IN RE: PETITIONS FOR SPECIAL EXCEPTION & SPECIAL HEARING	*	BEFORE THE
NE side Westminster Road, 1117 feet SE c/l Glen Falls Road	*	DEPUTY ZONING
(1100 Westminster Pike)	*	COMMISSIONER
4th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
Calvin C. and Robin L. Buettner *Petitioners*	*	
	*	**Case No. 07-546-SPHX**

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of the Petitions for Special Exception and Special Hearing filed by the legal owners of the subject property, Calvin C. and Robin L. Buettner. Petitioners are requesting special hearing relief to approve a modified parking plan in accordance with Section 409.12 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the request for special exception is to permit an arcade, in accordance with Sections 423.B and 422.A of the B.C.Z.R., and to permit living quarters in a commercial building, pursuant to Section 230.13 of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1. In addition, the subject property and the overall layout and visual characteristics of the surrounding areas are shown on the large aerial photograph which was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the special exception and special hearing requests was Petitioner Calvin C. Buettner, his attorney, Lawrence E. Schmidt, Esquire, and Steve Warfield, with Matis Warfield, Inc., the engineering consultant who prepared the site plan.

Testimony and evidence offered revealed that the subject property contains 2.213 acres, more or less, zoned BL, and 10.040 acres, more or less, zoned RC 8. The property is improved with

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Date 8-24-07
By PB

an existing three-story dwelling containing the restaurant known as the Full Moon Restaurant, as well as a basement and apartment. The first floor contains 3,265 square feet and comprises the restaurant area. Toward the back area and on the north side of the restaurant is a one-story covered deck consisting of approximately 2,400 square feet. The second floor consists of approximately 1,500 square feet of restaurant office space, as well as another 1,500 square feet consisting of a second floor two-bedroom apartment. The basement level consists of approximately 3,000 square feet which is used only for storage.

As to the request for special hearing, Petitioners desire approval of a modified parking plan in accordance with B.C.Z.R. Section 409.12. For the restaurant, this would require 16 spaces per 1,000 square feet; for the office this would require 3.3 spaces per 1,000 square feet. Because the office is associated with the restaurant, Petitioners have calculated the parking requirement based on the restaurant rate, which is actually a higher requirement. The total square footage is approximately 7,165 square feet, necessitating approximately 114.64 parking spaces. The apartment on the second floor has customarily been occupied by a tenant related to the restaurant business, such as an employee, in a caretaker-type capacity. The apartment necessitates an additional 2.5 parking spaces for a total of 117 spaces needed.

In their modified parking plan, Petitioners propose 93 spaces plus an additional 14 motorcycle spaces. In addition, Petitioners have made arrangements with adjacent properties for the use of off-site parking when necessary. This includes the American Legion Hall located several hundred yards to the southeast of the restaurant and the Moose Lodge, which is located across the street from the restaurant. Marked and accepted into evidence as Petitioner's Exhibits 4A and 4B were informal lease agreements from the American Legion Post No. 116 and the Moose Lodge No. 1577, respectively, authorizing additional spaces as needed for the restaurant.

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By PZ

Section 409.12 allows a petitioner to request approval of a modified parking plan under the procedures set forth in Section 409.8.B. This section incorporates the principles and conditions enunciated in Section 502.1, for determination of whether a proposed use under special exception is detrimental to the health, safety and general welfare of the public, and the impact on the locale. In the instant matter, Mr. Warfield, Petitioners' consulting engineer, testified as an expert that the proposed modified parking plan does not adversely impact any of the criteria stated in Section 502.1. Mr. Warfield also addressed the potential overflow of parking to adjacent sites, given Petitioner's requested 93 vehicle spaces in lieu of the required 117, which is often a concern with restaurants and taverns when their patrons park in adjacent neighborhoods on occasions where there is a shortage of spaces during peak business hours. Mr. Warfield explained that this site is very unique in that the restaurant is very isolated, it is not near any residences or neighborhoods, and therefore would not present a problem of restaurant parking overflowing onto adjacent areas, other than the authorized additional parking at the Moose Lodge and American Legion Hall. This is further illustrated in the aerial photographs of the restaurant as it fronts Westminster Pike, and the immediate area near the restaurant, which were marked and accepted in to evidence as Petitioner's Exhibits 3A through 3D. In short, Petitioners wish to alter the present parking configuration in order to make it more efficient and a better use of the available space on the property.

As to the special exception request, pursuant to B.C.Z.R. Section 101, an arcade is defined as a building or part of a building in which five or more pinball machines, video games or other similar player-operated amusement devices are maintained. Presently the restaurant has a small bar area with seating and also an area with arcade machines that are usable by the bar patrons. There are also several machines in the deck area, for a total of eight machines now existing. Due to the number of existing machines, this constitutes an arcade under Section 101. Hence, Petitioners

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Date 8-24-07
By PB

request relief to legitimize the existing use of the eight machines, as well as to have a window for installing additional machines, up to has high as 15 total.

The third issue is the special exception request to permit living quarters in a commercial building pursuant to B.C.Z.R. Section 230.13. The Business Local (B.L.) Zone permits such use when approved under special exception. Because the restaurant is situated in a relatively isolated area on Westminster Pike, Petitioners desire to have a tenant in the second floor apartment as an informal added security measure and as a type of "caretaker." This has traditionally been an employee or similar individual living above the restaurant and providing a presence during off hours.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments from the Department of Environmental Protection and Resource Management (DEPRM) dated July 17, 2007 indicate that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and must comply with the Forest Conservation Regulations. Comments from the Bureau of Development Plans Review dated June 14, 2007 indicate that while not meeting maneuvering and access standards, the parking layout appears to be functional. The comment also indicates that since there is no 10-foot landscape strip adjacent to the right of way, they recommend approval of the modified parking plan be conditioned on Petitioners meeting with the County's landscape architect and providing any landscaping and lighting revisions that he recommends.

Based on the testimony and evidence presented, I am persuaded that the requested modified parking plan should be approved. As a result of the unique characteristics of the subject property, Petitioners would suffer practical difficulty if the regulations were strictly enforced. This is an older, existing building which cannot be moved or reduced in size on an established lot. In addition, the lot itself is very limiting. Approximately half of the lot is situated behind the

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restaurant and parking areas, and it is affected by severe slopes that render this portion of the property virtually useless for a B.L. zone. The subject property also abuts Westminster Pike, with little more than a median strip between the roadway and the restaurant's parking area. It appears that Petitioners' modified parking plan attempts to make the best use of the space for parking vehicles and motorcycles, while also providing sufficient space for drive aisles and for ingress and egress to and from the restaurant. Thus, I find that existing conditions on-site greatly constrain the parking that can be accommodated, and that providing the parking to the extent called for in the regulations would be an undue hardship on Petitioners, while granting the relief will not adversely affect the community.

A related issue that arose during the hearing was the Zoning Advisory Committee comment from the Bureau of Development Plans Review, concerning the lack of a 10-foot landscape strip adjacent to the right of way, and their recommendation that approval of the modified parking plan be conditioned on Petitioners meeting with the County's landscape architect and providing any necessary landscaping and lighting revisions. However, due to the unique layout of the parking plan and the limited amount of space present, Petitioners requested that their plan be excepted from this comment. Though I am quite mindful of the experience and expertise of the Bureau of Development Plans Review in these matters, after reviewing the site plan and hearing additional testimony and evidence on this issue from Petitioners, I will not require Petitioners to provide additional landscaping or lighting revisions. The median situated in the right-of-way is a relatively thin strip running in front of the restaurant along Westminster Pike. With the concrete and the gravel to be filled into the median strip, there is practically no additional room for landscaping and/or lighting. Moreover, additional landscaping or lighting would potentially reduce the number of available parking spaces on the plan.

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Turning now to the request for special exception to permit an arcade, in accordance with B.C.Z.R. Sections 423.B and 422.A, and to permit living quarters in a commercial building, pursuant to B.C.Z.R. Section 230.13, I am also persuaded to grant the requested relief. I find that the request for special exception for an arcade meets the criteria of Section 501.2 of the B.C.Z.R., is within the spirit and intent of the B.L regulations, and will not adversely affect the community. Petitioners currently have eight machines and have requested approval to place additional machines as the need arises, up to a total of 15 machines. This number of machines appears reasonable and in keeping with the accessory nature of the machines, given the size of the restaurant in general and the bar and back deck areas in particular. This cap shall be incorporated as a condition in this Order. As to permitting living quarters in a commercial building, this is a use specifically permitted in a B.L. zone. In addition, I am persuaded by Petitioners' justification for desiring a tenant on the second floor of the restaurant -- as informal added security or a "caretaker" providing a presence during off hours. Moreover, I find no evidence that the living quarters would be detrimental to the health, safety, and welfare of the public, or that it would negatively impact any of the guidelines and principles set forth in B.C.Z.R. Section 502.1.

