IN RE: PETITIONS FOR SPECIAL EXCEPTION * & SPECIAL HEARING

Corner of NE side of North Point Road

And NW side of Gough Street

15th Election District 7th Councilmanic District

(221 S. North Point Road)

Scott Shinsky, John Shinsky and William Poplovski, III

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-070-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Special Hearing filed by the legal owners of the subject property, Scott Shinsky, John Shinsky and William Poplovski, III. The Petitioner is requesting special exception and special hearing relief for property located at 221 S. North Point Road. The Special Hearing is to approve a modified parking plan in accordance with BCZR Section 409.12. In addition, the Special Exception is to permit an arcade in accordance with BCZR Section 423.B and 422.A and to allow living quarters in a commercial building pursuant to Section 230.13 of the BCZR.

The property was posted with Notice of Hearing on October 12, 2006, 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 October 12, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

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;
- 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]

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.

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 letter was received from the Bureau of Development Plans Review dated September 20, 2006 which recommends eliminating the first two parking spaces on each side of the aisle at the entrance. A copy of which is incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the special exception and special hearing requests were Ken Wells, with KJ Wells, Inc., who prepared the site plan, and Scott Shinsky, Petitioner. James T. Vettori, Esquire, represented the Petitioners. Tina Vinzinski, a law school student attended the hearing. No protestants attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Preliminary Matters

At the outset of the hearing, the Petitioner noted that the Petition had been modified to add a request to allow living quarters in a commercial building pursuant to Section 230.13 of the BCZR. Unfortunately this request was not included on the sign posted on the property or the notice in the Jeffersonian newspaper. As such this Commission had no jurisdiction to hear this request.

Also there is a ZAC comment from the Office of Zoning Review which indicates that the carryout building shown on the site plan encroaches onto the neighboring property. Mr. Vettori proffered that only the Circuit Court has jurisdiction of such matters and there are no zoning aspects of such an encroachment as there is no setback requirement in the BL regulations for such a building.

Testimony and Evidence

The Petitioner has owned and operated the North Point Inn at the subject site located at the intersection of North Point Road and Gough Street for the past 13 years. The property contains 18,450 square feet zoned BL. See Petitioner's exhibit 1 A. Mr. Vettori indicated that the Petitioner would like to add a fifth amusement device to his establishment for his customers as shown in exhibit 3, his application for the new machine. However five machines trigger a need for a special exception under the definition of "Arcade" provided in the BCZR. Section 423 B provides that arcades are permitted by special exception in combination with one or more of entertainment, leisure or recreational uses which Mr. Vettori proffered includes the tavern. He proffered that Mr. Wells would testify the request for special exception met the criteria of Section 502.1 of the BCZR, was within the spirit and intent of the BL regulations and would not adversely affect the community. In support of this last contention he presented letters of support from the Eastwood Residents and Business Association as well as the Eastwood Community Civic Association, exhibits 2A and 2B.

At this point the Petitioner was asked how many machines would he likely have in the future as there is no upper limit in the regulations once a special exception is granted. He indicated 10 to 12.

In regard to the special hearing, Mr. Wells presented a site plan with existing parking field, exhibit 1B. This plan shows that given the size of the tavern, the apartment and carry out 53 parking spaces are required. 24 spaces are now provided. However these spaces are not to current safety standards nor include parking for handicapped persons. Mr. Wells redesigned the parking lot to current standards resulting in the parking field shown on exhibit 1A. Twenty five (25) spaces are provided but more importantly the spaces are brought up to code even if there are not enough spaces to meet the parking requirements. I understand that this design incorporates the ZAC comment from the Bureau of Development Plans Review.

Findings of Fact and Conclusions of Law

Special Hearing

In regard to the request for approval of a modified parking plan, I note the site is typical of businesses in the older areas of the County which often have less parking than required by the regulations. I believe that a modified parking plan is far superior to a parking variance in these older neighborhoods because the existing parking field is simply locked in with a variance. Unfortunately that existing design is often not only awkward but unsafe. There is no handicapped parking or other modern feature which would ordinarily be required. On the other hand, a modified parking plan can and in this case did bring the existing field up to standards. While there is still not enough parking spaces to meet the regulations, at least the parking field proposed is safe and up to date. This updated design with 25 spaces is reflected in exhibit 1A.

