ON SELECTION FOR FLAN

IN RE: PETITION FOR SPECIAL HEARING S/S of Ebenezer Road, 60 ft. +/-, SE centerline of Stumpfs Road

15th Election District
6th Councilmanic District

(6309 Ebenezer Road)

John H. Terborg for Gun Powder

Petitioner

Post #10067 - VFW

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-587-SPHX

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 owners of the subject property, John H. Terborg on behalf of Gun Powder Post #10067 - VFW. The Petitioner is requesting special hearing and special exception relief for property owned at 6309 Ebenezer Road in the eastern area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to Case No. 69-250-X which approved use of the property for community buildings and related uses, and to permit an arcade as provided in Section 422.A(15) of the B.C.Z.R.. The special exception request is filed pursuant to the B.C.Z.R., to permit an arcade by special exception as the sole principal use or in combination with one or more of the leisure or recreational oriented uses provided for in Section 422.A(15), fraternal or veterans clubs as specified in Section 423.B.

The property was posted with Notice of Hearing on July 31, 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 August 5, 2004 to notify any interested persons of the scheduled hearing date.

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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:

- 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]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Harry Wasmus, George Engle, and John H. Terborg, Petitioner, on behalf of Gun Powder Post No.

10067 - VFW. Paul Naldrett and Donald Hicks appeared on behalf of Hick's Engineering, the

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firm who prepared the plan to accompany. C. William Clark, Esquire represented the Petitioner.

No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property is 4.95 acres and is zoned DR 1. The property is improved by a one-story building that houses the Gun Powder Post No. 10067 - VFW. Mr. Clark proffered that the VFW was granted a special exception in 1969 to use their building as a "community building", as shown by the index card for Case No. 69-250-X. See Petitioner's Exhibit 2. Since that time, the post has conducted charitable, fraternal and social events and meetings on the property primarily for members of the VFW, but on occasions for social events for the public such as wedding receptions. In addition, the Post hosts VFW auxiliary units and certain special veteran groups as well as members and their guests. There are 8 part-time employees.

The Post now has four amusement devices on premises but would like to increase the number first to 10 machines and then eventually to 20 machines. To do so they request a special exception for an arcade as allowed in the DR zones by Section 423 C when the arcade is used in combination with, and accessory to the principal use of the building as a VFW post. This would also require a special hearing to modify the special exception granted in Case No. 69-250 X.

The location of the machines proposed is shown on Petitioner's Exhibit No. 1. Apparently, the bar area already contains 4 devices and they propose to add 6 more to that area. This would bring the total number of devices in the bar to 10 amusement devices. They also propose to build a game room in which 10 more devices would be located. See Petitioner's Exhibit No. 1. These devices would be used for entertainment and income for the charitable and

fraternal programs at the Post. At the hearing, the Petitioner indicated that 18 devices would be sufficient in lieu of the 20 shown on Petitioner's Exhibit No. 1.

There are now 142 parking spaces required by the existing special exception. The Post provides 149 spaces presently. The Petitioner believed that the parking would still be adequate, even after all 20 devices are installed. Mr. Clark proffered that the new plan met all the criteria given in Section 502.1 of the B.C.Z.R. and would not in any way adversely affect the community, as this would be an accessory use to the Post's principal uses.

Findings of Fact and Conclusions of Law

As discussed at the hearing, the primary problem with adding amusement devices is that these are likely to attract more people to the site and adversely affect parking. The Petitioner is not proposing any new parking for the additional 14 new devices requested. With 4 devices (no arcade), they have 7 spaces over the minimum required for the Post. I find that this is adequate for the present uses and 4 devices. I think the 7 extra parking spaces would be adequate for six additional machines. However, I am not convinced that if and when they build the proposed game room that another 10 devices can be accommodated by the present parking.

I find that the Petitioner's request for special exception for an arcade with 10 devices within the VFW Post building is reasonable and will not adversely affect the health safety or welfare of the community. However, should the Post actually build the game room and add amusement devices to the site above 10, I will require the Post to add one additional parking space for each additional amusement device. Nonetheless, in all circumstances the maximum allowed number of amusement devices on the site is 20.

