

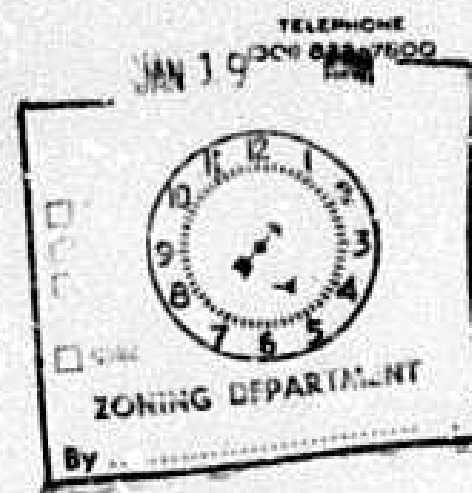
34-118 Case file

J. FARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. HEHNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
G. SCOTT BARNHART
ROBERT L. HANLEY, JR.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

January 16, 1984



Honorable Phyllis C. Friedman
Baltimore County People's Counsel
Honorable Peter M. Zimmerman
Deputy People's Counsel
Court House
Towson, Maryland 21204

Re: Proposed resolution of Parking Variance Appeal
in the Ward case, Case No. 83-3-XSPHA

Dear Mrs. Friedman and Mr. Zimmerman:

As your records will reveal, former Commissioner Hammond by his Opinion and Order of November 30, 1982, granted a Special Exception for an amusement arcade and a Parking Variance covering premises at 403 York Road.

At the present time Mr. Yerman and our office represent General Vending Sales Corporation, and its principals Mr. Hyatt and Mr. Smeyne, who are proposing to take over the operation.

Commissioner Hammond included some seven (7) conditions in his Opinion and Order of November 30, 1982, including condition number 5 relating to a change of operation or ownership. Accordingly, we met on January 10th with Mr. Dyer, and it was decided that this letter should be written.

As your records may reveal, a Zoning and Parking Survey was conducted by the Zoning Enforcement Section, which revealed that virtually none of the merchants in the 400 Block or 500 Block of York Road are providing on-site parking. Furthermore, this location at 403 York Road was formerly a retail outlet, which required one (1) space for every 200 square feet. As an arcade, we believe that it would be classed "other commercial" under the Regulations, which would require one (1) space for every 300 square feet, a total of

Honorable Phyllis C. Friedman
Honorable Peter M. Zimmerman
January 16, 1984
Page 2

six (6) spaces. Pursuant to an agreement between the Zoning Commissioner's Office and the People's Counsel Office, which was embodied in a letter dated October 21, 1983, it was decided to allow the arcade to open on the basis of a participation in the "Park and Shop" Program run by the Baltimore County Revenue Authority. In fact, the Kaleidoscope Arcade is participating in this program.

We are hereby proposing to all interested parties what we believe to be a very sensible longer term solution, namely the continuation of this arcade in the Park and Shop Program, in which case we would agree to participate in this program in lieu a total variance as was granted by the earlier Order. We believe that the County Board of Appeals might very well be disposed to grant such a complete variance, but in the interest of an early resolution of the matter, we would suggest the Park and Shop compromise.

At the present time General Vending is preparing to go forward with a Special Exception case to transfer the existing arcade to a new lessee and operator, and we would very much appreciate an early resolution of this Parking Variance situation. In fact, such a solution would also remove this case from the active docket of the Board of Appeals, while at the same time ensuring that some parking is provided. Parenthetically, we are told that there is a limited participation in the Park and Ride Program by customers at the arcade.

We well realize that Mrs. Friedman has just assumed the duties of the office, and we look forward to discussing the matter with both of you at your earliest convenience. Awaiting word in this regard, I am

Sincerely yours,

Newton A. Williams

Newton A. Williams

NAW:ylm

cc: Honorable William T. Hackett, Chairman, County Board of Appeals
Honorable Arnold Jablon, Zoning Commissioner
Mr. James D. Dyer, Zoning Supervisor
Robert J. Yerman, Esquire
Mr. Morton Hyatt, General Vending Sales Corporation
Mr. Joel M. Smeyne, General Vending Sales Corporation
Mr. Frank S. Lee, K.L.S.

13-2313
J. EARL PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. BENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN
G. SCOTT BARNHART
ROBERT L. HANLEY, JR.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

October 21, 1983

TELEPHONE
301 823-7800

~~83-3-XSPHA~~
JAMES J. WARD, III

The Honorable Arnold Jablon, Esquire
Baltimore County Zoning Commissioner
Office of Planning and Zoning
County Courts Building
Towson, Maryland 21204

Re: Agreed interim handling of parking
requirement for 403 York Road, the
Ward Property.

Dear Mr. Jablon:

Confirming our telephone conversation of October 20, it has been agreed between Mr. Hessian and this office that as an interim solution, Mr. Rich will participate in the Park & Shop Program.

Mr. Rich and General Vending, the Co-operators, will sign the Park & Shop Program, post signs in the arcade, and pay customers parking charges in the County Revenue authority garages, in part.

This interim solution was previously discussed with Mr. Hessian and Mr. Dyer, your Zoning Supervisor, and both Mr. Hessian, and I believe that it will be acceptable to Mr. Dyer. In any case, we will discuss this with Mr. Dyer after his vacation of October 31.

In the meanwhile, both my clients wish to thank you by having agreed to release the arcade permit and to instruct Mr. Swan and your staff to sign this permit. Of course, at some future point the County Board of Appeals could reverse Mr. Hammond's parking variance granted November 30, 1982, in case No. 83-3-XSPHA, and at such time Mr. Rich would be required to reach the parking requirement for the Ward Property. Your cooperation and that of Mr. Hessian and your respective staffs is appreciated.

Respectfully,

Newton A. Williams

Newton A. Williams

NW:llb

cc: John W. Hessian, III
Preston Rich

OK JN 11/7/83

Approved as above:

Arnold Jablon
Arnold Jablon
Zoning Commissioner

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

83-720
444-800 file

425-83
Case File

J. EARLE PLUMROFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. BEINER
WILLIAM D. ENGLEHART, JR.
STEPHEN J. NOLAN
G. SCOTT BARNHART
ROBERT L. HANLEY, JR.

LAW OFFICES
NOLAN, PLUMROFF & WILLIAMS
CHARTERED

204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

April 6, 1983

The Honorable William T. Hackett
Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Re: Petition For Parking Variance For The Ward
Property, Case No. 83-3-XSPHA, Requested
Postponement By Agreement Of Counsel



Dear Mr. Hackett:

Please be advised that this office represents Mr. and Mrs. Preston Rich, the Petitioners in a special exception parking variance case involving 403 York Road.

Recently, I spoke at some length with Mr. Hessian, the People's Counsel, and he feels that his limited appeal on the parking aspect of the case could be appropriately carried over pending some council legislative action on parking in the heart of the Towson Towne Centre, or otherwise working the matter out to the satisfaction of the Zoning Commissioner's Office and his office.

Furthermore, our clients Mr. and Mrs. Rich have spent a great deal of time and money on this case, and they are not presently in a position to spend more, if the matter can be resolved either by legislation or compromise.

Accordingly, by agreement with Mr. Hessian, we would respectfully request that the Board postpone this matter presently scheduled for 10:00 a.m. on Tuesday, April 26, 1983. We are sure the Board can use this time productively for other purposes, and we appreciate the courtesy of Mr. Hessian and the Board being extended to our clients in this regard.

We thank Mr. Hessian and the Board for your kind cooperation in this matter.

Respectfully,

Newton A. Williams
Newton A. Williams

NW:pr
cc: John W. Hessian, III, Esquire
Peter Max Zimmerman, Esquire
cc: Mr. James F. Dyer

cc: Mr. & Mrs. Preston Rich
cc: Mr. M. C. Berkeley

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve that a coin-operated amusement device store offering video games, pinball machines, children's rides and games, with related incidental sales of video products, clothing, etc., in a B.M.-C.T. Zone per Section 231.2 of the Zoning Regulations is a lawful use permitted as a commercial recreation enterprise. Property is to be posted and advertised as prescribed by Zoning Regulations. In a B.M.-C.T. Zone.

I, or we, agree to pay expenses of the 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.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee
Contract Purchase:
Preston Rich
(Type or Print Name)
Signature
417 Rodgers Court
Address
Baltimore County, Maryland 21204
City and State

Legal Owner(s):
James J. Ward, III
(Type or Print Name)
Signature
c/o Preston Rich
(Type or Print Name)
Same address
Signature
City and State

Attorney for Petitioner:
J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
(Type or Print Name)
Signature
204 West Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 833-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of June, 1982, 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 6th day of July, 1982, at 10:15 o'clock A. M.

[Signature]
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1 (over)

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Variance from Section 409.2b(5) to permit zero (0) parking spaces in lieu of the 910.07 required six (6) parking spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The vast majority of the arcade patrons already have parking at private or public Towson employees, or use public transportation or car pools, i.e., Towson State Univ. and public and private public high school students.
2. That amusement arcade premises in a Towson, York Road, storefront built long before the County parking requirements, and it has no such parking.
3. That it would cause the Petitioner additional practical difficulty and unreasonable hardship to require him to provide five (5) remote spaces at great expense which will be wasted, and which spaces are badly needed by other Towson office, commercial and public needs.

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

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

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee
Contract Purchase:
Preston Rich
(Type or Print Name)
Signature
417 Rodgers Court
Address
Baltimore County, Maryland 21204
City and State

Legal Owner(s):
James J. Ward, III
(Type or Print Name)
Signature
c/o Preston Rich
(Type or Print Name)
Same address
Signature
City and State

Attorney for Petitioner:
J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
(Type or Print Name)
Signature
204 West Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 833-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of June, 1982, 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 6th day of July, 1982, at 10:15 o'clock A. M.

[Signature]
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

DATE *[Signature]*

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for 80... Arcade.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee
Contract Purchase:
Preston Rich
(Type or Print Name)
Signature
417 Rodgers Court
Address
Baltimore County, Maryland 21204
City and State

Legal Owner(s):
James J. Ward, III
(Type or Print Name)
Signature
c/o Preston Rich
(Type or Print Name)
Same address
Signature
City and State

Attorney for Petitioner:
J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
(Type or Print Name)
Signature
204 West Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 833-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of June, 1982, 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 6th day of July, 1982, at 10:15 o'clock A. M.

[Signature]
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

DATE *[Signature]*

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 30, 1982

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

Chairman
Nicholas B. Commodari

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

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

RE: Item No. 207
Petitioner - James J. Ward, III
Special Exception and Special Hearing Petition

Dear Sirs:

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

In view of your client's proposal to convert the existing building to an arcade, the special exception is required. The special hearing request was submitted prior to the adoption of Council Bill No. 29-82. Even though it appears that it is not necessary at this time, it was your decision to have it advertised and included in this hearing.

Particular attention should be afforded to the comments of the Department of Permits and Licenses. If you require any additional information, you may contact Mr. Charles Burnham at 894-3987.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

ENCLOSURE
cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

May 19, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #207 (1981-1982)
Property Owner: James J. Ward, III
W/S York Rd. 35' N. of Chesapeake Ave.
Acre: 1380 sq. ft. District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

York Road (Md. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 207 (1981-1982).

Very truly yours,

[Signature]
ROBERT M. NEWCOM, P.E. Chief
Bureau of Public Services

RAM:EAM:FWR:as

N-W Fay Sheet
38 NE 3 Pos. Sheet
NE 10 A Topo
70 & 70 N Topo Maps



Maryland Department of Transportation
State Highway Administration

Lowell K. Riddwell
Secretary
M. S. Caltrider
Administrator

April 22, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Dear Mr. Hammond:

On review of the revised site plan of March 26, 1982, the State Highway Administration finds the plan generally acceptable.

Re: SAC Meeting of 4-20-82
ITEM: #207.
Property Owner: James J. Ward, III
Location: W/S York Road (Route 45) 35' N of Chesapeake Ave.
Existing Zoning: B.M.-CT
Proposed Zoning: Special
Hearing to approve a coin operated amusement device store offering video games, pinball machines, children's rides & games, with related incidental sales of video products, clothing, etc. Special Exception for an "Arcade" for amusement devices, video games, pinball machines with or without flippers), electronic games and other similar player-operated amusement games, machines and devices, as well as, children's rides and games and retail sales of video games, cartridges, and materials. Variance to permit 0 parking spaces in lieu of the required 5 spaces.
Acre: 1380 sq. ft.
District: 9th

Very truly yours,

[Signature]
Charles Lee, Chief
Bureau of Engineering Access Permits
By: George Wittman

CL:GW:vrd

cc: Mr. J. Wimbley

My telephone number is 301-659-1350.

Teletypewriter for Inquiries Hearing or Speech
383-7555 Baltimore Metro - 965-0451 D.C. Metro - 1-800-462-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St. Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

June 11, 1982

Mr. William E. Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on item #207, Zoning Advisory Committee Meeting, April 20, 1982, are as follows:

Property Owner: James J. Ward, III
Location: W/S York Road 35' N. of Chesapeake Avenue
Acre: 1,380 sq. ft.
District: 9th

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

This petition meets the requirements of the Division of Current Planning and Development.

Very truly yours,

[Signature]
John L. Wimbley
Planner III
Current Planning and Development

JLW:rh



Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

May 20, 1982

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 207 - ZAC - 4/20/82
Property Owner: James J. Ward III
Location: W/S York Road 35' N. of Chesapeake Avenue
Existing Zoning: B.M. - CT
Proposed Zoning: Parking variance from 5 to 0.

Acres: 1380 sq. ft.
District: 9th

Dear Mr. Hammo:

A parking variance of this size could be expected to increase the parking shortage in Towson, due to the limited amount of parking available at this time.

Very truly yours,
C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRA/GMJ/rlj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning Date: April 29, 1982
FROM: Ian J. Forrest
SUBJECT: Zoning Various Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item # 172 - Salvatore & Deborah A. Frascotelli
- Item # 174 - North Park Associated
- Item # 179 - Abell Communications
- Item # 184 - Dorothy M. Markel
- Item # 185 - Margaret E. Hickey
- Item # 188 - Robert J. Romacka, Jr.
- Item # 191 - Richard W. Ater
- Item # 192 - Vernon E. & Patricia A. Hodges
- Item # 195 - William E. & Jeannette M. Tunney
- Item # 197 - Leonard Gordon
- Item # 199 - Charles & Mary L. Gebhard
- Item # 200 - Raymond A. & Linda M. DuVall
- Item # 202 - William T. & Irene P. McKeever
- Item # 203 - Shelton S. & Preya H. Satsky
- Item # 207 - James J. Ward, III
- Item # 209 - Charles H. & Ora P. Michael
- Item # 213 - Frank A. & Rosemarie Luca
- Item # 218 - Leonard & JoAnne Yaker
- Item # 220 - Joseph C. Christopher Glomioso
- Item # 221 - H M H Company
- Item # 222 - Delair Beltway Partnership

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJP/rth



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

June 14, 1982

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: James J. Ward, III

Location: W/S York Road 35' N. of Chesapeake Avenue

Item No.: 207

Zoning Agency Meeting of April 20, 1982

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *George M. McGehee*
Noted and Approved: *George M. McGehee*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/mb/cis



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3900

April 22, 1982

RED ZONE
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 207 Zoning Advisory Committee Meeting are as follows:

Property Owner: James J. Ward, III
Location: W/S York Road 35' N. of Chesapeake Avenue
Existing Zoning: B.M. - CT
Proposed Zoning: Special Hearing to approve a coin-operated amusement device store offering video games, pinball machines, children's rides and games, with related incidental sales of video products, clothing, etc., Special Exception for an arcade for amusement devices, video games, pinball machines (with or w/o flippers) electronic games and other similar player-operated amusement (See attached)

Acres: 1380 sq. ft.
District: 9th

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 6-82 State of Maryland Code for the handicapped and age; and other applicable Code.
- B. A building/_____ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' of an adjacent lot line shall be of one hour fire resistant construction, no openings permitted within 1' of lot line. A firewall is required if construction is on the lot line, see Table 201, Line 2, Section 1407 and Table 1402.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/_____
- X G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets on drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered Professional Architect or Engineer as set forth in this office, state the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 501.
- X I. Comments: The proposed occupancy and use of the structure will require a change of occupancy permit from "C" Mercantile to A-1 Assembly use. The portion of the structure so used shall be made to comply with the requirements of Table 502.7 and the State Handicapped Code.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired additional information may be obtained by visiting Room 4122 (Plans Review) at all West Chesapeake Ave., Towson.

