IN RE: PETITION FOR SPECIAL HEARING W side Greenspring Drive, 467 feet S of c/l Business Park Drive 8th Election District 3rd Councilmanic District **(1924 Greenspring Drive)** Wilmer Realty, LLC by Roger Cassell *Legal Owner* WJS Entertainment, LLC *Lessee*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY **CASE NO. 08-143-SPH**

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

IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION W side Greenspring Drive, 145 feet S of c/l Business Park Drive 8th Election District 3rd Councilmanic District **(1928 and 1930 Greenspring Drive)** 1930 Greenspring Drive, LLC; by Wilmer Realty, LLC *Legal Owner* WJS Entertainment, LLC *Lessee*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY **CASE NO. 08-144-SPHX**

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing (Case No. 08-143-SPH) and Petitions for Special Hearing and Special Exception (Case No. 08-144-SPHX). The requests for relief are as follows:

Case No. 08-143-SPH

Special Hearing relief is requested for the property located at 1924 Greenspring Drive by the proposed lessee, WJS Entertainment, LLC, on behalf of the legal property owner, Wilmer Realty, LLC, in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

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- to approve, pursuant to Sections 409.6.B.3 and 409.7.B.1 of the B.C.Z.R., off-site parking for the proposed uses on the adjoining property (1928 Greenspring Drive) in connection with the Petitions for Special Hearing and Special Exception filed in the companion case for 1928 and 1930 Greenspring Drive.

Case No. 08-144-SPHX

In this companion case, Special Exception relief is requested for the property located at 1928 Greenspring Drive by the proposed Lessee, WJS Entertainment, LLC, on behalf of the legal property owner, 1930 Greenspring Drive, LLC, as follows:

- for a commercial recreational facility (indoor cosmic miniature golf, laser tag and accessory facilities for birthday parties associated with such uses) pursuant to Section 253.2.D.3 of the B.C.Z.R.; and
- in combination therewith, pursuant to Sections 253.2.E and 423.C of the B.C.Z.R., an accessory arcade.

Special Hearing relief is requested for the properties located at 1928 and 1930 Greenspring Drive by the proposed lessee, WJS Entertainment, LLC, on behalf of the legal property owner, 1930 Greenspring Drive, LLC, in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- to confirm the parking requirements for the proposed principal uses; and
- to approve a shared parking adjustment and off-site parking (adjoining property) for the proposed uses; and
- to approve an amendment to the variance relief previously granted to conform to the recent boundary survey and to the site plan in Case No. 05-648-SPHA consistent with the relief requested and site plan to accompany this Petition and the accompanying Petition for Special Exception.

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Descriptions of the properties and the relief requested in the aforementioned petitions are more fully shown on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the special hearing and special exception requests was Petitioner Darin Winick on behalf of WJS Entertainment, LLC, and his attorney, Howard L. Alderman, Esquire with Levin & Gann, PA. Also appearing in support of the requests for relief was Geoffrey Schultz with McKee & Associates, Inc., the consultant who prepared the site plan, and Mickey Cornelius with The Traffic Group, Inc., Petitioner's parking and traffic consultant. Appearing as an interested citizen was Eric Rockel of 1610 Riderwood Drive. Mr. Rockel is also President of the Greater Timonium Community Council. There were no Protestants or other interested citizens in attendance at the hearing.

Due to the consolidation and related nature of the above-captioned matters, the testimony and exhibits marked as evidence were numbered and accepted into evidence simultaneously and considered concurrently as to both cases. Testimony and evidence offered revealed that the subject properties lie adjacent to one another at the south end of Greenspring Drive in the Lutherville area of Baltimore County. At the intersection of Timonium Road, just east of Interstate 83, is Greenspring Drive. Headed north, the road eventually turns into Deerco Road and crosses Padonia Road. Headed south, Greenspring Drive ends in a cul-de-sac after approximately one-half mile -- where the subject properties are located. In Case No. 08-143-SPH, the subject property (hereinafter "1924 Greenspring") is an irregular-shaped parcel located at the southernmost end of Greenspring Drive consisting of approximately 90,919 square feet or 2.087 acres, more or less, and zoned M.L.-I.M. The property is improved with an existing 32,000 square foot two-story concrete building with abundant parking surrounding the building. In Case No. 08-144-SPHX, the subject properties are described as follows: 1928 Greenspring Drive (hereinafter

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"1928 Greenspring") is an L-shaped parcel consisting of approximately 42,235 square feet or .970 acre, more or less, and zoned M.L.-I.M. It abuts 1924 Greenspring to the south. It is improved with an existing 19,292 square foot one-story concrete block building, with a small second story. 1930 Greenspring Drive (hereinafter "1930 Greenspring") is square-shaped with a slight taper on the east side of the property fronting Greenspring Drive. It consists of approximately 44,405 square feet or 1.019 acre, more or less, and zoned M.L.-I.M. It is surrounded to the south and west by 1928 Greenspring. It is improved with an existing 21,400 square foot two-story concrete and metal building, also with a small mezzanine level. The property consisting of 1928 and 1930 Greenspring is two parcels comprising the two separate addresses and buildings erected thereon.

In Case No. 08-144-SPHX, Petitioner is proposing to open a family entertainment center to be known as "Baltimore Laser Blast" in the building located at 1928 Greenspring. In order to do so, and pursuant to Section 253.2.D.3 of the B.C.Z.R., Petitioner is requesting special exception use of the property as a commercial recreational facility. Petitioner is also requesting special exception use of the property in combination therewith as an accessory arcade pursuant to Section 423.C of the B.C.Z.R. In addition, because the parking layout and configuration for both 1928 and 1930 Greenspring is somewhat unique and presents certain challenges which will be discussed *infra*, Petitioner is also requesting special hearing relief to formalize the parking requirements for the properties and to approve a shared parking adjustment and off-site parking, as well as to approve an amendment to the variance relief previously granted to conform to the recent boundary survey and site plan in Case No. 05-648-SPHA. In Case No. 08-143-SPH, Petitioner is requesting special hearing relief for the property located at 1924 Greenspring in order to alleviate the parking issues associated with the aforementioned proposed uses at 1928 Greenspring by approving off-site parking on the adjoining property (1924 Greenspring) pursuant to Sections 409.6.B.3 and 409.7.B.1 of the B.C.Z.R.

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In order to give context and some important background information to these requests, it is necessary to briefly review the prior zoning history of parcels 1928 and 1930 Greenspring. In Case No. 02-571-X, the owner of 1930 Greenspring, Edward Kovens, and the lessee, Earth Treks Climbing Center, requested special exception use of the property for the lessee's proposed use as a commercial recreational facility involving an indoor climbing center and a small retail shop. In an Order dated August 7, 2002, then-Deputy Zoning Commissioner Timothy M. Kotroco granted the special exception use and approved the parking layout and design as represented on the site plan. A copy of the Order was marked and accepted into evidence as Petitioner's Exhibit 2. Thereafter, in Case No. 05-648-SPHA, the current owner of 1928 and 1930 Greenspring, 1930 Greenspring, LLC, requested special hearing relief to approve an amendment to the site plan and a modified parking plan, and a reduction of the area of the special exception granted in prior Case No. 02-571-X for the building at 1930 Greenspring. A variance was also requested for the building at 1928 Greenspring to permit a front yard setback of 12.5 feet in lieu of the required 25 feet, and for the building at 1930 Greenspring to permit a rear yard setback of 12.5 feet in lieu of the required 30 feet. Essentially, the property owner sought relief in order to legitimize existing conditions on the property, while also making certain changes to the use and parking. In an Order dated August 25, 2005, Zoning Commissioner William J. Wiseman, III granted the special hearing relief as to 1930 Greenspring, and granted the variance relief as to both 1928 and 1930 Greenspring. A copy of the Order was marked and accepted into evidence as Petitioner's Exhibit 3.

In support of the current zoning relief requests, Petitioner's attorney, Mr. Alderman, proffered the testimony and evidence. At the outset, Mr. Alderman wished to address the letter dated October 30, 2007 from People's Counsel, Peter Max Zimmerman, to the Zoning Commissioner concerning potential parking issues associated with these matters. Mr. Zimmerman also attached with the letter an email dated October 29, 2007 from Stephen E. Weber, Chief of the

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Division of Traffic Engineering for the Department of Public Works, whom he requested to review the petitions and provide input as to any potential parking issues. Mr. Weber indicated that he saw no significant concerns regarding Petitioner's special exception request, and that the shared parking arrangements between 1924, 1928, and 1930 Greenspring seem reasonable and workable. Both the letter and Mr. Weber's email were offered by Mr. Alderman and marked and accepted into evidence as Petitioner's Exhibit 4.

Mr. Alderman then discussed the specifics of the proposed parking plan and the related request for special hearing and special exception. Presently, the building at 1930 Greenspring is used primarily as a commercial recreational facility by Earth Treks Climbing Center. Other portions of the building are used as general office, warehouse, and machine shop uses. These combined uses require 56 parking spaces. As shown on the site plan, 1930 Greenspring provides 38 parking spaces on site. It also utilizes another 22 spaces reserved from 1928 Greenspring for a total of 60 parking spaces provided. However, as a result of the reservation of the 22 spaces at 1928 Greenspring for use by 1930 Greenspring, there are only four spaces on site for use by 1928 Greenspring. In addition, the building at 1924 Greenspring is used as a communications warehouse, a printing company, a screen printing company, and a restoration service. These combined uses require 46 parking spaces. As shown on the site plan, 1924 Greenspring provides 123 spaces on site -- almost triple what is required.

As to the parking requirements for Petitioner's proposed use of 1928 Greenspring as a commercial recreational facility, Mr. Alderman explained that Petitioner's proposed use is not specifically delineated in the zoning regulations and, therefore, his client sought an evaluation and analysis of the potential parking requirements in order to aid the undersigned in making that determination. Petitioner retained Mickey Cornelius of The Traffic Group to perform the review and provide a written report. Mr. Cornelius is a licensed professional engineer and professional

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traffic operations engineer and was offered and accepted as an expert in traffic engineering and parking as applied to the Baltimore County Zoning Regulations. Mr. Cornelius reviewed the current uses of 1924 and 1930 Greenspring and their parking needs and requirements, the "Statement of Operations" for the proposed Baltimore Laser Blast at 1928 Greenspring, and conducted parking occupancy studies at the properties.

Based upon the analyses of these factors, Mr. Cornelius offered his opinion that a maximum of 24 parking spaces will be needed to serve the proposed use at 1928 Greenspring. He also indicated that the shared parking arrangement between 1928 and 1930 Greenspring, and the possibility that the parking needs of the properties as commercial recreational facilities would peak at similar times, resulted in the need for additional off site spaces. He also offered the opinion that the office/warehouse use at 1924 Greenspring has parking occupancy patterns that do not coincide with the recreational uses existing at 1930 Greenspring and proposed at 1928 Greenspring, which would provide potential parking availability at 1924 Greenspring. Mr. Cornelius's report was marked and accepted into evidence as Petitioner's Exhibit 5. Mr. Alderman then indicated that an agreement had been reached to allow 40 spaces from 1924 Greenspring to be made available for the exclusive use of 1928 Greenspring. As shown on the site plan, these 40 spaces at 1924 Greenspring are shaded in gray. The agreement would provide a total of 44 spaces for 1928 Greenspring and would still provide 83 spaces for 1924 Greenspring -- almost double what is required. 1930 Greenspring would also maintain its current allotment of 60 spaces.

As to the special exception request for 1928 Greenspring, Mr. Alderman proffered the testimony of Petitioner Darin Winick and his consultant, Geoffrey Schultz. Mr. Schultz was offered and accepted as expert in land use and zoning as they pertain to the Baltimore County Zoning Regulations. As mentioned previously, Petitioner proposes to open the "Baltimore Laser

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Blast" family entertainment center as a commercial recreation center. The three major attractions will include laser tag, cosmic golf (indoor space-themed mini-golf), and arcade games. The center will also provide party rooms and concessions, as well as other attractions, including themed props, obstacle props, wall murals, and other structures to be incorporated into the games. Examples are depicted in the photographs which were marked and accepted into evidence as Petitioner's Exhibit 6. The center will have seasonal hours and be open Tuesday through Friday 5:00 PM – 10:00 PM, Saturday 10:00 AM – 12:00 AM, and Sunday 12:00 PM – 8:00 PM from September through May, and Tuesday through Friday 4:00 PM – 11:00 PM, Saturday 10:00 AM – 12:00 AM, and Sunday 12:00 PM – 8:00 PM from June through August. The center will not be open to the general public at other times, but anticipates group outings during the workday hours. In addition, customers will fall into five broad categories, including birthday parties, youth and community groups, corporate outings, frequent individual players (i.e. "gamers"), and casual individual players.

In addition to the commercial recreation facility containing laser tag and cosmic golf, which are explained more fully in the Statement of Operations attached as an Appendix to The Traffic Group report, Petitioner also proposes an arcade. The arcade is proposed as an accessory use in combination with the commercial recreational facility. During the hearing, Petitioner indicated the business proposes to start with approximately 45 arcade machines, but is requesting approval of up to 60 machines in the event demand warrants additional machines. The arcade would consist of typical video games (i.e. Pac-Man, Golden Tee Golf), as well as redemption games (i.e. Skee-Ball) involving the issuance of tickets that could be redeemed for prizes. As explained by Petitioner, these games are intended to provide entertainment options to customers before, between, and after laser tag and cosmic golf game plays.

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Mr. Alderman proffered that Mr. Schultz would testify that in his professional opinion, the uses proposed by Petitioner for 1928 Greenspring are consistent with the use as a commercial recreational facility as that term is defined in Section 101 of the B.C.Z.R., and that a commercial recreational facility is permitted in an M.L.-I.M. zone. In addition, the proposed arcade will meet the requirements of Section 423.C of the B.C.Z.R. including that it will be an accessory use in combination with the commercial recreational facility and will be located on the same lot within the same building, and will be clearly subordinate in area, extent, and purpose to the principal use. Mr. Schultz would also testify that the special exception uses meet the factors in Section 502.1 of the B.C.Z.R. In particular, that the uses will not be detrimental to the health, safety, or general welfare of the locality, will not create traffic problems or congestion, especially given that the property is located at the end of a commercial cul-de-sac, will comply with all applicable fire codes, will not overcrowd the land and will operate indoors, and will be consistent with the property's zoning classification. Finally, Mr. Schultz would testify that the facts and circumstances do not show that the use proposed by Petitioner will have any adverse impact above and beyond that inherently associated with such special exception use at the subject location more than any other potential location in the M.L.-I.M. zone. *See*, Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981).

Following Petitioner's case, Mr. Rockel testified and raised several issues of concern on his own behalf and on behalf of the Greater Timonium Community Council. First, Mr. Rockel indicated that the nearby Lutherville Community Association, located to the south of the subject properties, has had problems with flooding. He indicated that there appears to be an overall increase in commercial uses and existing properties being re-used for other commercial purposes such as in the instant matter, but there are not associated storm water management strategies in place to address the effects of the commercial development. Second, and specifically as to the

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instant matter, Mr. Rockel indicated that while the proposed use of 1928 Greenspring appears to be geared toward wholesome and family entertainment, he is concerned about "walk up" activity and the center becoming a "teen hangout" for walk up traffic, especially with regard to the availability of arcade games. He believes the higher the number of arcade machines, the more it is likely that the center could become a detriment to the surrounding area.

Shortly after the hearing was concluded, the undersigned received notification that following the hearing, Petitioner contacted Mr. Rockel to discuss the arcade component to the family entertainment center. As a result of that discussion, Petitioner agreed to a limit of forty (40) amusement games, which will remain accessory and incidental to the principal special exception use as a commercial recreational facility. This information was confirmed in letters to the undersigned dated December 10, 2007 from Mr. Alderman and December 11, 2007 from Mr. Rockel, which are contained within the case file.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

After due consideration of the testimony and evidence presented, I find that the requests for special hearing and the request for special exception should be granted. In Case No. 08-144-SPHX as to the special exception use requested, I find that the proposed use at 1928 Greenspring is consistent with the definition of a commercial recreational facility and is permissible under Section 253.2.D.3 of the B.C.Z.R. in the M.L.-I.M. zone. I also find that the proposed use satisfies the criteria set forth in Section 502.1 of the B.C.Z.R., and generally will not be detrimental to the health, safety, or welfare of the locality involved. I also find that the proposed use of an arcade is an accessory use that will be in combination with the primary use as a commercial recreational facility, and further find that the use satisfies the requirements of Section 423.C of the B.C.Z.R.

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Moreover, pursuant to Section 423.C.4 of the B.C.Z.R., and based on the testimony and evidence concerning the arcade as an attraction at the center, as well as the agreement reached between Petitioner and Mr. Rockel, I shall specify the maximum number of amusement devices to be maintained at the arcade at forty (40). Any subsequent proposal for machines in excess of that number will necessitate a separate petition for special exception and public hearing.

As to the request for special hearing in Case No. 08-144-SPHX, I am persuaded to grant this relief as well. In so doing, I find that the parking required for the proposed use at 1928 Greenspring as a commercial recreational facility consisting primarily of laser tag, cosmic golf, and an arcade to be 24 parking spaces. I approve, pursuant to Section 409.6.B.3 of the B.C.Z.R., a shared parking adjustment between 1928 and 1924 Greenspring and find that the hours or days of peak parking for the two uses are so different so as to provide adequately for all uses without conflict or encroachment. I also approve, pursuant to Section 409.7.B.1, off site parking for the proposed uses at 1928 Greenspring and find that, according to the site plan, the off site parking spaces shall be located within 500 feet walking distance of a building entrance. In addition, as to 1928 and 1930 Greenspring, I also approve an amendment to the variance relief previously granted to conform to the recent boundary survey and to the site plan in Case No. 05-648-SPHA consistent with the relief requested and site plan accompanying this Petition and the related Petition for Special Exception.

