

IN RE: PETITION FOR SPECIAL EXCEPTION* BEFORE THE
NWS Chartley Blvd., opposite Piper
Road * ZONING COMMISSIONER
Chartley Park Shopping Center
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Legal Owner: Chartley Ltd. Partnership * Case No. 99-139-X
Lessee: Bill Bateman's Bistro
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property known as the Chartley Park Shopping Center, located adjacent to the intersection of Reisterstown Road and Chartley Boulevard in the Reisterstown community of Baltimore County. The Petition was filed by Chartley Ltd. Partnership, property owner, and Bill Bateman's Bistro, Lessee. Special Exception relief is requested to approve an amusement arcade, pursuant to Section 423.B of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

Appearing at the requisite public hearing held for this case was Marc J. Loundas on behalf of Bill Bateman's Bistro, co-Petitioner/Lessee. Also appearing was Mary Albert and Richard L. Smith, the engineer who prepared the site plan from KCK Technologies, Inc. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is irregularly shaped, approximately 15.4 acres in area, zoned B.M.-CCC. The property is developed as a strip shopping center and contains a number of retail/commercial tenants. The site also contains a large area of parking which provides 620 spaces. The property has frontage on Reisterstown Road and Chartley Boulevard in the Reisterstown community of Baltimore County.

The shopping center contains food stores, clothing shops and a number of similar retail clients. Included among these clients is the co-Petitioner, Bill Bateman's Bistro. This is a

ORDER RECEIVED FOR FILING

Date

By

restaurant/tavern. The restaurant provides a casual family dining atmosphere. There are a number of Bill Bateman's restaurants throughout the Baltimore Metropolitan area.

Relief is requested to approve a small arcade area as part of the restaurant. It is anticipated that this area will contain three billiard tables and a number of video games. Many of the video games will be geared to a sports theme. It was indicated that there would be a maximum of 40 video machines.

Similar to other Bill Bateman's restaurants, the video machines and billiard tables are not the primary focus of the business. Rather, they are accessory in character, designed to provide patrons with entertainment activities while dining at the restaurant. The restaurant does not feature live music nor a dance floor, but has a sports oriented theme. Special Exception relief is necessary pursuant to Section 423.B of the BCZR. That section indicates that an arcade is permitted by special exception only in the B.M. zone whether said arcade is the sole principal use or a use in combination with one or more of the entertainment uses set out in Section 422.A of the BCZR. Among the uses set out in Section 422.A is a restaurant.

Based upon the testimony and evidence presented, I am persuaded that the special exception should be granted. In my judgment, there will be no detrimental impact to the health, safety or general welfare occasioned by this use. It is clear that the arcade use is, indeed, subordinate to the restaurant operation and can be characterized as an accessory use. I find that the Petitioner has satisfied the requirements set out in Section 502.1 of the BCZR. For all of these reasons, the special exception shall be granted.

Additionally, it is to be noted that a comment is contained within the file from John L. Lewis, Zoning Review Division of the Department of Permits and Development Management (PDM). That comment relates to the parking for this shopping center. Although no Petition for zoning relief on the parking issue was filed, this matter was discussed at the hearing. Testimony was received that the 620 parking spaces provided on the site are more than sufficient to accommodate the tenants and uses on the property. Further, Mr. Smith recalculated the parking needs under the current regulations as required.

ORDER RECORDED & INDEXED
FILED
Date 10/18/12
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

December 17, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams, Chtd.
700 Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 99-139-X
Bill Bateman's Bistro/Chartley Ltd. Partnership, Petitioners

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restriction, in accordance with the attached Order,

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
Encl.
Copy
Richard L. Smith,
KCI Technologies, Inc.
10 North Park Drive
Cockeysville, Md. 21030





Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at Chartley Park Shopping Center,
Reisterstown Road and Chartley Blvd.

which is presently zoned BM-CCC

This Petition shall be filed with the Department of Permits & 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, petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for an Amusement Arcade.

See Attached Reasons

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 owners(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Bill Batemans Bistro
(Type or Print Name)

Joseph Attonik
Signature

Chartley Park Center
Address

Reisterstown, Maryland 21136

City State Zip Code

Attorney for Petitioner:

Newton A. Williams
Nolan, Plumhoff & Williams, Chtd
(Type or Print Name)

Newton A. Williams
Signature

700 Nottingham Centre
502 Washington Avenue 410-823-7800
Address Phone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Chartley Limited Partnership
(Type or Print Name)

John A. Luetkemeyer, Jr.
Signature
By John A. Luetkemeyer, Jr., President of General Partner
(Type or Print Name)

Signature

17 West Pennsylvania Avenue 410-296-4800
Address Phone No.

Towson, Maryland 21204
City State Zip Code

Name, Address and phone number of representative to be contacted.
Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
Name

700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204 410-823-7800
Address Phone No.

Office Use Only
ESTIMATED LENGTH OF HEARING
unavailable for Hearing the following dates
Next Two Months
ALL OTHER
REVIEWED BY: DATE

Revised 9/5/95

99-139-X

**Requested Special Exception
for
Amusement Arcade
for
Bill Batemans Bistro,
Chartley Park Center**

1. Chartley Park Center is an existing, well maintained shopping center in the Chartley Park neighborhood section of Reisterstown.
2. Bill Bateman's Bistro is a restaurant and bar in the Center. The owners of the Bistro wish to upgrade the Bistro with an amusement arcade in the facility.
3. The Regulations require a Special Exception for an amusement arcade as proposed.
4. The proposed amusement arcade will reinforce the family nature of the Bistro and the viability and economic health of the Bistro and the Center.
5. The Arcade will be an asset to the Center and the Bistro, as well as to the neighborhood.
6. For these reasons and for reasons to be developed in the course of the case, we respectfully request that the Special Exception for an amusement Arcade be granted.

Respectfully submitted,

Newton A. Williams,
Nolan, Plumhoff and Williams, Chartered
Attorneys for the Petitioners

99-139-X



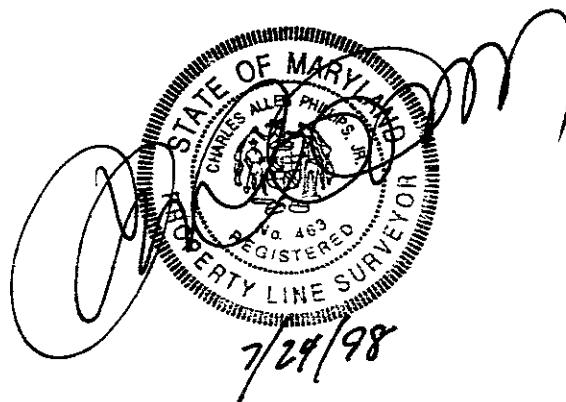
DESCRIPTION OF 0.67 ACRE +/- PARCEL

PORTION OF CHARTLEY PARK CENTER
ELECTION DISTRICT 4
BALTIMORE COUNTY, MARYLAND

This description is for the purpose of defining an area for a special exception within the Chartley Park Center.

Beginning for the same at a point on the north right-of-way line of Chartley Boulevard; said point of beginning being N 46° 19' 35" east 547.97 feet, more or less from a point on the center line of Reisterstown Road; thence leaving said right-of-way line of Chartley Boulevard in a northwesterly direction (1) North 43° 40' 25" west 169.00 feet more or less to a point, thence (2) North 46° 19' 35" east 8.00 feet more or less to intersect the center line extended of a store party wall, thence binding on said center line in part to and through the said party wall (3) North 43° 40' 25" west 180.00 feet, more or less to the outside face of the existing building, thence binding on the outside face of said building, (4) North 46° 19' 35" east 77.00 feet, more or less to intersect the center line extended of a store party wall, thence biding on said center line in part to and through the said party wall, (5) South 43° 40' 25" east 180 feet, more or less to a point; thence (6) North 46° 19' 35" east 5.0 feet more or less to a point, thence (7) South 43° 40' 25" east 171.00 feet, more or less to intersect the north right-of-way line of Chartley Boulevard, thence binding on said line to the point of beginning the following two courses and distances, (8) by a curve to the left with a radius of 970.00' and with an arc length of 22.00 feet, more or less, and (10) South 46° 19' 35" west 69.00 feet, more or less.

CONTAINING 0.67 acres of land, more or less.



99-139-X

**BALTIMORE COUNTY, MAR AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **060301**

DATE 10/2/98 ACCOUNT 001-6150

AMOUNT \$ 300.00 (WCR)

RECEIVED FROM: Nolan, Plumhoff & Williams

FOR: SPECIAL EXCEPTION #139

Chartley Bark SC Case #99-139-X
Drop-Off — No Review

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
10/06/1998 10/06/1998 09:54:41
FEB 4506 CASHIER NOLAN NEW ORMER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 045020
DR NO. 060301

300.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/29/, 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 10/29/, 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: #99-139-X
NW/SE Charley Boulevard opposite Piper Road (Charley Park Shopping Center)
4th Election District
3rd Councilmanic District
Legal Owner(s):
Charley Limited Partnership
Contract Purchaser:

Bill Batemans Bishop
Special Exception for an amusement arcade

Hearing: Monday, November 16, 1998 at 10:00 AM, in Room 407, County Courts Bldg., 401 Bosley 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) 887-3391.

