

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.
Frank

I, or we, Nick Frank and Angeline, 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:

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 miniature golf course

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

I, or we, agree to pay expenses of above reclassification 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.

Contract purchaser
Nick Frank
Address: 2209 Dalewood Road
Timonium, Md. 21093
August A. Conomos
750 Equitable Building - 21202
Petitioner's Attorney
Address: Baltimore, Md. 21202
727-9292
Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day

of _____ March, 1974, 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 _____ April, 1974, at _____ o'clock

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

August A. Conomos, Esq.
750 Equitable Building
Baltimore, Md. 21202

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for
filing this 4th day of February, 1974

S. Eric DiNenna,
Zoning Commissioner

Petitioner Nick and Angeline Frank

Petitioner's Attorney August A. Conomos
cc: A. P. Ratzsch, Land Surveyor
3320 Rosalie Avenue
Baltimore, Md. 21234

Reviewed by Franklin T. Hoggans, Jr.
Chairman,
Zoning Advisory
Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 27, 1974

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204

XXXXXXXXXXXXX
Franklin T. Hoggans, Jr.

August A. Conomos, Esq.
750 Equitable Building
Baltimore, Maryland 21202

RE: Special Exception Petition
Item 107
Nick and Angeline Frank -
Petitioners

Dear Mr. Conomos:

The Zoning Plans 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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with respect to the development of the property. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northeast side of Reisterstown Road and begins by description at a point along Rosewood Lane, 125 feet northeast of Reisterstown Road. This 1.876 acre parcel is currently in a vacant graded state and comprises all that land between and immediately to the rear of two service stations fronting on Reisterstown Road. This property abuts to the rear single family dwellings along Bradbury Road.

The petitioner is requesting a Special Exception for a miniature golf course and proposes access to same via Rosewood Lane and Painters Mill Shopping Center. The petitioner does not indicate the location of buildings or any other facilities for the operation of the miniature golf course, and this Committee feels such proposed improvements must be shown. The site plan should be revised accordingly. Further, the petitioner should note with

Baltimore County, Maryland Department Of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P. E. CHIEF

December 12, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #107 (1974-1975)
Property Owner: Nick Frank & Angeline Frank
c/o corner of Rosewood Lane & Reisterstown Rd.
Existing Zoning: S.L. - C.N.S.
Proposed Zoning: Special Exception for a miniature golf course.
No. of Acres: 1.8736 District: 4th

Dear Mr. DiNenna:

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.

General:

Comments were supplied for this site in connection with "Painters Mill Professional Center", September 16, 1974. Those comments and the formal comments, dated September 21, 1974 (supplemented January 7, 1975) furnished by the Baltimore County Bureau of Public Services in connection therewith are referred to for your consideration.

This property is tributary to the Guytons Falls Sewerage System, subject to State Health Department imposed restrictions.

Very truly yours,

Ellsworth N. Diver, P.E.
CHIEF, Bureau of Engineering

END:ENR:PR:SS

cc: S. Teier (File Painters Mill Professional Center)

T-40 Key Sheet
M. NW 31 Post. Sheet
M. 13 H Topo
SB Tax Map

Baltimore County Fire Department



J. Austin Deitz
Chief

Towson, Maryland 21204

822-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillen, Chairman
Zoning Advisory Committee

Re: Property Owner: Nick Frank & Angeline Frank

Location: SE/C of Rosewood Lane & Reisterstown Rd.

Item No. 107 Zoning Agenda December 3, 1974

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead-end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
6. Site plans are approved as drawn.

(xxx)7. The Fire Prevention Bureau has no comments at this time.

Reviewed: Handwritten Signature Noted and Approved: Handwritten Signature
Planning Group Special Inspection Division Deputy Chief Fire Prevention Bureau



Maryland Department of Transportation State Highway Administration

November 29, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: Mr. Franklin Hoggans, Jr.

Re: Item 107
2,4-C. meeting 12/3/74
Property Owner: Nick Frank & Angeline Frank
Location: SE/C of Rosewood Lane & Reisterstown Road (Route 140)
Proposed Zoning: Spec. Except. for a miniature golf course
No. of Acres: 1.8736
District: 4th

Dear Sir:

Access into the subject site is by way of Rosewood Lane, and by way of an existing entrance from Reisterstown Road into the Painters Mill Shopping Center, which is also owned by the petitioner.

The frontages of the Shopping Center and the Service Stations are improved with curb, however, the frontage of the subject property is not improved. Considering the foregoing, it is our opinion that the frontage of the subject site should be improved with curbing in conjunction with the proposed development. The plan should be revised accordingly.

The 1973 average daily traffic count on this section of Reisterstown Road is ... 24,900 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering Access Permits

By: John E. Meyers

CLJ:EM:bk

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., MPH
DEPUTY STATE AND COUNTY HEALTH OFFICER

December 3, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 107, Zoning Advisory Committee Meeting, December 3, 1974, are as follows:

Property Owner: Nick Frank & Angeline Frank
Location: SE/C of Rosewood Lane & Reisterstown Rd.
Existing Zoning: B.L. - C.N.S.
Proposed Zoning: Special Exception for a miniature golf course.
No. of Acres: 1.8336
District: 4th

Metropolitan water and sewer are available.

Food Protection Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Cuyana Falls Moratorium: A moratorium was placed on new sewer connections in the Cuyana Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on May 15, 1974; therefore approval may be withheld for this connection.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

CHV/nc

CC--L.A. Schuppert

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



December 17, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #107, Zoning Advisory Committee Meeting, December 3, 1974, are as follows:

Property Owners: Nick Frank and Angeline Frank
Location: SE/C of Rosewood Lane and Reisterstown Road
Existing Zoning: B.L. C.N.S.
Proposed Zoning: Special Exception for a miniature golf course
No. of Acres: 1.8336
District: 4th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The site plan as submitted does not show enough detail to make site plan comments.