As to the request for special hearing in Case No. 08-143-SPH, I am persuaded to grant the relief and approve shared off site parking at 1924 Greenspring for the proposed uses at the adjoining 1928 Greenspring pursuant to Sections 409.6.B.3 and 409.7.B.1 of the B.C.Z.R. Overall, the parking arrangement proposed by Petitioner makes efficient use of the space available on all three parcels (1924, 1928, and 1930 Greenspring). Approval of Petitioner's plan will enable 1930 Greenspring to continue to utilize on site spaces and the additional spaces reserved at 1928

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Greenspring, which are necessary for 1930 Greenspring's own special exception use. Further, the limited on site spaces still available at 1928 Greenspring, combined with the available off site spaces at 1924 Greenspring, will enable Petitioner to proceed with its plan for a family entertainment center at 1928 Greenspring. Finally, Petitioner's plan will have virtually no impact on 1924 Greenspring due to the abundance of parking at that site, nor is there any evidence that it will have any detrimental impact on the health, safety, or welfare of the surrounding locality.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 16th day of January, 2008, as set forth below:

CASE NO. 08-143-SPH

The Special Hearing relief requested for the property located at 1924 Greenspring Drive in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- to approve, pursuant to Sections 409.6.B.3 and 409.7.B.1 of the B.C.Z.R., off-site parking for the proposed uses on the adjoining property (1928 Greenspring Drive) in connection with the Petitions for Special Hearing and Special Exception filed in the companion case for 1928 and 1930 Greenspring Drive be and is hereby GRANTED; and

Case No. 08-144-SPHX

The Special Exception relief requested for the property located at 1928 Greenspring Drive as follows:

- for a commercial recreational facility (indoor cosmic miniature golf, laser tag and accessory facilities for birthday parties associated with such uses) pursuant to Section 253.2.D.3 of the B.C.Z.R., be and is hereby GRANTED; and

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- for use in combination therewith, pursuant to Sections 253.2.E and 423.C of the B.C.Z.R., an accessory arcade for up to forty (40) amusement games be and is hereby GRANTED; and

The Special Hearing relief requested for the properties located at 1928 and 1930 Greenspring Drive in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- to confirm the parking requirements for the proposed, principal uses at 1928 Greenspring Drive be and is hereby GRANTED and is determined to be 24 spaces; and
- to approve, pursuant to Sections 409.6.B.3 and 409.7.B.1 of the B.C.Z.R., a shared parking adjustment and off-site parking (adjoining property) for the proposed uses at 1928 Greenspring Drive be and is hereby GRANTED; and
- to approve an amendment to the variance relief previously granted for 1928 and 1930 Greenspring Drive to conform to the recent boundary survey and to the site plan in Case No. 05-648-SPHA consistent with the relief requested and site plan accompanying this Petition and the accompanying Petition for Special Exception be and is hereby GRANTED.

The relief granted herein is subject to the restrictions set forth below, and are conditions precedent to the granting of the relief:

1. Petitioner may apply for its permit and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner shall be limited to forty (40) amusement games, which will remain accessory and incidental to the principal special exception use as a commercial recreational facility. Any subsequent proposal for machines in excess of that number will necessitate a separate petition for special exception and public hearing.

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3. The relief granted herein, as it relates to 1924 Greenspring Drive, shall not be effective unless and until a copy of a written agreement, signed by the Owner(s) of 1924 Greenspring Drive, evidencing permission to utilize the forty (40) parking spaces and the terms related thereto is provided to the Zoning Commissioner. The Owner(s) of 1924 Greenspring Drive may reconfigure existing parking on the subject property as necessary to address changing tenant mix, provided that forty (40) of all parking spaces located on 1924 Greenspring Drive remain available, within five hundred (500) feet of the entrance to 1928 Greenspring Drive (the "off-site parking arrangement"), for use by patrons of the Special Exception uses for 1928 Greenspring Drive granted in Case No. 08-144-SPHX. Upon the failure to establish within the time frame of Section 502.3 of the B.C.Z.R., or cessation or termination of the Special Exception uses granted for 1928 Greenspring Drive or upon termination by the owner(s) of 1924 Greenspring Drive of the permission to utilize the forty (40) parking spaces pursuant to written agreement, the off-site parking arrangement approved by this Order shall terminate and be of no further force or effect.

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

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By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 16, 2008

HOWARD ALDERMAN, ESQUIRE
LEVIN & GANN
502 WASHINGTON AVENUE, 8TH FLOOR
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 08-143-SPH and 08-144-SPHX
Property: 1924 Greenspring Drive and 1928 and 1930 Greenspring Drive

Dear Mr. Alderman:

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: Geoffrey Schultz, Mckee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030
Darin Winick, WJS Entertainment LLC, 2 Sheep Fold Lane, Cockeysville MD 21030
Mickey Cornelius, The Traffic Group Inc., 9900 Franklin Square Drive, Suite H, Baltimore MD 21236
Eric Rockel, 1610 Riderwood Drive, Lutherville MD 21093

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1924 Greenspring Drive
which is presently zoned ML-IM

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

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 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:

WJS Entertainment, LLC
Name - Type or Print

By: _____
Signature

2 Sheepfold Lane — 443-812-8522
Address — Telephone No.

Cockeysville — MD — 21030
City — State — Zip Code

Legal Owner(s):

Wilmer Realty, LLC
Name - Type or Print

By: _____
Signature

Roger Gassell
Name - Type or Print

Signature

1953 Greenspring Drive — 410-252-1222
Address — Telephone No.

Lutherville — MD — 21093
City — State — Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print

Howard L. Alderman Jr.
Signature

Levin & Gann, PA
Company

502 Washington Avenue, Suite 800 — 410-321-0600
Address — Telephone No.

Towson — Maryland — 21204
City — State — Zip Code

Representative to be Contacted:

Geoffrey C. Schultz, PLS — McKee & Associates, Inc.
Name

5 Shawan Road, Suite 1 — 410-527-1555
Address — Telephone No.

Hunt Valley — MD — 21030
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 9/20/07

Case No. 08-143-SPH

REV 9/15/98

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Date 1-16-08 PB
By _____

ATTACHMENT

PETITION FOR SPECIAL HEARING

CASE NO: 08- 143 -SPH

Address: 1924 Greenspring Drive

Legal Owners: Wilmer Realty, LLC

Present Zoning: ML-IM

REQUESTED RELIEF:

"*why the Zoning Commissioner should,* " [1] approve, pursuant to BCZR §§409.6B.3 and 409.7B.1, off-site parking for the proposed uses on adjoining property (1928 Greenspring Drive) in connection with the Petitions for Special Exception and Special Hearing filed in a companion case for 1928 & 1930 Greenspring Drive; **and** [2] for such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

September 4, 2007

Zoning Description of
1924 Greenspring Drive
3rd Councilmanic District
8th Election District
Baltimore County, MD

STATE OF MARYLAND
GEOFFREY CRAIG SCHULTZ
No. 21154
PROFESSIONAL LAND SURVEYOR

Beginning at a point on the West side of Greenspring Drive (60 foot right-of-way), at the distance of 467 feet South of the center of Business Park Drive, thence running along Greenspring Drive (1) by a curve to right, having a radius of 1370.00 feet and an arc length of 123.06 feet, (2) by a curve to the right, having a radius of 58.61 feet and an arc length of 49.49 feet, and (3) by a curve to the left, having a radius of 75.00 feet and an arc length of 143.00 feet, thence running (4) S 79-14-16 W 291.56 feet, (5) N 06-16-58 E 291.39 feet, and (6) N 84-11-48 E 354.25 feet to the point of beginning.

Containing 83, 529 square feet or 1.918 acres of land as recorded in Deed Liber 13206 Folio 674.

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

08-143-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 05374

Date: 9/26/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325.00
							Total:	325.00

Rec From: WTS ENTERTAINMENT LLC

For: ITEM # 143 08-143-SPH
1924 GREENSPRING DR.

D.THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
ACCOUNT NAME DATE TIME
9/26/2007 9/26/2007 14:07:06 2
Dept
Recpt. Tot 325.00
Baltimore County, Maryland

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: #08-143-SPH
1924 Greenspring Drive
W/side of Greenspring Drive, 467 feet south of centerline of Business Park Drive
8th Election District - 3rd Councilmanic District
Legal Owner(s): Wilmer Realty, LLC
Lessee: WJSEntertainment, LLC

Special Hearing: to approve, pursuant to BCZR Sections 409.6B.3 and 409.7B.1, off-site parking for the proposed uses on adjoining property (1928 Greenspring Drive) in connection with the Petitions for Special Exception and Special Hearing filed in a companion case for 1928 & 1930 Greenspring Drive.

Hearing: Wednesday, December 5, 2007 at 10:00 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/11/730 Nov. 20 155832

CERTIFICATE OF PUBLICATION

11/22, 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 11/20, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: November 19, 2007

TO: Baltimore County, Zoning

RE : Case No. 08-143-SPH
#1924 Greenspring Drive
MAI :Job No. : 07-121

ATTENTION: Ms. Kristen Matthews / Mr. Timothy Kotroco

(X) We are submitting ( ) We are returning ( ) We are forwarding

( ) Herewith ( ) Under separate cover

No.	Description
1	Certificate of Posting
2	Photos

(X) For processing ( ) For your use (X) For your review

( ) Please call when ready ( ) Please return to this office ( ) In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

William D. Gulick, Jr.

cc: File

RECEIVED
NOV 20 2007
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: November 19, 2007
MAI Job No : 07-121

Attention: Ms. Kristen Matthews / Mr. Timothy Kotroco
RE:Case Number : No. 08-143-SPH
Petitioner/Developer: WJS Entertainment
Date of Hearing/Closing: Wed. December 05, 2007 @ 10:00 am

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 1924 Greenspring Drive

The sign(s) were posted on November 16, 2007
(Month, Day, Year)

(Signature of Sign Poster)

William D. Gulick, Jr.
(Printed Name of Sign Poster)

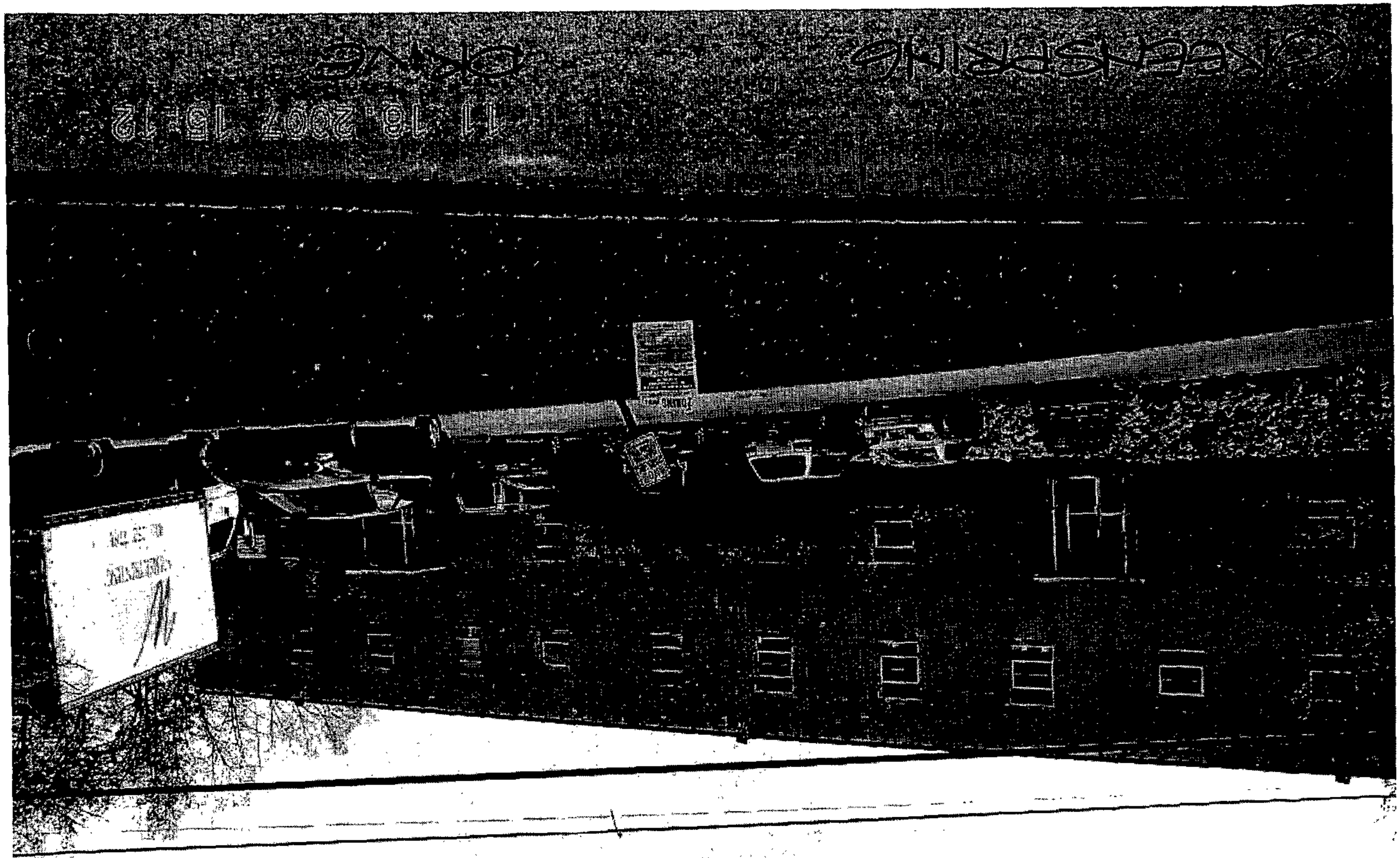
McKee and Associates, Inc.
5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

(410) 527-1555
(Telephone Number of Sign Poster)

SEE
ATTACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY

Revised 3/1/01 - SCJ



ZONING NOTICE

CASE # 08-143-SPH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: COUNTY COURTS BUILDING ROOM 407
401 BOSLEY AVENUE
TOWSON, MD 21204

DATE AND TIME: WEDNESDAY
DECEMBER 5, 2007 @ 9:00 AM

REQUEST: SPECIAL HEARING
TO APPROVE, PURSUANT TO BCZR
SECTIONS 409.6.G.3 AND 409.7.B.1.
OFF-SITE PARKING FOR RETAIL USES ON
ADJOINING PROPERTY WITH RESTRICTED
CONVEYANCE WITH RESTRICTIONS; SPECIAL EXCEPTION
AND SPECIAL VARIANCE, FILED IN A COMPANION CASE
FOR 1926 & 1930 CRESSKILL DRIVE.

IN ORDER TO ATTEND THIS HEARING, PLEASE CONTACT THE ZONING OFFICE AT 887-3391 IF YOU HAVE ANY SPECIAL NEEDS OR REQUIRE ASSISTANCE.

IF YOU ARE HEARING OR SIGHT IMPAIRED OR POSSESS OTHER DISABILITY OF SERVING, PROVIDE PROPER OF LAW

LANDSCAPED ACCESSIBLE

11/02/2007 15:12

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 17, 2007

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

NEW 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: 08-143-SPH
1924 Greenspring Drive
W/side of Greenspring Drive, 467 feet south of centerline of Business Park Drive
8th Election District – 3rd Councilmanic District
Legal Owners: Wilmer Realty, LLC
Lessee: WJS Entertainment, LLC

Special Hearing to approve, pursuant to BCZR Sections 409.6B.3 and 409.7B.1, off-site parking for the proposed uses on adjoining property (1928 Greenspring Drive) in connection with the Petitions for Special Exception and Special Hearing filed in a companion case for 1928 & 1930 Greenspring Drive.

Hearing: Wednesday, December 5, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Ave., Ste. 800, Towson 21204
Roger Cassell, Wilmer Realty, 1953 Greenspring Drive, Lutherville 21093
WJS Entertainment, 2 Sheepfold Lane, Cockeysville 21030
Geoffrey Schultz, McKee & Assoc., 5 Shawan Road, Ste. 1, Cockeysville 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 20, 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, November 20, 2007 Issue - Jeffersonian

Please forward billing to:
Darin Winick
2 Sheepfold Lane
Cockeysville, MD 21030

443-812-8522

CORRECTED 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: 08-143-SPH
1924 Greenspring Drive
W/side of Greenspring Drive, 467 feet south of centerline of Business Park Drive
8th Election District – 3rd Councilmanic District
Legal Owners: Wilmer Realty, LLC
Lessee: WJS Entertainment, LLC

Special Hearing to approve, pursuant to BCZR Sections 409.6B.3 and 409.7B.1, off-site parking for the proposed uses on adjoining property (1928 Greenspring Drive) in connection with the Petitions for Special Exception and Special Hearing filed in a companion case for 1928 & 1930 Greenspring Drive.

Hearing: Wednesday, December 5, 2007 at 10:00 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.

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 4, 2007

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: 08-143-SPH
1924 Greenspring Drive
W/side of Greenspring Drive, 467 feet south of centerline of Business Park Drive
8th Election District – 3rd Councilmanic District
Legal Owners: Wilmer Realty, LLC
Lessee: WJS Entertainment, LLC

Special Hearing to approve, pursuant to BCZR Sections 409.6B.3 and 409.7B.1, off-site parking for the proposed uses on adjoining property (1928 Greenspring Drive) in connection with the Petitions for Special Exception and Special Hearing filed in a companion case for 1928 & 1930 Greenspring Drive.

