8-31-94

IN THE MATTER OF THE APPLICATION OF WELLS-McCOMAS POST NO. 2678, VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC. FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NORTHEAST SIDE OF NORTH POINT ROAD, OPPOSITE DELMAR ROAD (6600 NORTH POINT ROAD) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-343 (Out of Cycle / formerly Item #15, Cycle III, 1994)

* * * * * * * * * * *

O P I N I O N

This case presents a request by the Wells-McComas Post No. 2678, Veterans of Foreign Wars of the United States, Inc., (hereinafter "VFW") to change the zoning from D.R. 5.5 to B.L. on its post home at 6600 North Point Road in the Fifteenth Election District of Baltimore County. At the hearing on the Petition, the Board received testimony and exhibits. From that, we find the following facts.

This particular piece of property has been used by the VFW for a community-type use since before the existence of zoning in Baltimore County. It is zoned residential D.R. 5.5. Due to its physical size and structure, this property can only be used for a community purpose or a commercial enterprise. It has three floors. Many members cannot reach the third floor due to stairs and its inaccessibility. The building does not have an elevator. It consists of over 12,000 sq. ft. of space. Since the use came into being, Congress passed the Americans with Disabilities Act. That body of law would require certain accommodations and changes to the building to make it accessible to persons with disabilities. The property as presently used is a nonconforming use, and the building itself is quite dissimilar from the residences in the neighborhood, which are small framed houses with narrow frontages in residential

zoning.

The building would have to be brought up to Code for any change in use. The property was not the subject of an issue in the 1992 Comprehensive Map Process. Evidence did not disclose when the Americans with Disabilities Act was passed, but certain parts of it were phased in during the last calendar year. The Office of Planning & Zoning has said that the petition is not without merit; its way of saying it would approve it if it could, but without a documented site plan, it won't. Since closing of the maps in the 1992 rezoning, the VFW obtained, in April of 1992, a special exception to use a new site for its post home.

It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the adoption of the map the Council had before it and did, in fact, consider all relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at the time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at the time of the comprehensive zoning; by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account; or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of the comprehensive zoning. Boyce v. Sembly, 25 Md. App. 43, 334 A.2d 137 (1975)

We find factually that Petitioner has met all the requirements under the Code for accelerating this issue to be heard at this time. The problems with the building in terms of compliance with the Americans with Disabilities Act and its necessary conversion to bring it up to Code were not readily visible, and would not have been apparent to the County Council, at the time of comprehensive rezoning on 1992. Additionally, subsequent acquisition of a new site and the inability to find a purchaser for the existing building and ground were reasonably foreseeable by the County Council, had they had occasion to examine it. These were events that could not be taken into account by the County Council, since they occurred subsequent to the map process.

Accordingly, we find factually, based upon the testimony and exhibits presented, that the zoning is in error and that the Petition for Reclassification should be granted.

O R D E R

IT IS THEREFORE this 31st day of August, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition to reclassify the subject property's zoning from D.R. 5.5 to B.L. be and the same is hereby **GRANTED.**

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

C. William Clark

S. Diane Levero

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 31, 1994

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. R-94-343
Wells-McComas Post #2678
VFW of the U.S., Inc.

Dear Mr. Alderman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Louis F. Caralle, Commander
Wells-McComas Post No. 2678
McKee & Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soybean Ink
on Recycled Paper

3-30-94

REVISED 3-30-94

R-94-343

IN RE: PETITION FOR ZONING RECLASSIFICATION 6600 North Point Road Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated, Petitioner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.:

MEMORANDUM IN SUPPORT OF PETITION[1]

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED (referred to hereinafter as "Owner" or "Post"), in support of its Petition for Reclassification of the property which it owns at 6600 North Point Road (the "Property") submits the following information for consideration by the staff of the Office of Planning and Zoning ("OPZ"), the Baltimore County Planning Board ("Planning Board"), and the County Board of Appeals for Baltimore County ("Board").

Location/Zoning

The Property is located in the Seventh Councilmanic District at 6600 North Point Road, on the northeast side of that road and binding on Greenhill Cove. The Property is mapped as an Intense Development Area ("IDA") within the Chesapeake Bay Critical Area. Approximately 300

[1] This Memorandum in Support of Petition was revised per the direction of the staff of the Office of Zoning Administration and Development Management to eliminate all descriptions of specific prior zoning approvals and existing conditions on the Property. Copies of this Memorandum as it existed prior to revision will be presented to the Board at the time of the hearing on this Petition.

feet in a northwest direction begins a substantial area of commercial zoning containing classifications of BR and BR-IM. Less than 700 feet to the southeast is the beginning of a BL-CNS zone. Existing residential uses adjoin the Property on three sides, with Greenhill Cove adjoining and forming the rear property line. The Property is currently zoned DR 5.5; other zoning approvals have been obtained in connection with the Property.

History

The Post acquired the Property in approximately 1932 after which the existing masonry building was constructed. The use of the Property by the Post pre-dates all zoning regulations in Baltimore County. Over the years, the site was completely paved with bituminous concrete (asphalt). The Post membership has grown and now boasts more than 680 members.

The community supported their long-time neighbor in 1991 in obtaining the necessary zoning relief, including immediately adjoining neighbors. A Critical Area Findings Report and Plan were approved by the Department of Environmental Protection and Resource Management which included the removal of a substantial strip of the existing asphalt along the water's edge and installation of vegetation in this area when the expansion plans were complete. (A copy of those findings is included herewith and incorporated herein as Exhibit "A").

Shortly after obtaining all required zoning approvals, the Post became aware of the opportunity to acquire the former Baltimore Christian Academy Property (the "Academy Property") located on the opposite side of North Point Road and slightly west of the Property. The existing improvements on the Academy Property are larger, more modern and are located on a single level. Many Post members are precluded from using all of the areas of the existing Post due to the inability to navigate and traverse stairs; such obstacles are not present at the

Academy Property. All zoning approvals necessary for the relocation of the Post to the Academy Property have been obtained. During the Baltimore County Council's ("County Council") comprehensive rezoning process in 1992 the plans of the Post to relocate from its existing home were readily and widely known. Notwithstanding the single utility of the Property and the knowledge that the existing Post Home was being completely relocated, the County Council retained the existing DR 5.5 zoning on the Property.

The Post has attempted, and continues in its attempts, to locate a purchaser for the Property under its current zoning classification and prior zoning approvals. There has been absolutely no interest from any potential purchaser for the Property due to its improper zoning classification. Once the Post vacates the Property it will remain vacant and unusable pursuant to its present zoning classification.

Master Plan

The *Baltimore County Master Plan 1989 - 2000* ("Master Plan") was adopted by the Planning Board and by the County Council on February 5, 1990. The Property is located within an area identified in the Master Plan as "Community Conservation." One of the strategic issues identified in the Master Plan is to "conserve, revitalize and enhance our older residential communities."[2] The proposed reclassification will help to redevelop and stabilize an older community versus the alternative of business interests looking toward the fringe development areas, and it will direct private economic resources into an existing built community.

The Master Plan called for the development of a North-Point Wells-McComas Community

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[2] Master Plan at 3.

Plan as a specific program of Local Action to occur between 1990-92.[3] No such Community Plan has ever been developed. Likewise, the "Neighborhood Business Zone" recommended by the Master Plan has never been adopted.

The requested reclassification would permit a compatible neighborhood business to be located adjacent to existing residential areas. The alternative is that which was erroneously selected by the County Council -- a large unusable site standing vacant in the neighborhood. This is exactly the condition recommended against by the Master Plan.

Change/Mistake

The County Council has recognized the neighborhood area in which the Property is located as proper for commercial zoning.[4] Absent the requested reclassification of the Property, the movement of the Post home to the Academy Property pursuant to the zoning approvals granted further changes the neighborhood.

The failure of the County Council to recognize facts in existence at the time of the last comprehensive rezoning which justified a change of the classification on the Property constitutes a clear case of mistake or error. Likewise any assumption by the County Council that the Property could be used for its permitted residential purposes was erroneous.

Community Contact

The Post has met with the organized leadership of the Community and has received

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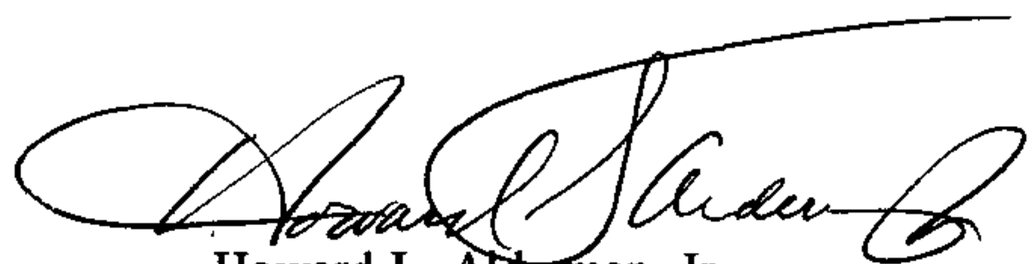
[3] Master Plan at 40.

[4] Please refer to the introductory discussion in this Memorandum regarding nearby commercially zoned property. It should be noted that not all of the described commercially zoned property is improved with the same type of commercial-like structure as the subject Property.

widespread support of its Petition. The Post has offered voluntarily to subject the Property to covenants. The Community has agreed to work cooperatively with the Post in the development of the covenants. The Post will request that any such covenants be incorporated in and made a part of any order of the Board granting the requested BL classification.

Summary

The facts and circumstances which form a significant portion of the basis for this request were widely known during the last comprehensive process. The mistake of the County Council in not reclassifying the Property is obvious. For all of the above reasons, as well as those which will be presented to the Board at the hearing on the Petition for Reclassification, the Post respectfully requests that its Petition for Reclassification be granted. The Post's undersigned counsel and members of the Post remain available to answer any questions that staff members of OPZ or members of the Planning Board may have.



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(410) 321-0600

Attorneys for Petitioner

IN RE: PETITION FOR ZONING RECLASSIFICATION 6600 North Point Road Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated, Petitioner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.:

MEMORANDUM IN SUPPORT OF PETITION

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED (referred to hereinafter as "Owner" or "Post"), in support of its Petition for Reclassification of the property which it owns at 6600 North Point Road (the "Property") submits the following information for consideration by the staff of the Office of Planning and Zoning ("OPZ"), the Baltimore County Planning Board ("Planning Board"), and the County Board of Appeals for Baltimore County ("Board").

Location/Zoning

The Property is located in the Seventh Councilmanic District at 6600 North Point Road, on the northeast side of that road and binding on Greenhill Cove. The Property is mapped as an Intense Development Area ("IDA") within the Chesapeake Bay Critical Area. Approximately 300 feet in a northwest direction begins a substantial area of commercial zoning containing classifications of BR and BR-IM. Less than 700 feet to the southeast is the beginning of a BL-CNS zone. Existing residential uses adjoin the Property on three sides, with Greenhill Cove

See revised Memorandum - date of 3-30-94

adjoining and forming the rear property line. The Property is currently zoned DR 5.5; other zoning approvals discussed in more detail below have been obtained in connection with the past and previously proposed use of the Property by the Post.

History

The Post acquired the Property in approximately 1932 after which the existing masonry building was constructed. The use of the Property by the Post pre-dates all zoning regulations in Baltimore County. Over the years, the site was completely paved with bituminous concrete (asphalt) and a presently existing single-story addition was added to the rear of and attached to the masonry building. The Post membership has grown and now boasts more than 680 members.

The combined structures on the Property comprise approximately 11, 910 square feet. In late 1990, in order to accommodate its growing membership, the Post began the process of obtaining the approvals necessary to legitimize its existing use, remove approximately 1240 square feet of the existing building and add approximately 6400 square feet by expanding the existing structure.

Pursuant to the evidence presented and the final order in Zoning Commissioner Case No. 91-295-XA, a special exception for a community building was granted as were the variances necessary for proposed parking and existing/proposed building setback and signage. The community supported their long-time neighbor in obtaining the necessary zoning relief, including immediately adjoining neighbors. A Critical Area Findings Report and Plan were approved by the Department of Environmental Protection and Resource Management which included the removal of a substantial strip of the existing asphalt along the water's edge and installation of vegetation in this area when the expansion plans were complete. (A copy of those findings is

included herewith and incorporated herein as Exhibit "A").

Shortly after obtaining all required zoning approvals, the Post became aware of the opportunity to acquire the former Baltimore Christian Academy Property (the "Academy Property") located on the opposite side of North Point Road and slightly west of the Property. The existing improvements on the Academy Property are larger, more modern and are located on a single level, whereas the existing Post home is a three-story structure. Many Post members are precluded from using all of the areas of the existing Post due to the inability to navigate and traverse stairs; such obstacles are not present at the Academy Property. All zoning approvals necessary for the relocation of the Post to the Academy Property have been obtained. During the Baltimore County Council's ("County Council") comprehensive rezoning process in 1992 the plans of the Post to relocate from its existing home were readily and widely known. Notwithstanding the single utility use of the Property as a community building and the knowledge that the existing "community"[1] use was being completely relocated, the County Council retained the existing DR 5.5 zoning on the Property.

The Post has attempted, and continues in its attempts, to locate a purchaser for the Property under its current zoning classification and Special Exception approval. There has been absolutely no interest from any potential purchaser for this existing building which, due to its present zoning classification, may only be used as a community building. Once the Post vacates the Property it will remain an unused, vacant structure, unsuitable for uses permitted in the

[1] While the Post is not a "community" organization in the classic sense, for purposes of the Baltimore County Zoning Regulations the use of a structure/land by a charitable and fraternal organization such as the Post is considered a "community building" requiring a Special Exception.

Density Residential zoning classification.

Master Plan

The *Baltimore County Master Plan 1989 - 2000* ("Master Plan") was adopted by the Planning Board and by the County Council on February 5, 1990. The Property is located within an area identified in the Master Plan as "Community Conservation." One of the strategic issues identified in the Master Plan is to "conserve, revitalize and enhance our older residential communities."[2] The proposed reclassification will help to redevelop and stabilize an older community versus the alternative of business interests looking toward the fringe development areas, and it will direct private economic resources into an existing built community.

The Master Plan called for the development of a North-Point Wells-McComas Community Plan as a specific program of Local Action to occur between 1990-92.[3] No such Community Plan has ever been developed. Likewise, the "Neighborhood Business Zone" recommended by the Master Plan has never been adopted.

The requested reclassification would permit a compatible neighborhood business to be located adjacent to existing residential areas. The alternative is that which was erroneously selected by the County Council -- a large, commercial-like structure standing vacant in the neighborhood. This is exactly the condition recommended against by the Master Plan.

Change/Mistake

The County Council has recognized the neighborhood area in which the Property is

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[2] Master Plan at 3.

[3] Master Plan at 40.

located as proper for commercial zoning.[4] Absent the requested reclassification to enable the Property to be used for neighborhood commercial purposes, the movement of the Post home to the Academy Property pursuant to the zoning approvals granted further changes the neighborhood by leaving behind a large, vacant building inappropriate and unusable for any residential purposes permitted by its existing classification.

The failure of the County Council to recognize facts in existence at the time of the last comprehensive rezoning which justified a change of the classification on the Property constitutes a clear case of mistake or error. Likewise any assumption by the County Council that the Property could be used for its permitted residential purposes was erroneous.

Community Contact

The Post has met with the organized leadership of the Community and has received widespread support of its Petition. The Post has offered voluntarily to subject the Property to covenants thereby restricting objectionable neighborhood uses that are otherwise available in the BL zone. The Community has agreed to work cooperatively with the Post in the development of the list of restricted uses. The Post will request that any such covenants be incorporated in and made a part of any order of the Board granting the requested BL classification.

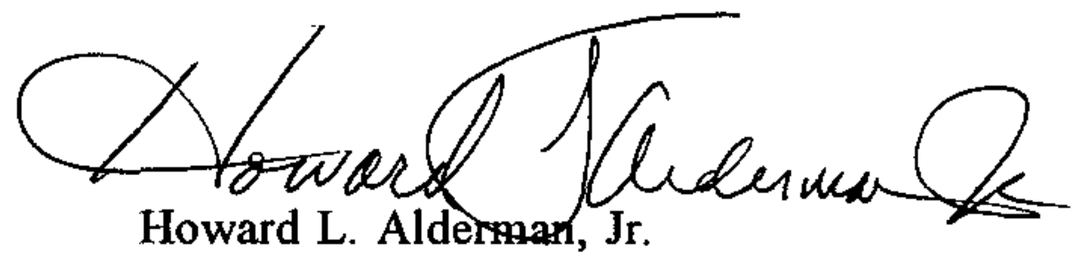
Summary

The facts and circumstances which form a significant portion of the basis for this request were widely known during the last comprehensive process. The mistake of the County Council

---

[4] Please refer to the introductory discussion in this Memorandum regarding nearby commercially zoned property. It should be noted that not all of the described commercially zoned property is improved with the same type of commercial-like structure as the subject Property.

in not reclassifying the Property is obvious. For all of the above reasons, as well as those which will be presented to the Board at the hearing on the Petition for Reclassification, the Post respectfully requests that its Petition for Reclassification be granted. The Post's undersigned counsel and members of the Post remain available to answer any questions that staff members of OPZ or members of the Planning Board may have.



Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204
(410) 321-0600

Attorneys for Petitioner

EXHIBIT "A"

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Robert C. Covahey, Chief
Bureau of Public Services

DATE: March 9, 1992

FROM: J. James Dieter, Director

SUBJECT: Chesapeake Bay Critical Area Findings
Wells-McComas Post #2678, VFW, In
Zoning Case # 92-262-XA

SITE LOCATION

The subject property is located at 6521 North Point Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Wells-McComas Post #2678, VFW, Inc.

APPLICANT PROPOSAL

The applicant proposes to use an existing building as a community building and to construct an entrance road and parking lot. The existing site contains two non-tidal wetlands, a gravel road through one of these wetlands, a paved road adjoining this same wetland, a small parking lot, and the existing building.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

   Finding: The site is located approximately 1000 feet from the tidal waters of Greenhill Cove and no streams exist on or in the vicinity of the site. Therefore no disturbance of the 100 foot buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland an unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

   Finding: A portion of one of the two non-tidal wetlands is proposed to be filled for the construction of the entrance road. The filling totals approximately 300 square feet on the perimeter of this non-tidal wetland. This wetland filling is considered to be unavoidable, due to the location of the wetlands on-site, the requirement to move the entrance road out of the State Highway Administration right-of-way, and the requirement to maintain a 75 foot residential transition area buffer between the proposed community building and the adjoining development. The road shall be constructed so that runoff leaving the paving enters the ditch to the north rather than the wetland.

   Mitigation is being proposed by removing the gravel roadway which runs through the wetland and associated buffer; approximately 3650 square feet of fill will be removed from the wetland and 2200 square feet from the wetland buffer. A mitigation plan shall be submitted and approved prior to the release of the grading permit. State and Federal approvals to perform the above activities must also be obtained prior to the release of the grading permit.

3. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code, Section 26-448(a)>.

Finding: The findings plan proposes a 25 foot buffer to be maintained around all the non-tidal wetlands except where the wetland that is to be filled for the entrance road. There will be no buffer along 90 feet of the perimeter of this wetland where the entrance road borders the wetland. No clearing, grading or disturbance shall occur in the designated buffer area.

4. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment. The methodology to determine the ten-percent reduction in pollutant loadings and acceptable offsets shall conform to the standards and procedures specified in the report 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area' published by the Chesapeake Bay Critical Area Commission and the Maryland Office of Environmental Programs. If new development or redevelopment, using best management practices, cannot achieve the ten-percent pollutant loading reduction, quantifiable offsets, either on or off site, may be approved, if the benefits are obtained within the same watershed and the water quality benefits are equivalent, whether on or off the development site" <Baltimore County Code Section 26-452(a)>.

Finding: This project proposes to reduce pollutant loadings by 10% of the pre-development loading with the implementation of an extended detention dry pond. The development is increasing the existing impervious surface by approximately 5000 square feet. The runoff from the proposed parking lot and the existing building shall be collected in the pond and outfall into an existing ditch adjacent to the property. This proposal complies with the pollution reduction requirement and an extended detention dry pond is an acceptable Best Management Practice in the Commission's Guidance Paper No. 5 titled, 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area.'

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter

J. James Dieter, Director

JJD::ju

cc: Mr. Harlan Barr
Mr. Howard Alderman

R-94-343

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 6600 North Point Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR5.5 zone to an BL zone, for the reasons given in the attached statement; ~~and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for~~

~~and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County~~:

RECEIVED
COUNTY BOARD OF APPEALS
MAR - 1 PM 2:54

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.

ok To File
R.T. 3/1/94

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:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s): Wells-McComas Post No.2678 Veterans of Foreign Wars of the United States, Incorporated
(Type or Print Name)

By: Louis F. Caralle
Signature
Louis F. Caralle, Commander

(Type or Print Name)

Signature

6600 North Point Road 477-2266
Address Phone No.

Baltimore, MD 21219
City State Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.
(Type or Print Name)

Howard L. Alderman, Jr.
Signature

Levin & Gann, P.A.
305 W. Chesapeake Avenue #113
Address Phone No.

Towson, MD 21204
City State Zipcode
(410) 321-0600

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
Name

Levin & Gann, P.A. (410) 321-0600
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

January 11, 1991

ZONING DESCRIPTION OF
6600 NORTH POINT ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point being situated on the northernmost right-of-way line of North Point Road, being 60 feet wide, said point being 200.36 feet westerly from the most right-of-way line of River Drive Road, being 40 feet wide, thence running with and binding on the northerly most right-of-way line of North Point Road N 55° 39' 05" W 145.46 feet to a point; thence N 53° 21' 34" W 50.10 feet to a point; thence leaving said right-of-way line and running N 40° 18' 28" E 239.17 feet to a point; thence N 88° 48' 05" E 80.50 feet to a point; thence S 76° 43' 37" E 77.85 feet to a point; thence S 20° 55' 48" E 15.40 feet to a point thence S 30° 37' 47" W 306.55 feet to the point of beginning.

Containing 49,010 square feet or 1.125 acres of land, more or less.

Being known as 6600 North Point Road.

STATE OF MARYLAND
WILLIAM MICHAEL RAY
No. 516
REGISTERED
PROPERTY LINE SURVEYOR

William Michael Ray

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

No. 139937

DATE _____ ACCOUNT _____

CYCLE III, #15
R-94-343

AMOUNT $ _____

RECEIVED
FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

NOTE TO THE BOARD

Due to the case being out-of-cycle, Petitioner will be billed directly by Patuxent Publishing (per Gwen of ZADM).

Opinion can go out immediately upon execution!!

Charlotte 7/25/94

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

MAY 24, 1994

NOTICE OF HEARING

CASE NUMBER: R-94-343
6600 North Point Road
NE/S North Point Road, opposite Delmar Road
15th Election District - 7th Councilmanic
Legal Owner(s): Wells-McComas Post #2678

Petition to reclassify the property's zoning from D.R.-5.5 to B.L.

HEARING: Wednesday, July 27, 1994 at 10:00 a.m.

LOCATION: COUNTY COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

William T. Hackett /jlm

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Wells-McComas Post No. 2678
Howard L. Alderman, Jr., Esq.

RECEIVED
COUNTY BOARD OF APPEALS
94 MAY 27 PM 2:55

Printed with Soybean Ink
on Recycled Paper

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY R-94-343
Towson, Maryland

District 15th Date of Posting 6/26/94

Posted for: Reclassification

Petitioner: Wells-McCormick Post # 2678

Location of property: 6600 N. Pk. Rd. NE/s, opp. Dolmar Rd.

Location of Signs: Facing roadway on property to be reclassified

Remarks:

Posted by [signature] Date of return: 7/1/94
Signature

Number of Signs: 1

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

July 27, 1994

NOTICE OF DELIBERATION

The County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

WELLS-McCOMAS POST #2678
CASE NO. R-94-343

DATE AND TIME : **Wednesday, August 17, 1994 at 10:00 a.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

---

cc: Howard L. Alderman, Jr., Esquire — Counsel for Petitioner
Louis F. Caralle, Commander
Wells-McComas Post No. 2678 — Petitioner

McKee & Associates, Inc. — Engineer

James Earl Kraft /Board of Education

People's Counsel for Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink
on Recycled Paper

NOTICE OF HEARING

[redacted]

6600 North Point Road
NE/S North Point Road, opposite Delmar Road
15th Election District -
7th Councilmanic
Legal Owner(s):
Wells-Mccomas Post #2678

Petition to reclassify the property's zoning from D.R.-5.5 to B.L.

HEARING:
Wednesday, July 27, 1994 at 10:00 a.m.
LOCATION:
County Courthouse, Room 48
400 Washington Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT,
Chairman
County Board of Appeals

6/415 June 30.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 1, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 30, 1994.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

[redacted]

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No. 15
Case No. R94-343
Petitioner: Wells-McComas Post-2678
Reclassification Petition

Dear Mr. Alderman:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before June 24, 1994. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Printed with Soybean Ink

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

W. Carl Richards Jr.

W. CARL RICHARDS
Zoning Manager

WCR:jaw

Enclosures

Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R 001-6150

Date 10/12/94

Number R-94-142
Cycle II, Item #2

DROP-OFF REVISION PLANS —
NO REVIEW

#110 -- REVISIONS ———————— $100.00

XCheck from Harford
Joint Venture

Property Owner: Harford Joint Venture
Location: N/S Everett Road, W/S York Road
(Monkton Centre)
Zoning: R.C.-5
District: 7c3
Acres: .90 +/- acre
Proposed Zoning: B.M.-C.R.

Please Make Checks Payable To: Baltimore County

Cashier Validation

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

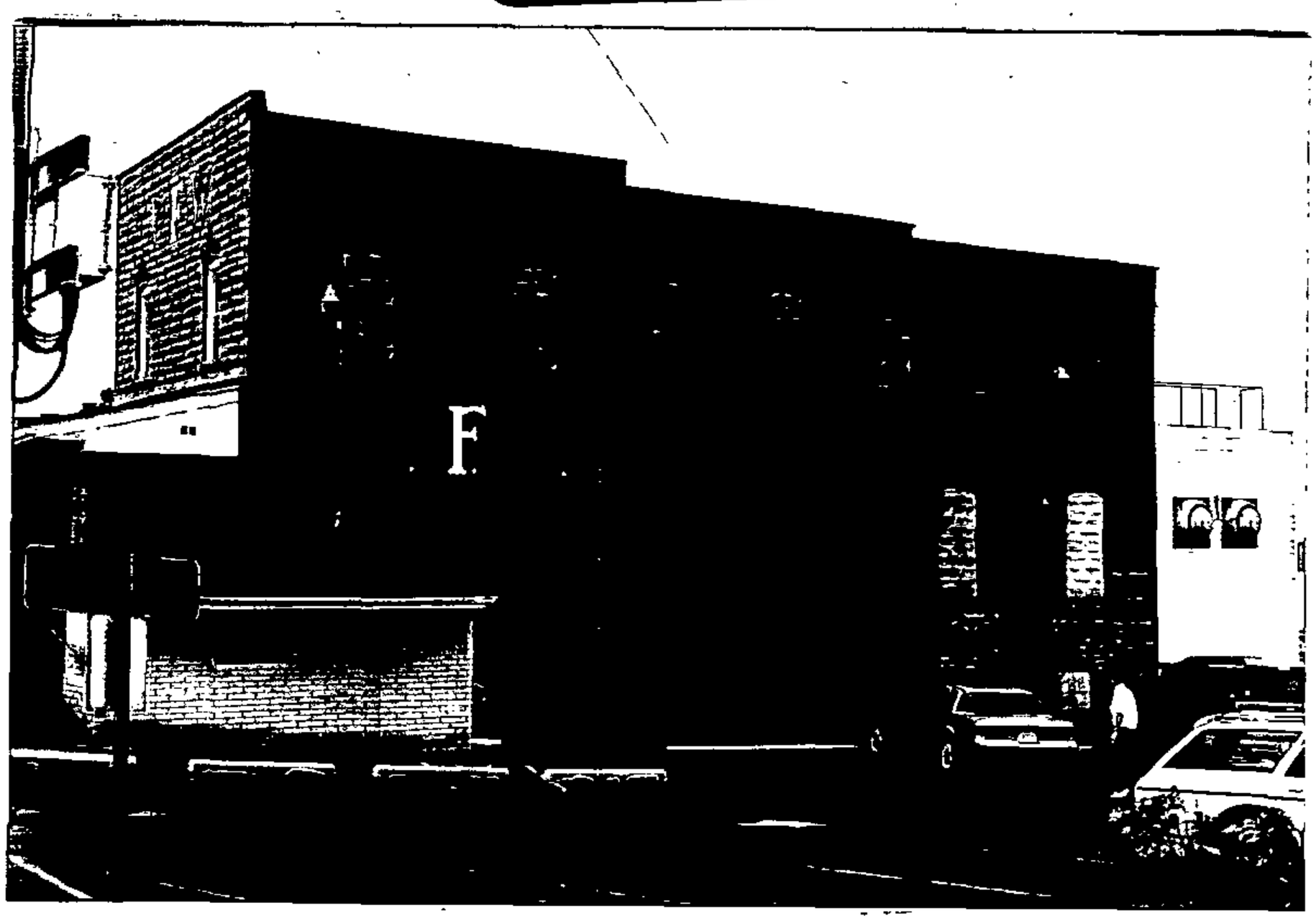
W. Carl Richards Jr.

W. CARL RICHARDS
Zoning Manager

WCR:jaw

Enclosures

PETITIONER'S
EXHIBIT
A



PETITIONER'S
EXHIBIT
B

PETITIONER'S EXHIBIT C

PETITIONER'S EXHIBIT D

PETITIONER'S
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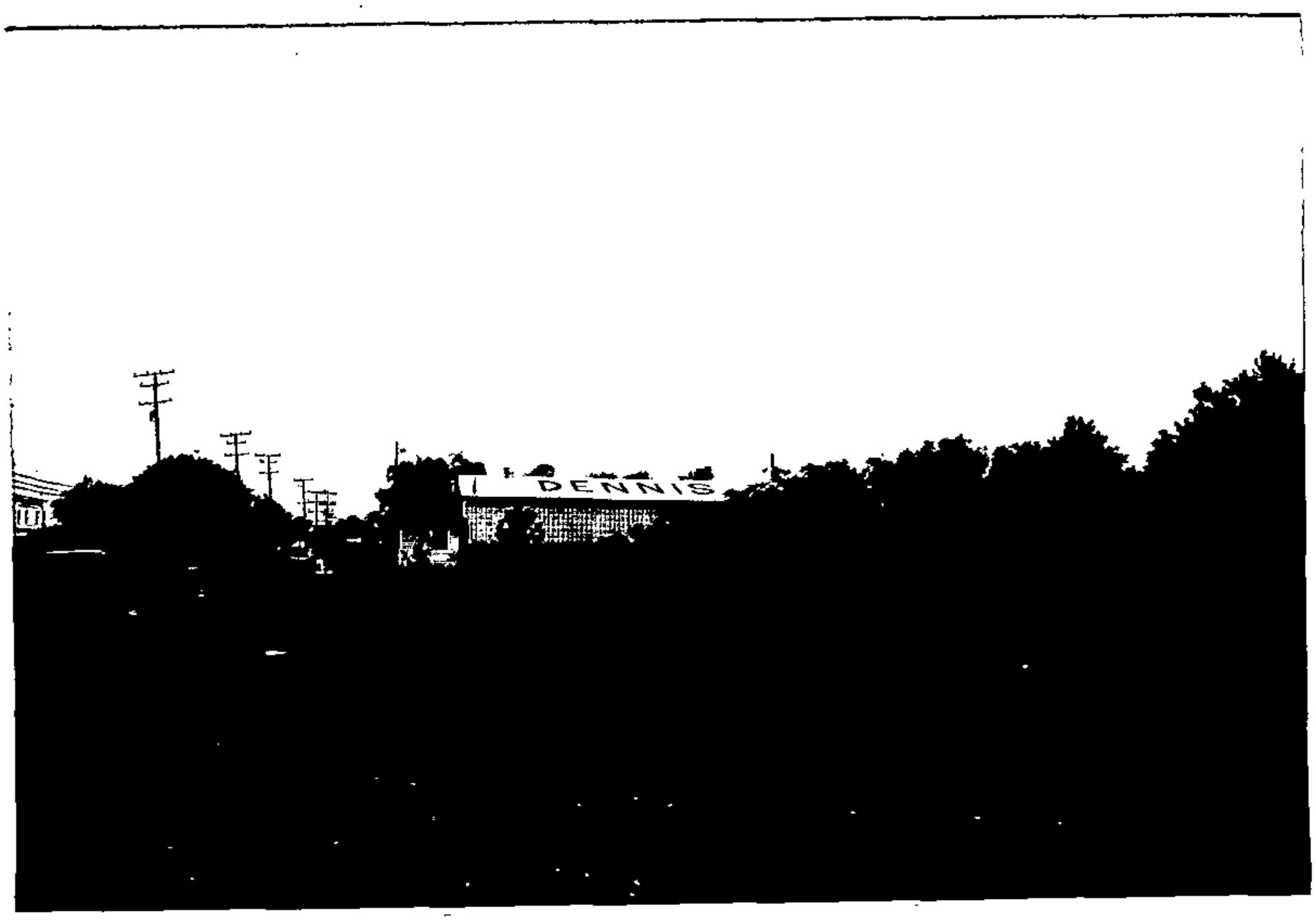
PETITIONER'S EXHIBIT J

PETITIONER'S EXHIBIT K



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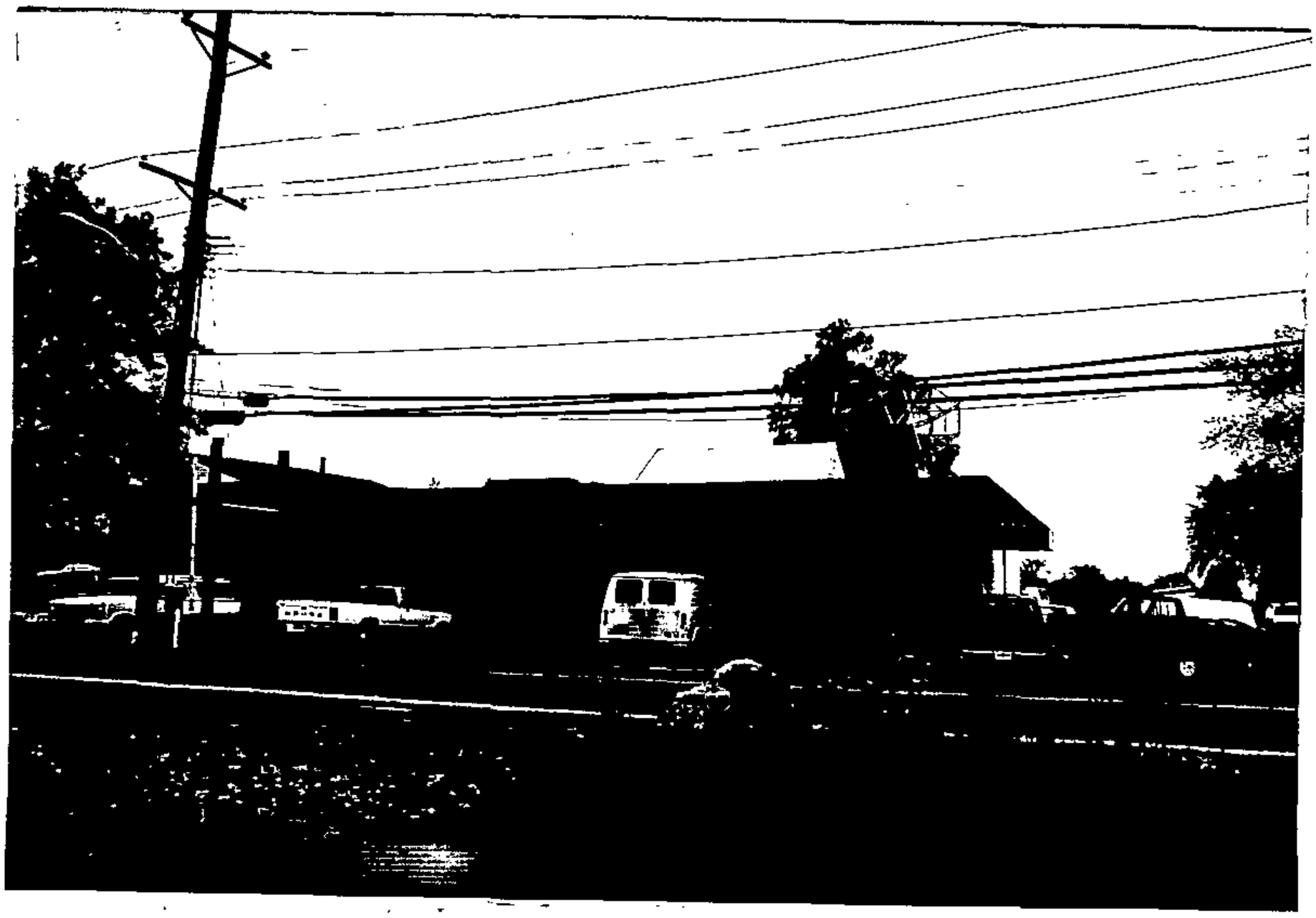

