IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
NW/S of Philadelphia road, 85 ft. NE centerline of Spring Avenue	*	DEPUTY ZONING COMMISSIONER
14th Election District	*	OF BALTIMORE COUNTY
7th Councilmanic District		
(8302 & 8304 Philadelphia Road)	*	CASE NO. 04-354-SPHX
Frederick W. Krueger, *Legal Owner* **and** Barry Cohen, *Lessee*	*	
Petitioners	*	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception filed by the legal owner of the subject property Frederick W. Krueger and Barry Cohen, lessee. The Petitioners are requesting relief for property located at 8302 and 8304 Philadelphia Road in the eastern area of Baltimore County. The special exception request is for an arcade filed pursuant to Sections 230.13 and 423B of the Baltimore County Zoning Regulations (B.C.Z.R.) and the special hearing request is for a modified parking plan filed pursuant to Section 409.12.B of the B.C.Z.R., to permit 21 parking spaces in lieu of 26 and parking without direct access to an aisle; and to approve the dual use of a property for a permitted beauty salon overlapping the special exception arcade use.

The property was posted with Notice of Hearing on March 27, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 16, 2004 to notify any interested persons of the scheduled hearing date.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of

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Development Plans Review dated February 24, 2004, a copy of which is attached hereto and made a part hereof.

Amended Petition

The Petitioner presented a redline plan to accompany the petition at the hearing making certain corrections as shown on the redline plan dated April 8, 2004. As a result, the Petitioner amended his requests for relief for the special hearing eliminating the request to allow 21 parking spaces in lieu of the 26 required and adding a request for special hearing for undersized parking spaces.

Interested Persons

Appearing at the hearing in support of the request were Barry Cohen, Mark Held, Ernest Miller, Lisa LaFortz, Charles Sudano and Mitch Kellman of Daft, McCune & Walker. F. Vernon Boozer, Esquire, represented the Petitioner.

Appearing in opposition to the requested relief were Russ Mirabile, President of the Rosedale community Association, Nancy Leiter, Dolores Zorn, Frances Beaver, E. Spaule, Darrell Holston, Deborah & Ken Kuebner, Den Canterbery and Ray Holston. Peter Max Zimmerman, entered the appearance of his office in this case.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 502.1 of the B.C.Z.R. - *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

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Date 4/23/04
By N. Jameson

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air; [Bill No. 45-1982]
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 18,720 sq. ft. and is zoned BL. The property is presently improved by a frame and brick building which contains three apartments, a beauty salon and Mr. Cohen's "Winner's Circle" business. Mr. Cohen testified that he serves coffee, bagels, etc. to patrons at tables who enjoy the sports memorabilia theme. He presently has four player-operated amusement machines on premises. He has been approved for, but has not yet installed a Keno terminal and Lottery terminal to connect to the State's gaming system.

He would like to install 16 new player-operated, amusement machines, but this would then qualify as an arcade and require a special exception in this BL zone. The property is generally in a small area of BL zoned properties located on both sides of Philadelphia Road (Route 7). This area is developed into commercial uses primarily in converted residences. Photographs and the redline plan to accompany the petition, show that this property is likewise a commercial use of two older residences which apparently have been joined to make one building. The site is paved border to border other than where the main building and two accessory buildings are located. Within that paved area the owner provides 21 parking spaces for business patrons and residents. It is this existing parking which is the subject of the special hearing request to

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Date 4/23/02
By M. Quinn

handicapped parking spaces provide which, if required, should be nearest the entrances to the building. He indicated that while in general the parking spaces provided met the width requirement of the Code, that several spaces were 4 ft. or 5 ft. short of the required 18 ft. length. In addition, he admitted that the two double stacked spaces (those without direct access to an aisle) were located next to the front entrances of the building and vehicles parked in these spaces would have difficulty getting out in case of emergency.

Mr. Cohen, the operator of the Winners Circle, testified that he began leasing space in the building in January 2004 and provides light refreshments to customers as well as sells sports memorabilia. He indicated that his business had been approved to add Keno and Lottery games to his existing four amusement machines. He wanted to expand his business to have 16 more machines for a total of 20. He indicated that his business now has seating for 20 to 30 people. See Petitioner's Exhibit Nos. 2C and 2D. He agreed to a limitation that he not have "peep" shows nor would he allow patrons younger than 18 years of age upon approval of the special exception for an arcade. He pointed out that he did not have a liquor license but served coffee and other non alcoholic beverages. He also indicated that there is a rear door to the premises, which is usually locked but is available for emergency exits although an exit sign does not mark this exit.

The Petitioner presented several customers of the existing business who uniformly praised Mr. Cohen's improvements to the shop, his clean well run business, and his hospitality. Several customers came a substantial distance to attend the hearing. They indicated that they enjoyed hanging out and unwinding after work in his establishment and recommended approval of the requested zoning relief.

Mr. Mirabile, who represented the Rosedale Community Association, testified that the association opposed the zoning relief. He indicated that the primary problem was inadequate parking. He was familiar with the past commercial uses of the property and indicated that there

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was a parking problem with parking even when the previous tenant occupying the space was a single chair barber shop. He was concerned that there were no handicapped parking spaces provided. He was also concerned that a vehicle parking in the double stacked spaces could not get out in an emergency and would also essentially block the entrances to the shops by emergency personnel and their equipment. He noted that one of the spaces counted by the Petitioner blocked the garage door entrance for the large garage in the rear. See Protestant's Photograph No. 5. There is no shoulder on which to park on Philadelphia Road.

He also objected to the "element" which an arcade might attract and his concerns were amplified by the steel grate recently installed across the front of the building by the Petitioner. Mr. Mirabile felt that this indicated an admission of trouble anticipated by the owner. He also mentioned that a junior high school was close to the subject property and worried that children would be attracted to the arcade. A series of neighbors testified regarding traffic, parking, and the fact that parking in the back of the property was not really used because all entrances are on the front of the building. They generally agreed that the building was already overused with the existing tenant uses. There were also concerns that the parking regulations should also reflect the number of amusement machines allowed, because more machine would mean more patrons.

Special Hearing

The request for special exception triggers the requirement that the property be brought up to the Baltimore County Code specifications. However, as this property is fully built-out with buildings and parking covering every inch of the property, the Petitioner requests approval of a modified parking plan under Section 409.12. The Petitioner indicates that it would be a hardship to provide the required parking under the circumstances and compared to the prior tanning salon tenant, the proposed arcade is a less intense use.

While I acknowledge the difficulty these older commercial areas have meeting Code, there are some fundamentals, which need to be addressed. First, the calculations for 21 parking

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spaces only include the commercial areas of the site. As shown, 4 spaces are needed for the beauty salon and 17 spaces are needed for the arcade. However, there are three apartments on the premises, which have need for parking as well. According to the Section 409.6 A1, parking is determined by how many bedrooms are in each apartment. Neither the Petitioner nor the Protestants described how many bedrooms are in each apartment, but assuming there are 1 or 2 bedrooms, 5 spaces are required. Consequently, 26 spaces are needed, which coincidentally is the figure given in the Petitioner's initial petition. The Petitioners zoning expert testified that because these uses overlap, they could share parking and thus only 21 spaces are needed. I have been unable to apply these uses to the shared parking table in Section 409.6.B.3 and calculate any less than 26 spaces. Similarly, the floor area ratio of 0.27 seems to ignore the apartments. I find nothing in the definition of this term, which limits the floor area considered to commercial uses only. That said, I am not implying that the floor area ratio, even if the apartments are considered, will violate the regulations. My point is only to indicate that the Petitioner's analysis did not consider the apartments. However, I will consider them.

I note for the record that Mr. Kreuger, the landlord, has signed the Petition. Mr. Cohen, the lessee, would like to expand his business to have a special exception for an arcade to include 16 additional amusement machines. Common sense would say that the reason he would like to do this is to have more business, which obviously means more customers. The Protestants describe the parking as inadequate now. This is without the Keno, Lottery and 16 new amusement machines that Mr. Cohen wants to add to the business.

However, there is no evidence whatsoever that the landlord is adding to, adapting or redesigning the parking on the site for this new and expanded use. In fact, the Petitioners clearly state that they intend to use the existing parking, with all of its drawbacks, and that it would be a hardship to do otherwise. However, as pointed out by the Protestants, there are no handicapped

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By M. Gunnard

spaces, access to the entrances is blocked by a parking lot design that ensures vehicles are against the doors, and emergency exits and entrances are inadequate.

I am not worried about parking spaces, which may not meet all dimensional requirements. Frankly, that might be expected by the patrons who frequent these older commercial enterprises. I am worried about the safety of the customers and employees of the businesses located thereon. Mr. Kellman indicates that the Petitioner may actually be able to add a few spaces in nooks and crannies of the property. COMAR 05.02.02 (a summary which is attached) requires handicapped parking.

What I do not see is a good faith effort on the landlord's part to redesign the parking area to bring it up to Code, to the extent possible, given the obvious constraints of the property. Perhaps some of the garages are not being used and can be removed. Surely the parking in the front of the building needs to be redesigned. Consequently, I will deny the special hearing to approve the modified parking plan and, by definition, I will deny the special exception for the arcade.

If a motion to reconsider is filled by the Petitioner, I will review and consider approving a modified parking plan in which a good faith effort is made to bring the parking up to Code requirements, including:

- Parking for the apartments
- Handicapped parking
- Redesigned front parking
- Provision for access for emergency vehicles, personnel and equipment

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be DENIED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 23 day of April, 2004, that the Petitioners' special hearing request for a modified parking plan filed pursuant to Section 409.12.B of the B.C.Z.R., to permit 21 parking spaces in lieu of 26 and parking without direct access to an aisle; and to approve the dual use of a property

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Date 4/23/04
By

for a permitted beauty salon overlapping the special exception arcade use, be and is hereby DENIED.

IT IS FURTHER ORDERED, that the special exception request for an arcade filed pursuant to Sections 230.13 and 423B of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 4/23/04
By R. Jameson

IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION NW/S of Philadelphia road, 85 ft. NE centerline of Spring Avenue 14th Election District 7th Councilmanic District **(8302 & 8304 Philadelphia Road)**	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-354-SPHX
Frederick W. Krueger, *Legal Owner* **and** Barry Cohen, *Lessee* *Petitioners*	* *	

* * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by the legal owner of the subject property Frederick W. Krueger and Barry Cohen, lessee on May 14, 2004. The Petitioners originally requested a special exception for an arcade and parking relief for property located at 8302 and 8304 Philadelphia Road in the eastern area of Baltimore County as follows:

- For a special exception request for an arcade filed pursuant to Sections 230.13 and 423B of the Baltimore County Zoning Regulations (B.C.Z.R.);

- For a special hearing request for a modified parking plan filed pursuant to Section 409.12.B of the B.C.Z.R., to permit 21 parking spaces in lieu of 26 and parking without direct access to an aisle; and to approve the dual use of a property for a permitted beauty salon overlapping the special exception arcade use.

On May 14, 2004, the Petitioners filed a timely Motion for Reconsideration of this Deputy Commissioner's Order dated April 23, 2004. This motion was officially accepted by this office for filing on June 3, 2004 when the Petitioners filed their revised site plan. I marked the Petitioners' revised site plan Petitioners' Exhibit No. 3 and have entered it into the record for this case.

Subsequently, I issued an Interim Order on June 3, 2004 requesting that the revised plan be reviewed by the ZAC committee and community, and that each agency and interested person

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By

forward their comments regarding the revised plan to the undersigned Deputy Zoning Commissioner by June 30, 2004. The community filed its last response to the revised plan on June 29, 2004. No comments were received from the ZAC reviewers regarding the revised plan.

In reviewing the Motion for Reconsideration and associated revised plan to accompany petition, I note that the Petitioner has reduced the square footage of the arcade from 4265 sq. ft. to 1000 sq. ft. This reduces the number of parking spaces required for the arcade from 17 to 4 based upon the B.C.Z.R. The total number of amusement devices will be reduced from 20 to 10. In turn, this reduces the number of parking spaces required to 14 and now includes parking for the apartments and beauty shop which occupy the site.

The Petitioner provided a new parking plan which will provide 18 parking spaces and handicapped parking as well. Several other safety related improvements were also made so that the revised plan is far superior to that which was initially presented.

The revised plan was reviewed by the community who continues to express reservation and opposition to the new plan. I sense that some of the opposition to the new plan stems from difficulties the community had in meeting with the Petitioner to discuss the revised plan.

In any case, I will approve the revised plan as indicated on Petitioners' Exhibit No. 3. This is a significant improvement over the original plan and authorizes only six new amusement devices. The revised parking plan addresses the safety issues raised by the community.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20 day of August, 2004, that the Petitioners' Motion for Reconsideration as shown on Petitioners' Exhibit 3, for a special exception request for an arcade filed pursuant to Sections 230.13 and 423B of the Baltimore County Zoning Regulations (B.C.Z.R.), is hereby GRANTED, subject, however, to the following conditions:

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Date 8/20/04
By

1. The Petitioners shall redesign and re-stripe the existing parking plan in accordance with Petitioners' Exhibit No. 3, the revised plan to accompany the petition.

2. The number of amusement devices shall be limited to a total of ten (10) machines.

3. The Petitioner shall make such other site improvements as given in the Petitioners' Motion for Reconsideration dated May 14, 2004.

IT IS FURTHER ORDERED, that the Petitioners request for a special hearing for a modified parking plan filed pursuant to Section 409.12.B of the B.C.Z.R., to permit existing parking spaces less than 8.5 ft. x 18 ft. closer than 10 ft. to a street right-of-way and without direct access to an aisle; and to approve a common use area for a permitted beauty salon, 3 apartments and an arcade, be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the special hearing for a modified parking plan to permit 21 parking spaces in lieu of 26 parking spaces, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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Date 8/20/04
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

August 20, 2004

F. Vernon Boozer, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

Re: Order on Motion for Reconsideration
Case No. 05-354-SPHX
Property: 8302 & 8304 Philadelphia Road

Dear Mr. Boozer::

Enclosed please find the Order on Motion for Reconsideration regarding the above-captioned case.

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,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Copies to:

Barry Cohen
623 S. Kenwood Avenue
Baltimore, MD 21224

Ernest Miller
7617 Wilhelm
Baltimore, MD 21237

Lisa LaFortz
628 S. Kenwood Avenue
Baltimore, MD 21224

Charles Sudano
302 S. High Street
Baltimore, MD 21202

Mitch Kellman
Daft, McCune & Walker
200 E. Pennsylvania Avenue
Towson, MD 21286

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Rosedale Community Association
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IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
NW/S of Philadelphia road, 85 ft. NE centerline of Spring Avenue	*	DEPUTY ZONING COMMISSIONER
14th Election District	*	OF BALTIMORE COUNTY
7th Councilmanic District		
(8302 & 8304 Philadelphia Road)	*	CASE NO. 04-354-SPHX
Frederick W. Krueger, *Legal Owner* **and** Barry Cohen, *Lessee*	*	
Petitioners	*	

* * * * * * * * * *

INTERIM ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by the legal owner of the subject property Frederick W. Krueger and Barry Cohen, lessee. The Petitioners requested relief for property located at 8302 and 8304 Philadelphia Road in the eastern area of Baltimore County. The Petitioners request that I reconsider my previous decision issued April 23, 2004 in which I denied the Petitioners' original request for special exception and special hearing as follows:

- For a special exception request for an arcade filed pursuant to Sections 230.13 and 423B of the Baltimore County Zoning Regulations (B.C.Z.R.);

- For a special hearing request for a modified parking plan filed pursuant to Section 409.12.B of the B.C.Z.R., to permit 21 parking spaces in lieu of 26 and parking without direct access to an aisle; and to approve the dual use of a property for a permitted beauty salon overlapping the special exception arcade use.

The Petitioners filed a timely Motion for Reconsideration of this Deputy Commissioner's Order on May 14, 2004 and was accepted by this Office for filing on May 26, 2004 when the Petitioners filed the accompanying Revised Plan to Accompany Petition.

In reviewing the Motion for Reconsideration and associated Revised Plan to Accompany Petition, I find that the changes to the parking on the subject site and limitation on the number of arcade machines could meet the criteria that I described in my April 23, 2004 Order. However,

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Date 6/3/04
By R. Jenkins

before finally ruling on the Motion, I will require the Petitioners to submit copies of the Motion and Revised Plan to the Zoning Advisory Committee (ZAC) and all interested persons in the case for review. I request that each agency and interested person forward their comments regarding the revised plan to the undersigned Deputy Zoning Commissioner by June 30, 2004. At that time, I will determine whether the hearing should be reconvened to take further testimony on the matter or whether the Motion is ready for a decision on the merits.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3 day of June, 2004, that the Petitioners' Motion for Reconsideration be and is hereby GRANTED for the purposes of review by the Zoning Advisory Committee and all interested persons in the case; and

IT IS FURTHER ORDERED, that written comments from the Zoning Advisory Committee and interested persons should be received in this Office by June 30, 2004.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 6/3/04
By R. Jackson

Zoning Commissioner

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Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

June 3, 2004

F. Vernon Boozer, Esquire
Covahey & Boozer, P. A.
614 Bosley Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing & Special Exception
Case No. 04-354-SPHX
Property: 8302 & 8304 Philadelphia Road

Dear Mr. Boozer:

Enclosed please find my Interim Order regarding your Motion for Reconsideration filed in the above-captioned case. As stated on page 2 of the order, it would be appreciated if you would submit copies of the revised plan to all interested persons in the case. I have taken the liberty of distributing copies of the revised plan to the Zoning Advisory Committee for their review and comments.

Thank you for your attention and cooperation in this matter.

Very truly yours,

John Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

June 3, 2004

F. Vernon Boozer, Esquire
Covahey & Boozer, P. A.
614 Bosley Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing & Special Exception
Case No. 04-354-SPHX
Property: 8302 & 8304 Philadelphia Road

Dear Mr. Boozer:

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Thank you for your attention and cooperation in this matter.

Very truly yours,

John Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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Printed on Recycled Paper

IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION NW/S of Philadelphia Road, 85 feet NE centerline of Spring Avenue 14th Election District 7th Councilmanic District **(8302 & 8304 Philadelphia Road)**	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Frederick W. Krueger, Legal Owner and Barry Cohen, Lessee Petitioners	* *	CASE NO. 04-354-SPHX

RECEIVED

MAY 14 2004

ZONING COMMISSIONER

* * * * * * * * *

MOTION FOR RECONSIDERATION

The Motion of Frederick W. Krueger and Barry Cohen, Petitioners, by F. Vernon Boozer & Covahey & Boozer, P.A., their attorneys, respectfully represents:

1. That on April 23, 2004, Deputy Zoning Commissioner, John V. Murphy, denied Petitioners special hearing request for a modified parking plan and dual use of a permitted beauty salon overlapping the special exception arcade use and special exception request for an arcade.

