

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 _____
Community Building

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.

Honolulu Ltd., c/o
Legal Owner(s): Star of David Post-Jewish War Veterans,
(Type or Print Name) Moses Mont Synagogue.

Signature _____
(Type or Print Name) John J. Hodges

Address _____
City and State _____
Signature 7019 Liberty Rd., Baltimore, Md.

Attorney for Petitioner:
Abraham L. Adler
(Type or Print Name) _____
Signature _____
Address 110 Charles Center,
Baltimore, Md. 21201
City and State _____
Attorney's Telephone No.: 332 8556

Al Erdi, P.E., Engineer
Name, address and phone number of legal owner's representative to be contacted:
Name P.O. Box: 10055, Towson, Md. 21285-0055.
Address _____
City and State _____
Phone No. 592 5153

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1987, at 11:00 o'clock A.M.

Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). Furthermore, "...there cannot be a grant of a Special Exception unless the Baltimore County Zoning Regulations provide that the conditional use sought is permissible in the zone in which the land involved is situated..."

Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). The duty of the Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the zoning plan.

The Petitioner has the burden of producing testimony which will establish that the Petitioner's use meets the prescribed standards and requirements. He does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community and, furthermore, if the Petitioner shows to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, then the Petitioner has met his burden of proof. See Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

There is no need in this case to reach the issue of the requested Special Exception for the reasons set forth more clearly below. The requested Special Exception is for a community hall, as defined in Section 230.13 of the Baltimore County Zoning Regulations. The Petitioner goes to great length to argue that this is a community hall to be used by three "charitable organizations" and that the bingo use is only incidental to the profitable operation of the location. I

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SW of c/l of Liberty Road, * ZONING COMMISSIONER
341' from c/l of Essex Road * OF BALTIMORE COUNTY
(7017 Liberty Road)
2nd Elect. Dist., 2nd Council- * CASE #88-85-X
manic Dist.
Honolulu Ltd., -Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Exception for a community building, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Joseph Brzuchalski and Honolulu Limited, represented by counsel, appeared in conjunction with the listed charity, Star of David Post-Jewish War Veterans, which is also represented by counsel. All were in support of the Petition for Special Exception. The Petitioners were joined by the Knights of Columbus Patapsco Council and the Woodmore Hebrew Congregation for purposes of supporting the requested Special Exception. The Star of David Post-Jewish War Veterans, (hereinafter known as JWV), the Knights of Columbus Patapsco Council (hereinafter known as Knights) and the Woodmore Hebrew Congregation (hereinafter known as WHC) are collectively known as the "Charities" in this matter.

Appeari also on behalf of the Petitioner were the following: Al Erdi, Engineer; Mr. Sokolow of the JWV; Mr. Nealy of the Woodmoor Community Association; Mr. Viscardi of the Knights and Mr. Samuels, individually.

The following appeared as Protestants: Perring Hall, Inc., and Brenbrook Plaza Hall, Inc., who were represented by counsel; the Liberty

agree with the Petitioner that the bingo operation is analogous to that of a financier, however, in this case, it is a far cry from nothing more.

The Baltimore County Zoning Regulations defines a principal use as a main use of the land as distinguished from an accessory use. A community building, as requested by the Petitioner in this matter, is permitted in a B.L. zone by a Special Exception as defined in Section 230.13 of the Baltimore County Zoning Regulations. The Baltimore County Zoning Regulations do not permit a bingo hall in the B.L. zone either as a matter of right nor by a Special Exception. A community building is specifically defined in the zoning regulations as a use devoted to civic, social, recreational and educational activity and not a for-profit business entity. Furthermore, an accessory use is defined in part by the Baltimore County Zoning Regulations (Section 101) as a use that is customarily incidental and subordinate to and serves the principal use and is subordinate in area, extent, or purpose to the principal use.

The testimony, in direct response to the Zoning Commissioner's questions, clearly proves that the bingo use is proposed for six (6) days a week (i.e., Monday through Saturday) and, at least nine (9) hours a day and, possibly, as much as eleven (11) hours a day. Also, in response to the Zoning Commissioner's direct questions, Mr. Sokolow stated his Charity, JWV, would use the location for non-bingo charitable purposes about twice a month and for some Sunday Breakfast meetings. The testimony of Mr. Nealy, on the same subject, was that they had been offered the building for a meeting. Likewise, Mr. Viscardi, on behalf of the Knights, said they would have about two meetings a month.

Communities Development Corporation, Inc., by Mr. Janas; the Woodlawn Community Association by Ms. Threet; the Liberty Road Community Council Zoning Committee, by Mr. Campbell; Ms. Lewis, individually; Mr. Grosse, individually and Ms. Berger, individually.

The direct testimony of the Petitioners indicated that the subject property is zoned B.L. and that the property is leased by the Charities for the purpose of establishing a community building. The Charities argue that they intend to use the meeting room as their headquarters for storage of equipment and for general meetings. They also claim that they plan special meetings and fundraising activities. Each of the charities plan to operate Bingo two (2) nights a week as the primary method of fundraising. The Charities have all hired the same professional Bingo operator, Mr. Hodges, to run, staff and promote the fundraising. Control of the method of operation will be left to the professional Bingo operator in order to have a profitable operation.

The testimony was that the JWV would control the hours of operations and would begin with two (2) days a week from noon until 9:30 P.M. The Knights and the WHC would both operate Bingo two (2) nights a week and no hours were stated. Testimony was produced that the Bingo operation would be for as many hours as was necessary to make the operation profitable. The purpose for the community hall is for the use of the Charities for organizational meetings and that Bingo is only a method of fundraising in order to achieve the Charities purpose. The Charities went to great length to argue that they control the days and nights of building usage and that the building could be used by other local groups.

The Zoning Commissioner asked several times, of several different witnesses, how often the Charities would use the subject property. Although the answers were vague, (i.e., in the evening when we want to and on Sundays) clearly the use is much less often than the Bingo operation. In fact, the Petitioner does not deny that the building is being remodeled for use as a Bingo Hall. As the Petitioner says: "...it would be strange indeed if a hall in which Bingo is to be held daily is not laid out for Bingo, or set up for Bingo."

Therefore, we return to the issue, which use is principal and which is accessory as defined by the Baltimore County Zoning Regulations given the evidence in this matter. The Petitioner continuously argued that the Bingo clearly is an occasional and accessory use to the Charities. Further, the Bingo is only to support the charitable purposes and it is only fundraising.

However, when we judge all of the evidence, it is clear that the building looks like a Bingo Hall on the outside and the Petitioner admits the building is laid out for Bingo. The Petitioner's witnesses admit the principal purpose for moving to this new location is to conduct fundraising without the use of "their own" people and to have professionally operated Bingo out of which they receive a share of the profits.

The testimony, clearly, shows that the principal use of the subject property is the operation of a Bingo Hall. The subordinate use is not Bingo, but the Charities. The subordinate area of the buildings is used by the Charities and the Bingo use is overwhelmingly controlling the building. The primary purpose for the community hall is to operate Bingo fundraising. The Zoning Policy Manual B4-3 clearly

The Protestants presented testimony that traffic flow would be greatly harmed by the Special Exception and that health, safety and welfare of the public would be greatly reduced by the presence of this Bingo/Community Building. Further, they argued that there is not proper handicapped parking. The Protestants testified that the requested Special Exception was only a method to allow a professional Bingo Hall in the B.L. zone. That the primary use of the building was to hold Bingo fundraising activities. Furthermore, bingo halls are permitted in both the B.M. and B.R. zones and only as an occasional and accessory use in community buildings in the B.L. zone.

The issue here, as presented by the Petitioner, is whether a community hall can be established at the requested location, which is presently zoned B.L. by the granting of a Special Exception as permitted by the Baltimore County Zoning Regulations. The law of Special Exception is clearly defined in Maryland, and likewise, in Baltimore County.

A Special Exception is a granting by the Zoning Commissioner, pursuant to the existing provisions of the Baltimore County Zoning Regulations. It is subject to the guidelines and standards contained in the provisions of the Baltimore County Zoning Regulations. A Special Exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner must in each case, decide under the specific standards set forth in Section 502 of the Baltimore County Zoning Regulations whether the presumptive compatibility does, in fact, exist in this case. See,

states that Bingo is to be occasional and accessory to the use of a community hall in the B.L. zone. In this case, Bingo is neither occasional nor is accessory to the use of the community hall.

The principal use of the subject property is for the professional operation of a bingo hall which is not permitted in a B.L. zone and for all the reasons stated above, the proposed Special Exception is inconsistent with the letter, spirit and intent of the Baltimore County Zoning Regulations. Pursuant to the advertisement, posting of property, and public hearing held, the Special Exception should be denied.

Therefore, it is Ordered by the Zoning Commissioner of Baltimore County, this 5th day of October, 1987, that the Petition for Special Exception for a community building be and the same is hereby DENIED, from and after the date of this Order.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:mmm
cc: S. Eric DiNenna, Esq.
cc: Robin Goldman, Esquire
cc: Newton A. Williams, Esquire
cc: Peoples Counsel

Description

Beginning at a point in the front of Woodmoor Shopping Center building, South 65' 24' 10" East, 341.00 feet from the centerline of Essex Road 171.07 feet Southwesterly from its point of intersection with the centerline of Liberty Road, and running Northeasterly from the front of said building the following bearings and distances:

North 24' 35' 50" East, 140.00 feet; South 65' 24' 10" East, 160.00 feet; South 24' 35' 50" West, 60.00 feet; North 65' 24' 10" West, 120.00 feet; South 24' 35' 50" West, 80.00 feet to a partition wall; thence running along said partition wall South 24' 35' 50" West, 120.00 feet to a corner of the building in the rear; thence running along the rear wall North 65' 24' 10" West, 40.00 feet to another corner of the building in the rear; then running along the partition wall in the West, North 24' 35' 50" East, 120.00 feet to the point of beginning, enclosing 4,800 square foot of building area and 12,800 square foot of parking space of

Woodmoor Shopping Center division Property Nos. # 02-23-750170 recorded in Liber: 5312, Folio: 79, otherwise known as 7017 Liberty Road, and 40 parking spaces, in the 2nd. Election District.



