IN RE: PETITION FOR SPECIAL EXCEPTION SE corner of Baker Avenue and Old Eastern Avenue 15th Election District 6th Councilmanic District **(2233 Old Eastern Avenue)**	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
John and Marie Leos *Legal Owner* Bakers, Inc. *Contract Purchaser*	* *	**CASE NO. 07-166-X**

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, John and Marie Leos. The Petitioners are requesting a special exception for property located at 2233 Old Eastern Avenue. The special exception request is to use the property for an arcade with not less than six (6) amusement devices in combination with the use as tavern pursuant to Sections 423 B and 422 A of the Baltimore County Zoning Regulations (B.C.Z.R).

The property was posted with Notice of Hearing on November 28, 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 November 28, 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;
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;

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12-28-06

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 in support of the request were Joseph Larson of Spellman Larson and Associates who prepared the site plan, as well as John Leos and Evan Leos, legal owners of the property and lessee. David Mister, Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. Peter Max Zimmerman entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence presented in this case indicated that this property contains 0.29 acres +/- zoned BL. The property is improved with an existing brick and frame tavern which Mr. Mister proffered was first established in 1934 as shown by the tavern license, exhibit 1. He indicated that the present owners have operated this business for the past 31 years.

In regard to the request for the request for special exception for an arcade in combination with a tavern, he noted that the Petitioners presently have four fully licensed amusement devices. The Petitioner would like to have 10 to 12 devices to accommodate the desires of present customers some of whom occupy a single device for several hours leaving other customers who would like to operate such devices unhappy. He noted that every amusement device is counted

by the County even small table top devices such as trivial pursuit and sports games. He opined that the present configuration of the tavern, number of tables and parking can accommodate 10 to 12 devices without modifying the footprint or structure of the tavern. These devices would always be accessory to the tavern uses. He noted that the nearby Middle River Inn has a similar special exception.

Mr. Larson noted that this tavern predates zoning regulations in the County and as such the site is non conforming as to setbacks and parking. See site plan, exhibit 2. No change to the footprint will result if the Petition is granted. The surrounding area is zoned and used as BL except for the motel to the south which is also owned by the Petitioners. He opined that the request meets all the criteria of Section 502.1 of the BCZR, is within the spirit and intent of the BL zoning, and will not adversely affect the community.

At this point in the hearing, this Commissioner raised the issue of whether or not the parking field could be updated to reduce safety concerns and bring the parking field to present standards to the extent reasonable. Of particular concern are the nine spaces on the western side of the tavern which perhaps might allow vehicles to block emergency exits. An updated parking plan would not affect the non conforming status of the property in any way. The Petitioner indicated that he would authorize Mr. Larson to examine the parking field and submit a redline plan reflecting an updated plan. This redline site plan was received on December 26, 2006 and entered into evidence as exhibit 3.

Findings of Fact and Conclusions of Law

In regard to the request for special exception of an arcade in combination with a tavern, I find the request meets the criteria of Section 502.1 of the BCZR and will not adversely affect the community as long as the number of devices is limited. A special exception with no limitation of devices could pose problems with future owners who conceivably could eliminate the tavern and

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Date 12-28-06

convert the premise to an all amusement arcade. If this were to occur, the parking would likely be inadequate for the use. I am satisfied that a maximum of 12 devices will sufficiently limit such activity on the premise and will be consistent with the updated parking plan as shown in exhibit 3.

I appreciate the cooperation of the Petitioner in authorizing an updated parking plan under the circumstances. I accept the redline site plan reflects Mr. Larson's judgment as to what reasonably is possible given the configuration of the exiting buildings and lot dimensions. Again this redline plan does not in any way affect the non conforming status of the property but was made as an accommodation to this Commission.

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

THEREFORE, IT IS ORDERED, this 28th day of December, 2006, by the Deputy Zoning Commissioner, that the Petitioners' request for special exception pursuant to Sections 423 B and 422 A of the Baltimore County Zoning Regulations (B.C.Z.R) to use the property as an arcade with a maximum of twelve (12) amusement devices in combination with the use as tavern as shown in exhibit 3 be and is hereby GRANTED subject, however, to the following:

1. The Petitioners may apply for their use 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.

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

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Date 12-28-06

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2233 Old Eastern Avenue, Baltimore, MD
which is presently zoned BL-AS

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 with not less than six (6) amusement devices in combination with the use as tavern pursuant to Section 423 B BCZR and Section 422 A BCZR.