For the reasons given above I will grant the special hearing to modify the special exception granted in Case No. 69-250-X accordingly.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the special hearing and special exception requests shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _____ day of September, 2004, that the Special Hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to Case No. 69-250-X which approved use of the property for community buildings and related uses, to permit an arcade as provided in Section 422.A(15) of the B.C.Z.R., be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petitioner's request for Special Exception filed pursuant to the B.C.Z.R., to permit an arcade by special exception as the sole principal use or in combination with one or more of the leisure or recreational oriented uses provided for in Section 422.A(15), fraternal or veterans clubs as specified in Section 423.B, be and is hereby GRANTED subject to the following conditions:

- 1. The maximum number of amusement devices allowed on premises is 20 devices.
- 2. Ten amusement devices are allowed without changing the present parking plan.
- 3. In the event the Post decides to add additional amusement devices in the future to exceed 10 devices, the Post shall then provide one additional parking space per added device above 10.

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

CANDER RECEIVED

Zoning Commissioner

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





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

September 2, 2004

C. William Clark, Esquire Nolan, Plumhoff & Williams, Chtd. 502 Washington Avenue, Suite 700 Towson, Maryland 21204

Re: Petitions for Special Hearing & Special Exception Case No. 04-587-SPHX
Property: Ebenezer Road

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and special exception have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: John H. Terborg c/o Gunpowder Post 10067-VFW 6309 Ebenezer Road Baltimore, MD 21220

Paul M. Naldrett Donald E. Hicks 200 E. Joppa Road Towson, MD 21286



Visit the County's Website at www.baltimorecountyonline.info



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

| for the property located at | EBENEZER | ROAD |) | |
|-----------------------------|-----------------|------|-------|--|
| - | presently zoned | | | |

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 an amendment to Case No. 69-250x which approved use of the property for community buildings and related uses, to permit an arcade as provided in Section 422.A(15) 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 Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

| | perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. |
|---|--|
| Contract Purchaser/Lessee: | Legal Owner(s): |
| | JOHN H. TERBORG |
| Name - Type or Print | Name - Type or Print Lohn H. Ter Boxe |
| Signature | Signature |
| Address Telephone No. | GUNPOWINER POST 10067 - VFW Name - Type or Print |
| City State Zip Code | Signature |
| Attorney For Petitioner: | 6309 Ebenezer 120 410-\$35-8933 |
| (Mous Com | Address Telephone No. |
| Name - Type or Print | City TIMORE TO ZIZZO State Zip Code |
| <u>C. William Clark, Esquire</u> Signature | Representative to be Contacted: |
| Nolan, Plumhoff & Williams, Chtd. | Hicks Engineering Associates, Inc. |
| 501 Washington Ave., Ste. 700 (410) 823-7800 | Rame 200 E. Juppa RD Suite 402 410494-0001 |
| Address Telephone No. | Address Telephone No. |
| Towson, MD 21204 City State Zip Code | Towson 510 21286 City State Zip Code |
| State Zip Code | City State Zip Code |
| 2630 | OFFICE USE ONLY |
| | ESTIMATED LENGTH OF HEARING |
| Case No. 04-537-5PHX | UNAVAILABLE FOR HEARING |
| Revie | wed By (In Date 6 17/04) |



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6309 EBENEZER ROAD which is presently zoned DR 1

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 AS PERMITTED BY SPECIAL EXCEPTION AS THE SOLE PRINCIPAL USE OR IN COMBINATION WITH ONE OR MORE OF THE LEISURE OR RECREATIONAL DREINTED USES PROVIDED FOR INSECTION 422. A(15) SOCIAL, FRATERNAL OR YETERANS CLUBS AS SPECIFIED IN SECTION 423. B

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: | Legal Owner(s): |
|--|---|
| | JOHN H. TER BORG |
| Name - Type or Print | Name - Type or Print () () () () () () () () () (|
| Signature | GUNPOWDER POST 10067 YFW |
| Address Telephone No. | Name - Type or Print |
| City State Zip Code | - |
| Attorney For Petitioner: | 6309 Ebenezer Ros 410-335-8933 |
| 1/ | Address Telephone No. |
| Name - Type or Print | City State Zip Code |
| C. William Clark, Esquire | Representative to be Contacted: |
| Signature Nolan, Plumhoff & Williams, Chtd. | Licus Engineering Assuciates, Inc |
| Company | Name |
| 502 Washington Ave., Ste. 700 (410)823-7 | |
| Address Telephone No. | |
| Towson, MD 21204 City L Zip Code | Towson MD 21286 City State Zip Code |
| | OFFICE USE ONLY |
| Case No. 04-587-SPHX | ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING |
| | Reviewed By LTM Date 61700 |

Hicks Engineering Associates, Inc.

