

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, HERBERT D. SIEGEL, 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... AMUSEMENT PARK (ARCADE ONLY WITH GAME MACHINES)

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.

Just Games of Baltimore Co., Inc.
by Charlotte Getlan, President
Lessee
3402 Woodvalley Drive
Baltimore, Maryland 21208
Address: 47 Hamill Court
Baltimore, Maryland 21210
Legal Owner Lessor

Louis J. Weinkam
Petitioner's Attorney
Protestant's Attorney

Address: 303 Loyola Federal Building
Towson, Md. 21204 -296-2040
BY ORDERED By The Zoning Commissioner of Baltimore County, this 14th day

1975, 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 25th day of November, 1975, at 11:00 o'clock

11:00
11/24/75
X-28-91-X

(over)

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RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
SE/corner of Baltimore National Pike : DEPUTY ZONING
and Kent Avenue - 1st Election District : COMMISSIONER
Herbert D. Siegel, et ux - Petitioners :
NO. 76-122-X (Item No. 81) :
: OF
: BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition filed for a Special Exception for an amusement park (arcade only with game machines).

Evidence for the Petitioners, indicated that the one-story building in question has been vacant for three months and that its previous use was for a doughnut shop. Testimony on behalf of the Petitioners disclosed that the existing twenty-six parking spaces are within present zoning requirements for off-street parking.

Mr. Louis Gatlin, who proposes to operate said amusement arcade, testified that the prospective patrons of the arcade could range in age from seven or eight years through adults. The proposed hours of operation are from 9:00 a.m. to 9:00 p.m., Mondays through Thursdays, 9:00 a.m. to 11:00 p.m., Fridays and Saturdays, and noon to 9:00 p.m. on Sundays. Approximately thirty to forty amusement devices were proposed for installation. No food except for soda and candy machines are to be sold on the premises.

Residents of the area, in protest, indicated that they were fearful that the granting of the Special Exception would result in a business operation incompatible with the area in question. This could also generate a high concentration of young people in the vicinity and increased traffic on adjacent thoroughfares. Combined, they felt that these factors would constitute a detriment to their health, safety and general welfare.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, and as the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations not having been met, in the

judgement of the Deputy Zoning Commissioner, the Special Exception should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of December, 1975, that the Special Exception be and the same is hereby DENIED.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

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Case No. 76-122-X (Item No. 81) - Herbert D. Siegel, et ux - Petitioners
SE/corner of the Baltimore National
Pike and Kent Avenue - 1st Election
District

Petition for Special Exception
Description of Property
Plat of Subject Property, dated October 2, 1975
Zoning Plans Advisory Committee Comments, dated November 13, 1975
One Photograph
Comments from William D. Fromm, Director of Planning, dated November 25, 1975
Certificates of Publication
Certificate of Posting (One Sign)
Order of the Deputy Zoning Commissioner, dated December 8, 1975 - DENIED

Letter of Appeal from Louis J. Weinkam, Esquire, on behalf of Herbert D. and Marion Siegel, Petitioners and Lessee, and Just Games of Baltimore County, Inc., by Charlotte Getlan, President, Lessee, received December 16, 1975, with Attached Supplementary Letter, dated December 19, 1975

Louis Weinkam, Esquire
22 West Pennsylvania Avenue 21204
Counsel for Petitioners
Mr. & Mrs. Herbert D. Siegel
47 Hamill Court 21210
Petitioner (Lessor)
Charlotte Getlan, President
Just Games of Baltimore County, Inc.
3402 Woodvalley Drive 21208
Lessee
Thomas R. Harrison, Esquire
401 Washington Avenue 21204
Counsel for Protestants
Newton A. Williams, Esquire
204 West Pennsylvania Avenue 21204
Counsel for Protestants
Mr. Jerry Klovev
Ingleside Improvement Association
634 Longview Drive 21228
Protestant
John W. Hession, III, Esquire
People's Counsel
People's Counsel

SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 303 INVESTMENT BUILDING
TOWSON, MARYLAND 21204
823-3935

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
LOUIS J. PASEKOFF, P.E.

