

RE: **PETITION FOR SPECIAL EXCEPTION**
NE/side of Wilson Point Rd., 125' S of Hazel Dr.
(1605 Wilson Point Road)
15th Election District
6th Council District

Marlene M. (Deceased) & Carville A. Biddison
Legal Owners/Petitioners

* BEFORE THE
*
* ZONING COMMISSIONER
*
* FOR
*
* BALTIMORE COUNTY
*
* Case No: 05-456-X
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by Carville A. Biddison, surviving property owner, through his attorney, David K. Gildea, Esquire, for the property located at 1605 Wilson Point Road in the Bowley's Quarters community of eastern Baltimore County. The Petitioner requests a special exception for an arcade on the subject property, pursuant to Section 423 of the Baltimore County Zoning Regulations (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 Carville A. Biddison, property owner, and John Vontran, on behalf of Amusement Vending, Inc. The Petitioner was represented by Joseph R. Woolman, III, Esquire of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present.

The property under consideration is a rectangularly shaped, waterfront parcel located immediately adjacent to Stansbury Creek and the northeast side of Wilson Point Road in Middle River. The property contains a gross area of 0.72 acres, more or less, zoned DR 5.5, and is improved with a one-story tavern in the front portion of the site and a single-family dwelling to the rear of the property which faces Stansbury Creek. The tavern, known as the Wilson Point Inn, is a

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Date

11/21/05

By

J. R. Woolman, III

small bar/restaurant business, which largely serves the local community and social/private clubs in the area that use this business as a meeting place. The business has existed on the property since at least the 1930s and is therefore nonconforming in nature (See Section 101 and 104 of the BCZR), given the residential zoning classification of the property. Indeed, Mrs. Biddison's parents obtained approval of the nonconforming use of the subject property pursuant to the relief granted in prior zoning Case No. 89-138-SPH on November 30, 1988 by then Deputy Zoning Commissioner Ann M. Nastarowicz. Mr. & Mrs. Biddison apparently acquired the property from her parents and the uses on the property have continued since that time.

The instant case arises as a result of the installation of six (6) video amusement devices within the restaurant/tavern use. A zoning violation notice was issued by Baltimore County as the result of the presence of these devices and the instant Petition was filed in an effort to cure that alleged violation.

As noted above, the Petitioner requests special exception relief to permit an arcade on the subject property. An arcade is defined in Section 101 of the BCZR as "a building or part of a building in which 5 or more pinball machines, video games, or other similar player-operated amusement devices are maintained." Section 423 of the BCZR regulates arcade uses. Section 423.C thereof provides that an arcade is permitted by special exception in the DR zone; however, several conditions must be met in order for special exception relief to be granted. Specifically, Section 423.C provides that the arcade be located on the same lot as the principal use and also that it be located within a building which houses the principal use. These conditions are easily satisfied in this case in that the amusement devices are located within the building that is used as a tavern. The tavern is, obviously, the principle use of this property. Additionally, Section 423.C requires that the arcade be subordinate in area, extent and purpose to the principal use. This condition is

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Date

By

also satisfied in this case. In this regard, it is clear that the arcade is, in essence, an accessory amenity to the primary business use to the property. The space occupied by the machines is minimal (when compared with the tavern business), as is the activity and income associated with the machines. Therefore, the requirements of Section 423.C.1, 423.C.2 and 423.C.3 of the BCZR are satisfied.

Further, Section 423.C.5 of the BCZR requires that the principal use of the property be a private club for the benefit of persons who are bona fide dues-paying members and that the use of the arcade is restricted to such members and their guests. The application of this standard in the instant case, given the nonconforming nature of the underlying use, is questionable. Moreover, the testimony offered was that the operation is small (i.e. there is limited capacity and seating) and that much of the clientele are from private clubs in the area. Overall, it is clear that the arcade, limited to six machines and coupled with the existing use, satisfies the intent of Section 423.C.5 of the BCZR. Obviously, large numbers of the public will not be drawn to this small tavern because of the six amusement devices.

Finally, pursuant to Section 423.C.4, the Zoning Commissioner must specify the number of amusement devices to be maintained. In this regard, testimony and evidence offered was that there are six machines existing and that this number will not be increased. Thus, I will designate that number as the maximum allowed. Moreover, given the accessory nature of the arcade operation, the grant of this relief does not alter the primary nonconforming character of the tavern/restaurant use. Finally, there will be no environmental impacts associated with the proposed use as there is no new construction proposed.

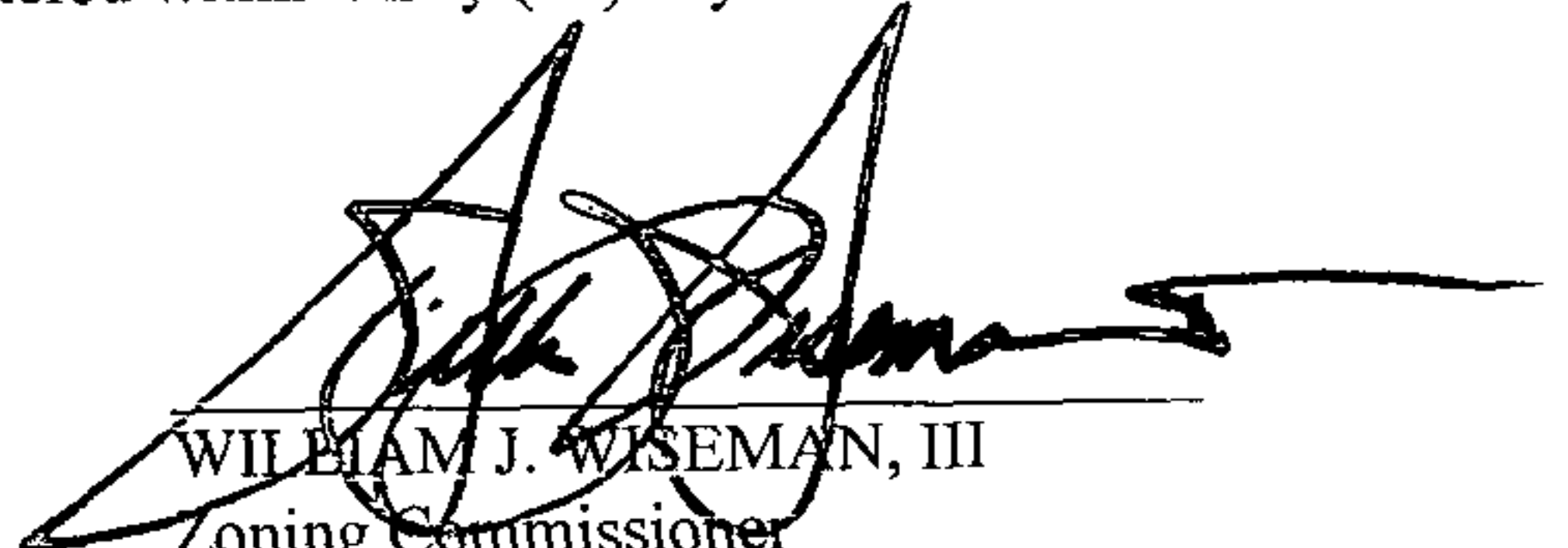
Based upon the undisputed testimony and evidence offered, I am persuaded that the special exception relief should be granted. In my judgment, the proposed use will not be detrimental to

the health, safety or general welfare to the surrounding locale and satisfies the requirements of Section 502.1 of the BCZR. Moreover, pursuant to the requirements contained within the Section 423, there shall be no more than six (6) amusement devices on the property.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the Petition for Special Exception should therefore be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21ST day of November 2005 that the Petition for Special Exception seeking approval of an arcade on the subject property, pursuant to Section 423 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

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Date 11/21/05

By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

November 21, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Joseph R. Woolman, III, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, Maryland 21202

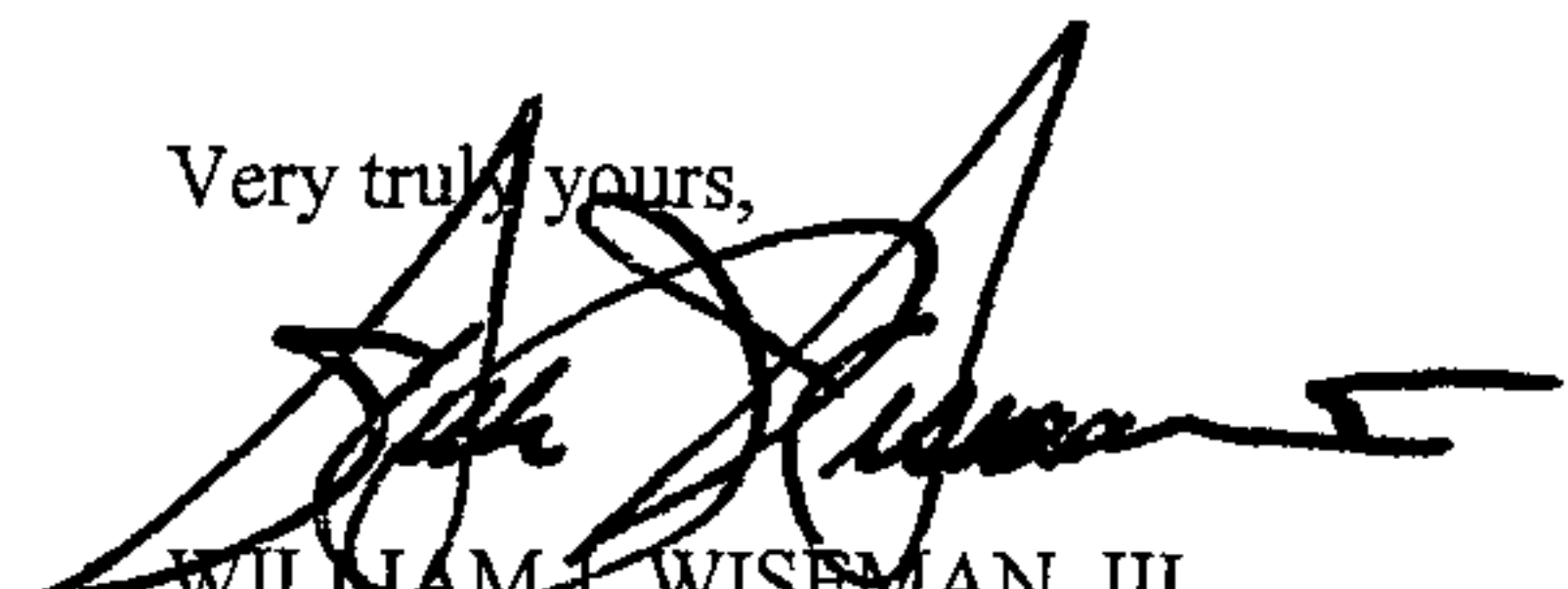
RE: PETITION FOR SPECIAL EXCEPTION
NE/S Wilson Point Road, 125' S of the c/l Hazel Drive
(1605 Wilson Point Road)
15th Election District – 6th Council District
Carville A. Biddison, et ux - Petitioners
Case No. 05-456-X

Dear Mr. Woolman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Carville A. Biddison
1605 Wilson Point Road, Baltimore, Md. 21220
Mr. John K. Copsey, 4509 Ridge Road, Baltimore, Md. 21234
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Development Plans Review, DPDM; People's Counsel; Case File

**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: #05-456-SPH
1605 Wilson Point Road
N/east side of Wilson Point
Road, 125 feet south of Hazel
Drive
15th Election District
6th Councilmanic District
Legal Owner(s): Marlene M.
(Deceased) & Carville A.
Biddison
Special Exception:
to permit an arcade.
**Hearing: Thursday, April
21, 2005 at 9:00 a.m. in
Room 106, County Office
Building, 111 W.
Chesapeake Avenue,
Towson, 21204**

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

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

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

JT/4/6/16 Apr. 5 45519

CERTIFICATE OF PUBLICATION

4/6/, 2005

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 4/5/, 2005.

