

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
 AND VARIANCE - SW/S Allender Road, \* DEPUTY ZONING COMMISSIONER  
 35' SW of the c/l Red Lion Road \*  
 (5811 Allender Road) \*  
 11th Election District \* OF BALTIMORE COUNTY  
 5th Councilmanic District \*  
 \* Case No. 98-401-SPHA  
 Freestate Indoor Sports, Inc. \*  
 Petitioner \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Freestate Indoor Sports, Inc., by Gerard B. Novak, President, through their attorney, John B. Gontrum, Esquire. The Petitioner seeks approval of an amendment to the special exception and site plans approved in prior Cases Nos. 96-326-X and 97-205-X, for a proposed swimming pool and rollerblade skating area, and an additional macadam paved parking area which already exists. In addition to the special hearing relief sought, the Petitioner requests a variance from Section 409.8.A.4 of the B.C.Z.R. to permit parking spaces to be located between 0 feet and 10 feet from the street right-of-way line in lieu of the minimum required 10 feet, and, from Sections 255.1 and 238.2 of the B.C.Z.R. to permit a building to building setback of 40 feet in lieu of the required 60 feet between Recreation Building 1 and Warehouse Building 2, and a side setback of 28 feet in lieu of the required 30 feet for Warehouse Building 2. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Gerard B. Novak, legal owner of the property and President of Freestate Indoor

ORDER RECEIVED FOR FILING  
 Date 08/23/98  
 By [Signature]

Sports, Inc., Richard E. Matz, Professional Engineer, who prepared the site plan for this property, and John B. Gontrum, Esquire, attorney for the Petitioner. Ms. Carol McEvoy appeared on behalf of the Office of Planning. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 7.580 acres, more or less, zoned M.L., and is improved with a large, one-story multi-use recreation facility. The property is located at the southwest corner of Allender Road and Red Lion Road, just north of Pulaski Highway in White Marsh. The property was the subject of prior Case No. 96-326-X in which the Petitioner was granted a special exception for a commercial recreational facility on May 13, 1996. Subsequently, in Case No. 97-205-X, the Petitioner was granted an amendment to the previously approved site plan in the prior case to permit an arcade to be located within the recreational facility on December 16, 1996. The Petitioner now seeks approval of an amendment to the site plans previously approved in those cases to permit the addition of a swimming pool and rollerblade skating area, and approval of an additional macadam paved parking area which already exists. The existing and proposed improvements are more particularly described on the site plan entered into evidence as Petitioner's Exhibit 1. The modified parking layout and macadam paved area which has already been added has been reviewed by the County agencies, and the Office of Planning, by way of Ms. Carol McEvoy, has recommended certain modifications. The plan modifying that parking area was entered into evidence as Petitioner's Exhibit 2 and shows the addition of some landscaping as well as some changes to the overall layout of the paved area. The Petitioner agreed to make those modifications recommended by the Office of Planning.

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Date 6/25/98  
By [Signature]

As noted above, the Petitioner seeks approval of a parking lot area previously installed on the property. However, at the hearing, the Petitioner entered into evidence as Petitioner's Exhibit 3, a red-lined site plan depicting a possible future ice rink on the subject property, in the area where Warehouse Building 2 currently exists. The Petitioner was not requesting approval at this time for such a facility; however, in the event the Petitioner proceeds with its plans to construct an indoor ice rink at this location, then the parking area presently situated adjacent thereto must be modified and brought into compliance with the parking regulations at the time the ice rink is constructed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been

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Date 6/25/74  
By [Signature]

established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25<sup>th</sup> day of June, 1998 that the Petition for Special Hearing to approve an amendment to the special exception and site plans approved in prior Cases Nos. 96-326-X and 97-205-X, for a proposed swimming pool and rollerblade skating area, and additional macadam paved parking area which already exists, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,


IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.A.4 of the B.C.Z.R. to permit parking spaces to be located between 0 feet and 10 feet from the street right-of-way line in lieu of the minimum required 10 feet, and, from Sections 255.1 and 238.2 of the B.C.Z.R. to permit a building to building setback of 40 feet in lieu of the required 60 feet between Recreation Building 1 and Warehouse Building 2, and a side setback of 28 feet in lieu of the required 30 feet for Warehouse Building 2, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the

30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) In the future, should the Petitioner decide to proceed with its plans to construct an indoor ice skating rink in the area where Warehouse Building 2 currently exists (as shown on Petitioner's Exhibit 3), then the parking area situated adjacent thereto must be modified and brought into compliance with the parking regulations at the time the ice rink is constructed.

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

  
\_\_\_\_\_  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 6/20/18  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

June 25, 1998

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Essex, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
SW/S Allender Road, 35' SW of the c/l Red Lion Road  
(5811 Allender Road)  
11th Election District - 5th Councilmanic District  
Freestate Indoor Sports, Inc. - Petitioner  
Case No. 98-401-SPHA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Gerard B. Novak  
5811 Allender Road, White Marsh, Md. 21162

Mr. Richard E. Matz, / Colbert Matz Rosenfelt, Inc.  
2835 Smith Avenue, Suite G, Baltimore, Md. 21209

People's Counsel; Case Files





# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 5811 Allender Road

which is presently zoned ML

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 for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A petition to amend the Special Exception Plan approved in Case No. 96-326-X as amended by Special Hearing in Case No. 97-205-X.

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

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

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

Attorney for Petitioner:

John B. Gontrum

Romadka, Gontrum & McLaughlin

(Type or Print Name)

Signature

814 Eastern Blvd. 410-686-8274

Address

Phone No.

Essex MD

21221

City

State

Zipcode

Legal Owner(s):

Gerard B. Novak, President

Freestate Indoor Sports, Inc.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

5811 Allender Road

410-335-6400

Address

Phone No.

White Marsh MD

21162

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Richard E. Matz, P.E.

Colbert Matz Rosenfelt, Inc.

Name

2835 Smith Avenue Ste. G

Address

Phone No.

Baltimore, MD 21209

410-653-3838

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

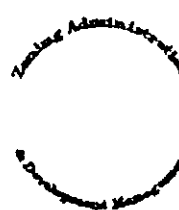
DATE

ORDER RECEIVED FOR FILING

Date

By

**DROP OFF  
NO REVIEW  
4/23/98  
WCR**



**98-401-SPHA**



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 5811 Allender Road

which is presently zoned ML

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 for a Variance from Section(s) 409.8.A.4 for parking spaces between 0 ft. and 10 ft. from the street right-of-way line and from Section 255.1 & 238.2 for between building setback of 40 ft. in lieu of the required 60 ft. and side setbacks of 28 ft. in lieu of the required 30 ft.

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

The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property.

Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner: John B. Gontrum, Esq.  
Romadka, Gontrum & McLaughlin  
(Type or Print Name)

Signature

814 Eastern Blvd. 410-686-8274

Address Phone No.  
Essex MD 21221  
City State Zipcode

Legal Owner(s):

Gerard B. Novak, President  
Freestate Indoor Sports, Inc.  
(Type or Print Name)

Signature

(Type or Print Name)

Signature

5811 Allender Rd 410-335-6400  
Address Phone No

White Marsh MD 21162  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

Richard E. Matz, P.E.  
Colbert Matz Rosenfelt, Inc.  
Name

2835 G Smith Ave. 410-653-3838  
Address Phone No.  
Baltimore, MD 21209  
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

98-401-SPHA

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

DROP OFF  
NO REVIEW  
4/23/98  
UCR

Printed with Soybean Ink  
on Recycled Paper





# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



DESCRIPTION FOR SPECIAL HEARING AND VARIANCE  
5811 ALLENDER ROAD, 11<sup>TH</sup> ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE SOUTHWEST SIDE OF ALLENDER ROAD, 70 FEET WIDE, 35 FEET SOUTHWEST OF THE CENTERLINE OF RED LION ROAD, OF VARYING WIDTH, THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 20 DEGREES 39 MINUTES 03 SECONDS EAST 362.59 FEET; THEN SOUTH 62 DEGREES 44 MINUTES 31 SECONDS WEST  $\pm$  15 FEET TO A PIPE; THEN SOUTH 27 DEGREES 28 MINUTES 48 SECONDS WEST 530.24 FEET TO A PIPE; THEN NORTH 63 DEGREES 16 MINUTES 32 SECONDS WEST 473.96 FEET TO A PIPE; THEN NORTH 27 DEGREES, 47 MINUES, 37 SECONDS EAST 757.99 FEET; THEN NORTH 86 DEGREES 11 MINUTES 03 SECONDS EAST 133.59 FEET TO A POINT OF CURVATURE OF A CURVE, THE ARC CHORD BEARING NORTH 80 DEGREES 38 MINUTES 10 SECONDS EAST 34.80 FEET TO THE END OF THE ARC, THEN SOUTH 62 DEGREES 46 MINUTES 53 SECONDS EAST 26.83 FEET TO THE POINT OF BEGINNING. THE AREA OF THE PROPERTY BEING 7.580 ACRES, MORE OR LESS. ALSO KNOWN AS 5811 ALLENDER ROAD AND LOCATED IN THE 11<sup>TH</sup> ELECTION DISTRICT OF BALTIMORE COUNTY.

J:\97183LTR.DOC

4/21/98

**98-401-SPHA**

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR VARIANCE  
5811 Allender Road, SE/S Allender Rd, SWC Red  
Lion Rd, 11th Election District, 5th Councilmanic

Legal Owners: Freestate Indoor Sports, Inc.

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 98-401-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

Peter Max Zimmerman  
Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Carole S. Demilio  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5<sup>th</sup> day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 4, 1998

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-401-SPHA  
5811 Allender Road  
SE/S Allender Road, SWC Red Lion Road  
11th Election District - 5th Councilmanic District  
Legal Owner: Freestate Indoor Sports, Inc.

Special Hearing to amend the special exception plan approved in case no. 96-326-X as amended by special hearing in case no. 97-205-X. Variance to allow parking spaces between zero and 10 feet from the street right-of-way line in lieu of the required 10 feet; and to allow between building setback of 40 feet in lieu of the required 60 feet and side setbacks of 28 feet in lieu of the required 30 feet.

HEARING: Monday, June 8, 1998 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon  
Director

c: John B. Gontrum, Esquire  
Colbert Matz Rosenfelt, Inc.  
Freestate Indoor Sports, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 24, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY  
May 21, 1998 Issue - Jeffersonian

Please forward billing to:

John B. Gontrum, Esquire                      410-686-8274  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Essex, MD 21221

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**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-401-SPHA  
5811 Allender Road  
SE/S Allender Road, SWC Red Lion Road  
11th Election District - 5th Councilmanic District  
Legal Owner: Freestate Indoor Sports, Inc.

