IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION
SW/Corner Harford Road
and Topaz Road
9th Election District
6th Councilmanic District
(8328-8332 Harford Road)

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 03-507-SPHX

Francis J. & Rita E. Desantis, Legal Owners & *
Walter Buschman, Lessee

* Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner on a Petition for Special Exception and Petition for Special Hearing for the property located at 8328-8332 Harford Road in Parkville. The Petition was filed by Francis J. Desantis and Rita E. Desantis, Property Owners and Walter Bushmann, Lessee. Special Exception relief is requested for use of the property as an arcade, pursuant to Section 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.), as the sole principal use or in combination use with a restaurant. Special Hearing relief is requested to permit the existing parking, as shown on the site plan, to support the existing restaurant/proposed arcade use. The subject property and requested relief are more particularly shown on the site plan received into evidence at the hearing as Petitioners' Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Walter Buschman, Lessee/Co-Petitioner. Also present was Mitch Kellman, a planner from Daft, McCune, Walker, Inc., the consultants who prepared the site plan. A number of other individuals appeared at the hearing and their attendance is reflected on the Petitioners' Sign-In Sheet. These individuals generally appeared in support of the petitions. Appearing in opposition to the request was Elsie Doxzen, President of Rudolf's, Inc., an adjacent business. That company was represented by Michael Doxzen, Esquire. Also appearing in opposition to the request was Mary Rudolf.

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The subject property under consideration is an irregularly shaped tract located at the southwest corner of the intersection of Harford Road (Maryland Route 147) and Topaz Road in Parkville. The property is approximately one fifth of an acre in area. The predominant zoning of the property is BL-AS, however, there is a small strip at the rear of the property which is zoned D.R.5.5. The property is improved with a one-story building that contains two distinct uses. The building is attached to an adjoining commercially used building known as "8326 Harford Road". In fact, this entire block of Harford Road is highly commercial in character and is occupied by a series of connected buildings containing a variety of commercial/business uses. The primary use of the building on the subject property is a carry-out restaurant known as "Palmisano's". The restaurant building encompasses approximately 1,938 sq. ft. The building is one-story in height. A separate area of the building is used as an arcade. This area is leased by Walter Buschman, Co-Petitioner. The building used as an arcade occupies approximately 888 sq. ft.

Mr. Buschman testified that he has leased the subject property and operated his business therefrom for approximately 2 years. The arcade trades under the business name "Let's Play". Mr. Buschman indicated that he operates an arcade business from the site. A variety of game machines are present on the property and there are also sales of Lottery and Keno. An arcade is defined under Section 101 of the B.C.Z.R. as "a building or part of a building in which 5 or more pinball machines, video games, or similar player operated amusement devices are maintained". Arcades are permitted in the BL zone by special exception pursuant to Section 423.B of the B.C.Z.R.

The business operates seven days a week from approximately 7:00 a.m. to 12:00 midnight. The average age of the clientele is 35-40 years of age. Mr. Buschman indicated that he does not allow patrons under 21 years of age. He indicated also that he has never received

any citations or been the subject of any complaint since the business began operation. He did acknowledge, however, an occasional complaint regarding parking in the area.

In this regard, the site plan shows that there are 10 parking spaces that exist in the rear of the property. Obviously, these spaces are shared by both the patrons of the restaurant and the arcade. Additionally, there is public parking along the front of the property on Harford Road. Additionally, Mr. Buschman produced a written lease from a nearby property owner at 8314 Harford Road. This lease was apparently entered shortly before the public hearing on the instant petitions. The lease provides that Mr. Buschman has access to 5 parking spaces on that property. Mr. Buschman indicated that the lease was entered into so as to address potential concerns by neighbors regarding parking in the area.

Indeed, this was the primary complaint of Ms. Doxzen, the President of Rudolf's Appliances, Inc. That business operates near the subject property at 8324 Harford Road. Ms. Doxzen complained that customers of the arcade business parked on Harford Road in front of her business. As the undersigned indicated at the hearing, this complaint is actually a police matter. The Zoning Commissioner's authority relates to uses of private property. Harford Road is a public right-of-way and the parking permitted thereon is enforced and monitored by the Baltimore County Police Department. Ms. Doxzen was also concerned about access to the parking lot behind her building. Apparently, access to the rear of the buildings which front Harford Road on this block is by way of Topaz Road. That is, traffic can enter from that road and the macadam parking area extends along the entire rear areas of these buildings.