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

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

Contract Purchaser/Lessee:

Baker's, Inc.
Name - Type or Print

JOHN A LEOS
Signature John A. Leos, President

2233 Old Eastern Avenue — 410-687-9874
Address — Telephone No.

Baltimore — MD — 21220
City — State — Zip Code

Attorney For Petitioner:

David F. Mister
Name - Type or Print

Signature

Mister, Winter & Bartlett, LLC
Company

30 E. Padonia Road, Suite 404 — 410-561-3000
Address — Telephone No.

Timonium — MD — 21093
City — State — Zip Code

Legal Owner(s):

John A. Leos
Name - Type or Print

JOHN A. LEOS
Signature

Marie Leos
Name - Type or Print

MARIA LEOS
Signature

2233 Old Eastern Avenue — 410-687-9874
Address — Telephone No.

Baltimore — MD — 21220
City — State — Zip Code

Representative to be Contacted:

David F. Mister
Name

30 E. Padonia Road, Suite 404 — 410-561-3000
Address — Telephone No.

Timonium — MD — 21093
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 10/11/06

Case No. 07-166-X

REV 09/15/98

RECEIVED FOR FILING
Date 10/26/06
By

SPELLMAN, LARSON & ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

LEGAL DESCRIPTION TO ACCOMPANY ZONING PETITION
2233 OLD EASTERN AVENUE

BEGINNING for the same at the northwest corner of the subject property which is at the intersection of Old Eastern Avenue and Baker Avenue (formally Orems Road) and running along the south side of Baker Avenue north 62 degrees 30 minutes east 23.00 feet to a point on the southwest side of Martin Boulevard as shown on State Roads Commission Plat No. 4791 and binding along the southwest side of Martin Boulevard south 49 degrees 45 minutes east 122.00 feet thence south 1 degree 11 minutes east 86.87 feet thence for a line of division north 73 degrees 45 minutes 11 seconds west 167.89 feet to a point on the east side of Old Eastern Avenue thence binding along the east side of Old Eastern Avenue north 23 degrees east 117.42 feet to the place of beginning.

CONTAINING 0.29 acres of land more or less.

File#D02240601

STATE OF MARYLAND
EDWIN J. KIRBY, JR.
No. 5491
REGISTERED
PROFESSIONAL LAND SURVEYOR

#166

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21728

DATE 10/11/06 ACCOUNT R001-006-6150

AMOUNT $ 1380.00

RECEIVED FROM: Mister Winter & Bailey, Inc.

FOR: Special Exception

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 166

PAID RECEIPT
RECEIPT ACTIVITY TIME
10/11/2006 10/11/2006 11:23:57
Record fee $80.00
$80.00 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: # 07-166-X
2233 Old Eastern Avenue
S/east corner of Baker Avenue and Old Eastern Avenue
15th Election District — 6th Councilmanic District
Legal Owner(s): John & Marie Leos
Contract Purchaser: Bakers, Inc.

Special Exception: to use the herein described property for an arcade with not less than six (6) amusement devices in combination with the use as tavern pursuant to Section 423 B BCZR and Section 422 A BCZR.

Hearing: Thursday, December 14, 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 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 11/729 Nov. 28 117341

CERTIFICATE OF PUBLICATION

11/30/, 2006

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 11/28/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-166-X

Petitioner/Developer: BAKERS INC.

Date of Hearing/Closing: 12-14-06

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}

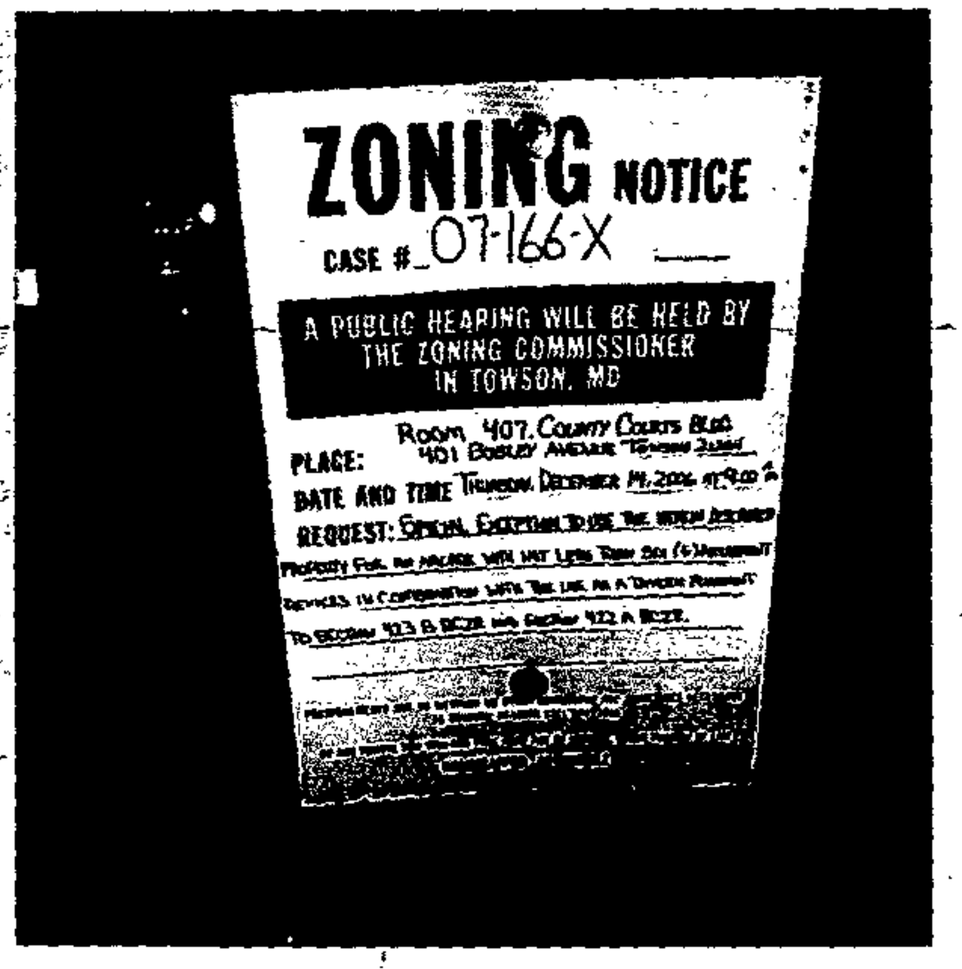
Ladies and Gentlemen:

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:

2233 OLD EASTERN AVE

The sign(s) were posted on 11-28-06
(Month, Day, Year)

Sincerely,



Robert Black 11-28-06
(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)

RECEIVED
NOV 30 2006

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

November 6, 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: 07-166-X
2233 Old Eastern Avenue
S/east corner of Baker Avenue and Old Eastern Avenue
15th Election District – 6th Councilmanic District
Legal Owners: John & Marie Leos
Contract Purchaser: Bakers, Inc.

Special Exception to use the herein described property for an arcade with not less than six (6) amusement devices in combination with the use as tavern pursuant to Section 423 B BCZR and Section 422 A BCZR.

Hearing: Thursday, December 14, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Mister, 30 E. Padonia Rd., Ste. 404, Timonium 21093
John & Marie Leos, 2233 Old Eastern Avenue, Baltimore 21220
Bakers, Inc., 2233 Old Eastern Avenue, Baltimore 21220

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 28, 2006 Issue - Jeffersonian

Please forward billing to:
Mister, Winter and Bartlett, LLC
30 E. Padonia Avenue, Ste. 404
Timonium, MD 21093

410-561-3000

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: 07-166-X
2233 Old Eastern Avenue
S/east corner of Baker Avenue and Old Eastern Avenue
15th Election District – 6th Councilmanic District
Legal Owners: John & Marie Leos
Contract Purchaser: Bakers, Inc.

Special Exception to use the herein described property for an arcade with not less than six (6) amusement devices in combination with the use as tavern pursuant to Section 423 B BCZR and Section 422 A BCZR.

Hearing: Thursday, December 14, 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.

RE:	PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
	2233 Old Eastern Avenue; SE corner Baker Avenue & Old Eastern Avenue	*	ZONING COMMISSIONER
	15th Election & 6th Councilmanic Districts		
	Legal Owner(s): John & Maria Leos	*	FOR
	Contract Purchaser(s): Baker's Inc		
	Petitioner(s)	*	BALTIMORE COUNTY
		*	07-166-A

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

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 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 17th day of October, 2006, a copy of the foregoing Entry of Appearance was mailed David F. Mister, Esquire, Mister, Winter & Bartlett, LLC, 30 E. Padonia Road, Suite 404, Timonium, MD 21093, Attorney for Petitioner(s).

RECEIVED
OCT 17 2006
Per

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 07-166-X

Petitioner: Baker's, Inc.

Address or Location: 2233 Old Eastern Avenue, Baltimore, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mister, Winter and Bartlett, LLC

Address: 30 E. Padonia Road,
Suite 404
Timonium, MD 21093

Telephone Number: 410-561-3000

Revised 2/20/98 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 7, 2006

David F. Mister
Mister, Winter & Bartlett, LLC
30 E. Padonia Road, Suite 404
Timonium, MD 21093

Dear Mr. Mister:

RE: Case Number: 07-166-X, 2233 Old Eastern Avenue

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
John A. Leos Marie Leos 2233 Old Eastern Avenue Baltimore 21220
Baker's, Inc. John A. Leos 2233 Old Eastern Avenue Baltimore 21220

SPELLMAN, LARSON & ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

Mr. John Murphy, Deputy Zoning Commissioner
Zoning Commissioners Office
Baltimore County
New Courts Building
Towson, MD 21204

December 22, 2006

RECEIVED

DEC 26 2006

ZONING COMMISSIONER

Re: 2233 Old Eastern Avenue
Zoning Case No. 07-166-X
Job No. 206004

"HAND DELIVERED"

Dear Deputy Commissioner Murphy,

Pursuant to your instructions issued at the Zoning Hearing for the above captioned property conducted on Thursday December 14, 2006, we have conducted a field re-inspection of the subject site and reviewed the parking layout in order to provide you a rubricated Site Plan with a revised parking layout to better serve the existing tavern.