DESCRIPTION FOR SPECIAL EXCEPTION TO ZONING
#719 BALTIMORE NATIONAL PIKE
FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning from the same at a point on the South side of the Baltimore National Pike (U. S. Route No. 40) at the end of the cut-off connecting the South side of the Baltimore National Pike and the East side of Kent Avenue and running thence and binding on the South side of the Baltimore National Pike North 79 Degrees 15 Minutes East 7.82 feet thence leaving the South side of the Baltimore National Pike and running South 41 Degrees 23 Minutes East 120.59 feet, South 17 Degrees 02 Minutes West 83.45 feet and North 72 Degrees 58 Minutes West 120.00 feet to the East side of Kent Avenue herein referred to and running thence and binding thereon North 17 Degrees 02 Minutes East 50.00 feet, South 72 Degrees 58 Minutes East 10.00 feet, North 17 Degrees 02 Minutes East 27.25 feet, Northerly by a curve to the left with a radius of 139.36 feet the distance of 45.74 feet to the cut-off herein referred to and running thence and binding thereon North 37 Degrees 53 Minutes 22 Seconds East 22.50 feet to the place of beginning.
Containing 0.31 acres of land, more or less.

10-2-75



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

LAW OFFICES WEINBERG AND GREEN

NINETEENTH FLOOR
10 LIGHT STREET
BALTIMORE, MD. 21202

SUITE 601
401 WASHINGTON AVENUE
TOWSON, MD. 21204
FIRM TEL (301) 332-8800

WRITER'S DIRECT DIAL NUMBER
301-332-8826
May 4, 1976

Walter A. Reiter, Jr., Chairman
and Members of the County
Board of Appeals
Room 219, Court House
Towson, Maryland 21204

RE: Petition for Special Exception SE/corner
of Baltimore National Pike and Kent Avenue
First Election District
Herbert D. Siegel, et ux, Petitioners
Case No. 76-122-X

Dear Mr. Reiter and Members of the Board:

Please enter my appearance on behalf of Mr.
Donald Flax, Westview Dodge, Inc., 5717 Baltimore
National Pike, Baltimore, Maryland 21228.

Yours truly,

[Signature]
Champe C. McCulloch

104/jlw

cc: Mr. Jerry Klovev
D. Sylvan Friedman, Esq.
Louis Weinkam, Esq.
John W. Hession, III, Esq.

April 20, 1976

Walter A. Reiter, Jr., Chairman
and Members of the County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case #76-122-X, Herbert D. Siegel et ux (Just
Games of Baltimore County, Inc., Lessee).
Special Exception for Amusement Park (Arcade)
Southeast Corner of Baltimore National Pike and
Kent Avenue.

Dear Mr. Reiter and Members of the Board:

Residents of the area in question and the Ingleside Improvement Association have taken an active position in opposition of this petition before the zoning commission and were successful in having the deputy commissioner turn down the request for reclassification.

The protestants plan to join with others represented by T. R. Harrison, Esq. and Newton Williams, Esq. in opposing this request for reclassification before the Board. For reasons unknown to us, the protestants represented by the afore mentioned councils have withdrawn their opposition.

To put it quite frankly, they have left the residents of the area high and dry. Therefore, I am requesting a postponing of the hearing date so that we can engage our own council to evaluate our position.

If you and the Board grant an extension, we will engage Mr. H. W. Swartzwelder, Esq. who is familiar with the Board.

Very truly yours,

[Signature]
G. Kloby
Chairman-Ingleside Improvement Assn.
634 Longview Drive
Baltimore, Maryland 21228

cc: H. W. Swartzwelder
200 Equitable Bldg.
Fayette & Calvert Sts.
Baltimore, Md. 21202

GK:bda

County Board of Appeals
Room 219
Court House
Towson, MD 21204

RE: Petition for Special Exception SE/corner of
Baltimore National Pike and Kent Avenue
First Election District
Herbert D. Siegel, et ux, Petitioners
Case No. 76-122-X

Dear Sir:

Please strike my appearance in the above captioned matter. The Protestants which I represented in this matter are as follows:

- Mr. Alexander Kromm, Jr.
House of Sound
821 Kent Avenue
Baltimore, MD 21228
- Mr. Donald Flax
Westview Dodge, Inc.
5717 Baltimore National Pike
Baltimore, MD 21228
- Mr. William Green
Quality Inns
Route 40
Baltimore, MD 21228