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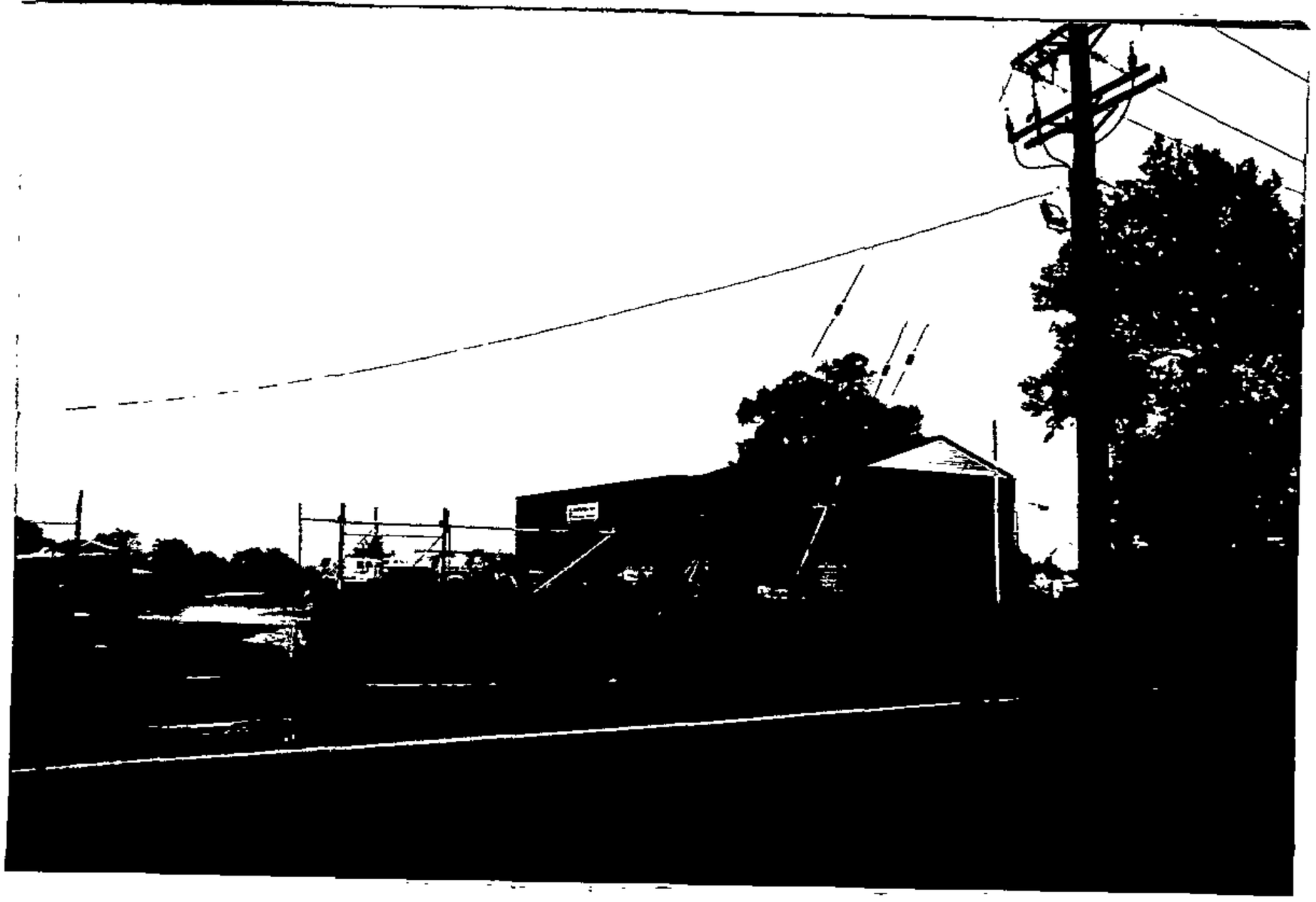

PETITIONER'S EXHIBIT

O

PETITIONER'S
EXHIBIT
P

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE NE/S North Point Road, 200 ft. NW of c/l River Drive Road 15th Election District 7th Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	CASE # 91-295-XA
Wells McComas Post #2678 Veterans of Foreign Wars of the United States, Inc. Petitioner	* *	

COPY

PETITIONER'S EXHIBIT 4

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval, pursuant to the Petition for Special Exception, and Section 1B01.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to use the hereindescribed property for an existing community building and proposed addition thereto; and, pursuant to Petition for Zoning Variance, a variance from Sections 1B02.2.B and 504.2 of the Baltimore County Zoning Regulations and CMDP Section V.B.2, Table 5-4 to permit for an existing building a front yard setback of 13 ft. in lieu of the 40 feet required; a variance from Section 413.1.e.(1) of the B.C.Z.R. to permit existing, non-illuminated attached signs of 107.5 square feet and an existing non-illuminated free standing sign of 7 square feet (combined total of 114.5 sq. ft.) in lieu of the 15 sq. ft. permitted; a variance from Section 409.6.A of the B.C.Z.R. to permit a total of 99 parking spaces in lieu of the 106 spaces required, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Harland M. Barr, appeared and testified and was represented by Howard L. Alderman, Esquire. Also appearing on behalf of the Petitioner were Eugene Bridges, Sr., Pauline C. Bridges, Paul W. Bunton, Genevieve L. Bunton, Carl M. McElhose, Lou Rehak and Phil Medlin. There were no Protestants.

Proffered testimony indicated that the subject property known as 6600 North Point Road consists of 1.255 acres +/- zoned D.R.5.5 and is located within the Chesapeake Bay Critical Area. The site is currently improved with VFW Post No. 2678 as indicated on Petitioner's Exhibit No. 1. Testimony indicated that the subject Post has occupied this site since 1932.

Proffered testimony indicated that the Petitioner is desirous of constructing an addition to the existing structure to provide additional habitable space for the numerous community groups that utilize this facility. If the requested relief is granted, the Petitioner intends to remove the one story building indicated on Petitioner's Exhibit No. 6. Testimony indicated that 100% of the subject site is paved with the exception of a small grass strip located at the front of the building along North Point Road.

The Petitioner had also requested the aforementioned variance relief. Testimony clearly indicated that strict compliance with the front yard setback requirement would require the moving of the existing building which is impracticable. The pictorial evidence indicated that the letters "VFW" imbedded on the front and side of the subject building have been there for many years and are merely painted periodically, as required. The Petitioner has also requested variance relief for the freestanding sign located to the front of the property. Testimony and evidence clearly indicated that the requested signage is unobtrusive and in no way impedes safe vehicular traffic.

Petitioner also presented testimony relative to the requested parking variance. Testimony indicated that the subject parking lot is seldom, if ever, filled to capacity and that the proposed 99 parking spaces will be more than adequate to accommodate the subject use. Testimony indicated that the Petitioner has agreed to provide the proposed filter strip indicat-

ed on Petitioner's Exhibit No. 7 which will act as a buffer between the existing parking lot and Back River.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2, 500.14 and Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance or special exception relief would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legisla-

tion for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
>
> 2) Conserve fish, wildlife, and plant habitat; and
>
> 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management 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 Sections 502.1 and 432.4. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances 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 that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1 432 A2d 1319 (1981).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of April 1991 that the Petition for Special Exception from Section 1B01.C.6 for approval to use the hereindescribed property for an existing community building and proposed addition thereto is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance, from Sections 1B02.2.B and 504.2 of the Baltimore County Zoning Regulations and CMDP Section V.B.2, Table 5-4 to permit for an existing building a front yard setback of 13 ft. in lieu of the 40 feet required is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.1.e.(1) of the B.C.Z.R. to permit existing, non-illuminated attached signs of 107.5 square feet and an existing non-illuminated free standing sign of 7 square feet (combined total of 114.5 sq. ft.) in lieu of the 15 sq. ft. permitted is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A of the B.C.Z.R. to permit a total of 99 parking spaces in lieu of the 106 spaces required in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; howev-

er, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated April 1, 1991, attached hereto and made a part hereof.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: April 1, 1991

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Case #91-295-XA
Wells McComas VFW
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 6600 North Point Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Howard L. Alderman, Jr.

APPLICANT PROPOSAL

The applicant has requested a Special Exception for an existing community building and proposed addition, hereto pursuant to Baltimore County Zoning Regulations Section 1B01.C.6 and variances from Section 413.1.e.(1) and 409.6.A of the Baltimore County Zoning Regulations to permit variances from required setbacks and parking spaces.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

REGULATIONS AND FINDINGS

1a. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

1b. Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 22-214, vegetation shall be planted in the buffer where necessary to protect, stablilize, or enhance the shoreline" <Baltimore County Code, Section 22-213(d)>.

Finding: Presently, this site contains no buffer along the shoreline. The property is paved directly up to the bulkhead. This project proposes to remove twenty feet of the macadam parking lot along the shoreline, thus establishing a twenty foot buffer. This buffer shall also be planted with trees, grass, and shrubs from the list of native vegetation in the Critical Area. The shoreline is presently bulkheaded and is proposed to be replaced.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No non-tidal wetlands exist on the site, or in the vicinity of the site. A small area, approximately 300 square feet, of tidal wetlands are adjacent to the existing bulkhead. No dredging filling, or construction shall occur in this wetland. The removal of the twenty feet of macadam parking lot shall not be allowed to disturb this wetland or the tidal waters of Greenhill Cove.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216>

Finding: This project proposes to remove a portion of the existing macadam parking lot and create a twenty foot wide vegetated filter strip with a four foot stone level spreader. The stone trench shall be lined on both sides and the bottom with filter fabric and the stone fill shall be clean/washed material ranging from 1.5 to 3 inches in diameter. The filter strip shall be graded to a uniform, even, and relatively low slope and densely vegetated with a mix of erosion resistant native plant species that effectively bind the soil. The vegetated filter strip is a recommended Best Management Practice (BMP) in "A Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area". It is estimated to remove 0.842 lbs. of pollutant load which is greater than the required 10%.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposed project is in compliance with the Chesapeake Bay Critical Area Regulations and is therefore approved.

If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter, Director

JJD:NSS:ju
Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mrs. Janice B. Outen

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - S/S North Point Road, 80.5' W of the c/l of Delmar Avenue (6521 North Point Road) 15th Election District 7th Councilmanic District

Resolution Trust Corp. for the John Hanson Federal Savings Bank

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-262-XA

* * * * * * * * * * * *

PETITIONER'S EXHIBIT 5

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception seeking approval to establish a community building on the subject property pursuant to Section 1B01.C.6 of the Baltimore County zoning Regulations (B.C.Z.R.), and a Petition for Zoning Variance from Section 409.6A of the B.C.Z.R. to permit 154 parking spaces in lieu of the required 171 spaces, and from Section 413.1.e(1) to permit three single-faced signs with a combined total of 90 sq.ft. in lieu of the one sign of 15 sq.ft. permitted, all as more particularly described on the site plan which accompanied these Petitions marked Petitioner's Exhibit 1.

The Co-Petitioner, by Andrew Michalski, Commander of Wells-McComas Post No. 2678 of the Veterans of Foreign Wars, Inc., (VFW), Contract Purchaser, appeared, testified and was represented by Howard L. Alderman, Jr., Esquire. Numerous other VFW members appeared in support of the Petitions but did not testify. Appearing as interested parties in the matter were Robert and Edna Bittner, Margaret S. Cotter, Nicholas Stella and Jimmie D. Harvey, all residents of the area.

Testimony indicated that the subject property, known as 6521 North Point Road, consists of 6.89 acres, more or less, zoned D.R. 5.5 and is improved with a one-story brick building. Said property is located within the Chesapeake Bay Critical Areas near Greenhill Cove. The Wells-McComas

VFW Post No. 2678 has contracted to purchase the subject property and is desirous of establishing a community building on the site. Testimony indicated that the existing building will be refurbished and that there will be no exterior improvements to the site other than the required landscaping, paving and parking areas. Commander Michalski testified that in 1991, the VFW obtained zoning approval for the expansion of their building on property located across from the subject site. Prior to any construction, however, the subject property became available and the Petitioners, believing that the subject site would best fill their needs, abandoned their plans for expanding the other building. Commander Michalski also discussed the goals and functions of the VFW and its intention to remain a good neighbor. In fact, thoses residents of the area who appeared as interested parties acknowledged the good deeds of the VFW and indicated their approval of the proposed community building.

As to the petitioned variances, Petitioner testified that the requested parking variance is necessary due to the unique shape and narrow configuration of the property. Testimony indicated that strict compliance with the parking regulations would require the removal of trees and shrubs and adversely affect environmental considerations. As to the sign variance requested, Petitioner argued that the requested signage was necessary for directional purposes and to provide adequate notice to the public due to the location of the property and existing improvements thereon.

The requested special exception and variance relief were the subject of extensive environmental and planning review as evidenced by the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated March 9, 1992 and the comments submitted by the Office of Planning, dated January 29, 1992. In addition, the Bureau

of Traffic Engineering and the State Highway Administration (SHA) submitted comments regarding access to the site. As a result of the concerns raised by the various agencies involved, the site plan has been somewhat reconfigured from that depicted on the original site plan and the landscaping and internal traffic access revised in accordance with that shown on Petitioner's Exhibit 4.

The testimony and evidence presented indicated the relief requested meets the special exception requirements of Section 502.1 of the B.C.Z.R. and that the use of the property as a community building will not result in any detriment to the health, safety or general welfare of the surrounding locale. However, the impact of the proposed use on traffic, both on the adjacent public roadways and within the internal traffic flow on site, is significant. As a condition of the relief granted herein, the Petitioner shall be required to comply with the recommendations made by the Zoning Plans Advisory Committee as set forth in their comments. Said comments shall be attached hereto and made a part of the record.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the par-

ticular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that 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, provided there is compliance with SHA and Bureau of Traffic Engineering comments submitted hereto, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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

This property is located within the Chesapeake Bay Critical Areas near Greenhill Cove and as such, is subject to compliance with the recommendations made by DEPRM as to critical areas requirements.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the variance requested sufficiently complies with the requirements of Sections 307.1, 307.2, 500.14 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or struc-

tures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
>
> 2) Conserve fish, wildlife, and plant habitat; and
>
> 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number,

movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Exception and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of March, 1992 that the Petition for Special Exception seeking approval to establish a community building on the subject property pursuant to Section 1B01.C.6 of the Baltimore County zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Section 409.6A of the B.C.Z.R. to permit 154 parking spaces in lieu of the required 171 spaces, and from Section 413.1.e(1) to permit three single-faced signs with a combined total of 90 sq.ft. in lieu of the one sign of 15 sq.ft. permitted, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto, including but not limited to, DEPRM comments dated March 9, 1992, and the comments submitted by the Office of Planning, dated January 29, 1992. Said comments have been attached hereto and made a part of the record.

3) Prior to the issuance of any occupancy permits, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Administration and Development Management Office for inclusion in the case file.

4) Prior to the issuance of any occupancy permits, access to the subject property from North Point Road shall be constructed in compliance with the requirements set forth in the SHA comments dated February 4, 1992.

5) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated March 9, 1992, attached hereto and made a part hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Robert C. Covahey, Chief
Bureau of Public Services

DATE: March 9, 1992

FROM: J. James Dieter, Director

SUBJECT: Chesapeake Bay Critical Area Findings
Wells-McComas Post #2678, VFW, In
Zoning Case # 92-262-XA

RECEIVED
MAR - 9 1992
ZONING COMMISSIONER

SITE LOCATION

The subject property is located at 6521 North Point Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Wells-McComas Post #2678, VFW, Inc.

APPLICANT PROPOSAL

The applicant proposes to use an existing building as a community building and to construct an entrance road and parking lot. The existing site contains two non-tidal wetlands, a gravel road through one of these wetlands, a paved road adjoining this same wetland, a small parking lot, and the existing building.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

   Finding: The site is located approximately 1000 feet from the tidal waters of Greenhill Cove and no streams exist on or in the vicinity of the site. Therefore no disturbance of the 100 foot buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland an unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

   Finding: A portion of one of the two non-tidal wetlands is proposed to be filled for the construction of the entrance road. The filling totals approximately 300 square feet on the perimeter of this non-tidal wetland. This wetland filling is considered to be unavoidable, due to the location of the wetlands on-site, the requirement to move the entrance road out of the State Highway Administration right-of-way, and the requirement to maintain a 75 foot residential transition area buffer between the proposed community building and the adjoining development. The road shall be constructed so that runoff leaving the paving enters the ditch to the north rather than the wetland.

   Mitigation is being proposed by removing the gravel roadway which runs through the wetland and associated buffer; approximately 3650 square feet of fill will be removed from the wetland and 2200 square feet from the wetland buffer. A mitigation plan shall be submitted and approved prior to the release of the grading permit. State and Federal approvals to perform the above activities must also be obtained prior to the release of the grading permit.

3. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code, Section 26-448(a)>.

Finding: The findings plan proposes a 25 foot buffer to be maintained around all the non-tidal wetlands except where the wetland that is to be filled for the entrance road. There will be no buffer along 90 feet of the perimeter of this wetland where the entrance road borders the wetland. No clearing, grading or disturbance shall occur in the designated buffer area.

4. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment. The methodology to determine the ten-percent reduction in pollutant loadings and acceptable offsets shall conform to the standards and procedures specified in the report 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area' published by the Chesapeake Bay Critical Area Commission and the Maryland Office of Environmental Programs. If new development or redevelopment, using best management practices, cannot achieve the ten-percent pollutant loading reduction, quantifiable offsets, either on or off site, may be approved, if the benefits are obtained within the same watershed and the water quality benefits are equivalent, whether on or off the development site" <Baltimore County Code Section 26-452(a)>.

Finding: This project proposes to reduce pollutant loadings by 10% of the pre-development loading with the implementation of an extended detention dry pond. The development is increasing the existing impervious surface by approximately 5000 square feet. The runoff from the proposed parking lot and the existing building shall be collected in the pond and outfall into an existing ditch adjacent to the property. This proposal complies with the pollution reduction requirement and an extended detention dry pond is an acceptable Best Management Practice in the Commission's Guidance Paper No. 5 titled, 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area.'

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter, Director

JJD::ju

cc: Mr. Harlan Barr
Mr. Howard Alderman

92 262-XA

B A L T I M O R E C O U N T Y , M A R Y L A N D
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 29, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Resolution Trust Corporation, Item No. 281

In reference to the Petitioner's request, the staff offers the following comments:

Prior CRG approval was given regarding this property which allowed for the construction of the building and the existing parking lot (XV-363). In connection with the instant case, the applicant has applied for a CRG waiver.

A landscape plan shall be filed with the deputy director of the Office of Planning and Zoning. Subsequent to plan approval, a copy shall be forwarded to the Zoning Office and made part of the official file. The landscape plan should address the importance of ensuring that the entire 75' RTA buffer is planted to provide adequate screening to adjacent residences.

Based upon the analysis conducted and information provided, staff recommends the applicant's request be granted.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

Jeffrey Long

Jeffrey Long

GLK/JL:rdn
ITEM281/TXTROZ

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 24, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-343
VFW Wells McComas Post 2678
6600 North Point Road
Zoning Advisory Committee Meeting of April 25, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

This property is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA). There are no density restrictions within an IDA category. The BL zone is an appropriate zone within the IDA and therefore this petition for reclassification is supported.

However, any redevelopment of the property under either zone must comply with Section 26-452(a) of the Baltimore County Code which states the following:

> Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

If there are any questions, please contact Ms. Nancy Pentz at 887-3980.

JLP/NSP/tmm

VFW/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

CR-94-343
~~XA~~-363

RE: Property Owner: WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS

LOCATION: NE/S NORTH POINT RD.,OPP. DELMAR RD.(6600 NORTH POINT RD.)

Item No.: CYCLE III ITEM #15 Zoning Agenda: RECLASSIFICATION

Gentlemen:

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

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", 1991 edition prior to occupancy.

RECEIVED
MAY 27 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

June 7, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 15, Cycle III
MD 20
Wells McComas Post
#2678 Veterans of Foreign Wars
of the United States, Inc.
Zoning Reclassification
Mile Post 0.38

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have no objection to approval of the requested zoning reclassification since we have previously issued an access permit No. B-B-5070-93 for the construction of entrance improvements at the referenced property.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this plan.

Very truly yours,

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 15, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief RWB/DAK
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 31, 1994
Item No. Cycle III, Item #15
Case No. R-94-343

The Developers Engineering Section has reviewed the subject zoning item. See our comments dated May 9, 1994 to your office for this item.

RWB:sw

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The ~~property~~ owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

April 25, 1994

Hon. William A. Howard, IV
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - 6600 North Point Road

Dear Councilman Howard:

At its regular monthly meeting on April 21, 1994, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the property at 6600 North Point Road (the Wells-McComas VFW Post), is manifestly required because of emergency.

Enclosed is the report on this matter by the Office of Planning and Zoning, as accepted by the Planning Board. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Dave Fields

P. David Fields, Secretary
Baltimore County Planning Board

PDF/HSR/mjm
PETITION/PZONE/TXTMJM

Enclosures

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
William T. Hackett, Chairman, Board of Appeals
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel
Howard L. Alderman, Jr., Petitioner's attorney

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B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Baltimore County Planning Board DATE: March 15, 1994

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: REQUEST FOR CERTIFICATION - 6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678, VFW, INC.

The attached letter from Howard L. Alderman, Jr., Esquire, on behalf of Veterans of Foreign Wars of the United States, Incorporated, requests certification by the Planning Board of out-of-cycle action on a zoning petition for reclassification of the subject property from D.R. 5.5 to B.L. In addition, a copy of a letter from the North Point Peninsula Community Coordinating Council is attached for your information.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by the planning staff and without taking a position on the merits of the case, we recommend that the Board should certify that early action upon this zoning reclassification petition is required.

Dave Fields

P. David Fields

PDF:JL:lw
DFNPT.RD/PZONE/TXTLLF

Attachment

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

RECEIVED
MAR 14 1994
OFFICE OF
PLANNING & ZONING

March 11, 1994

P. David Fields, Director
Baltimore County Office of Planning and Zoning
County Courts Building
Room 406
Towson, Maryland 21204

RE: Wells-McComas Post #2678, VFW, Inc.
Proposed Zoning Reclassification
6600 North Point Road
Seventh Councilmanic District
Request for Baltimore County Planning Board
Consideration and Action
Letter of Community Support

Dear Mr. Fields:

In my letter to you of March 2, 1994 requesting consideration and action by the Baltimore County Planning Board on removing the above-referenced reclassification petition from the normal cyclical procedures, I indicated that my clients had met recently with members of the affected community. I am pleased to provide you with a copy of a letter dated February 17, 1994 from the North Point Peninsula Community Coordinating Council indicating the community support of the reclassification from DR 5.5 to that of Business Local.

You will also note in the enclosure that the community has provided, at the request of my client, a list of undesirable uses that would be otherwise available under the BL classification. My client remains ready and able to meet with the community and prepare a suitable set of covenants restricting these uses from the land if reclassified, and has committed to requesting that the Board of Appeals incorporate any such covenants in any order granting the requested reclassification.

I hope that this additional information provides you with further evidence of the widespread support and need for the

requested reclassification. As always, if I can provide you or your staff further information please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLAJr/ls

Enclosure

cc w/encl: Louis F. Caralle, Commander
The Honorable Roger B. Hayden, County Executive
The Honorable Donald C. Mason
Mr. James M. McKinney
Mr. William Kessler
Arnold Jablon, Director
Peter Max Zimmerman, Peoples Counsel for Baltimore County
Ms. Patricia Beere

NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL

7741 North Point Creek Road
Baltimore, MD 21219
February 17, 1994

Commodore Louis Caralle
VFW-Wells McComas Post #2678
6500 North Point Road
Baltimore, MD 21219

Dear Lou,

In response to the presentation made by Mr. John Gistedt and Mr. Howard Alderman Jr, the attorney representing your organization on February 3, 1994, the North Point Peninsula Community Coordinating Council has voted to support your efforts to rezone your property at 6600 North Point Road from its' present DR 5.5 to the requested Business Local designation.

During the presentation Mr. Alderman agreed to place certain covenants as a condition of our support as part of the deed that would list the undesirable uses of the property in the residential area where located.

The following list is comprised of the undesirable uses:

- Alcohol-Beverage Package Store
- Amusement Devices
- Arcade
- Billiard-Pool Room
- Tavern-Bar
- Boat Yard-Marina
- Dry Cleaning Plant
- Sludge Disposal Facility (all five categories)
- Wireless Transmitted & Receiving Structure
- Possible future classifications of: After Hours Club, Flea Market, Massage Parlor

Knowing the good neighbor the VFW has always been and the positive influence of its' community involvement, we hopefully expect the organization to keep in mind the effect this property has in our community and should any use that would have an adverse effect come up that is not listed, we depend on the VFW to use its' good judgement to protect the community.

Sincerely,

Virginia Tolbert

Virginia Tolbert
President

RECEIVED
MAR 14 1994
OFFICE OF
PLANNING & ZONING

RECEIVED
MAR 7 1994

B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office Correspondence

TO: W. Carl Richards
Zoning Office

DATE: May 19, 1994

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition /Wells-McComas Post No. 2678, Veterans of Foreign Wars of the United States, Inc.
NE/s North Point Road, opposite Delmar Road
(6600 North Point Road) 15th Election District; 7th Councilmanic District
Approval by Council Council and
Date for Hearing before the Board (July 27, 1994)

Carl:

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Wednesday, July 27, 1994 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its May 16, 1994 meeting (a copy of Resolution 44-94 is attached for your information and file). Therefore, this matter has been scheduled for hearing on July 27, 1994 in lieu of the previously scheduled hearing date of December 8, 1994 as part of Cycle III (Item #15, Cycle III, 1994).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of July 27, 1994.

Should you have any questions, please call me at extension 3180.

Kathi

cc: Gwen Stephens
Jeffrey Long /Planning
Office of People's Counsel

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COUNTY BOARD OF APPEALS
94 MAY 18 AM 11:24

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Ruppersberger, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Donald C. Mason
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

May 17, 1994

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

Dear Mr. Hackett:

Attached please find a copy of Resolution 44-94 to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its May 16, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 10

RESOLUTION NO. 44-94

MR. DONALD C. MASON, COUNCILMAN

BY THE COUNTY COUNCIL, MAY 16, 1994

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated April 25, 1994, has certified that early action on the Petition for Zoning Reclassification filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), requesting a reclassification of the above described property, is manifestly required because of emergency; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post) be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R04394/RES94

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
Baltimore County Board of Appeals

DATE: July 19, 1994

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. R-94-343/6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC.

At its regularly scheduled monthly meeting on April 21, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on May 16, 1994.

Enclosed herewith is a copy of the report of the Office of Planning and Zoning.

Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.343/PZONE/CYCLE

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COUNTY BOARD OF APPEALS
94 JUL 25 AM 10: 22

CASE NO. R-94-343

PETITIONER:

Wells McComas Post No. 2678

REQUESTED ACTION:

Reclassification to B.L. (Business-Local)

EXISTING ZONING:

D.R. 5.5 (Density Residential)

LOCATION:

Northeast side of North Point Road, at Greenhill Cove

AREA OF SITE:

1.255 Acres±

ZONING OF ADJACENT PROPERTY/USE:

North - Waterfront (Greenhill Cove)
East - D.R. 5.5 - Residential
South - D.R. 5.5 - Residential
West - D.R. 5.5 - Residential

SITE DESCRIPTION:

The site is presently improved with a two-story community building and a macadam parking area.

PROPERTIES IN THE VICINITY:

This waterfront property is located along Greenhill Cove and is also adjacent to the Edgemere business area on North Point Road. The general vicinity is comprised of a mix of residential and commercial uses, with the commercial endeavors being those which primarily serve the local community.

WATER AND SEWERAGE:

The parcel is served by public water and sewer, and the area is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site fronts on North Point Road, which is designated as a minor arterial.

ZONING HISTORY:

The property has been zoned D.R. 5.5 since 1976. The V.F.W. Post No. 2678 has occupied the Post at the subject site since 1932. On April 30, 1991, the Zoning Commissioner granted the applicant's request to construct an addition and to continue to use the existing community building. In addition, variances were granted for an existing setback deficiency, an existing sign, and to permit 99 parking spaces in lieu of the required 106 spaces (see Case No. 91-295XA).

MASTER PLAN/COMMUNITY PLANS:

This parcel is located within the area designated as a community conservation area in the Baltimore County Master Plan. Within these areas, small commercial uses serving general community needs are fostered, and "the redevelopment of older underutilized parcels in areas already served by public facilities becomes an attractive alternative."

PROPOSED VS. EXISTING ZONING:

The regulations governing D.R. zones may be found in Section 1B01 of the Baltimore County Zoning Regulations. Regulations governing the B.L. zone may be found in Section 230 of the Baltimore County Zoning Regulations.

The B.L. zone permits a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property. The D.R. 5.5 zone permits a density of 5.5 dwelling units per acre.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff finds that the subject request is not without merit, however, consistent with the position of this office regarding open site plan filings, we cannot support the applicant's request at this time. It is important to note, however, that the North Point Peninsula Community Coordinating Council is supportive of the rezoning provided that convenants are filed to control against the following uses which were deemed to be undesirable by the community:

Liquor Store
Amusement Devices
Arcade
Billiard-Pool Room
Tavern
Marina
Dry cleaning plant

Sludge disposal facility (five categories)
Wireless transmitting and receiving device
After hours club
Flea Market
Massage Parlor

OTCY94.343/PZONE/CYCLE

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Wells-McComas Post #2678, Veterans of Foreign Wars of the United States, Inc.
Case No. R-94-143

DATE : August 17, 1994

BOARD /PANEL : Michael B. Sauer, Acting Chairman (MBS)
C. William Clark (CWC)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

- Opening statements by Acting Chairman Sauer; case closed; all testimony and evidence received. Pursuant to open sessions law, Board is deliberating; purpose of today's hearing is deliberation only.

Those present included Howard L. Alderman, Jr., Esquire, counsel for Petitioner; and Peter Max Zimmerman, People's Counsel for Baltimore County.

Purpose --to deliberate issues and matter of petition for reclassification filed by Petitioner; testimony and evidence taken on July 27, 1994; written Opinion and Order to be issued by Board setting forth written findings of fact.

CWC: Opening comments; review of request by the VFW to change zoning from D.R. 5.5 to B.L.; property used by VFW for community-type use since before the existence of zoning in Baltimore County; reviewed present zoning; inaccessibility of upper floors; passage of Americans with Disabilities Act, certain parts of which were phased in over last calendar year, and need to comply; discussed present nonconforming use and dissimilarity of building with other residences in neighborhood; not subject of issue in 1992 map process; per Planning & Zoning, has merit; won't approve with open plan; convinced by evidence that problems in bringing building up to code and necessary conversion were not readily visible; would not have been apparent to County Council; events not taken into account by Council; occurred subsequently to map process.

Persuaded by evidence and finds as fact that zoning is in error and Petition should be granted.

Minutes of Deliberation /Wells-McComas Post #2678 R-94-343

MBS: Had opportunity to review evidence and testimony in this case; concurs with the reasons given by CWC in his factual determination that there is error in present zoning, and zoning should be B.L. Simply points out fact that there was expert testimony offered by Norman Gerber in the proceedings; based upon this expert testimony is convinced that burden has been met to show error/mistake.

Based upon Mr. Gerber's testimony and concurrence with Mr. Clark, petition should be granted.

SDL: Must keep in mind spirit and intent of zoning regulations; for benefit of community and not against community interests. VFW posts provide service to community and to Edgemere. Norman Gerber testified that if Post moves to new property, vacant building would be detrimental to community; if it were sold, would be beneficial to community. Also points out there was no opposition by the community association very active in defending Edgemere area; only issue is whether County Council erred during 1992 comprehensive process. Using as a basis Boyce v. Sembly, believes that the County Council did err.

Will not go into details; however, taking into note Gerber's testimony, would grant Petition for Reclassification from D.R. 5.5 to B.L.

Closing statement by Acting Chairman Sauer; concludes proceeding; written Opinion and Order to be issued by the Board granting Petition as indicated during deliberation; appellate period to run from date of that written Opinion and Order.

Respectfully submitted,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

WELLS-McCOMAS POST NO. 2678
VETERANS OF FOREIGN WARS OF THE
UNITED STATES, INC.
NE/s North Point Road, opposite
Delmar Road (6600 North Point Rd)

From D.R. 5.5 to B.L.

#R-94-343
Item #15, Cycle III, 1994

15th Election District
7th Councilmanic District

1.255 acres

March 1, 1994 — Petition for Reclassification filed by Howard L. Alderman, Jr., Esquire, on behalf of Wells-McComas Post No. 2678, VFW of the U.S., Inc., Petitioner.

Howard L. Alderman, Jr., Esquire — Counsel for Petitioner
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

Louis F. Caralle, Commander
Wells-McComas Post No. 2678 — Petitioner
Veterans of Foreign Wars of the
United States, Inc.
6600 North Point Road
Baltimore, MD 21219

McKee & Associates, Inc. — Engineer
Shawan Place, 5 Shawan Road
Hunt Valley, MD 21030

James Earl Kraft /Board of Education
Mail Stop #1102-J

People's Counsel for Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/27/94 -Hearing concluded before Board; deliberation to be scheduled and notice sent to parties.

- Deliberation scheduled for Wednesday, August 17, 1994 at 10:00 a.m.; Notice of Deliberation sent to following:

Howard L. Alderman, Jr., Esquire
Louis F. Caralle, Commander
Wells-McComas Post No. 2678
McKee & Associates, Inc.
James Earl Kraft /Board of Education
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

8/17/94 -Deliberation held; Petition for Reclassification from D.R. 5.5 to B.L. GRANTED by Board; written Opinion/Order to be issued; appellate period to run from date of that written Order. (HCM)

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 13, 1995

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. R-94-343
Item #15, Cycle III, 1994
WELLS-MCCOMAS POST NO. 2678

Dear Mr. Alderman:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

cc: Louis F. Caralle, Commander
Wells-McComas Post No. 2678
James Earl Kraft
People's Counsel for Baltimore County

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: January 13, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. R-94-343
Item #15, Cycle III, 1994
WELLS-MCCOMAS POST NO. 2678
District 15

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

REVISED 3/30/94

1626-94

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD
TELEPHONE: (410) 527-1555

HUNT VALLEY, MARYLAND 21030
FACSIMILE: (410) 527-1563

DATE: March 29, 1994

TO: Baltimore County Z.A.D.M.

RE: 6600 North Point Road

R-94-343

ATTENTION: Carl Richards

Gentlemen:

☒ We are submitting ☒ Herewith ☐ Under separate cover

☐ We are forwarding

☐ We are returning

No.	Description
14	Prints of revised plan

☐ For processing ☐ For your use

☒ For your review ☐ Please call when ready

☐ In accordance with your request ☐ Please return to this office

RECEIVED
MAR 29 1994
BALTIMORE COUNTY
ZADM/DM

Remarks:

For further information, please contact the writer at this office.