Hearing: Tuesday, November 27, 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: Howard Alderman, Jr., 502 Washington Ave., Ste. 800, Towson 21204
Roger Cassell, Wilmer Realty, 1953 Greenspring Drive, Lutherville 21093
WJS Entertainment, 2 Sheepfold Lane, Cockeysville 21030
Geoffrey Schultz, McKee & Assoc., 5 Shawan Road, Ste. 1, Cockeysville 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 12, 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, November 13, 2007 Issue - Jeffersonian

Please forward billing to:
Darin Winick
2 Sheepfold Lane
Cockeysville, MD 21030

443-812-8522

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: 08-143-SPH
1924 Greenspring Drive
W/side of Greenspring Drive, 467 feet south of centerline of Business Park Drive
8th Election District – 3rd Councilmanic District
Legal Owners: Wilmer Realty, LLC
Lessee: WJS Entertainment, LLC

Special Hearing to approve, pursuant to BCZR Sections 409.6B.3 and 409.7B.1, off-site parking for the proposed uses on adjoining property (1928 Greenspring Drive) in connection with the Petitions for Special Exception and Special Hearing filed in a companion case for 1928 & 1930 Greenspring Drive.

Hearing: Tuesday, November 27, 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.

CASE NO. 08-143-SPH

CASE NO. 08-144-SPHX

PLEASE SCHEDULE CASES

CONSECUTIVELY

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: 08-143-SPH

Petitioner: WILMER REALTY LLC

Address or Location: 1924 Greenspring Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: DARIN WINICK

Address: 2 Sheepfold Lane
Cockeysville, Md. 21030

Telephone Number: 443-812-8522

Revised 2/20/98 - SCJ

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: 9/18/07

TO: BALTIMORE COUNTY
ZONING OFFICE

RE: 1924 GREENSPRING DR.

ATTENTION: DONNA THOMPSON

(X) We are submitting ( ) We are returning ( ) We are forwarding

( ) Herewith ( ) Under separate cover ( ) Hand Delivery

No.	Description
1	ZONING HEARING PACKAGE

(X) For processing ( ) For your use ( ) For your review

( ) Please call when ready ( ) Please return to this office ( ) In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

Geoffrey C. Schultz, President
Enclosures

RECEIVED
SEP 19 2007
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Cc: McKee Files
HOWARD ALDERMAN w/ENC.
DARIN WINICK w/ENC.

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 28, 2007

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 08-143-SPH, 1924 Greenspring Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 20, 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
WJS Entertainment, LLC Darin Winick 2 Sheepfold Lane Cockeysville 21030
Geoffrey C. Schultz, PLS McKee & Associates, Inc. 5 Shawan Road, Suite 1 Hunt Valley 21030
Wilmer Realty, LLC Roger Cassell 1953 Greenspring Drive Lutherville 21093

RE:	PETITION FOR SPECIAL HEARING	*	BEFORE THE
	1924 Greenspring Drive; W/S Greenspring Drive, 467' S of c/line Business Park Drive	*	ZONING COMMISSIONER
	8th Election & 3rd Councilmanic Districts		
	Legal Owner(s): Wilmer Realty LLC	*	FOR
	Contract Purchaser(s): WJS Entertainment, LLC		
	Petitioner(s)	*	BALTIMORE COUNTY
		*	08-143-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all 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 2nd day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to, Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED
OCT 02 2007
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: SEPT. 26, 2007

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

RE: Baltimore County
Item No. 8-143-SPH
1924 GREENSPRING DRIVE
WILMER REALTY, LLC
SPECIAL HEARING

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. 8-143 SPH.

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, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For October 1, 2007
Item Nos. 08-131, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, and 144

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-10012007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 22, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-143 and 144- Special Hearing and/or 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 Jessie Bailek in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

CM/LL

W:\DEVREV\ZAC\8-143.doc

TB 12/5
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 22, 2007

RECEIVED
OCT 2 5 2007
BY:----------

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-143 and 144- Special Hearing and/or 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 Jessie Bailek in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lyn Lanham

CM/LL

W:\DEVREV\ZAC\8-143.doc

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

December 10, 2007

RECEIVED
DEC 1 1 2007
BY:_____

Thomas H. Bostwick, Deputy Zoning Commissioner
Baltimore County Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 1924, 1928 & 1930 Greenspring Drive
Case Nos. 08-143-SPH & 08-144-SPHX
Agreed Limits on Arcade Use

Dear Mr. Bostwick:

You will recall that on Wednesday, December 5, 2007, you held a public hearing on each of the above-referenced cases. I represented the Petitioners and was accompanied by Mr. Darin Winick of WJS Entertainment, LLC, Geoffrey C. Schultz, President of McKee & Associates and Mickey Cornelius of The Traffic Group. Mr. Eric Rockel represented the Greater Timonium Community Council in his capacity as President of that organization.

One of the issues addressed by Mr. Rockel was the Petitioner's request for 65 amusement games (as defined during the hearing) as part of the special exception arcade use petitioned. Mr. Winick listened to Mr. Rockel's concerns and, after the conclusion of the hearing, revisited WJS Entertainment's operational plan and contacted Mr. Rockel directly. After discussing the matter with Mr. Rockel, Mr. Winick advises that he has agreed to a limit of forty (40) amusement games pursuant to the Petition for Special Exception, which will remain accessory and incidental to the principal special exception use of commercial recreation facility, including laser tag and cosmic mini golf.

I am sending a copy of this letter directly to Mr. Rockel and requesting that he confirm no-opposition to the proposed uses as described at the hearing and as limited by this letter. Should you or he need additional information, as always, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: WJS Entertainment, LLC
Mr. Eric Rockel [1610 Riderwood-Lutherville Dr. 21093]

TB
12-5-07

GTCC The Greater Timonium Community Council

9b Ridgely Rd., Box 276, Timonium, Maryland 21093
http://www.gtccinc.com

RECEIVED
DEC 12 2007
BY:

December 11, 2007

Thomas H. Bostwick
Deputy Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Re: Cases 08-143-SPH & 08-144-SPHX
1924, 1928 & 1930 Greenspring Drive

Dear Mr. Bostwick:

As you will recall, I appeared on behalf of the Greater Timonium Community Council at the above cited hearings concerning the commercial recreational facility proposed for 1928 Greenspring Drive. After those hearings, Mr. Darin Winick of WJS Entertainment, LLC approached me to discuss his firm's plans for the site, and specifically the number of amusement games proposed within the arcade use. I am most appreciative that Mr. Winick elected to discuss this matter further, and he seems genuinely concerned about the community's reactions to his proposal.

As a result of our discussion, Mr. Winick agreed to limit the operation to forty amusement games. Today I received a copy of the letter from Howard L. Alderman, Jr. that agrees to this limitation. Based upon this limitation, the Greater Timonium Community Council has no opposition to the proposed uses. We are appreciative of the consideration extend by Mr. Alderman and his client, Mr. Winick.

Sincerely,

Eric Rockel

Eric Rockel, President

CC: H.L. Alderman, Jr., Esq.

PLEASE PRINT CLEARLY

CASE NAME 1924 GREENSPRING DRIVE
CASE NUMBER 08-143-SPH
DATE 05 DECEMBER 2007

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L. Alderman, Jr., Esquire	Levin & Gann, PA Suite 800	TOWSON, MD 21204	halderman@LevinGann.com
[redacted]	502 Washington Avenue	[redacted]	
DARIN WINICK, WJS ENT., LLC	2 SHEEPFOLD LN	COCKEYSVILLE, MD 21030	d.winick@gmail.com
GEOFFREY SCHULTZ	5 SHAWAN ROAD	" " "	
MICKEY CORNELIUS	9900 FRANKLIN SQ. DR. STE. H	BALTIMORE, MD 21236	mcornelius@trafficgroup.com

PLEASE PRINT CLEARLY

CASE NAME 1920, 1928 & 1930 Greenspring
CASE NUMBER 08-143 & 08-144
DATE 5 Dec 2007

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Eric Rockel	1610 Ridewood DR	Lutherville 21093	

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

October 17, 2007

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Zoning Office - **ATTN: KRISTEN**	410-887-5708

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 1

CLIENT/MATTER: 1924 Greenspring Drive/Case No. **08-143-SPH** & 1930 Greenspring Drive/Case No. **08-144-SPHX**

COMMENTS: **Kristen: I have now heard from both my client and his engineer. December 5th @ 10:00 a.m. for these cases works for us. Thank you for rescheduling it so quickly. I will await the revised notice so that the property can be posted. Thanks again.**

[x] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible. My return FAX Number is (410) 296-2801.

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

The information contained in this transmission is attorneyprivileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for expenses. Thank You.

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

October 12, 2007

VIA TELEFAX & REGULAR MAIL
Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: 1924 Greenspring Drive
Case No. **08-143-SPH**
1930 Greenspring Drive
Case No. **08-144-SPHX**
Request for Postponement and Immediate Rescheduling

Dear Mr. Kotroco:

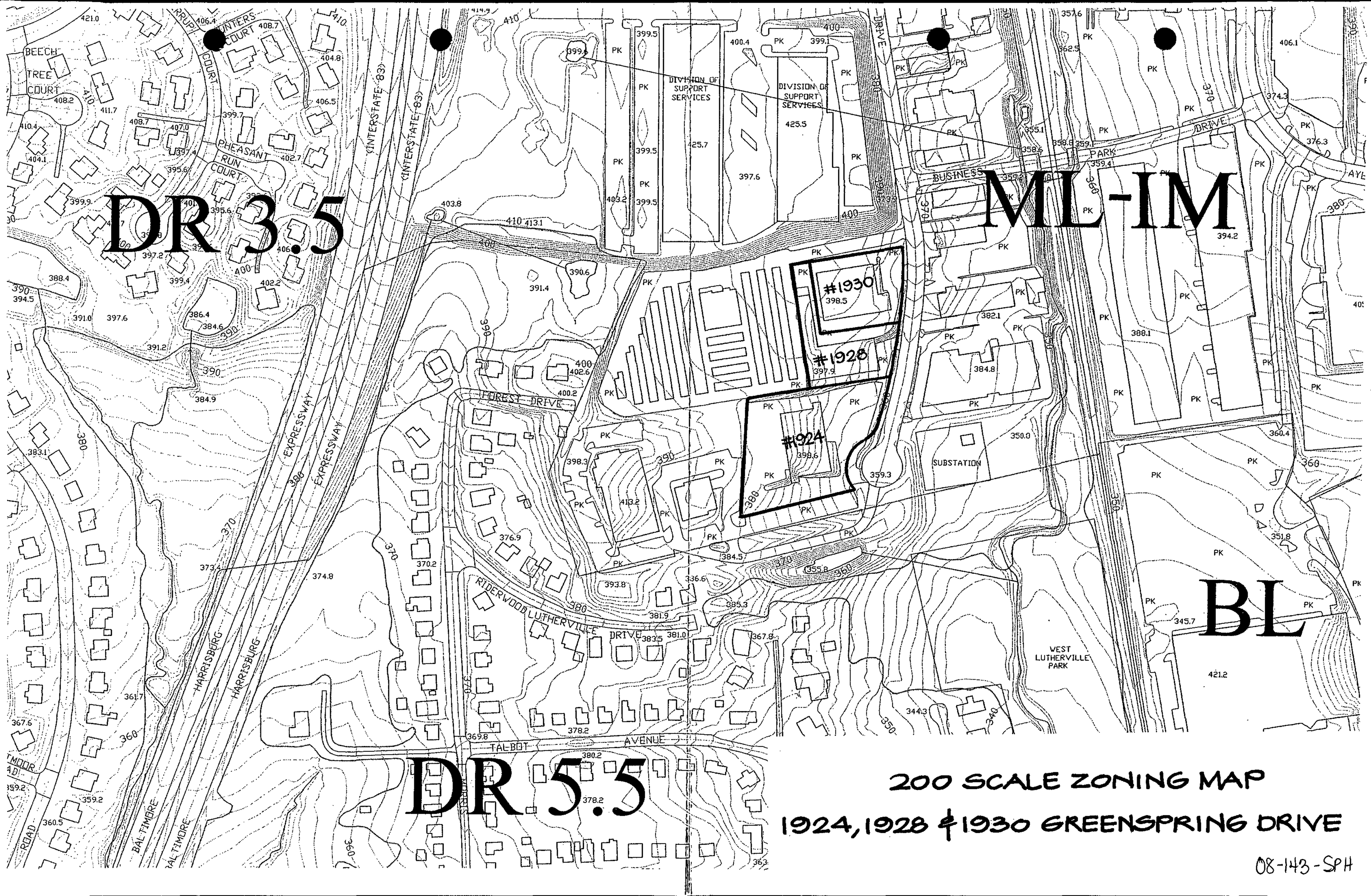
I received yesterday, the Notice of Hearing in the above-referenced case indicating that these cases are scheduled for hearing on Tuesday, November 27, 2007 at 9:00 a.m. and 10:00 a.m., respectively. I immediately contacted my clients to ensure their availability. My clients will not be available on that date; they will be out of the Country. Therefore, on behalf of my clients, I respectfully request that the hearing on the above-referenced case be **postponed** and that it be **rescheduled as soon as possible. If Christen will contact me before rescheduling the hearing I will ensure that the date is clear with all concerned. Also, these cases concern the same, proposed use involving adjoining properties.**

Thank you and please contact me if there is any problem with this request.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: WJS Entertainment, LLC
Wilmer Realty, LLC
Geoffrey C. Schultz, PLS
Ms. Kristen Matthews



200 SCALE ZONING MAP

1924, 1928 & 1930 GREENSPRING DRIVE

08-143-SPH

Case No.: 08-143-SPH + 08-144-SPHX

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan	
No. 2	Prior Zoning Case 07-571-X	
No. 3	Prior Zoning Case 05-648-SPHA	
No. 4	Letter from People's Counsel + Email from Weber	
No. 5	Traffic Group Study	
No. 6	Example of Lower Tog Attractions	
No. 7	Proposed conditions b/t 1974 + 1978	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR SPECIAL EXCEPTION W/S Greenspring Drive, 145' S centerline of Business Park Drive 8th Election District 4th Councilmanic District (1930 Greenspring Drive) Edward B. Kovens, *Legal Owner* **and** Earth Treks Climbing Center, *Lessee* Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 02-571-X

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

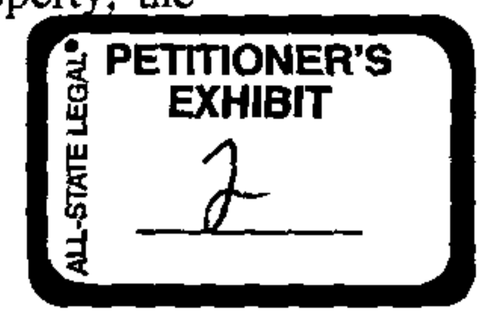
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, Edward Kovens and the lessee, Earth Treks Climbing Center. The special exception request is to approve a commercial recreational facility in a ML-IM zone. The property, which is the subject of this special exception request, consists of 1.74 acres, more or less, and is located at 1930 Greenspring Drive in Timonium.

Appearing at the hearing on behalf of the special exception request were Chris Warner and Scot Heidtman, appearing on behalf of Earth Treks Climbing Center, Donald Hicks, representing Hicks Engineering, and Eugene Lipman, representing the owner of the property. John B. Gontrum, attorney at law, appeared representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that Earth Treks Climbing Center wishes to open a climbing center at this location on Greenspring Drive. The Petitioner proposes to renovate and modify an existing warehouse building wherein their commercial recreational facility is proposed to be located. The parking design for the building and use in question, as represented on Petitioner's Exhibit No. 1, the site plan submitted into evidence, is sufficient to accommodate the parking needs for this use. In order to proceed with the use of the subject property, the

8/7/02



special exception request is necessary. In addition to providing climbing apparatus, the Petitioner will also have a small retail shop wherein climbing gear and accessories will be offered for sale to the patrons who utilize this facility. Furthermore, the Petitioners propose to provide birthday parties for their patrons and also intend to work closely with the surrounding public school system to provide climbing classes.

It is clear the Baltimore County Zoning Regulations permits the Petitioners' use in a ML-IM zone by special exception. It is equally clear that the proposed use is not detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception shall be granted.

8/7/02 D. Grimm

THEREFORE, IT IS ORDERED this 7th day of August, 2002, by this Deputy Zoning Commissioner, that the Petitioners' Request for Special Exception, to approve a commercial recreational facility in a ML-IM zone, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the parking layout and design as represented on Petitioners' Exhibit No. 1 is appropriate and shall be APPROVED.

IT IS FURTHER ORDERED, that the Petitioners shall be permitted to provide a sales shop within the building in order to sell climbing gear and accessories to their patrons.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

FOR FILING
8/7/02

IN RE: PETITIONS FOR SPECIAL HEARING & VARIANCE – W/S Greenspring Drive, 335' S of the c/l Business Park Drive **(1930 & 1928 Greenspring Drive)** 8th Election District 3rd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 05-648-SPHA
Murray Kovens Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Murray R. Kovens and his brother, Edward B. Kovens, who by deed dated December 12, 2003, transferred their interest to 1930 Greenspring Drive, LLC. Lawrence F. Haislip, Esquire, attorney for Murray Kovens, the managing member of the LLC, requested leave to amend the instant Petitions in open hearing to reflect the proper legal entity of the owners of the subject property. Mr. Haislip also provided the deed recorded in the Land Records of Baltimore County evidencing the change in ownership. The Petitions were filed, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). Therein, the Petitioners seek approval of an amendment to the site plan, a modified parking plan, and a reduction of the area of the special exception approved in prior Case No. 02-571-X for the building known as 1930 Greenspring Drive. In addition, variance relief is requested from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 12.5 feet in lieu of the required 25 feet for the building known as 1928 Greenspring Drive, and a rear yard setback of 12.5 feet in lieu of the required 30 feet for the building known as 1930 Greenspring Drive. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were Lawrence F. Haislip, Esquire, attorney for the Petitioner, and Joseph L. Larson, a Registered Property Line Surveyor with Spellman,

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Larson & Associates, who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Greenspring Drive, just south of that road's intersection with Business Park Drive in Timonium. The property consists of two separate parcels, which contain a combined gross area of 1.746 acres, more or less, zoned M.L.-I.M., and is improved with two commercial buildings, identified as 1928 and 1930 Greenspring Drive. The Petitioners have owned the property since 1960 and have used the buildings separately since that time.

