

77-249-SPH

XIXKOMONG MONUMENTAL PROPERTIES The real 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 for a Special
Use Hearing before the Board of Zoning Regulations of Baltimore County,
to determine whether or not the Zoning Commissioner and/or Deputy Zoning
Commissioner should approve an AMUSEMENT GOLF CENTER as a commercial
recreation enterprise in a BN zone located at the intersection of Greenleaf Road
located between Greenleaf Road and Greenleaf Road,
located between Greenleaf Road and Greenleaf Road,
Avenue known as Westview Shopping Center.

Property is to be posted and advertised as prescribed by Zoning Regulations. 6-7

I, or we, agree to pay expenses of above Special Hearing 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.

11/10/74
Richard L. Pearlstone, Asst. Vice P's
Monumental Properties, Inc.
Legal Owner
Contract Purchaser
Address 25 S. Charles Street
Baltimore, Maryland 21201
John S. Howard
Robert M. O'Connor III
Petitioner's Attorney
Protestant's Attorney
Address 209 Washington Avenue
Baltimore, Maryland 21202

ORDERED By the Zoning Commissioner of Baltimore County, this 13th day of April, 1967, 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 the public hearing be held on April 19th, 1967, at 10:00 o'clock P. M. at the County Office Building in Towson, Baltimore County, on the 13th day of April, 1967.

(over)

OPINION

This case comes before the Board on an appeal by the Petitioner from a decision of the Deputy Zoning Commissioner. In this instance, the Petitioner seeks a special hearing for an interpretation of the zoning regulations. It is the Petitioner's argument that the proposed amusement game center should be considered a commercial recreation enterprise and, therefore, permitted in the existing S.M. zone. The subject property is the Westview Shopping Center which is located at the northwest corner of the Baltimore National Pike and Ingleside Avenue, in the First Election District of Baltimore County. This property is currently owned by Monumental Properties, Inc.

In the several years the Board has been asked this similar question on a few cases. Depending upon the particulars of each proposed amusement game center, it is the judgment of the Board that if the particular proposal is limited the existing zoning regulations can be fairly and equitably interpreted so as to treat the proposed amusement game center as a commercial recreation enterprise and, hence, allowable as a matter of right in a B.M. zone. As an example the Board might point to case #75-106-X, in which the owners of the Security Shopping Center in the First Election District of Baltimore County petitioned for such an amusement game center. The Board interpreted the regulations so as to allow this use in a B.M. zone, subject to a series of restrictions. After having been in operation under these restrictions as imposed by the Board, this particular use has proven to be an acceptable land use in the B.M. zone in this instance. On the other side of the coin, there have been several instances where the Board has not allowed amusement game centers, and perhaps one of the distinguishing elements has been the capability of the particular shopping center owner to provide the necessary security and enforcement of the particular restrictions so as to allow the proposed amusement game center to operate without any problems from loitering or disorderly conduct aspects. In this

2

Instance the Board is satisfied that, subject to a series of restrictions that will be imposed, the amusement game center can compatibly operate as a commercial recreation enterprise in the existing B.M. zone at this particular location. It is important, and the Board would wish to point out, that in making this interpretation it is not blanketly finding that such amusement game centers may indeed be commercial recreation enterprises and allowed as a matter of right in a B.M. zone, but the Board, after carefully weighing the proposal in this particular instance, is satisfied that, subject to the restrictions which will be imposed, such an amusement game center can operate and such land use be fairly interpreted as a commercial recreation enterprise in a B.M. zone.

