

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
SE/S Woodrow Avenue, W of		
Centerline Creek Road Extended	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
7 th Councilmanic District	*	OF BALTIMORE COUNTY
(801 Woodrow Avenue)		
	*	CASE NO. 00-248-X
Michael Brewer & Ella Brewer		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Michael Brewer & Ella Brewer. The Petitioners are requesting a special exception for property they own at 801 Woodrow Avenue, located in the Essex area of Baltimore County. The special exception request is for an arcade use in accordance with Section 423 of the Baltimore County Zoning Regulations (B.C.Z.R.) used in combination with their existing tavern.

Appearing at the hearing on behalf of the request were Michael and Rebecca Brewer, property owners and their attorney, John B. Gontrum. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception request is the site of "My Friend's Bar", which is a waterfront property located at the end of Woodrow Avenue on Deep Creek. The property is improved with an existing tavern which has been in the Brewer family for many years. Michael Brewer is the owner and operator of the tavern and is requesting permission to install 11 electronic dart machines within his tavern. Mr. Brewer testified that his bar has a very extensive dart league and these electronic machines are very popular with his patrons. Many of his customers compete in professional dart competitions around the country. He, therefore, is requesting permission to install up to 11 of these coin operated dart machines. Testimony also indicated that Mr. Brewer currently has 4 video poker machines within

ORDER RECORDED FOR FILING
 1/20/2000
 BY *R. J. Gessner*

the subject bar. Once installed, the Petitioner would have a total of 15 machines on the premises – 4 video poker machines and 11 electronic, coin operated dart machines.

The Petitioner wanted to have the flexibility to replace some of the dart machines with other similar coin operated games of skill, in the event it becomes necessary to do so in the future. Flexibility shall be given to Mr. Brewer to replace the 11 coin operated dart machines with similar games of skill, such as basketball, pop-a-shot, coin operated skeet and trap shooting game, coin operated race cars and other similar games of skill or amusement devices. In any event, there shall be no more than 4 video poker or video slot machines within the subject tavern at any one time.

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

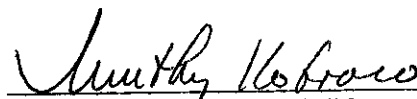
The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

Pursuant to the advertising, posting of the property, and public hearing held, and for the reasons given above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED this 20th day of January, 2000, by this Deputy Zoning Commissioner, that the Petitioners' Special Exception Request from Section 423 of the Baltimore County Zoning Regulations (B.C.Z.R.), for an arcade use to be used in combination with their existing tavern, be and is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their use permit 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. The Petitioners shall be permitted to keep and maintain 4 video poker/video slot machines within the subject bar at any one time. In addition to those 4 machines, the Petitioners shall be permitted to install up to 11 coin operated, electronic dart machines within the premises. They shall have the flexibility to substitute other coin operated games of skill, such as those previously identified within this Order in place of any particular electronic dart machine.
3. The special exception granted herein shall be granted only to the current owners and operators of the subject bar and tavern, Michael and Ella Brewer. This special exception shall not run with the land and shall not be transferable to any future purchaser or lessee of the subject establishment. Mr. Brewer is a very reputable owner and operator of this tavern. He has an excellent relationship with his surrounding neighbors. Therefore, the special exception granted herein shall be for his use only and shall not be transferable to another owner/operator of this bar.
4. When applying for any permits, the site 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:raj



CBCA
FLOODPLAIN

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 801 Woodrow Avenue

which is presently zoned B.L./D.R. 5.5

This Petition shall be filed with the Department of Permits and 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

an arcade use per Section 423 BCZR in common with a tavern.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print

Signature

Romadka, Gontrum & McLaughlin

Company

814 Eastern Boulevard (410) 686-8274

Address

Baltimore, Maryland

Telephone No.

21221

City

State

Zip Code

Legal Owner(s):

Michael Brewer

Name - Type or Print

Signature

Ella Brewer

Name - Type or Print

Signature

801 Woodrow Avenue (410) 391-5807

Address

Telephone No.