10/536 Oct 29 1269709

CERTIFICATE OF POSTING

RE: Case No.: 99-139-X
CHARTLEY PARK S.C.
Petitioner/Developer: BILL BATEMAN, ETAL
c/o NEWTON WILLIAMS, ETAL ^{ESQ.}
Date of Hearing/Closing: 11/16/98

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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 CHARTLEY PARK SHOPPING
CENTER NW/S CHARTLEY BLVD. OPP. PIPER RD.
2 SIGNS @ S.C. ENTR.

The sign(s) were posted on 10/31/98
(Month, Day, Year)

Sincerely,

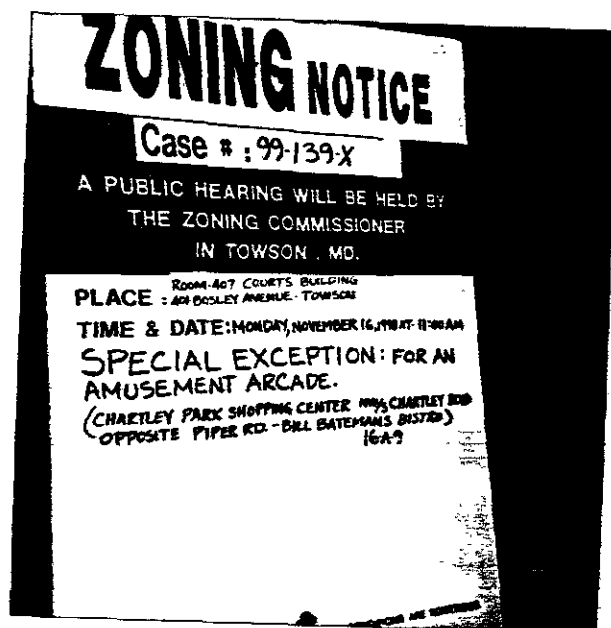
Patrick M. O'Keefe 11/6/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)



99-139-X
CHARTLEY PARK SHOPPING CENTER
CHARTLEY BLVD. OPP. PIPER RD.
BILL BATEMAN'S BISTRO,
ETAL 11/16/98

10/21/98
F
WCR File

Newton A. Williams
Thomas J. Renner
William P. Englehart, Jr.
Stephen J. Nolan*
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
Robert E. Cahill, Jr.
C. William Clark
Catherine A. Potthast
E. Bruce Jones**

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1980)

* Also admitted in D.C.
** Also admitted in New Jersey

October 21, 1998

Arnold Jablon, Esq., Director

HAND DELIVERED

Permits and Development Management
County Office Building
Towson, Maryland, 21204

Ladies and Gentlemen:

RE: Chartley Limited Partnership,
Charley Shopping Center, Filing Materials
Special Exception for Amusement Arcade,
Bill Bateman's Bistro, Our File- 0349\89
ZONING COMMISSIONER HEARING DATE
MONDAY, NOVEMBER 21, 1998, 11 A..M

99-139-X

On behalf of Bill Bateman's Bistro, we appreciate the setting of the hearing date for the special exception for an amusement arcade proposed to be added to Bill Bateman's Bistro at Chartley Shopping Center as above.

By a copy of this letter to Pat O'Keefe, we are asking Pat to post the property well before the required date of November 1st.

Also, we are asking our clients to contact us re a preparatory meeting well prior to the hearing set for the 16th.

Thanking you and your staff for your handling of this matter, I am, Respectfully,

Newton A. Williams

98-4429

Chartley Limited Partnership,

Pamela Mc Dade Johnson, Esq. 410 321 1860

Bill Bateman's Bistro

C/O Mr. Joseph Stonik 410 687 4560

RVMC

Richard L. Smith 410 316 7853

KCI

Pat O'Keefe 410 628 2574



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

October 19, 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: 99-139-X

NW/S Chartley Boulevard opposite Piper Road (Chartley Park Shopping Center)

4th Election District – 3rd Councilmanic District

Legal Owner: Chartley Limited Partnership

Contract Purchaser: Bill Batemans Bistro

Special Exception for an amusement arcade.

HEARING: Monday, November 16, 1998 at 11:00 a.m. in room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon" with "SCJ" written below it.

Arnold Jablon
Director

c: Newton A. Williams, Esquire
Chartley Limited Partnership
Bill Batemans Bistro

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 1, 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.**

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



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on Recycled Paper



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

October 2, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

Dear Mr. Williams:

RE: Drop-Off Petition, Case Number 99-139-X, Chartley Park Shopping Center

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once the staff has completed a detailed review, 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

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



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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:

ZONING NOTICE

Case No.: 09-139-X

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION FOR AN
AMUSEMENT ARCADE.

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

TO: PATUXENT PUBLISHING COMPANY
October 29, 1998 Issue - Jeffersonian

Please forward billing to:

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

410-823-7800

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: 99-139-X

NW/S Chartley Boulevard opposite Piper Road (Chartley Park Shopping Center)

4th Election District – 3rd Councilmanic District

Legal Owner: Chartley Limited Partnership

Contract Purchaser: Bill Batemans Bistro

Special Exception for an amusement arcade.

HEARING: Monday, November 16, 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.



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

October 19, 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: 99-139-X

NW/S Chartley Boulevard opposite Piper Road (Chartley Park Shopping Center)

4th Election District – 3rd Councilmanic District

Legal Owner: Chartley Limited Partnership

Contract Purchaser: Bill Batemans Bistro

Special Exception for an amusement arcade.

HEARING: Monday, November 16, 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 "SJ" or "SC" monogram at the bottom right.

Arnold Jablon
Director

c: Newton A. Williams, Esquire
Chartley Limited Partnership
Bill Batemans Bistro

- NOTES:** (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 1, 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.**

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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

November 12, 1998

Newton A. Williams, Esq.
Nolan, Plunhoffs & Williams, Chtd.
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 139
Case No.: 99-139-X
Location: Chartley Park
Shopping Center

Dear Mr. Williams:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 2, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

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

Enclosures



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Baltimore County
Fire Department

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

October 29, 1998

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

RE: Property Owner: CHARTLEY LIMITED PARTNERSHIP

Location: DISTRIBUTION MEETING OF October 13, 1998

Item No.: 139 Zoning Agenda:

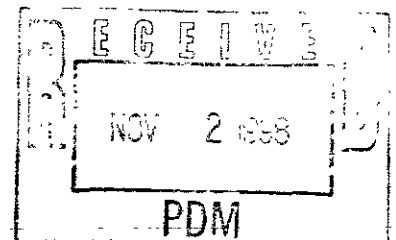
Gentlemen:

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.

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: October 21, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for October 19, 1998
Item Nos. 121, 131, 132, 134, ~~138~~
and 139

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

RWB:HJO:jrb

cc: File

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

TO: PDM

FROM: R. Bruce Seeley *RB/98*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *10/13/98*

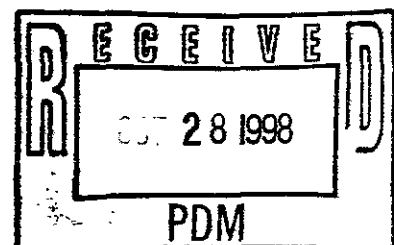
DATE: *10/26/98*

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

Item #'s: *121*
130
131
132
135
137
138
139
98-366

RBS:sp

BRUCE2/DEPRM/TXTS8P



11/16
Jim

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

Date: October 14, 1998

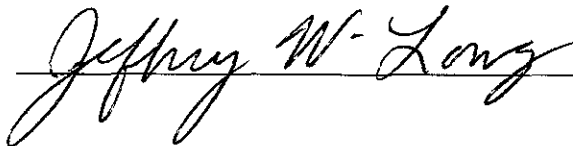
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 121, 132, 134, 137, 138 and 139

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

RE: PETITION FOR SPECIAL EXCEPTION
Chartley Park Shopping Center, NW/S Chartley
Blvd. opposite Piper Rd, 4th Election District,
3rd Councilmanic

Legal Owners: Chartley Ltd. Partnership
Contract Purchaser: Bill Bateman's Bistro

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-139-X

* * * * *

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 22nd day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumbhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Sophy ?