This office would be concerned with the effect the proposed use would have on the residences along Bradbury Road. The site should be developed so as not to create any problems for these residences.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-3211 ZONING 484-3331

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: November 20, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 107
Property Owner: Nick Frank & Angeline Frank
Location: SE/C of Rosewood Lane & Reisterstown Road
Present Zoning: B.L. - C.N.S.
Proposed Zoning: Special Exception for a miniature golf course

Z.A.C. Meeting of: December 3, 1974

District: 4th
No. Acres: 1.8336

Dear Mr. DiNenna:

No bearing on student population.

WHP/al

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

H. ENGLISH PARKS, INCORPORATED
JUDITH E. HERR, CEO/President
WILLIAM L. DENNEY

MARSHALL M. WOTKINS
JOSEPH N. WOODMAN
ALVIN LORECK
JOSHUA B. WHEELER, LANDSCAPE ARCHITECT

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACY, V.M.D.
MRS. RICHARD F. HUFF

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E.
DIRECTOR
WM. T. MILLER
DEPUTY TRAFFIC ENGINEER

December 13, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland - 21204

Re: Item 107 - ZAC - December 3, 1974
Property Owner: Nick Frank & Angeline Frank
Location: SE/C of Rosewood Lane & Reisterstown Rd.
Existing Zoning: B.L. - C.N.S.
Proposed Zoning: Special Exception for a miniature golf course.
No. of Acres: 1.8336
District: 4th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested special exception for a miniature golf course.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan,
Asst. Traffic Engineer

MFJ/ljb

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



March 13, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #169, Zoning Advisory Committee Meeting, March 4, 1975, are as follows:

Property Owner: Calvin Buttner
Location: SW/S of Liberty Road 240 feet W. of Chapman Road
Existing Zoning: B.R.
Proposed Zoning: Variance from Sec. 238.2 to permit a side yard setback of four (4) feet in lieu of the required thirty (30) feet.
No. of Acres: 0.93 acres
District: 2nd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-3211 ZONING 484-3331

October 2, 1975

August A. Conomos, Esquire
750 Equitable Building
Baltimore, Maryland 21202

RE: Petition for Special Exception
NE/S of Reisterstown Road, 175'
SE of Rosewood Lane - 4th Election District
Nick Frank, et ux - Petitioners
NO. 75-252-X (Rem No. 107)

Dear Mr. Conomos:

I have this date passed my Order in the above referenced matter.
Copy of said Order is attached.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

SED/sew

cc: James A. Gede, Esquire
11000 Reisterstown Road
Owings Mills, Maryland 21117

John W. Heslian, III, Esquire
People's Counsel

September 17, 1976

John W. Heslian, III, Esquire
People's Counsel
County Office Building
Towson, Maryland 21204

Re: Case No. 75-252-X
Nick Frank, et ux

Dear Mr. Heslian:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Elsenhart, Adm. Secretary

Encl.

cc: August A. Conomos, Esquire
Clayton A. Reid, Esquire
Mr. and Mrs. Nick Frank
James A. Gede, Esquire
Ms. Alice LeGrand
Mrs. Davis Brackneridge
Mr. S. E. DiNenna
Mr. N. E. Grier
Mr. J. Maxwell
Board of Education

apc
associated land surveyors

DESCRIPTION OF PROPERTY
OF NICK FRANK AND WIFE
REISTERSTOWN ROAD AND ROSEWOOD LANE
FOURTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FROM THE SAME at a point on the Southeastern side of Rosewood Lane, 30 feet wide, said point being situated North 41 degrees 58 minutes 30 seconds East 111.73 feet from the corner formed by the intersection of said Southeastern side of Rosewood Lane with the Northeastern side of Reisterstown Road, 66 feet wide; thence running and adjoining along the Southeastern side of Rosewood Lane North 41 degrees 58 minutes 30 seconds East 95.01 feet to a point; thence leaving Rosewood Lane and running South 43 degrees 35 minutes 40 seconds East 577.22 feet; thence South 43 degrees 24 minutes 20 seconds East 94.00 feet; thence North 47 degrees 35 minutes 40 seconds East 200.37 feet; and thence South 42 degrees 24 minutes 20 seconds East 125.30 feet to intersect the Northeastern side of Reisterstown Road; thence running along the Northeastern side of Reisterstown Road North 47 degrees 35 minutes 40 seconds East 200.57 feet; thence leaving Reisterstown Road and running North 40 degrees 24 minutes 20 seconds East 125.30 feet and thence North 47 degrees 35 minutes 40 seconds East 175.35 feet to the point of beginning; containing 1.8336 acres, more or less.
10/10/1976



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
for a Miniature Golf Course : COUNTY BOARD OF APPEALS
NE/S Reisterstown Road, 175' :
SE of Rosewood Lane : OF
4th District :
Nick Frank, et ux : BALTIMORE COUNTY
Petitioners : No. 75-252-X

OPINION

This case comes before the Board on an appeal from the Order of the Zoning Commissioner, dated October 2, 1975, which granted the petition for special exception subject to restrictions. The subject property is located on the northeast side of Reisterstown Road 175 feet southeast of Rosewood Lane, in the Fourth Election District of Baltimore County.

The appeal in this case was taken by the People's Counsel. The subject property is presently vacant, contains approximately 1.8 acres and is presently zoned B.L. in a CNS District. The Petitioner's request is for a special exception to permit him to construct and operate a Miniature Golf Course.

It should be noted that this is not a request for a reclassification but merely a request for permission, by way of a special exception, to use the subject property, which is permitted under the present zoning but subject to the satisfaction of the requirements for a special exception; namely, those contained in Section 502.1 of the Baltimore County Zoning Regulations which are as follows:

- "Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:
- Be detrimental to the health, safety, or general welfare of the locality involved;
 - Tend to create congestion in roads, streets or alleys therein;
 - Create a potential hazard from fire, panic or other dangers;
 - Tend to overcrowd land and cause undue concentration of population;
 - Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
 - Interfere with adequate light and air."

The Petitioner testified and indicated his plan to construct a thirty-six hole Miniature Golf Course that would be aesthetically pleasing. He also indicated his

Nick Frank - #75-252-X

2.

intention to construct a six foot solid black wall topped by a four foot high solid stockade type redwood fence in order to screen the proposed use from the residential properties to the rear of the subject property. The testimony was that other adjacent properties along Reisterstown Road were all put to commercial use, and particularly the properties at either end of the subject property which are both occupied by gasoline filling stations. He further indicated that he was prepared to engineer the lighting so as not to disturb or be intrusive upon the private residences to the rear, located on Bradbury Road. Additionally, he plans to have the parking area for the subject property located to the rear of the actual golf course which is to be oriented more toward Reisterstown Road, said parking lot to contain parking spaces for sixty-five vehicles, which he indicated would be more than ample.

