

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, August A. Krometis, 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:

For public convenience
Liquor license is a public license and must meet public requirements and present zoning does not permit compliance.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for... Restaurant converted from a building as provided in subsection 402.3

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.

Contract purchaser

Legal Owner

Address: 2308 Foxley Rd

Towson, Md 21204

Dennis J. Psoras

Protestant's Attorney

Address: 608 Baltimore Avenue - 21204

ORDERED By the Zoning Commissioner of Baltimore County, this... day of... 1979, 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... 1979 at 1:00 o'clock P.M.

Zoning Commissioner of Baltimore County

(over)

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, August A. Krometis, 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 for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve... a special hearing to verify the existing... Country Club as non-conforming use.

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

Contract Purchaser

Legal Owner

Address:

Address: 2308 Foxley Rd

Towson, Md. 21204

Address:

Protestant's Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this... day of... 1979, 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... 1979 at 1:00 o'clock P.M.

Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 8, 1979

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

Chairman

WORKING

Bureau of Engineering

Department of Traffic Engineering

State Road Commission

Bureau of Fire Protection

Health Department

Human Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Baltimore, Maryland 21204

RE: Item No. 172
Petitioner - Krometis
Special Exception and Special
Hearing Petitions

Dear Mr. Psoras:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and the following comments are a result of same. 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 suitability of the requested zoning.

Located on the south side of Holbrook Road, south of Liberty Road, in the 2nd Election District, this 13.2 acre tract of land, zoned R.C. 5, is the residue of the newly developing subdivision of Adelphi. It is presently improved with the facility of the Hidden Valley Country Club, which consists of existing tennis courts, a swimming pool, a combination locker room/snackbar/game room, and a bar/dining room/lounge building. This latter building is the subject of your Special Exception request to allow it to be converted to a public restaurant, as provided in Section 402.3 of the Baltimore County Zoning Regulations, without requiring rezoning of the property.

At the time of the field inspection, an existing sign on Liberty Road indicated that this property was being utilized as a hall for a local caterer. After discussing this matter with you and your client, Mr. Krometis, at our meeting with this Committee, you stated unequivocally that this use would cease prior to July. In any event, a Special Hearing is included in this request in order to review the history of the present club and verify that it is a legal nonconforming use. At that time, the matter of the catering business should be addressed and clarified.

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: January 17, 1979

FROM: Ellsworth H. Diver, P.E.
Chief, Bureau of Engineering

PROJECT NAME:	<u>Krometis Property</u>	IDCA PLAN	<u>2</u>
PROJECT NUMBER:	<u>IDCA 78-80X</u>	PRELIMINARY PLAN	
LOCATION:	<u>Holbrook Road</u>	DEVELOPMENT PLAN	
DISTRICT:	<u>2C</u>	FINAL PLAN	

This application for special exception (No. 78-80X) was received by the Development Design Approval Section on December 29, 1978, and we comment as follows:

General: (Rural Area)

This 13.28 acre site is a portion of the property shown on the recorded plat (Plat No. of Adelphi Corporation Subdivision), E.H.R. Jr. 43, Folio 37. Comments were supplied for the overall larger tract of land, of which this site is a part for Project IDCA 77-35, Adelphi, June 7, 1977. Comments were also supplied October 18, 1977 in connection with the preliminary plan, Adelphi Corporation Subdivision, dated revised September 1977, of which this site was referred to as "Hidden Valley Country Club".

Water and Sanitary Sewers:

Public water supply and sanitary sewers are not available to serve this property, which is utilizing private onsite water supply and sewage disposal facilities. This property is beyond the Baltimore County Metropolitan District and the Urban-Airial Demarcation Line; and is in an area designated "No Planned Service" on Baltimore County Water and Sewerage Plans W and S-152, as amended.

As this 13.28 acre property, zoned RC-5, per subsection e (3) B (1) of Bill 12-77 (IDCA) is not subject to the provisions of subsections e (1) A and B, this project is recommended for approval.

Storm Drains: (Falls Run - Patapsco River - Chesapeake Bay)

There are known flooding problems downstream. As the Petitioner indicates no increase of the present 1.6 acre onsite impervious area, there will be no increase of 100-year design storm runoff, presenting no additional impact downstream from the proposed use of this specific site, this project is recommended for approval.

SIGNED: EDWARD A. MCDONOUGH

ELLISWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END: EAM:FW:ess

baltimore county
department of public works
TOWSON, MARYLAND 21204

MORRISON M. MOURING, P.E.
DIRECTOR

March 21, 1979

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

Re: Item #172 (1978-1979)
Property Owner: August A. Krometis
6725 Holbrook Rd. 3800' S. Liberty Rd.
Existing Zoning: RC 5
Proposed Zoning: Special Exception for a restaurant converted from an existing building (IDCA 78-80X) and Special Hearing to verify the existing country club as a non-conforming use.
Acres: 13.28 District: 2nd

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, which were supplied for this property, presently advertised for use as a catering hall, for Project IDCA 78-80X, copy attached, 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 #172 (1978-1979).

Very truly yours,

ELLISWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END: EAM:FW:ess

cc: R. Norton
J. Wimbley

99-NE Key Sheet
31 & 32 NW 45 Pos. Sheets
SW & L Topo
66 & 76 Tax Maps

Attachment

Item No. 172
Page 2
June 8, 1979

Since revised plans were submitted subsequent to the aforementioned meeting with this Committee and the receipt of comments from the Department of Traffic Engineering and the Office of Current Planning, I proceeded to schedule this petition for a hearing date. Particular attention should be afforded the comments of the Fire Department and the Department of Permits and Licenses, while improvements to the intersection of Liberty and Holbrook Roads, as indicated in the State Highway Administration comments, should be accomplished. For further information on this latter comment, you may contact Mr. John Meyers, 383-4320.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. These petitions are 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,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mr

Enclosures

c.c. Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

LESLIE H. ORR
DIRECTOR

April 11, 1979

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 #172, Zoning Advisory Committee Meeting, March 6, 1979, are as follows:

Property Owner: August A. Krometis
Location: 56/5 Holbrook Road 3800' S. Liberty Road
Existing Zoning: RC-5
Proposed Zoning: Special Exception for a restaurant converted from an existing building (IDCA 78-80-X) and Special Hearing to verify the existing country club as a non conforming use
Acres: 13.28
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.

It is suggested that the petitioner and his engineer meet with the Committee to explain his proposal in order to clarify a number of questions for this office and the Traffic Department.

Very truly yours,

JOHN L. WIMBLEY
John L. Wimbley
Planner III
Current Planning and Development

March 5, 1979

James J. O'Donnell
Commissioner
N. S. Calhoun
Administrator

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, March 6, 1979
Item: 172
Property Owner: August A. Krometis
Location: SE/S Holbrook Road 3800'
S. Liberty Road (Rte. 26)
Existing Zoning: R.C. 5
Proposed Zoning: Special Exception
for a restaurant
converted from an
existing building
(IDCA 78-80-X) and
Special Hearing to
verify the existing
country club as a non
conforming use.

Acres: 13.28
District: 2nd

Dear Mr. DiNenna:

An inspection at the site revealed that the "country club" is actually a catering hall; "Martin's Hidden Valley" as noted on a sign and as advertised in the news media. This operation appears to generate a substantial amount of traffic by way of Holbrook Road, according to a property owner on Holbrook Road. Holbrook Road is approximately 15' wide. This is too narrow for any amount of traffic. The situation is especially critical at the intersection of Holbrook Road with Liberty Road. In addition to the narrow roadway, the radius returns are very small and there is no deceleration lane. We are not aware of any improvements proposed for this area in the near future. It is our opinion that the developer should at least improve the intersection in order to provide a condition that would be as safe and convenient as possible.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: John E. Meyers

CL:JEM:dj

My telephone number is 383-6320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

STEPHENE COLLINS
DIRECTOR

April 4, 1979

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

Item No. 172 - ZAC - March 6, 1979
Property Owner: August A. Krometis
Location: SE/S Holbrook Rd. 3800' S. Liberty Rd.
Existing Zoning: R.C. 5
Proposed Zoning: Special Exception for a restaurant converted from an existing building (IDCA 78-80-X) and Special Hearing to verify the existing country club as a non conforming use.
Acres: 13.28
District: 2nd

Dear Mr. DiNenna:

The petitioner has not provided sufficient information to comment on site. It is suggested that the petitioner contact this office.

Very truly yours,
Michael S. Flanagan
Engineer Associate II

MSF/lmd

JOHN D. SEEVERT
DIRECTOR

March 23, 1979

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

Dear Mr. DiNenna:

Comments on Item #172 Zoning Advisory Committee Meeting, March 6, 1979 are as follows:

Property Owner: August A. Krometis
Location: SE/S Holbrook Road 3800' S Liberty Road
Existing Zoning: R.C. 5
Proposed Zoning: Special Exception for a restaurant converted from an existing building (IDCA 78-80-X) and Special Hearing to verify the existing country club as a non conforming use.
Acres: 13.28
District: 2nd

The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- B. A building permit shall be required before construction can begin. Change of occupancy from P-3 to P-2
- X C. Additional Permits shall be required.
- X D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal may be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section
- I. No Comment.
- X J. Comments: Building shall comply with P-2 Use Group Section 206.2, Table 6 and the exit requirements of Article 6 of the B.C.B.C. Basic Building Code 1970 Edition with the 1971 Supplement.

Very truly yours,

Charles E. Burman
Planning Review Chief

CEB/lsp

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

April 16, 1979

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

Dear Mr. DiNenna:

Comments on Item #172, Zoning Advisory Committee Meeting of March 6, 1979, are as follows:

Property Owner: August A. Krometis
Location: SE/S Holbrook Rd. 3800' S Liberty Rd.
Existing Zoning: R.C. 5
Proposed Zoning: Special Exception for a restaurant converted from an existing building (IDCA 78-80-X) and Special Hearing to verify the existing country club as a non conforming use.
Acres: 13.28
District: 2nd

The country club is presently served by a private water well and two sewage disposal systems. The two sewage disposal systems appear to be functioning properly and after several minor corrections, the water well is now in good physical condition.

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Zoning Review Section, Environmental Support Services, Baltimore County Department of Health, for review and approval.

Very truly yours,

Ian J. Forrest, Acting Director
BUREAU OF ENVIRONMENTAL SERVICES

IJP/JHP/ths

cc: W. L. Phillips
J. Dutcher

Paul H. Reinecke
CHIEF

February 27, 1979

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: August A. Krometis

Location: SE/S Holbrook Rd. 3800' S Liberty Rd.

Item No. 172 Zoning Agenda Meeting of 3/6/79

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 or 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 RETURN 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.
- (X) 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 "Life Safety Code", 1975 Edition prior to occupancy. NOTE: Roadway shall support 25 ton, 3 axles or 325 ton, 2 axles.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Respectfully,
Planning Group
Special Inspection Division

Approved: George M. Hagood
Fire Prevention Bureau

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND - 21204

Date: March 5, 1979

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

Z.A.C. Meeting of: March 6, 1979

RE: Item No. 170, 171, 172, 173, 174, 175, 176
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

W. Nick Petrovich
Field Representative

NNP/bp

JOSEPH H. MCCORMAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCOUS W. ROYBARK

THOMAS H. ROYER
MRS. LORRAINE F. CHURCH
ROGER B. HAYDEN

ALVIN LORECK
MRS. MYRON E. SMITH, JR.
RICHARD W. TRACEY, D.V.M.