- ☒ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 3/11/05 ACCOUNT 001 006 6150 No. 442639
AMOUNT \$ ~~325.00~~ #300.00

RECEIVED FROM: Wilson Point INN

FOR: Commercial use Special Exception
(Arcade) 1605 Wilson Pt. Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
3/15/2005	3/14/2005	15:00:32	1
20 WS01	WALKIN	JRIC JHR	
RECEIPT # 227309	3/14/2005	OFLN	
#0251-028 ZONING VERIFICATION			
R NO. 442639			
Recpt Tot		\$325.00	
\$325.00 CK		\$0.00 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: #05-456-X

1605 Wilson Point Road
NE/side of Wilson Point
Road, 125' S of Hazel Drive
15th Election District
6th Councilmanic District
Legal Owner(s): Marlene M.
(Deceased) & Carville A.
Biddison

Special Exception: to permit an arcade.

Hearing: Tuesday, September 27, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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 9/649 Sept. 13 66719

CERTIFICATE OF PUBLICATION

9/15, 2005

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 9/13, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1605 Wilson Point Road
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Arcade

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

David K. Gildea
Name - Type or Print _____
Signature _____
Gildea & Schmidt, LLC
Company _____
300 E. Lombard St. Suite 1440
Address _____ Telephone No. _____
410-234-0070
Baltimore MD 21202
City _____ State _____ Zip Code _____

Legal Owner(s):

Marlene M. Biddison
Name - Type or Print _____
DECEASED
Signature _____
Carville A. Biddison
Name - Type or Print _____
Carville A. Biddison
Signature _____
1605 Wilson Point Road 410-682-549
Address _____ Telephone No. _____
Baltimore MD 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

David K. Gildea, Esquire
Name _____
Gildea & Schmidt, LLC
Address _____
300 E. Lombard St., Suite 1440
Address _____ Telephone No. _____
Baltimore, MD 21202
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR
UNAVAILABLE FOR HEARING _____

Reviewed By WLR Date 3/11/05

DROP OFF

ORDER RECEIVED FOR FILING

Date 11/21/05

By [Signature]

Case No. 05 456 SPH

REV 09/15/98

Phone: 687-6922

477

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

No. 1605 Wilson Point Road

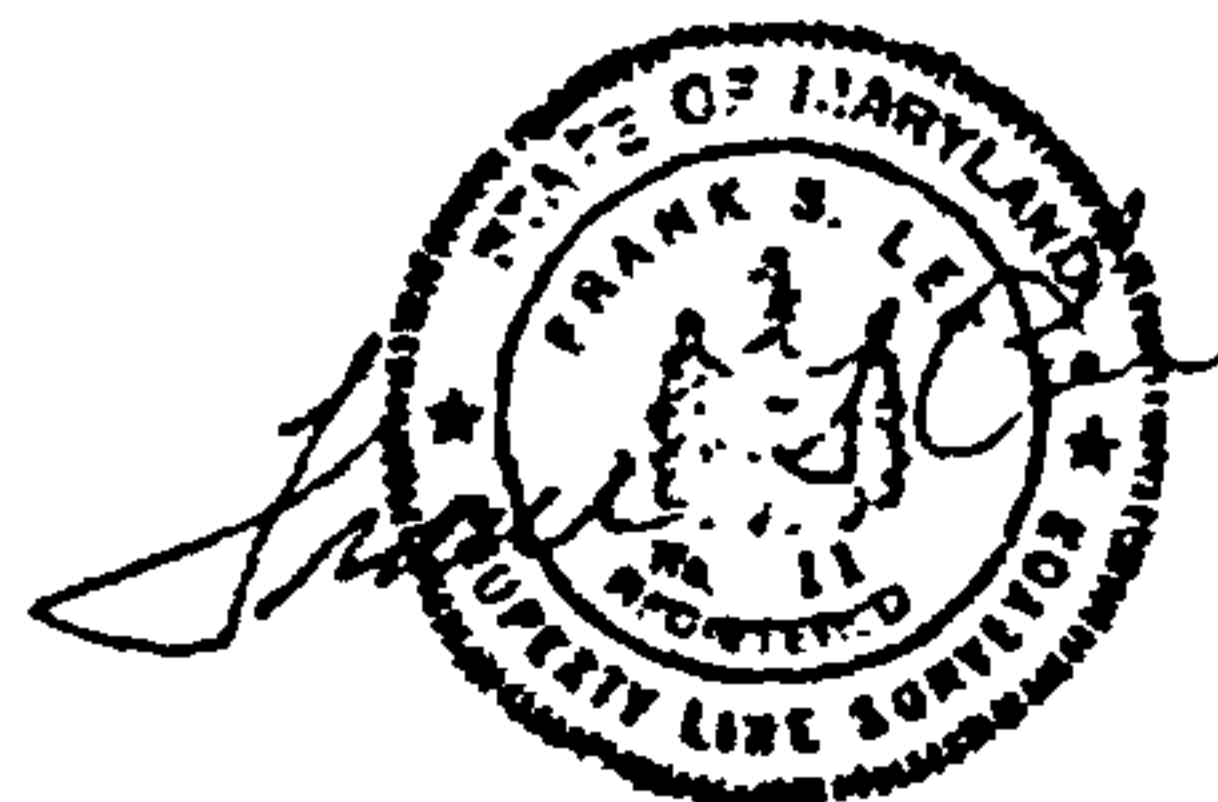
Lots 87A & 88, plat of Bull Neck, 10/26

15th District Baltimore County; Maryland

Beginning for the same on the northeast side of Wilson Point Road at the distance of 125 feet more or less measured southeasterly along said northeast side from the center line of Hazel Drive if extended northeasterly, thence running and binding on the northeast side of Wilson Point Road South 41 degrees 59 minutes 30 seconds East 100 feet, thence leaving Wilson Point Road for a line of division North 48 degrees 00 minutes 30 seconds East 315 feet more or less to the waters of Stansbury Creek, thence binding on the waters thereof in a northwesterly direction 100 feet, thence running for a line of division South 48 degrees 00 minutes 30 Seconds West 315 feet more or less to the place of beginning.

Containing 0.72 acres of land more or less.

456



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1605 Wilson Point Road; NE/side Wilson *
Point Road, 125' S Hazel Drive * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Marlene & Carville Biddison* FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-456-SPH

* * * * *

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 and 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 28th day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to David Gildea, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

MAR 31 2005

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

RE: Case No.: 05-456-SPH

Petitioner/Developer: MARLAINE

M + CARVILLE BIDDISON

Date of Hearing/Closing: APRIL 21, 2005

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:

1605 WILSON PT. RD

The sign(s) were posted on

APRIL 6, 2005
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

4/7/05
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

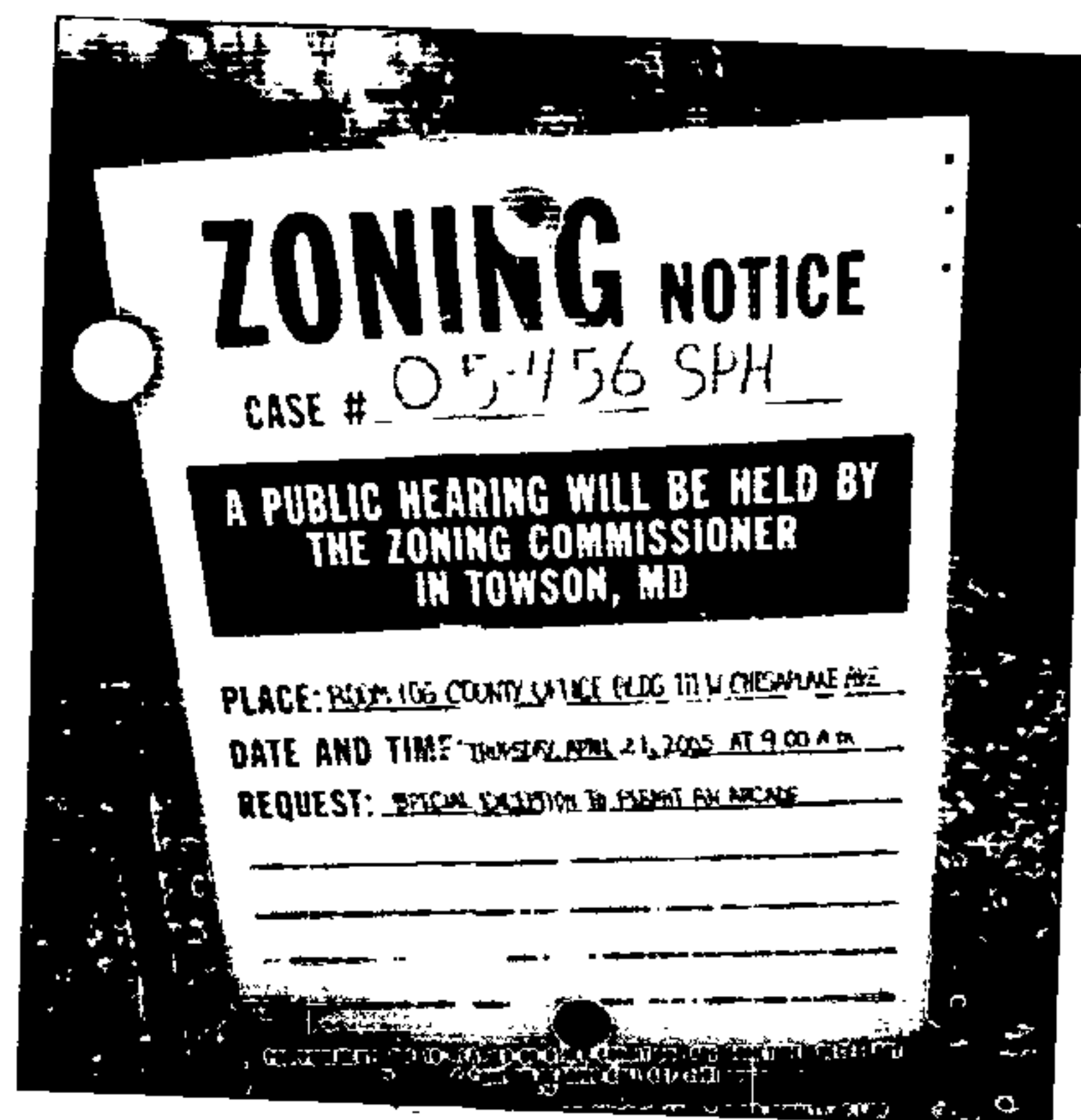
(Address)