2. That Petitioners agree to modify the request as follows:

(a) reduce the square footage of the arcade from 4,265 square feet to 1,000 square feet of floor area;

(b) limit the request for video games to ten (10);

(c) provide a van accessible parking spaces with a minimum 96-inch access aisle;

(d) restripe the front parking area;

(e) handicapped parking space to be identified;

(f) post no parking signs along eastern side of building;

(g) rear door not to be blocked and new porch to support entrance;

(h) provide evidence on-site garages will be used only for storage;

(i) provide additional parking to the rear of the property;

(j) provide sufficient area for emergency vehicles; and

(k) provide adequate parking for existing and proposed uses.

WHEREFORE, Petitioners request:

A. The Denial of the request for Special Hearing and Special Exception be reconsidered and Petitioners be required to comply with the modifications set forth in Paragraph 2 above; and

B. Grant Petitioners a hearing for reconsideration.

F. VERNON BOOZER
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of May, 2004, a copy of the foregoing Petition for Modification of Sentence was mailed, postage pre-paid to:

Barry Cohen, 623 S. Kenwood Ave., Baltimore, MD 21224

Ernest Miller, 7617 Wilhelm Ave., Baltimore, MD 21237

Lisa LaFortz, 628 S. Kenwood Ave., Baltimore, MD 21224

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

April 21, 2004

F. Vernon Boozer, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing & Special Exception
Case No. 04-354-SPHX
Property: 8302 & 8304 Philadelphia Road

Dear Mr. Boozer:

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

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed on Recycled Paper

Copies to:

Barry Cohen
623 S. Kenwood Avenue
Baltimore, MD 21224

Ernest Miller
7617 Wilhelm
Baltimore, MD 21237

Lisa LaFortz
628 S. Kenwood Avenue
Baltimore, MD 21224

Charles Sudano
302 S. High Street
Baltimore, MD 21202

Mitch Kellman
Daft, McCune & Walker
200 E. Pennsylvania Avenue
Towson, MD 21286

Russ Mirabile, Pres.
Rosedale Community Association
P. O. Box 9680
Baltimore, MD 21237

Nancy Leiter
7934 Oakdale
7935 Baltimore, MD 21237

Dolores Zorn
1227 Sellier Avenue
Baltimore, MD 21237

Frances Beaver
7703 Brightside Avenue
Baltimore, MD 21237

Emerick Spaule
8236 Philadelphia Road
Baltimore, MD 21237

Daniel Holston
8240 Philadelphia Road
Baltimore, MD 21237

Deborah & Ken Kuebner
1303 Spring Avenue
Baltimore, MD 21237

Ken Canterbery
1414A Spring Avenue
Baltimore, MD 21237

Ray Holston
1308 Spring Avenue
Baltimore, MD 21237

Copies to:

Barry Cohen
623 S. Kenwood Avenue
Baltimore, MD 21224

Ernest Miller
7617 Wilhelm
Baltimore, MD 21237

Lisa LaFortz
628 S. Kenwood Avenue
Baltimore, MD 21224

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7703 Brightside Avenue
Baltimore, MD 21237

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8236 Philadelphia Road
Baltimore, MD 21237

Daniel Holston
8240 Philadelphia Road
Baltimore, MD 21237

Deborah & Ken Kuebner
1303 Spring Avenue
Baltimore, MD 21237

Ken Canterbery
1414A Spring Avenue
Baltimore, MD 21237

Ray Holston
1308 Spring Avenue
Baltimore, MD 21237

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8302 & 8304 Philadelphia Road
which is presently zoned BL

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

a modified parking plan, pursuant to Section 409.12.B. of the BCZR. (to permit 21 parking spaces in lieu of 26 and parking without direct access to an aisle); and to approve the dual use of a property for a permitted beauty salon overlapping the special exception arcade use

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

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:

Barry Cohen
Name - Type or Print

Barry Cohen
Signature

623 S. Kenwood Av. 410. 534. 1005
Address Telephone No.

Balto MD 21224
City State Zip Code

Legal Owner(s):

Frederick W. Krueger
Name - Type or Print

Frederick W. Krueger
Signature

Name - Type or Print

Signature

1536 Bowleys Quarters Rd
Address Telephone No.

Balto MD 21220
City State Zip Code

Attorney For Petitioner:

Everett Booker
Name - Type or Print

Signature

Courtney & Booker, P.A.
Company

614 Bosley Ave. 410-828-9441
Address Telephone No.

Towson Md 21204
City State Zip Code

Representative to be Contacted:

Mitchell J. Kellman
Name

200 East Pennsylvania Ave 410-296-3333
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 04-354-SPH X

Reviewed By JRF Date 2-3-04

REV 9/15/98

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8302 & 8304 Philadelphia Road

which is presently zoned BL

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 Sections 230.13 and 423B of the BCZR.

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:

× Barry Cohen
Name - Type or Print

× Barry Cohen
Signature

× 623 S. Kenwood Av — 410-534-1005
Address — Telephone No.

× Balto — MD — 21224
City — State — Zip Code

Attorney For Petitioner:

× F. Vernon Boozer
Name - Type or Print

× [signature]
Signature

× Cowahey & Boozer, P.A.
Company

× 614 Bosley Ave. — 410-828-9441
Address — Telephone No.

Towson — Md. — 21204
City — State — Zip Code

Legal Owner(s):

Frederick W Krueger
Name - Type or Print

× Frederick W Krueger
Signature

Name - Type or Print

Signature

1536 Bowleys Quarters Rd
Address — Telephone No.

Balto — MD — 21220
City — State — Zip Code

Representative to be Contacted:

Mitchell J. Kellman
Name

200 East Pennsylvania Ave — 410-296-3333
Address — Telephone No.

Towson — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 2-3-04

Case No. 04-354-SPHX

RECEIVED FOR FILING
Date 12/31/03
By

ZONING DESCRIPTION FOR #8302 - #8304 PHILADELPHIA ROAD

BEGINNING AT A POINT IN THE CENTERLINE OF PHILADELPHIA ROAD (PER DEED DESCRIPTION) WHICH IS 60 FEET WIDE AT THE DISTANCE OF 85 FEET NORTHEAST OF THE CENTERLINE OF SPRING AVENUE WHICH IS 50 FEET WIDE. THENCE THE FOLLOWING COURSES AND DISTANCES:

NORTH 57 DEGREES 55 MINUTES EAST, 120 FEET; THENCE NORTH 31 DEGREES 53 MINUTES WEST, 156 FEET; THENCE SOUTH 57 DEGREES 55 MINUTES WEST, 120 FEET AND THENCE SOUTH 31 DEGREES 53 MINUTES EAST, 156 FEET TO THE POINT OF BEGINNING AS RECORDED IN DEED LIBER 6340, FOLIO 230. CONAINING 18,720 SQUARE FEET, MORE OR LESS. ALSO KNOWN AS #8302-#8304 PHILADELPHIA ROAD AND LOCATED IN THE 14TH ELECTION DISTRICT, 7TH COUNCILMANIC DISTRICT.

STATE OF MARYLAND
MICHAEL VINCENT MOSKUNAS
PROFESSIONAL LAND SURVEYOR
NO. 21175

MICHAEL V. MOSKUNAS

#354

SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD
SUITE 101
TOWSON MARYLAND 21286
(410) 828-9060

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 19040

DATE 2-3-04 ACCOUNT 001-006-6150

AMOUNT $ 705.00

RECEIVED FROM: Carry Howard Cohen
8302 & 8304 Philadelphia Rd. Item 354

FOR: Special Exception & Special Hearing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PMIU RECEIPT

BUSINESS	ACTUAL	TIME	CSH
2/04/2004	2/03/2004	14:24:44	2

REG 1602 MAIL JENA JEE
>>RECEIPT # 31972 2/03/2004 OFLH
Dept 5 523 ZONING VERIFICATION
CK NO. 019040
Recpt Tot $705.00
$705.00 CK $.00 CA
Baltimore County, Maryland

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 Towson, Maryland on the property identified herein as follows:

Case: #04-354-SPHX
8302 & 8304 Philadelphia Road
N/west side of Philadelphia Road at the distance of 85 ft. n/east of the centerline of Spring Ave.
14th Election District
7th Councilmanic District
Legal Owner(s): Frederick Krueger
Contract Purchaser: Barry Cohen
Special Exception: to permit an arcade. **Special Hearing:** to permit a modified parking plan.
Hearing: Tuesday, March 30, 2004 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 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/3/698 Mar. 16 C654758

CERTIFICATE OF PUBLICATION

3/16/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/16/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

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: #04-354-SPHX
8302 & 8304 Philadelphia Road
N/west side of Philadelphia Road at the distance of 85 ft. n/east of the centerline of Spring Ave
14th Election District
7th Councilmanic District
Legal Owner(s): Frederick Krueger
Contract Purchaser: Barry Cohen
Special Exception: to permit an arcade. **Special Hearing:** to permit a modified parking plan.
Hearing: Tuesday, April 13, 2004 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 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/3/834 Mar30 C657203

CERTIFICATE OF PUBLICATION

4/1/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/30/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-354-SPHX

Petitioner/Developer: BARRY COHEN

Date of Hearing/Closing: 4/13/04

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

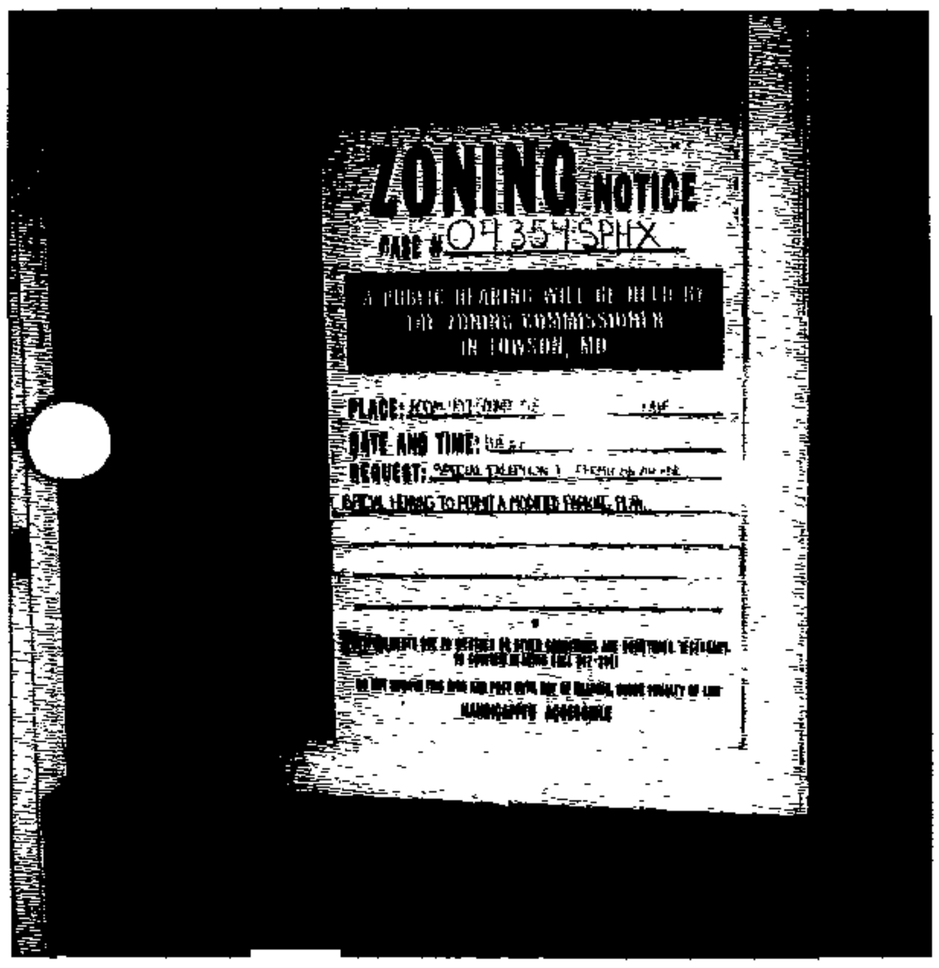
ATTN: Kristen Matthews {(410) 887-3394}

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: 8302 + 8304 PHILADELPHIA ROAD

The sign(s) were posted on 3/27/04
(Month, Day, Year)

Sincerely,



Robert Black 3/27/04
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	8302 & 8304 Philadelphia Road; NW/side Philadelphia Rd, 85' NE c/line of Spring Ave	*	ZONING COMMISSIONER
	14th Election & 7th Councilmanic Districts	*	FOR
	Legal Owner(s): Frederick W Krueger Contract Purchaser(s): Barry Cohen Petitioner(s)	*	BALTIMORE COUNTY
		*	04-354-SPHX

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

ENTRY OF APPEARANCE

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

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 10th day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to Mitchell J Kellman, 200 E Pennsylvania Avenue, Towson, MD 21286 & to F. Vernon Boozer, Esquire, Cohavey & Boozer, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
FEB 1 0
Per .....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 16, 2004 Issue - Jeffersonian

Please forward billing to:
Barry Cohen
623 S. Kenwood Avenue
Baltimore, MD 21224

410-534-1005

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: 04-354-SPHX
8302 & 8304 Philadelphia Road
N/west side of Philadelphia Road at the distance of 85 ft. n/east of the centerline of Spring Ave.
14th Election District – 7th Councilmanic District
Legal Owner: Frederick Krueger
Contract Purchaser: Barry Cohen

Special Exception to permit an arcade. Special Hearing to permit a modified parking plan.

Hearing: Tuesday, March 30, 2004 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.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 30, 2004 Issue - Jeffersonian

Please forward billing to:
Barry Cohen
623 S. Kenwood Avenue
Baltimore, MD 21224

410-534-1005

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: 04-354-SPHX
8302 & 8304 Philadelphia Road
N/west side of Philadelphia Road at the distance of 85 ft. n/east of the centerline of Spring Ave.
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Hearing: Tuesday, April 13, 2004 at 9:00 a.m. in Room 407, County Courts Building,
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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.

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr, County Executive
Timothy M Kotroco, Director

February 18, 2004

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: 04-354-SPHX
8302 & 8304 Philadelphia Road
N/west side of Philadelphia Road at the distance of 85 ft. n/east of the centerline of Spring Ave.
14th Election District – 7th Councilmanic District
Legal Owner: Frederick Krueger
Contract Purchaser: Barry Cohen

Special Exception to permit an arcade. Special Hearing to permit a modified parking plan.

Hearing: Tuesday, March 30, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: F. Vernon Boozer, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson 21204
Frederick Krueger, 1536 Bowleys Quarters Road, Baltimore 21220
Barry Cohen, 623 S. Kenwood Ave., Baltimore 21224
Mitchell Kellman, 200 E. Pennsylvania Avenue, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 15, 2004.**
(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.

Printed on Recycled Paper

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M Kotroco, Director

March 1, 2004

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: 04-354-SPHX
8302 & 8304 Philadelphia Road
N/west side of Philadelphia Road at the distance of 85 ft. n/east of the centerline of Spring Ave.
14th Election District – 7th Councilmanic District
Legal Owner: Frederick Krueger
Contract Purchaser: Barry Cohen

Special Exception to permit an arcade. Special Hearing to permit a modified parking plan.

Hearing: Tuesday, April 13, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: F. Vernon Boozer, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson 21204
Frederick Krueger, 1536 Bowleys Quarters Road, Baltimore 21220
Barry Cohen, 623 S. Kenwood Ave., Baltimore 21224
Mitchell Kellman, 200 E. Pennsylvania Avenue, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 29, 2004.**
(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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 04-354-SPHX

Petitioner: Barry Cohen

Address or Location: 8302 + 8304 Philadelphia Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barry Cohen

Address: 623 S. Kenwood Ave
Balto MD
2124

Telephone Number: 410-534-1005

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

April 6, 2004

F. Vernon Boozer
Covahey & Boozer
614 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Boozer:

RE: Case Number:04-354-SPHX, 8302 & 8304 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 3, 2004.

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

WCR: clb

Enclosures

c: People's Counsel
Frederick W. Krueger 1536 Bowleys Quarters Road Baltimore 21220
Barry Cohen 623 S. Kenwood Avenue Baltimore 21224
Mitchell J. Kellman 200 E. Pennsylvania Avenue Towson 21286

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 24, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For February 16, 2004
Item No. 354

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

The parking spaces shown don't meet the minimum standard size.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS

DATE: March 10, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 9, 2004

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-342

04-344

04-346

04-350

04-352

04-353

04-354

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZACNC2-9-04.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 18, 2004

RECEIVED

FEB 19 2004

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-354**

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: _____

Section Chief: _____

AFK/LL

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.10.04

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

RE: Baltimore County
Item No. 354 JRF

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Carl Richards
DPDM

DATE: June 3, 2004

FROM: John V. Murphy
Deputy Zoning Commissioner

SUBJECT: Case No. 04-354-SPHX
Petitions for Special Hearing & Special Exception
Petitioners: Frederick Krueger, Legal Owner & Barry Cohen, Lessee
Property: 8302 & 8304 Philadelphia Road

Attached please find a revised plan for the above-captioned matter, along with my interim order relative to a motion for reconsideration filed by the Petitioners. It would be appreciated if you would distribute the attached revised plan and order to the County agencies requesting that they prepare additional ZAC comments for this case.

Thank you for your attention and cooperation in this matter.

JVM:raj
Attachment

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M Kotroco, Director

March 1, 2004

F. Vernon Boozer
Covahey & Boozer
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Boozer:

RE: Case Number: 04-354-SPHX, 8302 & 8304 Philadelphia Road

The above matter, previously scheduled for March 30, 2004, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Frederick Krueger, 1536 Bowleys Quarters Rd., Baltimore 21220
Barry Cohen, 623 S. Kenwood Avenue, Baltimore 21224
Mitchell Kellman, 200 E. Pennsylvania Avenue, Towson 21286

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COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

Robin
FYI
3/30
4/13

February 20, 2004

RECEIVED
FEB 23 2004
ZONING COMMISSIONER

DPDM
MS. 1105 COB
Attn: Kristen

Mr. Lawrence Schmidt
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: 8302 & 8304 Philadelphia Road
Case No. 04-354-SPHX
Hearing - 3/30/04, 9:00 am

Dear Mr. Schmidt:

Please be advised that this office represents the Petitioner in the above captioned matter. I hereby request a postponement of the hearing as I will be out of the State on a previously scheduled trip on March 30,2004.