Newton A. Williams
Thomas J. Renner
William P. Englehart, Jr.
Stephen J. Nolan*
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
Robert E. Cahill, Jr.
C. William Clark
Catherine A. Potthast
E. Bruce Jones**

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

* Also admitted in D.C.
** Also admitted in New Jersey

October 8, 1998

Arnold Jablon, Esq., Director

HAND DELIVERED

Permits and Development Management
County Office Building
Towson, Maryland, 21204

Attention: Mrs. Sophie Jennings

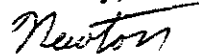
Ladies and Gentlemen:

RE: Chartley Limited Partnership,
Charley Shopping Center, Filing Materials
Special Exception for Amusement Arcade,
Bill Bateman's Bistro, Our File- 0349\89
99-139-X, Posting Notice

We have just received the enclosed Zoning notice form for the above case. A copy of this Notice is being sent to the approved Poster at the bottom, and we look forward to a notice of hearing in the ordinary course of your office processing. Thank you.

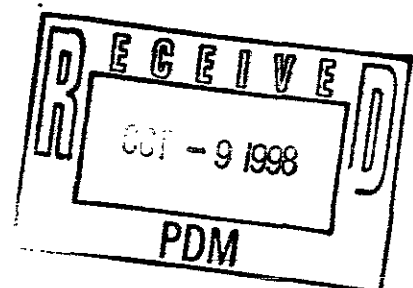
We appreciate your attention to this request and we look forward to receipt of an Item number and a Notice of Hearing in order that we may properly post the property.

Sincerely,



Newton A. Williams

CC with enclosures
Chartley Limited Partnership
Bill Bateman's Bistro



C/o Mr. Joseph Stonik

RVMC

Richard L. Smith

KCI

Pat O'Keefe, 410 628 2574

Newton A. Williams

DIRECT DIAL:
(410) 823-7856

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
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JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

TELECOPY COVER PAGE

DATE: November 16, 1998 CLIENT MATTER NO: 0946-89
TO: Hon. Lawrence Schmidt, Esq. Zoning Commissioner
FIRM: Baltimore County
RE: Bill Bateman's Bistro, Chartley Park Shopping Center, 99-139-X
FAX TELEPHONE NUMBER: 4110 887 3468 PHONE: 410 887 3468
TELEPHONE NUMBER TO CONFIRM RECEIPT: 410 887 3468
TOTALS NUMBER OF PAGES (INCLUDING COVER SHEET): Four
FROM: **Newton A. Williams**

Thank you once again for your efforts to resolve several points.

1. I could not find a provision in the Parking Regulations for a Modified Parking Plan, but I believe that I have a solution, namely correctly identify the arcade as an accessory use, and I do not believe that Section 409.1 A. requires an upgrade or old regs election for a use other than a principal use. Recall that this has been restaurant space for a long time and permits have been repeatedly granted.

2. As to the number of amusement machines, see Section 422 and 423 enclosed. We need a S/E for this restaurant location. Although, the sections speak about uses in combination, it is clear that at most an accessory use is contemplated here. Consider the following:

A. The establishment is a restaurant, in name, size and floor area, revenues generated, and in primary reason to visit, ie Patrons come to eat and relax, not to an amusement arcade per se. The games are a diversion, an adjunct to the principal use.

B. The games use tokens and are in side rooms, unlike a bowling alley or pool room that offers limited food and drinks, at a snack bar.

C. The games are aimed at a 12-year old age level, per Marc Loundas, our principal witness.

D. For all of these reasons, I believe that we do not need to treat it as a 409.1 A., "triggering use" for the purposes of the Parking Regulations. Also, recall the evidence of a \$100,000.00 parking lot

upgrade including landscaped islands

E It is an arcade only because we have more than four machines proposed, but it meets the four point test for accessory uses in Section 101

We thank you for your consideration of the case request and these thoughts.

Respectfully,

A handwritten signature in cursive script, appearing to read "Newton A. Williams".

Newton A. Williams

Mary B. Albert, Continental, 410 296 3617

Marc Loundas, 410 252 6654

Richard L. Smith, 410 316 7853

*Baltimore County Zoning Regulations
PC/Codebook for Windows*

Section 422, Amusement Devices [Bill Nos. 29-1982; 66-1983]

- A. Amusement devices are permitted as of right in the B.L., B.M. and B.R. Zones when used in combination with (1) a tavern; (2) a bowling alley; (3) a hotel or motel; (4) billiard or pool rooms; (5) skating rink; (6) airport; (7) boatyard/marina; (8) bus, train, boat terminal; (9) community building; (10) racetrack; (11) restaurant; (12) miniature golf; (13) truck stop; (14) swimming pool; (15) social, fraternal or veteran clubs; (16) indoor tennis and racquet clubs; (17) public bathing beaches; or (18) other uses which the Zoning Commissioner finds, after public hearing, to be entertainment, leisure or recreation oriented; and provided, however, that no more than four amusement devices shall be permitted unless a special exception for an arcade is obtained.
- B. One amusement device, or two such devices if the net floor area of the location's interior space actually devoted to the principal use exceeds 1,500 square feet, is permitted as a matter of right in the B.L., B.M. and B.R. Zones when in combination with uses which are not entertainment, leisure or recreation oriented. The square footage required by this subsection need not be devoted exclusively to the amusement device or devices.
- C. Amusement devices are permitted as of right in the Manufacturing, Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones when used in combination with, and accessory to, any entertainment, leisure or recreation oriented principal use provided for in Section 422.A, provided that:
1. The amusement devices are located on the same lot as the principal use.
 2. The amusement devices are located within a building which houses the principal use or which houses facilities that are incidental to the principal use.
 3. No more than four amusement devices are used in combination with the principal use.
 4. In the Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office, and Office Zones, the principal use is operated as a private club for the benefit of persons who are bona fide members paying dues for the principal use, and the use of the amusement devices is restricted to such members and their guests and is not available for use by the general public or to lessees of said private club.

Section 423, Arcades [Bill Nos. 29-1982; 29-1983; 66-1983]

- A. An arcade is permitted as of right in the B.L., B.M. and B.R. Zones when located in (1) a bowling alley; (2) a hotel or motel; or (3) billiard or pool rooms, or when located in an enclosed mall, provided that public access to the arcade (except for emergency use) may only be via the enclosed concourse. Any number of amusement devices is permitted in an arcade,

*Baltimore County Zoning Regulations
PC/Codebook for Windows*

except that in a billiard or pool room, a maximum of two and one-half amusement devices is permitted for each regulation-size billiard or pool table in the room unless a special exception is obtained for a greater number of amusement devices. (As used herein, a "regulation-size billiard or pool table" is a table which requires for its use a minimum floor area of 192 square feet.)

- ✓ B. An arcade is permitted by special exception in the B.L., B.M. and B.R. Zones as the sole principal use or in combination with one or more of the entertainment, leisure or recreation oriented uses provided for in Section 422.A.
- C. An arcade is permitted by special exception in the Manufacturing, Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones when used in combination with, and accessory to, any entertainment, leisure or recreation oriented principal use provided for in Section 422.A, provided that:
1. The arcade is located on the same lot as the principal use.
 2. The arcade is located within a building which houses the principal use or which houses facilities that are incidental to the principal use or, notwithstanding the definition of the term "arcade," the arcade is located under an unenclosed permanent roofed structure which is attached to such a building.
 3. The arcade is clearly subordinate in area, extent and purpose to the principal use.
 4. The Zoning Commissioner specifies the maximum number of amusement devices to be maintained in the arcade.
 5. In the Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones, the principal use is operated as a private club for the benefit of persons who are bona fide members paying dues for the principal use and the use of the arcade is restricted to such members and their guests and is not open to the general public or to lessees of said private club.

Section 424, Family Child Care Homes, Group Child Care Centers and Nursery Schools [Bill Nos. 47-1985; 66-1985; 200-1990]

Family child care homes, group child care centers and nursery schools are permitted in all zones in accordance with this section. If a conflict arises between this section and other specific provisions of these Zoning Regulations, this section shall govern.

- 424.1 General. Family child care homes, group child care centers and nursery schools shall meet the following requirements:
- A. Any such use shall be registered, licensed or certified as required by the applicable state or local agency.
- B. In addition, with respect to group child care centers and nursery schools, outdoor play space



Baltimore County
Fire Department

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

November 29, 1999

RECEIVED JAN 06 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner:
NORTH OAKS REAL ESTATE PTNP. & GWYNNS FALLS L P - 136*
PATRICIA L. SHANEYBROOK & SUSAN H. BASSO - 139
DEVON SELF STORAGE, LLC - 141
ELKRIDGE PLAZA, INC. - 147
MARK E. GREEN & GORDON K. HARDEN, JR. - 154

Location: DISTRIBUTION MEETING OF OCTOBER 25, 1999

Item No.: See Below

Dear Ms. Stephens:

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
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





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
410-887-3391

November 5, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd.
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

Dear Mr. Williams:

RE: Drop-Off Petition Review (Item #139), Chartley Park Shopping Center, 4th Election District

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. John Lewis does not recall reviewing this plan prior to drop-off.
2. Provide the title of the Bistro (contact purchaser/lessee) representative.
3. The number of parking spaces shown on the plan based on 5 spaces per 1,000 square feet of GLA cannot be used in plans which do not meet the current parking standards of Section 409, BCZR. The fact that parking spaces are shown at 8 feet in lieu of the required 10 feet from street right-of-way and variances are not listed for this deficiency indicates that the current regulations for parking do not apply to this site. The parking must be recalculated on revised plans under separate use square foot calculations and any lack of required spaces must be varianced or a revised detailed site plan showing compliance with all current parking, maneuvering, and loading and parking landscaping standards for all uses must be provided and any noncompliance must be varianced.