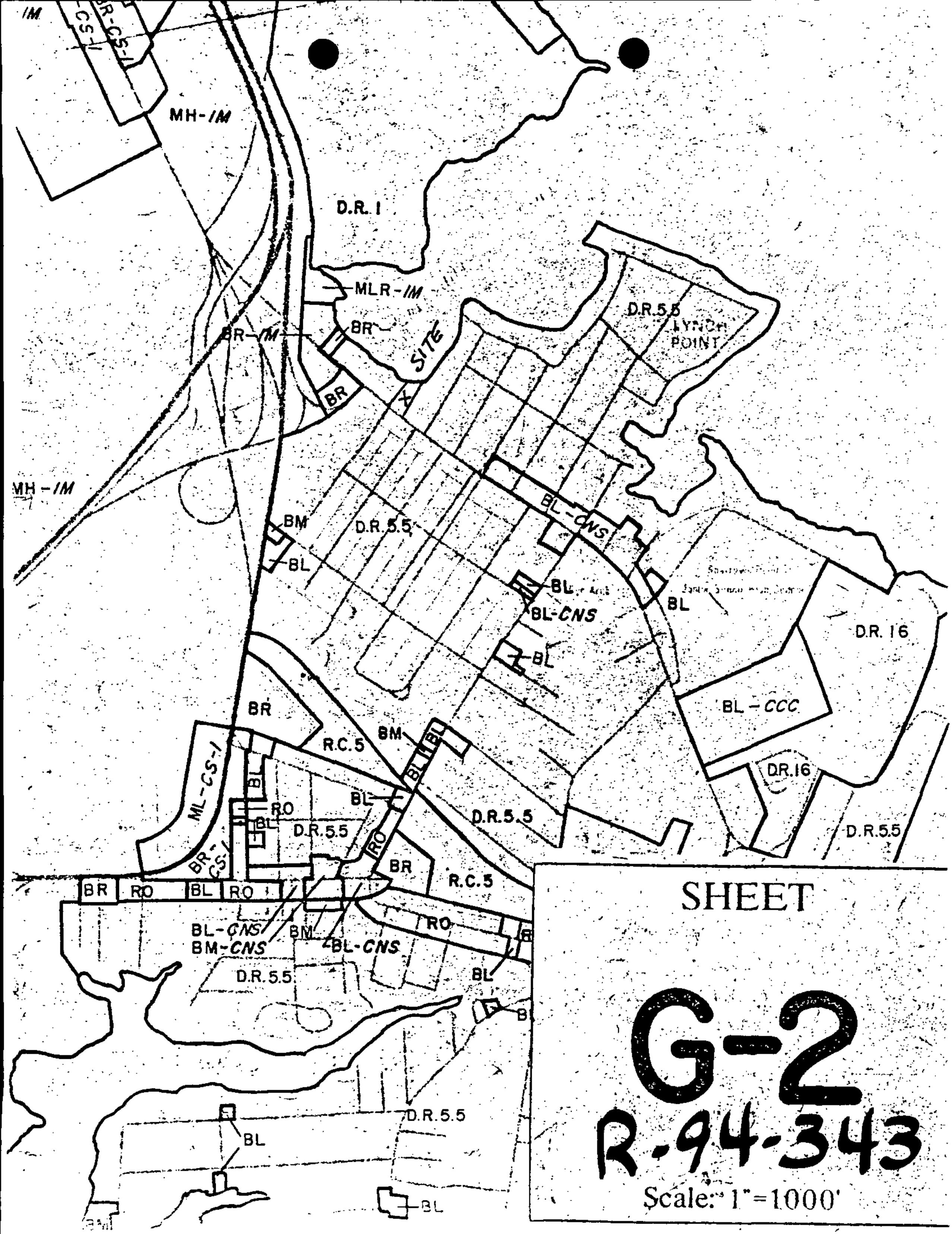
RECEIVED
MAR 29 1994
ZADM

Very truly yours,

McKee & Associates Inc.

Harlan M. Barr, Jr., Associate

Enclosures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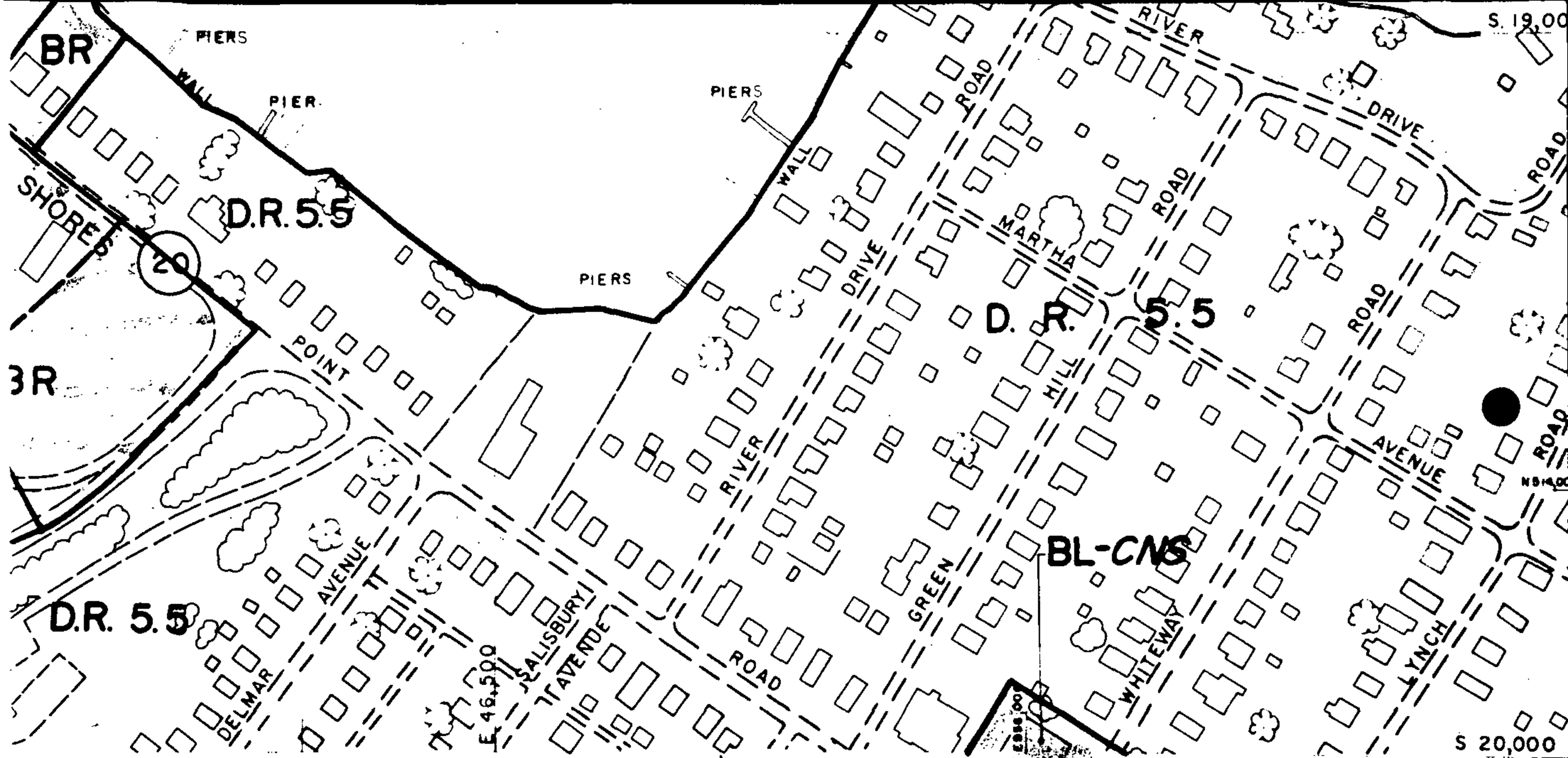

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	NORTH POINT EDGEMERE	S.E. 5-H
DATE OF PHOTOGRAPHY JANUARY 1986		

R-94-343

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

April 25, 1994

MAY

Hon. William A. Howard, IV
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - 6600 North Point Road

Dear Councilman Howard:

At its regular monthly meeting on April 21, 1994, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the property at 6600 North Point Road (the Wells-McComas VFW Post), is manifestly required because of emergency.

Enclosed is the report on this matter by the Office of Planning and Zoning, as accepted by the Planning Board. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Dave Fields

P. David Fields, Secretary
Baltimore County Planning Board

PDF/HSR/mjm
PETITION/PZONE/TXTMJM

Enclosures

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
William T. Hackett, Chairman, Board of Appeals
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel
Howard L. Alderman, Jr., Petitioner's attorney

PETITIONER'S
EXHIBIT
6

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on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Baltimore County Planning Board DATE: March 15, 1994

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: REQUEST FOR CERTIFICATION - 6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678, VFW, INC.

The attached letter from Howard L. Alderman, Jr., Esquire, on behalf of Veterans of Foreign Wars of the United States, Incorporated, requests certification by the Planning Board of out-of-cycle action on a zoning petition for reclassification of the subject property from D.R. 5.5 to B.L. In addition, a copy of a letter from the North Point Peninsula Community Coordinating Council is attached for your information.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by the planning staff and without taking a position on the merits of the case, we recommend that the Board should certify that early action upon this zoning reclassification petition is required.

Dave Fields
P. David Fields

PDF:JL:lw
DFNPT.RD/PZONE/TXTLLF

Attachment

RECEIVED
COUNTY BOARD OF APPEALS
94 MAY 18 AM 11:24

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Ruppersberger, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Donald C. Mason
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

May 17, 1994

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

Dear Mr. Hackett:

Attached please find a copy of Resolution 44-94 to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its May 16, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 10

RESOLUTION NO. 44-94

MR. DONALD C. MASON, COUNCILMAN

BY THE COUNTY COUNCIL, MAY 16, 1994

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated April 25, 1994, has certified that early action on the Petition for Zoning Reclassification filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), requesting a reclassification of the above described property, is manifestly required because of emergency; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post) be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R04394/RES94

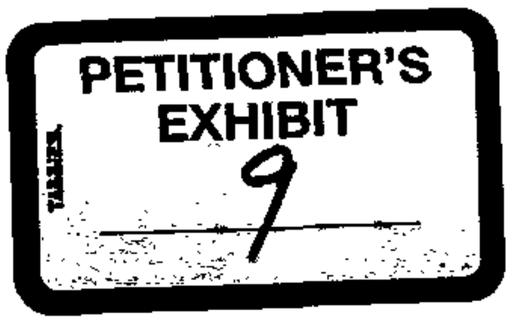
IN RE: PETITION FOR ZONING RECLASSIFICATION 6600 North Point Road Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated, Petitioner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.:

MEMORANDUM IN SUPPORT OF PETITION

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED (referred to hereinafter as "Owner" or "Post"), in support of its Petition for Reclassification of the property which it owns at 6600 North Point Road (the "Property") submits the following information for consideration by the staff of the Office of Planning and Zoning ("OPZ"), the Baltimore County Planning Board ("Planning Board"), and the County Board of Appeals for Baltimore County ("Board").

Location/Zoning

The Property is located in the Seventh Councilmanic District at 6600 North Point Road, on the northeast side of that road and binding on Greenhill Cove. The Property is mapped as an Intense Development Area ("IDA") within the Chesapeake Bay Critical Area. Approximately 300 feet in a northwest direction begins a substantial area of commercial zoning containing classifications of BR and BR-IM. Less than 700 feet to the southeast is the beginning of a BL-CNS zone. Existing residential uses adjoin the Property on three sides, with Greenhill Cove



adjoining and forming the rear property line. The Property is currently zoned DR 5.5; other zoning approvals discussed in more detail below have been obtained in connection with the past and previously proposed use of the Property by the Post.

History

The Post acquired the Property in approximately 1932 after which the existing masonry building was constructed. The use of the Property by the Post pre-dates all zoning regulations in Baltimore County. Over the years, the site was completely paved with bituminous concrete (asphalt) and a presently existing single-story addition was added to the rear of and attached to the masonry building. The Post membership has grown and now boasts more than 680 members.

The combined structures on the Property comprise approximately 11, 910 square feet. In late 1990, in order to accommodate its growing membership, the Post began the process of obtaining the approvals necessary to legitimize its existing use, remove approximately 1240 square feet of the existing building and add approximately 6400 square feet by expanding the existing structure.

Pursuant to the evidence presented and the final order in Zoning Commissioner Case No. 91-295-XA, a special exception for a community building was granted as were the variances necessary for proposed parking and existing/proposed building setback and signage. The community supported their long-time neighbor in obtaining the necessary zoning relief, including immediately adjoining neighbors. A Critical Area Findings Report and Plan were approved by the Department of Environmental Protection and Resource Management which included the removal of a substantial strip of the existing asphalt along the water's edge and installation of vegetation in this area when the expansion plans were complete. (A copy of those findings is

included herewith and incorporated herein as Exhibit "A").

Shortly after obtaining all required zoning approvals, the Post became aware of the opportunity to acquire the former Baltimore Christian Academy Property (the "Academy Property") located on the opposite side of North Point Road and slightly west of the Property. The existing improvements on the Academy Property are larger, more modern and are located on a single level, whereas the existing Post home is a three-story structure. Many Post members are precluded from using all of the areas of the existing Post due to the inability to navigate and traverse stairs; such obstacles are not present at the Academy Property. All zoning approvals necessary for the relocation of the Post to the Academy Property have been obtained. During the Baltimore County Council's ("County Council") comprehensive rezoning process in 1992 the plans of the Post to relocate from its existing home were readily and widely known. Notwithstanding the single utility use of the Property as a community building and the knowledge that the existing "community"[1] use was being completely relocated, the County Council retained the existing DR 5.5 zoning on the Property.

The Post has attempted, and continues in its attempts, to locate a purchaser for the Property under its current zoning classification and Special Exception approval. There has been absolutely no interest from any potential purchaser for this existing building which, due to its present zoning classification, may only be used as a community building. Once the Post vacates the Property it will remain an unused, vacant structure, unsuitable for uses permitted in the

---

[1] While the Post is not a "community" organization in the classic sense, for purposes of the Baltimore County Zoning Regulations the use of a structure/land by a charitable and fraternal organization such as the Post is considered a "community building" requiring a Special Exception.

Density Residential zoning classification.

Master Plan

The *Baltimore County Master Plan 1989 - 2000* ("Master Plan") was adopted by the Planning Board and by the County Council on February 5, 1990. The Property is located within an area identified in the Master Plan as "Community Conservation." One of the strategic issues identified in the Master Plan is to "conserve, revitalize and enhance our older residential communities."[2] The proposed reclassification will help to redevelop and stabilize an older community versus the alternative of business interests looking toward the fringe development areas, and it will direct private economic resources into an existing built community.

The Master Plan called for the development of a North-Point Wells-McComas Community Plan as a specific program of Local Action to occur between 1990-92.[3] No such Community Plan has ever been developed. Likewise, the "Neighborhood Business Zone" recommended by the Master Plan has never been adopted.

The requested reclassification would permit a compatible neighborhood business to be located adjacent to existing residential areas. The alternative is that which was erroneously selected by the County Council -- a large, commercial-like structure standing vacant in the neighborhood. This is exactly the condition recommended against by the Master Plan.

Change/Mistake

The County Council has recognized the neighborhood area in which the Property is

---

[2] Master Plan at 3.

[3] Master Plan at 40.

located as proper for commercial zoning.[4] Absent the requested reclassification to enable the Property to be used for neighborhood commercial purposes, the movement of the Post home to the Academy Property pursuant to the zoning approvals granted further changes the neighborhood by leaving behind a large, vacant building inappropriate and unusable for any residential purposes permitted by its existing classification.

The failure of the County Council to recognize facts in existence at the time of the last comprehensive rezoning which justified a change of the classification on the Property constitutes a clear case of mistake or error. Likewise any assumption by the County Council that the Property could be used for its permitted residential purposes was erroneous.

Community Contact

The Post has met with the organized leadership of the Community and has received widespread support of its Petition. The Post has offered voluntarily to subject the Property to covenants thereby restricting objectionable neighborhood uses that are otherwise available in the BL zone. The Community has agreed to work cooperatively with the Post in the development of the list of restricted uses. The Post will request that any such covenants be incorporated in and made a part of any order of the Board granting the requested BL classification.

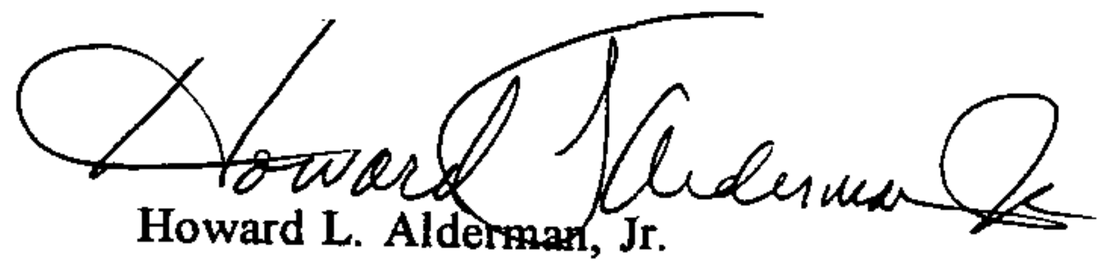
Summary

The facts and circumstances which form a significant portion of the basis for this request were widely known during the last comprehensive process. The mistake of the County Council

---

[4] Please refer to the introductory discussion in this Memorandum regarding nearby commercially zoned property. It should be noted that not all of the described commercially zoned property is improved with the same type of commercial-like structure as the subject Property.

in not reclassifying the Property is obvious. For all of the above reasons, as well as those which will be presented to the Board at the hearing on the Petition for Reclassification, the Post respectfully requests that its Petition for Reclassification be granted. The Post's undersigned counsel and members of the Post remain available to answer any questions that staff members of OPZ or members of the Planning Board may have.



Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204
(410) 321-0600

Attorneys for Petitioner

EXHIBIT "A"

FILE COPY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: December 3, 1993

FROM: J. James Dieter

SUBJECT: Chesapeake Bay Critical Area Findings - Revised
Wells-McComas Post #2678, VFW, Inc.
6521 North Point Road

SITE LOCATION

The subject property is located at 6521 North Point Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Wells-McComas Post #2678, VFW, Inc.

APPLICANT PROPOSAL

The applicant proposes to use an existing building as a community building and to construct an entrance road and parking lot. The existing site contains two non-tidal wetlands, a gravel road through one of these wetlands, a paved road adjoining this same wetland, a small parking lot, and the existing building. This findings has been revised to include a 544 square foot addition to the existing building.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

RECEIVED
FEB 3 1994

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

   Finding: The site is located approximately 1000 feet from the tidal waters of Greenhill Cove and no streams exist on or in the vicinity of the site. Therefore no disturbance of the 100 foot buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland an unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

   Finding: A portion of one of the two non-tidal wetlands is proposed to be filled for the construction of the entrance road. The filling totals approximately 300 square feet on the perimeter of this non-tidal wetland. This wetland filling is considered to be unavoidable, due to the location of the wetlands on-site, the requirement to move the entrance road out of the State Highway Administration right-of-way, and the requirement to maintain a 75 foot residential transition area buffer between the proposed community building and the adjoining development. The road shall be constructed so that runoff leaving the paving enters the ditch to the north rather than the wetland.

   Mitigation is being proposed by removing the gravel roadway which runs through the wetland and associated buffer; approximately 3650 square feet of fill will be removed from the wetland and 2200 square feet from the wetland buffer. A mitigation plan shall be submitted and approved prior to the release of the grading permit. State and Federal approvals to perform the above activities must also be obtained prior to the release of the grading permit.

3. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code, Section 26-448(a)>.

Finding: The findings plan proposes a 25 foot buffer to be maintained around all the non-tidal wetlands except where the wetland that is to be filled for the entrance road. There will be no buffer along 90 feet of the perimeter of this wetland where the entrance road borders the wetland. No clearing, grading or disturbance shall occur in the designated buffer area.

4. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment. The methodology to determine the ten-percent reduction in pollutant loadings and acceptable offsets shall conform to the standards and procedures specified in the report 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area' published by the Chesapeake Bay Critical Area Commission and the Maryland Office of Environmental Programs. If new development or redevelopment, using best management practices, cannot achieve the ten-percent pollutant loading reduction, quantifiable offsets, either on or off site, may be approved, if the benefits are obtained within the same watershed and the water quality benefits are equivalent, whether on or off the development site" <Baltimore County Code Section 26-452(a)>.

Finding: This project proposes to reduce pollutant loadings by 10% of the pre-development loading with the implementation of an extended detention dry pond. The development is increasing the existing impervious surface by approximately 5000 square feet. The runoff from the proposed parking lot and the existing building shall be collected in the pond and outfall into an existing ditch adjacent to the property. This proposal complies with the pollution reduction requirement and an extended detention dry pond is an acceptable Best Management Practice in the Commission's Guidance Paper No. 5 titled, 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area.'

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter

J. James Dieter, Director

JJD::ju

cc: Mr. Harlan Barr
Mr. Howard Alderman

NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL

7741 North Point Creek Road
Baltimore, MD 21219
February 17, 1994

Commodore Louis Caralle
VFW-Wells McComas Post #2678
6500 North Point Road
Baltimore, MD 21219

Dear Lou,

In response to the presentation made by Mr. John Gistedt and Mr. Howard Alderman Jr, the attorney representing your organization on February 3, 1994, the North Point Peninsula Community Coordinating Council has voted to support your efforts to rezone your property at 6600 North Point Road from its' present DR 5.5 to the requested Business Local designation.

During the presentation Mr. Alderman agreed to place certain covenants as a condition of our support as part of the deed that would list the undesirable uses of the property in the residential area where located.

The following list is comprised of the undesirable uses:

- Alcohol-Beverage Package Store
- Amusement Devices
- Arcade
- Billiard-Pool Room
- Tavern-Bar
- Boat Yard-Marina
- Dry Cleaning Plant
- Sludge Disposal Facility (all five categories)
- Wireless Transmitted & Receiving Structure
- Possible future classifications of: After Hours Club, Flea Market, Massage Parlor

Knowing the good neighbor the VFW has always been and the positive influence of its' community involvement, we hopefully expect the organization to keep in mind the effect this property has in our community and should any use that would have an adverse effect come up that is not listed, we depend on the VFW to use its' good judgement to protect the community.

Sincerely,

Virginia Tolbert

Virginia Tolbert
President

RECEIVED

MAR 14 1994

OFFICE OF
PLANNING & ZONING

PETITIONER'S EXHIBIT
10

RECEIVED
MAR 7 1994

NO CONSIDERATION
NO TITLE EXAMINATION

Property Tax Acc't No.: _____

PETITIONER'S EXHIBIT 11

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT is entered into this 25th day of JULY, 1994, (the "Agreement") by and between WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED, a Maryland corporation (hereinafter the "**Post**") and the NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL (hereinafter the "**Community**").

RECITALS:

WHEREAS, the Post, by virtue of various deeds recorded among the Land Records of Baltimore County is the fee simple owner of that real property as now improved and located in the 15th Election District of Baltimore County and being known as 6600 North Point Road (the "**Property**"[1]); and

WHEREAS, the Post has operated a "community building" as defined under the Baltimore County Zoning Regulations on the Property for many years; and

WHEREAS, the Property is currently zoned DR 5.5 under the provisions of the Baltimore County Zoning Regulations; and

[1] The Property owned by the Post was acquired by the following deeds recorded among the Land Records of Baltimore County as follows: i) Deed dated November 29, 1965, Liber 4552, folio 572; ii) Deed dated January 15, 1948, Liber 1645, folio 529; iii) Deed dated March 25, 1936, Liber 972, folio 85; and iv) Deed dated August 27, 1951, Liber 2007, folio 462.

WHEREAS, the Post has acquired other improved real property in the 15th Election District of Baltimore County to which it is transferring its Post operations; and

WHEREAS, the Post has filed with Baltimore County a Petition for Reclassification of the zoning of the Property from its current classification of DR 5.5 to that of B.L., said case having been docketed as Case No. R-94-343; and

WHEREAS, the Post has sought the support of the Community in its efforts to obtain the requested zoning classification; and

WHEREAS, upon certain conditions the Community is willing to support the BL zoning as requested for the Property by the Post; and

WHEREAS, the parties hereto upon certain conditions desire to enter into certain restrictive covenants running with and binding the Property and the uses that may be conducted thereon; and

WHEREAS, the parties desire that the County Board of Appeals for Baltimore County (hereinafter "**Board**") incorporate the provisions of this Agreement in any final order granting the BL zoning classification requested by the Post on the Property.

AGREEMENTS:

NOW, THEREFORE, in consideration of the mutual agreements and understanding herein contained, and for other good and valuable considerations, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereby agree as follows:

1. The foregoing Recitals form an integral part of this Agreement and are incorporated below as if restated in their entirety.

2. The Post will seek to obtain from the Board by its Petition for Reclassification a zoning classification of Business Local (BL) as defined by the Baltimore County Zoning Regulations and no other classification or district.

3. The following principal uses as defined in the Baltimore County Zoning Regulations shall be prohibited from being operated or maintained on a temporary, occasional and/or permanent basis on the Property or any portion thereof:

1. Alcohol-Beverage Package Store.
2. Amusement Devices.
3. Arcades
4. Billiard-Poll Rooms
5. Tavern-Bar
6. Boat Yard-Marina
7. Dry Cleaning Plant
8. Sludge Disposal Facility (all listed categories)
9. Wireless Transmitting & Receiving Structures
10. After Hours Club
11. Flea Market
12. Massage Parlor

4. The above-described prohibitions of uses on the Property shall be covenants running with the Property and shall be binding on the Post, its successors and assigns unless otherwise terminated as provided herein.

5. The Community agrees to appear and testify at any hearing before the Board in

support of the Post's reclassification request as described herein and in accordance with the agreements, prohibitions and covenants herein contained.

6. Upon the reclassification of the zoning of the Property from a classification of DR 5.5 to that of BL by written order of the Board, this Agreement shall be recorded by the Post at its expense with ten (10) days after the expiration of any appeal period, among the Land Records of Baltimore County, Maryland. In the event Post does not record this Agreement within the aforementioned ten (10) days, the Community may record the same and Post agrees to pay to the Community all recording costs and legal fees incurred thereby.

7. This Agreement shall remain in effect and be binding upon the Property for only so long as the Property is zoned within a commercial or business zoning classification under the Baltimore County Zoning Regulations; and this Agreement shall be binding upon all present and future occupants thereof and shall inure to the benefit of each of the parties respectively. This Agreement, and the obligations of the parties and the prohibition of uses on the Property as herein described, shall cease, terminate and without further notice, be of no further force and effect upon the decision of the Board , or of a reviewing court upon an appeal of the decision of the Board, not to grant the commercial zoning reclassification sought by the Post or upon the subsequent change of the zoning classification of the Property to a residential classification under the Baltimore County Zoning Regulations. If this Agreement shall terminate as provided herein after it having been recorded among the Land Records of Baltimore County, the Post shall have the right to file, unilaterally, a notice of termination of this Agreement among the Land Records of Baltimore County.

8. In the event the Community shall dissolve or otherwise cease to exist as a non-

stock, non-profit corporation organized for the benefit and welfare of the communities, for a period of ninety (90) days or longer, and no successor or assign is duly appointed, organized or designated by such Community for the purpose above stated, then this Agreement shall thereafter be null and void.

9. The parties hereto, in reliance upon the representations made one to another, desire that this Agreement be incorporated in and be made a part of any order of the Board granting the reclassification request of the Post. It is the desire of the parties hereto that by incorporation of this Agreement into any such order of the Board, the covenants herein contained can be enforced under the authority of Baltimore County, Maryland.

10. Notwithstanding the governmental enforcement provisions of the immediately preceding paragraph, the parties hereto shall remain entitled to institute legal action to enforce the terms of this Agreement, and if successful thereafter (whether by judgment or by settlement) in obtaining enforcement of this Agreement, that party shall be entitled to recover reasonable attorneys' fees and court costs of the action from the person or entity against whom enforcement is obtained. Provided, however, that as a prerequisite to the recovery of fees and costs under this enumerated paragraph, the person or entity seeking enforcement shall have provided notice of the alleged violation and participated in Dispute Resolution as provided herein, and only if the alleged violator had failed to remedy or to make substantial progress toward remedying the violation within sixty (60) days after receipt of the required notice may legal action be instituted.

11. Prior to seeking judicial enforcement of this Agreement by any party, the Community, the Post shall, as a means of Dispute Resolution, give the other written notice of the alleged grievance as herein provided. Within seven (7) days thereafter, a representative of the

Community and a representative of the Post shall meet together to attempt to amicably resolve the alleged non-compliance.

12. The parties each warrant and represent that it is duly organized and in existence in accordance with Maryland law and that it has taken all necessary action required to be taken by its charter, by-laws, or other organizational documents to authorize the execution of this Agreement.

13. This Agreement, which may be executed in counterparts, contains the entire understanding of the parties. Any amendment must be in writing, signed by all parties hereto. This agreement supersedes any prior agreement between the parties and by its execution the parties and each of them revoke and release any prior agreements between them binding them or their respective properties.

14. Each of the parties warrants that it has carefully read and understands this Agreement, is cognizant of the terms hereof, and has had ample time to consult with counsel of its choice regarding its respective rights and obligation in connection herewith.

15. Failure, in any instance, to enforce any of the covenants, restrictions, and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, or condition in the event of another violation occurring prior or subsequent thereto.

16. The parties hereto covenant and agree to execute such instrument or instruments as may be necessary from time to time to amend this Agreement as required by any governmental agencies having jurisdiction over the Property in order to obtain all required approvals required therefor and to otherwise comply with all applicable laws, regulations and codes, in keeping with

the spirit and intent of this Agreement.

17. Notices required to be given pursuant to this Agreement shall be given in writing, and shall be in writing and shall be deemed given upon actual receipt and shall be sent by certified or registered mail, prepaid, or by federal express or other commercial overnight courier services, to the last known address of the party to receive notice. Either party may from time to time change its address by serving on the other party notice as above provided.

18. This Agreement has been prepared based on negotiations between the Post and the Community and is the product of said negotiations.

19. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESS/ATTEST:

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED

Louis F. Caballero

By: Harry Gaunt (SEAL)
Harry Gaunt, Commander

Louis F. Caballero

By: John F. Gistedt (SEAL)
John F. Gistedt, Quartermaster

NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL

Louis F. Caballero

By: Virginia Tolbert (SEAL)
Virginia Tolbert

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 25 day of July, 1994, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Harry Gaunt who acknowledged himself to be the Commander of the Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated and that he, as such officer, being authorized so to do, executed the within Restrictive Covenant Agreement on behalf of said corporation for the purposes herein contained by signing the name of the corporation by herself as such officer.

AS WITNESS my Hand and Notarial Seal.

MARGARET CHESTER NOTARY PUBLIC BALTIMORE COUNTY, MD.

Margaret Chester
Notary Public

My Commission Expires: April 12, 1998

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 25 day of July, 1994, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared John J. Gistedt who acknowledged himself to be the Quartermaster of the Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated and that he, as such officer, being authorized so to do, executed the within Restrictive Covenant Agreement on behalf of said corporation for the purposes herein contained by signing the name of the corporation by herself as such officer.

AS WITNESS my Hand and Notarial Seal.

MARGARET CHESTER NOTARY PUBLIC BALTIMORE COUNTY, MD.

Margaret Chester
Notary Public

My Commission Expires: April 12, 1998

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 25 day of July, 1994, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Virginia Tolbert who acknowledged herself to be a representative of the North Point Peninsula Community Coordinating Council and that she, as such representative being authorized so to do, executed the within Restrictive Covenant Agreement on behalf of said corporation for the purposes herein contained by signing the name of the corporation by herself as such representative.

AS WITNESS my Hand and Notarial Seal.

BALTIMORE COUNTY, MD. NOTARY PUBLIC MARGARET CHESTER

Margaret Chester
Notary Public

My Commission Expires: April 12, 1998

ATTORNEY'S CERTIFICATION

I HEREBY CERTIFY that the above instrument was prepared by me, an attorney admitted to practice before the Court of Appeals of Maryland, or under my supervision.

Howard L. Alderman, Jr.

AFTER RECORDATION, PLEASE RETURN TO:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No. 15
Case No. R94-343
Petitioner: Wells-McComas Post-2678
Reclassification Petition

Dear Mr. Alderman:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before June 24, 1994. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

PETITIONER'S EXHIBIT
12

Printed with Soybean Ink
on Recycled Paper

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

W. Carl Richards Jr.

W. CARL RICHARDS
Zoning Manager

WCR:jaw

Enclosures

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 24, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-343
VFW Wells McComas Post 2678
6600 North Point Road
Zoning Advisory Committee Meeting of April 25, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

This property is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA). There are no density restrictions within an IDA category. The BL zone is an appropriate zone within the IDA and therefore this petition for reclassification is supported.

However, any redevelopment of the property under either zone must comply with Section 26-452(a) of the Baltimore County Code which states the following:

> Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

If there are any questions, please contact Ms. Nancy Pentz at 887-3980.

JLP/NSP/tmm

VFW/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

CR-94-343
XV-363

RE: Property Owner: WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS

LOCATION: NE/S NORTH POINT RD.,OPP. CELMAR RD.(6600 NORTH POINT RD.)

Item No.: CYCLE III ITEM #15 Zoning Agenda: RECLASSIFICATION

Gentlemen:

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

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", 1991 edition prior to occupancy.

RECEIVED
MAY 27 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

June 7, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 15, Cycle III
MD 20
Wells McComas Post
#2678 Veterans of Foreign Wars
of the United States, Inc.
Zoning Reclassification
Mile Post 0.38

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have no objection to approval of the requested zoning reclassification since we have previously issued an access permit No. B-B-5070-93 for the construction of entrance improvements at the referenced property.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this plan.

Very truly yours,

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 15, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief RWB/DAK
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 31, 1994
Item No. Cycle III, Item #15
Case No. R-94-343

The Developers Engineering Section has reviewed the subject zoning item. See our comments dated May 9, 1994 to your office for this item.

RWB:sw

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
Baltimore County Board of Appeals

DATE: July 19, 1994

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. R-94-343/6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC.

At its regularly scheduled monthly meeting on April 21, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on May 16, 1994.

Enclosed herewith is a copy of the report of the Office of Planning and Zoning.

Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.343/PZONE/CYCLE

PETITIONER'S EXHIBIT
13

CASE NO. R-94-343

PETITIONER:

Wells McComas Post No. 2678

REQUESTED ACTION:

Reclassification to B.L. (Business-Local)

EXISTING ZONING:

D.R. 5.5 (Density Residential)

LOCATION:

Northeast side of North Point Road, at Greenhill Cove

AREA OF SITE:

1.255 Acres±

ZONING OF ADJACENT PROPERTY/USE:

North - Waterfront (Greenhill Cove)
East - D.R. 5.5 - Residential
South - D.R. 5.5 - Residential
West - D.R. 5.5 - Residential

SITE DESCRIPTION:

The site is presently improved with a two-story community building and a macadam parking area.

PROPERTIES IN THE VICINITY:

This waterfront property is located along Greenhill Cove and is also adjacent to the Edgemere business area on North Point Road. The general vicinity is comprised of a mix of residential and commercial uses, with the commercial endeavors being those which primarily serve the local community.

WATER AND SEWERAGE:

The parcel is served by public water and sewer, and the area is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site fronts on North Point Road, which is designated as a minor arterial.

ZONING HISTORY:

The property has been zoned D.R. 5.5 since 1976. The V.F.W. Post No. 2678 has occupied the Post at the subject site since 1932. On April 30, 1991, the Zoning Commissioner granted the applicant's request to construct an addition and to continue to use the existing community building. In addition, variances were granted for an existing setback deficiency, an existing sign, and to permit 99 parking spaces in lieu of the required 106 spaces (see Case No. 91-295XA).

MASTER PLAN/COMMUNITY PLANS:

This parcel is located within the area designated as a community conservation area in the Baltimore County Master Plan. Within these areas, small commercial uses serving general community needs are fostered, and "the redevelopment of older underutilized parcels in areas already served by public facilities becomes an attractive alternative."

PROPOSED VS. EXISTING ZONING:

The regulations governing D.R. zones may be found in Section 1B01 of the Baltimore County Zoning Regulations. Regulations governing the B.L. zone may be found in Section 230 of the Baltimore County Zoning Regulations.

