.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.

an: (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 anti/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

- Devent ff jogg Petitioner's Attorney 500 Baltimore Avenue -21204

Protestant's Attorney

Zoning Commissioner of Baltimore County

ORDERED By The Zoning Commissioner of Baltimore County, this.....

of April 1/3-3, 197 , 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 Zening Commissioner of Baltimore County in Room 188, County Office Building in Towson, Baltimore _____day of June ______197 2, at 1:00 o'clock

P. M.

FILING

RECEIV

Item No. 172 Page Z 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 Flanning, 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

Zoning Plans Advisory Committee

NBC:nr

Enclosures

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

Property is to be posted and advertised as prescribed by Zoning

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.

---------Legal Owner Contract Purchaser Address 200 Forder Min------Address_____

- was the second of the second Blacking Mis - 1109 ----Protestant's Attorney Petitioner's Attorney

Address____ -----ORDERED By the Zoning Commissioner of Baltimore County, this 30th

day of April 20198 29, 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 June 198 79 at 1:00 o'clock P. M.

> - Villean Jahren Zoning Commissioner of Baltimore County

(ower)

baltimore county department of public works TOWSON, MARYLAND 21206

HORNTON M. MOURING, P.E.

March 21, 1979

Mr. S. Eric DiNomon Zoning Commissioner County Office Building Townon, Maryland 21204

> No: Inem #172 (1978-1979) Property Owner: August A. Krometis S/ES Holbrook Mi. 3800' S. Liberty Rd. Existing Doning: RC 5 Proposed Zoning: Special Exception for a restaurant converted from an existing building (IDCA 78-80X) and Special Bearing to verify the existing country club as a non-conforming use. Acres: 13,28 District: 2nd

Dear Mr. DiNonna:

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.

Gameral:

The comments, which were supplied for this property, presently advertised for use as a catering hall, for Project IDCA 78-80%, copy attached, are referred to for your consideration.

This office has no further comment is regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #172 (1978-1979).

Wary truly yours,

Ellen To How for the ELLEWORTH N. DIVER, P.E. Chief, Bureau of Engineering

END: FAM. PWH: DE

mor R. Morton J. Wimbley

pp-NE Key Sheet 31 & 32 NW 45 Pos. Sheets NW B L Topo

66 5 76 Tax Maps Attachment

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 8, 1979

COUNTY OFFICE BLOG. lii w. Chenaperke Ave. Towers, Maryland 23204

Simplies B. Cuspoday

Chairman

Burney of Englanceraky Department of Traffin Engineering

Bureau of ... BUALTE Department Protect Flanning Sullding Separtment Spend of Housekasse Joning Administrati

Jedustrial.

District Logisters 5

Ctate Smale Commission

608 Baltimore Avenue Baltimore, Maryland 21204 RE: Item No. 172 Petitioner - Krometis

Special Exception and Special

Hearing Petitions

Dear Mr. Psoras:

Dennis . Psoras, Esquire

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced patition 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.

BALTIVORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW CONDENTS

- Allen

DATE: Senuary 17, 1979

FFCK: Elimearth N. Divor, P.R. dulef, Bureau of Engineering

		IIXA FLAN	
PROJECT NAME:	Accounts Exquerty	PRELIMINARY PLAN	
PEGJSOT FOME	F: IDCA NO. 78-80X	TENTATIVE PLAN	
IOSKTICK:	Bollsrook Boad	DEVELOPMENT PLAN	
DISTRICT:	202	FINAL PLAT	

This application for special exception (No. 78-80K) was received by the Developeus Design Approval Section on December 28, 1979, and we comment as follows:

General: (Paral Area)

This 13.20 sore site is a pertion of the property shown on the recorded plat Thist Two of Adelphi Corporation Subdivision", E.N.K., Jr. 43, Polic 37. Communits were supplied for the overall larger tract of land, of which this site is a part for Project IDCR 77-35, Adelphi, June 7, 1977. Comments were also supplied October 18, 1977 in connection with the preliminary plan, Adolphi Corporation Subdivision, dated Havined September 1977, of which this site was referred to as "Hidden Valley Country Club*.

Water and Sanitary Severs

Public water supply and sanitary severage 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-Rural Demarcation Line; and is in an area designated "No Planted Service" on Baltimore County Water and Sewarage Plans W and 5-150, as amended.

As this 13,28 sure: property, somed RC-5, per subsection e (3) B (1) of Bill 12-77 (IDCA) is not subject to the provisions of subsections a (1) A and B, this project is recommended for approval.

Storm Drains; (Falls Run - Patapago River - Chosapeaks 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.

REGREDI E. YEARD A. MODONOLIGH

EDIEAK: FAR: SE

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

baltimore county office of planning and zoning FOWSON, MARYLAND 21204 (30/1) 454-3211

April 11, 1979

LEBER H. GRAEF DUMENTOS

> Mr. S. Eric DiNenna, Zaning Commissioner Zoning Advisory Committee Office of Planning and Zoning

Baltimore C - Office Building 21204

Dear Mr. w. wino:

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: 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 county 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 perposal in order to clarify a number of questions for this affice and the Traffic Department.

Current Planning and Development

James J. O'Donnell M. S. Caltrider

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

March 5, 1979

Mr. S. Eric DiNenna Zoning Commissioner County Office Bldg.

Towson, Md. 21204

Item: 172 Property Owner: August A. Krometis Location: SE/S Holbrook Road 3800' S. Liberty Road (Rte. 26) Existing Zoning: R.C. 5 Attention: Mr. N. Commodari 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.

CL:JEM:dj

baltimore county

(301) (25-7310)

TOWSON, MARYLAND 21204

Office of Planning and Zoming

Touson, Suryland ClCDs

Tues No. 172

:Gontlemon:

Baltimore County Office Building

Attentions F. Commoderi, Chairman

Coming Advisory Committee

Ros Property Comer: Amount & Erometin

D partment of Public Norths.

() 5. Site plane are approved as drawn.

REWITTEN Cart Long tells 3/13/79 Approved:

Special Inspection Division

tecation: SE/S Helbrook Rd. 5800' 5 Liberty Rd.

Parsuant to your request, the referenced property has been surveyed by this Durons and the comments below merked with an "a" are applicable and required

() 1. Fire hydrants for the referenced property are required and shall be

() 3. The webiels dead and condition shown at

() A. The mite shall be made to comply with all applicable parts of the

() 7. The Pire Provention Surese has no comments, at/this time.

(2) 5. The buildings and structures existing or proposed on the site shall

tection Association Standard So. 101 "Lafe Safety Gode", 1976

socated at intervals or _____feet along an approved road in necordance with Baltimore County Standards as published by the

Fire Provention Code prior to occupancy or bestinning of operations.

comply with all applicable requires mis of the Hational Fire Pro-

ndition prior to occupancy MOTE: Rondsmy shall support 25 ton.

to be corrected or incorporated into the final plans for the property.

() 2. A second seems of wehicle secons is required for the wite.

ECCURES the maximum allowed by the Fire Department.

fire department

Paul H. Reincke

Very truly yours, Charles Lee, Chief Bureau of Engineering Access Permits

Jak & may ---By: John E. Mayers

February 27, 1979

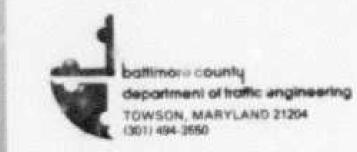
Zoning Agenda Heating of 3/6/79

Hotels and Selvings 11 Weiganiell

Piro Provention Derest

My telephone number is 383-4320

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



Mr. S. Fric DiNenna

Zoning Commissioner

County Office Building

Towson, Maryland 21204

Location:

Acres

Dear Mr. Dissenna:

MSF/hind

District:

STEPHEN E COLLINS

April 4, 1979

SE/S Holbrook Rd. 1800' N. Liberty Rd.

an existing building (IDCA 78-80-8) and Special

Rearing to worlfy the existing country club all A

Proposed Zoning: Special Exception for a restaurant converted from

non conforming use.

The petitioner has not provided sufficient information to comment

Very truly yours,

Michael 5. Flaniges

Engineer Associate II

Item No. 172 - ZAC - March 5, 1979

13.28

on site. It is suggested that the petitioner contact this office.

2nd

Property Owner: August A. Krometis

Existing Moning: N.C. 5

Mr. S. Eric DiMenna Zoning Commissioner Baltimore County Office Building

RE: Item No: 170, 171, 172, 173, 174, 175, 176 Property Comer: Location: Present Zenings

Very truly yours,

MRS. LORREINE F. CHIRCUS

MINE MINES IN CHITM OR

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 5, 1978

Texson, Maryland 21204

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

. Proposed Loning:

District: No. Acres:

Dour Mr. DiNenna:

All of the above have no bearing on student population.

THOMAS H. BOYER

ROSER B. HAYDEN

ROTERY F. SQUEEL BURGHOUSENSTRY

W. Nick Petrovich, Field Representative

JOSEPH N. MCCOWAN, PHENDENT MARCUS M. MOTSARIE

ALVIN LOWECK RICHARD W. TRACET D.V.M. department of parmits and scenues TOWSON MARYLAND TYPE F901Y494 3810 JOHN D. SEYFFERT CHARLETON

bollimore county

March 23, 1979

Mr. S. Bric Millenne, Moning Commissioner Office of Planning and Soning County Office Suilding Towson, Maryland 2120,

Dear Mr. DiNamas

Comments on Itee # 172 Soning Advisory Committee Mesting. March 6, 1979 are as follows:

Fruperty Owner: August A. Erometis Location: SES Holbrook Road 3800' S Liberty Road Existing Sonings R.C. 5

Proposed Soning: 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

Districts

The items checked below are applicable:

X . Structure shall conform to Baltimore County Building Gode (B.O.C.A.) 1970 Billion and the 1971 Dupplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

E. A building permit shall be required before construction can begin. Change of occupancy from F-3 to F-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.

Y. F. Three sets of construction drawings with a registered Envyland 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. Now Heation _______

I. No Comment.

CHRISTIA.

494~3180

IJ. Somment: Building shall comply with F-2 Use Group Section 208.2, Table 6 and the exit requirements of Article 6 of the B.O.C.A. Basic Building Code 1970 Edition with the 1971 Supplement.

> Very truly yours, Charles E. Burnhen Flanc Seview Chief

COUNTY BOARD OF APPEALS Room 219 Court House Towson, Md. 21201

April 23, 1981

Hearing Room 218

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 Peritioner.

cc: August A. Kromet'is

Petitioner.

Dennis J. Proras, Esq. Attorney for Petitioner

R. Bruce Alderman, Esq. Co-counsel for Petitioner Mrs. Barbara Hartman Protestant

Mrs. Rezin H. Triplett

Atlee R. Edrington

Randolph A. Edrington Leora L. Edrington

J. W. Hessian, Esq.

People's Counsel

J. E. Dyer Zoning Office W. Hammond F. H.

J. Hoswell Planning Office

June Holmen, Secy.

bottimore county department of health TOWSON, MARYLAND 21204

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, Masyland 21204

Dear Mr. DiNenna:

Acrest

IJF/JRP/fths

494-3185

co: W. L. Phillips J. Butcher

Districts

1979, are as follows: August A. Krometis

Comments on Item #172, Zoning Advisory Committee Meeting of March 6.

Property Owner: Logation: Existing Coming: R.C. 5

SE/S Holbrook Rd. 3800' S Liberty Rd. Special Exception for a restaurant converted from Proposed Zonings

an existing building (IDCA 78-80-X) and Special Hearing to verify the existing country club as a non conforming use.

13.28

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 buzning equipment, the owner should contact the Division of Air Follution Control, 494-3775, to obtain requirements for such installation/s before work begins.