Very truly yours,

[Signature]
Thomas R. Harrison

122/gpn

Rec'd 4-21-76
11:55AM

SEP 07 1976

RE: PETITION FOR SPECIAL EXCEPTION
for an Amusement Park
SE corner Baltimore National Pike
and Kent Avenue
1st District
Herbert D. Siegel, et ux
Petitioners
Just Games of Baltimore Co., Inc.
Lessee

BFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 76-122-X

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Deputy Zoning Commissioner which denied a requested special exception at the subject property. The Petitioner seeks a special exception in an existing B.R. zone for an Amusement Park (Arcade only with game machines). The subject property is located at the southeast corner of Baltimore National Pike and Kent Avenue, in the First Election District of Baltimore County. This lot contains approximately 0.31 acres, and is improved by a one story brick and brick building. The improvements on this lot and the parking places provided are set out on Petitioner's Exhibit #1.

The first witness for the Petitioner was Robert Spellman, a registered professional land surveyor. Mr. Spellman explained to the Board Petitioner's Exhibit #1, a detailed plot of the subject property, and noted that the subject property is now adequately served by public sewers and water. Mr. Spellman noted that, in his judgment, the granting of this special exception would have no adverse effect upon the general welfare and health of the community. He also noted that, in his opinion, there would be no problem from a traffic, fire, and light and air aspect. Mr. Spellman also called to the attention of the Board the comments of the various departments of the County which are contained in the file of the subject case. A review of these departmental comments reflects no objections.

The other witness for the Petitioner was the potential Lessee of the site, one, Louis E. Getlan, who is a member of the Maryland Bar. Mr. Getlan told the Board of the planned operation at the subject property, and noted that his family has operated seventy to eighty locations throughout the United States, including a similar sort of businesses in Hershey Park, Steel Pier in Atlantic City and the Million Dollar Pier in Atlantic City. Mr. Getlan's specific firm operates such a game room in Anne Arundel

Herbert D. Siegel - #76-122-X

2.

County, and is now planning a second location in Anne Arundel County. This proposed Lessee told the Board that the only food available on the premises would come from machines and be primarily candy. There would also be soda machines on the premises. Mr. Getlan assured the Board that there would be no pool tables in his operation, and that the business will be supervised at all times by an on site manager. Mr. Getlan is considering a three year lease with a three year option with the land owner in the subject instance. Mr. Getlan also called to the attention of the Board the comments by the various departments of Baltimore County, which are in the file of the subject case.

Three witnesses testified in opposition to the granting of this special exception. The first was Captain Joseph A. Shaw of the Baltimore County Police - Youth Bureau. Captain Shaw told the Board of a similar operation in the Kenwood Shopping Center. This Kenwood Shopping Center location does have pool tables, and has been a constant and continuous problem to the local police. There has been excessive loitering, vandalism in the area, littering, and some arrests in this general area of the games location for drinking and possession of drugs. The Captain cited that this Kenwood Shopping Center business exercises little or no supervision of its patrons, and the business has been detrimental to the entire Kenwood Shopping Center. The Captain went on to analogize that if the subject location would prove to be the same sort of police problem, that the existing capabilities of the Wilkens Police District would be severely taxed. The Captain further speculated that this games business could have serious adverse effects from potential vandalism to the car agency next-door, and from noise to the motel which adjoins this location on the western side.

Upon cross-examination Captain Shaw stated that there had been no problems with a similar operation in the Security Mall Shopping Center, but he further noted that this large Mall has its own security forces. He also, upon cross-examination, indicated that there had been no police contacts at the subject property which for some short period of time has been a Cue Club.

The second witness for the Protestants was Donald Flax, the owner of the adjoining Westview Dodge Automobile Agency. Mr. Flax feared vandalism to his lot, and noise that would disturb his customers and salesmen if this games room special exception

Herbert D. Siegel - #76-122-X

3.

were to be granted.

The last witness for the Protestants was a twenty-three year resident of nearby Calverton Street. He expressed fears as to trash and loitering. He also felt that noise and traffic emanating from this location would be detrimental to the nearby residential community. His residence is approximately 250 feet from the subject property.

As mentioned above, the subject property is now zoned Business Roadside (B.R.) and the sole question to be answered by this Board in this petition is whether or not the Appellant, through his testimony and evidence, has exhibited to this Board full and complete compliance with Section 502.1 of the Baltimore County Zoning Regulations. Section 502.1 provides 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."