REVISED PLANS

#549

PETITION FOR SPECIAL EXCEPTION

2nd Election District - 2nd Councilmanic District

Case No. 88-85-X

LOCATION: Southwest of Centerline of Liberty Road, 341 feet from Centerline of Essex Road (7017 Liberty Road)

DATE AND TIME: Monday, August 31, 1987, at 11:00 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 a community building

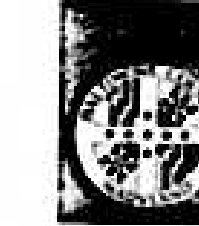
Being the property of Honolulu, Ltd., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is 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
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner



October 5, 1987

Dennis F. Rasmussen
County Executive

S. Eric DiNenna, Esquire
Suite 600, Mercantile Towson Bldg.
409 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Case Nos. 88-85X and 88-86X
Your file Nos. 87-65 and 66

Dear Mr. DiNenna:

Pursuant to the recent hearings held on the subject cases, please be advised that your Petitions for Special Exception have been Denied.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:mn
enclosure

cc: Robin Goldman, Esquire,
Melnicove, Kaufman, Weiner, Smouse and Garbis

cc: Newton A. Williams, Esquire,
Nolan, Plumbhoff and Williams

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW of C/L of Liberty Rd., 341' : OF BALTIMORE COUNTY
from C/L of Essex Rd. (7017 :
Liberty Rd.), 2nd District :
HONOLULU, LTD., Petitioner : Case No. 88-85-X

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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to Abraham L. Adler, Esquire, 110 Charles Center, Baltimore, MD 21201, Attorney for Petitioner; and Erdi, P.E., Engineer, P.O. Box 10055, Towson, MD 21285-0055, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Abraham L. Adler, Esquire
140 Charles Center 15th Floor, 36 S. Charles St.
Baltimore, Maryland 21201

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
SW of c/l of Liberty Rd., 341' from c/l of
Essex Rd. (7017 Liberty Rd.)
2nd Election District - 2nd Councilmanic District
Honolulu, Ltd. - Petitioner
Case No. 88-85-X

TIME: 11:00 a.m.

DATE: Monday, August 31, 1987

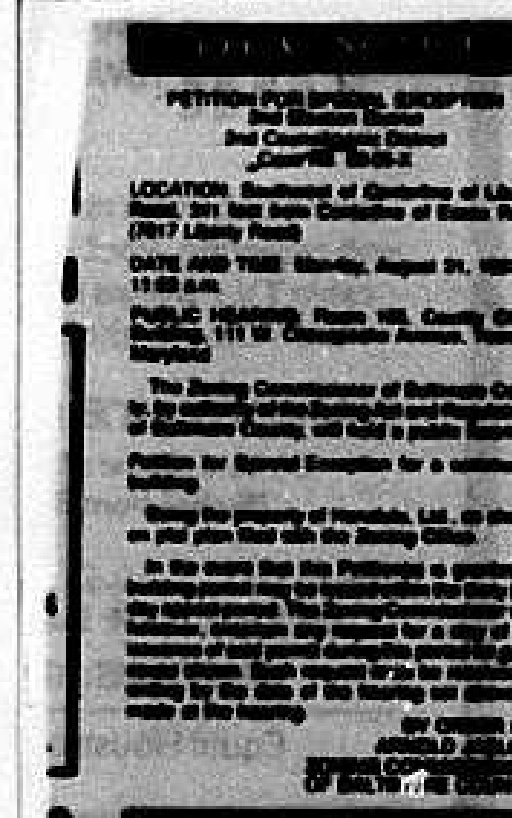
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Robert Haines
Zoning Commissioner
of Baltimore County

AJ:med

cc: Mr. John J. Hodges
7019 Liberty Road
Baltimore, Maryland 21207

Al Erdi, P.E.
P.O. Box 10055
Towson, Md. 21285-0055



CERTIFICATE OF PUBLICATION

90634

Pikesville, Md., Aug. 12, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 12th day of

Aug. 1987
the first publication appearing on the 12th day of Aug., 1987
the second publication appearing on the day of 1987
the third publication appearing on the day of 1987

THE NORTHWEST STAR

Phyllis Cole Friedman
Manager

Cost of Advertisement \$22.40

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 5, 1987

Abraham L. Adler, Esquire
36 S. Charles Street, 15th Floor
Baltimore, Maryland 21201

RE: Petition for Special Exception
SW of c/l of Liberty Road, 341' from c/l of Essex Road
(7017 Liberty Road)
2nd Election District; 2nd Councilmanic District
Honolulu, Ltd. - Petitioner
Case No. 88-85-X

Dear Mr. Adler:

As you are aware, the opinion in the above-referenced case was issued on October 5, 1987. At that time there remained outstanding advertising costs and related expenses in the amount of \$71.36, which should have been paid on the day of the hearing.

It has been brought to my attention that these outstanding costs still remain and that we have contacted you on several occasions regarding payment of same to no avail.

Please be advised that if we have not received payment in full by no later than November 16, 1987, we will have no alternative but to refer this matter to the Baltimore County Attorney's Office for collection.

Your cooperation in this matter will be greatly appreciated.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bj

cc: S. Eric DiNenna, Esquire
County Attorney's Office, attn. Mary Welcome
Diary File
Case Files

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NOV 20 1987

ZONING OFFICE

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

J. ROBERT HAINES
ZONING COMMISSIONER
August 26, 1987

Abraham L. Adler, Esquire
15th Floor
36 South Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL EXCEPTION
SW of c/l of Liberty Rd., 341' of the c/l
of Essex Rd. (7017 Liberty Rd.)
2nd Election District - 2nd Councilmanic District
Honolulu, Ltd. - Petitioner
Case No. 88-85-X

Dear Mr. Adler:

\$71.36

This is to advise you that is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

Sincerely,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:med

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines, Zoning Commissioner
TO: Zoning Administration Date: August 20, 1987

Norman E. Gerber, AICP
FROM: Director of Planning and Zoning

SUBJECT: Zoning Petition 88-85-X

This office is supportive of this type of use, realizing community needs.

Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director

NEG:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

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AUG 27 1987

ZONING OFFICE

CPS-008

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. BENNER
WILLIAM P. ENGLISH, JR.
STEPHEN J. NOLAN
ROBERT I. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
*ALSO ADMITTED IN D.C.

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

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

September 29, 1987

Mr. Ted Zaleski, Jr., Director
Department of Permits and Licenses
County Office Building, Rm 112
Towson, Maryland 21204

RE: Proposed Bingo Operations at Hillendale and Woodmor
Shopping Centers--Pending Zoning Cases 88-85-X and
88-86-X, Requested Interpretation of Management and
License Agreements

Dear Mr. Zaleski:

As you may know, and as I believe Mr. Swam of your staff is aware, applications have been made with the Zoning Commissioner for Meeting Hall Special Exceptions to allow charitable bingo at Hillendale and Woodmor Shopping Centers.

In each case, one of the primary petitioners and indeed the legal owner of each shopping center is Honolulu Limited.

We are enclosing herewith for your review copies of two (2) Management and License Agreements, the first between an unnamed management company, "the Manager," and the Loch Raven Soccer, Softball and Basketball Associations.

Similarly enclosed is a copy of a Management and License Agreement between the Jewish War Veterans Star of David Post 292, the Knights of Columbus Patapsco Council and the Woodmor Hebrew Congregation, with an unnamed manager, both of which Agreements dated September 11, 1987, by their terms are effective September 1, 1987.

As you are well aware, charitable bingo is rigorously controlled in Baltimore County by Section 252, of the Annotated Code of Maryland, entitled Bingo in Baltimore County.

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SEP 29 1987

ZONING OFFICE

Mr. Ted Zaleski, Jr.,
September 29, 1987
Page 2

Among other provisions is Section 252.(j) which forbids under criminal penalties the "diversion of any proceeds" of any game of bingo conducted under a license granted pursuant to this Section "to any other person, except a bona fide member of the organization, or to any other partnership or corporation, except in furtherance of the purposes of such organization."

Your attention is called to Section 4, and most particularly, Paragraph 4.1(d) in both Agreements.

In each case of the Management and License Agreement, you will note in addition to very high rentals, a fifteen percent (15%) surcharge on rentals, and all "expenses" also in subsection d on page 4 of each Agreement calls for the deduction of a "management fee" in an amount equal to ten percent (10%) of all cash collections from the charities' bingo customers.

Our questions is this. In view of the fact that rentals are being deducted, a fifteen percent (15%) additional fee is being deducted, and all expenses, and the fact that this "management fee" is keyed directly to the amount of cash collections, is this an unlawful diversion of proceeds of the game?

Also, we are studying the lease, and we only have one of them available, and the lease from Honolulu Limited to the charities is at a yearly rate at the beginning of the term of \$15.00 per square foot which is indeed quite high, and according to our information, substantially higher, perhaps approaching double the rate for nearby shopping centers, and perhaps significantly higher than the rentals prevailing in Hillendale Shopping Center for other uses, and presumably so at Woodmor as well.

As you may know from newspaper accounts, Woodmor Shopping Center has been a troubled shopping center for years, and has a number of vacancies.

Mr. Ted Zaleski, Jr.,
September 29, 1987
Page 3

Our second question is this. Does your Department or any other licensing agency, whether it be Permits and Licenses, the Zoning Commissioner in granting the Special Exception, etc. inquire into the amount of the lease, particularly, if it should turn out that the lease amount is significantly higher than the other tenants in the center and other area shopping centers of comparable nature?

Finally, we are wondering whether your Department receives any financial filings or statements from the charities and/or management operators which detail such items as the operating expenses, including utilities, telephone, insurance, payroll, accounting services, janitorial, repairs and supplies, etc.?

We would very much appreciate the opinion of your Department as well as the opinion of the Office of Law, and time is of the essence, since the Special Exception cases are pending. Thank you.

Very truly yours,

Newton A. Williams
Newton A. Williams

NAM:brh

Enclosures

cc: Hon. Robert Haines, Esquire
Baltimore County Zoning Commissioner

Hon. Arnold Jablon, Esquire
Baltimore County Attorney

Phyllis Friedman, Esquire
Baltimore County People's Counsel

Peter M. Zimmerman, Deputy People's Counsel

Eric DiNenna, Esquire

Abraham L. Adler, Esquire

Robin M. Goldman, Esquire

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

SUITE 400
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

September 15, 1987

(301) 296-6820

Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petitions for Special
Exception
Case Nos.: 88-85-X
88-86-X
My File Nos.: 87-65 & 66

Dear Mr. Commissioner:

As per your request, enclosed herewith please find the Memorandum of the tenants and charities concerning the above captioned matter.