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

Ian J. Forrest, Acting Director BURRAU OF ENVIRONMENTAL SERVICES

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 POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(a), 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 5H-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: cc: August A. Krometis

R. Bruce Alderman,

Mrs. Barbase Hartman

John W. Hessian, Esq.

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

Dennis J. Psoras, Esq. Atty, for Petitioner

Co-Counsel for Petitioner

Protestant

Mrs. Marie A. Debilbio

Mrs. Rezin H. Triplett Atlee R. Edrington

Req. Notification l'eonle's Counsel

Zoning Office

J. E. Dyer W. Hammond

J. Hoswell

450

Req. Notification

June Holmen, Secretary

AUG 2 1982

RE: PETITION FOR SPECIAL EXCEPTION and SPECIAL HEARING SE/S Holbrook Road 3800' S. of Liberty Road

BEFORE

COUNTY BOA RD OF APPEALS

August A. Krometis

2nd District

BALTIMORE COUNTY

1111111111111111111111111

No. 79-255-XSPH

ORDER

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

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

November 12, 1980

August A. Krometis - #79-255-XSPH

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

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING and SPECIAL HEARING SE/S Holbrook Road 3800 5. of Liberty Road 2nd District

BEFORE COUNTY BOARD OF APPEALS

August A. Krometis Petitioner

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 Zaning Regulations of Baltimore County, to use the herein described property as a public restaurant, as designated in Section 1A04.2.8.5 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

O RDER

For the reasons set forth in the aforegoing Opinian, 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 aforegoing Motion.

494-3180

County Board of Appeals Room 218 Court House

TOWSON, MARYLAND STAGE

June 13, 1980

NOTICE OF POSTPONEMENT and LE ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT CO. PLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL \$108

CASE NO. 79-255-X5PH

AUGUST A. KROMETIS

RE: Restaurant converted from a building as provided in Subsection 402,3 and 5H to verify the existing Country Club as nonconforming use

SE/S Holbrook Rd., 3800' 5. 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.

Counsel for Petitioner

Petitioner

Protestant

cc: Dennis J. Psoros, Esq.

August A. Krometis

Mrs. Betty L. Hartman

Mrs. Marie A. Debilbiss

Mrs. Rezin H. Triplett

Mr. Atlee R. Edrington

John W. Hessian, Esq.

Mr. J. E. Dyer

Mr. J. Hoswell

People's Counsel

Mr. W. E. Hammond

June Holmen, Secretary

August A. Kromet is - #79-255-XSPH

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Muum

494-3180

County Board of Appeals

ROOM 218 - COURTHOUSE TOWSON, MARYLAND \$1804

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 BOURD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING 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 nonconforming 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 or 10 a.m.

cc: Dennis J. Psoras, Esq.

Augst A. Krometis Mrs. Betty L. Martman Mrs. Marie A. Debilbiss

Mrs. Rezin H. Triplett Mr , Atlee R. Edrington John W. Hessian, III, Esq.

Mr. J. E. Dyer Mr. W. E. Hommond

Mr. J. Hoswell

Coursel for Petitioner Peti loner

Protestant

Requested Notification

People's Counsel

Edith T. Eisenhart, Adm. Secretary

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

August A. Kromeris

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY No. 79-255-XSPH

BEFORE

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

> Motion made that the petition for the special exception be amended to read that the petition is far a special exception under said Zoning Regulations of Baltimore County, to use the herein described property as designated in Section 1A04.2.8.5 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 aforegoing Opinion, it is this 9th day of October, 1980, by the County Board of Appeals, ORDERED that the Order of the 7 oning Commissioner of Baltimore County denying said petition be and it is hereby neither

RE: PETITION FOR SPECIAL EXCEPTION and SPECIAL HEARING COUNTY BOARD OF APPEALS for a restaurant and to verify the existing country club as a non-

2nd District

conforming use

Liberty Road

Baltimore County

SE/S of Holbrook Road, 3800' S of

August A. Krometis, Petitioner

BALTIMORE COUNTY No. 79-255-XSPH

BEFORE

ORDER OF DIMISSAL

Petition of August A. Kilmetis for a special exception for a restourant 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 scutheast side of Holbrook Road, 3800' south of Liberty Road, in the 2nd District of

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 a d 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

AUG 2 1982

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. Erometis, from the denial by the Zoning Commissioner of Baltimore County of the Petition for Special Exception in the above entitled matter.

> White, Mindel, Clarke & Hill 305 West Chesapeake Avenue Towson, Maryland 21204

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 conconforming 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 he existing building to a restaurant, Section 402.3 of the Zoning Regulations. ection 402 of said regulations is entitled "Conversion of Dwellings" and Secon 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

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE AND SPECIAL HEARING SE/S of Holbrook Road, 3800'S of Liberty Road - 2nd Election District August A. Krometis - Petitioner : OF

: ZONING COMMISSIONER NO. 79-255-XSPH (Item No. 172) : BALTIMORE COUNTY

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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 a February 15, 1980, to the County Board of Appeals and forward all papers in connection to said Board for hearing.

> 568 Baltimore Avenue Towson, Maryland 21204 PHONE: 321-7670 Attorney for Petitioner

I HEREBY CERTIFY that on this 14th day of March, 1930, a copy of the aforegoing 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. Regin 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.

as residences. A review of the regulations applicable to R.C.5, the present

coming classification of the subject property, Section 1A04.2B.8. establishes

"Golf Courses, country clubs, or other similar outdoor recreation clubs" and

Section 1A04.28.15. establishes | Restaurants or tea rooms, converted from

dwellings or other buildings as provided in Subsection 402.3" (emphasis sup-

plied). Both of these use groupings require special exception processing and

so is the basis upon which the Petition for Special Exception was filed for con-

version. As a result of the words "or other buildings" being added to the con-

version right referred to in Section 1A04. ZB. 15., a question of interpretation

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 Sec-

tion 402.3 was not specifically amended so as to add "other buildings" to Sec-

tion 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

It is, therefore, the opinion of this Commissioner that the words

other buildings", referred to in Section 1A01.2B.15., is limited in applica-

on to those other buildings contained on the property and used as accessory

o a dwelling (emphasis supplied). Since, in this matter, the building pro-

osed 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

both provisions being read together and, unless clearly inconsistent, being

In order to arrive at a conclusion, the first question to be resolved is

becomes obvious as to the effect of such an addition.

given full and complete application.

restaurant under Section 402.3

-13 M/11 DENNIS J. PEORAS

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

BEFORE THE : ZONING COMMISSIONER

: BALTIMORE COUNTY

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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 nonconforming 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 1 te 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 int oduced, 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 er 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

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore

County, this _/ day of February, 1980, that the nonconforming use

of the 13.28 acres of land as a country club, as requested in the herein Peti-

tion for Special Hearing, should be and the same is GRANTED, from and after

1. Compliance with the terms, provisions, and

conditions contained in Section 104 of the

2. Approval of a site plan by the Maryland De-

partment of Transportation, the Department

It is further ORDERED that the herein Petition for Special Exception

-5-

Zoning Commissioner of

of Public Works, and the Office of Planning

to convert an existing building to a public restaurant be and the same is hereby

Baltimore County Zoning Regulations.

the date of this Order, subject, however, to the following restrictions:

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 Poweil'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 o some degree by the Protestants, was a permitted use at the time of its establishment in late 19:6 or early 1957, but, subsequently, became a noncon-Gorming use when the Zoning Regulations were changed to require a special xception 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, sime a special exception was not previously applied for, the use of the subject property as a country club, known and

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DESMINEAU PURSANT MARKET STANDARD AND STANDARD WELL WARRYLAND 210 ____

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PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE AND SPICIAL HEARING 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)

: ZONING COMMISSIONER

MORF COUNTY 11 11

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from the decision of the Luning 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.

> 608 Baltimore Avenue T wson, Maryland 21204 PHONE: 821-7070 Attorney for Petitioner

I HEREBY CERTIFY that on this 14th day of March, 1980, a copy of the aforegoing Order for Appeal was mailed to Mrs. Betty . Hartman, 4324 Holbrook Road, Randallstown, Maryland 21133, Mrs. Marie A. Devilbiss, 10637 Liberty Road, Randallstown, Maryland 21133, Mrs. Rezin H. Triplett, 19701 Liberty Road, Randallstown, Maryland 21133, and John W. Hessian, III, Esquire, Puople's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

DAT

Baltimore County

and Zoning.

DENIED.

REFERENCE PROPERTY

ACTION AND ADDRESS. MARKET PLANES STORE

-3 -

AUG 2 1982

Œ

MR + MRS Alexander Velle 4315 Holbrook Rd Rondallston, mo 21133

MR + Mrs Alexander H. JOHNSON 4339 Holbrook Rd Randallston, MI 21133

MR + Mr. Carl HARTMAN 4325 Holbrook Rd Rendallston, 21133

Mr. Edward Rotowsky Rondallston, and 21133

MR. + MAS RANDOLPH A. EDRINGTON 7100 QUEEN ANNE ROAD BALTIMORE, MD 21207

MR + MRS. ATLEE R. EDRINGTON 1179 LONG VALLEY RD WESTMINSTER MD 21257

Miss Leona L. Edrington 7102 Queen Anne Road Balls, Md 21207

MRY MRS HENRY ROBINSON 4312 HOLBROOK RO RANDALISTOWN MO 21133

Bell Hammord

Leonard L. Sprinkle

Robert A. Morton

Holbrook Boad

Attached is a copy of the Eureau of Engineering's design for the intersection of Holbrook Road and Liberty Road. This with the State Highway permit for this intersection should give you enough information to complete a cost estimate for the project. If you need any further assistance in this matter, please contact this office at your convenience.

> (SIGNED) ROBERT A MORTON ROBERT A. HOPTON, P.E., Chief

Bureau of Public Services

October 8, 1979

Notes - 4-21-81

May 22, 1979 - SE. Destaurant converted from a bulling (Sec. 402.3)
SH - To veryly spiriting (Casa nonconforming us.

Tel- 15, 1980 - ZC - Grantel - 574

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

Oct. 9, 1980 - Board's Demond to Z.C.

" 14 amerled Order " as a public restaurant"
" 30 Letter ZC - Refusing remark

GETSPICK W. MINTE JR. CHRILE'S WINDEL SAMPLE ID WILL JOSEPH I JOHNSON M BRICE ALDERSON JOHN F. FOLKY, JA STRALLY L. HOLMES MINLIP IS FOLKED STEPHEN C. MINTER ANNES D. STONE EUSENE 1. MILES DE BOBERT J. AUMILLES POWELL S. GORDON.

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oc: John W. Hessian, III. Esq. People's Counsel Thomas Bollinger, Esq. Assistant County Solicitor

Mr. William T. Hackett

County Board of Appeals

Towson, Maryland 21204

Acting Chairman

Dear Mr. Hackett:

Courthouse

Zaruce Alderman Dennis Psotus Bog 2 608 Baltimore Agends 2 Towson Maryland 21204

BEFORE THE ZONING COMMISSIONER SE/S of Holbrook Rd., 3800' S of Liberty Rd., 2nd District

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 cates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Leter May Bennesmen Peter Max Zimmerman Deputy People's Counsel

John W. Hessian, III People's Counsel for Ballimore County County Office Building Towson, Maryland 21204

OF BALTIMORE COUNTY

I HERBY CERTIFY that on the 4th day of June, 1979, a copy of the aforegoing Order was mailed to Dennis J. Psaras, Esquire, 608 Baltimore Avenue, Towson, Maryland 21204, Attorney for Peritioner.

LAW OFFICES

WHITE, MINDEL, CLARKE & HILL

SOE W. CHESAPEAKE AVENUE

TOWSON MARYLAND 21204

(301) BEE-1050

April 21, 1981

Pursuant to a mutual understanding and agreement reached

Sincerely,

as a result of a conference held this morning regarding the shove 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,

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.

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

presently scheduled for Thursday, April 30, 1981.