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

THEREFORE, IT IS ORDERED, this 24th day of August, 2007, by the Deputy Zoning Commissioner, that the Special Hearing to approve a modified parking plan in accordance with B.C.Z.R. Section 409.12 be and hereby is GRANTED; and

IT IS FURTHER ORDERED that the Special Exception to permit an arcade, in accordance with B.C.Z.R. Sections 423.B and 422.A, and to permit living quarters in a commercial building,

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Date 8.24.07
By PB

pursuant to B.C.Z.R. Section 230.13 be and is GRANTED; subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

4. No more than 15 arcade machines shall be allowed on the premises. In the event Petitioners or their successors or assigns wish to exceed this number of machines, they must apply for additional special exception relief with a public hearing.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
Date 8.24.07
By PO

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 24, 2007

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 07-546-SPHX
Property: 1100 Westminster Pike

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Calvin C. and Robin L. Buettner, 1100 Westminster Pike, Reisterstown MD 21136
Steve Warfield, Matis Warfield, Inc., 10540 York Road, Suite M, Hunt Valley MD 21030

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1100 Westminister Pike
which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. A modified parking plan in accordance with BCZR Section 409.12; and
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Calvin C. Buettner
Name - Type or Print

Signature

Robin L. Buettner
Name - Type or Print

Signature

1100 Westminister Pike
Address — Telephone No.

Reisterstown — MD — 21136
City — State — Zip Code

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 — 410-821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Jason T. Vettori
Name

600 Washington Avenue, Suite 200 — 410-821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 6/4/07

Case No. 07-546-SPHX

REV 9/15/98

[redacted] 8.24.07

PB

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1100 Westminister Pike
which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. A modified parking plan in accordance with BCZR Section 409.12; and
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Calvin C. Buettner
Name - Type or Print

Calvin C Buettner
Signature

Robin L. Buettner
Name - Type or Print

Robin Buettner
Signature

1100 Westminister Pike
Address Telephone No.

Reisterstown MD 21136
City State Zip Code

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print

Jason T. Vettori
Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 410-821-0070
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Jason T. Vettori
Name

600 Washington Avenue, Suite 200 410-821-0070
Address Telephone No.

Towson MD 21204
City State Zip Code

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UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 6/4/07

Case No. 07-546-SPHX

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 8-24-07
By BK

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1100 Westminister Pike
which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. A modified parking plan in accordance with BCZR Section 409.12; and
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Calvin C. Buettner
Name - Type or Print

Calvin C. Buettner
Signature

Robin L. Buettner
Name - Type or Print

Robin L Buettner
Signature

1100 Westminister Pike
Address Telephone No.

Reisterstown MD 21136
City State Zip Code

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print

J. T. Vett
Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 410-821-0070
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Jason T. Vettori
Name

600 Washington Avenue, Suite 200 410-821-0070
Address Telephone No.

Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BM Date 6/4/07

Case No. 07-546-SPHX

REV 9/15/98

[illegible] RECEIVED FOR FILING
8.24.07
PB

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1100 Westminister Pike

which is presently zoned BL

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

See attached.

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:

N/A
Name - Type or Print

Signature

Address | Telephone No.

City | State | Zip Code

Legal Owner(s):

Calvin C. Buettner
Name - Type or Print

Calvin C Buettner
Signature

Robin L. Buettner
Name - Type or Print

Robin L Buettner
Signature

1100 Westminister Pike
Address | Telephone No.

Reisterstown | MD | 21136
City | State | Zip Code

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print

Jason T. Vettori
Signature Jason T. Vettori

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 | 410-821-0070
Address | Telephone No.

Towson | MD | 21204
City | State | Zip Code

Representative to be Contacted:

Jason T. Vettori
Name

600 Washington Avenue, Suite 200 | 410-821-0070
Address | Telephone No.

Towson | MD | 21204
City | State | Zip Code

Case No. 07-546-SPHX

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SK Date 6/4/07

REV 09/15/98

RECEIVED FOR FILING
8.24.07
PB

Attachment to Petition for Special Exception

1) An arcade, in accordance with BCZR Sections 423.B and 422.A;

2) Living quarters in a commercial building, pursuant to BCZR Section 230.13; and

3) For such other and further relief as may be deemed necessary by the Zoning Commissioner.

#546

Matis Warfield

consulting engineers

ZONING DESCRIPTION to Accompany Petition For Variance Request

Beginning at a point on the northeast side of Westminster Road which is 80-feet wide at the distance of 1117 feet +/- southeast of the centerline of the nearest improved intersecting Glen Falls Road which is 15-feet wide. Thence the following courses and distances:

Chord bearing S 37° 38' 36" E Rc =2904.79' Lc =88.33';
S 36° 46' 08" E 345.18';
N 43° 08' 23" E 200.00';
N 36° 56' 49" W 433.50';
S 43° 08' 23" W 200.00';
To the place of beginning as recorded in Deed Liber 14791, Folio 186/182.

Being Parcel 138 as shown on Baltimore County, Maryland Property Map No. 39, containing 1.955+/- acres. Also known as 1100 Westminster Pike and located in the 4th Election District

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS

Matis Warfield, Inc.
10540 york road • suite m • hunt valley, maryland 21030
phone 410-683-7004 • facsimile 410-683-1798
www.matiswarfield.com

#546

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29204

DATE 6/14/07 ACCOUNT R001-006-6150

AMOUNT $ 705.00

RECEIVED FROM: Gilmore Schmidt

FOR: Special Hearing & Special Exception

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 546

PAID RECEIPT
RECEIPT DATE TIME MIN.
6/18/2007 6/04/2007 11:13:16 5
OBJ SUB, MAJOR MINOR SUB
AMOUNT $ 705.00 6/04/2007 CLH
RECEIVED FROM: SPECIAL HEARING/EXCEPTION
CASH (C924)
Receipt Tot 705.00
705.00 CK 0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-546-SPHX

Petitioner/Developer: CALVIN C. & ROBIN L. BUETTNER

Date of Hearing/Closing: 8-7-07

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}

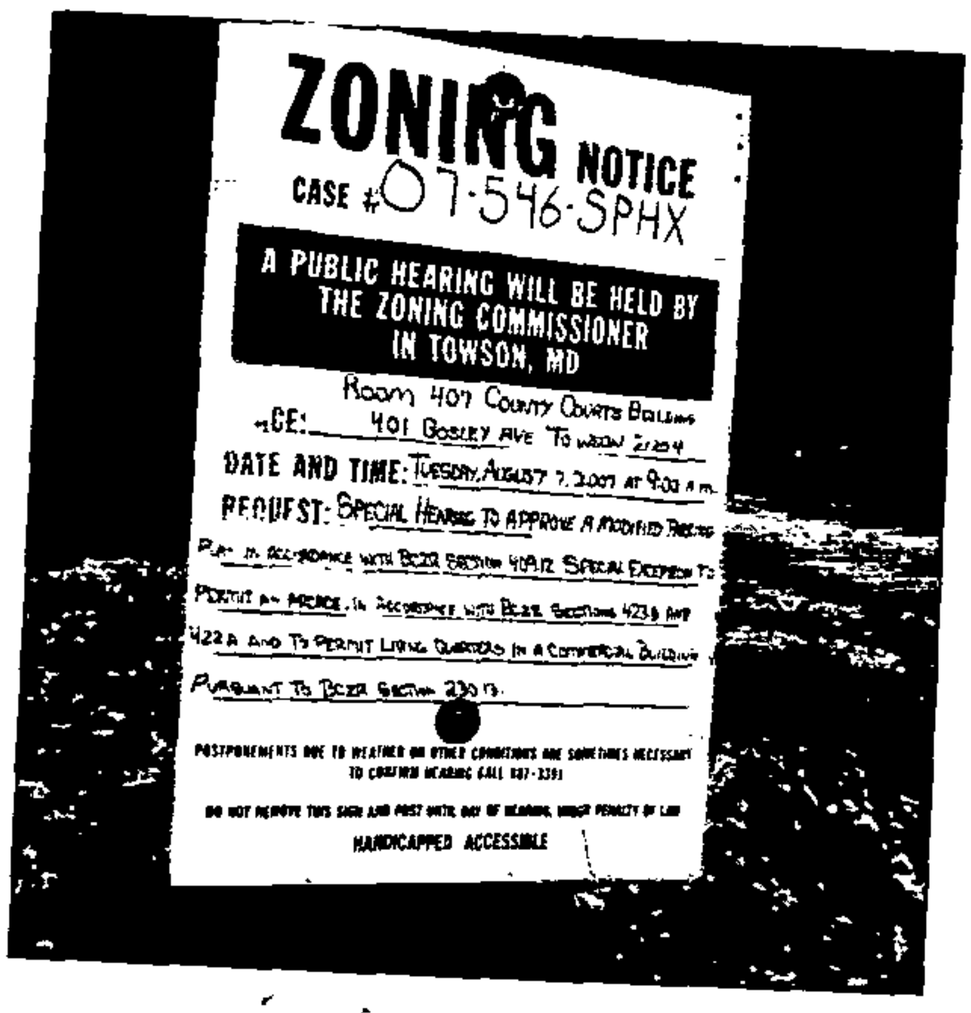
Ladies and Gentlemen:

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:

1100 WESTMINSTER PIKE

The sign(s) were posted on 7-23-07
(Month, Day, Year)

Sincerely,



Robert Black 7-23-07
(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)

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: # 07-546-SPHX
1100 Westminster Pike
N/east side of Westminster Road, 1117 feet southeast of centerline of Glen Falls Road
4th Election District - 3rd Councilmanic District
Legal Owner(s): Calvin C. & Robin L. Buettner