Very truly yours,
S. Eric Dinenna
S. ERIC DINENNA

SED:jec
Enclosure
cc: Newton A. Williams, Esquire
Abraham L. Adler, Esquire

Respectfully,

Newton A. Williams
Newton A. Williams

The Honorable Robert Haines
September 24, 1987
Page 2

Hypothetically, if the sum of \$15,000.00 were collected in any given month, then \$9,000.00 must go to rental, \$1,350.00 would then go to the operator, together with an additional sum equal to ten percent (10%) of the cash collections as a management fee, an additional \$1,500.00, which if my addition is correct, comes to \$11,850.00, and this does not include the cost of utilities, telephone, insurance, payroll, accounting services, janitorial services, repairs or supplies.

This example points up the fact that the actual purpose of the hall, if we judge from its signage, its design, its daily use, and the proceeds from its use, is a bingo hall, and that any meeting facilities are strictly secondary to that purpose.

As such, despite the well written Memorandum of Law prepared both by Mr. DiNenna and by Messrs. Adler and Goldman, the bingo is clearly the principal use, which is forbidden under Policy B.M.-3, and the meeting hall function is a second at best.

Thanking the Commissioner for your consideration of this letter, which could not be included in my Memorandums, because we did not have the information until the Memorandum of Law was filed by the landlord, I am

NAM:jmg

cc: Eric DiNenna, Esquire
Abraham L. Adler, Esquire
Robin M. Goldman, Esquire

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

September 24, 1987

The Honorable Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petitions For Special Exception
Woodmor Shopping Center, Case No.: 88-85-X
And Hillendale Shopping Center,
Case No.: 88-86-X - Observations Concerning
Management and License Agreements

Dear Mr. Haines:

As you will recall, at the hearing on this matter, there was testimony that the Management Agreements were not then available for inspection, and there was a great deal of vagueness about their content. Fortunately, this has been cleared up by attachments to the Memorandum of Law filed in this matter by Messrs. Adler and Goldman on behalf of Honolulu Limited, the landlord.

Taking the case of the Loch Raven Soccer, etc. group, please note that according to the date on the bottom of the Agreement, that it was not prepared until September 11, 1987, that is after the date of the hearing in this matter. Secondly, please note on page 3, paragraph 4.1, where the bulk of the proceeds of the so-called charitable bingo will go. Under paragraph 4.1(a), first of all, the rent must be paid, and if my notes are correct, at Hillendale, this amounts to \$9,000.00 per month. Also, an amount equal to fifteen percent (15%) of the amount of the rent is paid which at \$9,000.00 per month would be \$1,350.00 per month. Thirdly, under paragraph 4.1(c), the utilities, telephone, insurance, payroll, accounting services, janitorial, repairs, and supplies are all paid. Finally, under paragraph 4.1(d), a management fee equal to ten percent (10%) of all cash collections from the bingo operation must be paid.

RECEIVED
SEP 25 1987

ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

August 13, 1987

000
Chairman

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

Abraham L. Adler, Esquire
110 Charles Center
Baltimore, Maryland 21201

RE: Item No. 549 - Case No. 88-85-X
Petitioner: Honolulu, Ltd.
Petition for Special Exception

Dear Mr. Adler:

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.

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 remain ng 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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:bjs

Enclosures

cc: Mr. Al Erdi, P.E.
P.O. Box 10055
Towson, Maryland 21285-0055

File

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ZONING OFFICE

PETITION FOR SPECIAL EX-
CEPTION
WOODMOOR SHOPPING CENTER
HONOLULU, LTD. - PETITIONER
CASE NO.: 88-85-X

PETITION FOR SPECIAL EX-
HILLENDALE SHOPPING CENTER
HONOLULU, LTD. - PETITIONER
CASE NO.: 88-86-X

PETITIONER'S MEMORANDUM

Star of David Post - Jewish War Veterans, the Loch Raven Recreation, Basketball and Softball Associations (charities), by S. Eric DiNenna and DiNenna, Mann & Breschi, respectfully offer this Memorandum in support of the aforementioned petitions. Counsel for the "charities" has reviewed the Memorandum filed by the Petitioners - property owner and accepts and adopts same as its' own, but must add certain factors to be considered by the Commissioner.

For purposes of brevity, the Petition of the property known as Woodmoor Shopping Center will be referred to as "Woodmoor" and the Petition for the Hillendale Shopping Center will be referred to as "Hillendale".

With reference to Woodmoor, it is clear from the evidence presented to the Commissioner, that the subject property is being leased by The Star of David Post - Jewish War Veterans for a term of five years and a set rent.

The Jewish War Veterans intend on using this property and structure as its meeting hall, for not only its own organization, but its auxiliary, organizations to have Sunday

breakfast meetings, and to make the facility available to local community associations for their meetings and events. It should be noted that the evidence presented to the Commissioner indicated that the Woodmoor Improvement Association will be having its meeting at the subject property on September 9, 1987.

The evidence indicated that as a fund raising mechanism Bingo will be held on the subject property and that in addition to the Jewish War Veterans, sponsors of the Bingo will be the Woodmoor Synagogue and the Knights of Columbus. This is in full compliance with the Baltimore County Code with reference to Bingo Halls.

The prerequisites of Section 502.1 were met by testimony of the witnesses before the Commissioner with reference to this site.

As to Hillendale, the testimony was very clear that the Loch Raven Recreation groups are the lessees of the subject property for a term of five years with a fixed rent. In this case, the Loch Raven Recreation groups intend on using the meeting room as their headquarters for storing of their equipment, registration of players, awards night activities and other general meetings of the recreation groups, planners and ones involved in the activities fostering the various Leagues and other sports for the children of the community. In this case also, as part of fund raising activities, they intend on operating a Bingo, each organization being separate and apart from the other.

Section 502.1 was met through the testimony presented by witnesses for the Petitioner in this matter. In addition thereto, some of the merchants in that shopping center testified in favor of the request for Special Exception in that they indicated, through one representative, that it would help foster activities in the shopping center in that it would not have an adverse affect upon their businesses and the rest of the community.

In both situations, separate and apart from each other, the respective groups have hired an individual who is professional in running bingo games. This is not to be taken as an illegal action, but the charities realize that it is best to have someone who knows how to run at bingo run these games for the charities benefit. All profits would go to the various organizations involved, of course after expenses paid to the bingo operator. It appears to your Petitioners that this is no different than any other service organization such as a VFW, Knights of Columbus, Elks Club, etc. hiring a professional caterer to run a bull roast, oyster feast, crab feast, etc. In addition thereto, on many occasions, various organizations go to professional catering halls to be able to conduct their activities. The method of conducting a bingo to raise money is nothing new to the country or this county. Various churches, community organizations, fraternal organizations, etc. have run bingos at numerous times to raise funds for the work they do for community. With reference to Woodmoor, the President of the

Woodmoor Community Association testified in favor of the request for Special Exception indicating the problems they have had with the shopping center and that this would be a welcome addition to the center and would be an improvement to their area. With reference to Hillendale, the only opposition offered was nothing more than a fear of other "bingos in bingo halls" being located in BL zones.

Each case rises or falls on its merits and a Special Exception for one location is not precedent for granting a Special Exception at another location. The Protestants fear is unfounded.

The protest offered by the Protestants must be obvious to the Commissioner. It is nothing more than competition of bingos in areas or locations close to the proposed community buildings.

With reference to the policy of the Zoning Commissioner and the allegation that this policy has existed since 1955 (BM-3) let it be noted that the policy manual was not adopted by the Zoning Commissioner until September 20, 1985. The main use of each of these properties is for the use of the charitable non-profit organizations for meetings, etc. Bingo is only a method of raising funds in order that they are able to achieve the charities and purposes for which their organization exists. It must be admitted that organizations such as your lessee Petitioners such as the Jewish War Veterans, recreation councils, the implications of the Knights of Columbus and the Synagogue with reference to Woodmoor are fraternal

organizations. They are similar in nature to the Knights of Columbus, the JCC, the VFW, the Moose, and the Elks. Section 230.9 of the Baltimore County Zoning Regulations (BL Zones) notes that "Social clubs and fraternal organizations" are permitted as a matter of right. Your Petitioners wish to pursue their request but with out prejudice; it appears that their activities and uses of the facilities in each case might be permitted as a matter of right without necessity of a request for Special Exception. Even in that situation, as a matter of right, they could hold bingos as a fund raising activity.

If we are to accept the policy of the Zoning Commissioner (BM-3), the testimony presented to this Commissioner, has met the burden that the holding of bingo games would be an accessory use to the main use of the subject property, namely, a community building for recreation, educational, civic and social activities. In the opinion of your Petitioners, it would be a sham to deny the request for Special Exceptions because of competitors greed. If every organization in Baltimore County at the same time or at numerous times held bingos and, they are not successful, then few bingos will be held. Competition will take care of itself. There is a demand by the public for bingo games and most members of the public would prefer that if they are going to have losing funds at bingo games, that the profits earned by the operation of bingos incidental to community building activities, that these funds go for charitable purposes. The allegation by the protestants or a witness for

the protestant as to the certain type of person that attend bingos is nothing but a farce. Ninety percent (90%) of the people who attend bingo are women and elderly persons. These are not undesirable persons. Accordingly, it is respectfully requested by your Petitioners that the request for Special Exceptions in Case Nos. 88-85-X and 88-86-X be granted.

Respectfully Submitted,

S. Eric DiNenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(301)296-6820
Attorneys for Petitioners

I HEREBY CERTIFY that on this 15 day of September, 1987, a copy of the foregoing Petitioner's Memorandum was mailed postage prepaid to Newton A. Williams, Esquire, of Nolan, Plunhoff & Williams, Chartered, 204 W. Pennsylvania Avenue, Towson, Maryland 21204 and Abraham L. Adler, 15th Floor, 36 S. Charles Street, Baltimore, Maryland 21201.

S. Eric DiNenna
S. ERIC DINENNA

Case No. 88-85-X

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
20th day of July, 1987.