At issue in the instant case is the location of the lot line between the two parcels. As shown on the site plan marked as Petitioner's Exhibit 2, the lot line begins at the southwest corner of the site and runs in a northerly direction through both buildings, thus, forming a very narrow, triangular shaped parcel in the western portion of the tract. For reasons that are not clear, the prior owners never sought approval to readjust the lot lines to make them coincident with the building locations. In 1981, the Petitioners obtained variance relief under Case No. 81-156-A to allow reduced rear and side yard setbacks for 1928 Greenspring Drive, and to accommodate the distance between the two buildings. In this regard, the site plan shows that the building known as 1928 Greenspring Drive, is an "L" shaped structure located immediately adjacent to the rear (western) property line and 20 feet from the (south) side property line. The rear wall of the building known as 1930 Greenspring Drive is located in the northern portion of the property, and is 25 feet at its closest point from the other building. Again, for reasons that are not clear, not all the necessary variances to resolve the issues relative to these two parcels and the existing improvements thereon were requested. Most recently, the Petitioners filed for special exception relief for the building known as 1930 Greenspring Drive under Case No. 02-571-X. In that matter, then Deputy Zoning Commissioner Timothy M. Kotroco granted Edward Kovens a special exception to operate a commercial recreational facility (rock climbing wall) within a portion of the existing building, pursuant to his Order dated August 7, 2002. In addition, Deputy Commissioner Kotroco approved a sales shop within the building to sell climbing gear, and the parking design and layout for the

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overall tract as it existed at that time. The area of the building dedicated for the special exception use was apparently not specifically identified on the originally approved site plan. As more particularly shown on Petitioner's Exhibit 3, the building features a one-story warehouse, a two-story machine shop, and a two-story office use. The special exception use occupies a 99' x 120' area within the main portion of the building.

In any event, the Petitioners are now desirous of selling the building known as 1928 Greenspring Drive and seek relief as set forth above in order to legitimize existing conditions on the property. Moreover, an amendment to the previously approved site plan and special exception area for the building known as 1930 Greenspring Drive is necessary. Essentially, the Petitioners propose a lot line adjustment to more accurately define and designate the uses on the property. The proposed new lot line between the two parcels is more particularly shown on the site plan marked as Petitioner's Exhibit 1. As shown on that plan, a roughly square-shaped parcel in the northern portion of the property will contain 0.272 acres in area and the building known as 1930 Greenspring Drive. An "L" shaped parcel has been created in the southern portion of the tract. That parcel will contain the building known as 1928 Greenspring Drive and 1.474 acres in area. In addition, a new parking layout is proposed which has been designed in keeping with the newly formed lot lines. It is to be noted that there is no new construction proposed, nor are there any changes proposed to the use of the buildings.

After due consideration of the testimony and evidence presented, I find that the Petitions for Special Hearing and Variance should be granted. Given the current location of the lot line and its relationship to the existing buildings, the proposed adjustment and amendments to the previously approved site plan are necessary to accurately reflect conditions on the property. Moreover, I find that requested variances are appropriate in this instance and that a practical difficulty would result if strict compliance with the zoning regulations were required. As noted above, the two buildings have existed on the property where located for over 40 years. There were no adverse comments submitted by any County reviewing agency and no one voiced any objection

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to the proposal. Thus, I find that there will be no detriment to the health, safety or general welfare of the surrounding locale and that the relief requested should be granted.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

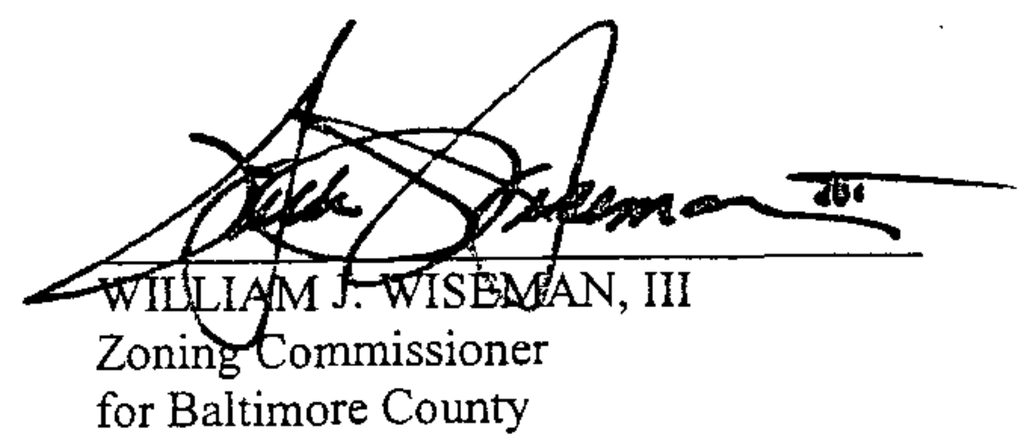
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of August 2005 that the Petition for Special Hearing to approve an amendment to the site plan, approval of a modified parking plan, and a reduction of the area of the special exception approved in prior Case No. 02-571-X for the building known as 1930 Greenspring Drive, in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 12.5 feet in lieu of the required 25 feet for the building known as 1928 Greenspring Drive, and a rear yard setback of 12.5 feet in lieu of the required 30 feet for the building known as 1930 Greenspring Drive, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) In accordance with the applicable provisions of law, any appeal from this Order shall be filed within thirty (30) days of the date of this Order.

2) The special exception relief granted in prior Case No. 02-571-X shall be limited to the 99' x 120' area of the building known as 1930 Greenspring Drive, as shown on Petitioner's Exhibit 3.

IT IS FURTHER ORDERED that except as modified herein, the terms and conditions of the Orders issued in prior Cases Nos. 81-156-A and 02-571-X, shall remain in full force and effect.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

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By

ZAC AGENDA

Item Number: 648 **Case Number:** 5-648-SPHA **Primary Use:** Residential **Reviewer:** DT

Type: Special Hearing Variance

Legal Owner: Murray Kovens

Contract Purchaser:

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8th **Councilmanic Dist:** 3rd

Property Address: 1930 & 1928 Greenspring Drive

Location: West side of Greenspring Drive, 150 feet south of Business Park Drive.

Existing Zoning: ML-IM **Area:** 1.747 AC+/-

Proposed Zoning: SPECIAL HEARING to amend previously approved zoning plat from Case no. 02-571-X and to reduce the area of the Special Exception parcel as previously granted by Case no. 02-571-X.

VARIANCE to allow a front yard of 12.5 feet in lieu of the required 25 feet.

Attorney:

Miscellaneous:

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 30, 2007

HAND DELIVERED
William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
1930 Greenspring Drive, LLC & Wilmer Realty LLC, Legal Owners
& WJS Entertainment, LLC, Contract Purchasers- Petitioners
Case No.: 08-144-SPHA

Dear Mr. Wiseman,

Because this case appeared to involve significant parking issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. As a result, he sent us the enclosed email dated October 30, 2007. I am forwarding it to you for your consideration at the hearing.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

cc: Howard L. Alderman, Jr. Esquire, Attorney for Petitioner
Stephen Weber, Chief

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From: Stephen Weber
To: People's Counsel
Date: 10/29/2007 3:18 PM
Subject: Case No. 08-144-SPHA, 1924, 1928 & 1930 Greenspring Dr

Peter -

In reviewing the petition for special exception, we do not have any significant concerns regarding the request. The shared parking arrangements between #1924, 1928, & 1930 seem reasonable and workable. The use that is somewhat difficult to gauge is the commercial recreational facility in #1930. The type of uses that are mentioned are ones that can generate significant parking issues. However, at the same time, the size of the building is relatively small for such activities and thus are very likely to be limited to events on the scale of a birthday party as mentioned. It is doubtful that the activities could reach a scale of concern only because this building is relatively small in size.

On-street parking is allowed on Greenspring Dr. It is used by adjacent businesses for employees during the day. Therefore, if there was occasional overflow parking out onto Greenspring Dr, it is doubtful that it would ever reach a degree to cause any type of significant problem.

If you have any questions regarding these comments, please give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

The relief granted herein, as it relates to 1924 Greenspring Drive, shall not be effective unless and until a copy of a written agreement, signed by the Owner(s) of 1924 Greenspring Drive, evidencing permission to utilize the forty (40) parking spaces and the terms related thereto is provided to the Zoning Commissioner. The Owner(s) of 1924 Greenspring Drive may reconfigure existing parking on the subject property as necessary to address changing tenant mix, provided that forty (40) of all parking spaces located on 1924 Greenspring Drive remain available, within five hundred (500) feet of the entrance to 1928 Greenspring Drive (the "off-site parking arrangement"), for use by patrons of the Special Exception uses for 1928 Greenspring Drive granted in Case No. 08-144-SPHX. Upon the failure to establish within the time frame of BCZR Section 502.3, or cessation or termination of the Special Exception uses granted for 1928 Greenspring Drive or upon termination by the owner(s) of 1924 Greenspring Drive of the permission to utilize the forty (40) parking spaces pursuant to written agreement, the off-site parking arrangement approved by this Order shall terminate and be of no further force or effect.

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Letter Report

BALTIMORE LASER BLAST PARKING ANALYSIS

Baltimore County, Maryland

July 20, 2007

PETITIONER'S
EXHIBIT NO. 5

Prepared for:
WJS Entertainment, LLC

The Traffic Group

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2 Zoning Petition and Parking Analysis for 1930 Greenspring Drive *7*

APPENDICES

APPENDIX A - Baltimore Laser Blast Statement of Operations

APPENDIX B - Parking Occupancy Counts

Prepared by: Mickey A. Cornelius, P.E., PTOE

MAC:jjw
(F:\2007\2007-0538\Wp\Winick.doc)

July 20, 2007

Mr. Darin Winick
WJS Entertainment, LLC
2 Sheepfold Lane
Cockeysville, MD 21030

RE: Baltimore Laser Blast
1928 Greenspring Drive
Parking Analysis
Baltimore County, Maryland
Our Job No.: 2007-0538

Dear Mr. Winick:

The Traffic Group, Inc. has conducted a Parking Evaluation for the proposed use of 1928 Greenspring Drive as a family entertainment center identified as Baltimore Laser Blast. The purpose of the Parking Analysis was to determine the number of parking spaces needed to serve the proposed use of the subject property. The remaining sections of this Letter Report will detail the study methodology.

BACKGROUND INFORMATION

Baltimore Laser Blast proposes to occupy the building located at 1928 Greenspring Drive. This building is located along the west side of Greenspring Drive and is bounded by 1930 Greenspring Drive to the north and 1924 Greenspring Drive to the south. The subject property currently has one (1) access point to Greenspring Drive. In addition, the subject property can also be accessed through 1930 Greenspring Drive with parking along the north side of the 1928 Greenspring Drive building accessed through the 1930 Greenspring Drive facility. The direct access to 1928 Greenspring Drive from Greenspring Drive only serves the east and south sides of the subject property. 1930 Greenspring Drive is currently occupied by Earth Treks which operates an entertainment climb center. 1924 Greenspring Drive is an office/warehouse building located to the south of the subject property. An aerial photo detailing the location of the subject property and adjacent properties is provided on Exhibit 1.

The Earth Treks facility was approved under a Special Hearing and operates under a shared parking agreement between that site and the subject property. A copy of the Zoning Petition Plan for 1930 Greenspring Drive is provided in Exhibit 2. A review of that exhibit shows that 1930 Greenspring Drive currently has 38 parking spaces on that property with an additional 8 spaces located on 1928 Greenspring Drive to be used on an as needed basis through the shared parking agreement. The total required parking spaces for the Earth Treks facility under Baltimore County standards is 43 spaces. Therefore, 38 of the 43 spaces are provided for on that property with 5 spaces needed from 1928

Greenspring Avenue to accommodate the total required parking spaces for that facility.

At the present time, WJS Entertainment, LLC proposes to occupy 1928 Greenspring Drive and operate a family entertainment center.

PROPOSED USE OF THE SUBJECT PROPERTY

WJS Entertainment, LLC proposes to occupy 1928 Greenspring Drive and operate a family entertainment center offering laser tag, indoor mini golf, and arcade games. A detailed description of the proposed operations of the facility is contained in Appendix A of this Letter Report.

Based upon the Statement of Operations contained in Appendix A, the Baltimore Laser Blast facility is proposed to be operated Tuesday through Sunday, with the facility closed on Mondays. Different operating hours are proposed for the summer months of June through August than the remaining months (September through May). Baltimore Laser Blast expects to serve up to 80% of its' patrons between 6PM on Fridays and 6 PM on Sundays.

Baltimore County does not have specific parking requirements for the proposed land use. Therefore, this analysis has been prepared in order to project the parking needs for the proposed Baltimore Laser Blast facility.

PARKING ANALYSIS

Prior to undertaking specific parking needs estimates for the subject property, it was important to understand the parking characteristics of the subject property and adjacent properties under the current utilization of the sites. Specifically, parking occupancy studies were conducted for 1924, 1928, and 1930 Greenspring Drive on a Friday from 3 to 9 PM, Saturday from 10 AM to 4 PM and Sunday from 12 noon until 4 PM. These hours will cover the projected peak parking demand hours for the Baltimore Laser Blast facility. The number of cars parked on each of these lots was counted at ½ hour increments. The resulting total number of vehicles parked on each of these lots is identified on the parking lot occupancy summary sheets contained in Appendix B of this report.

Reviewing the parking occupancy counts, for 1924 Greenspring Drive, the maximum number of vehicles parked on this site was 40 vehicles at 3 PM on Friday. Since this is a weekday business facility, parking on Saturdays and Sundays was significantly lower than at 3 PM on Friday. This property currently has some marked parking spaces, but much of the lot, including the portion adjacent to the subject property, is unmarked. The maximum number of 40 parked vehicles is much less than the number of marked spaces on this property and many more vehicles could be accommodated on this lot. On Saturday, a maximum of 20 vehicles were identified on this lot, while on Sunday, a maximum of 9 vehicles were parked on this property.

Moving to the subject property, 1928 Greenspring Drive, the parking occupancy study for this property included only the portion of the lot served by the direct access to this property from Greenspring Drive. The portion of the lot located along the north side of the building cannot be accessed from this drive and is accessed through 1930 Greenspring Drive. Therefore, parking along the north side of the building was

included in the parking counts for 1930 Greenspring Drive. A review of the parking occupancy counts for the subject property showed no vehicles parked on the lot on either Friday or Saturday. A maximum of 4 vehicles were parked on this lot on Sunday.

At 1930 Greenspring Drive, the Earth Treks climbing center, the parking occupancy counts show a maximum of 52 vehicles parked on the lot at 7:30 PM on Friday. It should be noted that this is more vehicles than provided for through marked parking spaces on 1930 Greenspring Drive and the north side of 1928 Greenspring Drive. As previously indicated, the Special Exception Plan for 1930 Greenspring Drive showed a total of 38 parking spaces on that property and under the approved petition, that property would use 5 parking spaces from 1928 Greenspring Drive under a shared parking agreement in order to satisfy the Baltimore County parking requirements.

Reviewing the parking occupancy summaries for 1930 Greenspring Drive, between 7 PM and 8 PM on Friday, there were more cars parked on the lot than provided for under the marked parking spaces. At other times on Friday, a maximum of 33 vehicles were parked on the lot which could be accommodated by the marked spaces on that property. On Saturday, a maximum of 28 vehicles were identified on 1930 Greenspring Drive at 3:30 PM. On Sunday, a maximum of 38 parking spaces were identified to be occupied at 4 PM. Therefore, on both Saturday and Sunday, 1930 Greenspring Drive has sufficient spaces to accommodate all parking needs within that site.

The next step in the analysis was to identify projected parking needs for the Baltimore Laser Blast facility. The proposed use is expected to contain three (3) major attractions, as follows:

- Laser Tag
- Cosmic Golf (indoor space-themed mini golf)
- Arcade Games (video and redemption games)

Given the statement of operations, Baltimore Laser Blast expects to serve up to 80% of its' patrons between 6 PM on Friday and 6 PM on Sunday. Therefore, this is the time period evaluated to project maximum parking demands for the subject property. At other times during the week, parking needs would be typically less than the Friday through Sunday time period.

The patron profile of Baltimore Laser Blast is projected to change based upon the day of week and time of day. The biggest single category is projected to be Youth Birthday Parties which will comprise an estimated 50 to 60% of the total customers. Nearly all of these patrons will be at the facility during the weekend hours, although there may be an occasional weekday evening party. These patrons generally arrive in groups or are dropped off by their parents and left in the care of the birthday party host parents.

Baltimore Laser Blast will have a maximum of four (4) party rooms available for group celebrations. The party rooms will be constructed to allow seating for 20 to 30 patrons, but the average party size is expected to range from 10 to 15 patrons.