Thank you for your attention and cooperation in this matter. If you have any questions, do not hesitate to contact my office.

Very truly yours,

F. VERNON BOOZER

cc: Mr. Frederick Krueger
Mr. Barry Cohen
Mr. Mitchell Kellman
0220gab07

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
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JENNIFER MATTHEWS HERRING

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

February 20, 2004

RECEIVED

FEB 23 2004

ZONING COMMISSIONER

DPDM
MS. 1105 COB
Kristen
Atty.

Mr. Lawrence Schmidt
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: 8302 & 8304 Philadelphia Road
Case No. 04-354-SPHX
Hearing - 3/30/04, 9:00 am

Dear Mr. Schmidt:

Please be advised that this office represents the Petitioner in the above captioned matter. I hereby request a postponement of the hearing as I will be out of the State on a previously scheduled trip on March 30,2004.

Thank you for your attention and cooperation in this matter. If you have any questions, do not hesitate to contact my office.

Very truly yours,

F. VERNON BOOZER

cc: Mr. Frederick Krueger
Mr. Barry Cohen
Mr. Mitchell Kellman
0220gab07

OK to postpone.
T-IC

RECEIVED
FEB 24 2004
04-445
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T PATE
STACIE D. TRAGESER

* ALSO ADMITTED TO D. C BAR

RECEIVED
AUG 18 2004
ZONING COMMISSIONER

ANNEX OFFICE
SUITE 300
606 BALTIMORE AVE.
TOWSON, MD 21204

August 16, 2004

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
and Special Exception
8302 & 8304 Philadelphia Road
Case No. 04-354-SPHX

Dear Commissioner Murphy:

Thank you for your fax transmittal of August 12, 2004 in the above matter. I have reviewed the Order with Mitch Kellman and I enclose a copy of a marked up Order on Motion for Consideration.

After you have had the opportunity to review same, please advise if you have any problem with the changes. Thank you for your consideration.

Very truly yours,

F. VERNON BOOZER

Enclosure
0816gab03

Nancy M. Leiter
7934 Oakdale Avenue
Baltimore, Maryland 21237

June 27, 2004

John V. Murphy
Deputy Zoning Commissioner
Baltimore County
Suite 405 County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No. 04-354-SPHX
Property: 8302 and 8304 Philadelphia Road

Dear Commissioner Murphy:

With reference to the above petition, I ask that you stay your decision not to allow the variance to occur. It is my opinion that it is in the best interest of Spring Avenue, Philadelphia Road and Rosedale that

1) the special exception request for an arcade be denied; and

2) That a special hearing request for a modified parking plan be denied.

For the safety and accommodation of the patrons of the existing businesses at this location, it is impossible to "create" the necessary parking requested. In addition, Mr. Cohen, who requested time at our June community meeting, failed to attend our community meeting to elaborate on his plan. This, in my opinion, does not display community interest or a willingness to mesh with the community.

Thank you for your attention in this matter.

Very truly yours,

Nancy M. Leiter

Mrs. Frances Beaver
7703 Brightside Avenue
Baltimore, Maryland 21237

June 28 2004

John V. Murphy
Deputy Zoning Commissioner
Baltimore County
Suite 405 County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No. 04-354-SPHX
Property: 8302 and 8304 Philadelphia Road

Dear Commissioner Murphy,

Please be advised that I am against a variance change for the above case. I don't consider this the type of amusement that we want on a main street in Rosedale. Furthermore, this is a congested area and the parking area would be a significant problem in the future.

Your consideration is appreciated.

Very truly yours,

Frances Beaver

Frances Beaver

June 29, 2004

Mr. Ray Holston, Jr.
1308 Spring Avenue
Baltimore, Maryland 21237

Re: Case No. **04-354-SPHX**
Property: 8302 & 8304 Philadelphia Rd.

Mr. John V. Murphy
Deputy Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Murphy,

I am writing you to reaffirm my and many of neighbors objection to the zoning changes for an Arcade. The property's parking is already over used. There should Not be any overlapping usage and or parking spaces.

So my neighbors and I would like you to stay with your previous decision on April 23, 2004 in which you denied the petitioners request.

Thank you for listening,
Ray Holston, Jr.

FAX COVER SHEET

DATE: 6-29-2004

TIME:

 # OF PAGES 2

DELIVER TO: MR. JOHN V. MURPHY
Deputy Zoning Commissioner

FROM: MR. RAY HOLSTON, JR
410-391-2512

SPECIAL INSTRUCTIONS:
RE: CASE # 04-354-SPHX
property: 8302 + 8304 PHILA. Rd.

April 8, 2004

Mr. Lawrence Schmidt
Mr. Jack Murphy
Baltimore County Zoning Commission

Dear Sirs:

This communication is regarding case # 4-354-SPHX.

My family and I have recently learned of a zoning request for the property at 8302-04 Philadelphia Rd to be used as an arcade. We noticed the zoning hearing sign in the window of the current establishment in this building. We stand opposed to the zoning request for the following reasons.

We have lived in the Rosedale community for more than 30 years and feel that this is a safe tight knit community. There are a few businesses along this area of Philadelphia Rd and these businesses have caused little or no problems for the residents, and offer service that appeal to most of the residents. We fail to see what good an arcade would bring to this community and feel that most of us in the area have little or no use for this type of establishment. We feel also that it would bring an undesirable element into our neighborhood. This is something that we do not want or need.

This property is adjacent to a hair salon that does business several days a week and many women are coming and going into the building during the business hours. These women ,of which I am one, are of varying ages and usually arrive alone. Their safety may be compromised.

There are many children from the Golden Ring Middle school walking past this building going to and from school and I fear their safety would be in question. Also these children are in the age group of approximately 11-13 and this type of business may convey the wrong message to them, as well as attract them during school hours.

The value of home and property will surely be at risk due to this type of business in a heavily residential area. The traffic in our area would increase and due to the limited amount of parking on the lot of 8302-04 Philadelphia Rd, may obstruct the access to our driveways.

Finally the sign announcing the hearing is posted inside of the window of the building and when the business is not open, a large black metal folding gate is locked in place across the front of the building, obstructing the sign from public view. This gate also detracts from the appearance of the properties in the area.

Since our work schedules do not allow us to attend the hearing, please accept this letter and consider this information in making your decision.

Sincerely

Andrea D Spacek

Andrea D Spacek

Emrick L Spacek

Emrick L Spacek

Sean L Spacek

Sean L Spacek

FAX COVER SHEET

For You, For Baltimore County

Census 2000

Count Yourself in Maryland's Future!

Date: 7/27/04

Number of Pages including cover sheet: 4

To: Vernon Boozer

Phone:

Fax # 410-823-7530

c:

From: Jack Murphy
Zoning Commissioner's Office

Phone: 410-887-3868

Fax #

REMARKS: ☐ Urgent ☒ For your review ☐ Reply ASAP ☒ Please comment

Re: 04-354-SPHX (8302 & 8304 Philadelphia Rd.)

Please review draft order and let me have your comments prior to my signing. I want to be sure that you no longer need parking variances.

4/13/04
Denied 4/23/04

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
CASE NO. 04-354-SPHX
PROPERTY: 8302 & 8304 PHILADELPHIA ROAD

RECEIVED
JUN 14 2004
ZONING COMMISSIONER

DEAR MR. MURPHY:

IN RESPONSE TO YOU LETTER DATED JUNE 3, 2004. I RESPECTFULLY WITHDRAW MY SUPPORT OF THE PROPOSED ARCADE. I WAS MISLED CONCERNING MR. COHENS INTENTION AND I AM NO LONGER IN FAVOR OF HIS ENDEAVOR.

I AM SORRY FOR ANY INFORMATION I MAY HAVE GIVEN YOU THAT WAS OF A FAVORABLE NATURE.

THANK YOU,

Charles Scudero

RE: PETITIONS FOR SPECIAL
HEARING & SPECIAL EXCEPTION
CASE NO. 04-354-SPHX
PROPERTY: 8302 & 8304
PHILADELPHIA ROAD

RECEIVED
JUN 1 4 2004
ZONING COMMISSIONER

DEAR MR. MURPHY:

IN RESPONSE TO YOU LETTER DATED JUNE 3, 2004. I RESPECTFULLY WITHDRAW MY SUPPORT OF THE PROPOSED ARCADE. I WAS MISLED CONCERNING MR. COHENS INTENTION AND I AM NO LONGER IN FAVOR OF HIS ENDEAVOR.

I AM SORRY FOR ANY INFORMATION I MAY HAVE GIVEN YOU THAT WAS OF A FAVORABLE NATURE.

THANK YOU,

Lisa S. LaFortez 6/9/04

Rosedale Community Association

June 26, 2004

John V. Murphy
Deputy Zoning Commissioner
Baltimore County
Suite 405 County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No. 04-354-SPHX
Property: 8302 and 8304 Philadelphia Road

Dear Commissioner Murphy,

Thank you for your time, interest, and excellent note taking. I favor your last decision and reasons set forth at the meeting.

We did set aside time for Barry Cohen to speak at our June meeting. However, without excuse or communication, we did not hear from him and he did not attend our meeting as he had previously requested. I have enclosed a copy of our newsletter indicating this matter.

Again, thank you for your concerns for our community.

Sincerely,

Russ Mirabile
President
Rosedale Community Association

P.O. Box 9680 • Baltimore, MD 21237-9680

ROSEDALE REVIEW

151st Edition June 2004 P.O. Box 9680 • Baltimore, MD 21237-9680

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Vice President .....Nancy Leiter
Secretary .....
Treasurer .....Frances Beaver
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COMMITTEES CHAIRPERSON

Dundalk Community Council Representative.....Bob Murphy
Refreshments .....Joan Walsh

Please don't litter—help keep our community clean.

NoCALL, No Show From MR. Cohen

President's Message:

Before the summer break I would like to thank everyone who attended our previous meeting, participated in the community discussions, and ideas suggested to make the street, neighborhood and eventually the community we live in, a better place.

I would also, like to thank *Councilman Olszewski, and his staff* for all the work and effort they have given to our community.

Lastly, please attend our summer meeting, so that you may be informed.

By his own request *Mr. Barry Cohen* will be at the last meeting to address the association, neighbors or to all about his business on Route 7, near Spring Ave., *The Winner's Circle. Mr. Cohen* wants our community to discuss their concerns, so he may try to remedy them and open his business. Please attend so your issue can be heard.

DO NOT SIT HOME AND MOAN.

Sincerely,
Russ Mirabile
410-288-6464

CONTACT NUMBERS

*Please call **Russ Mirabile** at 410-288-6464 or **Nancy Leiter** at 410-780-5488 for matters of concern or questions. Verify those rumors!*

2004 CALENDAR OF MEETINGS

May 27 – June 24
Summer Break
Sept. 24 – Oct. T.B.A.

**Notice to Spring Ave. & Rt. 7 Residents & Businesses

This *Thursday's Meeting* **June 24th, 2004** will be attended by the owner of " *The Winner's Circle*", Barry Cohen. He would like to invite all to attend to see if there can be any resolution to neighbors, business issues. Please attend with your issues. Mr. Cohen requested this invite to try and compromise or resolve any issues.

THE EDGE OF CLIFF

"Put Your Hearts in Rosedale ___ ___ ___ ___ ___"! Please try and attend our monthly meeting to be if anything, informed.

Clifford

ST. CLEMENT/ROSEDALE VOL. FIRE DEPARTMENT CARNIVAL

July 19 through July 24, 2004

Please come and enjoy yourself while supporting two pillars of *Rosedale*. You can help by putting a big smile on **Father Richard, Bill Potts and Jack Mazza.** They and others have worked very hard for our community.

JULY 4TH INDEPENDENCE DAY

A day to be celebrated for the work and efforts of all the soldiers in any war and conflict. Thanks again to all.

NEXT MEETING:

Thursday, June 24, 2004
7:30 p.m. sharp

LOCATION:

Rosedale Senior Center
1208 Neighbors Ave. 21237

COUNCILMAN'S CORNER:

The staff and *Councilman Johnny Olszewski, Sr.* would like to wish everyone a Happy 4th of July and a safe summer.

CONTACTING MY OFFICE:

If you have a neighborhood concern please call my office at 410-887-7174.

EASTER EGG SUCCESS

The sun was shining at the 11th Annual Easter Egg Hunt at Rosedale Park. A wonderful time was had and every child received a prize. The great success was due to the generous support of:

Baskin Robbins; Baker's Street Bakery & Café; Burger King; Cvach Funeral Home; Costco Warehouse; Fairmount Federal Savings Bank; First Mariner Bank; Good Stuff Cheap; Kahler's Crab and Seafood; Little Lou's Seafood; M&T Bank; Marilyn Albright; Office Depot; O-Go Sales Company, Inc.; Provident Bank; Rosedale Pizza; Stewart's Root Beer; Wal Mart; Wolf' Finest Chocolates; Bob, Bett, & Erin Murphy; Frances Beavers; friends, family, friends *and Pamela Single who was our very own Easter Bunny.*

Greater Chesaco Community Association is in need of dollar donations to assist in the legal issues that have plagued the Rosedale area for years: current zoning and building violators. Rosedale is a much better place to live, do business and breathe. Please send any amount to:

Greater Chesaco Community Association
P.O. Box 70065
Rosedale, MD 21237

Thank you to those who donated

BAY VIEW HOSPITAL

Deep thank you to Elaine Milke and for Bay View information, update and materials.

What's Up in Rosedale...

Spotlight on Youth

Registration Girls Soccer – Shady Spring Elementary **July 6th & 14th** 6:30 – 8:00 p.m. 410-866-9013

Daisy Girl Scouts entering *Kindergarten at St. Clements* in Sept. call Deb Faye 410-780-3465 or Mary Kay 410-426-8086.

Congratulations 2004 Grads

Kenneth Valencik *Nicole Covington*
April Valencik *Chris Scheufele*
Angela Madison

Flea market, car wash and bake sale at PRINCE ***of Peace Church***, *June 26th 10a.m.-2p.m.* 8212 Philadelphia Road, Space #10, with Table #15. Contact Ray Strim 410-488-3271.

Contributed by Ken Canterbery

$10 per Family per year
Please enclose your check for $10
RCA Membership Application for *Renewal* of Dues for 2004

Name: _____

Address_____

Phone No._____
No. Persons in Family _____

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Baltimore, MD 21237

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Dawn M. DeBraccio
Manager - Vice President
10101 Philadelphia Rd
Baltimore, MD 21237
410 682-9688
Fax 410-682-9697
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04-354-SPHX
Protestants' Exs. 1-11

Rosedale Community Association

March 27, 2004

Zoning Commissioner
Circuit Court Bldg.
Towson, Maryland 21204

Re: 8304 Philadelphia Road
Variance for Arcade

Dear Commissioner:

The Rosedale Community Association held its monthly meeting on March 25, 2004. Attending members brought to the floor of the association the issue concerning a variance at the above address.

After major discussion by neighbors and members of the community, a vote was taken by which 45-0 opposed this variance.

Very truly yours,

Russ Mirabile, President

Nancy Leiter, Vice President

Frances Beaver
Treasurer

Protest 1

P.O. Box 9680 • Baltimore, MD 21237-9680

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION – W/S Harford Road, 303' S of Topaz Road **(8326 Harford Road)** 9th Election District 6th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 04-292-SPHX
Walter Buschman Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owner of the subject property, Walter Buschman. The Petitioner requests a special hearing to approve a modified parking plan, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and a termination of the special exception relief granted for the adjacent property at 8328 Harford Road. In addition, the Petitioner requests a special exception for an arcade, pursuant to Section 423.B of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Walter Buschman, property owner; Mitchell Kellman on behalf of Daft-McCune-Walker, Inc., the consultants who prepared the site plan for this property; and Vernon Boozer, Esquire, attorney for the Petitioner. Also appearing in support of the request were Jerry Kilduff and Vickie L. Kaufmann. Elsie Doxzen, owner of an adjacent business, known as Rudolf's Appliances and Kitchen Cabinets, Inc., appeared as an interested person/Protestant, and was represented by Michael J. Doxzen, Esquire. Ron and Mary Rudolf, the previous owners of that business, also appeared, as did Charles Rehm, with the Baltimore County Police Community Relations Council; Mark Horney a representative of St. Ursula's School; The Rev. Kenneth R. Dunnington on behalf of the Hiss United Methodist Church, and Ruth Baisden, on behalf of the Greater Parkville Community Council.

Testimony and evidence offered revealed that the subject property is a narrow rectangularly shaped parcel located on the west side of Harford Road, just south of its intersection with Topaz Road in Parkville. The property contains a gross area of 2,430 sq.ft., more or less, predominantly zoned B.L.-A.S., with a small sliver of D.R.5.5 zoned land to the rear of the site. The property is presently improved with a one-story brick building containing 990 sq.ft. in area. The building shares a common wall with commercial uses on both sides. In fact, on the southwest side is Rudolf's Appliances and Kitchen Cabinets, owned by Ms. Doxzen, and on the northeast side is Palmisano's Carry-out Restaurant, a portion of which has been used by the Petitioner as an arcade. In this regard, Mr. Buschman was a party in a prior zoning case relating to the restaurant property. In that matter (Case No. 03-507-SPHX) the owners of Palmisano's and Mr. Buschman as Lessee, sought special exception relief to use a portion of the restaurant building for an arcade as either a sole principal use, or a use in combination with the restaurant. By Order dated July 9, 2003, I granted the relief requested, subject to certain terms and conditions relating to hours of operation, parking, etc. The Petitioner now comes before me seeking similar relief for the subject adjacent property.

In this regard, testimony indicated that Mr. Buschman recently purchased the subject property and wishes to relocate his arcade business from the adjacent property to the subject site. Thus, special exception and special hearing relief is requested as set forth above to allow an arcade on the subject property and to discontinue the special exception granted in the prior case for the adjacent property. It need be emphasized that the Petitioner has operated an arcade on the adjacent property for three years. Thus, I have had the opportunity to adjudge the actual impacts of that use on the surrounding locale during that timeframe.