Therefore, for the reasons set out above, the Board will find in this instance that the proposed amusement game center in this particular shopping center, subject to the restrictions of this finding, should be interpreted as a commercial recreation enterprise and, subject to the restrictions imposed herein, a building permit for this use should not be denied based upon zoning.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of April, 1979, by the County Board of Appeals, RULED that the amusement game center, as proposed at the subject property, is a commercial recreation enterprise, and a request for a building permit for such an amusement game center should not be denied.

oni g. This finding is subject to the following restrictions:

1. The proposed amusement game center shall not exceed 1,500 square feet in size and shall contain no more than thirty (30) machines in operation at any one time.
2. This game room shall be open for business only between the hours of 10 a.m. and 9:30 p.m., Monday through Saturday.
3. The Petitioner shall take all security measures necessary to prevent loitering and disorderly conduct detrimental

to the adjacent businesses and neighborhood.

4. Before said building permit is issued, the Petitioner must submit to the County Board of Appeals the final plans for this proposal. It will be necessary for the Board to approve these final plans before any such building permit shall be issued.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Giffand

Baltimore County, Maryland

INTER-OFFICE CORRESPONDENCE

TO. S. Eric DiNenna, zoning Commissioner Date. May 31, 1977
FROM Norman E. Gerber, Acting Director of Planning
SUBJECT Petition #77-249-SFH, Petition for Special Hearing for an Amendment
Game Center as a commercial recreation
enterprise in a B.M. Zone
Northwest corner of Baltimore National Pike and Ingleside Avenue
Petitioner - Monumental Properties, Inc.

1st District

HEARING: Monday, June 13, 1977 (1:00 P.M.)

There are no comprehensive planning factors requiring comment on this petition.

NBC:JGH:FW

Norman E. Gerber
Norman E. Gerber
Acting Director of Planning

ZONING DESCRIPTION
WESTVIEW SHOPPING CENTER

Being known as the property situated at the northwest corner of Baltimore National Pike and Ingleside Avenue, bounded by the Baltimore County Beltway ramp, located in the First Election District, and otherwise known as Westview Shopping Center.

LAW OFFICES

COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
408 WASHINGTON AVENUE
P O BOX 8817
TOWSON, MARYLAND 21204

June 30, 1977

S. Eric DiNenna
Zoning Comm'ssioner
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
N/W Corner of Baltimore National Pike
and Ingleside Avenue - 1st Election
District
Monumental Properties, Inc. - Petitioner
No. 77-249-SPH (Item No. 225)

Dear Mr. DiNenna:

Kindly enter an appeal to the County Board of Appeals of Baltimore County on behalf of the Petitioner, Monumental Properties, Inc., 25 South Charles Street, Baltimore, Maryland 21201 from the Order of the Deputy Zoning Commissioner dated June 22, 1977.

Enclosed please find my check in the amount of \$40.00 in payment of the fee for this appeal.

Very truly yours,

 John B. Howard

JBH/sc
Enclosure

cc: John W. Hessian, III, Esq.
People's Counsel

83 5-77 DM

JUN 13 1979

RE: PETITION FOR SPECIAL HEARING
NW/corner of Baltimore National Pike
and Ingleside Avenue - 1st Election
District
Monumental Properties, Inc. -
Petitioner
NO. 77-249-SPH (Item No. 225)
BALTIMORE COUNTY

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition requesting a Special Hearing to permit an amusement game center as a commercial recreation enterprise in a B.M. Zone instead of the required B.R. Zone with a Special Exception.

Testimony on behalf of the Petitioner clearly indicated that he is aware of the provisions of the Baltimore County Zoning Regulations regarding the subject matter, i.e., an "amusement park" is permitted in a B.R. Zone only by Special Exception.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the Petition does not meet the requirements of Section 236, Use Regulations, B.R. Zone and should be denied. Moreover, an "amusement park" (amusement game center) is permitted only as a Special Exception in a B.R. Zone (Section 236.4), and is not a permitted use in a B.M. Zone (Section 233) nor can it be permitted therein as a Special Exception (Section 233.4).