200 East Joppa Road, Suite 402 Towson, Maryland 21286-3160 /410/494-0001 Facsimile: /410/821-8890

Description for Zoning

No. 6309 Ebenezer Road Veterans of Foreign Wars Gunpowder Post No. 10067 Fifteenth Election District Baltimore County, Maryland

Beginning for the same at a point along the south side of Ebenezer Road, said point also being located 60 feet, more or less, southeasterly from the intersection of said Ebenezer Road and Stumpfs Road; thence binding in the center of Ebenezer Road, South 47 degrees 30 minutes East 26.3 feet, and South 41 degrees 40 minutes 15 seconds East 667.00 feet, thence leaving said Ebenezer Road, North 86 degrees 15 minutes West 750.00 feet, North 87 degrees West 133.81 feet, North 42 degrees 30 minutes East 591.01, thence continuing, North 42 degrees 30 minutes East 30.00 feet to the point of beginning.

Containing 4.95 acres of land, more or less.

Page 1 of 1 Date: June 2, 2004

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MOTINE OF ZOHING 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: #04-587-SPHXA
6309 Ehenezer Road
6309 Ehenezer Road
60 feet +/- s/east of centerline of Stumpfs Road
15th Election District - 6th Councilmanic District
Legal Owner(s): John Terborg,
Gunpowder Post 10067-VFW
Gunpowder Post 10067-VFW
68-250-X, which approve an amendment to Case No.
Special Hearing: to approve an amendment to Case No.
Special Hearing: to approve an amendment to Permit an armunity buildings and related uses, and to permit an armunity buildings and related uses, and to permit an armunity buildings and related uses, and to permit an armunity buildings and related uses, and to permit an armunity buildings and related uses, and to permit an armunity buildings and related uses, and to permit an armunity buildings as received the social, fraternal, all oriented uses for in Section 423.B.

or veterans clubs as specified in Section 423.B.

Room 407, County Courts Building, 401 Bosley Amenals

LAWRENCE E. SCHMIDT

Zorning 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.

8/012 August 5

E OF PUBLICATION

that the annexed advertisement was published THIS IS TO CERTIFY

in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing once in each of

女 The Jeffersonian

Arbutus Times

Fimes Catonsville]

Towson Times

Owings Mills Times

/Reporter NE Booster,

North County News

1) Ultus

LEGAL ADVERTISING





CERTIFICATE OF POSTING

RE: Case No.: 04-587-587-5PHXA.

Petitioner/Developer: JOHN TERBORG

GUNPOWATER POST 10007 -VFW

Date of Hearing/Closing: 103 20 2009

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:

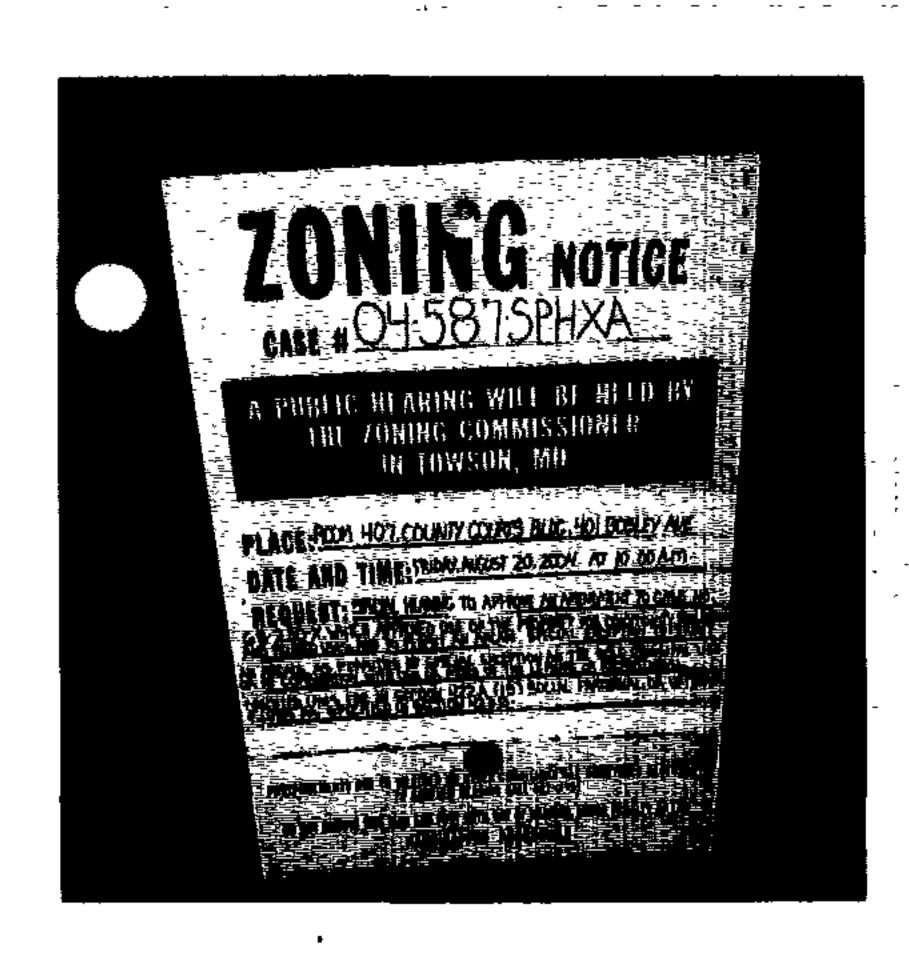
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