Special Hearing to amend the special exception plan approved in case no. 96-326-X as amended by special hearing in case no. 97-205-X. Variance to allow parking spaces between zero and 10 feet from the street right-of-way line in lieu of the required 10 feet; and to allow between building setback of 40 feet in lieu of the required 60 feet and side setbacks of 28 feet in lieu of the required 30 feet.

HEARING:     Monday, June 8, 1998 at 11:00 a.m. in Room 407, County Courts Building,  
                  401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

ITEM 401

# ZONING NOTICE

Case No.: 98-401-SPHA

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: SPECIAL HEARING TO AMEND THE SPECIAL  
EXCEPTION PLAN APPROVED IN CASE #96-326-X AS  
AMENDED BY SPECIAL HEARING IN CASE #97-205-X.  
VARIANCE TO ALLOW PARKING SPACES BETWEEN  
ZERO AND 10 FEET FROM THE STREET RIGHT-OF-WAY →

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

**DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**

LINE IN LIEU OF THE REQUIRED 10 FEET; TO ALLOW  
~~FOR~~ BETWEEN BUILDING SETBACK OF 40 FEET  
IN LIEU OF THE REQUIRED 60 FEET; AND TO  
ALLOW SIDE SETBACKS OF 28 FEET IN LIEU  
OF THE REQUIRED 30 FEET.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 074368

DATE 12/2/99 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JJS)

RECEIVED FROM: Just 4 Kids Sports

FOR: 5811 Allender Rd

99-3068

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT  
PROCESS ACTUAL TIME  
12/2/99 12/2/99 11:22:00  
REG 0301 CASHIER LSN1 LXS DRAMER  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 1-1226  
CR NO. 074368  
40.00 OK  
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 048727

DATE 4/23/98 ACCOUNT 001-6150

AMOUNT \$ 500.00 (WCR)

RECEIVED FROM: Romadka, Contrum & McLaughlin

FOR: #020 - VARIANCE  
#040 - SPECIAL HEARING ITEM #0401

5811 Allender Road  
Drop-Off - No Review CASE #98-401-SPHA

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT  
PROCESS ACTUAL TIME  
4/23/1998 4/23/1998 11:08:11  
REG 0304 CASHIER LSN1 LXS DRAMER  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 047030  
CR NO. 048727  
500.00 OK  
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 063005

DATE 12/18/98 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JJS)

RECEIVED FROM: Colbert Matz Rosenfelt Inc

FOR: VERIFICATION #98-5354

Freestate Indoor Soccer  
5811 Allender Road

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT  
PROCESS ACTUAL TIME  
12/17/1998 12/17/1998 11:56:47  
REG 0305 CASHIER LSN1 LXS DRAMER  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 008353  
CR NO. 063005  
40.00 OK  
Baltimore County, Maryland

CASHIER'S VALIDATION

# CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1998

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 May 21, 1998.

THE JEFFERSONIAN,

*A. Henrichson*

LEGAL AD. - TOWSON

**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-401-SPHA  
6811 Allender Road  
SE/S Allender Road, SWC Red Lion Road  
11th Election District  
5th Councilmanic District  
Legal Owner(s):  
Prestate Indoor Sports, Inc.  
Special Hearing: to amend the special exception plan approved in case no. 98-326-X as amended by special hearing in case no. 97-206-X.  
Variance: to allow parking spaces between zero and 10 feet from the street right-of-way line in lieu of the required 10 feet and to allow between building setback of 40 feet in lieu of the required 60 feet and side setbacks of 20 feet in lieu of the required 30 feet.  
Hearing: Monday, June 8, 1998 at 11:00 a.m. in Room 407, County Courts Bldg., 401 Beale Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.  
(2) For information concerning the file and/or hearing Please Call (410) 887-3361.

5/275 May 21 C228535



**CERTIFICATE OF POSTING**

**REF Case # 98-401-SBHA**  
**Petitioner/Developer:**  
**(Freestate Indoor Sports Inc.)**  
**Date of Hearing/Closing:**  
**(June 8, 1998)**

**Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204**

**Attention : Ms. Gwendolyn Stephens**

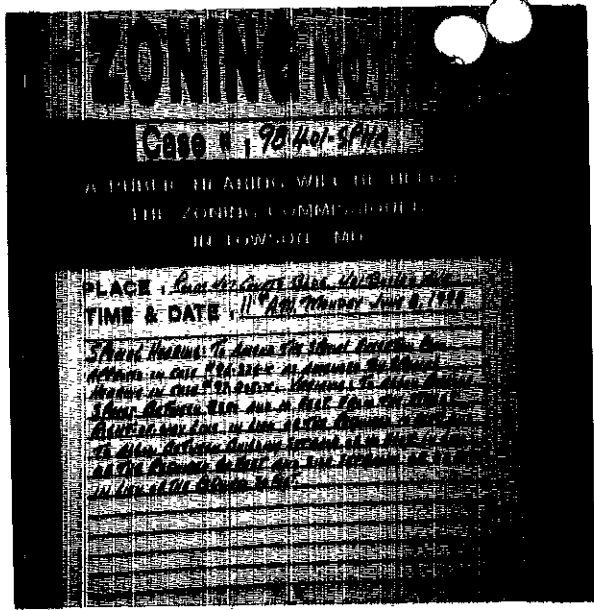
**Ladies and Gentleman:**

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by  
law were posted conspicuously on the property located at \_\_\_\_\_  
5811 Allender Road Baltimore, Maryland 21128 \_\_\_\_\_**

**The sign(s) were posted on \_\_\_\_\_ May 22, 1998 \_\_\_\_\_  
(Month, Day, Year)**

**Sincerely,**  
*Thomas P. Ogle, Sr.*  
**(Signature of Sign Poster & Date)**

\_\_\_\_\_**Thomas P. Ogle, Sr.**\_\_\_\_\_  
\_\_\_\_\_**325 Nicholson Road**\_\_\_\_\_  
\_\_\_\_\_**Baltimore, Maryland 21221**\_\_\_\_\_  
\_\_\_\_\_**(410)-687-8405**\_\_\_\_\_  
**(Telephone Number)**



1ent



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 2, 1998

John B. Gontrum, Esq.  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Essex, MD 21221

RE: Item No.: 401  
Case No.: 98-401-SPHA  
Petitioner: Freestate Indoor  
Sports, Inc.  
Location: 5811 Allender Road

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 23, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR:ggs  
Attachment(s)





Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

May 7, 1998

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

RE: Property Owner: VILLA JULIE COLLEGE, 394  
PATRICK J. MALEC, 396  
FREESTATE INDOOR SPORTS, INC., 401

Location: DISTRIBUTION MEETING OF MAY 4, 1998

Item No.: 394, 396, 401 ZONING AGENDA:

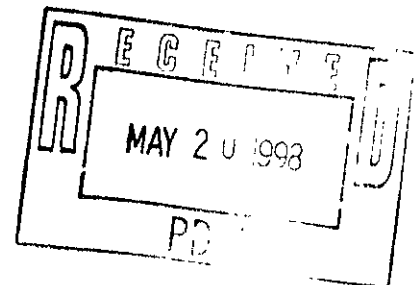
Gentlemen:

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.

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", 1994 edition prior to occupancy.

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: May 11, 1998

FROM: *Pub* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for May 11, 1998  
Item Nos. 394, 396, 397, 398, 399,  
400, 401, 402, and 403

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

*semi  
6/8*

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
and Development Management

**DATE:** May 12, 1998

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 5811 Allender Road

**INFORMATION**

Item Number: 401  
Petitioner: Freestate Indoor Sports, Inc.  
Zoning: ML  
Requested Action: Special Hearing & Variance

**Summary of Recommendations:**

Staff supports the applicant's request conditioned upon the following:

- 1) Remove paving from the right-of-way at the corner of Allender Road and Red Lion Road in order to provide a wider area for landscaping (see sketch); and
- 2) Remove two parking spaces on either side of the access into the site (see sketch).

Prepared by: *[Signature]*

Division Chief: *[Signature]*

AFK/JL

# BALTIMORE COUNTY, MARYLAND

## INTRA-OFFICE CORRESPONDENCE

**To:** Jeff Long  
Office of Planning

**DATE:** May 12, 1998

**FROM:** Carol McEvoy  
Development Review Section, Office of Planning

**SUBJECT:** Freestate Indoor Sports  
ZAC ITEM 401

A Special Exception for a commercial recreational facility in accordance with a site plan labeled Petitioner's Exhibit 1 was granted May 13 1996 in Case # 96-386 X. The order specified that "Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County." Petitioner's Exhibit 1 allowed ample area for required landscaping and no variance for parking setback was needed.

A request was submitted to the DRC on February 9, 1998 (DRC#02098K) for an A-7 to add parking adjoining the existing parking area. The parking area was in excess of that shown on the site plan for case 96-386-X and the paving had been completed. Some parking spaces overlap the right- of-way for Allender Road. An additional area had been paved for a skate board facility. No application for variance of the required 10 foot setback of parking to the right of way had been made.

The Office of Planning recommended to the DRC that the new paving was not in the spirit and intent of the Zoning Commissioner's order. Furthermore, no landscape plan had been submitted to Avery Harden for approval as ordered. The Office of Planning recommended that they remove enough paving to provide the required 10 foot setback of parking to the right of way (BCZR ) and provide the landscaping required by the Landscape Manual for parking and street trees. The item was tabled at the DRC.

A second request was submitted to the DRC on April 6, 1998 (DRC# 04068H) for an A-7 to construct a swimming pool and a building. The letter which described the request cited ample parking on site to support the new use. The Applicant was advised that the County could not process this request unless a hearing was held to resolve the appropriateness of the excess paving and the need for variance.

The recreational uses are a service to the area and the business has been heavily patronized. A need for additional parking is recognized but this should not generate a casual disregard of an approved site plan and Zoning Commissioners order.

The Office of Planning offers an overlay to demonstrate a comprise solution.

Parking spaces are removed which overlap the County Right-of-way. The corner of Allender Road and Red Lion Road is redesigned to provide a landscape area at the gateway to residential neighborhoods. If these changes are adopted the Office of Planning will support a partial variance of parking setback with appropriate landsdcaping in the County right-of-way. If additional parking is crucial it should be provided on site in the area of the rollerblade court or in lieu of additional services.