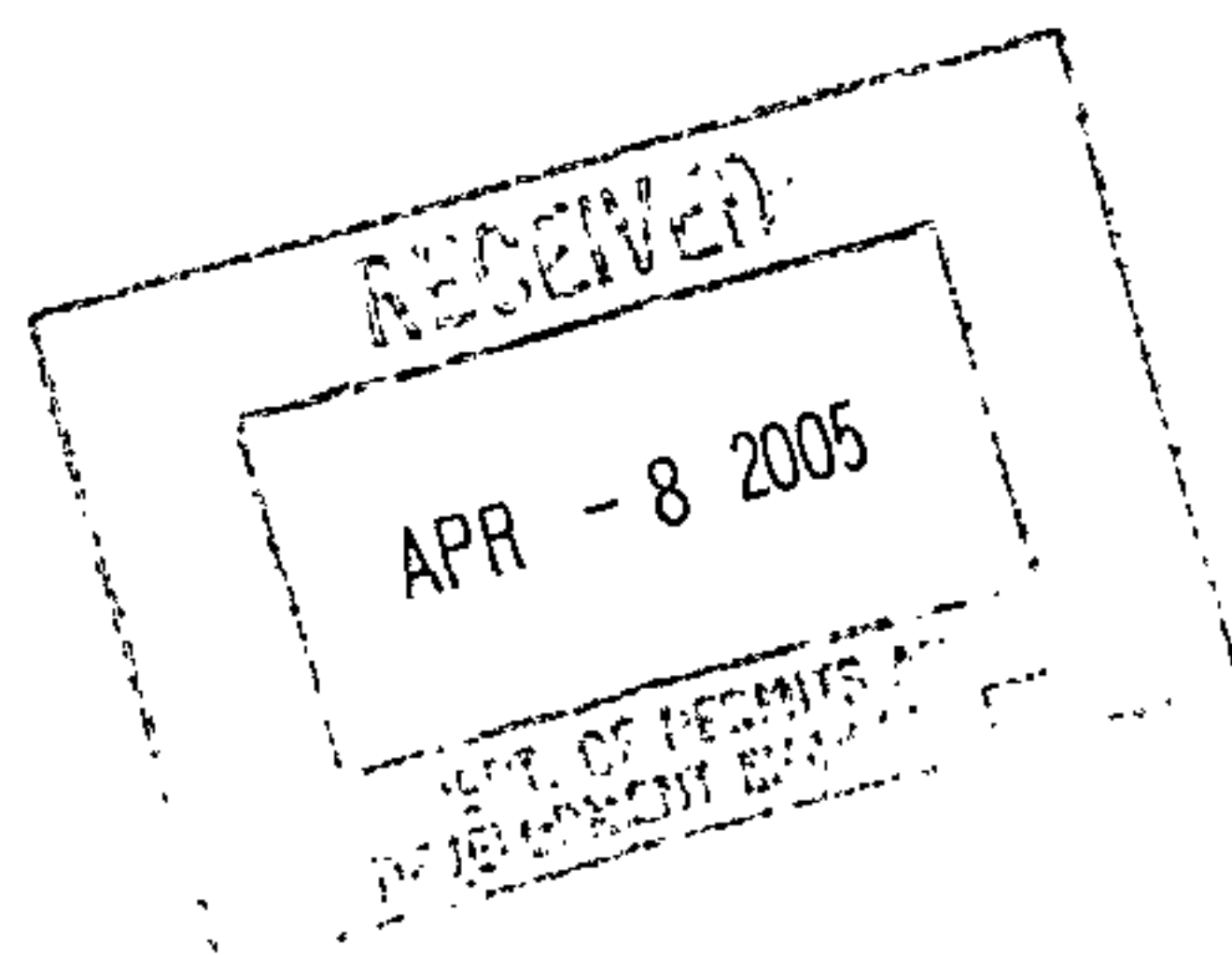
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





CERTIFICATE OF POSTING

RE: Case No.: 05-456-X

Petitioner/Developer: MARIENE M

+ CARVILLE BIDDISON

Date of Hearing/Closing: 9-27-05

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: _____

1605 WILSON PT. RD.

The sign(s) were posted on _____

9-11-05
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

9-12-05
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

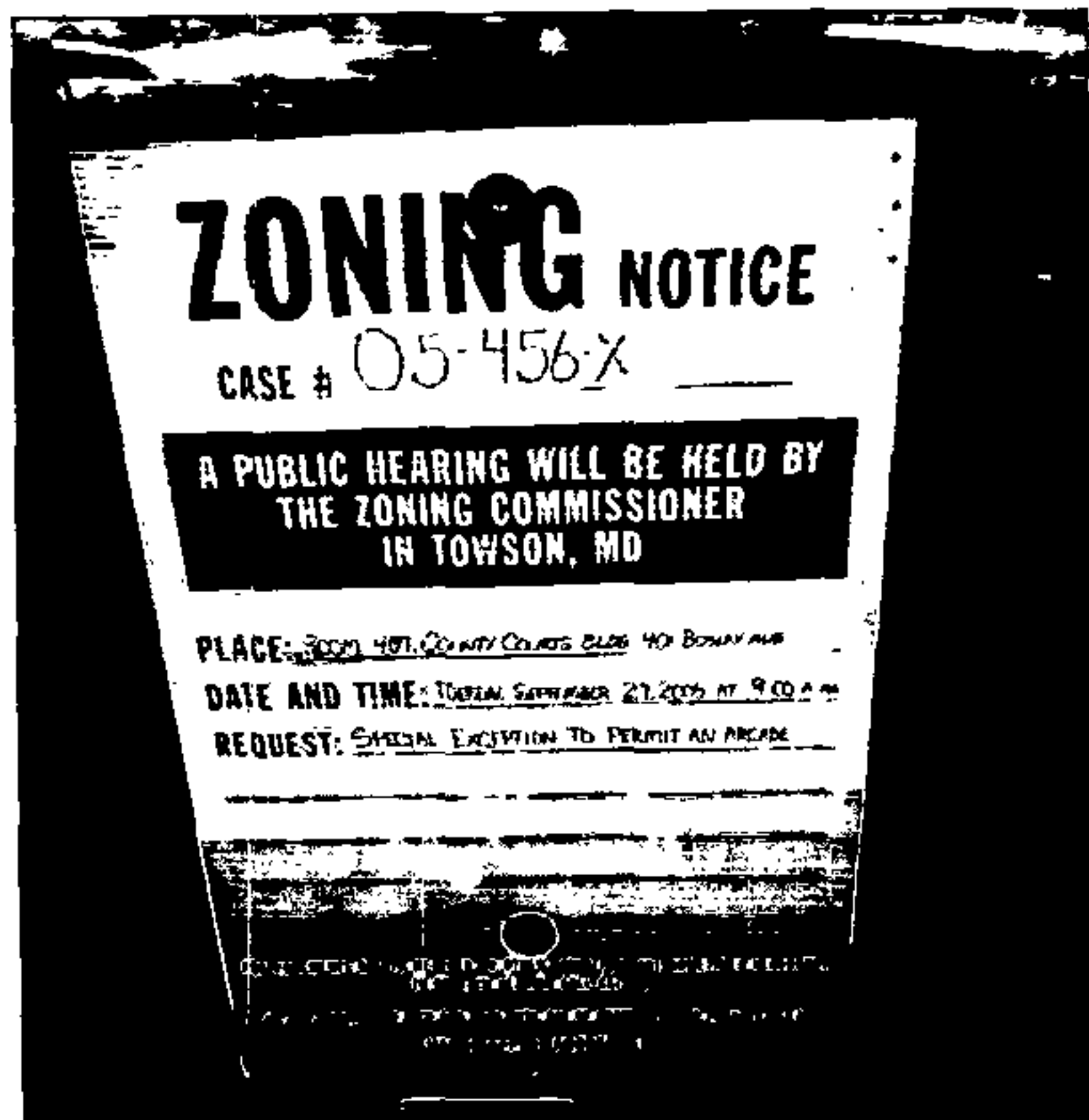
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



1605 WILSON PT RD.



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

March 18, 2005

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: 05-456-SPH

1605 Wilson Point Road

N/east side of Wilson Point Road, 125 feet south of Hazel Drive

15th Election District – 6th Councilmanic District

Legal Owners: Marlene M (Deceased). & Carville A. Biddison

Special Exception to permit an arcade.

Hearing: Thursday, April 21, 2005 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: David Gildea, 300 E. Lombard St., Ste. 1440, Baltimore 21202
Carville A. Biddison, 1605 Wilson Point Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 6, 2005.**
- (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.**



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

August 12, 2005

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: 05-456-X

1605 Wilson Point Road
NE/side of Wilson Point Road, 125' S of Hazel Drive
15th Election District – 6th Councilmanic District
Legal Owners: Marlene M. (Deceased) & Carville A. Biddison

Special Exception to permit an arcade.

Hearing: Tuesday, September 27, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Gildea, 300 East Lombard Street, Ste. 1440, Baltimore 21202
Joseph Woolman, 300 East Lombard Street, Ste. 1440, Baltimore 21202
Carville Biddison, 1605 Wilson Point Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 12, 2005**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 5, 2005 Issue - Jeffersonian

Please forward billing to:

David Gildea
Gildea & Schmidt
300 E. Lombard St., Ste. 1440
Baltimore, MD 21202

410-234-0070

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: 05-456-SPH

1605 Wilson Point Road

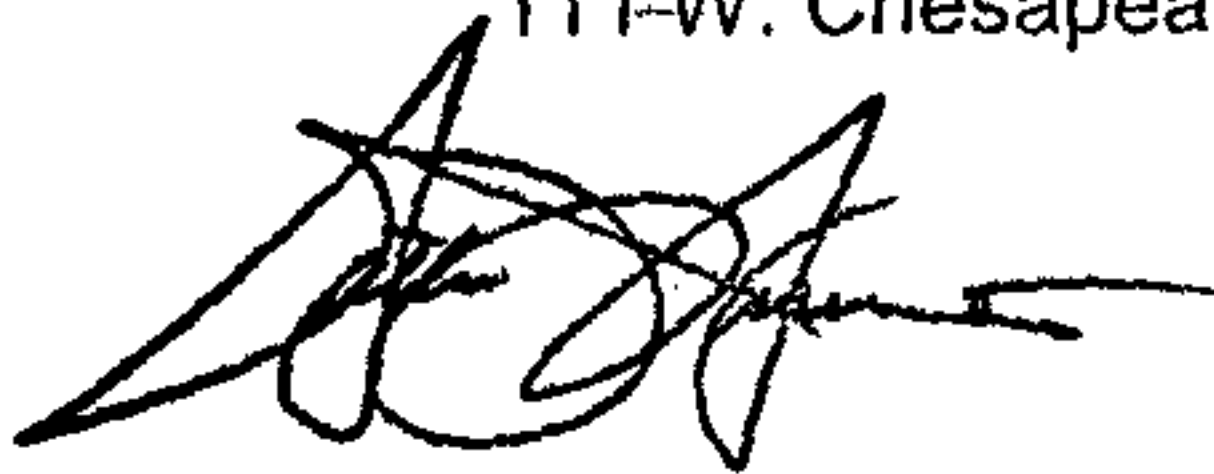
N/east side of Wilson Point Road, 125 feet south of Hazel Drive

15th Election District – 6th Councilmanic District

Legal Owners: Marlene M (Deceased). & Carville A. Biddison

Special Exception to permit an arcade.

Hearing: Thursday, April 21, 2005 at 9:00 a.m. in Room 106, County Office Building,
111-W. Chesapeake Avenue, Towson 21204



WILLIAM WISEMAN
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, September 13, 2005 Issue - Jeffersonian

Please forward billing to:

David Gildea
Gildea & Schmidt, LLC
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202

410-234-0070

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: 05-456-X

1605 Wilson Point Road

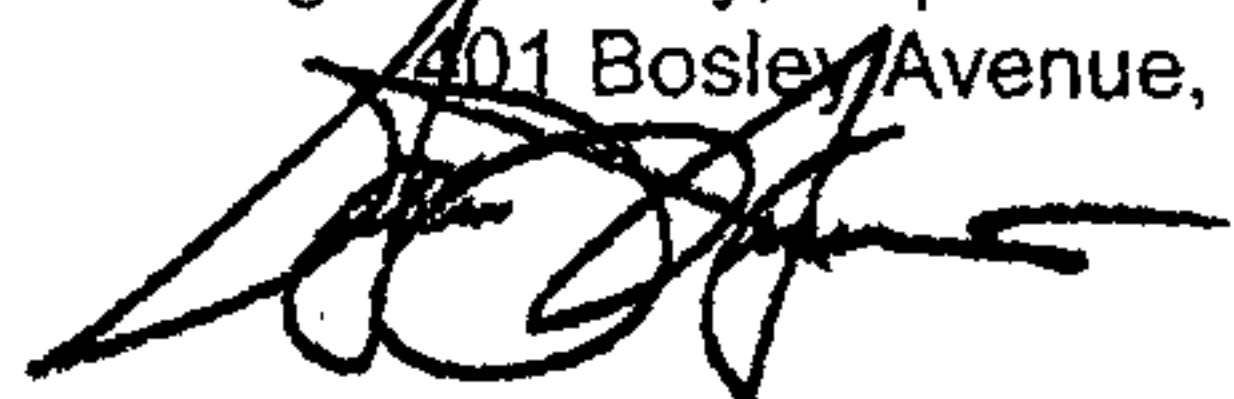
NE/side of Wilson Point Road, 125' S of Hazel Drive

15th Election District – 6th Councilmanic District

Legal Owners: Marlene M. (Deceased) & Carville A. Biddison

Special Exception to permit an arcade.