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 22nd day of June, 1977, that the Special Hearing to permit an amusement game center as a commercial recreation enterprise in a B.M. Zone should be and the same is hereby DENIED.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL HEARING
NW/corner of Baltimore National Pike
and Ingleside Avenue, 1st District
MONUMENTAL PROPERTIES, INC.,
Petitioners
BALTIMORE COUNTY

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

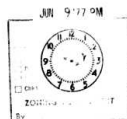
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in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

[Signature]
Charles E. Kauntz, Jr.
Deputy People's Counsel

[Signature]
John W. Heslian, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 9th day of June, 1977, a copy of the foregoing Order was mailed to John B. Howard, Esquire and Herbert R. O'Connor, III, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorneys for Petitioners.

[Signature]
John W. Heslian, III
John W. Heslian, III



April 18, 1979

John B. Howard, Esquire
409 Washington Avenue
Towson, Maryland 21204

Re: Case No. 77-249-SPH
A. Monumental Properties, Inc.

Dear Mr. Howard:

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,

[Signature]
NICHOLAS B. CONNODARI, Chairman

Encl.

cc: Mr. Robert Johns
John W. Heslian, III, Esquire
Mr. J. E. Dyer
Mr. S. E. Dillman
Mr. L. H. Gresham
Mr. J. Howard



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 6, 1977

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
Nicholas B. Connodari
Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE BOARD COMMISSION
BUREAU OF FIRE PROTECTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

John B. Howard, Esquire
Herbert R. O'Connor, III, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Special Hearing Petition
Item No. 225
Petitioner - Monumental Properties, Inc.

Dear Messrs. Howard and O'Connor:

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.

Located on the northwest corner of Baltimore National Pike and Ingleside Avenue, the subject property is currently improved with the Westview Shopping Center.

This Special Hearing is being requested in order to challenge the interpretation of the Zoning Commissioner concerning the location of an amusement game center in the current B.M. zoning classification.

John B. Howard, Esquire
Herbert R. O'Connor, Esquire
Page 2
Item No. 225
June 6, 1977

It has been the long standing policy of this office to allow said use as a Special Exception only in a B.R. zone.
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,

[Signature]
NICHOLAS B. CONNODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: James S. Spamer and Associates
Engineers and Surveyors
6017 York Road
Towson, Maryland 21204

John B. Howard, Esquire
Herbert R. O'Connor, III, Esquire
409 Washington Ave.
Towson, Maryland 21204
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 18th day of June 1977

[Signature]
S. ERIC DILLMAN
Zoning Commissioner

Petitioner: Monumental Properties, Inc.
Petitioner's Attorney: John B. Howard, Esquire
cc: James S. Spamer and Associates
Engineers & Surveyors
6017 York Road
Towson, Maryland 21204

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
THORNTON M. TUCKER, P.E.
DIRECTOR

May 9, 1977

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

Re: Item #225 (1976-1977)
Property Owner: Monumental Properties, Inc.
N/W cor. Baltimore National Pike & Ingleside Ave.
Existing Zoning: B.M. - C-7
Proposed Zoning: Special Hearing to allow an amusement game center in a B.M. zone.
Acres: 42.35 District: 1st

Dear Mr. Dillman:

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

Baltimore County highway and utility improvements are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #225 (1976-1977).

Very truly yours,

[Signature]
DONALD M. TUCKER, P.E.
Acting Chief, Bureau of Engineering

DWT:GAM:PMR:iss

N-NE Key Sheet
3 & 4 SW 22, 23 & 24 Pos. Sheets
SW 1 P Top
95 Tax Map

OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 June 3 19 77

Petition for Special Hearing
THIS IS TO CERTIFY, that the annexed advertisement of
was inserted in the following:

☒ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland,
once a week for 1 successive weeks before the
13 day of June 1977, that is to say, the same
was inserted in the issues of

May 25, 1977

STROMBERG-PUBLICATIONS, INC.

BY *Chas. F. D.*

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 25 19 77

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md. ~~commencing~~
on one time ~~successive weeks~~ before the 13th
day of June 19 77, the said publication
appearing on the 25th day of May
19 77.