  
\_\_\_\_\_  
Carol McEvoy

CMcE

c: Gary Kerns  
DRC file

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: POM

DATE: \_\_\_\_\_

FROM: R. Bruce Seeley *RBS/ep*  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: *May 21, 92*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	396	<u>401</u>
	397	402
	398	403
	400	

RBS:sp

BRUCE2/DEPRM/TXTS8P





**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 5.1.94  
Item No. 401 WCR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

*for* Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

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  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 23, 1998

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Essex, MD 21221

RE: Drop-Off Petition (Item #401)  
5811 Allender Road  
11th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:scj

Enclosures





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 7, 1998

John B. Gontrum, Esquire  
Romadka, Gontrum, McLaughlin  
814 Eastern Boulevard  
Essex, MD 21221

RE: Drop-Off Petition Review (Item #401)  
5811 Allender Road  
11th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Provide an aisle width dimension and parking space typical dimension for each parking area per Section 409.4, Baltimore County Zoning Regulations (BCZR). A 22-foot minimum is required for 90 degree parking space aisles, while parking spaces must be 8-1/2 feet x 18 feet. Deficiencies appear to exist with this requirement. Variance all BCZR conflicts.
2. The variance petition and plan note concerning same should also refer to Section 102.2, BCZR (between building setbacks). The plan note also references Section 2551.1, which is a typographical error. Clarify that the zero foot variance request is to be applied to all parking setback less than 10 feet from right-of-ways. Also dimension all parking space to right-of-way setbacks.
3. Remove the parking space from the public right-of-way at the entrance.

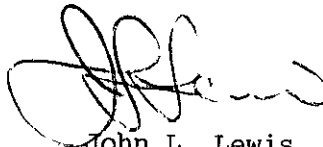


John B. Gontrum, Esquire  
May 7, 1998  
Page 2

4. Note that all parking and maneuvering areas will be of a durable dustless surface and state type (macadam, concrete, etc.) and will be permanently striped.
5. With sign detail, note that all future signs will comply with Section 450, BCZR.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



John L. Lewis  
Planner II  
Zoning Review

JLL:rye

Enclosure (receipt)

c: Zoning Commissioner



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

December 10, 1999

Mr. John Carnesi, V.P.  
Just 4 Kids Sports  
2870 Pocock Road  
Monkton, Maryland 21111

Dear Mr. Carnesi:

RE: Zoning Verification, 5811 Allendaler Road, 11<sup>th</sup> Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your request is for written approval from this office for a new building (enclosing the existing pool with areas for a parent observation room, additional dressing rooms and a lobby area) as being within the Spirit and Intent of the prior approved zoning case #98-401-SPHA. There will be no changes to the pool or surrounding areas already improved. Landscaping as built will continue to be utilized. You intend to lessen the impact of the load on the existing facility originally approved by Baltimore County. Your plans would significantly reduce the load needs. Currently, 135 people maximum are allowed in the pool facility at one time, based on the nature of your training program and business plan for facility members.

Your request does not seem unreasonable however a red-lined site plan, not a schematic, with dimensions, setbacks and revised floor area ratio (FAR) and parking spaces and calculations must be submitted.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sullivan".

John J. Sullivan  
Planner II  
Zoning Review

JJS:kew

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink  
on Recycled Paper

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

97183.2

97183.2



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

EST - FEE

\$ 700

December 10, 1999

3 red line  
plans.  
deliver  
one to  
JOHN SULLIVAN

Mr. John Carnesi, V.P.  
Just 4 Kids Sports  
2870 Pocock Road  
Monkton, Maryland 21111

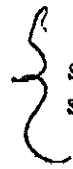
410-~~391-7800~~  
931-7800

LARRY DUKES.  
410-931-7801.

Dear Mr. Carnesi:

RE: Zoning Verification, 5811 Allendaler Road, 11<sup>th</sup> Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your request is for written approval from this office for a new building (enclosing the existing pool with areas for a parent observation room, additional dressing rooms and a lobby area) as being within the Spirit and Intent of the prior approved zoning case #98-401-SPHA. There will be no changes to the pool or surrounding areas already improved. Landscaping as built will continue to be utilized. You intend to lessen the impact of the load on the existing facility originally approved by Baltimore County. Your plans would significantly reduce the load needs. Currently, 135 people maximum are allowed in the pool facility at one time, based on the nature of your training program and business plan for facility members.



Your request does not seem unreasonable however a red-lined site plan, not a schematic, with dimensions, setbacks and revised floor area ratio (FAR) and parking spaces and calculations must submitted.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

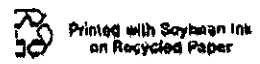
Very truly yours,

John J. Sullivan  
Planner II  
Zoning Review

Matt Rasmussen

JJS:kew

Census 2000 For You, For Baltimore County Census 2000



Come visit the County's Website at www.co.ba.md.us



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

January 10, 2000

Mr. Richard E. Matz, P.E.  
Colbert Matz Rosenfelt, Inc.  
2835 Smith Ave., Suite G  
Baltimore, Maryland 21209

Dear Mr. Matz:

RE: Freestate Indoor Soccer, 5811 Allender Rd., Zoning Case #98-401-SPHA,  
11<sup>th</sup> Election District

On December 21, 1999, I received a revised detailed site plan as requested in my December 10, 1999 letter to you in reference to your 2<sup>nd</sup> Spirit and Intent letter (the 1<sup>st</sup> of which was received December 14, 1998). However, I went on vacation from December 23, 1999 to January 3, 2000.

This matter has been reviewed by staff and it has been determined that the proposed attached pool building will be approved as being within the Spirit and Intent of prior Zoning Case 98-401-SPHA provided it complies with Sections 102.2 and 255.1 of the Baltimore County Zoning Regulations.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Sullivan, Jr.".

John J. Sullivan, Jr.  
Planner II  
Zoning Review

JJS:kew



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**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

September 22, 2006

Mr. Richard E. Matz, P.E.  
Colbert Matz and Rosenfelt, Inc.  
2835 Smith Avenue, Suite G  
Baltimore, Maryland 21209

Dear Mr. Matz

RE: Free State Indoor Soccer, Spirit and Intent Case No. 98-401-X  
11th Election District

Your letter addressed to Mr. Kotroco, has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

The proposed redline revisions as shown plan constitute a minor change to the plan submitted and approved in Zoning Case no. 98-401 SPHA. Provided the proposed addition is used in support of the approved commercial recreational facility the proposed addition is considered to be **within** the "Spirit and Intent" of the Special Exception and Variances granted in Zoning Case 02-498-XA. You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact the Office of Zoning Review at 410-887-3391.

Sincerely,

Lloyd T. Moxley  
Planner II,  
Zoning Review

LTM



4/22/99

To: Carl Richards  
From: John Goutrou  
re: Free State Indoor Soccer  
pet. for SP. Hag.  
for variance,

Carl,

we have spoken about this matter, which involves a hearing to amend a site plan to allow an outdoor swimming pool and a skate boarding facility to an approved special exception. At the same time we are cleaning up variances mentioned in the ZAC comments on the previous hearing for existing older buildings.

There are no violations noted on site, and the plan has not been reviewed.

You spoke, I believe, with Tim Ketroco about getting this matter set in ASAP so that the pool could proceed.

JLL

#401

John Goutrou

Drop-off  
For Review

Sophia  
5/4/98

**78-401-SPHA**

RECEIVED DEC 02 1999

Recd 12/3 P.M.

11/30/99  
WCR

To: JSS  
Further changes?  
12/1/99  
ua  
Boashier

Handwritten notes in a circle, possibly "Name of pool"

**Just4Kids Sports**

2870 Pooch Road  
Monkton, Maryland 21111  
(410) 557-0889

November 26, 1999

Mr. Arnold Jablon  
Baltimore County  
Department of Permits & Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

Dear Mr. Jablon:

RE: FreeState Indoor Soccer, 5811 Allender Road, Zoning Case #98-401-SPHA, 11<sup>th</sup> Election District

Pursuant to the Concept Plan Conference recommendations, we are writing you for consideration of minor revisions to an existing pool at the Freestate Indoor Soccer facility. We hereby request, by virtue of those discussions about the improvements, that these changes are considered within the Spirit and Intent granted for Case No. 98-401-SPHA.

As background, we intend to enclose the existing swimming pool to provide swim training and water safety to children. We intend to cover the pool with a permanent structure consisting of concrete block walls and either steel or wood trussed roof. The interior will be enhanced with a parent's observation room, additional dressing rooms and a lobby area. HVAC will be run for both the pool and non-pool areas. Attached as Exhibit A, we have enclosed a copy of the concept drawing presented at our meeting with the county on Tuesday, November 23, 1999.

We do not intend to make any changes to the pool or surrounding areas already improved. Landscaping as built will continue to be utilized since all improvements planned will be inside the areas improved by landscaping. All current permanent buildings (bathhouses, office, and equipment rooms) will be maintained and utilized with similar functionality.

As far as load on the facility, we intend to lessen the impact originally approved by the county. Today, 135 people may occupy the pool facility at a time. Our plans would significantly reduce the load needs based on the nature of our training program and business plan. Since the parking facility was deemed adequate for previous purposes, we submit that our program will not affect this judgement.

We also submit as Exhibit B for your review, a copy of the conference notes and the documents (including hearing notices) which led to the approval of the swimming pool at the Allender Road Freestate facility.

We look forward to your approval of this request.

Yours truly,

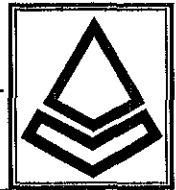
Larry Duker  
President  
Just4Kids Sports, Inc.

John Carnesi  
Vice President  
Just4Kids Sports, Inc.

Cc: Mr. Jerry Novak, President, Freestate Indoor Soccer  
Mr. Ed Halladay, Architect & President, Edward Paul Halladay Partners

# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



December 14, 1998

Mr. Arnold Jablon, Director  
Department of Permits and  
Development Management  
111 West Chesapeake Avenue  
Towson, Md. 21204

Re: Freestate Indoor Soccer  
5811 Allender Road  
Job No. 97183

Dear Mr. Jablon,

A Special Hearing and Variance was approved for this property in Case No. 98-401-SPHA on June 25, 1998, to amend previous special exceptions and site plans (Case Nos. 96-326-X and 97-205-X) for a proposed swimming pool and rollerblade skating area, with variances for parking and building setbacks.