RESINGE L'CLARKE

DANGE SAFEL

STORES.

MERTEN E ROME

MARKE DE GHILDE, HE DIFFICK WIR GREEN STREET, JOHN

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

August A. Krometis

- exception - IN a RC-5 - ZONE TO USE THE HERBN Restaurant converted from a building as provided in Subsection 402, 3

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

--- % OF OVERALL SIE WILL REQUIRE GRACING

MONE PLOOR _ 66 x 106 AREA 5, 996 square feet : 14 Ac NUMBER OF FLOORS _____ TOTAL HEIGHT____

WATER: LIPIOLE EPRIVATE, TYPE OF SYSTEM ___WOLL_____ SPARN: PUBLIC SPRIVATE, TIPE OF SYSTEM __ SEPTIC

THE PLANNING BOARD HAS DETERMINED ON _2-15-29___THAT THE PROPOSED DEVELOPMENT

494-3180

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

Dannis J. Psuras, Esq. 608 Baltimore Ave. Towson, Md. 21204

Dear Mr. Psoras:

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

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,

cc: August A. Krometis Mrs, Barbara Hartman R. Bruce Alderman, Esq. Mrs. Rezin H. Triplett J. W. Hessian, Esq. J. Haswell

J. E. Dyur W. Hammond Atlee R. Edrington

Randolph A. Edrington Leara L. Edrington

GROUND FLOOR ____ 140 ___ OTHER FLOORS __ 0 ___ TOTAL __ 140

ACCRESS 2308 Foxley Hos ____ Timonium, Maryland 21093

OUR CONTROL.

-_-

MATTHEWS & BROWN Contractors, Inc.

Roofing - Siding - Maintenance 1707 REISTERSTOWN ROAD 484-8500 or 484-8501

BALTIMORE, MARYLAND 21208 August 18 1981

The Honorable ponald P. Hutchinson Old Court House Meszanine

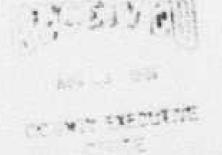
Dear Mr. Hutchinson;

Towson Mary and 21204

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, a d also a galtimore county businessman, I feel that perhaps we are put upon to the point of breakage. Four years ago I purchased property on Fells 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 14 to 2 years in this quietness. It has come to a point that the Midden 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 5:00 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.



ALL AGREEMENTS SUBJECT TO STRIKES ACCIDENTS OR CTHER CAUSES BEYOND

onorable ponald p. Hutchinson

I have always been told that when you want direct, immediate action to go to the top of the ladder. I am now appealing to you as the top of the Baltimore County ladder to see to it that something is done.

I am sending copies of this letter to other members of your staff in hopes that I will be able to get some rest from now on.

- 2 -

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

Marylani Marylani

PEOPLE'S COUNSEL HM. 223, COURT HOUSE TOWSON, MARYLAND 21204

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

April 7, 1981

William T. Hackett, Acting Chaleman 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 tearonm 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 withdraw 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.

Tel: 494-2188

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

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.

- Lindballand John W. Hessian, III People's Counsel for Baltimore County

April 7, 1981

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

William T. Hackett, Acting Chairman

Board of Appeals of Bultimore County

494-3180

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

March 17, 1981

Dennis J. Psoros, 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. Throking you for your consideration in this matter.

Very truly yours,

William T. Hackett, Acting Chairman

WTH:e

cc: R. Bruce Alderman, Esquire John W. Hessian, III, Esquire Mrs. Barbara L. Hartman Ass. Rexin H. Triplett Atlee K. Edrington

494-3180

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

March 19, 1981

Dennis J. Psoros, 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, Acting Chairman

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

@ 3/27/81

Country Board of agepeale Roson 219 - Court House

Towson, Ml 21204

Dear Sir

Alease all the following Names to your Notice for hearings

en Case No. 79-255-XSPH. august A. Krometis

102 Queen anne Rl. Balto. MA. 21207

Q. Runkolph A. Esungton 7100 Quen anne RI. Batto. Md. 21207.

The above are lot owners on Holewole Kl.

Sincerely Other R. Dungton R. 1179 Long Willer Rd. Westminster, Nd. 2115?

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-X5PH August A. Krometis

Dear Mr. Pspres:

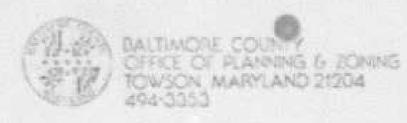
Enclosed herewith is a copy of the Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Encl.

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

- 2 -



WILLIAM E HAMNEND ZONNE COMMISSIONITI 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 werbage: "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 11. B. 3 states:

"While woning-effice 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 verbage upon the Petitioner, irrespective of any allegation of assistance.

Mr. William T. Hack 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 acministrative body has the right to reconsider a decision if an error was caused by fraud, surprise, mistake, or im byertence, 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 mistale 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 o. Appeals, the appeal is heard de novo an. 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 Commisioner for rehearing or reconsideration based upon the new additional evidence not before him at the time of the original
- 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. Hacker 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 extend 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,

WEH/sf

WILLIAM E. HAMMOND Zoning Commissioner

Mr. William T. Hacker 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. Pauras, 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 Randall 'own, Maryland 21133

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

Mrs. Regin 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

Deputy Zoning Commissioner

Mrs. Jean M.H. Jung

Mr. James E. Dyer Zoning Supervisor

494-3180

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

October 14, 1980

Dennis J. Psaras, Esquire 608 Baltimore Avenue Towson, Marylana 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, Adm. Secretary

Encl.

co: R. Bruce Aldermon, Esq. August A. Knometis Mrs. Barbara L. Hartinan Mrs. Marie A. Debilbiss Mrs. Rezin H. Triplett Mr. Atlee R. Edrington John W. Hessian, III, Esq. Mr. W. E. Hammond Mr. J. E. Dyer Mr. J. Hoswell

LAW OFFICES

GEORGE & WHITE, IR CHARLES WINDEL BANKES DI COLL ADDERH L. HOHNSON R. BRUCK ALDERHAN SCHOOL COLET JR STANLET L. HOLLEST PHILLIP C. FOARD STOCKER C. BONTER

DOS W. CHESAPEAKE AVENUE TOWSON, MARYLAND RIZOS 130H WSB-H050

WHITE MINDEL CLARKE & HILL 400.000 MISSTON E. HOME WARREST BE WARRED, BUT SPECIAL HIS WHEEK STREET, BUSTIN -DOM: 535-2456

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:

LAMES IS STORE ELECTRIC LAMES OF

PORCE OF STREET

SHINE LOVE SORING

I received a copy of the Opinion and Order in the above referenced case dated October 9, 1980 and would respectfully requast 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,

cc: Peter Max Limmerman, Esquire Deputy People's Counsel

494-3180

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

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

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

Dear Mr. Psoras:

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

Very truly yours,

Encl.

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

DENNIS J. PSORAS Attumey at Law

608 BALTHORE AVENUE - TOWSON, MARYLAND 21204 TELEPHONE (901) #21-7070

June 12, 1980

County Board of Appeals Fixon 216 Court Bouse 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 previsouly 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)

DJP:caw

BARRAGE OC: Mrs. Watky L. Hartman Mrs. Marie A. Debilbins Mrs. Rezin H. Triplett John W. Hessian, III, Esquire Mr. August A. Krometin

DENNIS J. PSORAS

Attorney at Law

608 BALTIMORE AVENUE - TOWSON, MARYLAND 21204 TRASPORE (301) 821-7070

May 28, 1980

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

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

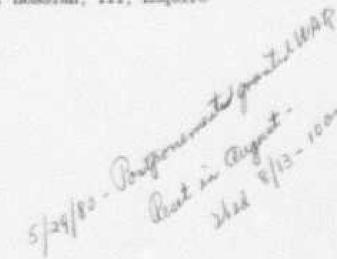
Gentleren:

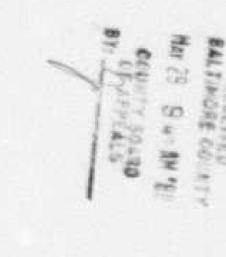
Kindly postpone the above captioned matter presently scheduled for bearing on Thursday, June 26 1980, at 10 a.m. as I am having difficulties with the availability of witnesses for that date and

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.

oc: Mrs. Betty L. Hartman Mrs. Marie A. Devilbiss Mrs. Regin H. Triplett John W. Hessian, III, Esquire





494-3180

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

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 POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(e), COUNTY COUNCIL BILL #108

CASE NO. 79-255-XSPH

AUGUST A. KROMETIS

Res Restaurant converted from a oldg. as provided in subsection 402, 3 & special hearing to verify the existing Country Club as nonconforming use.

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

2nd District

Petitioner

Protestant

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

ASSIGNED FOR:

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

Dennis J. Fsoras, Esq.

cc: August A. Krometis

Atty, for Petitioner

People's Counsel

Zoning Office

Mrs. Betty L. Hartman Mrs. Marie A. Debiloiss

Mrs. Rezin H. Tripleti

Mr. Atlee R. Edrington

John W. Hessian, III, Esq.

William Hammond

James E. Dyer

June Holmen, Secretary

County board of appealant il am a Projecte owner they Hollbroth donered

21157

Tel No. 848-2155.

TANK IL GENERALD PHILIP E. LIVERS JOHN F. BYESL WILLIAM IL MARIEN SCHOOL Y. LANSDON

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

PAUL S. ESCLENBERG FREE AL POLLEGISIS

823-4470 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 Hoad, Morthoasterly by a line curving to the left having a radius of 245 feet, for a distance of 86.68 feet, thence leaving said Helbrook 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 34 minutes 16 seconds West 161,20 feet, South 9 degrees OS minutes 51 seconds East 194.55 feet, Fouth 23 degrees 11 minutes 55 seconds West 74,16 feet, South 64 degrees 58 minutes 59 meconds 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 58 seconds East 105.52 feet, North 16 degrees 34 minutes 09 seconds East 256,58 feet, North 16 degrees 30 minutes 17 seconds East 200.85 feet, North 56 degrees 03 minutes 23 seconds Rest 125.36 feet and North 1h 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 plan titled : lat Two of Adelphi Corporation Subdivision and recorded among the Plat Records of Baltimore County in Plat Book E.H.K.Jr. No. 13 folio 37.

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



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21204

October 30, 1980 WILLIAM E HAMMOND

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

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

Dear Mr. Hackett:

ZONDIG COMPUSSIONER

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 verbage: "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 Commussioner of Baltimore County (Appendix E of the Baltimore County Zoning Pegulations), Rule H. B. 3

"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 verbage 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 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 Commisioner 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 "ier 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

WEH/sf

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. Netther 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 extend 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, is 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 here nabove set forth, I am returning this matter to you for further action as you deem necessary.

> WILLIAM E. HAMMOND Zoning Commissioner

Very truly yours

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

cc: Mr. LeRoy B. Spurgier, 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. Parbara L. Hartman 4324 Holbrook Road Randalistown, Maryland 21133

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

Mrs. Rezin 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond Zoning Commissioner Norman E. Gerler, Acting Director

June 12, 1979

PROM Office of Planning and Zoning

Petition #79-255. Item 172

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

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 affice's review of the subject petition is the applicability of Section 402,3 of said regulations.

NEG:JGH:sw

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 Deportment

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

BATIMORE COUNTY, MARY AND

INTER-OFFICE CORRESPONDENCE

Cass Warfield Bureau of Engineering

PROM Robert A. Morton

SUBJECT Rolbrook Road J.O. 5-1-3907 PWA 27801

> 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 Righways for storm drain and paving construction.

The Bureau of Righways 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 develope has deposited \$12,500., a fixed deposit, for his shere of the cost.