Given the size of the lot and the existing uses on the property, there is nothing the Petitioner can do to make more spaces than what he did. He redesigned and updated the parking field. I find

that the parking requirements of Section 409 of the BCZR would create undue hardship for the Petitioner but will not adversely affect the community. In fact the new parking field will be an improvement. Consequently I will approve the modified parking plan.

Special Exception

I find that request for special exception for an arcade meets the criteria of Section 502.1 of the BCZR, is within the spirit and intent of the BL regulations and will not adversely affect the community. As indicated in the hearing however I am concerned that some reasonable limit be placed on the number of machines so that the arcade special exception not overwhelm the tavern for this or more likely some future owner. The Petitioner asked for 10 to 12 machines as an ultimate upper limit. I find this reasonable and in keeping with the accessory nature of the machines in the tavern. I would not want to see the machines become the principal use. Therefore I will grant the special exception with restrictions.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception, and special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED, this 30 day of October, 2006, by the Deputy Zoning Commissioner, that the Special Hearing to approve a modified parking plan in accordance with BCZR Section 409.12 be and hereby is GRANTED; and

IT IS FURTHER ORDERED that the Special Exception to permit an arcade as an accessory use to a tavern in accordance with BCZR Section 423.B and 422.A be and is GRANTED; subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. No more than 12 machines will be allowed on the premises.

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

OMN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



DAVID K. GILDEA
DAVIDGILDEA GILDEALLO.COM

LAWRENCE E. SCHMIDT LSCHMIDT GILDEALLC.COM

SEBASTIAN A. CROSS SCROSSOGILDEALLC.COM

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN DHOLMANOGILDEALLC.COM

JASON T. VETTORI JVETTORIOGILDEALLC.COM 300 EAST LOMBARD STREET

SUITE 1440

BALITIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072

www.gildeallc.com

August 10, 2006

Via Hand Delivery

Timothy M. Kotroco Department of Permits and Development Management 111 W. Chesapeake Avenue Room 111 Towson, MD 21204

Re: North Point Inn/221 North Point Road

Petitions for Special Hearing and Special Exception

Dear Mr. Kotroco:

Kindly find enclosed three (3) copies of the Petition for Special Hearing and three (3) copies of the Petition for Special Exception in the above referenced matter, with original signatures, twelve (12) copies of the plat, three (3) copies of the property description, one (1) copy of the official zoning map, 200 ft scale with property outlined and one (1) copy of the advertising and posting requirements. I am also enclosing a check made out in the amount of Seven Hundred Five Dollars (\$705.00) for the filing fee. The Petition and attached materials are being dropped off and have not been assigned to a reviewer, nor are there any zoning violations. Please feel free to contact the undersigned should you have any comments, questions or concerns.

Very truly yours,

lason T. Vettori

Cc: David K. Gildea, Esquire

07-070-SPHX

TOWSON, MD OFFICE

220 BOSLEY AVENUE

TOWSON, MARYLAND 21204

TELEPHONE 410-337-7057

DOTE TO ZON ING COMMISSIONER Re: 07-070 SPHX. NOOVEH - POWE INN 221 NOOVEH FOUNT RO (HE PROPERTY CONTAINS A N EXISTING BULDING LABORED: "TRAME BULDING CARRY OUT." AND ATTACHED WOOD DECK THAT HOUSES AN ACTUDE BUSINESS. THE BUILD CIROSSES THE FROMONY LINE KND. 15 THERE FOR NOW CONFORMING THE PRELICIONICS DO NOT ATOROSS IT STECLFRACIA BS PAOUT OF THE SPECAC HEARLING.

07.070. SPUX



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2	221 S. North Point Ro	oad
	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

A modified parking plan in accordance with BCZR Section 409.12 and for such other and further relief as may be required.