Baltimore, Maryland 21221

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By uel

Date 12-14-99

Case No. 00-248-X

REU 09/15/98

Drop Off

No Review

FROM : J S DALLAS INC

FAX NO. :

Dec. 03 1999 11:28AM P2

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

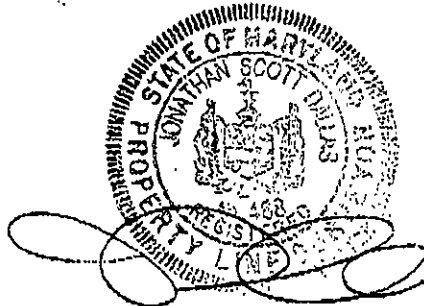
ZONING DESCRIPTION #801 WOODROW AVENUE

BEGINNING at a point on the south side of Woodrow Avenue, 30 feet wide, at the distance of 590 feet, more or less, west of the centerline of Marlyn Avenue, thence (1) westerly with said south side of Woodrow Avenue 100 feet thence leaving said Woodrow Avenue and running (2) northerly 30 feet, (3) westerly 89 feet, more or less to the waters of the Deep Creek thence running with and binding on said waters of said Deep Creek the three following courses and distances: (4) southwesterly 57 feet, more or less (5) southeasterly 100 feet, more or less and (6) southeasterly 226.6 feet, more or less thence leaving said waters of said Deep Creek and running (4) northerly 187 feet, more or less to the place of beginning.

CONTAINING 32,730 square feet or 0.75 acres of land, more or less.

BEING Lots Number 21, 22 and 23 in the subdivision of Deep Creek Avenue Park as recorded in Baltimore County Plat Book W.P.C. No. 7 Folio 2.

ALSO known as #801 Woodrow Avenue and located in the 15th Election District, 7th Councilmanic District.

**248**

No. 074386

DATE _____

12/4/99

ACCOUNT

001-6150

AMOUNT \$

300.00

RECEIVED
FROM: _____

My Friends Tavern

FOR:

801 Woodrow Ave

#00-246X

Drop Off - No Review

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD, 1-4, 2000

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 1-4, 2000.

S. Williams
THE JEFFERSONIAN,
LEGAL ADVERTISING

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: #00-248-X
801 Woodrow Avenue
SE/S Woodrow Avenue, W
of centerline Creek Road
Extended
15th Election District
7th Councilmanic District
Legal Owner(s): Ella & Michael Brewer
Special Exception: for an arcade.
Hearing: Wednesday,
January 19, 2000 at 10:00
a.m. in Room 407, County
Courts Building, 401 Bos-
ley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the file and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JTU/1/602 Jan. 4 C361514

CERTIFICATE OF POSTING

RE: CASE #00-248-X
PETITIONER/DEVELOPER
(Michael Brewer)
DATE OF Hearing
(Jan 19, 2000)

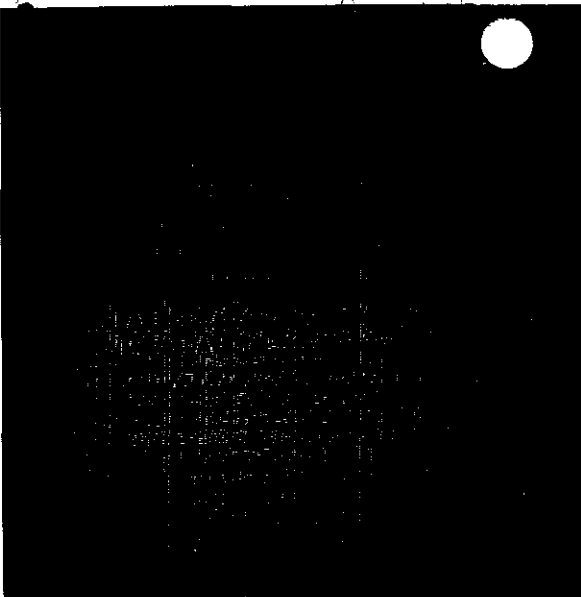
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
801 Woodrow Ave. Baltimore, Maryland 21221