If the Appellant, in fact, has evidenced full and complete compliance with the above Section 502.1, this special exception cannot be denied by this Board. Unfortunately, by recent Court decisions, the speculative aspects of the Board's judgment of the planned use of the subject property have been somewhat limited. In the recent cases of *Anderson v. Sawyer* and the *Kiwanis Club of Loch Raven*, the Board has been reversed when it attempted, perhaps to some degree, to speculate as to the eventual effect of planned uses upon a particular surrounding community. The Board's judgment in these cases was limited to a strict application of Section 502.1.

Herbert D. Siegel - #76-122-X

4.

The Board has carefully reviewed the testimony and evidence offered in the subject case and has concluded that the Petitioner has in fact met his burden of proof. It is the judgment of this Board that all of the provisions of Section 502.1 have been satisfied in the subject instance. There is uncontradicted testimony that the subject property will present no unusual hazard to the health, general welfare and safety of the surrounding community. There is uncontradicted testimony that the proposed special exception will cause no particular problem from a traffic, safety, fire, light and/or air aspect. The Petitioner's testimony and the comments by the various County departments, which are a part of this record and the file on the subject case, clearly indicate that the proposed special exception will violate none of the provisions of Section 502.1.

For the reasons stated above, the Board shall grant the requested special exception.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 8th day of July, 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:

- There shall be a supervisor of this business operation on the premises during all hours that this establishment is open to the public.
- This business shall not operate nor be open to the public after 12:30 a.m.; nor shall this business be open to the public before 2 p.m. on Sundays, and 10 a.m. on any other day of the week.
- The Petitioner shall take such extraordinary steps as are necessary to see that this lot is clear of trash at all times, and that there shall be no loitering on the lot at any time.
- Evidence of a violation of any of the above restrictions shall be grounds for the Zoning Commissioner to review this special exception and to revoke same if, in his judgment, any of the above restrictions have been violated.

Herbert D. Siegel - #76-122-X

5.

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

Walter A. Reiter, Jr., Chairman

Robert L. Gilland

John A. Miller

Walter A. Reiter, Jr., Chairman
and Members of the
County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case #76-122-X, Herbert D. Siegel et ux (Just Games of Baltimore County, Inc., Lessee).
Special Exception for Amusement Park (Arcade)
Southeast Corner of Baltimore National Pike
and Kent Avenue.

Dear Mr. Reiter and Members of the Board:

At the direction of my client, Mr. Robert Neale, please strike my appearance on behalf of Mr. Robert Neale and his corporation, Butler & Neale, Inc., in the above entitled matter. Thus, I will not be appearing at the hearing presently scheduled before the Board for Tuesday, April 27, 1976 at 10:00 a.m.

Thanking the Board and your staff for its attention to this letter, I am, with best regards,

Sincerely,

Newton

Newton A. Williams

NAW/hl
cc: Louis Weinkam, Esquire
Counsel for Petitioners

Thomas R. Harrison, Esquire
Counsel for Protestants

D. Sylvan Friedman, Esquire
Counsel for Herbert D. Siegel and wife

Mr. Robert Neale
V.L. ROBERT AND JAMES FOR MR. WILLIAMS
Mr. G. Kloby, Zoning Chairman
Ingleside Improvement Assn.

Re: 4-20-76
11:50 AM

LAW OFFICES OF
NOLAN, PLUNKOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
TELEPHONE 823-7800

April 19, 1976

Law Office of
LOUIS J. WEINKAM

AREA CODE 301
TELEPHONE 296-7040

LOVELL FEDERAL BUILDING
SUITE 207
22 WEST HANOVERDALE AVENUE
TOWSON, MARYLAND 21204

December 15, 1975

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

RE: Petition for Special Exception
SE/ corner of Baltimore National
Pike and Kent Avenue-1st Election
District
Herbert D. Siegel, et ux-Petitioners
No. 76-122-X (Item No. 81)

Dear Mr. DiNenna:

I am herewith enclosing my check in the amount of \$70.00 and I would appreciate your entering an Appeal from the denial of the Special Exception on behalf of the Petitioners.

