

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 409.2.b. to permit zero (0) parking spaces in lieu of the required six (6) spaces.

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

1. That the Board of Appeals and the Zoning Commissioner in Case No. 83-3-XSPHA have found that such a variance is appropriate and granted it for 403 York Road, subject to eight (8) conditions, including park and shop participation.
2. That 403 York Road is a long existing retail building built before parking requirements, and has no parking space available since the building fills the site.
3. That this nonaffirmatory variance is sought in connection with a current special exception to transfer the existing arcade also granted in Property is to be posted and advertised as prescribed by Zoning Regulations. (see attached)

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.

Contract Purchaser: Lessee
 M.A.T.O. Limited
 Signature: *James J. Ward, III*
 Address: 1003-15 N. Martin Luther King, Blvd.
 Baltimore, MD 21201

Legal Owner(s):
 James J. Ward, III.
 Signature: *James J. Ward, III*
 Address: (Type or Print Name)
 Baltimore, MD 21201

Attorney for Petitioner:
 Robert J. Yerman
 Signature: *Robert J. Yerman*
 Address: 600 Wyndhurst Avenue, 532-8006
 Baltimore, MD 21210

Signature: *Newton A. Williams*
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Address: 204 W. Pennsylvania Avenue
 Towson, MD 21204
 Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of April, 1984, 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 23rd day of May, 1984, at 10:30 o'clock A.M.

Carl John
 Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 11, 1984

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21284

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

Robert J. Yerman, Esquire and
 Newton A. Williams, Esquire
 204 West Pennsylvania Avenue
 Towson, Maryland 21204

Re: Item No. 227 - Case No. 84-324-XA
 James J. Ward, III - Petitioner
 Special Exception & Variance Petitions

Gentlemen:
 The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petitions. 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.

The subject property was granted a special exception and variance (Case No. 83-3-XSPHA) to use the premises as an arcade. However, one of the restrictions in the Order stated that the arcade shall cease upon termination or expiration of the lease with the U.F.O. Landing, Inc. In view of the fact that a new tenant will operate the arcade, this new hearing is being requested.

Particular attention should be afforded to the comments of the Department of Permits and Licenses. For further information concerning these comments, you may contact Mr. Ted Burnham at 494-3987.

Enclosed are all comments submitted from the members of the Committee at this time, that offer or request information on your petitions. 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. These petitions were 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

NBC:aj
 Enclosures
 cc: Frank S. Lee
 1277 Neighbors Avenue
 Baltimore, Maryland 21237

continued from Petition for Zoning Variance

Case No. 83-3-XSPHA
 4. That without the requested variance, the Petitioners will sustain practical difficulty and unreasonable hardship, and it is consistent with the spirit and intent of the Regulations.

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
 DIRECTOR
 April 26, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item #227 (1983-1984)
 Property Owner: James J. Ward, III
 E/S York Rd. 31.50' N. Chesapeake Avenue
 Acres: 1521 sq. ft. District: 9th

Dear Mr. Jablon:
 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:
 Comments were supplied in conjunction with the Zoning Advisory Committee review of this property for Item 207 (1981-1982).

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #227 (1983-1984).

Very truly yours,
Robert A. Morton, P.E.
 ROBERT A. MORTON, P.E., Chief
 Bureau of Public Services

RAM:EAM:FWH:ms
 N-NW Key Sheet
 38 NE 3 Pos. Sheet
 NE 10 A Topo
 70 & 70A Tax Maps
 Encl.

PETITION FOR SPECIAL EXCEPTION 84-324-XA

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 an 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.

Contract Purchaser: M.A.T.O. LIMITED
 B. Morton Hyatt/Joel M. Smeyne
 Signature: *Robert J. Yerman*
 Address: 1003-15 N. Martin Luther King, Jr. Blvd.
 Baltimore, Maryland 21201

Legal Owner(s):
 James J. Ward, III
 Signature: *James J. Ward, III*
 Address: (Type or Print Name)
 Baltimore, Maryland 21201

Attorney for Petitioner:
 Robert J. Yerman
 Signature: *Robert J. Yerman*
 Address: 600 Wyndhurst Avenue, 532-8006
 Baltimore, MD 21210

Signature: *Newton A. Williams*
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Address: 204 W. Pennsylvania Avenue
 Towson, Maryland 21204
 Attorney's Telephone No.: 823-7800

ORDER RECEIVED FOR FILING DATE May 31, 1984

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of April, 1984, 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 23rd day of May, 1984, at 10:30 o'clock A.M.

Carl John
 Zoning Commissioner of Baltimore County.

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

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. 31.5' N. Chesapeake Ave.
 Acres: 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,
 (SIGNED) ROBERT A. MORTON
 ROBERT A. MORTON, P.E., Chief
 Bureau of Public Services

RAM:EAM:FWH:ms
 N-NW Key Sheet
 38 NE 3 Pos. Sheet
 NE 10 A Topo
 70 & 70 A Tax Maps

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Maryland Department of Transportation
 State Highway Administration

Lowell K. Bridwell
 Secretary
 M. S. Catlin
 Assistant

March 7, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Bldg.
 Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 3-6-84
 ITEM: #227.
 Property Owner: James J. Ward, III
 Location: E/S York Road (Route 45), 31.50' N. Chesapeake Avenue
 Existing Zoning: B.M.-CT
 Proposed Zoning: Special Exception for an arcade
 Acres: 1521 sq. ft.
 District: 9th

Dear Mr. Jablon:
 On review of the revised site plan of 1-20-84 for a Special Exception for arcade, the State Highway Administration finds the plan generally acceptable.