Secondly, a commercial artist who has had considerable experience in designing golf courses and other amusement type facilities indicated that he had been consulted in a plan to do the designing and perhaps the construction of the obstacles used in such a project. It would be his intention to use generous amounts of trees and bushes, have a stream, and perhaps even a waterfall. He also indicated that they would prefer to have indirect lighting located in the bushes for the golf course itself. It was his opinion that such an endeavor would not in any way be detrimental to the general welfare, but rather would be beneficial. He stated that this is a family type entertainment and operates as a steady influence upon the neighborhood.

The last person to testify for the Petitioner was the Reverend Demaris, who is the pastor of a church in the Perry Hall area of Baltimore County that owns the land on which is located a commercial miniature golf course. Said golf course is within 200 feet of the church and the pastor's residence. This witness stated that there have been no complaints from his parishioners concerning the operation of this miniature golf course and, in fact, it is used for youth activities of his church as well as other churches in the surrounding area. It was his opinion that this use has had a good effect upon the neighborhood and it is a desirable element in the neighborhood.

There were six Protestants who testified in this matter, four of which were from Bradbury Road and another from a court off of Bradbury Road. These were the

Nick Frank - #75-252-X

3.

nearby residents and among their complaints were the following: Fear of depreciation in the value of their homes, accumulation of trash which apparently is an existing problem in this area, the increase in traffic, the possibility of vandalism or an increase of vandalism, loitering which they felt might be enhanced by the proposed use, and some of the fears which were related to the residents from Rosewood Institution, which is located nearby. The remaining Protestants resided approximately a half a mile from the subject property, and here again their concern was the detrimental effect the Rosewood residents might have upon the proposed use and their concern seemed to be primarily of the possibility of failure of the proposed enterprise, which would result in the abandonment of the property and having the problems of vandalism, deterioration and others attendant to an abandoned use.

However, as stated above, the function of this Board is to determine if the requirements of Section 502.1 have been met, and we find that they have. Upon reviewing all of the testimony and reviewing the comments from the various County and State agencies contained in the file, the Board can find no indications or inferences which could be drawn that any requirements of said section could not be satisfied. Furthermore, the general welfare issue is at least fairly debatable and we find that the proposed use would not be detrimental to the general welfare and, in fact, may very well be beneficial to the general welfare. Therefore, this Board will pass an Order granting the special exception, subject to certain conditions and restrictions.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of September, 1976, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

- Access to the subject property shall be as shown on Petitioner's Exhibit #1, and there shall be no ingress or egress on Reisterstown Road.
- The lighting on the subject property shall be shielded, screened or of such a height so as to prevent any direct rays of light from intruding upon the residents along Bradbury Road.

Nick Frank - #75-252-X

- The hours of operation shall be between 11:00 am and 12 midnight daily.
- A six (6) foot solid black wall topped with a four (4) foot high stockade fence must be installed upon the common boundary line of the subject property and the residences to the rear.
- The operator and/or property owner of the miniature golf course shall maintain the property in a good and reasonable condition.
- A site plan must be approved by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Robert L. Cliford, Vice Chairman
John A. Miller

William T. Hackett

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
for a Miniature Golf Course : ZONING COMMISSIONER
NE/S of Reisterstown Road, 175' :
SE of Rosewood Lane : OF
4th District :
Nick Frank, et ux - Petitioners : BALTIMORE COUNTY
NO. 75-252-X (Item No. 107)

This matter comes before the Zoning Commissioner as a result of a Petition filed by Nick and Angeline Frank, for a Special Exception for a miniature golf course. The subject property is located on the northeast side of Reisterstown Road, 175 feet southeast of Rosewood Lane, in the Fourth Election District of Baltimore County, and contains 1.336 acres of land, more or less.

Evidence on behalf of the Petitioner indicated that he purchased the subject property in 1971, anticipating the future construction of an office building, and that the property is currently zoned B.L. The proposed miniature golf course would be a temporary use, pending construction of said office building.

It was testified to that the subject property fronts Reisterstown Road and is lower in topography than the residential community to the rear.

Testimony further indicated that the proposed use would not create any additional traffic on Reisterstown Road and the neighboring streets than that which would emanate from the permitted uses in a B.L. Zone including an office building.

Mr. Howard Adler, a qualified artist and designer of many recreational facilities, including miniature golf courses, testified that he would design the proposed miniature golf course if granted.

Residents of the area, in protest to the subject Petition, indicated that they were fearful that the granting of the Special Exception would create undue traffic problems in the area and that the granting of the Special Exception would

be detrimental to their health, safety, and general welfare. They also indicated that the noise, emanating from the miniature golf course, could create problems with regard to their quiet residential living.

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the Special Exception for a miniature golf course should be granted.

Under Section 502.1 of the Baltimore County Zoning Regulations, the burden of proving that the proposed use would not be detrimental to the health, safety, and general welfare of the community nor that it would create congestion in the roads and byways, etc., is borne by the Petitioner. In the instant case, this burden has been met.

It is the opinion of the Zoning Commissioner that there are many uses permitted as a matter of right in a B.L. Zone that would cause more traffic hazards than the proposed use and that a miniature golf course would not have a detrimental effect upon the adjoining residences if conducted during reasonable hours.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of October, 1975, that the Special Exception for a miniature golf course should be and the same is hereby GRANTED, from and after the date of this Order, subject to the following restrictions.

- The hours of operation shall be between 11:00 a.m. and 12 midnight daily.
- A six foot high stockade fence must be installed upon the common boundary line of the subject property and the residences to the rear.
- The operator and/or property owner of the miniature golf course shall maintain the property in a good and reasonable condition.
- A site plan must be approved by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 1, 1975, 19.75
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week at one time approximately two weeks before the 24th day of April, 1975, the date publication appearing on the 3rd day of April, 1975.