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:

Legal Owner(s):

			_	Please see attached	l.	
Name - Type or Print			Name -	Type or Print		
Signature			-	Signature		
Address		Telephone No.	_	Name - Type or Print		
City	State	Zip Code		Signature		
Attorney For Petition	er:			221 S. North Point	Road	(410) 591-2024
				Address	<u> </u>	Telephone No.
Jason T. Vettori				Baltimore	MD	21224
Name - Type or Print			City		State	Zip Code
THE TOWN	-	•		Representative	e to be Contact	ad.
Signature			-	Tropi cociitati V	to be comaci	
Gildea & Schmidt, LLC				Jason T. Vettori		
Company			_	Name	_ 	
300 East Lombard Street, St	uite 1440	410-234-0070		300 East Lombard	Street, Suite 1440	410-234-0070
Address		Telephone No.	-	Address		Telephone No.
Baltimore	MD	21202		Baltimore	M	D 21202
City	State	Zip Code	-	City	Sta	ite Zip Code
				<u>c</u>	FFICE USE ONLY	
				ESTIMATED LENGTH	OF HEARING	·
Case No. <u>7-</u> C)70-SPC	χ		UNAVAILABLE FOR H	HEARING	
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REV 9/15/98			Reviewe	d By	Date	<u>z-zs-o</u> e

ATTACHMENT TO THE PETITION FOR SPECIAL EXCEPTION

LEGAL OWNER(S):

Scott Shinsky

John Shinsky

William Poplovski, III

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800

Fax: (410) 817-4055 Email: kwells@kiwellsinc.com 7403 New Cut Road Kingsville, Md. 21087-1132

March 9, 2006

ZONING DESCRIPTION

of
221 North Point Road
Baltimore County
Maryland
15th Election District
7th Councilmanic District

Beginning at a point formed by the intersection of the northeast side of Northpoint Road (50 feet wide) and the northwest side of Gough Street (width varies) said point being approximately 82 feet from the centerlines of the above mentioned road and street. Thence the following courses and distances:

- 1) North 70 degrees 59 minutes 00 seconds West 68.20 feet
- 2) North 19 degrees 01 minutes 00 seconds East 142.00 feet
- 3) South 70 degrees 59 minutes 00 seconds East 100.00 feet
- 4) South 65 degrees 15 minutes 00 seconds West 31.80 feet
- 5) South 79 degrees 17 minutes 10 seconds West 90.71 feet

to the place of beginning as recorded in the Land Records of Baltimore County in Liber 10222 folio 710. Containing 18, 450 square feet or 0.4236 acres of land more or less.



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: #07-070 SPHX

221 S. North Point Road

Corner of northeast side of North Point Road and n/west side of Gough Street

15th Election District — 7th Councilmanic District Legal Owner(s): Scott Shinsky, John Shinsky

& William Poplovski, III

Special Hearing: to approve a modified parking plan in accordance with BCZR Section 409.12 and for such other and further relief as may be required. Special Exception: to permit an arcade in accordance with BCZR Section 423.B and 422.A and for such other and further relief as may be required.

Hearing: Friday, October 27, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosiey 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.

missioner's Office at (410) 887-4386.

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

10/144 October 12 112479

CERTIFICATE OF PUBLICATION

10/12/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 1012 ,20 <u>6</u> .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings-
LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND

"OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

10. 9694.

ACCOUNT \$ 1000 5 COC 15 150

DATE

FECEIVED (1 1002) S SCHALLS IN STRONG

Con Councilla Decret Hearing 1

DISTRIBUTION WHITE - CASHIER

PINK - AGENCY YEL

YELLOW · CUSTOMER

PAID RECEIPT

Recot Tot \$705.99 \$705.00 CK 6.60 CA Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-070 - SPHK