Very truly yours,
Charles Lee
 Charles Lee, Chief
 Bureau of Engineering
 Access Permits
 By: George Wittman

CL:GW:vrd
 cc: Mr. J. Ogle

My telephone number is (301) 659-1350.
 Telephone for impaired hearing or speech
 383-7556 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
 P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

3/14/84

Re: Zoning Advisory Meeting of 3/6/84
Item # 227
Property Owner: James J. Ward, III
Location: E/G York Rd. & Chesapeake Ave.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract, therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board on _____.
- Landscaping should be provided on this site and shown on the plan.
- The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Additional comments: _____

Norman E. Gerber
Norman E. Gerber
Chief, Current Planning and Development

cc: James Howell

STEPHEN E. COLLINS
DIRECTOR

March 8, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 225, 227, 228, and 229. ZAC- Meeting of March 6, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 225, 227, 228, and 229.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/lem

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning Date: March 26, 1984

FROM: Jan J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Meeting - February 14, 1984

- Item #203 - Leroy Y. Halle, Jr., et al
- Item #205 - Margaret R. Sudek
- Item #206 - Edward Wos, et ux
- Item #207 - Anne Myrsula
- Item #208 - Joseph F. Ambrose, Sr.
- Item #209 - Abell Communications
- Item #210 - Security Mini Storage
- Item #211 - Charles R. Gebbard, et ux
- Item #213 - Charles Walters

Meeting - February 21, 1984

- Item #215 - Anthony J. Maken, et ux
- Item #219 - Dale T. Vols
- Item #220 - Estate of Helen A. Singer

Meeting - March 6, 1984

- Item #227 - James J. Ward, III

Meeting - March 20, 1984

- Item #230 - James Forbes, et ux
- Item #232 - David J. Elevins, et ux

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

LTJ/eth

PAUL H. REINCKE
CHIEF

March 14, 1984

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: E/G York Rd 31.50' N. Chesapeake Avenue

Item No.: 227 Zoning Agenda: Meeting of 3/6/84

Gentlemen:

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

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

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.

() 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.

REVIEWER: *Jan J. Forrest* Noted and Approved: *William Hammond*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

March 8, 1984

TED ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 227 Zoning Advisory Committee Meeting are as follows:

Property Owner: James J. Ward, III
Location: E/G York Road 31.50' N. Chesapeake Avenue
Existing Zoning: B.M.-C1
Proposed Zoning: Special exception for an arcade

Acres: 1521 Sq. ft.
District: 9th.

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 148 State of Maryland Code for the Handicapped and Age; and other applicable codes.
- 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. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group, of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 1107 and Table 1102, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of 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, turn the services of a Registered in Maryland Architect or Engineer certify to this office, that 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 101.
- I. Comments - The original variance on this location was viewed as having video monitors. Note #1 on the plan also indicates children's rides; if they are in fact to be or are installed, the floor loading and capabilities for those areas shall be certified by a structural professional engineer registered in the State of Maryland to this office.

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 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CEB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 5, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: March 6th, 1984

RE: Item No: 225, 226, 227, 228, & 229.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

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

WNP/lh

IN RE: PETITIONS SPECIAL EXCEPTION AND VARIANCE W/S of York Road, 31.50' N of Chesapeake Avenue (403 York Road) - 9th Election District James J. Ward, III, Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 84-324-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for an arcade and a variance to permit zero parking spaces instead of the required six spaces, as more particularly shown on Petitioner's Exhibit 2.

The Petitioner, by his Lessee, Preston Rich, appeared and was represented by Counsel. Also appearing was Joel M. Smeyne, one of the Contract Purchasers of the business operated by the Lessee. There were no Protestants.

Testimony indicated that the Lessee was granted a special exception for an arcade and a variance for zero parking spaces instead of the required six in Case No. 83-3-XSPA on November 30, 1982. That decision was appealed, and on April 17, 1984, the County Board of Appeals for Baltimore County upheld the Zoning Commissioner's decision in its entirety and added only one further condition in their Order, Restriction 8. Restriction 5 of the Zoning Commissioner's decision required that if there was a change in the lease arrangement with the Lessee, the Petitioner herein, the special exception granted would terminate with a public hearing to extend. Nothing required the variance to be renewed.

The Lessee has entered into a contract of sale with M.A.T.O. Limited, of which Mr. Smeyne is a partner, and the purpose of this hearing is to extend the previously granted special exception. The business will remain the same; the only change is in ownership.

ORDER RECEIVED FOR FILING
DATE: *March 8, 1984*
BY: *John H. Conway*

ORDER RECEIVED FOR FILING
DATE: *March 9, 1984*
BY: *John H. Conway*

The appeal to the Board was limited to the variance, and People's Counsel agreed that the variance would be appropriate if the Lessee took part in the Towson Park and Shop Program. This condition was included in the Board's Order as Restriction 8. The only issue presented here is whether to extend the special exception granted. The variance request is moot since there was no restriction limiting its grant and, as such, the relief granted by the Zoning Commissioner and the Board continues in full force and effect.