THE JEFFERSONIAN,
S. Leach, Jr., Manager.

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 16999

DATE Nov 12, 1974 ACCOUNT 01-662
AMOUNT \$50.00

WHITE CASHIER DISTRIBUTION PINK AGENT YELLOW CUSTOMER
Petition for Special Exception for Nick Frank (Cash pd. by August A. Conness)

OFFICE OF THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 April 2, 1975

THIS IS TO CERTIFY, that the annexed advertisement of PETITION for a Special Exception for a Miniature Golf Course was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Md., once a week for one week before the 24th day of April, 1975, the date publication appearing on the 3rd day of April, 1975.

STROMBERG PUBLICATIONS, Inc.

By: S. Stromberg

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 20037

DATE April 21, 1975 ACCOUNT 02-662
AMOUNT \$1.75

WHITE CASHIER DISTRIBUTION PINK AGENT YELLOW CUSTOMER
August A. Conness, 2nd,
750 Quiktable Building
Calvert & Payette Sts.
Baltimore, Md. 21202
Advertising and printing of property for Nick Frank - #75-252-X

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204Your Petition has been received * this 12th day of
NOV 1974. Item # _____Eric DiNenna
S. Eric DiNenna
Zoning CommissionerPetitioner Mr. Nick Frank Submitted by Mr. Conomos
Petitioner's Attorney Mr. Conomos Reviewed by RBC

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

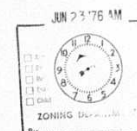
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, MarylandDistrict 4th Date of Posting April 5, 1975
Posted for PETITION FOR SPECIAL EXCEPTION
Petitioner NICK FRANK
Location of property NE/3 rd. Reisterstown Rd. 175' SE of
Rosewood Lane
Location of Signs NE/3 rd. Reisterstown Rd. 275' +/- SE of
Rosewood Lane @ SE. Side Rosewood Lane. 165' +/- - N of
Reisterstown Rd.
Remarks: Reisterstown Rd.
Posted by Thomas R. Pollock Signature Date of return April 11, 1975RE: PETITION FOR SPECIAL EXCEPTION
NE/S of Reisterstown Road, 175' SE of
Rosewood Lane, 4th District
NICK FRANK, et ux - Petitioners
No. 75-252-X (Item No. 107)
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Commissioner:

Please enter my appearance on behalf of the petitioner, Nick Frank and wife in the captioned matter.

Clayton A. Reid
Clayton A. Reid,
The Investment Building,
Towson, Maryland 21204
821-7600

I hereby certify that on this 21st day of June, 1976, a copy of the foregoing Notice of entry of Appearance was mailed to James A. Gede, Esquire, 11000 Reisterstown Road, Owings Mills, Maryland, 21117, and John W. Hessian, III, Esquire, People's Counsel, County Office Building, Towson, Maryland, 21204.

Clayton A. Reid
Clayton A. Reid.CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, MarylandDistrict 4th Date of Posting FEB. 7, 1976
Posted for: APPEAL
Petitioner: NICK FRANK, ET UX
Location of property: NE/3 rd. Reisterstown Rd. 175' SE of
Rosewood Lane
Location of Signs: NE/3 rd. Reisterstown Rd. 275' +/- SE of Rosewood
Lane
Remarks: THIRD POSTING - NEW STAKE & SIGN
Posted by Thomas R. Pollock Signature Date of return FEB. 13, 1976

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map	Original	Duplicate	Tracing	200 Sheet
	date by	date by	date by	date by	date by
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: <u>WBC</u>		Revised Plans: Change in outline or description		Yes	No
Previous case:		Map #			

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 5933

DATE October 20, 1975 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED FROM: John W. Hessian, III, Esquire, People's Counsel
FOR: Cost of Filing of an Appeal and Posting of Property
ON Case No. 75-252-X (Item No. 107)
NE/S of Reisterstown Road, 175' SE of Rosewood Lane -
4th Election District
Nick Frank, et ux - Petitioners

VALIDATION OR SIGNATURE OF CASHIER

Rec'd. 1-25-76
5:10 PM
John ZimmigCERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, MarylandDistrict 4th Date of Posting OCT. 24, 1975
Posted for: APPEAL
Petitioner: NICK FRANK, ET UX
Location of property: NE/S of Reisterstown Rd. 175' SE of
Rosewood Lane
Location of Signs: NE/S of Reisterstown Rd. 275' +/- SE of
Rosewood Lane
Remarks: THIRD POSTING - NEW STAKE & SIGN
Posted by Thomas R. Pollock Signature Date of return OCT. 30, 1975RE: PETITION FOR SPECIAL EXCEPTION
NE/S of Reisterstown Road, 175' SE of
Rosewood Lane, 4th District
Nick Frank, et ux - Petitioners
No. 75-252-X (Item No. 107)
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

AMENDED ORDER FOR APPEAL*

Mr. Commissioner:

Please note an Appeal from your decision in the above entitled matter under date of October 2, 1975, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

John W. Hessian, III
John W. Hessian, III
People's CounselCharles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I hereby certify that on this 23rd day of October, 1975, a copy of the foregoing Order was mailed to August A. Conomos, Esquire, 750 Equitable Building, Baltimore, Maryland 21202, Attorney for Petitioner.

John W. Hessian, III

*This is an amendment to Order for Appeal to reflect proper notice to counsel.

RE: PETITION FOR SPECIAL EXCEPTION
NE/S of Reisterstown Road, 175' SE of
Rosewood Lane, 4th District
Nick Frank, et ux - Petitioners
No. 75-252-X (Item No. 107)
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Commissioner:

Please note an Appeal from your decision in the above entitled matter under date of October 2, 1975, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

John W. Hessian, III
John W. Hessian, III
People's CounselCharles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I hereby certify that on this 14th day of October, 1975, a copy of the foregoing Order was mailed to Clayton A. Reid, Esquire, The Investment Building, Towson, Maryland 21204.