ROBERT F. GUNDEL, SUPERINTENDENT

494-3180

COUNTY BOARD OF APPEALS
Room 219 Court House
Towson, Md. 21204

April 23, 1981

Hearing Room 218

NOTICE OF POSTPONEMENT

CASE NO. 79-255-XSPH

AUGUST A. KROMETIS

SE-Restaurant converted from a building as provided in subsection 402.3, and SH-to verify the existing Country Club as non-conforming use

SE/S of Holbrook Rd., 3800' S of Liberty Rd.

2nd District

2/15/80 - Z.C. (Hammond) GRANTED Special Hearing and DENIED Special Exception

Assigned for hearing on THURSDAY, APRIL 30, 1981, at 10 a.m., has been POSTPONED by the Board at the request of Co-counsel for the Petitioner.

cc: August A. Krometis Petitioner
Dennis J. Phoras, Esq. Attorney for Petitioner
R. Bruce Alderman, Esq. Co-counsel for Petitioner
Mrs. Barbara Hartman Protestor
Mrs. Rezin H. Triplett "
Atlee R. Edrington
Randolph A. Edrington
Leora L. Edrington
J. W. Hession, Esq. People's Counsel
J. E. Dyer Zoning Office
W. Hammond "
J. Hoswell Planning Office

June Holmen, Secy.

494-3180

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

January 21, 1981

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 79-255-XSPH

AUGUST A. KROMETIS

SE-Restaurant converted from a building as provided in subsection 402.3, and SH-to verify the existing Country Club as non-conforming use

SE/S of Holbrook Road, 3800' S of Liberty Rd.

2nd District

2/15/80 - Z.C. (Hammond) GRANTED Special Hearing and DENIED Special Exception

ASSIGNED FOR:

THURSDAY, APRIL 30, 1981, at 10 a.m.

cc: August A. Krometis Petitioner
Dennis J. Phoras, Esq. Atty. for Petitioner
R. Bruce Alderman, Esq. Co-Counsel for Petitioner
Mrs. Barbara Hartman Protestor
Mrs. Marie A. DeBilis "
Mrs. Rezin H. Triplett "
Atlee R. Edrington Req. Notification
John W. Hession, Esq. People's Counsel
J. E. Dyer Zoning Office
W. Hammond "
J. Hoswell Req. Notification

June Holmen, Secretary

RE: PETITION FOR SPECIAL EXCEPTION
and SPECIAL HEARING
SE/S Holbrook Road 3800'
S. of Liberty Road
2nd District
August A. Krometis
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-255-XSPH

ORDER

Upon further consideration of this case, the Board hereby **ORDERS** that the prior issued Orders in this case be rescinded.

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

William T. Hackett
William T. Hackett, Acting Chairman

Leroy B. Spurrier
Leroy B. Spurrier

Patricia Millhouse
Patricia Millhouse

Date: November 12, 1980

RE: PETITION FOR SPECIAL HEARING
and SPECIAL HEARING
SE/S Holbrook Road 3800'
S. of Liberty Road
2nd District
August A. Krometis
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-255-XSPH

AMENDED OPINION AND ORDER

Under date of October 9, 1980, the County Board of Appeals filed an Opinion and Order in the above entitled case. It has been called to the Board's attention that the amendment in this Opinion does not contain the proper wording.

Therefore, the previous Opinion is hereby amended as follows:

Motion made that the petition for the special exception be amended to read that the petition is for a special exception under said Zoning Regulations of Baltimore County, to use the herein described property as a public restaurant, as designated in Section 1A04.2.B.5 of said Zoning Regulations, which is one of the permitted special exceptions in an R.C. 5 zone; namely, "community buildings, swimming pools or other uses of a civic, social, recreational or educational nature".

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of October, 1980, by the County Board of Appeals, **ORDERED** that the Order of the Zoning Commissioner of Baltimore County denying said petition be and it is hereby neither affirmed nor reversed, but the entire proceeding is **REMANDED** to the Zoning Commissioner of Baltimore County for an evidentiary hearing and finding on the foregoing Motion.

August A. Krometis - #79-255-XSPH

2.

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

William T. Hackett
William T. Hackett, Acting Chairman

Leroy B. Spurrier
Leroy B. Spurrier

Patricia Millhouse
Patricia Millhouse

RE: PETITION FOR SPECIAL EXCEPTION
and SPECIAL HEARING
SE/S Holbrook Road 3800'
S. of Liberty Road
2nd District
August A. Krometis
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-255-XSPH

OPINION

This case was called this day, October 7, 1980, for hearing "De Novo" before this Board. Early in the proceedings, counsel for the Petitioner made a Motion to amend the subsection under which the petition was originally filed, claiming error in the original subsection noted on the petition. The amendment as submitted is as follows:

Motion made that the petition for the special exception be amended to read that the petition is for a special exception under said Zoning Regulations of Baltimore County, to use the herein described property as designated in Section 1A04.2.B.5 of said Zoning Regulations, which is one of the permitted special exceptions in an R.C. 5 zone; namely, "community buildings, swimming pools or other uses of a civic, social, recreational or educational nature".

Since this amendment may change the posture of the petition and since said subsection noted in the amendment was not addressed by the Zoning Commissioner in his Order, the Board finds that testimony and evidence to be presented under this amended subsection may be pertinent to the Zoning Commissioner's decision in this matter. Therefore, the Board will accept the amendment as stated and remand the case to the Zoning Commissioner for his consideration.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of October, 1980, by the County Board of Appeals, **ORDERED** that the Order of the Zoning Commissioner of Baltimore County denying said petition be and it is hereby neither

August A. Krometis - #79-255-XSPH

2.

affirmed nor reversed, but the entire proceeding is **REMANDED** to the Zoning Commissioner of Baltimore County for an evidentiary hearing and finding on the foregoing Motion.

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

William T. Hackett
William T. Hackett, Acting Chairman

Leroy B. Spurrier
Leroy B. Spurrier

Patricia Millhouse
Patricia Millhouse

494-3180

County Board of Appeals
Room 218 Court House
TOWSON, MARYLAND 21204

June 13, 1980

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108.

CASE NO. 79-255-XSPH

AUGUST A. KROMETIS

RE: Restaurant converted from a building as provided in Subsection 402.3 and SH to verify the existing Country Club as non-conforming use

SE/S Holbrook Rd., 3800' S. of Liberty Rd.

2nd District

2/15/80 - Petition for SH GRANTED, and Petition for SE DENIED by Z.C.

Scheduled for hearing on WEDNESDAY, AUGUST 13, 1980, at 10 a.m., has been POSTPONED at the request of the attorney for the Petitioner, and

REASSIGNED FOR:

TUESDAY, OCTOBER 7, 1980, at 10 a.m.

cc: Dennis J. Psoas, Esq.

Counsel for Petitioner

August A. Krometis

Petitioner

Mrs. Betty L. Hartman

Protestant

Mrs. Marie A. Deblibiss

"

Mrs. Rezin H. Triplett

"

Mr. Atlee R. Edrington

People's Counsel

John W. Hession, Esq.

Mr. J. E. Dyer

Mr. W. E. Hammond

Mr. J. Hoswell

June Holmen, Secretary

494-3180

County Board of Appeals
ROOM 218 - COURTHOUSE
TOWSON, MARYLAND 21204

May 29, 1980

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108.

CASE NO. 79-255-XSPH

AUGUST A. KROMETIS

RE: Restaurant converted from a building as provided in Subsection 402.3 and SH to verify the existing Country Club as non-conforming use

SE/S Holbrook Rd., 3800' S. of Liberty Rd.

2nd District

2/15/80 - Petition for SH GRANTED, and Petition for SE DENIED by Z.C.

Scheduled for hearing on Thursday, June 26, 1980 at 10 a.m. has been POSTPONED at the request of the attorney for the Petitioner (witnesses unavailable for 6/26 date), and

REASSIGNED FOR:

WEDNESDAY, AUGUST 13, 1980 at 10 a.m.

cc: Dennis J. Psoas, Esq.

Counsel for Petitioner

August A. Krometis

Petitioner

Mrs. Betty L. Hartman

Protestant

Mrs. Marie A. Deblibiss

"

Mrs. Rezin H. Triplett

"

Mr. Atlee R. Edrington

Requested Notification

John W. Hession, III, Esq.

People's Counsel

Mr. J. E. Dyer

Mr. W. E. Hammond

Mr. J. Hoswell

Edith T. Eisenhart, Adm. Secretary

RE: PETITION FOR SPECIAL EXCEPTION
and SPECIAL HEARING
for a restaurant and to verify the
existing country club as a non-
conforming use
SE/S of Holbrook Road, 3800' S of
Liberty Road
2nd District
August A. Krometis, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-255-XSPH

ORDER OF DISMISSAL

Petition of August A. Krometis for a special exception for a restaurant converted from a building as provided in subsection 402.3 and a special hearing to verify the existing country club as a non-conforming use, on property located on the southeast side of Holbrook Road, 3800' south of Liberty Road, in the 2nd District of Baltimore County

WHEREAS, The Board of Appeals is in receipt of a Dismissal of Appeal of petition filed October 2, 1981 (a copy of which Dismissal is attached hereto and made a part hereof) from the attorney representing the Petitioner in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner requests that the petition filed on behalf of said Petitioner be withdrawn as of October 2, 1981.

It is hereby **ORDERED** this 6th day of October, 1981, that said petition be and the same is withdrawn and dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett

Patricia Phipps
Patricia Phipps

Leroy B. Spurrier
Leroy B. Spurrier

RE: PETITION FOR SPECIAL EXCEPTION
AND SPECIAL HEARING
SE/S of Holbrook Road, 3800'S
1. of Liberty Road
2nd District
August A. Krometis
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-255-XSPH

DISMISSAL OF APPEAL

Upon mutual agreement among counsel for Petitioner, People's Counsel for Baltimore County and Board of Appeals, please dismiss the appeal of Petitioner, August A. Krometis, from the denial by the Zoning Commissioner of Baltimore County of the Petition for Special Exception in the above entitled matter.

R. Bruce Alderman
R. Bruce Alderman
White, Mindel, Clarke & Hill
305 West Chesapeake Avenue
Towson, Maryland 21204
828-1050

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND SPECIAL HEARING : ZONING COMMISSIONER
SE/S of Holbrook Road, 3800'S :
of Liberty Road - 2nd Election District :
August A. Krometis - Petitioner : OF
NO. 79-255-XSPH (Item No. 172) : BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from the decision of the Zoning Commissioner on only the issue denying the Special Exception to convert an existing building to a public restaurant in the above entitled matter, under date of February 15, 1980, to the County Board of Appeals and forward all papers in connection to said Board for hearing.

Dennis J. Psoora
DENNIS J. PSORA
508 Baltimore Avenue
Towson, Maryland 21204
PHONE: 821-7070
Attorney for Petitioner

I HEREBY CERTIFY that on this 14th day of March, 1980, a copy of the foregoing Order for Appeal was mailed to Mrs. Betty L. Hartman, 4324 Holbrook Road, Randallstown, Maryland 21133, Mrs. Marie A. Devilbiss, 10637 Liberty Road, Randallstown, Maryland 21133, Mrs. Rezin H. Triplett, 10701 Liberty Road, Randallstown, Maryland 21133, and John W. Hessian, III, Esquire, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

Dennis J. Psoora
DENNIS J. PSORA

ORDER RECEIVED FOR FILING

DATE February 15, 1980

BY *John P. Psoora*

ADMINISTRATIVE ASSISTANT

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND SPECIAL HEARING : ZONING COMMISSIONER
SE/S of Holbrook Road, 3800'S of :
Liberty Road - 2nd Election District :
August A. Krometis - Petitioner : OF
NO. 79-255-XSPH (Item No. 172) : BALTIMORE COUNTY

The above-entitled matter was advertised and the property posted as the result of petitions being filed for a special exception for a restaurant use by converting an existing building and for a special hearing to verify a non-conforming use for the existing country club.