The sign(s) were posted on 1-4-00
(Month, Day, Year)



Sincerely,

Thomas P. Ogle, Sr. 1/4/00
(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
(Telephone Number)

RE: PETITION FOR SPECIAL EXCEPTION
801 Woodrow Avenue, SE/S Woodrow Ave,
W of c/I Creek Rd extended
15th Election District, 7th Councilmanic

Legal Owner: Michael & Ella Brewer
Petitioner(s)

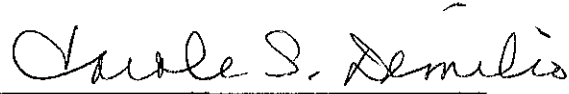
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-248-X

* * * * *

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 or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 30th day of December, 1999 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 Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 22, 1999

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: 00-248-X

801 Woodrow Avenue

SE/S Woodrow Avenue, W of centerline Creek Road Extended

15th Election District – 7th Councilmanic District

Legal Owner: Ella & Michael Brewer

Special Exception for an arcade.

HEARING: Wednesday, January 19, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon", with the initials "SJ" written below it.

Arnold Jablon
Director

c: John Gontrum, Esquire, 814 Eastern Boulevard, Baltimore 21221
Ella & Michael Brewer, 801 Woodrow Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 4, 2000.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 4, 2000 Issue – Jeffersonian

Please forward billing to:

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

410-686-8274

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: 00-248-X

801 Woodrow Avenue

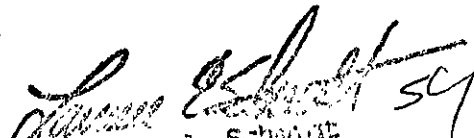
SE/S Woodrow Avenue, W of centerline Creek Road Extended

15th Election District – 7th Councilmanic District

Legal Owner: Ella & Michael Brewer

Special Exception for an arcade.

HEARING: Wednesday, January 19, 2000 at 10:00 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 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

January 13, 2000

Mr. John B. Gontrum
Romadka, Gontrum & McLaughlin
814 Eastern Avenue
Baltimore MD 21221

Dear Mr. Gontrum:

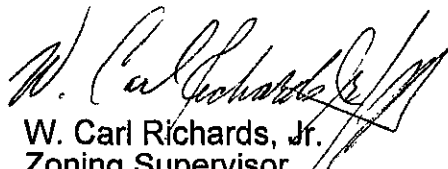
RE: Case Number 00-248-X , 801 Woodrow Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 1999.

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, please do not hesitate to contact the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

c:



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 6, 2000

FROM: *Rub* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for January 3, 2000
Item Nos. 245, 246, 247, 248, 249,
250, 251, 252, 253, 254, 255, 256,
257, 259, and 261

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

RWB:HJO:jrb

cc: File

Sim
1/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JAN 11

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

Date: January 11, 2000

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

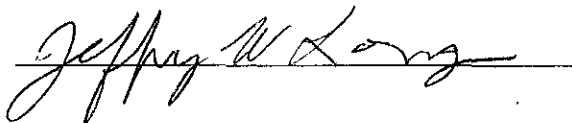
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 248

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



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 1.5.00

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

RE: Baltimore County
Item No. 248 WLR

RECEIVED JAN 06 2000

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael J. Brewer

801 Woodrow Avenue

Balto. Md. 21221

Rebecca Brewer

801 Woodrow Ave.

21221

John Gostin



ROMADKA, GONTRUM & MCLAUGHLIN, P.A.