Case No. 75-252-X (Item No. 107) - Nick Frank, et ux - Petitioners
NE/S of Reisterstown Road, 175' SE of Rosewood Lane - 4th Election District

Petition for Special Exception

Description of Property

Plat of Subject Property, revised January 27, 1975

Zoning Plans Advisory Committee Comments, dated December 27, 1974

Comments from William D. Fromm, Director of Planning, dated April 23, 1975

Twenty-One (21) Photographs

Eight (8) Letters of Protest

Certificates of Publication

Certificate of Posting (One (1) Sign)

Petitioners' Exhibit 1 - Booklet Entitled "Painters Mill Professional Center"

Petitioners' Exhibit 2A through 2E - Photographs

Petitioners' Exhibit 3 - Five (5) Page Signed Petition

Protestants' Exhibit A1 and A2 - Photographs

Protestants' Exhibit B - Six (6) Page Signed Petition

Order of the Zoning Commissioner, dated October 2, 1975 - GRANTED (Subject to Restrictions)

Order for Appeal from John W. Hessian, III, Esquire, People's Counsel, received October 15, 1975

Amended Order for Appeal, received October 23, 1975

August A. Conomos, Esquire
750 Equitable Building 21202

Counsel for Petitioners

Mr. & Mrs. Nick Frank
2209 Dalewood Road
Timonium, Maryland 21193

Petitioners

James A. Gede, Esquire
11000 Reisterstown Road
Owings Mills, Maryland 21117

Counsel for Dunbar Associates (Protestants)

John W. Hessian, III, Esquire
People's Counsel

People's Counsel

JAMES A. GEDE
ATTORNEY AT LAW
11000 REISTERSTOWN ROAD - P.O. BOX 827
OWINGS MILLS, MARYLAND 21117TOWSON OFFICE
304 Loyola Federal Building
22 West Pennsylvania Avenue
Towson, Maryland 21204
825-0191

April 24, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Item #107 (1974-1975)
Property Owners: Nick & Angeline Frank
S/E Corner of Rosewood Lane & Reisterstown Road

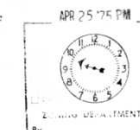
Dear Mr. DiNenna:

Please enter my appearance on behalf of the Protestants, The Dunbar Association, in the above captioned case.

Very truly yours,

James A. Gede

JAG:sac



INTER-OFFICE CORRESPONDENCE

4th District

There are no land use planning factors requiring comment on this petition at this time.

WDF + NEG : 0.00

ORDER TO ENTER APPEARANCE

John W. Hessian, III
People's Counsel

Charles E. Keuntz, Jr.
Charles E. Keuntz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-3212

APR 0 75 PM

☐ 1
☐ 2
☐ 3
☐ 4
☐ 5
☐ 6

ZONING DEPARTMENT

By _____

I will not attend. JWH

[illegible]

NAME	ADDRESS	DATE
Phyllis	9834 Hoyt Ave.	4/1/75
Robert Hubbert Jr	113 Cedarview Rd	4/2/75
Dana Rapp	S Oak Creek Ln	4-21-75
Frank Mark		
Walter Drexler	901 Watson St.	4-21-75
Eddie Helmer	62 Pendragon Ct	4-21-75
Grace Kern	53-15 Jacksonville	4-21-75
John Kuhn	Leut.	4-21-75
Robert King	Warren Rd 7	4-21-75
Sharon Davis	Stone Creek Ct	4-21-75
Francis Jones	Panther Mill.	4-21-75
Russell Green	5-3 Tordoff Ct	4-21-75
Albert Tambour	125 W. 10th St. 188	4/21/75
Barbara Koenig	51 Pittman Ave.	4/21/75
Bobbie Taylor	12 Greenfield	4/21/75
David J. Pinto	83 Lexington Ct	4-21-75
Jimmy Newman	5 Midpoint	4-21-75
William A. Ekberg	212 Ingomar Lane	4/21/75
Kaye Abbott	3 Admiral Rd.	4-21-75

NAME	ADDRESS	DATE
Doris H Yuen	327 Temple Cliff Rd	9/21/75
Jon Frish	8203 Tull Channing Ct.	4-22-75
John E. Lakin	247 S. Woodington Rd	4-22-75
Rand Hurren	132 Wengate Rd.	4-22-75
Mark H. Hest	2 CAMMISON Juv. Rd.	9/22/75
Wayne R. Woodhill	1902 Lindenmann Lane	9/22/75
Kathy Schaeffer	611 Beverly Rd. RUST	4/22/75
Bruce Martin	411 Beverly Rd. RUST	4/22/75
Ralph Lambert	28 Enchanted Hill Rd.	4/22-75
Pat Henneman	61 Tollegate Rd.	4/22-75
Billy Herwig	32 Enchanted Hills Rd.	4/22/75
Stephan Fiet	3900 Lausanne Rd.	4/23/75
Robert J. Small	1230 LIBERTY RD	4/23/75
Mike Ray	10261 WILSON RD	4/23/75
George Dillm	17 DWR LOG E	4/23/75
R. L. Meyer	10219 E. Road 10219 E. Road	
Jay Meyer		

NAME	ADDRESS	DATE
James Halpin	1314 Rasterman Rd	4/2/78
Barry Hoff	2111 1st Rd	4/2/78
Bob Sachs	7924 Longview Rd	4/2/78
Robert Buckley	17 Deer Wolf	4/2/78
Orin Dinsbury	1111 11th St	4/2/78
Robert Poff	3900 Lawrence Rd	4/2/78

NAME ADDRESS DATE

George A Bullum 18 Deer Lodge Ct 422 75

Doris Williams 204 Mungate Lane

W. Wachen ^{XX}
DET HCD OVER CA BOX 140 9207

Don Gramp 415 Barnwell St 422 75

Richard Moore Rt 1 Box 258 A Upst Rd Severn.