(309 EBENEZER RD

The sign(s) were posted on

(Month, Day, Year)

Sincerely,



| Robert Black 8/18/04 |
|-----------------------------------|
| (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) |

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





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

June 28, 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: 04-587-SPHXA

6309 Ebenezer Road

S/side of Ebenezer Road, 60 feet +/- s/east of centerline of Stumpfs Road

15th Election District – 6th Councilmanic District

Legal Owner: John Terborg, Gunpowder Post 10067-VFW

Special Hearing to approve an amendment to Case No. 68-250-X, which approved use of the property for community buildings and related uses, and to permit an arcade. Special Exception to permit an arcade as permitted by Special Exception as the sole principal use or in combination with one or more of the leisure or recreational oriented uses for in Section 422.A (15) social, fraternal, or veterans clubs as specified in Section 423.B.

Hearing: Friday, August 20, 2004, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: C. William Clark, Nolan, Plumhoff & Williams, 502 Washington Ave., Ste. 700, Towson 21204 John Terborg, Gunpowder Post 10067-VFW, 6309 Ebenezer Road, Baltimore 21220 Hicks Engineering Assoc., Inc., 200 E. Joppa Rd., Ste. 402, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 5, 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.



Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 5, 2004 Issue - Jeffersonian

Please forward billing to:

John Terborg Gunpowder VFW Post 10067 6309 Ebenezer Road Baltimore, MD 21220

410-335-8933

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:

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Hearing: Friday, August 20, 2004, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

| For Newspaper Advertising: |
|--|
| Item Number or Case Number: 04-587-5PHX |
| Petitioner: Gunpowder VFW Post 10067 INC. |
| Address or Location: #6309 Ebenezer Road |
| PLEASE FORWARD ADVERTISING BILL TO: Name: Gunpowder VFW Post 10067 Inc % JOHN Terborg Address: 6309 Ebenezer Rozd B2 Himore, MD 21220 |
| Telephone Number: 40 - 335 - 8933 |

Department of Permits and Development Management

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





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

August 10, 2004

C. William Clark, Esquire Nolan, Plumhoff & Williams, Chtd. 502 Washington Avenue, Ste. 700 Towson, Maryland 21204

Dear Mr. Clark

RE: Case Number:04-587-SPHX

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 17, 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,

u. Cal Rohal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel John H. Terborg Gunpowder Post 10067 6309 Ebenezer Rd. Baltimore 21220 Hicks Engineering Associates 200 E. Joppa Rd. Ste. 402 Towson 21286



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

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

June 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 28, 2004

Item No.:

580-591

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley (25/5/20)

DATE:

August 18, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 28, 2004

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

04-587 - 6309 Ebenezer Road.

GlennShaffer Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

July 21, 2004

SUBJECT:

Zoning Item

Address

24 Sagewood Ct.

Zoning Advisory Committee Meeting of June 28, 2004.

The Agricultrual Preservation section of DEPRM offers the following comments regarding the above Zoning item:

This sbdivision has experienced groundwater supply problems. A determination by Groundwater Management should be sought before approving this request.