Mr. Buschman testified that he currently has 13 gaming machines, which he described as general entertainment video games, and 1 Keno and 1 Maryland Lottery machine. There are no poker machines. Although the subject building is only slightly larger than the current space, he anticipates expanding the operation by adding as many as 6 or 7 more machines. He also testified that he sponsors parties 3 – 4 times a year for his regular customers, particularly around the

BALTIMORE COUNTY BUILDING PLANS REVIEW
TECHNICAL REQUIREMENTS FOR PARKING FROM THE AMERICANS WITH DISABILITY ACT ACCESSIBILITY GUIDELINES (ADAAG) AND COMAR 05.02.02

These Maryland Requirements exceed ADAAG

This document is intended for guidance only. For a complete set of references see ADAAG and The Maryland Building Codes in their entireties

Minimum Number of Accessible Parking Spaces
COMAR 05.02.02

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	AccessibleParking Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	2	3
151 to 200	6	2	4
201 to 300	7	2	5
301 to 400	8	2	6
401 to 500	9	3	6
501 to 1000	2% of total parking provided in each lot	1/4 of Column A*	3/4 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/4 of Column A*	3/4 of Column A**

*** one out of every 4 accessible spaces** ** 3 out of every 4 accessible parking spaces

Except as provided in (b), access aisles adjacent to accessible spaces shall be 60 in (1525 mm) wide minimum.

(b) One in every four accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designated "van accessible" as required by COMAR 05.02.02, EFFECTIVE MARCH 18, 2002. The vertical clearance at such spaces shall comply with 4.6.5. All such spaces may be grouped on one level of a parking structure.

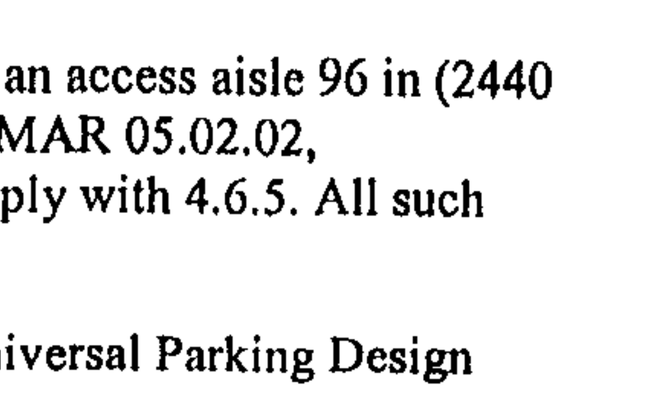
EXCEPTION: Provision of all required parking spaces in conformance with "Universal Parking Design is permitted.

(d) At facilities providing MEDICAL CARE and other services for persons with mobility impairments, parking spaces complying with 4.6 shall be provided in accordance with 4.1.2(5)(a) except as follows:

(i) OUTPATIENT UNITS and facilities: **10 percent of the total number of parking spaces** provided serving each such outpatient unit or facility;

(ii) Units and facilities that specialize IN TREATMENT OR SERVICES FOR PERSONS WITH MOBILITY IMPAIRMENTS: **20 percent of the total number** of parking spaces provided serving each such unit or facility.

(e)* VALET PARKING: Valet parking facilities shall provide a passenger loading zone complying with 4.6.6 located on an accessible route to the entrance of the facility. Paragraphs 5(a), 5(b), and 5(d) of this section do not apply to valet parking facilities.

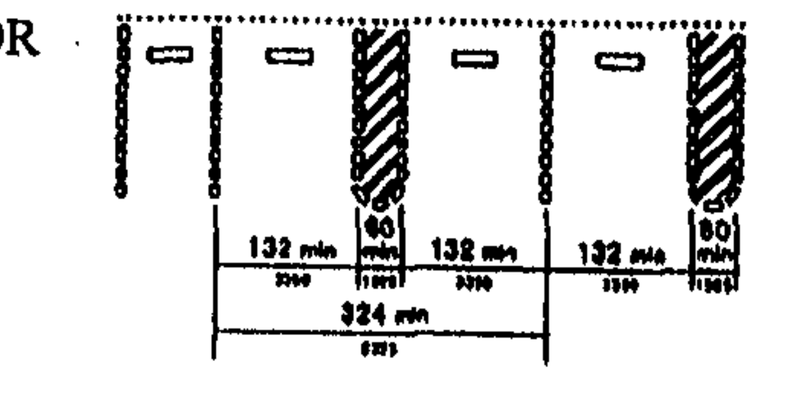


(b)
Universal Parking Space Design

Fig. A3
Parking Space Alternatives

ADAAG 4.6.1 **Minimum Number.** Parking spaces required to be accessible by 4.1 shall comply with 4.6.2 through 4.6.5. Passenger loading zones required to be accessible by 4.1 shall comply with 4.6.5 and 4.6.6.

ADAAG 4.6.2 **Location.** Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.



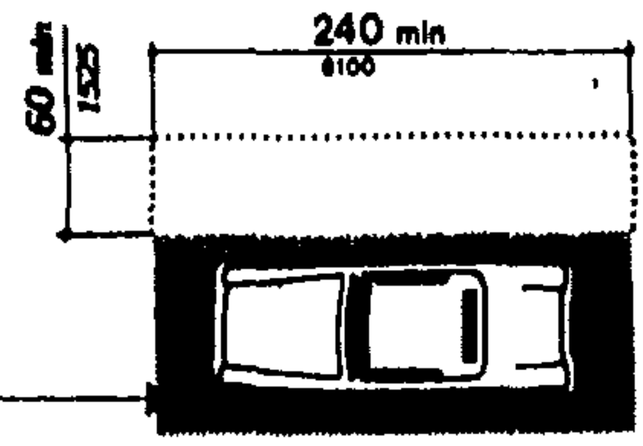
(a)
Van Accessible Space at End Row

Fig. A3
Parking Space Alternatives

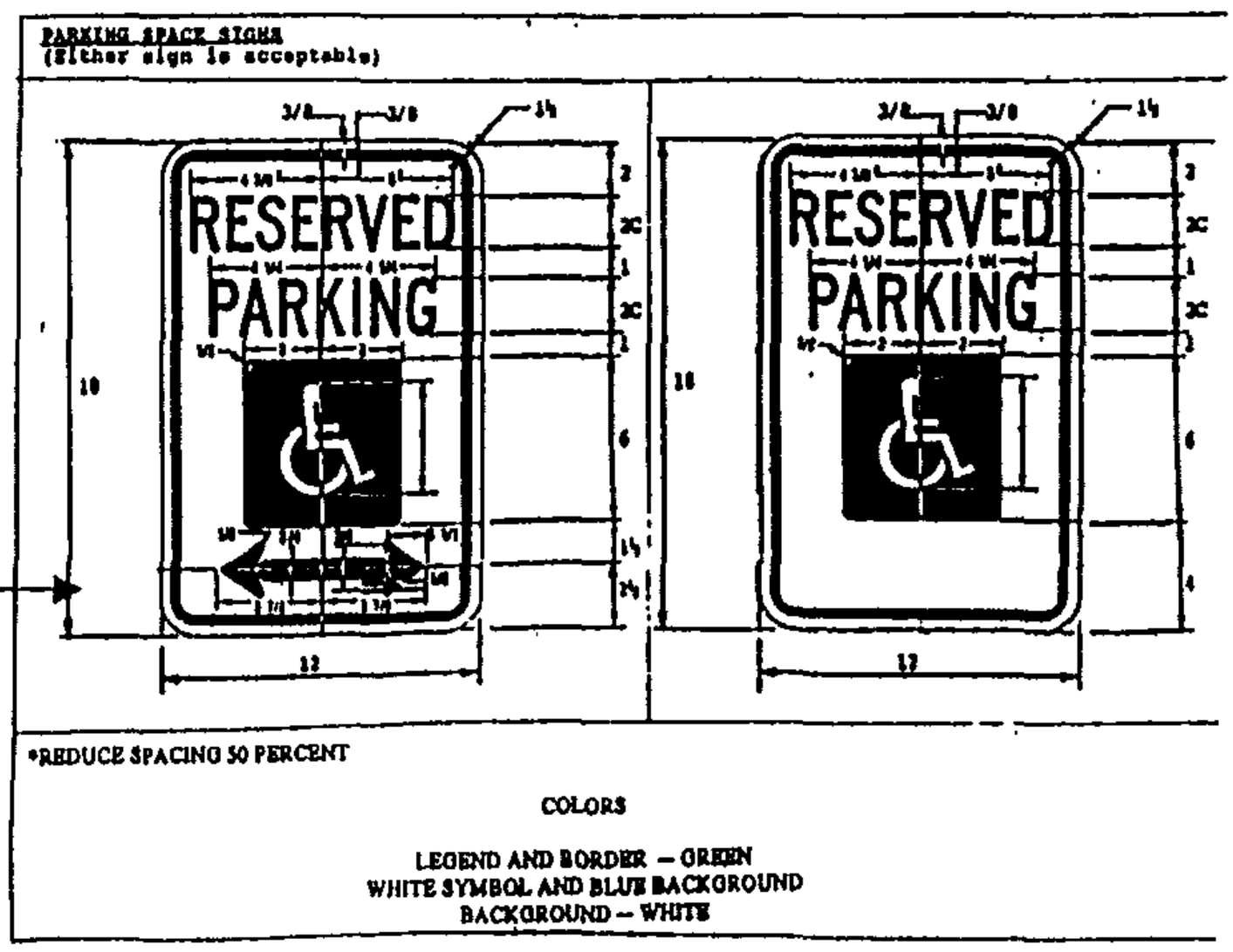
ADAAG 4.6.3* **Parking Spaces.** Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle (see Fig. 9). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

ADAAG 4.6.5* **Vertical Clearance.** Provide minimum vertical clearance of 114 in (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 4.1.2(5)(b), provide minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

4.6.6 **Passenger Loading Zones**. Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (240 in)(6100 mm) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

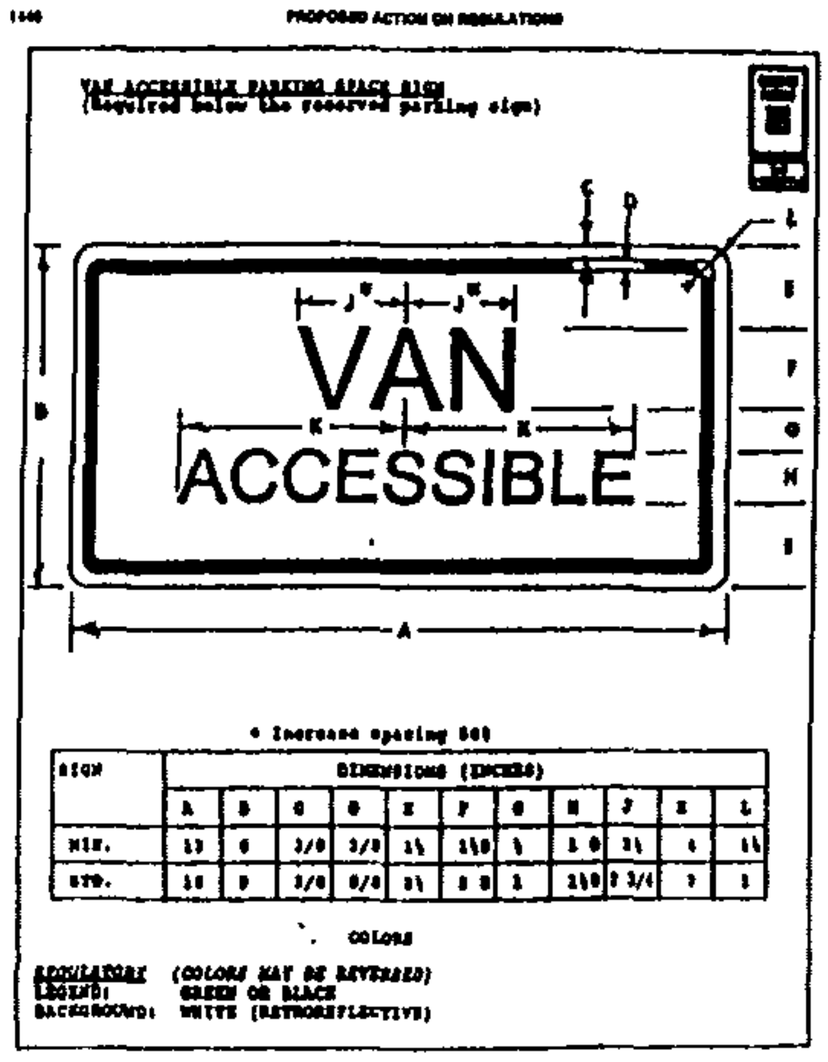


ADAAG 4.6.4* covers signage but COMAR 05.02.02 *exceeds* ADAAG. *It* requires that:
D. Parking Space Signs—Public and Private Facilities.
(1) The parking areas of all buildings and facilities, including the buildings and facilities of
State and local governments, shall identify each accessible parking space by a sign.



(2) If the sign in §D(1) of this regulation is:
(a) Not placed flush against a building, structure, or other location that does not obstruct vehicle or pedestrian traffic, it shall be **at least 7 feet above the ground**;
(b) Placed flush against a building structure or other location that does not obstruct vehicle or pedestrian traffic, it shall be at least 6 feet, and not more than 10 feet, above the ground.
(3) Signs shall bear the international symbol of access and the words "Reserved Parking", and shall be in conformance with the requirements for uniform traffic control devices under Transportation Article, §25-104, Annotated Code of Maryland. (See Regulation .12of this chapter for explanatory material.)

(4) Each van-accessible parking space shall be identified with a supplemental "Van Accessible" sign in conformance with the requirements for uniform traffic control devices under Transportation Article, §25-104, Annotated Code of Maryland (See Regulation .12 of this chapter for explanatory material.)



(5) Each van-accessible parking space aisle shall be identified with a supplemental "No Parking" sign in conformance with the requirements for uniform traffic control devices under Transportation Article, §25-104, Annotated Code of Maryland (See Regulation .12 of this chapter for explanatory material.)

PLEASE PRINT CLEARLY

CASE NAME 8302-8304 Philadelphia Rd.
CASE NUMBER 04-354-SPHX
DATE 4/13/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Mitch Kellman	DMW 200 E. Pennsylvania Ave	Towson, MD 21286	mkellman@DMW.com
Barry Cohen	623 S. Kenwood Av.	Balto MD 21224	Phone 410.534.1005 cell 410 602.3652
Mark Hall		Towson, MD	410 823.3309
Ernest Miller	7617 Willowdale	Ellicott City 21237	—
Lisa LaForez	628 S. Kenwood Ave	Balto md 21224	410-276-0282
Charles Supano	302 S. High ST.	Balto. MD 21202	410 685 6442 after 6 PM

PLEASE PRINT CLEARLY

CASE NAME 8302-8304 Philadelphia
CASE NUMBER 04-354-SPHX Rd.
DATE 4/13/04

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Ruth Murdil Preservation Comm. Assn.	P.O Box 9680	Balto Md 21237	—
NANCY LEITER	7934 Oakdale	Balto MD 21237 - 4107849712	—
Dolores Zorn	1227 Fellner Ave	410-686-2228	
Frances Begun	7703 Brightside Ave	Balto Md 21237	
Emmie Spagle	8236 Phila Rd.	BALTO MD 21237	
Donald H Dietz	8246 Phila. Rd	Balto Md 21237	
Deborah + Ken Kuebler	1303 Spring Ave	Balto, Md 21237	
Ken Canterberry	1414A SPRING Ave	BALTO MD 21237	
RAY HOLSTON	1308 SPRING AVE	BALTO. Md. 21237	

PETITION OF OPPOSITION
CASE #4-354-SPHX
8302-04 PHILADELPHIA ROAD

BY SIGNING BELOW, I AM STATING MY OPPOSITION TO THE ESTALISHMENT OF AN ARCADE AT 8302-04 PHILADELPHIA ROAD. ALSO, IF I AM NOT IN ATTENDANCE AT THE HEARING ON 04/13/04, MY SIGNATURE BELOW ACKNOWLEDGES THAT A REPRESENTATIVE MAY SPEAK ON MY BEHALF AT THE HEARING IN OPPOSITION OF CASE #4-354-SPHX.

Debbie Reynolds	410-661-5637
Jessie Edwards	410-790-9031
Donna Edwards	410-931-8446
Thomas Pittillo	410-952-3086
[illegible]	410-977-6518
Terry Lane	443-413-2028
Joe Nolan	256-8280
Paul Hum	410-303-5159
Paul Walizer	410-933-0976
Jerri Ross	410-391-3746
Patricia Sutton	410-665-5247
Agnes Reeman	410-661-0158
Richard E. Rothegger Jr	410-961-8214
Tony Bosa	410-668-6754
C. C. Pullman Sr	410-687-0735
Linda J. Bussome	410-933-6754

1. Margaret A. Jones 410 343-0541
2. [illegible] 410-893-7258
3. Patricia Cox 410 893-7258
4. Brenda Ryan 443-858-5932 (Cath. Shear Touch)
5. Ruth Sweeney 410 887-5873
6. [illegible] 410 491-6898
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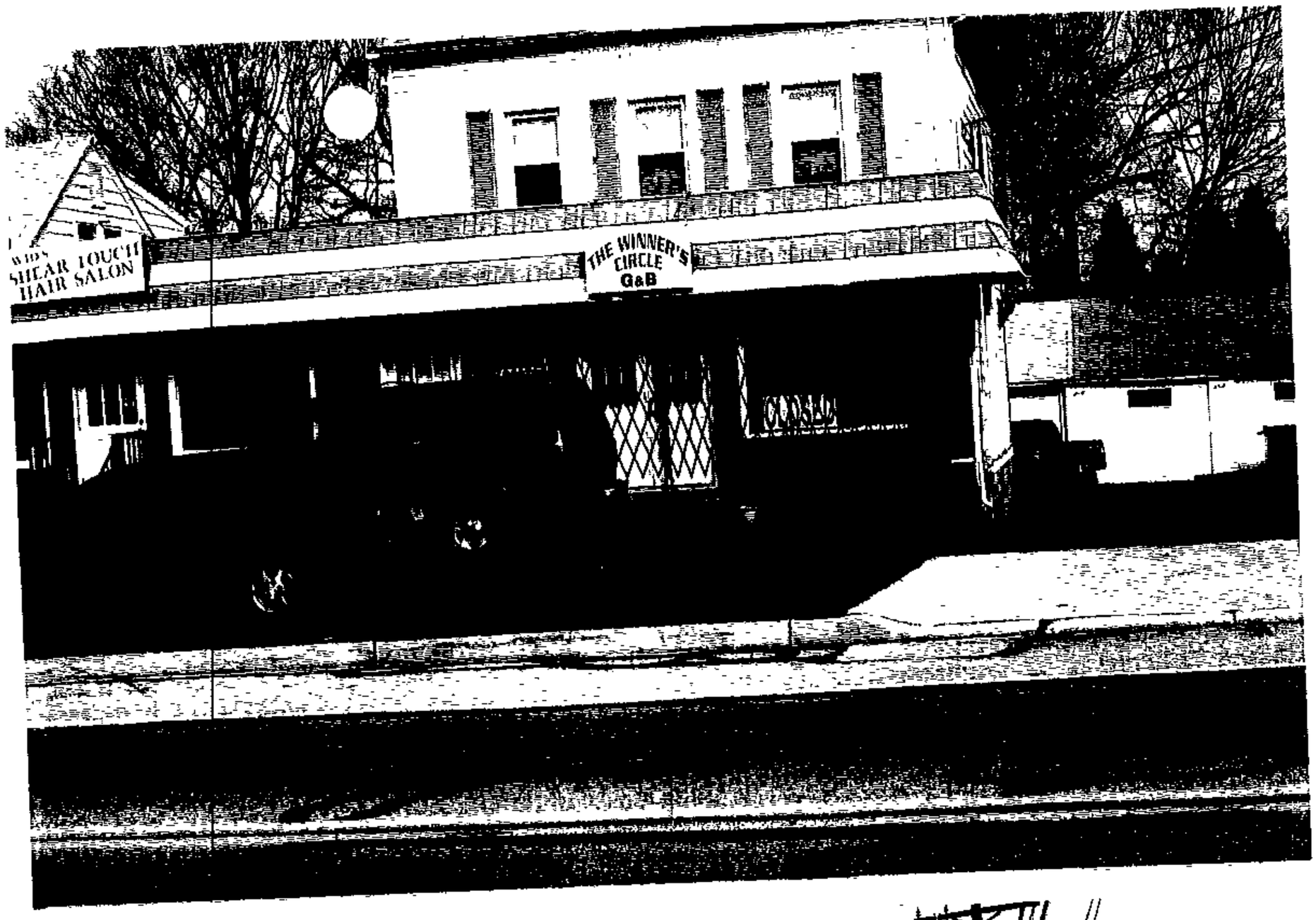
SHEAR TOUCH
HAIR SALON
THE WINNER'S
CIRCLE
G&B

SHEAR TOUCH
HAIR SALON
THE WINNER'S
CIRCLE
Q&B
OPEN

The owner at 8300 Phila. Rd (Mrs. Fischer) is a widow who has expressed her fears for the safety of her home and property if the arcade permit is approved.