Petitioner: Hillendale, Ltd.
Petitioner's Attorney: Sharon L. Adler, Esquire

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Received by: *James E. Adler, Jr.*
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: August 12, 1987
Posted for: Special Exception
Petitioner: Hillendale, Ltd.
Location of property: SE of 1/4 of Liberty Rd. 3.41' from E. of Prop. Rd. 1.7217 Liberty Rd.
Location of Sign: South side of Liberty Rd. in front of subject property, 2.617 Liberty Rd.
Remarks:
Posted by: *S. J. Haines* Date of return: August 14, 1987
Number of Signs: 1

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

No. 45831

DATE 11/20/87 ACCOUNT 01-615-000
AMOUNT \$ 7136

RECEIVED FROM Hillendale Charity Bingo
FOR Postage & Ad.
B 0022*****713618 730AF
88-85-X

VALIDATION OR SIGNATURE OF CASHIER

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

No. 37675

DATE 6/25/87 ACCOUNT 01-615-000
AMOUNT \$ 100.00

RECEIVED FROM Hillendale Charity Bingo
FOR SE # 549 (Woodmoor)
B 0030*****1000018 826AF

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 13, 1987
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 13, 1987.

THE JEFFERSONIAN,

Susan Shuster Obrecht
Publisher

PETITION FOR SPECIAL EXCEPTION • BEFORE THE
WOODMOR SHOPPING CENTER • ZONING COMMISSIONER
HONOLULU, LTD. - PETITIONER •
CASE NO.: 88-85-X • FOR

PETITION FOR SPECIAL EXCEPTION • BALTIMORE COUNTY
HILLENDALE SHOPPING CENTER •
HONOLULU, LTD. - PETITIONER •
CASE NO.: 88-86-X •

MEMORANDUM OF LAW

Perring Hall, Inc. and Brenbrook Plaza Hall, Inc. by Newton A. Williams and Nolan, Plumhoff & Williams, Inc. respectfully offer this Memorandum of Law for the guidance of the Zoning Commissioner in the above-entitled matters.

For the sake of brevity, our points will be presented in numbered form as follows:

1. Since 1955, the Baltimore County Zoning Regulations have been affirmative in nature, that is, a use must be specifically allowed in a zone, or it is forbidden.

2. Only licensed, charitable bingo is allowed in Baltimore County, and a copy of Section 252 of the Annotated Code of Maryland, entitled "Bingo in Baltimore County" is attached hereto.

3. Under the Baltimore County Zoning Policy Manual, specifically, Policy BM-3 entitled "Bingo", a copy of which is attached hereto, bingo is classed as a commercial, recreation enterprise, and is allowed as a principal use as such in the BM or BR zone.

See Section 233.2 of the Regulations.

4. Bingo is classed as an accessory use only in the BL zone, and only as an accessory use to a bona fide principal use, fraternal hall, again under Policy BM-3B. Section 101 of the Regulations, defines principal use as "a main use of land, as distinguished from an accessory use."

The same section, Section 101 of the Regulations, defines accessory use or structure with a four (4) part definition, namely

"Accessory Use or Structure: A use or structure which - (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served."

5. A six (6) day a week, 11 a.m. until late evening, full time bingo hall operation, nominally operated in the name of three (3) charities, is not an accessory use, rather it is the principal use. It is not customarily incident and subordinate to, and it does not serve the principal use, but rather the bingo operation is the principal use, with the purported meeting halls being merely a sham to attempt to satisfy the Zoning Regulations of Baltimore County.

6. The danger of BL special exceptions for bingo halls, purporting to be fraternal halls or community buildings, among

that six (6) days a week, twelve (12) hour plus a

day bingo halls will crop up in BL zones, wherever three (3) charities can be gathered to seek such a special exception.

7. The present regulations and policies have worked well since 1955, or earlier, in that bingo operations are separated in the less numerous, and heavier zoned BM and BR zones. Furthermore, if such operations under the guise of meeting or fraternal halls is allowed in every BL zone, merchants presently struggling to get along will be displaced by higher rental predatory bingo operations which have the potential to spring up all over the County in the much more numerous BL zones, including in small neighborhood areas. The present policy, BM-3, in the BL zones and in other zones which permit fraternal halls, allows bingo on a two (2) night a week basis, or two (2) day a week basis, as a bona fide part of a principal use fraternal or community organization, such as those named in the policy, including veterans organizations, religious groups, fraternal groups, etc. However, it is important to remember that there must be a bona fide organization such as an elks hall, american legion post, etc. in order to justify the accessory use.

In summary, "the tail cannot wag the dog."

8. In summary, we believe that if the long standing successful policy of Baltimore County is changed, that it will result in charity fighting charity, and fraternal group fighting fraternal group for a very limited bingo market, and

will not be to the advantage of any charities in Baltimore County or fraternal organizations. Furthermore, if a long established policy is to be changed, then it should be changed properly through the legislative process, including review by the Council, the Planning Staff, the Planning Board and the Council once again, pursuant to a resolution passed by the Council to set the process in motion.

For all of these reasons, we respectfully state that neither of the requested special exceptions for community building should be granted, since they are not bona fide principal uses as community buildings, but rather are bingo halls masquerading as fraternal organizations or community organizations in order to bring themselves into the BL zone.

Respectfully Submitted,

Newton A. Williams
NEWTON A. WILLIAMS

Nolan Plumhoff & Williams
NOLAN, PLUMHOFF & WILLIAMS,
CHARTERED
204 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

0003A

BM-2 AUCTION SALES

Auction sales as a principal use is not listed as a permitted use or by special exception in any zone.

A. As a principal use, auctions will be permitted in the B.M. and B.R. zones

B. As an accessory or incidental use in M.L. zone (provided that the extent and the frequency of use is regulated and remains accessory).

An on site inspection and a special hearing or notarized letter of intent may be required by the Zoning Commissioner.

BM-3 BINGO

A. As a principal use bingo halls are permitted in B.M. and B.R. zones only.

B. As an occasional or accessory use bingo is permitted in any zone in religious, church or church school buildings as a charitable function. Bingo is also permitted as an occasional and accessory use in all community building type uses such as Elks, Knights of Columbus, J.C.C., V.F.W., Moose and similar halls.

(85-200-X Pikeswood Apts. S.E. for community Bldg. for bingo)

proceeds of any game of bingo conducted under a license granted pursuant to this section to any other person, except a bona fide member of the organization, or to any other partnership or corporation, except a bona fide member of the organization, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$1,000.00 or imprisonment for not more than two years, or both such fine and imprisonment, in the discretion of the court. (1) Receiving proceeds of game.-- Any person, except a bona fide member of such organization, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$1,000.00 or imprisonment for not more than two years, or both such fine and imprisonment, in the discretion of the court. (2) Violation of regulations.-- Any person, partnership or corporation which shall violate any of the regulations adopted by the Department of Permits and Licenses, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$1,000.00 or imprisonment for not more than two years, or both such fine and imprisonment, in the discretion of the court. (3) For purposes of this section, the term "Bingo" does not include the game of Instant Bingo. Application for any Bingo license shall be made on forms provided by the Department of Permits and Licenses. Each applicant shall be required to file and keep current with the Department of Permits and Licenses, a copy of the organization's by-laws, corporate charter, and/or any document necessary to substantiate information requested on the application, and to evidence the legal authority of the individual(s) signing the Summation Sheets on behalf of the organization. If any contract or agreement exists between the applicant/licensee and any game operator, a form provided by the Department of Permits and Licenses summarizing the terms of that contract/agreement will also be required. Failure to file or keep until compliance is fulfilled.

No annual license holder will be allowed to operate more than twice in any one week. Temporary license holders will be allowed to operate any ten days during the license year except Sundays. No one-day, temporary or annual license holder may sponsor a Bingo event in the same location and on the same date as a Bingo event sponsored by any other license holder.

Signs, newspaper advertising and/or distribution of handbills or posters advertising the game of Bingo shall be permitted, but no designation of prize money will be allowed in any form of advertisement. All advertisements will include the identity of the licensee sponsoring the event. Distribution of all such handbills and posters shall not be permitted within a 500 foot radius of any other licensed Bingo premises or establishments in Baltimore County.

No intoxicating beverages will be allowed in any hall in which Bingo is being played.

The maximum monetary value of prizes awarded for regular Bingo games played during any one date in a particular location shall not exceed \$2,500. Any Jack-Pot games, if played, must be included on the Summation Sheets as part of the Bingo games subject to the overall \$2,500 maximum prize limit.

Instant Bingo may be offered in conjunction with other customary Bingo games. However, a separate "Gaming Permit" must be obtained for Instant Bingo. Prizes awarded for Instant Bingo are allowed in excess of the \$2,500 regular Bingo game limit.

No other game of chance or raffle may be sold or offered at a Bingo event.

All One Day, Temporary and Annual license holders are required to submit to the Department of Permits and Licenses, a Summation Sheet showing the attendance, amount of prizes awarded, amount of prize money, all out-of-pocket expenses, and the net gain or loss for the event. All One Day and Temporary license holders are required to file Summation Sheets within 12 hours after the game is played. Annual license holders are required to file Summation Sheets reflecting the reporting information for each game played during the month, and the monthly Summation Sheet reflecting the reporting information for the year. A member of the sponsoring organization possessing the power to bind the organization by legal contract must witness all Bingo games, and must sign the Summation Sheets and affirm their accuracy under penalty of perjury. Summation Sheets will be furnished by the Department of Permits and Licenses to the licensee. Copies of these Rules and Regulations must be posted in a conspicuous place by all Bingo operators.