Testimony offered in behalf of, or by the Petitioner, indicated that a country club operation was conducted on the property beginning in 1956 or early 1957 and was operated as such to the present time, except for a short period of time during 1974 or 1975 when it was operated as a singles club. The site plan, prepared by Gerhold, Cross and Etzel, dated January 17, 1979, with additions on April 27, 1979, and offered as Petitioner's Exhibit No. 1, indicates the property, consisting of 13.28 acres of land, contains a one-story building with a bar-dining room-lounge, snack bar, swimming pool, wading pool, pool house, and tennis courts. All of these improvements are shown to be existing within this R.C.5 Zone. There was no testimony introduced, either by the Petitioner or the Protestants, to indicate the construction date or dates of the above referred to improvements, but both groups of witnesses testified to the country club coming into existence during late 1956 or early 1957 and that the use, as to all or a portion thereof, has continued since that date, but, in some respects, to a lesser degree as a result of the golf course being closed because of the devastating effect of tropical storm Agnes.

The Petitioner further testified that it was his desire to use the one-story building as a public restaurant, together with the required parking therefor, by separating this improvement from the country club use of the balance

ORDER RECEIVED FOR FILING

DATE February 15, 1980

BY *John P. Psoora*

ADMINISTRATIVE ASSISTANT

of the land and other indicated improvements. The feasibility of operating a country club facility with a portion of said use being subject to a "public use" does not, of itself, create a reason for refusing to grant the special exception, but does create an enforcement problem in the event of "spill-over" use.

The Petitioner, supported by the site plan, indicated there are two methods of entry to the subject property—one from Powell's Run Road and the other from Holbrook Road. It is this last mentioned road that created the main thrust of the Protestants' opposition to the special exception. The Protestants testified that Holbrook Road was twelve feet in width and the Maryland Department of Transportation indicated in its comments that the road was approximately fifteen feet wide. All parties agreed that Holbrook Road was improved in the Adelphi Corporation subdivision, but that it was unimproved, as to its width, from the subdivision west to Liberty Road and further that its intersection with Liberty Road is hazardous. There was further testimony offered indicating the existence of a zoning violation by reason of a catering operation being conducted on the subject site, but the Petitioner indicated in response that such operation had terminated.

A review of the Baltimore County Zoning Regulations in effect at the time the country club use came into existence (Section 200.5 of the 1955 Zoning Regulations) provided that a country club, golf course, or other outdoor recreation clubs, not less than three acres in area, were permitted uses in an R.40 Zone. Therefore, the use testified to by the Petitioner, and verified to some degree by the Protestants, was a permitted use at the time of its establishment in late 1956 or early 1957, but, subsequently, became a nonconforming use when the Zoning Regulations were changed to require a special exception for a country club, golf course, or other outdoor recreation clubs, not less than five acres in area, in an R.40 Zone (Section 200.15 of the 1963 Zoning Regulations). Therefore, since a special exception was not previously applied for, the use of the subject property as a country club, known and

- 2 -

designated as Hidden Valley Country Club, continued to exist as the result of a nonconforming use.

In the absence of any testimony to the contrary, to the extent shown on the aforementioned site plan filed as Petitioner's Exhibit No. 1, it appears that there has been no expansion of the nonconforming use, but instead the testimony proved a reduction of the area of nonconformance. In so finding the existence of a nonconforming use as a country club, this decision is not intended to imply that the golf course can be reconstructed, although in existence at the time the use became nonconforming, in view of the clear intent of Section 104 of the Zoning Regulations, nor is this decision to be interpreted so as to give any legal recognition to the operation of a catering business on the subject site, as testified to by one of the Protestants and as commented upon by John E. Meyers, Bureau of Engineering Access Permits, Maryland Department of Transportation, dated March 5, 1979.

Having arrived at the point where the country club use on the subject property legally exists as a nonconforming use and, therefore, subject to the limitations imposed thereon, it now becomes necessary to determine whether or not a special exception can or should be granted to allow for the conversion of one of the buildings used in the nonconforming use to a public restaurant while, at the same time, allowing the balance of the tract to be used in the same manner and to the same extent as established by the evidence introduced to prove the nonconforming use.

The Petition for Special Exception cites, as authority for conversion of the existing building to a restaurant, Section 402.3 of the Zoning Regulations. Section 402 of said regulations is entitled "Conversion of Dwellings" and Section 402.3 reads, in part, as follows:

"To be converted for tea room or restaurant use in a R.40 or R.20 zone as a Special Exception...."

It would, therefore, appear that Section 402.3 is only applicable to conversions of dwellings and has no applicability to conversion of other buildings not used

as residences. A review of the regulations applicable to R.C.5, the present zoning classification of the subject property, Section 1A04.2B.8, establishes "Golf Courses, country clubs, or other similar outdoor recreation clubs" and Section 1A04.2B.15, establishes "Restaurants or tea rooms, converted from dwellings or other buildings as provided in Subsection 402.3" (emphasis supplied). Both of these use groupings require special exception processing and so is the basis upon which the Petition for Special Exception was filed for conversion. As a result of the words "or other buildings" being added to the conversion right referred to in Section 1A04.2B.15, a question of interpretation becomes obvious as to the effect of such an addition.

In order to arrive at a conclusion, the first question to be resolved is the effect, if any, upon Section 402.3 by the enactment of Bill No. 98-75, which established Section 1A04.2B.15, in the Zoning Regulations. Since Section 402.3 was not specifically amended so as to add "other buildings" to Section 402, it may be concluded that the legislative intent was to relate "other buildings" to the residence and, therefore, refers to "accessory" buildings as defined in Section 101. This interpretation is substantiated by the general rules of statutory construction, which favors an interpretation consistent with both provisions being read together and, unless clearly inconsistent, being given full and complete application.

It is, therefore, the opinion of this Commissioner that the words "other buildings", referred to in Section 1A04.2B.15, is limited in application to those other buildings contained on the property and used as accessory to a dwelling (emphasis supplied). Since, in this matter, the building proposed to be converted to a public restaurant has existed since approximately 1956 or 1957 as a "bar-dining room-lounge" for members of the country club, it does not come within the purview of Section 101, under the definition of a dwelling or accessory building, and so cannot be converted to a tea room or restaurant under Section 402.3

ORDER RECEIVED FOR FILING

DATE February 15, 1980

BY *John P. Psoora*

ADMINISTRATIVE ASSISTANT

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of February, 1980, that the nonconforming use of the 13.28 acres of land as a country club, as requested in the herein Petition for Special Hearing, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the terms, provisions, and conditions contained in Section 104 of the Baltimore County Zoning Regulations.
2. Approval of a site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

It is further ORDERED that the herein Petition for Special Exception to convert an existing building to a public restaurant be and the same is hereby DENIED.

Dennis J. Psoora
Zoning Commissioner of
Baltimore County

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND SPECIAL HEARING : ZONING COMMISSIONER
SE/S of Holbrook Road, 3800'S :
of Liberty Road - 2nd Election District :
August A. Krometis - Petitioner : OF
NO. 79-255-XSPH (Item No. 172) : BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from the decision of the Zoning Commissioner on only the issue denying the Special Exception to convert an existing building to a public restaurant in the above entitled matter, under date of February 15, 1980, to the County Board of Appeals and forward all papers in connection to said Board for hearing.

Dennis J. Psoora
DENNIS J. PSORA
508 Baltimore Avenue
Towson, Maryland 21204
PHONE: 821-7070
Attorney for Petitioner

I HEREBY CERTIFY that on this 14th day of March, 1980, a copy of the foregoing Order for Appeal was mailed to Mrs. Betty L. Hartman, 4324 Holbrook Road, Randallstown, Maryland 21133, Mrs. Marie A. Devilbiss, 10637 Liberty Road, Randallstown, Maryland 21133, Mrs. Rezin H. Triplett, 10701 Liberty Road, Randallstown, Maryland 21133, and John W. Hessian, III, Esquire, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

Dennis J. Psoora
DENNIS J. PSORA

LEGAL OFFICE
GENERAL & SPECIAL
FOR BALTIMORE COUNTY
TOWSON, MARYLAND 21204
821-7070

DO NOT HAVE TO BE NOTIFIED
PER 16TH 11-7-80

Notes - 4-21-81

May 22, 1979 - SE - Restaurants converted from a building (No. 402.3)
SH - To verify history of area nonconforming use.

Feb 15, 1980 - ZC - Granted - SH
denied - SE

Mar 14, 1980 - appeal from denial only filed by Parnas

Oct. 9, 1980 - Board's Demand to Z.C.
" 14 Amended Order " as a public restaurant"
" 30 Letter ZC - Refusing demand

Mr. + Mrs. Alexander Velle
4315 Holbrook Rd
Randallstown, Md 21133

Mr + Mrs Alexander H. JOHNSON
4339 Holbrook Rd
Randallstown, Md 21133

Mr + Mrs Carl HARTMAN
4325 Holbrook Rd
Randallstown, 21133

Mr. Edward Rotowsky
10701 Liberty Rd.
Randallstown, Md 21133

Mr. + Mrs. RANDOLPH A. EDINGTON
7100 QUEEN ANNE ROAD
BALTIMORE, MD 21207

Mr. + Mrs. ATLEE R. EDINGTON
1177 LONG VALLY RD
WESTMINSTER, MD 21257

Miss Leona L. Edington
7102 Queen Anne Road
Baltimore, Md 21207

MR + MRS HENRY ROBINSON
4312 HOLBROOK RD
RANDALLSTOWN MD 21133

Notes - 4-21-81

May 22, 1979 - SE - Restaurants converted from a building (No. 402.3)
SH - To verify history of area nonconforming use.