Very truly yours,

Louis J. Weinkam
LOUIS J. WEINKAM

LJW:jf
Enclosure: (1 check \$70.00)



Law Office of
LOUIS J. WEINKAM

AREA CODE 301
TELEPHONE 296-7040

LOVELL FEDERAL BUILDING
SUITE 207
22 WEST HANOVERDALE AVENUE
TOWSON, MARYLAND 21204

December 19, 1975

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

RE: Petition for Special Exception
S/E corner of Baltimore National
Pike and Kent Avenue - 1st Election
District
Herbert D. Siegel, et ux-Petitioners
No. 76 - 122-X (Item No. 81)

Dear Mr. DiNenna:

On December 12th, 1975, I wrote to you entering an appeal in the above matter enclosing my check in the amount of \$70.00. I was advised by your office that an amended or corrected notice of appeal should be sent to you indicating the names and addresses of the appellants. This is to advise you that this appeal from the denial of the special exception is being taken on behalf of the Petitioners, Herbert D. Siegel, 47 Hamill Court, Baltimore, Maryland 21210, Lessor and Just Games of Baltimore County, Inc., by Charlotte Getlan, President, 3402 Woodvalley Drive, Baltimore, Maryland 21208.

Very truly yours,

Louis J. Weinkam
LOUIS J. WEINKAM

LJW:jf

RE: PETITION FOR SPECIAL EXCEPTION
South side of Baltimore National Pike
and the East side of Kent Avenue,
1st District
HERBERT D. SIEGEL, Petitioner

: BEFORE THE ZONING COMMISSIONER
Or BALTIMORE COUNTY
Case No. 76-122-X

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.,
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I hereby certify that on this 21st day of November, 1975, a copy of the foregoing Order was mailed to Louis J. Weinkam, Esquire, 207 Loyola Federal Building, Baltimore, Maryland 21204, Attorney for Petitioner.

John W. Hession, III



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Thomas R. Harrison, Esquire
Equitable Trust Building
401 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
SE/corner of the Baltimore Na-
tional Pike and Kent Avenue -
1st Election District
Herbert D. Siegel, et ux -
Petitioners
NO. 76-122-X (Item No. 81)

Dear Mr. Harrison:

Please be advised that an appeal has been filed by Louis J. Weinkam, Esquire, acting on behalf of Herbert D. and Marion Siegel, Petitioners and Lessors, and Just Games of Baltimore County, Inc., by Charlotte Getlan, President, Lessee, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

S. Eric DiNenna

SEP/erl

S. ERIC DI NENNA
Zoning Commissioner

cc: Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Mr. Jerry Klovev
Ingleside Improvement Association, Inc.
634 Longview Drive
Baltimore, Maryland 21228
John W. Hession, III, Esquire
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: November 25, 1975
FROM: William D. Fromm, Director of Planning
Office of Planning and Zoning
SUBJECT: Petition #76-122-X. Petition for Special Exception for Amusement Park (Arcade only with Game Machines.)
South side of Baltimore National Pike and the East of Kent Avenue
Petitioner - Herbert D. Siegel and Marion Siegel

1st District

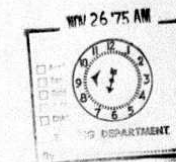
HEARING: Wednesday, November 26, 1975 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comment to offer.

If a special exception is granted then the Zoning Commissioner should prescribe appropriate conditions and safeguards so as to not constitute a nuisance to surrounding communities.

William D. Fromm
William D. Fromm
Director of Planning

WDF:NEG:rw



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3351
S. ERIC DINENNA
ZONING COMMISSIONER

December 8, 1975

Louis Weinkam, Esquire
22 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
SE/corner of Baltimore National Pike
and Kent Avenue - 1st Election District
Herbert D. Siegel, et ux - Petitioners
NO. 76-122-X (Item No. 81)

Dear Mr. Weinkam:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Thomas Harrison, Esquire
401 Washington Avenue
Towson, Maryland 21204

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Mr. Jerry Klovev
Ingleside Improvement Association
634 Longview Drive
Baltimore, Maryland 21228

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 13, 1975

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204
Franklin T. Hogans, Jr.
Chairman

MEMBERS
ZONING ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF
FIRE PREVENTION
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE HIGHWAY
ADMINISTRATION
BUREAU OF
ENGINEERING
PROJECT AND
DEVELOPMENT PLANNING
INDUSTRIAL
DEVELOPMENT
COMMISSION
BOARD OF EDUCATION
OFFICE OF THE
BUILDINGS ENGINEER

Louis J. Weinkam, Esq.
207 Loyola Federal Building
Towson, Maryland 21204

RE: Special Exception Petition
Item 81
Herbert D. & Marion Siegel -
Petitioners

Dear Mr. Weinkam:

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 regard to the development plans that may have a bearing on this case. 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 southeast corner of Baltimore National Pike and Kent Avenue, and is currently improved with a vacant one-story building apparently last used as a doughnut shop. This site is integrated in its use and access with a two-story retail building on the contiguous property to the south.