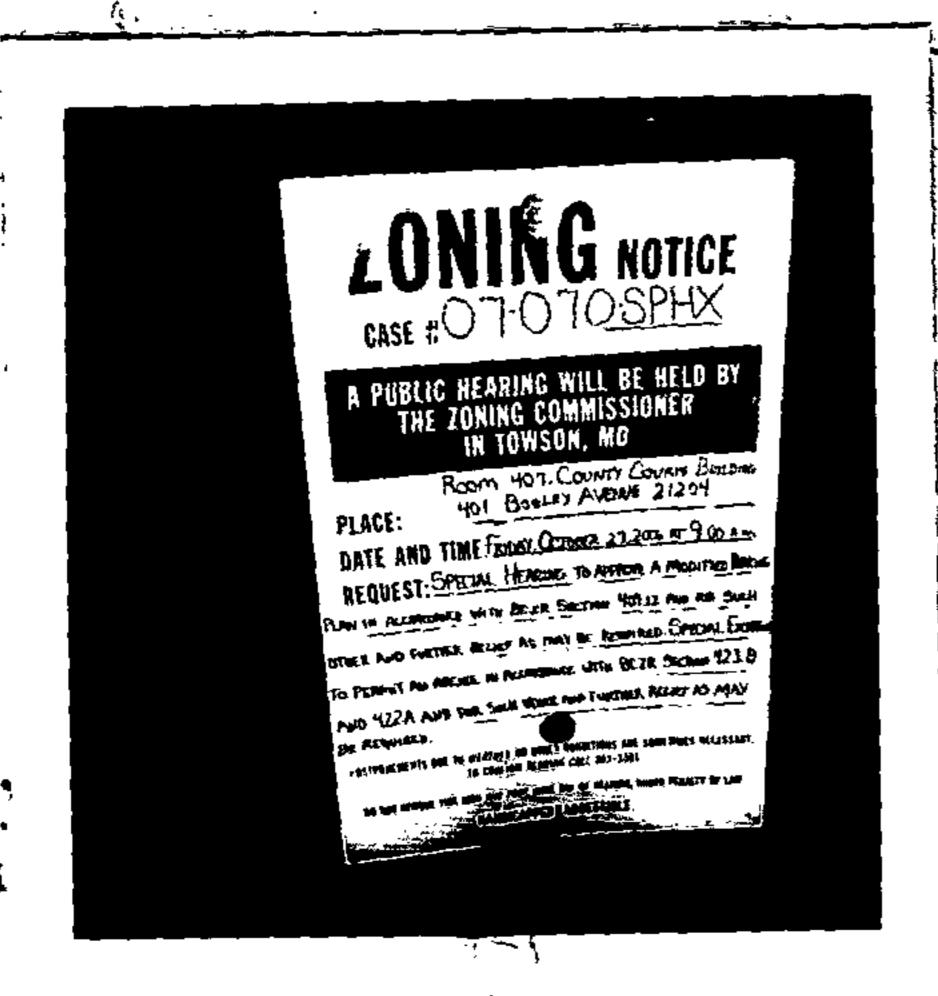
Petitioner/Developer: SCOTT ShiNSKY

WILLIAM POPIONSKI, III

Date of Hearing/Closing: OCT 27, 2006

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

Sincerely,



LA. 1 Rock 10-16-0	4
(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
221 S. North Point Road; Corner of NE/S
North Point Road and NW/S Gough Street
15th Election & 7th Councilmanic Districts
Legal Owner(s): Scott & John Shinsky
& William Poplovski, III

Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 07-070-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 18th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

SEP 1 8 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per---

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

September 19, 2006

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: 07-070-SPHX

221 S. North Point Road

Corner of northeast side of North Point Road and n/west side of Gough Street

15th Election District – 7th Councilmanic District

Legal Owners: Scott Shinsky, John Shinsky & William Poplovski, III

Special Hearing to approve a modified parking plan in accordance with BCZR Section 409.12 and for such other and further relief as may be required. Special Exception to permit an arcade in accordance with BCZR Section 423.B and 422.A and for such other and further relief as may be required.

Hearing: Friday, October 27, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Jason Vettori, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Shinksy/Poplovski, 221 S. North Point Road, Baltimore 21224

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 12,2006.

- (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, October 12, 2006 Issue - Jeffersonian

Please forward billing to:

Jason Vettori Gildea & Schmidt 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: 07-070-SPHX

221 S. North Point Road

Corner of northeast side of North Point Road and n/west side of Gough Street 15th Election District – 7th Councilmanic District

Legal Owners: Scott Shinsky, John Shinsky & William Poplovski, III

Special Hearing to approve a modified parking plan in accordance with BCZR Section 409.12 and for such other and further relief as may be required. Special Exception to permit an arcade in accordance with BCZR Section 423.B and 422.A and for such other and further relief as may be required.