Also appearing and testifying was Ruth Baisden. She appeared as a representative of The Greater Parkville Community Council. She indicated that her council primarily represents

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residential communities in the vicinity. She expressed some concerns about parking, however, indicated that she had not heard of any complaints about the arcade business.

Turning first to the petition for special exception, same must be adjudged in accordance with the standards of Section 502.1 of the B.C.Z.R. Generally, those standards require that testimony and evidence must be produced indicating that the proposed special exception use will not be detrimental to the health, safety or general welfare of the locale.

Based on the testimony and evidence offered, I believe that the Petitioner has satisfied those criteria. Properly restricted, I believe that the use is appropriate at this location. It is to be particularly noted that Harford Road is a highly commercial corridor in this area. Although there are residential communities to the interior, the uses that are on properties which front Harford Road are both business and commercial in character. Thus, special exception relief shall be granted.

Additionally, the petition for special hearing shall be improved. As noted above, there are 10 parking spaces on site for the restaurant and arcade use. Based on the square footage of the arcade area, 4 parking spaces need be designated in connection with that business pursuant to the parking regulations codified in Section 409 of the B.C.Z.R.

I realize that parking is at a premium in this area. Therefore, as provided hereinafter, certain restrictions shall be imposed to lessen the impact of the arcade use and hopefully ease parking congestion in the area. Nonetheless, the owners of the adjacent commercial uses need understand that parking on Harford Road is not reserved to any particular individual. That is, the public parking spaces on Harford Road in front of Rudolf's are not legally reserved to the use of that business and/or its customers. Any individual may park on Harford Road for so long as the police enforced parking requirements are met.

As noted above, relief will be granted conditioned upon adherence to the restrictions contained within this Order. These restrictions are imposed pursuant to the Zoning Commissioner's authority contained in Section 502.2 of the B.C.Z.R. Specifically, that section empowers the Zoning Commissioner to impose such conditions, restrictions or regulations as might be deemed necessary or advisable for the protection of surrounding and neighboring properties. I find that these restrictions should be entered for that purpose.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 2th day of July, 2003, that the Petitioners' request for Special Exception relief for use of the property as an arcade, pursuant to Section 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.), as the sole principal use or in combination use with a restaurant, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Special Hearing relief requested, to permit the existing parking, as shown on the site plan, to support the existing restaurant proposed arcade use, be and is hereby APPROVED, subject, however, to the following conditions and restrictions:

- 1. The hours of operation of the business will not be greater than 7:00 a.m. to 12:00 midnight, 7 days a week.
- 2. No one under the age of 21 years of age will be allowed inside the arcade business.
- 3. The special exception use shall be personal to Walter Buschman and in the event of the sale or transfer of the business, the new owner/operator shall petition for special hearing to amend the relief.
- 4. The Petitioner Buschman shall maintain a lease to provide 5 off-site parking spaces.

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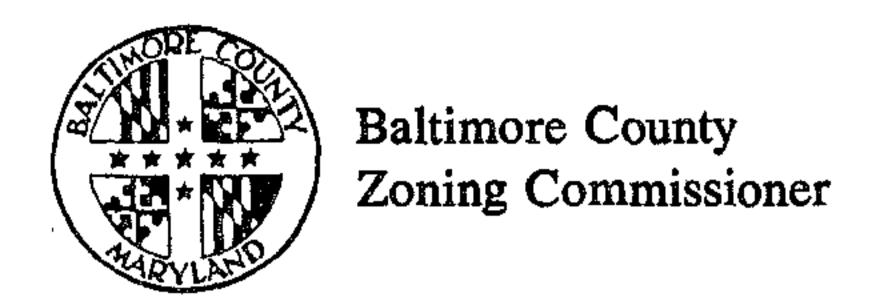
5. The Petitioner shall not block access to the parking lots of adjacent businesses, including Rudolf's.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



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

Fax: 410-887-3468

July 9, 2003

Mitchell J. Kellman Daft, McCune, Walker, Inc. 200 E. Pennsylvania Avenue Towson, Maryland 21286

Re: Petitions for Special Hearing & Special Exception

Case No. 03-507-SPHX

Property: 8328-8332 Harford Road

Dear Mr. Kellman:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and special exception have 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 Department 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,

Lawrence E. Schmidt

Zoning Commissioner

LES:raj Enclosure

Copies to:

Elsie Doxzen Mary Rudolf 8324 Harford Road Baltimore, MD 21234

Michael J. Doxzen, Esquire 3101 Clearview Avenue Baltimore, MD 21234

Walter Buschman 8308 Harford Road Baltimore, MD 21234

Francis V. Desantis 9310 Ravenridge Road Baltimore, MD 21234

Ruth Baisden Greater Parkville Community Council 7706 Oak Avenue Baltimore, MD 21234



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Petion for Spetial Hearing

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at	8328 - 8332 Harford Road	
	s presently zoned BL-AS/DR-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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the existing parking as shown to support the existing restaurant and proposed arcade use.