Hearing: Tuesday, September 27, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
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**

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 12, 2005

David K. Gildea
Gildea & Schmidt, LLC.
300 E. Lombard Street, Ste. 1440
Baltimore, Maryland 21202

Dear Mr. Gildea

RE: Case Number: 05-456-SPH, 1605 Wilson Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 11, 2005

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Marlene M. and Caryille A. Biddison 1605 Wilson Point Road Baltimore 21220

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



Printed on Recycled Paper

**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

September 19, 2005

David K. Gildea
Gildea & Schmidt, LLC.
300 E. Lombard Street, Ste. 1440
Baltimore, Maryland 21202

Dear Mr. Gildea:

RE: Case Number: 05-456-SPH, 1605 Wilson Point Road

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Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Marlene and Carville Biddison 1605 Wilson Point Road Baltimore 21220

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 21, 2005

Item No. 456

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 8, 2005
Department of Permits & Development
Management

FROM: Dennis Kennedy *DAK*
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2005
Item No. 456

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The Flood protection elevation for this site is 11.2.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (includes basements) of residential (commercial) development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent floatation, collapse of lateral movement of structure with materials resistant to flood damage.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 05-456 03282005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JDO}
DATE: April 13, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 21, 2005

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

05-446

05-447

05-450

05-451

05-452

05-453

05-456

05-457

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 22, 2005

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

SUBJECT: 1605 Wilson Point Road

INFORMATION:

Item Number: 5-456

Petitioner: Marlene Biddison

Zoning: DR 5.5

Requested Action: Special Exception

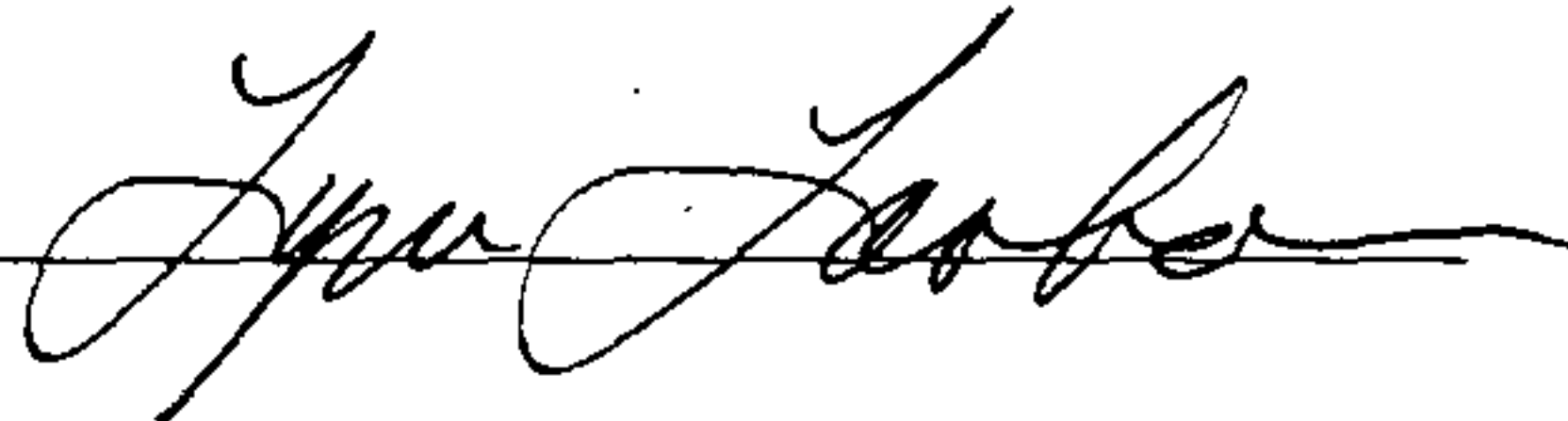
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to use the subject property as an arcade provided there is no increase in the number of machines that are presently on site.

Prepared by:



Division Chief:



AFK/LL:MAC:

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



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

Maryland Department of Transportation

Date: 3.18.05

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

RE: Baltimore County
Item No. 456 WCR

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

DATE: 10/22/2004

STANDARD ASSESSMENT INQUIRY

TIME: 14:14:27

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 18 100980	15	3-0	30-00	D	NO		10/07/04
BIDDISON MARLENE M				DESC-1.. IMPSLT 87,87A			
BIDDISON CARVILLE A				DESC-2.. BULL NECK			
1605 WILSON POINT RD				PREMISE. 01605 WILSON POINT RD			

00000-0000

BALTIMORE

MD 21220-5425 FORMER OWNER: FABER FREDERICK ALBERT

----- FCV -----			----- PHASED IN -----			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	140,100	160,100		FCV	ASSESS	ASSESS
IMPV:	217,100	221,500	TOTAL..	381,600	381,600	373,466
TOTL:	357,200	381,600	PREF...	0	0	0
PREF:	0	0	CURT...	269,350	269,350	269,350
CURT:	269,350	269,350	EXEMPT.		0	0
DATE:	10/99	08/02				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	381,600	05/08/03
ASSESS:	373,466	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

456

DATE: 10/22/2004

STANDARD ASSESSMENT INQUIRY

TIME: 14:14:40

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 18 100980	15	3-0	30-00	D	NO		10/07/04
LOT....	87	BOOK....	0010	MAP.....	0091	LOT WIDTH.....	100.00
BLOCK..		FOLIO...	0026	GRID....	0019	LOT DEPTH.....	.00
SECTION..				PARCEL..	0067	LAND AREA..	32670.000 S
PLAT..						YEAR BUILT.....	00

-----TRANSFER DATA-----

NUMBER..... 142591
DATE..... 06/03/98
PURCHASE PRICE..... 75,000
GROUND RENT..... 0
DEED REF LIBER..... 12904
DEED REF FOLIO..... 0156
CONVEYED IND..... 9
TOT-PART TRAN IND..... T
GRANTOR ACCT NO.. 15-18-100980

CRITICAL	NEW CONST	CARD
AREAS CODE	YEAR	NO
		09473

-----EXEMPT DATA-----

STATUS.....
CLASS CODE..... 000
STATE EXEMPT CODE..... 000
COUNTY EXEMPT CODE..... 000
CURR STATE EX ASMT.... 0
PRIOR STATE EX ASMT... 0
CURR COUNTY EX ASMT... 0
PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE	SQ. FEET
	2160

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

456

456

\$ 55.00 MORSE

DUE \$ 325. PD

TOTAL RGD \$ 385.00

WAS DROP-OFF PET.

LARRY SCHMIDT (ATTY)

ADVISED BY PHONE

3/14/05

PER WCR CONTINUE TO

Case # : 05-456-SPH

Drop-Off Petition

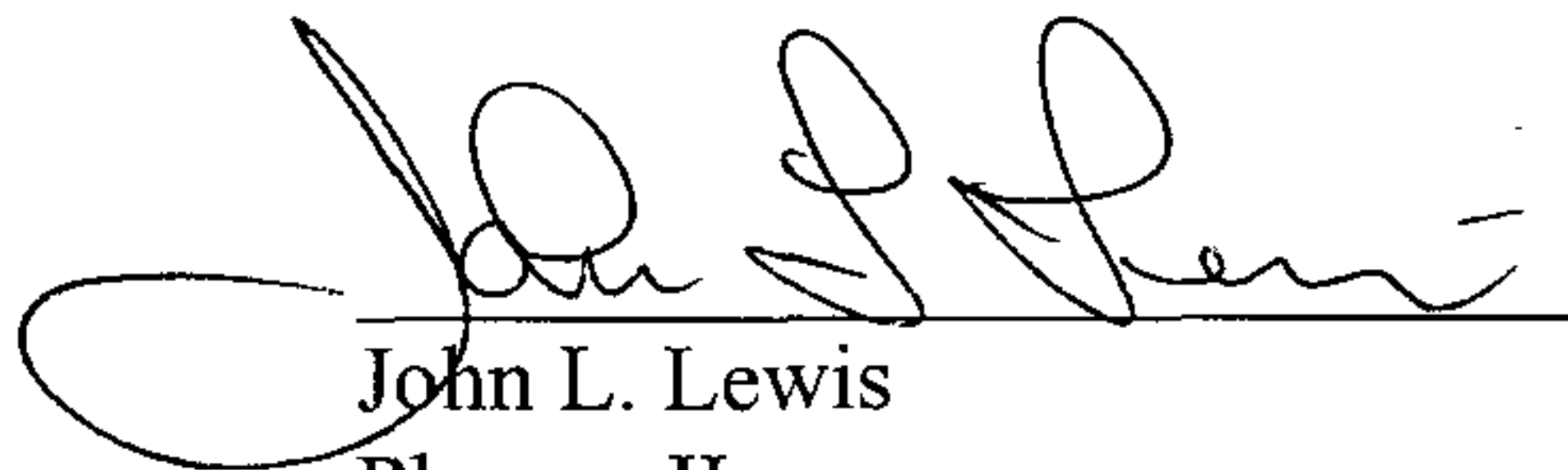
Note to Hearing File:

In light of the fact that the site is non-conforming, staff is compelled to register the fact that the proposed Special Exception may constitute a change in use that could jeopardize the non-conformity of the site. See Sections 104.1, 104.5 BCZR and Case #89-138-SPH (attached)

The attorney is responsible for the accuracy and completeness of all information filed through Petition Drop-Off.

For Carl Richards

by:

A handwritten signature in black ink, appearing to read "John L. Lewis", is written over a horizontal line.

John L. Lewis
Planner II
Zoning Review

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
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LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
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JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

300 EAST LOMBARD STREET
SUITE 1440

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FACSIMILE 410-234-0072

www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

December 8, 2004

VIA HAND DELIVERY

456

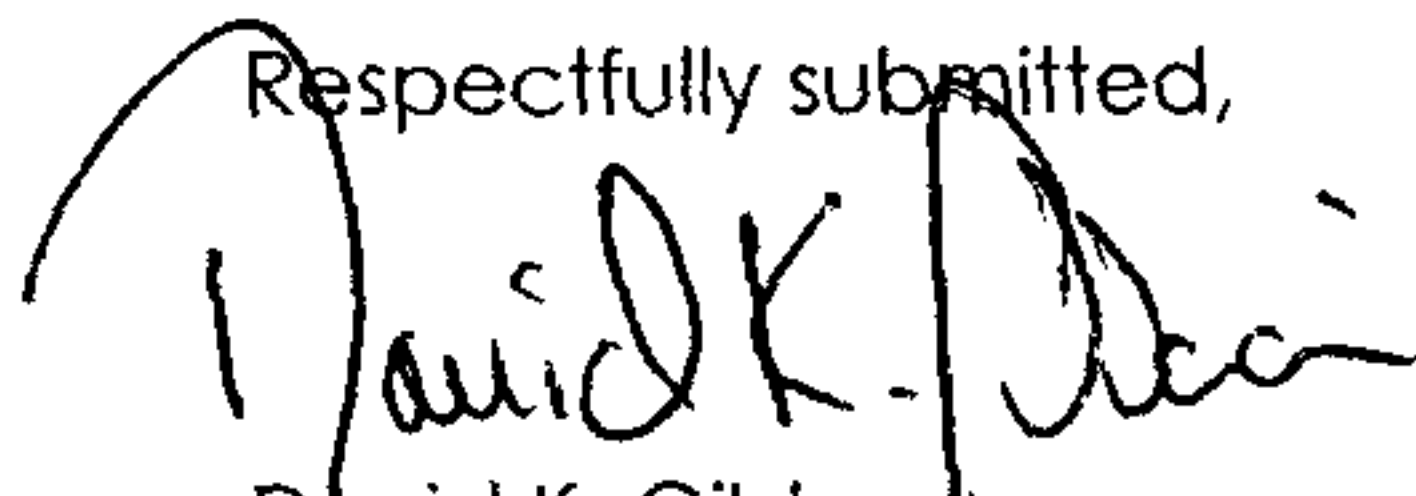
Mr. Raymond S. Wisnom, Jr.
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Wilson Point Inn
1605 Wilson Point Boulevard

Dear Mr. Wisnom:

On behalf of this firm's client, Amusement Vending, Inc., I hereby request a postponement of the hearing scheduled for December 13, 2004 at 9:00 a.m. with reference to the violation notice issued on the above-captioned property. Please be advised that Amusement Vending is currently working with Carl W. Richards, Jr. on the filing of a Petition for Special Exception for this property and request that the violation case be postponed until the Zoning Commissioner rules on the Petition for Special Exception.