As a "worst cast" condition, the maximum parking needs for the subject property is projected to occur on a weekend when all four (4) party rooms may be used at the same time. Therefore, this is the scenario used to estimate the projected parking demands for the subject property.

With four (4) parties at the same time, the high average party size of 15 patrons was used to calculate the total number of people using these party rooms at any one (1) time. This equates to a maximum of 60 patrons in the party rooms. While it is

expected that many of the patrons at the party rooms would be dropped off by their parents, for purposes of the Parking Analysis, we have estimated that half of the patrons would be dropped off and the other half would be vehicles that would have to be accommodated for parking. Therefore, a total of 30 people would need to be accommodated through parked vehicles. Based upon vehicle occupancy studies at other, similar type entertainment venues and realizing that many parties will be comprised of siblings or neighbors, a conservative estimate of 3 people per car was used in this analysis. For most group events, especially birthday parties, patrons know each other and tend to live in the same neighborhoods. This results in four (4) or more people arriving in one (1) vehicle. Therefore, using three (3) persons per vehicle is a conservative estimate. In order to serve 30 people arriving in vehicles that will need to park, it is estimated that a maximum of ten (10) parking spaces would be needed.

With the assumption of four (4) parties at one (1) time, it is projected that the laser tag facility would be in full use. It is possible that other patrons would arrive at the facility to potentially use the cosmic golf and arcade games. Given the maximum number of patrons that could be served at the cosmic golf facility is 36, this Parking Analysis assumes that 50% of this maximum would be utilized at the same time that the four (4) parties were ongoing. Using the same vehicle occupancy assumption, with 18 patrons at three (3) persons per vehicles, six (6) additional vehicles are projected to need parking. The arcade games themselves, are not expected to project the need for additional parking during these time periods. The arcade games would be utilized by party patrons as well as cosmic golf patrons. Therefore, the maximum number of parking spaces projected to be needed to serve patrons of the facility at any one (1) time is 16 vehicles.

In addition to the patrons of the facility, parking will also need to be provided for employees of the site. Based upon information provided by Baltimore Laser Blast, a maximum of eight (8) employees would be projected to be on the site at any one (1) time. Using a conservative assumption that each of these employees would drive and park on site, a maximum of eight (8) spaces would be needed for employees of the facility. This brings the total number of parking spaces needed to serve the proposed use of the site to 24 spaces.

SUMMARY AND RECOMMENDATIONS

Based upon the analyses presented in this letter, it is our opinion that a maximum of 24 parking spaces will be needed to serve the proposed use of the subject property. While there is a shared parking agreement between 1930 and 1928 Greenspring Drive, based upon the parking occupancy studies, it is possible that these uses would peak at similar times and result in the need for additional off site spaces. Specifically, it has been shown that the 38 marked parking spaces provided for at 1930 Greenspring Drive are needed to serve peak demand times. If the Baltimore Laser Blast facility has peak operating times which coincide with the Earth Treks facility, then we cannot assume that the shared parking agreement between the two (2) uses would satisfy peak parking demands.

It is evident that the office/warehouse use located at 1924 Greenspring Drive has parking occupancy patterns that do not coincide with the recreational uses proposed or existing at 1928 and 1930 Greenspring Drive. Furthermore, there is an expansive parking lot at that location which could provide many more marked parking spaces than currently provided.

With a maximum projected peak parking demand of 24 vehicles, it is expected that many of these could be provided for on site with the addition of striped parking spaces. However, it may be necessary to enter into a shared parking agreement with 1924 Greenspring Drive to satisfy the total number of needed parking spaces.

In summary, between the subject property and a parking agreement with 1924 Greenspring Drive, it is recommended that a total of 24 parking spaces be allocated for the Baltimore Laser Blast facility to accommodate peak parking demands.

Sincerely,

Mickey A. Cornelius, P.E., PTOE
Senior Vice President

MAC:jjw
(F:\2007\2007-0538\Wp\Winick.doc)

EXHIBIT 1

AERIAL OF THE SITE & SURROUNDING PROPERTIES

OWNER INFORMATION

1930 GREENSPRING DRWE LLC
18-B W. PENNSYLVANIA AVENUE
PO BOX 819
STEWARTSTOWN, PA 17363-0819
TELEPHONE: (800) 270 - 8362

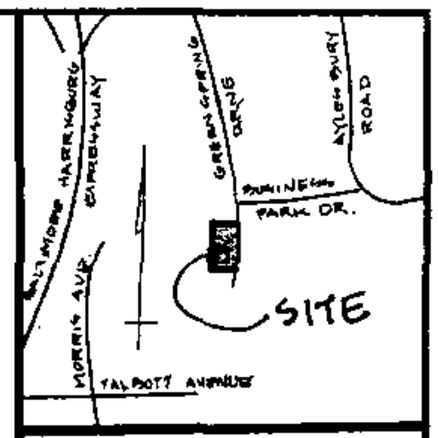
ZONING PETITION

THIS PLAT ACCOMPANIES A ZONING PETITION FOR SPECIAL HEARING TO APPROVE AN AMENDMENT TO A PREVIOUSLY APPROVED ZONING PLAT AND ALSO TO APPROVE A MODIFIED PARKING PLAN AND ALSO TO APPROVE THE REDUCTION OF THE AREA OF SPECIAL EXCEPTION GRANTED BY CASE NO. 02-571-X AND TO INCLUDE ZONING PETITIONS FOR VARIANCES AS FOLLOWS:

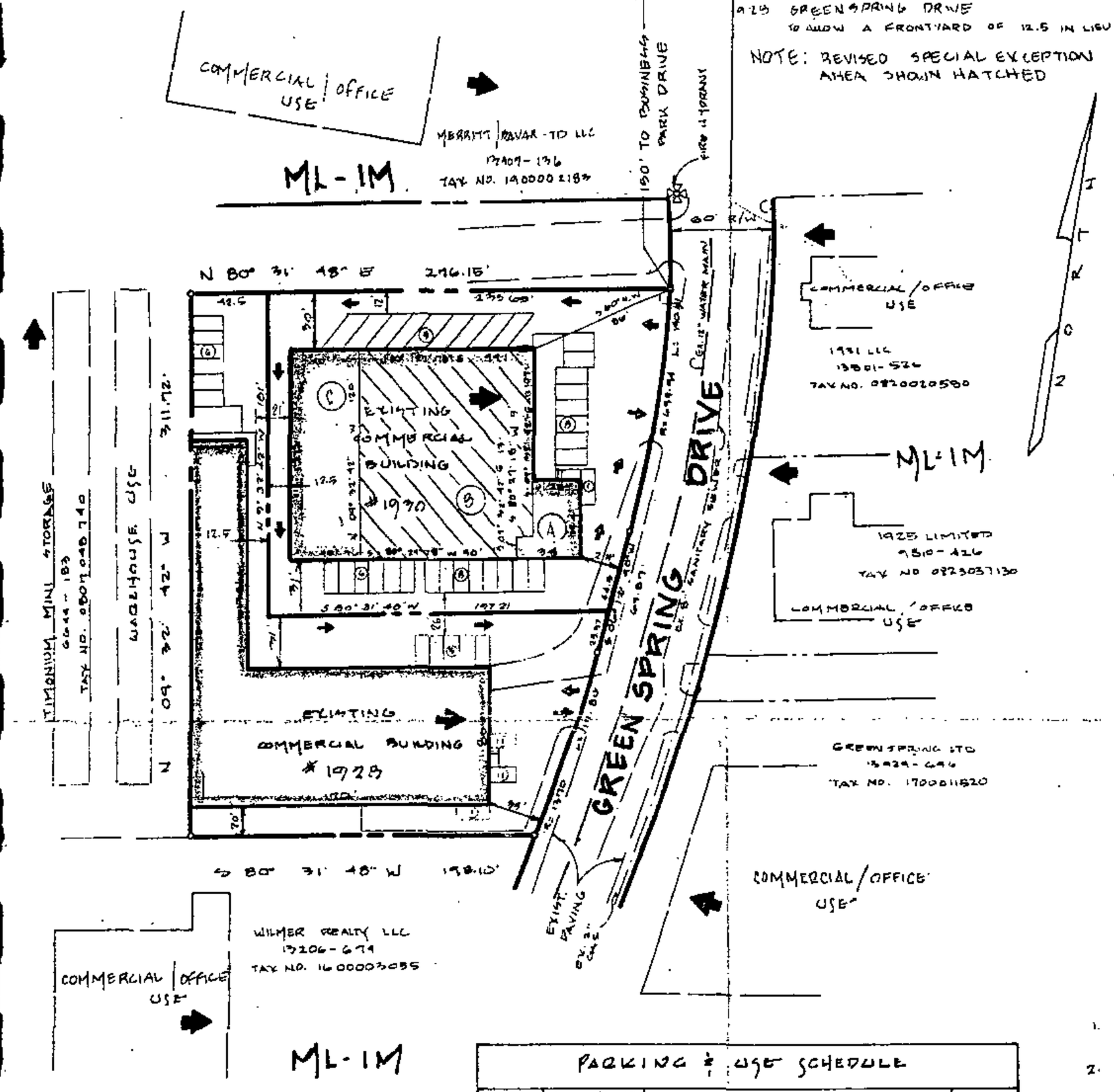
1930 GREENSPRING DRWE:
TO ALLOW A REARYARD OF 12.5 IN LIEU OF 30'

1928 GREENSPRING DRWE
TO ALLOW A FRONTYARD OF 12.5 IN LIEU OF 25'.

NOTE: REVISED SPECIAL EXCEPTION AREA SHOWN HATCHED



VICINITY MAP
SCALE: 1" 1000'



SITE DATA

SITE AREA (GROSS & NET) — 76,056 SQ.FT. / 1.746 AC +/-
EXIST. ZONING — ML-IM
DEED REFERENCE — 9205-261
TAX MAP / PARCEL — 60/616
TAX ACCOUNT NO. — 0816062191, 0816022190
COUNCILMANIC DISTRICT — 3RD
EXIST. USE — COMMERCIAL
PROP. USE — COMMERCIAL
UTILITIES — SEWER - PUBLIC, WATER - PUBLIC
ZONING MAP — 060 C2
F.A.R. CALCULATIONS
ALLOWED = 2.0
PROPOSED = 49906 SF. / 76,056 SQ.FT.
F.A.R = 0.57

GENERAL NOTES

1. ALL PROPOSED AND EXISTING SIGNAGE WILL COMPLY WITH SECTIONS 450 & 259.3.C.1 OF THE BCZR.
2. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN
3. THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE SUBJECT SITE.
4. THERE ARE NO ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY DOES NOT LIE IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THE SUBJECT PROPERTY
7. THERE ARE 2 PREVIOUS ZONING PETITIONS THAT AFFECT THE SUBJECT PROPERTY

CASE NO. 81-156 A FEB. 27 1981
VARIANCES GRANTED TO PERMIT A REAR YARD SETBACK OF 0' IN LIEU OF 30', A SIDEYARD SETBACK OF 20' IN LIEU OF 30' & A DISTANCE BETWEEN BLDGS. OF 25' IN LIEU OF 60'.

CASE NO. 02-571 X AUG 7, 2002
SPECIAL EXCEPTION GRANTED TO ALLOW A COMMERCIAL RECREATIONAL FACILITY IN A ML ZONE TO APPROVE A PARKING DESIGN & LAYOUT AS SHOWN ON THE SITE PLAN & TO ALLOW A SALES SHOP WITHIN THE BUILDING TO SELL CLIMBING GEAR.

SURVEYORS CERTIFICATION

PARKING & USE SCHEDULE

TENANT	EXISTING OR PROPOSED USE	PARKING REQUIRED	SPACES
1928	INDUSTRIAL & WAREHOUSE	1 SPACE / EMPLOYEE: 16 EMPLOYEES	16
1930-A	OFFICE	2434 SQ.FT. 3.3/1000 SQ.FT	8
1930-B	CLIMBING CENTER	SEE CASE NO. 02-571-X	40
1930-C	INDUSTRIAL & WAREHOUSE	1 SPACE / EMPLOYEE 3 EMPLOYEES	3
		TOTAL	67

SHARED PARKING SCHEDULE

	WEEKDAY		WEEKEND	
	DAYTIME (6:00 A.M. TO 6:00 P.M.)	EVENING (6:00 P.M. TO MIDNIGHT)	DAYTIME (6:00 A.M. TO 6:00 P.M.)	EVENING (6:00 P.M. TO MIDNIGHT)
OFFICE OR INDUSTRIAL	100% = 27 SPACES	10% = 3 SPACES	10% = 3 SPACES	5% = 2 SPACES
COMMERCIAL RECREATION	40% = 16 SPACES	100% = 40 SPACES	80% = 32 SPACES	100% = 40 SPACES

PARKING REQ'D = 47 SPACES

PARKING PROVIDED = 46 SPACES

(THIS PARKING METHODOLOGY WAS APPROVED BY CASE #02-571-X)

PLAT TO ACCOMPANY ZONING PETITION

1930 / 1928 GREENSPRING DRIVE

3RD COUNCILMANIC DISTRICT

8TH ELECTION DIST. BALTIMORE CO., MD

SCALE: 1" = 50'

MAY 21, 2004
REV. JULY 28, 2004
REV. APRIL 11, 2005
REV. MAY 2, 2005
REV.: JUNE 14, 2005

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 400, JEFFERSON BUILDING
TOWSON, MARYLAND 21204
PHONE: 410-823-3535

EXHIBIT 2

...G PETITION & PARKING ANALYSIS FOR 1930 GREENSPRING DRIVE

APPENDIX A

APPENDIX A

Baltimore Laser Blast

Statement of Operations

The Traffic Group

NARRATIVE DESCRIPTION OF BALTIMORE LASER BLAST

Baltimore Laser Blast ("BLB") will be Baltimore County's premiere family entertainment destination. Three major attractions are planned:

1. Laser Tag,
2. Cosmic Golf (indoor space-themed mini-golf), and
3. Arcade Games (video and redemption games)

Typical hours of operation will be:

Day	Sept – May	June – Aug
Monday	Closed	Closed
Tuesday	5 pm – 10 pm	4 pm – 11 pm
Wednesday	5 pm – 10 pm	4 pm – 11 pm
Thursday	5 pm – 10 pm	4 pm – 11 pm
Friday	5 pm – 12 am	4 pm – 12 am
Saturday	10 am – 12 am	10 am – 12 am
Sunday	12 pm – 8 pm	12 pm – 8 pm
TOTAL WEEKLY HOURS	44 hours	51 hours

BLB will not be open to the general public at other times, but does anticipate group outings during the workday from corporate and business outing clients, "overnights" from community and youth groups during late night hours, and summer camp groups during summer daytime hours. The number of patrons for these off-hour group sales are expected to be far less than the number of patrons expected during weekend operating hours.

The family entertainment industry generates most of its patronage between 6:00 pm on Fridays and 6:00 pm on Sundays. BLB expects to serve up to 80% of its patrons during this forty-eight hour period.

Customers will fall into five broad categories:

- Birthday parties;
- Youth and community groups (including school groups, religious groups, scouting groups, sports leagues, camps, etc.);
- Corporate outings and team-building exercises;
- Frequent individual players (*i.e.*, "gamers"); and
- Casual individual players.

The facility is expected to host twenty to thirty birthday parties each weekend. Each party will, on average, contain eight to twelve players, who will play two to four games of laser tag and one to two games of mini golf. Youth and community groups will provide another steady source of customers. In addition to play during normal operating hours, larger groups will book the facility during morning, early afternoon and late night (including overnight) hours when the facility would normally be closed. Another source of off-hour customers is local businesses

seeking a venue for corporate outings and team building exercises. Finally, individual players, both experienced and novice, will frequent the facility, complimenting party and group business.

The patron profile of BLB changes based on the day of the week and time of day. The biggest single category is youth birthday parties, which are expected to comprise 50%-60% of BLB's customers. Nearly all of these patrons will be at the facility during weekend hours, although there may be an occasional weekday evening party. These patrons generally arrive in groups, or are dropped off by their parents and left in the care of the birthday party host parents. Younger children (ages 7-12) tend to be scheduled for morning and early afternoon parties, while older children are scheduled for mid afternoon through evening hour parties. Most other patrons are expected to be children as well, and follow the same pattern of arriving in groups, with older teenagers being dropped off.

ATTRACTIONS

A. Laser Tag

No written description of laser tag can fully capture the excitement, camaraderie and sheer fun of laser tag game. Only game play itself can impart that experience. Nonetheless, the experience is described below in a modest attempt to convey some sense of the adrenalin pumping excitement and good, wholesome fun that is laser tag.

1. Game Play

Prior to entering the 6,000+/- square foot, two story, space adventure themed arena, the players don their game gear—a lightweight vest with five glowing targets, and an attached phaser (that also has a glowing target). Up to three teams can play at once, and each team's vests and phasers glow a different color. The players are briefed about equipment, the arena, game play, strategy and safety before entering the arena.

Entering the arena is like walking into a futuristic life-size video game labyrinth filled with hostile forces. Pulsating music and flashing lights bombard the senses as your eyes adjust to the foggy dimness. You look around for high ground or a protective enclave, keeping an eye out for your enemies. The environment is completely immersive.

The game is controlled by a master game computer running proprietary game software. The software allows virtually limitless variations in game play, so games can be tailored for different types of customers and even specific players (*i.e.*, a child hosting a birthday party at BLB can be given extra laser blasts, more lives, etc., and games focused on collective or team play can be programmed for corporate team building events).

The object of the most common type of game play is to score points while defending yourself and your team's base from attack. Each game lasts between twelve and fifteen minutes. A common two-game play, coupled with a briefing/vesting session, typically lasts between thirty-five and forty-five minutes.