If you need further information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "John L. Lewis".

John L. Lewis
Planner II, Zoning Review

JLL:rye

Enclosure (receipt)

c: Zoning Commissioner Come visit the County's Website at www.co.ba.md.us



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Case # 99-139-X.

NAME

ADDRESS

Newton A. Williams

502 Wash. Ave. 21204

Mary B. Albert

17 W. Penn Ave 21204

MARC J. Lounas

63 E Adams St 21093

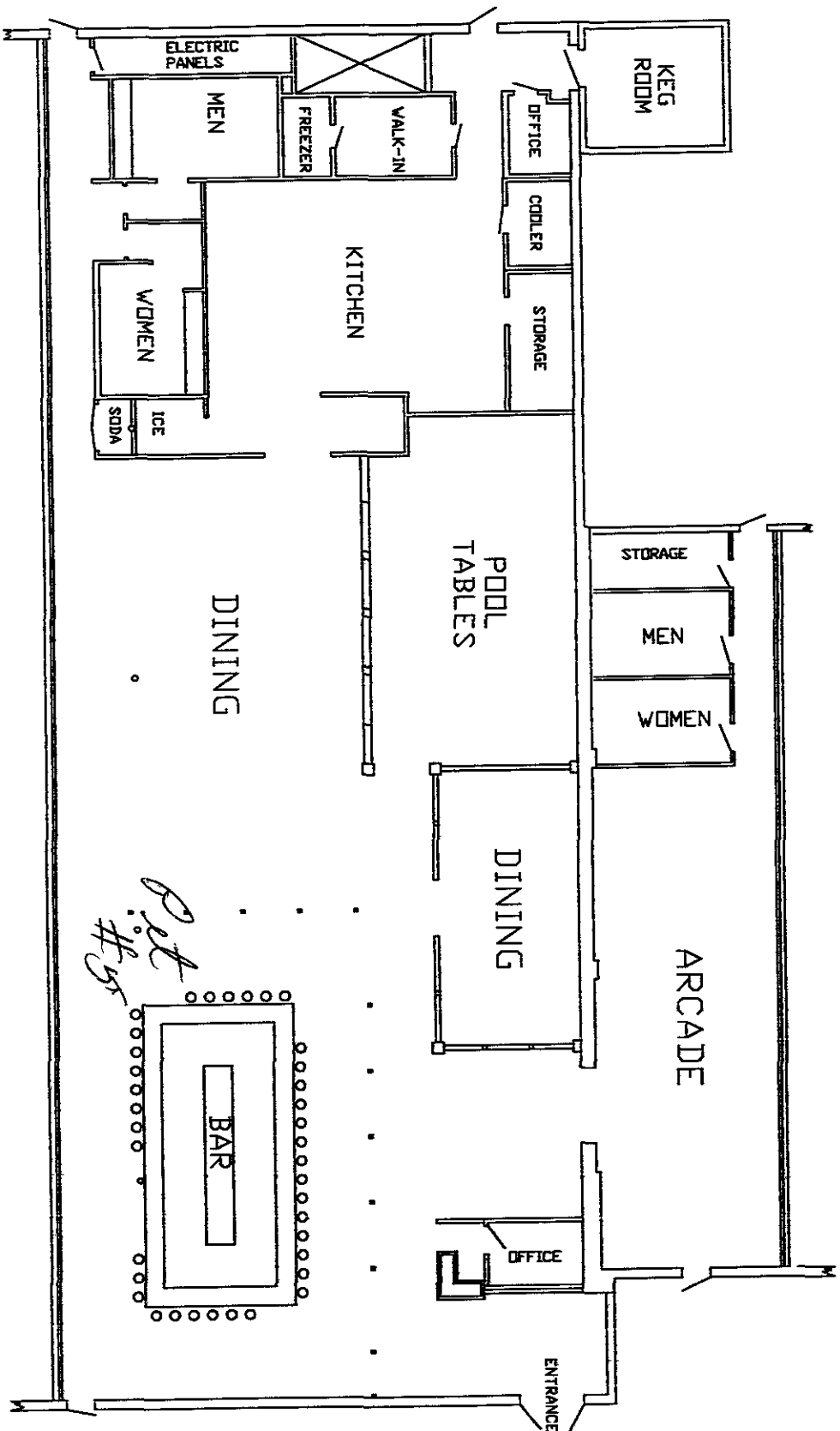
RICHARD L. SMITH

KCI TECHNOLOGIES, INC.