The B.L. zone permits a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property. The D.R. 5.5 zone permits a density of 5.5 dwelling units per acre.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff finds that the subject request is not without merit, however, consistent with the position of this office regarding open site plan filings, we cannot support the applicant's request at this time. It is important to note, however, that the North Point Peninsula Community Coordinating Council is supportive of the rezoning provided that convenants are filed to control against the following uses which were deemed to be undesirable by the community:

Liquor Store
Amusement Devices
Arcade
Billiard-Pool Room
Tavern
Marina
Dry cleaning plant

WELLS McCOMAS

POST NO. 2678

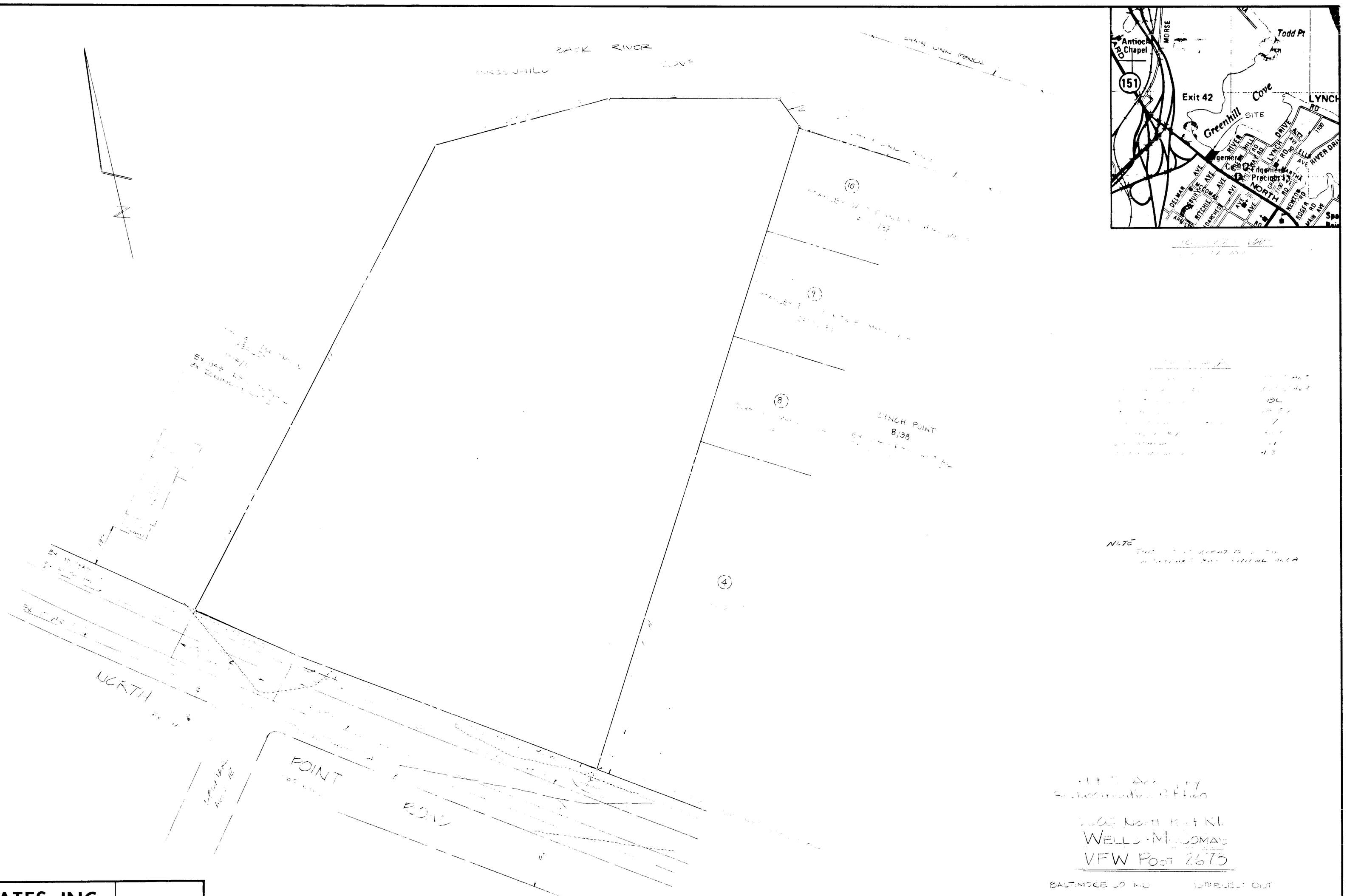
VETERANS OF FOREIGN WARS

OF THE UNITED STATES,

INCORPORATED

Petition for Reclassification

Case No. R-94-343



NOTE

VFW Post 7675

BALTIMORE CO. MD.

OWNER/DEVELOPER

See Plan revised date of 5-30-94.

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

(301) 527-1555

Computed by: _____

Drawn by: _____

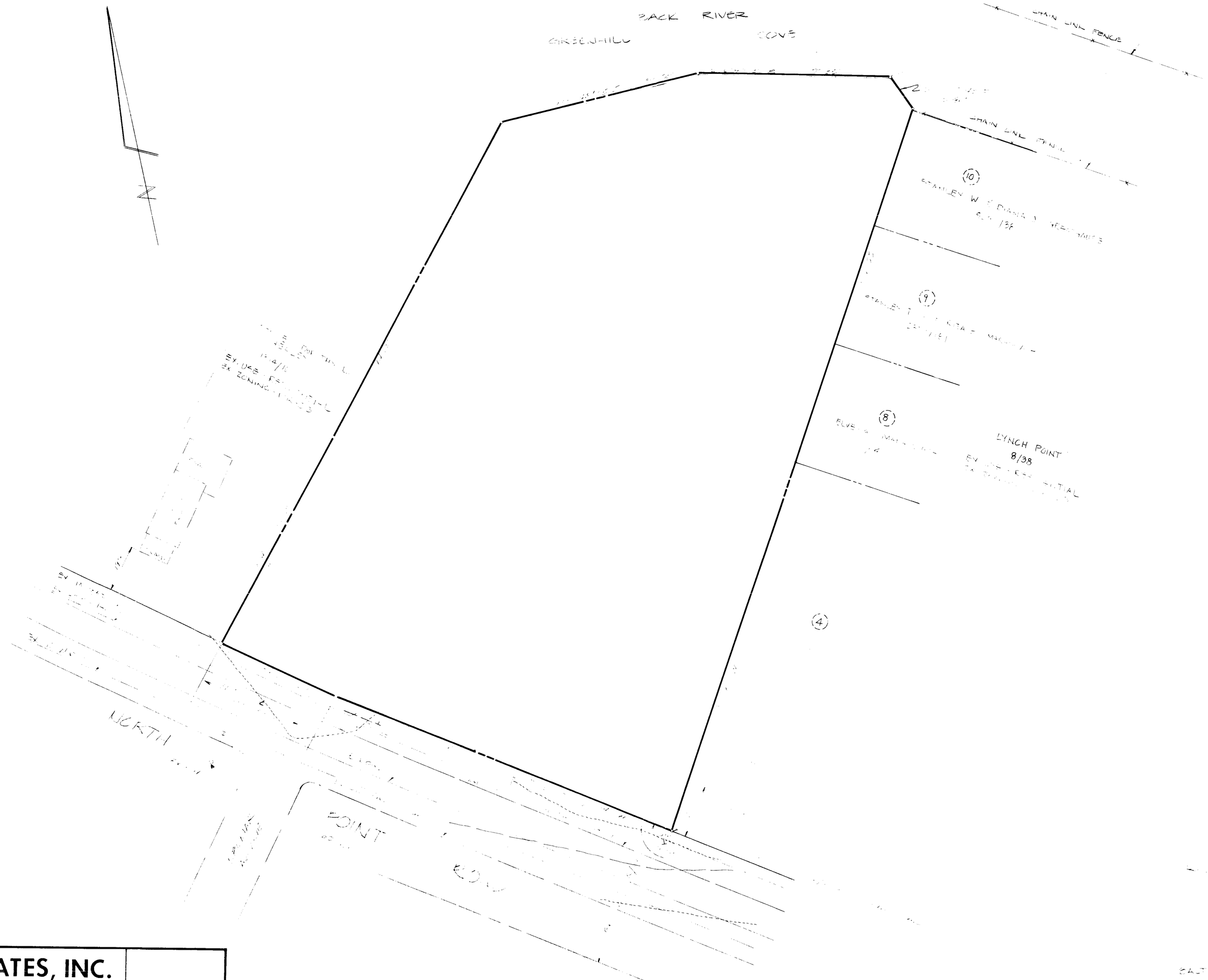
Checked by: _____

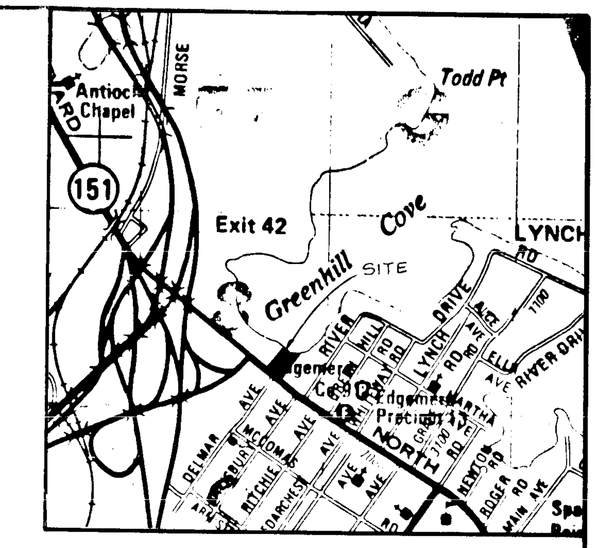
Job Number: _____

2/21/94

James W. McKee Date

(Maryland Registered No. 9012)





NOTE

WELLS NORTH
WELLS NORTH HOME
VFW POST 7610

OWNER/DEVELOPER

REVISED
3-30-94

McKEE & ASSOCIATES, INC.

Engineering · Surveying · Real Estate · Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

(301) 527-1555

Computed by _____

Drawn by _____

Checked by _____

Job Number _____

_____ 2/21/94

James W. McKee Date

(Maryland Registered No. 9012)

STATE OF MARYLAND
JAMES W. McKEE
NO. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

E-SW E-SE
A-NW A-NE

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

William A. Howard IV
Chairman, County Council

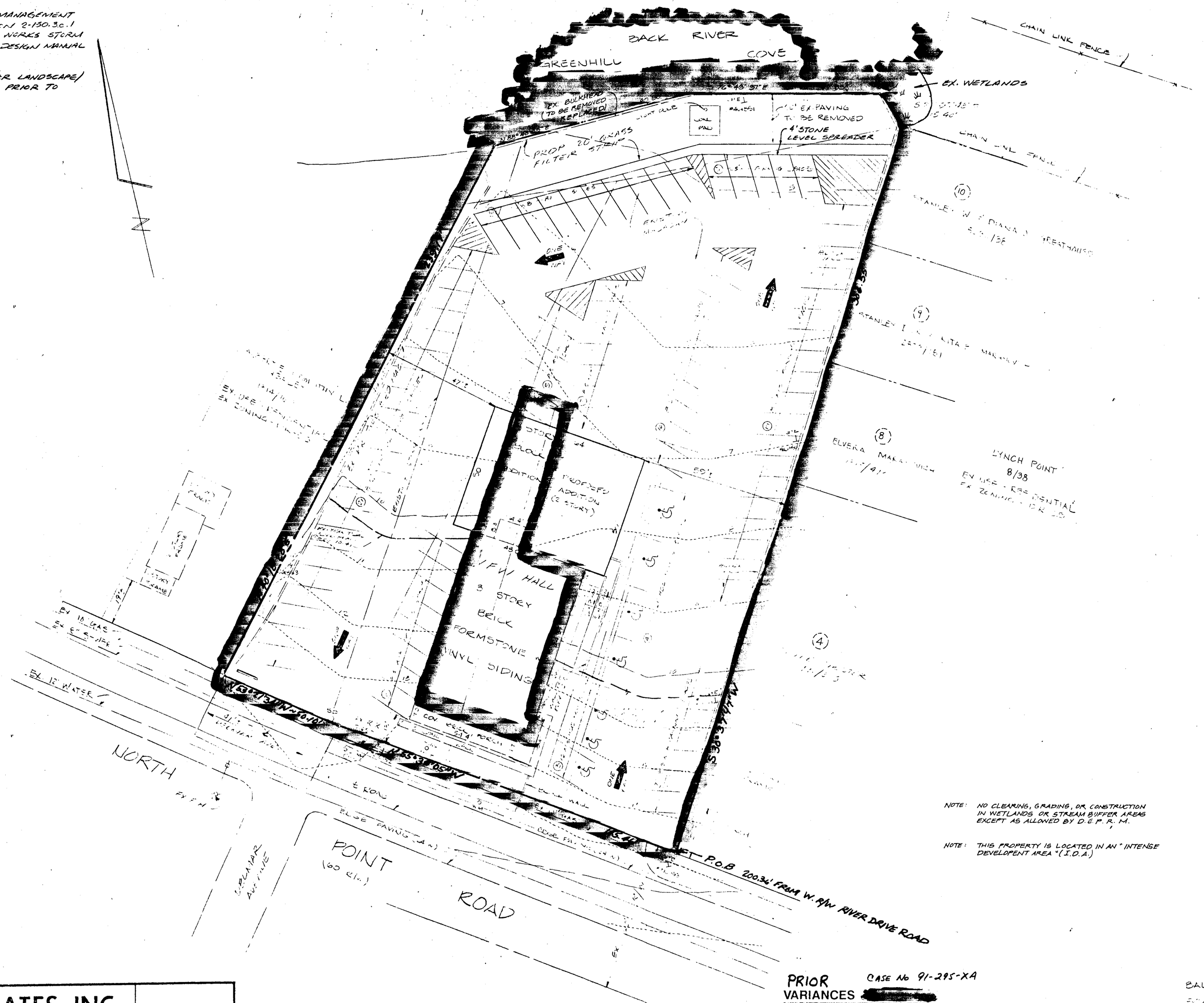
SCALE	LOCATION	SHEET
1" = 200' ±	NORTH POINT EDGEMERE	S.E. 5-H
DATE OF PHOTOGRAPHY JANUARY 1986		

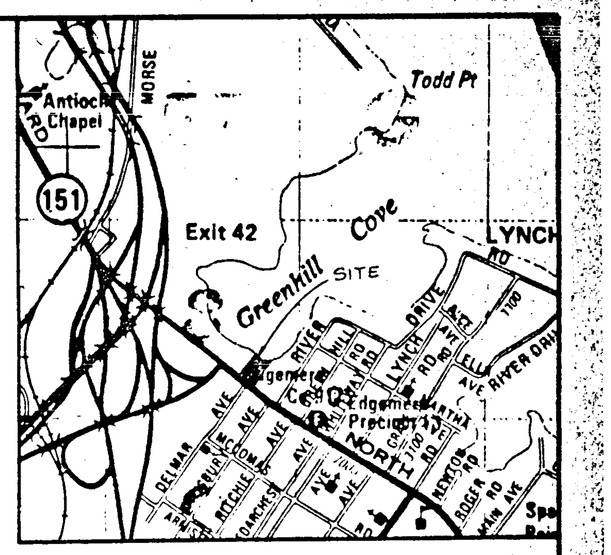
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

PETITIONER'S EXHIBIT 2

NOTE:
A WAIVER TO STORM WATER MANAGEMENT WILL BE REQUESTED AS PER SECTION 2-150.3c.1 OF THE BALTO. CO DEPT OF PUBLIC WORKS STORM WATER MANAGEMENT POLICY AND DESIGN MANUAL

NOTE:
LANDSCAPING SHALL BE AS PER LANDSCAPE/PLANTING PLAN. TO BE APPROVED PRIOR TO ISSUANCE OF BUILDING PERMIT.





VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

GROSS AREA OF SITE	1.255 Ac±
NET AREA OF SITE	1.125 Ac±
EX BUILDING AREA	1100.3 SF
PROP. PARKING AREA	1776.4 SF
PARKING REQUIRED *	106 SPACES
PARKING PROVIDED	99 SPACES
EX. ZONING	DR 5.5
COUNTY COUNCIL DISTRICT	7
DISTURBED AREA	9,415 S.F. OR 0.22 Ac±
CENSUS TRACT	4.520
WATERSHED	21
SUBSEWERSHED	4.8

PARKING CALCULATION
LOUNGE - 1764 SF @ 20/1000 = 35.28 SPACES
MAIN HALL - 4766 SF @ 10/1000 = 50.66 SPACES
KITCHEN - 486 SF @ 5/1000 = 2.43 SPACES
STORAGE - 84 SF @ 3/1000 = 0.25 SPACES
TOTAL REQUIRED = 88.62

PRIOR
SPECIAL EXCEPTION CASE No 91-295-XA
REQUEST FOR A SPECIAL EXCEPTION TO PERMIT AN EXISTING COMMUNITY BUILDING AND PROPOSED ADDITION THERETO PURSUANT TO SECTION 1B01.2.C

NOTE: NO CLEARING, GRADING, OR CONSTRUCTION IN WETLANDS OR STREAM BUFFER AREAS EXCEPT AS ALLOWED BY D.E.P.R.M.

NOTE: THIS PROPERTY IS LOCATED IN AN "INTENSE DEVELOPENT AREA" (I.D.A.)

EXISTING ZONING DR 5.5
REQUESTED ZONING BL

PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION
CRITICAL AREA
FINDINGS PLAN

6600 North Point Rd.
WELLS - McCOMAS
VFW POST 2678

BALTIMORE CO. MD. — 15TH ELECT DIST.
SCALE 1-20 — MARCH 26, 1991
TAX MAP 111 BLOCK 5 PARCEL 141

PRIOR
VARIANCES CASE No 91-295-XA

BCZR Sections 1B02.2.B and 504.2 and CMDP Section V.B.2, Table 5-4, to permit, for an existing building, a front yard setback of 13 feet in lieu of the 40 feet required.

BCZR Section 413.1.e.(1) to permit existing, non-illuminated attached signs of 107.5 square feet, and an existing, non-illuminated free standing sign of 7 square feet (combined total of 114.5 square feet) in lieu of the 15 square feet permitted.

BCZR Section 409.6.A to permit a total of 99 parking spaces in lieu of the 106 spaces required.

NOTE: NO PRELIM. COMMERCIAL PERMIT INFORMATION IS AVAILABLE

OWNER/DEVELOPER
WELLS McCOMAS POST NO. 2678
VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC.
c/o LOUIS CARALLO, COMMANDER
2813 WELLS AVE
BALTO., MD. 21219

PETITIONER'S EXHIBIT 8

McKEE & ASSOCIATES, INC.
Engineers - Surveyors - Real Estate Developers
SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527 1555

Computed by
Drawn by
Checked by
Project Number

James W. McKee Date
(Maryland Registered No. 9012)

91-295

NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL

7741 North Point Creek Road
Baltimore, MD 21219
February 17, 1994

Commodore Louis Caralle
VFW-Wells McComas Post #2678
6500 North Point Road
Baltimore, MD 21219

Dear Lou,

In response to the presentation made by Mr. John Gistedt and Mr. Howard Alderman Jr, the attorney representing your organization on February 3, 1994, the North Point Peninsula Community Coordinating Council has voted to support your efforts to rezone your property at 6600 North Point Road from its' present DR 5.5 to the requested Business Local designation.

During the presentation Mr. Alderman agreed to place certain covenants as a condition of our support as part of the deed that would list the undesirable uses of the property in the residential area where located.

The following list is comprised of the undesirable uses:

- Alcohol-Beverage Package Store
- Amusement Devices
- Arcade
- Billiard-Pool Room
- Tavern-Bar
- Boat Yard-Marina
- Dry Cleaning Plant
- Sludge Disposal Facility (all five categories)
- Wireless Transmitted & Receiving Structure
- Possible future classifications of: After Hours Club, Flea Market, Massage Parlor

Knowing the good neighbor the VFW has always been and the positive influence of its' community involvement, we hopefully expect the organization to keep in mind the effect this property has in our community and should any use that would have an adverse effect come up that is not listed, we depend on the VFW to use its' good judgement to protect the community.

Sincerely,

Virginia Tolbert

Virginia Tolbert
President

RECEIVED

MAR 14 1994

OFFICE OF
PLANNING & ZONING

RECEIVED
MAR 7 1994

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

RECEIVED
MAR 14 1994
OFFICE OF
PLANNING & ZONING

March 11, 1994

P. David Fields, Director
Baltimore County Office of Planning and Zoning
County Courts Building
Room 406
Towson, Maryland 21204

RE: Wells-McComas Post #2678, VFW, Inc.
Proposed Zoning Reclassification
6600 North Point Road
Seventh Councilmanic District
Request for Baltimore County Planning Board
Consideration and Action
Letter of Community Support

Dear Mr. Fields:

In my letter to you of March 2, 1994 requesting consideration and action by the Baltimore County Planning Board on removing the above-referenced reclassification petition from the normal cyclical procedures, I indicated that my clients had met recently with members of the affected community. I am pleased to provide you with a copy of a letter dated February 17, 1994 from the North Point Peninsula Community Coordinating Council indicating the community support of the reclassification from DR 5.5 to that of Business Local.

You will also note in the enclosure that the community has provided, at the request of my client, a list of undesirable uses that would be otherwise available under the BL classification. My client remains ready and able to meet with the community and prepare a suitable set of covenants restricting these uses from the land if reclassified, and has committed to requesting that the Board of Appeals incorporate any such covenants in any order granting the requested reclassification.

I hope that this additional information provides you with further evidence of the widespread support and need for the

requested reclassification. As always, if I can provide you or your staff further information please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLAJr/ls

Enclosure

cc w/encl: Louis F. Caralle, Commander
The Honorable Roger B. Hayden, County Executive
The Honorable Donald C. Mason
Mr. James M. McKinney
Mr. William Kessler
Arnold Jablon, Director
Peter Max Zimmerman, Peoples Counsel for Baltimore County
Ms. Patricia Beere

Sludge disposal facility (five categories)
Wireless transmitting and receiving device
After hours club
Flea Market
Massage Parlor

OTCY94.343/PZONE/CYCLE

IN THE MATTER OF THE APPLICATION OF WELLS-McCOMAS POST NO. 2678, VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC. FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NORTHEAST SIDE OF NORTH POINT ROAD, OPPOSITE DELMAR ROAD (6600 NORTH POINT ROAD) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-343 (Out of Cycle / formerly Item #15, Cycle III, 1994)

* * * * * * * * * * *

O P I N I O N

This case presents a request by the Wells-McComas Post No. 2678, Veterans of Foreign Wars of the United States, Inc., (hereinafter "VFW") to change the zoning from D.R. 5.5 to B.L. on its post home at 6600 North Point Road in the Fifteenth Election District of Baltimore County. At the hearing on the Petition, the Board received testimony and exhibits. From that, we find th following facts.

This particular piece of property has been used by the VFW for a community-type use since before the existence of zoning in Baltimore County. It is zoned residential D.R. 5.5. Due to its physical size and structure, this property can only be used for a community purpose or a commercial enterprise. It has three floors. Many members cannot reach the third floor due to stairs and its inaccessibility. The building does not have an elevator. It consists of over 12,000 sq. ft. of space. Since the use came into being, Congress passed the Americans with Disabilities Act. That body of law would require certain accommodations and changes to the building to make it accessible to persons with disabilities. The property as presently used is a nonconforming use, and the building itself is quite dissimilar from the residences in the neighborhood, which are small framed houses with narrow frontages in residential

IN RE: PETITION FOR ZONING RECLASSIFICATION 6600 North Point Road Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated, Petitioner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.:

MEMORANDUM IN SUPPORT OF PETITION

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED (referred to hereinafter as "Owner" or "Post"), in support of its Petition for Reclassification of the property which it owns at 6600 North Point Road (the "Property") submits the following information for consideration by the staff of the Office of Planning and Zoning ("OPZ"), the Baltimore County Planning Board ("Planning Board"), and the County Board of Appeals for Baltimore County ("Board").

Location/Zoning

The Property is located in the Seventh Councilmanic District at 6600 North Point Road, on the northeast side of that road and binding on Greenhill Cove. The Property is mapped as an Intense Development Area ("IDA") within the Chesapeake Bay Critical Area. Approximately 300 feet in a northwest direction begins a substantial area of commercial zoning containing classifications of BR and BR-IM. Less than 700 feet to the southeast is the beginning of a BL-CNS zone. Existing residential uses adjoin the Property on three sides, with Greenhill Cove

See revised Memorandum - date of 3-30-94

located as proper for commercial zoning.[4] Absent the requested reclassification to enable the Property to be used for neighborhood commercial purposes, the movement of the Post home to the Academy Property pursuant to the zoning approvals granted further changes the neighborhood by leaving behind a large, vacant building inappropriate and unusable for any residential purposes permitted by its existing classification.

The failure of the County Council to recognize facts in existence at the time of the last comprehensive rezoning which justified a change of the classification on the Property constitutes a clear case of mistake or error. Likewise any assumption by the County Council that the Property could be used for its permitted residential purposes was erroneous.

Community Contact

The Post has met with the organized leadership of the Community and has received widespread support of its Petition. The Post has offered voluntarily to subject the Property to covenants thereby restricting objectionable neighborhood uses that are otherwise available in the BL zone. The Community has agreed to work cooperatively with the Post in the development of the list of restricted uses. The Post will request that any such covenants be incorporated in and made a part of any order of the Board granting the requested BL classification.

Summary

The facts and circumstances which form a significant portion of the basis for this request were widely known during the last comprehensive process. The mistake of the County Council

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[4] Please refer to the introductory discussion in this Memorandum regarding nearby commercially zoned property. It should be noted that not all of the described commercially zoned property is improved with the same type of commercial-like structure as the subject Property.

in not reclassifying the Property is obvious. For all of the above reasons, as well as those which will be presented to the Board at the hearing on the Petition for Reclassification, the Post respectfully requests that its Petition for Reclassification be granted. The Post's undersigned counsel and members of the Post remain available to answer any questions that staff members of OPZ or members of the Planning Board may have.

Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204
(410) 321-0600

Attorneys for Petitioner

EXHIBIT "A"

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Robert C. Covahey, Chief
Bureau of Public Services

DATE: March 9, 1992

FROM: J. James Dieter, Director

SUBJECT: Chesapeake Bay Critical Area Findings
Wells-McComas Post #2678, VFW, In
Zoning Case # 92-262-XA

SITE LOCATION

The subject property is located at 6521 North Point Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Wells-McComas Post #2678, VFW, Inc.

APPLICANT PROPOSAL

The applicant proposes to use an existing building as a community building and to construct an entrance road and parking lot. The existing site contains two non-tidal wetlands, a gravel road through one of these wetlands, a paved road adjoining this same wetland, a small parking lot, and the existing building.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

   Finding: The site is located approximately 1000 feet from the tidal waters of Greenhill Cove and no streams exist on or in the vicinity of the site. Therefore no disturbance of the 100 foot buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland an unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

   Finding: A portion of one of the two non-tidal wetlands is proposed to be filled for the construction of the entrance road. The filling totals approximately 300 square feet on the perimeter of this non-tidal wetland. This wetland filling is considered to be unavoidable, due to the location of the wetlands on-site, the requirement to move the entrance road out of the State Highway Administration right-of-way, and the requirement to maintain a 75 foot residential transition area buffer between the proposed community building and the adjoining development. The road shall be constructed so that runoff leaving the paving enters the ditch to the north rather than the wetland.

   Mitigation is being proposed by removing the gravel roadway which runs through the wetland and associated buffer; approximately 3650 square feet of fill will be removed from the wetland and 2200 square feet from the wetland buffer. A mitigation plan shall be submitted and approved prior to the release of the grading permit. State and Federal approvals to perform the above activities must also be obtained prior to the release of the grading permit.

3. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code, Section 26-448(a)>.

Finding: The findings plan proposes a 25 foot buffer to be maintained around all the non-tidal wetlands except where the wetland that is to be filled for the entrance road. There will be no buffer along 90 feet of the perimeter of this wetland where the entrance road borders the wetland. No clearing, grading or disturbance shall occur in the designated buffer area.

4. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment. The methodology to determine the ten-percent reduction in pollutant loadings and acceptable offsets shall conform to the standards and procedures specified in the report 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area' published by the Chesapeake Bay Critical Area Commission and the Maryland Office of Environmental Programs. If new development or redevelopment, using best management practices, cannot achieve the ten-percent pollutant loading reduction, quantifiable offsets, either on or off site, may be approved, if the benefits are obtained within the same watershed and the water quality benefits are equivalent, whether on or off the development site" <Baltimore County Code Section 26-452(a)>.

Finding: This project proposes to reduce pollutant loadings by 10% of the pre-development loading with the implementation of an extended detention dry pond. The development is increasing the existing impervious surface by approximately 5000 square feet. The runoff from the proposed parking lot and the existing building shall be collected in the pond and outfall into an existing ditch adjacent to the property. This proposal complies with the pollution reduction requirement and an extended detention dry pond is an acceptable Best Management Practice in the Commission's Guidance Paper No. 5 titled, 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area.'

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter

J. James Dieter, Director

JJD::ju

cc: Mr. Harlan Barr
Mr. Howard Alderman

R-94-343

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 6600 North Point Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR5.5 zone to an BL zone, for the reasons given in the attached statement; ~~and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for~~

~~and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County~~:

RECEIVED COUNTY BOARD OF APPEALS 94 MAR - 1 PM 2:54

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s): Wells-McComas Post No.2678 Veterans of Foreign Wars of the United States, Incorporated

(Type or Print Name)

By: Louis F. Caralle

Signature Louis F. Caralle, Commander

(Type or Print Name)

Signature

6600 North Point Road 477-2266

Address Phone No.

Baltimore, MD 21219

City State Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Howard L. Alderman Jr.

Signature

Levin & Gann, P.A.

305 W. Chesapeake Avenue #113

Address Phone No.

Towson, MD 21204

City State Zipcode

(410) 321-0600

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Howard L. Alderman, Jr., Esquire

Name

Levin & Gann, P.A. (410) 321-0600

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

OK TO FILE R.T. 3/1/94

January 11, 1991

ZONING DESCRIPTION OF
6600 NORTH POINT ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point being situated on the northernmost right-of-way line of North Point Road, being 60 feet wide, said point being 200.36 feet westerly from the most right-of-way line of River Drive Road, being 40 feet wide, thence running with and binding on the northerly most right-of-way line of North Point Road N 55° 39' 05" W 145.46 feet to a point; thence N 53° 21' 34" W 50.10 feet to a point; thence leaving said right-of-way line and running N 40° 18' 28" E 239.17 feet to a point; thence N 88° 48' 05" E 80.50 feet to a point; thence S 76° 43' 37" E 77.85 feet to a point; thence S 20° 55' 48" E 15.40 feet to a point thence S 30° 37' 47" W 306.55 feet to the point of beginning.

Containing 49,010 square feet or 1.125 acres of land, more or less.

Being known as 6600 North Point Road.

STATE OF MARYLAND
WILLIAM MICHAEL RAY
No. 516
REGISTERED
PROPERTY LINE SURVEYOR

William Michael Ray

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY R-94-343

Towson, Maryland

District 12th Date of Posting 6/26/94

Posted for: Reclassification

Petitioner: Wells-McCormick Post # 2678

Location of property: 6600 N. Pk. Rd. NE/s, opp. Dolmar Rd.

Location of Signs: Facing roadway on property to reclassified

Remarks:

Posted by [signature] Date of return: 7/1/94

Signature

Number of Signs: 1

NOTICE OF HEARING

Case: #R-94-343
8600 North Point Road
NE/S North Point Road, opposite Delmar Road
15th Election District -
7th Councilmanic
Legal Owner(s):
Wells-Mccomas Post #2678

Petition to reclassify the property's zoning from D.R.-5.5 to B.L.

HEARING:
Wednesday, July 27, 1994 at 10:00 a.m.
LOCATION:
County Courthouse, Room 48
400 Washington Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT,
Chairman
County Board of Appeals

6/415 June 30.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 1, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 30, 1994.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R 001-6150

Number R-94-142
Cycle II, Item #2

Date 10/12/94

DROP-OFF REVISION PLANS —— NO REVIEW

#110 — REVISIONS ———————————— $100.00

XCheck from Harford
Joint Venture

Property Owner: Harford Joint Venture
Location: N/S Everett Road, W/S York Road
(Monkton Centre)
Zoning: R.C.-5
District: 7c3
Acres: .90 +/- acre
Proposed Zoning: B.M.-C.R.

01A01#0356MICHRC $100.00
B# 12025PM10-27-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

adjoining and forming the rear property line. The Property is currently zoned DR 5.5; other zoning approvals discussed in more detail below have been obtained in connection with the past and previously proposed use of the Property by the Post.

History

The Post acquired the Property in approximately 1932 after which the existing masonry building was constructed. The use of the Property by the Post pre-dates all zoning regulations in Baltimore County. Over the years, the site was completely paved with bituminous concrete (asphalt) and a presently existing single-story addition was added to the rear of and attached to the masonry building. The Post membership has grown and now boasts more than 680 members.

The combined structures on the Property comprise approximately 11, 910 square feet. In late 1990, in order to accommodate its growing membership, the Post began the process of obtaining the approvals necessary to legitimize its existing use, remove approximately 1240 square feet of the existing building and add approximately 6400 square feet by expanding the existing structure.

Pursuant to the evidence presented and the final order in Zoning Commissioner Case No. 91-295-XA, a special exception for a community building was granted as were the variances necessary for proposed parking and existing/proposed building setback and signage. The community supported their long-time neighbor in obtaining the necessary zoning relief, including immediately adjoining neighbors. A Critical Area Findings Report and Plan were approved by the Department of Environmental Protection and Resource Management which included the removal of a substantial strip of the existing asphalt along the water's edge and installation of vegetation in this area when the expansion plans were complete. (A copy of those findings is

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

No. 139937

#12

DATE 3/1/94 ACCOUNT [illegible]

CYCLE III #15

R-94-343

AMOUNT $ [illegible]

RECEIVED FROM: VFW: Un. 2678

072 - REGLAS RET - [illegible]

080 - SIGN POSTING - [illegible]

FOR:

DR 5 [illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

NOTE TO THE BOARD

Due to the case being out-of-cycle, Petitioner will be billed directly by Patuxent Publishing (per Gwen of ZADM).

Opinion can go out immediately upon execution!!

Charlotte 7/25/94

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

MAY 24, 1994

NOTICE OF HEARING

CASE NUMBER: R-94-343
6600 North Point Road
NE/S North Point Road, opposite Delmar Road
15th Election District - 7th Councilmanic
Legal Owner(s): Wells-McComas Post #2678

Petition to reclassify the property's zoning from D.R.-5.5 to B.L.

HEARING: Wednesday, July 27, 1994 at 10:00 a.m.

LOCATION: COUNTY COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

William T. Hackett /jlt

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Wells-McComas Post No. 2678
Howard L. Alderman, Jr., Esq.

94 MAY 27 PM 2:55
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COUNTY BOARD OF APPEALS

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

July 27, 1994

NOTICE OF DELIBERATION

The County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

WELLS-McCOMAS POST #2678
CASE NO. R-94-343

DATE AND TIME : **Wednesday, August 17, 1994 at 10:00 a.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

---

cc: Howard L. Alderman, Jr., Esquire — Counsel for Petitioner
Louis F. Caralle, Commander
Wells-McComas Post No. 2678 — Petitioner

McKee & Associates, Inc. — Engineer

James Earl Kraft /Board of Education

People's Counsel for Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No. 15
Case No. R94-343
Petitioner: Wells-McComas Post-2678
Reclassification Petition

Dear Mr. Alderman:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before June 24, 1994. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

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If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

W. CARL RICHARDS
Zoning Manager

WCR:jaw

Enclosures

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 24, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-343
VFW Wells McComas Post 2678
6600 North Point Road
Zoning Advisory Committee Meeting of April 25, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

This property is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA). There are no density restrictions within an IDA category. The BL zone is an appropriate zone within the IDA and therefore this petition for reclassification is supported.

However, any redevelopment of the property under either zone must comply with Section 26-452(a) of the Baltimore County Code which states the following:

> Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

If there are any questions, please contact Ms. Nancy Pentz at 887-3980.

JLP/NSP/tmm

VFW/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

CR-94-323
~~XA~~-363

RE: Property Owner: WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS

LOCATION: NE/S NORTH POINT RD.,OPP. DELMAR RD.(6600 NORTH POINT RD.)

Item No.: CYCLE III ITEM #15 Zoning Agenda: RECLASSIFICATION

Gentlemen:

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

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", 1991 edition prior to occupancy.

RECEIVED
MAY 27 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

June 7, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 15, Cycle III
MD 20
Wells McComas Post
#2678 Veterans of Foreign Wars
of the United States, Inc.
Zoning Reclassification
Mile Post 0.38

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have no objection to approval of the requested zoning reclassification since we have previously issued an access permit No. B-B-5070-93 for the construction of entrance improvements at the referenced property.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this plan.

Very truly yours,

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

included herewith and incorporated herein as Exhibit "A").

Shortly after obtaining all required zoning approvals, the Post became aware of the opportunity to acquire the former Baltimore Christian Academy Property (the "Academy Property") located on the opposite side of North Point Road and slightly west of the Property. The existing improvements on the Academy Property are larger, more modern and are located on a single level, whereas the existing Post home is a three-story structure. Many Post members are precluded from using all of the areas of the existing Post due to the inability to navigate and traverse stairs; such obstacles are not present at the Academy Property. All zoning approvals necessary for the relocation of the Post to the Academy Property have been obtained. During the Baltimore County Council's ("County Council") comprehensive rezoning process in 1992 the plans of the Post to relocate from its existing home were readily and widely known. Notwithstanding the single utility use of the Property as a community building and the knowledge that the existing "community"[1] use was being completely relocated, the County Council retained the existing DR 5.5 zoning on the Property.

The Post has attempted, and continues in its attempts, to locate a purchaser for the Property under its current zoning classification and Special Exception approval. There has been absolutely no interest from any potential purchaser for this existing building which, due to its present zoning classification, may only be used as a community building. Once the Post vacates the Property it will remain an unused, vacant structure, unsuitable for uses permitted in the

---

[1] While the Post is not a "community" organization in the classic sense, for purposes of the Baltimore County Zoning Regulations the use of a structure/land by a charitable and fraternal organization such as the Post is considered a "community building" requiring a Special Exception.

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: June 15, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief RWB/DAK
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 31, 1994
Item No. Cycle III, Item #15
Case No. R-94-343

The Developers Engineering Section has reviewed the subject zoning item. See our comments dated May 9, 1994 to your office for this item.

RWB:sw

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The ~~property~~ owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

April 25, 1994

Hon. William A. Howard, IV
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - 6600 North Point Road

Dear Councilman Howard:

At its regular monthly meeting on April 21, 1994, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the property at 6600 North Point Road (the Wells-McComas VFW Post), is manifestly required because of emergency.