Very truly yours,

Charles S. Burdette
Charles S. Burdette, Chief
Plans Review

CEH/rj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 21, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Meeting of: April 20, 1982

RE: Item No: 202, 203, 204, 205, 206, 207, 208, 209
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no hearing on student population.

Very truly yours,
Wm. Nick Petrevich
Wm. Nick Petrevich, Assistant
Department of Planning

WNP/dp

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner
TO: Norman E. Gerber, Director
Office of Planning and Zoning
FROM: Zoning Petition R3-3-XSPhA
SUBJECT: James J. Ward, III

Date: June 14, 1982

This office is not opposed to this type of use in this location.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:dme

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
W/S of York Rd., 31.5' N of : OF BALTIMORE COUNTY
Chesapeake Ave., 9th District :
JAMES J. WARD, III, Petitioner : Case No. 83-3-XSPhA (Item No. 207)

====

ORDER FOR APPEAL

Mr. Commissioner:

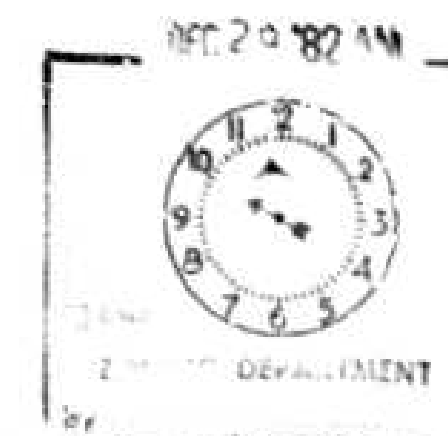
Please note an appeal from your decision in granting the Variance from the parking regulations in the above-entitled matter, under date of November 30, 1982, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Messian, III
John W. Messian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of December, 1982, a copy of the foregoing Order for Appeal was mailed to Newton A. Williams, Esquire, 204 W. Pennsylvania Ave., Towson, MD 21204; Michael P. Tanczyn, Esquire, 501 York Road, Towson, Maryland 21204; and Mrs. Jean DuVall, Greater Towson Community Council, 227 Murdock Road, Baltimore, Maryland 21212.

Peter Max Zimmerman
Peter Max Zimmerman



Ward Special Exception 7/6/82
- Variance Case
Name Address
Helen J. Pankratz 2592 Parkside Dr. Baltimore 21204
Frank X. Ruck 204 E. Joppa Rd. MD. 21204
Bernie Semon 828 Dulaney Valley Rd. Towson 21204
Frank S. Lee 1277 NEIGHBORLY AVE 21237
Samuel B. Rich 8 Rindge Ct. Baltimore 21204
M.C. Skelton Berkeley 204 E. Joppa Rd. Towson, Md 21204
B. Preston Rich 8 Rindge Ct. Baltimore 21204
John J. Smith, 312 A N. Joppa Rd. A.P. Baltimore 21204

John K. Duvall 227 Maryland GTCCD

RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE
W/S of York Road, 31.5' N of Chesapeake Avenue - 9th Election District
James J. Ward, III - Petitioner
NO. 83-3-XSPHA (Com No. 207)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The petitioners herein, James J. Ward, III, owner, and Preston Rich, contract lessee, seek a special exception to use the subject property as an arcade.

According to the site plan prepared by Frank S. Lee, dated May 25, 1982, and marked Petitioners' Exhibit I, the site is located on the west side of York Road, approximately 39 feet north of West Chesapeake Avenue, and is designated as 403 York Road. The existing one-story improvement contains 1,521 square feet and extends 92 feet westerly from York Road to a concrete walkway. In support of his proposal to improve the existing building, Mr. Rich introduced Petitioners' Exhibit 2A, a floor plan and vertical plan showing the nature and extent of the proposed interior improvements, including the physical layout and lighting detail, and Petitioners' Exhibit 2B, a plan showing the proposed improvements to be made to the front of the existing improvement, together with a lighting plan and schedule therefor. (See also Petitioners' Exhibits 3A through F photographs, and 4A through C, colored sketches.) He testified that the site is presently vacant but had been used as a bridal shop and then as a poster store. Further, the specific improvements required to be made both internally and externally, including the sign shown on Petitioners' Exhibit 4A, would cost approximately \$30,000, and the 50 to 60 video amusement devices proposed would cost approximately \$180,000. While Mr. Rich originally indicated the possibility of a small area being devoted to retail sales for promotional fund raisers, he subsequently retracted this testimony and stated retail sales would not occur. His testimony further disclosed that he had been considering such an operation for the last nine months and had visited other arcades. As a result, he was convinced that strict enforcement of established rules was required for a successful operation; thus, it is his intent to have security attendants on the premises dressed with blue blazers of a business type, to use tokens in the devices in lieu of coins, and to post a list of rules to be enforced (Petitioners' Exhibit 5).

Bernard F. Semon, a real estate consultant and appraiser, testifying in behalf of the petitioners, stated it was his opinion that the proposed use would not be detrimental to the health, safety, or general welfare of the community nor would it be detrimental

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DATE 7 November 30, 1982
BY John K. Duvall

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to any of the other criteria established by Section 502.1 of the Baltimore County Zoning Regulations. Others testifying in behalf of the petitioners augmented, substantiated, or elaborated upon the testimony of Mr. Rich.

In opposition, counsel for the protestants introduced testimony from long-time business owners and the president of the Towson Business Association—all of whom felt that the use would not be consistent with the retail sales nature of the existing businesses. They further expressed concern about the type of patrons an arcade would attract, the proposed exterior improvements, the lack of parking, and the general overall negative impact upon the existing businesses. They were of the opinion that the proposed arcade would be detrimental to the health, safety, and general welfare of the community and, therefore, should not be approved at this location.

A review of the Comprehensive Zoning Maps discloses that the subject property is zoned B.M. (Business, Major) with a C.T. (Commercial, Town-Center Core) District superimposed thereon—the latter being established in Section 259.2 as follows:

"C.T. Districts may be applied only to primary shopping areas within town centers on land zoned B.L., B.M., B.R., and/or M.L., the primary shopping area of any such center being that area which contains or is intended to contain a high incidence of pedestrian-oriented retail uses of a type ordinarily producing relatively high income and profit per square foot of sales area; includes or is intended to include major business generators (such as department stores); and also includes or is intended to include certain auxiliary services (such as offices) typically not occupying ground-floor frontage. Certain planned shopping centers having such characteristics may lie wholly or partially within C.T. Districts." (Section 259.2.D.)

Town center is defined in the zoning regulations as:

"A locality designated and delimited as a town center by the Planning Board to serve as the primary center of commercial (including supporting commercial) and higher-density residential development for an area having a population of approximately 100,000 or more persons, and meeting criteria of guidelines adopted and published by the Planning Board. Industrial, lower-density residential, and institutional uses are not excluded from town centers (when allowed under the regulations for the zones in which they are located)." (Note 11 refers to Appendix H which establishes the "designation" and "delimitation" criteria of town centers in Baltimore County adopted and published by the Planning Board on June 13, 1967.)

It is obvious from both the legislative intent and the criteria, as well as the zoning regulations which provide for arcades in B.L. (Business, Local), B.M., or B.R. (Business, Roadside) Zones by way of a special exception, that it was never contemplated by the Baltimore County Planning Board or by the Baltimore County Council that an arcade was an improper use in a town center or in any business zoned area, irrespective

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- The exterior improvements to the existing storefront shall be in keeping with the general commercial atmosphere established by the existing retail businesses. In no case shall the exterior material consist of mirrors or other similar reflective surfaces or neon tubing unless contained inside a sign and the light emitted is muted by an opaque exterior.
- Video games shall be at a ratio of at least 3 to 1 as applied to other amusement devices, including children's rides, and no prize, other than extended play time, shall be awarded. All rules for play, conduct, and dress required of patrons shall be conspicuously posted in and about the premises and shall be strictly enforced. No one under the age of 15 years shall be permitted on the premises during school hours.
- The hours of operation shall be between 11:00 a.m. and 12:00 midnight, Monday through Thursday; 11:00 a.m. and 1:00 a.m., Friday and Saturday; and 12:00 noon and 12:00 midnight, Sunday.
- The use as an arcade shall cease upon termination or expiration of the lease with U.F.O. Landing, Inc., a Maryland corporation, and shall not be leased or subleased to another person, partnership, or corporation without a public hearing to extend the special exception to a new tenant. For purposes of this restriction, a new tenancy will occur upon the sale of a majority of the corporation's stock to anyone other than the present stockholder now owning a majority of the stock in the aforementioned corporation.
- One of the owners or a full-time manager designated by the owners as the responsible party and for whose conduct the owners hereby expressly assume responsibility shall be on the premises at all times the business is open Monday through 6:00 p.m. Friday, and one of the owners or the aforementioned full-time manager and at least one other person in authority shall be on the premises from 6:00 p.m. Friday through 12:00 midnight Sunday to strictly enforce these restrictions and those of the management.
- A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Department of Public Works and the Office of Planning and Zoning.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
PETITION FOR VARIANCE :
W/S of York Rd., 31.5' N of :
Chesapeake Ave., 9th District :
WARD, III, Petitioner : Case No. 83-3-XSPHA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of June, 1982, a copy of the foregoing Order was mailed to J. Earle Plumhoff, Esquire and Newton A. Williams, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioner; and Mr. Preston Rich, 417 Rodgers Court, Towson, Maryland 21204, Contract Lessee.

John W. Hession, III

IN THE MATTER OF :
THE APPLICATION OF :
JAMES J. WARD, III :
FOR SPECIAL EXCEPTION, :
VARIANCE and :
SPECIAL HEARING :
W/S OF YORK ROAD 31.5' :
N. OF CHESAPEAKE AVENUE :
9th DISTRICT :
BALTIMORE COUNTY

OPINION

This case comes before the Board on appeal from an Order of the Zoning Commissioner, dated November 30, 1982, granting a special exception for an Arcade, granting a variance for 0 parking spaces instead of the required 6 parking spaces under §409.2b of the Baltimore County Zoning Regulations, and denying a special hearing regarding amusement devices. The appeal was taken only on the granting of the variance for 0 parking spaces instead of the required 6 parking spaces.

The subject property is located on the west side of York Road 31.5 feet north of Chesapeake Avenue in the Ninth Election of Baltimore County. Since this property is located in the old downtown section of Towson, the parking requirements under the Zoning Regulations become virtually impossible to comply with. For this reason the Zoning Supervisor had conducted a parking survey of those businesses of long time duration that exist in downtown Towson. This survey was entered as Petitioner's Exhibit #1 at the hearing on this case.

As a result of this parking survey People's Counsel agreed that the parking requirements in this instant case are unrealistic and for this reason agreed that the requested variance could be granted contingent upon the proprietor's participation in the Towson Park and Shop Program. It was stipulated by the Petitioner that he is now, has been and will continue to participate in this Park and Shop Program.

It is, therefore, the opinion of this Board that in view of the Petitioner's compliance with participation in the Park and Shop Program, the Order of the Zoning Commissioner granting the requested variance should be affirmed and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of April, 1982, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated November 30, 1982, is hereby AFFIRMED and that the

of such use not being a retail sales business. As such, the requested special exception should be granted.

Additionally, the petitioners seek a variance from Section 409.2.b.(5) to allow zero parking spaces in lieu of the required six spaces. Counsel for the petitioners, Newton A. Williams, predicated this request upon the absence of required parking for most, if not all, of the businesses on York Road in this older part of Towson. He argued that if the petitioners proposed to operate a restaurant in this town center, no parking spaces would be required even though the parking regulations are greater for a restaurant than any other commercial use and feels the rationale would be the same; i.e., most patrons of the arcade would already be in the area for eating or shopping and, consequently, not need another parking space. In view of Mr. Williams' presentation and argument, together with the health, safety and general welfare of the community not being adversely affected and that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship upon the petitioners, the requested variance should be granted.

The remaining request seeks an interpretation of the zoning regulations as to whether a coin-operated amusement device store offering video games, pinball machines, and children's rides and games, with related incidental sales of video products, clothing, etc., in a B.M. Zone-C.T. District (Section 233.2) is a lawful use permitted as a commercial recreation enterprise. In view of past decisions of this Zoning Commissioner regarding commercial recreation enterprises as excluding penny arcades and the petitioners' withdrawal of the proposal to sell video products, clothing, etc., the special hearing should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of November, 1982, that the Petition for Special Exception for an arcade and, additionally, the Petition for Variance to permit zero parking spaces in lieu of the required six spaces, in accordance with Petitioners' Exhibit 1, are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- A maximum of 55 amusement devices, including children's rides, shall be located within the 1,521 square foot enclosed area depicted on Petitioners' Exhibit 1, and any increase in area or number of amusement devices, including children's rides, shall be subject to a special hearing to amend this Order. The exact number of machines, not to exceed 55, shall be based upon the number of people allowed on the premises by the Fire Department and at a rate of two persons to each amusement device.