License Type	Application Fee	License Fee	Total
Annual	\$50.00	\$100.00	\$150.00
Temporary	\$20.00	\$40.00	\$60.00
One Day	\$10.00	\$20.00	\$30.00

July 1, 1985

Section 252. Bingo in Baltimore County.
(a) Operation of bingo games by certain organizations not prohibited.-- Nothing in this subtitle shall be construed to make it unlawful for any of the following organizations to conduct or operate the game of bingo for the benefit of charity in Baltimore County, or in furtherance of the purposes of such organizations: (1) A tax-supported volunteer fire company or auxiliary unit of which the members thereof are directly associated fire company. (2) A nationally chartered veterans' organization or auxiliary unit of which the members thereof are directly associated with such organization. (3) A bona fide religious group which has conducted religious services at a fixed location in Baltimore County for a period of at least three years prior to the date of filing for the hereinafter mentioned license. (4) The Maryland State Fair and Agricultural Society. (5) Bona fide fraternal organizations. (6) Bona fide patriotic organizations. (7) Bona fide charitable organizations which have been in existence at a fixed location in Baltimore County for a period of at least three years prior to the date of filing for the hereinafter mentioned license. (b) License required; application.-- Any such organization desiring to conduct a game of bingo in Baltimore County shall first secure a license for the conduct thereof from the Department of Permits and Licenses in and for Baltimore County. Application therefor shall be made on forms to be provided by said department and shall give the following information with respect to such organization: (1) The name of said organization and a full list of the names and addresses of its officers and directors. (2) A full and complete statement of the purposes and objects of said organization and the purposes for which the proceeds from such operation will be used. (3) A statement under affidavit by the president and treasurer of such organization, or by its chief executive and fiscal officers that no agreement exists for the division of any portion of the proceeds of such operation with any other person, partnership or corporation; and a further statement under affidavit that no person, partnership, organization or corporation other than such organization or a bona fide member thereof will receive any portion of the proceeds of such operation, except in furtherance of the purposes of such organization. (4) Such further information as the Department of Permits and Licenses may require. (c) Sunday bingo not permitted.-- Nothing herein shall be construed to permit the playing of bingo on Sunday in Baltimore County. (d) Annual bingo license.-- An annual license for the operation of the game of bingo, known as an "annual bingo license", shall authorize the holder thereof to operate a game of bingo at a fixed location to be specified therein at any time during the year for which the same shall be issued, but not to exceed twice in any one week. The applicant therefor shall pay an annual license fee to be determined by the Department of Permits and Licenses. (e) Temporary and One-Day bingo license.-- (1) Temporary bingo license. A temporary license for the operation of the game of bingo known as a "Temporary bingo license", shall authorize the holder to operate the game of bingo at a fixed location to be specified for not more than ten days in any one year. The applicant shall pay a license fee to be determined by the Administrative Officer of Baltimore County. (2) One-Day bingo license. A one-day license for the operation of the game of bingo known as a "One-Day bingo license", shall authorize the holder to operate a game of bingo at a fixed location to be specified for not more than one day. The applicant shall pay a license fee to be determined by the Administrative Officer of Baltimore County. No applicant shall be granted more than three One-Day licenses in any calendar year. (f) Disposition of license fees.-- The proceeds from the issuance of the license shall be deposited in the special fund for surviving spouses and other dependents of the Baltimore County Police and Fire Bureaus, known as the "Widows' Pension Fund". (g) Regulations of Department of Permits and Licenses.-- The Department of Permits and Licenses of Baltimore County is hereby authorized to adopt regulations for the conduct of the game of bingo in Baltimore County and to provide therein the amount of and the method of awarding prizes in any such game, the hours of operation, and such additional regulations as it may deem necessary for the proper conduct of said game. (h) Inspection of records of license.-- The Department of Permits and Licenses, or its authorized agents, may, from time to time, require the holder of any license to produce the financial records of such holder for its inspection in order that it may determine that the provisions of this section with respect to the application of the proceeds of any such operation are being fully complied with. (i) Revocation of license.-- The Department of Permits and Licenses is authorized, after public hearing, to revoke the license of any holder thereof for failure to comply with the provisions of this section or with any regulation adopted by the Department of Permits and Licenses pursuant to the provisions thereof. (j) Diversion of proceeds of game.-- Any person, partnership or corporation which shall divert or pay any portion of the

PETITION FOR SPECIAL EXCEPTION * BEFORE THE
WOODMOR SHOPPING CENTER * ZONING COMMISSIONER
HONULULU, LTD. - PETITIONER *
CASE NO.: 88-85-X * FOR

PETITION FOR SPECIAL EXCEPTION * BALTIMORE COUNTY
HILLENDALE SHOPPING CENTER *
HONULULU, LTD. - PETITIONER *
CASE NO.: 88-86-X *

SUPPLEMENTAL MEMORANDUM OF LAW

Perring Hall, Inc. and Brenbrook Plaza Hall, Inc. by Newton A. Williams and Nolan, Plumhoff & Williams, Chartered respectfully offer this Supplemental Memorandum of Law following the hearing, in addition to the Memorandum of Law tendered to the Commissioner at the time of the hearing.

Based upon the material contained in our earlier Memorandum of Law, it is clear from the Zoning Regulations, and from Section BM-3, entitled "Bingo" of the Policy Manual, that in the BL zone, bingo can only exist as a bona fide accessory use.

It is very clear from all of the testimony in both of the cases, that what we have is a bingo hall in each case masquerading as a part-time meeting hall. This is not enough to meet the spirit, the clear intent or the letter of the Regulations.

In the Hillendale case, being as charitable as possible, Mr. Leroux, was very vague about the lease arrangements, the contractual arrangements with the real operator of the bingo.

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did not know the days and hours of operation, was not sure who would run it, and stated that his group meets at best on a monthly basis, and then indeed, not on a year round basis either.

We are very sympathetic to the charities involved, including the Loch Raven Recreation Council, but sympathy for the charities should not lead us to open an entirely new direction in the allowance of bingo in Baltimore County.

It is clear that bingo has worked well as a principal use in the BM and BR zones for many years, in part because such zones are much less numerous, and are separated from one another. On the other hand, the BL zone is the most numerous zone in every part of the County, and virtually every county artery is marked by large amounts of strips of BL zoning. On the other hand, BM and BR tends to be more concentrated, and it keeps these uses separated.

In the Woodmor case, the Commander of the Jewish War Veterans, was a little bit better witness, but he admitted that the Jewish War Veterans only wished to meet twice monthly at best, as well as some breakfast meetings. Again, the Commander, as well as the representative from the Knights of Columbus, and the representative of the Synagogue, all stated that their contracts with the bingo operator are in oral form.

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which we believe may be a violation of the Regulations promogated by the Department of Permits and Licenses, and they were very vague about the arrangements.

It would seem very clear that organizations having budgets on the order of \$4,000.00 per year for the girls softball group, \$11,000.00 per year for the basketball group, \$7,000.00 per year for the war veterans, and unspecified amounts for the synagogue and the Knights of Columbus, cannot afford a principal use meeting hall at either Woodmor for \$5,000.00 a month or at Hillendale for \$9,000.00 per month without bingo.

Furthermore, as the Commissioner knows, in judging a use, it is appropriate to look at the principal use, and when we look at the signs on the buildings, which say "Bingo", the layout of the bingo halls, which are entirely set up for bingo, that the principal use is indeed bingo. In fact, several of the applicant witnesses were very candid, and said that the principal purpose was to hold bingo fundraising activities.

Bingo is a form of gambling, and as such is closely regulated in Baltimore County. Furthermore, at the Woodmor Shopping Center, the majority of the beneficiaries of the bingo operation are from out of the community, with the Knights of Columbus being from Catonsville, the Jewish War Veterans being from Pikeville, and the Woodmor Congregation not being

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strictly speaking a neighborhood group. If it is not appropriate to hold a bingo session in the synagogue, then it would not seem appropriate to hold it in someone elses neighborhood either.

These cases were not tried as special exceptions for true fraternal organizations, since, in fact, they are in reality bingo hall cases, but that does not relieve the petitioner of the obligation to prove Section 502.1 of the Regulations. The proof of Section 502.1 was very weak. There was extensive proof that the legal owner of the property, (which after all is one of the petitioners), is not a committed and concerned citizen of either the Hillendale area or the Woodmor area, and that the shopping centers have experienced a great deal of neglect and deterioration over the years.

Furthermore, should the Commissioner decide to grant this case, in each case the organizations seemed vague and nebulous at best, as to who is to assure conformity with the Baltimore County Bingo Regulations, conformity with any conditions of the Commissioner might see fit to impart, etc.

In essence what the cases showed were two (2) different professional bingo operators coming into Baltimore County, redecorating and rebuilding halls without permits, and that is not the fault of Baltimore County. The permit process in Baltimore County has a specific stop at zoning in order to protect people from making improvements and spending money

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& WILLIAMS,
CHARTERED

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without making sure that the zoning is in place to allow the use to proceed. In this case, the operators did not see fit to apply for permits at either location, except perhaps a plumbing permit, and now they find themselves in a situation of having to engage in a sham proceeding asking for a meeting hall special exception to in actuality allow bingo halls. Furthermore, the type of bingo that would be operated in order to carry a very significant amount of expenses, (which we cannot specify because the operators could not specify), will necessitate long hours, large crowds and not the charitable type of accessory bingo contemplated by Policy BM-3.

Section 101 of the Regulations defines an accessory use or structure in four (4) parts, as follows:

1. In part A, it must be customarily incident and subordinate to and serve a principal use of the structure, and in this case, the principal use of the structure is a bingo hall, with only occasional meetings at best.

2. In part B of the definition, an accessory use or structure must be subordinate in area, extent or purpose to the principal use of the structure; and a noon to late at night bingo operation is not subordinate in area, extent or purpose to the alleged meeting hall, but is the user of the majority of the area, the greatest extent of the time, and certainly the

true purpose of the use. None of these organizations could justify this use or this rental without bingo. Clearly, it is a case of the "tail wagging the dog."

The only way to cure the situation short of outright denial would be to specify that the hall's main use must be for meetings, and that only one (1) charity in each case could hold not more than two (2) days of bingo in any given week, and that charity must be the applicant and holder of the special exception. There is no precedent in the County to allow another charity or charities to use the meeting hall for bingo on a regular basis.

For all of these reasons, we are confident that upon an examination of the evidence, the Commissioner will deny the requested special exception for community building in each case, and in doing so, will protect the integrity of these two neighborhoods, as well as the integrity of the Regulations. Any other course, as was stated by the Greater Towson Council, the Liberty Road groups, and neighborhood groups, in addition to throwing the doors open to bingo halls in these two centers, will throw the doors open to bingo halls in virtually every BL section of the county. There will be a race to sign up sponsors, and group will be set against group and charity against charity, as occurred in the case of casino gambling as

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NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

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occurred earlier this year. For years the bingo regulations of Baltimore County, including the Zoning Regulations and Policy BM-3 have worked well, and should be respected in these and other cases.