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

If or we, agree to pay expenses of above Special Hearing, 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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Walter Bushmann Francis J. Desantis Name - Type or Brint Name - Type or Print Signature Signature 8328 -8332 Harford Road (410)668-5450 Rita E. Desantis Address Telephone No. Name - Type or Print Baltimore MD21234 City State Zip Code Signature 8328 - 8332 Harford Road **Attorney For Petitioner: Address** Telephone No. Baltimore MD21234 Name - Type or Print City Zip Code State Representative to be Contacted: Signature Mitchell J. Kellman, Daft-McCune-Walker, Inc. Company Name 200 E. Pennsylvania Avenue (410) 296-3333 Address Telephone No. Telephone No. Address Baltimore MD21286 Zip Code City Zip Code State City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING ____ 03-507-SPHX Case No. UNAVAILABLE FOR HEARING ी े **२९**४ १।15।98 Reviewed By _ Date



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8328 - 8332 Harford Road

which is presently zoned BL-AS/DR-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 pursuant to Section 423.B of the BCZR as the sole

principal use or in combination with a restaurant.

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.

Contract Purchaser/Lessee: Walter Bushmann Name - Type or Print × Signature 8328 - 8332 Harford Road (410) 668-5450 Address Telephone No. Baltimore, MD 21234 City Zip Code State **Attorney For Petitioner:** Name - Type or Print Signature Company Address Telephone No. City State Zip Code 03-507-SPHX R21 09115198

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.

Legal Owner(s):

Francis J. Desantis

Name Type or Print	1).	MoSu	ist Ca	
Signature Rita E. Desan	tis	ur gun		······································
Name - Type or Print X Signature	Que	rentes	·	
8328 - 8332 H	arford	Road		
Address				Telephone No.
Baltimore	MD		21234	
City		State	;	Zip Code

Representative to be Contacted:

Mitchel	ll J. Kellman, Daft-McC	une-Walker. Inc.
Name		
200 E.	Pennsylvania Avenue	(410) 296-3333
Address	·- <u></u>	Telephone No.
Towson	MD	21286
City	State	Zip Code

OFFICE USE ONLY

estimated length of he	ARING
UNAVAILABLE FOR HEARING	
Reviewed By JNP	Date 4/28/03

Description

to Accompany Zoning Petition

for a Special Exception and Special Hearing

8328 - 8332 Harford Road



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Road, 40 feet wide, and the northwest side of Harford Road, 60 feet wide, running thence and binding on the northwest side of Harford Road, South 33 degrees 56 minutes 14 seconds West 74.48 feet to the point in line with the centerline of the northeasternmost wall of the building adjacent to the southwest, thence leaving Harford Road and running North 45 degrees 33 minutes 01 second West to and through the centerline of said wall and continuing the same course, in all, 118.33 feet to intersect the southeast side of a 15-foot alley shown on Baltimore County Right-of-Way Plat No. 49-249, thence binding on the southeast side of the 15-foot right-of-way, North 44 degrees 26 minutes 59 seconds East 73.23 feet to a pipe set on the southwest side of Topaz Road, thence binding on the southwest side of Topaz Road, South 45 degrees 33 minutes 01 second East 104.74 feet to the place of beginning; containing 0.1875 acres of land, more or less.

Subject, however, to a right-of-way somewhat irregular in shape for a width of 20 feet along part of the last mentioned or South 45 degrees 33 minutes 01 second East 104.74 foot line of the parcel of land hereindescribed, said 20-foot right-of-way being shown on the Baltimore County Right-of-Way Plat No. 49-249 referred to above.