Enclosed is the report on this matter by the Office of Planning and Zoning, as accepted by the Planning Board. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Dave Fields

P. David Fields, Secretary
Baltimore County Planning Board

PDF/HSR/mjm
PETITION/PZONE/TXTMJM

Enclosures

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
William T. Hackett, Chairman, Board of Appeals
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel
Howard L. Alderman, Jr., Petitioner's attorney

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B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Baltimore County Planning Board DATE: March 15, 1994

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: REQUEST FOR CERTIFICATION - 6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678, VFW, INC.

The attached letter from Howard L. Alderman, Jr., Esquire, on behalf of Veterans of Foreign Wars of the United States, Incorporated, requests certification by the Planning Board of out-of-cycle action on a zoning petition for reclassification of the subject property from D.R. 5.5 to B.L. In addition, a copy of a letter from the North Point Peninsula Community Coordinating Council is attached for your information.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by the planning staff and without taking a position on the merits of the case, we recommend that the Board should certify that early action upon this zoning reclassification petition is required.

Dave Fields

P. David Fields

PDF:JL:lw
DFNPT.RD/PZONE/TXTLLF

Attachment

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

RECEIVED
MAR 14 1994
OFFICE OF
PLANNING & ZONING

March 11, 1994

P. David Fields, Director
Baltimore County Office of Planning and Zoning
County Courts Building
Room 406
Towson, Maryland 21204

RE: Wells-McComas Post #2678, VFW, Inc.
Proposed Zoning Reclassification
6600 North Point Road
Seventh Councilmanic District
Request for Baltimore County Planning Board
Consideration and Action
Letter of Community Support

Dear Mr. Fields:

In my letter to you of March 2, 1994 requesting consideration and action by the Baltimore County Planning Board on removing the above-referenced reclassification petition from the normal cyclical procedures, I indicated that my clients had met recently with members of the affected community. I am pleased to provide you with a copy of a letter dated February 17, 1994 from the North Point Peninsula Community Coordinating Council indicating the community support of the reclassification from DR 5.5 to that of Business Local.

You will also note in the enclosure that the community has provided, at the request of my client, a list of undesirable uses that would be otherwise available under the BL classification. My client remains ready and able to meet with the community and prepare a suitable set of covenants restricting these uses from the land if reclassified, and has committed to requesting that the Board of Appeals incorporate any such covenants in any order granting the requested reclassification.

I hope that this additional information provides you with further evidence of the widespread support and need for the

requested reclassification. As always, if I can provide you or your staff further information please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLAJr/ls

Enclosure

cc w/encl: Louis F. Caralle, Commander
The Honorable Roger B. Hayden, County Executive
The Honorable Donald C. Mason
Mr. James M. McKinney
Mr. William Kessler
Arnold Jablon, Director
Peter Max Zimmerman, Peoples Counsel for Baltimore County
Ms. Patricia Beere

NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL

7741 North Point Creek Road
Baltimore, MD 21219
February 17, 1994

Commodore Louis Caralle
VFW-Wells McComas Post #2678
6500 North Point Road
Baltimore, MD 21219

Dear Lou,

In response to the presentation made by Mr. John Gistedt and Mr. Howard Alderman Jr, the attorney representing your organization on February 3, 1994, the North Point Peninsula Community Coordinating Council has voted to support your efforts to rezone your property at 6600 North Point Road from its' present DR 5.5 to the requested Business Local designation.

During the presentation Mr. Alderman agreed to place certain covenants as a condition of our support as part of the deed that would list the undesirable uses of the property in the residential area where located.

The following list is comprised of the undesirable uses:

- Alcohol-Beverage Package Store
- Amusement Devices
- Arcade
- Billiard-Pool Room
- Tavern-Bar
- Boat Yard-Marina
- Dry Cleaning Plant
- Sludge Disposal Facility (all five categories)
- Wireless Transmitted & Receiving Structure
- Possible future classifications of: After Hours Club, Flea Market, Massage Parlor

Knowing the good neighbor the VFW has always been and the positive influence of its' community involvement, we hopefully expect the organization to keep in mind the effect this property has in our community and should any use that would have an adverse effect come up that is not listed, we depend on the VFW to use its' good judgement to protect the community.

Sincerely,

Virginia Tolbert

Virginia Tolbert
President

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MAR 14 1994

OFFICE OF
PLANNING & ZONING

MAR 7 1994

B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office C rrespondence

TO: W. Carl Richards
Zoning Office

DATE: May 19, 1994

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition /Wells-McComas Post No. 2678, Veterans of Foreign Wars of the United States, Inc.
NE/s North Point Road, opposite Delmar Road
(6600 North Point Road) 15th Election District; 7th Councilmanic District
Approval by Council Council and
Date for Hearing before the Board (July 27, 1994)

Carl:

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Wednesday, July 27, 1994 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its May 16, 1994 meeting (a copy of Resolution 44-94 is attached for your information and file). Therefore, this matter has been scheduled for hearing on July 27, 1994 in lieu of the previously scheduled hearing date of December 8, 1994 as part of Cycle III (Item #15, Cycle III, 1994).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of July 27, 1994.

Should you have any questions, please call me at extension 3180.

Kathi

cc: Gwen Stephens
Jeffrey Long /Planning
Office of People's Counsel

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COUNTY BOARD OF APPEALS
94 MAY 18 AM 11:24

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Ruppersberger, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Donald C. Mason
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

May 17, 1994

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

Dear Mr. Hackett:

Attached please find a copy of Resolution 44-94 to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its May 16, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

Density Residential zoning classification.

Master Plan

The *Baltimore County Master Plan 1989 - 2000* ("Master Plan") was adopted by the Planning Board and by the County Council on February 5, 1990. The Property is located within an area identified in the Master Plan as "Community Conservation." One of the strategic issues identified in the Master Plan is to "conserve, revitalize and enhance our older residential communities."[2] The proposed reclassification will help to redevelop and stabilize an older community versus the alternative of business interests looking toward the fringe development areas, and it will direct private economic resources into an existing built community.

The Master Plan called for the development of a North-Point Wells-McComas Community Plan as a specific program of Local Action to occur between 1990-92.[3] No such Community Plan has ever been developed. Likewise, the "Neighborhood Business Zone" recommended by the Master Plan has never been adopted.

The requested reclassification would permit a compatible neighborhood business to be located adjacent to existing residential areas. The alternative is that which was erroneously selected by the County Council -- a large, commercial-like structure standing vacant in the neighborhood. This is exactly the condition recommended against by the Master Plan.

Change/Mistake

The County Council has recognized the neighborhood area in which the Property is

---

[2] Master Plan at 3.

[3] Master Plan at 40.

C[illegible]TY COUNCIL OF BALTIMORE COUNTY ARYLAND

LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 10

RESOLUTION NO. 44-94

MR. DONALD C. MASON, COUNCILMAN

BY THE COUNTY COUNCIL, MAY 16, 1994

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated April 25, 1994, has certified that early action on the Petition for Zoning Reclassification filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), requesting a reclassification of the above described property, is manifestly required because of emergency; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post) be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R04394/RES94

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
Baltimore County Board of Appeals

DATE: July 19, 1994

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. R-94-343/6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC.

At its regularly scheduled monthly meeting on April 21, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on May 16, 1994.

Enclosed herewith is a copy of the report of the Office of Planning and Zoning.

Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.343/PZONE/CYCLE

94 JUL 25 AM 10:22
COUNTY BOARD OF APPEALS

CASE NO. R-94-343

PETITIONER:

Wells McComas Post No. 2678

REQUESTED ACTION:

Reclassification to B.L. (Business-Local)

EXISTING ZONING:

D.R. 5.5 (Density Residential)

LOCATION:

Northeast side of North Point Road, at Greenhill Cove

AREA OF SITE:

1.255 Acres±

ZONING OF ADJACENT PROPERTY/USE:

North - Waterfront (Greenhill Cove)
East - D.R. 5.5 - Residential
South - D.R. 5.5 - Residential
West - D.R. 5.5 - Residential

SITE DESCRIPTION:

The site is presently improved with a two-story community building and a macadam parking area.

PROPERTIES IN THE VICINITY:

This waterfront property is located along Greenhill Cove and is also adjacent to the Edgemere business area on North Point Road. The general vicinity is comprised of a mix of residential and commercial uses, with the commercial endeavors being those which primarily serve the local community.

WATER AND SEWERAGE:

The parcel is served by public water and sewer, and the area is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site fronts on North Point Road, which is designated as a minor arterial.

ZONING HISTORY:

The property has been zoned D.R. 5.5 since 1976. The V.F.W. Post No. 2678 has occupied the Post at the subject site since 1932. On April 30, 1991, the Zoning Commissioner granted the applicant's request to construct an addition and to continue to use the existing community building. In addition, variances were granted for an existing setback deficiency, an existing sign, and to permit 99 parking spaces in lieu of the required 106 spaces (see Case No. 91-295XA).

MASTER PLAN/COMMUNITY PLANS:

This parcel is located within the area designated as a community conservation area in the Baltimore County Master Plan. Within these areas, small commercial uses serving general community needs are fostered, and "the redevelopment of older underutilized parcels in areas already served by public facilities becomes an attractive alternative."

PROPOSED VS. EXISTING ZONING:

The regulations governing D.R. zones may be found in Section 1B01 of the Baltimore County Zoning Regulations. Regulations governing the B.L. zone may be found in Section 230 of the Baltimore County Zoning Regulations.

The B.L. zone permits a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property. The D.R. 5.5 zone permits a density of 5.5 dwelling units per acre.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff finds that the subject request is not without merit, however, consistent with the position of this office regarding open site plan filings, we cannot support the applicant's request at this time. It is important to note, however, that the North Point Peninsula Community Coordinating Council is supportive of the rezoning provided that convenants are filed to control against the following uses which were deemed to be undesirable by the community:

Liquor Store
Amusement Devices
Arcade
Billiard-Pool Room
Tavern
Marina
Dry cleaning plant

Sludge disposal facility (five categories)
Wireless transmitting and receiving device
After hours club
Flea Market
Massage Parlor

OTCY94.343/PZONE/CYCLE

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Wells-McComas Post #2678, Veterans of Foreign Wars of the United States, Inc.
Case No. R-94-143

DATE : August 17, 1994

BOARD /PANEL : Michael B. Sauer, Acting Chairman (MBS)
C. William Clark (CWC)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

- Opening statements by Acting Chairman Sauer; case closed; all testimony and evidence received. Pursuant to open sessions law, Board is deliberating; purpose of today's hearing is deliberation only.

Those present included Howard L. Alderman, Jr., Esquire, counsel for Petitioner; and Peter Max Zimmerman, People's Counsel for Baltimore County.

Purpose --to deliberate issues and matter of petition for reclassification filed by Petitioner; testimony and evidence taken on July 27, 1994; written Opinion and Order to be issued by Board setting forth written findings of fact.

CWC: Opening comments; review of request by the VFW to change zoning from D.R. 5.5 to B.L.; property used by VFW for community-type use since before the existence of zoning in Baltimore County; reviewed present zoning; inaccessibility of upper floors; passage of Americans with Disabilities Act, certain parts of which were phased in over last calendar year, and need to comply; discussed present nonconforming use and dissimilarity of building with other residences in neighborhood; not subject of issue in 1992 map process; per Planning & Zoning, has merit; won't approve with open plan; convinced by evidence that problems in bringing building up to code and necessary conversion were not readily visible; would not have been apparent to County Council; events not taken into account by Council; occurred subsequently to map process.

Persuaded by evidence and finds as fact that zoning is in error and Petition should be granted.

Minutes of Deliberation /Wells-McComas Post #2678 R-94-343

MBS: Had opportunity to review evidence and testimony in this case; concurs with the reasons given by CWC in his factual determination that there is error in present zoning, and zoning should be B.L. Simply points out fact that there was expert testimony offered by Norman Gerber in the proceedings; based upon this expert testimony is convinced that burden has been met to show error/mistake.

Based upon Mr. Gerber's testimony and concurrence with Mr. Clark, petition should be granted.

SDL: Must keep in mind spirit and intent of zoning regulations; for benefit of community and not against community interests. VFW posts provide service to community and to Edgemere. Norman Gerber testified that if Post moves to new property, vacant building would be detrimental to community; if it were sold, would be beneficial to community. Also points out there was no opposition by the community association very active in defending Edgemere area; only issue is whether County Council erred during 1992 comprehensive process. Using as a basis Boyce v. Sembly, believes that the County Council did err.

Will not go into details; however, taking into note Gerber's testimony, would grant Petition for Reclassification from D.R. 5.5 to B.L.

Closing statement by Acting Chairman Sauer; concludes proceeding; written Opinion and Order to be issued by the Board granting Petition as indicated during deliberation; appellate period to run from date of that written Opinion and Order.

Respectfully submitted,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC. NE/s North Point Road, opposite Delmar Road (6600 North Point Rd)	#R-94-343 Item #15, Cycl III, 1994 15th Election District 7th Councilmanic District
From D.R. 5.5 to B.L.	1.255 acres

March 1, 1994 Petition for Reclassification filed by Howard L. Alderman, Jr., Esquire, on behalf of Wells-McComas Post No. 2678, VFW of the U.S., Inc., Petitioner.

Howard L. Alderman, Jr., Esquire — Counsel for Petitioner
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

Louis F. Caralle, Commander — Petitioner
Wells-McComas Post No. 2678
Veterans of Foreign Wars of the
United States, Inc.
6600 North Point Road
Baltimore, MD 21219

McKee & Associates, Inc. — Engineer
Shawan Place, 5 Shawan Road
Hunt Valley, MD 21030

James Earl Kraft /Board of Education
Mail Stop #1102-J

People's Counsel for Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/27/94 -Hearing concluded before Board; deliberation to be scheduled and notice sent to parties.

- Deliberation scheduled for Wednesday, August 17, 1994 at 10:00 a.m.; Notice of Deliberation sent to following:

Howard L. Alderman, Jr., Esquire
Louis F. Caralle, Commander
Wells-McComas Post No. 2678
McKee & Associates, Inc.
James Earl Kraft /Board of Education
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

8/17/94 -Deliberation held; Petition for Reclassification from D.R. 5.5 to B.L. GRANTED by Board; written Opinion/Order to be issued; appellate period to run from date of that written Order. (HCM)

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 13, 1995

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. R-94-343
Item #15, Cycle III, 1994
WELLS-MCCOMAS POST NO. 2678

Dear Mr. Alderman:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

cc: Louis F. Caralle, Commander
Wells-McComas Post No. 2678
James Earl Kraft
People's Counsel for Baltimore County

Printed with Soybean Ink
on Recycled Paper

located as proper for commercial zoning.[4] Absent the requested reclassification to enable the Property to be used for neighborhood commercial purposes, the movement of the Post home to the Academy Property pursuant to the zoning approvals granted further changes the neighborhood by leaving behind a large, vacant building inappropriate and unusable for any residential purposes permitted by its existing classification.

The failure of the County Council to recognize facts in existence at the time of the last comprehensive rezoning which justified a change of the classification on the Property constitutes a clear case of mistake or error. Likewise any assumption by the County Council that the Property could be used for its permitted residential purposes was erroneous.

Community Contact

The Post has met with the organized leadership of the Community and has received widespread support of its Petition. The Post has offered voluntarily to subject the Property to covenants thereby restricting objectionable neighborhood uses that are otherwise available in the BL zone. The Community has agreed to work cooperatively with the Post in the development of the list of restricted uses. The Post will request that any such covenants be incorporated in and made a part of any order of the Board granting the requested BL classification.

Summary

The facts and circumstances which form a significant portion of the basis for this request were widely known during the last comprehensive process. The mistake of the County Council

---

[4] Please refer to the introductory discussion in this Memorandum regarding nearby commercially zoned property. It should be noted that not all of the described commercially zoned property is improved with the same type of commercial-like structure as the subject Property.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: January 13, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. R-94-343
Item #15, Cycle III, 1994
WELLS-MCCOMAS POST NO. 2678
District 15

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

REVISED
3/30/94

1626-94

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD
TELEPHONE: (410) 527-1555

HUNT VALLEY, MARYLAND 21030
FACSIMILE: (410) 527-1563

DATE: March 29, 1994

TO: Baltimore County Z.A.D.M.

RE: 6600 North Point Road
R-94-343

ATTENTION: Carl Richards

Gentlemen:

☒ We are submitting ☒ Herewith ☐ Under separate cover

☐ We are forwarding

☐ We are returning

No.	Description
14	Prints of revised plan

☐ For processing ☐ For your use

☒ For your review ☐ Please call when ready

☐ In accordance with your request ☐ Please return to this office

RECEIVED
MAR 29 1994
BALTIMORE COUNTY
ZADM/DM

Remarks:

For further information, please contact the writer at this office.

RECEIVED
MAR 29 1994
ZADM

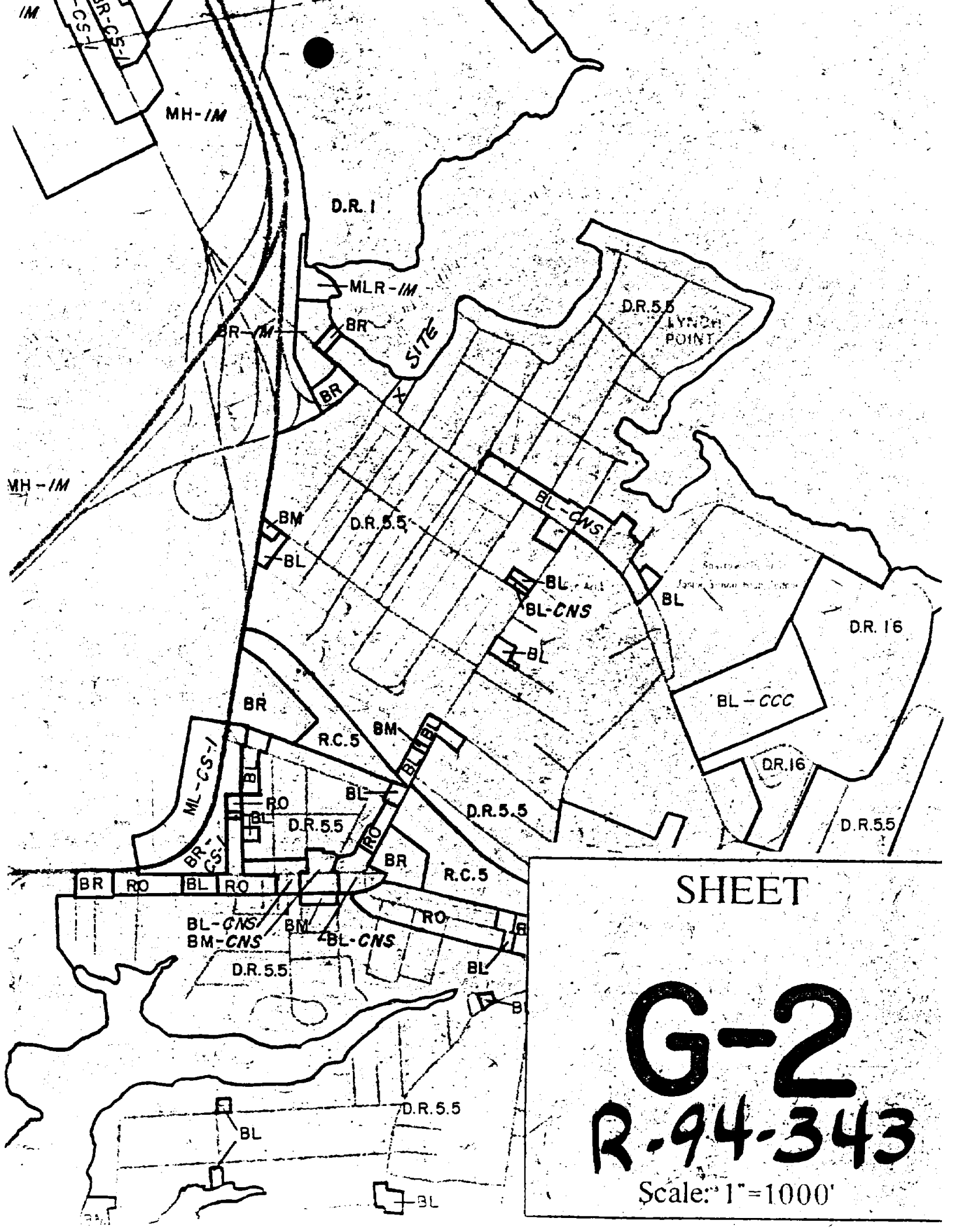
Very truly yours,

McKee & Associates Inc.

Harlan M. Barr, Jr.

Harlan M. Barr, Jr., Associate

Enclosures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BR-IM
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SITE
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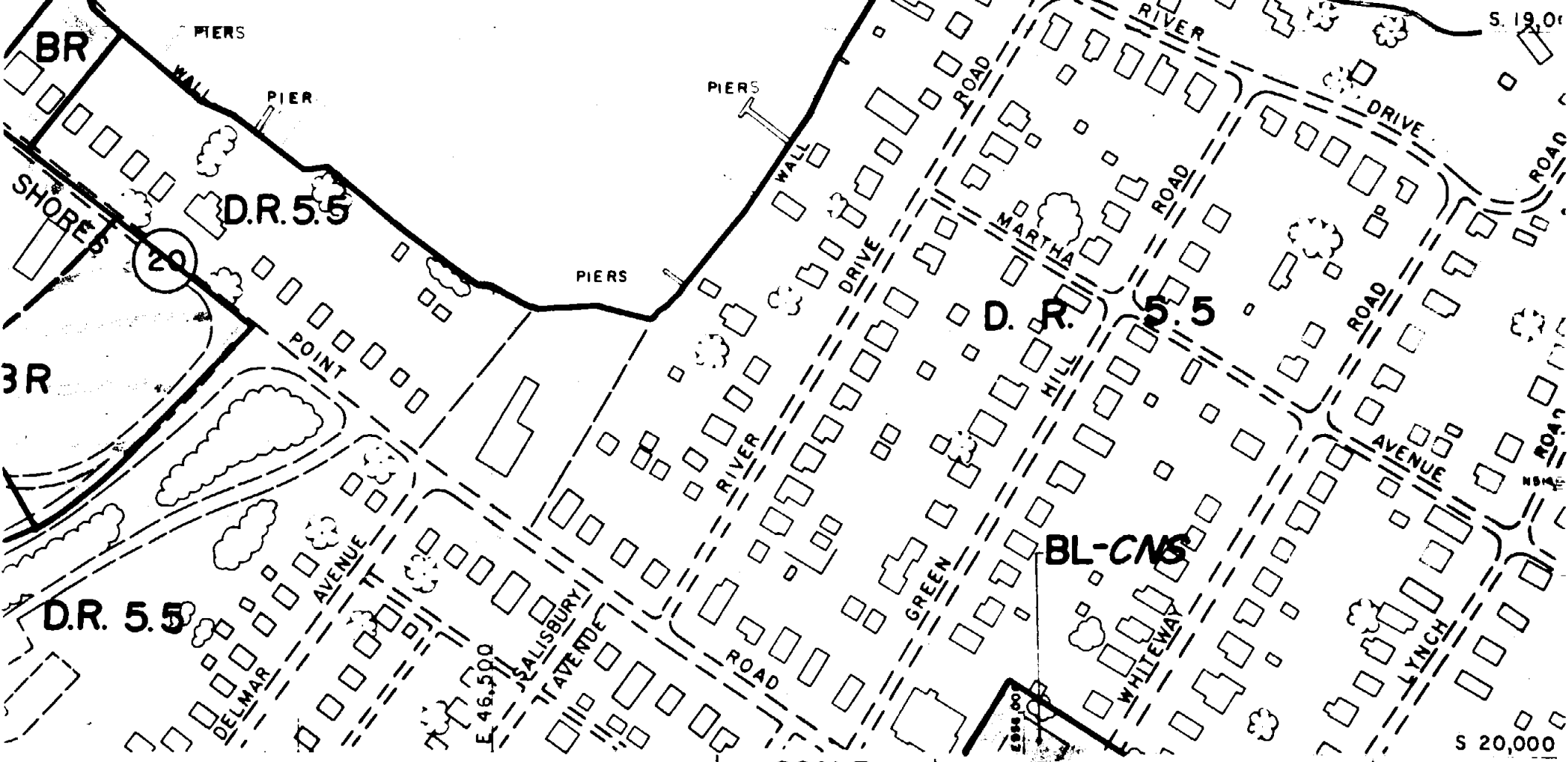


1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

NG

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH POINT EDGEMERE	S.E. 5-H
DATE OF PHOTOGRAPHY JANUARY 1986		

R.94.343

WELLS McCOMAS

POST NO. 2678

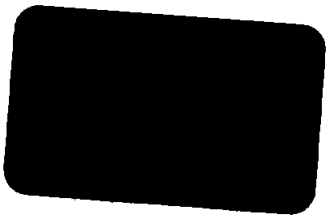
VETERANS OF FOREIGN WARS

OF THE UNITED STATES,

INCORPORATED

Petition for Reclassification

Case No. R-94-343



WELLS McCOMAS

POST NO. 2678

VETERANS OF FOREIGN WARS

OF THE UNITED STATES,

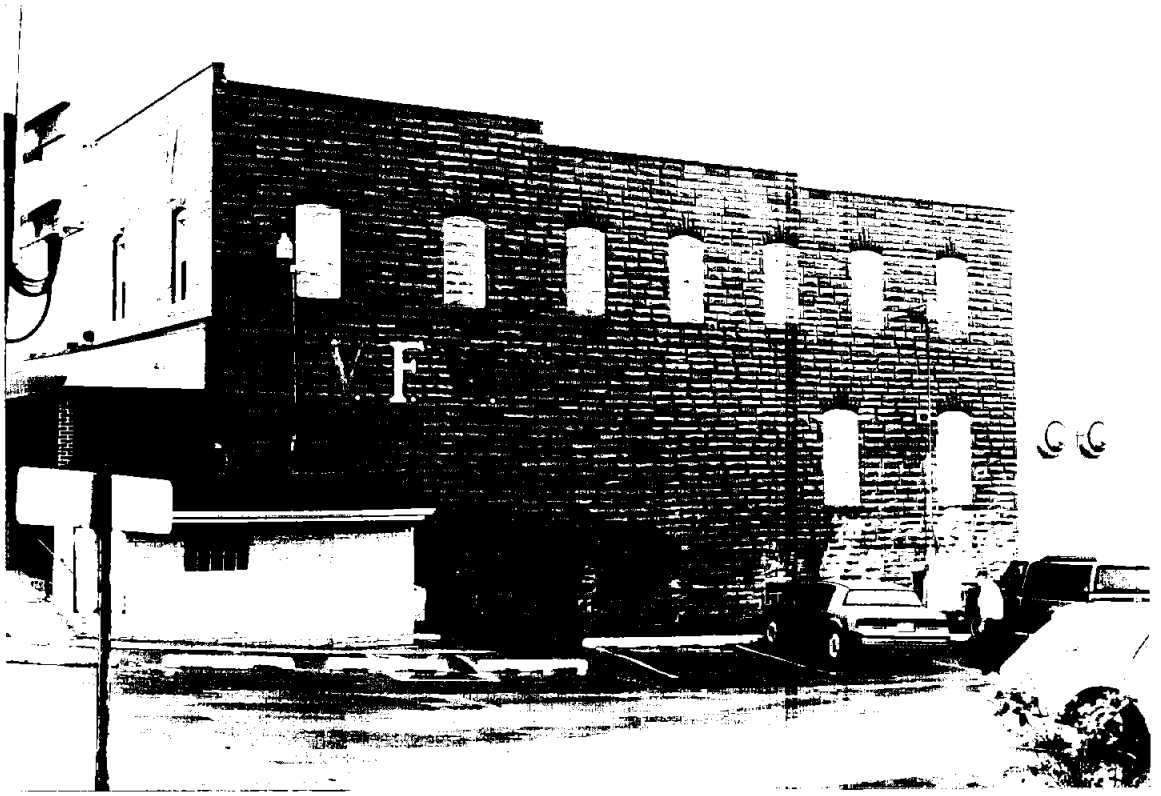
INCORPORATED

Petition for Reclassification

Case No. R-94-343

PETITIONER'S EXHIBIT

A



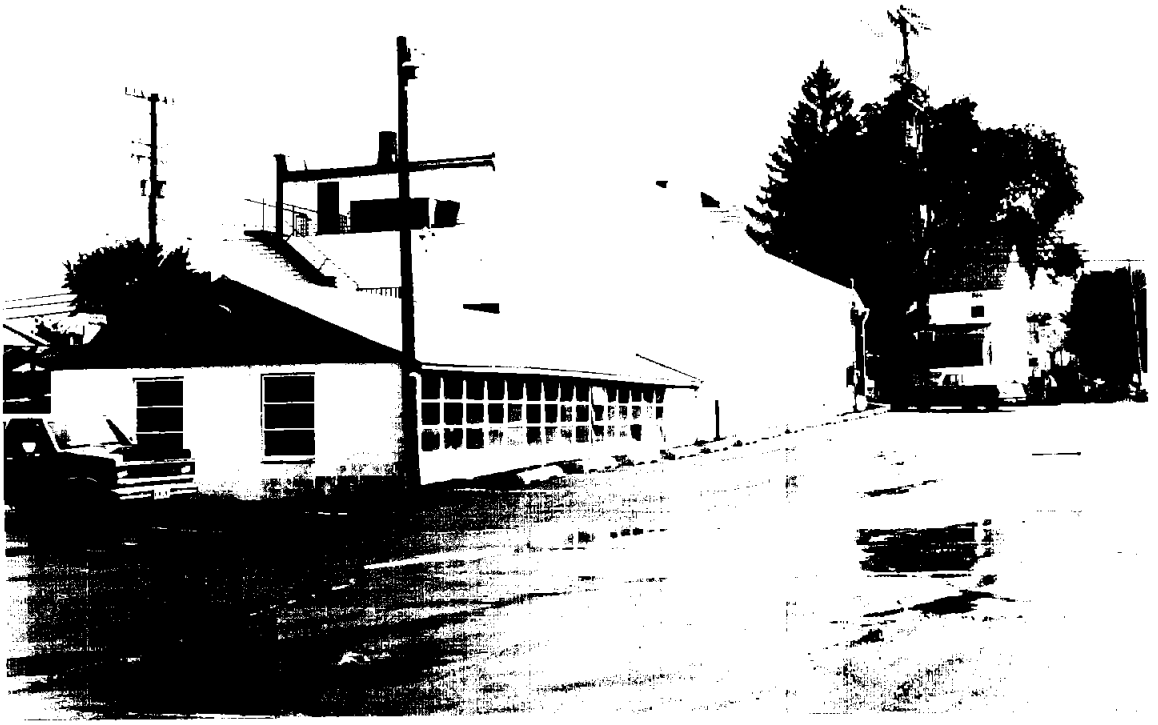
PETITIONER'S EXHIBIT

B

PETITIONER'S EXHIBIT
C

PETITIONER'S EXHIBIT
D

PETITIONER'S
EXHIBIT
E



PETITIONER'S
EXHIBIT
F

PETITIONER'S
EXHIBIT
G

in not reclassifying the Property is obvious. For all of the above reasons, as well as those which will be presented to the Board at the hearing on the Petition for Reclassification, the Post respectfully requests that its Petition for Reclassification be granted. The Post's undersigned counsel and members of the Post remain available to answer any questions that staff members of OPZ or members of the Planning Board may have.

Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204
(410) 321-0600

Attorneys for Petitioner

PETITIONER'S EXHIBIT

4

PETITIONER'S EXHIBIT

7

PETITIONER'S EXHIBIT

PETITIONER'S EXHIBIT

K

PETITIONER'S EXHIBIT
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PETITIONER'S
EXHIBIT
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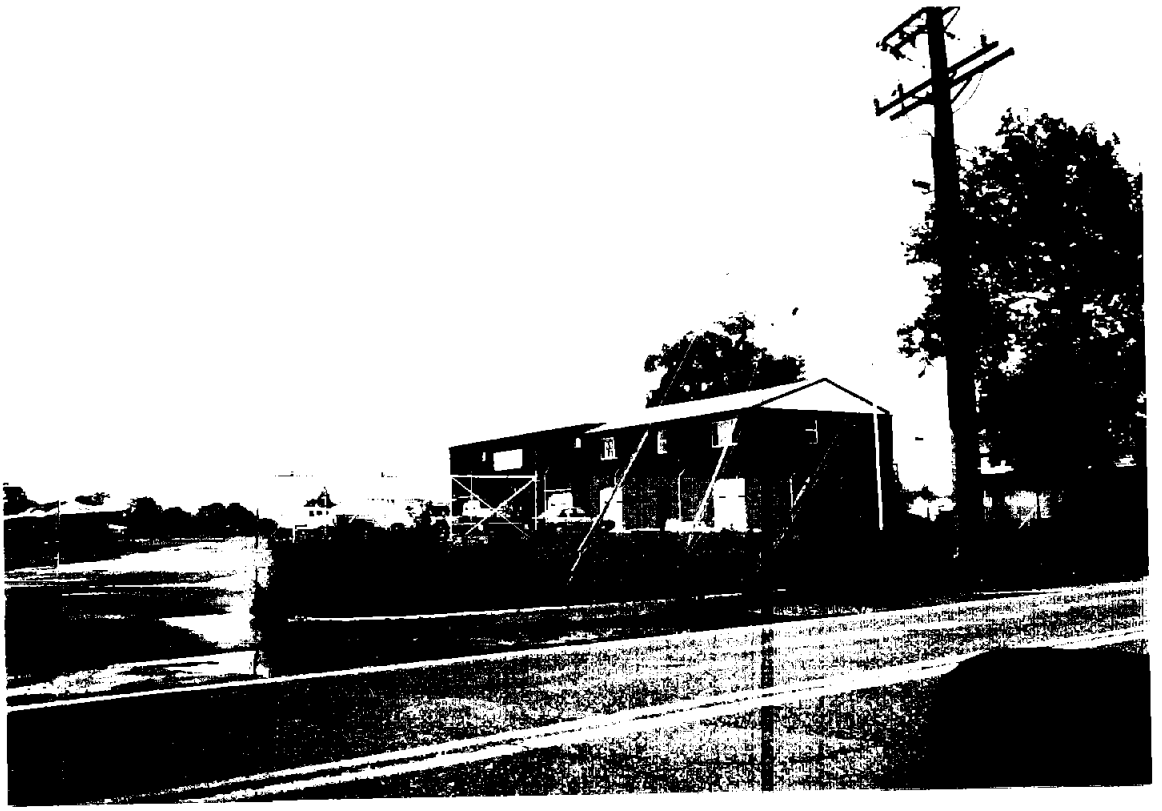

PETITIONER'S
EXHIBIT
O

PETITIONER'S
EXHIBIT
P

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE NE/S North Point Road, 200 ft. NW of c/l River Drive Road 15th Election District 7th Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	CASE # 91-295-XA
Wells McComas Post #2678 Veterans of Foreign Wars of the United States, Inc. Petitioner	*	

PETITIONER'S EXHIBIT 4

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval, pursuant to the Petition for Special Exception, and Section 1B01.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to use the hereindescribed property for an existing community building and proposed addition thereto; and, pursuant to Petition for Zoning Variance, a variance from Sections 1B02.2.B and 504.2 of the Baltimore County Zoning Regulations and CMDP Section V.B.2, Table 5-4 to permit for an existing building a front yard setback of 13 ft. in lieu of the 40 feet required; a variance from Section 413.1.e.(1) of the B.C.Z.R. to permit existing, non-illuminated attached signs of 107.5 square feet and an existing non-illuminated free standing sign of 7 square feet (combined total of 114.5 sq. ft.) in lieu of the 15 sq. ft. permitted; a variance from Section 409.6.A of the B.C.Z.R. to permit a total of 99 parking spaces in lieu of the 106 spaces required, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Harland M. Barr, appeared and testified and was represented by Howard L. Alderman, Esquire. Also appearing on behalf of the Petitioner were Eugene Bridges, Sr., Pauline C. Bridges, Paul W. Bunton, Genevieve L. Bunton, Carl M. McElhose, Lou Rehak and Phil Medlin. There were no Protestants.

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - S/S North Point Road, 80.5' W of the c/l of Delmar Avenue (6521 North Point Road) 15th Election District 7th Councilmanic District

Resolution Trust Corp. for the John Hanson Federal Savings Bank

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-262-XA

* * * * * * * * * *

PETITIONER'S EXHIBIT 5

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception seeking approval to establish a community building on the subject property pursuant to Section 1B01.C.6 of the Baltimore County zoning Regulations (B.C.Z.R.), and a Petition for Zoning Variance from Section 409.6A of the B.C.Z.R. to permit 154 parking spaces in lieu of the required 171 spaces, and from Section 413.1.e(1) to permit three single-faced signs with a combined total of 90 sq.ft. in lieu of the one sign of 15 sq.ft. permitted, all as more particularly described on the site plan which accompanied these Petitions marked Petitioner's Exhibit 1.