10 NORTH PARK DRIVE 21030



BILL BATTEMAN'S REISTERSTOWN

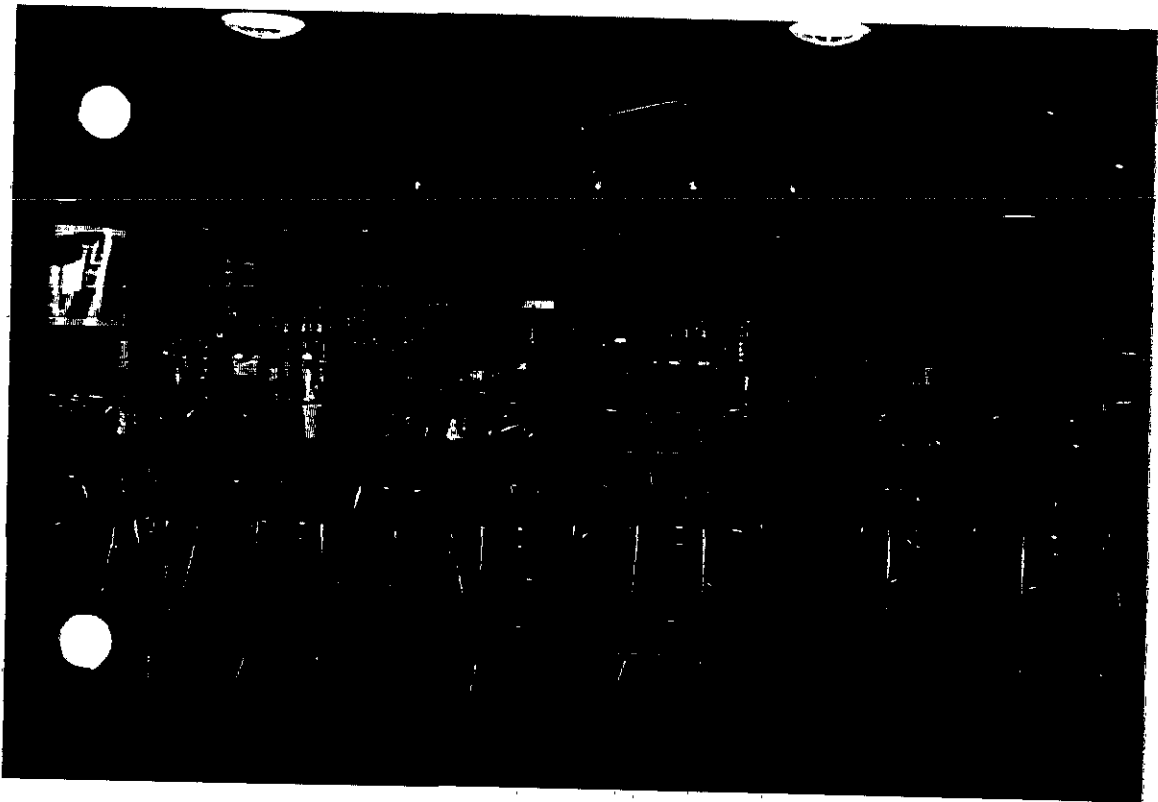




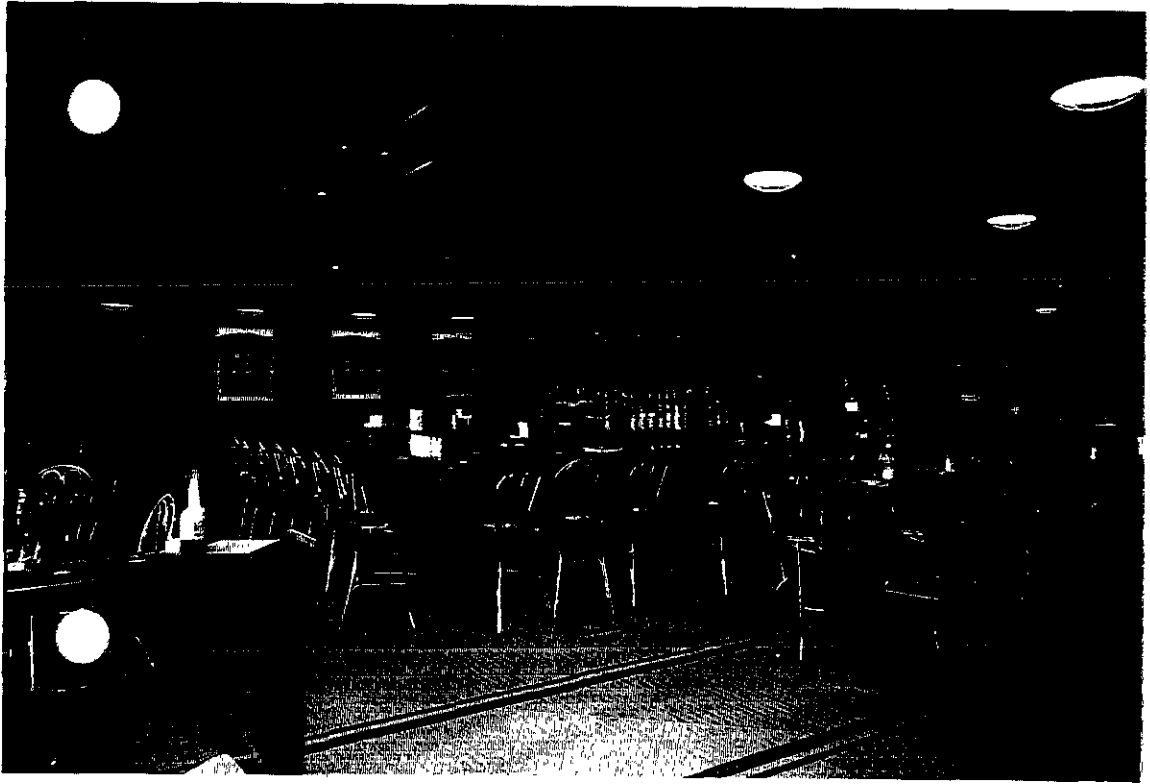