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

> Robert A. Morton, P.E., Chief Bureau of Public Services

79-255-XXXPH

December 6, 1979

RAHimkm

Enclosures (2) cc: Bill Hammond ! Len Sprinkle

TOTAL CAPITAL

October 2, 1979

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

MOTICE OF HEARING

RE. Potition for Special Exception and Special Hearing, SE/S Holbrook Rd. 3800 S of Liberty Rd. - and District, August A. Krometis - Petitioner

PATE: Wednesday, June 20, 1979

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

TOWSON, MARYLAND

BALTIMORE COUNTY

baltimore county office of planning and zonling TOWSON, MARYLAND 21204 (301) 494-3361

June 14, 1979

Dennis T. Prores, 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 Districk 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 Zoning Commissioner

WEH/mc

RTMENT OF TRANSPORTATION

Brooklandville, Maryland 21022 STATE HIGHWAY ADMINISTRATION

H. PISTEL, Highway OF MARYLAND Metropolitan District Engineer

No. B-4-1350-79

SHA-616-1

3-12-73

2323 West Joppa Bond

Baltimore, Md.

October 2, 1979

PERMISSION IS HEREBY GIVEN:

Baltimore County Department of Public Works, Att: Mr. Robert A. Morton . so far as Towsen, Maryland 2120b

the State Highway Administration has the right and power to great same, to construct a tiein of Holbrook Road into Liberty Road, MD Houte 26. This roadway to be 2h feet in width with 35 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 20. 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 thun 9 inches in thickness.

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

Brainage 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 traffice shall be maintained during construction along Route 26 at all times. No lone shall be obstructed before 9:00 am or after 4:00 pm.

Dillity adjustments are responsibility of permittee.

This p-rmit 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 with in the specified time shall constitute noncompliance with this permit and an illegal entry upon a State Highway

Upon completion fo 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

IT IS AGREED AND UNDERSTOOD BY ACCPETANCE OF THIS TERMIT, THE TERMS SET FORTH ABOVE.

> For utility locations at loast 48 hours before beginning construction Call "MISS UTILITY" 201-559-0100 Call collect

BUREAU OF LAND DEVELOPMENT

OFFICE OF THE

STATE HIGHWAY ADMINISTRATION

OF MARYLAND

No. B-h-5350-79 Balto. Co. Dept. of Public Works

It is agreed and understood by the acceptance of this permit that where entrances or approaches are involved, there approved location is not to be accepted by inference that a cross-over will be constructed end/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 demaged or descroyed, they shall be replaced to the actisfaction of the State Highway Administration.

in the event future roud improvements require the removal and/or adjustment of this service, the cost shall be horne 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 absolve the State Highway Administration from any claims or domage 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 The State Highway Administration right of way affected by this permit will be left in a nest

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 overheng 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:cls

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 Fiighway 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

SEA 61.6-3 10-18-72

boilimore county office of planning and soning TOWSON, MARYLAND 21204 (301) 494-3351

June 14, 1979

Dennis J. Psoras, Esquire 60% 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 ayable to Baltimore County, Maryland and remit to Mrs. Campagna, Room 113, County Office Building, Towson, Maryland 21204, before the hearing/

> Very truly yours, Millon Spermon WILLIAM E. HAMMOND

Zoning Commissioner

WEH/mc

DENNIS J. PSORAS Attorney at Law

608 BALTIMORE AVENUE - TOWSON, MARYLAND 21204 THERMONE (201) 821-7070

June 22, 1979

Mr. August Krometis 2308 Foodley Road Timonium, Maryland 21093

Dear Dino:

I am enclosing herewith hill received from the Zoning Commissioner for the cost of advertising and posting exnoeming Hidden Valley.

Kindly forward to this office your check in the amount of \$100.00 payable to Baltimore County Maryland so that I can forward directly to the County.

Very truly yours,

DJP:caw

encs.

Mus. Campagna, My Mr. Hammond - Thank Jour August A. Kompeter

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THIS IS TO CERTIFY, that the unnexed ofvertiment was published in the NORTHWEST STAR, a weakly newspaper published in Pikenwille, Baltimire County, Maryland before the 19th day the first publication appearing on the cay of _____ in it is the general publication appearing on the day of _____, 19____ the third publication appearing on the eay of ______ 15 THE STURFTS THE BYANK minum and a second

Cost of advertisement,

BALT.MORE COUNTY, MARYL, ND

INTER-OFFICE CORRESPONDENCE

The Honorable Donald P. Hutchinson Date September 16, 1981 TO. County Executive

William E. Hammond

PROM Zoning Commissioner
Case Nos. C-80-827 and 79-255-XSPH SUBJECT Holbrook Road

2nd Election District

With reference to Caroll M. Brown's letter of August 18, 1981, this is to advise you that the subject property has been involved in a zoning violation case (C-80-827) and Petitions for Special Hearing to establish a nonconforming use for an existing country club and Special Exception to convert an existing building to a public restaurant (79-255-XSPH). The Order in the aforementioned case resulted in recognition of the nonconforming use, but a denial of the special exception. However, this Order was appealed to the Roard of Appeals. As a result, action on the alleged violation has been deferred pending action by the Board of Appeals.

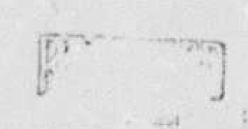
At such time that there is a final disposition of the petition request, this office will review the status for whatever enforcement actions are appropriate.

If this office can be of any further assistance, please feel free to contact me.

Zoning Commissioner

WEH: JBB: eoh

cc: Files



COU. ITY FTET TIVE

Head me Hitchen son what you selve world is it appening in our County, to and the law breakers are prospering? I believe you are an up right and honer county extentive thus this plus. Sun Jans 1981 " Re. the morning chards will Country Club thew the murder of Deborah and hepieraeski, pay is new in shower nauma, del involving the said Hilden Vally

"deuntry Club; "It is certainly not a sountry club but a nowdy mat a aut that a complement wast club.

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CASSIDY V. COUNTY BOAT

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2. Counties C=211/2

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See publication Words and Ph for other judicial constructions and

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3. Counties 6:211/5

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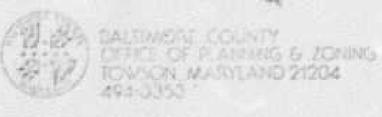
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Balto County



WILLIAM E HAMSSCHO MINING COMMING IN

February 15, 1980

Dennis J. Psoras, Esquire 608 B. timore Avenue Towson, Maryland 21204

> RE: Petitions for Special Exception and Special Hearing SE/S of Holbrook Road, 3800' S of Liberty Road - 2nd Election District August A. Krometis Petitioner NO. 79-255-XSPH (Rem No. 172)

Dear Mr. Psoras:

I have this date passed my Order in the above-referenced master in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND Zoning Commissioner

WEH/erl

Attachments

cc: Mes. Betty L. Hartman 4124 Holbrook hand Randallstown, Maryland 21133

> Mrs. Marie A. Devilbian 10657 Liberty Rout Randallutown, Maryland 21133

> Mrs. Regin H. Triplett. 10701 Ciberty Road Randallatown, Maryland 21133

> John W. Hessian, Hl. Esquire People's Counsel

CARL & GURNOLD PRINT 6. TROOF JOHN P. BYTCH WILLIAM IS SISPINA BORDON T. GANDON

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

SHEETING.

PAGE & DOLLERWING

PRESS M. SOULEMERS

January 16, 1979

Zoning Description

All that piece or persel 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 Molbrook Road from Liberty Road and running themes and binding on the southeast side of Holbrook Hoad, Mortheasterly by a line curving to the left having a radius of 245 feat, for a distance of 86.68 feet, thence leaving said Holbrook Post and running thence, the fourteen following lines viz: South 45 degrees 39 minutes 43 seconds East 459.49 feet, Southerly by a line curving to the right having a radius of 750 feet for a distance of 217.90 feet, South 34 isgrees 34 minutes 16 seconds West 161.20 feet, South 9 degrees Of minutes 51 seconds East 194.5% feet, South 23 degrees 11 minutes 55 seconds West 76.16 feet, South 64 degrees 58 minutes 59 seconds West 496.59 feet, South 41 degrees 35 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 2:1.16 feet, North 21 degrees 50 minutes 58 seconds East 105.52 feet, North 16 degrees 34 minutes 09 seconds East 256.58 feet, Borth 16 degrees 30 minutes 47 seconds East 200.85 feet, North 56 degrees 03 minutes 23 seconds East 125.36 feet and Worth 14 degrees 26 minutes 05 seconds East 516.47 feet to the place of beginning.

Containing 13.28 Acres of land more or less.

Being the parcel of land designated as Clubhouse and shown on a plat titled | lat Two of Adelphi Corporation Subdivision and recorded among the Plat Records of Baltimore County in Plat Rock E.H.K.Jr. No. 43 folio 37.

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



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veloped by Eastern without any sugges- tend that such a contract would be valid unon from the complainants that they be less they had contributed to a result benefi-Sopted, and it is also apparent that neither cial to the corporation. these plans even approximated what the emplaisances were reaking by their suit.

t plan-the abortive recapitalization plan anta' solicitors is affirmed. 1955-which seemed doomed to failure en before they whattled down manageent's inadequate provy support. The plan with the complainants advocated was radily different from the plan finally adopted The case has been fully and ably presentas to the various questions of law inlved and the different rule, of law which respective parties assert to be correct. rris v. Chicago Great Western Ry. Co., ir, 197 F.2d 829; Krouse v. General Steel cings Corp., 3 Cir., 129 F.2d 760, 15 R.2d 1117, and Gordon v. Elliman, 306 f. 456, 119 N.E.2d 331, seem to be the er most heavily relied upon by the comnents, and Knapp w. Bushers Securities paration, 3 Cir., 230 F.36 717, seems to fort most heavily relied upon by Eastern. other this suit should be regarded as a ivative suit or as a representative suit, whether counsel for the complainants in git such as this would be entitled to comextion as much as in the case of an un-

inely derivative suit in which their ef-

resulted in benefit to the corporation,

questions which we need not decide.

ler any possible applicable rule of law

ra has been urged upon us, we think it

mial that the efforts of counsel shall

contributed to the beneficial result for

is they seek compensation. There was

intract in this case under which East-

greed to pay the complainants' c much

and, as we understand the position of

paplainants' counsel, they do not con- Affirmed.

The trial court found that the complainants and their counsel did not contribute to the result here accomplished—the applicaink it clear that neither the complain- tion of Eastern's funds to the purchase on ats nor their counsel contributed to the tenders of its preferred stocks at prices resulation or execution of the plans to use equivalent to their asset preference upon vallable funds to purchase and retire out- valuntary liquidation. We think that this unding preferred stock of Eastern. The finding of the trial court was fully supportout that they can be said to have accom- ed. Accordingly the decree dismissing the ish I was to help to block a totally differ- petition for a counsel fee to the complain-

Decree affirmed, with costs.



218 364 418 Edward T. CASSIDY et al.

COUNTY SOARD OF APPEALS OF BAL-TIMORE COUNTY and Bullimore Gas and Electric Company.

Court of Appenis of Maryland.

Dec. 22, 1938.

Appeal from decree of the Circuit Court for Bultimore County, John E. Raine, Jr. J., affirming order of county board of appeals granting utility special exception authorizing construction of steam electric generating station and related facilities. The Court of Appeals, Prescott, J., held that notice which stated that public hearing would be held upon utility's petition for a change or reclassification constituted sub-

did not specifically state that a request for

a special exception had been made.

stantial compliance with county roung regelation, notwithstanding fact that notice

6. Countles Carpity, In review of order of county by appeals granting special exception (he utility to permit erection of steam tric generating plant and related facil \$44 A.36-57

AUG 2 1902

2. Counties Cally

Where notice given by county zoning commissioner stated that a public hear-stantial evidence adduced upon issue so as ing would be held on petition of utility for to render decision of county zoning board a change or reclassification of certain prop- of appeals with respect to granting of erty, notice constituted sufficient compliance special exception fairly debatable, action with roning regulation notwithstanding fact of board must be affirmed. that it failed to call attention to fact that a special exception was sought.