We hereby request approval for minor changes to the proposed swimming pool and existing parking lot as being within the Spirit and Intent of Case No. 98-401-SPHA. The enclosed redline plan indicates the changes to the site plan approved in that case. It includes a 18' x 24' extension to the swimming pool and changes to the parking lot which were needed to provide areas for landscaping on the approved landscape plan.

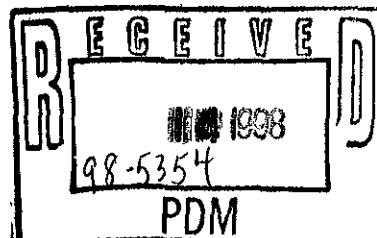
We look forward to your approval of this request.

Yours truly,

  
Richard E. Matz, P.E.  
Colbert Matz Rosenfelt, Inc.

12/14/98  
cf  
wcl  
To: JJS  
STF  
12/16/98  
ua  
Baskin

RECEIVED DEC 17 1998  
JJS



**COLBERT MATZ ROSENFELT, INC.**  
 2835 Smith Avenue Suite  
 BALTIMORE, MARYLAND 21209

**LETTER OF TRANSMITTAL**

(410) 653-3838  
 FAX (410) 653-7953

DATE	DEC 21, 1999	JOB NO.	97183.2
ATTENTION	JOHN SULLIVAN		
RE:	5811 ALLENDER ROAD		
<i>Return 12/23</i> <i>thru 1-3-00</i>			

TO Office of Zoning

**HAND DELIVER**

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

Shop drawings     Prints     Plans     Samples     Specifications  
 Copy of letter     Change order     \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
1			RED LINE SPIRIT AND INTENT PLAN

THESE ARE TRANSMITTED as checked below:

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted            | <input type="checkbox"/> Resubmit _____ copies for approval   |
| <input type="checkbox"/> For your use            | <input type="checkbox"/> Approved as noted                | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested            | <input type="checkbox"/> Returned for corrections         | <input type="checkbox"/> Return _____ corrected prints        |
| <input type="checkbox"/> For review and comment  | <input type="checkbox"/> _____                            |   |
| <input type="checkbox"/> FOR BIDS DUE _____      | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US |   |

REMARKS

*IF REVISIONS ARE NECESSARY PLEASE CALL ME  
 (OR DAWN) IN MY OFFICE AS SOON AS POSSIBLE.  
 (OR JUDY) APPLICANTS WANT BUILDING PERMIT AS SOON  
 AS POSSIBLE.*

COPY TO \_\_\_\_\_

SIGNED: **Dick Matz**

**COLBERT MATZ ROSENFELT, INC.**  
 2835 Smith Avenue Suite 200  
 BALTIMORE, MARYLAND 21209

**LETTER OF TRANSMITTAL**

(410) 653-3838  
 FAX (410) 653-7953

TO ZONING COMMISSIONER  
BALTIMORE COUNTY

DATE	JUNE 18, 1998	JOB NO.	97183
ATTENTION	TIMOTHY KOTROCO.		
RE:	FREESTATE INDOOR SOCCER		
	HEARING 98-401-SPHA		

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

Shop drawings  Prints  Plans  Samples  Specifications

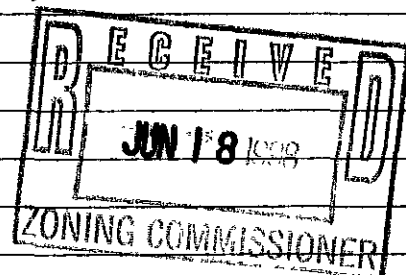
Copy of letter  Change order  \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
1			REVISED LANDSCAPE PLAN PER YOUR REQUIREMENT AND AS RECOMMENDED BY THE PLANNING OFFICE

THESE ARE TRANSMITTED as checked below:

- For approval  Approved as submitted  Resubmit \_\_\_\_\_ copies for approval
- For your use  Approved as noted  Submit \_\_\_\_\_ copies for distribution
- As requested  Returned for corrections  Return \_\_\_\_\_ corrected prints
- For review and comment  \_\_\_\_\_
- FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_  PRINTS RETURNED AFTER LOAN TO US

REMARKS PLAN IS NOW BEING BID AND SHOULD BE EXECUTED SHORTLY



COPY TO CAROL McEVROY W/ATT  
JERRY NOVAK  
JOHN GONTRUM W/ATT

SIGNED: DICK MATZ



# Informational/Pre-Concept Plan Conference Checklist

## EXHIBIT B

FAC STATE <u>Indoor Soccer</u> Project Name	<u>5811 Allender Road</u> Project Address	DATE <u>11-23-99</u>
Owner _____	<u>11CS</u> Election/Councilmanic District	FEES: Concept Plan <u>500.00</u> Development Plan _____ PWA _____ Title _____ Forest Buffer _____
Developer _____	Engineer _____	Acreage <u>7.58</u>
No. of Units (Residential) _____	No. of Square Feet (Commercial) _____	

For discussion of the following items, contact the Department of Public Works, Room 307, County Office Building:

Scope of obligations for improvements under Section 26-236, Baltimore County Code:

<input type="checkbox"/> Streets and rights of way _____	<input type="checkbox"/> Sewer lines _____
<input type="checkbox"/> Drains, bridges, and culverts _____	<input type="checkbox"/> Waterlines <u>EXISTING</u>
<input type="checkbox"/> Curbs and gutters _____	<input type="checkbox"/> Open space _____
<input type="checkbox"/> Sidewalks/Paths _____	<input checked="" type="checkbox"/> Landscape plans <u>AVERY HARDIN 201</u>
<input type="checkbox"/> Traffic control devices _____	<input type="checkbox"/> Street lights <u>410 687-3751</u>

Office to obtain information on the following items:

<input type="checkbox"/> Master plan intent and/or conflicts (Highways) _____	Room No. _____ / _____
<input type="checkbox"/> Basic Services Maps _____	Room No. _____ / _____
<input type="checkbox"/> Tidal and/or riverine flooding and water courses _____	Room No. _____ / _____
<input type="checkbox"/> Proximity to water and sewer (including sewer and water plans) _____	Room No. _____ / _____
<input type="checkbox"/> State and/or Federal permits may be required.	

To discuss the following items, contact the Zoning Review Office, Room 111, County Office Building, or call 410-887-3391 for an appointment;

<u>ML</u> Zoning classifications <u>409</u>	Bulk and parking requirements	Anticipated hearing requests
RTA requirements	Tax account numbers	<u>YES</u> Prior hearings with case numbers

To discuss the following items, contact the Office of Planning, Room 406, County Courts Building:

<input type="checkbox"/> Master plan intent and/or conflicts: →	<input type="checkbox"/> Capital improvement programs	<input type="checkbox"/> Building elevation drawings
<input type="checkbox"/> Community issues	<input type="checkbox"/> Park sites	<u>See 450</u> Sign elevation drawings
<input type="checkbox"/> Planning Board referrals	<input type="checkbox"/> Local master plans	<input type="checkbox"/> R.C.4 requirements
<input type="checkbox"/> Conceptual landscape plans (site layout)	<input type="checkbox"/> Areas of study	<input type="checkbox"/> Compatibility requirements
<input type="checkbox"/> Historical and/or archeological sites	<input type="checkbox"/> Microwave paths (buildings >60)	<input type="checkbox"/> Agricultural sites
<input type="checkbox"/> Open space systems (Recreation and Parks)		<input type="checkbox"/> Greenways
<input type="checkbox"/> Anticipated waiver requests (Section 26-172, Baltimore County Code)		<input type="checkbox"/> Scenic routes/views
<input checked="" type="checkbox"/> Vehicular and pedestrian circulation (internal and external)		<input type="checkbox"/> Design reviews
<input type="checkbox"/> Orientation of existing and proposed buildings on site and within 200 feet of site		

*96-286-X*  
*97-205-X* If Hearing Req

To discuss the following items, contact the Department of Environmental Protection and Resource Management, Room 416, County Courts Building:

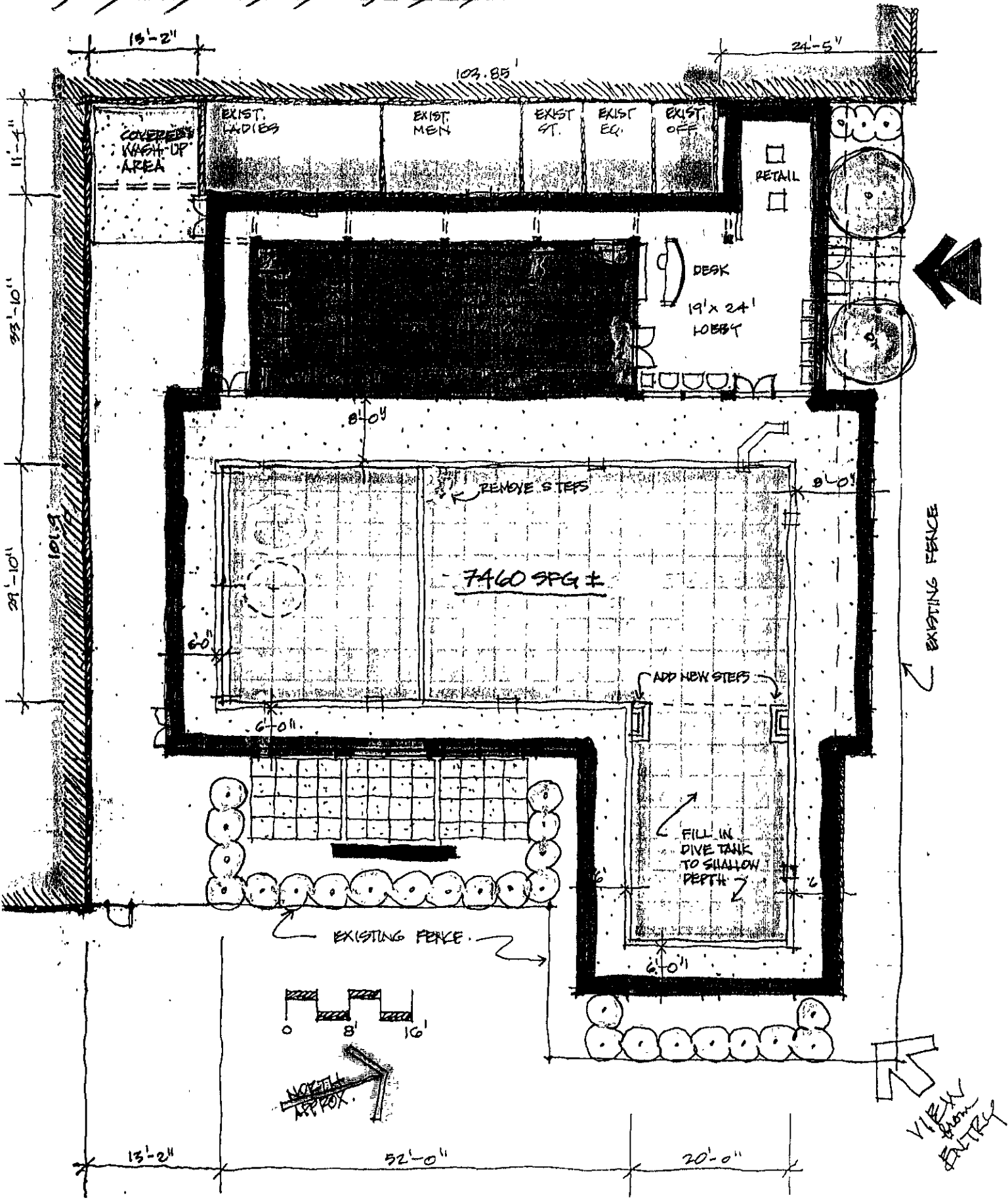
<input checked="" type="checkbox"/> Storm water management and water quality _____	410-887-3768	<i>Contact Rob Powell at</i>
<input type="checkbox"/> Chesapeake Bay Critical Areas _____	410-887-3980	<i>410-887-2762 regarding</i>
<input type="checkbox"/> Wetlands, streams, and stream buffers _____	410-887-3980	<i>septic systems</i>
<input type="checkbox"/> Forest conservation _____	410-887-3980	
<input type="checkbox"/> Agricultural preservation and conservancy areas _____	410-887-5683	<i>Stormwater Management</i>
<input type="checkbox"/> Hydrogeological studies and environmental effects reports _____	410-887-5859	<i>MUST be addressed</i>
<input checked="" type="checkbox"/> Wells and septic systems _____	410-887-2762	<i>ROB POWELL</i>