Beginning for the second at a pipe set on the southwest side of Topaz Road, 40 feet wide, running thence and binding on part of the southeast side of a 15-foot right-of-way shown on Baltimore County Right-of-Way Plat No. 49-249, South 44 degrees 26 minutes 59 seconds West 73.23 feet, thence crossing said 15-foot right-of-way, North 45 degrees 33 minutes 01 second West 15.00 feet to the northwest side thereof, thence binding on the northwest side of the 15-foot right-of-way, North 44 degrees 26 minutes 59 seconds East 73.23 feet to the southwest side of Topaz Road, thence binding on the southwest side of Topaz Road, South 45 degrees 33 minutes 01 second East 15.00 feet to the place of beginning; containing 0.025 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 17, 2003

Project No. 03044 (L03044)



Md. Res. # 10951

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 23642	PAID RECEIPT BEINGS ACTUAL TIME INV.
DATE 4/3/3 ACCOUNT (1-0)	1-006-6150	#129/2003 4/28/2003 10:13:47 2 #15 WSD2 MAIL JEVA JEE
AMOUNT $\frac{$70}{}$	5.00	LEP 5 520 ANNO VENTION TO THE PROPERTY OF THE
RECEIVED FROM:	12 hinam) 3.507	Kespt loi \$705.00 '705.00 CK .00 CA Halfimore County, Maryland
FOR: 23) 1-133) Hartord Kro.	d (SPHX)	_

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		CASHIER'S VALIDATION

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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #03-507-SPHX

Case: #03-507-SPHX
8328-8332 Harford Road
S/west corner of Harford Road and Topaz Road
9th Election District-6th Councilmanic District
Legal Owner(s). Francis J. and Rita E. Desantis.
Contract Purchaser: Walter Bushmann.

Special Hearing: to permit the existing parking as shown to support the existing restaurant and proposed arcade use. Special Exception: to permit an arcade as sole principal use or in combination with a restaurant.

Hearing: Wednesday, June 11, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bostey Avenue.

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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/ 5/795 May 27

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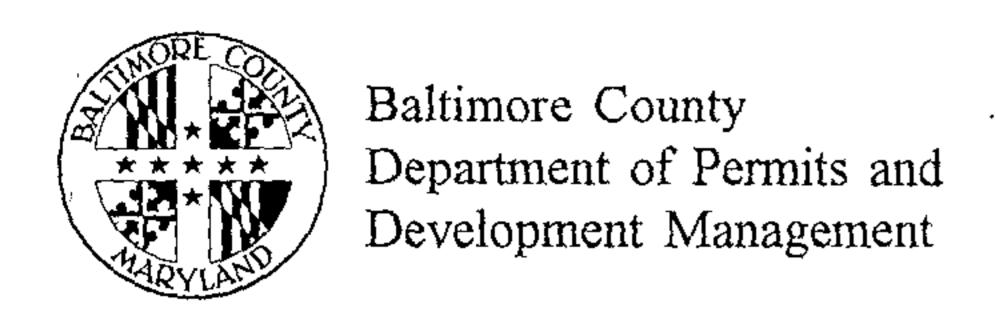
CERTIFICATE OF PUBLICATION

——· — · · · · · · · · · · · · · · · · ·
5/29,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each of successive weeks, the first publication appearing
$\frac{5 27 }{2003}$
∀
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 03-507-SPHX
	Petitioner/Developer: WALTER
	BUSHMANN
	Date of Hearing/Closing: 6/0/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Fowson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of p posted conspicuously on the property located a	erjury that the necessary sign(s) required by law were
8328 -8332	HARFORD RD
	<u></u>
The sign(s) were posted on	5/24/03
rac agains) were boston on	(Month, Day, Year)
	Sincerely,
	1-11-1
- -	5/24/3
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundaik, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



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

May 6, 2003

CORRECTED 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: 03-507-SPHX

8328-8332 Harford Road S/west corner of Harford Road and Topaz Road 9th Election District ~ 6th Councilmanic District egal Owners: Francis J. and Rita E. Desantis

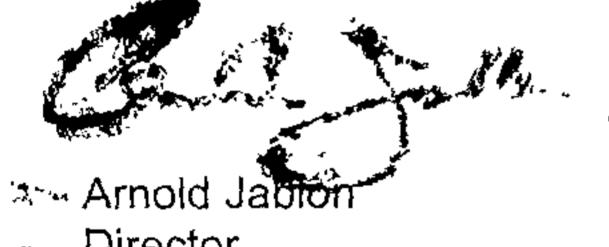
Contract Purchaser: Walter Bushmann

Special Hearing to permit the existing parking as shown to support the existing restaurant and proposed arcade use. Special Exception to permit an arcade as sole principal use or in combination with a restaurant.