The Petitioner seeks relief from Section 423(b), pursuant to Section 502.1, of the Baltimore County Zoning Regulations (BCZR), and from Section 409.2.b, pursuant to Section 307, BCZR.

It is clear that the BCZR permit the use requested by the Petitioner in a B.M. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary business uses in the vicinity of the proposed arcade. Therefore, it must be determined whether the conditions delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception.

use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Even if the variance were not to be considered moot, after due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted. Since the variance previously granted continues in full force and effect as long as the property is utilized as an arcade, the variance requested herein is moot.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of May, 1984, that the Petition for Special Exception for an arcade be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. A maximum of 55 amusement devices, including children's rides, shall be located within the 1,521 square foot enclosed area depicted on Petitioner's 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

ORDER RECEIVED FOR FILING

DATE May 31, 1984
BY Arnold Jablon

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.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. The previously granted variance shall be for the term of use as an arcade only.

ORDER RECEIVED FOR FILING

DATE May 31, 1984
BY Arnold Jablon

Arnold Jablon
Zoning Commissioner of Baltimore County

May 31, 1984

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

IN RE: Petitions Special Exception and Variance
W/S of York Road, 31.50' N of Chesapeake Avenue (403 York Road) - 9th Election District
James J. Ward, III - Petitioner
Case No. 84-324-XA

Dear Mr. Williams:

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

Sincerely,
Arnold Jablon
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel

April 31, 1984

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

NOTICE OF HEARING
Re: Petitions for Special Exception and Variance
W/S York Road, 31.50' N of Chesapeake Avenue (403 York Road)
James J. Ward, III - Petitioner
Case No. 84-324-XA

TIME: 10:30 A.M.

DATE: Wednesday, May 23, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 126847

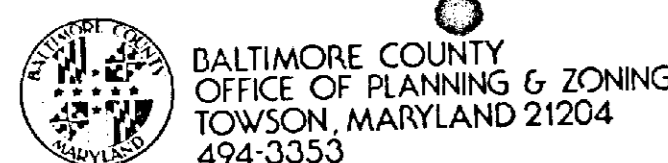
DATE 5-22-84 ACCOUNT R-01-615-100

AMOUNT 100.00

RECEIVED FROM Arnold Jablon
FOR Fee for the hearing 227

6 132*****1000010 6234A

VALIDATION OR SIGNATURE OF CASHIER



ARNOLD JABLON
ZONING COMMISSIONER

May 16, 1984

Robert J. Yerman, Esquire and
Newton A. Williams, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Exception and Variance
W/S York Rd., 31.50' N of Chesapeake Avenue (403 York Road)
James J. Ward, III - Petitioner
Case No. 84-324-XA

Dear Sirs:

This is to advise you that \$47.20 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

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

Sincerely,

Arnold Jablon
Zoning Commissioner

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

No. 130504

DATE 5/23/84 ACCOUNT R-01-615-000

AMOUNT \$47.20

RECEIVED FROM Newton A. Williams, Esquire
FOR Advertising & Posting Case #84-324-XA
(James J. Ward, III)

6 041*****472010 6234A

VALIDATION OR SIGNATURE OF CASHIER

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 binding 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 45 minutes East 46.50 feet, South 21 degrees 30 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 AND VARIANCE

9th Election District

ZONING: Petition for Special Exception and Variance

LOCATION: West side York Road, 31.50 ft. North of Chesapeake Avenue (403 York Road)

DATE & TIME: Wednesday, May 23, 1984 at 10:30 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 and Variance to permit 0 parking spaces in lieu of the required 6 spaces

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

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 9, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: #84-324-XA