The intent of this revised parking layout is to maximize the number of parking spaces while at the same time providing better traffic flow through the site. But, more importantly, our new Plan assures you that there are no parking spaces that will be blocking any points of ingress and egress to the existing building.

Attached hereto please find a copy of our rubricated Plan which addresses your comments which is being submitted to you for your review and inclusion into the Zoning File.

Unfortunately, due to the reduced size of the subject property, there is not a lot of parking lot design flexibility available but I feel that the modifications as proposed are an improvement and addresses your concerns.

Should you have any questions or wish to discuss this matter in any further detail please feel free to contact me at any time.

Very truly yours,

Joseph L. Larson, President
SPELLMAN, LARSON & ASSOC., INC.

cc: David Mister
File#L12190602

12/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 20, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-166 Special Exception**

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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By: Cindy Murray

Division Chief: Lyn Lanham

CM/LL

RECEIVED

NOV 2 ? 2006

TO COMMISSIONER

W:\DEVREV\ZAC\7-166.doc

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

SHA State Highway Administration Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: October 20, 2006

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

RE: Baltimore County
Item No. 7-166-X
2233 Old Eastern Avenue
Leo's Tavern
Variance - For An Arcade
With Not Less Than Six (6)
Amusement Devices

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. 7-166-X.

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,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 20, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 157 through 169
166

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 23, 2006
Item Nos. 07-102, 157, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and 169

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-10182006.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 28, 2006

JOHN A. AND MARIE LEOS
3508 LOSRAC COURT
BALTIMORE MD 21234

Re: Petition for Special Exception
Case No. 07-166-X
Property: 2233 Old Eastern Avenue

Dear Mr. and Mrs. Leos:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has 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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure

c: David F. Mister, Esquire, Mister Winter & Bartlett LLC, 30 East Padonia Road, Suite 404, Timonium MD 21093
Joseph Larson, Spellman Larson & Associates, Inc., 105 West Chesapeake Avenue, Towson MD 21204
Evan Leos, 9915 Maidbrook Road, Baltimore MD 21234

RECEIVED FOR FILING
12/28/06

13

STATE OF MARYLAND

Alcoholic Beverages Law

Beer, Wine and Liquor License. Class D. (On Sale.) Taverns

BALTIMORE COUNTY, to-wit:

THIS IS TO CERTIFY, That Harry Baker

S. W. Cor Eastern Ave Rd & Phillips Rd

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail, at the place herein described, for consumption on the premises or elsewhere.

The holder of this license shall not be permitted to make any sale of any alcoholic beverage on Sunday, or on the day of any general, special or primary election; nor on any other day between the hours of midnight and 6 A. M. in Baltimore County.

Issued under authority of Chapter 2 of the Acts of the General Assembly of Maryland, Special Session of 1933.

In Testimony Whereof, the Seal of the Comptroller's Office is hereto affixed.

This License shall continue in force until the first day of May next.

Cost of License, $ 79.63

TEST C. Wilson Browne

Clerk of the Circuit Court for Baltimore County.