THE JEFFERSONIAN

Charles F. D.
Manager

Cost of Advertisement, \$

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 14 day of
June 1977. Filing Fee \$ 20.00 Received ☒ Check
Cash
Other

S. Eric Dineen
S. Eric Dineen,
Zoning Commissioner

Petitioner *Monumental Properties, Inc.* submitted by

Petitioner's Attorney *S. Eric Dineen* Reviewed by *S. Eric Dineen*

* 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, Maryland

District *1st* Date of Posting *MAY 28, 1977*
Posted for *Petition For Special Hearing*
Petitioner *MONUMENTAL PROPERTIES, INC.*
Location of property *NW COR. OF BALTO. NATIONAL PIKE AND DUNDALK AVE.*
Location of Sign *NW COR. OF BALTO. NAT. PIKE AND INGLETSIDE AVE.*
Remarks
Posted by *Thomas S. Roland* Date of return *JUNE 3, 1977*
Signature

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District *1st* Date of Posting *JULY 16, 1977*
Posted for *APPEAL*
Petitioner *MONUMENTAL PROPERTIES, INC.*
Location of property *NW COR. BALTIMORE NATIONAL PIKE AND
INGLETSIDE AVENUE*
Location of Sign *NW COR. BALTIMORE NATL PIKE AND
INGLETSIDE AVE.*
Remarks
Posted by *Thomas S. Roland* Date of return *JULY 22, 1977*
Signature

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 51823
DATE July 5, 1977 ACCOUNT 01-662
AMOUNT \$40.00
RECEIVED FROM Messrs. Cook, Howard, Domes & Tracy, 409
Washington Ave., P.O. Box 5517, Towson, Md. 21204
FOR Cash on Appeal for Monumental Properties, Inc.
#77-249-SPH
2803 JUL 5 4 00 CME
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 51755
DATE May 23, 1977 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED FROM Messrs. Cook, Howard, Domes & Tracy, P.O. Box
5517 409 Washington Ave., Towson, Md. 21204
FOR Petition for Bonds for Special Hearing for
Monumental Properties, Inc.
#77-249-SPH
2871 MAY 24 25 00 CME
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 51797
DATE June 20, 1977 ACCOUNT 01-662
AMOUNT \$45.00
RECEIVED FROM Messrs. Cook, Howard, Domes & Tracy, P.O. Box
5517 409 Washington Ave., Towson, Md. 21204
FOR Advertising and posting of property for
Monumental Properties, Inc.
#77-249-SPH
2873 JUN 20 45 00 CME
VALIDATION OR SIGNATURE OF CASHIER

On Unile Parking

LOT A -	37	
LOT B -	510	
LOT C -	693	1
LOT D -	275	
LOT E -	97	
LOT F -	425	UPPER LEVEL
LOT G -	643	LOWER LEVEL
LOT H -	308	
LOT I -	104	
LOT J -	121	
LOT K -	493	