Loga Senky 18 A Deer Lodge Ct

Walter Schroeder Oung Mills

P. E. Keweenaw Oung Mills

Emmer Jones 572 Sammons AVE 422 75

William Davis 105 Willow Bend Dr 422 75

W. Hennemann 61 Tollgate Rd Oung Mills, Md 422 75

De Behn 61 SEVEN HILL RD OUNG MILLS

Paul Kestake 1142 Mungate Rd Oung Mills 422 75

John E. C. Oung Mills

Lee Magh 3908 Nags Cr

Ermy Newman 42 Mungate Ct Oung Mills 422 75

Paul Kestake 3908 Nags Cr 422 75

EXHIBIT B

ADDRESS

ADDRESS

ADDRESS

NAME _____

ADDRESS

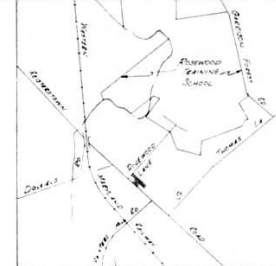
NAME _____

ADDRESS

25. PROTESTANTS' EXHIBIT A1

2C PROTESTANTS' EXHIBIT A2





VICINITY MAP
SCALE 1"=200'

GARRISON FOREST PLAZA
SHOPPING CENTER

SUNOCO SERVICE
CENTER

ROSEWOOD
LANE

BRADBURY
ROAD

REISTERSTOWN
ROAD

PARTNER MILL SHOPPING CENTER
ZONE B.C.N.S.

SPECIAL EXCEPTION FOR MINIATURE GOLF COURSE
ZONING: ZONE B.C.N.S.
AREA OF PROPERTY: 1.8336 AC.
PARKING: TOTAL SPACES REQUIRED 30
TOTAL SPACES PROVIDED 46

POST OFFICE

PIZZA HUT

GINO'S RESTAURANT

RESTAURANT

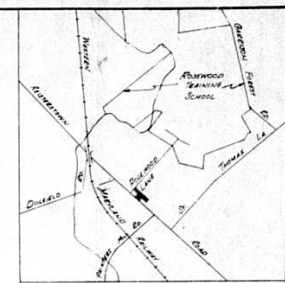
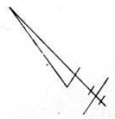
BOARD OF APPEALS
PETITIONER'S
EXHIBIT 1

MICROFILMED

	DESIGNED 1-7-75 REVISED 1-27-75	PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION PROPERTY OF NICK FRANK L. NIKE REISTERSTOWN RD & ROSEWOOD LA 4 TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
	associate land surveyors A. P. RITCHIE & L. 1400 N. WASHINGTON AVE. BALTIMORE, MD 21201 PHONE: 860-7700	

Notarized
OCT 15, 1975





VICINITY MAP
Scale 1"=2000'

GARRISON FOREST PLAZA
SHOPPING CENTER

ROSEWOOD LANE

BRADBURY ROAD

SUNOCO SERVICE CENTER

PROPOSED MINIATURE GOLF COURSE

AMERICAN OIL COMPANY

REISTER MILL SHOPPING CENTER

REISTERSTOWN ROAD

SPECIAL EXCEPTION FOR MINIATURE GOLF COURSE
ZONING: BL C.N.S.

AREA OF PROPERTY: 1.8336 AC.

PARKING: TOTAL SPACES REQUIRED: 35
TOTAL SPACES PROVIDED: 46

POST OFFICE

PIZZA HUT

GIARD'S RESTAURANT

REISTER RESTAURANT

MAP	2 C
DATE	11/15/74
BY	EDWARD J. RYAN
FOR	BY E.O.
FILE	
EX	

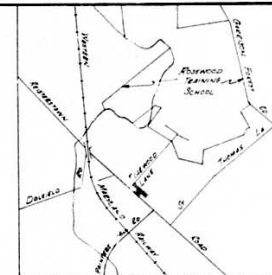
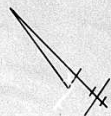
ENCLOSURE



apri
associates land attorneys
A. P. RATYCH, L.L.S.
204 E. MAIN ST. BALTIMORE, MD. 21202
PHONE: 548-7728

PLAT TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
PROPERTY OF
NICK FRANK & WIFE
REISTERSTOWN, MD / ROSEWOOD LA.
4TH ELECTION DISTRICT
BALTIMORE COUNTY,
MARYLAND
OCT. 15, 1974





VICINITY MAP
Scale 1"=2000'

GARRISON FOREST PLAZA
SHOPPING CENTER

ROSEWOOD LANE

BRADBURY ROAD

AMERICAN SERVICE CENTER

REST OFFICE

PIZZA HUT

GARY'S RESTAURANT

RESTAURANT

SPECIAL EXCEPTION FOR MINIATURE GOLF COURSE
ZONING: BL C-1
AREA OF PROPERTY: 1.6536 AC
PROPOSED: TOTAL SPACES REQUESTED: 30
TOTAL SPACES PROVIDED: 46



REVISIO PLANS

Mike Frank

MICROFILMED

	REVISED 1-7-75 REVISED 1-27-75	PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION PROPERTY OF NICK FRANK & NINE REISTERSTOWN, MD 4 ROSEWOOD LA 4TH ELECTION DISTRICT BALTIMORE COUNTY MARYLAND
	APPROVED BY THE CITY OF BALTIMORE A. P. PATYCH BALTIMORE, MD	

SCALE 1"=50'