3. Counties C=211/4

ty soning board of appeals had jurisdiction the brief), for appellants. to grant public utility special exception to permit erention of electric steam generat- Clarkson, Baltimore, and John Grason ing plant and related facilities in residence Turnbull, Towson, on the brief), for ap-

4. Countles Ca211/4

County soring regulation permitting greating of special exceptions in residential for "public utility uses" comprehended a steam electric generating plant and solated facilities.

See publication Words and Phryses, for other judicial contractions and defipitions of "Public Utility Unes".

5. Countles CHOIN

145 A 30-27

affirming order of county zoning board of exption subject to certain conditions and appeals granting public utility special ex- restrictions, which authorized the construcception which authorized construction of a tion of a steam electric generating station steam electric generating station in resi- and related facilities on Carroll Island dential zone, there was substantial evi- Neck between Saltpeter and Seneca Creeks, dence to support board's finding that use in the 15th Election District of Baltimore would not be detrimental to the locality in- County.

6. Counties C=2155

1. Administrative Law and Procedure C=453 residential gone, there was substantial evilic utility.

7. Counties @211/2

Where there was sufficient and sub-

James N. Phillips, Baltimore (Leonard A. County zoning commissioner and coun- Vadala and Fletcher Krause, Baltimore, on

Wilmer H. Driver, Baltimore (Paul S

Before BRUNE, C. J., and HAMMOND. PRESCOTT and HORNEY, JJ.

PRESCOTT, Judge.

This is an appeal from a decree of the Circuit Court for Baltimere County, filed June 13, 1958, affirming an order of the County Board of Appeals of Baltimore County (Board) granting the appeller, Baltimore Gas and Electric Company (hereinafter referred to as the "Gas and Electric On appeal from decree of circuit court Company" or the "Company"), a special ex-

48

The first, and one of the principal, con-In review of order of county board of tentions of the appellant is an attack upon appeals granting special exception to pul- the jurisdiction of the Zoning Commission-1: utility to permit erection of steam elec- er (Commissioner) who originally granted tric generating plant and related facilities in a special exception upon an application for

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sumed and thurough preparations made in that in his opinion the construction of the selecting the site. We have also intimated proposed plant would have no adverse eftion and appearance of the comparable 442, 140 A.26 655. Wagner plant and the neighboring residential properties a few hundred feet gway, Decree affirmed, with costs,

above that the testimony makes out a rath- feet on residential properties in the area. er strong ease even to have granted the re- Mr. Gavrelia, the Deputy Director of Planelassification. Mr. Penniman, a man with ning and Zoning of Paltimore County, tes-47 years of experience in the construction tilled his office approved the use of the site of generating plants, testified that the new for a generating station and recommendplant would satisfy each of the six stan!- ed that the necessary zoning be granted. ards of Section 502.1, and, in addition, In addition to the above, there was much there would be no dust, no traffic hazards more evidence upon the immediate subject and little increase in traffic, no noise, no under consideration before the Board; but fly-ash, no water pollution, no smoke, no what has been stated seems enough to odor and no danger to the public using show that there was sufficient and substanwater near the plant. Dr. Christie testi- tial evidence adduced upon the issue so as fied generally to the same effect. J. Walter to render the decision of the Board there-Jones, a real estate appraiser and develop on fairly debatable. When this occurs, the er, testified, after visiting the proposed action of the Board must be affirmed. plant site and after observing the opera- Missouri Realty, Inc., v. Ramer, 216 Md.

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official or board to conduct hearing. 2. Counties C=2152

Where notice given by county zoning would be held on petition of utility for erty, notice constituted sufficient compliance with soning regulation notwithstanding fact that it falled to call attention to fact that a special exception was sought.

3. Counties 6:21%

ty roning board of appeals had jurisdiction the brief), for appellants. to grant public utility special exception to ing plant and related facilities in residence zone permitting one and two family dwell-

4. Counties C=2155

County roning regulation permitting granting of special exceptions in residential nones for "public utility uses" comprehended a steam electric generating plant and re-Isted facilities.

See publication Words and Phrones, for other policial constructions and definicions of "Poblic Utility Unes".

5. Counties C=21%

would not be detrimental to the locality in- County. volved.

6. Counties C=2115

appeals granting special exception to pub- the jurisdiction of the Zoning Commissionhe utility to premit crection of steam elec- er (Commissioner) who originally granted tric generating plant and related facilities in a special exception upon an application for 165 A 245-17

Administrative Law and Procedure C=453 residential zone, there was substantial exi-Failure of an administrative official or dence to justify granting of special exboard to give a proper notice of a hearing ception without resort being had to any required by law is fatal to jurisdiction of principle of preferential treatment for pulslie utility.

7. Countles 6=211/2

CASSIDY v. COUNTY BOARD OF APPEAL OF BALTIMORE CO. Md. 897

Where there was sufficient and subing commissioner stated that a public hear-stantial evidence adduced upon linue so as to render decision of county zoning board a change or reclassification of certain prop- of appeals with respect to granting of special exception fairly debatable, action of board must be affirmed.

James N. Phittips, Haltimore (Leonard A. County zoning commissioner and coun- Vadala and Fletcher Krause, Baltimore, on

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Wilmer H. Driver, Baltimore (Paul S. permit erection of electric steam generat- Clarkson, Baltimore, and John Grason Turnbull, Towson, on the brief), for ap-

Before BRUNE, C. J., and HAMMOND, PRESCOTT and HORNEY, II.

PRESCOTT, Judge.

This is an appeal from a decree of the Circuit Court for Baltimore County, filed June 13, 1938, affirming an order of the County Board of Appeals of Baltimore County (Board) granting the appellee, Baltimore Gas and Electric Company (hereinafter referred to as the "Gas and Electric On appeal from decree of circuit con ... Company" or the "Company"), a special exaffirming order of county sming board of ception subject to certain conditions and appeals granting public utility special ex- restrictions, which authorized the construcception which authorized construction of a tion of a steam electric generating station steam electric generating station in resi. and related facilities on Carroll Island dential some, there was substantial evi- Neck between Saltpeter and Seneca Creeks, dence to support board's finding that use in the 15th Election District of Baltimore

The first, and one of the principal, con-In review of order of county board of tentions of the appellant is an attack upon

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reclassification, and the jurisdiction of the subsequent tribunals that considered the case. They argue that neither the Commissioner nor the Board of Zoning Appeals had authority, express or implied, to grant a special exception when no application had been made therefor, and when the petitioner had applied only for a change of classification and the notice to the public did not specifically mention a request for a special exception, but stated only that a reclassification was sought. Counsel for all parties concede that they have been unable to find a case wherein this exact question has been decided, and we have found none.

[1] It has been stated so frequently and so generally that the failure of an adminitrative official or board to give a proper notice of a hearing, required by law, is fatal to the jurisdiction of the official or the board to conduct the hearlog that it requires no citation of authority to support the proposition; I her e, we must examine the notice and the proceedings to determine whether the Commissioner and the Board lacked jurisdiction to grant the special ex-

will be found in Huff v. Bd. of Zoning Ap. special exception. peals, 214 Md. 48, 133 A.2d 83; so, we shall confine our consideration in this case to the notice and the Zoning Regulations.

The notice given by the Commissioner was as follows:

"Pursuant to petition filed with the Zoning Commissioner of Baltimore County for change or reclassification from a R.6 Zone to a M. H. Zone of the property hereinafter described, the Zoning Commissioner of Baltimore

1. There is, however, authority to the effeet that lack of constructive notice, in accordingly with technical attributory regeleaments, is unleed by a porty's appeneance at, and participation in, the peneseilings. Carsen v. Board of Apperls of Lexington, 371 Mo.s. 649, 75 N.E.46 110, 115, 119; Hirsch * Zoning County, by authority of the Zoning Act and Regulations of Baltimore County, witt hold a public hearing in Room 108, County Office Building, III W. Chesapeake Avenue, Towson, Maryland:

"On Wednesday, May 8, 1957, at 10:00 A.M.

to determine whether or not the following mentioned and described property should be changed or reclassified as aforesaid for Manufacturing Heavy to wit; (here followed a detailed description of the property)

"Containing 138 acres of land, more or less, of which 6.8 acres is submerged land, as shown on plat plan filed with the Zoning Department, being property of Baltimore Gas and Electric Company.

"By Order of "Wilnie H. Adams "Zoning Commissioner of Baltimore County."

No claim is made against the sufficiency of the publication of the notice; the attrack No question is raised concerning the en. is based only upon the fact that the notice abling legislation, a discussion of which did not specifically name a request for a

> Section 500.2 of the Zoning Regulations. provides, in part, as follows:

"500.2-In cases in which the permit applied for shall be for a use not permitted under regulations then in effect, the Zoning Commissioner may entertain a petition for the reclassification of such property. Such petition shall be filed by the legal owner of such property on forms adopted by the Zoning Commissioner. . . Upon

Bd. of Review of City of Pawtocket, 50 R.I. 402, 187 A. 841; Harrison v. Zoning Bd. of Review at City of Pawtucket, 74 R.L. 135, 60 A.24 301, 565; Wilson v. Township Committee of Union Township, 123 M.J.L. 474, 9 A.24 771, 772; De Luen v. Bd. of Superrivors, 334 Cal App 54 606, 286 P.54 505, 598.

CASSIDY v. COUNTY BOARD OF APPEALS OF BALTIMORE CO. Md. 899 Cide au 145 A 24 105

filing of such petition, the Zoning Commissioner shall set a time for public hearing thereon and shall give notice of the time and place of such hearing by advertisement in a newspaper of general circulation in Bultisome County for at least fifteen days prior to the date of such hearing, and shall cause the property sought to be reclassified to be posted with an approprinte notice of such petition and the time and place of such hearing."

And section 500.3 states:

"300 5-In cases of petitions for Special Exceptions under Section 502 of these regulations, the Zuning Comprivilener shall receive such petitions in such form as he may prescribe. He shall hold a public hearing thereon after giving public notice of such hearing as above provided with respect to petition for reclassification. After such a hearing he shall pass his Order granting or relaving such Special Exception."

[2] Thus it is seen that the notice required in cases of petitions for special exceptions is identical with that required for petitions for reclassification; and, nowhere in the regulations is it explicitly proscribed that the notice must contain the words "special exception," in order to au- swering the protestants' argument that dif-

trative procefure: "In the first place, I think we may is to defend his interests with respect create in him the impression that apread by the noticee in the light of the provisions of the law under which it is given, and in that light statements fore, held that the notice of the attempt

may appear clearly to relate to contemplated action despite some pylicwardness of phrase.

"In the second place, the notification must imheate the authority under which the administration is acting and the facts which bring the matter within its jurisdiction. A monition of a proceeding of one character may not be used as the foundation for action of a different sort, though it may bear some relation to the subject of the original hearing. The notification is adequate if it fairly informs the notices of the nature of the proceedings and the capacity in which he is required to appear and answer,

"Finally, and here is the heart of the requirement of notification in administrative proceedings, the notices should be apprised clearly of the character of the action proposed an enough of the basis upon which i rests to enable him intelligently to pre pare for the hearing. If this min mum requirement is met, the notifica tion is adequate, no matter how much it may fall short of the standards o pleading in judicial contests." Z Mer-

rill, Notice, etc. 796.