Feb 15, 1980 - ZC - Granted - SH
denied - SE

Mar 14, 1980 - appeal from denial only filed by Parnas

Oct. 9, 1980 - Board's Demand to Z.C.
" 14 Amended Order " as a public restaurant"
" 30 Letter ZC - Refusing demand

Mr. + Mrs. Alexander Velle
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Randallstown, 21133

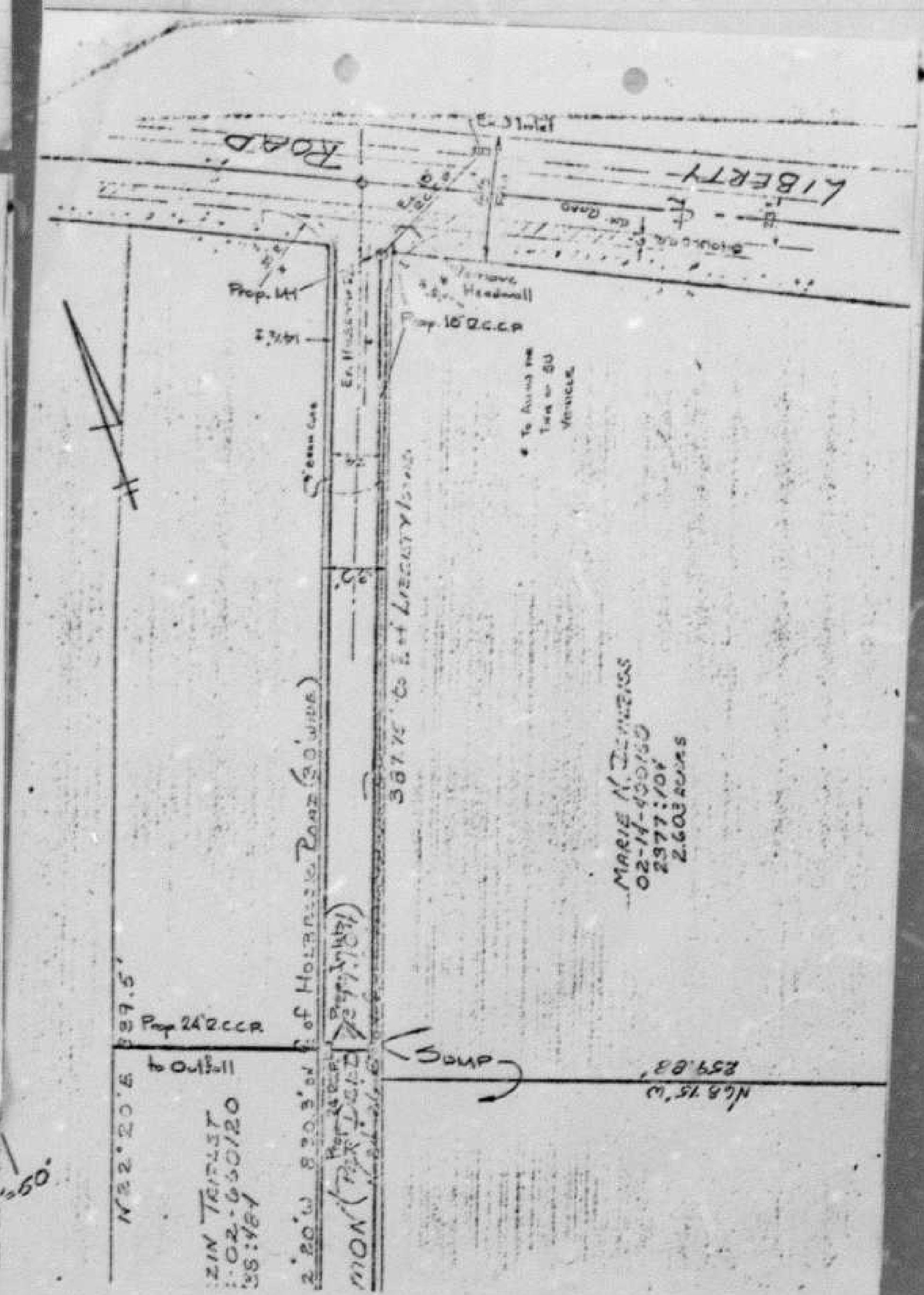
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Miss Leona L. Edington
7102 Queen Anne Road
Baltimore, Md 21207

MR + MRS HENRY ROBINSON
4312 HOLBROOK RD
RANDALLSTOWN MD 21133



RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR SPECIAL HEARING
SE/S of Holbrook Rd., 3800'
S of Liberty Rd., 2nd District

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

AUGUST A. KROMETIS, Petitioner : Case No. 79-255-XSPH

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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.

Peter Max Zimmerman
Deputy People's Counsel

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

I HEREBY CERTIFY that on the 4th day of June, 1979, a copy of the foregoing Order was mailed to Dennis J. Parnas, Esquire, 608 Baltimore Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
305 W. CHESEAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 558-1050

April 21, 1981

Mr. William T. Hackett
Acting Chairman
County Board of Appeals
Courthouse
Towson, Maryland 21204

Re: Case No. 79-255-XSPH
August A. Krometis, Petitioner

Dear Mr. Hackett:

Pursuant to a mutual understanding and agreement reached as a result of a conference held this morning regarding the above referenced matter, which conference was attended by People's Counsel for Baltimore County, an Assistant County Solicitor and myself, please postpone the hearing on the above referenced matter, presently scheduled for Thursday, April 30, 1981.

The aforesaid requested postponement is agreeable to all parties in attendance at the aforesaid conference and the hearing should be rescheduled sometime subsequent to August 15, 1981.

Thank you for your cooperation in this matter.

Sincerely,
R. Bruce Alderman

RBA:jvc
cc: John W. Hession, III, Esq.
People's Counsel
Thomas Bollinger, Esq.
Assistant County Solicitor

Dennis Parnas, Esq.
608 Baltimore Avenue
Towson, Maryland 21204

IDCA APPLICATION FOR
SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ON BEHALF OF, August A. Krometis

COUNTY, THE PROPERTY OUTLINE OF WHICH IS DRAWN TO SCALE, COMPLETE WITH BEARINGS AND DISTANCES ON 200 FT SCALE MAPS, WHICH ARE ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL EXCEPTION IN A RC-5 ZONE TO USE THE HEREIN DESCRIBED PROPERTY FOR Restaurant converted from a building as provided in Subsection 402.3

exception in a RC-5 ZONE TO USE THE HEREIN DESCRIBED PROPERTY FOR Restaurant converted from a building as provided in Subsection 402.3

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 15.86 acres DEED REF. EHK 5679/338

GRADING 0 % OF OVERALL SITE WILL REQUIRE GRADING.

BUILDING SIZE

GROUND FLOOR 66 x 106 AREA 6,996 square feet 2.16 AC

NUMBER OF FLOORS 1 TOTAL HEIGHT

FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = 0.12

BUILDING USE

GROUND FLOOR restaurant OTHER FLOORS 0

REQUIRED NUMBER OF PARKING SPACES

GROUND FLOOR 140 OTHER FLOORS 0 TOTAL 140

PAVING

AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES - None (MacAdam already existing)
(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 360)

UTILITIES

WATER: ☐ PUBLIC ☒ PRIVATE, TYPE OF SYSTEM Well

SEWER: ☐ PUBLIC ☒ PRIVATE, TYPE OF SYSTEM Septic

UTILITIES SECURITY APPROVAL

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT, LESSEE OR CONTRACT PURCHASER August A. Krometis

ADDRESS 2308 Foxley Road
Timonium, Maryland 21093

THE PLANNING BOARD HAS DETERMINED ON 2-15-79 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 32-61.1(P) OF THE BALTIMORE COUNTY CODE, 1980.

Signed: John W. Hession, III
CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

DEC 15 '78 PM 2:21-79

OFFICE OF PLANNING & ZONING

IDCA FORM NO. 2 REVISED 8-16-77

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
October 6, 1981

Dennis J. Parnas, Esq.
608 Baltimore Ave.
Towson, Md. 21204

Re: Case No. 79-255-XSPH
August A. Krometis

Dear Mr. Parnas:

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

Very truly yours,
June Holmen, Secretary

Encl.
cc: August A. Krometis
Mrs. Barbara Hartman
R. Bruce Alderman, Esq.
Mrs. Rezin H. Triplett
J. W. Hession, Esq.
J. E. Dyer
J. Howell
W. Hammond
Atlee R. Edington
Randolph A. Edington
Leora L. Edington



MATTHEWS & BROWN
Contractors, Inc.

Roofing - Siding - Maintenance

1707 REISTERSTOWN ROAD

484-8500 or 484-8501

BALTIMORE, MARYLAND 21208

August 18 1981



The Honorable Donald P. Hutchinson
Old Court House Meszanine
Towson Maryland 21204

Dear Mr. Hutchinson:

As a resident of Baltimore County for almost sixty years, I have never had to write to any of the county executives, councilmen, etc., before, for I have always been able to adapt to adversity in my life.

As a Baltimore County resident and property owner of three different properties, and also a Baltimore County businessman, I feel that perhaps we are put upon to the point of breakage. Four years ago I purchased property on falls run road and built myself a new home there with the purpose of retiring to the quietness of the county. Since moving into my new home three years ago we lived there approximately 1 1/2 to 2 years in this quietness. It has come to a point that the hidden valley country club noise is driving us to total distraction although we live one street away from the club and are separated by woods in the back of our home. Their rock bands in the summer months must all be outside and practicing until 2:00 to 3:00 AM to the point where it is impossible to get any rest. I must leave my home approximately 3:00 AM, for in the construction business we start very early. The past few weekends we have closed our windows, turned on our air conditioning, and still were unable to sleep for the noise. This is not only costing me additional money, but is using the energy that we are asked by our president to save. I know that other people on Holbrook Road, which is the access to the club, have much greater needs than I. Our police department in Baltimore County does an excellent job when you call them. However, it seems as soon as the police leave within a short time it starts all over again.

I feel that it is time that decent, law abiding citizens begin to stand up and be counted. The laws in the past years seem to favor the law breaker. I know there must be a noise ordinance in our county, and I am requesting (no - demanding) that this ordinance be strictly enforced in this case.



494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

March 17, 1981

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. 79-255-XSPH
August A. Krometis

Dear Mr. Psoras:

In checking the Board's docket it has come to the attention of the Chairman that one of the members of the original Board will be out of state on the scheduled hearing date of April 30, 1981. The Board would very much like to hear the case on this date. This leaves three options available:

- The Board can go with a two-man Board,
- The Board can sit a third member not involved in the original Board and hear the case in its entirety, or
- The case can be postponed until all the original Board members are available.

Please discuss these options with all parties involved and notify us as to your decision. Thanking you for your consideration in this matter.

Very truly yours,

William T. Hackett
William T. Hackett, Acting Chairman

WTH:c

cc: R. Bruce Alderman, Esquire
John W. Hession, III, Esquire
Mrs. Barbara L. Hartman
Mrs. Rezin H. Triplett
Atlee R. Edrington

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

March 19, 1981

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Md. 21204

Re: Case No. 79-255-XSPH
August A. Krometis

Dear Mr. Psoras:

Following up our letter to you of March 17, 1981, please be advised that the Board member mentioned as being out of town on the scheduled hearing date has had a change of plans, and will now be able to sit on the date in question.

Therefore, please disregard our previous letter, and the case remains on our docket as scheduled for April 30, 1981.

Very truly yours,

William T. Hackett
William T. Hackett, Acting Chairman

cc: R. Bruce Alderman, Esquire
John W. Hession, III, Esquire
Mrs. Barbara L. Hartman
Mrs. Rezin H. Triplett
Atlee R. Edrington



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 229, COURT HOUSE
TOWSON, MARYLAND 21204

JOHN W. HESSIAN, III
People's Counsel
PETER MAX ZIMMERMAN
Deputy People's Counsel

TEL 494-2188

April 7, 1981

William T. Hackett, Acting Chairman
Board of Appeals of Baltimore County
Rm. 219, Court House
Towson, Maryland 21204

RE: August A. Krometis, Petitioner
Zoning Case No. 79-255-XSPH

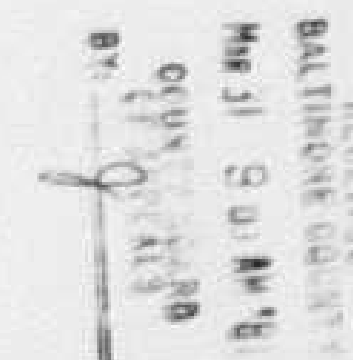
Dear Mr. Hackett:

The hearing before the Board of Appeals is scheduled for April 30th in the above-entitled case. You will recall that, at the initial hearing, the Appellant withdrew his request under Baltimore County Zoning Regulations Section 402.3 to convert from dwelling to tearoom or restaurant use and requested, in lieu thereof, that the Board consider the petition as being for a Special Exception for a community building. This office then contended that the case should be dismissed since the application had been filed as a conversion, and the notice and hearing at the Zoning Commissioner level proceeded on that basis.