JAMES J. WARD, III - #83-3-XSPHA

variance petitioned for to permit zero parking spaces in lieu of the required six (6) parking spaces be and the same is hereby GRANTED, subject to the following restrictions:

- A maximum of fifty-five (55) amusement devices, including children's rides, shall be located within the 1,521 square foot enclosed area depicted on Petitioner's Exhibit #1 (Plat filed at the Zoning Commissioner's hearing), and any increase in area or number of amusement devices, including children's rides, shall be subject to a special hearing to amend this Order. The exact number of machines, not to exceed 55, shall be based upon the number of people allowed on the premises by the Fire Department and at a rate of two persons to each amusement device.
- The exterior improvements to the existing storefront shall be in keeping with the general commercial atmosphere established by the existing retail businesses. In no case shall the exterior material consist of mirrors or other similar reflective surfaces or neon tubing unless contained inside a sign and the light emitted is muted by an opaque exterior.
- Video games shall be at a ratio of at least 3 to 1 as applied to other amusement devices, including children's rides, and no prize, other than extended play time, shall be awarded. All rules for play, conduct, and dress required of patrons shall be conspicuously posted in and about the premises and shall be strictly enforced. No one under the age of 18 years shall be permitted on the premises during school hours.
- The hours of operation shall be between 11:00 a.m. and 12:00 midnight, Monday through Thursday; 11:00 a.m. and 1:00 a.m., Friday and Saturday; and 12:00 noon and 12:00 midnight, Sunday.
- The use as an arcade shall cease upon termination or expiration of the lease with U.F.O. Landing, Inc., a Maryland corporation, and shall not be leased or subleased to another person, partnership, or corporation without a public hearing to extend the special exception to a new tenant. For purposes of this restriction, a new tenancy will occur upon the sale of a majority of the corporation's stock to anyone other than the present stockholder now owning a majority of the stock in the aforementioned corporation.
- One of the owners or a full-time manager designated by the owners as the responsible party and for whose conduct the owners hereby expressly assume responsibility shall be on the premises at all times the business is open Monday through 6:00 p.m. Friday, and one of the owners or the aforementioned full-time manager and at least one other person in authority shall be on the premises from 6:00 p.m. Friday through 12:00 midnight Sunday to strictly enforce these restrictions and those of the management.

ORDER RECEIVED FOR FILING
DATE 7 November 30, 1982
BY John K. Duvall

DATE 7 November 30, 1982
BY John K. Duvall

John W. Hession, III
Zoning Commissioner of
Baltimore County

7. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Department of Public Works and the Office of Planning and Zoning.
8. The Petitioner must comply with the Agreements reached between the parties in which Petitioner must participate in the Park and Shop Program in effect in the downtown Towson district.

Any appeal from this decision must be in accordance with Rules

B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

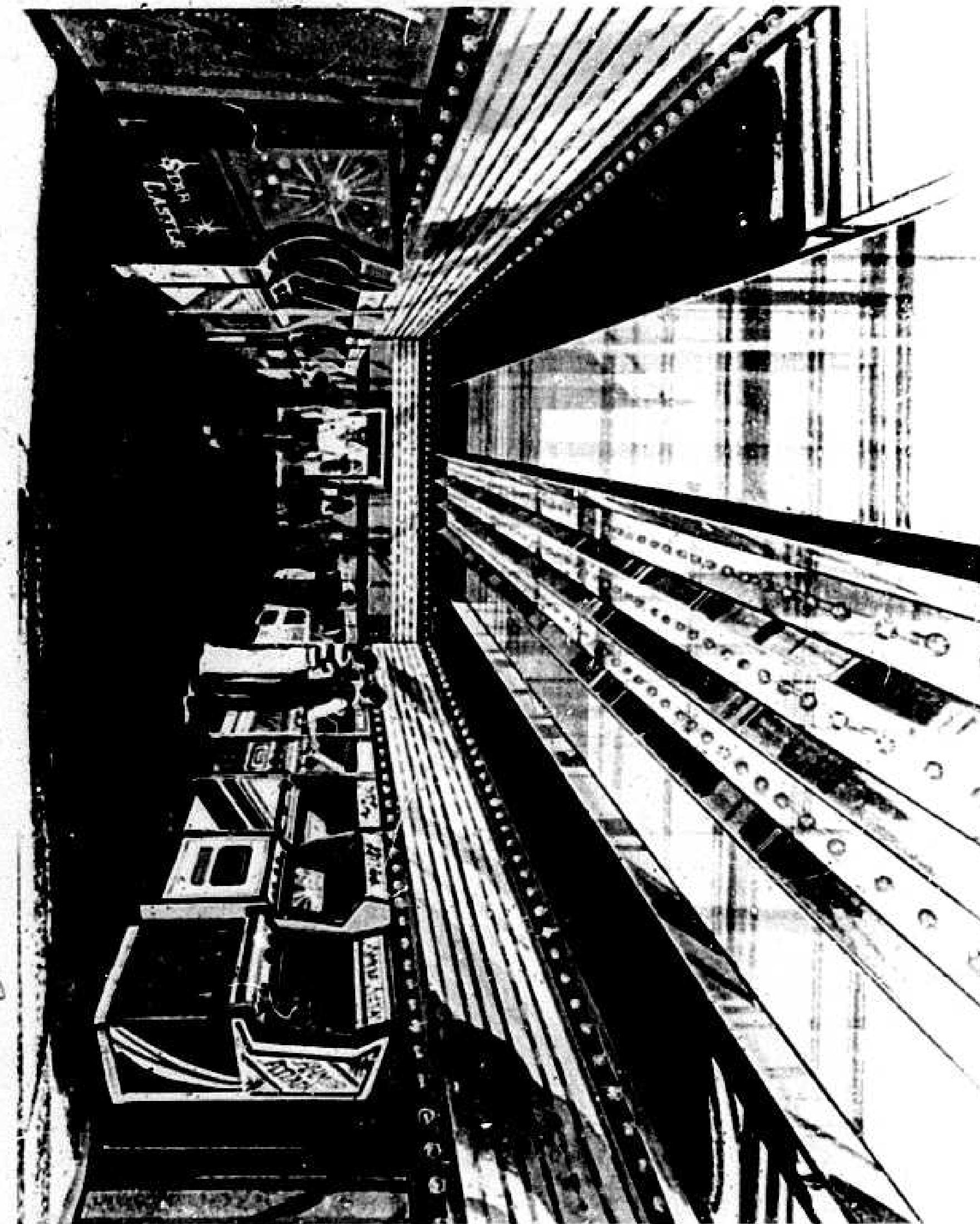
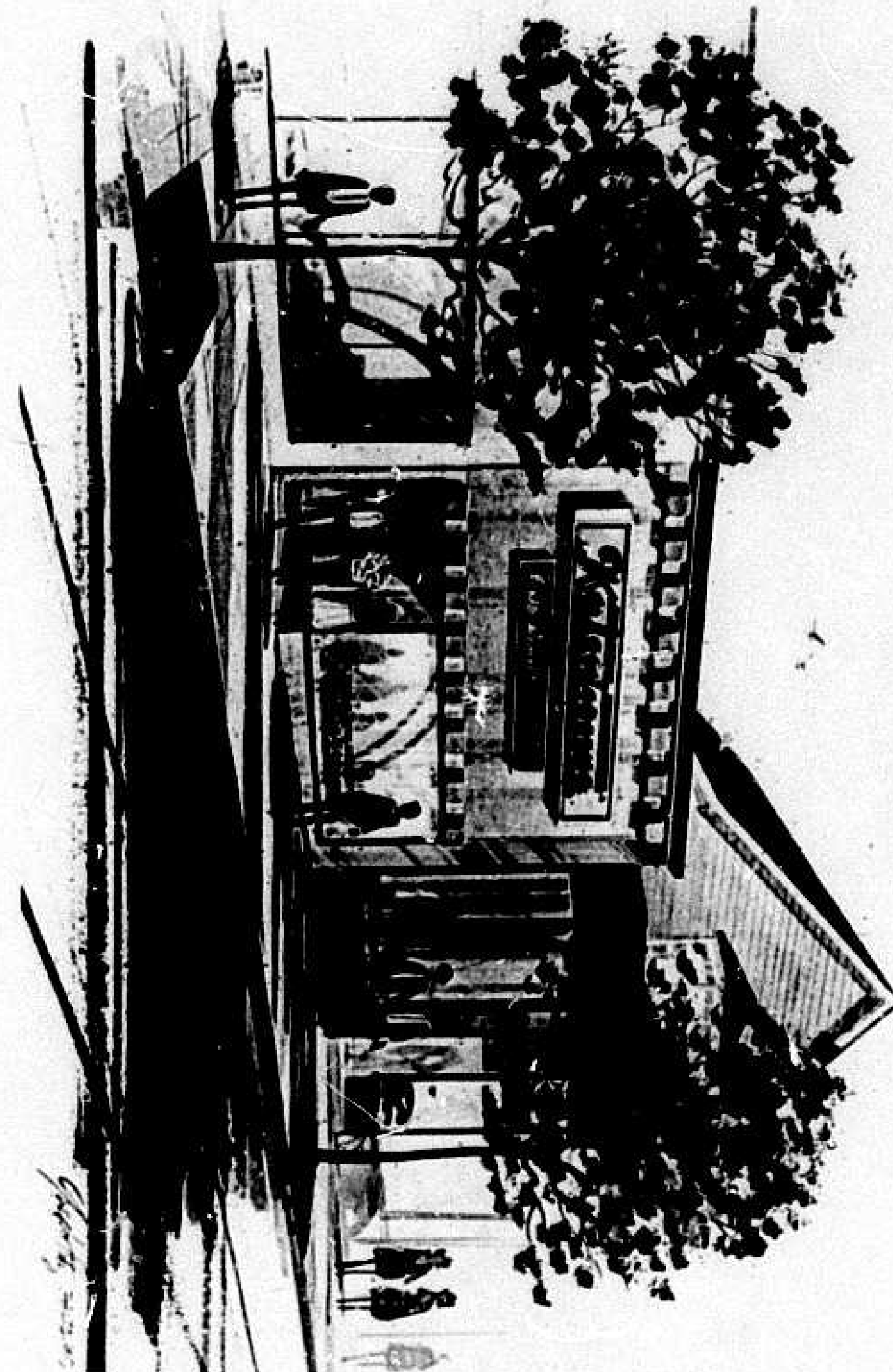
LeRoy B. Spurrer
LeRoy B. Spurrer

Diana K. Vincent
Diana K. Vincent

ENTERTAINMENT CENTER

Kaleidoscope

PETITIONER'S
EXHIBIT 4a three



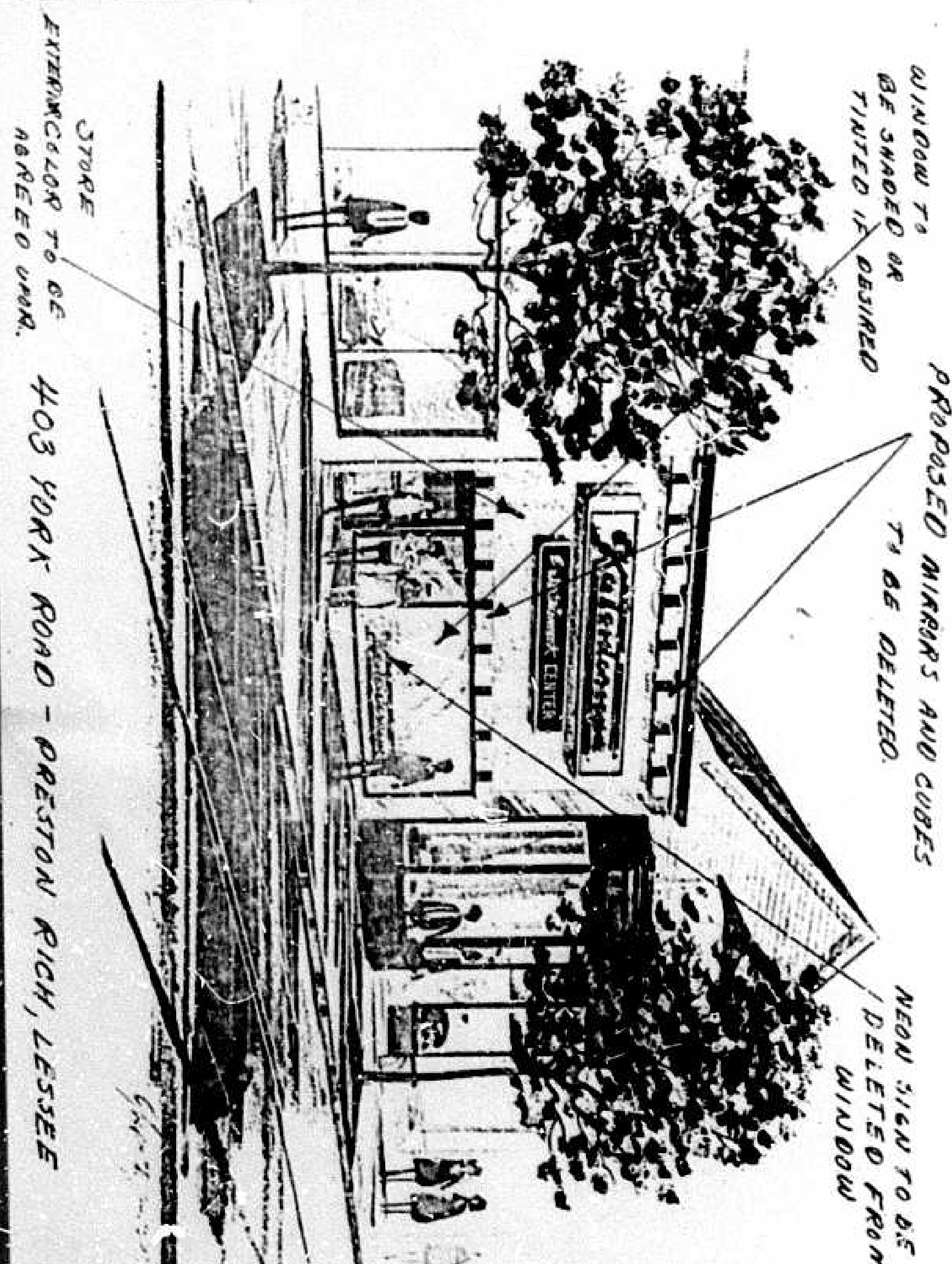
PETITIONER'S
EXHIBIT 5

- | | |
|-----|-------------------------------------|
| NO | SMOKING |
| NO | LOITERING |
| NO | DRINKING |
| | PROFANITY |
| NO | DISORDERLY CONDUCT |
| NO | STUDENTS DURING SCHOOL HOURS |
| AND | PROPER DRESS REQUIRED AT ALL TIMES. |