Special Hearing: to approve a modified parking plan in accordance with BCZR Section 409.12. **Special Exception:** *to permit an arcade, in accordance with BCZR Sections 423.B and 422.A. and to permit living quarters in a commercial building, pursuant to BCZR Section 230.13.*

Hearing: Tuesday, August 7, 2007, 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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7/721 July 24 142901

CERTIFICATE OF PUBLICATION

7/26/, 2007

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 7/24/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
1100 Westminster Pike; NE/S Westminster Road, 1117' SE c/line Glen Falls Road	*	ZONING COMMISSIONER
4th Election & 3rd Councilmanic Districts	*	FOR
Legal Owner(s): Calvin & Robin Buettner Petitioner(s)	*	BALTIMORE COUNTY
	*	07-546-SPHX

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June, 2007, a copy of the foregoing Entry of Appearance was mailed to Jason T. Vettori Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
JUN 22 2007
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

June 28, 2007

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

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: 07-546-SPHX
1100 Westminster Pike
N/east side of Westminster Road, 1117 feet southeast of centerline of Glen Falls Road
4th Election District – 3rd Councilmanic District
Legal Owners: Calvin C. & Robin L. Buettner

Special Hearing to approve a modified parking plan in accordance with BCZR Section 409.12.
Special Exception to permit an arcade, in accordance with BCZR Sections 423.B and 422.A. and to permit living quarters in a commercial building, pursuant to BCZR Section 230.13.

Hearing: Tuesday, August 7, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Calvin & Robin Buettner, 1100 Westminster Pike, Reisterstown 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 23, 2007.**
(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, July 24, 2007 Issue - Jeffersonian

Please forward billing to:
Jason Vettori
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 07-546-SPHX
1100 Westminster Pike
N/east side of Westminster Road, 1117 feet southeast of centerline of Glen Falls Road
4th Election District – 3rd Councilmanic District
Legal Owners: Calvin C. & Robin L. Buettner

Special Hearing to approve a modified parking plan in accordance with BCZR Section 409.12. Special Exception to permit an arcade, in accordance with BCZR Sections 423.B and 422.A. and to permit living quarters in a commercial building, pursuant to BCZR Section 230.13.

Hearing: Tuesday, August 7, 2007 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 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: 07-546-SPHX

Petitioner: CALVIN & ROBIN BUETTNER

Address or Location: 1100 WESTMINSTER PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON T. VETTORI

Address: GILDEA & SCHMIDT, LLC
600 WASHINGTON AVE., SUITE 200
TOWSON, MARYLAND 21204

Telephone Number: (410) 821-0070

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 2, 2007

Jason T. Vettori
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Dear Mr. Vettori:

RE: Case Number: 07-546-SPHX, 1100 Westminister Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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
Calvin C. Buettner Robin L. Buettner 1100 Westminister Pike Reisterstown 21136

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 25, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-546- Special Exception and Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bailek in the Office of Planning at 410-887-3480.

Prepared By: Cindy Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\7-546.doc

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

June 14, 2007

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

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 11, 2007

5
Item Number: 542 Through 549 546

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

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 14, 2007

DAK

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

SUBJECT: Zoning Advisory Committee Meeting
For June 18, 2007
Item No. 07-546

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

While not meeting some maneuvering and access standards, the parking layout appears to be functional; however, since there is no 10-foot landscape strip adjacent to the right-of-way, we recommend that any approval should be conditioned on the petitioner meeting with Avery Harden and providing any landscaping and lighting revisions that Avery Harden recommends.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-546-06142007.doc

TB. 8-7-07
9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUL 17 2007
BY:_____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: July 17, 2007

SUBJECT: Zoning Item # 07-546-SPHX
Address 1100 Westminster Pike
(Full Moon Pub & Grill aka Buettner Property)

Zoning Advisory Committee Meeting of June 11, 2007

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_X_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_X_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_X_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: J. Russo Date: 7/17/07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-546-SPHX.doc

TB 8/7 9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 25, 2007

RECEIVED
JUN 27 2007
BY:

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-546- Special Exception and Special Hearing**

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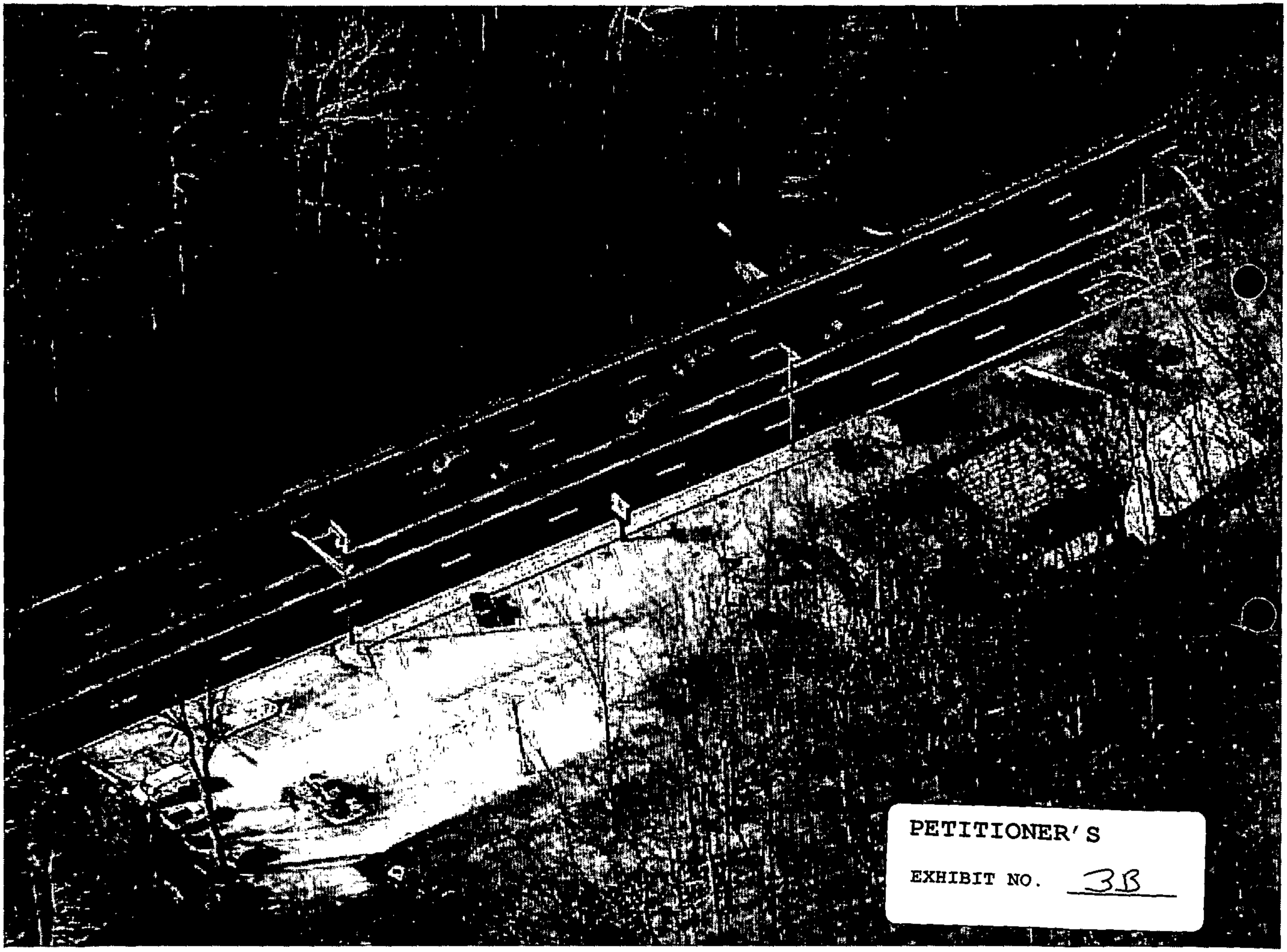
Prepared By: Cindy Murray