TOTAL PARKING SPACES 3,712 JULY 1976

Space

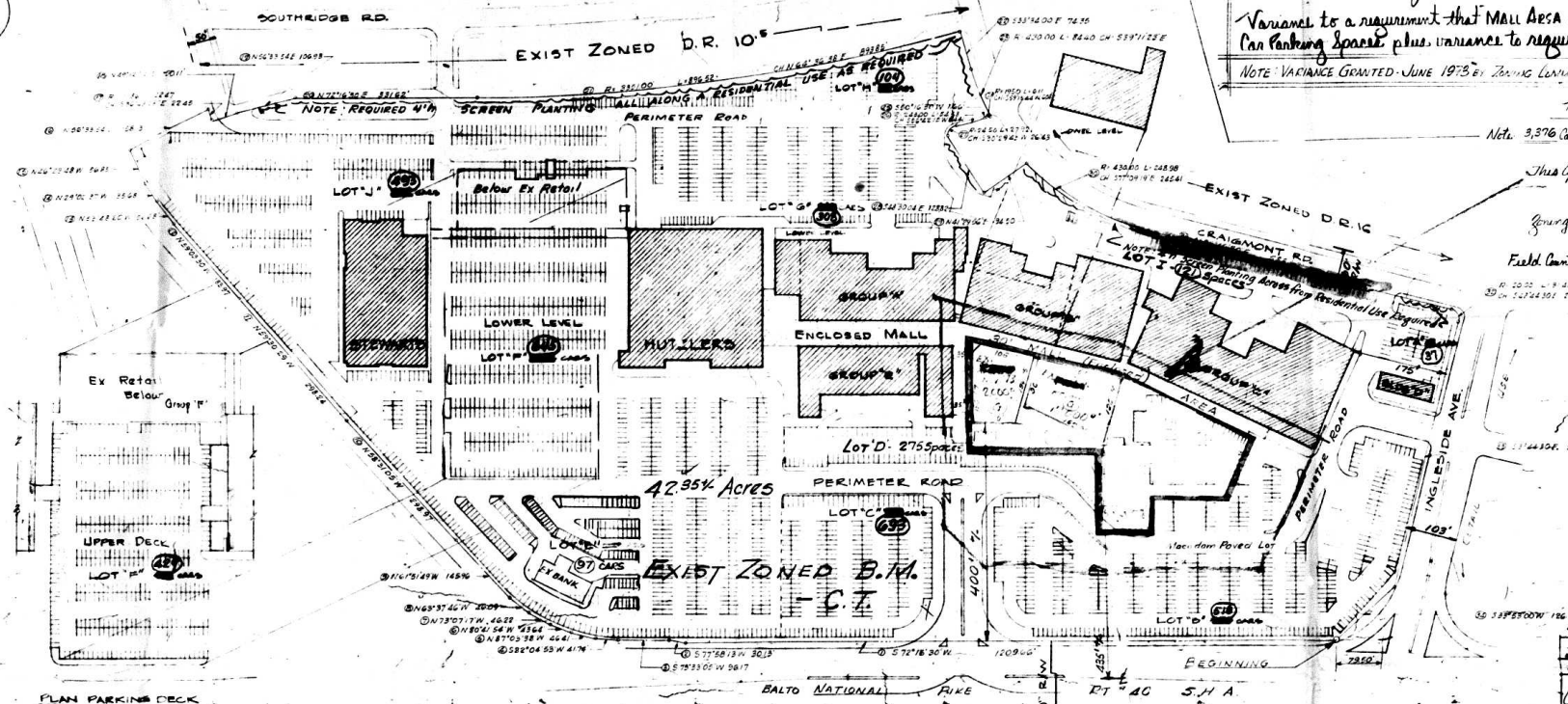
		Requirements	
Present Retail	577,400'	+ 200	= 2087
Proposed Retail	56,200'	= 1/4 200	= 2211
Present Office	12,500'		= 55
Present Restaurant	10,600'	+ 50	= 212
Totals without Mall requirement			5435 Car Spaces
with 11,800' reduction in size			= 59
Total Parking Provided (Max. Paved & Striped)			5376 Car Spaces

SEE APPENDIX

Variances to a requirement that Mall Area be provided (A+200) for additional
 Car Parking Space, plus variances to requirements for (1,800-200) 50

NOTE: VARIANCE GRANTED JUNE 1973 BY ZONING COMMISSIONER OF BALTO. CO. MARYLAND

7.25.27.1973 Plot Upgraded to Forest Reserve
Note. 3,376 can spare official incomes PROVIDED RETAIL COST
of 56,200 + 200 = 201 pages
This Application = 12,000 + 77,000 = 89,000 = Total
Parking Revenue = 28,000 =
Young Veneers allow a reduction of 500 can spare
to 300 less 145 = 155 can spare
Forest Cant only 1376 (6712) = 55 Fatherless
Total Surplus = 1,500 = July 1973