The Board decided instead to remand the matter to the Zoning Commissioner for further review, but he has declined the remand, and given his reasons, in the letter dated October 30, 1980. This office believes that the only course of action open to the Board at this time is to dismiss the petition, on the basis that it has been withdrawn and that the Board has no authority to authorize such a material amendment as is being requested.

We believe that such a decision would simply confirm the reality that there no longer exists a viable petition. In the interest of justice, and efficient administration, we suggest, moreover, that a brief pre-hearing conference be scheduled to resolve the procedural issue. Such conference would, of course, be open to the other interested parties identified on the assignment notice.

3/27/81



County Board of Appeals
Room 219 - Court House
Towson, Md 21204
Dear Sir

Please Add the following Names
to your Notice for hearings
on Case No. 79-255-XSPH
August A. Krometis.

1. Leora L. Edrington
7102 Queen Anne Rd.
Balto. Md. 21207
2. Randolph A. Edrington
7100 Queen Anne Rd.
Balto. Md. 21207.

The above are lot owners on Holbrook Rd.
Sincerely,
Atlee R. Edrington
1199 Long Lake Rd.
Westminster, Md. 21157

- 2 -

William T. Hackett, Acting Chairman
Board of Appeals of Baltimore County

April 7, 1981

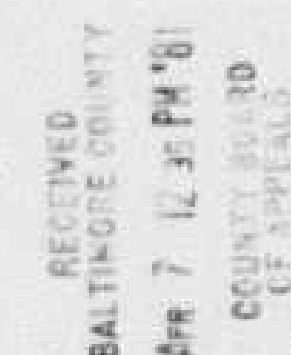
If the Board determines that the petition must be dismissed, without an evidentiary hearing, this would avoid the necessity for Petitioner and Protestants to have numerous witnesses available and prepared for a hearing on the merits. In addition, this would free the Board to hold a hearing on other matters.

We suggest that the conference be scheduled during the week of April 13, 1981.

Very truly yours,

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County

cc: R. Bruce Alderman, Esquire
Mrs. Barbara L. Hartman
Mrs. Rezin H. Triplett
Atlee R. Edrington
Dennis J. Psoras, Esquire



494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

November 12, 1980

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. 79-255-XSPH
August A. Krometis

Dear Mr. Psoras:

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

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: R. Bruce Alderman, Esq.
August A. Krometis
Mrs. Barbara L. Hartman
Mrs. Marie A. DeBilbis
Mrs. Rezin H. Triplett
Mr. Atlee R. Edrington
John W. Hession, III, Esq.
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. Hoswell

October 30, 1980

Mr. William T. Hackett, Acting Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

RE: Case No. 79-255-XSPH
August A. Krometis - Petitioner

Dear Mr. Hackett:

With reference to the above matter, I have reviewed your Opinions and Orders dated October 9th and 14th, 1980, and must respectfully decline the Remand, as set forth therein, for the following reasons:

1. The Petition for Special Exception, filed and accepted on April 30, 1979, contains the following: "Restaurant converted from a building as provided in subsection 402.3 R. C. 5". In keeping with the Petition, the public advertising in both The Jeffersonian and Northwest Star contained the following verbiage: "Petition for Special Exception for a restaurant converted from a building as provided in subsection 402.3...". The hearing and Order written pursuant thereto were in keeping with the Petition as filed and advertised.

According to the Rules of Practice and Procedure of the Zoning Commissioner of Baltimore County (Appendix E of the Baltimore County Zoning Regulations), Rule II.B.3 states:

"While zoning-office personnel will assist the person filing the petition in interpreting those provisions of the Baltimore County Zoning Regulations applicable to the petitioner's case, the final wording of the petitioner's request as set forth on the petition form shall be the responsibility of the petitioner or his legally authorized representative."

Although it cannot now be determined whether or not this office assisted in the preparation of the submitted Petition, the above rule would clearly place the responsibility of verbiage upon the Petitioner, irrespective of any allegation of assistance.

Mr. William T. Hackett
Page Two
October 30, 1980

Therefore, the Motion to Amend the Petition so as to correct the alleged "error" would, in my opinion, ignore the legal effect of the aforementioned rule and seriously cast doubt upon the public notice process.

Additionally, upon the filing of an appeal, the Zoning Commissioner no longer has jurisdiction in the matter, but, assuming arguendo that a remand confers jurisdiction upon the Zoning Commissioner, I must interpret the remand as a request for reconsideration. In this regard, Redding v. Board of County Commissioners for Prince Georges County, 263 Md. 94 (1971) held that common law was applicable where the statute or ordinance is silent on an administrative body's right to reconsider or rehear a matter previously determined. This case further set forth that under the common law an administrative body has the right to reconsider a decision if an error was caused by fraud, surprise, mistake, or inadvertence, and the burden of so proving rests solely upon the person seeking the rehearing or reconsideration. The right of the Petitioner to allege his own actions in the case of a mistake or inadvertency, as in filing the Petition incorrectly, would not be in keeping with the Court's position.

2. Although the Zoning Commissioner's decisions are subject to review by appeal to the County Board of Appeals, the appeal is heard de novo and, therefore, not truly an appeal but a new hearing at which the parties to the "appeal" can introduce new or additional facts not previously presented. As such, the matter could not then be remanded to the Zoning Commissioner for rehearing or reconsideration based upon the new additional evidence not before him at the time of the original hearing.

3. Article 25A of the Annotated Code of Maryland (Express Powers), Section 5U, provides the legal basis of the County Board of Appeals and subsection (3) thereof provides "for the adoption by the board of rules of practice governing its proceedings". This section, in speaking of appeals of decisions by the Board, states that any person aggrieved by the decision of the Board may appeal to the Circuit Court, "which shall have power to affirm the decision of the board, or if such decision is not in accordance with law, to modify

Mr. William T. Hackett
Page Three
October 30, 1980

or reverse such decision, with or without remanding the case for rehearing as justice may require." The above quoted portion of Section 5U also appears in Sections 603 and 604 of the Baltimore County Charter but neither section refers to the power of the Board, in the event a decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing as justice may require. Neither the Rules of Practice and Procedure of the Zoning Commissioner nor the Rules of Practice and Procedure of County Board Appeals (Appendix F) speak to the type of action to be taken by the Board in matters constituting an appeal of a decision of the Zoning Commissioner, but I believe that it is beyond question that such decision could be affirmed or reversed. The doubt is created where the Board seeks to remand since the legislative body felt such power should be given to the Circuit Court but remained silent as to the Board. This could be as the result of the de novo status of the appeal and because of the record being established by the Board.

Again, assuming arguendo that the Board has the "right of remand", this right must be exercised in the same manner and to the same extent as provided, to wit, make a finding that the Zoning Commissioner's decision is not in accordance with the law and then modify or reverse such decision, with or without a remand for rehearing.

In the instant matter, the remand is predicated upon a Motion to Amend the Petition to correct an alleged error in the citation of the section of the zoning regulations and, in my opinion, does not establish a finding that the Zoning Commissioner's decision is not in accordance with the law. Therefore, the right of remand is not a viable alternative.

In conclusion, for the reasons hereinabove set forth, I am returning this matter to you for further action as you deem necessary.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/sf

Mr. William T. Hackett
Page Four
October 30, 1980

cc: Mr. LeRoy B. Spurrier, Member
County Board of Appeals

Mrs. Patricia Millhouser, Member
County Board of Appeals

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Maryland 21204

R. Bruce Alderman, Esquire
105 West Chesapeake Avenue
Towson, Maryland 21204

Mrs. Barbara L. Hartman
4324 Holbrook Road
Randallstown, Maryland 21133

Mrs. Marie A. Deblibis
10637 Liberty Road
Randallstown, Maryland 21133

Mrs. Resin H. Triplett
10701 Liberty Road
Randallstown, Maryland 21133

Mr. Atlee R. Edrington
1179 Long Valley Road
Westminster, Maryland 21157

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

Mrs. Jean M.H. Jung
Deputy Zoning Commissioner

Mr. James E. Dyer
Zoning Supervisor

RECEIVED
BALTIMORE COUNTY
NOV 3 2 48 PM '80
COUNTY BOARD
OF APPEALS

RECEIVED
BALTIMORE COUNTY
OCT 31 1 28 PM '80
COUNTY BOARD
OF APPEALS

494-3180

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

October 14, 1980

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. 79-255-XSPH
August A. Krometis

Dear Mr. Psoras:

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. Eisenhart
Edith T. Eisenhart, Adm. Secretary

End.

cc: R. Bruce Alderman, Esq.
August A. Krometis
Mrs. Barbara L. Hartman
Mrs. Marie A. Deblibis
Mrs. Resin H. Triplett
Mr. Atlee R. Edrington
John W. Hessian, III, Esq.
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. Howell

LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
308 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 828-1080

October 14, 1980

Honorable William T. Hackett,
Chairman, County Board of Appeals
Towson, Maryland 21204

Re: Case No. 79-255-XSPH
August A. Krometis

Dear Bill:

I received a copy of the Opinion and Order in the above referenced case dated October 9, 1980 and would respectfully request that the proposed Amendment be changed slightly by adding, on the fourth line, the words "as a public restaurant" so that it would read as follows:

"...To use the herein described property
as a public restaurant, as designated in
Section..."

This will clarify the issue which I am sure will also be desirable to Mr. Zimmerman.

Thank you for your cooperation.

Sincerely,

R. Bruce Alderman
R. Bruce Alderman

RBA:sk
cc: Peter Max Zimmerman, Esquire
Deputy People's Counsel

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
October 9, 1980

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. 79-255-XSPH
August A. Krometis

Dear Mr. Psoras:

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. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: R. Bruce Alderman, Esq.
August A. Krometis
Mrs. Barbara L. Hartman
Mrs. Marie A. Deblibis
Mrs. Resin H. Triplett
Mr. Atlee R. Edrington
John W. Hessian, III, Esq.
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. Howell

DENNIS J. PSORAS
Attorney at Law

608 BALTIMORE AVENUE - TOWSON, MARYLAND 21204
TELEPHONE (301) 821-2970

June 12, 1980

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

RE: Case No. 79-255-XSPH
August Krometis

Gentlemen:

I would appreciate your postponing the captioned matter from the August 13, 1980 hearing date as I have another matter previously scheduled for that day. Kindly reset this matter for sometime in late September, early October, 1980.

Thank you for your courtesy and kind consideration in this matter.

Very truly yours,

Dennis J. Psoras
DENNIS J. PSORAS

DJP:cam
cc: Mrs. Betty L. Hartman
Mrs. Marie A. Deblibis
Mrs. Resin H. Triplett
John W. Hessian, III, Esquire
Mr. August A. Krometis

RECEIVED
BALTIMORE COUNTY
JUN 12 10 48 AM '80
COUNTY BOARD
OF APPEALS

DENNIS J. PSORAS
Attorney at Law

608 BALTIMORE AVENUE - TOWSON, MARYLAND 21204
TELEPHONE (301) 831-7070

May 28, 1980

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

RE: Case No. 79-255-XSPH
August A. Krometis
Assigned for: Thursday, June 26, 1980 at 10:00 a.m.

Gentlemen:

Kindly postpone the above captioned matter presently scheduled for hearing on Thursday, June 26, 1980, at 10:00 a.m. as I am having difficulties with the availability of witnesses for that date and time.