Issued the 1 day of Feby Nineteen Hundred and 34

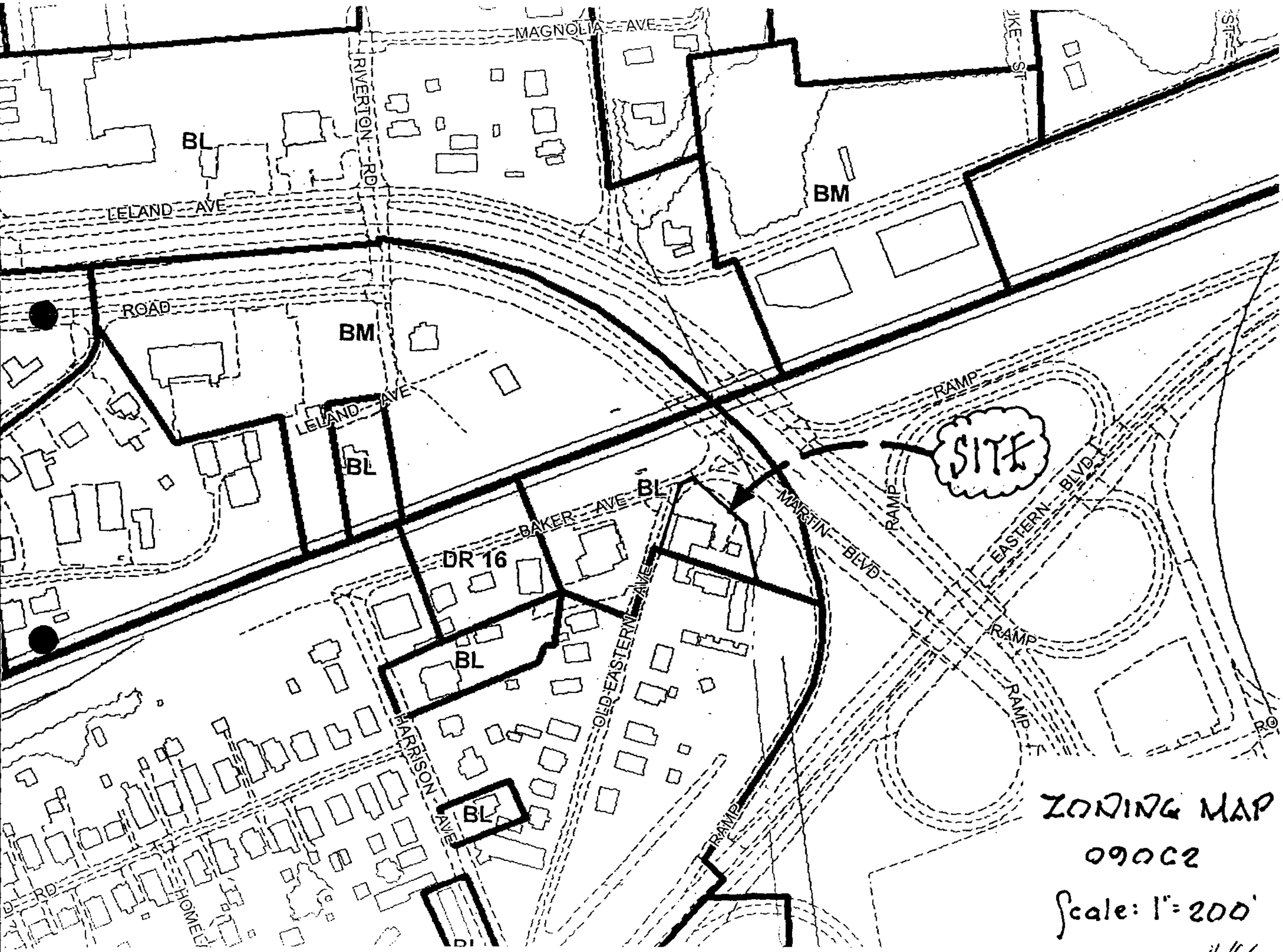
Pet #1

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID F. MISTER	SUITE 404, 30 E. PADONIA RD.	TIMONIUM, MD 21093	dmister@mwblaw.net
JOSEPH LARSON	105 W. Chesapeake Ave	Towson, Md 21204	Spolarson@Verizon.net
Evan Leos	9915 Maidbrook Rd.	Baltimore MD 21234	evanleos88@aol.com
John Leos	3508 Losrac Ct.	Baltimore MD 21234	