School buses discharge young students in front of this location. Their curiosity could cause them to explore the area.

The property presently consists of three apartments and three businesses. A machine shop has recently moved.

At times, parking is already a disaster.

A Zoning Request notice has not been posted on the property.

Respectfully Submitted,

James C. Fiscel
8310 Phila. Rd.
Rosedale

Margaret Fischer
8311 Phila. Rd.

21237

THE WINNER'S
CIRCLE
G&B

HAIR DESIGN

Pratt

To Whom It May Concern;

As posted in the last four Thursday issues of The Jeffersonian, the owner of the Property known as 8302 and 8304 Philadelphia Road has requested a hearing before The Zoning Commission for a special exception to permit an arcade and a modified parking plan on said property. The owner is Mr Frederick Krueger.

The Hearing is scheduled for March 30, '04 at 9:A.M. in Room 407 in the County Court Building.

An operation of this type would have the potential of attracting groups of young people and the loud noises that accompany them. Rival gangs could use the arcade as a meeting place to air their differences. This possibility is very scary.

The Arcade would be a big negative to the property values around the business location and the immediate area.

The owners on either side of the proposed arcade are Senior Citizens in their 80's and have lived in their respective homes around fifty years.

AUCTIONS & PUBLIC NOTICES

Draper & Goldberg, PLLC
P.O. Box 6177
Leesburg, Virginia 20178

ITUTE TRUSTEES' SALE
PROVED REAL PROPERTY

7000 FAIT AVE.
BALTIMORE, MD 21224

ower of sale contained in a Deed of Trust M. Ayres, dated December 7, 1998 and re- ber 13376, folio 172 among the Land Re- ltimore Co., MD, default having occurred the Sub. Trustees will sell at public auction auctioneer's gallery, located at 908 York , on

L 2, 2004 AT 12:59 PM

EE-SIMPLE LOT OF GROUND and the im- thereon situated in Baltimore Co., MD and escribed in the aforesaid Deed of Trust.

ty, which is improved by a dwelling, will be s is" condition and subject to conditions, and agreements of record affecting the and with no warranty of any kind.

Sale: A deposit of $9,000 by cash or certi- Balance of the purchase price to be paid in ten days of final ratification of sale by the for Baltimore Co. Time is of the essence rchaser. If the purchaser defaults, the de- e forfeited and the property shall be resold aser's risk and expense. In the event of a efaulting purchaser shall not be entitled to benefit from the resale, including, but not dditional proceeds or surplus which may om. Interest to be paid on the unpaid pur- y at the rate pursuant to the Deed of Trust he date of sale to the date funds are re- e Sub. Trustees. In the event settlement is any reason, there shall be no abatement of chaser shall pay for documentary stamps, s and settlement expenses. Taxes, ground ent, condominium fees and/or homeowner dues; all public charges/assessments pay- nnual basis, including sanitary and/or met- strict charges, if applicable, shall be ad- date of sale and assumed thereafter by the Purchaser shall be responsible for obtaining ssession of the property. Purchaser as- isk of loss or damage to the property from

---

Friedman & MacFadyen, Solicitors
210 E. Redwood Street
Baltimore, Maryland 21202

SUBSTITUTE TRUSTEES' SALE
OF IMPROVED REAL PROPERTY

4523 INGHAM ROAD
OWINGS MILLS, MD 21117

Under a power of sale contained in a certain Deed of Trust from Corey M. Williams and Faith D. Williams, dated April 26, 1999 and recorded in Liber 1375, folio 565 among the Land Records of Baltimore Co., MD, default having occurred under the terms thereof, the Sub. Trustees will sell at public auction within the auctioneer's gallery, located at 908 York Rd., Towson, on

MARCH 29, 2004 AT 12:15 PM

ALL THAT FEE-SIMPLE LOT OF GROUND AND THE IMPROVEMENTS THEREON situated in Baltimore Co., MD and more fully described in the aforesaid Deed of Trust. The property is improved by a dwelling.

The property will be sold in an "as is" condition and subject to conditions, restrictions and agreements of record affecting the same, if any and with no warranty of any kind.

Terms of Sale: A deposit of $13,000 by cash, or certified check. Balance of the purchase price to be paid in cash within ten days of final ratification of sale by the Circuit Court for Baltimore Co. Interest to be paid on the unpaid purchase money at the rate pursuant to the Deed of Trust Note from the date of sale to the date funds are received in the office of the Sub. Trustees. If the purchaser fails to go to settlement, the deposit shall be forfeited and the property may be resold at the purchaser's risk and expense. The defaulting purchaser shall not be entitled to any surplus proceeds or profits resulting from any resale of the property. In the event settlement is delayed for any reason, including but not limited to, exceptions to this sale, bankruptcy filings by interested parties, court administration of the foreclosure or unknown title defects, there shall be no abatement of interest. Taxes, ground rent, water rent and all public charges/assessments payable on an annual basis; including electrical, sanitary and/or metropolitan district charges, if applicable, to be adjusted for the current year to date of sale and assumed thereafter by the purchaser. Cost of all documentary stamps, transfer

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NOTICE OF ZONING HEARING

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

Case: #04-354-SPHX
8302 & 8304 Philadelphia Road
N/west side of Philadelphia Road at the distance of 85 ft. n/east of the centerline of Spring Ave.
14th Election District
7th Councilmanic District
Legal Owner(s): Frederick Krueger
Contract Purchaser: Barry Cohen
Special Exception: to permit an arcade. **Special Hearing:** to permit a modified parking plan.
Hearing: Tuesday, March 30, 2004 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 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/3/698 Mar. 16 C654758

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: #04-277-A
807 Woodrow Avenue
S/side of Woodrow Avenue, opposite of Creek Road
12th Election District
7th Councilmanic District
Legal Owner(s): Michael and Rebecca Brewer
Variance: to permit a buildable lot (contiguous) with a width of 50 feet in lieu of the minimum required 55 feet.
Hearing: Tuesday, March 30, 2004 at 11:00 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 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/3/696 Mar. 16 C654713

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: #04-317-XA
10615 York Road
N/east corner of Matthews Avenue and York Road
8th Election District 3rd Councilmanic District
Legal Owner(s): William and Ann Warmkessel
Variance: to permit a sideyard setback of 11 feet in lieu of the 20 feet, if necessary, to permit a foot tall landscape buffer in lieu of an opaque fence, wall or berm. To permit 0% amenity open space area within the interior of the parking lot in lieu of the required 7%. If necessary, to permit 0 foot of landscape buffer in lieu of the 20 feet and 10 feet respectively required. **Special Exception:** to permit a Class B office building and such addition relief this petition may require.
Hearing: Wednesday, March 31, 2004 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 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/3/697 Mar. 16 C654737

Friedman & MacFadyen, Solicitors
210 E. Redwood Street
Baltimore, Maryland 21202

SUBSTITUTE TRUSTEES' SALE
OF IMPROVED REAL PROPERTY

3502 CHAPMAN ROAD
RANDALLSTOWN, MD 21133

Under a power of sale contained in a certain Deed of Trust from Marshall V. Briscoe, II, dated October 24, 2002 and recorded in Liber 18461, folio 201 among the Land Records of Baltimore Co., MD, default having occurred under the terms thereof, the Sub. Trustees will sell at public auction within the auctioneer's gallery, located at 908 York Rd., Towson, on

MARCH 30, 2004 AT 12:35 PM

Friedman & MacFadyen, Solicitors
210 E. Redwood Street
Baltimore, Maryland 21202

SUBSTITUTE TRUSTEES' SALE

Pro # 10

ATTENTION RESIDENTS:

THE OWNER(S) OF 8302-04 PHILADELPHIA ROAD ARE ASKING FOR ZONING FOR THE PROPERTY TO BE USED AS AN ADULT ARCADE (POKER MACHINES, KENO, ETC). THIS LOCATION IS DIRECTLY IN THE CENTER OF OUR NEIGHBORHOOD; NOT ONLY WILL PARKING BE AN ISSUE AT THIS LOCATION, BUT THE POTENTIAL DISRUPTION TO THE NEIGHBORHOOD IS GREAT. IN ORDER TO MAKE MONEY, THE ESTABLISHMENT WILL HAVE TO REMAIN OPEN LATE INTO THE NIGHT CAUSING A LOT OF LOITERING IN OUR NEIGHBORHOOD LATE AT NIGHT.

BY SIGNING THE ATTACHED PETITION, YOU ARE STATING THAT, AS A RESIDENT OF THE SURROUNDING NEIGHBORHOOD, YOU ARE OPPOSING THE ZONING APPEAL FOR 8302-04 PHILADELPHIA ROAD TO BE USED AS AN ARCADE.

IN ADDITION TO SIGNING THIS PETITION, THE ZONING COMMISSIONER HAS STATED THAT OUR PRESENCE AT THE ZONING HEARING WILL HAVE A GREATER INFLUENCE ON THE DECISION WHETHER TO ZONE THIS PROPERTY FOR USE AS AN ARCADE. THE MORE NEIGHBORS ATTENDING THE HEARING, THE LOUDER WE WILL BE HEARD.

THE HEARING INFORMATION:

DATE: APRIL 13, 2004
TIME: 9:00 A.M.
LOCATION: BALTIMORE COUNTY COURTS BUILDING
(MAIN BUILDING)
BOSLEY AVENUE
TOWSON, MD 21204
CASE #4-354-SPHX

ONE OTHER RECOURSE IS TO FAX A LETTER STATING YOUR OPPOSITION TO:

ZONING COMMISSIONER
(410)887-3468
PLEASE NOTE CASE NUMBER ON FAX: 4-354-SPHX

AGAIN, WE CAN'T EMPHASIZE ENOUGH THAT SIGNING THE PETITION IS NOT ENOUGH – IF POSSIBLE, PLAN TO ATTEND THE ZONING HEARING TO PROTECT OUR NEIGHBORHOOD. THE FOOT-TRAFFIC AND LOITERING ENCOURAGED BY THIS TYPE OF ESTABLISHMENT POSES GREAT CONCERN TO ALL OF US; WE DO NOT NEED THIS IN OUR BACK YARDS.

THANKS FOR YOUR SUPPORT.

April 8, 2004

Mr. Lawrence Schmidt
Mr. Jack Murphy
Baltimore County Zoning Commission

Dear Sirs:

This communication is regarding case # 4-354-SPHX.

My family and I have recently learned of a zoning request for the property at 8302-04 Philadelphia Rd to be used as an arcade. We noticed the zoning hearing sign in the window of the current establishment in this building. We stand opposed to the zoning request for the following reasons.

We have lived in the Rosedale community for more than 30 years and feel that this is a safe tight knit community. There are a few businesses along this area of Philadelphia Rd and these businesses have caused little or no problems for the residents, and offer service that appeal to most of the residents. We fail to see what good an arcade would bring to this community and feel that most of us in the area have little or no use for this type of establishment. We feel also that it would bring an undesirable element into our neighborhood. This is something that we do not want or need.

This property is adjacent to a hair salon that does business several days a week and many women are coming and going into the building during the business hours. These women ,of which I am one, are of varying ages and usually arrive alone. Their safety may be compromised.

There are many children from the Golden Ring Middle school walking past this building going to and from school and I fear their safety would be in question. Also these children are in the age group of approximately 11-13 and this type of business may convey the wrong message to them, as well as attract them during school hours.

The value of home and property will surely be at risk due to this type of business in a heavily residential area. The traffic in our area would increase and due to the limited amount of parking on the lot of 8302-04 Philadelphia Rd, may obstruct the access to our driveways.

Finally the sign announcing the hearing is posted inside of the window of the building and when the business is not open, a large black metal folding gate is locked in place across the front of the building, obstructing the sign from public view. This gate also detracts from the appearance of the properties in the area.

Since our work schedules do not allow us to attend the hearing, please accept this letter and consider this information in making your decision.