Reviewer: Wally Lippincott July 21, 2004 Date: S:\Devcoord\ZAC SHELL 11-20-03.doc RECEIVED DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

17

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: July 8, 2004

RECEIVED

JUL - 9 2004

SUBJECT:

Zoning Advisory Petition(s): Case(s) 4-587

ZONING COMMISSIONER

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:

Division Chief:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 23, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 6, 2004

Item Nos. 580, 581, 582, 583, 584, 586, 587, 588, 589, 590, and 591

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

RWB:CEN:jrb

cc: File





PETITION FOR SPECIAL HEARING RE:

AND SPECIAL EXCEPTION

6309 Ebenezer Road; S/side Ebenezer Road, *

60' SE c/line of Stumpfs Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): John H. Terborg,

Gunpowder Post 100670 VFW

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-587-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

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel

Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to, Hicks Engineering Associates, Inc, 200 E Joppa Road, Suite 402, Towson, MD 21286 and to C. William Clark, Esquire, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

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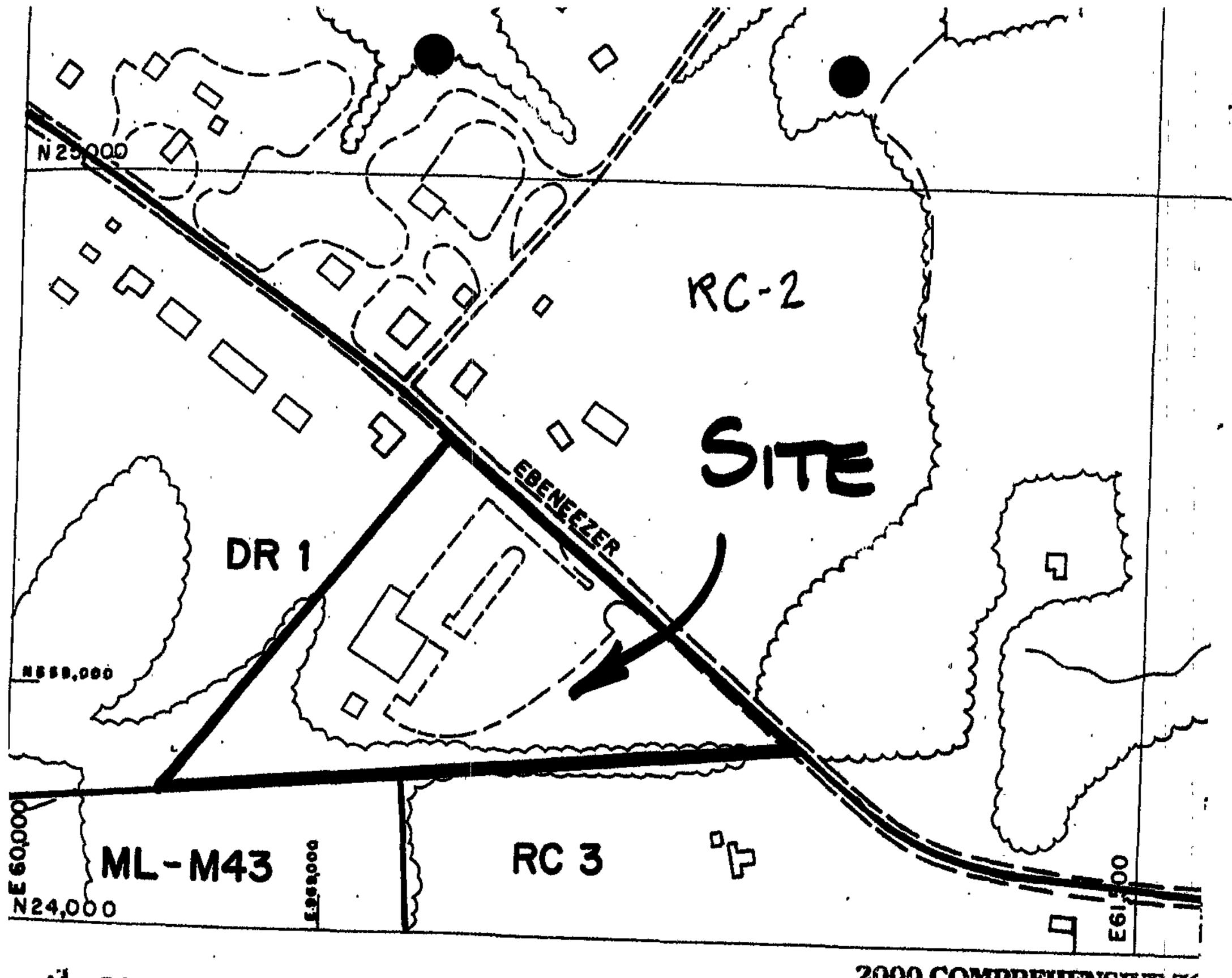
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME EBENEZER RD CASE NUMBER 04-587-5PHX DATE 8/20/04