The Bourd, in its able opinion, in anthurize the Commissioner to grant one. freent standards of proof apply to petitions Professor lifervill has this to say concern- of reclassification than do to special exing the sufficiency of notice in adminis- ceptions and that constitutional requirements concerning notice, therefore, had not been that by advertising and posting for a recla ification, pointed out that all matsay that the notification, to be effective, ters of proof which must appear to support must clearly apprise the notices that he a special exception case, plus either a showing of error in the original zoming or to action yet to be taken rather than a substantial change in neighborhood conditions, must be established in a reclassifipearance on his part is futile because eation case. It eited as authority the case a first decision already has been of Price v. Cohen, 213 Md. 457, 132 A 24 schieved. But, the monition must be 125, where a reclassification was denie because a situation detrimental to public safety and welfare existed. The Board, there-

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to reclassify was sufficient to meet the con- We are fortified in this conclusion by stitutional need of notice, as well as that the eloseness with which per one for re-

Judge Raine held likewise, and pointed out, from a practical point of view, that everybody properly before his court had ample and adequate notice of what the Board was to consider, calling a untion to the fact that the hearings before the Board extended over many months.

2. This acction provides: "The decision and order of the Board . . . may aftens or reverse in whole, or in ourt,

reclassification granted.

logical reason for, or salutary purpose to the same result from the same notice. be served by, holding that upon a hearing of a petition for a reclassification of prop. The cases of Smith v. F. W. Woolworth erty, after proper notice, the Commissioner Co., 142 Conn. 88, 111 A 2d 552, and Wane is limited to either a granting or denial of w. Board of Appeals, 273 Mass. 97, 173 N. the reclassification. The notice in this E. I, cited and relied upon by the appelrase notified the public that the petitioner lants, did not puts upon the question here was seeking a reclassification of its prop presented. In the Smith case, the notice erty to the lowest, i. e., the least restricted, stated that a hearing would be held on an category of zoning in Baltimore County, appeal from a decision denying the peti-This certainly apprised the public "clearly tioner a "permit for the construction of an of the character of the action proposed and audition" to its present building, when, in enough of the busis upon which it rest(ed) fact, the hearing was on a petition to grant to enable" them to "intelligently prepare for a variance which, as granted, materially the hearing." Anyone who attended the affected the protestant's rights. In the hearing prepared to defeat the above re- Kans case, the petition was that the board quest would likewise nave been prepared vary the application of the ordinance in to defeat the grant of a special exception, order that the landowner might erect a as pointed out by Judge Raine and the gaseline filling station on his lot, property Board. As the matter is not before us, we zoned for residential porposes. The notice express no opinion on the statement of the declared that the petitioner was "asking for Board that had the petition been for a spe- a variance" of the ordinance, not a varicial exception and a reclassification grant- ance of is application, and that the request

any decision or order of the Zoning

required by sec. 509.5 for granting the spe- classification and special exceptions are gial exception. It stated, however, that it deals with in the Zoning Regulations; that would not make a similar rolling if the situ- the method of notice required for each ation were in reverse, namely, had the is identical; that it is the recognized pracnotice been for a special exception and a tice in Baltimore County and conceded in this case that a petition for each may be filed at the same time and a joint hearing held thereon; and in Tyrie v. Baltimore County, 215 Md. 135, 137 A.24 156, we held that where a petition for a reclassification was denied, the Cammissioner could not entertain a petition for a special exception. under sec. 500.12 until eighteen munths had expired. Moreover, had the Commissioner granted the petition for a reclassification We agree. We think the notice in this and the protestants appealed to the Bound, case was, at least, a substantial compliance it is certain that under the provisions of with the requirements of all of the Zon- section 501.7,2 the Board would have had ing Regulations and thuse enumerated by the power to have granted the special ex-Professor Merrill, supra. We can see no ception; thus, we would have ended with

ed, its decision would have been different. of the petition was for such "variance

Countedoner or may modify the Order appealed from and direct the immines of a permit for such modified are as it may deres proper

CASSIDY v. COUNTY BOARD OF APPEALS OF BALTIMORE CO. Md. 901 City no 148 A 24 509

tions in a proposed building." It was held in R.6 Zones for the operation of steam that the notice was defective; that from generating plants and related facilities. ir, alone, one could not determine with res- C. Dunham v. Zoning Board, 68 R.I. 88, sonable certainty whether the petition was 26 A.2d 614, a case in which a public utilito t' - end that a new building be permitted ty plant was permitted in a residential zone so he erected or an old one altered; and by way of a special exception. it contained no infimation of the use which the building, new or altered, was to be put.

jurisdiction of the Commissioner or the Board to grant the special exception, we shall examine the regulations to see if they exceeded their authority. At this time, we will limit our consideration to the question as to whether the regulations permit. the granting of a special exception for a "steam generating plant and related facilities" to a public utility la a R.6 Zone, Residence, One and Two Families, under any circumstances. Section 502 authorizes the Commissioner, subject to an appeal to the tand) listed as Special Exceptions." Section 209.3 permits the granting of special inclusion of both "public utility uses" and exceptions in R.6 Zones for "public utility arcs other than those noted in section 200.petral exceptions.) Thus it is seen that power plants. the plain, comprehensive and express language of the regulations permits the issunce of special exceptions in R.6 Zones [5] Section 502.1 provides that before for "public utility uses" (other than those any special exception shall be granted it already permitted without a special excep- must be made to appear that the use for tion). The language is broad and no limi- which the special exception is requested tations are placed thereon. It cannot seri- will not be detrimental to the locality inwistly be argued that "a steam electric gen-volved in certain specifically enumerated rating plant and related facilities" og- ways. Section 411 provides that for public erated by a public utility company for the atility uses permitted only by special exin sofit of the public are not "public utility ceptions in addition to the provision of -s." It a steam generating plant is to section 502 (including 502.1 above) other - excluded from the phrase "public utility regulations shall apply; and section 411.1 "cs," triat other uses are also to be ex- states that "the use must be needed for the solid and what are to be considered as proper rendition of the public utility's servincluded without clarifying language to lice and the location thereof shall not serigride us? We think it clear that the regu- ously impair the use of neighboring prop-"...lione, in o press terms, notherize a spe- erty."

. . . as applied to the erection or aftera- cial exception to public utility companies

Section 256 lists the uses permitted in a Manufacturing Heavy zone. Section 256.1 says that uses permitted in Manufacturing [3,4] Since the appellants contest the or Restricted zones by Sec. 250.6 and Manufacturing Light zones by Sec. 2514 are permitted in Manufacturing Heavy zones. Both Sec. 250.0 and Sec. 253.4 list "public utility uses" as permitted. The fact that the regulations thus specifically include "public utility uses" as permissible in Manufacturing Heavy zones, shows clear legislative intent that by "steam power plants" (which Sec. 2562 allows in a Manufacturing Heavy rone at least 300 feet from any residence, or 200 feet from Board, to grant permission for "uses (of any business zone) is meant such plants other than those of a public utility. The "steam power plants" as permissible in a Manufacturing Heavy zone negates any 11." (The public utility services listed in possible inference that might otherwise >0.11 are such as telephone and telegraph arise that the phrase "public utility uses," mes, electric light and power lines, which whenever used in the regulations, was inare permitted in residential zones without tended to mean such uses other than steam

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The appellants state their second point in this fashion;

"Even a cursory reading of the decision of the Board of Appeals and the Circuit Court will seveal that they felt that the only tests that the petitioner had to meet were those set forth in Section 502.1 of the regulations. Yet Section 411 says;

"For public utility uses permitted only by Special Exceptions in addition to the provisions of Section 502. the following regulations shall apply: "411.1-The use must be needed

for the proper rendition of the public utility's service and the location thereof shall not seriously impair the use of neighboring property." (Emphasis "The record shows that the utility offered se evidence on this point beyoud the specific questions referred to

in Section 502.1; it will also show

that efforts on the part of the Protestants to show impairment of use and value were discouraged and disregarded by the Board and Court." The easiest and most direct manner of answering the contention is by simply quot-

ing from the Maard's opinion wherein this specific question was considered and de-"A tremendous amount of technical

and other expert testimony has been produced by the Petitioner, which has used its considerable resources to prove with great precision that the use is needed for the proper rendition of ills services.

"Mr. Penniman, its Vice President in charge of Electric Power, testified with great clarity and at great length as to this present need for expansion, based on scientifically computed prospections of future need. He stated that the estimated 1961 load will be over 1,250,000 hillowatts and that present peak espacity is now 1,100,500 kilowatta. He further explained that maintenance and overhaul make it impossible to operate at the shebretical

"The Protestants, understandably, were unable to produce any evidence to controvert the general question of need, so we must find that the requested use is, in fact, needed within the meaning of the first part of Section

411.1 of the Regulations. "While the Protestants impliedly admit the need, they strenuously maintain, and attempt to show both by cross examination and direct testimony, that the need can be adequately met in a more appropriate location; further, that the last part of Section 411.1, which provides that the location of the public utility use shall not seriously impair the use of neighboring proper-

ty, prohibits the installation at this lo-

"The Petitioner's testimony, mostly by Mr. Penniman and Dr. Christie, indicates that nearly four years were spent searching for the best site to meet its purposes. Several locations. including Buth River, Back River, and Gorrett Island in the Susquehanna River, were studied and compared with the Carroll Island site. The choice narrowed to Garrett Island v. Carroll Island, Bush River having been eliminated because of inadequate water circulation and Back River because the effect of pollution on the condensing equipment would cause tubes to blow

"A careful inspection of voluminous notes taken during the extended hearings plus vertications and augmentation by spot imspections of the record, sodicates to us that the proposed use will not seriously impair the use of neighboring property, nor will it be

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was substu Board base The appe failed to a It will be to the Met County. T located out

trict; cons

applicability

The appe ment of er fulfill the b Under this cipally upon "favored" that Section (of the land argue meas piece of lan that the use ously injured erties for r been resoluwas conside

> [6] Whi king the diffon private ary clothed have access. nofer to p functions, v Soler fing m said for lane

CASSIDY W. COUNTY BOARD OF APPEALS OF BALTIMORE CO. Md. 903

volved, nor will it tend to create congestion in roads, streets or alleys therein, nor will it cause any other conditions which the application of Section 302.1 of the Regulations would

It is thus seen that this concention is without merit: the Board, directly and speelfically, dealt with the subject that the appellants claim that it did not, and there was substantial evidence upon which the to add to its generating capacity, but inileard based in findings.

The appellants also claim that the Board failed to apply sections 412.2 and 411.3. It will be noted that these sections apply to the Metropolitan District of Baltimore County. The property involved herein in located outside of said Metropolitan District; consequently, these sections have no applicability.

must of error that "the appellee did not bestimony that not only does the Company fulfill the burden imposed upon it by law." require additional generating facilities, but Under this heading, they seem to rely print such a station is needed at this site. The cipally upon what they claim to have been testimony of Mr. Penniman and Dr. "invered" treatment of public utilities; Christie detailed the unique advantages of that Section 411.1 requires that the "use this particular location for supplying the (of the land) must be needed" which they load in the adjacent area, and explained argue means the use of this furticular the critical deficiencies in topography, piece of land must be needed; and the test water supply and efficiency, mut to mention that the use of the property will not seci- the burden upon all ratepayers (in one case worly injure the use of neighboring prop- over \$40,000,000 of additional expense) of enics for residential purposes should have the other sites considered. hern resolved in their favor. Most of this was considered and answered in II.

an private undertakings and those which multing its determination that the use perfraction, we find it unnecessary to con- larly under the carditions and restrictions. " - for matter in this case. The Board actually imposed by the Board. We pointa loss its holdings upon any prefer- ed out under II that much time was con-1 of Page 116-119 A 26-15

detrimental to the bealth, safety, or ential treatment to be accorded to public stillities; and we think the evidence produced by the Gas and Electric Company was ample to justify the granting of the apecial exception without resurt being had to any principle of preferred treatment for the public utility. In fact, a careful reading of the record discloses a rather strong case in favor of the reclass fication

The appellants do not question the general need of the Gas and Electric Company

sist that the use of this particular piece of land must be "needed." This contention that the requirement in Section 411.1 that the use of the land must be needed means that an individual piece of property must be needed to the exclusion of all others is untenable. If this were sound and there were two or more pieces of property available for the use needed, none could recove a special exception merely because the others were available, which would mean that the use, although in fact needed, could not The appellants urge as their last assign- he effectuated. The record is replete with

[7] We shall not unduly prolong this epinion by reviewing any great amount of [6] While much may be said concern- the testimony to demonstrate that the by the difference between restrictions up- Board had substantial evidence before it in are elected with a public interest and must resitted by the special exception would not Lors access to the venters of population in seriously impair the use of neighboring to properly perform their public properties for residential purposes, particu-

Dear Sir:

I me writing to you in reference to the "HIDDEN VALLEY COUNTRY CLUB" on Helbrook Head, 3500 feet south of Liberty Read, Randallutewn post office.