The Co-Petitioner, by Andrew Michalski, Commander of Wells-McComas Post No. 2678 of the Veterans of Foreign Wars, Inc., (VFW), Contract Purchaser, appeared, testified and was represented by Howard L. Alderman, Jr., Esquire. Numerous other VFW members appeared in support of the Petitions but did not testify. Appearing as interested parties in the matter were Robert and Edna Bittner, Margaret S. Cotter, Nicholas Stella and Jimmie D. Harvey, all residents of the area.

Testimony indicated that the subject property, known as 6521 North Point Road, consists of 6.89 acres, more or less, zoned D.R. 5.5 and is improved with a one-story brick building. Said property is located within the Chesapeake Bay Critical Areas near Greenhill Cove. The Wells-McComas

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

April 25, 1994

Hon. William A. Howard, IV
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - 6600 North Point Road

Dear Councilman Howard:

At its regular monthly meeting on April 21, 1994, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the property at 6600 North Point Road (the Wells-McComas VFW Post), is manifestly required because of emergency.

Enclosed is the report on this matter by the Office of Planning and Zoning, as accepted by the Planning Board. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Dave Fields

P. David Fields, Secretary
Baltimore County Planning Board

PDF/HSR/mjm
PETITION/PZONE/TXTMJM

Enclosures

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
William T. Hackett, Chairman, Board of Appeals
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel
Howard L. Alderman, Jr., Petitioner's attorney

PETITIONER'S EXHIBIT 6

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on Recycled Paper

RECEIVED
COUNTY BOARD OF APPEALS

94 MAY 18 AM 11:24

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Ruppersberger, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Donald C. Mason
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

May 17, 1994

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

Dear Mr. Hackett:

Attached please find a copy of Resolution 44-94 to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its May 16, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

PETITIONER'S EXHIBIT 1

IN RE: PETITION FOR ZONING RECLASSIFICATION 6600 North Point Road Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated, Petitioner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.:

MEMORANDUM IN SUPPORT OF PETITION

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED (referred to hereinafter as "Owner" or "Post"), in support of its Petition for Reclassification of the property which it owns at 6600 North Point Road (the "Property") submits the following information for consideration by the staff of the Office of Planning and Zoning ("OPZ"), the Baltimore County Planning Board ("Planning Board"), and the County Board of Appeals for Baltimore County ("Board").

Location/Zoning

The Property is located in the Seventh Councilmanic District at 6600 North Point Road, on the northeast side of that road and binding on Greenhill Cove. The Property is mapped as an Intense Development Area ("IDA") within the Chesapeake Bay Critical Area. Approximately 300 feet in a northwest direction begins a substantial area of commercial zoning containing classifications of BR and BR-IM. Less than 700 feet to the southeast is the beginning of a BL-CNS zone. Existing residential uses adjoin the Property on three sides, with Greenhill Cove

PETITIONER'S EXHIBIT 9

EXHIBIT "A"

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Robert C. Covahey, Chief
Bureau of Public Services

DATE: March 9, 1992

FROM: J. James Dieter, Director

SUBJECT: Chesapeake Bay Critical Area Findings
Wells-McComas Post #2678, VFW, In
Zoning Case # 92-262-XA

SITE LOCATION

The subject property is located at 6521 North Point Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Wells-McComas Post #2678, VFW, Inc.

APPLICANT PROPOSAL

The applicant proposes to use an existing building as a community building and to construct an entrance road and parking lot. The existing site contains two non-tidal wetlands, a gravel road through one of these wetlands, a paved road adjoining this same wetland, a small parking lot, and the existing building.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL

7741 North Point Creek Road
Baltimore, MD 21219
February 17, 1994

Commodore Louis Caralle
VFW-Wells McComas Post #2678
6500 North Point Road
Baltimore, MD 21219

Dear Lou,

In response to the presentation made by Mr. John Gistedt and Mr. Howard Alderman Jr, the attorney representing your organization on February 3, 1994, the North Point Peninsula Community Coordinating Council has voted to support your efforts to rezone your property at 6600 North Point Road from its' present DR 5.5 to the requested Business Local designation.

During the presentation Mr. Alderman agreed to place certain covenants as a condition of our support as part of the deed that would list the undesirable uses of the property in the residential area where located.

The following list is comprised of the undesirable uses:

- Alcohol-Beverage Package Store
- Amusement Devices
- Arcade
- Billiard-Pool Room
- Tavern-Bar
- Boat Yard-Marina
- Dry Cleaning Plant
- Sludge Disposal Facility (all five categories)
- Wireless Transmitted & Receiving Structure
- Possible future classifications of: After Hours Club, Flea Market, Massage Parlor

Knowing the good neighbor the VFW has always been and the positive influence of its' community involvement, we hopefully expect the organization to keep in mind the effect this property has in our community and should any use that would have an adverse effect come up that is not listed, we depend on the VFW to use its' good judgement to protect the community.

Sincerely,

Virginia Tolbert

Virginia Tolbert
President

RECEIVED

MAR 14 1994

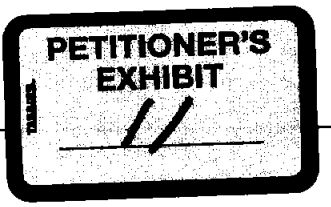
OFFICE OF
PLANNING & ZONING

PETITIONER'S EXHIBIT
1p

MAR 7 1994

NO CONSIDERATION
NO TITLE EXAMINATION

Property Tax Acc't No.: _____



RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT is entered into this 25th day of JULY, 1994, (the "Agreement") by and between WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED, a Maryland corporation (hereinafter the "**Post**") and the NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL (hereinafter the "**Community**").

RECITALS:

WHEREAS, the Post, by virtue of various deeds recorded among the Land Records of Baltimore County is the fee simple owner of that real property as now improved and located in the 15th Election District of Baltimore County and being known as 6600 North Point Road (the "**Property**"[1]); and

WHEREAS, the Post has operated a "community building" as defined under the Baltimore County Zoning Regulations on the Property for many years; and

WHEREAS, the Property is currently zoned DR 5.5 under the provisions of the Baltimore County Zoning Regulations; and

[1] The Property owned by the Post was acquired by the following deeds recorded among the Land Records of Baltimore County as follows: i) Deed dated November 29, 1965, Liber 4552, folio 572; ii) Deed dated January 15, 1948, Liber 1645, folio 529; iii) Deed dated March 25, 1936, Liber 972, folio 85; and iv) Deed dated August 27, 1951, Liber 2007, folio 462.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No. 15
Case No. R94-343
Petitioner: Wells-McComas Post-2678
Reclassification Petition

Dear Mr. Alderman:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before June 24, 1994. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

PETITIONER'S EXHIBIT
IV

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on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
Baltimore County Board of Appeals

DATE: July 19, 1994

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. R-94-343/6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC.

At its regularly scheduled monthly meeting on April 21, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

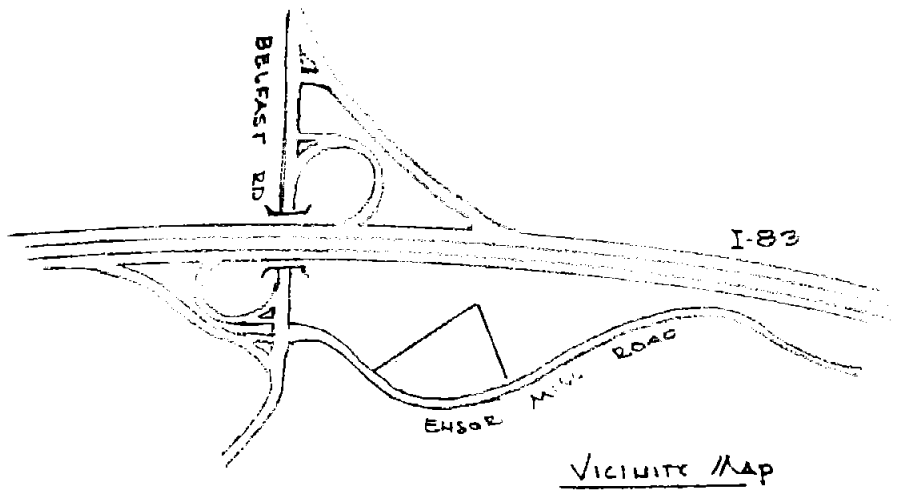
The County Council unanimously approved a Resolution approving the Planning Board's certification on May 16, 1994.

Enclosed herewith is a copy of the report of the Office of Planning and Zoning.

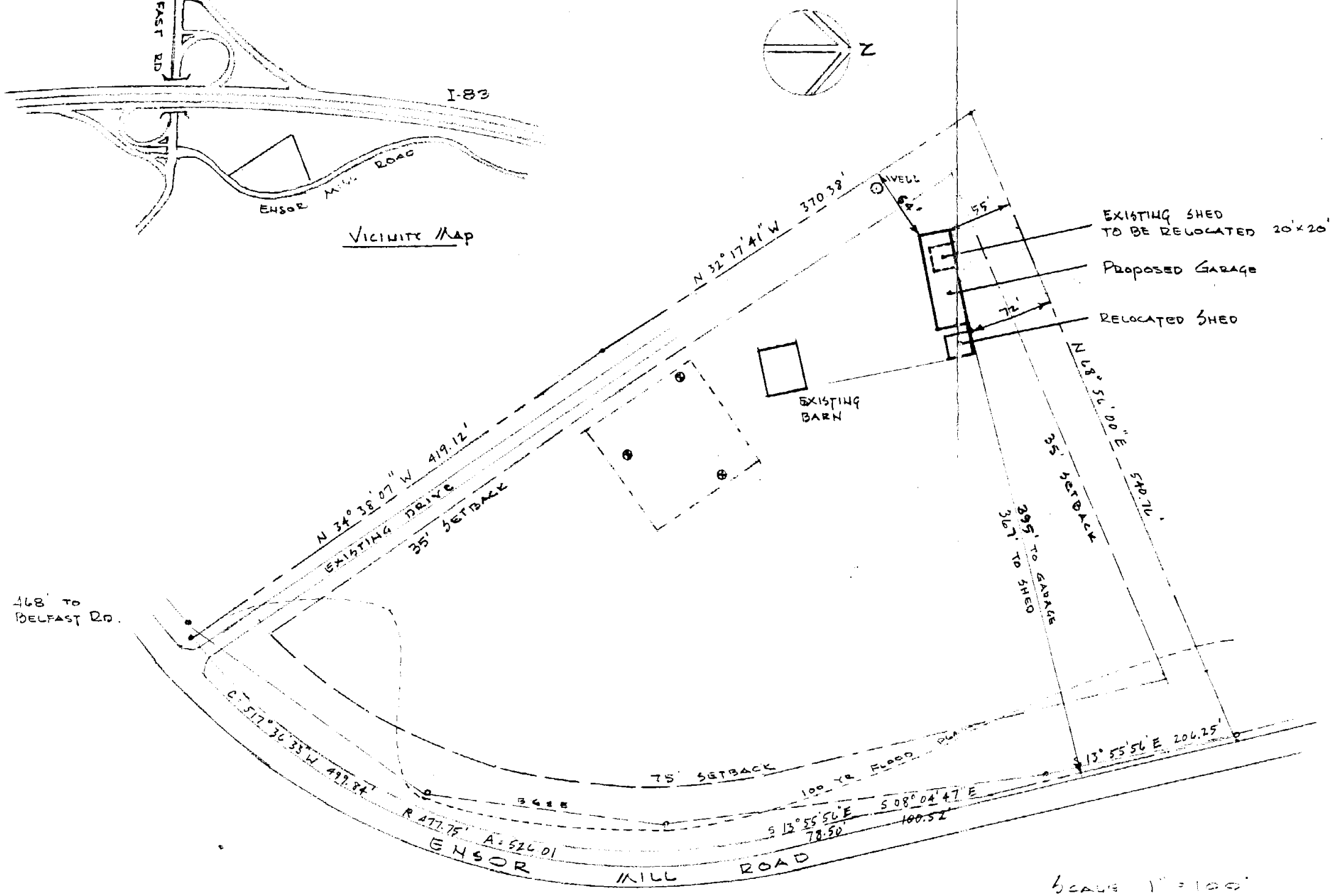
Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.343/PZONE/CYCLE

PETITIONER'S EXHIBIT 13



VICINITY MAP



SCALE 1" = 100'

LOCATION: 15516 ENSOR MILL ROAD
SPARKS, MARYLAND 21152

OWNERS: MR & MRS DONALD K. TAYLOR
18425 FORESTON RD
PARKTON, MARYLAND 21120

ZONING: RC 2

DEED REF: LIBER 7159 FOLIO 0380

DISTRICTS: 8th ELECTION DISTRICT
3rd COUNTY COUNCIL DISTRICT

AREA: 6.525 ACRES

TAX ACCT. NO: 08-05-063540

8/1/96
OK as within the Spirit & Intent of my Order in Case No. 94-357XA
Timothy Kotroco

B278123

APPLICATION NO.

A PETITION FOR SPECIAL EXCEPTION TO PERMIT A LANDSCAPE SERVICE OPERATION ON RC-2 ZONED PROPERTY AND A PETITION FOR VARIANCE FROM SECTION 404.1A OF THE BCZR TO PERMIT AN INTERNAL ROADWAY SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 25 FEET WERE APPROVED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY IN CASE NO. 94-357 XA, MAY 4, 1994.

PLOT PLAN TO ACCOMPANY
APPLICATION FOR BUILDING PERMIT
FOR GARAGE & SHED RELOCATION
15516 ENSOR MILL ROAD

7/96

1-800-224-5237

ROYAL FARM

ROYAL
FARMS
ROYAL
FARMS

Dundalk
FARM
MARKET
DON MASON

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

   Finding: The site is located approximately 1000 feet from the tidal waters of Greenhill Cove and no streams exist on or in the vicinity of the site. Therefore no disturbance of the 100 foot buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland an unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

   Finding: A portion of one of the two non-tidal wetlands is proposed to be filled for the construction of the entrance road. The filling totals approximately 300 square feet on the perimeter of this non-tidal wetland. This wetland filling is considered to be unavoidable, due to the location of the wetlands on-site, the requirement to move the entrance road out of the State Highway Administration right-of-way, and the requirement to maintain a 75 foot residential transition area buffer between the proposed community building and the adjoining development. The road shall be constructed so that runoff leaving the paving enters the ditch to the north rather than the wetland.

   Mitigation is being proposed by removing the gravel roadway which runs through the wetland and associated buffer; approximately 3650 square feet of fill will be removed from the wetland and 2200 square feet from the wetland buffer. A mitigation plan shall be submitted and approved prior to the release of the grading permit. State and Federal approvals to perform the above activities must also be obtained prior to the release of the grading permit.

3. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code, Section 26-448(a)>.

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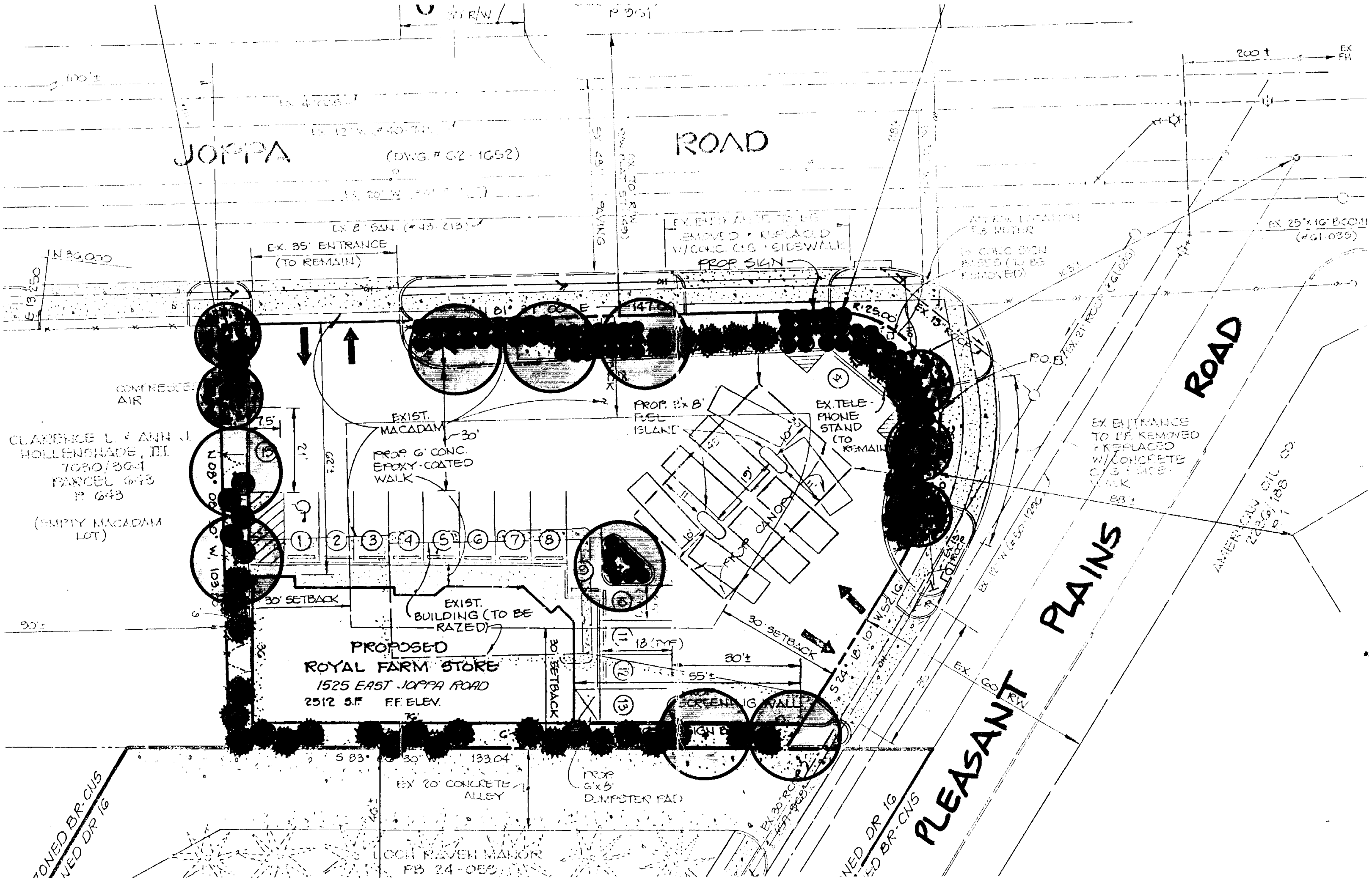
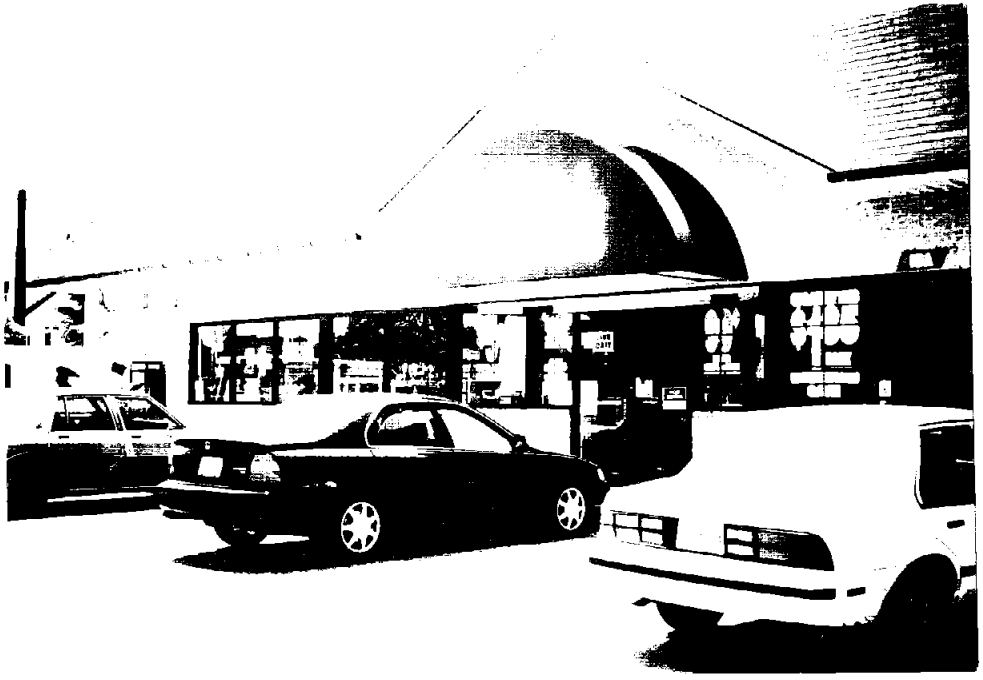
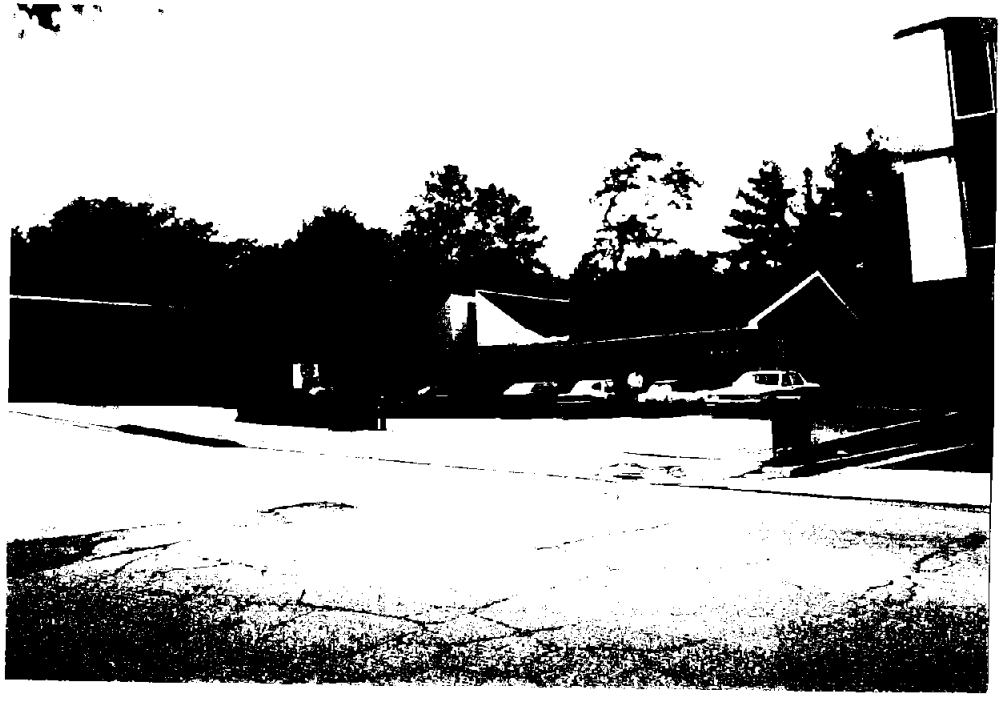
PLANNING & ZONING


JOPPA ROAD
PLEASANT PLAINS ROAD
(DWG. # G2-1652)
EX. 35' ENTRANCE (TO REMAIN)
EX. 8' SIGN (#43-213)
EX. BUILDING TO BE REMOVED & REPLACED W/CONC. C.G. & SIDEWALK
PROP SIGN
EXIST. MACADAM
PROP. 6' CONC. EPOXY-COATED WALK
PROP. 8'x8' FUEL ISLAND
EX. TELE-PHONE STAND (TO REMAIN)
CANOPY
EX. ENTRANCE TO BE REMOVED & REPLACED W/CONCRETE C.G. & SIDEWALK
EXIST. BUILDING (TO BE RAZED)
PROPOSED ROYAL FARM STORE
1525 EAST JOPPA ROAD
2512 S.F. F.F. ELEV.
30' SETBACK
SCREENING WALL
EX. 20' CONCRETE ALLEY
PROP. 6'x8' DUMPSTER PAD
CLARENCE L. & ANN J. HOLLENSHADE, III
7030/364
PARCEL 643
P. 643
(EMPTY MACADAM LOT)
CONTINENTAL AIR
LOCH RAVEN MANOR
FB 24-059
AMERICAN OIL CO.
EX. 25'x16' BCOM (#61-039)
EX. 15' ROAD
EX. 60' R/W
P.O.B.
S 83° 30' W 133.04'
S 24° 18' 10" W 52.16'
N 08° 00' W 101.00'
N 38,000
E 13,250
147.00'
R=25.00'
200 ±
EX. FH



ROYAL



Finding: The findings plan proposes a 25 foot buffer to be maintained around all the non-tidal wetlands except where the wetland that is to be filled for the entrance road. There will be no buffer along 90 feet of the perimeter of this wetland where the entrance road borders the wetland. No clearing, grading or disturbance shall occur in the designated buffer area.

4. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment. The methodology to determine the ten-percent reduction in pollutant loadings and acceptable offsets shall conform to the standards and procedures specified in the report 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area' published by the Chesapeake Bay Critical Area Commission and the Maryland Office of Environmental Programs. If new development or redevelopment, using best management practices, cannot achieve the ten-percent pollutant loading reduction, quantifiable offsets, either on or off site, may be approved, if the benefits are obtained within the same watershed and the water quality benefits are equivalent, whether on or off the development site" <Baltimore County Code Section 26-452(a)>.

Finding: This project proposes to reduce pollutant loadings by 10% of the pre-development loading with the implementation of an extended detention dry pond. The development is increasing the existing impervious surface by approximately 5000 square feet. The runoff from the proposed parking lot and the existing building shall be collected in the pond and outfall into an existing ditch adjacent to the property. This proposal complies with the pollution reduction requirement and an extended detention dry pond is an acceptable Best Management Practice in the Commission's Guidance Paper No. 5 titled, 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area.'

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter

J. James Dieter, Director

JJD::ju

cc: Mr. Harlan Barr
Mr. Howard Alderman

R-94-343

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 6600 North Point Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR5.5 zone to an BL zone, for the reasons given in the attached statement; ~~and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for~~

~~and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County~~:

RECEIVED COUNTY BOARD OF APPEALS 94 MAR - 1 PM 2:54

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s): Wells-McComas Post No.2678 Veterans of Foreign Wars of the United States, Incorporated

(Type or Print Name)

By: Louis F. Caralle

Signature Louis F. Caralle, Commander

(Type or Print Name)

Signature

6600 North Point Road 477-2266

Address Phone No.

Baltimore, MD 21219

City State Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Howard L. Alderman Jr.

Signature

Levin & Gann, P.A.

305 W. Chesapeake Avenue #113

Address Phone No.

Towson, MD 21204

City State Zipcode

(410) 321-0600

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Howard L. Alderman, Jr., Esquire

Name

Levin & Gann, P.A. (410) 321-0600

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

OK TO FILE R.T. 3/1/94

zoning.

The building would have to be brought up to Code for any change in use. The property was not the subject of an issue in the 1992 Comprehensive Map Process. Evidence did not disclose when the Americans with Disabilities Act was passed, but certain parts of it were phased in during the last calendar year. The Office of Planning & Zoning has said that the petition is not without merit; its way of saying it would approve it if it could, but without a documented site plan, it won't. Since closing of the maps in the 1992 rezoning, the VFW obtained, in April of 1992, a special exception to use a new site for its post home.

It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the adoption of the map the Council had before it and did, in fact, consider all relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at th time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at the tim of the comprehensive zoning; by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account; or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of the comprehensive zoning. Boyce v. Sembly, 25 Md. App. 43, 334 A.2d 137 (1975)

January 11, 1991

ZONING DESCRIPTION OF
6600 NORTH POINT ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point being situated on the northernmost right-of-way line of North Point Road, being 60 feet wide, said point being 200.36 feet westerly from the most right-of-way line of River Drive Road, being 40 feet wide, thence running with and binding on the northerly most right-of-way line of North Point Road N 55° 39' 05" W 145.46 feet to a point; thence N 53° 21' 34" W 50.10 feet to a point; thence leaving said right-of-way line and running N 40° 18' 28" E 239.17 feet to a point; thence N 88° 48' 05" E 80.50 feet to a point; thence S 76° 43' 37" E 77.85 feet to a point; thence S 20° 55' 48" E 15.40 feet to a point thence S 30° 37' 47" W 306.55 feet to the point of beginning.

Containing 49,010 square feet or 1.125 acres of land, more or less.

Being known as 6600 North Point Road.

STATE OF MARYLAND
WILLIAM MICHAEL RAY
No. 516
REGISTERED
PROPERTY LINE SURVEYOR

William Michael Ray

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY R-94-343

Towson, Maryland

District 12th Date of Posting 6/26/94

Posted for: Reclassification

Petitioner: Wells-McCormick Post # 2678

Location of property: 6600 N. Pk. Rd. NE/s, opp. Dolmar Rd.

Location of Signs: Facing roadway on property to reclassified

Remarks:

Posted by [signature] Date of return: 7/1/94

Signature

Number of Signs: 1

NOTICE OF HEARING

Case: #R-94-343
8600 North Point Road
NE/S North Point Road, opposite Delmar Road
15th Election District -
7th Councilmanic
Legal Owner(s):
Wells-Mccomas Post #2678

Petition to reclassify the property's zoning from D.R.-5.5 to B.L.

HEARING:
Wednesday, July 27, 1994 at 10:00 a.m.
LOCATION:
County Courthouse, Room 48
400 Washington Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT,
Chairman
County Board of Appeals

6/415 June 30.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 1, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 30, 1994.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R 001-6150

Number R-94-142
Cycle II, Item #2

Date 10/12/94

DROP-OFF REVISION PLANS —— NO REVIEW

#110 — REVISIONS ———————————— $100.00

XCheck from Harford
Joint Venture

Property Owner: Harford Joint Venture
Location: N/S Everett Road, W/S York Road
(Monkton Centre)
Zoning: R.C.-5
District: 7c3
Acres: .90 +/- acre
Proposed Zoning: B.M.-C.R.

01A01#0356MICHRC $100.00
B# 12025PM10-27-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

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

No. 139937

#12

DATE 3/1/94 ACCOUNT [illegible]

CYCLE III #15

R-94-343

AMOUNT $ [illegible]

RECEIVED FROM: VFW: Un. 2678

072 - REGLAS RET - [illegible]

080 - SIGN POSTING - [illegible]

FOR:

DR 5 [illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

NOTE TO THE BOARD

Due to the case being out-of-cycle, Petitioner will be billed directly by Patuxent Publishing (per Gwen of ZADM).

Opinion can go out immediately upon execution!!

Charlotte 7/25/94

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

MAY 24, 1994

NOTICE OF HEARING

CASE NUMBER: R-94-343
6600 North Point Road
NE/S North Point Road, opposite Delmar Road
15th Election District - 7th Councilmanic
Legal Owner(s): Wells-McComas Post #2678

Petition to reclassify the property's zoning from D.R.-5.5 to B.L.

HEARING: Wednesday, July 27, 1994 at 10:00 a.m.

LOCATION: COUNTY COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

William T. Hackett /jlt

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Wells-McComas Post No. 2678
Howard L. Alderman, Jr., Esq.

94 MAY 27 PM 2:55
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COUNTY BOARD OF APPEALS

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

July 27, 1994

NOTICE OF DELIBERATION

The County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

WELLS-McCOMAS POST #2678
CASE NO. R-94-343

DATE AND TIME : **Wednesday, August 17, 1994 at 10:00 a.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

---

cc: Howard L. Alderman, Jr., Esquire — Counsel for Petitioner
Louis F. Caralle, Commander
Wells-McComas Post No. 2678 — Petitioner

McKee & Associates, Inc. — Engineer

James Earl Kraft /Board of Education

People's Counsel for Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No. 15
Case No. R94-343
Petitioner: Wells-McComas Post-2678
Reclassification Petition

Dear Mr. Alderman:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before June 24, 1994. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Printed with Soybean Ink

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

W. CARL RICHARDS
Zoning Manager

WCR:jaw

Enclosures

We find factually that Petitioner has met all the requirements under the Code for accelerating this issue to be heard at this time. The problems with the building in terms of compliance with the Americans with Disabilities Act and its necessary conversion to bring it up to Code were not readily visible, and would not have been apparent to the County Council, at the time of comprehensive rezoning on 1992. Additionally, subsequent acquisition of a new site and the inability to find a purchaser for the existing building and ground were reasonably foreseeable by the County Council, had they had occasion to examine it. These were events that could not be taken into account by the County Council, sinc they occurred subsequent to the map process.

Accordingly, we find factually, based upon the testimony and exhibits presented, that the zoning is in error and that the Petition for Reclassification should be granted.

O R D E R

IT IS THEREFORE this 31st day of August, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition to reclassify the subject property's zoning from D.R. 5.5 to B.L. be and the same is hereby **GRANTED.**

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

C. William Clark

S. Diane Levero

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 24, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-343
VFW Wells McComas Post 2678
6600 North Point Road
Zoning Advisory Committee Meeting of April 25, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

This property is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA). There are no density restrictions within an IDA category. The BL zone is an appropriate zone within the IDA and therefore this petition for reclassification is supported.

However, any redevelopment of the property under either zone must comply with Section 26-452(a) of the Baltimore County Code which states the following:

> Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

If there are any questions, please contact Ms. Nancy Pentz at 887-3980.

JLP/NSP/tmm

VFW/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

CR-94-323
~~XA~~-363

RE: Property Owner: WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS

LOCATION: NE/S NORTH POINT RD.,OPP. DELMAR RD.(6600 NORTH POINT RD.)

Item No.: CYCLE III ITEM #15 Zoning Agenda: RECLASSIFICATION

Gentlemen:

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

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", 1991 edition prior to occupancy.

RECEIVED
MAY 27 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

June 7, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 15, Cycle III
MD 20
Wells McComas Post
#2678 Veterans of Foreign Wars
of the United States, Inc.
Zoning Reclassification
Mile Post 0.38

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have no objection to approval of the requested zoning reclassification since we have previously issued an access permit No. B-B-5070-93 for the construction of entrance improvements at the referenced property.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this plan.

Very truly yours,

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: June 15, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief RWB/DAK
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 31, 1994
Item No. Cycle III, Item #15
Case No. R-94-343

The Developers Engineering Section has reviewed the subject zoning item. See our comments dated May 9, 1994 to your office for this item.

RWB:sw

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The ~~property~~ owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

April 25, 1994

Hon. William A. Howard, IV
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - 6600 North Point Road

Dear Councilman Howard:

At its regular monthly meeting on April 21, 1994, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the property at 6600 North Point Road (the Wells-McComas VFW Post), is manifestly required because of emergency.

Enclosed is the report on this matter by the Office of Planning and Zoning, as accepted by the Planning Board. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Dave Fields

P. David Fields, Secretary
Baltimore County Planning Board

PDF/HSR/mjm
PETITION/PZONE/TXTMJM

Enclosures

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
William T. Hackett, Chairman, Board of Appeals
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel
Howard L. Alderman, Jr., Petitioner's attorney

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94 APR 29 AM 9:58

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B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Baltimore County Planning Board DATE: March 15, 1994

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: REQUEST FOR CERTIFICATION - 6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678, VFW, INC.

The attached letter from Howard L. Alderman, Jr., Esquire, on behalf of Veterans of Foreign Wars of the United States, Incorporated, requests certification by the Planning Board of out-of-cycle action on a zoning petition for reclassification of the subject property from D.R. 5.5 to B.L. In addition, a copy of a letter from the North Point Peninsula Community Coordinating Council is attached for your information.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by the planning staff and without taking a position on the merits of the case, we recommend that the Board should certify that early action upon this zoning reclassification petition is required.

Dave Fields

P. David Fields

PDF:JL:lw
DFNPT.RD/PZONE/TXTLLF

Attachment

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

RECEIVED
MAR 14 1994
OFFICE OF
PLANNING & ZONING

March 11, 1994

P. David Fields, Director
Baltimore County Office of Planning and Zoning
County Courts Building
Room 406
Towson, Maryland 21204

RE: Wells-McComas Post #2678, VFW, Inc.
Proposed Zoning Reclassification
6600 North Point Road
Seventh Councilmanic District
Request for Baltimore County Planning Board
Consideration and Action
Letter of Community Support

Dear Mr. Fields:

In my letter to you of March 2, 1994 requesting consideration and action by the Baltimore County Planning Board on removing the above-referenced reclassification petition from the normal cyclical procedures, I indicated that my clients had met recently with members of the affected community. I am pleased to provide you with a copy of a letter dated February 17, 1994 from the North Point Peninsula Community Coordinating Council indicating the community support of the reclassification from DR 5.5 to that of Business Local.

You will also note in the enclosure that the community has provided, at the request of my client, a list of undesirable uses that would be otherwise available under the BL classification. My client remains ready and able to meet with the community and prepare a suitable set of covenants restricting these uses from the land if reclassified, and has committed to requesting that the Board of Appeals incorporate any such covenants in any order granting the requested reclassification.