Submit this checklist and two checkprints of the following to Room 123, County Office Building:

<input type="checkbox"/> Site constraints and site proposal plans	
<input type="checkbox"/> Combined plan	
Applicant's Signature <u>[Signature]</u>	PDM Representative <u>Donald T. Pascoe</u>
PO Representative <u>Carol McCoy</u>	DPW Representative <u>Robert W. Bowling</u>
DEPRM Representative <u>R. Bruce Akeley</u>	Zoning Representative <u>[Signature]</u>

410-887-5554

# Saf Swim



final sketch plan 11-19-99



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

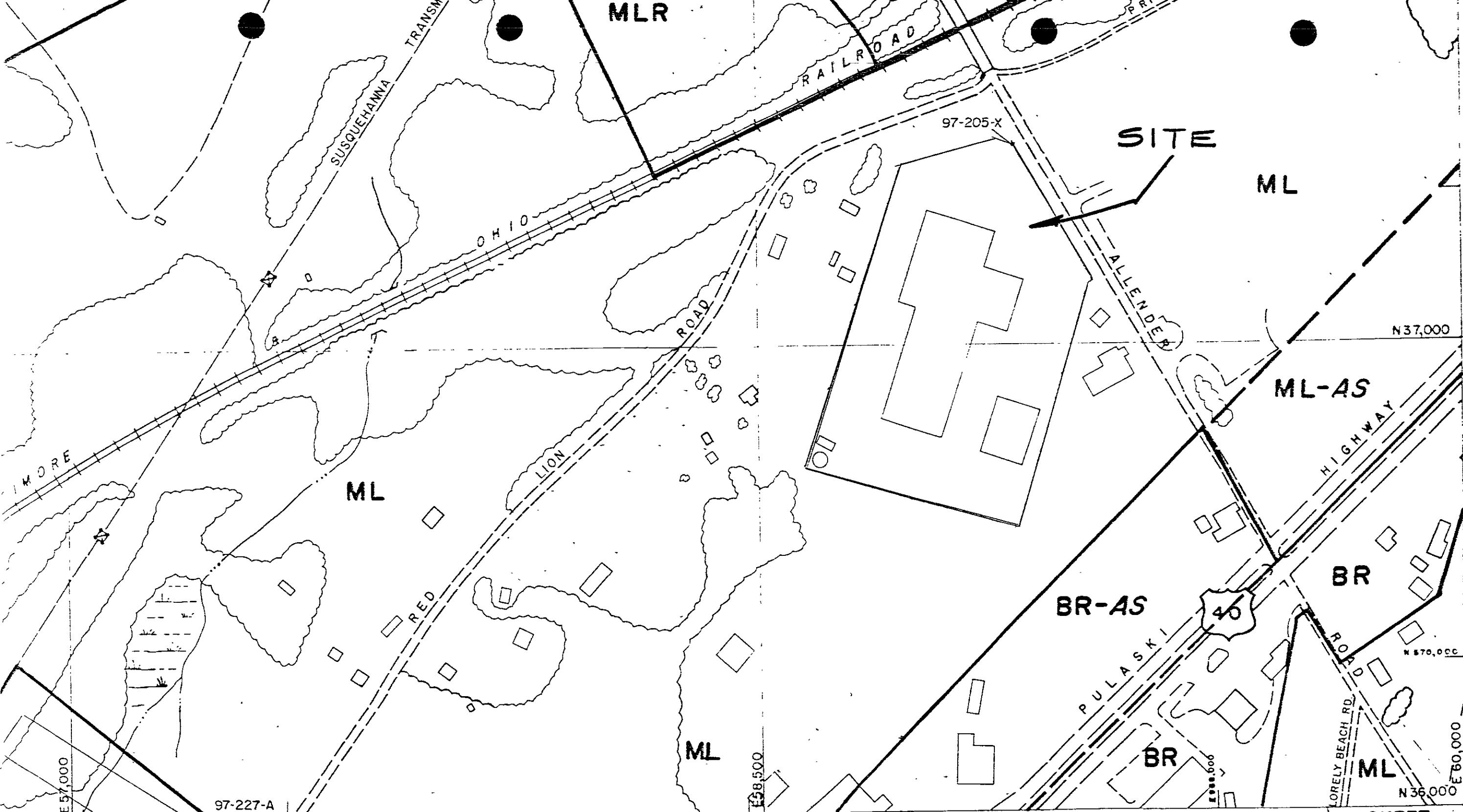
NAME  
RICHARD E. MATZ

ADDRESS  
~~250~~ 2835 SMITH AVENUE, SUITE G  
BALTO., MD. 21209

Gerard B. Novak

200 Stevens Ln  
BALTO., MD 21220

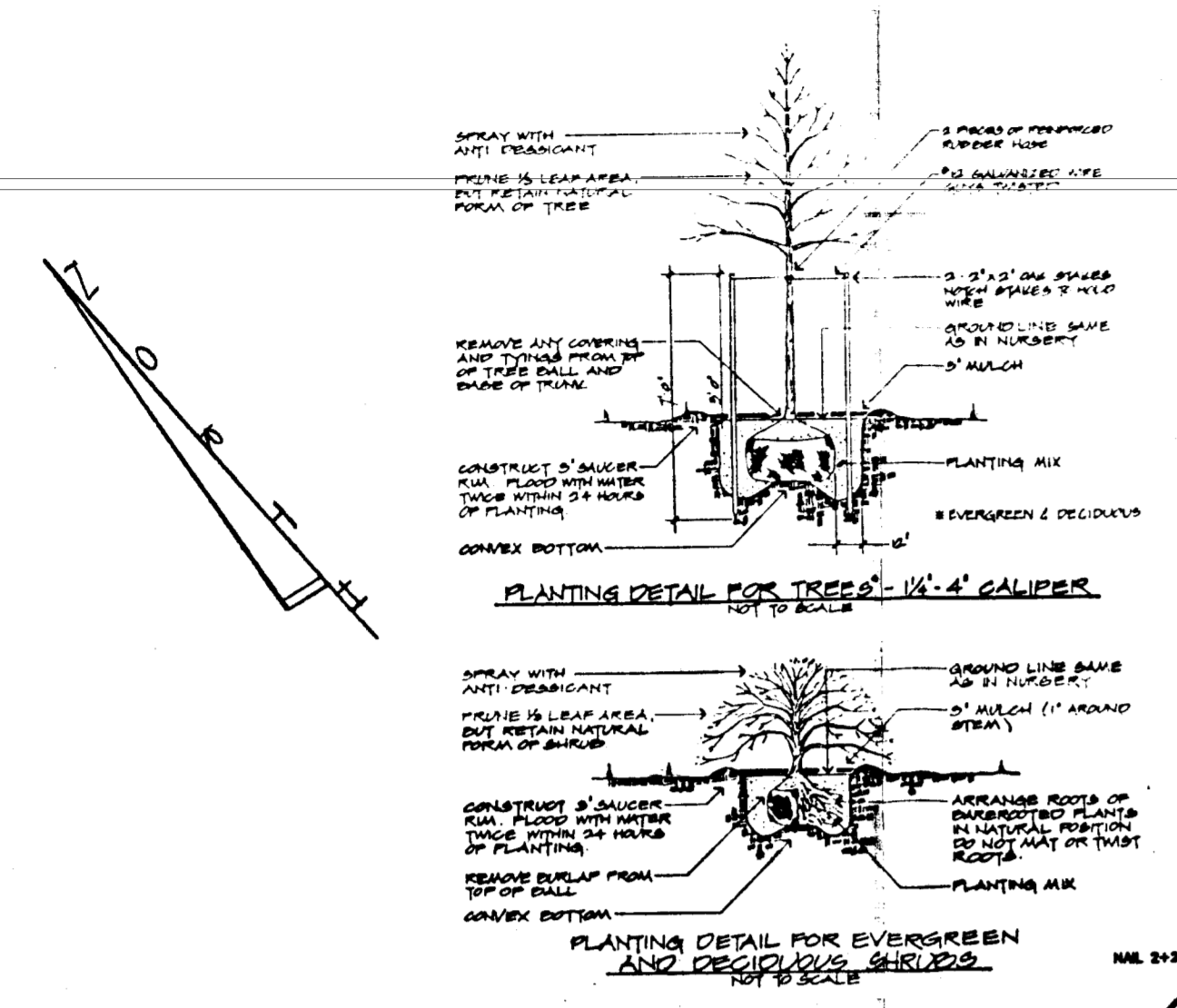




# LORE COUNTY ANNING AND ZONING ZONING MAP

FREE STATE INDOOR SOCCER  
ZONING PETITION

SCALE 1" = 200' ±	LOCATION LORELEY	SHEET N. E. 10-J
DATE OF PHOTOGRAPHY JANUARY 1986	<b>98-401-SPHA</b>	



**SPECIFICATION FOR PLANTING**

Plant Identification: All plants shall be properly marked for identification and tracking. The Contractor shall verify plant quantities prior to shipping and any discrepancy shall be brought to the attention of the Landscape Architect. The Contractor shall remove and plant all plants required to complete the work as shown on the drawings. Substitutions shall not be made without the written approval of the Landscape Architect. This contract will be based on the bidder having verified, prior to bidding, the availability of the required plant materials as specified on the Plant List.