Division Chief: Lynn Lanham

CM/LL

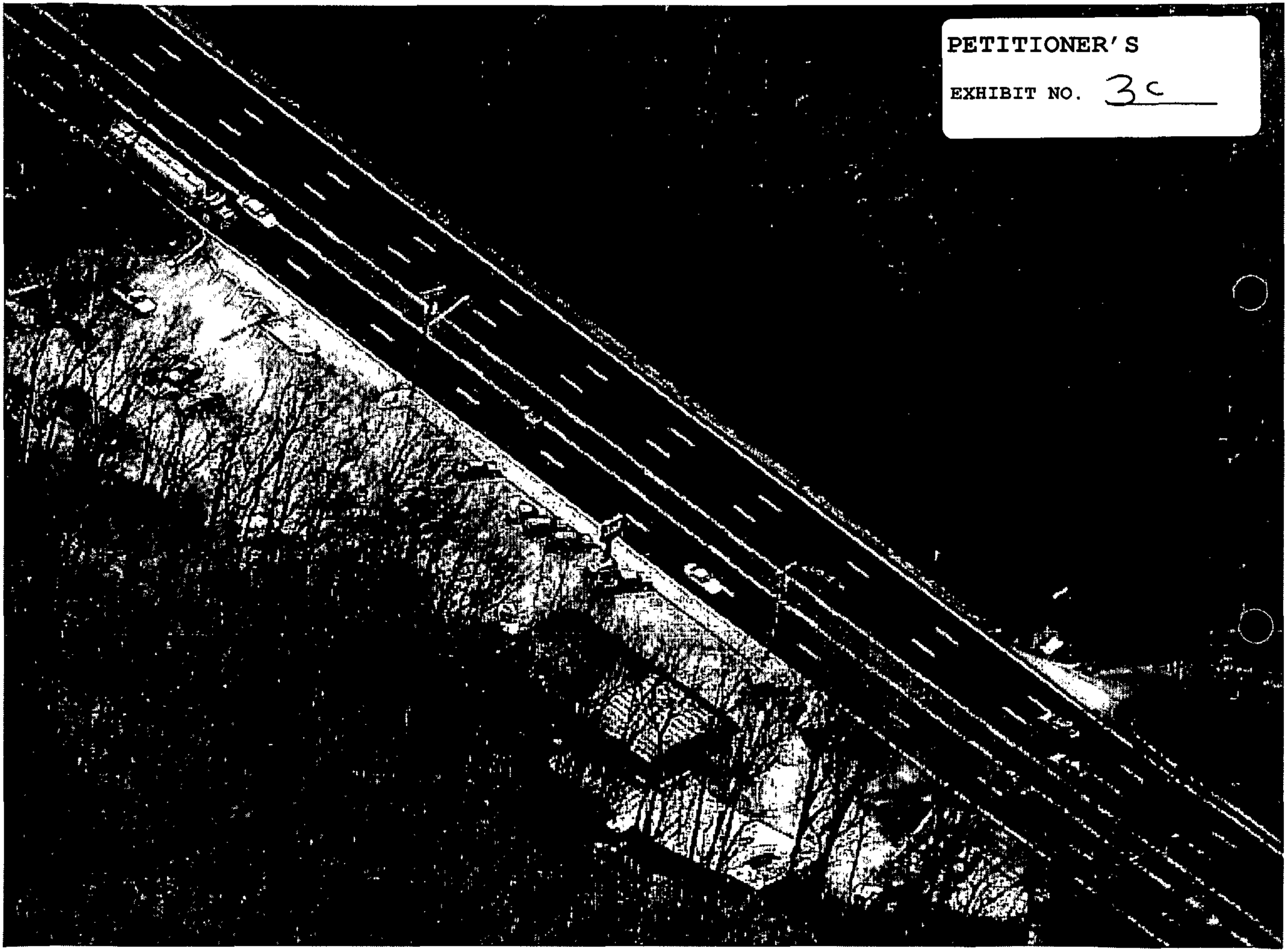
W:\DEVREV\ZAC\7-546.doc

PETITIONER'S
EXHIBIT NO. 3A



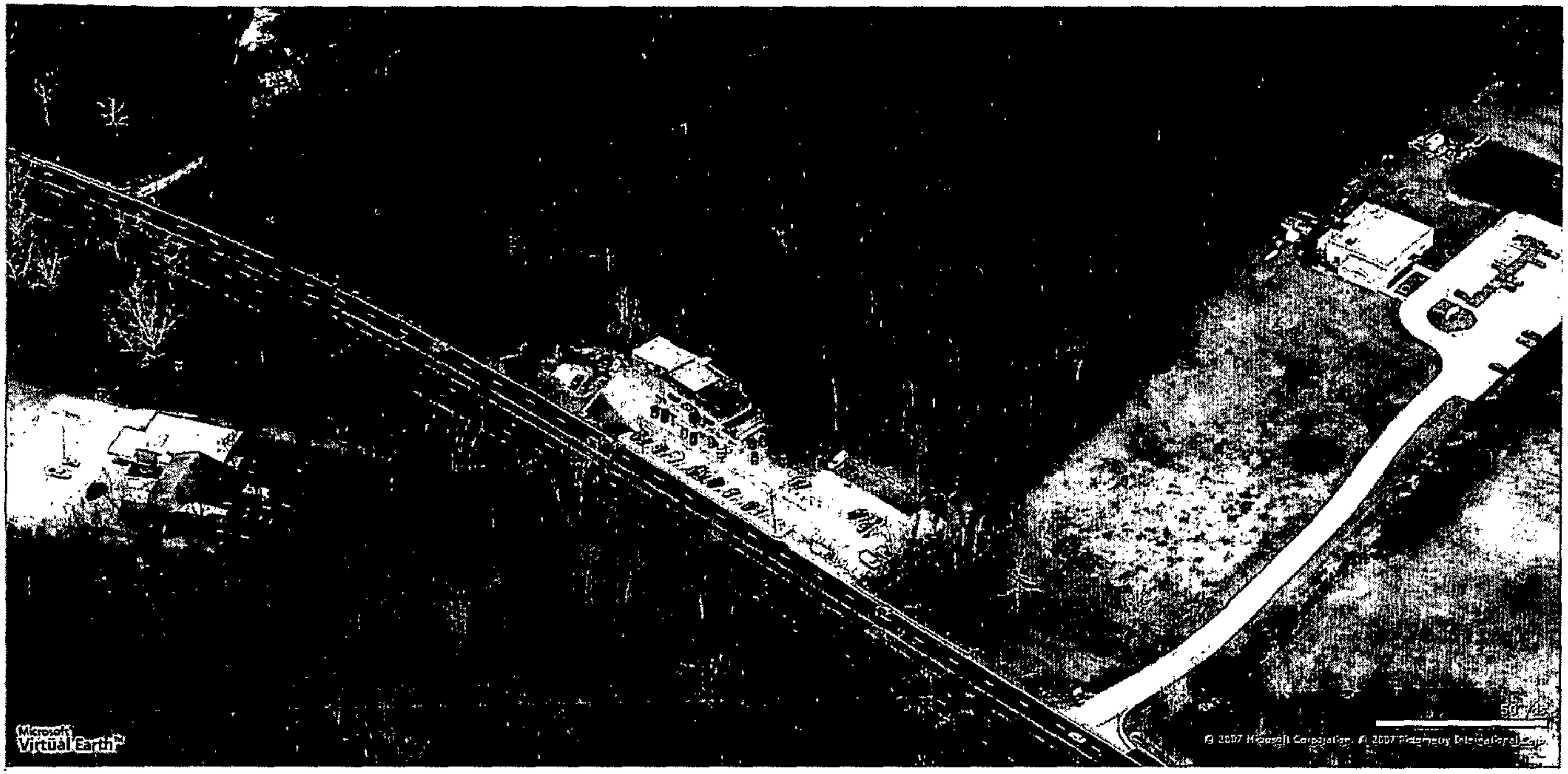
PETITIONER'S

EXHIBIT NO. 3B



PETITIONER'S

EXHIBIT NO. 3c



PETITIONER'S

EXHIBIT NO. 3D

PETITIONER'S
EXHIBIT NO. 4A

AMERICAN LEGION
POST 116
REISTERSTOWN, MARYLAND

MEMORANDUM FOR RECORD,

I am presently Commander of American Legion Post 116, Reisterstown, MD. Our property is at 1090 Westminister Road, Reisterstown, Maryland. The establishment known as the Full Moon Pub and Grill is directly adjacent to the west side of our property at 1100 Westminister Road. The Executive body of this Legion voted in 2006 and has approved the use of a 40' x 200' parking area of this Legion for Full Moon Pub parking use. This area can support approximately 50 full vehicle spaces and has been designated for use by his employees and staff, and also been approved by this body for any overflow customer parking. No further use of the American Legion property or grounds should be inferred or intended. The Post assumes no responsibility or liability for any vehicle deciding to utilize this area. The designated parking area must be cleared of all vehicles no later than 3:00 am each night in accordance with American Legion charter and lounge operations.

MARK MORGAN
COMMANDER
American Legion Post #116
CF: Full Moon Pub and Grill
American Legion 116

State of Maryland
County of Carroll

On this 19th day of March, 2007, before me appeared Mark Morgan

CAROLYN A. ALLEN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 2007

PETITIONER'S

EXHIBIT NO. 4B

Reisterstown Moose Lodge #1577 does hereby grant the FULL MOON PUB AND GRILL access to the parking area.

- The "parking area" is defined as the last row in our parking lot directly bordering the grass field.
- Said area measures 180' in length by 30' in depth.
- Said area shall be used by Employees of Full Moon Pub and Grill.
- Said area may be used for overflow customer parking when the need arises.
- ALL employees and customers using the parking area shall be shuttled across Maryland Route 140 by a duly authorized agent and/or employee of the Full Moon Pub and Grill.
- Said parking area SHALL NOT be used by the Full Moon Pub and Grill when Reisterstown Moose Lodge #1577 has a major event scheduled.
- Neither the Reisterstown Moose Lodge #1577, its employees, members, affiliates or associates shall be held liable or accountable for any loss, risk, robbery, injury, physical damage to vehicles left on lot or persons leaving vehicles on lot, or any other Liability Issue which may arise or occur while using the Reisterstown Moose Lodge #1577 parking facility.
- All liability, risk and responsibilities shall be assumed and borne by the Full Moon Pub and Grill, its owners, its associates, customers and any agent duly appointed by the Full Moon Pub and Grill.
- Any damage which occurs to the Reisterstown Moose Lodge #1577 property as a result of the Full Moon Pub and Grill's use of the parking area by employees, customers or any of its associates shall be the sole responsibility of the Full Moon Pub and Grill and shall be corrected and/or compensated by the Full Moon Pub and Grill and/or its owners/associates/customers and/or agent.