The protestants and their counsel have made a reasonably diligent search of various authorities and texts, including, West Maryland Law Encyclopedia, Zoning Law and Practice by Yokely, American Law of Zoning by Anderson, as well as, Corpus Juris Secundum, and Am. Jur. 2nd, and could not find an authority precisely on point, probably because the proposition is self evident, that the principal use is what determines the legality or illegality, rather than the accessory use being promoted as the principal use.

However, in the American Law of Zoning, at Section 6.36 entitled "Accessory or Incidental Use," states "zoning ordinances commonly permit a landowner to maintain an accessory or incidental use in connection with a permitted use of land. Such a use may be defined as one customarily incidental and subordinate to the main use or building and located on the same lot therewith." In fact, Section 101 in defining an accessory use utilizes this criteria and goes beyond it.

Section 6.36 continues as follows: "A few municipalities have anticipated the problem and have included specific language which protects the zoning plan from this hazard. The

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CHARTERED

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City of Buffalo has enacted the following: 'In no case shall such an accessory use dominate, in area, extent, or purpose of the principal lawful use or building.'

We believe that it is clear that the Baltimore County Zoning Regulations have the same intent, and this is evidenced by the definition of accessory use in Section 101, the lack of a specific provision in the B.L. regulations allowing bingo halls as a principal use, and the specific, very clear cut provisions of the Policy Manual, namely, Policy BM-3 previously quoted.

All of the authorities are replete with numerous cases to the effect that it is the principal use which must be judged, and not the accessory use, and we will not burden this Memorandum with a quotation of all these authorities.

In summary, we believe it is very evident that in both cases, the bingo hall will dominate in area, extent of use, external appearance, expense and number of people frequenting the location, and that if anyone looked at any of these locations, if allowed as requested, they would immediately say "that is a bingo hall." If I wanted to, I could call my law office a service garage, but that would not make my law office a service garage, if I occasionally worked on a car on the parking lot, etc. As has been said, "a rose, is a rose, is a rose," and in this case we would say "a bingo hall is a bingo hall", even if occasionally meetings are held there. For all

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& WILLIAMS,
CHARTERED

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of these reasons. we respectfully request that the requested special exceptions to community building in each case be denied.

Respectfully Submitted,

Newton A. Williams
NEWTON A. WILLIAMS

Nolan, Plunhoff & Williams
NOLAN, PLUNHOFF & WILLIAMS,
CHARTERED
204 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September, 1987, a copy of the foregoing Supplemental Memorandum of Law was mailed postage prepaid to S. Eric DiNenna, Esquire, 406 W. Pennsylvania Avenue, Towson, Maryland 21204; Abraham M. Adler, Esquire, 15th Floor, 36 S. Charles Street, Baltimore, Maryland 21201 and People's Counsel, Phyllis Cole Friedman, Esquire, Court House, Towson, Maryland 21204.

Newton A. Williams
NEWTON A. WILLIAMS

LAW OFFICES
NOLAN, PLUNHOFF
& WILLIAMS,
CHARTERED

3213A

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Maryland Department of Transportation State Highway Administration

RICHARD H. TRAINOR
Secretary
HAL KASSOFF
Administrator

July 9, 1987

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Item # 549
Property Owner: Honolulu,
Ltd.
Location: SW/S Liberty Rd.
Maryland Route 26
Corner of SE/S Essex Road
Existing Zoning: B.L.
CCC
Proposed Zoning: Special
Exception for a community
building
Area: 17,600 sq. feet
District: 2nd

Dear Mr. Jablon:

On review of the submittal of June 3, 1987, for Special Exception, the State Highway Administration Bureau of Engineering Access Permits find the submittal generally acceptable.

Very truly yours,

John Meyers
John Meyers-Asst.
Bureau Chief

by: George Wittman

JM-GWjes

RECEIVED
JUL 13 1987
ZONING OFFICE

My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354



Dennis F. Rasmussen
County Executive

July 29, 1987

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

Dear Mr. Jablon:

The Bureau of Traffic Engineering has no comments for items number 541, 542, 543, 544, 547, 548, 549, 550, and 552.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

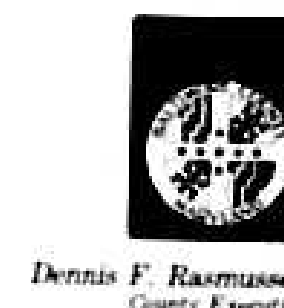
MSF:lt

Baltimore County
Fire Department
Towson, Maryland 21204-2595
494-4500

Paul H. Reineke
Chief

July 14, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Honolulu, Ltd.

Location: SW/S Liberty Rd., corner of SE/S Essex Road

Item No.: 549

Zoning Agenda: Meeting of 7/7/87

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.
- (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. Two exits shall be provided for each level, Section 8-2.4.3.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Joseph Kelly* 7-1487
Planning Group
Special Inspection Division

Noted and Approved:

John F. O'Neill
Fire Prevention Bureau

/s/

8/31

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner



Dennis F. Rasmussen
County Executive

June 26, 1987

RE: Building Permit No. CCC-775-87
SW/S Liberty Road, SE/Cor Essex Road
2nd. Elect. Dist.

Dear Mr. Hodges,

The Zoning Office cannot approve the above referenced building permit application for the following reason(s):

- XX Improper setbacks
- XX Improper use
- XX Improper location
- XX Inspection of the property must be made
- XX Insufficient information on permit
- XX Revised Plans (9 copies) must be submitted to the counter in Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. All plans must be accompanied by a cover letter listing the revisions and referencing the permit and control number. Revised plans must be submitted in person.
- XX Other: A principal use Bingo Hall is not permitted in a B.L. zone. The permit application identifies the new proposed use as a Bingo Hall. A community building use such as Elks, Knights of Columbus, V.F.W., Moose may have Bingo as an accessory or occasional use, provided that the principal use remains as a fraternal hall. A special exception is required for a community building in a B.L. zone and a special exception for a community building has been filed for this location in this office on 6/25/87 under Item #549. This office cannot approve any permits until the special exception is granted. When / if the special exception is granted the permit should be revised to correctly indicate the proposed use as a community building or fraternal hall.

If you have any further questions, you may contact me at 494-3391.

Very truly yours,

W. Carl Richards, Jr.
W. CARL RICHARDS, JR.
Zoning Coordinator

Office of Planning and Zoning,
Baltimore County Office Building
Towson, MD. 21204.

Att.: Mr. W. Carl Richards, Jr.,
Zoning Coordinator.

Re: Meeting Halls for
* Hillendale Optimist Club-
Softball & Basketball Association;
* Woodmoor Optimist Club Sponsors-
Permit applications for assembly
use from previous merchantile
use in BL zone.

We, the undersigned, the authorized representatives of the above Optimist Club organizations, do hereby declare and certify that our sponsors will be using the above locations primarily as meeting halls in the evenings during the week and Sundays. In order to pay our operating costs, they will be using the meeting halls as bingo halls during the daytime.

We request that our applications for Change of Occupancy for the above locations be processed accordingly.

Very truly yours,

Authorized signatures

Joseph A. Buzalot
Hillendale Optimist Club-
Softball & Basketball Association

6/19/87
date

Jim Hodges
Woodmoor Optimist Club Sponsors

6/19/87
date

Encl.s
cc: File

THE GUTMAN REALTY COMPANY

301-744-6142

HONOLULU LIMITED

5518 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228

June 24, 1987

Baltimore County, Maryland

Gentlemen:

Honolulu Limited and The Gutman Realty Company, a Hawaiian and Baltimore Corporation, as owner of the Woodmoor Shopping Center, hereby authorize John Hodges to apply for a Petition for a Special Exception to operate Star of David Post of the Jewish War Veterans meeting hall at the Woodmoor Shopping Center

Honolulu Limited

Joel Winegarden
by Joel Winegarden
Vice President

The Gutman Realty Company

Joel Winegarden
by Joel Winegarden
Vice President

LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.
3820 Fernside Road
Randallstown, MD 21133
(301) 655-7766

Liberty Communities Development Corporation (LCDC)

RESOLVED: That the position of the Liberty Communities Development Corporation as adopted by the Board of Directors on July 20, 1987 on the zoning matter known as:

Case Number 88-85-X, Special Exception for a community building, property located SW of c/l of Liberty Road, 341' from c/l of Essex Rd.

is that: "The Board (L.C.D.C.) oppose this petition." Further, "The staff (Jim Janas) receive authority, sanction and instructions to testify on behalf of the organization on the zoning request."

AS WITNESS OUR HANDS AND SEAL THIS 26 DAY OF AUGUST 1987.

ATTEST: Liberty Communities Development Corporation

John F. O'Neill
Secretary

Joseph A. Buzalot
President

PROTESTANT'S
EXHIBIT 2

cc: Zoning File
Planning File

MD lease
Revised
8/7/86

The submission of this document for examination does not constitute an option or offer to lease space in the Property. This document shall have no binding effect on the parties unless countersigned by the Landlord and the Tenant and a fully executed copy is sent to the Tenant.

THIS LEASE, Made this 15th day of April, 1987,
by and between The Corman Realty Company, a Maryland corporation
of the State of Md. & Hawaii, hereinafter called "LANDLORD" and
Star of David Post # 252, Jewish War Veterans, a corporation of the State
of Maryland, hereinafter called "TENANT", (and referred to
by singular pronoun of the neuter gender, regardless of the
number of gender of the persons, whether natural or artificial,
involved).

WITNESSETH, that in consideration of the covenants
and agreements hereinafter set forth, Landlord hereby leases to
Tenant and the latter leases from the former the premises in
Baltimore County, State of Maryland, hereinafter described,
upon the following terms and conditions and the parties further
agree as follows:

1. The leased premises, hereinafter called the
"premises" consist of the one story store of 4800 square
feet approximately 40 feet wide and 120 feet long, known
as 7019 Liberty Road being part of a building
in the retail Shopping Center, operated by Landlord in said
Baltimore County known as the Woodmoor
Shopping Center. The premises does ~~not~~ include a basement.

2. (a) This lease is for the term of Five (5)
years, beginning on the 15th day of May, 1987,
and ending on the 14th day of May, 1992,
which said date of May 15 is hereinafter called
the anniversary date.