Plant Quality: All shrubs shall be dense, heavy to the ground, and well rooted. Shrubs shall be bare root or balled and burlapped. All plants shall be of the same size and shall have a healthy root system. Plants shall be delivered to the site in a healthy condition. All plants including evergreen shrubs shall be delivered to the site in a healthy condition. All plants shall be delivered to the site in a healthy condition. All plants shall be delivered to the site in a healthy condition.

Plant Spacing: Plant spacing to be as shown on plan or as shown on the Plant List.

Soil Mix: Soil mix will be 2/3 existing soil, 1/3 topsoil or other nutrient material, thoroughly mixed and homogenized.

Ball Size: The ball size shall conform to the American Association of Nurserymen's published standard for container plants. The ball size shall be 1/2\"/>

Planting: Planting shall be done with soil mix, reasonably free of stones, twigs, sticks, lumps, clumps, roots, weeds, debris, grass, litter, toxic substances, or any other material which may be harmful to plant growth or hinder grading, planting, or maintenance operations. Should any untoward or untimely planting conditions arise such as faulty soil drainage or chemical damage, they shall be called to the attention of the Landscape Architect and noted on the drawings.

**LANDSCAPE CALCULATIONS:**

**PLANTING REQUIRED**

1 PU / 40 LF ADJ. ROAD  
(496 LF + 40) = 12.5

1 PU / 12 PARKING SPACES  
(311 PS + 12) = 26.0

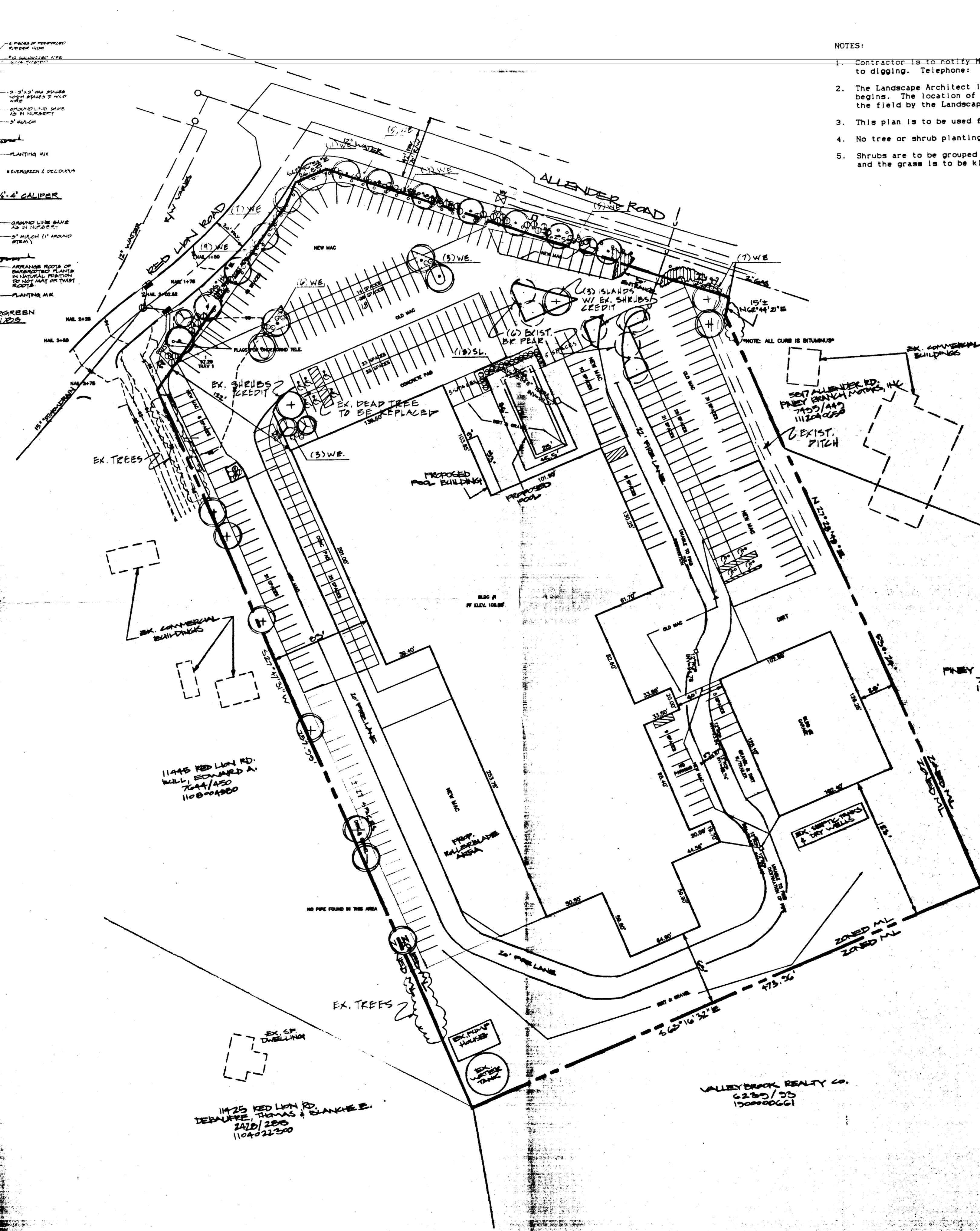
SCREEN PARKING FROM ROAD  
(496 LF + 15) = 33.0

**TOTAL PLANTING REQUIRED = 71.5 PLANT UNITS**

**TOTAL PLANTING PROVIDED = 72.0 PLANT UNITS**

(28) MAJOR DEC. TREES = 28  
(4) MINOR FLORIBUNDA TREES = 4  
(145) SHRUBS FOR SCREEN = 29  
(6) EX. MINOR TREES CREDIT = 3  
(50) EX. SHRUBS FOR CREDIT = 10

**TOTAL = 72 PU.**



- NOTES:**
- Contractor is to notify Miss Utility a minimum of 72 hours prior to digging. Telephone: 1-800-257-7777.
  - The Landscape Architect is to be notified 48 hours before planting begins. The location of all plant material is to be approved in the field by the Landscape Architect.
  - This plan is to be used for planting only.
  - No tree or shrub planting pits are to be left open or unattended.
  - Shrubs are to be grouped into mulched beds. Beds are to be edged and the grass is to be killed or removed prior to mulching.

**PLANT LIST**

KEY	QTY	BOTANICAL NAME COMMON NAME	SIZE	COND.	REMARKS
(+)	11	QUERCUS PALUSTRIS PIN OAK	2-2 1/2' CAL	B & B	
(o)	17	ZELKOVA SERATA OR VASE GREEN VASE ZELKOVA	2-2 1/2' CAL	B & B	
(+)	4	MALUS FLORIBUNDA FLORIBUNDA LEAB	1 1/2 - 1 3/4' CAL	B & B	
(o)	65	EUDYTMUS ALATUS COMPACTUS DWARF WINGED EUDYTMUS	24-30" HT.	B & B	42" O.C. STAGGER
(+)	27	JUNIPERUS CH. SARGENTII SARGENTS JUNIPER	18-24"	CAN.	3' O.C. STAGGER
(o)	10	PRUNUS LAUROKERA, SCHIPKAEUSIS SKIP LAUREL	30-36" HT.	CAN.	42" O.C. STAGGER
(o)	35	VIBURNUM PLICATUM 'SHASTA' SHASTA VIBURNUM	3-4' HT.	CAN.	5' O.C. STAGGER
(-)	6	EXIST. BRADFORD PEAR TREES TO REMAIN	2-2 1/2' CAL.		NOT IN CONTRACT

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
Development Plans Review

**OWNER'S SIGNATURE AND CERTIFICATION**

I certify that I have reviewed this Final Landscape Plan and that I am aware of the regulations governing the Baltimore County Landscape Ordinance and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, County Office Building, Room 211, Towson, MD 21286.

*Robert A. Thorne*  
Robert A. Thorne (P) S.E.  
Owner's Printed Name

(Print mailing address - City - State - Zip)  
PADM # \_\_\_\_\_ BUILDING PERMIT # \_\_\_\_\_

**LANDSCAPE PLAN**  
DATE 4-15-98

PREPARED BY:  
HUMAN & ROMHE, INC.  
Landscape Architects  
512 Virginia Avenue  
Towson, Maryland 21286  
(410) 825-3888

**PETITIONER'S EXHIBIT 4**

**PLAN TO ACCOMPANY BUILDING PERMIT**  
**FREE STATE INDOOR SOCCER**

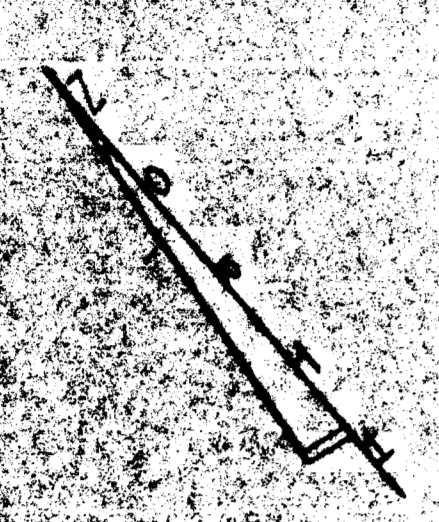
ELECTION DISTRICT: 11 COUNCIL DISTRICT: 5 BALTIMORE COUNTY, MARYLAND

**Colbert Matz Rosenfelt, Inc.**  
Engineers • Surveyors • Planners  
2835 Smith Avenue, Suite G.  
Baltimore, Maryland 21209  
Telephone: (410) 653-3838  
Facsimile: (410) 653-7953