I hope that this additional information provides you with further evidence of the widespread support and need for the

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 31, 1994

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. R-94-343
Wells-McComas Post #2678
VFW of the U.S., Inc.

Dear Mr. Alderman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Louis F. Caralle, Commander
Wells-McComas Post No. 2678
McKee & Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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requested reclassification. As always, if I can provide you or your staff further information please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLAJr/ls

Enclosure

cc w/encl: Louis F. Caralle, Commander
The Honorable Roger B. Hayden, County Executive
The Honorable Donald C. Mason
Mr. James M. McKinney
Mr. William Kessler
Arnold Jablon, Director
Peter Max Zimmerman, Peoples Counsel for Baltimore County
Ms. Patricia Beere

NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL

7741 North Point Creek Road
Baltimore, MD 21219
February 17, 1994

Commodore Louis Caralle
VFW-Wells McComas Post #2678
6500 North Point Road
Baltimore, MD 21219

Dear Lou,

In response to the presentation made by Mr. John Gistedt and Mr. Howard Alderman Jr, the attorney representing your organization on February 3, 1994, the North Point Peninsula Community Coordinating Council has voted to support your efforts to rezone your property at 6600 North Point Road from its' present DR 5.5 to the requested Business Local designation.

During the presentation Mr. Alderman agreed to place certain covenants as a condition of our support as part of the deed that would list the undesirable uses of the property in the residential area where located.

The following list is comprised of the undesirable uses:

- Alcohol-Beverage Package Store
- Amusement Devices
- Arcade
- Billiard-Pool Room
- Tavern-Bar
- Boat Yard-Marina
- Dry Cleaning Plant
- Sludge Disposal Facility (all five categories)
- Wireless Transmitted & Receiving Structure
- Possible future classifications of: After Hours Club, Flea Market, Massage Parlor

Knowing the good neighbor the VFW has always been and the positive influence of its' community involvement, we hopefully expect the organization to keep in mind the effect this property has in our community and should any use that would have an adverse effect come up that is not listed, we depend on the VFW to use its' good judgement to protect the community.

Sincerely,

Virginia Tolbert

Virginia Tolbert
President

RECEIVED

MAR 14 1994

OFFICE OF
PLANNING & ZONING

MAR 7 1994

B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office C rrespondence

TO: W. Carl Richards
Zoning Office

DATE: May 19, 1994

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition /Wells-McComas Post No. 2678, Veterans of Foreign Wars of the United States, Inc.
NE/s North Point Road, opposite Delmar Road
(6600 North Point Road) 15th Election District; 7th Councilmanic District
Approval by Council Council and
Date for Hearing before the Board (July 27, 1994)

Carl:

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Wednesday, July 27, 1994 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its May 16, 1994 meeting (a copy of Resolution 44-94 is attached for your information and file). Therefore, this matter has been scheduled for hearing on July 27, 1994 in lieu of the previously scheduled hearing date of December 8, 1994 as part of Cycle III (Item #15, Cycle III, 1994).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of July 27, 1994.

Should you have any questions, please call me at extension 3180.

Kathi

cc: Gwen Stephens
Jeffrey Long /Planning
Office of People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
94 MAY 18 AM 11:24

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Ruppersberger, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Donald C. Mason
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

May 17, 1994

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

Dear Mr. Hackett:

Attached please find a copy of Resolution 44-94 to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its May 16, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

C[illegible]TY COUNCIL OF BALTIMORE COUNTY ARYLAND

LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 10

RESOLUTION NO. 44-94

MR. DONALD C. MASON, COUNCILMAN

BY THE COUNTY COUNCIL, MAY 16, 1994

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated April 25, 1994, has certified that early action on the Petition for Zoning Reclassification filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), requesting a reclassification of the above described property, is manifestly required because of emergency; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post) be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R04394/RES94

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
Baltimore County Board of Appeals

DATE: July 19, 1994

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. R-94-343/6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC.

At its regularly scheduled monthly meeting on April 21, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on May 16, 1994.

Enclosed herewith is a copy of the report of the Office of Planning and Zoning.

Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.343/PZONE/CYCLE

94 JUL 25 AM 10:22
COUNTY BOARD OF APPEALS

CASE NO. R-94-343

PETITIONER:

Wells McComas Post No. 2678

REQUESTED ACTION:

Reclassification to B.L. (Business-Local)

EXISTING ZONING:

D.R. 5.5 (Density Residential)

LOCATION:

Northeast side of North Point Road, at Greenhill Cove

AREA OF SITE:

1.255 Acres±

ZONING OF ADJACENT PROPERTY/USE:

North - Waterfront (Greenhill Cove)
East - D.R. 5.5 - Residential
South - D.R. 5.5 - Residential
West - D.R. 5.5 - Residential

SITE DESCRIPTION:

The site is presently improved with a two-story community building and a macadam parking area.

PROPERTIES IN THE VICINITY:

This waterfront property is located along Greenhill Cove and is also adjacent to the Edgemere business area on North Point Road. The general vicinity is comprised of a mix of residential and commercial uses, with the commercial endeavors being those which primarily serve the local community.

WATER AND SEWERAGE:

The parcel is served by public water and sewer, and the area is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site fronts on North Point Road, which is designated as a minor arterial.

ZONING HISTORY:

The property has been zoned D.R. 5.5 since 1976. The V.F.W. Post No. 2678 has occupied the Post at the subject site since 1932. On April 30, 1991, the Zoning Commissioner granted the applicant's request to construct an addition and to continue to use the existing community building. In addition, variances were granted for an existing setback deficiency, an existing sign, and to permit 99 parking spaces in lieu of the required 106 spaces (see Case No. 91-295XA).

MASTER PLAN/COMMUNITY PLANS:

This parcel is located within the area designated as a community conservation area in the Baltimore County Master Plan. Within these areas, small commercial uses serving general community needs are fostered, and "the redevelopment of older underutilized parcels in areas already served by public facilities becomes an attractive alternative."

PROPOSED VS. EXISTING ZONING:

The regulations governing D.R. zones may be found in Section 1B01 of the Baltimore County Zoning Regulations. Regulations governing the B.L. zone may be found in Section 230 of the Baltimore County Zoning Regulations.

The B.L. zone permits a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property. The D.R. 5.5 zone permits a density of 5.5 dwelling units per acre.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff finds that the subject request is not without merit, however, consistent with the position of this office regarding open site plan filings, we cannot support the applicant's request at this time. It is important to note, however, that the North Point Peninsula Community Coordinating Council is supportive of the rezoning provided that convenants are filed to control against the following uses which were deemed to be undesirable by the community:

Liquor Store
Amusement Devices
Arcade
Billiard-Pool Room
Tavern
Marina
Dry cleaning plant

Sludge disposal facility (five categories)
Wireless transmitting and receiving device
After hours club
Flea Market
Massage Parlor

OTCY94.343/PZONE/CYCLE

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Wells-McComas Post #2678, Veterans of Foreign Wars of the United States, Inc.
Case No. R-94-143

DATE : August 17, 1994

BOARD /PANEL : Michael B. Sauer, Acting Chairman (MBS)
C. William Clark (CWC)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

- Opening statements by Acting Chairman Sauer; case closed; all testimony and evidence received. Pursuant to open sessions law, Board is deliberating; purpose of today's hearing is deliberation only.

Those present included Howard L. Alderman, Jr., Esquire, counsel for Petitioner; and Peter Max Zimmerman, People's Counsel for Baltimore County.

Purpose --to deliberate issues and matter of petition for reclassification filed by Petitioner; testimony and evidence taken on July 27, 1994; written Opinion and Order to be issued by Board setting forth written findings of fact.

CWC: Opening comments; review of request by the VFW to change zoning from D.R. 5.5 to B.L.; property used by VFW for community-type use since before the existence of zoning in Baltimore County; reviewed present zoning; inaccessibility of upper floors; passage of Americans with Disabilities Act, certain parts of which were phased in over last calendar year, and need to comply; discussed present nonconforming use and dissimilarity of building with other residences in neighborhood; not subject of issue in 1992 map process; per Planning & Zoning, has merit; won't approve with open plan; convinced by evidence that problems in bringing building up to code and necessary conversion were not readily visible; would not have been apparent to County Council; events not taken into account by Council; occurred subsequently to map process.

Persuaded by evidence and finds as fact that zoning is in error and Petition should be granted.

3-30-94

REVISED 3-30-94

R-94-343

IN RE: PETITION FOR ZONING RECLASSIFICATION 6600 North Point Road Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated, Petitioner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.:

MEMORANDUM IN SUPPORT OF PETITION[1]

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED (referred to hereinafter as "Owner" or "Post"), in support of its Petition for Reclassification of the property which it owns at 6600 North Point Road (the "Property") submits the following information for consideration by the staff of the Office of Planning and Zoning ("OPZ"), the Baltimore County Planning Board ("Planning Board"), and the County Board of Appeals for Baltimore County ("Board").

Location/Zoning

The Property is located in the Seventh Councilmanic District at 6600 North Point Road, on the northeast side of that road and binding on Greenhill Cove. The Property is mapped as an Intense Development Area ("IDA") within the Chesapeake Bay Critical Area. Approximately 300

[1] This Memorandum in Support of Petition was revised per the direction of the staff of the Office of Zoning Administration and Development Management to eliminate all descriptions of specific prior zoning approvals and existing conditions on the Property. Copies of this Memorandum as it existed prior to revision will be presented to the Board at the time of the hearing on this Petition.

Minutes of Deliberation /Wells-McComas Post #2678 R-94-343

MBS: Had opportunity to review evidence and testimony in this case; concurs with the reasons given by CWC in his factual determination that there is error in present zoning, and zoning should be B.L. Simply points out fact that there was expert testimony offered by Norman Gerber in the proceedings; based upon this expert testimony is convinced that burden has been met to show error/mistake.

Based upon Mr. Gerber's testimony and concurrence with Mr. Clark, petition should be granted.

SDL: Must keep in mind spirit and intent of zoning regulations; for benefit of community and not against community interests. VFW posts provide service to community and to Edgemere. Norman Gerber testified that if Post moves to new property, vacant building would be detrimental to community; if it were sold, would be beneficial to community. Also points out there was no opposition by the community association very active in defending Edgemere area; only issue is whether County Council erred during 1992 comprehensive process. Using as a basis Boyce v. Sembly, believes that the County Council did err.

Will not go into details; however, taking into note Gerber's testimony, would grant Petition for Reclassification from D.R. 5.5 to B.L.

Closing statement by Acting Chairman Sauer; concludes proceeding; written Opinion and Order to be issued by the Board granting Petition as indicated during deliberation; appellate period to run from date of that written Opinion and Order.

Respectfully submitted,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC. NE/s North Point Road, opposite Delmar Road (6600 North Point Rd)	#R-94-343 Item #15, Cycl III, 1994 15th Election District 7th Councilmanic District
From D.R. 5.5 to B.L.	1.255 acres

March 1, 1994 Petition for Reclassification filed by Howard L. Alderman, Jr., Esquire, on behalf of Wells-McComas Post No. 2678, VFW of the U.S., Inc., Petitioner.

Howard L. Alderman, Jr., Esquire — Counsel for Petitioner
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

Louis F. Caralle, Commander — Petitioner
Wells-McComas Post No. 2678
Veterans of Foreign Wars of the
United States, Inc.
6600 North Point Road
Baltimore, MD 21219

McKee & Associates, Inc. — Engineer
Shawan Place, 5 Shawan Road
Hunt Valley, MD 21030

James Earl Kraft /Board of Education
Mail Stop #1102-J

People's Counsel for Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/27/94 -Hearing concluded before Board; deliberation to be scheduled and notice sent to parties.

- Deliberation scheduled for Wednesday, August 17, 1994 at 10:00 a.m.; Notice of Deliberation sent to following:

Howard L. Alderman, Jr., Esquire
Louis F. Caralle, Commander
Wells-McComas Post No. 2678
McKee & Associates, Inc.
James Earl Kraft /Board of Education
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

8/17/94 -Deliberation held; Petition for Reclassification from D.R. 5.5 to B.L. GRANTED by Board; written Opinion/Order to be issued; appellate period to run from date of that written Order. (HCM)

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 13, 1995

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. R-94-343
Item #15, Cycle III, 1994
WELLS-MCCOMAS POST NO. 2678

Dear Mr. Alderman:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

cc: Louis F. Caralle, Commander
Wells-McComas Post No. 2678
James Earl Kraft
People's Counsel for Baltimore County

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: January 13, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. R-94-343
Item #15, Cycle III, 1994
WELLS-MCCOMAS POST NO. 2678
District 15

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

REVISED
3/30/94

1626-94

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD
TELEPHONE: (410) 527-1555

HUNT VALLEY, MARYLAND 21030
FACSIMILE: (410) 527-1563

DATE: March 29, 1994

TO: Baltimore County Z.A.D.M.

RE: 6600 North Point Road
R-94-343

ATTENTION: Carl Richards

Gentlemen:

☒ We are submitting ☒ Herewith ☐ Under separate cover

☐ We are forwarding

☐ We are returning

No.	Description
14	Prints of revised plan

☐ For processing ☐ For your use

☒ For your review ☐ Please call when ready

☐ In accordance with your request ☐ Please return to this office

RECEIVED
MAR 29 1994
BALTIMORE COUNTY
ZADM/DM

Remarks:

For further information, please contact the writer at this office.

RECEIVED
MAR 29 1994
ZADM

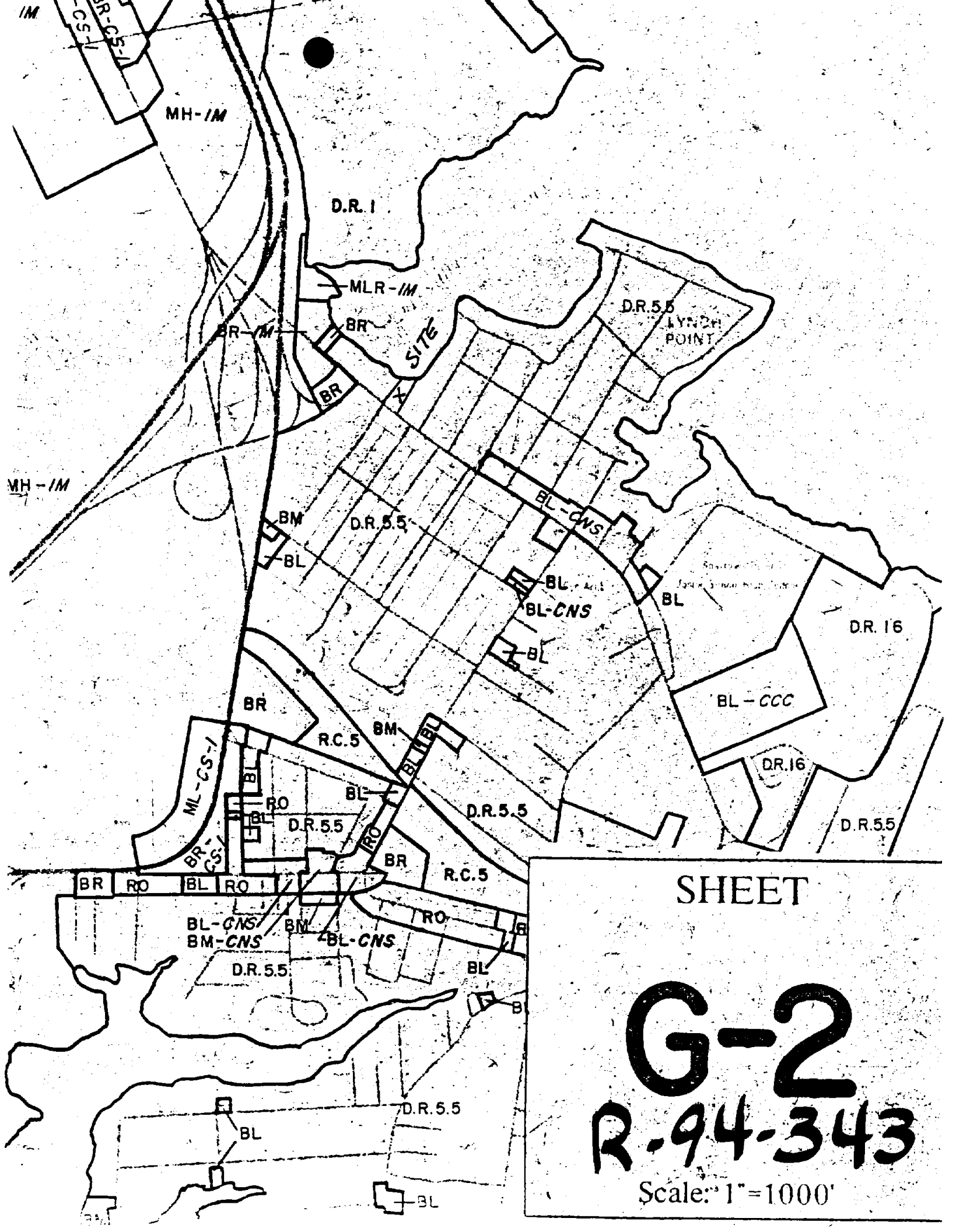
Very truly yours,

McKee & Associates Inc.

Harlan M. Barr, Jr.

Harlan M. Barr, Jr., Associate

Enclosures


MH-IM
D.R. 1
MLR-IM
BR-IM
BR
SITE
D.R.5.5
LYNCH POINT
MH-IM
BM
BL
D.R.5.5
BL-CNS
BL
BL-CNS
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BR
R.C.5
BM
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ML-CS-1
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D.R.16
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SHEET
G-2
R-94-343
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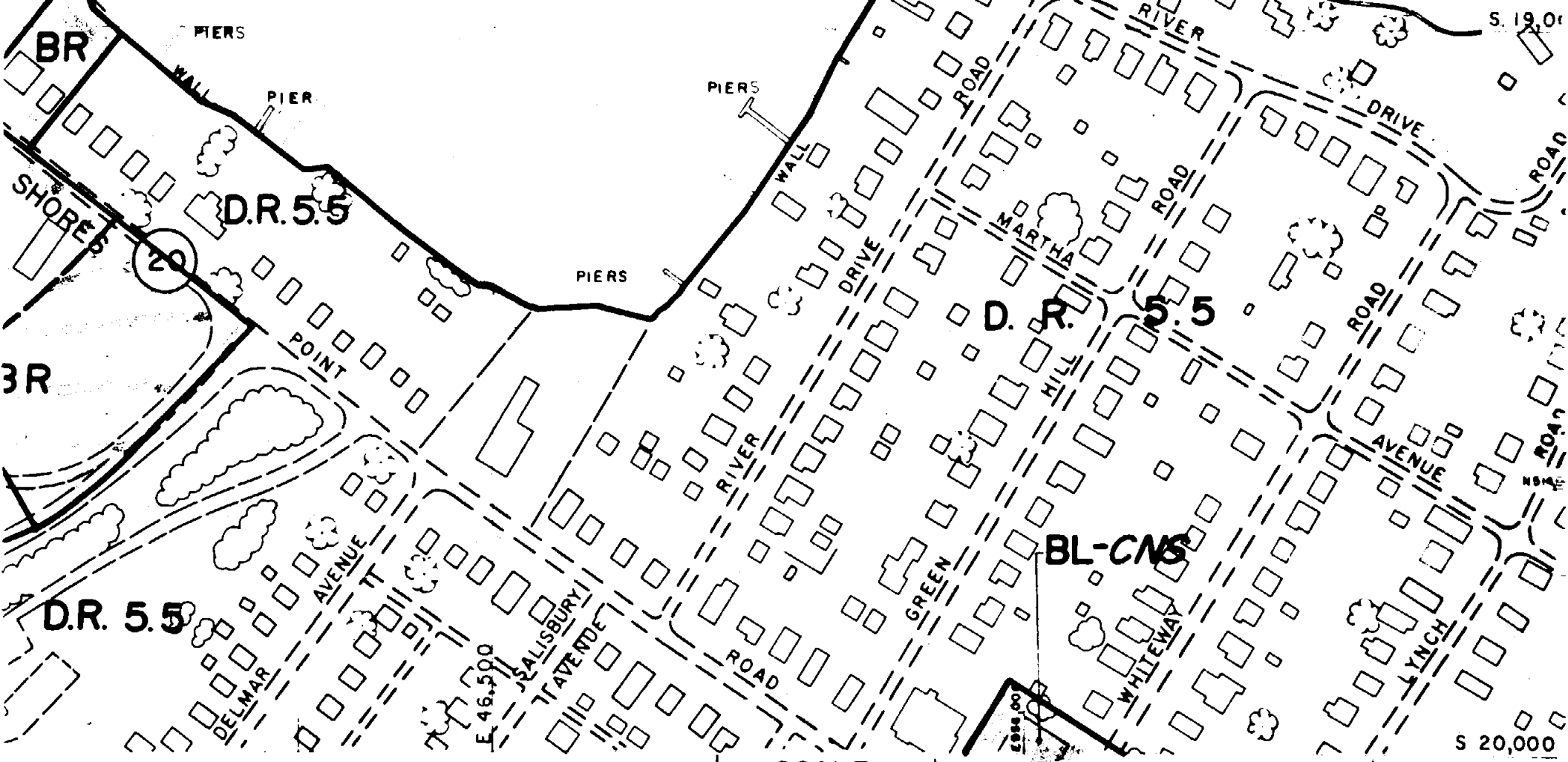


1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

NG

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH POINT EDGEMERE	S.E. 5-H
DATE OF PHOTOGRAPHY JANUARY 1986		

R.94.343

WELLS McCOMAS

POST NO. 2678

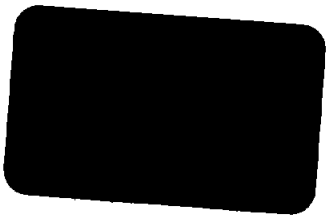
VETERANS OF FOREIGN WARS

OF THE UNITED STATES,

INCORPORATED

Petition for Reclassification

Case No. R-94-343



WELLS McCOMAS

POST NO. 2678

VETERANS OF FOREIGN WARS

OF THE UNITED STATES,

INCORPORATED

Petition for Reclassification

Case No. R-94-343

feet in a northwest direction begins a substantial area of commercial zoning containing classifications of BR and BR-IM. Less than 700 feet to the southeast is the beginning of a BL-CNS zone. Existing residential uses adjoin the Property on three sides, with Greenhill Cove adjoining and forming the rear property line. The Property is currently zoned DR 5.5; other zoning approvals have been obtained in connection with the Property.

History

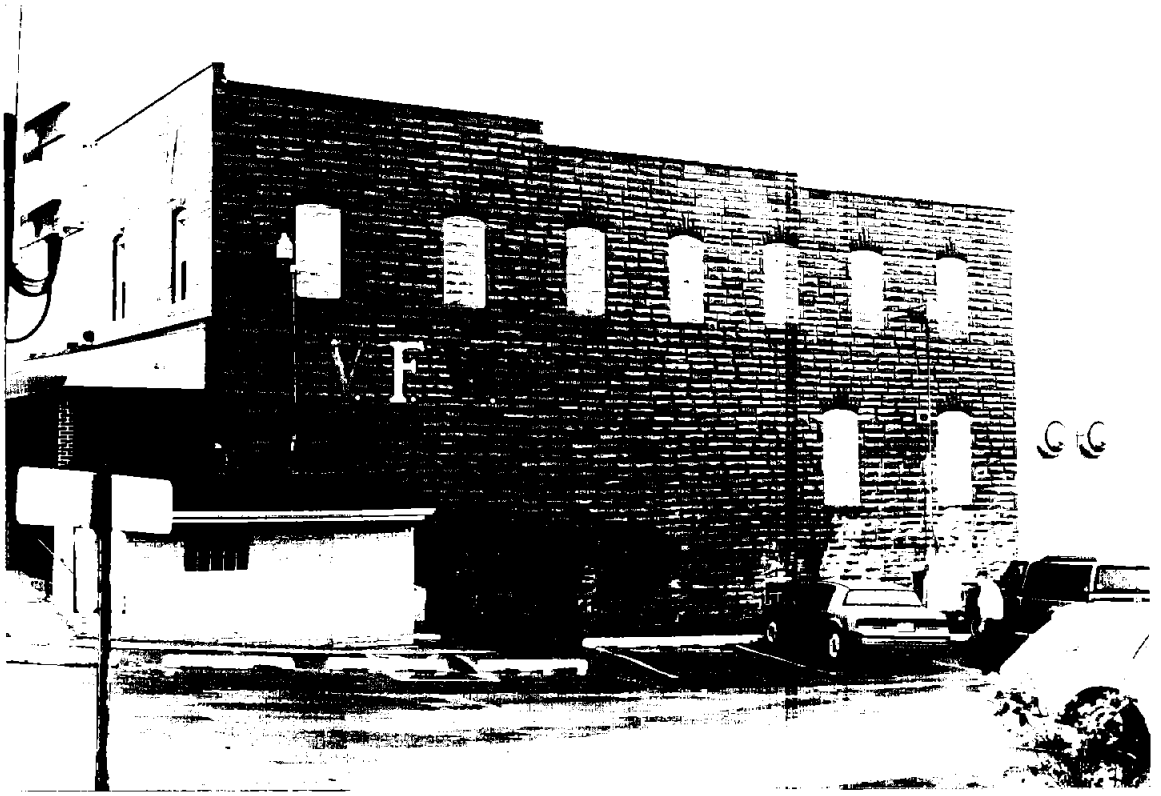
The Post acquired the Property in approximately 1932 after which the existing masonry building was constructed. The use of the Property by the Post pre-dates all zoning regulations in Baltimore County. Over the years, the site was completely paved with bituminous concrete (asphalt). The Post membership has grown and now boasts more than 680 members.

The community supported their long-time neighbor in 1991 in obtaining the necessary zoning relief, including immediately adjoining neighbors. A Critical Area Findings Report and Plan were approved by the Department of Environmental Protection and Resource Management which included the removal of a substantial strip of the existing asphalt along the water's edge and installation of vegetation in this area when the expansion plans were complete. (A copy of those findings is included herewith and incorporated herein as Exhibit "A").

Shortly after obtaining all required zoning approvals, the Post became aware of the opportunity to acquire the former Baltimore Christian Academy Property (the "Academy Property") located on the opposite side of North Point Road and slightly west of the Property. The existing improvements on the Academy Property are larger, more modern and are located on a single level. Many Post members are precluded from using all of the areas of the existing Post due to the inability to navigate and traverse stairs; such obstacles are not present at the

PETITIONER'S EXHIBIT

A



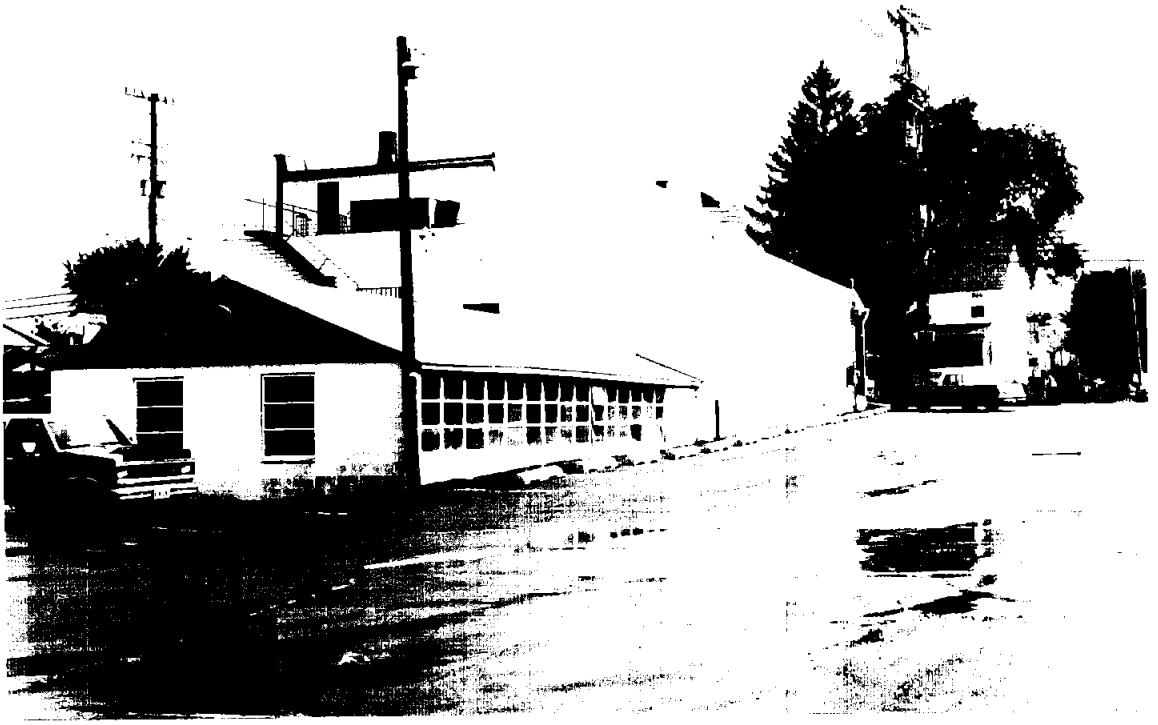
PETITIONER'S EXHIBIT

B

PETITIONER'S EXHIBIT
C

PETITIONER'S EXHIBIT
D

PETITIONER'S
EXHIBIT
E



PETITIONER'S
EXHIBIT
F

PETITIONER'S
EXHIBIT
G

PETITIONER'S EXHIBIT

4

PETITIONER'S EXHIBIT

7

PETITIONER'S EXHIBIT

PETITIONER'S EXHIBIT

K

PETITIONER'S EXHIBIT
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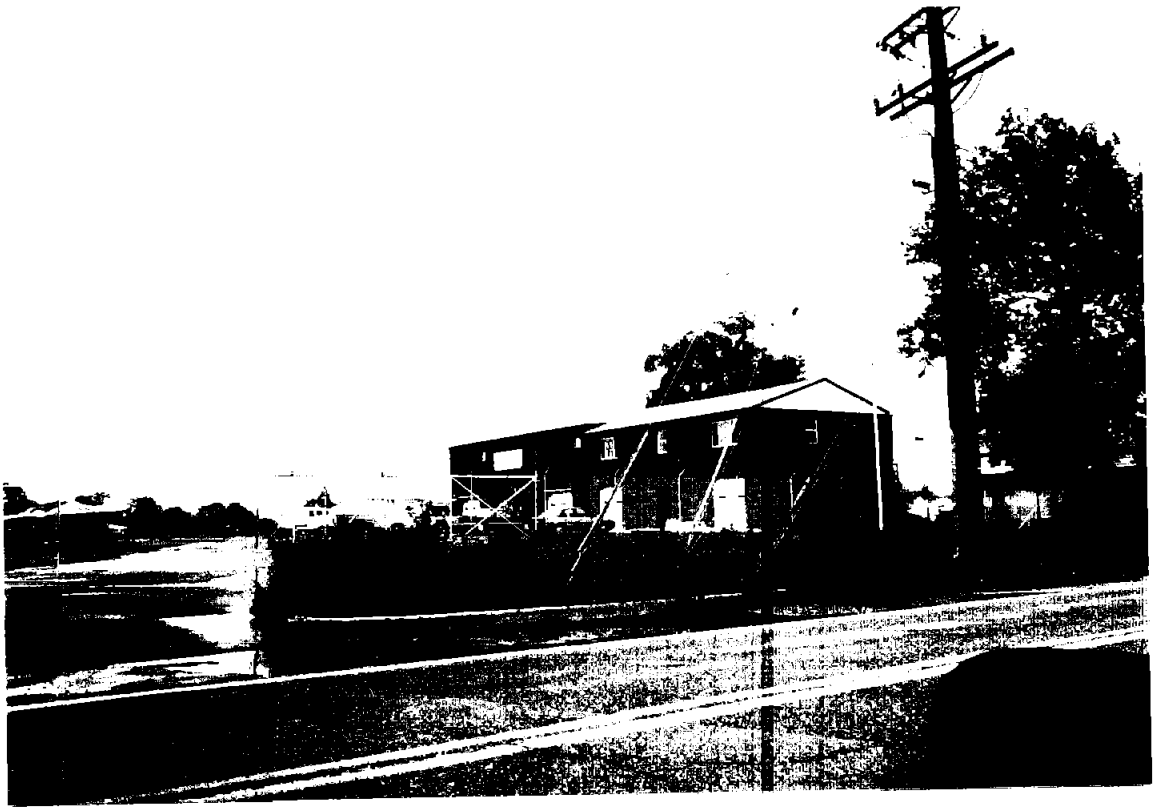
PETITIONER'S EXHIBIT
M

PETITIONER'S
EXHIBIT
A



PETITIONER'S
EXHIBIT
O

PETITIONER'S
EXHIBIT
P

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE NE/S North Point Road, 200 ft. NW of c/l River Drive Road 15th Election District 7th Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	CASE # 91-295-XA
Wells McComas Post #2678 Veterans of Foreign Wars of the United States, Inc. Petitioner	*	

PETITIONER'S EXHIBIT 4

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval, pursuant to the Petition for Special Exception, and Section 1B01.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to use the hereindescribed property for an existing community building and proposed addition thereto; and, pursuant to Petition for Zoning Variance, a variance from Sections 1B02.2.B and 504.2 of the Baltimore County Zoning Regulations and CMDP Section V.B.2, Table 5-4 to permit for an existing building a front yard setback of 13 ft. in lieu of the 40 feet required; a variance from Section 413.1.e.(1) of the B.C.Z.R. to permit existing, non-illuminated attached signs of 107.5 square feet and an existing non-illuminated free standing sign of 7 square feet (combined total of 114.5 sq. ft.) in lieu of the 15 sq. ft. permitted; a variance from Section 409.6.A of the B.C.Z.R. to permit a total of 99 parking spaces in lieu of the 106 spaces required, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Harland M. Barr, appeared and testified and was represented by Howard L. Alderman, Esquire. Also appearing on behalf of the Petitioner were Eugene Bridges, Sr., Pauline C. Bridges, Paul W. Bunton, Genevieve L. Bunton, Carl M. McElhose, Lou Rehak and Phil Medlin. There were no Protestants.

Academy Property. All zoning approvals necessary for the relocation of the Post to the Academy Property have been obtained. During the Baltimore County Council's ("County Council") comprehensive rezoning process in 1992 the plans of the Post to relocate from its existing home were readily and widely known. Notwithstanding the single utility of the Property and the knowledge that the existing Post Home was being completely relocated, the County Council retained the existing DR 5.5 zoning on the Property.

The Post has attempted, and continues in its attempts, to locate a purchaser for the Property under its current zoning classification and prior zoning approvals. There has been absolutely no interest from any potential purchaser for the Property due to its improper zoning classification. Once the Post vacates the Property it will remain vacant and unusable pursuant to its present zoning classification.

Master Plan

The *Baltimore County Master Plan 1989 - 2000* ("Master Plan") was adopted by the Planning Board and by the County Council on February 5, 1990. The Property is located within an area identified in the Master Plan as "Community Conservation." One of the strategic issues identified in the Master Plan is to "conserve, revitalize and enhance our older residential communities."[2] The proposed reclassification will help to redevelop and stabilize an older community versus the alternative of business interests looking toward the fringe development areas, and it will direct private economic resources into an existing built community.

The Master Plan called for the development of a North-Point Wells-McComas Community

---

[2] Master Plan at 3.

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - S/S North Point Road, 80.5' W of the c/l of Delmar Avenue (6521 North Point Road) 15th Election District 7th Councilmanic District

Resolution Trust Corp. for the John Hanson Federal Savings Bank

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-262-XA

* * * * * * * * * *

PETITIONER'S EXHIBIT 5

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception seeking approval to establish a community building on the subject property pursuant to Section 1B01.C.6 of the Baltimore County zoning Regulations (B.C.Z.R.), and a Petition for Zoning Variance from Section 409.6A of the B.C.Z.R. to permit 154 parking spaces in lieu of the required 171 spaces, and from Section 413.1.e(1) to permit three single-faced signs with a combined total of 90 sq.ft. in lieu of the one sign of 15 sq.ft. permitted, all as more particularly described on the site plan which accompanied these Petitions marked Petitioner's Exhibit 1.

The Co-Petitioner, by Andrew Michalski, Commander of Wells-McComas Post No. 2678 of the Veterans of Foreign Wars, Inc., (VFW), Contract Purchaser, appeared, testified and was represented by Howard L. Alderman, Jr., Esquire. Numerous other VFW members appeared in support of the Petitions but did not testify. Appearing as interested parties in the matter were Robert and Edna Bittner, Margaret S. Cotter, Nicholas Stella and Jimmie D. Harvey, all residents of the area.

Testimony indicated that the subject property, known as 6521 North Point Road, consists of 6.89 acres, more or less, zoned D.R. 5.5 and is improved with a one-story brick building. Said property is located within the Chesapeake Bay Critical Areas near Greenhill Cove. The Wells-McComas

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

April 25, 1994

Hon. William A. Howard, IV
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - 6600 North Point Road

Dear Councilman Howard:

At its regular monthly meeting on April 21, 1994, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the property at 6600 North Point Road (the Wells-McComas VFW Post), is manifestly required because of emergency.