Hearing: Friday, October 27, 2006 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

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: 07-070-57-07	
Petitioner: North Point INN	
Address or Location: 221 NORTH POINT RMD	
PLEASE FORWARD ADVERTISING BILL TO: Name:	
Address:GILDER & SCHMIDT, LLC	
300 E. LOMBARD ST., STE. 1440	
BALTIMORE, MD 21202	
Telephone Number: (418) 234-0070	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 19, 2006

Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case Number: 07-070-SPHX, 221 S. North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 25, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Callabal)

WCR:amf

Enclosures

c: People's Counsel Scott Shinsky John Shinsky William Poplovski, III 221 S. North Point Road Baltimore 21224

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 20, 2006

Department of Permits & Development

Management

1)W

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 18, 2006

Item No. 07-070

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

We recommend that the first two parking places (one on each side of the aisle at the entrance) be eliminated. This would leave enough rooms for a car to get off of North Point Road if someone is backing out of one of the spaces. The parking relief needed of course, would be greater.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 070-09192006.doc

Jin 19/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 7-070- Special Hearing

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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

RECEIVED

DATE: October 2, 2006

0CT - 4 2006

ZONING COMMISSIONER



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: September 13, 2006

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

Baltimore County RE:

> Item No. 07-070 SPHX 221 S. North Point Road

North Point Inn

Special Exception for an

Arcade and modified parking

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 07-070-SPHX.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

Eastwood Residents & Business Association of Baltimore County

Department of Permits and Development Management Director's Office County Office Building 111 W. Chesapeake Avenue Towson MD 21204

10 October 2006

To Whom It May Concern:

Re: Case # 07-070-SPHX

The Eastwood Residents and Business Association of Baltimore County has no objection to the granting of the zoning exceptions requested.

The North Point Inn has been a stable business in the community for many years and has created no disturbances or disruptions to community life. There is no reason to believe that the changes authorized by the zoning exceptions will adversely affect the community.

Sincerely,

Bob Nozeika

President

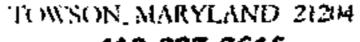


270.00 After January 31

secks or money orders-payable to "Baltimore County, MD"

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TH WEST CHESAPEAKE AVENUE, ROOM 101







IPPLICATION FOR A LICENSE TO PERMIT THE OPERATION BY THE PUBLIC OF A COIN-OPERATED AMUSEMENT DEVICE SHALL BE MADE BY AND ISSUED TO THE PROPRIETOR OR PERSON (Licensee) HAVING POSSESSION OF THE DEVICE (at the location defined below) FOR THE PURPOSE OF OPERATION BY THE PUBLIC (regardless of the owns the machine). ISSUANCE OF THIS LICENSE DOES NOT RELIEVE THE LICENSEE OF THE OBLIGATION TO COMPLY WITH ALL GAMBLING LAWS AND ANY OTHER AWS AND REGULATIONS.

COIN-OPERATED AMUSEMENT DEVICE LICENSE(S) SHALL NOT BE TRANSFERRED BETWEEN LOCATIONS OF LICENSEES.

COI	IN-OPERATED AMUSEMENT DEVICE LICENSE(S) SHA	ILL NOT. BE TRANSFERRED BETWEEN-LOCA	HONS OR LICENSEES.	
	LICENSEE INFORMATION ("Owner" in		porate owners)	
NEW LOCATION: Yes No CHA	Please PRINT or TYPE. ANGE OF TYPE OF BUSINESS/USE OF I	all information except signatures PROPERTY: Yes No ADDITIO	NAL MACHINE(S): Yes	No How many?
Evye of husiness and/or use of pro	merty?	rior Floor Area (not including stor	age or utility equipment a	reas)Square Fee
(All new locations/change of type of	of business or existing locations requesting add	itional machines must obtain approval	from Zoning Keviews, nerore	ncenses may be issued.)
1 /	WNER: Yes No CHANGE OF TRAIL			(115 - 385 - 08) (
TRADE NAME OF LOCATION_	Noith Paint In	<u>u</u>		IE 4/0 355-8825
LOCATION ADDRESS 331	S. OIA North Poin	ul Koad		ODE 3/434
MAILING NAME & ADDRESS	(If different from trade)	name & address)		ODE
NAME OF OWNER/OFFICER(S) Scott J'Shinsk			VE 410.591-100
OWNER ADDRESS	•	FOIK MIS.	ZIP C	ODE OF ODE
RESIDENT AGENT Scot	+ JShinsky ADDI	RESS 7 Leltis LT	FONT MY ZIPC	ODE 3/05/
RIGINAL SIGNATURE OF OW	/ / · · · // · · · / / · · · / · · · ·	a aa i	DATE	
	R OF THE DEVICE(S) INFORMATION (Se	eparate vendor registration required, i	f different from owner of th	e location)
				VE
			ation?	
AAILING ADDRESS				ODE
)	<u></u>	PHON	
)WNER ADDRESS		<u>,</u>	ZIP C	