Both of the aforementioned parcels were considered together in a previous case for a Variance (#71-276-A), at which time a Variance for setback and parking was granted.

Louis J. Weinkam, Esq.
Re: Item 81
November 13, 1975
Page 2

Adjacent properties along Baltimore National Pike are improved with commercial uses. Kent Avenue, despite its commercial uses near Route 40, remains relatively residential in character and improvements.

The petitioner is requesting at this time a Special Exception in the existing B.R. zone to permit an amusement park. This operation supposedly consists of electronic and other mechanical amusement arcade devices.

The subject plan must be revised to eliminate any parking spaces located closer than 8 feet to the street right-of-way.

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,
Franklin T. Hogans, Jr.
FRANKLIN T. HOGANS, JR.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

Enclosure

cc: Spellman, Larson
& Associates, Inc.
Suite 303, Investment Building
Towson, Maryland 21204



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

October 24, 1975

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

Dear Mr. DiNenna:

Comments on Item #81, Zoning Advisory Committee Meeting,
October 21, 1975, are as follows:

Property Owner: Herbert D. & Marion Siegel
Location: SE/C of Baltimore Nat'l. Pike & Kent Ave.
Existing Zoning: BR
Proposed Zoning: Special Exception for amusement park.
No. of Acres: 0.31
District: 1st

Since metropolitan water and sewer are existing, no health hazard is anticipated.

Very truly yours,

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

HVB:dla

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 21, 1975

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

Z.A.C. Meeting of: October 21, 1975

Re: Item 81
Property Owner: Herbert D. & Marion Siegel
Location: SE/C of Balto. National Pike & Kent Avenue
Present Zoning: B.R.
Proposed Zoning: Special Exception for amusement park.

District: 1st
No. Acres: 0.31

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petroulch
W. Nick Petroulch,
Field Representative.

WNP/ml

H. ENSLEY PARKS, PRESIDENT
EUGENE C. HERS, VICE-PRESIDENT
MRS. ROBERT L. BERNY

MARCUS M. ROTHSCHILD
JOSEPH N. MUDRAN
ALVIN LORICK
JOSHUA R. WHEELER, SUPERINTENDENT

T. RAYARD WILLIAMS, JR.
RICHARD W. FRIDLEY, V.P.M.D.
MRS. RICHARD K. WILSON

Baltimore County Fire Department

PAUL H. REINCKE
CHIEF



Towson, Maryland 21204
878-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Herbert D. & Marion Siegel

Location: SE/C of Balto. National Pike & Kent Avenue

Item No. 81 Zoning Agenda October 21, 1975

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

Reviewed: *STJ* Noted and Approved: *James H. Murphy*
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

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

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

November 24, 1975

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

Re: Item #81 (1975-1976)
Property Owner: Herbert D. & Marion Siegel
S/E cor. of Balto. National Pike & Kent Ave.
Existing Zoning: BR
Proposed Zoning: Special Exception for amusement park
No. of Acres: 0.31 District: 1st

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:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item #137 (1970-1971) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #81 (1975-1976).

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

H-NE Key Sheet
4 SW 23 Pos. Sheet
SW 1 F Topo
95 Tax Map



State Highway Administration

Harry R. Hughes
Secretary
Bernard H. Evans
Administrator

October 27, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
ATTN: Mr. Franklin Hogans

Re: Z.A.C. meetings: 10-21-75
ITEM: 81
Prop. Owners: Herbert D. & Marion Siegel
Location: SE/C of Balto. National Pike (Rt. 40) & Kent Ave.
Existing Zoning: BR
Proposed Zoning: Spec. Excep. for amusement park.
No. of Acres: 0.31
District: 1st

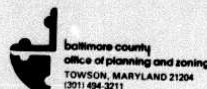
Dear Mr. DiNenna:

The subject site has no direct access from the State Highways; therefore, there will be no requirements from the State Highway Administration.