Respectfully submitted,


David K. Gildea

cc: Timothy Kotroco
Carl W. Richards, Jr.
John Vontran

FOR INCLUSION IN
05-456-SPH
FILE

IN RE: PETITION FOR SPECIAL HEARING
NE/S Wilson Point Road, 125'
SE of Hazel Drive
(1605 Wilson Point Road)
15th Election District
5th Councilmanic District

Frederick Faber, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-138-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of a restaurant/tavern and parking area in a D.R. 5.5 zone as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified, and were represented by Justin King, Esquire. Also appearing on behalf of the Petition were Carville A. and Marlene M. Biddison, Daughter and son-in-law of Petitioners, Ruth E. Krach, and Frank S. Lee, registered Property Line Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 1605 Wilson Point Road, is zoned D.R. 5.5 and is currently improved with a one-story tavern on the front of the property facing Wilson Point Road, and a single family dwelling on the rear of the property fronting Stansbury Creek. Mrs. Faber indicated that she and her husband purchased the property in 1970 but have managed the tavern, known as the Wilson Point Inn, since December 1964. Mrs. Faber testified that she has been familiar with the area since she was a young girl. Her first recollection of the tavern existing on the property is in the late 1930's. To her knowledge, the operation of the tavern has been continuous and without interruption since the late 1930's.

ORDER RECEIVED FOR FILING

Date

By

11/30/88
By [Signature]

Ms. Krach testified she lives approximately two blocks from the subject property. She testified she has lived in the area for 51 years and has personal knowledge of the tavern operating out of the premises continuously and without interruption for the past 51 years.

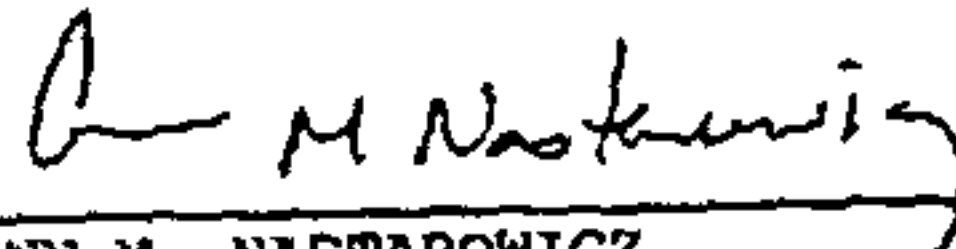
Petitioners seek relief from Section 104.1, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The uncontradicted evidence submitted by Petitioners' witnesses clearly established that the use of the property at 1605 Wilson Point Road as a restaurant and tavern has been continuous and without interruption since prior to the zoning regulations becoming effecting in 1945.

After due consideration of the testimony and evidence presented, the Petition for Special Hearing should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1988 that the Petition for Special Hearing to approve the nonconforming use of a restaurant/tavern and parking area in a D.R. 5.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.



ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

DETO

BY

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
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D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

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SUITE 1440

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FACSIMILE 410-234-0072

www.gildeallc.com

TOWSON, MD OFFICE

220 BOSLEY AVENUE

TOWSON, MARYLAND 21204

TELEPHONE 410-337-7057

April 11th, 2005

*OK to postpone
T*

Mr. Timothy Kotroco
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

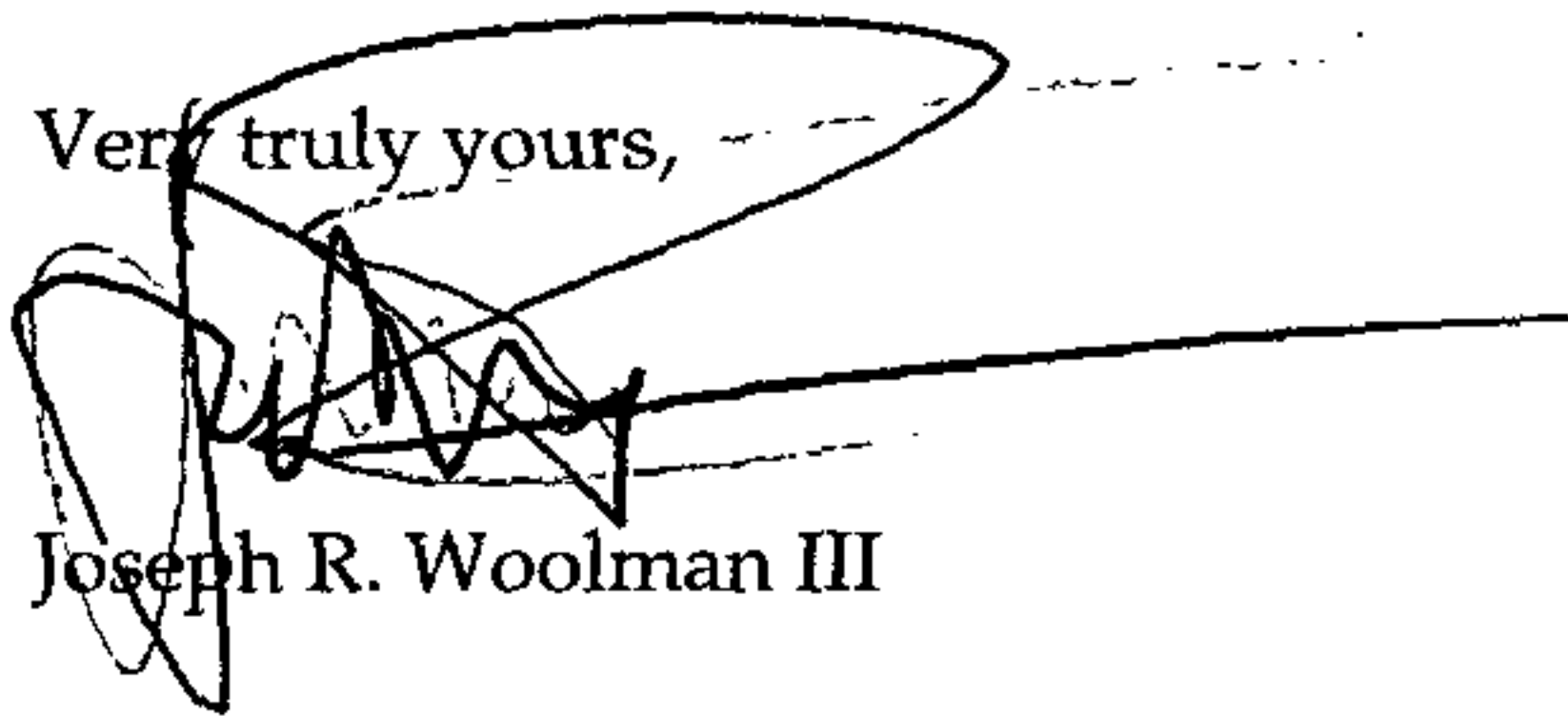
Re: Amusement Vending, Inc. -1605 Wilson Point Road, Baltimore, Maryland *05-456-SP4*

Dear Mr. Kotroco:

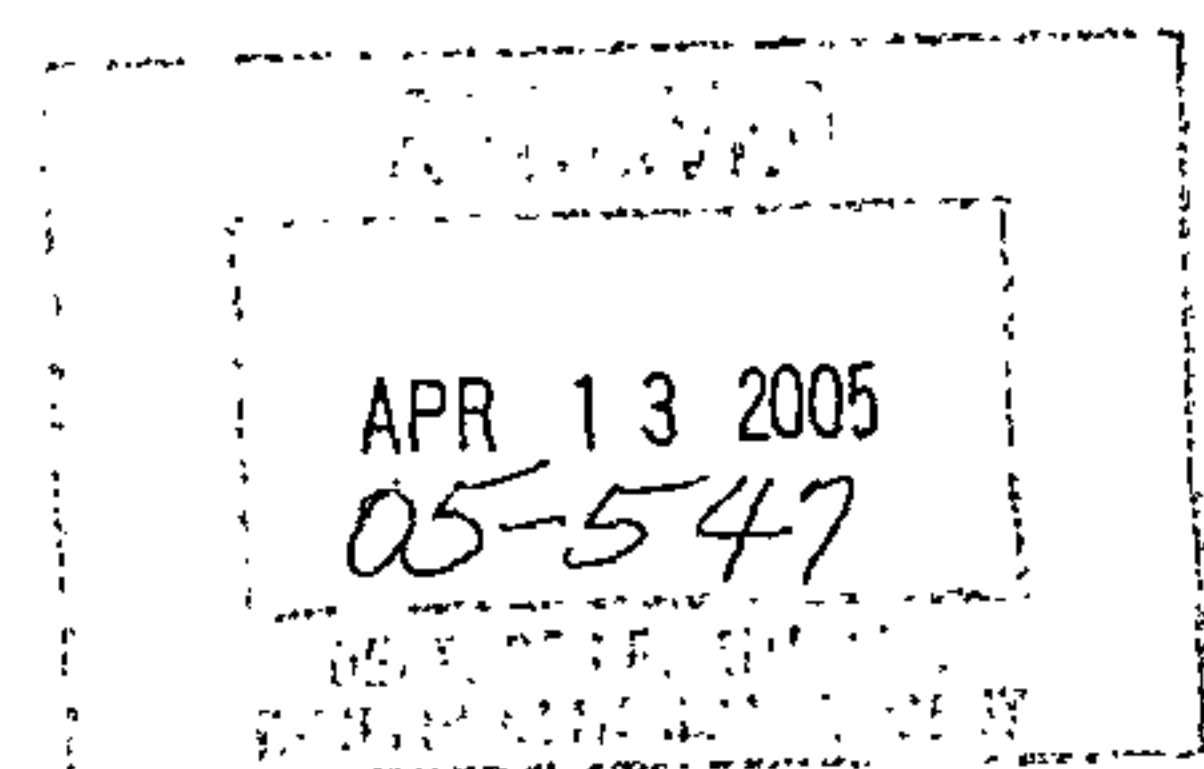
John Vontran, by and through his attorney, Joseph R Woolman III and Gildea and Schmidt, LLC hereby request that the above referenced matter, scheduled for hearing April 21st, 2005, be pulled at this juncture as there are community issues to be resolved. According to my conversation with Jack Schultz, president of the Middle River Civic Improvement Association, the association will hold a board meeting on Wednesday, April 27th, 2005, at which time, we would like the opportunity to present the proposal to the community and address any concerns that they have.