REES

99-139-X

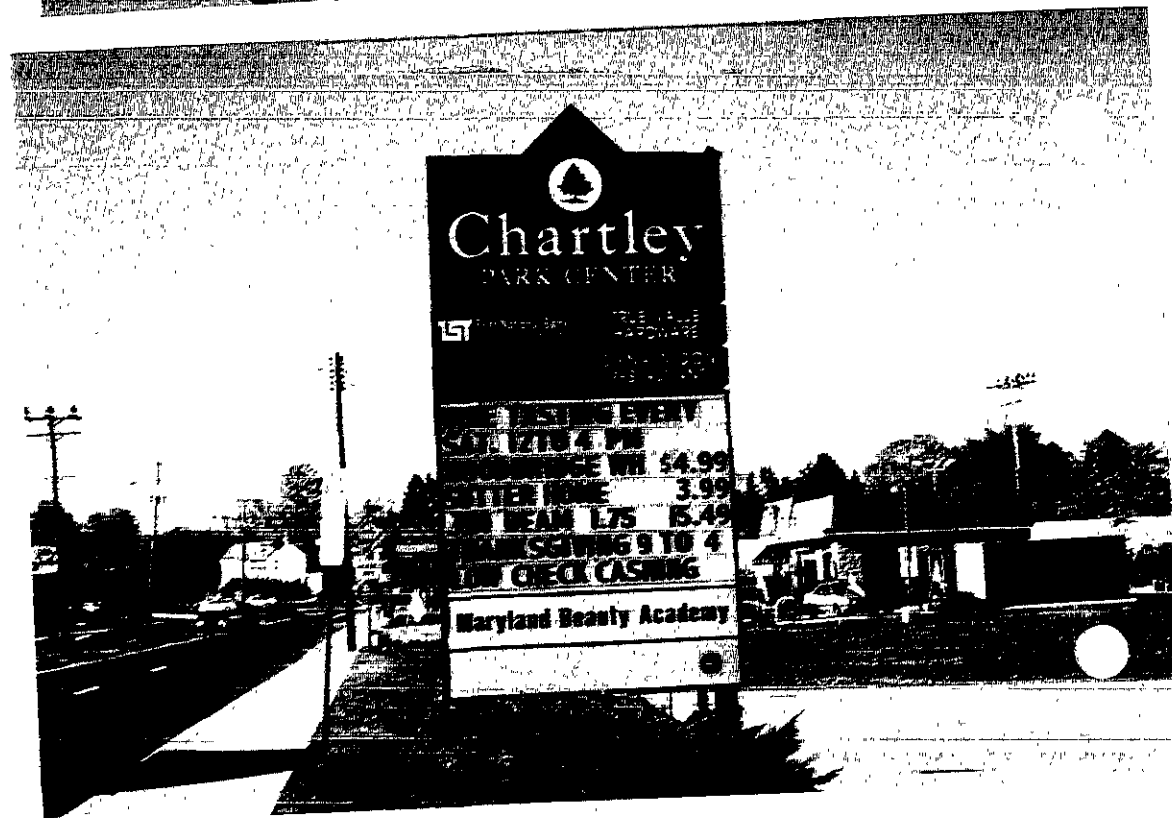




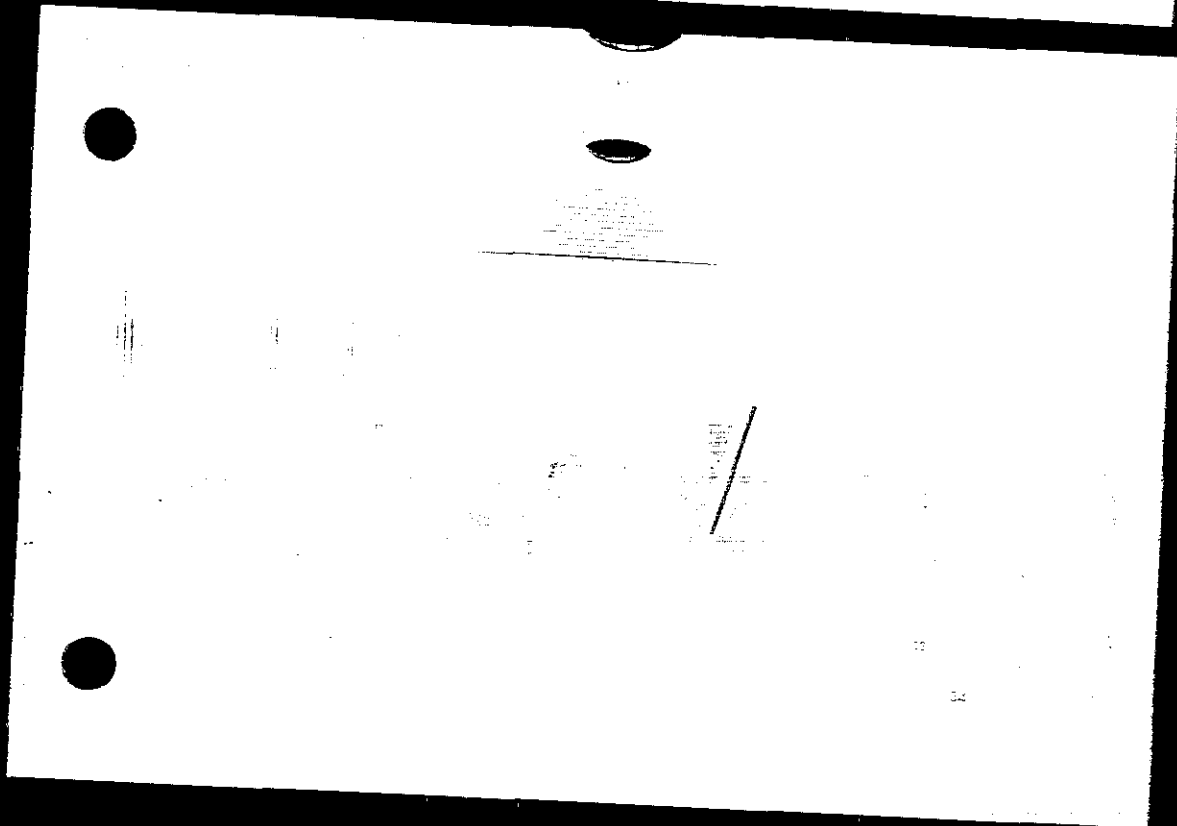
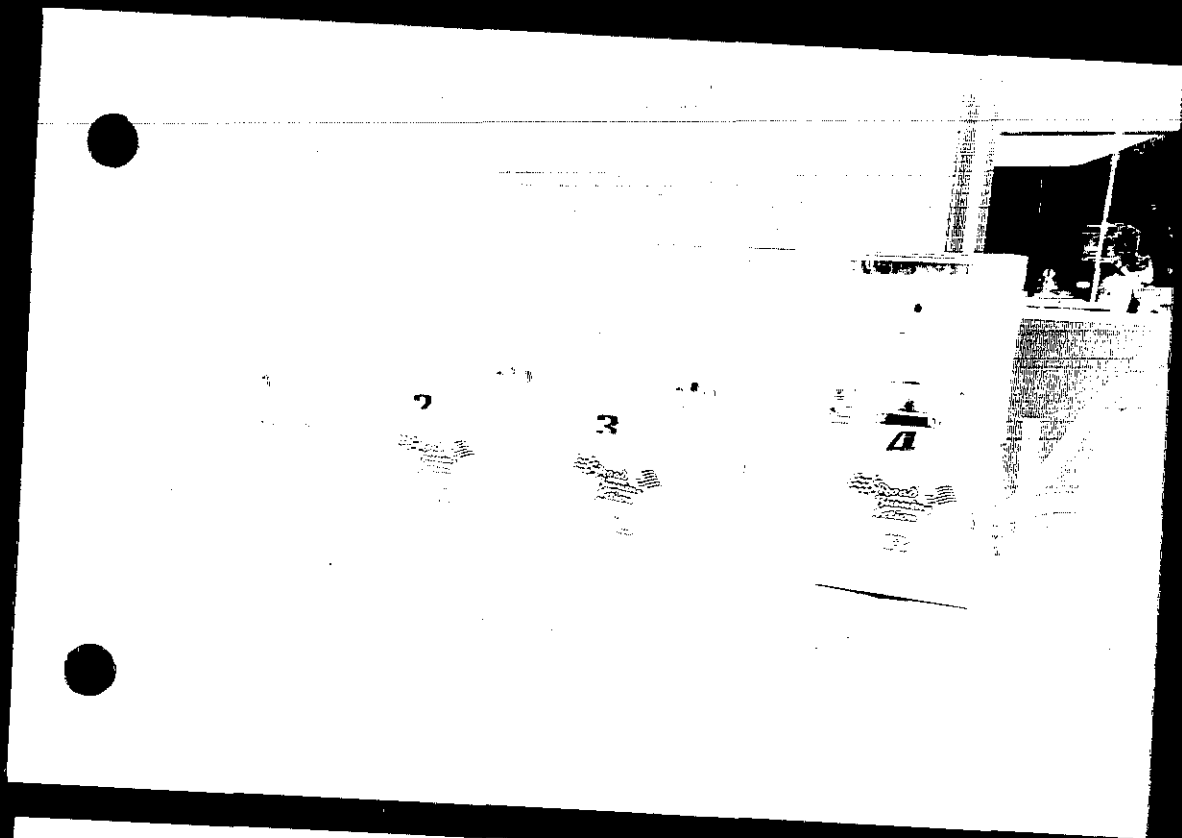