	ADDI	USEMENT DEVICE INFORMATION		ODE
DESCRIPTION OF EACH	SERIAL NUMBER (**)	DATE INSTALLED		USE ONLY
DEVICE	FOR EACH DEVICE	AT THIS LOCATION	Fee Paid	Balto Co. License No.
Video Poker	4838190000	9/05		
Video Poker	50482148638	9/05		
Video Poker	00 19 0000 155	9/05		
	9125011125	0/~		
	11007173			
JULY BOX	SeriA(# 1011	7/00		
<u> </u>				
	<u> </u>			
-	Serial numbers MUST be included; either the manufaction of the above information is true attended.			onney Code Article 21. Title
ation 21-4-201 (brough 21-4-20) in	ay result in the suspension, revocation or	non-renewal of the license(s) and t	pon conviction that I sha	ill be subject to fines and,
PLICANT NAME Sco 77	J. Shinskin	VOTA Point IND) nero	NE 410-285-88.
•			PHO	TE 11/6/06
PLICANT SIGNATURE		REVIEW 410-887-3391	DA	
hpprovalDisapproval	Type Of Zoning		Ref	erence No
f disapproved, state reason(s) why				_
teviewer's Name (print)		ignature		Date
	OF	FICE USE ONLY		ØL.
Date Received	Cash Receipt Date	Cash Receipt No		Total Paid
acense Year	Date Issued	Date Entered into Compute	ſ	By BIEV 9/0
James Number Range	•			REV 9/0

Eastwood Community Civic Association

Neighbor Helping Neighbor



October 18, 2006

Department of Permits & Development Management Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: Case #07-070-SPHX

To Whom It May Concern:

The Eastwood Community Civic Association can see no reason to challenge the exceptions requested by the North Point Inn.

The North Point Inn has been in our neighborhood for a number of years and we believe that this new proposal by them will not affect the community.

Sincerely yours,

(Mrs.) Linda Dapp

President

Eastwood Community Civic Association

2

Eastwood Residents & Business Association of Baltimore County

Department of Permits and Development Management Director's Office County Office Building 111 W. Chesapeake Avenue Towson MD 21204

10 October 2006

To Whom It May Concern:

Re: Case # 07-070-SPHX

The Eastwood Residents and Business Association of Baltimore County has no objection to the granting of the zoning exceptions requested.

The North Point Inn has been a stable business in the community for many years and has created no disturbances or disruptions to community life. There is no reason to believe that the changes authorized by the zoning exceptions will adversely affect the community.

Sincerely,

Bob Nozeika

President





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 30, 2006

JASON VETTORI, ESQUIRE GILDEA & SCHMIDT, LLC 300 E. LOMBARD STREET, STE. 1440 BALTIMORE, MD 21202-3228

> Re: Petition for Special Hearing and Special Exception Case No. 07-070-SPHX Property: 221 S. North Point Road

Dear Mr. Vettori:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Special Exception has been granted with conditions 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

Jan musky

for Baltimore County

JVM:pz Enclosure

c: Scott Shinsky, 111 221 S. North Point Road, Baltimore MD 21224 Kenneth Wells, KJ Wells, Inc., 7403 New Cut Road, Kingsville MD 21087 Tina Vinzinski, 4501 Eli Drive, Apt. M, Owings Mills MD 21117

CASE NAME
CASE NUMBER 07-07 5844
DATE 10/27/2006

CITIZEN'S SIGN-IN SHEET

			•							Tina Vinzinski	NAME
										4501 Eli Drive Apt.M	ADDRESS
•										Owings Mills, MD 21117.	CITY, STATE, ZIP
•										tina vinzinski e comeastinet	E- MAIL