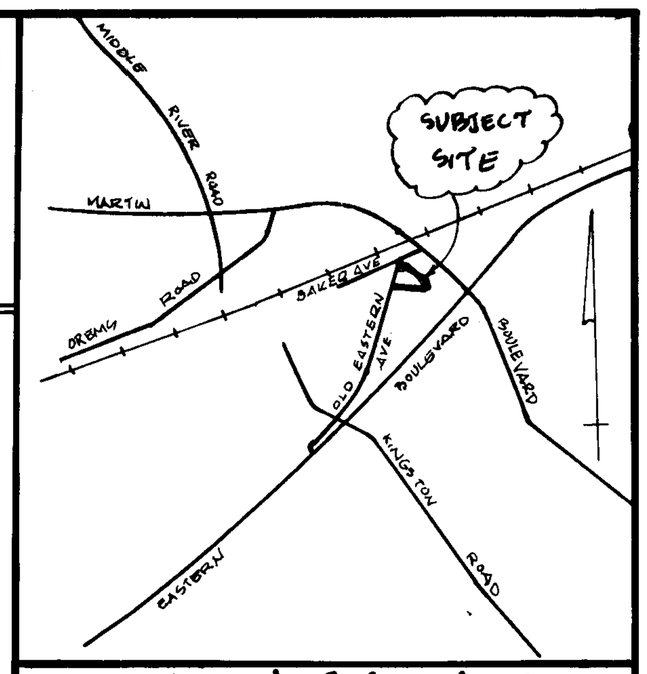

MAGNOLIA AVE
RIVERTON RD
LELAND AVE
ROAD
BL
BM
BM
LELAND AVE
BL
BAKER AVE
BL
DR 16
BL
HARRISON AVE
OLD EASTERN AVE
BL
MARTIN BLVD
RAMP
RAMP
EASTERN BLVD
RAMP
RAMP
RAMP
SITE
HOME
RD
ZONING MAP
09002
Scale: 1" = 200'
#166

ZONING PETITION

THIS PLAT ACCOMPANIES A ZONING PETITION FOR SPECIAL EXCEPTION TO USE THE SUBJECT PROPERTY FOR AN ARCADE WITH NOT LESS THAN 6 AMUSEMENT DEVICES IN COMBINATION WITH THE USE AS A TAVERN

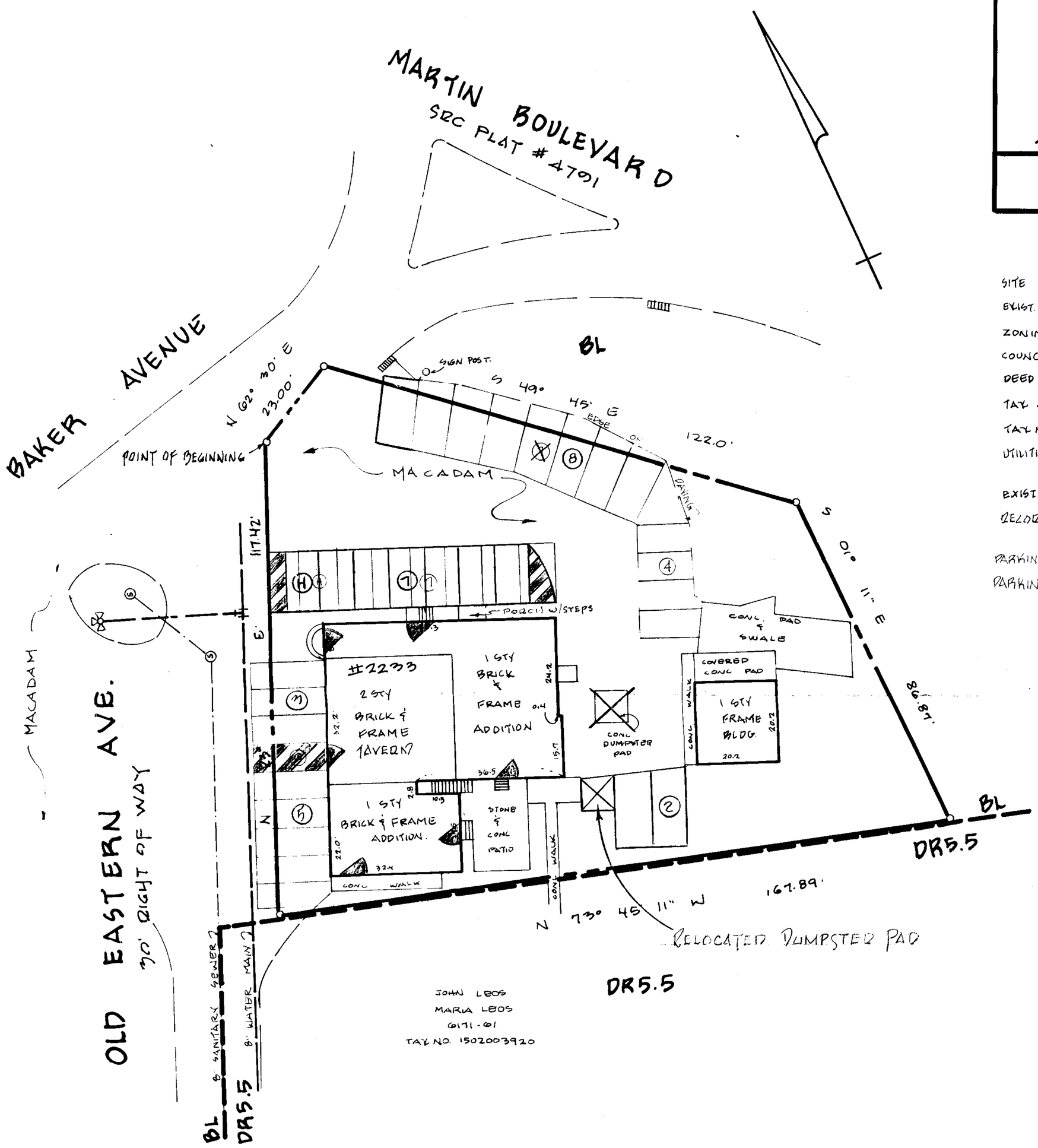
OWNER INFORMATION

JOHN ANGELO LEOS
MARIO LEOS
2233 OLD EASTERN AVE
BALTIMORE MD 21220



VICINITY MAP

SCALE: 1" = 1000'