If it is possible to pull this matter from any agenda, our office will be in communication with you, after the resolution of community concerns, for rescheduling of the hearing. If you have any questions regarding this matter, please contact me. With kind regards, I am

Very truly yours,


Joseph R. Woolman III

JRW:sf
CC: Kitty Popelarski
John Vontran
David K. Gildea



GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET

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LSCHMIDT@GILDEALLC.COMSEBASTIAN A. CROSS
SCROSS@GILDEALLC.COMJOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COMD. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COMJASON T. VETTORI
JVETTORI@GILDEALLC.COMTOWSON, MD OFFICE
290 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

August 11, 2005

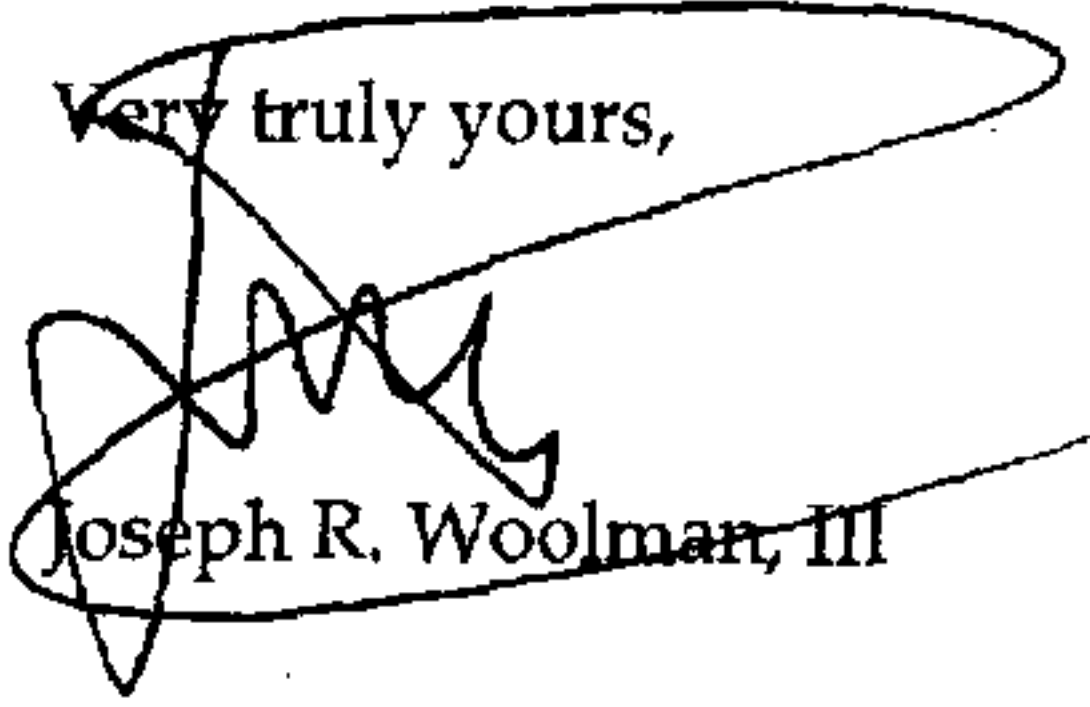
Kristin Matthews
Scheduler
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Amusement Vending/1605 Wilson Point Road
Case No. 05-456-SPH

Dear Kristin:

The above referenced matter was postponed in April, 2005. Amusement Vending, Inc., by and through it's attorneys Gildea & Schmidt, LLC, hereby requests that the Special Hearing be rescheduled at the earliest convenience. Should you have you have any questions regarding this matter, please contact me. With kind regards, I am

Very truly yours,


Joseph R. Woolman, III

JRWHIII: sf

CC: John Vontran, Amusement Vending, Inc.
Kitty Popelarski, Department of Permits and Development Management
David K. Gildea, Esquire

GILDEA & SCHMIDT, LLC

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LSCHMIDT@GILDEALLC.COMSEBASTIAN A. CROSS
SCROSS@GILDEALLC.COMJOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COMD. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COMJASON T. VETTORI
JVETTORI@GILDEALLC.COM**FACSIMILE COVER SHEET**

TO: Kristin Matthews	FAX NO.: (410) 887-5708
FROM: Joseph R. Woolman, III	DATE: 8-11-05
	NO. OF PAGES: 2 (INCLUDING COVER)
REGARDING: Case No. 05-456-SPH	

This facsimile contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this facsimile in error, please notify Gildea & Schmidt, LLC by telephone (410-234-0070) immediately.

GILDEA & SCHMIDT, LLC

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DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
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www.gildeallc.com

TOWSON, MD OFFICE

220 BOSLEY AVENUE

TOWSON, MARYLAND 21204

TELEPHONE 410-327-7057

FACSIMILE COVER SHEET

TO: Timothy Kotroco Kitty Popelarski ✓ John Vontran	FAX No.: (410) 887-5708 (410) 887-5708 (410) 633-7682
FROM: Joseph R. Woolman, III	DATE: 4-12-05
NO. OF PAGES: 2 (INCLUDING COVER)	
REGARDING: Amusement Vending, Inc./1605 Wilson Point Road	

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DATE 9/27/21

E-MAIL

Washington@jdecollc.com

Case No.:

05-456 X

Exhibit Sheet

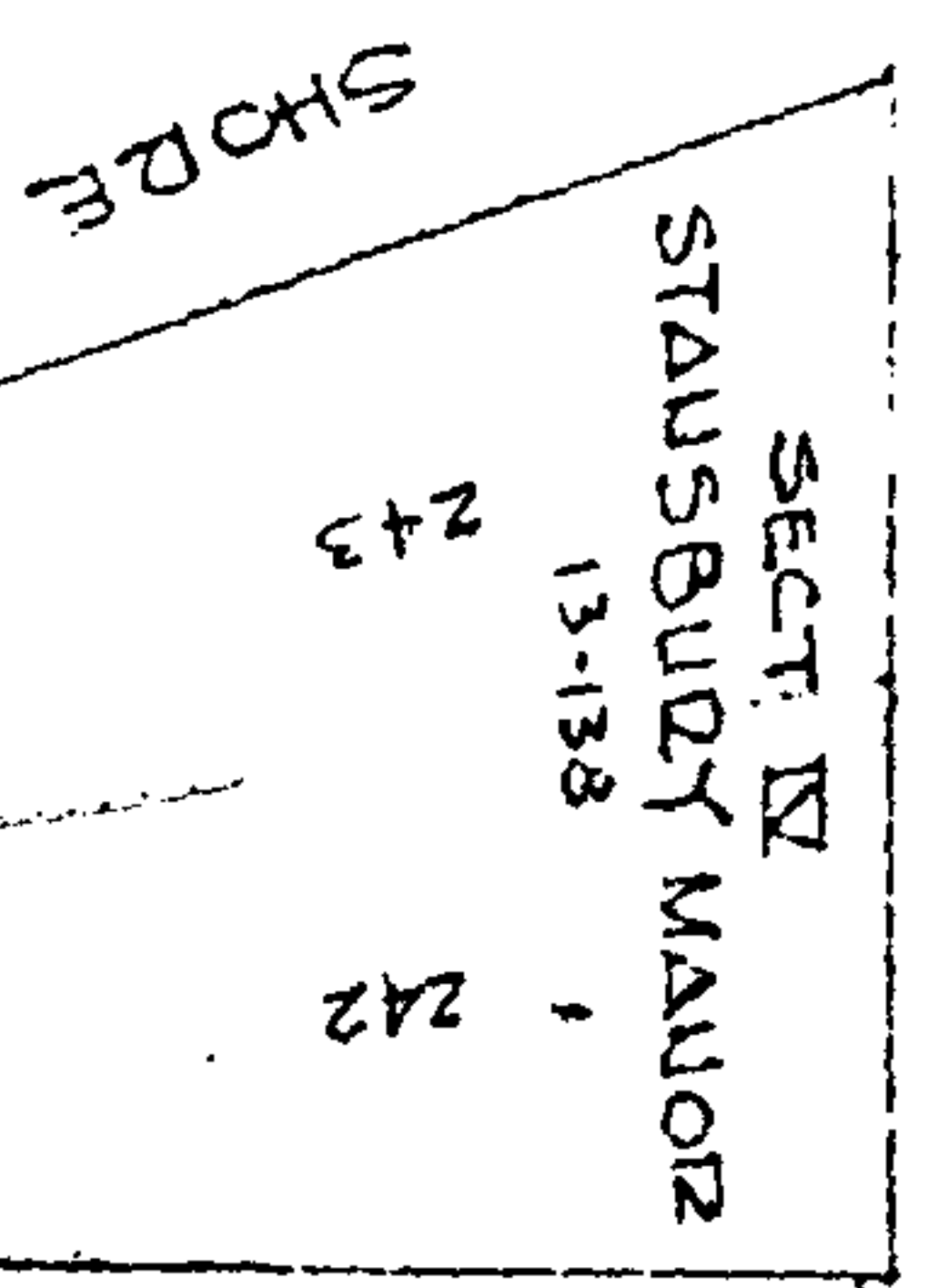
Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

241	240	237
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HAZEL DR

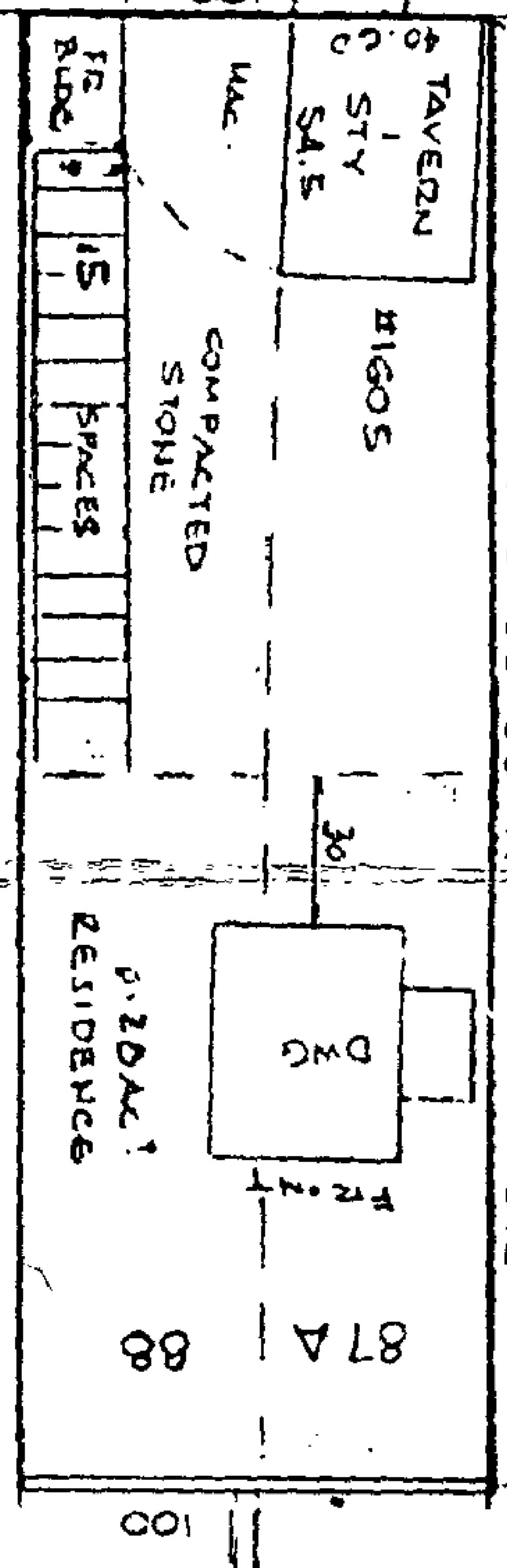
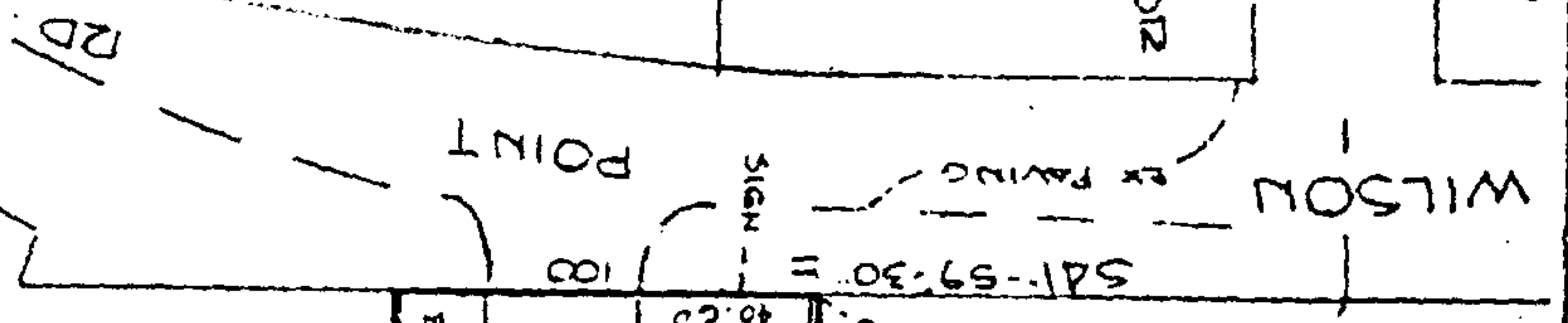


OWNER
MARLENE BIDDISON
1605 WILSON PT. DR.
BALTO, MD. 21220

EX. ZONING - DR 5.5
EX USE - TAVERN & RESIDENCE
AREA OF LOT : 0.72 AC. +
AREA OF TAVERN : 2213 SQ. FT.