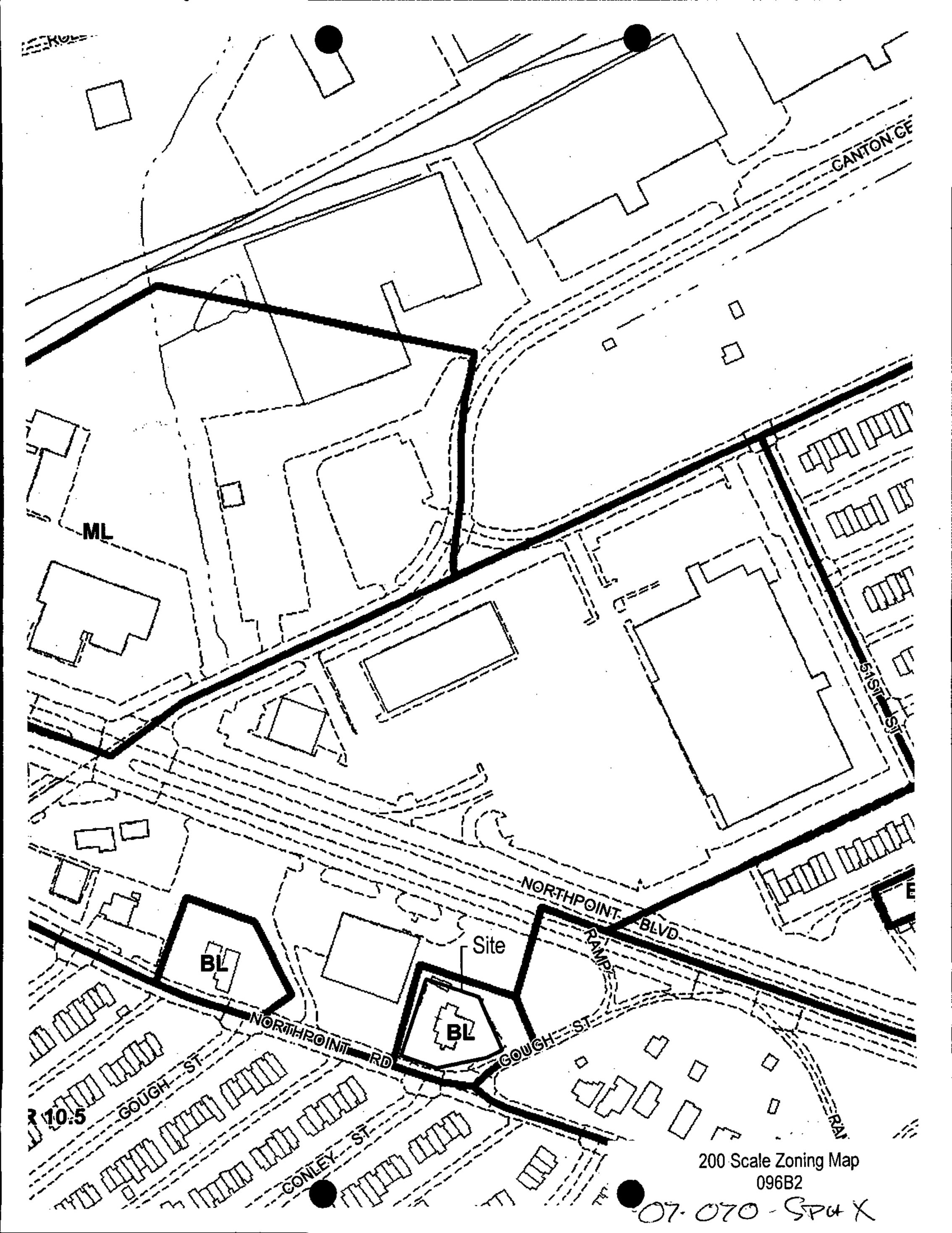
CASE NAME

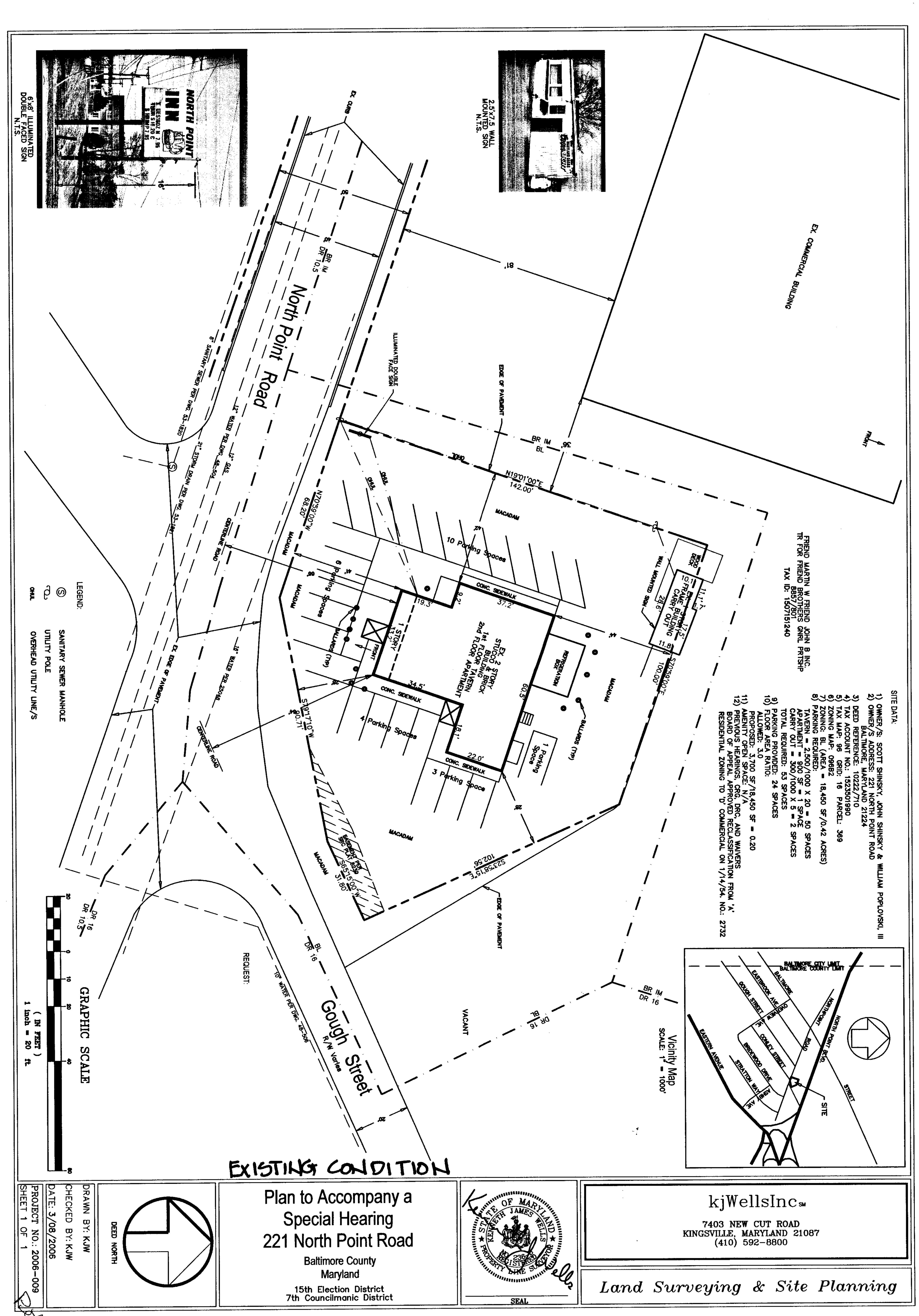
CASE NUMBER 51-01504X

DATE 10/27/2006

PETITIONER'S SIGN-IN SHEET

									KENNETH WELLS	N T. VETTOR	4	NAME
									7403 HEW CUT RD	300 E. LOMBARD ST STE. 184	7 (e/t/3 c7	ADDRESS
									KILLICOVILLE MD. 21087	120	2	CITY, STATE, ZIP
			2						MAEU POR WELLSTIK OM	just ten @ a. I den Aller		E- MAIL





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