CL:lgc

Very truly yours,

Charles Leo, Chief
Bureau of Engineering Access Permits
John E. Meyers
By: Mr. John E. Meyers



WILLIAM D. FROMM
DIRECTOR

November 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 #81, Zoning Advisory Committee Meeting, October 21, 1975, are as follows:

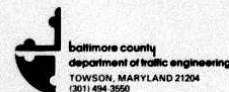
Property Owner: Herbert D. and Marion Siegel
Location: SE/C of Balto. National Pike and Kent Avenue
Existing Zoning: B.R.
Proposed Zoning: Special Exception for amusement park
No. of Acres: 0.31
District: 1st

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



STEPHEN E. COLLINS
DIRECTOR

November 12, 1975

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

Re: Item 81 - ZAC - October 21, 1975
Property Owner: Herbert D. & Marion Siegel
Location: SE/C Balto. National Pike & Kent Avenue
Existing Zoning: BR
Proposed Zoning: Special Exception for amusement park
No. of Acres: 0.31
District: 1st

Dear Mr. DiNenna:

No major Traffic Engineering problems are anticipated by the requested Special Exception for an amusement park.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF:nc



PETITION FOR A SPECIAL EXCEPTION TO ZONING... OFFICE OF THE CATONSVILLE TIMES... CATONSVILLE, MD. 21228 Nov. 6, 1975... THIS IS TO CERTIFY, that the annexed advertisement of Petition for Special Exception- Siegal was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 26th day of Nov. 1975, that is to say, the same was inserted in the issues of Nov. 6, 1975.

THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 Nov. 6, 1975

THIS IS TO CERTIFY, that the annexed advertisement of Petition for Special Exception- Siegal was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 26th day of Nov. 1975, that is to say, the same was inserted in the issues of Nov. 6, 1975.

STROMBERG PUBLICATIONS, INC.

By: *Paul Smink*

CERTIFICATE OF PUBLICATION... TOWSON, MD. November 6, 1975... THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., one week before the 26th day of November, 1975, the 26th day of November, 1975.

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 6, 1975

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., one week before the 26th day of November, 1975, the 26th day of November, 1975.

THE JEFFERSONIAN

Cost of Advertisement, \$

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:										
Previous case: 71-276 A										

1-SIGN

76-122-X

CERTIFICATE OF POSTING

District: 1st Date of Posting: JAN. 19, 1976
Posted for: APPEAL
Petitioner: HERBERT D. Siegel, et ux
Location of property: SE COR. OF BALTIMORE NATIONAL PIKE AND KENT AVE.
Location of Signs: SE COR. OF BALTIMORE NATIONAL PIKE AND KENT AVE.
Remarks: Thomas G. Boland
Posted by: Thomas G. Boland Date of return: JAN. 16, 1976