Your cooperation in this matter will be greatly appreciated. Kindly notify me of the new date, time and place by return mail.

Very truly yours,

Dennis J. Psoras
Dennis J. Psoras

DJP/vyl

cc: Mrs. Betty L. Hartman
Mrs. Marie A. Debliss
Mrs. Rexin H. Triplett
John W. Hessian, III, Esquire

*5/29/80 - Postponement granted
Re: in August
Held 8/13 - 10:00am*

*RECEIVED
BALTIMORE COUNTY
MAY 29 9 44 AM '80
CLERK OF COURT
BY [Signature]*

494-3180

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

April 28, 1980

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108.

CASE NO. 79-255-XSPH

AUGUST A. KROMETIS

Re: Restaurant converted from a bldg. as provided in subsection 402.3 & special hearing to verify the existing Country Club as non-conforming use.

SE/5 of Holbrook Road, 3800' S of Liberty Rd.

2nd District

2/15/80 - Petition for Special Hearing GRANTED
Petition for Special Exception DENIED

ASSIGNED FOR:

THURSDAY, JUNE 26, 1980, at 10:00 a.m.

cc: August A. Krometis

Petitioner

Dennis J. Psoras, Esq.

Atty. for Petitioner

Mrs. Betty L. Hartman

Protestant

Mrs. Marie A. Debliss

"

Mrs. Rexin H. Triplett

"

Mr. Atlee R. Edgington

"

John W. Hessian, III, Esq.

People's Counsel

James E. Dyer

Zoning Office

William Hammond

"

June Holmen, Secretary

*County Board of Appeals
Room 219
Court House
Towson, Md. 21204
Dear Sir:*

I am a property owner along Holbrook Road. Holbrook Valley Estates and would like to be notified of the hearing; Case No. - 79-255-XSPH, owner August A. Krometis.

Please notify me the date, time and place of the hearing.

Sincerely,

*Atlee R. Edgington
1179 Long Valley Road
Westminster, Md.*

21157

Tel. No. 848-2155.

*BALTIMORE COUNTY
CLERK OF COURT
MAY 29 1980
BY [Signature]*

CARL L. BERNHARD
PHILIP F. LOOSE
JOHN F. STEEL
WILLIAM E. HAMMOND
KIMBERLY T. JARVIS

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

FRANKLIN
PAUL S. BOLLINGER
FRANK S. BOLLINGER

January 16, 1979

Zoning Description

All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the southeast side of Holbrook Road, 50 feet wide, at a point distant 3800 feet measured southerly along the east side of Holbrook Road from Liberty Road and running thence and binding on the southeast side of Holbrook Road, Northeastly by a line curving to the left having a radius of 245 feet, for a distance of 66.68 feet, thence leaving said Holbrook Road and running thence, the fourteen following lines viz: South 15 degrees 39 minutes 43 seconds East 469.49 feet, Southerly by a line curving to the right having a radius of 750 feet for a distance of 217.90 feet, South 34 degrees 51 minutes 16 seconds East 194.55 feet, South 11 degrees 55 minutes West 74.16 feet, South 61 degrees 58 minutes 59 seconds West 496.59 feet, South 41 degrees 38 minutes 01 second West 120.42 feet, South 23 degrees 25 minutes 43 seconds West 40 feet, North 68 degrees 01 minute 08 seconds West 241.16 feet, North 21 degrees 50 minutes East 58 seconds East 105.52 feet, North 16 degrees 34 minutes 09 seconds East 256.58 feet, North 16 degrees 30 minutes 47 seconds East 200.85 feet, North 56 degrees 03 minutes 23 seconds East 125.36 feet and North 14 degrees 26 minutes 05 seconds East 516.47 feet to the place of beginning.

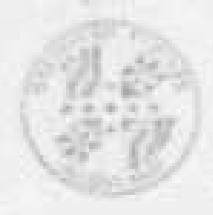
Containing 13.26 Acres of land more or less.

Being the parcel of land designated as Clubhouse and shown on a plat titled "Plat Two of Adelphi Corporation Subdivision and recorded among the Plat Records of Baltimore County in Plat Book B.M.C.R. No. 43 folio 37.

Being the land of the petitioners herein and shown on a plat filed with the Baltimore County Zoning Office.



John F. Edling LS 2882



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3355

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 30, 1980

Mr. William T. Hackett, Acting Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

RE: Case No. 79-255-XSPH
August A. Krometis - Petitioner

Dear Mr. Hackett:

With reference to the above matter, I have reviewed your Opinions and Orders dated October 9th and 14th, 1980, and must respectfully decline the Remand, as set forth therein, for the following reasons:

1. The Petition for Special Exception, filed and accepted on April 30, 1979, contains the following: "Restaurant converted from a building as provided in subsection 402.3 R.C.5". In keeping with the Petition, the public advertising in both The Jeffersonian and Northwest Star contained the following verbiage: "Petition for Special Exception for a restaurant converted from a building as provided in subsection 402.3...". The hearing and Order written pursuant thereto were in keeping with the Petition as filed and advertised.

According to the Rules of Practice and Procedure of the Zoning Commissioner of Baltimore County (Appendix E of the Baltimore County Zoning Regulations), Rule H.B.3 states:

"While zoning-office personnel will assist the person filing the petition in interpreting those provisions of the Baltimore County Zoning Regulations applicable to the petitioner's case, the final wording of the petitioner's request as set forth on the petition form shall be the responsibility of the petitioner or his legally authorized representative."

Although it cannot now be determined whether or not this office assisted in the preparation of the submitted Petition, the above rule would clearly place the responsibility of verbiage upon the Petitioner, irrespective of any allegation of assistance.

Mr. William T. Hackett
Page Two
October 30, 1980

Therefore, the Motion to Amend the Petition so as to correct the alleged "error" would, in my opinion, ignore the legal effect of the aforementioned rule and seriously cast doubt upon the public notice process.

Additionally, upon the filing of an appeal, the Zoning Commissioner no longer has jurisdiction in the matter, but, assuming *arguendo* that a remand confers jurisdiction upon the Zoning Commissioner, I must interpret the remand as a request for reconsideration. In this regard, *Reading v. Board of County Commissioners for Prince Georges County*, 263 Md. 94 (1971) held that common law was applicable where the statute or ordinance is silent on an administrative body's right to reconsider or rehear a matter previously determined. This case further set forth that under the common law an administrative body has the right to reconsider a decision if an error was caused by fraud, surprise, mistake, or inadvertence, and the burden of so proving rests solely upon the person seeking the rehearing or reconsideration. The right of the Petitioner to allege his own actions in the case of a mistake or inadvertency, as in filing the Petition incorrectly, would not be in keeping with the Court's position.

2. Although the Zoning Commissioner's decisions are subject to review by appeal to the County Board of Appeals, the appeal is heard *de novo* and is, therefore, not truly an appeal but a new hearing at which the parties to the "appeal" can introduce new or additional facts not previously presented. As such, the matter could not then be remanded to the Zoning Commissioner for rehearing or reconsideration based upon the new additional evidence not before him at the time of the original hearing.

3. Article 2-A of the Annotated Code of Maryland (Express Powers), Section 5U, provides the legal basis of the County Board of Appeals and subsection (3) thereof provides "for the adoption by the board of rules of practice governing its proceedings". This section, in speaking of appeals of decisions by the Board, states that any person aggrieved by the decision of the Board may appeal to the Circuit Court, "which shall have power to affirm the decision of the board, or if such decision is not in accordance with law, to modify

Mr. William T. Hackett
Page Three
October 30, 1980

or reverse such decision, with or without remanding the case for rehearing as justice may require." The above quoted portion of Section 5U also appears in Sections 603 and 604 of the *Baltimore County Charter* but neither section refers to the power of the Board, in the event a decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing as justice may require. Neither the Rules of Practice and Procedure of the Zoning Commissioner nor the Rules of Practice and Procedure of County Board Appeals (Appendix F) speak to the type of action to be taken by the Board in matters constituting an appeal of a decision of the Zoning Commissioner, but I believe that it is beyond question that such decision could be affirmed or reversed. The doubt is created where the Board seeks to remand since the legislative body felt such power should be given to the Circuit Court but remained silent as to the Board. This could be as the result of the *de novo* status of the appeal and because of the record being established by the Board.

Again, assuming *arguendo* that the Board has the "right of remand", this right must be exercised in the same manner and to the same extent as provided, to wit, make a finding that the Zoning Commissioner's decision is not in accordance with the law and then modify or reverse such decision, with or without a remand for rehearing.

In the instant matter, the remand is predicated upon a Motion to Amend the Petition to correct an alleged error in the citation of the section of the zoning regulations and, in my opinion, does not establish a finding that the Zoning Commissioner's decision is not in accordance with the law. Therefore, the right of remand is not a viable alternative.

In conclusion, for the reasons hereinabove set forth, I am returning this matter to you for further action as you deem necessary.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/st

Mr. William T. Hackett
Page Four
October 30, 1980

cc: Mr. LeRoy B. Spurrier, Member
County Board of Appeals

Mrs. Patricia Millhouser, Member
County Board of Appeals

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Maryland 21204

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

Mrs. Barbara L. Hartman
4324 Holbrook Road
Randallstown, Maryland 21133

Mrs. Marie A. Debliss
10637 Liberty Road
Randallstown, Maryland 21133

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10701 Liberty Road
Randallstown, Maryland 21133

Mr. Atlee R. Edgington
1179 Long Valley Road
Westminster, Maryland 21157

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

Mrs. Jean M.H. Jung
Deputy Zoning Commissioner

Mr. James E. Dyer
Zoning Supervisor

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner

TO: Norman E. Gerbert, Acting Director
Office of Planning and Zoning

FROM: Petition #79-255, Item 172

SUBJECT: Petition for Special Exception for restaurant converted from a building and Special Hearing for nonconforming use
Southeast side of Holbrook Road, 3800 feet South of Liberty Road
Petitioner - August A. Krometis

Date: June 12, 1979

2nd District

HEARING: Wednesday, June 20, 1979 (1:00 P.M.)

Assuming compliance with Section 502.1 of the Baltimore County Zoning Regulations, the only question that arose in this office's review of the subject petition is the applicability of Section 402.3 of said regulations.

Norman E. Gerbert
Norman E. Gerbert, Acting Director
Office of Planning and Zoning

NEG:JGHaw

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

2nd District

ZONING: Petition for Special Exception for restaurant converted from a building and Special Hearing for nonconforming use

LOCATION: Southeast side of Holbrook Road, 3800 feet South of Liberty Road

DATE & TIME: Wednesday, June 20, 1979 at 1:00 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a restaurant converted from a building as provided in subsection 402.3 and a Special Hearing, under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the existing Country Club as a nonconforming use

All that parcel of land in the Second District of Baltimore County

Being the property of August A. Krometis, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, June 20, 1979 at 1:00 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Cass Warfield
Bureau of Engineering

TO: Bureau of Engineering

FROM: Robert A. Norton

SUBJECT: Holbrook Road
J.O. 5-1-3987
PWA 27801

Date: December 6, 1979

Enclosed is a copy of the State Roads permit for the intersection of Holbrook Road and Liberty Road and a copy of a cost estimate from the Bureau of Highways for storm drain and paving construction.