ETITIONER'S SIGN-IN SHEET

| E- MAIL | | | | | | | |
|---|---|--|--|--|--|--|--|
| Bollera MR 21220 Middle River Md 21220 | 12 2 1 4 10 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | 2000 | | | | | |
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2000 COMPREHENSIVE Z(

ADOPTED by

THE BALTIMORE COUNT

OCTOBER 10, 20

Bills Nos. 87-00, 88-00, 89-00, 90-00

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.

TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS

BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Co

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I" = 200'

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| | | ه کاک : |
| 69-250-X | SE/S Ebenezer Road 65' S of Stumpfs Road | , A JATI |
| 69/8/ | Petition for Special Exception for Community Bufidings and related Land use activities for Henry Diegert \$88.00 cost paid. | |
| 69//8/4 | . Hearing date set for 10:00 A.M. 5/19/69 | |
| 69/06/4 | | |
| 5/1/69 | 2 | |
| 2/19/69 | Order for the special exception granted by the Deputy Zoning Commissioner, | |
| 69-251- X | SE/S of Wicodemus Rd. 23 6.5' E of Cherry Hill Rd. | |
| 17/8/feb | tal Exception for Community Bu Reisterstown, Inc. \$88.75 cos | |
| 69/8/1 | 2/19/69 | |
| 69/1/5 | Certificate of posting filed | , |
| 5/1/69 | Certificate of publication filled | Z |
| 6/52/9 | Order for the Special Exception granted by the Deputy Zoning Commissioner. | 2 |
| 1/24/69 | Appeal Filed to the County Board of Appeals by attorney for protextante. | |
| ii o/ss/sa | | |

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- systems, dog runs and parking areas, may not be located within 200 feet of the nearest property line or lease line.
- If a veterinarian's office or a veterinarium is allowed in a residential zone as a special exception, it shall be located only on a lot having an area of 2 acres or more, and any part of the use may not be located within 100 feet of the nearest property line.
- A person may not own, keep, or harbor more than 10 dogs, not including puppies less than 4 months old, in a private kennel that is located in a D.R. Zone.
- In granting any special exception under this section, the Zoning Commissioner may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number and breeds of dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.

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

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

- 3. No more than four amusement devices are used in combination with the principal use.
- 4. In the Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office, and Office Zones, the principal use is operated as a private club for the benefit of persons who are bona fide members paying dues for the principal use, and the use of the amusement devices is restricted to such members and their guests and is not available for use by the general public or to lessees of said private club.

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

- A. An arcade is permitted as of right in the B.L., B.M. and B.R. Zones when located in (1) a bowling alley; (2) a hotel or motel; or (3) billiard or pool rooms, or when located in an enclosed mall, provided that public access to the arcade (except for emergency use) may only be via the enclosed concourse. Any number of amusement devices is permitted in an arcade, except that in a billiard or pool room, a maximum of two and one-half amusement devices is permitted for each regulation-size billiard or pool table in the room unless a special exception is obtained for a greater number of amusement devices. (As used herein, a "regulation-size billiard or pool table" is a table which requires for its use a minimum floor area of 192 square feet.)
- B. An arcade is permitted by special exception in the B.L., B.M. and B.R. Zones as the sole principal use or in combination with one or more of the entertainment, leisure or recreation oriented uses provided for in Section 422.A.
- C. An arcade is permitted by special exception in the Manufacturing, Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones when used in combination with, and accessory to, any entertainment, leisure or recreation oriented principal use provided for in Section 422.A, provided that:
 - 1. The arcade is located on the same lot as the principal use.
 - 2. The arcade is located within a building which houses the principal use or which houses facilities that are incidental to the principal use or, notwithstanding the definition of the term "arcade," the arcade is located under an unenclosed permanent roofed structure which is attached to such a building.
 - 3. The arcade is clearly subordinate in area, extent and purpose to the principal use.
 - 4. The Zoning Commissioner specifies the maximum number of amusement devices to be maintained in the arcade.
 - 5. In the Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones, the principal use is

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operated as a private club for the benefit of persons who are bona fide members paying dues for the principal use and the use of the arcade is restricted to such members and their guests and is not open to the general public or to lessees of said private club.