OCT 16 1975

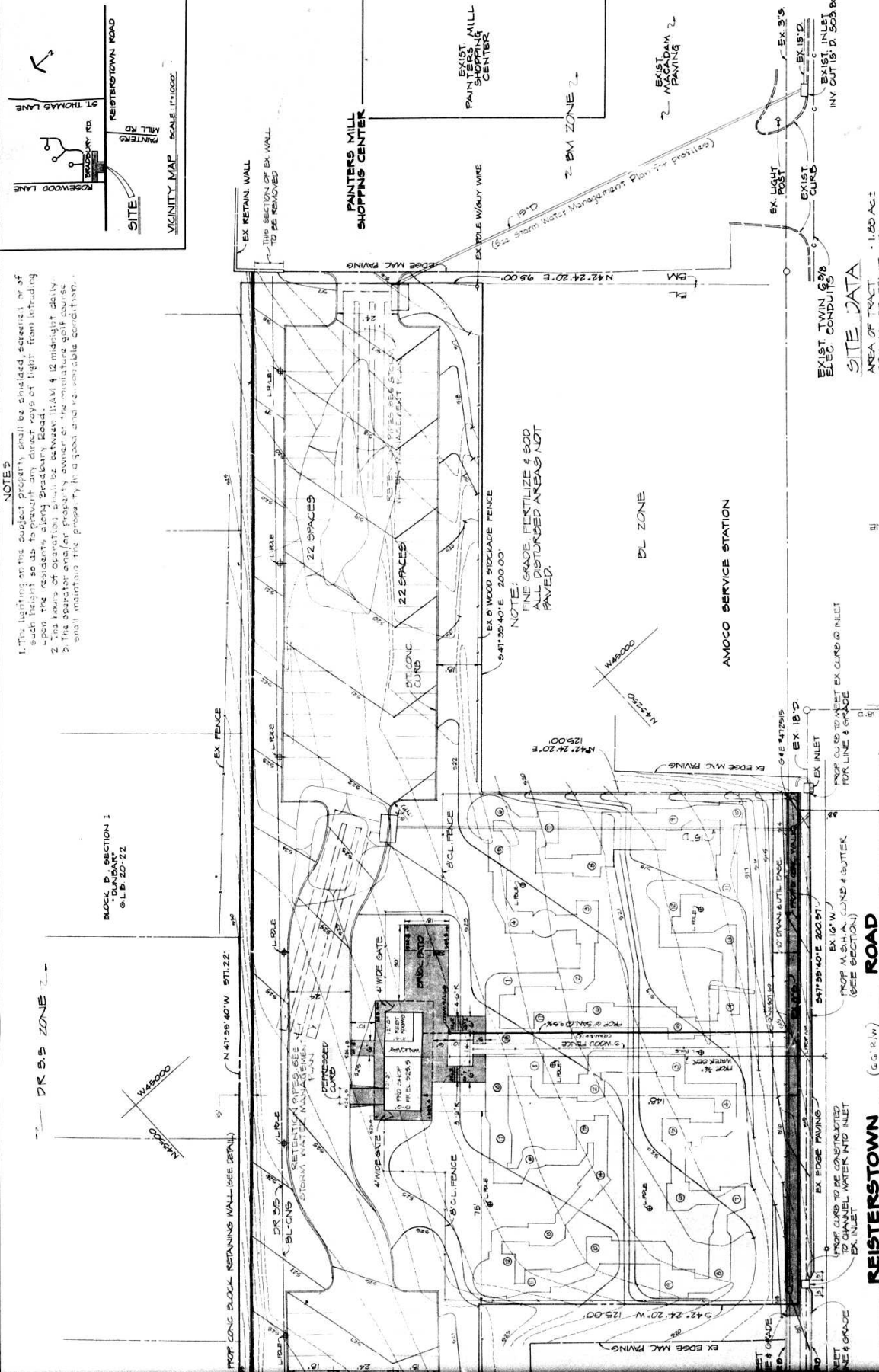
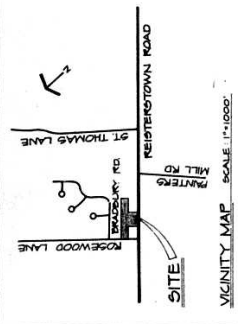


NOTES

1. The lighting on this subject property shall be shielded, screened or of such height so as to prevent any direct rays of light from intruding upon the residents along Broadwood Road.
2. The hours of operation shall be between 11:00 AM & 12 midnight daily.
3. The operator and/or property owner of the miniature golf course shall maintain the property in a good and reasonable condition.

BLOCK D, SECTION 1
G.L.B. 20-22

SCALE 1"=100'



SITE DATA

AREA OF TRACT: 1.80 AC.
EXISTING USE: VACANT
PROPOSED USE: MINIATURE GOLF COURSE
BUILDING: 204 SQ. FT. (1200 SQ. FT. = 3 SPACES)
GOLF COURSE: 30 HOLES (1/4 MILE = 3 SPACES)
TOTAL SPACES: 129
PARKING: 1 SPACES SHOWN = 84

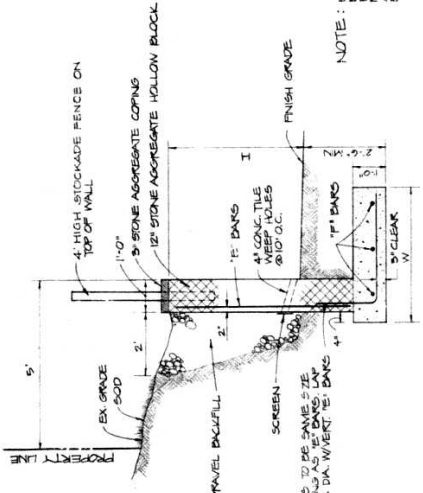
PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: [Signature]
DATE: 6-9-77
75-252

TYPICAL PARKING LOT PAVING SECTION

In this drawing, are for the convenience only. The correctness or the completeness of this information is not warranted or guaranteed. Verify all such information to this be accomplished in accordance with Standard Details dated 1964.

RETAINING WALL SCHEDULE		REINFORCING WALL SCHEDULE	
H	W	H	W
4'-0"	4'-0"	4'-0"	4'-0"
5'-0"	4'-6"	5'-0"	4'-6"
6'-0"	5'-0"	6'-0"	5'-0"
7'-0"	5'-0"	7'-0"	5'-0"

NOTE: ALL JOINTS OF BLOCKS WITH GRAVEL CONCRETE @ EACH VERTICAL JOINT. PROVIDE 2" MIN. REINFORCEMENT @ EACH VERTICAL JOINT. PROVIDE 2" MIN. REINFORCEMENT @ EACH HORIZONTAL JOINT. PROVIDE 2" MIN. REINFORCEMENT @ EACH HORIZONTAL JOINT. PROVIDE 2" MIN. REINFORCEMENT @ EACH HORIZONTAL JOINT.