SITE DATA

SITE AREA	0.29 AC +/-
EXIST. ZONING	BL
ZONING MAP	090C2
COUNCILMANIC DISTRICT	6TH
DEED REFERENCE	5742-544
TAX ACCOUNT NO.	1900000576
TAX MAP / GRID / PARCEL	90 / 17 / 166
UTILITIES	EX. SEWER - PUBLIC EX. WATER - PUBLIC
EXIST USE	TAVERN
RECORD PLAT	MIDDLETON 2/46
PARKING PROVIDED	29 ~~27~~ SPACES
PARKING REQUIRED	NOT APPLICABLE (SEE GEN. NOTE #6)

FLOOR SYMBOL

GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, OR HISTORICAL BUILDINGS ON THE SUBJECT SITE.
2. ALL SIGNAGE SHALL COMPLY WITH SECTIONS 450 & 259.3.C.7 OF THE BCZR.
3. THE PARKING LOT LIGHTING WILL NOT REFLECT ONTO ADJACENT RESIDENTIAL LOTS.
4. THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
5. THE SUBJECT PROPERTY DOES NOT LIE IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS A PRE EXISTING NON-CONFORMING USE AS IS DOCUMENTED BY A VALID LIQUOR LICENSE DATING BACK PRIOR TO 1940
7. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.

PLAT TO ACCOMPANY
ZONING PETITION

2233 OLD EASTERN AVENUE

5742-544

15TH DISTRICT — BALTIMORE CO., MD

SCALE: 1" = 20' — JANUARY 30, 2006
REV OCTOBER 6, 2006

Petitioner's #3

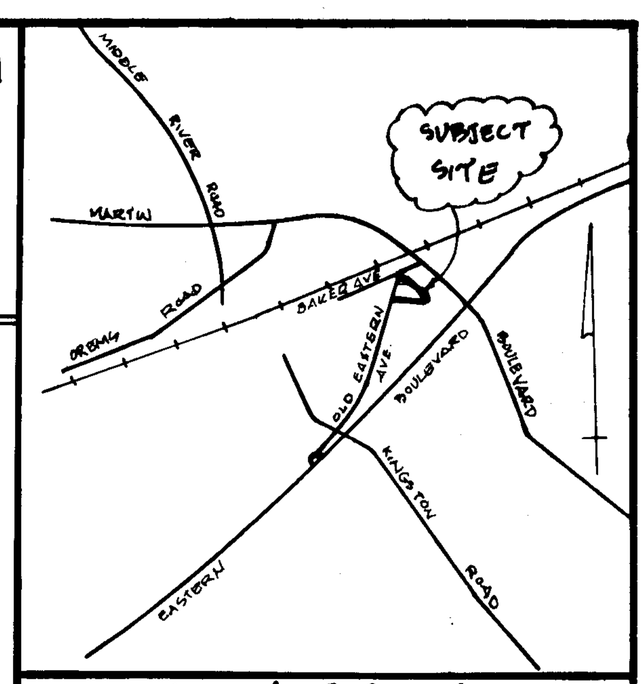
SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BUILDING
TOWSON, MARYLAND 21204
PHONE: 410-823-3535
FAX: 410-825-5215

ZONING PETITION

THIS PLAT ACCOMPANIES A ZONING PETITION FOR SPECIAL EXCEPTION TO USE THE SUBJECT PROPERTY FOR AN ARCADE WITH NOT LESS THAN 6 AMUSEMENT DEVICES IN COMBINATION WITH THE USE AS A TAVERN.