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 3rd day of

Oct. 1975. Filing Fee \$ 50.00 Received Check

Cash

Other

S. Eric DiNardo
S. Eric DiNardo
Zoning Commissioner

Petitioner: *H. D. Siegel* Submitted by: *Louis J. Weinkam* 296 2090

Petitioner's Attorney: *Louis J. Weinkam* Reviewed by: *STB*

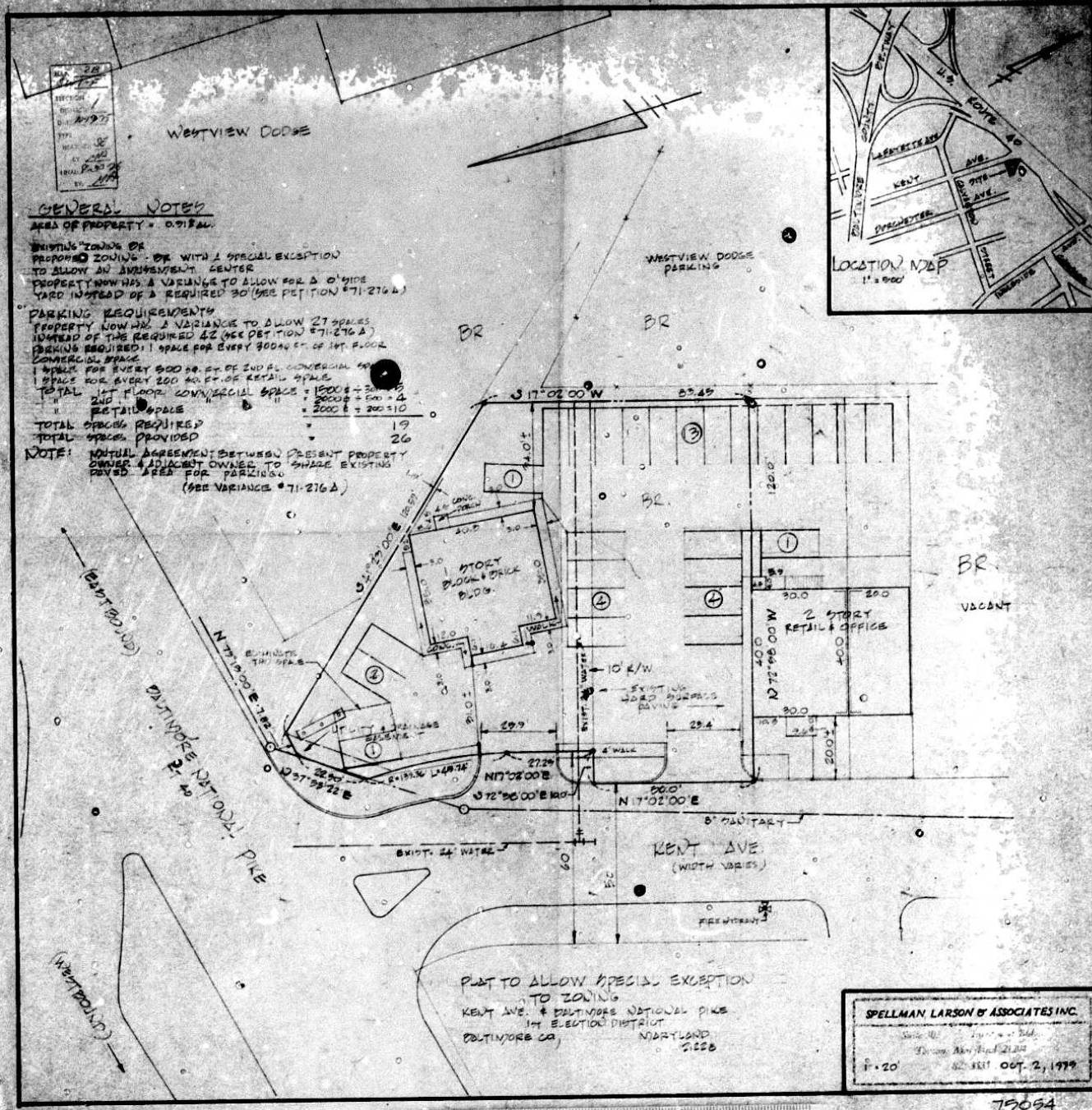
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 2225
DATE December 31, 1975 ACCOUNT 01-662
AMOUNT \$70.00
RECEIVED FROM: Louis J. Weinkam, Esquire
FOR: Cost of Filing of an Appeal on Case No. 76-122-X (Item No. 81)
SE/corner of the Baltimore National Pike and Kent Avenue - 1st Election District
Herbert D. Siegel, et ux - Petitioners 70.00
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 2425
DATE January 9, 1976 ACCOUNT 01-662
AMOUNT \$5.00
RECEIVED FROM: Louis J. Weinkam, Esquire
FOR: Cost of Posting Property of Herbert D. Siegel, et ux, for an Appeal Hearing
SE/corner of the Baltimore National Pike and Kent Avenue - 1st Election District
Case No. 76-122-X (Item No. 81) 5.00
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 25970
DATE Nov. 5, 1975 ACCOUNT 01-662
AMOUNT \$50.00
RECEIVED FROM: Louis J. Weinkam, Esq., 207 Loyola Federal Building
FOR: Petition for Special Exception for
Herbert D. Siegel - 76-122-X
20.00 6 50.00
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 25998
DATE Nov. 21, 1975 ACCOUNT 01-662
AMOUNT \$63.00
RECEIVED FROM: Louis J. Weinkam, Esq.
FOR: Advertising and posting of property for
Herbert Siegel - 76-122-X
25.00 25 63.00
VALIDATION OR SIGNATURE OF CASHIER



SPILLMAN LARSON & ASSOCIATES INC.
Surveyors
Towson, Md. 21204
F. 20 OCT. 2, 1975

75094