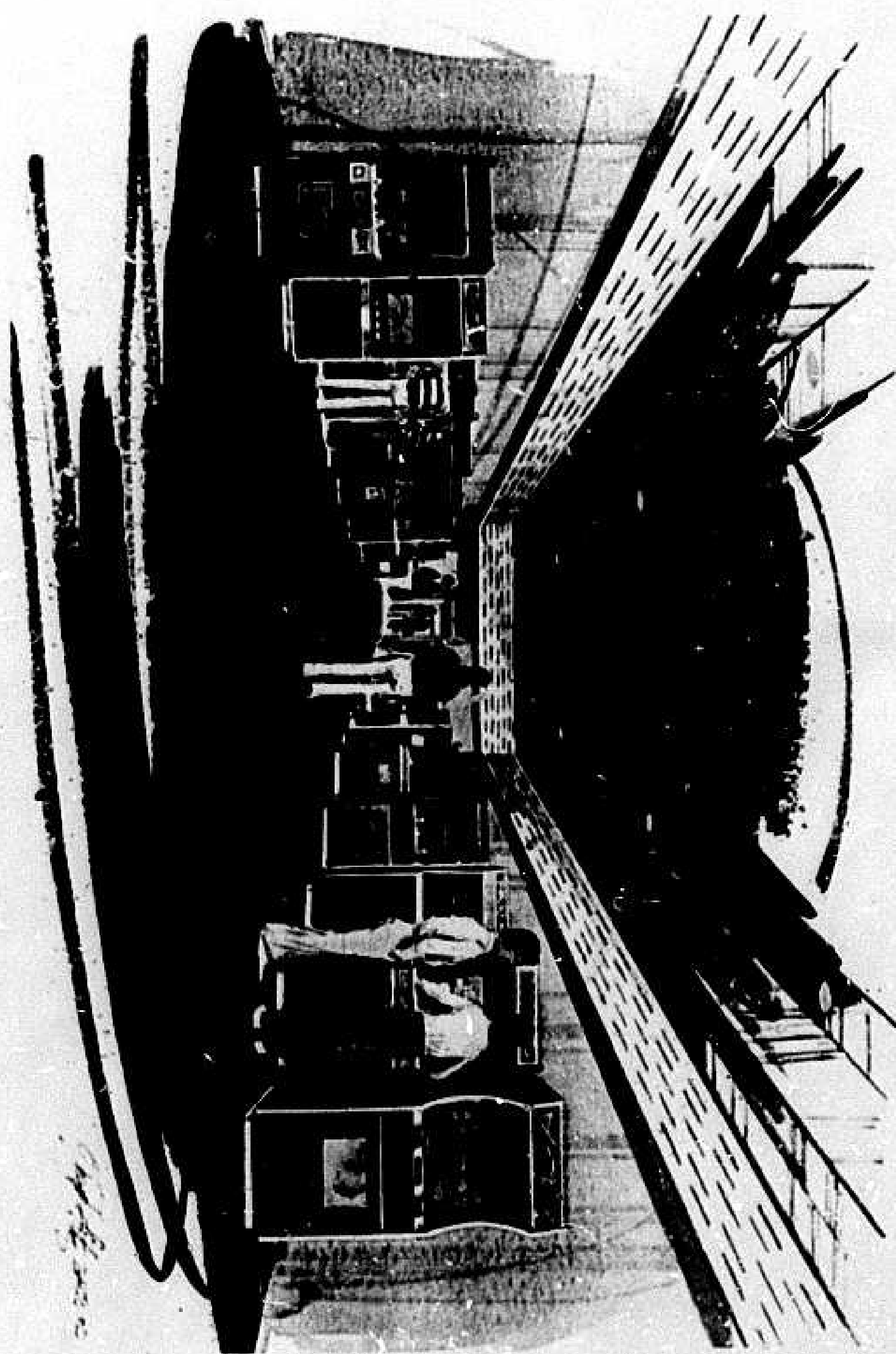
*Z.C. Pet
Ex. 5*

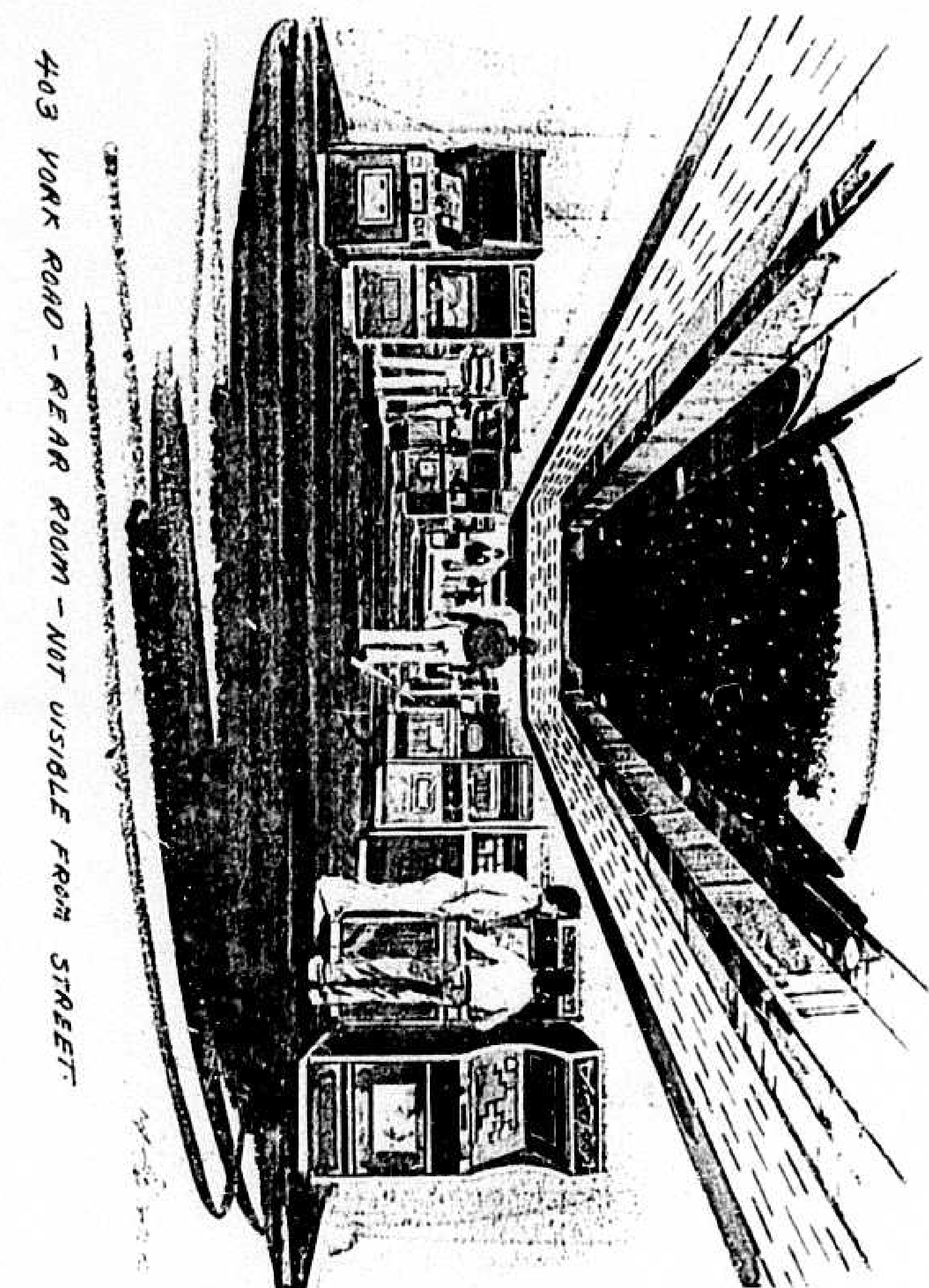
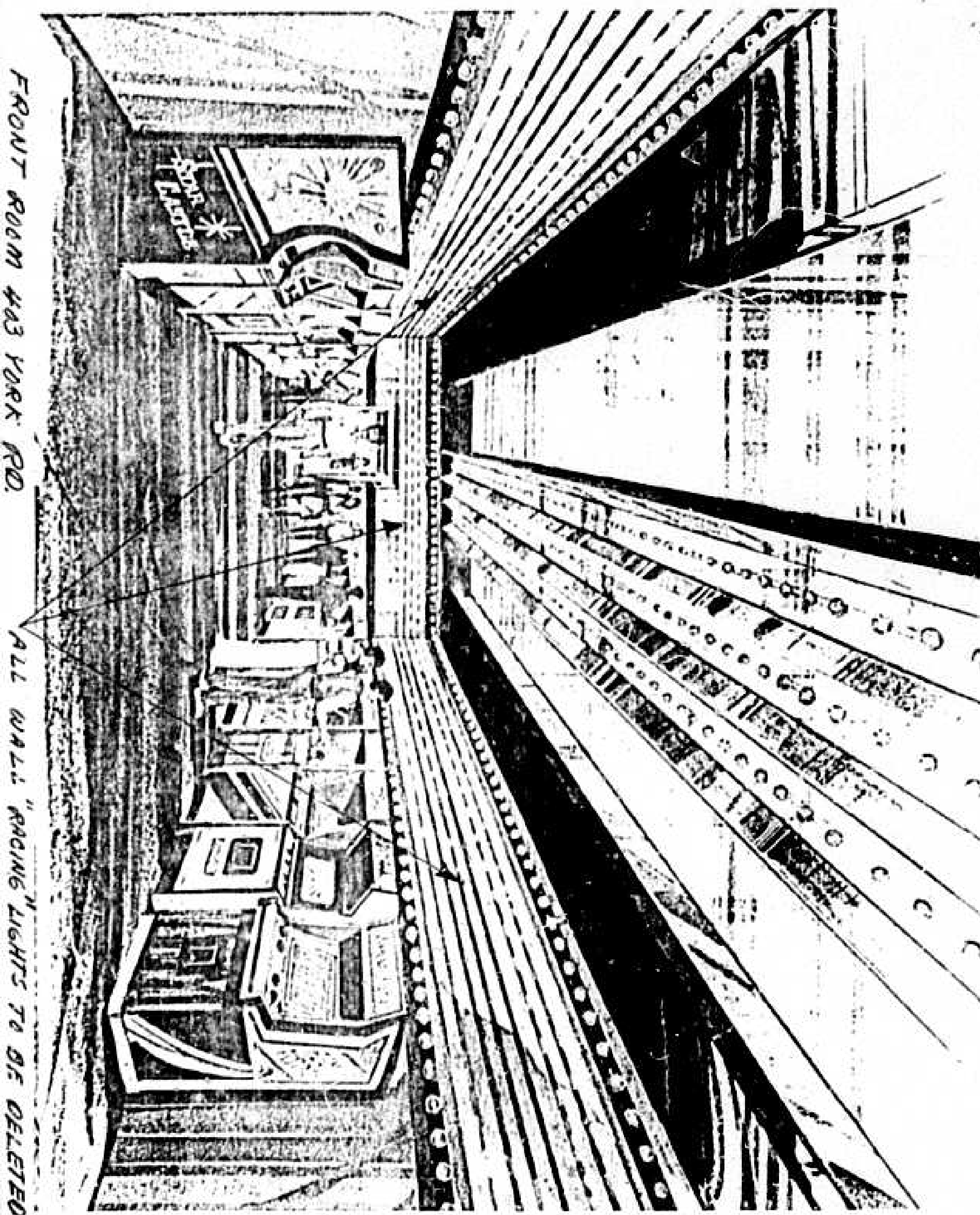
ENTERTAINMENT CENTER

Kaleidoscope



Z.C. Pet, Ex. 6





PRESTON RICH'S YORK ROAD ATTENDED ARCADE
"KALEIDOSCOPE"

- | | |
|---|---|
| Downtown Towson
RM-CT | (1) Towson is our most urbanized "downtown" area and it is zoned RM-CT. |
| Commercial w/o parking, 50 years+ | (2) This location on York Road has been a commercial location without parking for fifty or more years. |
| "Kaleidoscope" a fine attended arcade | (3) Preston Rich's proposed "Kaleidoscope" recreation center represents the best type of attended arcade. |
| \$50,000+ in improvements inside and out | (4) This older storefront and interior are to be completely revived by over \$50,000 in renovations - inside and out, it will be a credit to the area. |
| BOCA and Life Safety Codes | (5) The safety of the building will be greatly improved by a changeover to a more strict type of occupancy under the BOCA and Life Safety Codes. |
| Recreational Opportunity for all | (6) The facility will provide an opportunity for recreation by shoppers, office workers, and students in the downtown Towson area. |
| Site Convenient to all Towson Advantages | (7) The location is convenient to area public transportation, public parking, the Library, Towson State University, the governmental complex, existing and proposed new stores, and in the heart of Towson. |
| 28 Spaces for restaurant use waived by Law | (8) If this location were a restaurant, the usual parking requirement of one space for each 50 square feet, a total requirement of 28 parking spaces would be completely waived. |
| Towson Rented Spaces Wasted | (9) Restaurant experience in Towson has shown that rented spaces in public or private garages are not used by restaurant customers, and it would be wasteful and unfair to require this store to rent such spaces. |
| Present & Past Retail Uses Require 7 Spaces, none ever provided vs. 5 spaces for Kaleidoscope | (10) The existing retail store of 1380 square feet at one space for each 200 square feet would require 7 parking spaces, and none are now or have ever been provided. The 5 spaces required by the arcade use represent a lower requirement than the 7 spaces not now provided. |
| Plain Sight on York Rd. Near Both Police and Fire Stations | (11) This store is located on busy York Road and it is under constant day and night observation by passing cars and pedestrians; and it is only one block from the Towson Police Station and less than a mile from Police and Fire Headquarters. |
| Mr. Rich wants to become a Good Towson Business Neighbor | (12) Mr. Rich wishes to become a responsible part of the Towson business community, and his commitment is underlined by his investment in both time and dollars. |

PROPOSED RECREATION CENTER AT 403 YORK ROAD,
REQUESTED SPECIAL EXCEPTION AND PARKING VARIANCE

Section 502.1 Requirements for Special Exception
A. HEALTH, SAFETY OR GENERAL WELFARE

HEALTH - This recreation center will provide safe and good recreational opportunities to Towson employees, shoppers, families and students. No food or drinks are served and all sanitary facilities are provided to be upgraded, including improved restroom facilities with handicapped access.

SAFETY - The building is of masonry construction, and its safety will be upgraded as required by the 1981 BOCA Code/Bill 4-82 and the Life Safety Code. Further, the police station is only a block to the west, with police and fire headquarters a little over one-half mile to the north.

GENERAL WELFARE - The overall appearance of this older commercial property will be greatly improved, both inside and outside. The proposed recreation center will be a well managed, wholesome, fun center for Towson area families, shoppers, employees, and youth. The center will be both a physical and recreational community asset.

B. CONGESTION IN ROADS, STREETS OR ALLEYS

This recreational fun center will draw primarily upon existing foot and vehicle traffic in the heart of Towson's RM-CT area. This area of Towson is also served by public bus service and public parking garages. It has been used for years for commercial purposes, and it is not in a traffic deficient district.

C. POTENTIAL HAZARD FROM FIRE, PANIC OR OTHER DANGERS

This masonry building will be made safer by the BOCA and Life Safety Code change to an assembly use. It is only one-half mile plus from fire headquarters with fire hydrants on York Road and Chesapeake Avenue. It will have good emergency access and full time management to prevent panic or other dangers. Finally, it is only one block east of the Towson Police Station.

D. OVERCROWDING OF LAND AND UNEVEN CONCENTRATION OF POPULATION

Since the building's construction in the 1920's, it has covered this commercial site and it is only one story high. It will primarily serve existing Towson area families, employees, shoppers, and youth, by offering wholesome fun and entertainment.

E. INTERFERENCE WITH PUBLIC IMPROVEMENTS

The property is an established commercial building in an area served by all public utilities, and it is not in a deficient district for public water, sewer or roads. All interested State and County agencies have reviewed the site and there is no mention of such interference.

F. ADEQUATE LIGHT AND AIR

The building is only one story high, and will be well ventilated, winter and summer.

REQUESTED PARKING VARIANCE - PRACTICAL
DIFFICULTY AND UNREASONABLE HARDSHIP

The building has existed for 50 plus years without on-site parking.