Sincerely

Andrea D Spacek

Andrea D Spacek

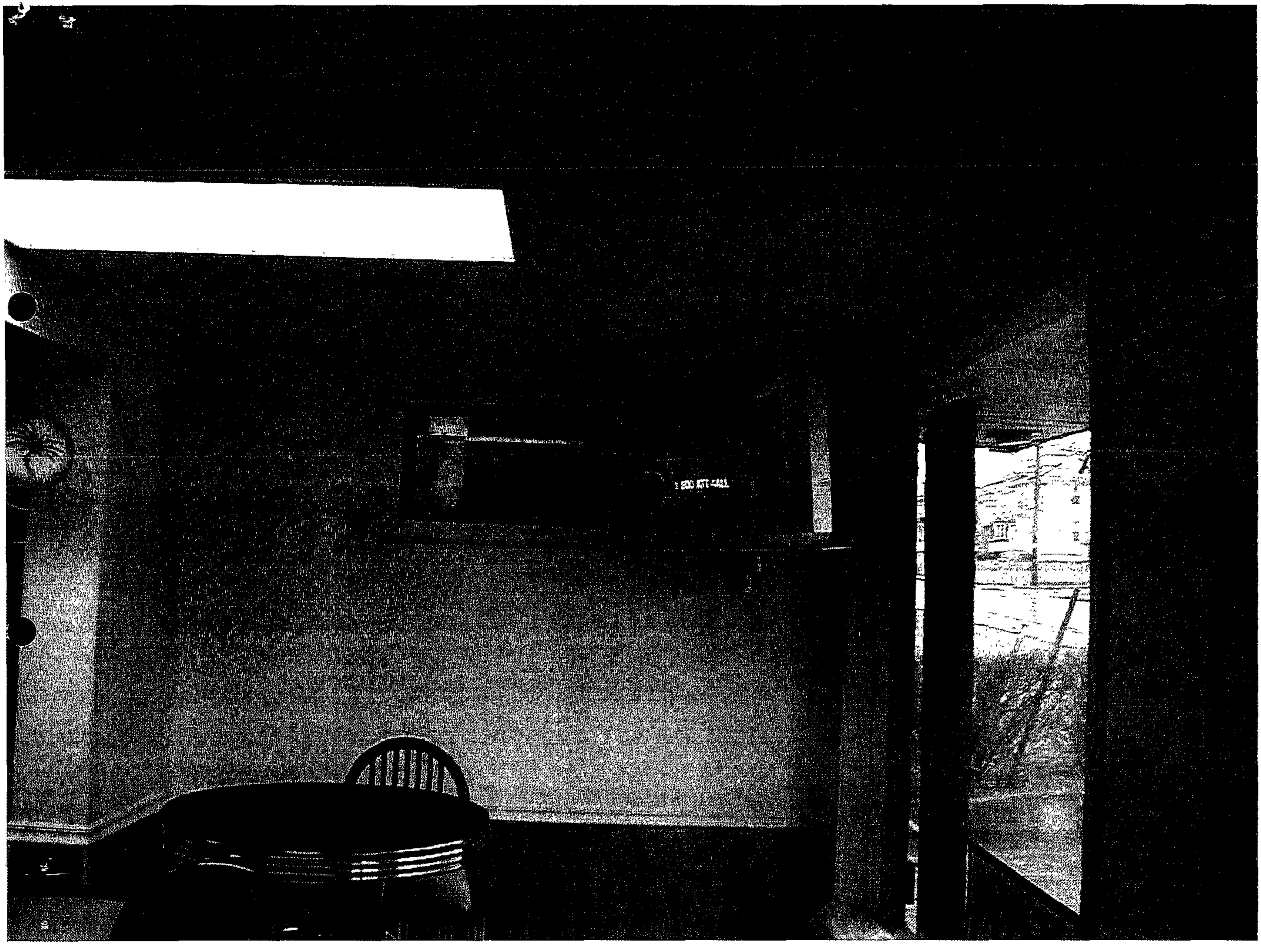
Emrick L Spacek

Emrick L Spacek

Sean L Spacek

Sean L Spacek

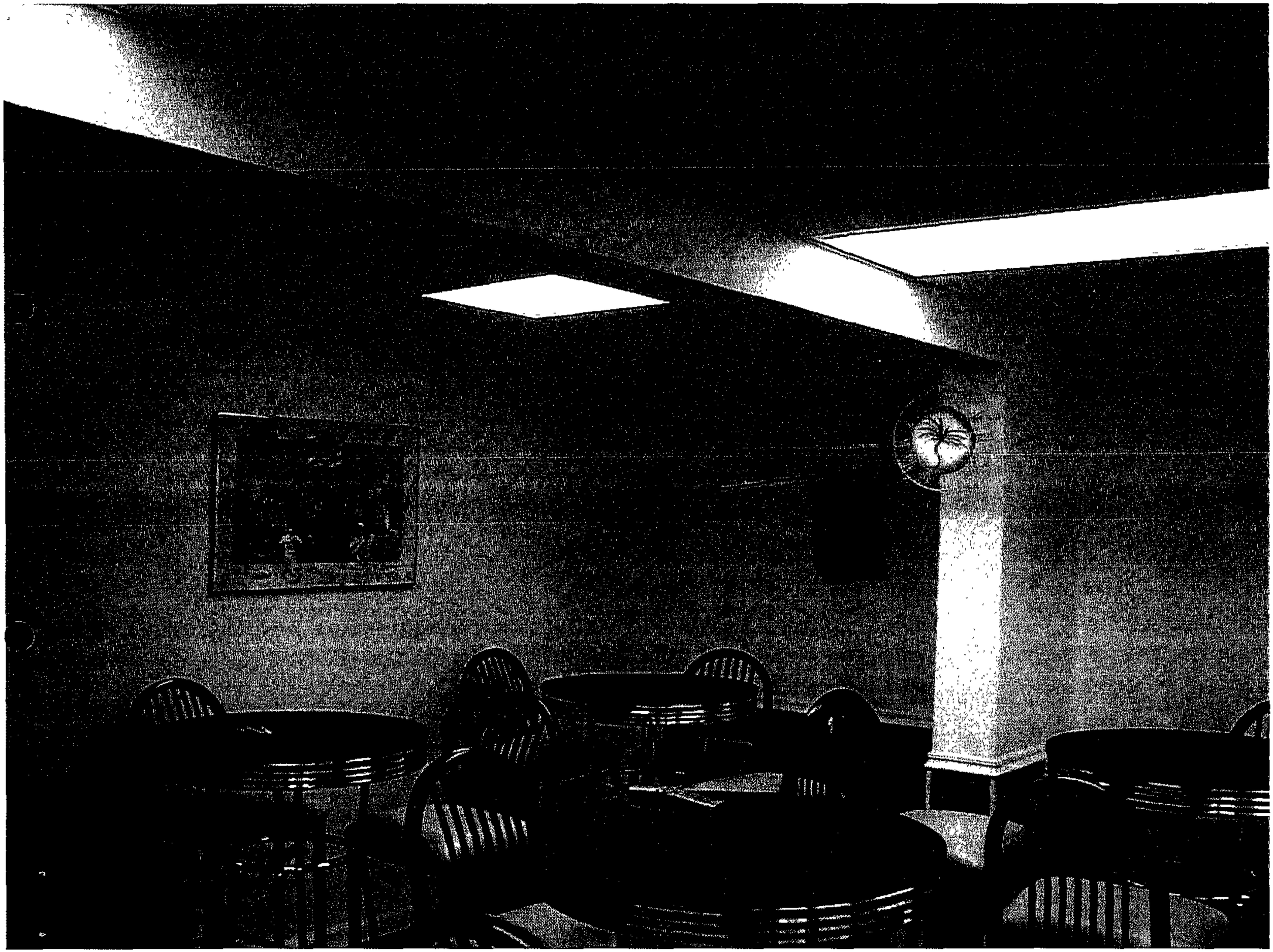
Pro #11

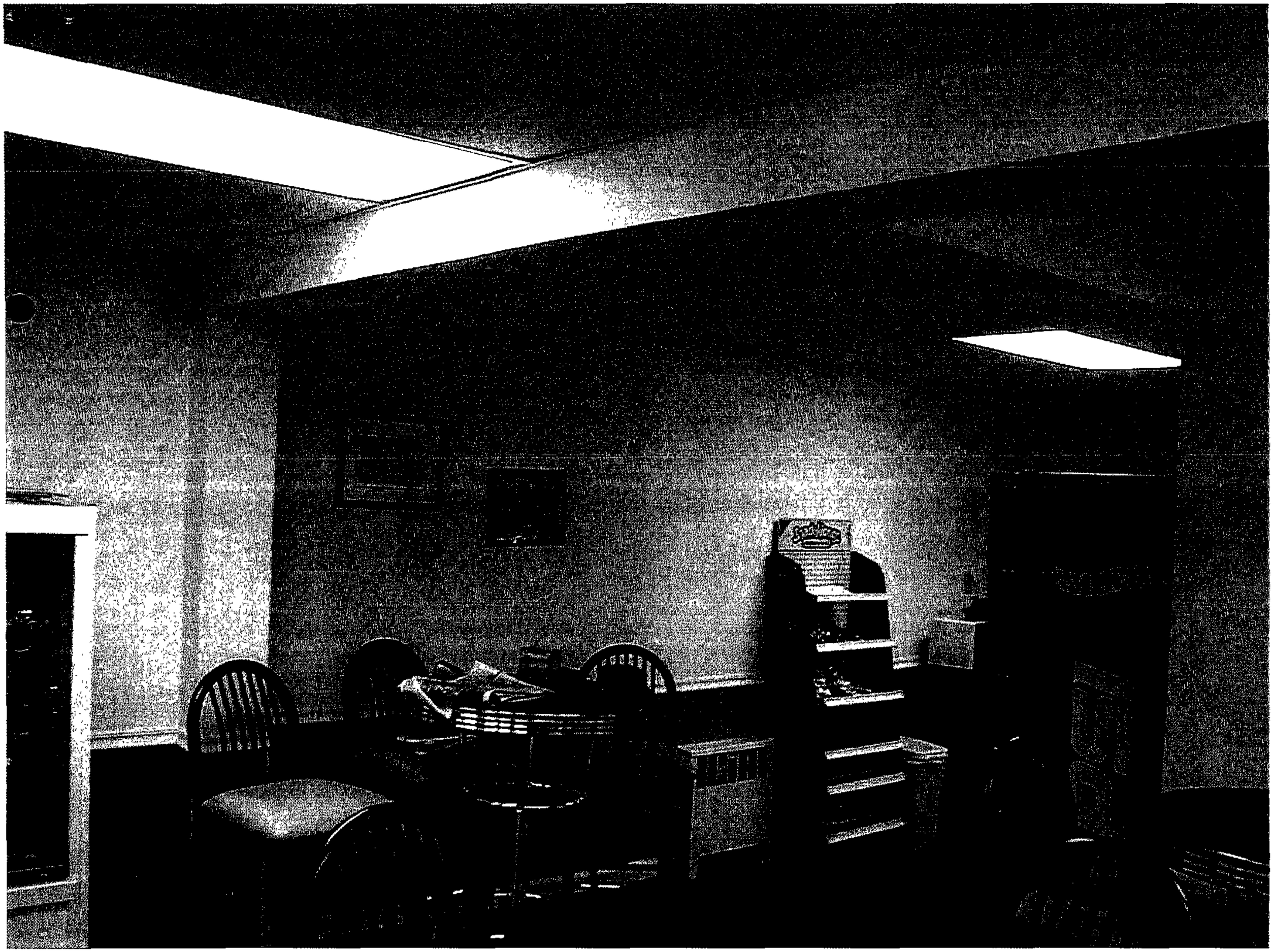


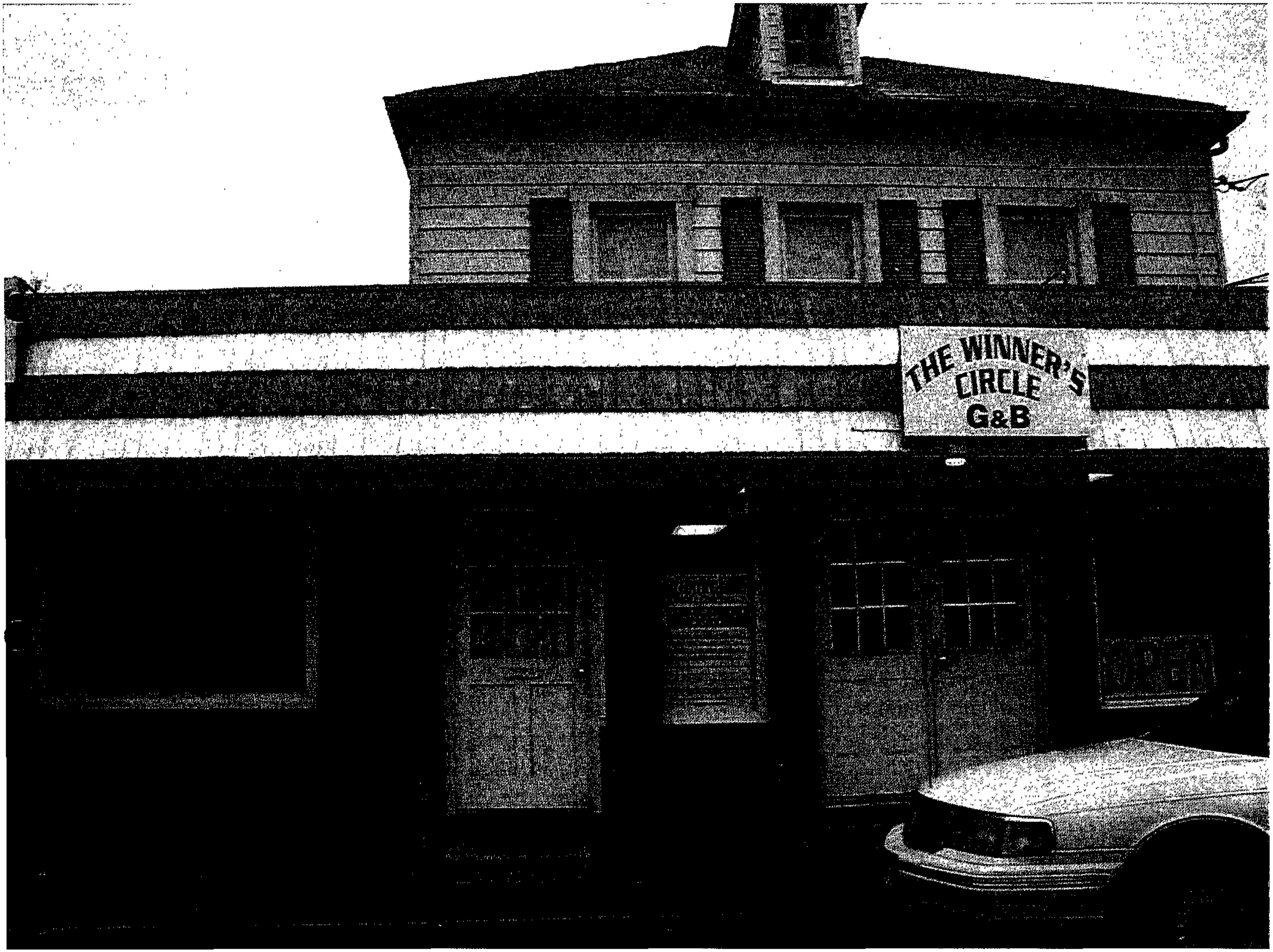
04-354-SPHX

Pet. Ex. 2A-2Y

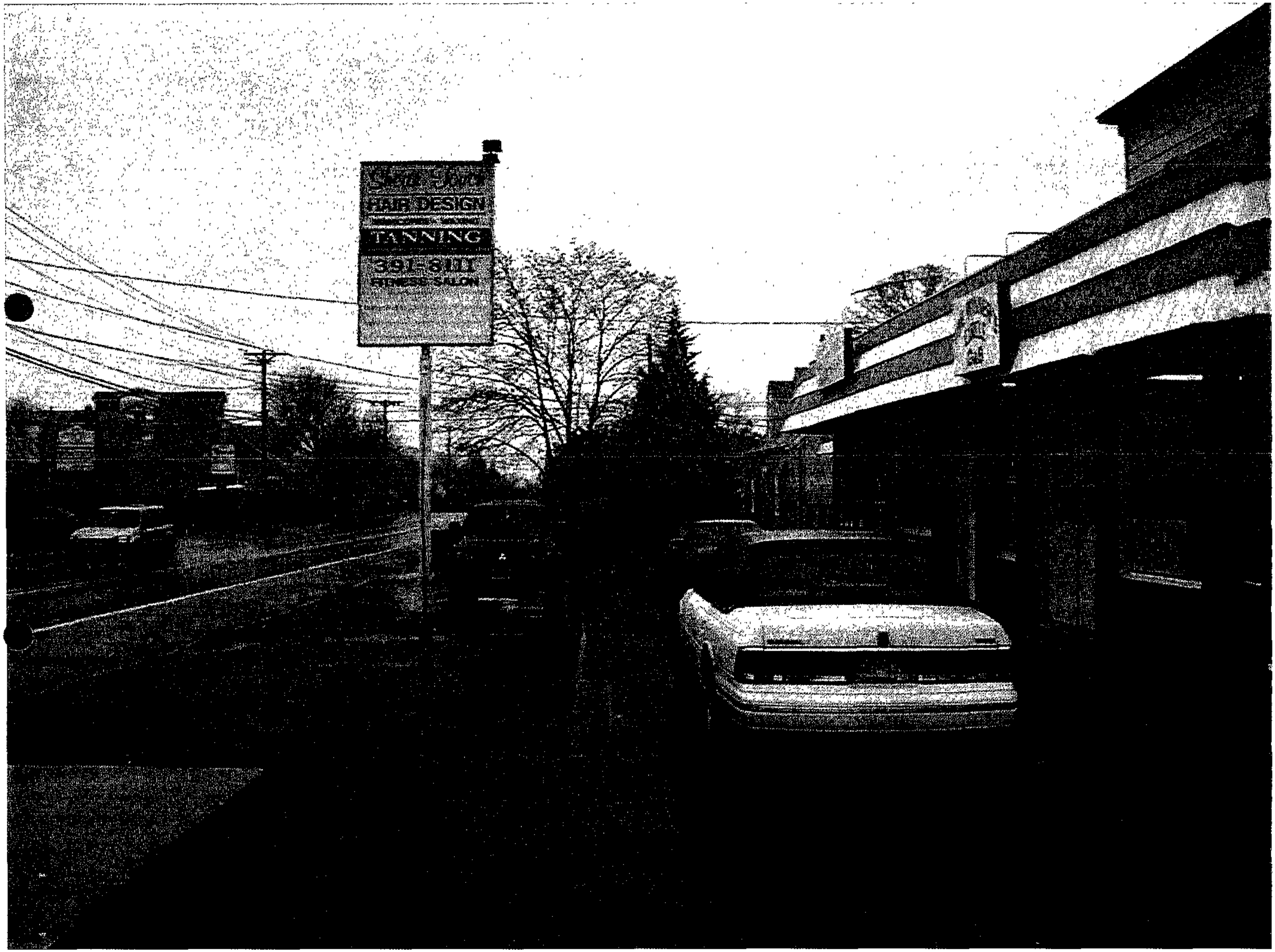
Pet
2A

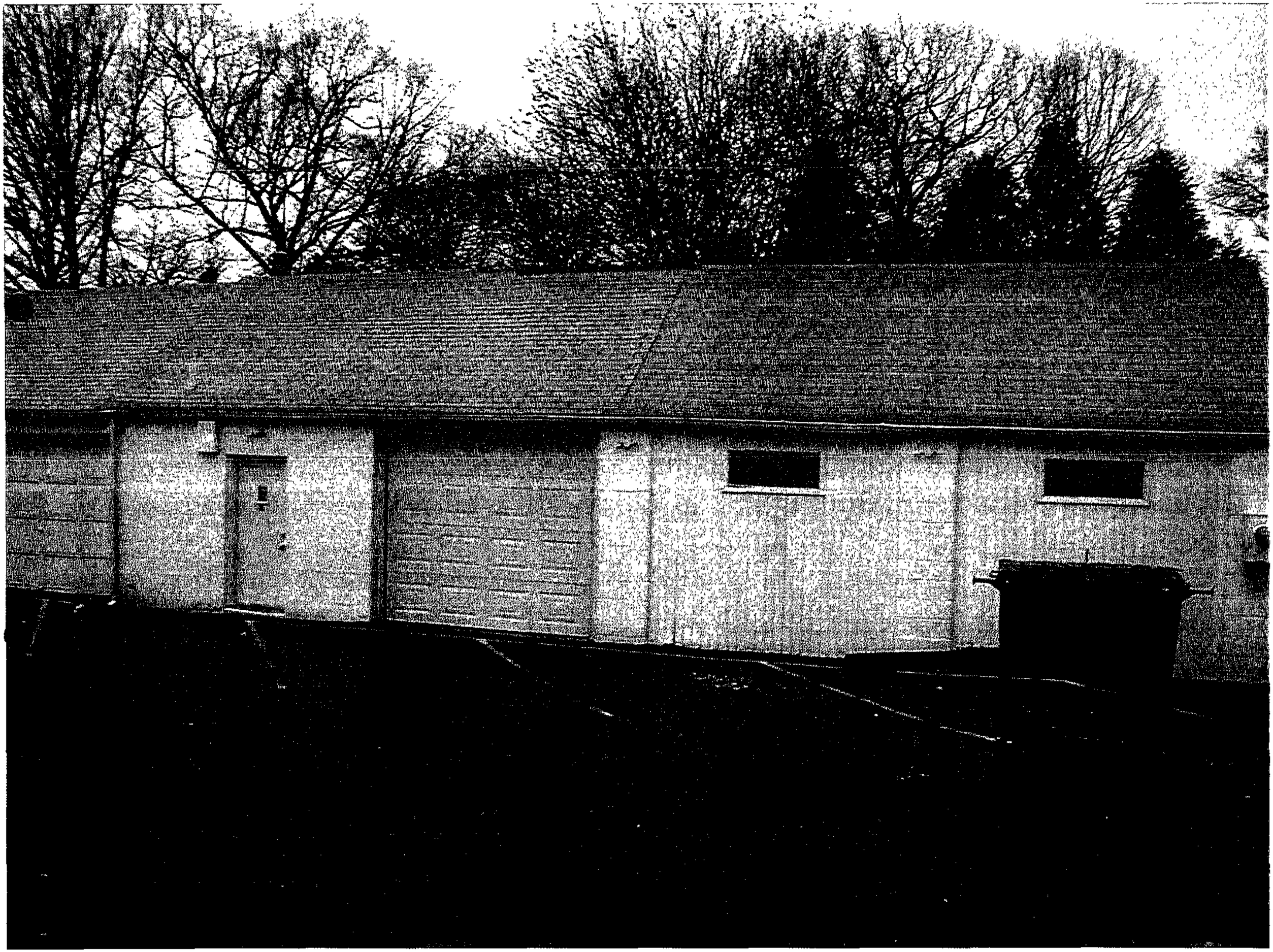


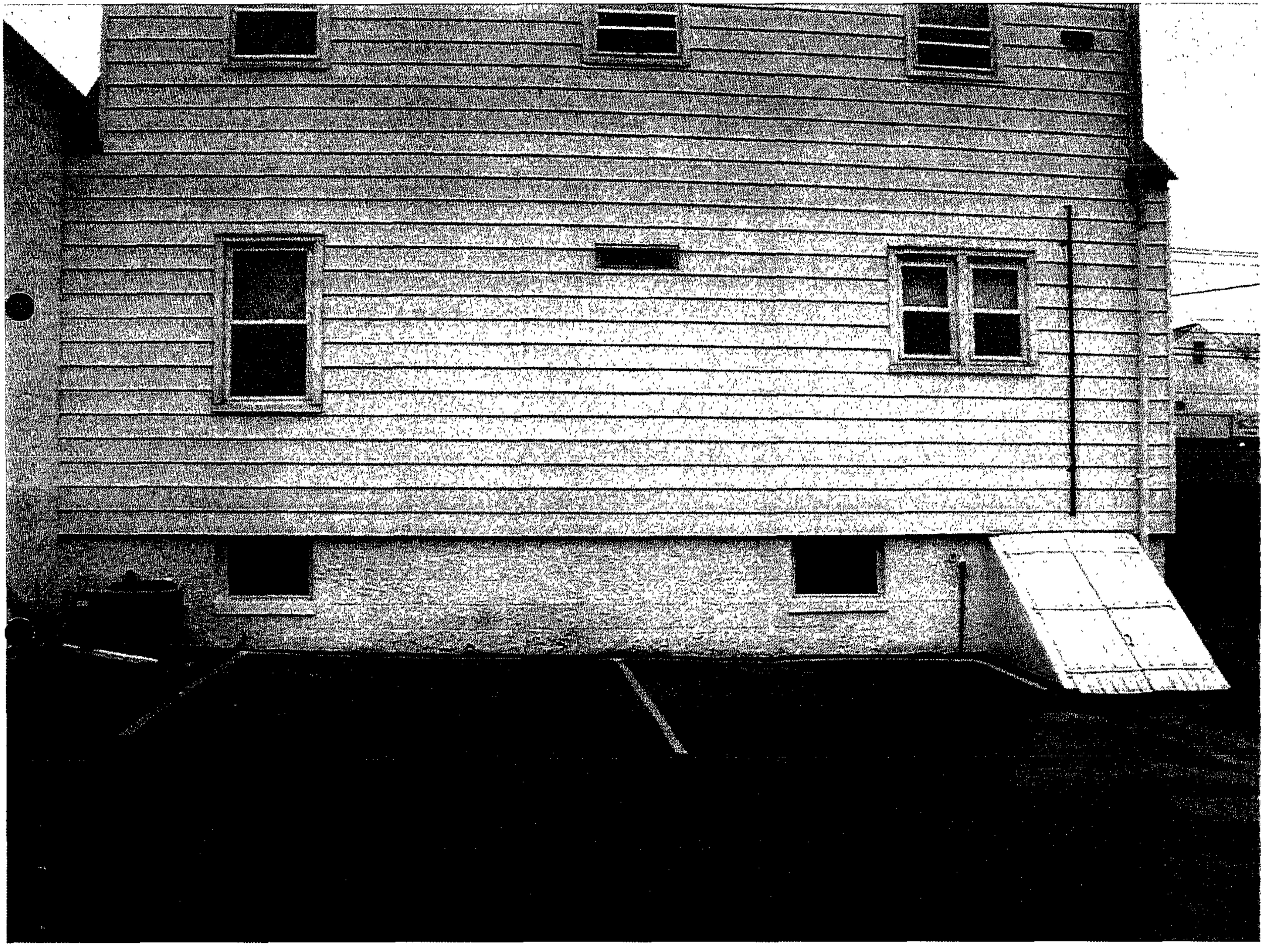



THE WINNER'S
CIRCLE
G&B

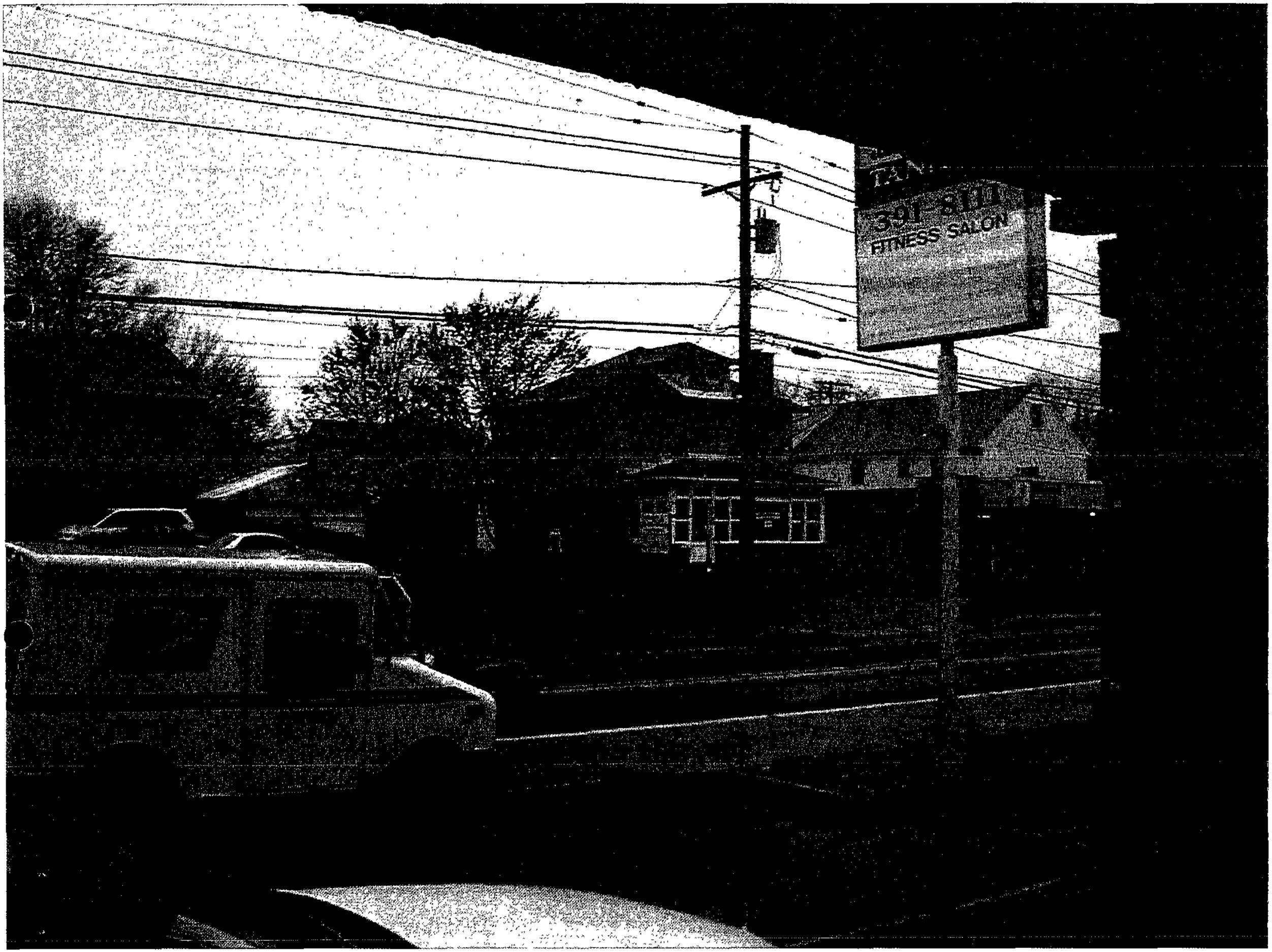
DAVID'S
SHEAR TOUCH
HAIR SALON


HAIR DESIGN
TANNING
391-8111
FITNESS SALON

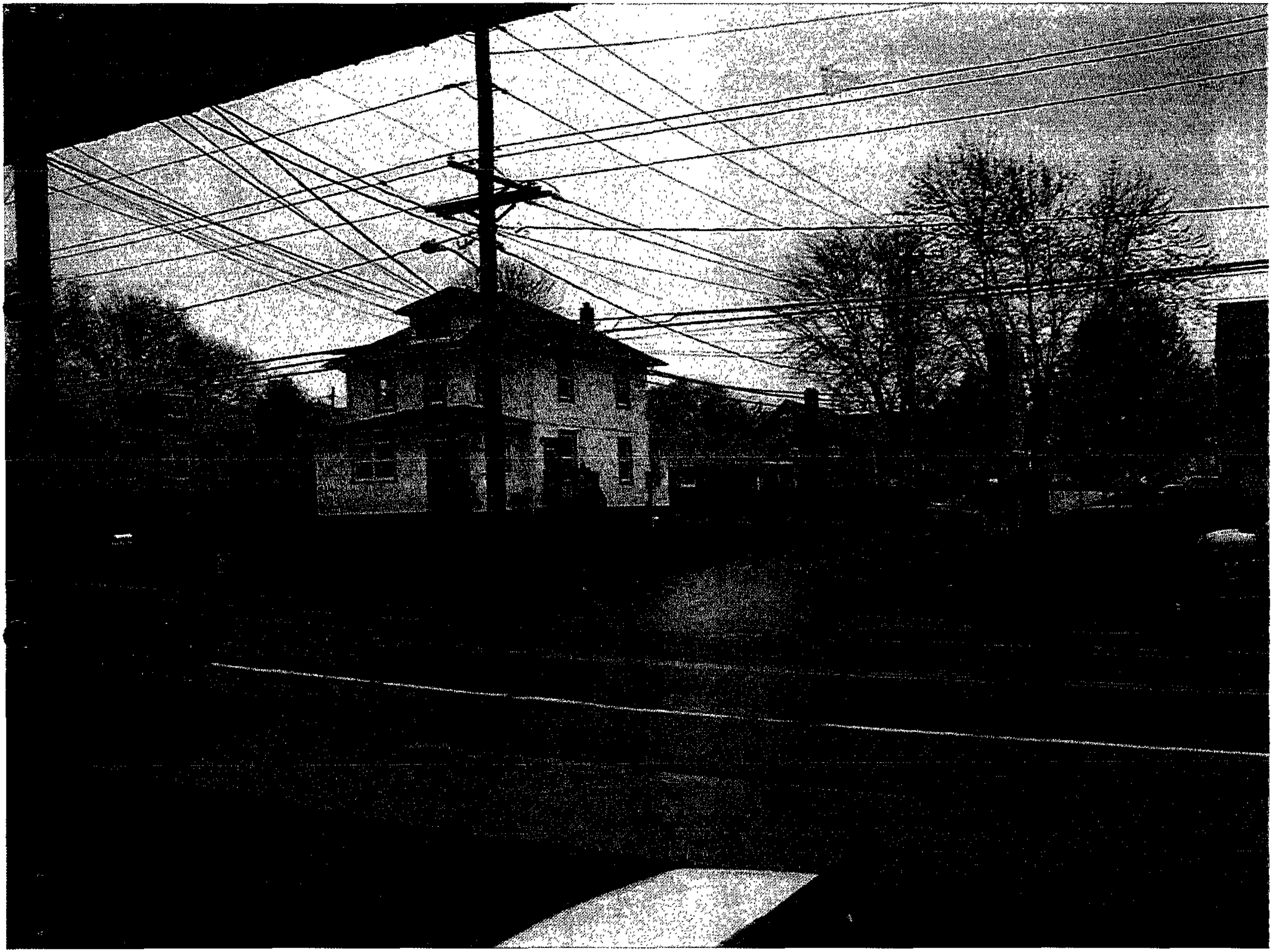


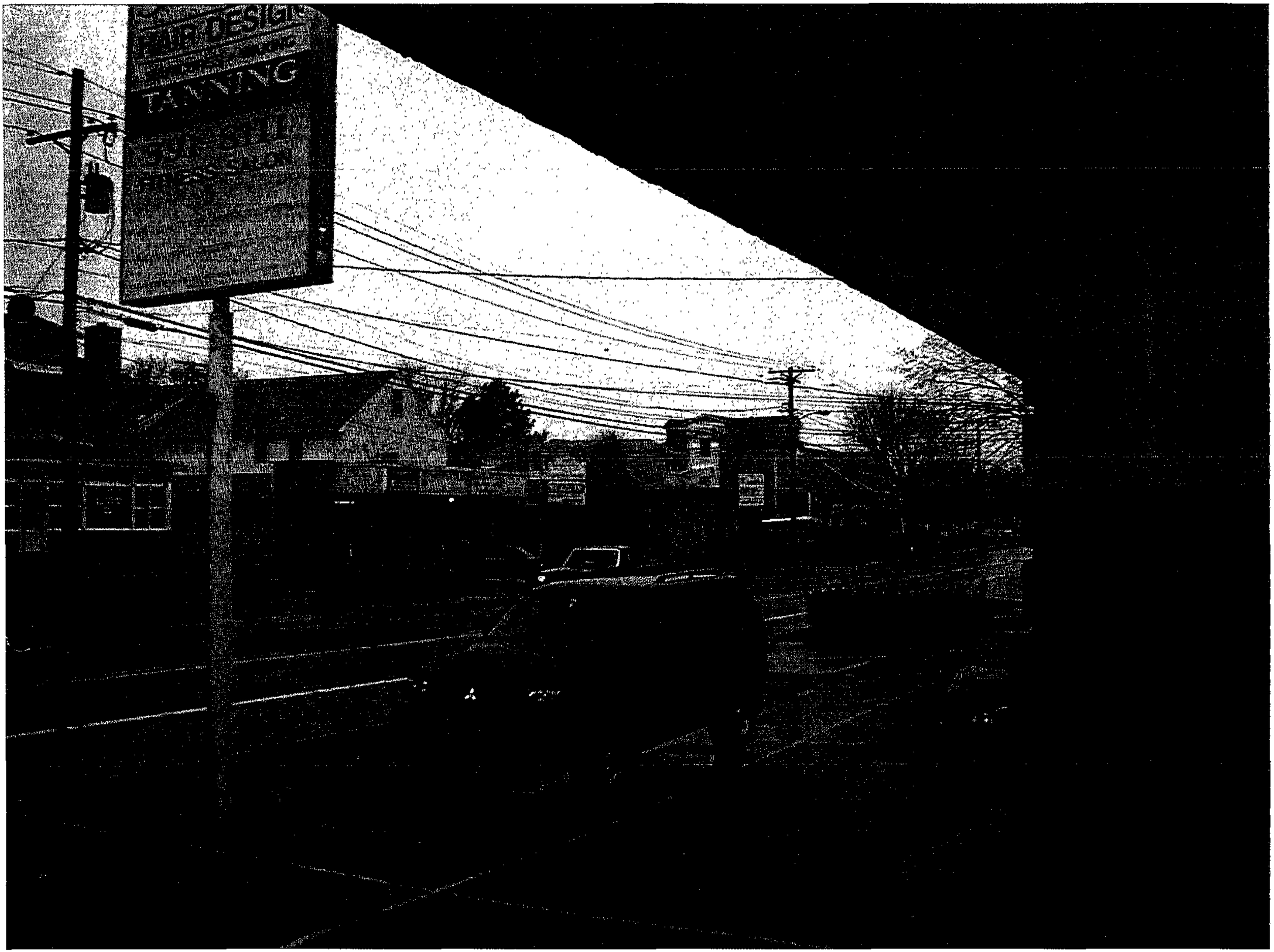


Shear Touch
HAIR DESIGN
TANNING
391-8111
FITNESS SALON


FITNESS SALON

TANNING
FITNESS SALON

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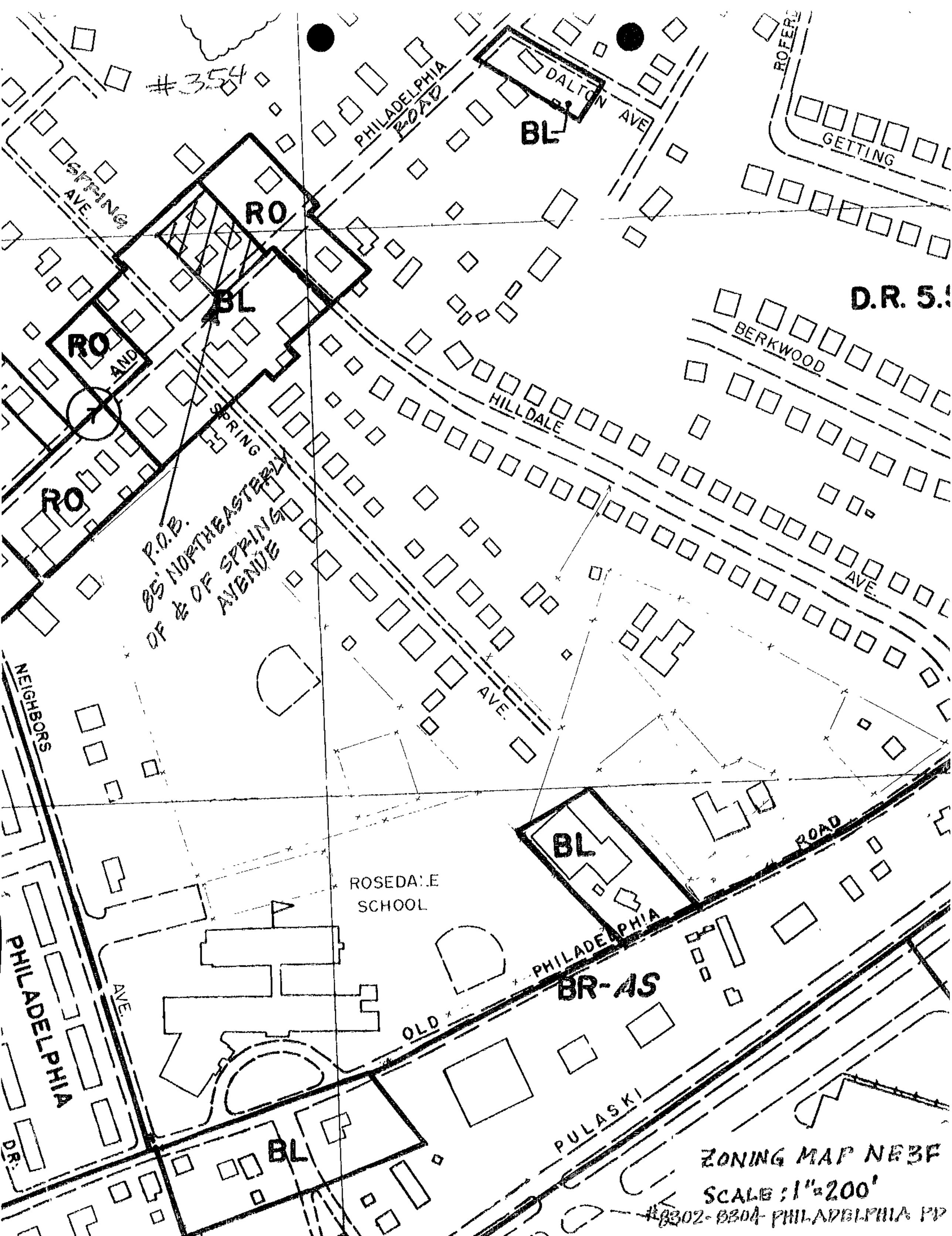
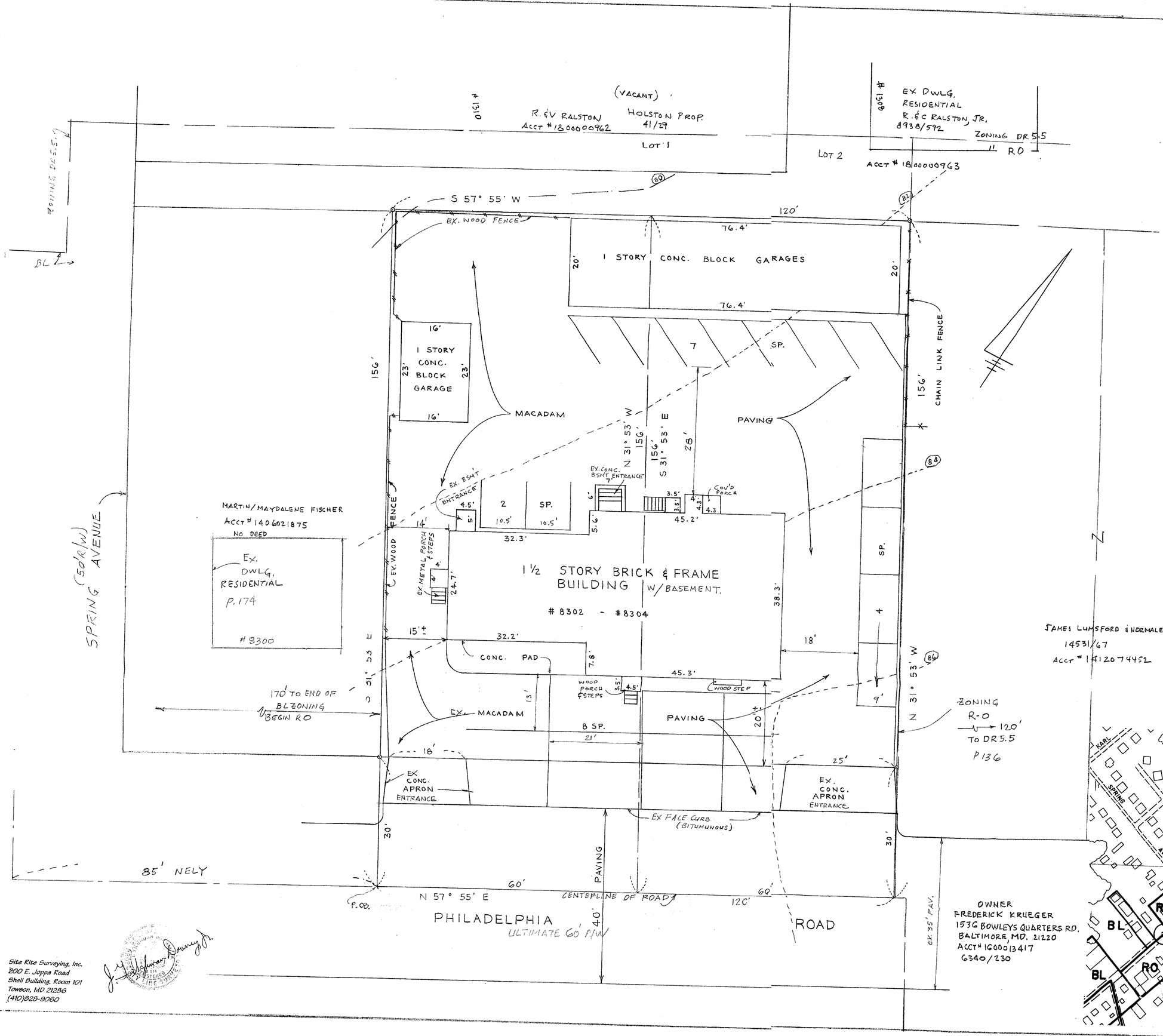
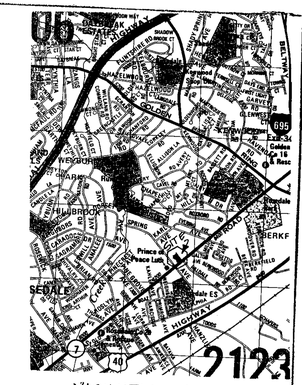

#354
PHILADELPHIA ROAD
DALTON AVE
BL
ROFER
GETTING
SPRING AVE.
RO
BL
RO
AND
RO
D.R. 5.
BERKWOOD
HILLDALE
SPRING
P.O.B.
85' NORTHEASTERLY OF & OF SPRING AVENUE
AVE.
NEIGHBORS
AVE.
BL
ROAD
ROSEDALE SCHOOL
PHILADELPHIA
PHILADELPHIA
BR-AS
AVE.
OLD
PULASKI
BL
DR.
ZONING MAP NE3F
SCALE: 1"=200'
#8302-8304 PHILADELPHIA PP





VICINITY MAP
Scale: 1"=2,000'

GENERAL NOTES:

1. LOT SIZE: 18,720 S.F. +/- OR 0.429 Ac. +/-
2. EXISTING ZONING: BL
3. 200' SCALE MAP: N.E. 3-F
4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
5. NOT LOCATED IN A 100 YEAR FLOODPLAIN AREA
   COMMUNITY PANEL NO.: 240010 0
   ZONE: "C"
6. NOT LOCATED IN THE HISTORIC DISTRICT
7. EXISTING USE: BEAUTY SALON/VACANT
8. PROPSED USE: BEAUTY SALON AND ARCADE
9. PRIOR ZONING HISTORY: CASE NO. 69-91-R
   ZONING RECLASSIFICATION FROM R6 TO BL GRANTED ON OCTOBER 16, 1968 SUBJECT TO SITE PLAN APPROVED BY STATE ROADS COMMISSION, BUREAU OF PUBLIC SERVICES AND THE OFFICE OF PLANNING AND ZONING.
10. PUBLIC WATER AND SEWER AVAILABLE TO SITE
11. FLOOR AREA RATIO: ALLOWED: 3.0 EXISTING: 4426.3 ÷ 18,720 = 0.23
12. PARKING REQUIRED: 5060.6 S.F. @ 5/1000 S.F = 26 SPACES REQUIRED
    PARKING PROPOSED: EXISTING 21 SPACES PROVIDED
13. ALL BUILDINGS AND PARKING ON THE PROPERTY ARE EXISTING
14. THERE HAVE BEEN NO DEVELOPMENT PROCESS ACTIONS ON THE PROPERTY.
15. ALL EXISTING AND PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE B.C.Z.R.
16. BASED ON THE FILES WITHIN THE B.C.Z. REVIEW OFFICE, THERE WERE NO RECENT BUILDING PERMITS ON THE PROPERTY.
17. TAX ACCT. NO: 1600013417
    TAX MAP: 89 GRID: 17 PARCEL: 149
    DEED REF.: 6340/230

DATA SOURCES:

TOPOGRAPHIC AND PLANIMETRIC INFORMATION TAKEN FROM BALTIMORE COUNTY GIS DATED MARCH 1996 (NAD 83/NAVD88).

ZONING LINES SHOWN HEREON DIGITIZED FROM BALTIMORE COUNTY 2000 COMPREHENSIVE ZONING MAP # NE3F

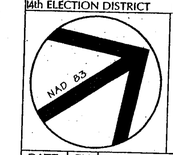