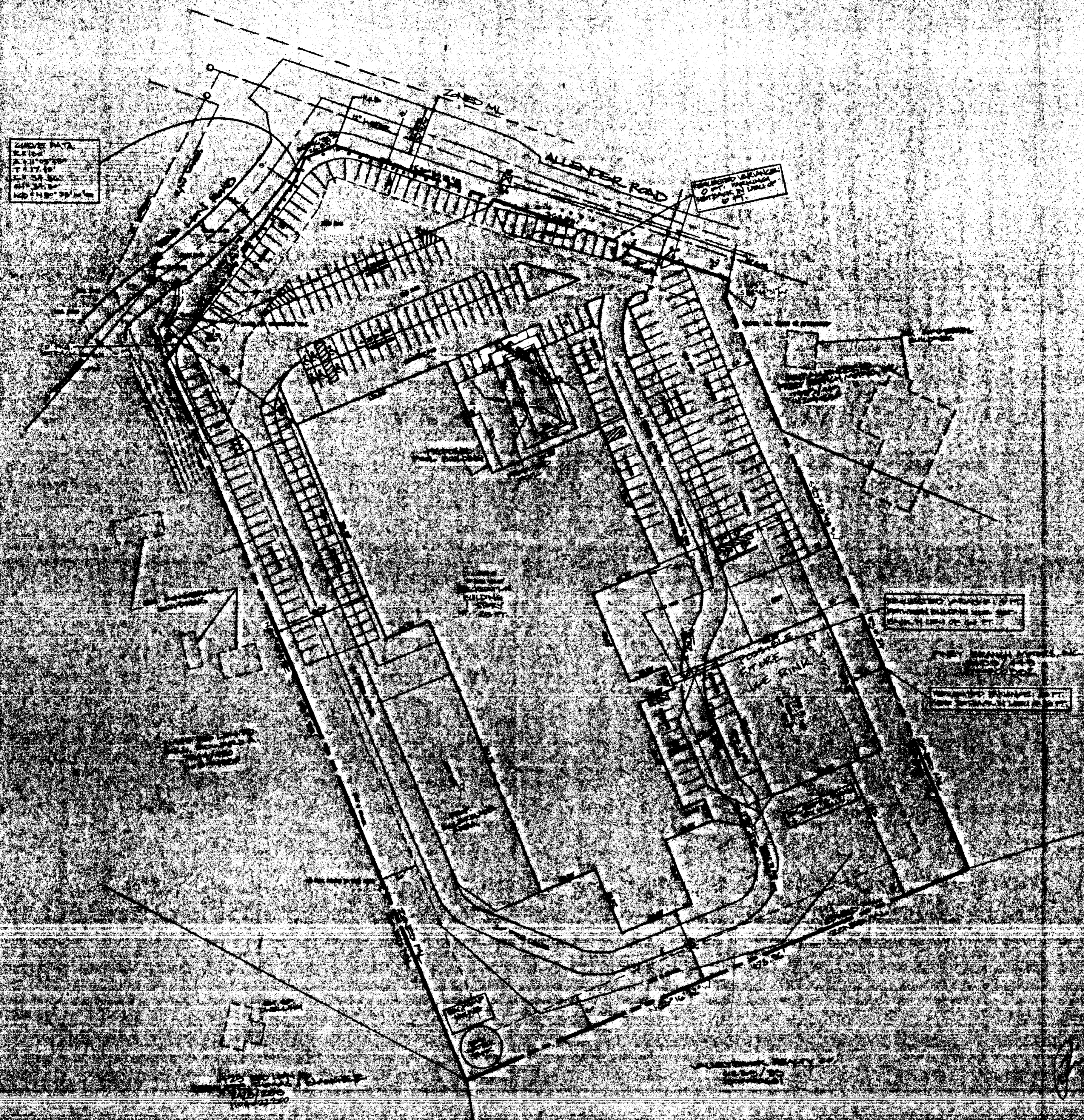
Professional Engineer Seal: *Colbert Matz Rosenfelt*

NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1

SCALE: 1" = 50'  
DATE: MARCH 22, 1998  
JOB NO.: 97183  
DESIGNED: JF  
DRAWN: GMB  
CHECKED: R.R.  
FILE: 97183SET  
DRAWING NUMBER:

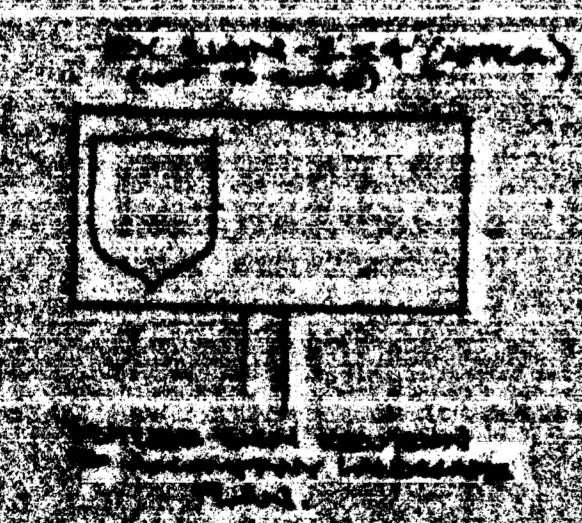


2000 DATA  
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 S 117.10'  
 1/2" = 10'  
 1/2" = 10'

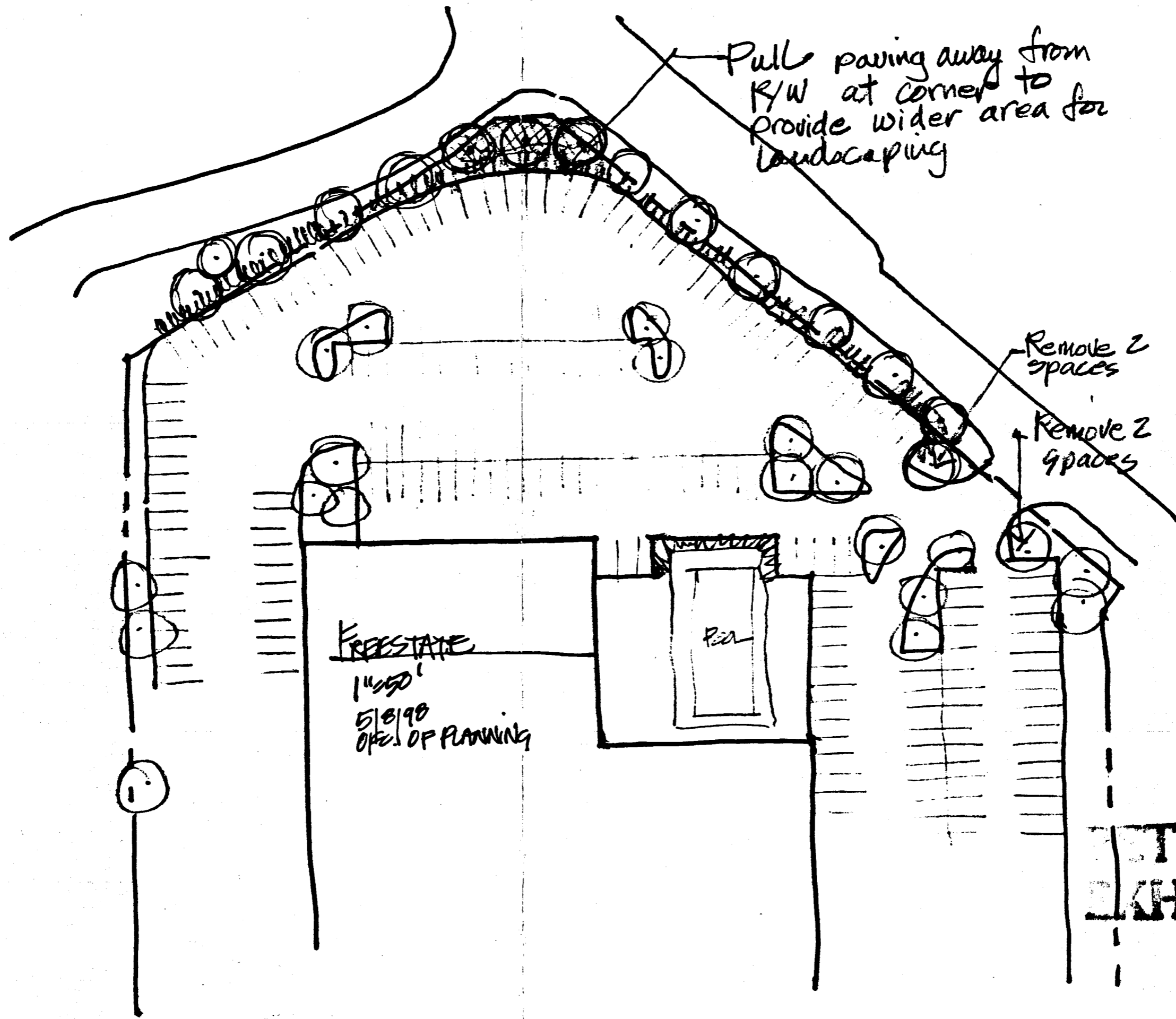


**GENERAL NOTES**

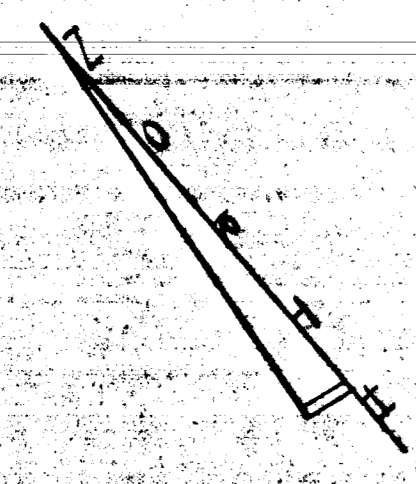
1. Owner: Frederick Taylor Smith, Inc.  
300 Market Road  
Baltimore, MD 21201
2. Project: Project Name: 1000 Market Road  
700' x 100'  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.
3. Planning Use: Single-Family Residential Use  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.
4. Building Use: Single-Family Residential Use  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.
5. Building Use: Single-Family Residential Use  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.
6. Building Use: Single-Family Residential Use  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.
7. Building Use: Single-Family Residential Use  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.
8. Building Use: Single-Family Residential Use  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.
9. Building Use: Single-Family Residential Use  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.
10. Building Use: Single-Family Residential Use  
Site Area: 70,000 sq. ft.  
Site Area: 70,000 sq. ft.