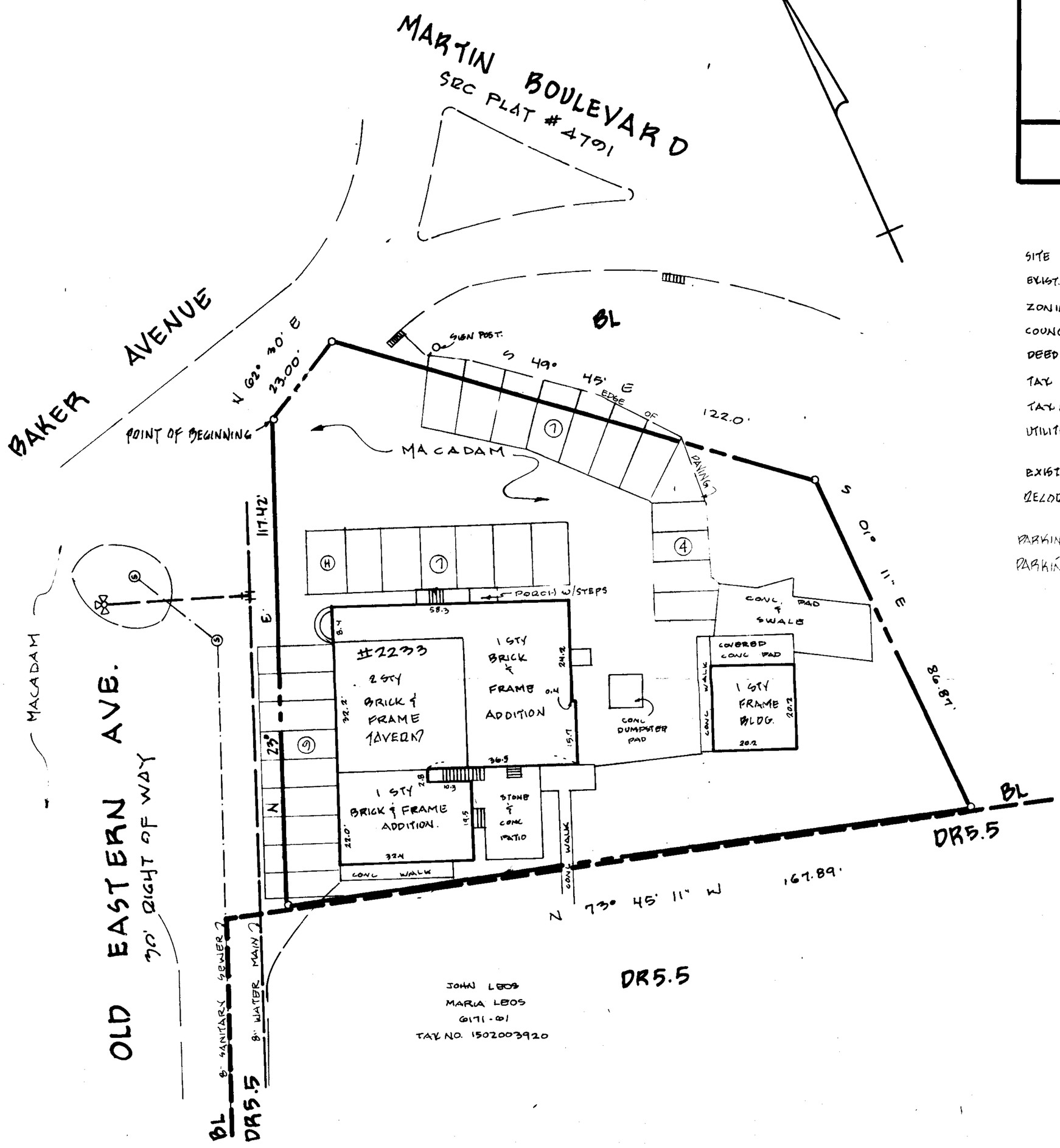
OWNER INFORMATION

JOHN ANGELO LEOS
MARIO LEOS
2233 OLD EASTERN AVE
BALTIMORE MD 21220



VICINITY MAP

SCALE: 1" = 1000'



SITE DATA

SITE AREA	0.29 AC +/-
EXIST. ZONING	BL
ZONING MAP	09OC2
COUNCIL MANIC DISTRICT	6TH
DEED REFERENCE	5742-544
TAX ACCOUNT NO.	1700000576
TAX MAP / GRID / PARCEL	90 / 17 / 166
UTILITIES	EX. SEWER - PUBLIC EX. WATER - PUBLIC
EXIST USE	TAVERN
RECORD PLAT	MIDDLETON 2/46
PARKING PROVIDED	27 SPACES
PARKING REQUIRED	NOT APPLICABLE (SEE GEN. NOTE #6)

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PLAT TO ACCOMPANY
ZONING PETITION

2233 OLD EASTERN AVENUE

5742-544

15TH DISTRICT — BALTIMORE CO., MD

SCALE: 1" = 20' — JANUARY 30, 2006
REV. OCTOBER 6, 2006

STATE OF MARYLAND — EDWIN J. KOBEY JR. — NO. 5481 — REGISTERED PROFESSIONAL LAND SURVEYOR

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BUILDING
TOWSON, MARYLAND 21204
PHONE: 410-823-3535
FAX: 410-825-5215

Ref #2

#166