

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, American Legion Post No. 148, 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 7th zoning law of Baltimore County, from residential to community club and to an

use for the following reasons:
This property has been used as a civic 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 use.

See attached description
Petition for Variance from Section 409.2b(3) - to permit 10 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 CLUB AND PLEASURE CLUB

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 be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Address
BY John J. Brennan
Loyola Federal Bldg.
Petitioner's Attorney
Towson, Maryland 21204
Address 823-0464
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of June, 1971, 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of July, 1971, at 10:00 o'clock.

Edward P. Harbes
Zoning Commissioner of Baltimore County.

(over)

FRANK S. LEE
1277 NEIGHBORS AVENUE
BALTIMORE, MARYLAND 21237

May 21, 1971

No. 401 Gerries Avenue
South side of Gerries Avenue 165 feet east of Mace Avenue
Lot 11 Plat of subdivision of Henry Gerries 6/146
15th District Baltimore County, Maryland

Beginning for the same at the intersection of the south side of Gerries Avenue with the east side of a 15 foot alley, said point of beginning being 165 feet measured in a easterly 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 South 70 degrees 30 minutes East 50 feet thence leaving Gerries Avenue for a line of divide South 19 degrees 30 minutes West 172.50 feet to the north side of a 15 foot alley thence running and binding on the north side of said 15 foot alley North 70 degrees 30 minutes West 50 feet to the east side of a 15 foot alley and thence running and binding on the east side of said 15 foot alley North 19 degrees 30 minutes East 172.50 feet to the place of beginning.



RONALD J. KEARNS
Attorney at Law
1700 EASTERN AVENUE
BALTIMORE, MARYLAND 21201
Telephone 684-6444

November 15th, 1971

County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
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 case on October 19th we would like to 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 private residence properties. The main concern of these property owners is to insure that their use of their own property and of the general peace and quiet of the neighborhood is not disturbed by tenants or owners of the Legion Property. A general restrictive 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 most desirable. A restriction of this nature would probably eliminate most of the complaints connected with the use of the property.

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

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

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

On behalf of the residents in the neighborhood surrounding the American Legion Post I have been asked to again 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 hope that you will take our recommendations into consideration.

Very truly yours

Ronald J. Kearns
Ronald J. Kearns
Attorney-at-Law

rjk:bcb

Rec'd 11/15/71
10:00 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner Date: July 20, 1971

FROM: George E. Gavett, Director of Planning

SUBJECT: Petition #72-7-XA, South side of Gerries Avenue 165 feet east of Mace Avenue.
Petition for Special Exception for Civic and Pleasure Club.
Petition for Variance for Off-Street Parking.
Excess American Legion Post No. 148 - Petitioner

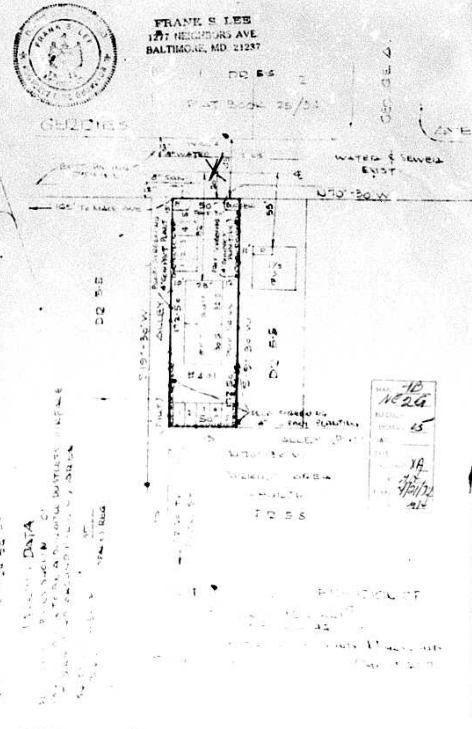
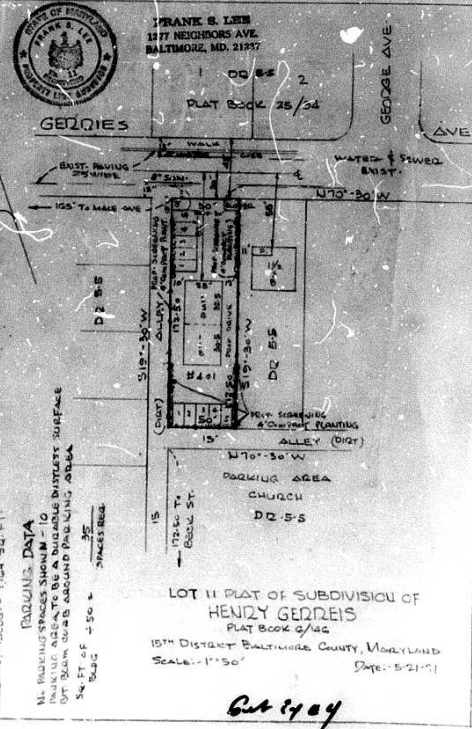
15th District

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

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to make:

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 surrounding neighborhood.