James T. Beyer Governor Reisterstown Moose Lodge #1577

18 May 07

George C. Bowser, Jr. Administrator Reisterstown Moose Lodge #1577

18 May 07

Agent/Owner/Manager Full Moon Pub and Grill

Case No.: 07-546-SPHX

Exhibit Sheet

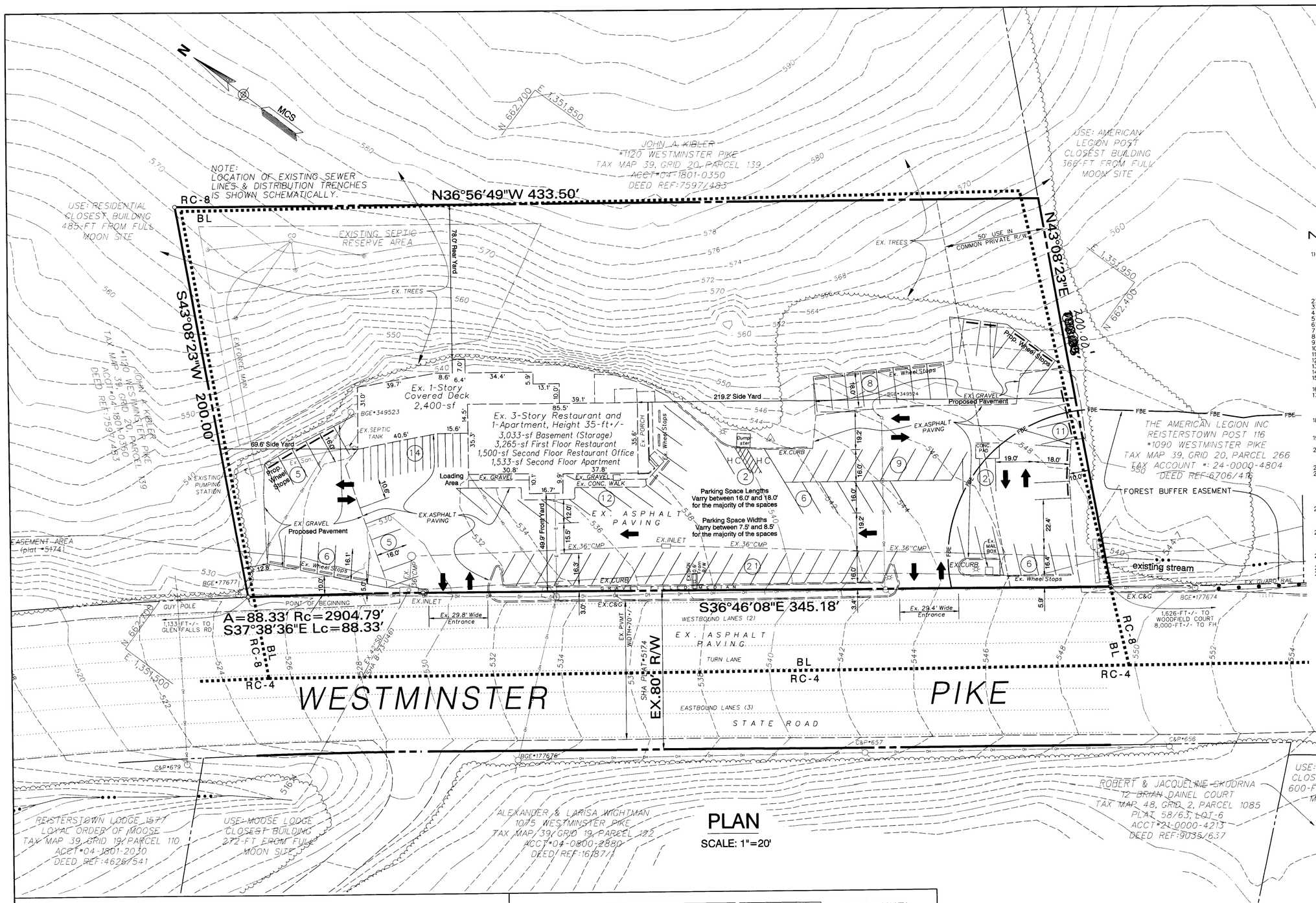
	Petitioner/Developer	Protestant
No. 1	Site Plan	
No. 2	Aerial Photo Closeup	
No. 3 A-D	Photos of Site and Immediate Area	
No. 4 A+B	A- letter from Am. Legion B- letter from Moose Lodge	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLEASE PRINT CLEARLY

CASE NAME Buettner - Full Hearing
CASE NUMBER 07-546-SPHX
DATE 8/9/07

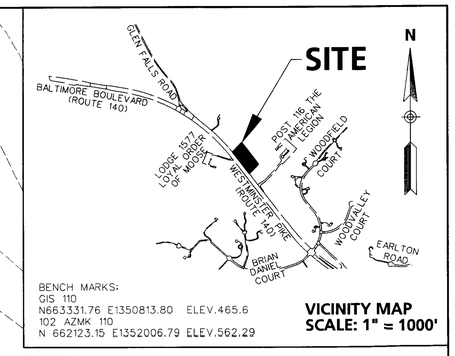
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
LAWRENCE E Schmidt	600 WASHINGTON Ave Ste 200	TOWSON MD 21204	lschmidt@gildeallc.com
Calum C. Buettner	2711 Laurelwood Rd	Finksburg - MD	
Steve Warfield	10540 York Rd Suite M	Hunt Valley - MD 21030	steve.warfield@matjswarfield.com



PLAN

SCALE: 1"=20'



BENCH MARKS:
GIS 110
N663331.76 E1350813.80 ELEV.465.6
102 AZMK 110
N 662123.15 E1352006.79 ELEV.562.29

VICINITY MAP
SCALE: 1" = 1000'

NOTES

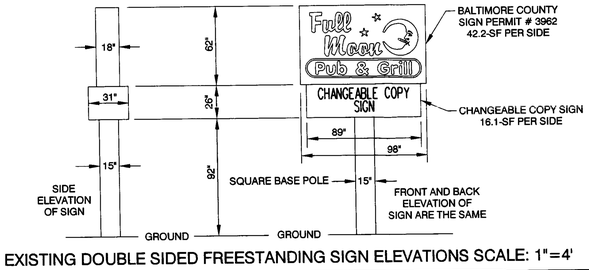
1) SITE AREA AND ZONING:

Zoning	Gross Area	Net Area
BL	96,402-sf+/-(2.213-ac+/-)	83,561-sf+/-(1.918-acres+/-)
RC-8	1,743-sf+/-(0.040-ac+/-)	1,592-sf+/-(0.036-ac+/-)
Total	98,145-sf+/-(2.253-ac+/-)	85,153-sf+/-(1.955-ac+/-)

2) PRIOR PERMITS: NONE KNOWN
3) PRIOR ZONING HSITORY: NONE KNOWN
4) PRIOR CRG, AND/OR DEVELOPMENT PLAN HISTORY: NONE KNOWN
5) PRIOR DRC ACTIONS: NONE KNOWN
6) PRIOR WAIVERS: NONE KNOWN
7) TAX ACCOUNT NUMBER: 04-0304-9880
8) TAX MAP 39: PARCEL 138
9) DEED REFERENCE: 14791/182 & 14791/186
10) EXISTING USE: RESTAURANT, ARCADE, AND 1-APARTMENT 2 BEDROOM UNIT
11) PROPOSED USE: RESTARUATN, ARCADE, AND 1-APARTMENT 2 BEDROOM UNIT
12) THERE ARE NO BUILDINGS WITHIN 100-FT OF THE SIDE PROPERTY LINES.
13) DRAWING AND FUTURE PLANS TO BE BASED ON MCS AND NAVD 88
14) THIS SITE DOES NOT FALL IN A FAILING OR NEAR FAILING TRAFFIC SHED.
15) ALL PARKING AND DRIVE AISLES WILL BE PAVED WITH MACADAM AND PERMANENTLY STRIPED.
16) UTILITIES SHALL BE PRIVATE UNLESS OTHERWISE NOTED.
17) EXISTING SIGNS ON SITE TO REMAIN. NO ADDITIONAL SIGNAGE IS PROPOSED AT THIS TIME; HOWEVER ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES, OR A VARIANCE REQUESTED PURSUANT TOBCZR SECTION 307.
18) THE SITE IS NOT LOCATED WITHIN A DEFIECIENT ZONE PER THE BALTIMORE COUNTY 2006 BASICSERVICES MAPS, WATER SUPPLY AREA MAP, SEWAGE AREA MAP, AND TRANSPORTATION MAP.
19) THE BUREAU OF TRAFFIC ENGINEERING AND PLANNING HAS CONFIRMED THAT THE SUBJECT SITEIS NOT WITHIN A TRAFFIC DEFICIENT AREA.
20) FLOOR AREA RATIO (FAR):
Adjusted Gross Floor Area of Buildings = 11,731-sf
FAR = 11,731-sf/98,145-sf Gross Site Area) = 0.12
21) LOCATION OF FIRE HYDRANTS: RURAL AREA, 8,000-FT+/- TO FH.
22) PARKING CALCULATIONS:
7,165-sf Restaurant @ 16 spaces per 1,000-sf = 114.64 Spaces Required
3,033-sf Basement Used for Storage of Excess Restaurant Supplies, None Required
1,533-sf Apartment 2 Bedroom Unit, 1.5-Spaces Required.
Total Required = 117 Parking Spaces
Total Provided = 93 Passenger Vehicle Spaces, and 14 Motorcycle Spaces
23) ANY FOREST CONSERVATION EASEMENT AND FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORECOUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
24) THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN ANY FOREST BUFFER EASEMENT OR FOREST CONSERVATION AREA EXCEPT AS PERMITTED BYTHE BALTIMORE COUNTY OFFICE OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
25) THIS SITE DOES NOT LIE WITHIN THE LIMITS OF THE CHESAPEAKE BAY CRITICAL AREA.
26) THIS SITE IS IN FEMA FLOOD ZONE C.
27) LIGHTING: ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS.