Hearings:

Wednesday, June 11, 2003 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue



Director

AJ:rlh

C: Francis and Rita Desantis, 8328-8332 Harford Road, Baltimore 21234 Mitchell Kellman, Daft-McCune-Walker, 200 E. Pennsylvania Avenue, Baltimore 21286

Walter Bushmann, 8328-8332 Harford Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 27, 2003.

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, May 27, 2003 Issue - Jeffersonian

Please forward billing to:

Mitch Kellman 200 E. Pennsylvania Avenue Towson, MD 21286

410-296-3333

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: 03-507-SPHX

8328-8332 Harford Road
S/west corner of Harford Road and Topaz Road
9th Election District – 6th Councilmanic District
Legal Owners: Francis J. and Rita E. Desantis
Contract Purchaser: Walter Bushmann

Special Hearing to permit the existing parking as shown to support the existing restaurant and proposed arcade use. Special Exception to permit an arcade as sole principal use or in combination with a restaurant.

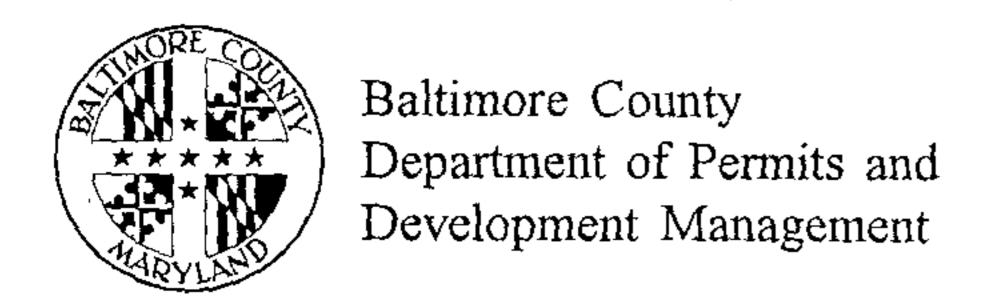
Hearings: Wednesday, June 11, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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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.



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

Fax: 410-887-5708

May 5, 2003

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: 03-507-SPHX

8328-8332 Harford Road

S/west corner of Harford Road and Topaz Road 9th Election District – 6th Councilmanic District Legal Owners: Francis J. and Rita E. Desantis

Contract Purchaser: Walter Bushmann

<u>Special Hearing</u> to permit the existing parking as shown to support the existing restaurant and proposed arcade use. <u>Special Exception</u> to permit an arcade as sole principal use or in combination with a restaurant.

Hearings:

Friday, June 6, 2003 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

AJ:rlh

C: Francis and Rita Desantis, 8328-8332 Harford Road, Baltimore 21234 Mitchell Kellman, Daft-McCune-Walker, 200 E. Pennsylvania Avenue, Baltimore 21286

Walter Bushmann, 8328-8332 Harford Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 22, 2003.

- (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

Thursday, May 22, 2003 Issue - Jeffersonian

Please forward billing to:

Mitch Kellman

410-296-3333

200 E. Pennsylvania Avenue

Towson, MD 21286

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: 03-507-SPHX

8328-8332 Harford Road

S/west corner of Harford Road and Topaz Road 9th Election District – 6th Councilmanic District

Legal Owners: Francis J. and Rita E. Desantis

Contract Purchaser: Walter Bushmann

Special Hearing to permit the existing parking as shown to support the existing restaurant and proposed arcade use. Special Exception to permit an arcade as sole principal use or in combination with a restaurant.

Hearings:

Friday, June 6, 2003 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

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.

> FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

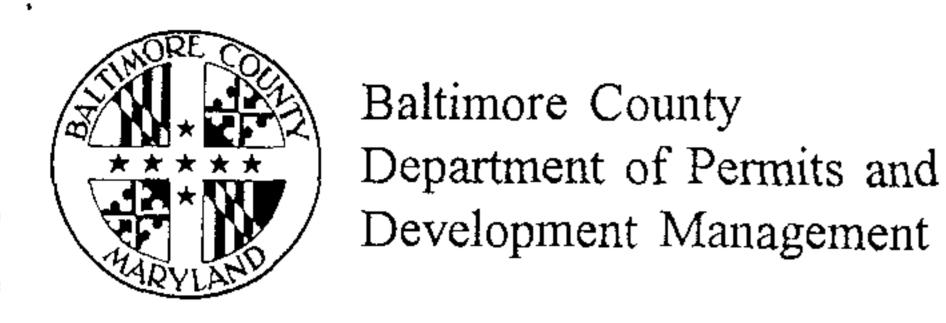
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: <u>03- 507-SPHK</u> Petitioner: <u>DESANTIS</u>
Address or Location: 1328-8332 HARFORD RD
PLEASE FORWARD ADVERTISING BILL TO: Name: Mitch Kellmay, DMW, Inc.
Address: 200 E. Pennsylvania Auc Touson MD 21286
Telephone Number: 410-296-3333