The building is just to the east of a public parking garage.

The patrons will be primarily existing Towson visitors, employees, shoppers, families and persons of all ages - few persons will make a special trip to visit this recreation center, but many will take time out for a recreational break.

If five parking spaces were to be rented from a public or private source within 500 feet, the spaces would be little used, since most patrons are already parked, and they do not want to walk down from the upper levels of a public garage - the most likely location of rented, assigned spaces.

Finally, this recreation center is like a restaurant which has been properly exempted from providing 28 parking spaces (1,380 at 1/50) in the CT heart of RM zoned Towson, in that most of its patrons have already parking elsewhere in Towson for work, shopping, food or refreshment, study or other multiple purpose when combined with a recreational visit.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

OF COUNSEL
RALPH E. DETT
6026 LIBERTY ROAD
DANIELSTOWN, MARYLAND 21033
(301) 897-2101

April 12, 1984

Mr. John J. France
Processing Supervisor
Department of Permits and Licenses
Room 100, County Office Building
Towson, Maryland 21204

Re: Violation Notice 873
Kaleidoscope Arcade
403 York Road

Dear Mr. France:

On behalf of our clients, Mr. Joel Smeyne and Mr. Preston Rich, we wish to advise your department of the status of this matter.

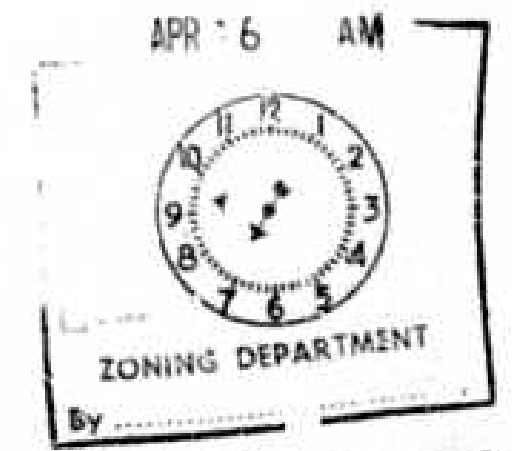
The Board of Appeals is about to render a decision, agreed to by the Peoples Counsel, hopefully to favorably conclude an outstanding parking variance case by agreement.

Also, Mr. Smeyne and his company have filed for other zoning relief. In any case we have applied for various permits and zoning relief and are pressing diligently ahead. Mr. Smeyne has applied and/or several times tried to apply for his license renewals and wishes to comply with all licenses, rules and regulations.

We look forward to working out all matters with all departments.

Sincerely yours,
Newton A. Williams
Newton A. Williams

cc: Zoning Commissioner
County Board of Appeals
Mr. Joe Smeyne
Robert Yerman, Esquire



LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

April 6, 1983

The Honorable William T. Hackett
Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Re: Petition For Parking Variance For The Kaleidoscope Arcade
Property, Case No. 83-3-XMPLA, Requested
Postponement By Agreement Of Counsel

Dear Mr. Hackett:

Please be advised that this office represents Mr. and Mrs. Preston Rich, the Petitioners in a special exception parking variance case involving 403 York Road.

Recently, I spoke at some length with Mr. Hessian, the People's Counsel, and he feels that his limited appeal on the parking aspect of this case could be appropriately carried over pending some council legislative action on parking in the heart of the Townhome Centre, or otherwise working the matter out to the satisfaction of the Zoning Commissioner's Office and his office.

Furthermore, our clients Mr. and Mrs. Rich have spent a great deal of time and money on this case, and they are not presently in a position to spend more, if the matter can be resolved either by legislation or compromise.

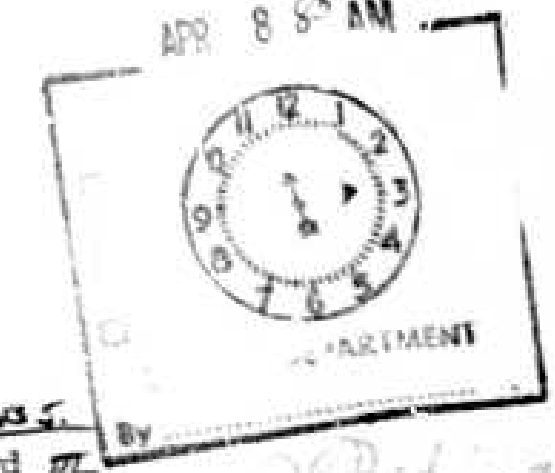
Accordingly, by agreement with Mr. Hessian, we would respectfully request that the Board postpone this matter presently scheduled for 10:00 a.m. on Tuesday, April 26, 1983. We are sure the Board can use this time productively for other purposes, and we appreciate the courtesy of Mr. Hessian and the Board being extended to our clients in this regard.

We thank Mr. Hessian and the Board for your kind cooperation in this matter.

Respectfully,
Newton A. Williams
Newton A. Williams

cc: John W. Hessian, III, Esquire
Peter Max Zimmerman, Esquire
Mr. James E. Ryer

cc: Mr. & Mrs. Preston Rich
Mr. M. C. Berkeley



MICROFILMED

34-118 Case file
90- Case file
9
LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
January 16, 1984
J. EARLE PLUMHOFF
NERTON A. WILLIAMS
WILLIAM E. HESSIAN, JR.
THOMAS J. RYNNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
G. SCOTT BARNHART
ROBERT L. HANLEY, JR.
TELEPHONE
410-823-7800

Honorable Phyllis C. Friedman
Baltimore County People's Counsel
Honorable Peter M. Zimmerman
Deputy People's Counsel
Court House
Towson, Maryland 21204

Re: Proposed Resolution of Parking Variance Appeal
in the Ward case, Case No. 83-3-XSPHA

Dear Mrs. Friedman and Mr. Zimmerman:

As your records will reveal, former Commissioner Hammond by his Opinion and Order of November 30, 1982, granted a Special Exception for an amusement arcade and a Parking Variance covering premises at 403 York Road.

At the present time Mr. Yerman and our office represent General Vending Sales Corporation, and its principals Mr. Hyatt and Mr. Smeyne, who are proposing to take over the operation.

Commissioner Hammond included some seven (7) conditions in his Opinion and Order of November 30, 1982, including condition number 5 relating to a change of operation or ownership. Accordingly, we met on January 10th with Mr. Dyer, and it was decided that this letter should be written.

As your records may reveal, a Zoning and Parking Survey was conducted by the Zoning Enforcement Section, which revealed that virtually none of the merchants in the 400 Block or 500 Block of York Road are providing on-site parking. Furthermore, this location at 403 York Road was formerly a retail outlet, which required one (1) space for every 200 square feet. As an arcade, we believe that it would be classed "other commercial" under the Regulations, which would require one (1) space for every 300 square feet, a total of

MICROFILMED

Honorable Phyllis C. Friedman
Honorable Peter M. Zimmerman
January 16, 1984
Page 2

six (6) spaces. Pursuant to an agreement between the Zoning Commissioner's Office and the People's Counsel Office, which was embodied in a letter dated October 21, 1983, it was decided to allow the arcade to open on the basis of a participation in the "Park and Shop" Program run by the Baltimore County Revenue Authority. In fact, the Kaleidoscope Arcade is participating in this program.

We are hereby proposing to all interested parties what we believe to be a very sensible longer term solution, namely the continuation of this arcade in the Park and Shop Program, in which case we would agree to participate in this program in lieu a total variance as was granted by the earlier Order. We believe that the County Board of Appeals might very well be disposed to grant such a complete variance, but in the interest of an early resolution of the matter, we would suggest the Park and Shop compromise.

At the present time General Vending is preparing to go forward with a Special Exception case to transfer the existing arcade to a new lessee and operator, and we would very much appreciate an early resolution of this Parking Variance situation. In fact, such a solution would also remove this case from the active docket of the Board of Appeals, while at the same time ensuring that some parking is provided. Parenthetically, we are told that there is a limited participation in the Park and Ride Program by customers at the arcade.

We well realize that Mrs. Friedman has just assumed the duties of the office, and we look forward to discussing the matter with both of you at your earliest convenience. Awaiting word in this regard, I am

Sincerely yours,

Newton A. Williams

Newton A. Williams

NW:ylm

cc: Honorable William T. Hackett, Chairman, County Board of Appeals
Honorable Arnold Jablon, Zoning Commissioner
Mr. James D. Dyer, Zoning Supervisor
Robert J. Yerman, Esquire
Mr. Morton Hyatt, General Vending Sales Corporation
Mr. Joel M. Smeyne, General Vending Sales Corporation
Mr. Frank S. Lee, R.L.S.

MICROFILMED

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

May 28, 1982

No. 403 York Road
9th District Baltimore County, Maryland

Beginning for the same on the west side of York Road at the distance of 31.50 feet measured northerly along the west side of York Road from the north side of Chesapeake Avenue, thence running and winding on the west side of York Road North 21 degrees 30 minutes East 18.50 feet, thence running for five lines of division as follows: North 71 degrees 45 minutes West 92 feet, South 18 degrees 15 minutes West 15 feet, South 71 degrees 35 minutes East 46.50 feet, South 21 degrees 35 minutes West 3.50 feet and South 71 degrees 45 minutes East 45.50 feet to the place of beginning.

Containing 1521 square feet.



PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE

9th Election District

ZONING: Petition for Special Exception, Special Hearing and Variance
LOCATION: West side of York Road, 31.5 ft. North of Chesapeake Avenue
DATE & TIME: Tuesday, July 6, 1982 at 10:15 A.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 an arcade, Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve that a coin-operated amusement device, arcade offering video games, pinball machines, children's rides and games, with related incidental sales of video products, clothing, etc., in a B.M., C.T. zone per Section 233.2 of the Zoning Regulations is a lawful use permitted as a commercial recreation enterprise in a B.M., C.T. zone; and Variance to permit 0 parking spaces in lieu of the required 5 parking spaces.

The Zoning Regulation to be excepted as follows:
Section 409.2b.(5) - required number of parking spaces

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

Being the property of James T. Ward, III, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, July 6, 1982 at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 30, 1982

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

Re: Petitions for Special Exception, Special
Hearing and Variance of James J. Ward, III
W/S York Rd., 31.5' N of Chesapeake Ave.
Case #83-3-XSPHA

Dear Mr. Williams:

This is to advise you that \$77.40 is due for advertising and posting of the above property.

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

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

No. 107699

DATE 7/6/82 ACCOUNT 01-660

AMOUNT \$77.40

RECEIVED FROM Pamela J. Rich

FOR Advertising & Posting Case #83-3-XSPHA

(James J. Ward, III)

0 027-*****776010 0062A

VALIDATION OR SIGNATURE OF CARRIER

June 8, 1982

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

NOTICE OF HEARING

Re: Petition for Special Exception, Spec. Hearing & Variance
W/S York Rd., 31.5' N of Chesapeake Avenue
James J. Ward, III - Petitioner
Case #83-3-XSPHA

TIME: 10 A.M.

DATE: Tuesday, July 6, 1982

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

TOWSON, MARYLAND

cc: Mr. Preston Rich
417 Rodgers Court
Baltimore, Maryland 21204

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
J. EARLE PLUMHOFF
NERTON A. WILLIAMS
WILLIAM E. HESSIAN, JR.
THOMAS J. RYNNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
G. SCOTT BARNHART
ROBERT L. HANLEY, JR.
TELEPHONE
410-823-7800

October 21, 1983

The Honorable Arnold Jablon, Esquire
Baltimore County Zoning Commissioner
Office of Planning and Zoning
County Courts Building
Towson, Maryland 21204

Re: Agreed interim handling of parking
requirements for 403 York Road, the
Ward Property.

Dear Mr. Jablon:

Confirming our telephone conversation of October 20, it has been agreed between Mr. Hessian and this office that as an interim solution, Mr. Rich will participate in the Park & Shop Program.

Mr. Rich and General Vending, the Co-operators, will sign the Park & Shop Program, post signs in the arcade, and pay customers parking charges in the County Revenue authority garages, in part.

This interim solution was previously discussed with Mr. Hessian and Mr. Dyer, your Zoning Supervisor, and both Mr. Hessian, and I believe that it will be acceptable to Mr. Dyer. In any case, we will discuss this with Mr. Dyer after his vacation of October 31.

In the meanwhile, both my clients wish to thank you by having agreed to release the arcade permit and to instruct Mr. Swan and your staff to sign this permit. Of course, at some future point the County Board of Appeals could reverse Mr. Hammond's parking variance granted November 30, 1982, in case No. 83-3-XSPHA, and at such time Mr. Rich would be required to reach the parking requirement for the Ward Property. Your cooperation and that of Mr. Hessian and your respective staffs is appreciated.

Respectfully,

Newton A. Williams

Newton A. Williams

NW:llb

cc: John W. Hessian, III
Preston Rich

Approved as above:

Arnold Jablon
Arnold Jablon
Zoning Commissioner

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

MR. M. C. BERKELEY
204 E. JOPPA RD
TOWSON MD 21204

December 27, 1982

Mr. William E. Hammond
Commissioner of Zoning
111 W. Chesapeake Avenue
Towson MD 21204

Dear Mr. Hammond:

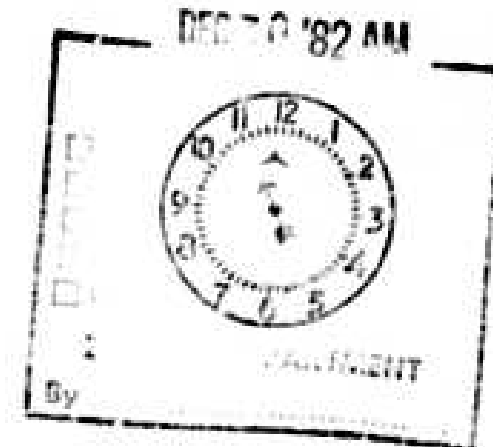
This is your notice that in my name only, I am taking an appeal of the decision rendered in case #83-3-XSPHA (Item No. 207) Petitioners James J. Ward, III, owner, and Preston Rich, contract lessee for location W/S of York Road, 31.5' N of Chesapeake Avenue, 9th Election District.

I have enclosed the necessary costs of \$225.00; \$100.00 (a.p.)

Sincerely,

M. C. Berkeley

M. C. Berkeley



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 7, 1983

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

Re: Petitions for Special Exception, Special
Hearing and Variance
W/S of York Rd., 31.5' N of Chesapeake Ave.
James J. Ward, III - Petitioner
Case #83-3-XSPHA

Dear Sirs:

Please be advised that the following two Appeals have been filed from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter:

- 1) Appeal from John W. Hessian, III, Esquire, People's Counsel on the Variance petition
- 2) Appeal from M. C. Berkeley, Protestant, on the Special Exception and Variance petitions

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

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:sj

cc: Michael P. Tanczyn, Esquire
501 York Road
Towson, Maryland 21204

Preston Rich
8 Ruxlea Court
Towson, Maryland 21204

Mrs. Jean Duvall
Greater Towson Community Council
227 Murdock Road
Baltimore, Maryland 21212
M. C. Berkeley
204 E. Joppa Road
Towson, Maryland 21204

Law Offices
Michael P. Tanczyn
501 York Road
Towson, Maryland 21204
(301) 296-8822
(301) 296-8825

July 21, 1982

Mr. William Hammond
Zoning Commissioner for Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case #83-3-XSPHA
Item #207
Petition of James J. Ward, III

Dear Mr. Hammond:

I have just been retained by the Greater Towson Council of Community Association to represent their interests and the interests of their protestants in this matter.