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

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

NEG/JGH/sf

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,

MPT
 Michael P. Tanczyn

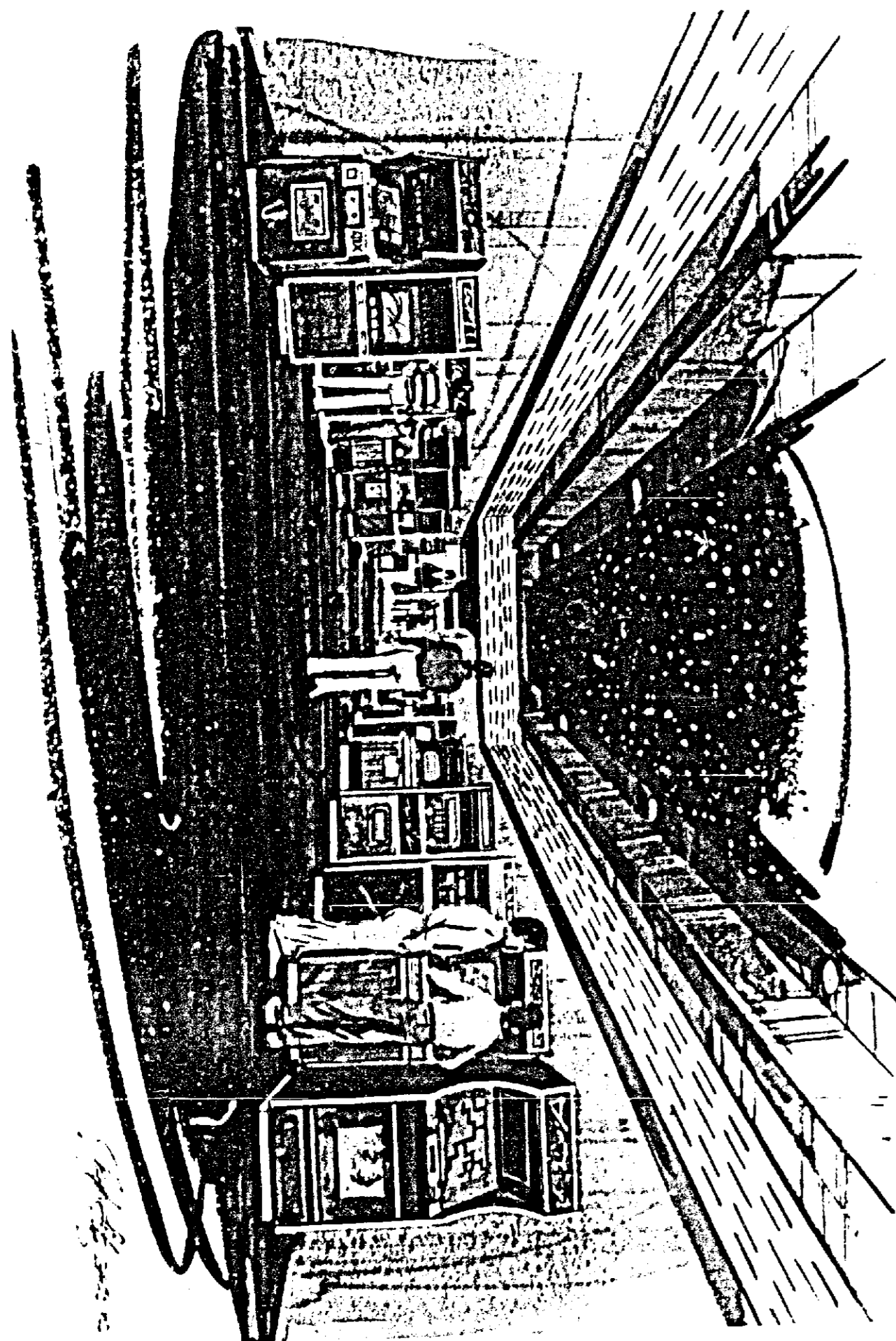
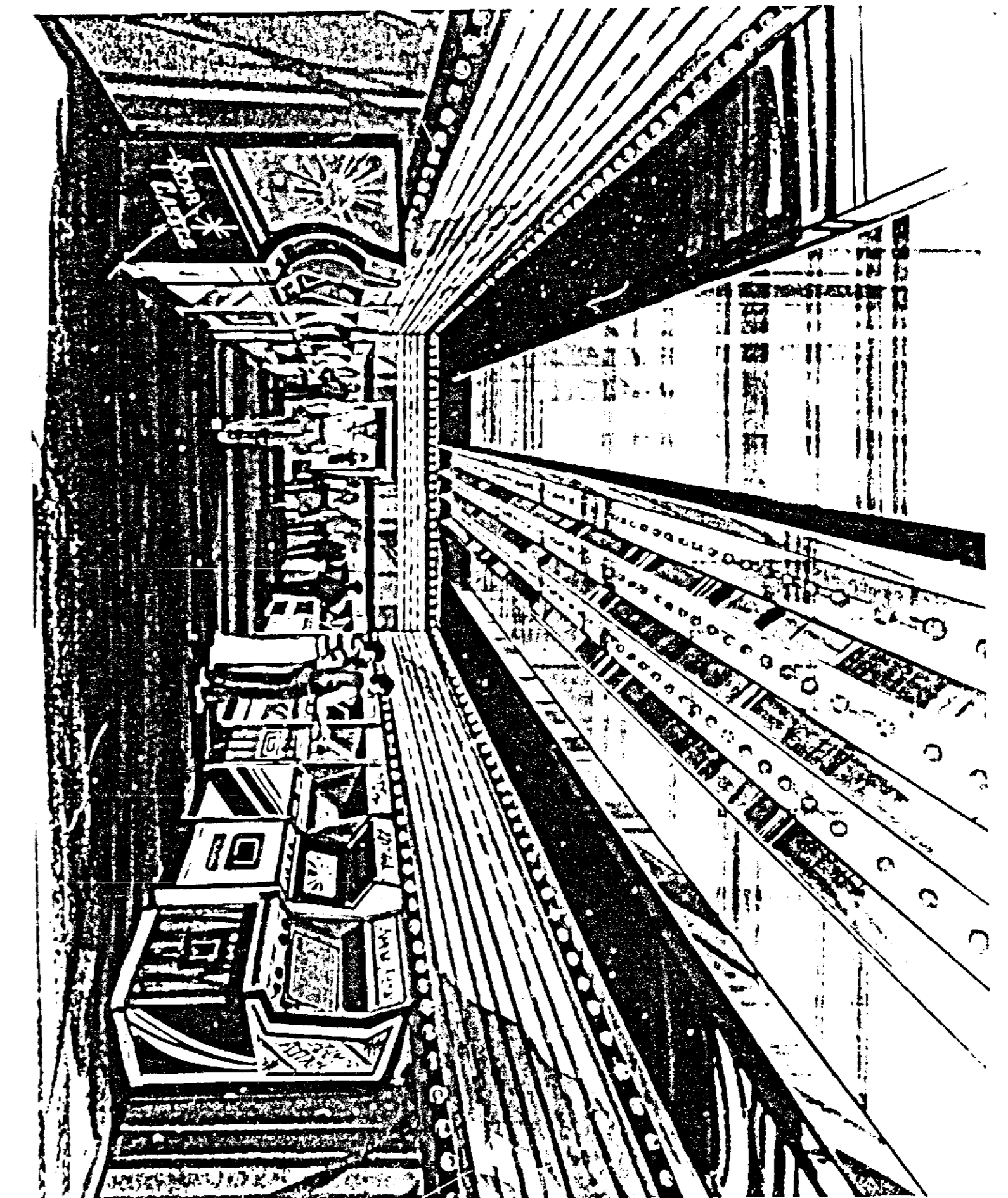
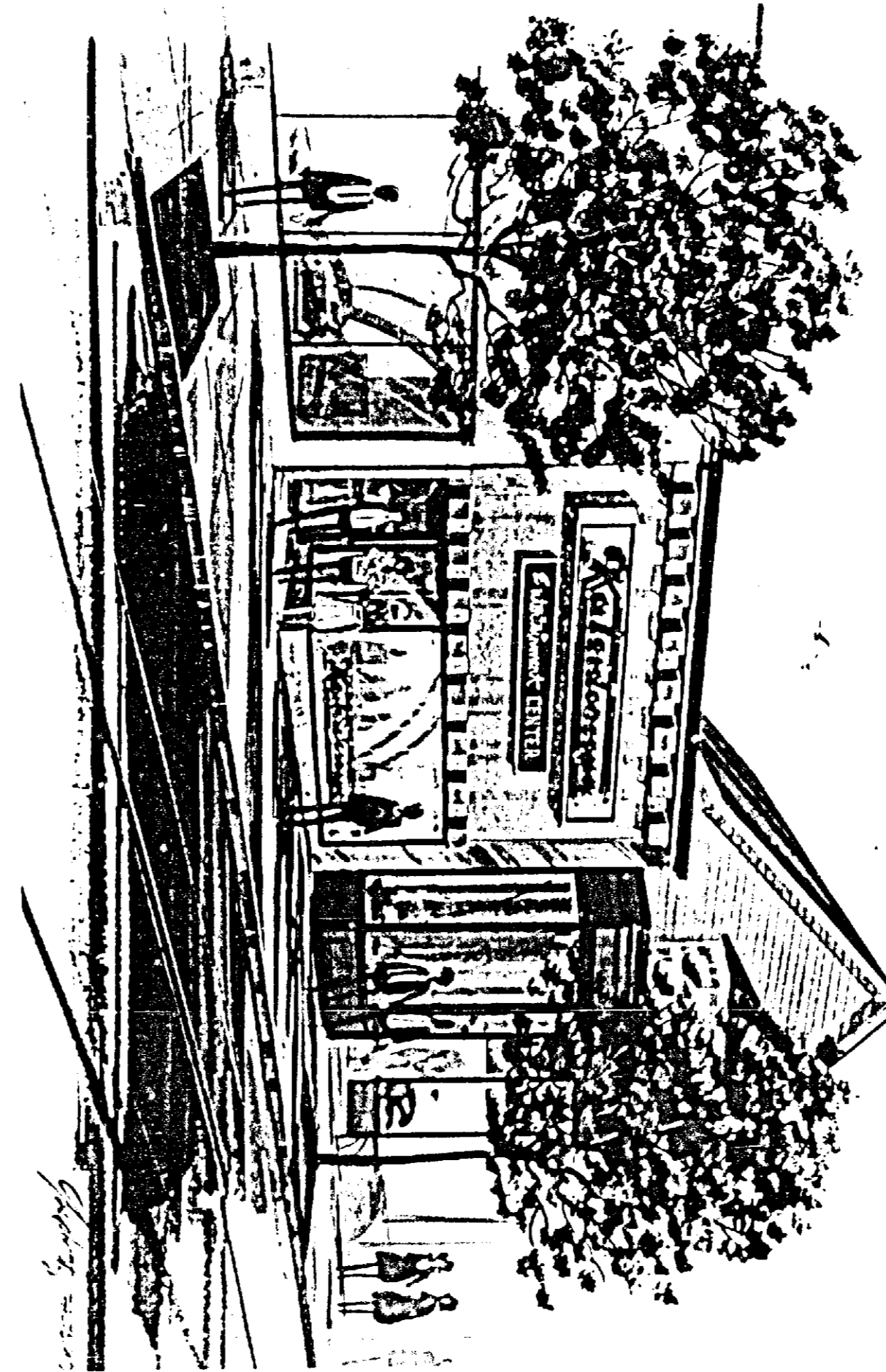
MPT/kvm