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

June 6, 2003

Francis J. Desantis Rita Desantis 8328-8332 Harford Road Baltimore, MD 21234

Dear Mr. and Mrs. Desantis:

RE: Case Number: 03-507-SPHX, 8328-8332 Harford Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 28, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Callidal D.

WCR:klm

Enclosures

c: People's Counsel Walter Bushmann, 8328-8332 Harford Road, Baltimore 21234 Mitchell Kellman, Daft McCune Walker, Inc., 200 E. Pennsylvania Ave., Baltimore 21286



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 5003

Item No.:

497-504, 506-511

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.5.03

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

RE:

Baltimore County

Item No. 507

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/WS /47. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

1

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

1. J. Soull

fr 6/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 25, 2003

Department of Permits and Development Management

FROM:

Amold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-471 and 03-473

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

RECEIVED

APR 2 5 2003

Section Chief:

AFK/LL:MAC

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For May 12, 2003 Item No. 507

The Bureau of Development Plans Review has reviewed the subject-zoning item.

DATE: May 13, 2003

Commercial entrance shall be a minimum of 24 feet.

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 8328 – 8332 Harford Road; SW corner of Harford Rd & Topaz Road 9th Election & 6th Councilmanic Districts Legal Owner(s): Francis & Rita Desantis

Contract Purchaser(s): Walter Bushmann

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

03-507-SPHX

ENTRY OF APPEARANCE

Petitioner(s)

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

> 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 15 day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to Mitchell J. Kellman, Daft-McCune-Walker, Inc., 200 E Pennsylvania Avenue, Baltimore, MD 21286, Representative for Petitioner(s).

RECEIVED

MAY 1 5 2003

People's Counsel for Baltimore County

LumnerMAN

MICHAEL J. DOXNEN ATTORNEY AT LAW

3101 Clearview Avenue Baitimore, MD 21234 Phone (410) 444-6262 Fax (410) 426-9266

June 6, 2003

Baltimore County Zoning
Room 111
111 W. Chesapeake Avenue
Baltimore, MD 21204

Attention: Donna

To Whom It May Concern:\

Please enter my appearance as attorney for Elsie Doxzen, owner of Rudolph's Appliances, located at 8324 Harford Road, Parkville, Maryland. We are opposed to the use of 8328-8332 Harford Road as an existing restaurant and proposed arcade.

Very Truly Yours,

Michael J. Doxzen

Attorney at Law

cc. Carol Demilio
Peoples' Counsel
401 Washington Avenue
Towson, Maryland

Michael J. Dohren

THIS AGREEMENT, MADE THIS FIRST DAY OF JUNE, 2003, BY AND BETWEEN BERNARD GUGLIUZZA, LANDLORD AND WALTER BUSCHMAN, t/a Let's Play.

WITNESSETH, THAT THE SAID LANDLORD HEREBY RENTS TO THE SAID TENANT, WALTER BUSCHMAN, 5 PARKING PLACES AT REAR OF 8314 HARFORD ROAD, BALTIMORE COUNTY, MARYLAND FOR THE TERM OF ONE YEAR BEGINNING ON THE FIRST DAY OF JUNE, 2003, AND ENDING ON THE THIRTY-FIRST DAY OF MAY, 2004, AT TWO HUNDRED DOLLARS (\$200) A MONTH, PAYABLE MONTHLY ON THE FIRST DAY OF EACH MONTH IN ADVANCE.