PETITIONER'S
EXHIBIT 2

LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.
3820 Fernside Road
Randallstown, MD 21133 (301) 655-7766

Board of Directors' Meeting

July 20, 1987

Minutes

Present: Joseph Lepski, Rufus Stephens, Jack Kiner, Lucille
Whittingham, Alan Cohen, Emily Wolfson, Charlotte Kaplow, Ruth
Nasdor, Ben Seaman, Alan Kaplan, William Proctor, Pete Christ,
Doug Stiegler, Dan Schuman, Gene Hamilton and Paulette Quickley.
Guests: Frank Storch, Herbert Kleiman, Senator Paula Hollinger,
Jeff Siedell, Linda Lampel, Charles J. Balint and Jim Janas
(staff).

Joseph Lepski opened the meeting, he asked Board members to please
put issues in the form of motions before speaking on them and to
avoid duplicative discussions.

The minutes were approved as written.

Membership Report: Alan Kaplan reported that Equitable Bank and
BEA, Inc. had joined, bringing the total membership to 101.

Budgets: Gene Hamilton presented a \$53,338 operating budget for
FY 88, which included a \$37,800 C.D.B.G. grant. After a short
discussion Emily Wolfson moved the budget be approved. It was
seconded and passed.

Jim Janas then presented a budget for \$23,600 for a market study
implementation, public relations project. This project had been
suggested as far back as December, 1986 and we were requesting
that the County fund 50% of the cost through general funds. The
request and budget were approved.

Any discussion on the Capital Budget was deferred.

Police Dept. Meetings: Alan Cohen reported that we had been
meeting with members of residential groups and the police on
community wide meetings. The next meeting was scheduled for
Tuesday evening.

Jim Janas reported that the police had recently conducted a new
series of anti-crime seminars. Doug Stiegler reported that the
one in his area was very poorly attended. Janas suggested that
LCDC could insure much better participation--he was suggesting
that we convene a seminar-meeting in September.

PROTESTANT'S
EXHIBIT 3
HILLENDALE BINGO

AND
WOODMOOR BINGO

5¢ a card

ALL DAY — WALK IN BINGO
Open 6 Days-A-Week Closed Sunday

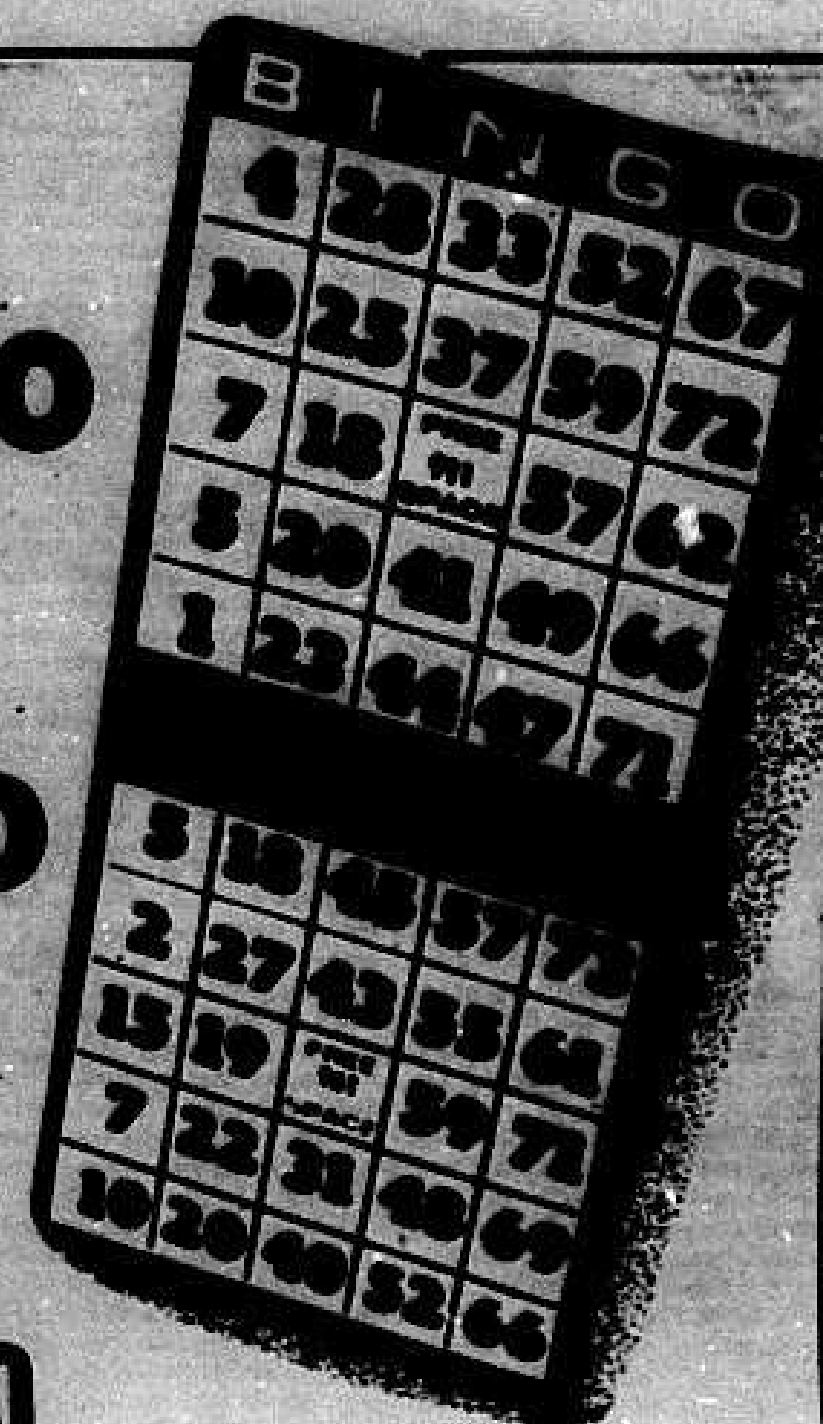
PLAY FOR AS LITTLE AS 5¢ A CARD
Free Transportation Available To Both Locations

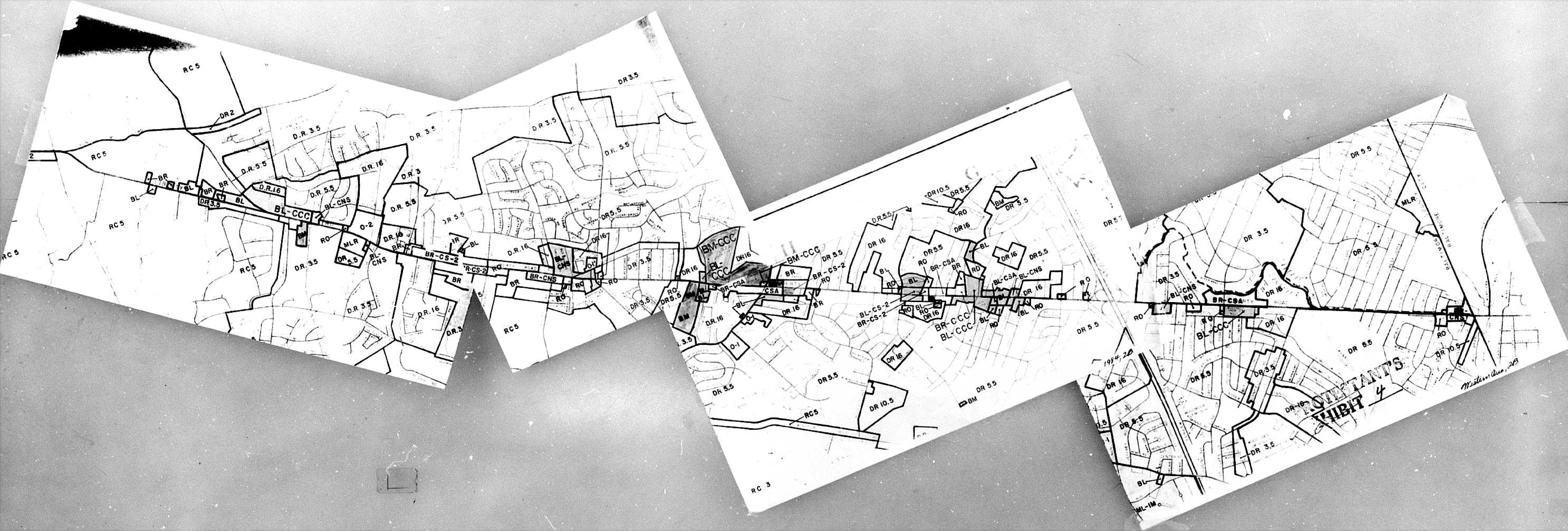
OPENING SAT., JUNE 27

OPENING MON., JUNE 29

Woodmoor Bingo
7019 Liberty Road
For Info and Free Transportation
Call: 296-2122 or 23