The laser tag system selected for BLB is state-of-the-art, robust, durable and backed by a comprehensive warranty. It includes vests, phasers, three base stations, game computers and software. The vests, phasers, bases and computers communicate in real-time via 900mHz radio, making the game fully interactive from the first second to the last.

The system allows each player to know his or her status through displays on their phasers, lights on their vests and various sounds and alarms emitted by speakers on their vests. The game computer will also know each player's status at every point in the game, and a scoring is constantly updated and projected on a real-time scoreboard outside of the arena where it can be viewed by players waiting for their turn in the arena. Personalized, detailed printed scorecards will be available to all players at the conclusion of their games.

2. Capacity and Game Play

BLB will have a forty-two vest laser tag system (three teams of fourteen). Based on the anticipated hours of operation and number of games per hour, the maximum number of annual game plays is approximately 297,000. Industry standard capacity is typically around 30%, yielding expected annual laser tag game plays of approximately 89,000 games. At 30% capacity, each vest will be played approximately forty-one times per week.

3. Laser Tag Patron Count

The maximum number of laser tag patrons actively playing the game at any one time is forty-two (the number of vests), although capacity games are expected to be an infrequent occurrence. Most games will be played with fewer than forty-two patrons. Patrons waiting their turn for laser tag will be engaged in other activities and are counted as part of those activities

B. Cosmic Golf™

Cosmic Golf™ is an indoor alien world themed mini-golf course with vibrant fluorescent colors, glowing putters, balls, "greens" and obstacles, and integrated artwork played under black light conditions. Because it is indoors, Cosmic Golf™ can be played year-round.

BLB will have a nine-hole course occupying 3,000 +/- square feet. Based on a four-person maximum per hole, the highest number of Cosmic Golf patrons at full capacity is thirty-six. Full capacity is expected to be a rare event, with expected capacity to average around 30%, and only 60%-80% at the busiest of times.

C. Arcade Games

BLB will operate approximately between thirty-five and sixty arcade and redemption games. Arcade games are typical video games (*e.g.*, Pac-Man, Golden Tee™ Golf), while redemption

games issue tickets that can be redeemed for prizes (*e.g.*, Skee-Ball). These games will provide entertainment options to customers before, between and after laser tag and mini golf game plays

Generally, only one patron can play an arcade game at a time, although there are a few exceptions. Therefore, the maximum number of patrons actively playing arcade games is capped at slightly above the number of games, although operating at this capacity is expected to be a rare occurrence.

D. Party Rooms

BLB will have four party rooms available for group celebrations, including birthday parties, office parties, scout groups, church groups, youth sporting teams, etc. These rooms will be rented as part of "party packages" consisting of one or more games of laser tag and/or mini golf, arcade tokens, pizza, soft drinks and cake (if applicable). Party packages are expected to account for approximately 50%-60% of BLB's total patronage.

Party rooms will be constructed to allow seating for 20-30 patrons, but the average party size is expected to range from 10-15 patrons. Only two rooms are expected to contain patrons at any one time, as the groups from the other rooms will be engaged in other activities as the parties are rotated through BLB's entertainment attractions.

E. Concessions

BLB will operate a concession stand providing soft drinks, pop corn, candy, etc. to children and coffee, specialty coffee drinks, snacks and pastries to adults. No cooking will be done on site, and no commercial kitchen equipment will be needed.

A lounge area with tables, chairs and possibly sofa seating will be near the concession area. Seating will be available in this area for 20-30 patrons.

APPENDIX B

APPENDIX B

Parking Occupancy Counts

The Traffic Group

1924 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

FRIDAY - JULY 6, 2007

3:00 am to 9:00 pm

The Traffic Group

Time Period	NUMBER OF VEHICLES ON LOT
3:00 PM	40
3:30 PM	39
4:00 PM	36
4:30 PM	34
5:00 PM	28
5:30 PM	24
6:00 PM	20
6:30 PM	19
7:00 PM	18
7:30 PM	18
8:00 PM	18
8:30 PM	18
9:00 PM	18

1924 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

SATURDAY - JULY 7, 2007

10:00 am to 4:00 pm

Time Period	NUMBER OF VEHICLES ON LOT
10:00 AM	19
10:30 AM	19
11:00 AM	19
11:30 AM	20
12:00 PM	19
12:30 PM	20
1:00 PM	19
1:30 PM	19
2:00 PM	19
2:30 PM	19
3:00 PM	19
3:30 PM	19
4:00 PM	19

1924 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

SUNDAY - JULY 8, 2007

12:00 pm to 4:00 pm

Time Period	NUMBER OF VEHICLES ON LOT
12:00 PM	9
12:30 PM	9
1:00 PM	8
1:30 PM	8
2:00 PM	8
2:30 PM	7
3:00 PM	7
3:30 PM	8
4:00 PM	7

1928 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

FRIDAY - JULY 6, 2007

3:00 am to 9:00 pm

The Traffic Group

Time Period	NUMBER OF VEHICLES ON LOT
3:00 PM	0
3:30 PM	0
4:00 PM	0
4:30 PM	0
5:00 PM	0
5:30 PM	0
6:00 PM	0
6:30 PM	0
7:00 PM	0
7:30 PM	0
8:00 PM	0
8:30 PM	0
9:00 PM	0

1928 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

SATURDAY - JULY 7, 2007

10:00 am to 4:00 pm

The Traffic Group

Time Period	NUMBER OF VEHICLES ON LOT
10:00 AM	0
10:30 AM	0
11:00 AM	0
11:30 AM	0
12:00 PM	0
12:30 PM	0
1:00 PM	0
1:30 PM	0
2:00 PM	0
2:30 PM	0
3:00 PM	0
3:30 PM	0
4:00 PM	0

1928 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

SUNDAY - JULY 8, 2007

12:00 pm to 4:00 pm

The Traffic Group

Time Period	NUMBER OF VEHICLES ON LOT
12:00 PM	2
12:30 PM	3
1:00 PM	3
1:30 PM	4
2:00 PM	3
2:30 PM	3
3:00 PM	3
3:30 PM	3
4:00 PM	3

1930 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

FRIDAY - JULY 6, 2007

3:00 am to 9:00 pm

The Traffic Group

Time Period	NUMBER OF VEHICLES ON LOT
3:00 PM	21
3:30 PM	17
4:00 PM	17
4:30 PM	23
5:00 PM	15
5:30 PM	23
6:00 PM	30
6:30 PM	33
7:00 PM	46
7:30 PM	52
8:00 PM	44
8:30 PM	33
9:00 PM	31

1930 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

SUNDAY - JULY 8, 2007

12:00 pm to 4:00 pm

The Traffic Group

Time Period	NUMBER OF VEHICLES ON LOT
12:00 PM	26
12:30 PM	30
1:00 PM	31
1:30 PM	30
2:00 PM	23
2:30 PM	26
3:00 PM	33
3:30 PM	35
4:00 PM	38

The Traffic Group, Inc.®
Traffic Engineers & Transportation Planners

CORPORATE OFFICE

Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236
410.931.6600 Fax: 410.931.6601
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www.trafficgroup.com

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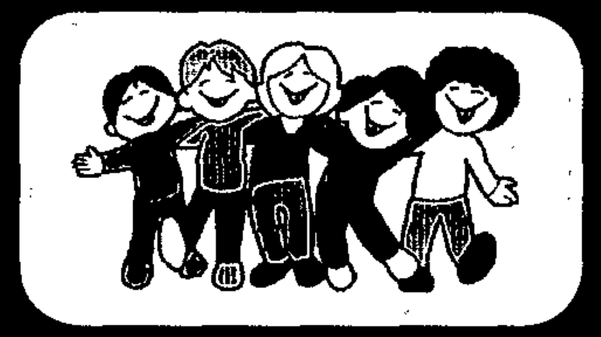
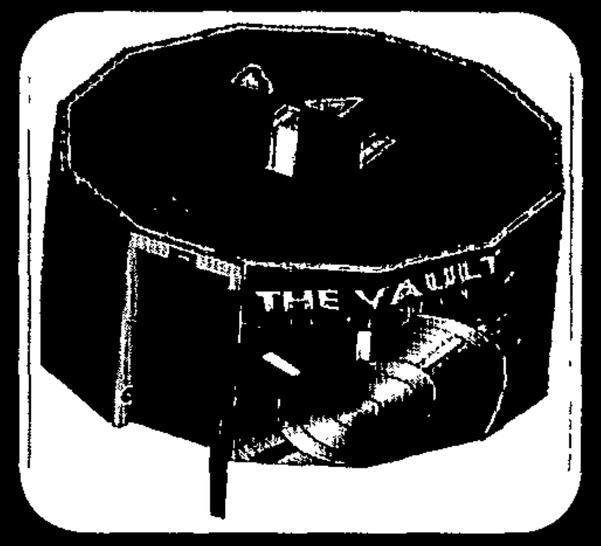


With Each Funovation Laser Maze Challenge™, YOU GET:

- 8 laser modules
- 8+ laser receivers
- 8+ laser reflective mirrors
- 1 Laser Maze Challenge™ master control unit
- 1 Laser Maze Challenge™ expansion control unit
- 1 Laser Maze Customer Tracking Computer System
- 1 Laser Maze Challenge™ Software
- The mission score/display
- 1 professional studio grade hazer
- 1 alert light
- 1 Video Excitement Package, including a 42" display, display bracket, and a wide view rich camera
- Complete Laser Maze Challenge™ Users Manual
- Lens cleaning kit for laser mirrors
- Laser adjustment tools
- Custom design service for structure and theming
- Project coordination

Permanent and mobile/trailer attractions available



NEXT STEPS

Give us a call @ +1 303-996-0294 x 22 and we'd be happy to chat with you personally to determine the fit for your fun center, resort, amusement park or other location. Of course, you can always email us @ info@funovation.com or visit our website www.funovation.com for more information. Or, if you happen to be in the Boulder, Colorado area, swing by and challenge our times by going through our maze directly!

FUNOVATION 6859 N. Foothills Hwy. D210 Boulder, Colorado 80302 USA
+1 303-996-0294 www.funovation.com

FUNOVATION™

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Best revenue per square foot in the industry!

Stand apart from competition

This is addictive!

Easy maintenance and system care

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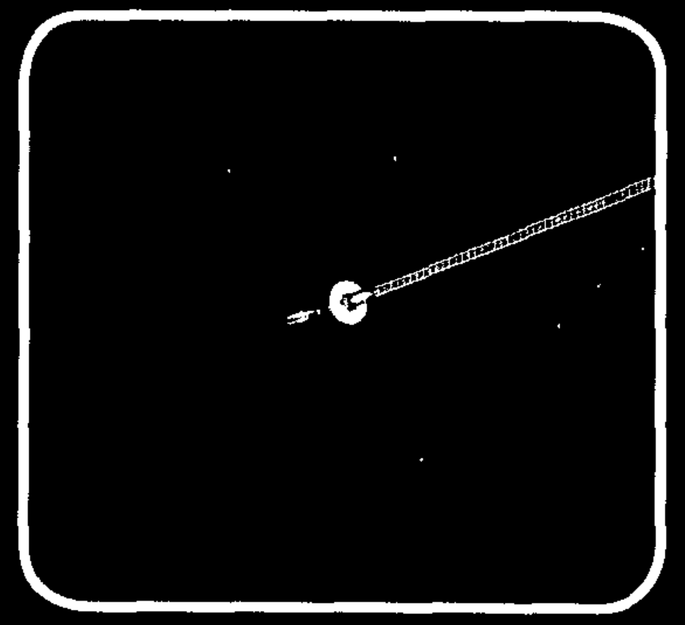
Your Customer's Experience:

When Bobby first enters the Laser Maze Challenge™, he's delighted by the bright green lasers radiating from the walls. He puts his game face on and expertly navigates through the web of lasers. He completes the challenge by pressing the stop button, looks at his score and exits the Maze with a broad grin thinking to himself "man, I could beat that time!" and gets back into line to do it again...

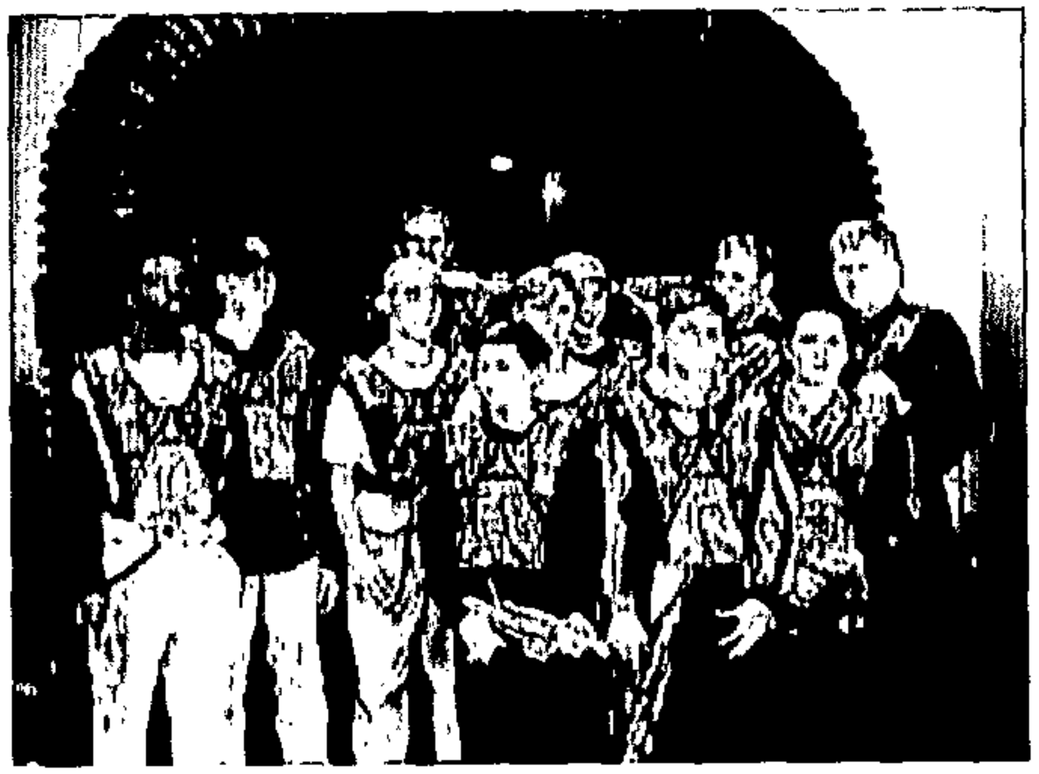


PETITIONER'S
EXHIBIT NO. 6

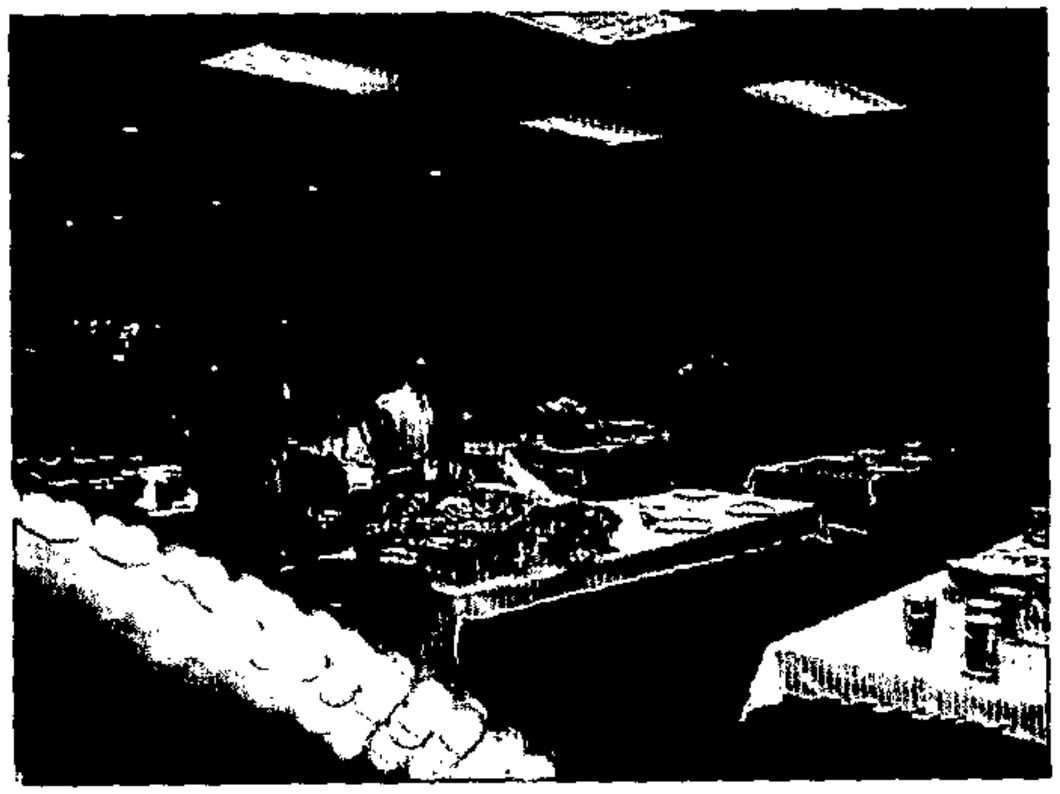
Photographs of various laser tag and Cosmic Golf facilities