cc: Mrs. Jean Duvall
 Newton Williams, Esq.

PETITIONER'S
 EXHIBIT 5

ENTERTAINMENT CENTER
Kaleidoscope

PETITIONER'S
 EXHIBIT 4



DP 3
 7/79

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

APPLICATION FOR PERMIT
 BALTIMORE COUNTY MARYLAND
 OFFICE OF THE BUILDING ENGINEER
 TOWSON, MARYLAND 21204

DATE ISSUED: 05-08-1984
 PERMIT NO: 61455
 EXPIRES: 05-08-1985

NOTICE
 THIS PERMIT EXPIRES
 AFTER THIS DATE
 W/T 1984 USE

W/S YORK ROAD N. W. CORNER CHESAPEAKE AVE.

A. TYPE OF IMPROVEMENT

RESIDENTIAL

1. NEW BUILDING CONSTRUCTION

2. ADDITION

3. ALTERATION

4. REPAIR

5. WRECKING EXTERIOR OR UNITS DETACHED

6. MOVING

7. OTHER

NON-RESIDENTIAL

8. CHURCH, OTHER RELIGIOUS BUILDING

9. FENCE LENGTH

10. INDUSTRIAL STORAGE BUILDING

11. PARKING GARAGE

12. SERVICE STATION, REPAIR GARAGE

13. HOSPITAL, INSTITUTIONAL, NURSING HOME

14. OFFICE, CLERK, PROFESSIONAL

15. PUBLIC UTILITY

16. SCHOOL, COLLEGE, OTHER EDUCATIONAL

17. SIGN

18. STONE

19. SKEWER, FIRE

20. SWIMMING POOL AND HEALTH DEPT. APPL. REG.

21. TANK, TOWER

22. TRANSIENT HOTEL, MOTEL, INN, UNITS

23. OTHER

B. OWNERSHIP

1. PRIVATELY OWNED

2. PUBLICLY OWNED

ESTIMATED COST OF MATERIALS & LABOR: N.A.

C. TYPE OF USE

CHANGE OF OCCUPANCY FROM BILLIARD ROOM TO AMUSEMENT ARCADE - 1300 SQUARE FEET. REFER TO ALTERATION PERMIT 44403, C-644-B2. ZONING CASE 83-3 XSPHA, AND PREVIOUS CHANGE OF OCCUPANCY PERMIT 44404 C-644-B2. NO ALTERATIONS TO BE DONE.

CHANGE OF OCCUPANCY FROM BILLIARD ROOM TO AMUSEMENT ARCADE.

THIS PERMIT MUST BE POSTED
 SEE OTHER SIDE FOR INSPECTIONS

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
 PETITION FOR VARIANCE : OF BALTIMORE COUNTY
 W/S York Rd., 31.50' N of :
 Chesapeake Ave. (403 York Rd.) :
 5th District :

JAMES J. WARD, III, Petitioner : Case No. 84-324-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Rm. 223, Court House
 Towson, MD 21204
 494-2188

I HEREBY CERTIFY that on this 2nd day of May, 1984, a copy of the foregoing Entry of Appearance was mailed to Robert J. Yerman, Esquire and Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorneys for Petitioner; and Norton Hyatt/Joel M. Saeyne, 1003-15 N. Martin Luther King, Jr., Blvd., Baltimore, Maryland 21201, Contract Purchasers.

Peter Max Zimmerman
 Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD, May 3, 1984.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 23rd day of May, 1984, the first publication appearing on the 23rd day of May, 1984.

THE JEFFERSONIAN
Frank Williams
 Manager

Cost of Advertisement, \$ 15.00

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 7th
 Date of Posting 5-4-84