GEG:msh



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

1 Sep. District 15th Date of Posting Sept. 30, 71
Posted for: American Legion Post No. 148
Petitioner: Excess American Legion Post No. 148
Location of property: S. side of Gerries Ave. 165' East of Mace Ave.
Location of Sign: 1 And 111 Front of Club for
Gerries Ave.
Remarks: Mark H. Harbes
Posted by: Mark H. Harbes Date of return: Oct. 7, 71

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

2 Sep. District 15th Date of Posting July 1, 71
Posted for: Excess American Legion Post No. 148
Petitioner: Excess American Legion Post No. 148
Location of property: S. side of Gerries Ave. 165' East of Mace Ave.
Location of Sign: 1 Sign posted on front of existing Club
Remarks: Mark H. Harbes
Posted by: Mark H. Harbes Date of return: July 8, 71

APR 25 1972

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of...

the above Reclamation should be had; and it further appearing that by reason of...

a Special Exception for a... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this... day of... 197... that the herein described property or area should be and the same is hereby reclassified; from a... zone to a... zone, and/or a Special Exception for a... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition, and it appearing that by reason of failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations and failure to show practical difficulty or unreasonable hardship...

the above reclassification and a Special Exception should NOT BE GRANTED and the Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... 197... that the herein described property or area should be and the same is hereby reclassified; from a... zone to a... zone, and/or a Special Exception for a... should be and the same is hereby DENIED and that the Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

RECEIVED FOR RECORD
FEB 19 1954 at 1:45 PM
The Idle Hour Rod and Gun Club, Inc., a body corporate, has been reclassified from a... zone to a... zone, and a Special Exception for a... has been granted, from and after the date of this order.

THIS DEED, made this 18th day of February, 1954, by and between THE IDLE HOUR ROD AND GUN CLUB INCORPORATED, a body corporate, of the first part, and ESSEX POST NO. 148 DEPARTMENT OF MARYLAND 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 simple, all that lot of ground situate 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, 1946 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 way appertaining.

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

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. Winkum, President.

DEED 2435 PAGE 170

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

ATTEST:

THE IDLE HOUR ROD AND GUN CLUB INCORPORATED, a body corporate

Warren M. Hughes

By William H. Winkum, President

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

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

AS WITNESS my hand and Notarial Seal:

James A. [Signature]

RECORDED FOR RECORD Feb 19 1954 - 12:50 PM & RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, LIBER G.L.B. 2435 FOLIO 167 GEORGE L. EVELY, CLERK.

ORDER RELINQUISHED...

DATE 9/17/72 - 90 Haverhill

BY

Gerreis Ave



Beck St

Woodward Drive

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 22, 1971

COUNTY OFFICE BLDG.
111 W. Cambridge Ave.
Towson, Maryland 21204

OLIVER L. MYERS
Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
CIVIL ENGINEERING

John J. Brennan, Esq.,
Loyola Federal Building
Towson, Maryland 21204

RE: Type of Hearing: Special Exception
Location: 5/3 Gerreis Ave., 165' E. of
Pace Ave.
Petitioner: American Legion Post #148
Committee Meeting of June 8, 1971
15th District
Item 178

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition 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 Gerreis Avenue approximately 165 feet east of Pace Avenue. The property is currently improved with a two story concrete block building that is used as a meeting hall. The property is completely surrounded by residential properties. Upon our investigation of the property we found that no screening whatsoever was in place. The parking area was a gravel covered lot in the front and there was no surfacing on the rear parking lot.

BUREAU OF ENGINEERING:

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

Highways:

Gerreis Avenue, an existing County road, 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-1728, SD-2319, File 5).

John J. Brennan, Esq.
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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.

Storm Drains

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Storm drain construction will be required in connection with any grading or building permit application.

The petitioner 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 may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water and Sanitary Sewers

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

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject special exception and parking variance can be expected to create traffic and parking problems on Gerreis Avenue when affairs are being held.

FIRE PREVENTION BUREAU:

Building shall comply with all Fire Department requirements.

BOARD OF EDUCATION:

No hearing on student population.

BUILDINGS ENGINEER'S OFFICE:

At this time no comment from this office.

John J. Brennan, Esq.
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HEALTH DEPARTMENT:

Public water and sewers are available to the site.

Food Control Comments: 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 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.

ZONING ADMINISTRATION DIVISION:

This petition 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 Department that if the subject variance is granted it would be expected to create traffic and parking problems along Gerreis Avenue. Because of this possibility, we recommend to the attorney for the petitioner to try to locate parking at another location that might be available that is within the 500 foot range of the property. This would not include the parking area behind the subject property that is used for the church. This property is zoned residential. If you were able to obtain a parking lease for this property a Special Hearing would be required before it could be used for the said purpose.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
Oliver L. Myers, Chairman

OLM:JD
Enc.

W.P.C. No. 6 folio 146

APR 25 1972