LIGHT STANDARD FOR PARKING LOT

NOT TO SCALE

RETAINING WALL DETAIL NO SCALE



DAFT-MCCUNE-WALKER INC.
LAND PLANNING CONSULTANTS
ENGINEERS

PROPOSED
MINIATURE GOLF COURSE
FOR
NICK FRANK
PROPERTY
Fourth Election District
Baltimore County, Maryland

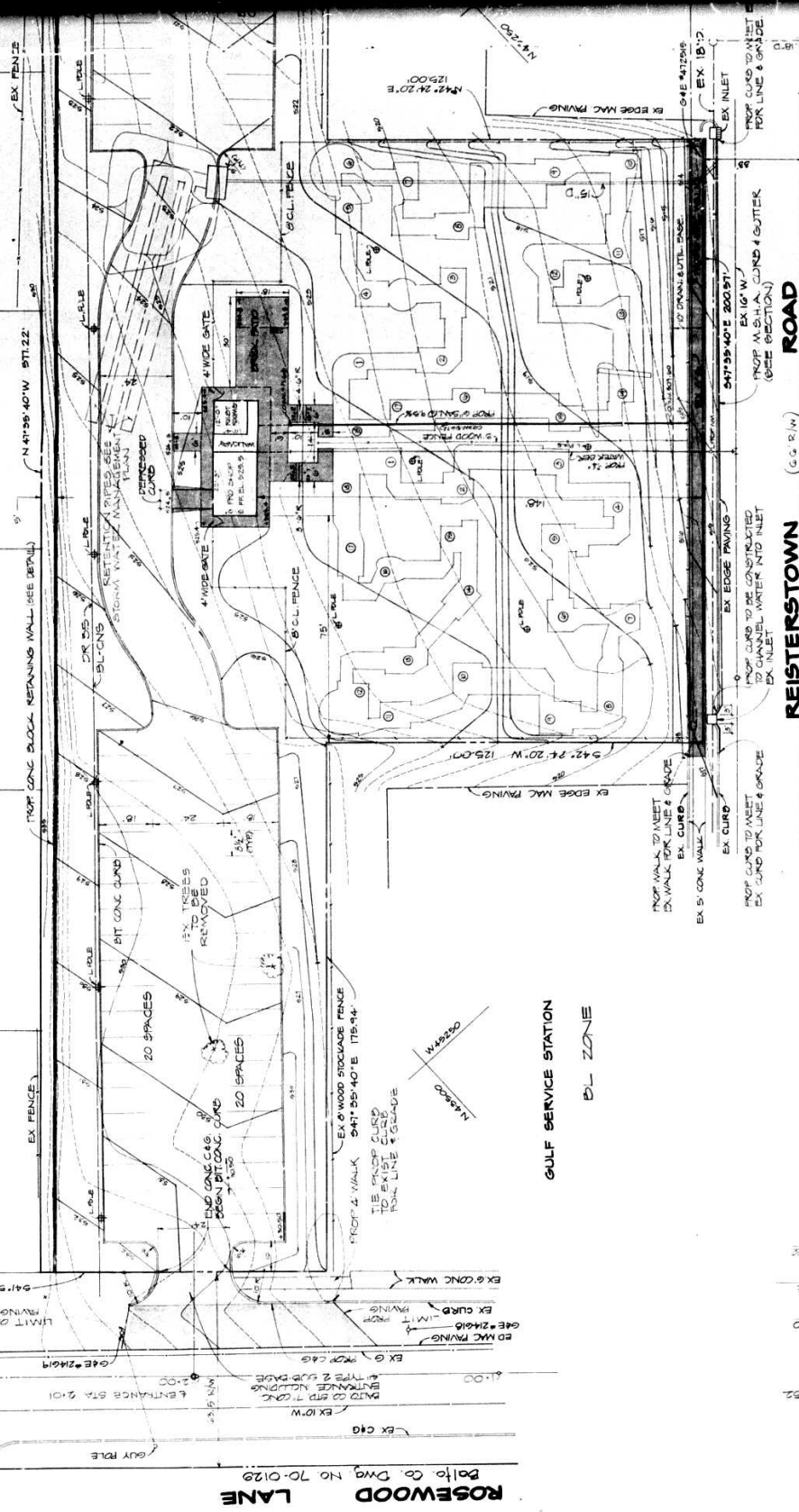
SCALE: 1"=20'	JOB ORDER NO: D-1042	ISSUE DATE: AUG. 5, 1977
DATE: 6-9-77 REVISIONS:		



Z - DR 55 ZONE

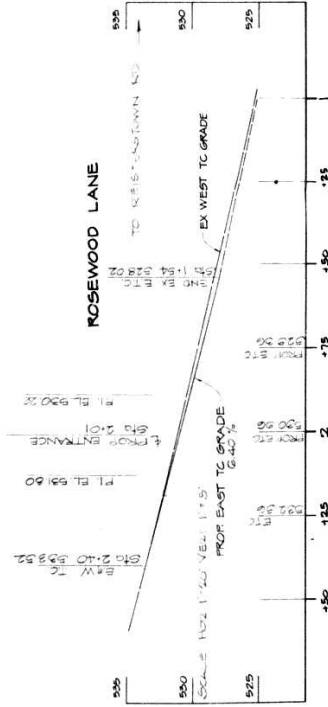
BLOCK B, SECTION I
BOUNDARY
S.L.B. 20-22

Garrison Forest Plaza
Shopping Center



GULF SERVICE STATION

DL ZONE

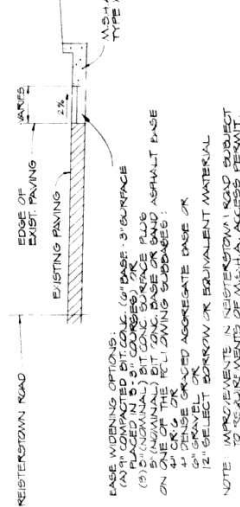


ROSEWOOD LANE

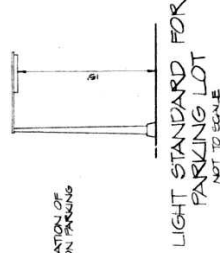


TYPICAL PARKING LOT
PAVING SECTION

NOTE: Instructions shown on this drawing are for the convenience of the contractor only. The correctness or the completeness of the information given is not warranted or guaranteed. The contractor must verify all such information to his satisfaction. All construction will be accomplished in accordance with the Baltimore County Standard Details dated 1964.



TYPICAL PAVING SECTION
REISTERSTOWN ROAD
NO SCALE



RETAINING