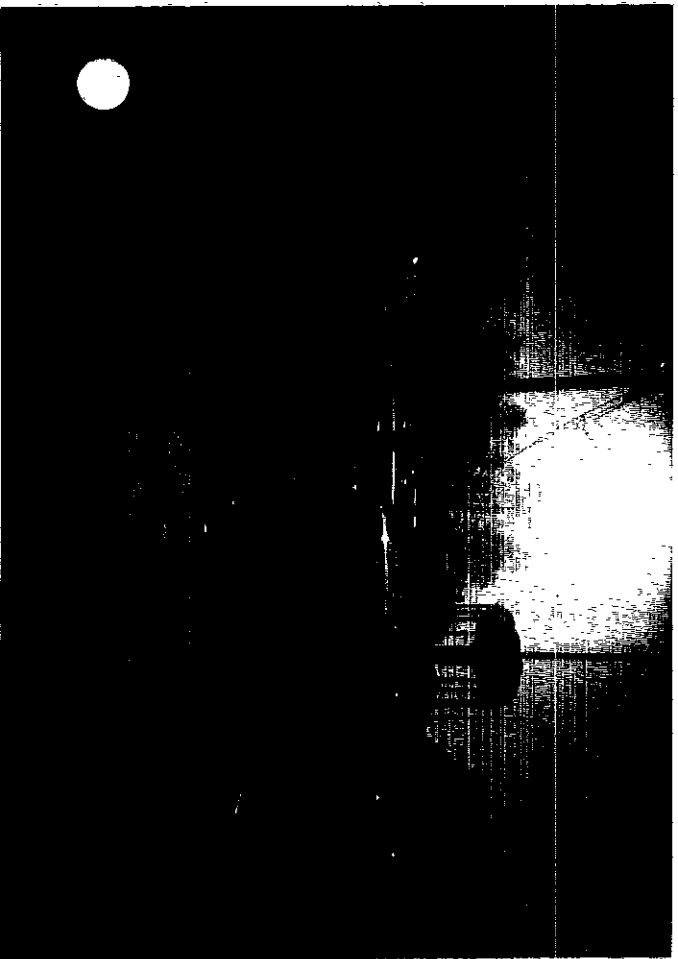




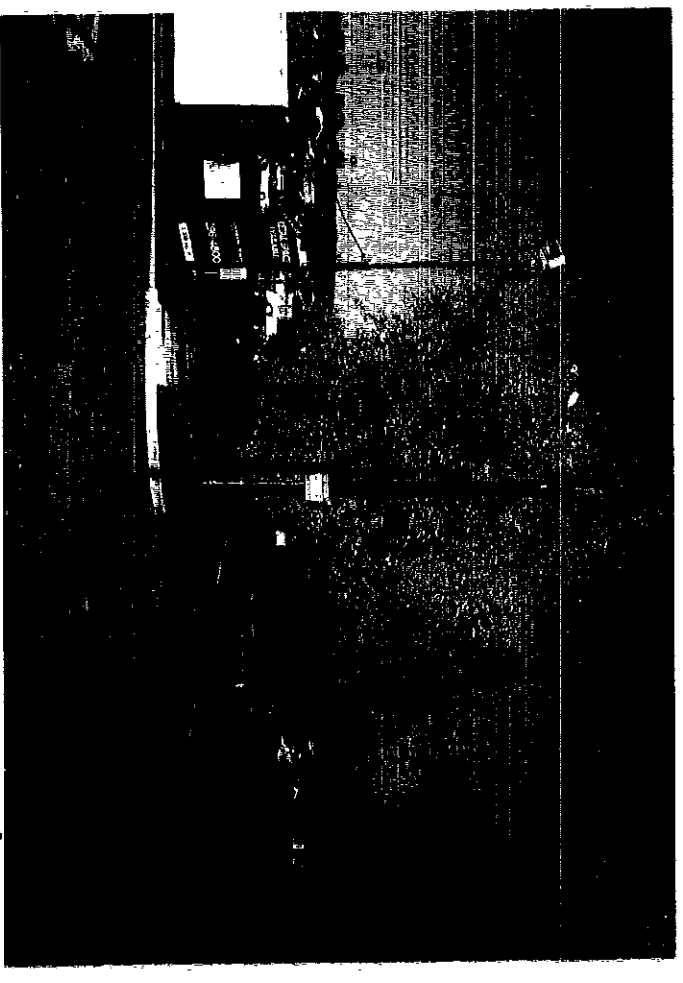




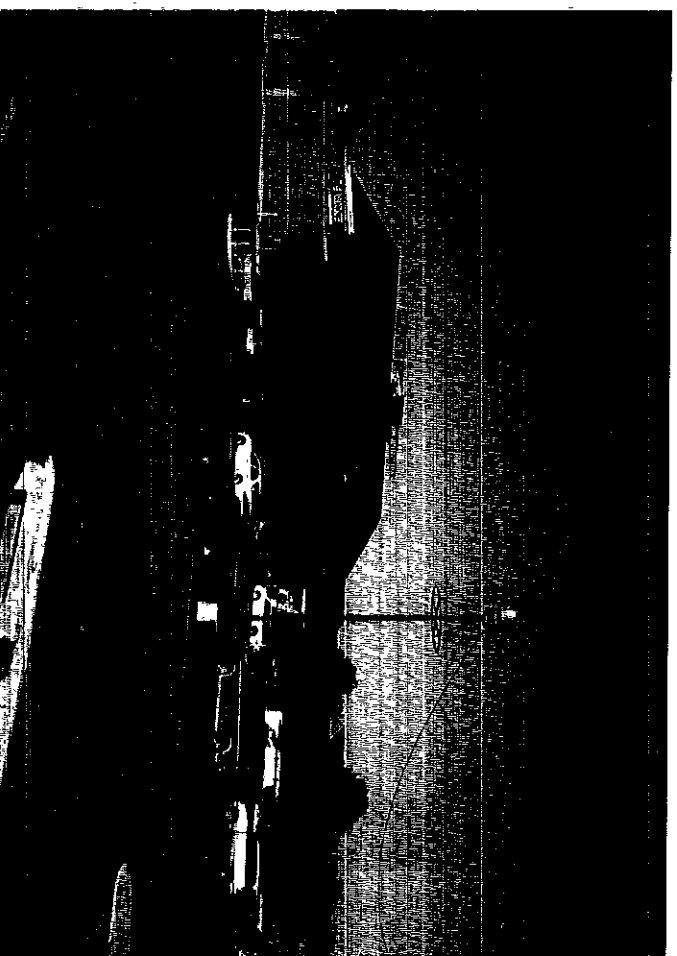




21. Looking west toward Reed St.

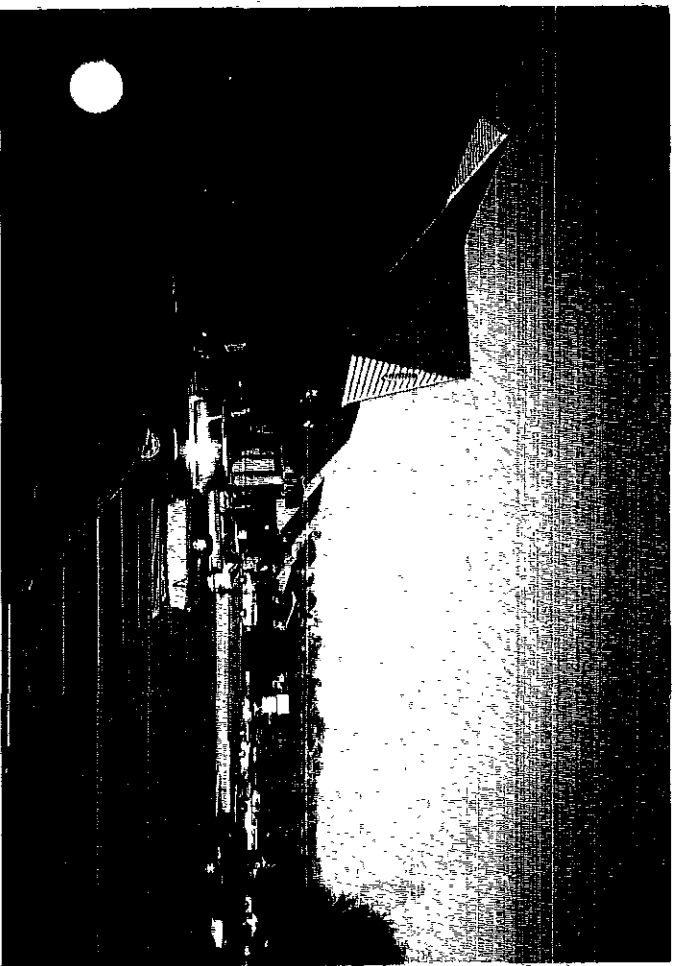


22. Looking east on Chantley Blvd.



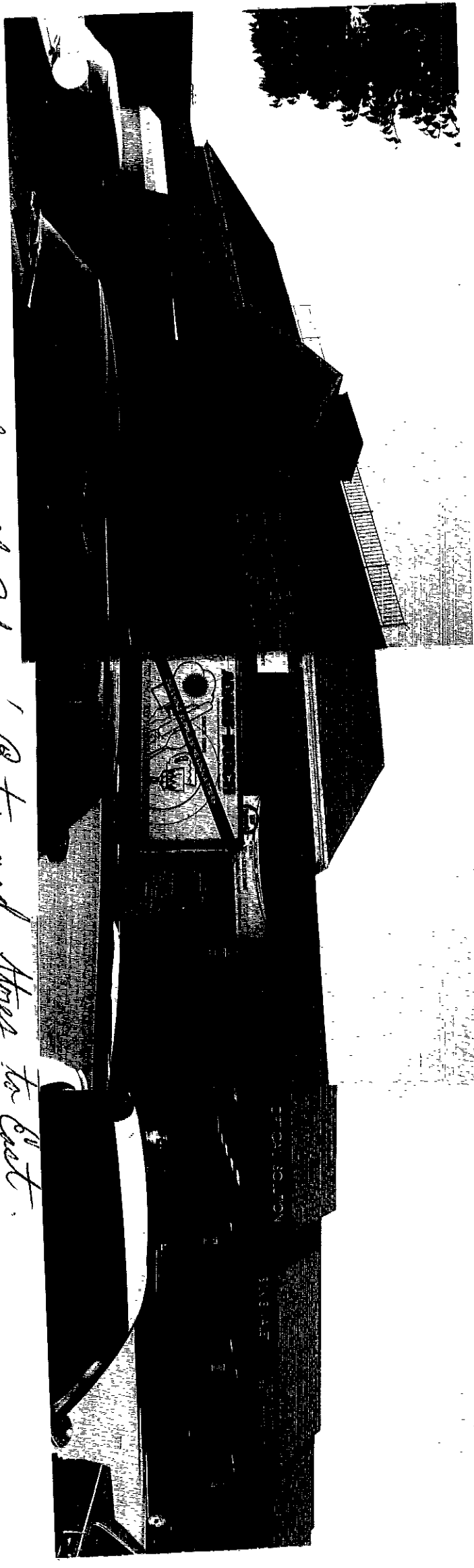
23. Looking NE at 2 Restaurants from Center Entrance.