PROPERTY LINES SHOWN HEREON ARE COMPILED FROM DEED

THIS PLAN IS NOT THE RESULT OF A TOPOGRAPHIC SURVEY.

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

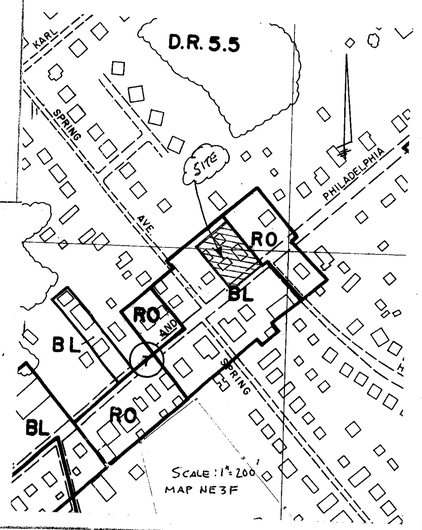
PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING AND/OR VARIANCE
#8302 & 8304 PHILADELPHIA ROAD

7th COUNCIL DISTRICT
4th ELECTION DISTRICT
BALTIMORE COUNTY, MD



DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:		BASE:	L.B.
BID:		DRAWN:	
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	1" = 10'	DATE CHECKED:	
PROJECT NO:		DRAWING:	1 of 1



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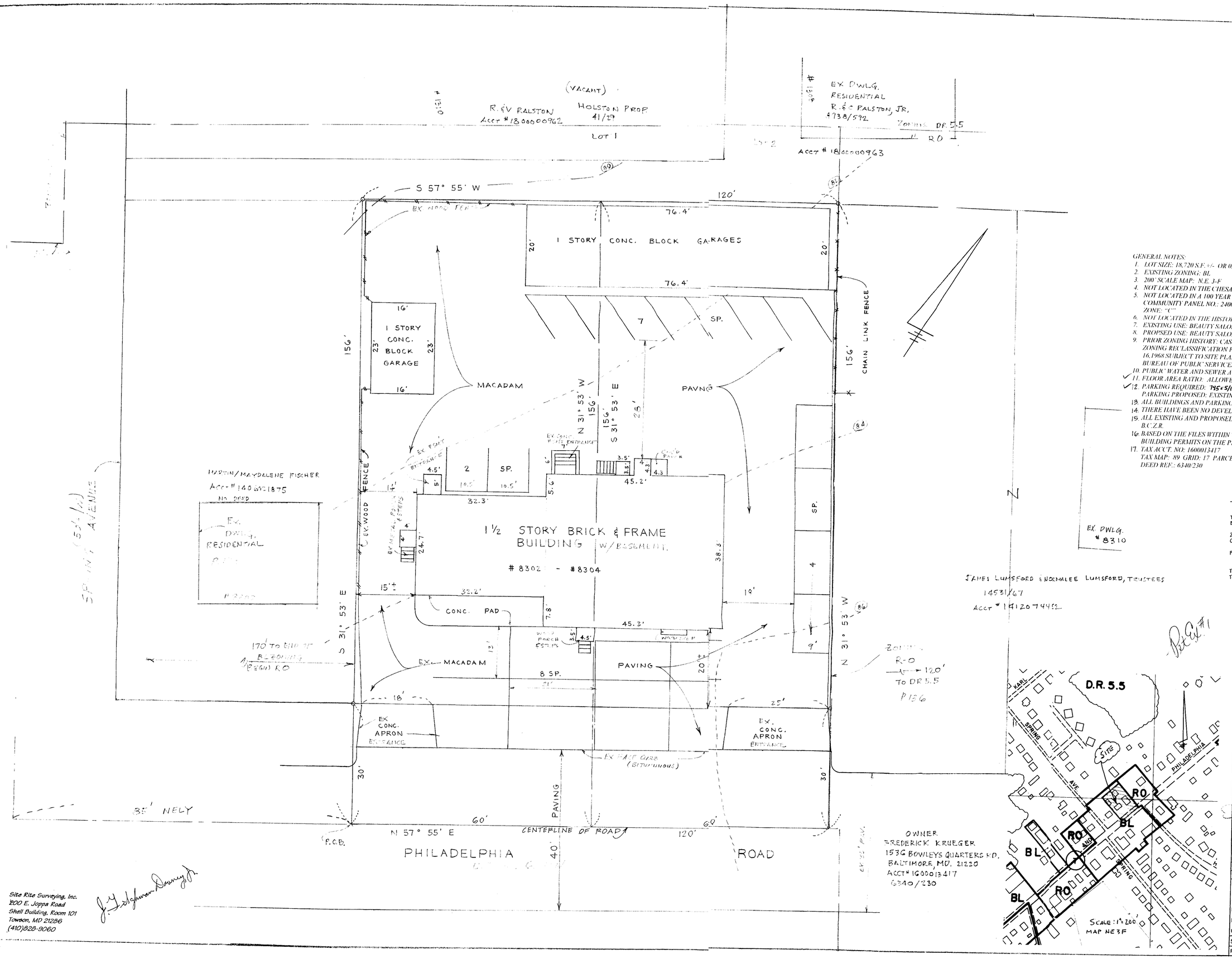

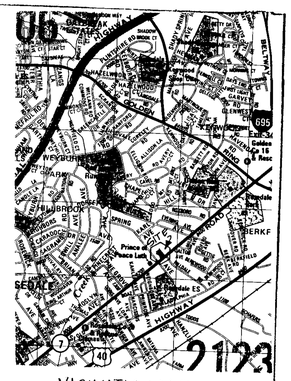

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10. PUBLIC WATER AND SEWER AVAILABLE TO SITE
11. ✓ FLOOR AREA RATIO: ALLOWED: 3.0 EXISTING: 5060.65F ÷ 18720 SF = 0.27
12. ✓ PARKING REQUIRED: 795 x 5/1000 = 4 PS 4265 X 4/1000 = 17 TOTAL = 21
    PARKING PROPOSED: EXISTING 21 SPACES PROVIDED
13. ALL BUILDINGS AND PARKING ON THE PROPERTY ARE EXISTING
14. THERE HAVE BEEN NO DEVELOPMENT PROCESS ACTIONS ON THE PROPERTY.
15. ALL EXISTING AND PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE B.C.Z.R.
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Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
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PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING AND/OR VARIANCE
#8302 & 8304 PHILADELPHIA ROAD

'th COUNCIL DISTRICT
4th ELECTION DISTRICT
BALTIMORE COUNTY, MD

NAD 83

DATE	BY	REVISIONS
4-18-04	VJM	ITEM # 11 & 12 UNDER GENERAL NOTES

ISSUE DATES			
REVIEW:		BASE:	L.B.
BID:		DRAWN:	
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	1" = 10'	DATE CHECKED:	
PROJECT NO.:	9327	DRAWING:	1 of 1

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

approve a modified parking plan. The beauty salon was described by the Petitioner as having 795 sq. ft of space which requires 4 parking spaces. The area of the proposed arcade was described as having 4,265 sq. ft of space, which would require 17 parking spaces. The apartments were not described as to number of bedrooms.

The Petitioner amended his petition during the hearing to delete the reference in the petition that 26 parking spaces were required. The Petitioner's zoning expert, Mr. Kellman, testified that there were 21 parking spaces provided but that these figures were illustrative only as under Section 409.12 of the B.C.Z.R., a modified plan has no specific parking regulations. On cross-examination, he admitted that the existing parking had two spaces which did not have access to an aisle (double stacked parking), that there were no handicapped spaces provided and that generally the length of the spaces did not meet the 18 ft. length specified in the regulations.