As I understand this matter is to resume on July 30, 1982, I would like to ask that it be continued for approximately one month, if possible, so that I might have time to familiarize myself with this matter so that the protestants can have more opportunity to contest the merits of this Petition.

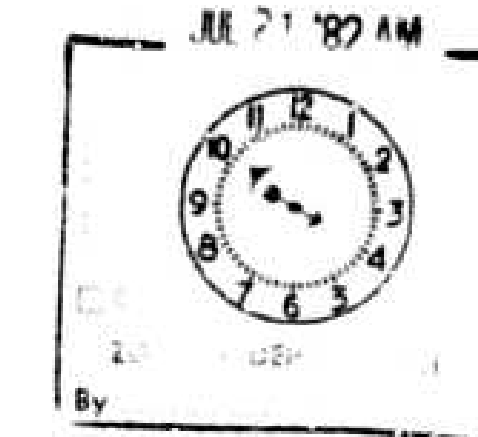
I look forward to receiving your response.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/kvm

cc: Ms. Jean Duvall
Newton A. Williams, Esq.



82-1723
424

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
TELEPHONE
823-7870

MAILING ADDRESS
P.O. BOX 5485
TOWSON, MARYLAND 21204

August 18, 1982

The Honorable William E. Hammond, Esquire
Baltimore County Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Abandonment of Request for Any
Combined Retail Sales for the Ward
Property, Preston Rich Contract Lessee.
Case No.: 83-3-XSPHA

Dear Mr. Hammond:

In the light of your decision in the Belair Beltway case, please be advised that on behalf of my client, Preston Rich, we hereby formally abandon any and all requests for a retail sales area in combination with the requested arcade.

For the taped record, I will repeat this abandonment at the outset of the continuance of the hearing before Your Honor, tentatively scheduled for Thursday, September 2, 1982, at 9:30 a.m.

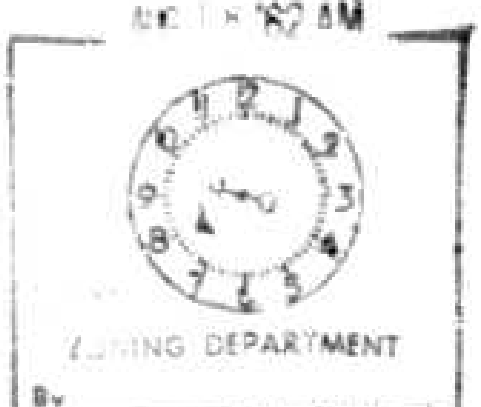
Thanking you and your staff for your kind attention to this formal abandonment, I am -

Respectfully,

Newton A. Williams
Newton A. Williams

NW:pr

cc: Mr. Nicholas Commodari
Mr. and Mrs. Preston Rich
Michael C. Tanczyn, Esquire
Mrs. Jean Duvall, President
Greater Towson Community Council
Mrs. Barbara Bateman
Towson Business Association



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 30, 1982

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

RE: Petitions for Special Exception,
Special Hearing, and Variance
W/S of York Road, 31.5' N of
Chesapeake Avenue - 9th Election
District
James J. Ward, III - Petitioner
NO. 83-3-XSPHA (Item No. 207)

Dear Mr. Williams:

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Michael P. Tanczyn, Esquire
501 York Road
Towson, Maryland 21204

Mrs. Jean Duvall
Greater Towson Community Council
227 Murdock Road
Baltimore, Maryland 21212

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

494-3180

County Board of Appeals
Room 200, Court House
Towson, Maryland 21204
February 28, 1984

Hearing Room #218

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c) COUNTY COUNCIL BILL #55-79

CASE NO. 83-3-XSPHA

JAMES J. WARD, III

FOR SE - ARCADE
" VARIANCE FROM \$409.26(5) - PARKING
" SPH - AMUSEMENT DEVICES

W/S OF YORK ROAD 31.5'
N. OF CHESAPEAKE AVENUE

9th DISTRICT

11/30/82 - Z.C. GRANTED SE & VARIANCE
" DENIED SPH

ASSIGNED FOR:

TUESDAY, MARCH 27, 1984 at 9 a.m.

cc: Newton A. Williams, Esquire
J. Earle Plumhoff, Esquire
James J. Ward, III
Preston Rich
Michael P. Tanczyn, Esquire
Mrs. Jean Duvall
Phyllis Cole Friedman
A. Jablon
J. E. Dyer
J. Jung
N. E. Gerber
I. G. Hoswell

Counsel for Petitioner
" "
Petitioner
Contract Lessee
Counsel for Protestants
Protestant
People's Counsel

Edith T. Eisenhart, Adm. Secretary

2/2/83 - Following were notified of hearing set for Tues., April 26, 1983, at 10 a.m.:

Newton Williams
Earle Plumhoff
Michael Tanczyn
Mrs. Jean Duvall
Preston Rich
J. Hessian
J. Dyer
J. Howell
W. Hammond
N. Gerber
Mr. C. Berkeley
James J. Ward, III

*Postponed 4-12-83
By Mrs. Williams
(see letter)
To be heard in 6 mos*

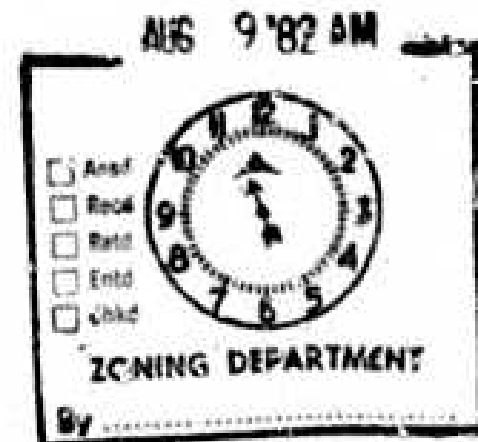
2/28/84 - Above notified of appeal hearing scheduled for TUESDAY, MARCH 27, 1984 at 9 a.m.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
TELEPHONE
823-7800

MAILING ADDRESS
P.O. BOX 5485
TOWSON, MARYLAND 21204

August 6, 1982



The Honorable William E. Hammond
Zoning Commissioner of Baltimore Co.
County Office Building
Towson, Maryland 21204

Re: The Ward Case (Preston Rich)
Case No. 83-3-XSPHA, Tentative
Continued Hearing Date - Thursday,
September 2, 1982, at 9:30 A.M.

Dear Commissioner Hammond:

Pursuant to your directions to counsel at the continued hearing on July 30, we have all attempted to set the case in once again on a Wednesday, as you requested. Unfortunately, due to conflicts with Mr. Tanczyn's schedule and conflicts with the schedule for our hearing room, there was no Wednesday available until Wednesday, September 16, which date was well outside your expressed wishes for the continuance of the case.

Accordingly, we appreciate Mrs. January and Mr. Lowery setting the case tentatively for Thursday, September 2, at 9:30 a.m., subject to your approval upon your return from vacation on August 17.

In the meanwhile, we are pleased to tell you that a meeting involving the Petitioner, the Greater Towson Community Council and interested Towson merchants has been scheduled for the Wilson Room of the Baltimore County Library, Towson branch, for Wednesday, August 11, at 2:30 p.m. We believe all sides are approaching the issue in a spirit of good faith and cooperation, and interested parties and counsel will be reporting to you after your return from vacation.

Thanking you and your staff for your aid in scheduling this continued matter, I am -

Respectfully,

Newton A. Williams
Newton A. Williams

NW:pr

cc: Mr. Nicholas Commodari, Chairman
cc: Mrs. Arlene January
cc: Michael P. Tanczyn, Esquire
cc: Mrs. Jean Duvall
cc: Towson Business Association
cc: Mrs. Barbara Bateman
cc: Mr. Preston Rich

Law Offices
Michael P. Tanczyn, P.A.
118 West Pennsylvania Ave.
Towson, Maryland 21204
(301) 296-8823
(301) 296-8824

Michael P. Tanczyn
Agatha M. Rosenbaum

March 19, 1984

Chairman of the Board of Appeals
Old Courthouse
Towson, MD 21204

RE: Case No. 83-3-XSPHA

Mr. Chairman:

I am writing on behalf of the Greater Towson Council of Community Associations to advise that group's position with regard to the appeal scheduled for hearing.

As long as the Rich's are abiding by the Zoning Commissioner's Order, the park and ride stipulation and the conditions agreed to in Mr. Williams' letter of December 29, 1982 to me, a copy of which is enclosed, then the Community Association has no objections to the use of this property as an arcade.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/kvm

cc: Mrs. Jean Duvall
Newton Williams, Esq.

Del. 21 10 9 30
1984 MAR 21 10 9 30

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
TELEPHONE
422 7800
MAILING ADDRESS
P.O. BOX 5488
TOWSON, MARYLAND 21204

December 29, 1982

Michael P. Tanczyn, Esq.
118 West Pennsylvania Avenue
Towson, Maryland 21204

HAND DELIVERED

Re: Preston Rich - 403 York Road Proposed
Amusement Arcade

Dear Mike:

Confirming my telephone conversations with you and with Jean Duvall of the last several days, in addition to abiding by each and every part of Zoning Commissioner Hammond's Order of November 30, 1982, Mr. Rich and his successors at 403 York Road, if any, will in addition do the following:

- 1.) The interior of the store will include surveillance mirrors to allow Mr. Rich and his employees to monitor every part of the establishment both front and rear rooms.
- 2.) As promised by Mr. Rich at the hearing, there will be no loud or offensive background music played in the store or acid rock or hard rock type, and the volume of any background music will only be audible indoors.

On behalf of Preston, Pam and myself we wish to express our gratitude for the cooperative spirit with which your group has approached this matter, and we can assure you that Mr. and Mrs. Rich will continue to cooperation with you in the future.

With best regards to all parties concerned and hoping that the new year is a prosperous one for all, I am,

Sincerely yours,

Newton A. Williams
Newton A. Williams

NAW:ak
cc: Mr. Preston Rich
Mrs. Jean Duvall



County Board of Appeals of Baltimore County

Room 200 Court House
Cobson, Maryland 21204
(301) 494-3180

April 17, 1984

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 223 Courthouse
Towson, Maryland 21204

Re: Case No. 83-3-XSPHA
James J. Ward, III

Dear Mrs. Friedman:

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

Very truly yours,

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

Encl.

cc: Newton A. Williams, Esquire
J. Earle Plumhoff, Esquire
Michael P. Tanczyn, Esquire
Mrs. Jean Duvall
Preston Rich
James J. Ward, III
Arnold Jablon
Jean Jung
J. E. Dyer
N. E. Gerber
J. G. Hoswell

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

April 6, 1983

The Honorable William T. Hackett
Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Re: Petition for Parking Variance For The Ward
Property, Case No. 83-3-XSPHA, Requested
Postponement By Agreement Of Counsel

Dear Mr. Hackett:

Please be advised that this office represents Mr. and Mrs. Preston Rich, the Petitioners in a special exception parking variance case involving 403 York Road.

Recently, I spoke at some length with Mr. Hessian, the People's Counsel, and he feels that his limited appeal on the parking aspect of the case could be appropriately carried over pending some council legislative action on parking in the heart of the Towson Town Centre, or otherwise working the matter out to the satisfaction of the Zoning Commissioner's Office and his office.

Furthermore, our clients Mr. and Mrs. Rich have spent a great deal of time and money on this case, and they are not presently in a position to spend more, if the matter can be resolved either by legislation or compromise.

Accordingly, by agreement with Mr. Hessian, we would respectfully request that the Board postpone this matter presently scheduled for 10:00 a.m. on Tuesday, April 26, 1983. We are sure the Board can use this time productively for other purposes, and we appreciate the courtesy of Mr. Hessian and the Board being extended to our clients in this regard.

We thank Mr. Hessian and the Board for your kind cooperation in this matter.

Respectfully,

Newton A. Williams
Newton A. Williams

NW:pr
cc: John W. Hessian, III, Esquire
Peter Max Simmenen, Esquire
Mr. James E. Dyer

cc: Mr. & Mrs. Preston Rich
Mr. M. C. Berkeley

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
February 2, 1983

NOTICE OF ASSIGNMENT

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

CASE NO. 83-3-XSPHA JAMES J. WARD, III
W/S York Rd., 31.5' N of Chesapeake Ave.
9th District
Variance-Sec. 409.2b.(5)
SE-Arcade & 0 parking spaces in lieu of 6
SPH-Amusement devices in BM-CT zone
11/30/82 - Z.C.'s Order-Special Exception
and Variance GRANTED; Special Hearing-
DENIED

ASSIGNED FOR: TUESDAY, APRIL 26, 1983, at 10 a.m.

cc: Newton A. Williams, Esq. Attorney for Petitioner
J. Earle Plumhoff, Esq.
James J. Ward, III Petitioner
Michael Tanczyn, Esq. Attorney for Protestants
Mrs. Jean Duvall (Greater Towson Comm. Council) Protestants
Preston Rich Contract Lessee
Mr. M. C. Berkeley Protestant-Appellant
J. W. Hessian, Esq. People's Counsel
J. Dyer
J. Hoswell
W. Hammond
N. Gerber

June Holman, Secy.

MR. M. C. BERKELEY
204 E. JOPPA ROAD
TOWSON MD 21204

June 16,
Jan.-30, 1983

Mr. William E. Hammond
Commissioner of Zoning
111 W. Chesapeake Avenue
Towson MD 21204

Dear Mr. Hammond:

On December 27, 1982, I filed an appeal in my name in case #83-3-XSPHA (Item No. 207). It is my intent at this time, since I have reached a satisfactory compromise with the petitioners, to withdraw my appeal. Please effective with your receipt of this formal notice withdraw immediately my appeal on this case and clear their record so that they may receive their permits per the order.

Also please forward immediately the balance of my filing costs to the above address. Thank you.

Sincerely,

M. C. Berkeley
321-7871

Rec'd 6-16-83
4 PM

MR. M. C. BERKELEY
204 E. JOPPA RD
TOWSON MD 21204

December 27, 1982

Mr. William E. Hammond
Commissioner of Zoning
111 W. Chesapeake Avenue
Towson MD 21204

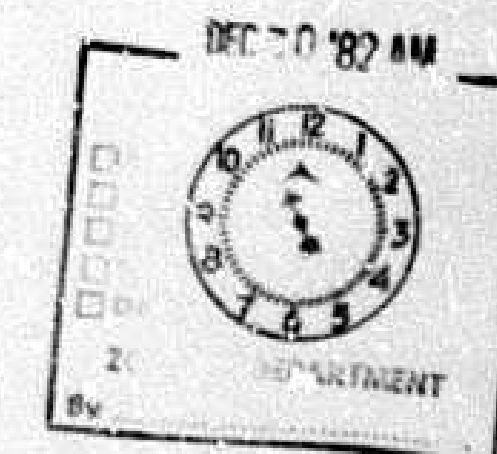
Dear Mr. Hammond:

This is your notice that in my name only, I am taking an appeal of the decision rendered in case #83-3-XSPHA (Item No. 207) Petitioners James J. Ward, III, owner, and Preston Rich, contract lessee for location W/S of York Road, 31.5' N of Chesapeake Avenue, 9th Election District.