PLAT FOR PERMIT PURPOSES : Ex Zone B.M.-C.T. (42.35% A)

FLAT FOR COMMERCIAL PURPOSES: Ex Zone B.M.C.T. (42)
Petition for ZONING VARIANCE to Parking Requirements
Sect 409:3 Parking: Required 3676 spaces: Provided: 3376 Spaces
APPROVED JUNE 1973

APPROVED

WESTVIEW MALL

MONUMENTAL PROPERTIES, INC. / 25 S. CHARLES ST. CITY 21202

DIST. 1 BALTIMORE COUNTY, MD

SCALE: 1" = 100' April 15, 1973

NOTES:

1. Boltz Co. Fire Dept. has approved site plans for Fire Hydrant & Sprinkler systems location.
2. All Public Works facilities are available.
3. All Bureaus have adopted Site Plans & Additional stories (Schwartz) & Mail Endboxes now complete.
4. Ex. Group C + Bulb Now Shown
5. All Parking Access Roads, Aisles & Spaces are Macadam Paved. All Endboxes from P/Ws conform to County and G.N.A. codes.
6. A curb 6" x 6" x 6" has been provided around the parking lot. The curb setback is at least 4' from Road P/W line where there is no parking & at least 5' from street R.O.W line where parking is proposed against it.
7. All lighting is Boltz Fixture Type or approved and is screened to prevent glare.
8. Roads - no change to Entrances now approved by G.N.A.

SITE LAYOUT 1"=100'

[illegible]

As of July 1976 Note: Actual Field Count of Existing Car Spaces
On Onsite Parking

LOT A -	37
LOT B -	510
LOT C -	693
LOT D -	275
LOT E -	27
LOT F -	27
LOT G -	308
LOT H -	104
LOT I -	151
LOT J -	493
Total Existing Spaces	3,712

July 1976

Petition for Zoning Variance to Par

Required: 3,676 car spaces; Provided: 3,376
 Subtract: Mall Area (2,230) = 1,146
 Subtract: Retail Use (11,800) = 20

Present Retail	577,400
Proposed Retail	56,200
Present Office	16,500
Present Restaurant	10,600