He testified, in some detail, that the proposed arcade would not violate any of the provisions of Section 502.1 of the B.C.Z.R. In summary, he indicated that this is an existing commercial use, which had all modifications inside the building. Previously, the Petitioner's space was occupied by a tanning salon, which requires 5 parking spaces per 1,000 sq. ft. The proposed arcade would only require 4 parking spaces per 1,000 sq. ft. under County regulations and thus Mr. Kellman opined that this use was less intense than the previous use. He also indicated that the floor area ratio was less than 10 % of the allowed ratio. Per the Baltimore County Code, the parking spaces allowed for the beauty salon and arcade are 21 total spaces and that 21 spaces are provided. He also indicated that the apartments, beauty salon and arcade were overlapping uses, which shared parking. Therefore, he felt that the existing parking was adequate. Finally, he indicated that it would be a hardship to provide parking which would be fully up to Code, as this site is completely built out

Mr. Kellman admitted on cross-examination that one of the parking spaces provided blocked the garage door to the 20 ft. x 76 ft. garage. He further admitted that there were no

ORDER RECEIVED FOR FILING
Date 4/23/02
By M. Jameson

Charles Sudano, 302 S. High Street, Baltimore, MD 21202

Mitch Kellman, Daft, McCune & Walker, 200 E. Pennsylvania Ave., Towson, MD 21286

Russ Mirabile, Pres., Rosedale Community Assn., P.O. Box 9680, Baltimore, MD 21237

Nancy Leiter, 7934 Oakdale Road, Baltimore, MD 21237

Dolores Zorn, 1227 Sellier Ave., Baltimore, MD 21237

Frances Beaver, 7703 Brightside Ave., Baltimore, MD 21237

Emerick Spaule, 8236 Philadelphia Rd., Baltimore, MD 21237

Daniel Holston, 8240 Philadelphia Rd., Baltimore, MD 21237

Deborah & Ken Kuebner, 1303 Spring Ave., Baltimore, MD 21237

Ken Canterbery, 1414A Spring Ave., Baltimore, MD 21237

Ray Holston, 1308 Spring Ave., Baltimore, MD 21237

F. VERNON BOOZER

gab040507

Pratt

To Whom It May Concern;

As posted in the last four Thursday issues of The Jeffersonian, the owner of the Property known as 8302 and 8304 Philadelphia Road has requested a hearing before The Zoning Commission for a special exception to permit an arcade and a modified parking plan on said property. The owner is Mr Frederick Krueger.

The Hearing is scheduled for March 30, '04 at 9:A.M. in Room 407 in the County Court Building.

An operation of this type would have the potential of attracting groups of young people and the loud noises that accompany them. Rival gangs could use the arcade as a meeting place to air their differences. This possibility is very scary.

The Arcade would be a big negative to the property values around the business location and the immediate area.

The owners on either side of the proposed arcade are Senior Citizens