LEGEND

- EXISTING 2-FT CONTOURS
- EXISTING 10-FT CONTOURS — 570
- EXISTING WELL
- EXISTING SEWER PIPES — Ex. San.
- PROPERTY LINE
- ZONING LINE — RC-8 / BL
- EXISTING STORM DRAIN
- EXISTING LANE LINES (IN STATE ROAD)
- EXISTING C&G
- EXISTING UTILITY AND LIGHT POLES
- FOREST BUFFER EASEMENT — FBE
- EXISTING STREAM
- EXISTING WHEEL STOP
- PROPOSED WHEEL STOP
- NUMBER OF PARKING SPACES IN A GROUP (11)
- VEHICULAR TRAFFIC DIRECTIONAL ARROW
- EXISTING BUILDING



EXISTING DOUBLE SIDED FREESTANDING SIGN ELEVATIONS SCALE: 1"=4'

A VARIANCE WAS GRANTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS TO ALLOW FOR THE CONTINUED USE OF THE PARKING WITHIN THE FOREST BUFFER EASEMENT. A FOREST BUFFER PROTECTION PLAN (FBP-03-007) WAS APPROVED AS PART OF THIS VARIANCE PROCESS.

ZONING HEARING REQUEST:

1. SPECIAL HEARING FOR A MODIFIED PARKING PLAN
2. SPECIAL EXCEPTION FOR AN ARCADE IN COMBINATION WITH A RESTAURANT
3. SPECIAL EXCEPTION TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM (MCS)

MATIS WARFIELD, INC.
CONSULTING ENGINEERS
10540 YORK ROAD, SUITE M
HUNT VALLEY, MARYLAND 21030
PHONE:410.683.7004 -- FAX:410.683.1798

OWNER / DEVELOPER
Buettner Calvin
Buettner Robin
1100 Westminster Pike
Reisterstown, MD 21136-4621
Tax acct.# 04-0304-9880

DATE	ITEM

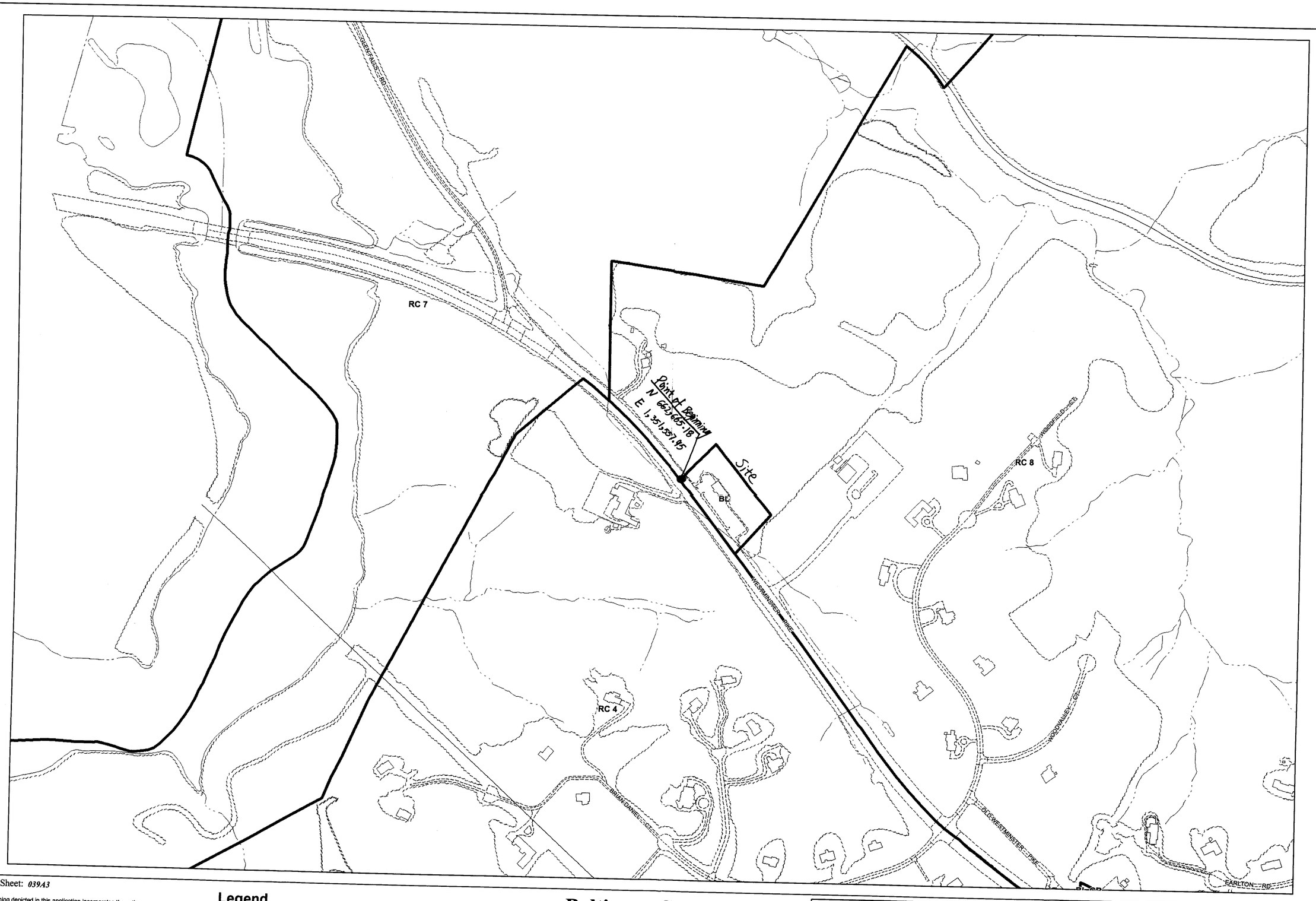
FULL MOON RESTARAUNT
PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
1100 WESTMINSTER PIKE

BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
DATE: 05/04/2007

COUNCILMANIC DISTRICT No. 3
ELECTION DISTRICT No. 4

SHEET
Z-1
NO. 1 OF 1

#54



Plan Sheet: *039A3*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

	039A2	039B2	039C2
038C3	039A3	039B3	039C3
047C1	048A1	048B1	048C1

Scale

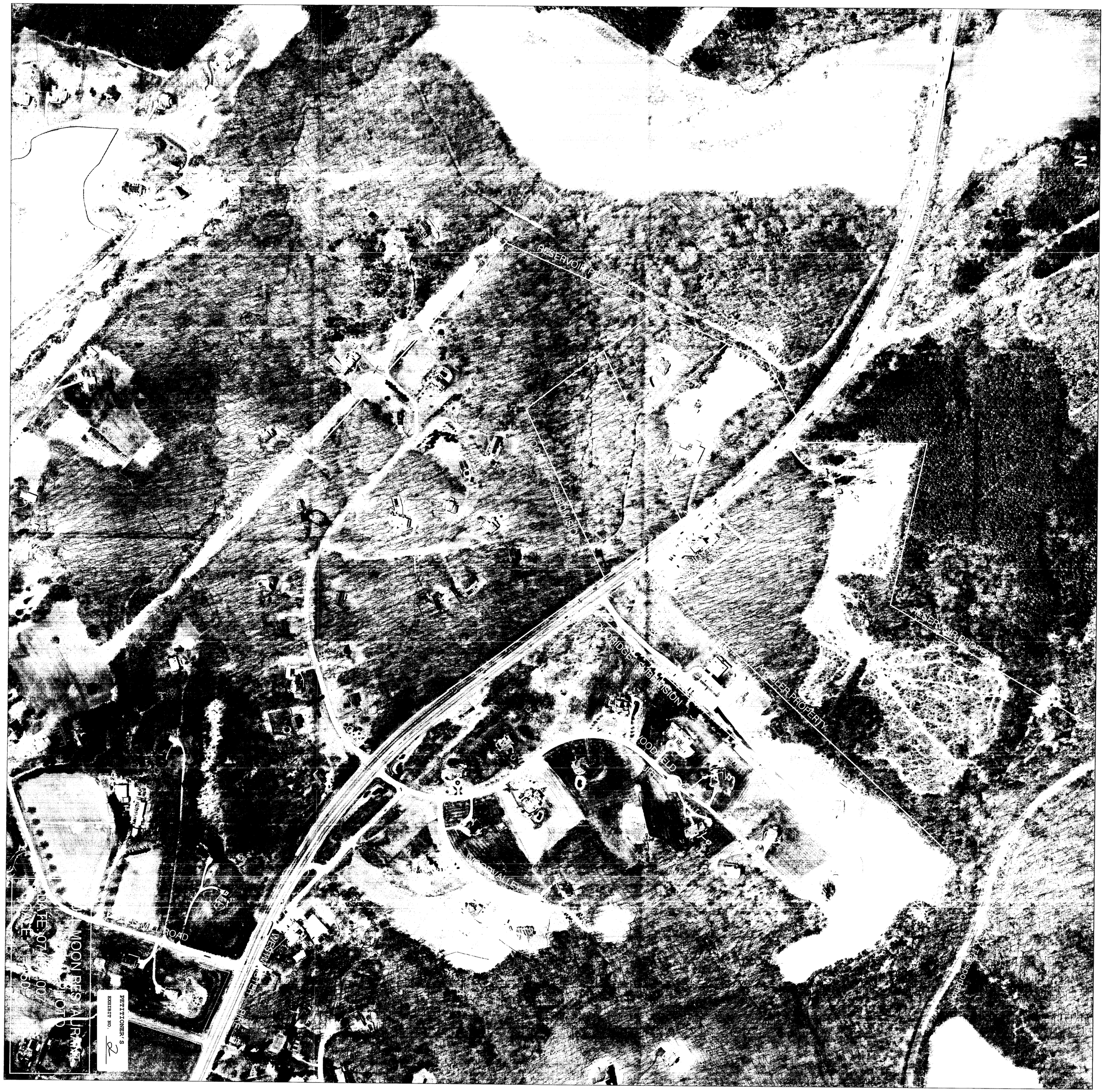
1" = 200'

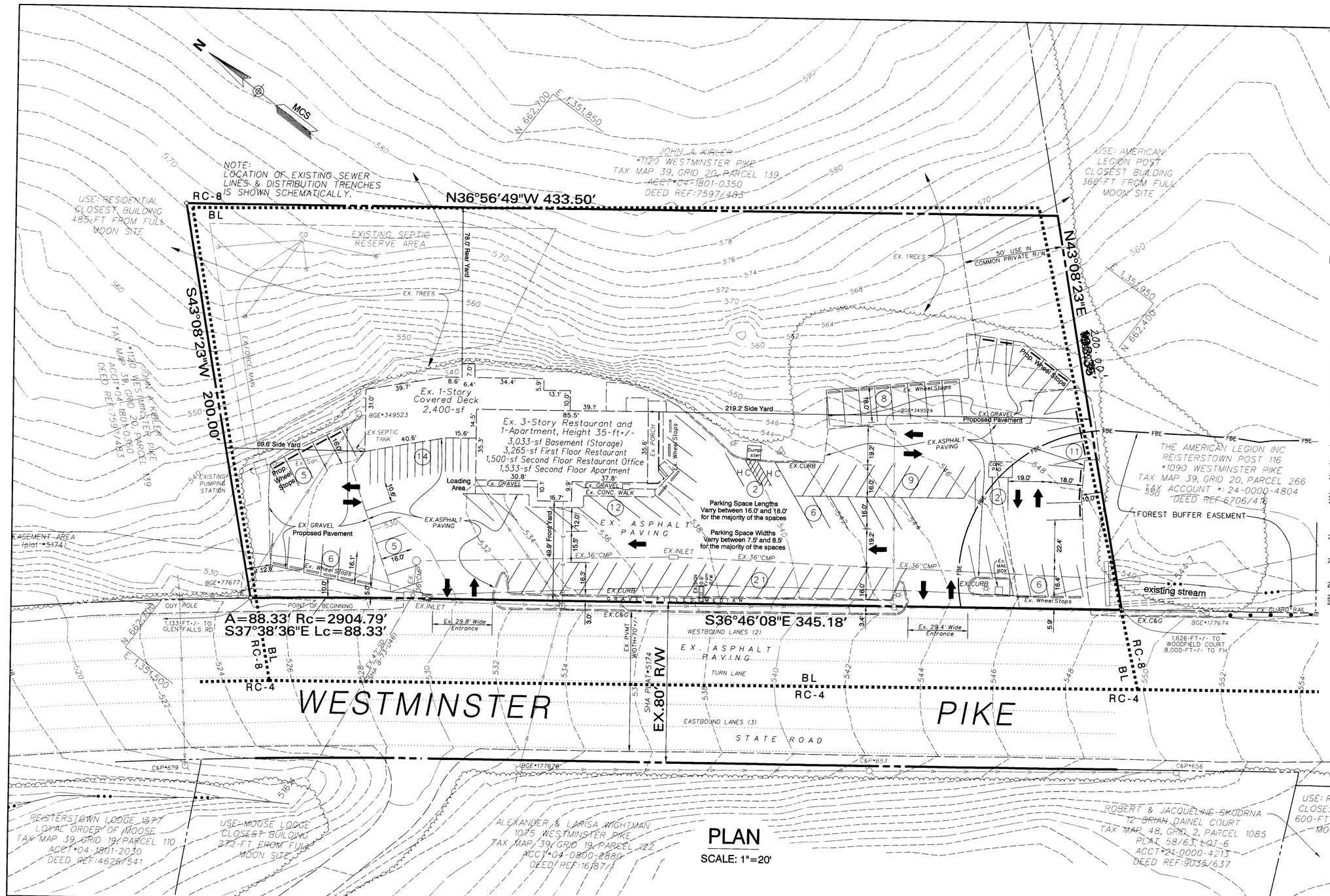
0 100 200 400 Feet

N

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

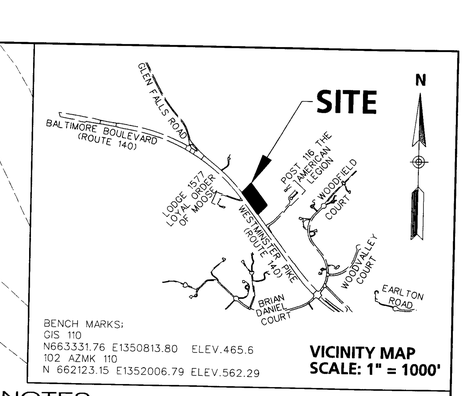
#546


N
RESERVOIR PROPERTY
RESERVOIR PROPERTY
WOODFIELD
WESTHAVEN
ROAD
MOON RESAURANT
DATE 07
PETITIONER'S
EXHIBIT NO.



PLAN

SCALE: 1"=20'



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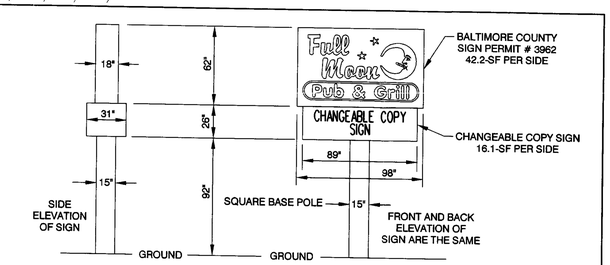
23) ANY FOREST CONSERVATION EASEMENT AND FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORECOUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
24) THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN ANY FOREST BUFFER EASEMENT OR FOREST CONSERVATION AREA EXCEPT AS PERMITTED BYTHE BALTIMORE COUNTY OFFICE OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
25) THIS SITE DOES NOT LIE WITHIN THE LIMITS OF THE CHESAPEAKE BAY CRITICAL AREA.
26) THIS SITE IS IN FEMA FLOOD ZONE C.
27) LIGHTING: ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS.