Posted for: *Special Exception and Variance*

Petitioner: *James J. Ward III*

Location of property: *W/S York Rd., N.W. Cor. Chesapeake Ave. (403 York Rd.)*

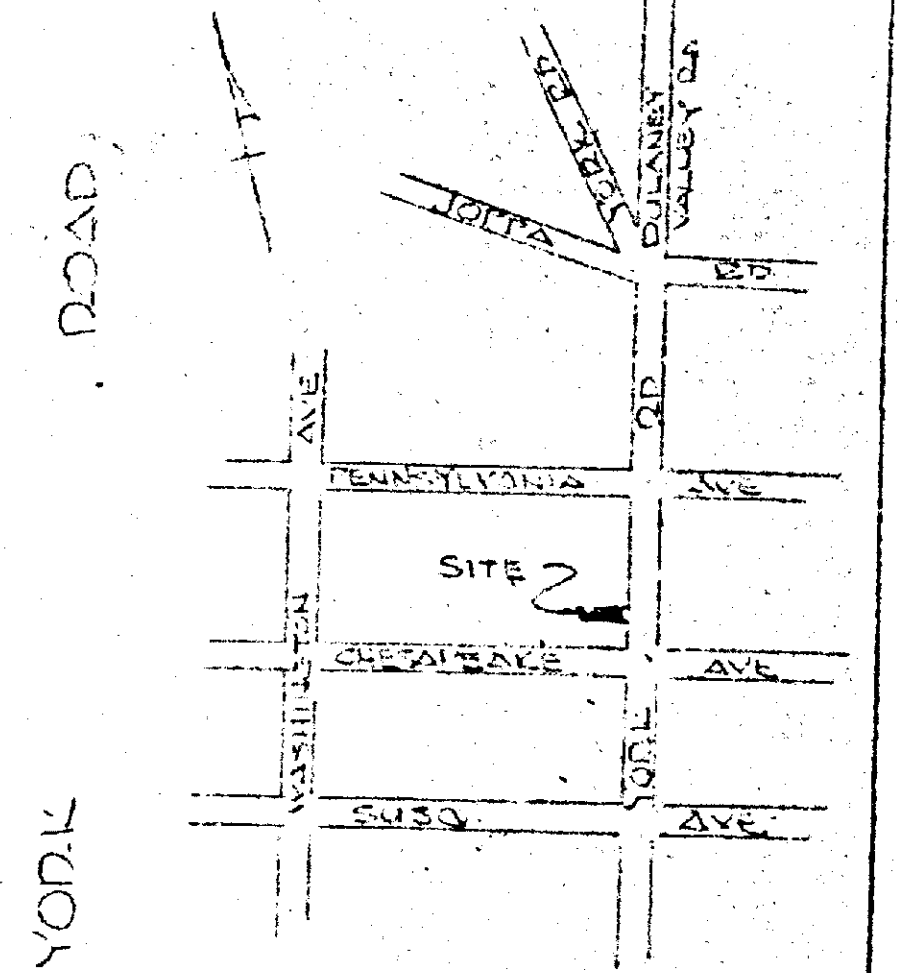
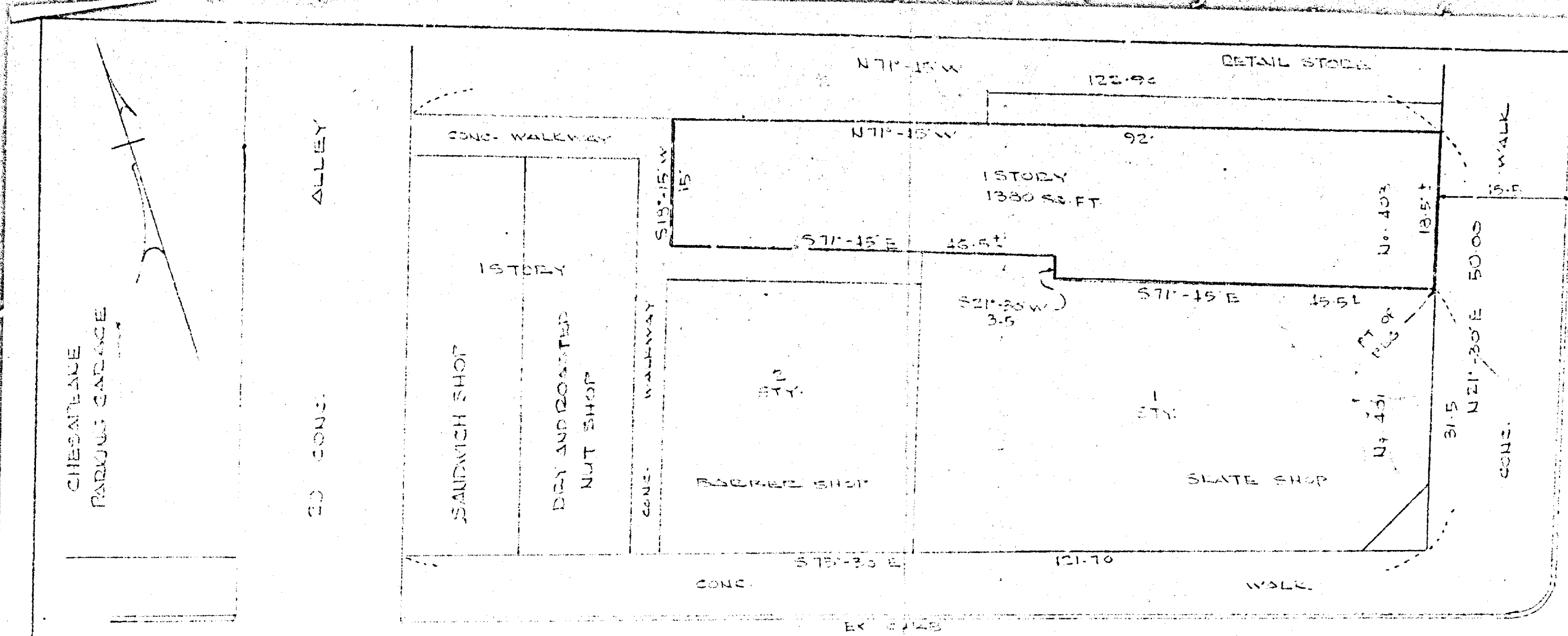
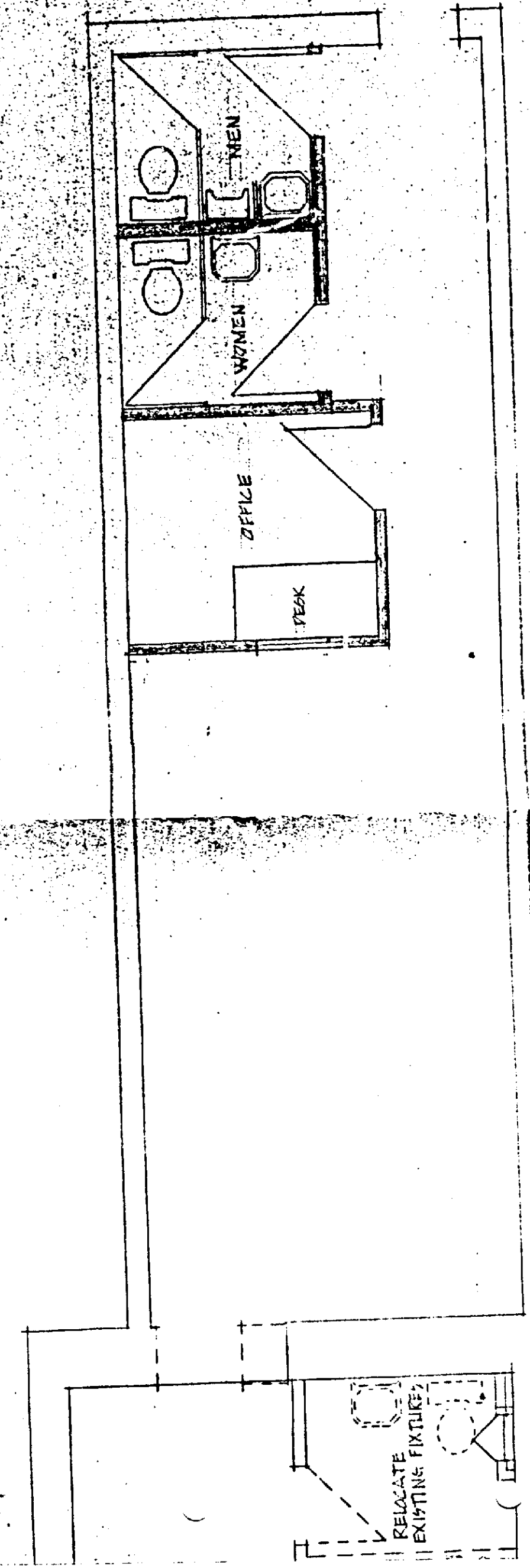
Location of Sign: *Front window of 403 York Rd.*

