required thirty-five (35) spaces

The subject property is 401 Gerries Avenue, located on the south side of the street. It is 165 feet east of Mace Avenue, in the 15th Fluction District, Essex Rollimore County, Maryland. It is also shown as Lot #11 on a plat which is attached to a copy of the Deed accepted in evidence as Patitionar's Exhibit No. 1. The lot fronting on Gerries Avenue, is 50 feet wide by 172-1/2 feet doep. It is bounder, on the west side and rear boundary lines by an unimproved 15 toot wide alley, and by a residential property on the east side. Counsel stipulated that existing zoning is D.R. 5.5. Density Residential 5.5 dwelling units per acre. It was also stigulated that the site is prohibitar by law from acquiring an alcoholic beverage livenie, since it is located within 300 feet

The property is improved by a black building 28 feet wide by 62-1/2 feet long. It is owned by the Petitioner, the Essex Post No. 148 Department of Manufand American Legion Inc. and was acquired from the Idle Herr Red and Core Club. Inc. in February, 1954. It apparently enjoys a non-conforming use as a Civic and Social Club. which is not being contested. The property has had such use continuously, prior to the residential development of a large segment of the contiguous area. The Protestant do

American Legion Post No. 148 - File No. 72-7-XA

not object to such continue i use not are they trains to shore it out. They testified in substance that the American Legion has been a good, considerate neighbur, and that its at been detrimental to the general welfare of the locality. They fear that this possibility already exists because of the populationing use status of the present which is a right that ours with the land as long as the building is not destroyed, and which sight is transferred to each new owner. There was testimons from both sides that the existing building is not suitable for residential use. The Petitioner, in seeking the Special Exception, wants to protect itself so that it may rebuild the property if it were substantially destroyed, and also that any new owner would be equally protected and not be endangered with bains. Sound back to savidential un-

Under the Zoning Regulations of Baltimore County, a community building or land use devoted to civic, social, recreational and educational activities is permitted in a D.R. 5.5 zone by Special Exception.

Section 502.1 of the Zoning Regulations states:

"Refore any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not

- Be detrimintal to the hualth, safety, or general welfare of the locality involved;
   Tend to create congestion in roads, streets, or alleys
- thereir.;
  c. Create a potential hazard from fire, panic or other
- dangers;
- d. Fend to overcrowe rand und comor population;
  e. \*\*terfere with adequate provisions for schools, parks, writer,
- veniences, or improvements;

  f. Interfere with adequate light and air."

The Board believes from the testimony of both Petitioner and Protestants that the above requirements are catifical, and that the interests of both angles are by protected, because the use is compatible with the locality, and aiso, in granting a Special Exception, unlike granting a reclassification, the Board may impose such condi

American Legion Post No. 148 - File No. 72-7-XA

restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties.

As to the petitioned parking variance; the plat, entered as Petitioner's Exhibit No. 4, indicated the requested change from 35 to 10 parking spaces. However, there was no supporting testimony presented to satisfy the prerequisite that strict compliance with the Zoning Regulations regarding parking requirements would result in practical difficult culty or unreasonable hardship to the Petitioner.

Therefore, based on the above facts, and from all the testimony and evidence presented, the Board hereby denies the requested parking Variance, but grants the Special Exception for a Community Building, subject to the restriction hereafter set out in the following Order.

## OPDER

For the reasons set forth in the aforegoing Opinion, it is this 10th day of January, 1972, by the County Board of Appeals ORDERED, that the petitioned Variance for ten (10) parking spaces instead of the required thirty-five (35) spaces is hereby DENIED: and it is

FURTHER ORDERED, that the petition for Special Exception for a Community Building is hereby GRANTED, subject to the following restriction:

> The subject premises and building must be vacated of people, save any necessary watchnen or maintenancepersonnel, by 12 o'clock midnight on weekdays, and by 10 p.m. on Sundays

Any appeal from this decision must be in accordance with Chapter 1100. subtitle B of the Maryland Rules of Procedu:e, 1961 edition.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ENTITION FOR SPECIAL EX.EPTION :
AND VARIANCE
S/S of Gerries Avenue, 185' E :
of Mace Avenue - 18th District
Esses: American Legion Post
No. 148 - Pettitoner
No. 72-7-14 (Item No. 178) : ZONING COMMISSIONER

Zoning Committed or of Baltimore County:

Floase enter an appeal to the County Board of Appeals or the September 9, 1971 Decision and Order rendered in the ahone ages

BALTIN PRE COUNTY, MARYI PND Nº 81261
OFFICE OF INANCE DATE June 36, 1971

Receme Division COURT HOUSE



John J.V.Brennan Loyola Federal Huilding Toweon, Maryland 31204 823-0464 Attorney for Petitioner

## CERTIFICATE OF PUBLICATION

TOWSON, MD.....July, 1 THIS IS TO CERTIFY, that the annexed advertisement was iblished in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., USSE TO CASE day of \_\_\_\_\_July\_\_\_\_\_\_, 1971\_\_, the ESSR publication THE IFFFERSONIAN.

PETITION	MAPPING			PROGRESS SHEET						
	Wall Mop   O		Orig	iginol	Duplicate		Tracing		200 Sheet	
FUNCTION	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline piotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

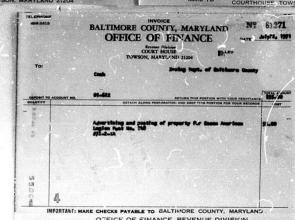
OFFICE OF RESEXITIMES ESSEX, MD. 21221 JULY 6 -THIS IS TO CERTIFY that the appeared advertisement of The Zoning Commissioner of Bultimore County week before the 6th day of JULY 19 71 that is to say, the same was inserted in the issue of July 1, 1971. STROWBERG PUBLICATIONS, Inc.

By Ruth Morgan

No. 84990 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE DATE 9/29/71 COURT HOUSE MAIL TO OFFICE OF FINA

Petitioner: American Legion Post #148

117 Greaty Office Sidg Trusse, Maryland MICS	TO: John Jo Bramon, E do. Zoning Dapt. of Baltimore County: Layola Fadoral Bel Glong Teams of S. 1985	
PETURN THIS POSTION WITH YOUR REMITTANCE	OFFICIAL TO ACCOUNT NO. \$1-\$22	\$50.00 CONT
1 step	Patition for ignical Exception and Surfaces for Assortion Lagran Front (SECTION)	
BALTIMORE COUNTY, MARYLAND, NCE, REVENUE DIVISION OWSON, MARYLAND 21204	MAIL TO COURTHOUSE TO BALTIMORE COUNTY, MARYLAND OFFICE, OF FINANCE, REVENUE DIVISION COURTHOUSE, TOWSON, MARYLAND 21204	•
OFFICE	NOOICE COUNTY, MARYLAND Nº 61271 E OF FINANCE NOTE DESTRUCTION AND AND AND AND AND AND AND AND AND AN	
To:		



MAIL TO OFFICE OF FINANCE, REVENUE DIVISION

APR 25 1972