Totals without Mall area
 With 11,800' retail

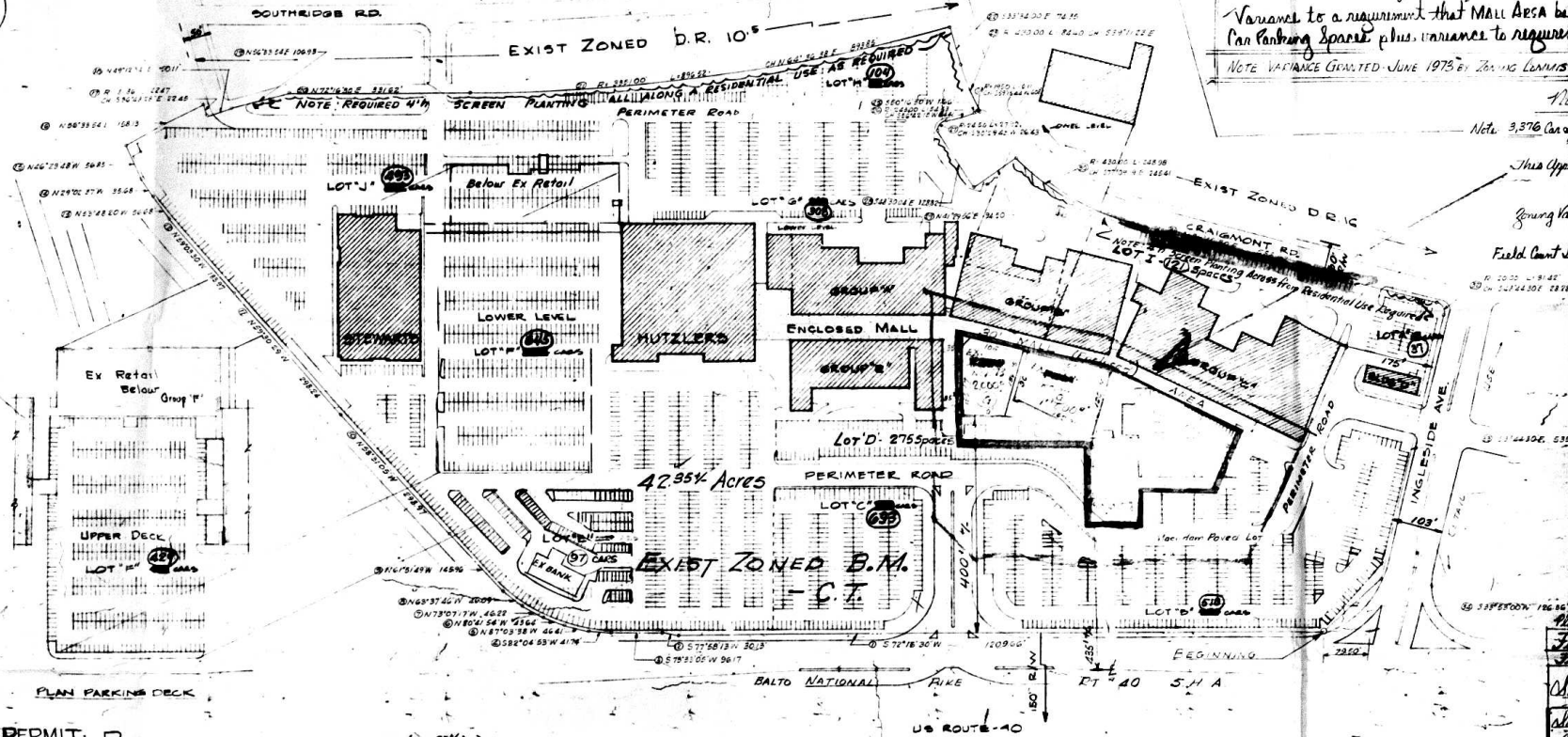
Total Parking Provided (Mac Paved)

Variance to a requirement that Mall Area be
 Car Parking Space plus variance to require

NOTE: VARIANCE GRANTED JUNE 1973 BY ZONING COMMISSION



BALTIMORE COUNTY BELTWAY



PLAT FOR PERMIT PURPOSES: Ex Zone B.M.-C.T. (42.95% A)
 Petition for ZONING VARIANCE to Parking Requirements
 Sect 409.3 Parking: Required 3676 spaces; Provided: 3376 Spaces
 APPROVED JUNE 1973

WESTVIEW MALL
 MONUMENTAL PROPERTIES, INC. / 25 S. CHARLES ST. CITY 21202
 DIST. 1 BALTIMORE COUNTY, MD
 SCALE: 1" = 100'
 Nov 23, 1973 See Updates

NOTES:

1. Balto Co Fire Dept. has approved site plans for Fire Hydrant & Sprinkler systems location.
2. All Public Works facilities are available.
3. All Bureaus have updated Site Plans & Additional stores (Stewarts) & Mall Enclosure now complete. Ex Group G & Bank now shown.
4. All Parking, Access Roads, Aisles & Spaces are Macadam Paved. All setbacks from P/L's conform to County and S.H.A. codes.
5. A curb & "W.G." has been provided around the parking lot. The curb setback is at least 4' from Road R/L of line where there is no parking & at least 8' from street R.O.W. line where parking is proposed against it. (or used)
6. All lighting is Balto Fixture Type or approved equal & is screened to prevent glare.
7. Roads: no change to Entrances now approved by S.H.A.

SITE LAYOUT 11'-00"

W. J. JAMES & ASSOCIATES
 ENGINEERS & SURVEYORS
 2017 YORK ROAD
 TOWSON, MD 21204