EX. PARKING

N. OF SPACES REQ. (1/50') (2213') = 45 SPACES
NO SPACES PROVIDED = 12 "



PLAT TO ACCOMPANY PETITION FOR NONCONFORMING USES
FOR TAVERN, PARKING AND PARKING SURFACE

WILSON POINT INN

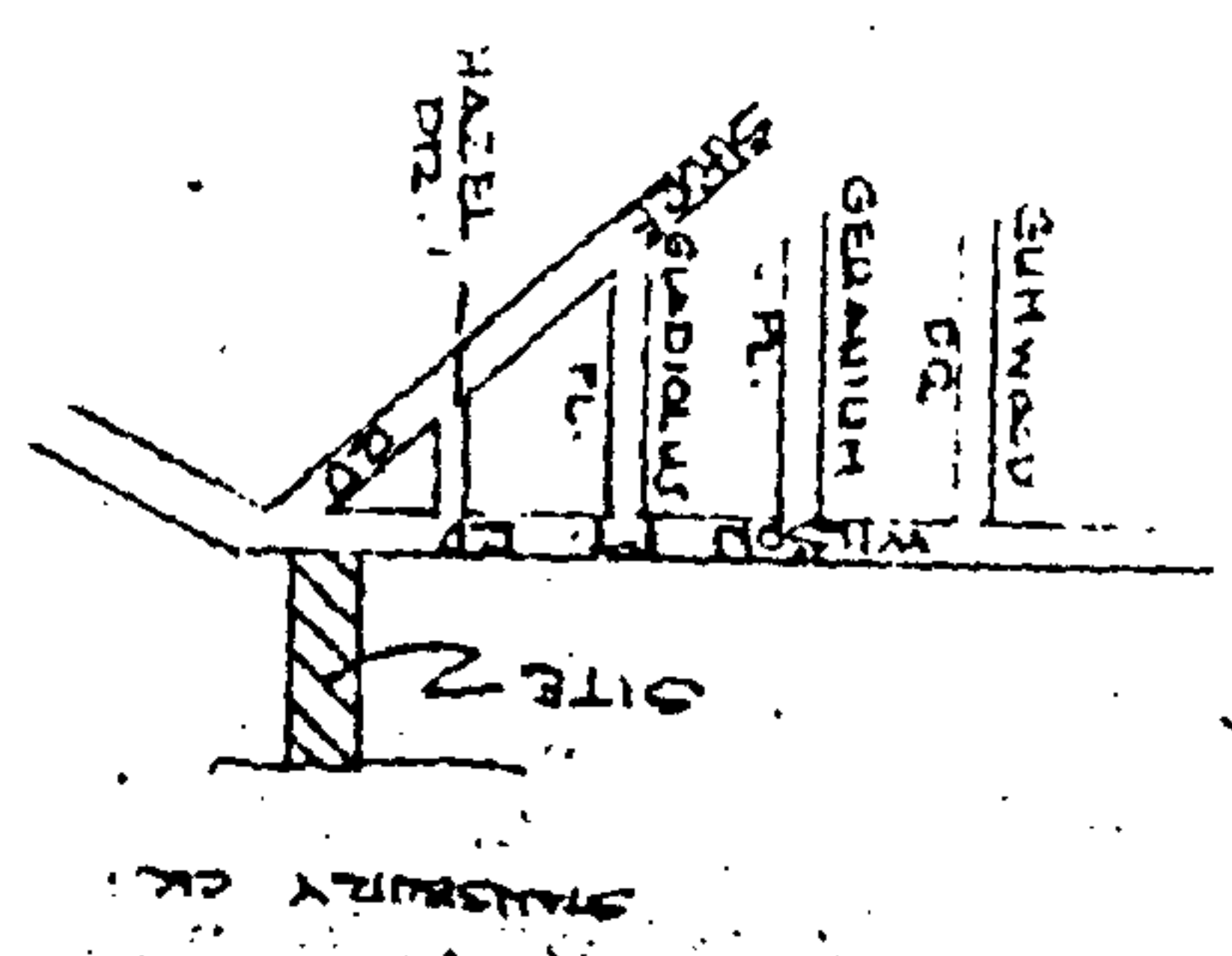
LOTS 87A & 88

BULL NECK

PLAT BOOK 10-26

15TH DISTRICT BALTIMORE CO., MARYLAND
SCALE 1" = 60'
DATE 4-18-88

STAUSBURY CREEK

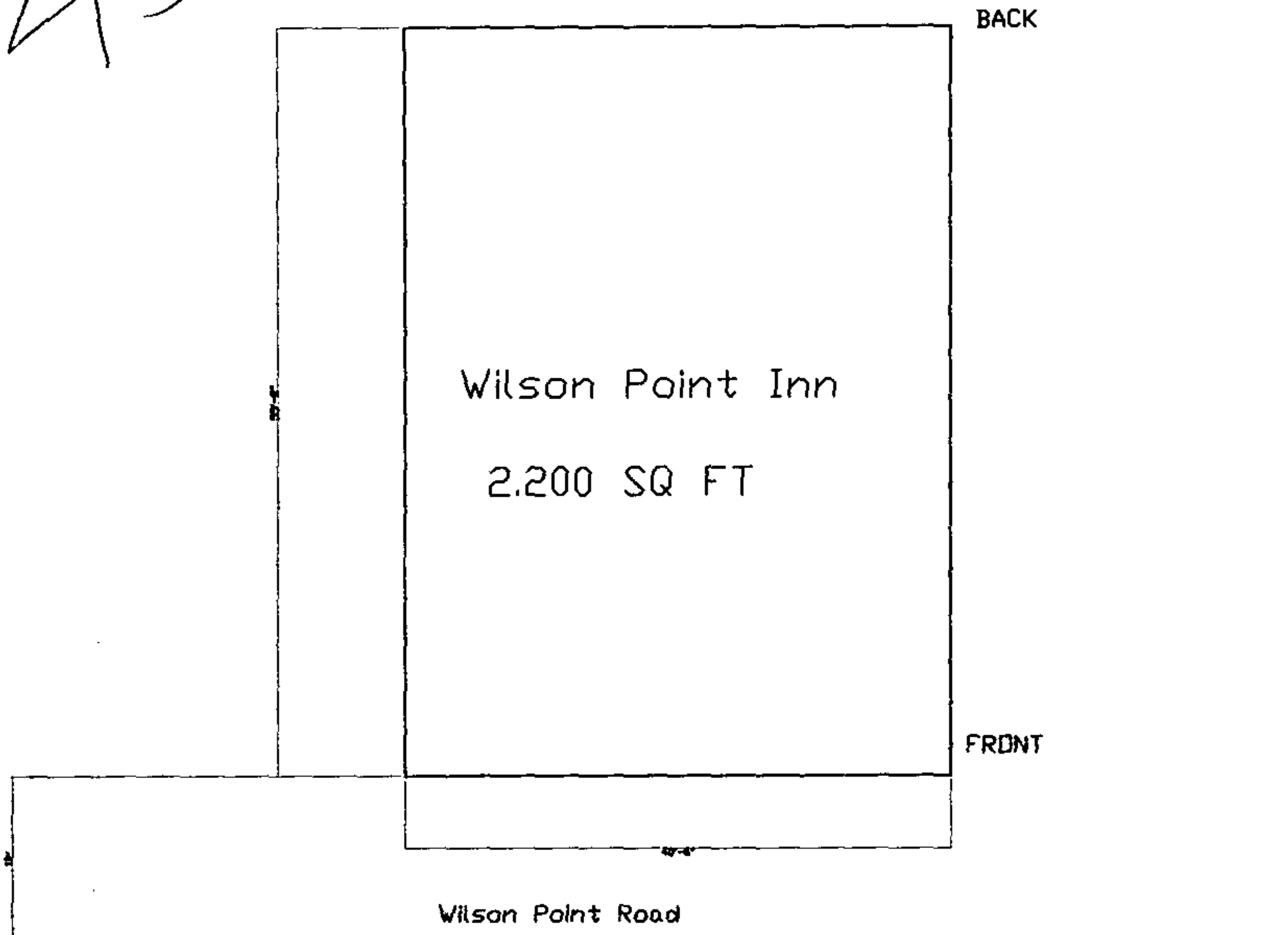


FRANK S. LEE
1877 NECHOLS AVE.
BALTIMORE, MD. 21227

PETITIONER'S

EXHIBIT NO. 1

A56



PROJECT NUMBER: 017/04
OWNER: Wilson Point Inn
DRAWN BY: Valeria F. de
Moraes/Jennifer Radoc
ADDRESS: 1605 Wilson Point Road
FILE NAME: Outside Measures
DATE: 12/06/04