I have enclosed the necessary costs of \$255.00 - \$180.00. (a.p.)

Sincerely,

M. C. Berkeley



494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
April 12, 1983

NOTICE OF POSTPONEMENT

CASE NO. 83-3-XSPHA JAMES J. WARD, III
W/S York Rd. 31' N. Chesapeake Ave.
9th District

Scheduled for hearing on Tuesday, April 26, 1983 at 10 a.m. has been POSTPONED at the request of attorney for Petitioner, Mr. Williams.

Mr. Williams:

The Board will await communication from your office within six (6) months from this date, relative to the disposition of this case through negotiations mentioned in your letter of 4/6/83 requesting us not to set the matter in for hearing. If no communication is received at that time, in order to keep our docket as current as possible, the case will be set for hearing.

cc: Newton A. Williams, Esq. Counsel for Petitioner
J. Earle Plumhoff, Esq. " "
James J. Ward, III Petitioner
Michael Tanczyn, Esq. Counsel for Protestants
Mrs. Jean Duvall Protestants
Preston Rich Contract Lessee
Mr. M. C. Berkeley Protestant-Appellant
John W. Hessian, III, Esq. People's Counsel (Appellant)
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. G. Hoswell

Edith T. Eisenhart, Adm. Secretary

C. REAR
STOCK
ROOM
403
YORK
RD.



F. 403
YORK
RD.
DOOR-
WAY
TO
REAR
ROOM.



B. 403 YORK
FACADE



C. 403
YORK RD.
FRONT
ROOM



A. 403 YORK
RD.
FROM
E/S OF
YORK
LOOKING
WEST



D. 403
YORK RD.
FRONT
ROOM,
LOOKING
TOWARD
FRONT
WINDOW



J. Earle Plumhoff, Esquire
Newton A. Williams, Esquire
204 West Pennsylvania Ave
Towson, Md. 21204

Frank S. Lee
1277 Neighbors Avenue
Baltimore, Md. 21237

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 3rd day of June, 1982

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner James J. Ward, III
Petitioner's Attorney Plumhoff/Williams

Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

MICROFILMED

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

No. 113057

DATE 1/12/83 ACCOUNT R-01-615-000

AMOUNT \$80.00

RECEIVED FROM People's Counsel
Appeal of Case No. 83-3-XSPA
(James J. Ward, III)

C 012-*****600010 5140A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXEMPTION, SPECIAL HEARING AND VARIANCE

LOCATION: West side of York
Road, 31.5' North of Chesapeake
Avenue
DATE & TIME: Tuesday, July 6,
1982 at 10:15 A.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 Exemption for a variance: Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve that a non-operated amusement device store offering video games, pinball machines, children's rides and games, with related incidental sales of video products, clothing, etc. in a R.M.C.T. zone per Section 201.2 of the Zoning Regulations is a lawful use permitted as a commercial recreation enterprise in a R.M.C.T. zone; and Variance to permit 5 parking spaces in lieu of the required 4 parking spaces.

The Zoning Regulation to be exempted as follows:

Section 408.26 (b) - required number of parking spaces
All that parcel of land in the 9th District of Baltimore County Beginning for the same on "the west side of York Road at a distance of 31.50 feet measured north-south along the west side of York Road from the north side of Chesapeake Avenue, thence running and blinding on the west side of York Road North 21 degrees 30 minutes East 18.50 feet thence running for the line of division, as follows: North 71 degrees 45 minutes West 82 feet, South 18 degrees 15 minutes West 18 feet, South 71 degrees 45 minutes East 45.00 feet, South 21 degrees 30 minutes West 1.50 feet and South 71 degrees 45 minutes East 45.00 feet to the place of beginning.

Containing 7221 square feet. Being the property of James J. Ward, III, as shown or not shown filed with the Zoning Department.

Hearing Date: Tuesday, July 6, 1982 at 10:15 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland

In order of
WILLIAM E. HAMMOND,
Zoning Commissioner of
Baltimore County
June 17.

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 17, 1982

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~XXXXXX~~ at one time ~~XXXXXX~~ before the 6th day of July, 1982, the 17th day of June, 1982, appearing on the 17th day of June, 1982.

THE JEFFERSONIAN
L. Leach Strickland
Manager

Cost of Advertisement: \$ 28.00

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 9th Date of Posting 1-17-83
Posted for Appeal
Petitioner James J. Ward, III
Location of property W/S York Rd., 31.5' N of Chesapeake Avenue
Location of Signs Front window of subject building on York Road
Remarks
Posted by *W. E. Hammond* Date of return 1-21-83
Number of Signs 1

CERTIFICATE OF POSTING 83-3-XSPA

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 9th Date of Posting 1-17-83
Posted for Appeal
Petitioner James J. Ward, III
Location of property W/S York Rd., 31.5' N of Chesapeake Avenue
Location of Signs Front window of 403 York Road

Remarks
Posted by *W. E. Hammond* Date of return 1-21-83
Number of Signs 1

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

No. 113049

DATE 12/27/82 ACCOUNT R-01-615-000

AMOUNT \$180.00

RECEIVED FROM M. C. Berkeley
FOR Appeal of Case No. 83-3-XSPA
(James J. Ward, III)

C 012-*****600010 5074A

VALIDATION OR SIGNATURE OF CASHIER

83-3-XSPA

9th District

W/S York Rd., 31.5' N of
Chesapeake Avenue

James J. Ward, III

3 SIGNS



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 8th day of April, 1982

Filing Fee \$ 50.00 Received: Check

Cash

Other

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

No. 106888

DATE 4/8/82 ACCOUNT 21-662

AMOUNT 50.00

RECEIVED FROM Scott Co Light
John J. Ward III
Filing fee \$50.00

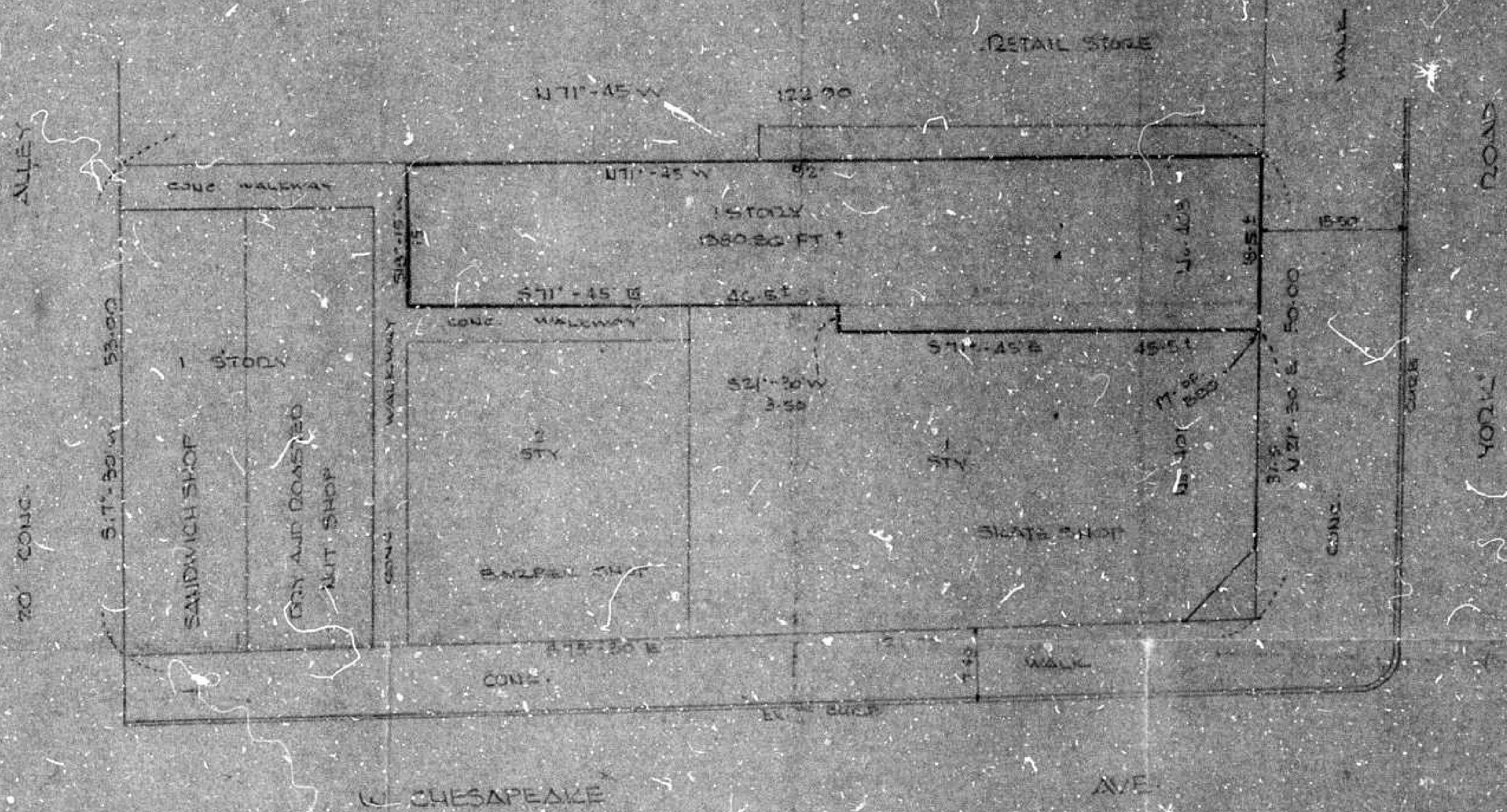
C 012-*****600010 50000

VALIDATION OR SIGNATURE OF CASHIER

William E. Hammond
E. Hammond, Zoning Commissioner

by *Scott Co Light*
Reviewed by *John J. Ward III*
of the Petition for assignment of a

CHESAPEAKE
PARKING GARAGE



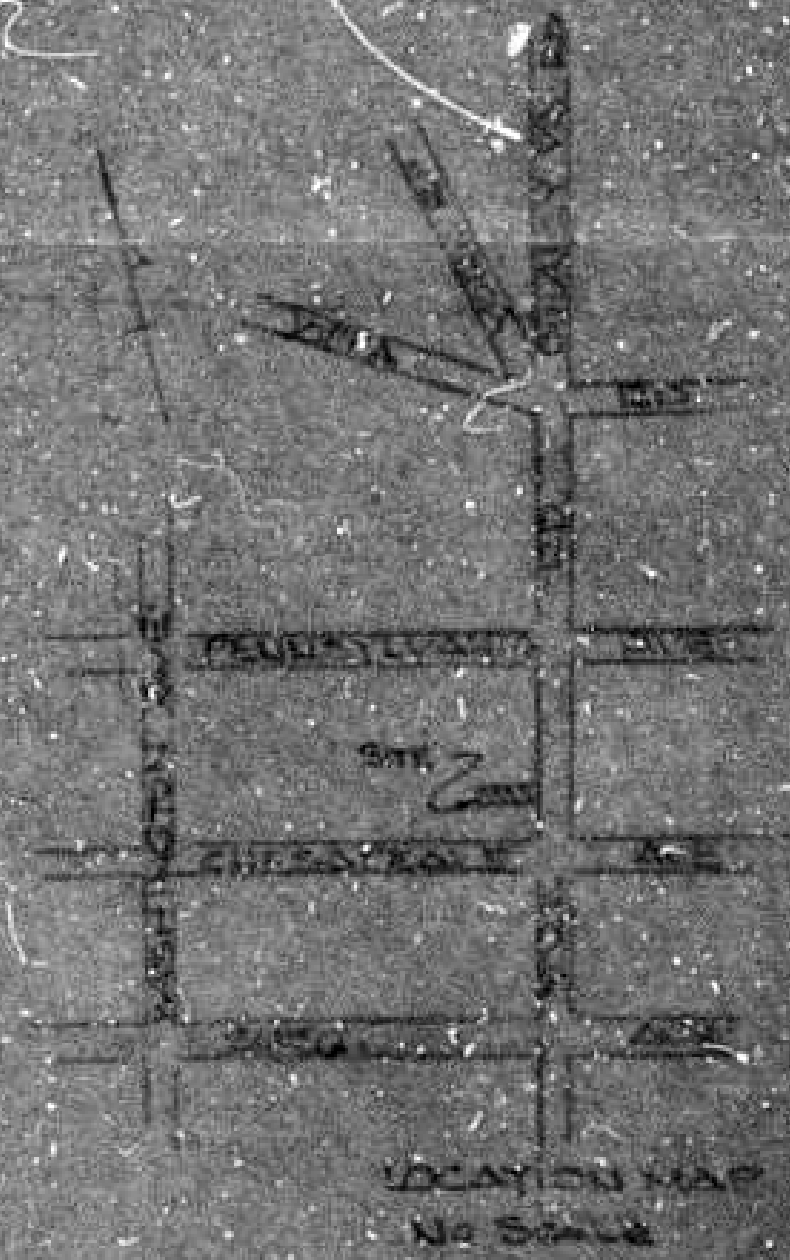
PETITIONER'S EXHIBIT

EXISTING USE - RETAIL SHOP
PROPOSED USE - AZOCE
EXISTING ZONING - B-1
PROPOSED ZONING - SAME
AREA OF BUILD - 1521 SQ. FT.