We feel they are in a alleged sening violation, because they are operating a Restaurant and Louage with impreper Zoning. On a valid liquor license that was issued improperly in 1975 for a Class B license, when there was not in mat .- Cannot be a public resturant.

We as neighbors fought the change in resing which would allow this speration, "The ruling was in our favor, " DENIED. Since them it was game to the Bears of Appeals. The club owner did not wait for their decision. He has rented it to some one for use this summer and they are operating as a Restaurant and Louage. The Louage is open to the public, (TERNAGERS) in the evening. Patrens to this lounge are causing muisance to the neighbors by running ever lawns, squeeling wheels, throwing Beer and Liquer bettles, using fowl language, etc. There has been two accidents on this narrow read that required police and ambulances. This all happens between 1 o'clock and 4 in the norming. There have been fights also people coming to my door at all hours to use the phone.

We would like to have as injunction to stop it immediately before the gumner is ever.

Thank you for your prempt attention to this matter.

Harryn SJohnen 4339 Hallwork Rd. alej Johnson

Edeck X Cartin 44 17 2/02 brock ord. Mellanger

L-69-101-1-20.

Adelmnia, Inc.

Barbara Hartman KJ Molli R. Sure

y 9, 1980

4387 Houseon B 100 m 100 m

79-255-X5PH

Date of Posting APRIL 1 1980 AUGUST A. KROMETTS Location of property: SE/S HolbRook Rd 3800'S OF WBERTY Rd

Location of Signa D SE/S MELERCOK Rd 3800 Toy- S OF LIBERTY Rd @ SE/s PRIVATE Rd & POLICELLS RUN Rd. @ N/S PRIVATE Rd Remarks 1400 + 01 - E OF POWELLS ROW Rd. Posted by Flecular L. B. Harred Date of return APRIL 4, 1980

3- SIGNS

Demnis J. Psoras, Esquire

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing

S. ERIC DI NENNA Zonin Commissioner

Petitioner August A. Krometis
Petitioner's Attorney De als Proves Reviewed by Michelas B. Commodari Chairman, Zoning Plans

CIRCUIT COURT BALTIMORE COUNTY Liberty Corporation Care No. 107780 LAW Docket 135 Polio 239 Please issue for the following witness to testify for the ... Defendant in the above entitled cause, and make the writ oturnable on Friday the 2001. 19.31 at 9:30 o'clock A.M. Address (Street & County): Million to Marmondy Forther Complesioner U/o Planning & Roning Office Balto, Courty All M. Chesapeake avenue-Spon 109 County Office Building Towner, Maryland 21204 SUBBROADS TOKERS OF FUR.

... Bring the contents of the file and all pertinent recome.....

percorning to file #79-255-53E, August 1 - Eropetia - Middom Walley-



Country Club.



Attorney for the Delendant

DECEMBER 28, 1940

To: GONED OF AMERICA BALTIMAKE COUNTY

SPETY HALASI

From: Makie E. Turner 4387 HOLDROOK RA RANKALLITOWN Ms. 21133

Subject: Zoning Appear Regarding Hisson Vous Country Char I will be out of rowal and unasid to arrend the HERRING ON THE SUBJECT MATTER. BUT I WOMEN WINE TO BE ON RECORD AS DEPOSING A ZONING CHANGE PO qued the club to be open to the public. Burnis THE PAST SUMMER, WHERE THE CLUB WAS EXPERATING IN THE EVENINGS, THERE WERE A NUMBER OF INCIDENCES OF NUMBERS I EXPERIENCED THAT RESULTED FEON actions of persons tratering from the crus's piece CLENTS, DN SEVERAL ECCASIONS CARS BROKE DATE MY HAND CAUSING SAMAGE TO IT. OH MADTHER OCCASION FIRE LEACHERS WERE THROWN ON TH THE YARD LATE AT NIGHT WALING ME. FREQUENTLY THERE IS A GREAT TRAFFIC AND NOISE DISTURBING THE PERSE WA quies that I seel I have a sight to expect AT MY RESIDENCE. THE SPEEDING CHAS ALSO ARE A

THANK YOU FER ANY COMMERATION YOU CAN THE TO MY COMPLAINTS

Mallie E. Luner

Jame Helmen pertaining the august a frometis Case no 79-2255 XSPH Sincerley Marie a Develbers 10' 3 7 Inberty Rd. Tandallatoren mid

79-255-XSPH

21/33

CERTIFICATE OF POSTING

Posted for PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Petitioner: AUGUST A. KROMSTIS Location of property SE/S OF HOLBROOK BOAD, 3800'S OF LIBERTY Pd

Location of Signs () SE/s Helekook Rd . 3800 tor- S of Liberry Rd @ SE/S He LBROOK & KINGTON Pd (3) SE/S PRIVATE Rd. & POWELLE RUN Pd. Remarks @ N/s PRIVATE Rd. 1400 tas - E OF POWELLS RUN Rd Posted by Flipmin E. Pratural Date of return Time 8, 1979

6-51605

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

Your Petition has been received * this / ? day of _1977. Filing Fee S ____. Received __Check

Petitioner / Submitted by / Submitted by Petitioner's Attorney - Prop Reviewed by

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

BALTIMORE COUNTY, MARYLAND No. 86341 OFFICE OF FINANCE REVENUE DIVISION MISCELL ANEOUS CASH RECEIPT CATE March 17, 1980 ACCOUNT 01-662 AMGUNT \$90.00 Dennis J. Psoras, Esquire Filing Fee for Appeal of Case No. 79-255-XFPK 182 0 ARMA 17 BALTIMORE COUNTY, MARYLAND No. 78767 OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE JULY 6, 1979 ACCOUNT 01-662 AMOUNT \$100,00 ros Posting and Advertising in Case \$79-255-XEPH

> 25792 B 10000000 VALIDATION OF SIGNATURE OF CASHIER

No. 78686 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANE CAPH RECEIPT

DATE May 25, 1979 ACCOUNT 01-662

ARCHYED Dennis J. Psoras, Esquire

Filing Fee for Case No. 79-255-XSPH

189 3 2Km2 28 50.00 CHS9

Dear Mr Hammon

We are strongly opposed to a Restaurant operating at The Holden Valley Country Ulil. at the end of Holbrook Rd. Randellsten Ind. The Restaurant has recently been advertised Open 7 days a with Un increased amount of treffic has been noticed & will continue to Increase y the Restament be allowed to operate to Holbrook Ted has been a quite country Hoad for Residential + Farm use. We feel Business + Commercial Traffic is not justifud in This Community We also wonder of the Septre System can handle this type of Resterment Operation. Enclosed so the ad that appears each Thursday in the Sunpapers Weekender, That by your corperation en this

> Serverely Mr + Mr Carl M. Hartun 4325 Holbrook Rd Randellatown md 21133

bearing:

Petition for Special Exception for a restaurant convected from a building as provided in subsection 600.5 and a Special Housing, under Section 800.7 of the Ecutog Regulations of Buildinson County, to determine whether or but the Ecutog Regulation whether or but the Ecutog

Containing 13.26 Acres of lated more or lots.

Being the parce) of land fierignated as Clubbonies and shown on a plat titled Plat Two of Adolphi Correction Subdivision and resunded atmost the Plat Two of Adolphi Correction Subdivision and resunded atmost the Plat Reserves of Baltimore County to Plat Reserves of Baltimore County to Plat Reserves to Baltimore County to Plat Sock E.H.K. Jr. No. 48 faits IT.

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

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

Hearing Date: Wednesday, June 20, 1878 at 1:00 P.M.

Public Hearing, Raven 200, County Office Entiting, 131 W. Chanapesho Avenus, Towares, Mc.

By Orther Of William County Research County C

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ones do cuch at one time successive weeks before the 20th

Cost of Advertisement, 8 35 00

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

Club to be open only three days a week in ling that he has trued to attract a different curine units and several few trucks more April and four days a week in May. Addi- crowd and improve the food service. He itun two hours to clear the traffic jam, he tionally, the club, which now books rock said that he has set a dress code and had said

The decision came after a five-hour bearing is which a parade of police officers and fire and health inspectors testified to a variety of violations and neighbors complianed about communing disturbances by patrace of the club.

Joseph L. Johnson, board charman, said the club owners also would have to hire uniformed accurity geards to patrol the parking lot, would have to explain the complex ownership and management arrangement at rangement to the hearing endorce a structure dress code, and make substantial efforts to charge the type of mouse from hard rock to score-type of mouse from hard rock t

bands seven nights a week, may stay open thired a manager who "did a terrific job in until 1 a m, when it usually is open until 2 bringing in good hands and ettractive possible. Unfortunately, there were some dere-

By Joel McCord

the Sum of the Su

months.

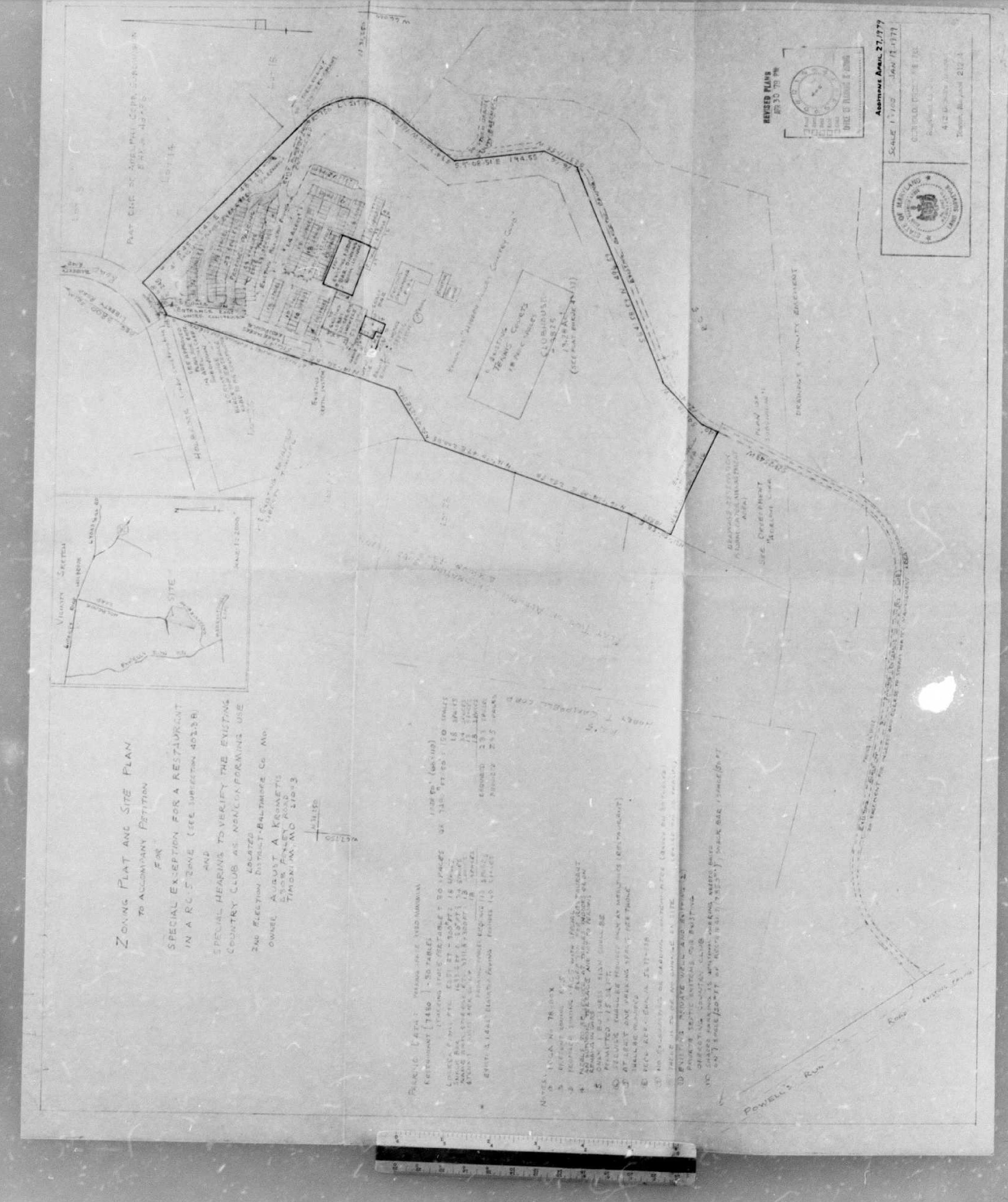
The conditions the board imposed board's been reasonable.