**814 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21221**

PHONE: 410-686-8274

FAX: 410-686-0118

ATTORNEYS:

ROBERT J. ROMADKA

JOHN B. GONTRUM

J. MICHAEL McLAUGHLIN*

**admitted Maryland and D.C.*

December 10, 1999

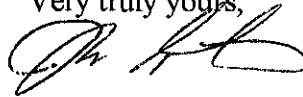
Carl Richards, Zoning Supervisor
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

RE: Drop Off Petition 801 Woodrow Ave.

Dear Mr. Richards:

Enclosed is a Petition for Special Exception and Exhibits. This was previously reviewed at a filing appointment with John Alexander, and changes were made per his instructions to the site plan. To my knowledge there are no violations on the site.

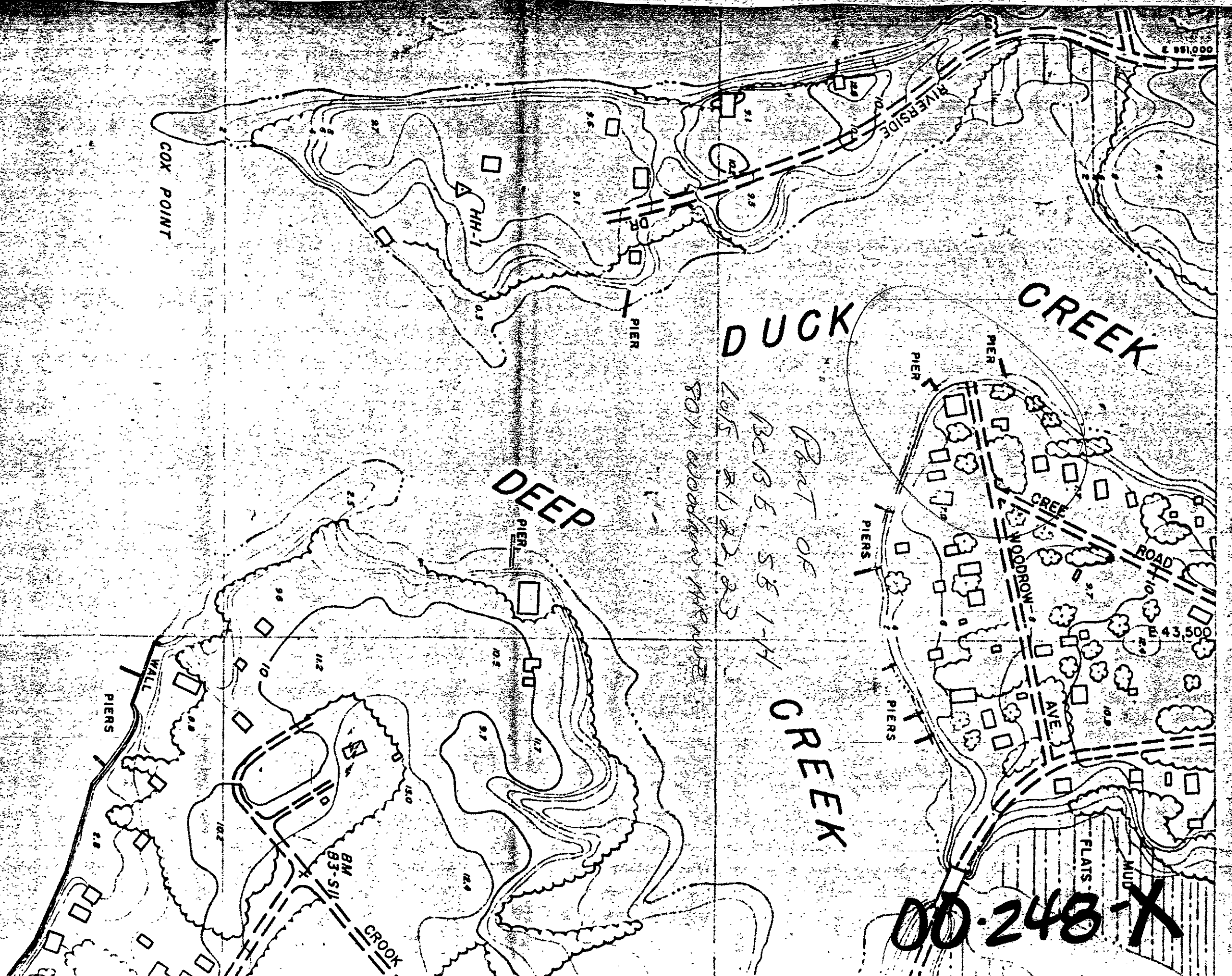
Very truly yours,



John B. Gontrum

00-248-X

BACK



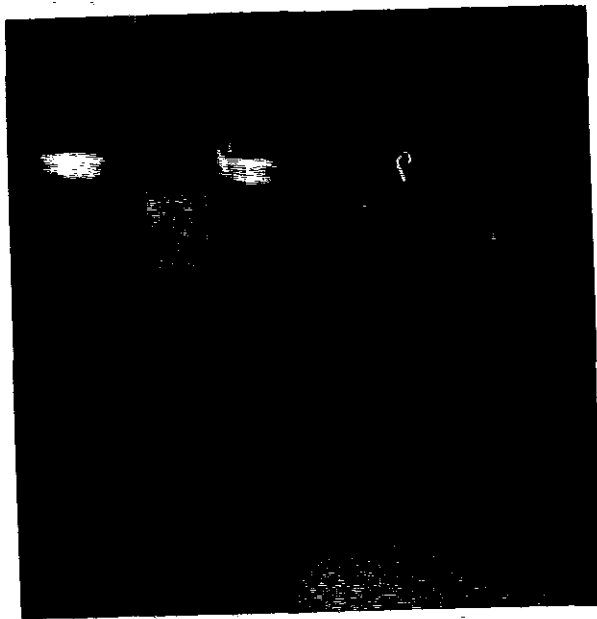
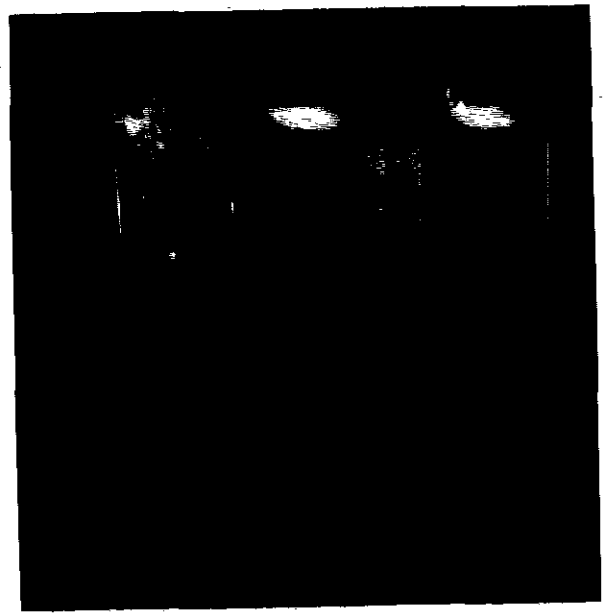
00.248 X