AND THE SAID TENANT HEREBY COVENANTS WITH THE SAID LANDLORD TO PAY THE RENT AS AFORESAID, KEEP THE PREMISES IN GOOD ORDER, AND TO SURRENDER THE PEACEFUL AND QUIET POSSESSION OF THE SAME AT THE END OF THE SAID TERM, IN AS GOOD CONDITION AS WHEN RECEIVED (THE NATURAL WEAR AND DECAY OF THE PROPERTY AND UNAVOIDABLE ACCIDENTS EXCEPTED), AND FURTHER THAT THE SAID TENANT WILL NOT DO SUFFER OR PERMIT ANYTHING TO BE DONE IN OR ABOUT THE PREMISES WHICH WILL CONTRAVENE THE POLICY OF INSURANCE AGAINST LOSS OF FIRE: NOR USE, NOR PERMIT THEIR USE FOR THE PURPOSE OTHER THAN CUSTOMER PARKING. I WILL NOT AT ANY TIME ASSIGN THIS AGREEMENT, OR SUBLET THE PROPERTY THUS LET OR ANY PORTION THEREOF, WITHOUT THE CONSENT IN WRITING OF THE SAID LANDLORD: AND FURTHER, NO ALTERATIONS OR REPAIRS SHALL BE DONE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE LANDLORD, AND ALL SUCH ALTERATIONS OR REPAIRS SHALL BE DONE AT THE EXPENSE OF THE TENANT. THE TENANT SHALL HAVE USE OF FIVE PARKING PLACES AT REAR OF 8314 HFRFORD ROAD.

IT IS FURTHER AGREED, THAT IF THE RENT SHALL BE TEN (10) DAYS IN ARREARS THE LANDLORD SHALL HAVE THE RIGHT TO DISTRAIN FOR THE SAME, AND TO RE-ENTER AND TAKE POSSESSION: AND IF THE TENANT SHALL VIOLATE ANY OF THE FOREGOING COVENANTS ON HIS PART HEREIN MADE, THE LANDLORD SHALL HAVE THE RIGHT WITHOUT FORMAL NOTICE TO RE-ENTER AND TAKE POSSESSION: AND IF THE PROPERTY SHALL BE DESTROYED OR RENDERED UNTENANTABLE BY FIRE OR UNAVOIDABLE ACCIDENT, THE TENANCY HEREBY CREATED SHALL BE THEREBY TERMINATED, AND ALL LIABILITY FOR RENT HEREUNDER SHALL CEASE UPON PAYMENTS PROPORTIONATELY TO THE DAY OF FIRE OR UNAVOIDABLE ACCIDENT. ALSO AGREED THAT THE LANDLORD HAS THE RIGHT AT HIS DISCRETION TO TERMINATE OR CHANGE LEASE AFTER SIXTY DAYS WRITTEN NOTICE.

WITNESSETH THE HANDS AND SEALS OF THE PARTIES HERETO, THE DAY AND YEAR FIRST ABOVE WRITTEN.

WITNESSETH

Who Sued TENANT

ld Noz

Robert L. Ehrlich, Jr.



Audrey E. Scott
Secretary

Michael S. Steele Lt. Governor

Florence E. Burlan
Deputy Secretary

May 12, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 05/12/03 re; case numbers 03-496-X, 03-497-A, 03-498-A, 03-499-A, 03-500-A, 03-501-A, 03-502-SPH, 03-503-A, 03-504-A, 03-505-A, 03-505-A, 03-506-A, 03-507-SPHX, 03-508-SPH, 03-509-A, 03-510-A, 03-511-SPHX

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/05/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Planning Services

cc: Mike Nortrup

CASE NAME 8328-8332 HARFORD RD.