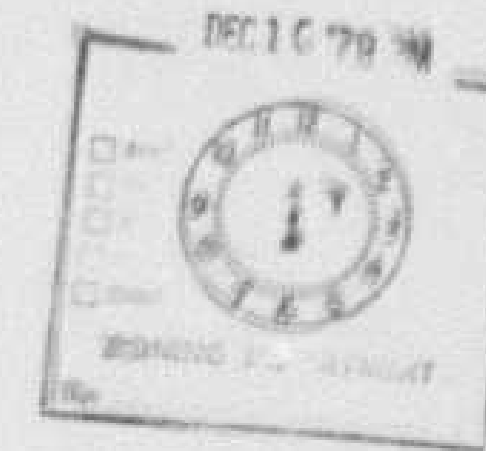
The Bureau of Highways has obtained letters of permission from all of the property owners to construct the road within the 30-ft use in common easement. It would be in order to prepare an allotment to cover the proposed widening by County forces. The developer has deposited \$12,500., a fixed deposit, for his share of the cost.

If you have any question, please contact me at your convenience.

Robert A. Norton
Robert A. Norton, P.E., Chief
Bureau of Public Services

RAN:mkn

Enclosures (2)

cc: Bill Hammond
Len Sprinkle

NOTICE OF HEARING

RE: Petition for Special Exception and Special Hearing, SE/S Holbrook Rd. 3800' S of Liberty Rd. - 2nd District, August A. Krometis - Petitioner

TIME: 1:00 P.M.

DATE: Wednesday, June 20, 1979

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 434-3351

June 14, 1979

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and
Special Hearing
SE/S Holbrook Rd. 3800' S of
Liberty Rd. - 2nd District
Case No. 79-255-XSPH

Dear Sir:

This is to advise you that \$100.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Campagna, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/mc

DEPARTMENT OF TRANSPORTATION
2323 West Joppa Road
Brooklandville, Maryland 21022
H. PISTEL, Highway
Metropolitan District Engineer
OF MARYLAND

October 2, 1979

No. B-4-5350-79

Baltimore, Md.

MD Route 26
Liberty Road

PERMISSION IS HEREBY GIVEN:

Baltimore County Department of Public Works, Attn: Mr. Robert A. Norton, so far as Towson, Maryland 21204

The State Highway Administration has the right and power to grant same, to construct a tie-in of Holbrook Road into Liberty Road, MD Route 26. This roadway to be 24 feet in width with 15-foot radii flares. Work to be bituminous concrete as shown on redlined Baltimore County drawing.

Cross-section of roadway to be no less than 2 inches of bituminous concrete. This paving section to extend from the normal edge of the road proper and continue to the right of way line, a distance of 33 feet from center of Route 26. Test holes to be taken in existing shoulder of Route 26 and constructed of 9" of bituminous concrete if tests show shoulder to be less than 9 inches in thickness.

Grade shall fall in the shoulder area 1/4 inch per foot for 6 feet then continue to the right of way line.

Drainage conditions created by this work shall be relieved by permittee with no change in grade or alignment along shoulder of Route 26.

This area, after completion of work, shall be either seeded or sodded in its entirety to eliminate erosion. Right of way to be left free of all excess and other materials.

Normal traffic shall be maintained during construction along Route 26 at all times. No lane shall be obstructed before 9:00 am or after 4:00 pm.

Utility adjustments are responsibility of permittee.

This permit in no way relieves the permittee of his duty to obtain any other permits, approvals, etc. from other appropriate parties or agencies that may be necessary.

Future maintenance of said roadway behind the flow line shall be the responsibility of the permittee.

Failure to complete the work as outlined within the specified time shall constitute non-compliance with this permit and an illegal entry upon a State Highway.

Upon completion of work, notify Mr. H. A. Saunders, Resident Maintenance Engineer for Baltimore County; Phone 321-3472; so a final inspection and release of permit can be arranged.

IT IS AGREED AND UNDERSTOOD BY ACCEPTANCE OF THIS PERMIT, THE PERMITTEE AGREES TO ALL TERMS SET FORTH ABOVE.

For utility locations
at least 48 hours before
beginning construction
Call "MISS UTILITY"
301-355-0100 Call collect

SHA-616-1
3-12-73

RECEIVED
OCT 05 1979
BUREAU OF LAND DEVELOPMENT

OFFICE OF THE
STATE HIGHWAY ADMINISTRATION
OF MARYLAND

SHEET No. 2

No. B-4-5350-79
Baltimore Co. Dept. of Public Works

October 2, 1979
MD Route 26
Liberty Road

It is agreed and understood by the acceptance of this permit that where entrances or approaches are involved, then approved location is not to be accepted by inference that a cross-over will be constructed and/or allowed through a median or grass plot in the event this highway should be developed and/or constructed as a dual highway or divided highway.

The installation of this service shall in no way change the grade and/or alignment of any existing drainage ditches or structures and in the event same are damaged or destroyed, they shall be replaced to the satisfaction of the State Highway Administration.

In the event future road improvements require the removal and/or adjustment of this service, the cost shall be borne by the permittee.

It is agreed and understood that any deviation from the plans submitted, that are out of the ordinary shall be reported to the State Highway Administration, District Engineer's Office, and a revised plan showing such changes made shall be submitted to the State Highway Administration Engineer for approval.

The permittee shall advise the State Highway Administration from any claims or damage arising from any condition caused by the construction outlined in this permit.

The relocation and/or adjustment of any public or private utility shall be the responsibility of the permittee.

The State Highway Administration right of way affected by this permit will be left in a neat and clean condition and no excess material will be permitted to remain on or adjacent to the State Highway Administration right of way.

SIGNS: No signs or lights will be permitted on or to overhang the State Highway Administration right of way.

The necessary lights, signs, barricades, etc. shall be maintained by the permittee throughout this operation for the protection of traffic and pedestrians.

said work to be completed within 180 days from the date hereof. HAS:els

Permission, when granted, to place a utility or structure within the limits of the right of way of a bridge or highway is revocable by the State Highway Administration.

The work hereby permitted shall be done under the supervision and to the satisfaction of the State Highway Administration, said State Highway Administration reserving full control over said roads or highways and the subject matter of this permit.

STATE HIGHWAY ADMINISTRATION

M. S. Caltrider
State Highway Administrator

High G. Downs
Chief Engineer

By: *[Signature]*
Ray. Metro. Dist. Eng.

SHA 61.6-3
10-18-72

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 434-3351

June 14, 1979

Dennis J. Psoras, Esquire
608 Baltimore Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and
Special Hearing
SE/S Holbrook Rd. 3800' S of
Liberty Rd. - 2nd District
Case No. 79-255-XSPH

Dear Sir:

This is to advise you that \$100.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Campagna, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/mc

JUNE 2, 1992

PETITION FOR SPECIAL EXEMPTION AND SPECIAL HEARING
The zoning commission of Baltimore County, Maryland, is hereby notified that the following property is being offered for special exemption from the zoning ordinance of Baltimore County, Maryland, and that the owner of the property is requesting a special hearing on the matter.
The zoning commission of Baltimore County, Maryland, is hereby notified that the following property is being offered for special exemption from the zoning ordinance of Baltimore County, Maryland, and that the owner of the property is requesting a special hearing on the matter.
The zoning commission of Baltimore County, Maryland, is hereby notified that the following property is being offered for special exemption from the zoning ordinance of Baltimore County, Maryland, and that the owner of the property is requesting a special hearing on the matter.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 31, 1979
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time, on consecutive weeks before the 20th day of June, 1979, the 1979 publication appearing on the 31st day of May, 1979.

THE JEFFERSONIAN
L. L. Smith, Jr.
Manager

Cost of Advertisement, \$ 35.00

Randallstown rock club gets choice: lose license or accept sharp curbs

By Joel McCord
Baltimore County Board of the Sun
The Baltimore County Liquor Board last night offered a Randallstown rock music club a choice between losing its license entirely or operating under sharp restrictions for at least the next two months.
The conditions the board imposed would allow the Hidden Valley County Club to be open only three days a week in April and four days a week in May. Additionally, the club, which now books rock bands seven nights a week, may stay open until 1 a.m., when it usually is open until 3 a.m.
The decision came after a five-hour hearing in which a parade of police officers and fire and health inspectors testified to a variety of violations and neighbors complained about continuing disturbances by patrons of the club.
Joseph L. Johnson, board chairman, said the club owners also would have to hire uniformed security guards to patrol the parking lot, would have to explain the complex ownership and management arrangement that began to unravel during the hearing, enforce a stricter dress code, and make substantial efforts to change the type of music from hard rock to something of a "softer profile."
Mr. Johnson added the owners would also have to sharply upgrade their food services to comply with their license.
Liquor board members complained during the hearing that the business was not operating as a restaurant, as its license requires.
The chairman said the board will consider restoring the club's full operating privileges provided all stipulations are met.
August A. Krometski, the principal owner of the club, said he would have his decision "within 24 hours. I feel the board's been reasonable."
Mr. Krometski testified during the hearing that he has tried to attract a different crowd and improve the food service. He said that he has set a dress code and had hired a manager who "did a terrific job in bringing in good bands and attractive people. Unfortunately, there were some dealers that got in there, too."
He said he has since issued a list of 37 persons who have been barred from the club because of their behavior.
Last night's hearing was the second time in six months the liquor board after complaints about unruly crowds and neighborhood disturbances. Although the board concluded at a hearing in September there was not enough evidence to find there had been violations of the law or liquor regulations, additional reports and complaints prompted the subsequent hearing.
County police officers testified during last night's hearing that on five occasions they saw customers and employees drinking in the club after the 1 a.m. closing time. They also said they have repeatedly broken up fights on the parking lot of the club.
Officer Philip A. Banks recounted an incident January 24 when he and another officer were met with a barrage of rocks and bottles thrown by patrons who were on a hill beside the parking lot.
Officer Banks said he encountered a large, unruly crowd on the lot when he went to the club looking for a suspect in an assault case.
It took nearly a dozen police officers, canine units and several tow trucks more than two hours to clear the traffic jam, he said.
Marcia Frederick, 18, of Pikesville, said she was punched in the mouth by a bouncer as he escorted her out of the club early on January 31.
She said no one told her why she was being asked to leave but that the bouncers were "roughing me up."
"He called one of them a nigger and he hit me in the mouth," she said.
Miss Frederick said she took her shirt off and looked the man and was taken into the club office, where she was held for an undetermined amount of time.
Fire inspectors said they found repeated violations at the club in January and February but that nearly all of them have been cleaned up in the last month.
Clert O'ne, a health department inspector, said that in January the club had found litter and broken beer bottles scattered in the parking lot and on Holbrook road, which leads to the club. Later inspections found that the area was "immaculate," she said.

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>EST</u>					Revised Plans: Change in outline or description _____ Yes _____ No					
Previous case: _____					Map # _____					

- *HIDDEN VALLEY
9301 Redwood Rd.
727-2233
Randallstown's Newest and Most Elegant Restaurant
Serving Dinner Daily from 4 P.M.
- *MIDDLEBOROUGH
Serving The Finest STEAKS - SEAFOOD
Intimate Dining
- *JADE EAST
Restaurant & Lounge
1780 Marrett Blvd.
Dundalk - 788-5453
All You Can Eat WEDNESDAY BUFFET
5 to 9 P.M.
Pan-Asian Cuisine
- *NICHU-BEL-KAI
221-7090
Authentic AT-TABLE Peking, Cantonese, Szechwan, and Thai Cuisine
- *RONALDO'S
101 York Rd. - Towson
825-9800
Tacos - Burritos - Tamales - Tortillas
Satisfying Home Cooking Served at Party Tables & Carryout
- *SMITTY'S
6209 Eastern Ave.
633-6485
Where Quality Food is a Maryland Tradition
Dishes out of This World - From Hamburgers and Hot Wings to Beef and Pork
- *SUNLUCK INN
453-1150
New Pacific 100 Room
EXCELLENCE IN CHINESE & AMERICAN CUISINE
COCKTAILS • BANQUET ROOM





THE ASSOCIATES, INC.
SURVEYING ENGINEERS, SURVEYORS, PLANNERS
1000 EIGHTH AVENUE
BETHESDA, MARYLAND 20814

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND



REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	SOUTHWEST OF HARRISONVILLE	N.W.
		DATE OF PHOTOGRAPHY DECEMBER 1959		8-L

Topography Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

PP - SE
PP - NE



PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND OFFICIAL ZONING MAP.