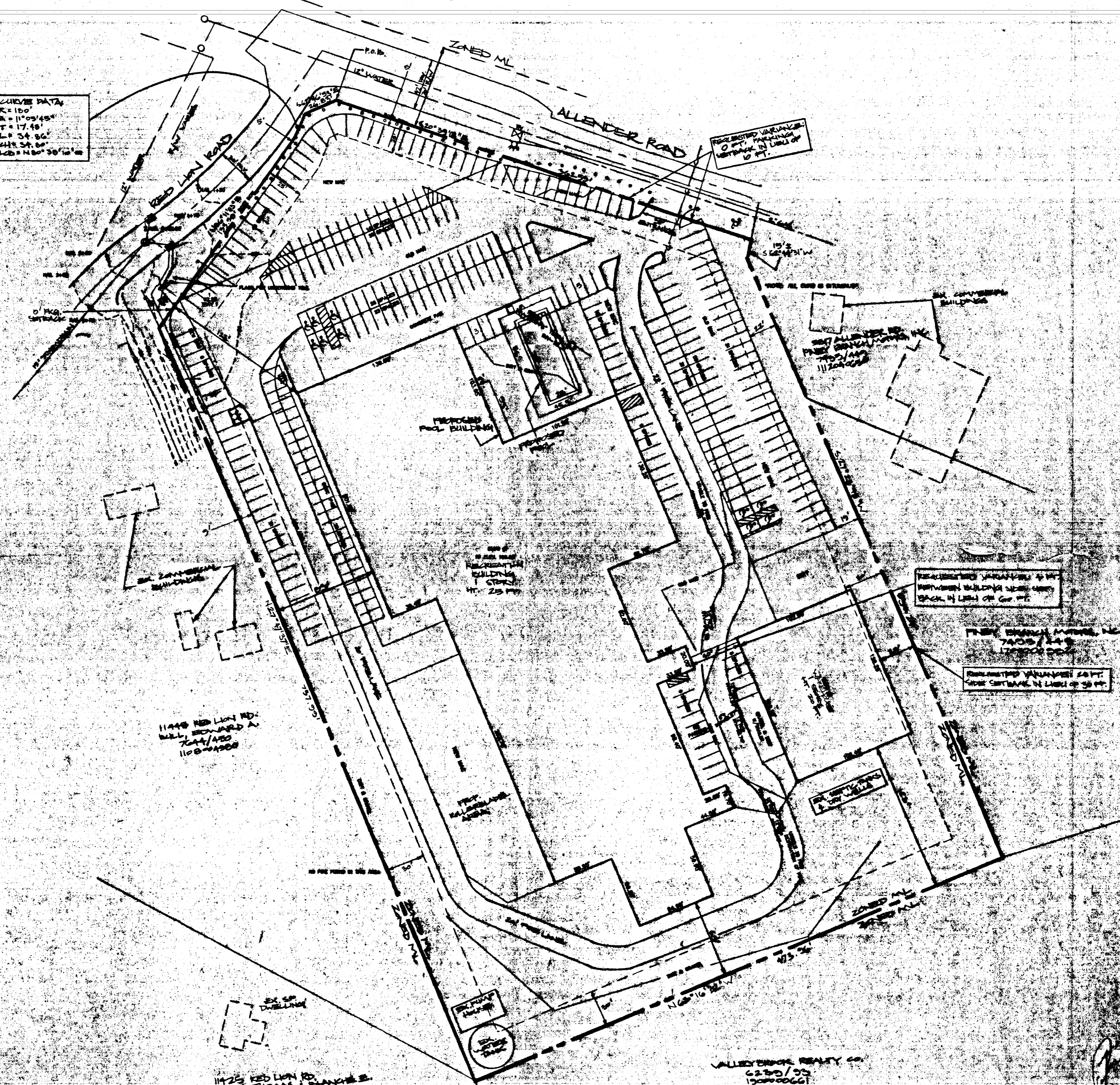
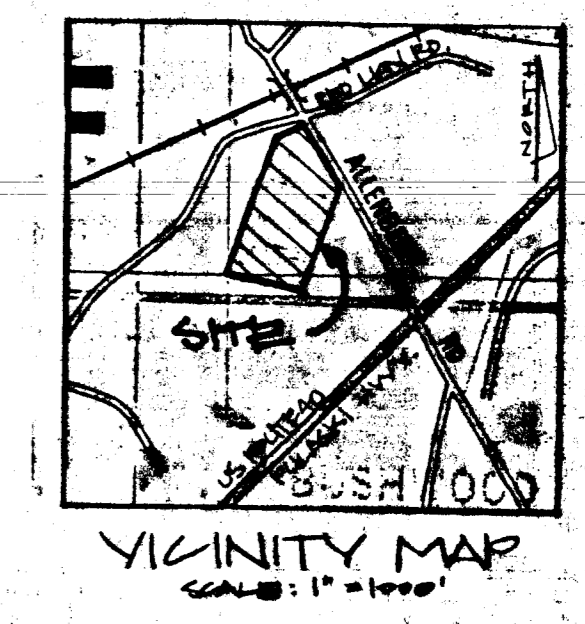
**PLAN TO ACCOMPANY PETITION  
 FOR SPECIAL HEARING & VARIANCE**  
**FREE STATE INDOOR BOCCER**  
 1000 MARKET ROAD, BALTIMORE, MD 21201  
 COBERT MATZ ASSOCIATES, INC.  
 1000 MARKET ROAD, BALTIMORE, MD 21201  
 TELEPHONE: (410) 653-7953  
 FACSIMILE: (410) 653-7953



**PETITIONER'S  
EXHIBIT 2**

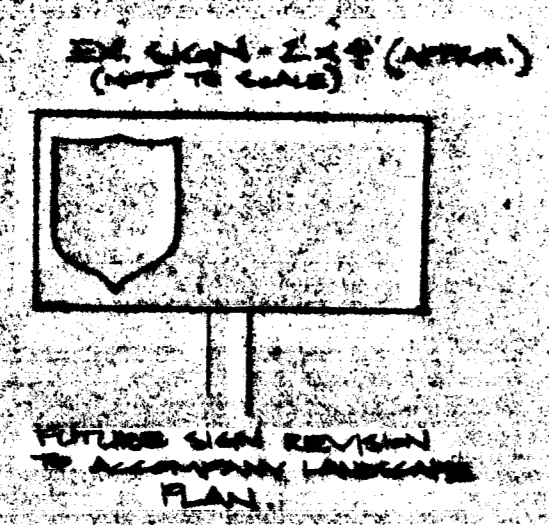


CONVEX DATA  
 K=100  
 A=1100/400  
 T=12.40  
 L=34.50  
 C=18.50  
 L=1100/400



- GENERAL NOTES**
- Owner: Prostate Indoor Sports, Inc. 200 Stevens Road, Baltimore, Md. 21201
  - Developer: Prostate Swim Club, c/o Gerard B. Novak, 200 Stevens Road, Baltimore, Md. 21221
  - Site Data: Property Address: 8511 Allender Road, White Marsh, Md. 21102  
 7.580 Acres  
 Zoned ML  
 Tax Account No. 110306200  
 Deed Reference L12087/F.250
  - Existing Use: Indoor multi-use recreation facility  
 Proposed Use: Indoor multi-use recreation facility and outdoor swimming pool.
  - Total Floor Area: Building 1 - 78,371 sq. ft.  
 Warehouse - 13,117 sq. ft.  
 Prop. Pool Building - 477 sq. ft.  
 Total Floor Area - 92,965 sq. ft.  
 P.A.R. - 9.28 provided P.R.R. permitted 2.0
  - Parking Calculations:  
 Required Parking:  
 Soccer Fields (3 fields) - Spectator, Judges, Coaches & Maintenance Crew - 320 persons @ 1 space/4 = 80 spaces  
 Golf and Batting Cages - 7 @ 5.5 spaces/cage = 38.5 spaces  
 Tennis and Athletic Courts - 9 courts @ 30 seats = 270 seats  
 Swimming Pool - 100 persons capacity @ 140 persons = 20 spaces  
 Rollerblades Arena - 13,028 sq. ft. @ 51,000 sq. ft. = 65,228 sq. ft.  
 Warehouse (Bldg. 2) - 10 employees @ 1 automobile = 10 spaces  
 Total Required = 228,085 + 210 spaces; 441,000 sq. ft. of parking  
 Total Provided = 210 spaces; 420,000 sq. ft. of parking
  - Applicable History: On May 18, 1998, Case 98-328-X, the Zoning Commission approved a special exception for a recreation facility on this property. On December 1, 1994, Case 94-37, the Zoning Commission approved an amendment to approve as stated and amend the special exception and site plan in Case No. 94-37-X. Approvals have been requested for the proposed swimming pool, rollerblades arena and additional parking on being within the spirit and intent of Case No. 97-305-X.
  - A Limited Exemption has been requested under Sec. 26-771 (a)(7) for minor commercial structures, for conversion of the outdoor swimming pool and accessory building. The Development Review Committee found the request on 4/28/98. Their approval regarding this hearing.
  - Previous Computed Plans - none in zoning records.
  - Overlapping signs - 20' x 4' x 6'
  - Design signs 100-year regulations on the site.
  - Vertical Variance: From Section 408.0A.4 for parking setbacks 0-10 ft. from the setback line in lieu of 10 ft. required, and from Section 2581.1 and 2581.2 for side setbacks between buildings of 40 ft. in lieu of the required 60 ft. and side setbacks of 20 ft. in lieu of 30 ft. required.
  - Special Hearing Request: To amend the Special Exception Plan approved in Case No. 98-328-X, as amended by Special Hearing in Case No. 97-305-X.

PETITIONER'S EXHIBIT



11425 RED LION RD. DEBAUGH, THOMAS I. PLANNING & ENGINEERING  
 3420/2806  
 11040/22200

VALLEYVIEW REALTY CO.  
 4230/30  
 10000/661

**PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCE**  
**FREE STATE INDOOR SOCCER**

ELECTION DISTRICT: 11 COUNCIL DISTRICT: 3 BALTIMORE COUNTY, MARYLAND

**Colbert Matz Rosenfelt, Inc.**  
 Engineers • Surveyors • Planners  
 2838 Smith Avenue, Suite G  
 Baltimore, Maryland 21209  
 Telephone: (410) 653-3838  
 Facsimile: (410) 653-7953

SCALE 1" = 100'  
 DATE: MARCH 22, 1998  
 JOB NO.: 9702  
 DRAWN BY: JAC  
 CHECKED BY: JAC  
 FILE NUMBER:  
 DRAWING NUMBER:  
 SHEET: 1 OF 1

98-401-SPHA