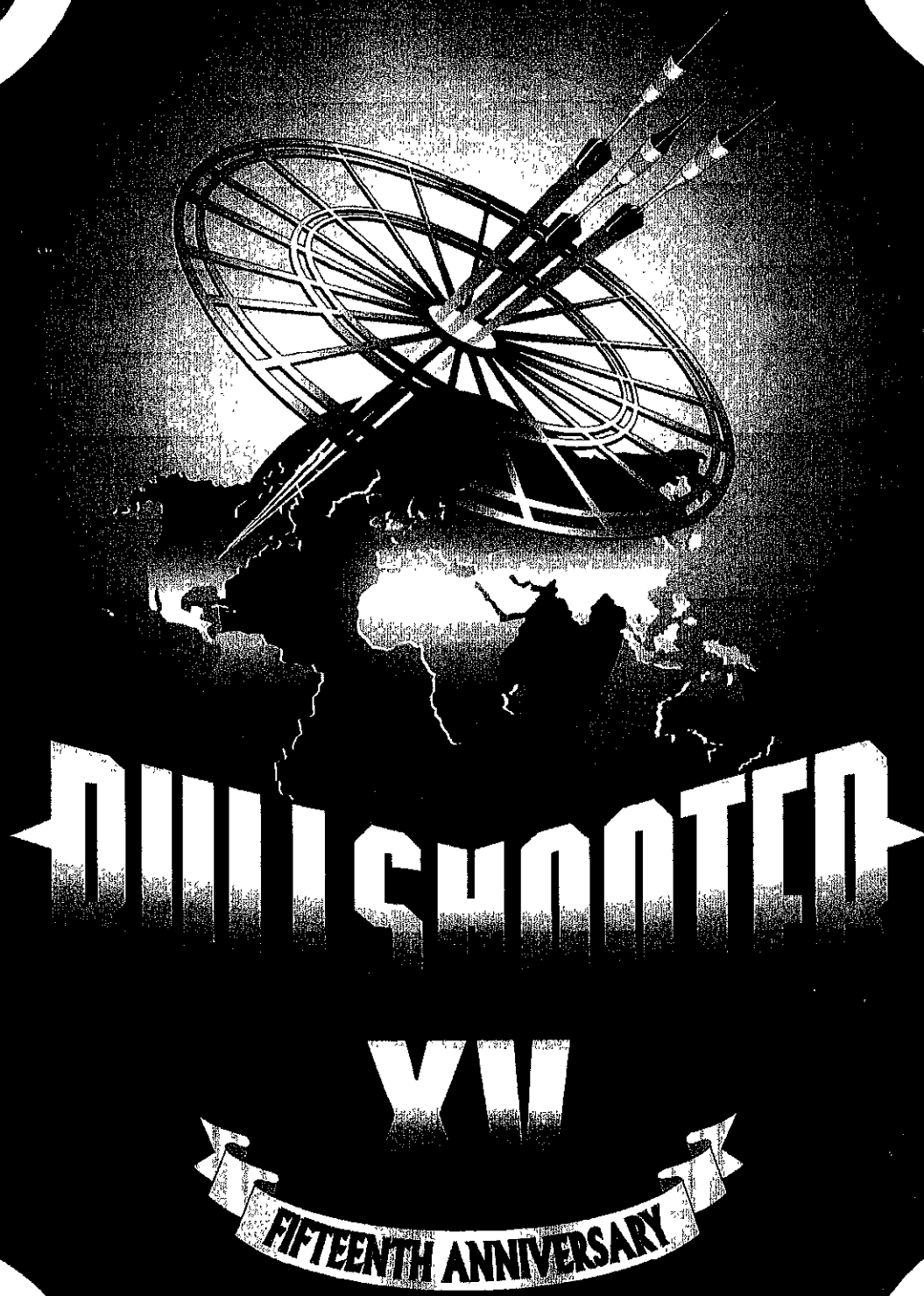


Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204



Photographs
#00-248-X





PHILIPPOSTED

XV

FIFTEENTH ANNIVERSARY

Scorpion

with LEAGUE TRACKER™ for Windows™

DX

Dart Leagues On-Line!



APR 22 4 501 APR 31 2
ALL DART LEAGUE SCHED
TOP PLAYER STATS
JANUARY STANDINGS
APRIL LEAGUE RESULTS

117 11917 *



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 20, 2000

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

RE: Petition for Special Exception
Case No. 00-248-X
Property: 801 Woodrow Avenue

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed 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 Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Copy to:

Mr. & Mrs. Michael Brewer
801 Woodrow Avenue
Baltimore, Maryland 21221

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



Printed with Soybean Ink
on Recycled Paper