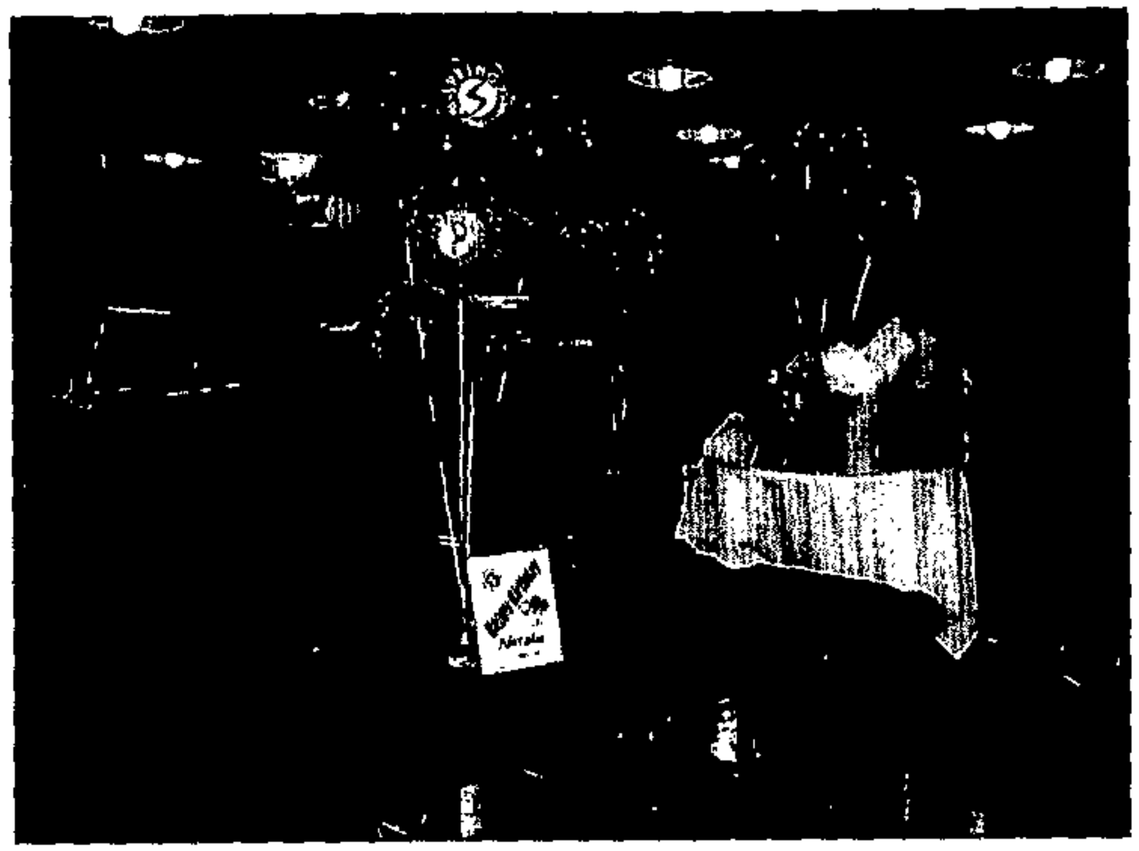
WJS Entertainment, LLC

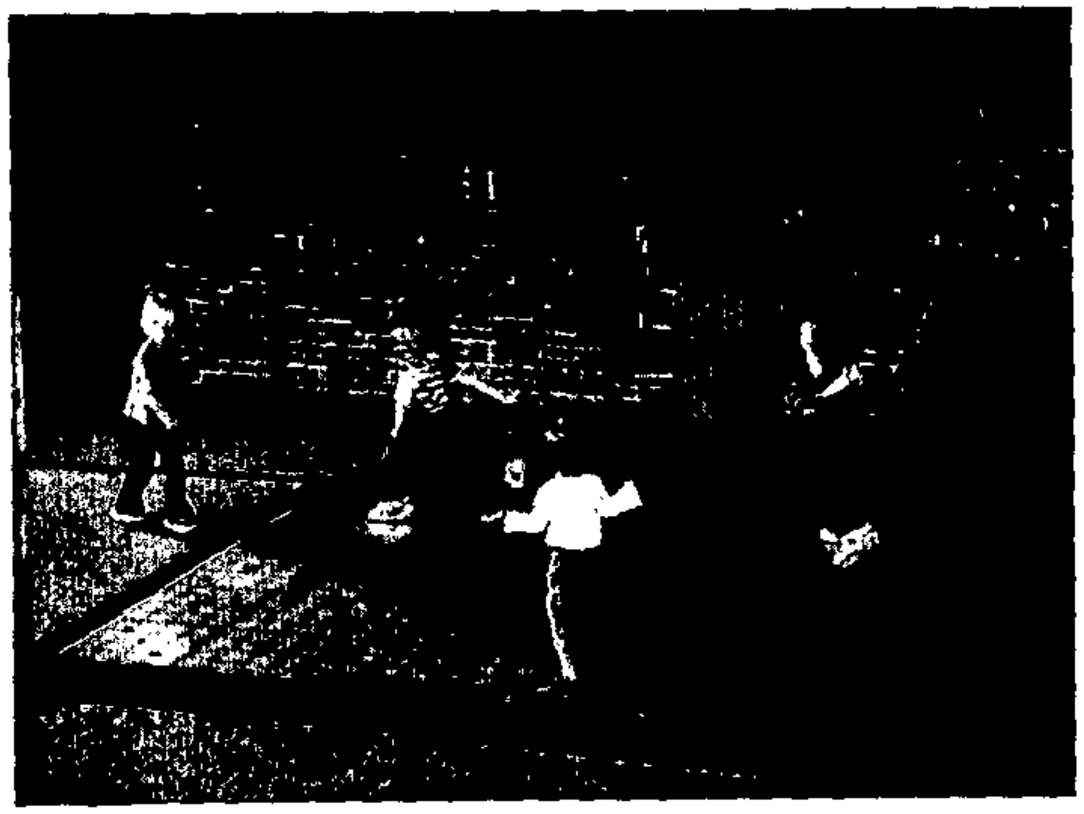
Patrons and Players

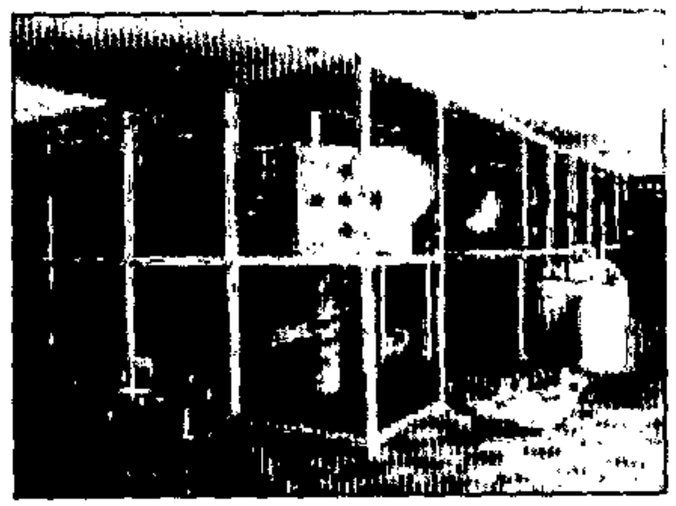


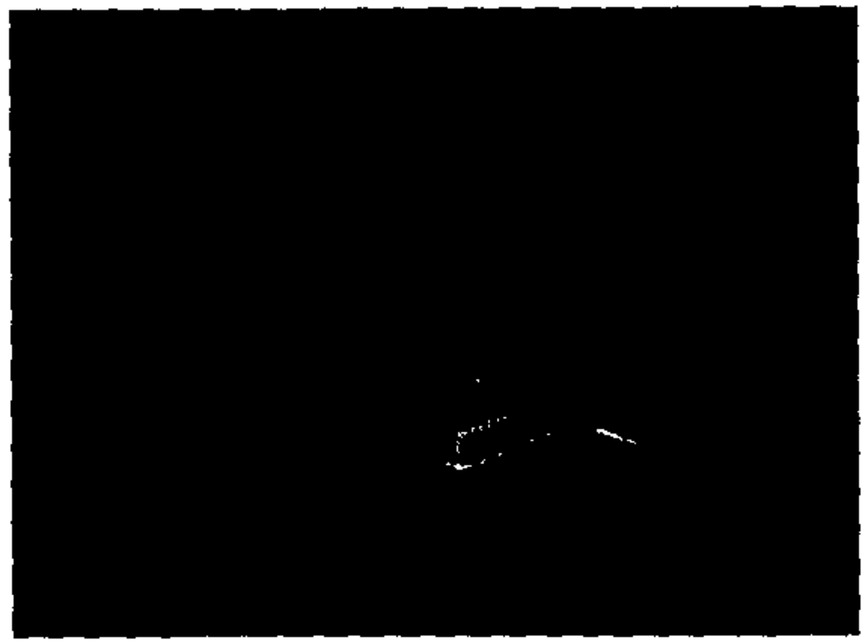
Party Rooms and Attractions

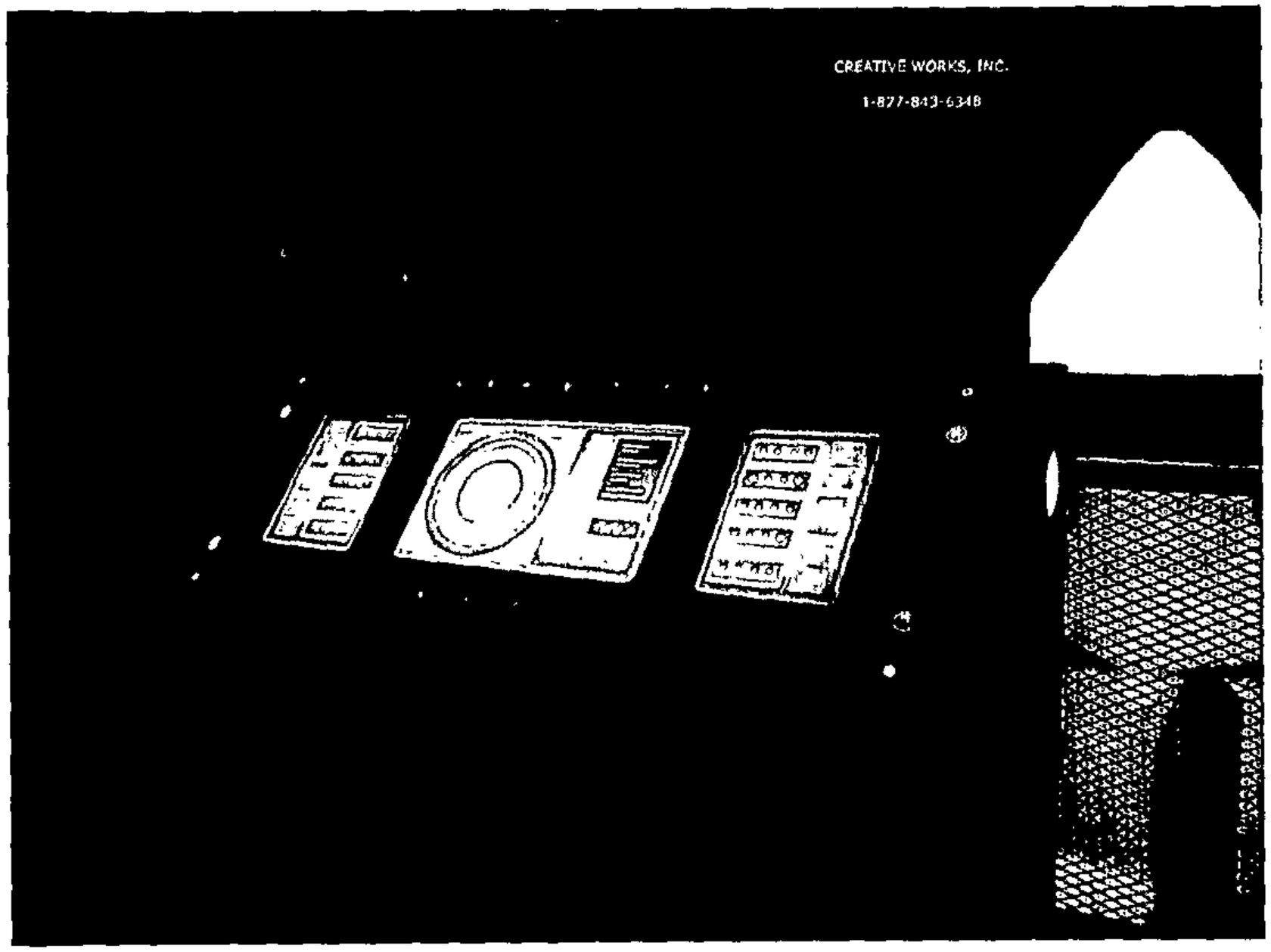




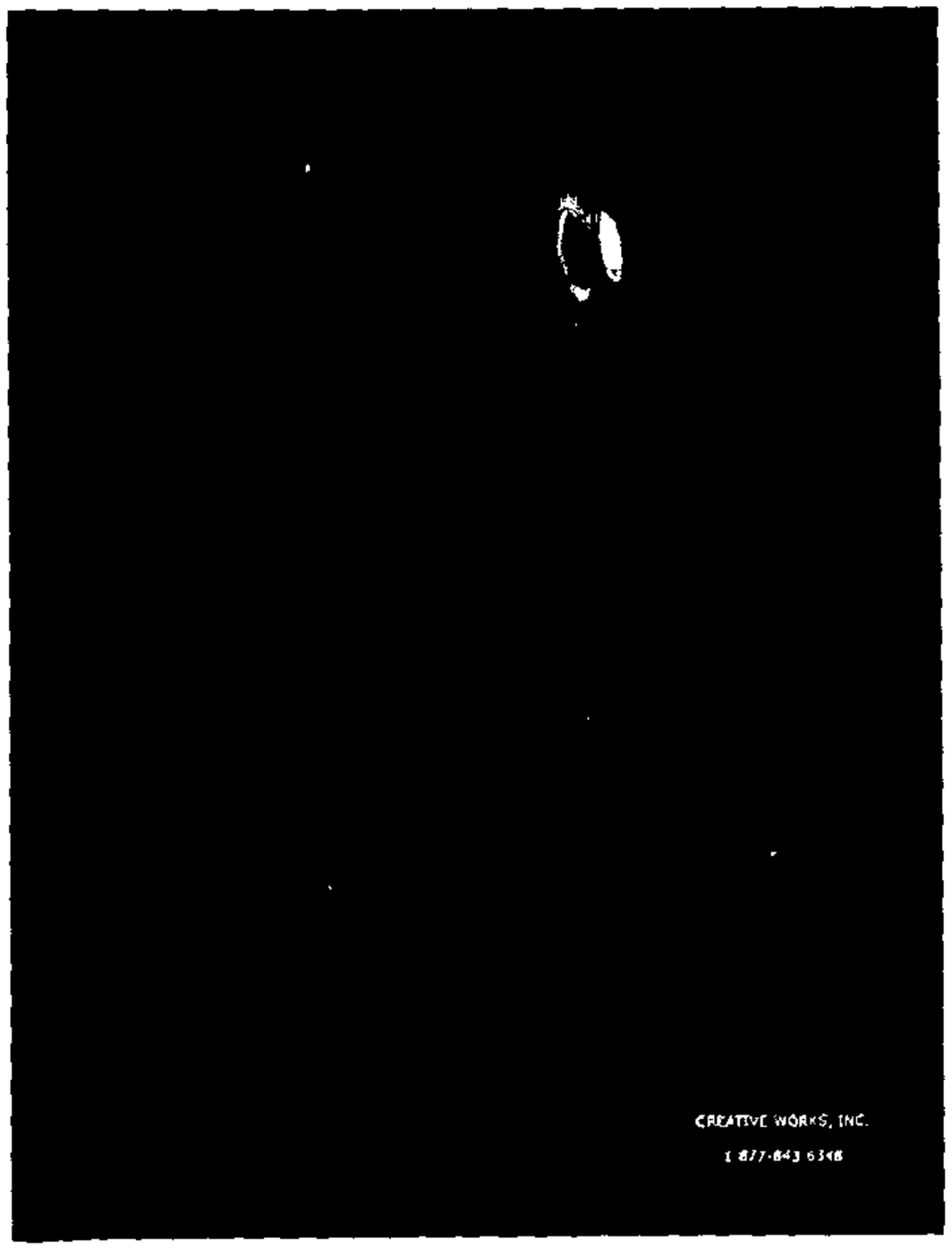








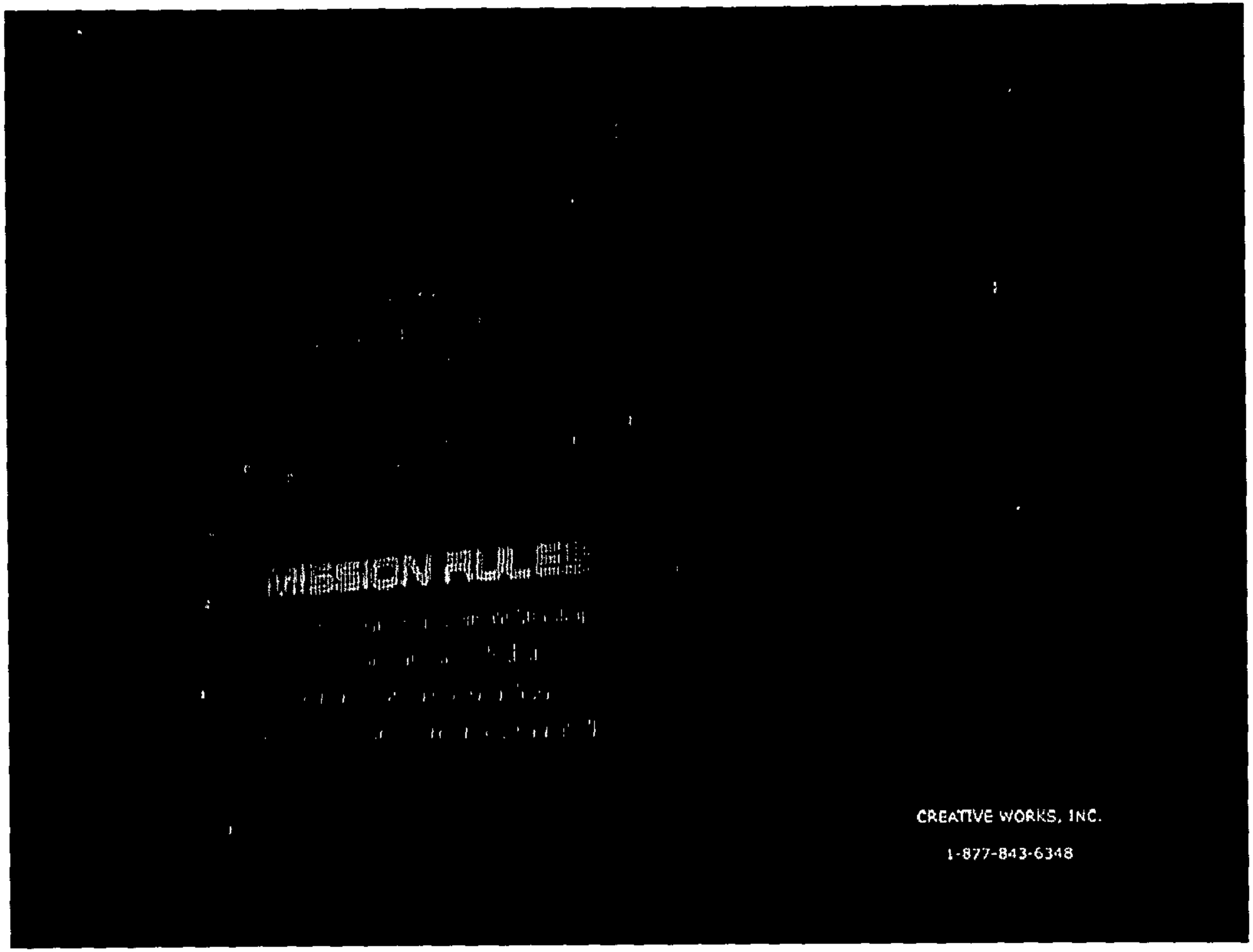
Above – Themed prop example
Right – Central tower example