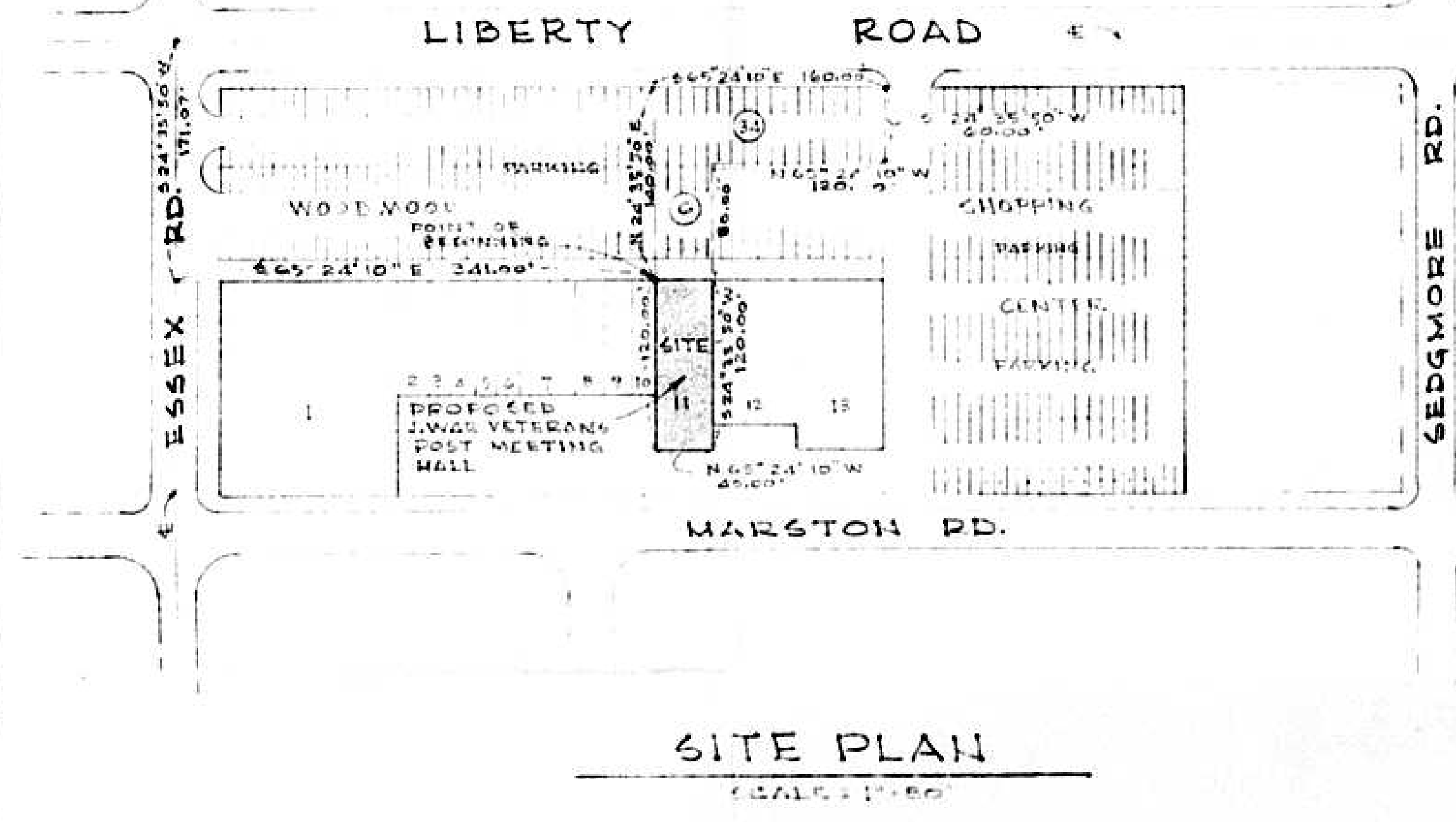
Hillendale Bingo
6621 Loch Raven Boulevard
For Info Call: 321-9888 or 89
For Free Transportation
Call Uncle Jack at 321-9888





NOTES:

1. THIS DRAWING IS PREPARED FOR THE PURPOSE OF PROVIDING THE DETAILS FOR NONSTRUCTURAL ALTERATIONS AND RENOVATIONS ONLY.
2. INFORMATION OTHER THAN THAT WHICH IS SPECIFIED ABOVE IS SHOWN ON THIS DRAWING FOR REFERENCE ONLY, AS PROVIDED BY HONOLULU LTD., 5518 BALTIMORE NATIONAL PIKE, BALTIMORE, MD. 21228, AND AS APPROVED UNDER BALTIMORE COUNTY PLUMBING PERMIT F24 438, ELECTRICAL PERMIT E-60 150 DATED 5/8/87, FIRE DEPARTMENT CAPACITY CERTIFICATE OF MAY 1987.
3. ALL SUCH INFORMATION AS PROPERTY REFERENCES, DIMENSIONS, LOCATION OF EXISTING AND PROPOSED FACILITIES MUST BE VERIFIED ON THE SITE BEFORE USE.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LOCAL BUILDING CODES & SPECIFICATIONS AND CONFORM TO BALTIMORE COUNTY REQUIREMENTS APPLICABLE TO SUCH WORK, REGARDLESS OF WHETHER SUCH ARE SPECIFIED ON THIS DRAWING OR NOT.
5. ALL WORK SHALL BE AS SPECIFIED ON THIS DRAWING, INSPECTED AND APPROVED BY BALTIMORE COUNTY AS REQUIRED.
6. NO CHANGE OR DEVIATION SHALL BE MADE WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.



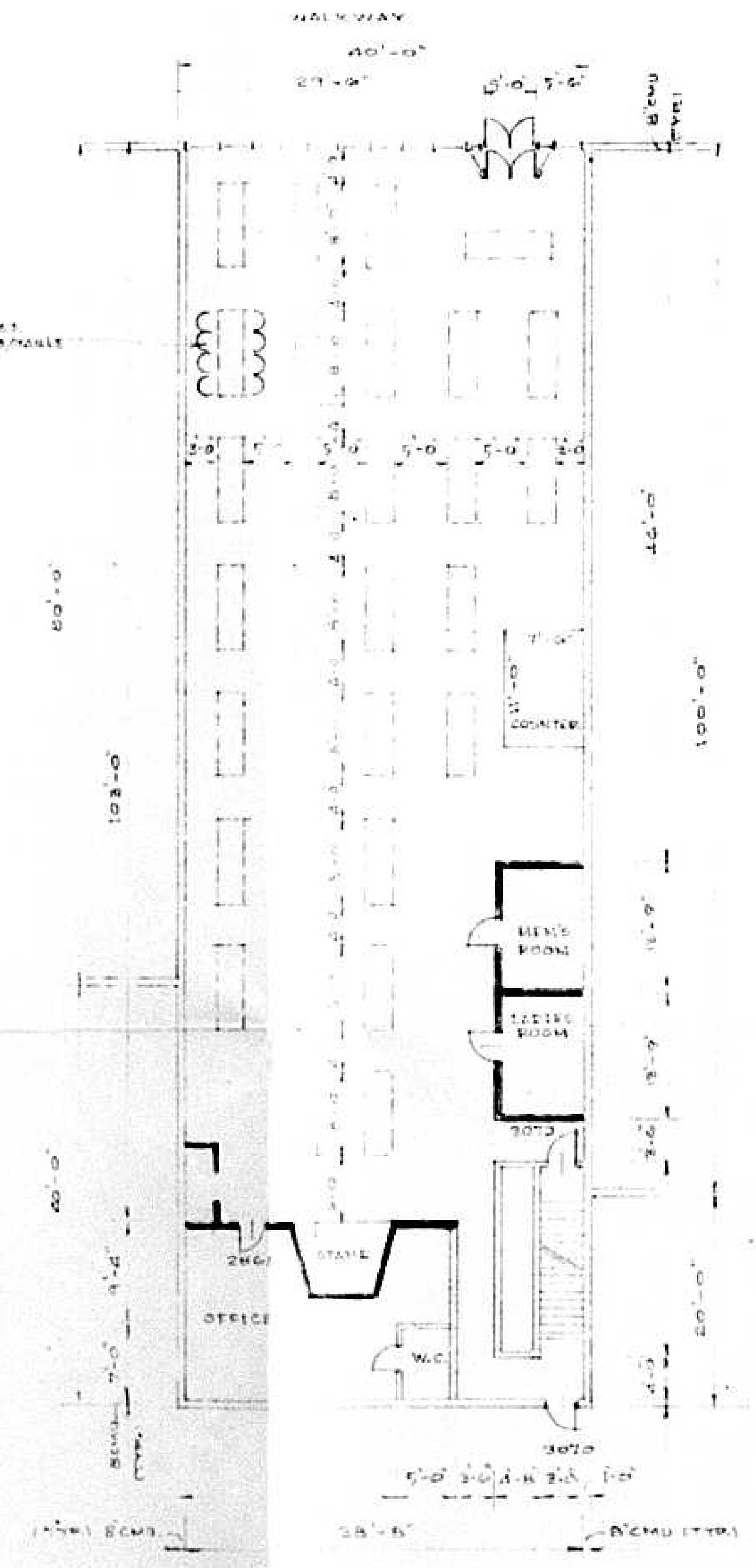
PROPERTY REFERENCES:
 7017 LIBERTY RD. WOODMOOR SHOPPING CTR.
 DISTRICT 12
 PROP. NO. 102-26-750170 87-B
 AREA 13.4270 AC.
 LIBER/FOLIO 12233/557
 ZONE C-1

SEE PLUMBING PERMIT # F24 438 FOR PLUMBING WORK.
 SEE ELECTRICAL # E-60 150 " ELECTRICAL
 SEE CAPACITY CERTIFICATE OF MAY 1987, FOR FIRE DEPT. NOTES.

TENANT LIST			
Bldg No.	TENANT	AREA/VAULT (S.F.)	PARKING SPACES
1	2 ST. FORD CREDIT	18750/200	94
2	WALSH'S	1600/200	8
3	HAROLD'S DISCOUNT	1560/100	5
4	HARDY'S	1510/200	7
5	CHURCH CREDIT CO.	1560/200	7
6	2ND FLOOR CENTER	1560/200	7
7	CENTURY 21 REALTY	2160/100	10
8	CONCRETE MUSEUM	1600/200	3
9	JOHN'S VIDEO SHOP	1560/200	7
10	LEWIS	1560/200	7
11	LOWE'S VET. HALL	14000/4000/6	40
12	WOODMOOR SHOPPING	1560/200	25
13	WIS. AID CREDIT	7200/200	36
PARKING REQUIRED		= 270 TO	
PARKING AVAILABLE		= 403 SP.	

PLAT FOR ZONING SPECIAL EXCEPTION (PETN # 549) FOR COMMUNITY BUILDING

549 7-13-87
 88-85-X
 REVISED PLANS



SCALE: AS SHOWN
 DATE: 3 JUNE, 1987
 DWN: A.E.

SEAL

REVISIONS

AL ERDI, P.E.
 Structural - Civil - Consultant
 P.O. BOX 10055
 TOWSON, MD 21204
 592 5143

NONSTRUCTURAL ALTERATIONS & INTERIOR RENOVATIONS

MEETING HALL - OPTIMIST CLUB - WOODMOOR SPONSORS BINGO AT WOODMOOR SHOPPING CENTER 9/8 HONOLULU LTD. GUTMAN REALTY, 9518 BALTIMORE NATIONAL PIKE ACCOMMODATING ASSEMBLY USE FROM PREVIOUS MECHANICAL USE

SHEET 1

PLAN AND DETAILS