F, Looking East from in
 front of Bill Bateman's

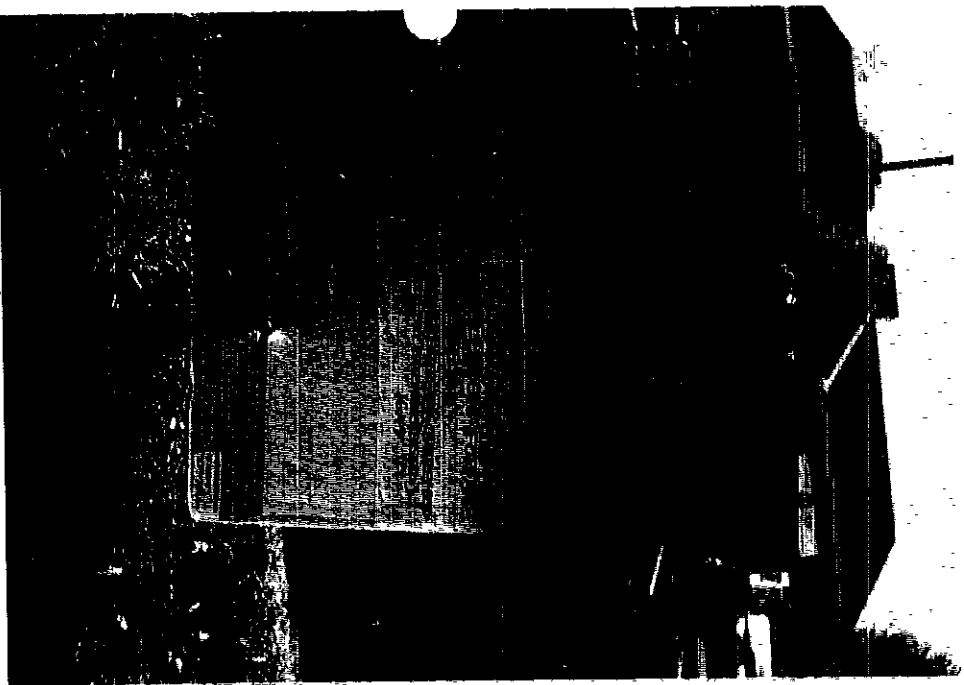


G, Looking East - note car
 with trees

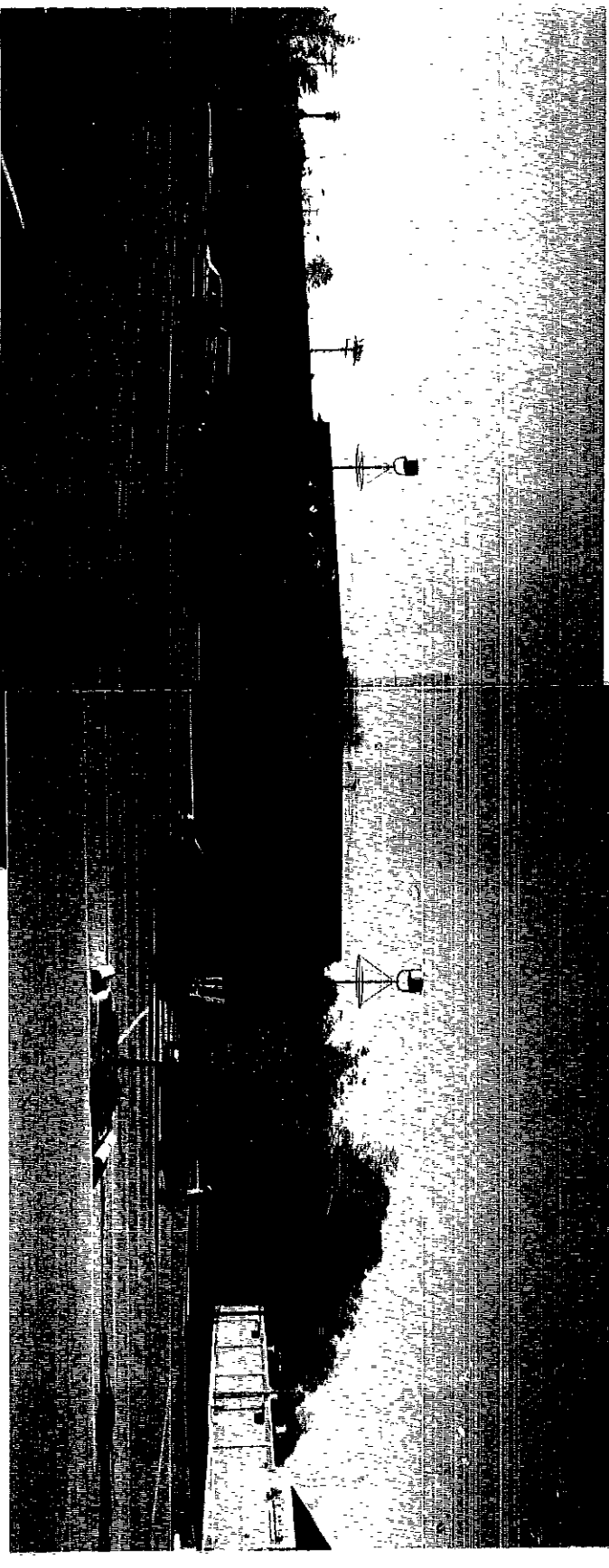




E,
Chumie Restaurant and Bill Gutman's Bar and Store to East.



A. Grocery Store



B. Grocery Store at Site Front.

Charley Park.

Center.

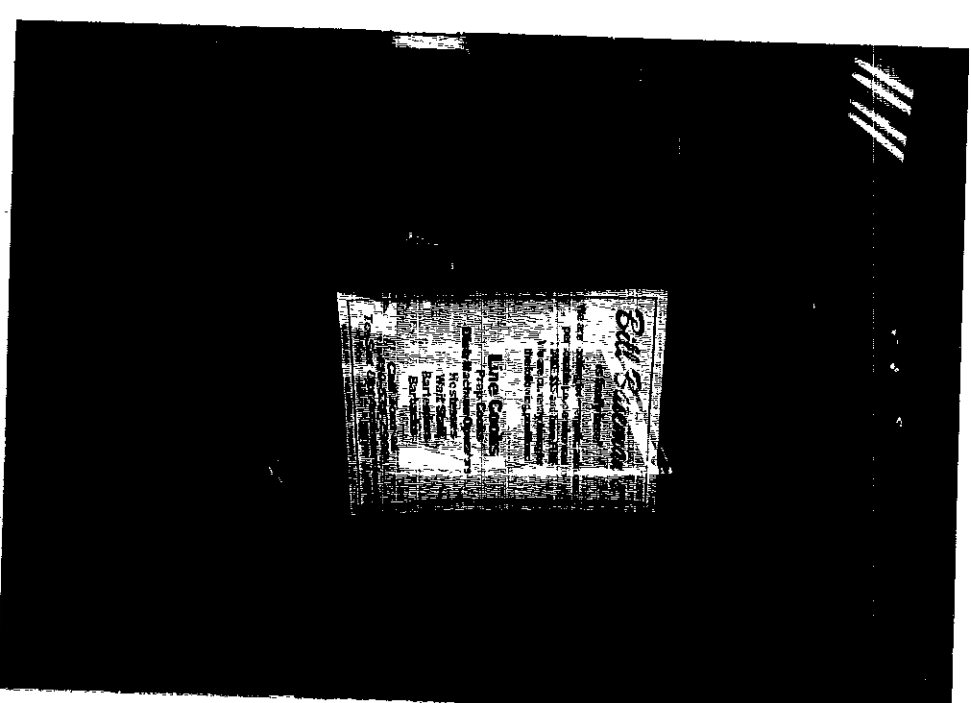
Special Reception

for
Arrangement & Arrive

Case No. 99-139-X



C, Chuvist Restaurant and New Bill Bateman's Boats



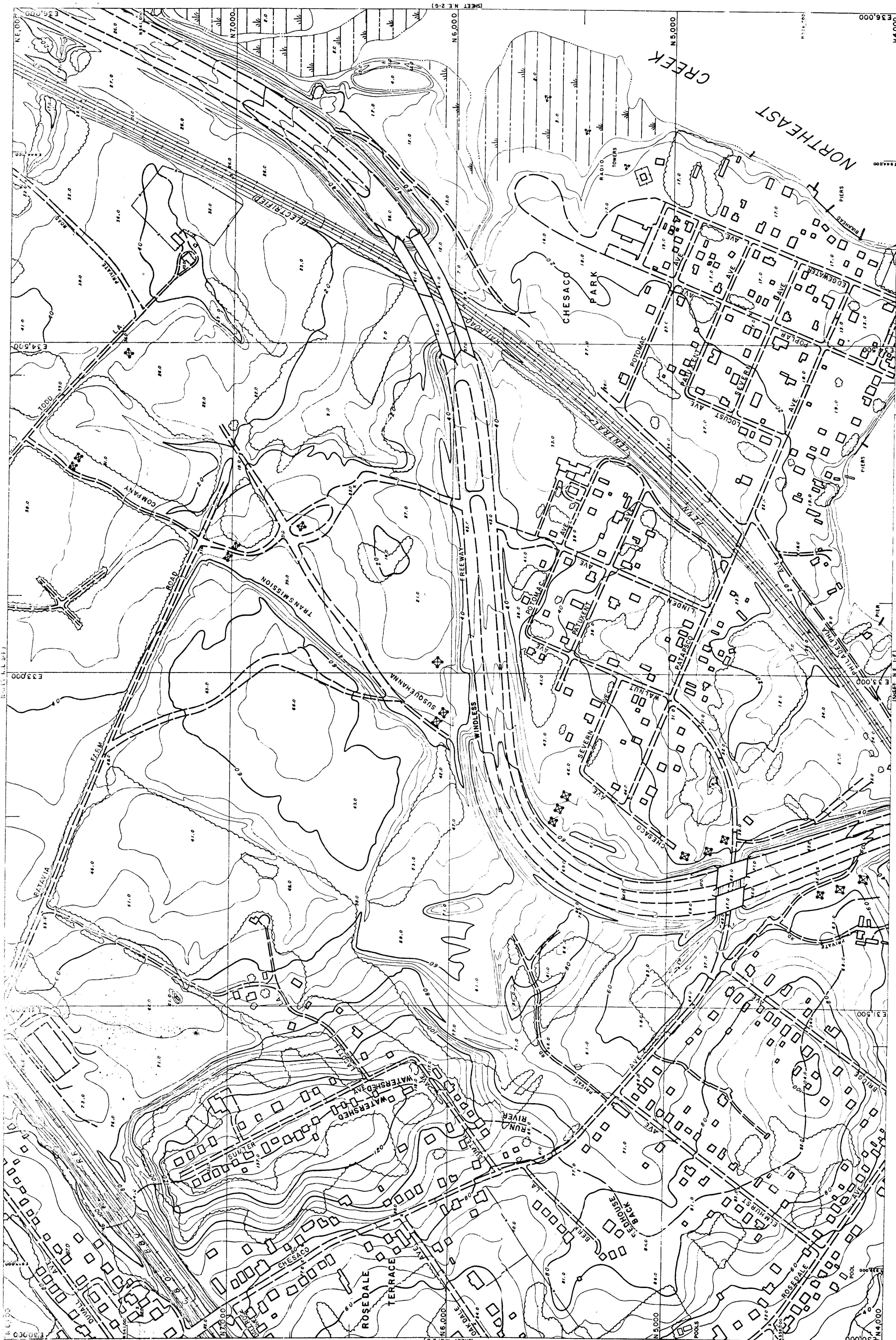
D. Opening Sign



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	REISTERSTOWN AREA DELIGHT	N.W. 15-J
DATE OF PHOTOGRAPHY JANUARY 1986	PETITIONER'S EXHIBIT NO. 2	

Plt. # 2



REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
	7/16/63	1" = 200'	CHESACO PARK	N.E.
		DATE OF PHOTOGRAPHY	2-F	
		APRIL 18, 1972		

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

Topography Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE, MARYLAND

423

98-423-A