LEGEND

- EXISTING 2-FT CONTOURS
- EXISTING 10-FT CONTOURS — 570
- EXISTING WELL
- EXISTING SEWER PIPES — Ex. San.
- PROPERTY LINE
- ZONING LINE — RC-8 / BL
- EXISTING STORM DRAIN
- EXISTING LANE LINES (IN STATE ROAD)
- EXISTING C&G
- EXISTING UTILITY AND LIGHT POLES
- FOREST BUFFER EASEMENT — FBE
- EXISTING STREAM
- EXISTING WHEEL STOP
- PROPOSED WHEEL STOP
- NUMBER OF PARKING SPACES IN A GROUP (11)
- VEHICULAR TRAFFIC DIRECTIONAL ARROW
- EXISTING BUILDING



EXISTING DOUBLE SIDED FREESTANDING SIGN ELEVATIONS SCALE: 1"=4'

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ZONING HEARING REQUEST:

1. SPECIAL HEARING FOR A MODIFIED PARKING PLAN
2. SPECIAL EXCEPTION FOR AN ARCADE IN COMBINATION WITH A RESTAURANT
3. SPECIAL EXCEPTION TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM (MCS)

MATIS WARFIELD, INC.
CONSULTING ENGINEERS
10540 YORK ROAD, SUITE M
HUNT VALLEY, MARYLAND 21030
PHONE:410.683.7004 -- FAX:410.683.1798

OWNER / DEVELOPER
Buettner Calvin
Buettner Robin
1100 Westminster Pike
Reisterstown, MD 21136-4621
Tax acct.# 04-0304-9880

DATE	ITEM

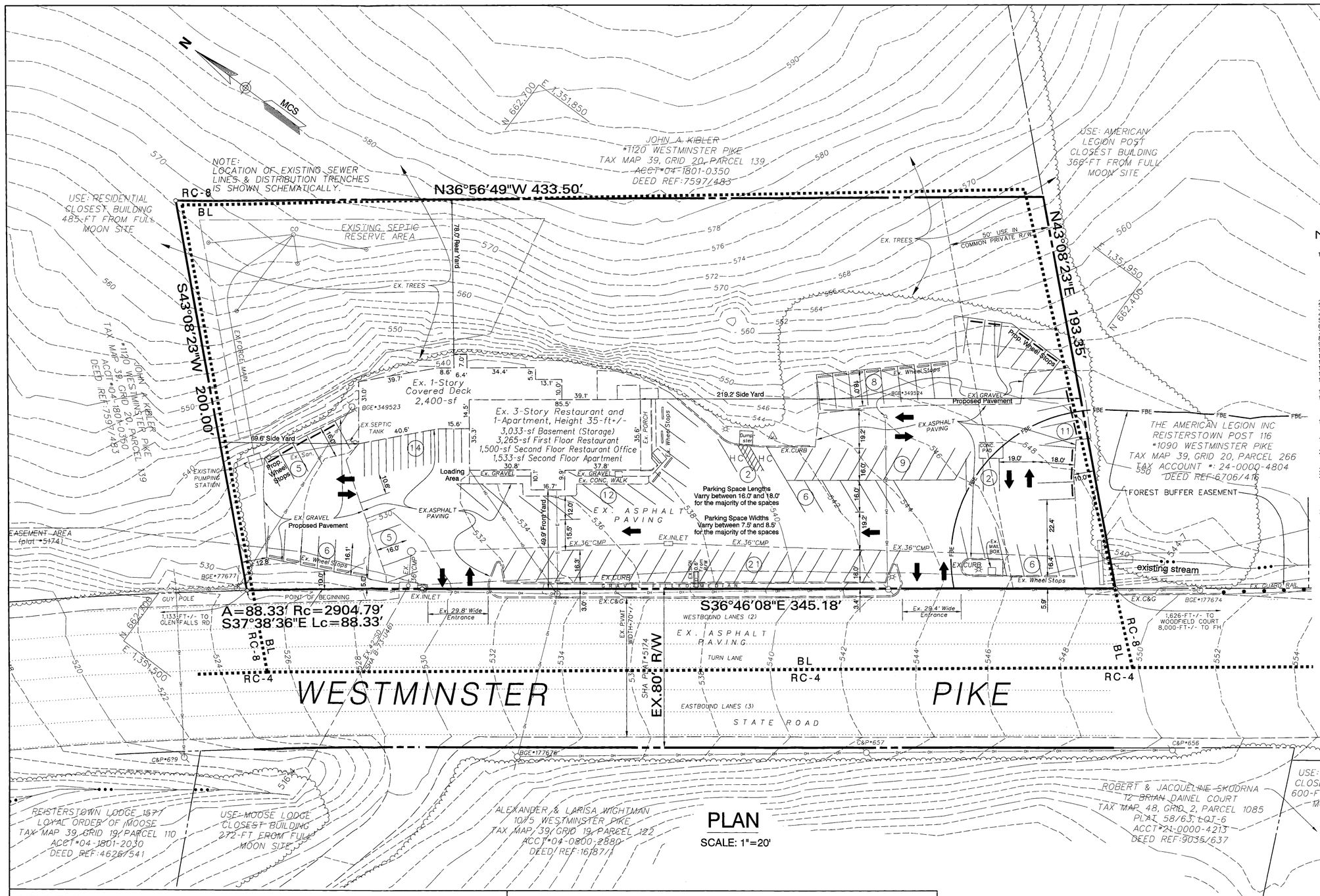
FULL MOON RESTARAUNT
PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
1100 WESTMINSTER PIKE

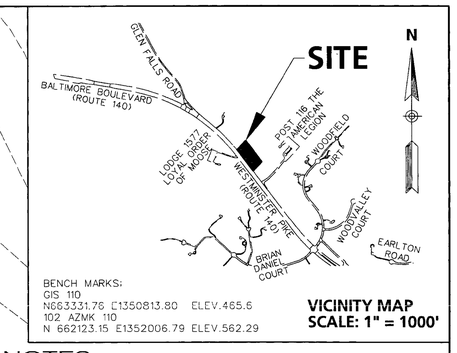
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
DATE: 05/04/2007

COUNCILMANIC DISTRICT No. 3
ELECTION DISTRICT No. 4

SHEET
Z-1
NO. 1 OF 1

#546





BENCH MARKS:
GIS 110
N663331.76 E1350813.80 ELEV.465.6
102 AZNK 110
N 662123.15 E1352006.79 ELEV.562.29

VICINITY MAP
SCALE: 1" = 1000'

NOTES

1) SITE AREA AND ZONING:

Zoning	Gross Area	Net Area
BL	96,402-sf+/-(2.213-ac+/-)	83,561-sf+/-(1.918-acres+/-)
RC-8	1,743-sf+/-(0.040-ac+/-)	1,592-sf+/-(0.036-ac+/-)
Total	98,145-sf+/-(2.253-ac+/-)	85,153-sf+/-(1.955-ac+/-)

2) PRIOR PERMITS: NONE KNOWN
3) PRIOR ZONING HSITORY: NONE KNOWN
4) PRIOR CRG AND/OR DEVELOPMENT PLAN HISTORY: NONE KNOWN
5) PRIOR DRC ACTIONS: NONE KNOWN
6) PRIOR WAIVERS: NONE KNOWN
7) TAX ACCOUNT NUMBER: 04-0304-9880
8) TAX MAP 39: PARCEL 139
9) DEED REFERENCE: 14791/182 & 14791/186
10) EXISTING USE: RESTAURANT, ARCADE, AND 1-APARTMENT 2 BEDROOM UNIT
11) PROPOSED USE: RESTARUATN, ARCADE, AND 1-APARTMENT 2 BEDROOM UNIT
12) THERE ARE NO BUILDINGS WITHIN 100-FT OF THE SIDE PROPERTY LINES.
13) DRAWING AND FUTURE PLANS TO BE BASED ON MCS AND NAVD 88
14) THIS SITE DOES NOT FALL IN A FAILING OR NEAR FAILING TRAFFIC SHED.
15) ALL PARKING AND DRIVE AISLES WILL BE PAVED WITH MACADAM AND PERMANENTLY STRIPED.
16) UTILITES SHALL BE PRIVATE UNLESS OTHERWISE NOTED.
17) EXISTING SIGNS ON SITE TO REMAIN. NO ADDITIONAL SIGNAGE IS PROPOSED AT THIS TIME; HOWEVER ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES, OR A VARIANCE REQUESTED PURSUANT TOBCZR SECTION 307.
18) THE SITE IS NOT LOCATED WITHIN A DEFIECIENT ZONE PER THE BALTIMORE COUNTY 2006 BASICSERVICES MAPS, WATER SUPPLY AREA MAP, SEWAGE AREA MAP, AND TRANSPORTATION MAP.
19) THE BUREAU OF TRAFFIC ENGINEERING AND PLANNING HAS CONFIRMED THAT THE SUBJECT SITEIS NOT WITHIN A TRAFFIC DEFICIENT AREA.
20) FLOOR AREA RATIO (FAR):
Adjusted Gross Floor Area of Buildings = 11,731-sf
FAR = 11,731-sf/98,145-sf Gross Site Area) = 0.12
21) LOCATION OF FIRE HYDRANTS: RURAL AREA, 8,000-FT+/- TO FH.
22) PARKING CALCULATIONS:
7,165-sf Restaurant @ 16 spaces per 1,000-sf = 114.64 Spaces Required
3,033-sf Basement Used for Storage of Excess Restaurant Supplies, None Required
1,533-sf Apartment 2 Bedroom Unit, 1.5-Spaces Required.
Total Required = 117 Parking Spaces
Total Provided = 93 Passenger Vehicle Spaces, and 14 Motorcycle Spaces
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PLAN
SCALE: 1"=20'

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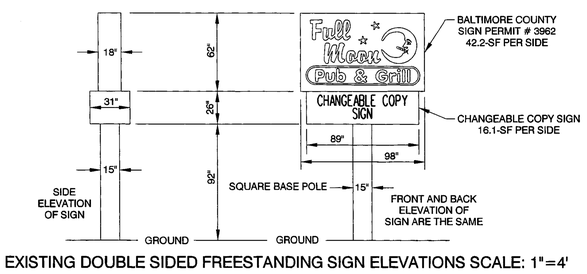

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PETITIONER'S EXHIBIT NO. 1

DESIGN AND D[illegible] ON MARYLAND COORDINATE SYSTEM (MCS)

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