Remarks:

Posted by: *A. J. [Signature]*
 Signature
 Date of return: 5-11-84

Number of Signs: 2

KALEIDOSCOPE REVISION
 SCALE: 1/4" = 1'-0" DATE: 7-14-83
 FRANK X. KUKKA, INC.



RESTRICTIONS NO. 83-3- X231A (Item No. 207)

1. A maximum of 55 amusement devices, including children's rides, shall be located within the 1,231 square foot enclosed area depicted on Petitioner's Exhibit 1, and any increase in rides shall be subject to a Special Hearing to amend this Order. The exact number of machines, up to a maximum of 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.
2. 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 similar reflective surfaces or neon tubing unless contained inside a sign and the light emitted is muted by an opaque exterior.
3. 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 to 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.
4. 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.
5. The use as an arcade shall cease upon termination or expiration of the lease with the U.F.C. Land, Inc., a Maryland corporation, and shall not be leased or sub-leased 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 corporations stock to anyone other than the present stockholder now owning a majority of the stock in the aforementioned corporation.
6. 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 manager.
7. A revised site plan, incorporating the restrictions set forth above shall be submitted for approval by the Dept. Public Works and the Office of Planning and Zoning.

W. CHESAPEAKE AVE

EXISTING USE - ARCADE
 PROPOSED USE - ARCADE, NEW OPERATING AS PER PETITION
 EX. ZONING - RM 17
 PROPOSED ZONING - SAME
 AREA OF REFS - 1521 SQ. FT.

PARKING DATA
 NO. OF SPACES REQ. (1/300) (1521 SQ. FT.) = 5 SPACES
 NO. OF SPACES PROVIDED = 5 SPACES
 NOTE: THE ARCADE OPERATOR SHALL CONTINUE TO PARTICIPATE IN THE PARK & SHOP PROGRAM UNDER APPROVED LETTERS OF 10/2/83 AND 1/16/84

No. 403 YORK ROAD
 9TH DISTRICT BALTIMORE COUNTY, MARYLAND
 3282 1-10 REVISED 1-23-84

EXHIBIT 2
 PETITIONER'S EXHIBIT FOR SPECIAL EXCEPTION, NEW ARCADE OPERATOR AS PER PETITION
 SEE CASE 83-3-X231A

84-324-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21284

Your petition has been received and accepted for filing this
 19th day of April, 1984.

Arnold Jablon
 ARNOLD JABLON
 Zoning Commissioner
 Received by *Nicholas B. Commodari*
 Nicholas B. Commodari
 Chairman, Zoning Plans
 Advisory Committee

Petitioner James J. Ward, III
 Petitioner's Attorney Messers Yerman/Williams, Esq.



FRANK B. LEW
 1277 NEIGHBORS AVE.
 BALTIMORE, MD. 21217