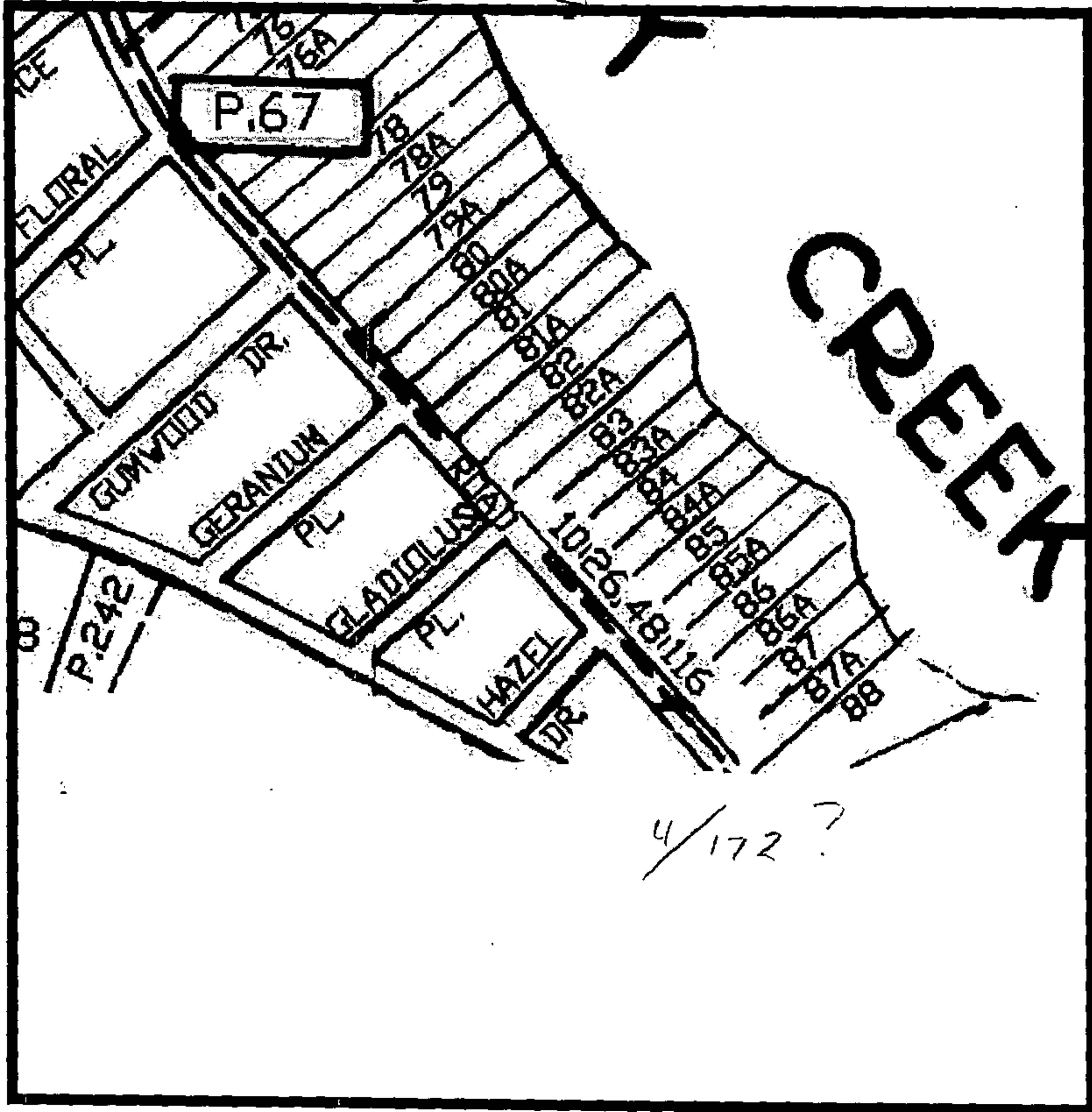
B4
Consulting & Design



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

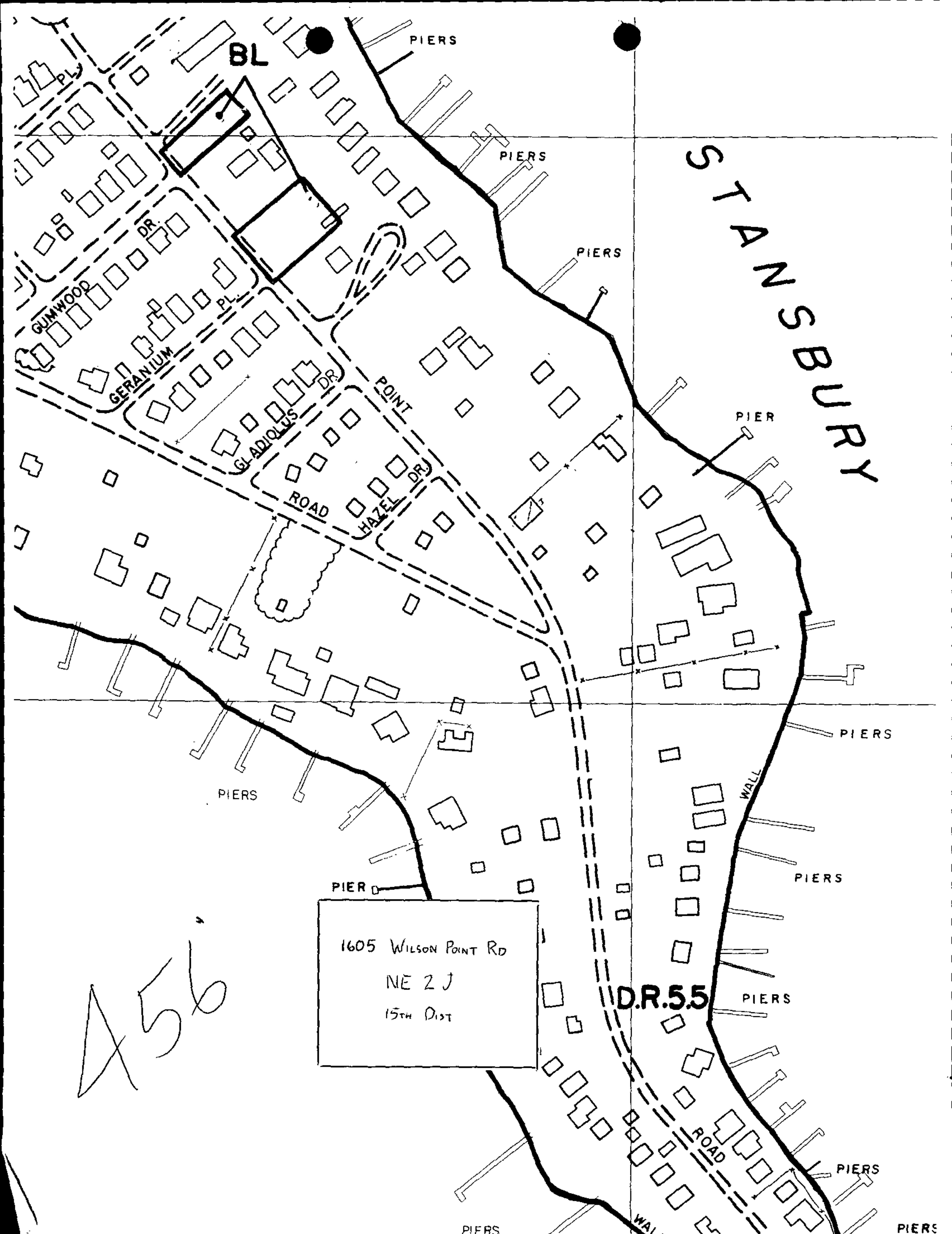
[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - ~~1519990250~~ 15 18 100 980



Property maps provided courtesy of the Maryland Department of Planning ©2001 - 2002.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at
www.mdp.state.md.us/webcom/index.html

A56



BL

PIERS

PIERS

PIERS

STANSBURY

PIER

PIERS

PIERS

PIER

1605 WILSON POINT RD
NE 2 J
15TH DIST

D.R.55

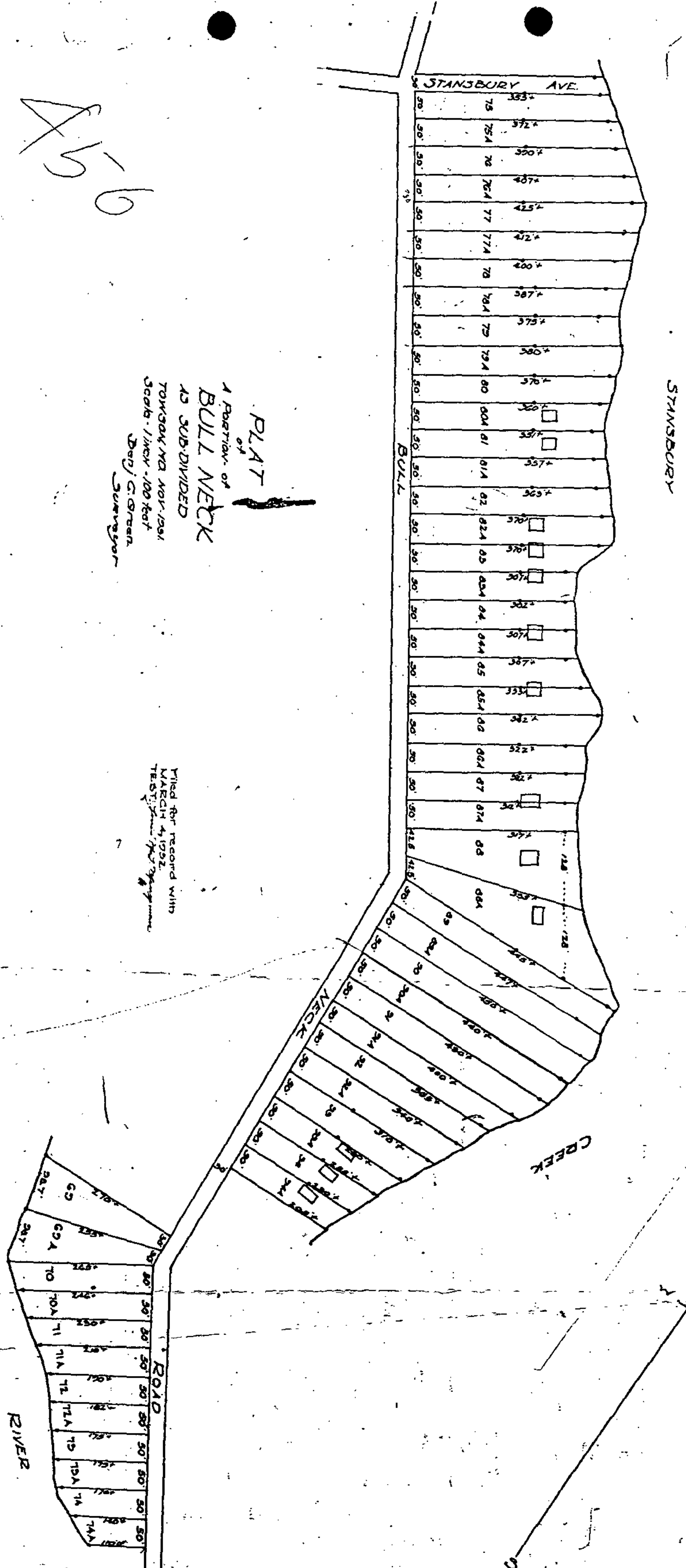
PIERS

PIERS

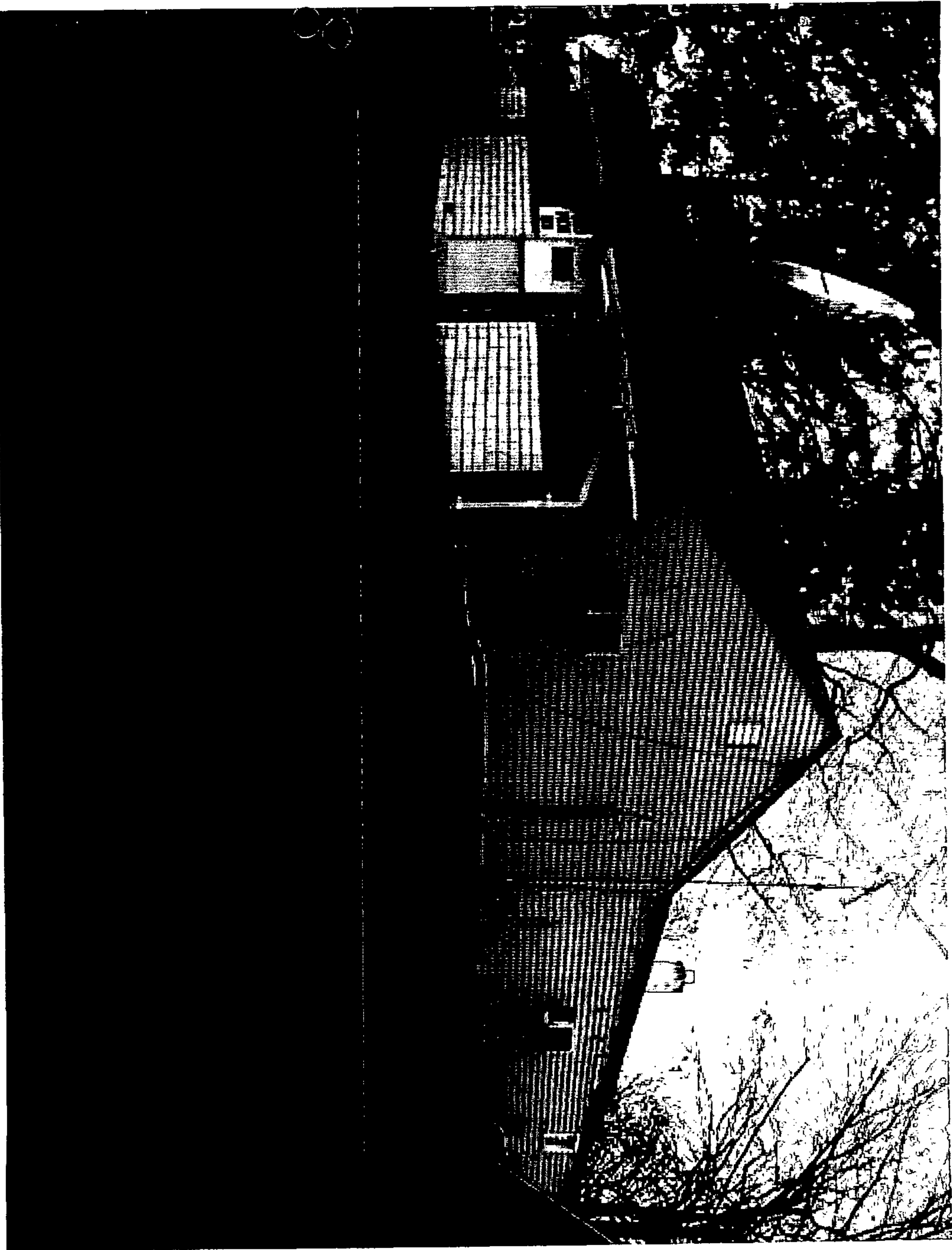
PIERS

PIERS

A56







POINT
INN

1900

THE POINT INN
IS A FIRST CLASS
HOTEL AND RESTAURANT
AND IS THE ONLY
HOTEL OF THE KIND
IN THE CITY OF
POINT INN
IS A FIRST CLASS
HOTEL AND RESTAURANT
AND IS THE ONLY
HOTEL OF THE KIND
IN THE CITY OF

RECEIVED

SEP 13 1985

U.S. DEPARTMENT OF
ENERGY