PP-SE
PP-NE

COMPILED BY THE
BALTIMORE COUNTY COUNCIL
1975 & OCT 8, 1976
C-10176, 10576, 11076
11376, and 11476

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	SOUTHWEST OF HARRISONVILLE	NW 8-L
Compiled By Photogrammetric Methods MAPS, INCORPORATED - BALTIMORE 22, MARYLAND		DATE OF PHOTOGRAPHY DECEMBER 1959		

GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
412 DELAWARE AVENUE
BOWEN, MARYLAND 21204



4

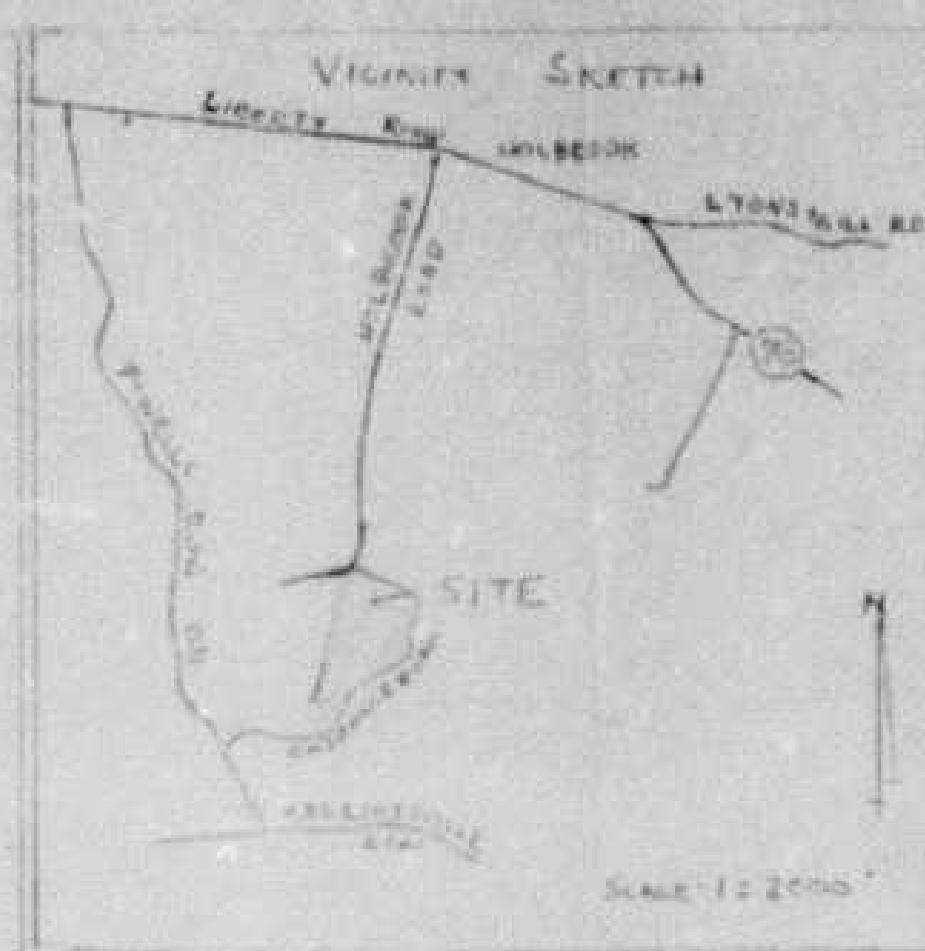
4-10 SW

GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204

240 ELECTION DISTRICT-BALTIMORE CO. MD
OWNER AIGUS A. ARNETIS
2308 FINEY ROAD
TIMONIUM MD 21093

RESTAURANT: 1250 FT. x 30 TABLES	1668 FT ²
1 PARKING SPACE PER TABLE: 30 SPACES	OK 7850 FT ² x 10 = 157 SPACES
LOOKER ROOMS ETC. 5770 FT ² x 300 FT ² = 19 SPACES	19 SPACES
SURVIVOR BAR 3350 FT ² x 300 FT ² = 11 SPACES	11 SPACES
STAIRS 12 DOORS 3000 SQ FT	12 SPACES
12 SPACES	12 SPACES
PARKING SPACE REQUIRED 78 SPACES	REQUIRED 206 SPACES
EXISTING 100% DENSITY PARKING PROVIDES 160 SPACES	PROVIDED 206 SPACES

- N: 851
- 1 IDCA NO 76-84X
 - 2 PRESENT PARKING AREA
 - 3 PRESENT PARKING AREA WITH SPECIAL SECTION OF RESTAURANT
 - 4 MEALS TO BE SERVED INSIDE OR ON AN OUTDOOR TERRACE AND NOT TO PERSONS REMAINING IN CARS
 - 5 ONLY BUSINESS SIGN CARDS BE PERMITTED IF ANY.
 - 6 SIGNAGE SHALL BE PROVIDED ONLY AT MEETINGS
 - 7 AT LEAST ONE PARKING SPACE PER TABLE SHALL BE PROVIDED
 - 8 DECK REF. PARK. 6 SET-728
 - 9 NO EXCESSIVE NOISE OR GRADING CONTEMPORATED (24)
 - 10 THERE IS TO BE NO CHANGE ON SITE (24)
 - 11 EXISTING PRIVATE WELL AND EXISTING 2 PRIVATE SEPTIC SYSTEMS FOR EXISTING OPERATING COUNTRY CLUB
 - 12 SHOWN PARKING IS ADDITIONAL PARKING VEHICLE SPACE ON 1/2 ACRE 120'-0" FT OF RESTAURANT (7500')



91-757
FILE

79-255- KSPH
CAUGHT A KERMETIS

July 18, 1981



Board of Liquor License Commissioners
for Baltimore County
County Office Building
Towson, Maryland, 21204

Dear Chairperson:

In spite of the terms and conditions imposed by the Board upon Hidden Valley Country Club, Inc. (as contained in the Board's letters of March 25, 1981 and April 3, 1981) we wish to file the following complaints:

Re: condition # 3.....Neighbors observing night time activities at the club have never since May seen ANY uniformed guards anywhere on the premises.

Re: condition # 5.....The establishment continues to present rock bands, including Trigger Happy, which played there June 4, 5, 6, 7, 12, 13, 14, and July 9, 10, 11.

Re: condition # 9.....According to Mr. Zinick, the area inspector for the Baltimore County Health Department, the restaurant "has not been used for a long time" and, in fact, has been closed down by the department. This closure was due to the many department regulations which have not been met after several inspections, according to Mr. Zinick. The club has been denied to serve food in either the restaurant or the snack bar.

By not attempting to open the restaurant, the club has flagrantly violated the terms to which they agreed.

Re: condition # 10....As of this date, Holbrook Road is littered with beer bottles, beer and soda cans, cardboard beer cartons, and various other debris tossed from club patrons vehicles. The western-most end of Holbrook Rd. is also littered with black plastic trash-filled bags which have been there since March, and subsequently have been torn or fallen apart. Following an inspection on or about May 26, 1981, Mr. Zinick (Health Dept.) gave the club two weeks time to remove abandoned refrigerators dumped along the driveway, and also to remove some bushel baskets filled with crab shells. None of the above has been removed, and additional dumping of filled trash bags has occurred. Since at least May 8 the club parking lot has consistently been littered with broken and intact beer bottles and cans. Following night time activities, the club management has NOT seen to the clean-up of Holbrook Rd. on at least these dates:
May 8, 9, 10, 11, 15, 16, 17, 18, 22, 23, 24, 25, 29, 30, 31,
June 1, 5, 6, 7, 8, 12, 13, 14, 15, 19, 20, 21, 22, 28, 29,
July 3, 10, 11, 12, 13, 16, 17.

In addition to the above complaints, we neighbors would like to know why this establishment was ever granted a Class B liquor license in the first place, since the property is not zoned for that type of use. We feel that the problems generated by the club at night during the past 18 months are detrimental to the safety and welfare of our community. Some patrons leaving the club have been observed urinating and defecating in front of our homes. They continue to drive their vehicles on our lawns, and on July 9 and 10 this year several of them drove on a Holbrook Rd. corn field

2

and did approximately \$500 worth of damage. We are frequently awakened at closing time by tires squealing, horns blowing, and by people yelling out their vehicle windows. Some drivers of these trucks, cars, and motorcycles don't even slow down for approaching traffic on the one lane road, and they are often observed weaving and driving off the road shoulder.

Since the club has obviously disregarded the conditions set upon them by you, and since they continue to disturb our neighborhood, we hope the Board will be able to do something to restore peace to our community.

Very truly yours,

cc: Lt. Vernon Oakman
Mr. William Hammond, Zoning
Mr. Zinick, Health

Alex H Johnson
Kathy B Johnson
1335 Holbrook Rd

Randalltown, Md 21133

Chippinotto
4200 Holbrook Rd
Randalltown, Md.

Catherine E. Chippinotto
Alexander V. Velick
4315 Holbrook Rd. 21133
Anna B. Velick

Narold J. Wanger
4205 Holbrook Rd
21133
Ethel Wanger

Calvin Holbrook
4316 Holbrook Rd
Randalltown Md. 21133

Judy Enov
4216 Holbrook Rd
Randalltown Md 21133

Kathryn C. Baeberle
4314 Holbrook Rd
Randalltown, Md 21133

Barbara L. Hartman
Carl Hartman
1325 Holbrook Rd

Edith K. Carter
4417 Holbrook Rd

Mellie E. Jones
4337 Holbrook Rd. 21133



MATTHEWS & BROWN Contractors, Inc.

Roofing - Siding - Maintenance

1707 REISTERSTOWN ROAD

484-8800 or 484-8801

ALL AGREEMENTS SUBJECT TO STRIKES
ACCIDENTS OR OTHER CAUSES BEYOND
OUR CONTROL.

BALTIMORE, MARYLAND 21208

September 25 1981

C-50-827

AUGUST A. KRUMHOLTZ
(HIDDEN VALLEY COUNTRY
CLUB) 79-255-KPH
755

The Honorable Donald P. Hutchinson
Old Court House Mezzanine
Towson Maryland 21204

Dear Mr. Hutchinson:

I am writing you this letter to thank you and all of your agencies
for their prompt and courteous response to my problem.

We feel that this time due to the efforts of the liquor board, that
our problem is solved. However, of course, time will be the best judge of
that.

We are all quick to jump on and condemn people in government agencies,
that I wish to express my thanks to not only yourself, but to the liquor
board, police department, zoning board, and etc., for their excellent
cooperation.

Our sincere thanks.

Sincerely,

Carroll M. Brown
Carroll M. Brown

CMB/a

CC: Councilman Gary Huddles
✓ Zoning Commissioner - William Hammond
Board of Liquor License - Jerry Jordan