Enclosed is the report on this matter by the Office of Planning and Zoning, as accepted by the Planning Board. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Dave Fields

P. David Fields, Secretary
Baltimore County Planning Board

PDF/HSR/mjm
PETITION/PZONE/TXTMJM

Enclosures

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
William T. Hackett, Chairman, Board of Appeals
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel
Howard L. Alderman, Jr., Petitioner's attorney

PETITIONER'S EXHIBIT 6

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on Recycled Paper

RECEIVED
COUNTY BOARD OF APPEALS

94 MAY 18 AM 11:24

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Ruppersberger, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Donald C. Mason
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

May 17, 1994

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

Dear Mr. Hackett:

Attached please find a copy of Resolution 44-94 to approve the Planning Board's certification that the zoning reclassification petition filed by the Veterans of Foreign Wars of the United States, Incorporated (Wells-McComas Post), for the property located at 6600 North Point Road and situated in the Seventh Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its May 16, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

PETITIONER'S EXHIBIT 1

IN RE: PETITION FOR ZONING RECLASSIFICATION 6600 North Point Road Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated, Petitioner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.:

MEMORANDUM IN SUPPORT OF PETITION

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED (referred to hereinafter as "Owner" or "Post"), in support of its Petition for Reclassification of the property which it owns at 6600 North Point Road (the "Property") submits the following information for consideration by the staff of the Office of Planning and Zoning ("OPZ"), the Baltimore County Planning Board ("Planning Board"), and the County Board of Appeals for Baltimore County ("Board").

Location/Zoning

The Property is located in the Seventh Councilmanic District at 6600 North Point Road, on the northeast side of that road and binding on Greenhill Cove. The Property is mapped as an Intense Development Area ("IDA") within the Chesapeake Bay Critical Area. Approximately 300 feet in a northwest direction begins a substantial area of commercial zoning containing classifications of BR and BR-IM. Less than 700 feet to the southeast is the beginning of a BL-CNS zone. Existing residential uses adjoin the Property on three sides, with Greenhill Cove

PETITIONER'S EXHIBIT 9

NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL

7741 North Point Creek Road
Baltimore, MD 21219
February 17, 1994

Commodore Louis Caralle
VFW-Wells McComas Post #2678
6500 North Point Road
Baltimore, MD 21219

Dear Lou,

In response to the presentation made by Mr. John Gistedt and Mr. Howard Alderman Jr, the attorney representing your organization on February 3, 1994, the North Point Peninsula Community Coordinating Council has voted to support your efforts to rezone your property at 6600 North Point Road from its' present DR 5.5 to the requested Business Local designation.

During the presentation Mr. Alderman agreed to place certain covenants as a condition of our support as part of the deed that would list the undesirable uses of the property in the residential area where located.

The following list is comprised of the undesirable uses:

- Alcohol-Beverage Package Store
- Amusement Devices
- Arcade
- Billiard-Pool Room
- Tavern-Bar
- Boat Yard-Marina
- Dry Cleaning Plant
- Sludge Disposal Facility (all five categories)
- Wireless Transmitted & Receiving Structure
- Possible future classifications of: After Hours Club, Flea Market, Massage Parlor

Knowing the good neighbor the VFW has always been and the positive influence of its' community involvement, we hopefully expect the organization to keep in mind the effect this property has in our community and should any use that would have an adverse effect come up that is not listed, we depend on the VFW to use its' good judgement to protect the community.

Sincerely,

Virginia Tolbert

Virginia Tolbert
President

RECEIVED

MAR 14 1994

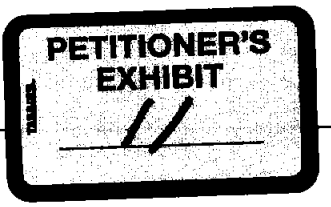
OFFICE OF
PLANNING & ZONING

PETITIONER'S EXHIBIT
1p

MAR 7 1994

NO CONSIDERATION
NO TITLE EXAMINATION

Property Tax Acc't No.: _____



RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT is entered into this 25th day of JULY, 1994, (the "Agreement") by and between WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED, a Maryland corporation (hereinafter the "**Post**") and the NORTH POINT PENINSULA COMMUNITY COORDINATING COUNCIL (hereinafter the "**Community**").

RECITALS:

WHEREAS, the Post, by virtue of various deeds recorded among the Land Records of Baltimore County is the fee simple owner of that real property as now improved and located in the 15th Election District of Baltimore County and being known as 6600 North Point Road (the "**Property**"[1]); and

WHEREAS, the Post has operated a "community building" as defined under the Baltimore County Zoning Regulations on the Property for many years; and

WHEREAS, the Property is currently zoned DR 5.5 under the provisions of the Baltimore County Zoning Regulations; and

[1] The Property owned by the Post was acquired by the following deeds recorded among the Land Records of Baltimore County as follows: i) Deed dated November 29, 1965, Liber 4552, folio 572; ii) Deed dated January 15, 1948, Liber 1645, folio 529; iii) Deed dated March 25, 1936, Liber 972, folio 85; and iv) Deed dated August 27, 1951, Liber 2007, folio 462.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No. 15
Case No. R94-343
Petitioner: Wells-McComas Post-2678
Reclassification Petition

Dear Mr. Alderman:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before June 24, 1994. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

PETITIONER'S EXHIBIT
IV

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on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
Baltimore County Board of Appeals

DATE: July 19, 1994

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. R-94-343/6600 NORTH POINT ROAD
WELLS-MCCOMAS POST #2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC.

At its regularly scheduled monthly meeting on April 21, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

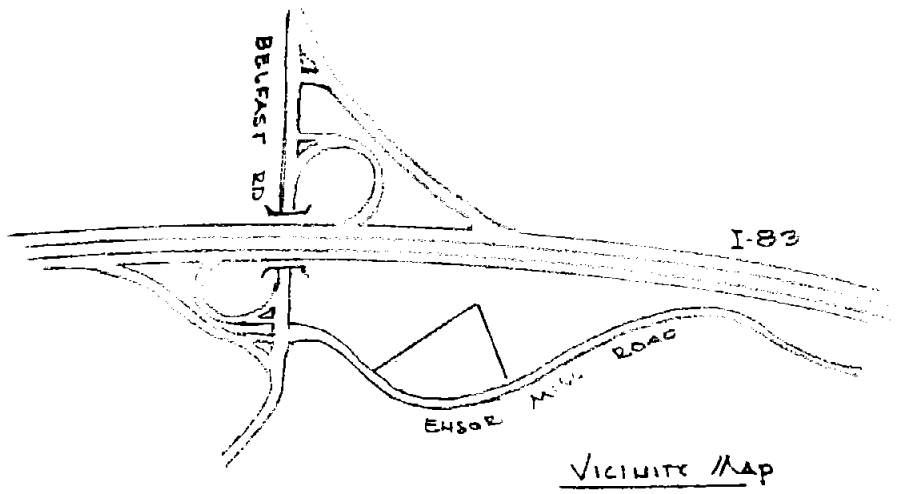
The County Council unanimously approved a Resolution approving the Planning Board's certification on May 16, 1994.

Enclosed herewith is a copy of the report of the Office of Planning and Zoning.

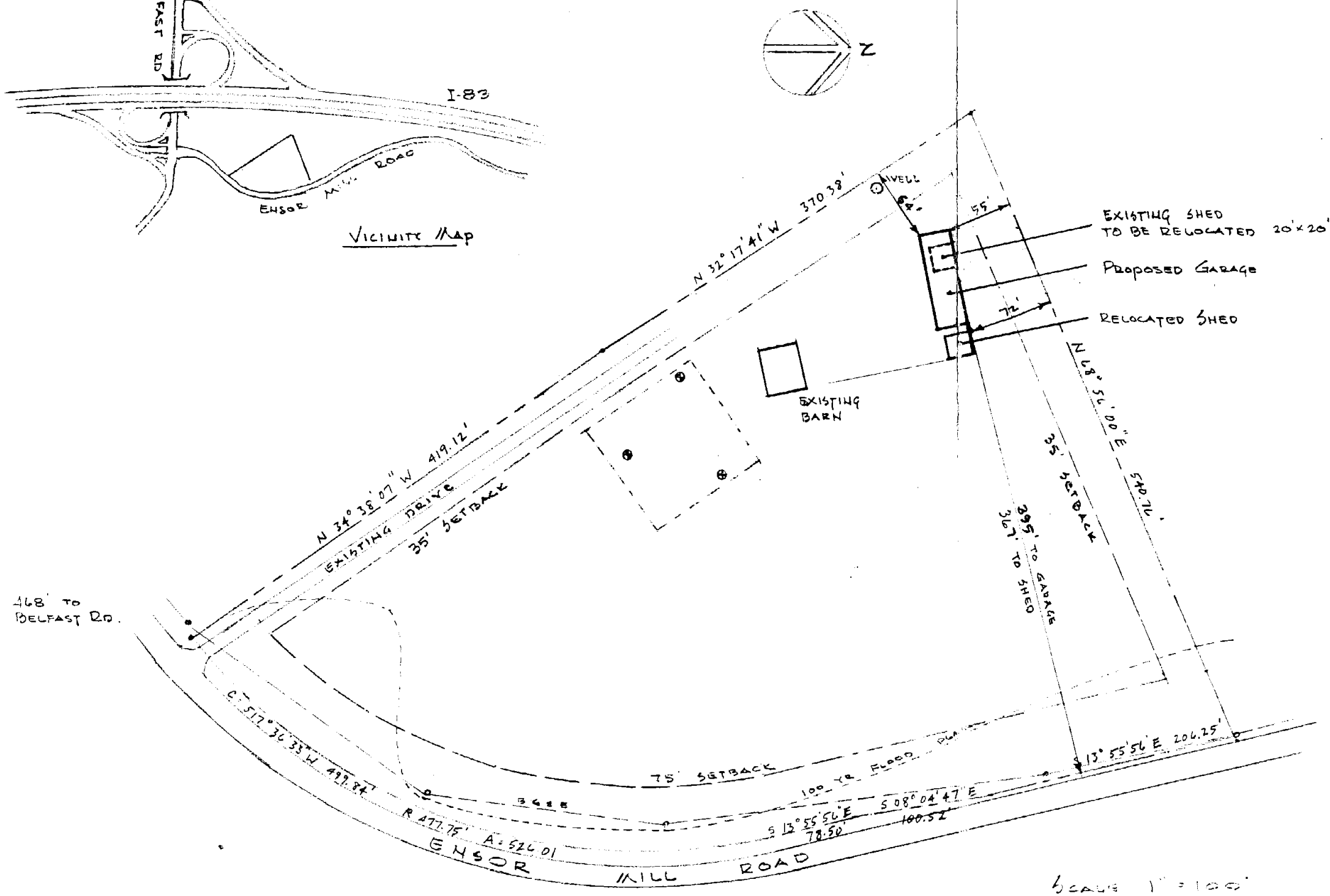
Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.343/PZONE/CYCLE

PETITIONER'S EXHIBIT 13



VICINITY MAP



SCALE 1" = 100'

LOCATION: 15516 ENSOR MILL ROAD
SPARKS, MARYLAND 21152

OWNERS: MR & MRS DONALD K. TAYLOR
18425 FORESTON RD
PARKTON, MARYLAND 21120

ZONING: RC 2

DEED REF: LIBER 7159 FOLIO 0380

DISTRICTS: 8th ELECTION DISTRICT
3rd COUNTY COUNCIL DISTRICT

AREA: 6.525 ACRES

TAX ACCT. NO: 08-05-063540

8/1/96
OK as within the Spirit & Intent of my Order in Case No. 94-357XA
Timothy Kotroco

B278123

APPLICATION NO.

A PETITION FOR SPECIAL EXCEPTION TO PERMIT A LANDSCAPE SERVICE OPERATION ON RC-2 ZONED PROPERTY AND A PETITION FOR VARIANCE FROM SECTION 404.1A OF THE BCZR TO PERMIT AN INTERNAL ROADWAY SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 25 FEET WERE APPROVED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY IN CASE NO. 94-357 XA, MAY 4, 1994.

PLOT PLAN TO ACCOMPANY
APPLICATION FOR BUILDING PERMIT
FOR GARAGE & SHED RELOCATION
15516 ENSOR MILL ROAD

7/96

1-800-224-5237

Plan as a specific program of Local Action to occur between 1990-92.[3] No such Community Plan has ever been developed. Likewise, the "Neighborhood Business Zone" recommended by the Master Plan has never been adopted.

The requested reclassification would permit a compatible neighborhood business to be located adjacent to existing residential areas. The alternative is that which was erroneously selected by the County Council -- a large unusable site standing vacant in the neighborhood. This is exactly the condition recommended against by the Master Plan.

Change/Mistake

The County Council has recognized the neighborhood area in which the Property is located as proper for commercial zoning.[4] Absent the requested reclassification of the Property, the movement of the Post home to the Academy Property pursuant to the zoning approvals granted further changes the neighborhood.

The failure of the County Council to recognize facts in existence at the time of the last comprehensive rezoning which justified a change of the classification on the Property constitutes a clear case of mistake or error. Likewise any assumption by the County Council that the Property could be used for its permitted residential purposes was erroneous.

Community Contact

The Post has met with the organized leadership of the Community and has received

---

[3] Master Plan at 40.

[4] Please refer to the introductory discussion in this Memorandum regarding nearby commercially zoned property. It should be noted that not all of the described commercially zoned property is improved with the same type of commercial-like structure as the subject Property.

ROYAL FARM

ROYAL
FARMS
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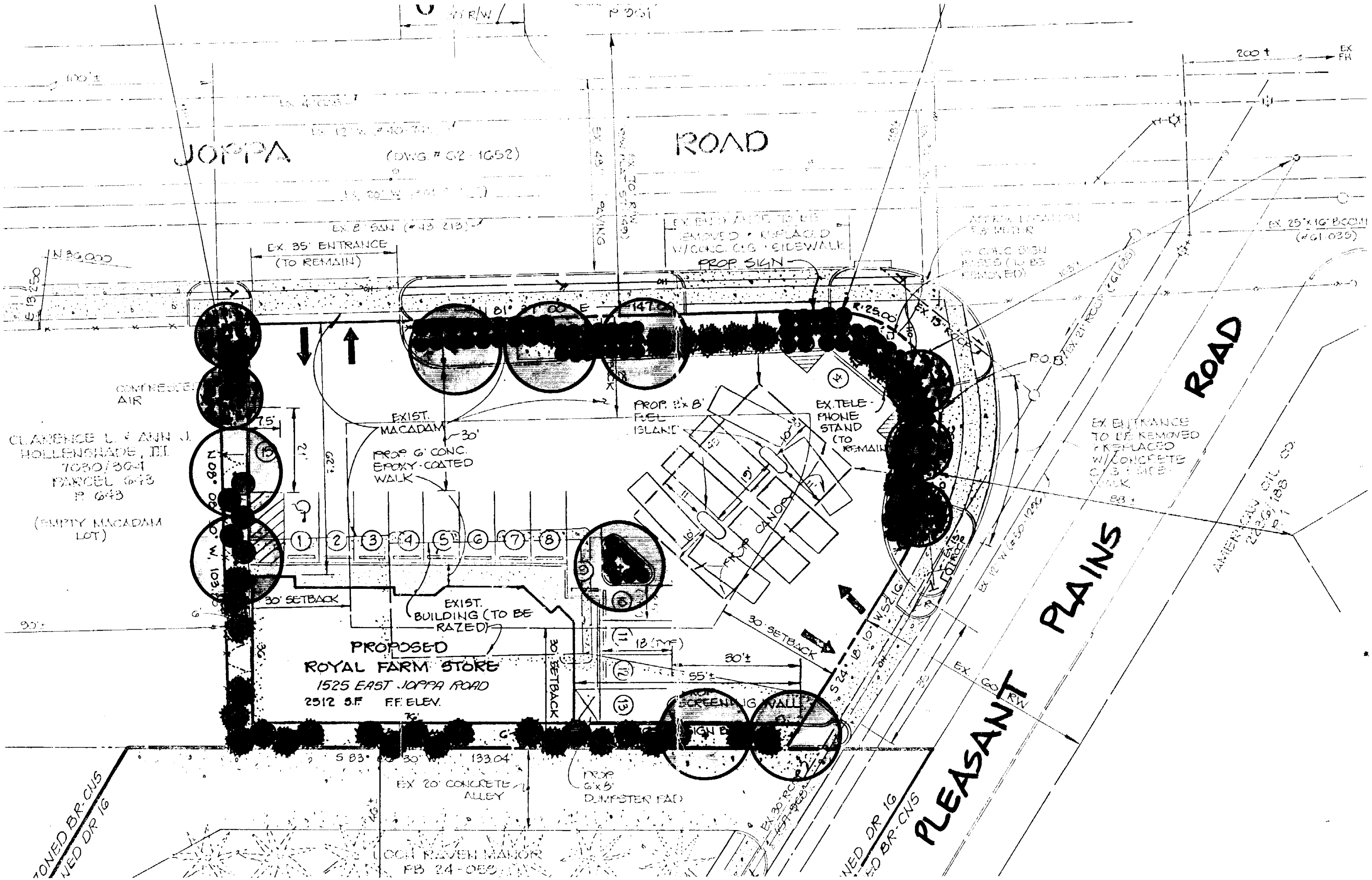
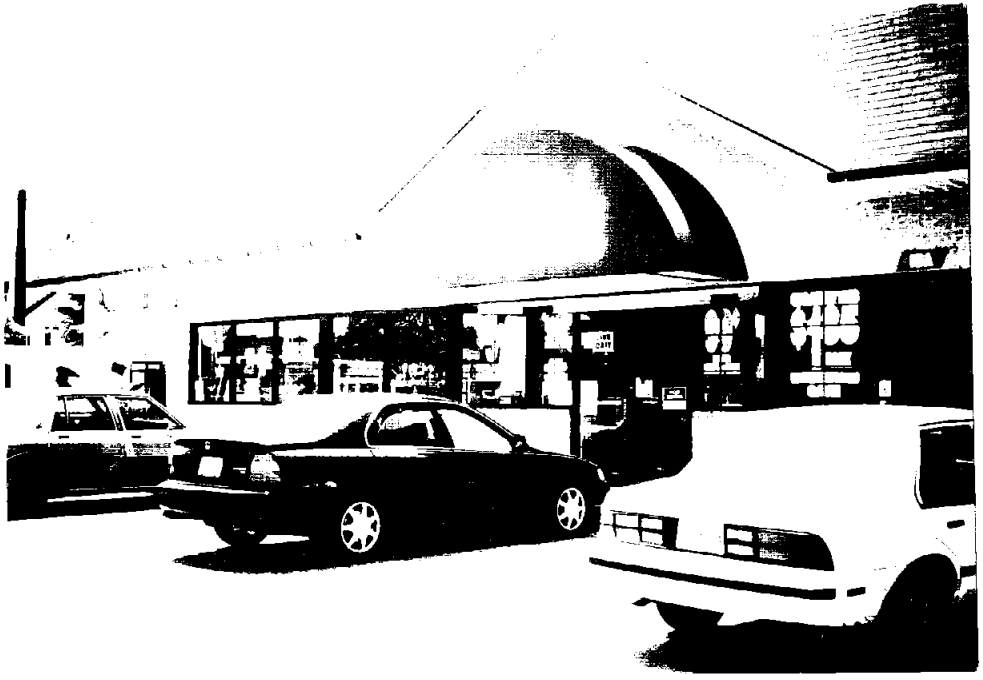
FARMS

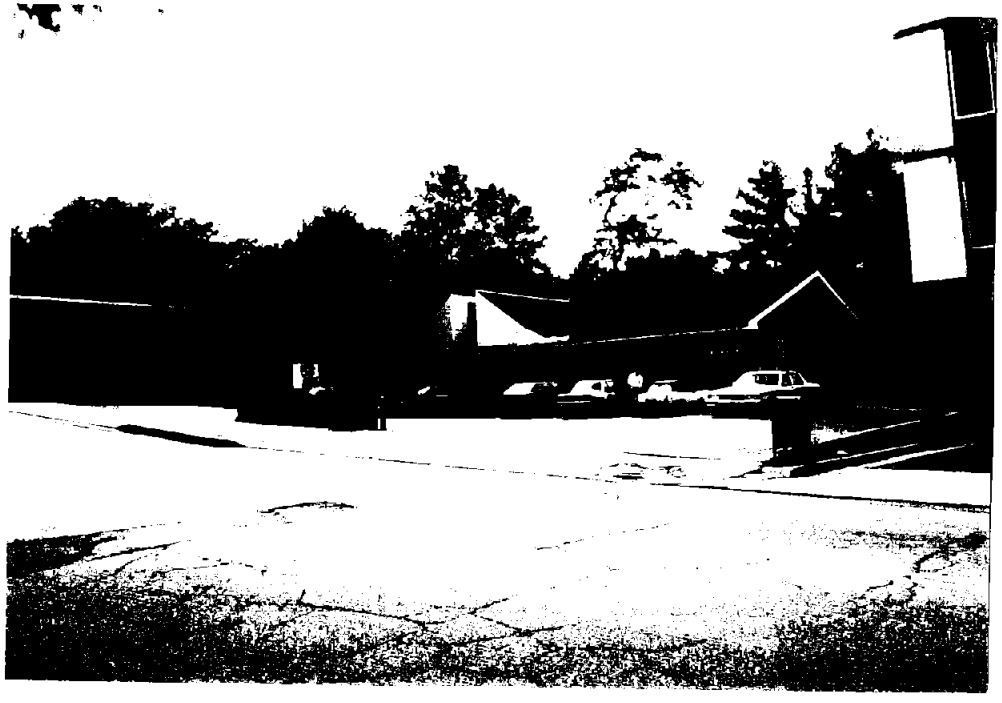
Dundalk
FARM
MARKET
DON MASON

RECEIVED
APR 26 1990
PLANNING & ZONING


JOPPA ROAD
PLEASANT PLAINS ROAD
(DWG. # G2-1652)
EX. 35' ENTRANCE (TO REMAIN)
EX. 8' SIGN (#43-213)
EX. BUILDING TO BE REMOVED & REPLACED W/CONC. C.G. & SIDEWALK
PROP SIGN
EXIST. MACADAM
PROP. 6' CONC. EPOXY-COATED WALK
PROP. 8'x8' FUEL ISLAND
EX. TELE-PHONE STAND (TO REMAIN)
CANOPY
EX. ENTRANCE TO BE REMOVED & REPLACED W/CONCRETE C.G. & SIDEWALK
EXIST. BUILDING (TO BE RAZED)
PROPOSED ROYAL FARM STORE
1525 EAST JOPPA ROAD
2512 S.F. F.F. ELEV.
30' SETBACK
SCREENING WALL
EX. 20' CONCRETE ALLEY
PROP. 6'x8' DUMPSTER PAD
CLARENCE L. & ANN J. HOLLENSHADE, III
7030/364
PARCEL 643
P. 643
(EMPTY MACADAM LOT)
CONTINENTAL AIR
LOCH RAVEN MANOR
FB 24-059
AMERICAN OIL CO.
EX. 25'x16' BCOM (#61-039)
EX. 15' ROAD
EX. 60' R/W
P.O.B.
S 83° 30' W 133.04'
S 24° 18' 10" W 52.16'
N 08° 00' W 101.00'
N 38,000
E 13,250
147.00'
R=25.00'
200 ±
EX. FH



ROYAL



IN THE MATTER OF THE APPLICATION OF WELLS-McCOMAS POST NO. 2678, VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC. FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NORTHEAST SIDE OF NORTH POINT ROAD, OPPOSITE DELMAR ROAD (6600 NORTH POINT ROAD) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-343 (Out of Cycle / formerly Item #15, Cycle III, 1994)

* * * * * * * * * * *

O P I N I O N

This case presents a request by the Wells-McComas Post No. 2678, Veterans of Foreign Wars of the United States, Inc., (hereinafter "VFW") to change the zoning from D.R. 5.5 to B.L. on its post home at 6600 North Point Road in the Fifteenth Election District of Baltimore County. At the hearing on the Petition, the Board received testimony and exhibits. From that, we find th following facts.

This particular piece of property has been used by the VFW for a community-type use since before the existence of zoning in Baltimore County. It is zoned residential D.R. 5.5. Due to its physical size and structure, this property can only be used for a community purpose or a commercial enterprise. It has three floors. Many members cannot reach the third floor due to stairs and its inaccessibility. The building does not have an elevator. It consists of over 12,000 sq. ft. of space. Since the use came into being, Congress passed the Americans with Disabilities Act. That body of law would require certain accommodations and changes to the building to make it accessible to persons with disabilities. The property as presently used is a nonconforming use, and the building itself is quite dissimilar from the residences in the neighborhood, which are small framed houses with narrow frontages in residential

zoning.

The building would have to be brought up to Code for any change in use. The property was not the subject of an issue in the 1992 Comprehensive Map Process. Evidence did not disclose when the Americans with Disabilities Act was passed, but certain parts of it were phased in during the last calendar year. The Office of Planning & Zoning has said that the petition is not without merit; its way of saying it would approve it if it could, but without a documented site plan, it won't. Since closing of the maps in the 1992 rezoning, the VFW obtained, in April of 1992, a special exception to use a new site for its post home.

It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the adoption of the map the Council had before it and did, in fact, consider all relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at th time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at the tim of the comprehensive zoning; by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account; or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of the comprehensive zoning. Boyce v. Sembly, 25 Md. App. 43, 334 A.2d 137 (1975)

We find factually that Petitioner has met all the requirements under the Code for accelerating this issue to be heard at this time. The problems with the building in terms of compliance with the Americans with Disabilities Act and its necessary conversion to bring it up to Code were not readily visible, and would not have been apparent to the County Council, at the time of comprehensive rezoning on 1992. Additionally, subsequent acquisition of a new site and the inability to find a purchaser for the existing building and ground were reasonably foreseeable by the County Council, had they had occasion to examine it. These were events that could not be taken into account by the County Council, sinc they occurred subsequent to the map process.

Accordingly, we find factually, based upon the testimony and exhibits presented, that the zoning is in error and that the Petition for Reclassification should be granted.

O R D E R

IT IS THEREFORE this 31st day of August, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition to reclassify the subject property's zoning from D.R. 5.5 to B.L. be and the same is hereby **GRANTED.**

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

C. William Clark

S. Diane Levero

widespread support of its Petition. The Post has offered voluntarily to subject the Property to covenants. The Community has agreed to work cooperatively with the Post in the development of the covenants. The Post will request that any such covenants be incorporated in and made a part of any order of the Board granting the requested BL classification.

Summary

The facts and circumstances which form a significant portion of the basis for this request were widely known during the last comprehensive process. The mistake of the County Council in not reclassifying the Property is obvious. For all of the above reasons, as well as those which will be presented to the Board at the hearing on the Petition for Reclassification, the Post respectfully requests that its Petition for Reclassification be granted. The Post's undersigned counsel and members of the Post remain available to answer any questions that staff members of OPZ or members of the Planning Board may have.

Howard L. Alderman, Jr.
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August 31, 1994

Howard L. Alderman, Jr., Esquire
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305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. R-94-343
Wells-McComas Post #2678
VFW of the U.S., Inc.

Dear Mr. Alderman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Louis F. Caralle, Commander
Wells-McComas Post No. 2678
McKee & Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soybean Ink
on Recycled Paper

3-30-94

REVISED 3-30-94

R-94-343

IN RE: PETITION FOR ZONING RECLASSIFICATION 6600 North Point Road Wells-McComas Post No. 2678 Veterans of Foreign Wars of the United States, Incorporated, Petitioner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.:

MEMORANDUM IN SUPPORT OF PETITION[1]

WELLS-McCOMAS POST NO. 2678 VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED (referred to hereinafter as "Owner" or "Post"), in support of its Petition for Reclassification of the property which it owns at 6600 North Point Road (the "Property") submits the following information for consideration by the staff of the Office of Planning and Zoning ("OPZ"), the Baltimore County Planning Board ("Planning Board"), and the County Board of Appeals for Baltimore County ("Board").

Location/Zoning

The Property is located in the Seventh Councilmanic District at 6600 North Point Road, on the northeast side of that road and binding on Greenhill Cove. The Property is mapped as an Intense Development Area ("IDA") within the Chesapeake Bay Critical Area. Approximately 300

[1] This Memorandum in Support of Petition was revised per the direction of the staff of the Office of Zoning Administration and Development Management to eliminate all descriptions of specific prior zoning approvals and existing conditions on the Property. Copies of this Memorandum as it existed prior to revision will be presented to the Board at the time of the hearing on this Petition.

feet in a northwest direction begins a substantial area of commercial zoning containing classifications of BR and BR-IM. Less than 700 feet to the southeast is the beginning of a BL-CNS zone. Existing residential uses adjoin the Property on three sides, with Greenhill Cove adjoining and forming the rear property line. The Property is currently zoned DR 5.5; other zoning approvals have been obtained in connection with the Property.

History

The Post acquired the Property in approximately 1932 after which the existing masonry building was constructed. The use of the Property by the Post pre-dates all zoning regulations in Baltimore County. Over the years, the site was completely paved with bituminous concrete (asphalt). The Post membership has grown and now boasts more than 680 members.

The community supported their long-time neighbor in 1991 in obtaining the necessary zoning relief, including immediately adjoining neighbors. A Critical Area Findings Report and Plan were approved by the Department of Environmental Protection and Resource Management which included the removal of a substantial strip of the existing asphalt along the water's edge and installation of vegetation in this area when the expansion plans were complete. (A copy of those findings is included herewith and incorporated herein as Exhibit "A").

Shortly after obtaining all required zoning approvals, the Post became aware of the opportunity to acquire the former Baltimore Christian Academy Property (the "Academy Property") located on the opposite side of North Point Road and slightly west of the Property. The existing improvements on the Academy Property are larger, more modern and are located on a single level. Many Post members are precluded from using all of the areas of the existing Post due to the inability to navigate and traverse stairs; such obstacles are not present at the

Academy Property. All zoning approvals necessary for the relocation of the Post to the Academy Property have been obtained. During the Baltimore County Council's ("County Council") comprehensive rezoning process in 1992 the plans of the Post to relocate from its existing home were readily and widely known. Notwithstanding the single utility of the Property and the knowledge that the existing Post Home was being completely relocated, the County Council retained the existing DR 5.5 zoning on the Property.

The Post has attempted, and continues in its attempts, to locate a purchaser for the Property under its current zoning classification and prior zoning approvals. There has been absolutely no interest from any potential purchaser for the Property due to its improper zoning classification. Once the Post vacates the Property it will remain vacant and unusable pursuant to its present zoning classification.

Master Plan

The *Baltimore County Master Plan 1989 - 2000* ("Master Plan") was adopted by the Planning Board and by the County Council on February 5, 1990. The Property is located within an area identified in the Master Plan as "Community Conservation." One of the strategic issues identified in the Master Plan is to "conserve, revitalize and enhance our older residential communities."[2] The proposed reclassification will help to redevelop and stabilize an older community versus the alternative of business interests looking toward the fringe development areas, and it will direct private economic resources into an existing built community.

The Master Plan called for the development of a North-Point Wells-McComas Community

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[2] Master Plan at 3.

Plan as a specific program of Local Action to occur between 1990-92.[3] No such Community Plan has ever been developed. Likewise, the "Neighborhood Business Zone" recommended by the Master Plan has never been adopted.

The requested reclassification would permit a compatible neighborhood business to be located adjacent to existing residential areas. The alternative is that which was erroneously selected by the County Council -- a large unusable site standing vacant in the neighborhood. This is exactly the condition recommended against by the Master Plan.

Change/Mistake

The County Council has recognized the neighborhood area in which the Property is located as proper for commercial zoning.[4] Absent the requested reclassification of the Property, the movement of the Post home to the Academy Property pursuant to the zoning approvals granted further changes the neighborhood.

The failure of the County Council to recognize facts in existence at the time of the last comprehensive rezoning which justified a change of the classification on the Property constitutes a clear case of mistake or error. Likewise any assumption by the County Council that the Property could be used for its permitted residential purposes was erroneous.

Community Contact

The Post has met with the organized leadership of the Community and has received

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[3] Master Plan at 40.

[4] Please refer to the introductory discussion in this Memorandum regarding nearby commercially zoned property. It should be noted that not all of the described commercially zoned property is improved with the same type of commercial-like structure as the subject Property.

widespread support of its Petition. The Post has offered voluntarily to subject the Property to covenants. The Community has agreed to work cooperatively with the Post in the development of the covenants. The Post will request that any such covenants be incorporated in and made a part of any order of the Board granting the requested BL classification.

Summary

The facts and circumstances which form a significant portion of the basis for this request were widely known during the last comprehensive process. The mistake of the County Council in not reclassifying the Property is obvious. For all of the above reasons, as well as those which will be presented to the Board at the hearing on the Petition for Reclassification, the Post respectfully requests that its Petition for Reclassification be granted. The Post's undersigned counsel and members of the Post remain available to answer any questions that staff members of OPZ or members of the Planning Board may have.

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Attorneys for Petitioner

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See revised Memorandum - date of 3-30-94

adjoining and forming the rear property line. The Property is currently zoned DR 5.5; other zoning approvals discussed in more detail below have been obtained in connection with the past and previously proposed use of the Property by the Post.

History

The Post acquired the Property in approximately 1932 after which the existing masonry building was constructed. The use of the Property by the Post pre-dates all zoning regulations in Baltimore County. Over the years, the site was completely paved with bituminous concrete (asphalt) and a presently existing single-story addition was added to the rear of and attached to the masonry building. The Post membership has grown and now boasts more than 680 members.

The combined structures on the Property comprise approximately 11, 910 square feet. In late 1990, in order to accommodate its growing membership, the Post began the process of obtaining the approvals necessary to legitimize its existing use, remove approximately 1240 square feet of the existing building and add approximately 6400 square feet by expanding the existing structure.

Pursuant to the evidence presented and the final order in Zoning Commissioner Case No. 91-295-XA, a special exception for a community building was granted as were the variances necessary for proposed parking and existing/proposed building setback and signage. The community supported their long-time neighbor in obtaining the necessary zoning relief, including immediately adjoining neighbors. A Critical Area Findings Report and Plan were approved by the Department of Environmental Protection and Resource Management which included the removal of a substantial strip of the existing asphalt along the water's edge and installation of vegetation in this area when the expansion plans were complete. (A copy of those findings is

included herewith and incorporated herein as Exhibit "A").

Shortly after obtaining all required zoning approvals, the Post became aware of the opportunity to acquire the former Baltimore Christian Academy Property (the "Academy Property") located on the opposite side of North Point Road and slightly west of the Property. The existing improvements on the Academy Property are larger, more modern and are located on a single level, whereas the existing Post home is a three-story structure. Many Post members are precluded from using all of the areas of the existing Post due to the inability to navigate and traverse stairs; such obstacles are not present at the Academy Property. All zoning approvals necessary for the relocation of the Post to the Academy Property have been obtained. During the Baltimore County Council's ("County Council") comprehensive rezoning process in 1992 the plans of the Post to relocate from its existing home were readily and widely known. Notwithstanding the single utility use of the Property as a community building and the knowledge that the existing "community"[1] use was being completely relocated, the County Council retained the existing DR 5.5 zoning on the Property.

The Post has attempted, and continues in its attempts, to locate a purchaser for the Property under its current zoning classification and Special Exception approval. There has been absolutely no interest from any potential purchaser for this existing building which, due to its present zoning classification, may only be used as a community building. Once the Post vacates the Property it will remain an unused, vacant structure, unsuitable for uses permitted in the

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[1] While the Post is not a "community" organization in the classic sense, for purposes of the Baltimore County Zoning Regulations the use of a structure/land by a charitable and fraternal organization such as the Post is considered a "community building" requiring a Special Exception.

Density Residential zoning classification.

Master Plan

The *Baltimore County Master Plan 1989 - 2000* ("Master Plan") was adopted by the Planning Board and by the County Council on February 5, 1990. The Property is located within an area identified in the Master Plan as "Community Conservation." One of the strategic issues identified in the Master Plan is to "conserve, revitalize and enhance our older residential communities."[2] The proposed reclassification will help to redevelop and stabilize an older community versus the alternative of business interests looking toward the fringe development areas, and it will direct private economic resources into an existing built community.

The Master Plan called for the development of a North-Point Wells-McComas Community Plan as a specific program of Local Action to occur between 1990-92.[3] No such Community Plan has ever been developed. Likewise, the "Neighborhood Business Zone" recommended by the Master Plan has never been adopted.

The requested reclassification would permit a compatible neighborhood business to be located adjacent to existing residential areas. The alternative is that which was erroneously selected by the County Council -- a large, commercial-like structure standing vacant in the neighborhood. This is exactly the condition recommended against by the Master Plan.

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[2] Master Plan at 3.

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