PARKING DATA
No. OF SPACES REQ. (1/200) (1521 SQ. FT.) - 5 SPACES
No. OF SPACES REQ. - 0 SPACES
VARIANCE - 5 SPACES

PLAN FOR PARKING VARIANCE, SPECIAL EXCEPTION
AND OR SPECIAL HEARING

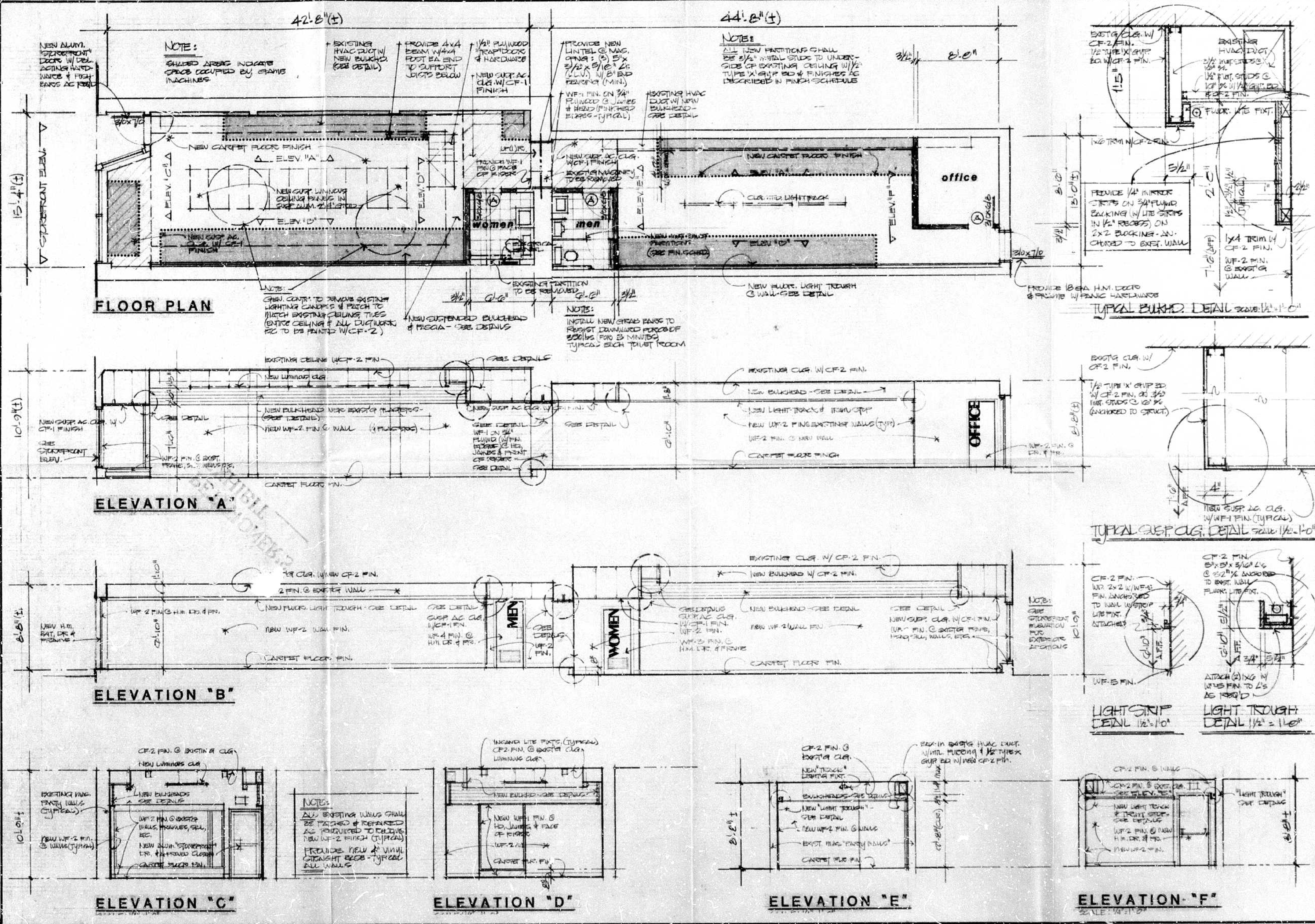
No. 403 YORK ROAD
9TH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE - 1" = 10'
DATE - 1-15-82
REVISION - 3-26-82
5-28-82



Handwritten notes:
View #207
Revised
6/2/82

FRANK S. LEE
1017 PENNSYLVANIA AVE.
BALTIMORE, MD 21201





24

REVISION

DATE

BY

APPROVED BY

"KALEIDOSCOPE"

403 YORK RD. TOWSON, MD.

frank x. rurka inc.

204 E. JOPPA ROAD
TOWSON, MD 21204

(301) 296-3035

Interior design

SCALE: AS NOTED

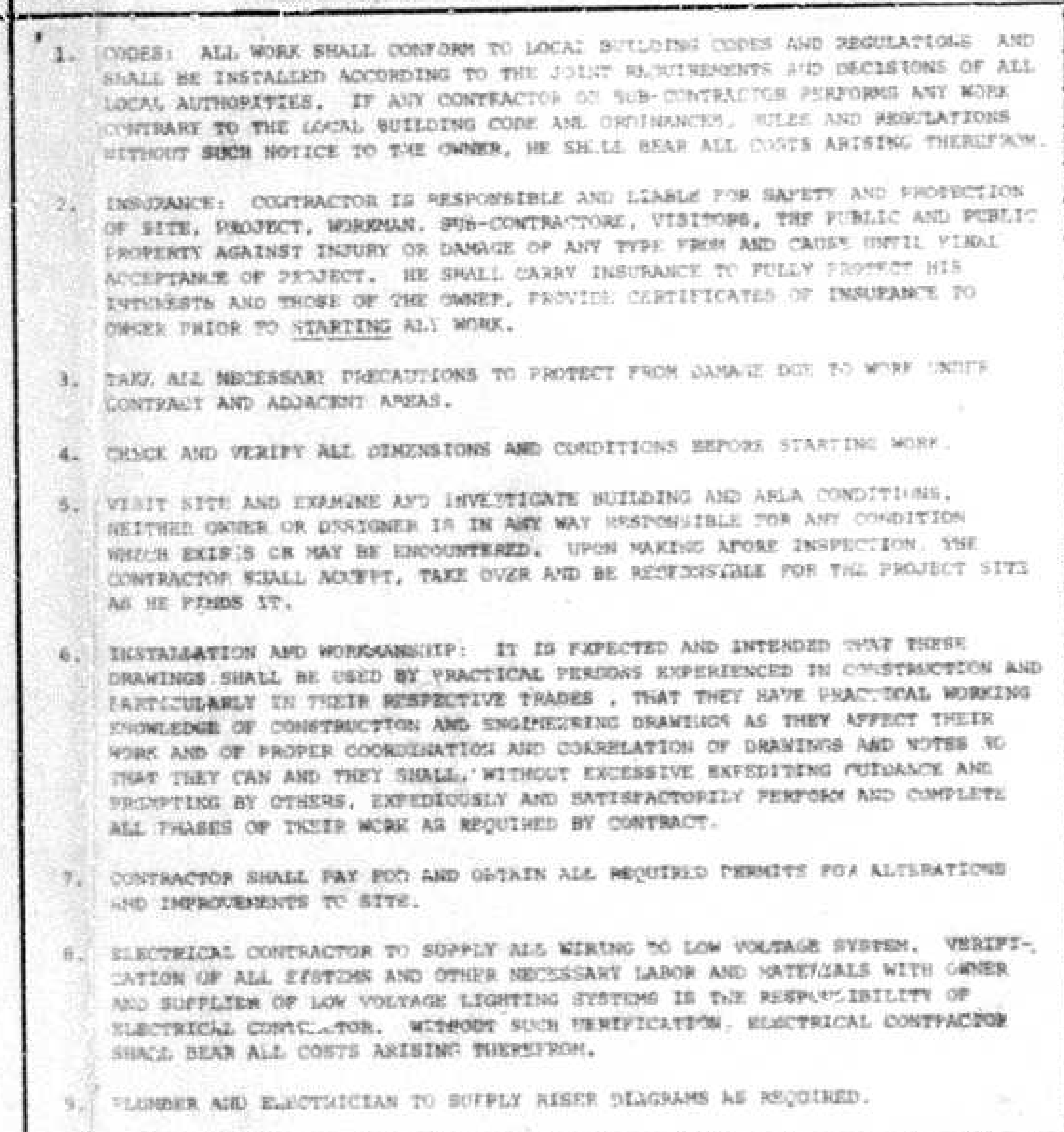
DRAWN BY: F.X.R.

DATE: 5-21-82

Sheet No. 2

DRAWING NUMBER: 4

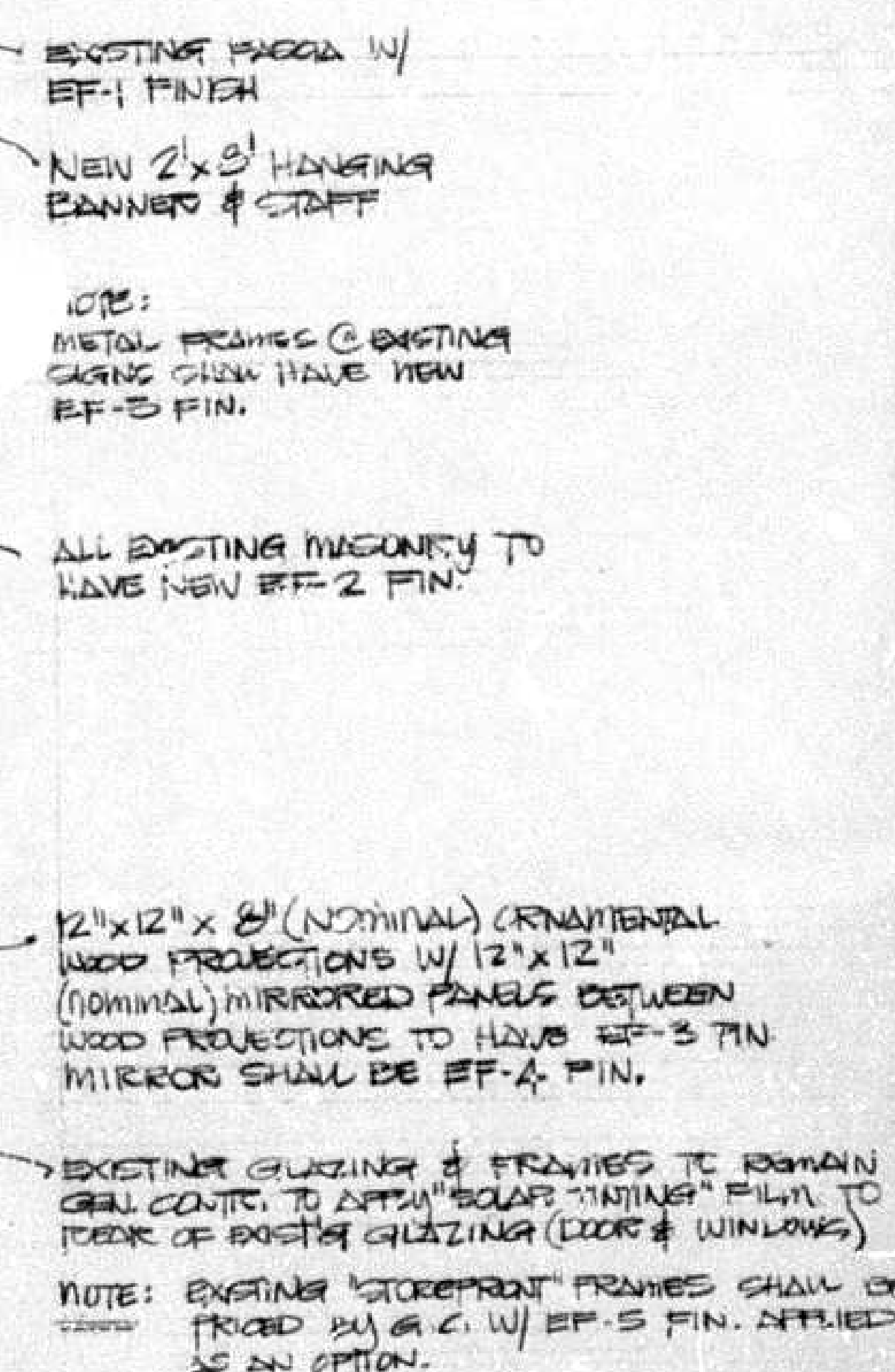
2B



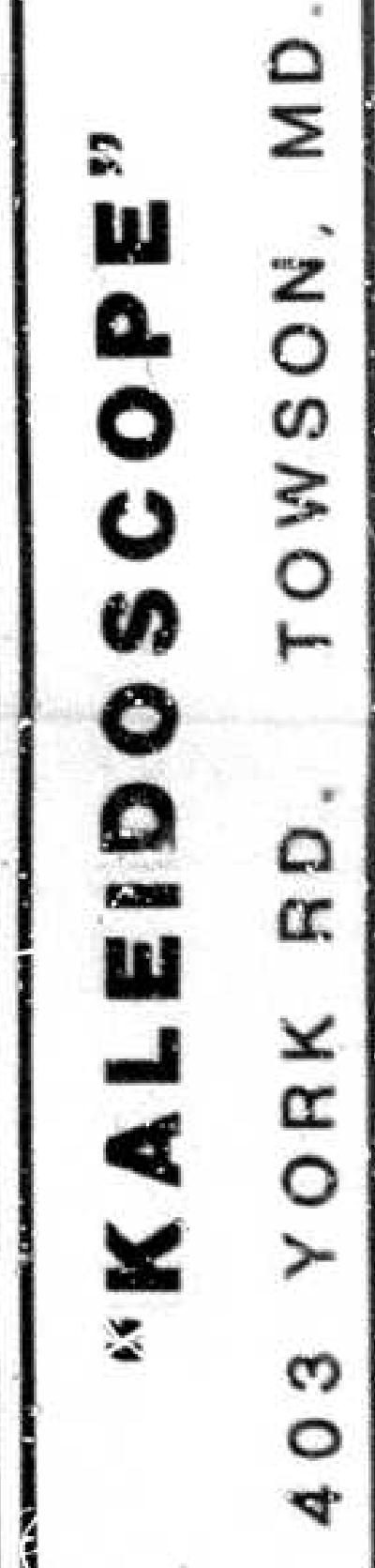
SCALE: 1/4" = 1'-0"

— DOTTED LINE INDICATES WIREMOLD "2016018 (2 CIRCUIT,
X 3/8" GRND W/ 2014 MOUNTING PLATE, 18" A.F.F. TYPICAL,
WITH SIDE WALLS, 7 GAMES PER CIRCUIT, FURNISHED & IN-
STALLED BY ELEC. CONT R.

LIGHTING SCHEDULE						
item	qty	manufacturer	model no.	watts	description	remarks
a	11	MODERN	K-240 TAN	400W	EXPOSED CHANDEL	INSTALLED BY ELEC. CONTR.
b	1	L.E.I. PANEL	10" X 16" (STAT)	1/2 W/24V CA	SUSPENDED	INSTALLED BY GEN. CONTR.
c	1	L.E.I.	LOGO BOX	2 W/24V CA	SURFACE 2' X 4'	INSTALLED BY ELEC. CONTR.
d	8	CAPPI	KMAC/RIC	100 W/24V	SURFACE CAN	INSTALLED BY ELEC. CONTR.
e		EXISTING PAN (LITE)				100 W/24V ELEC. CONTR. AND ELECT. W/24V
f	1	UJIONE		75 W.	EXHAUST PAN 4 LIGHT	INSTALLED BY ELEC. CONTR.
h	7	LEI	WATER LITE	150 W. EA		INSTALLED BY ELEC. CONTR.
k	SERIES	LEI TUBE	1/2" SQ FLEX	1/2 W/24V CA	2" SPACING	CONTROLLED BY L.E.I. / 100 W/24V
m	1	MODERN	BR240 (E-400W)	400 W. EA.	SURFACE MTD.	INSTALLED BY ELEC. CONTR.
n	2	EMERGENCY LITE	WALL PACKS			INSTALLED BY ELEC. CONTR.



SCALE: 1/2" = 1'-0"



frank x. rurka inc.
204 E. JOPPA ROAD
TOWSON, MD 21204
(301) 296-3035
interior design -

SCALE AS NOTED
DRAWN BY F-XR
DATE 9-24-82
Project Number
No. of dwgs. in set...
DRAWING NUMBER