The conditions the board imposed board's been reasonable.

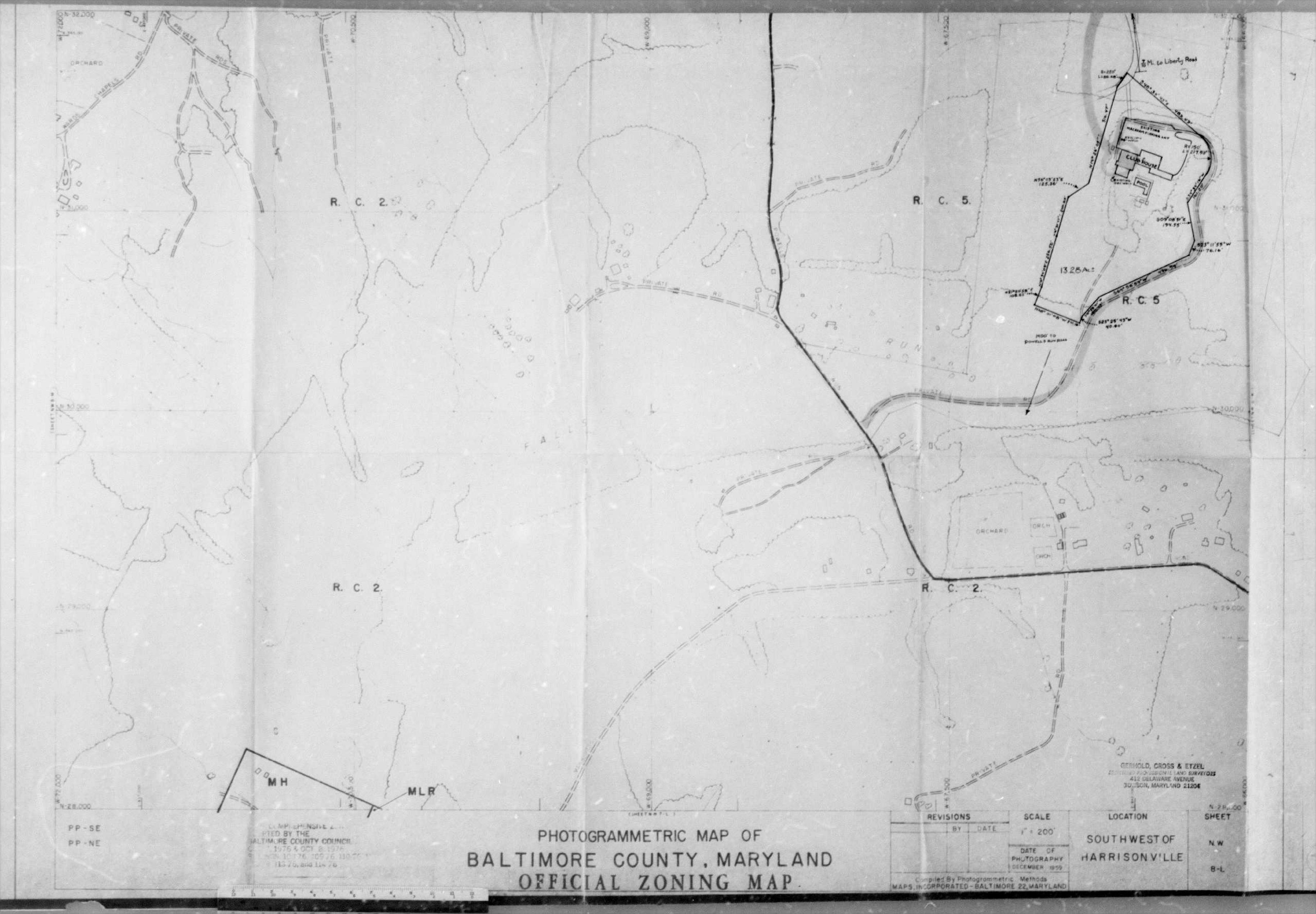
Mr Krometis testified during the hear
It took nearly a dozen police officers.

PETITION		MAPPING			PROGRESS			SHEET			
	Wall	Wali Map		Original		Duplicate		Tracing		200 Sheet	
FUNCTION	date	by	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map											
Petrica number added to											
Denied											
Granted by ZC, BA, CC, CA											
Reviewed by:				Revis	ed Pl	ans; utline	or de	script	ion	Ye No	





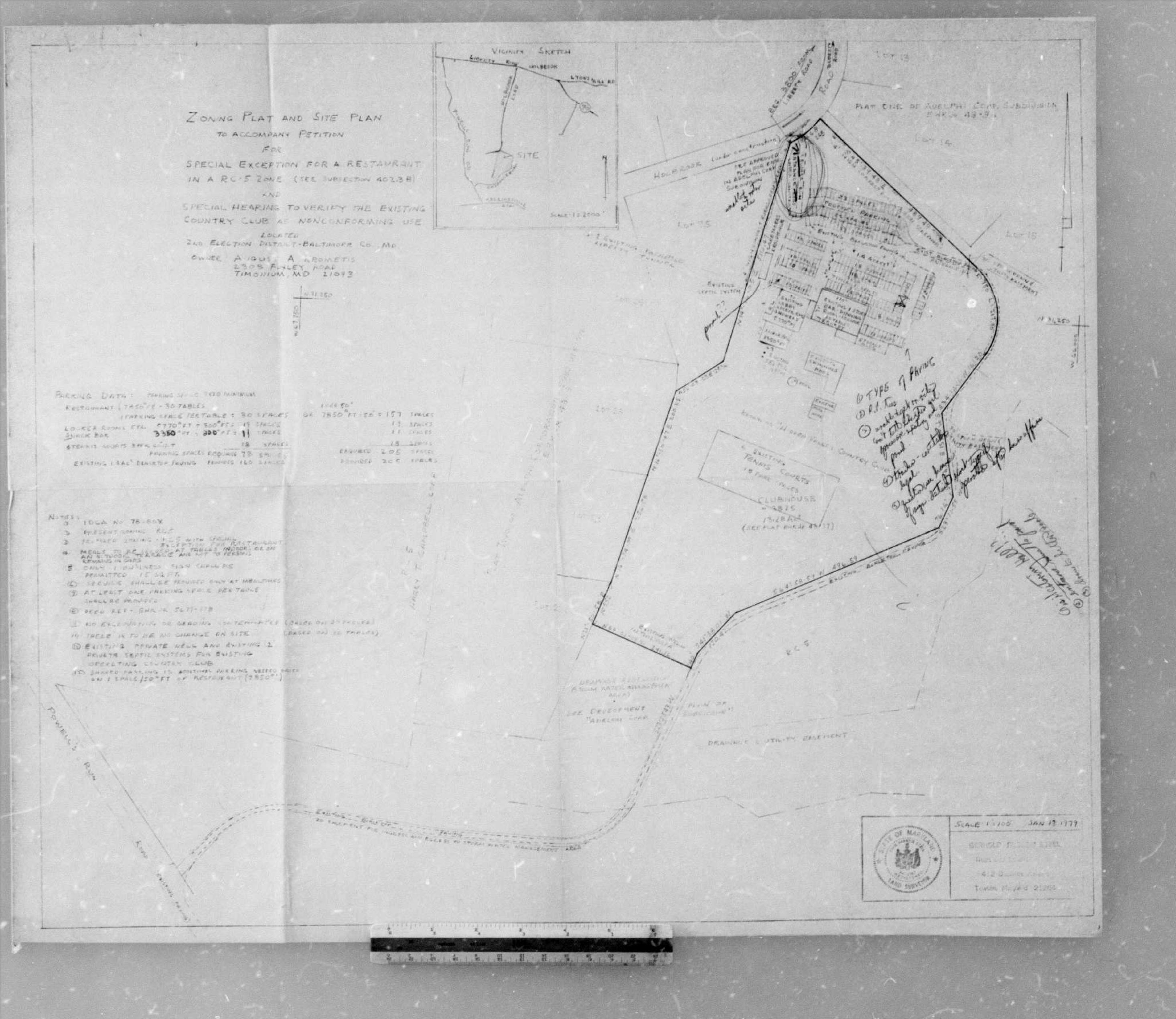






GERHOLD, CROSS & ETZEL

412 DELAWARE AVENUE
TOWSON, MARYLAND 21704



79-255- KEPH CAUSUST A. KK

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

ZONING DE ATTMENT

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 clu 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; cc dition # 9 According to Mr. Titnick, 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. Niznick. The club has been denied to serve food in either the restaurent or the snack bar. a permit

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 sods cans, cardboard beer cartons, and various other debris tossed from club patrons vehicles. The western-most end of Holbrook Rd. is slso 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. Zitnick (Health Dept.) gave the club two weeks time to remove abandoned refrigerators dumped slong the driveway, and also to remove some bushel baskets filled with cmab shells. None of the above has been semoved, and additional dumping of filled trash bage has occurred. Since at least May 8 the club parking lot has consistently been littered with broken and intact beer bottles and cans. collowing 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, 4, 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

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 distarb our neighborhood, we hope the Board will be able to do something to restore peace to our community.

Very truly yours,

co: Lt. Vernon Oakman Mr. William Hammond, Zoning Mr. Ziinick, Health

4339 Halbrook Pet

Ran dottotown, Md. 4205 Wolfrook that Wanger

Randach town Md. 21133

14246 Holbrock Rd RANDAUS town md ou 33

Kaulalletrem Pkl 21133

Barbara L. Hartman Carl Hartin 1325 Holbrook Rd

Edith X. Cartin 4417 Nalbrook ad

4 337 Halbrook R1 21133



MATTHEWS & BROWN Contractors, Inc.

Roofing - Siding - Maintenance 1707 REISTERSTOWN ROAD 484-8500 or 484-8501

ALL AGREEMENTS BUSINET TO STRIKES ACCIDENTS OR OTHER CAUSES SEVOND GUR CONTROL.

BALTIMORE, MARYLAND 21208

September 25 1981

C-50- 527

AUGUST A. KRIMBTIS

(HIDDEN VALLEY COUNTRY

The Honorable Donald P. Mutchinson 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 condem 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

CHB/a

CC: Councilman Gary Hundles
- Zoning Commissioner - William Hammond
Board of Liquor License - Jerry Jordon