CASE NUMBER 03-507-SIHY

DATE C/11/63

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS 1	CITY, STATE, ZIP	E- MAIL
Halto Buschman	- 8308 Harford UA	100mil 14.1 2/234	
Janu Buch Ward	703 SETH CT	BALTO MD 21286	
Sun Jones	3117 Harrien Ave	Balto ma - 21234	
May Schurchelm	8601 Oak (20)	Batto Md - 21234	
C. Warren Schrickeln	8-601 OAK RO	59470 MN - 21234	
Mitch Kellman	ZOOE Penney/voman Are	Balfo MO - 21256	
JERRY KILDUFF	5123 FURGE RI-	Perry 7+all 2/128	······································
Robert Buckmarter	3737 Raspe Ave	Ballemore mg 21206	· · · · · · · · · · · · · · · · · · ·
Vernon a. Lett	9405 SNYBER LA	PERRY HALL Med 21128	·
Jony Run	4816 Brightenter	Roselala 21237	
Pet Pennagel	4816 Brightley Cx	Balt. M. 21237	
Francis V. All Sant 13	9310 Ravenulge Rd.	Balto Md. 21234	
Ruth Basalin	7786 Oak ave	Bolds Md 21234	
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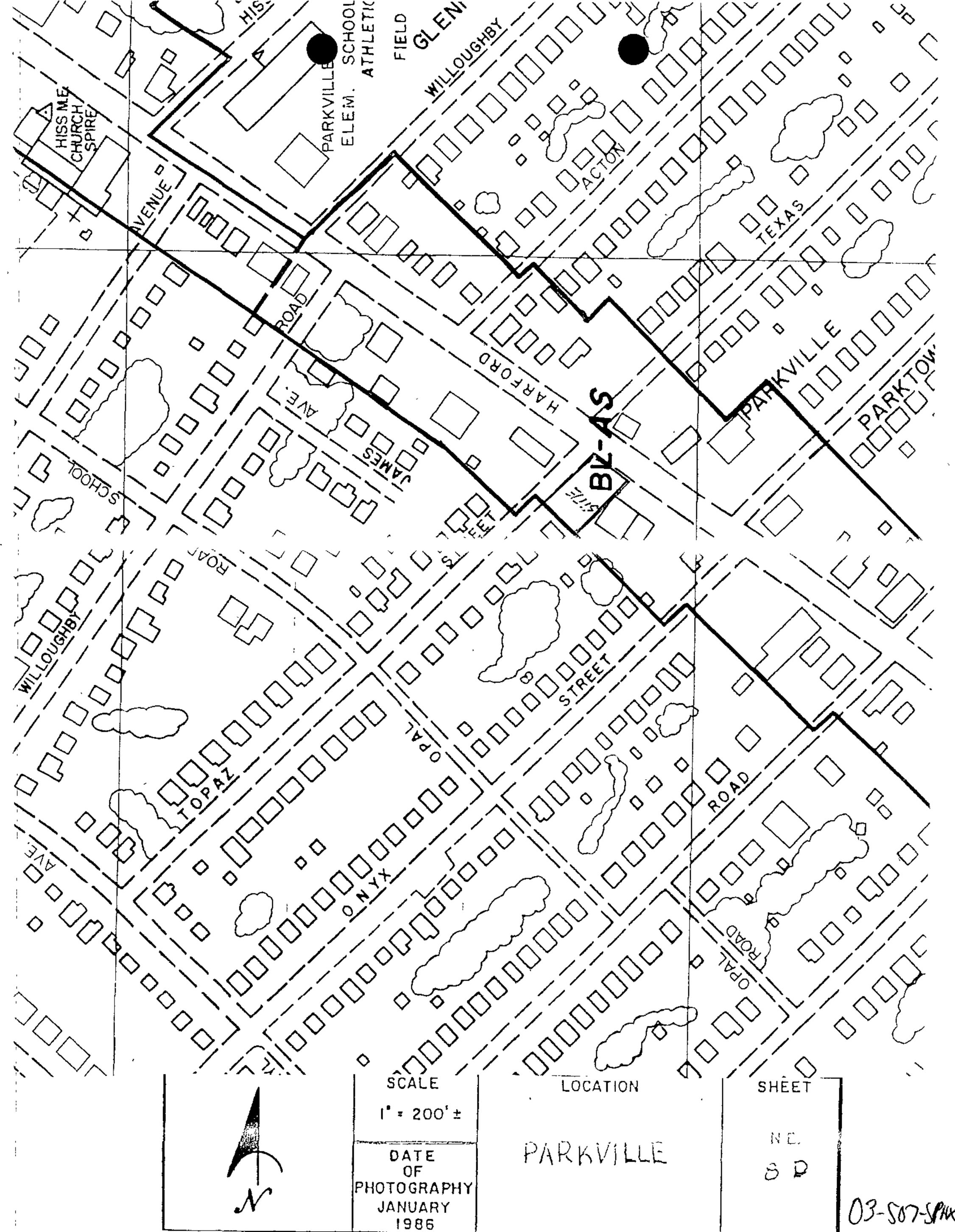


PLEASE <u>PRINT</u> LEGIBLY

Case Number 03-507-58HX
8328-8332 Harbord Rd.
6/11/03 Hearing Date

PROTESTANT'S SIGN-IN SHEET

Name	A	ddress		City, State	Zip Code
ELSIE DOXZEN	8324	HARFORD;	e)	PARKUILLE, M	() a1234
TRESIDENT, RUDOC	PSINC.		Pual	,	
mon what Dog	Della	7 10	(CASA		
		HARFORD	RD	PARKVILLEMO	21234
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Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 Tion Motor Sprix

Ruaolfs