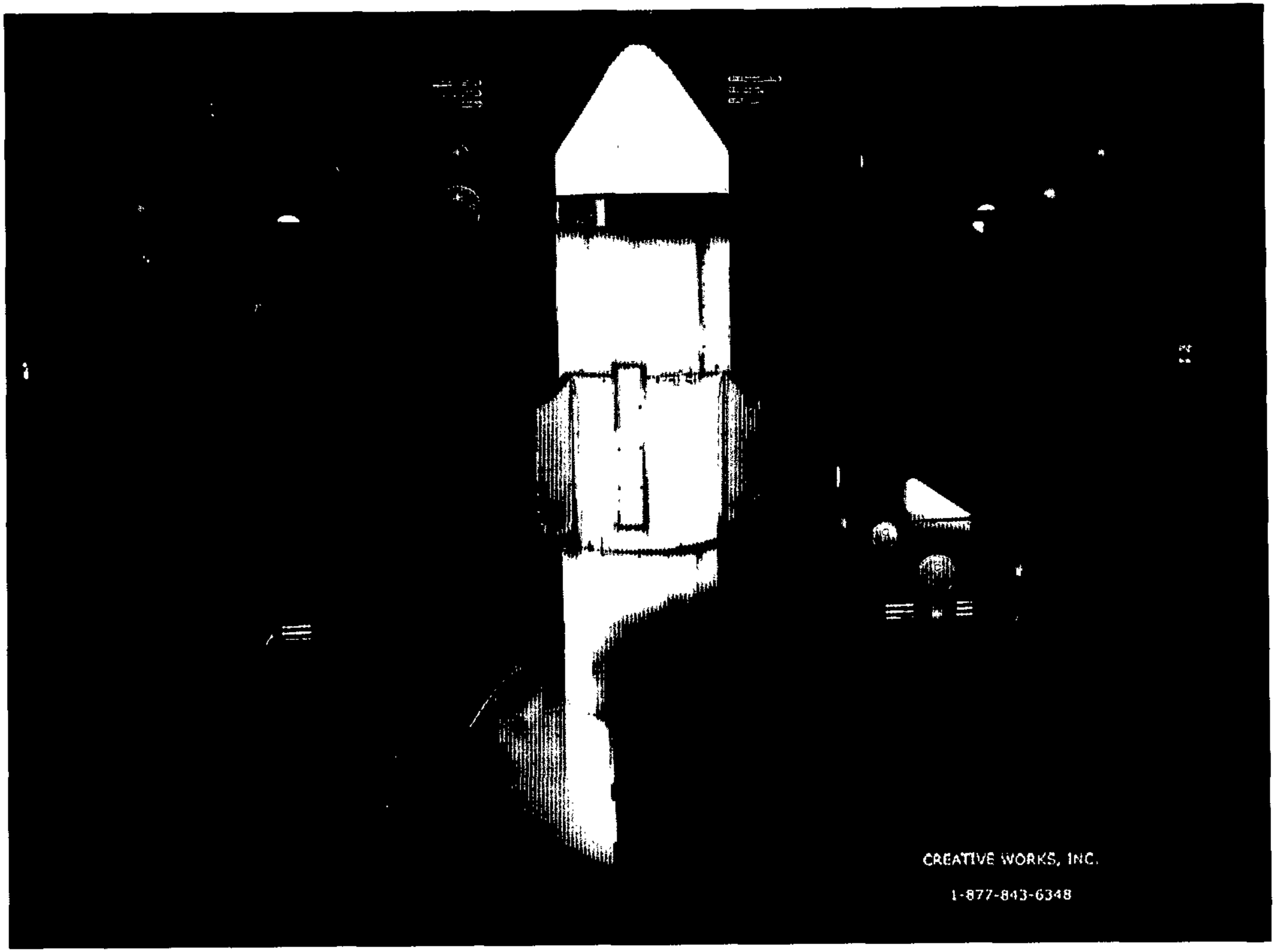
Above – Obstacle prop example
Left – Wall mural example

Large central prop example

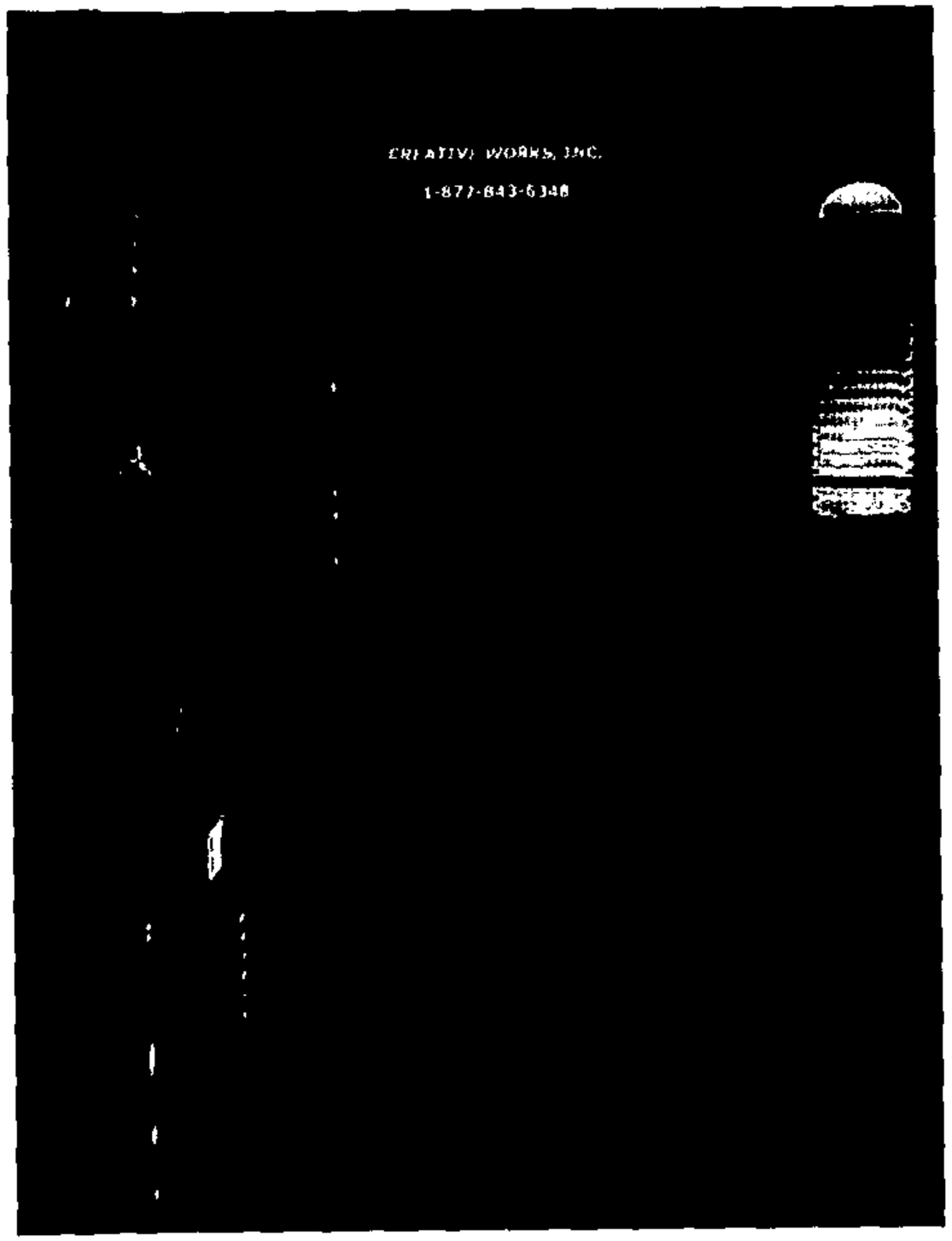
Left – Obstacle prop example
Below – Team base example



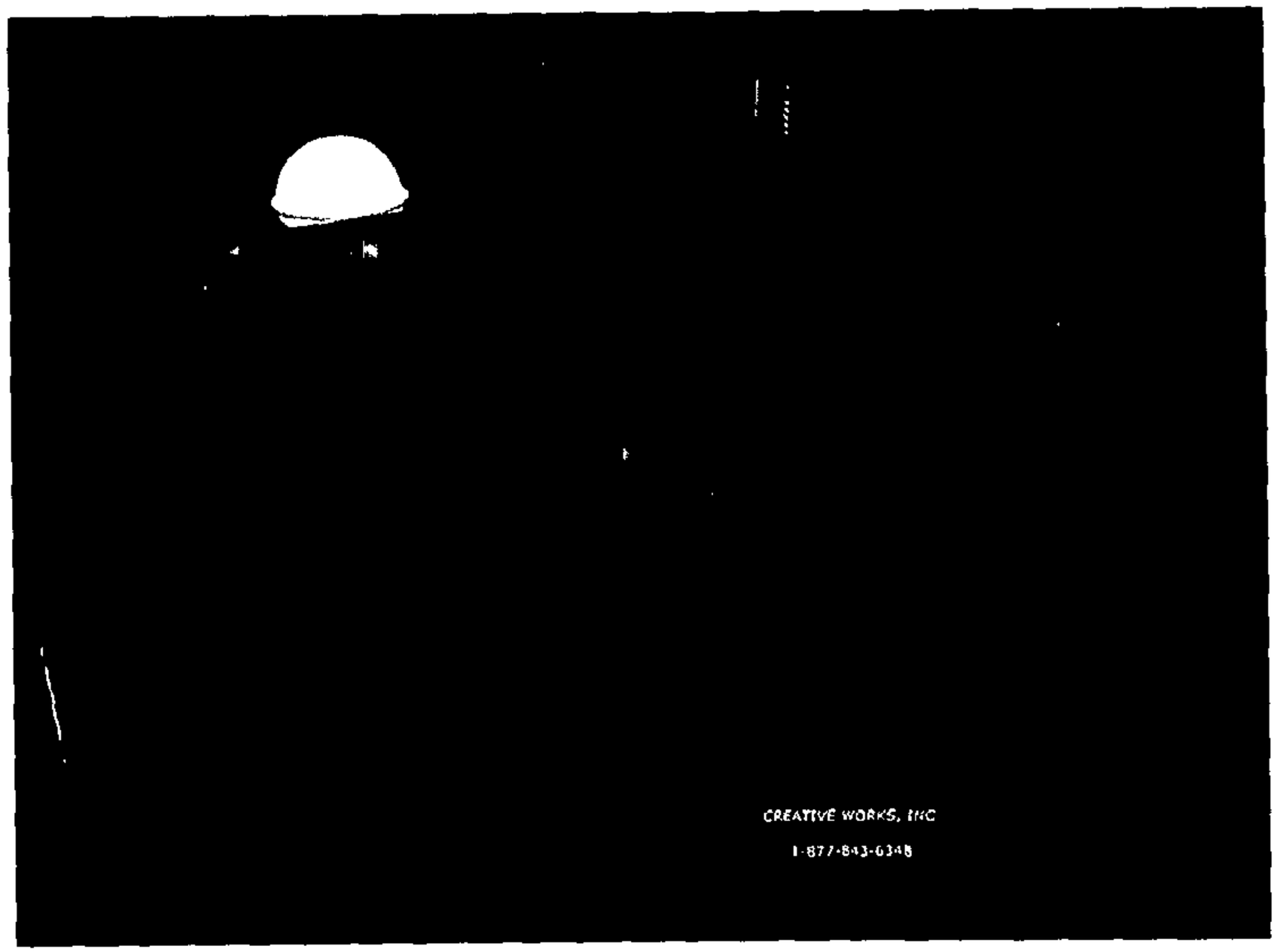
Example of incorporating required elements into theme



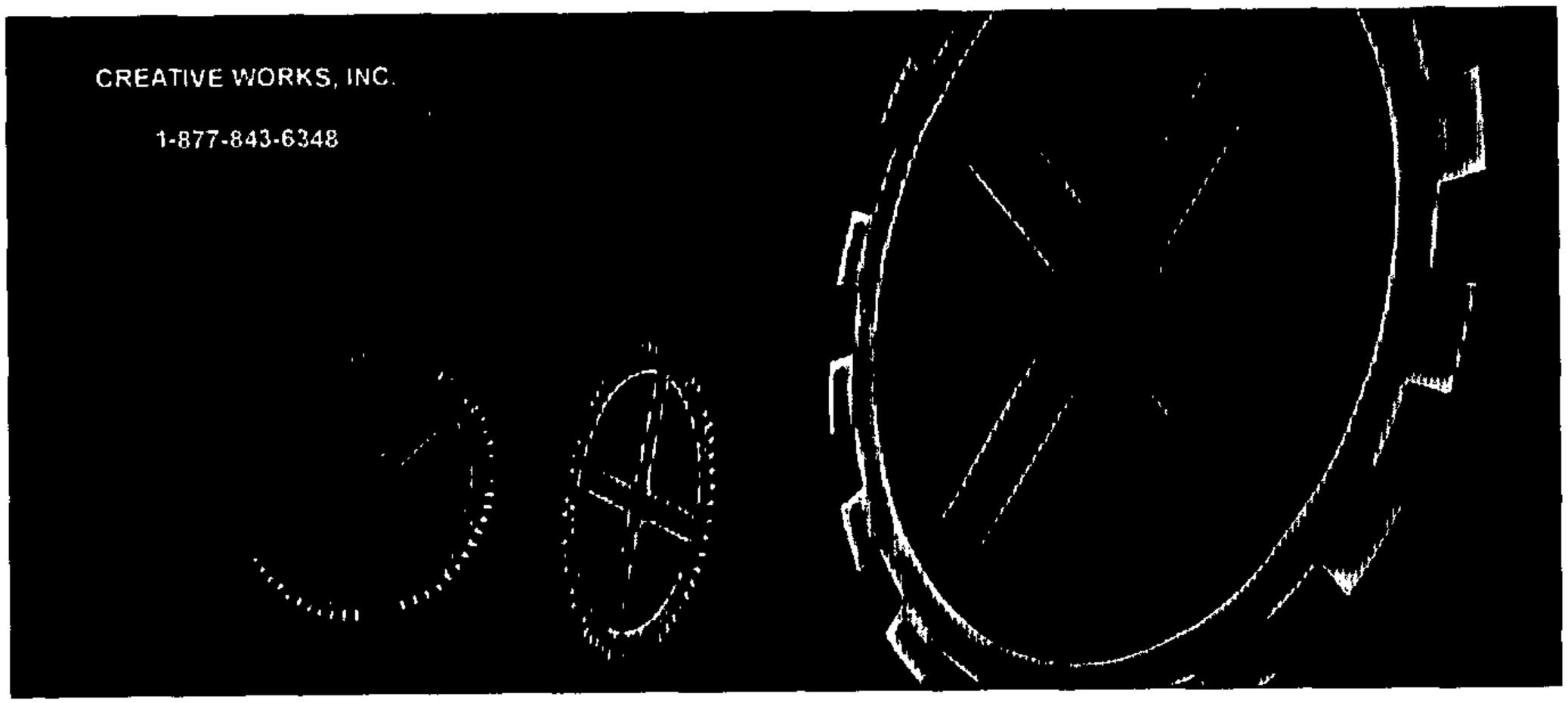
Central tower and fog machine housing example

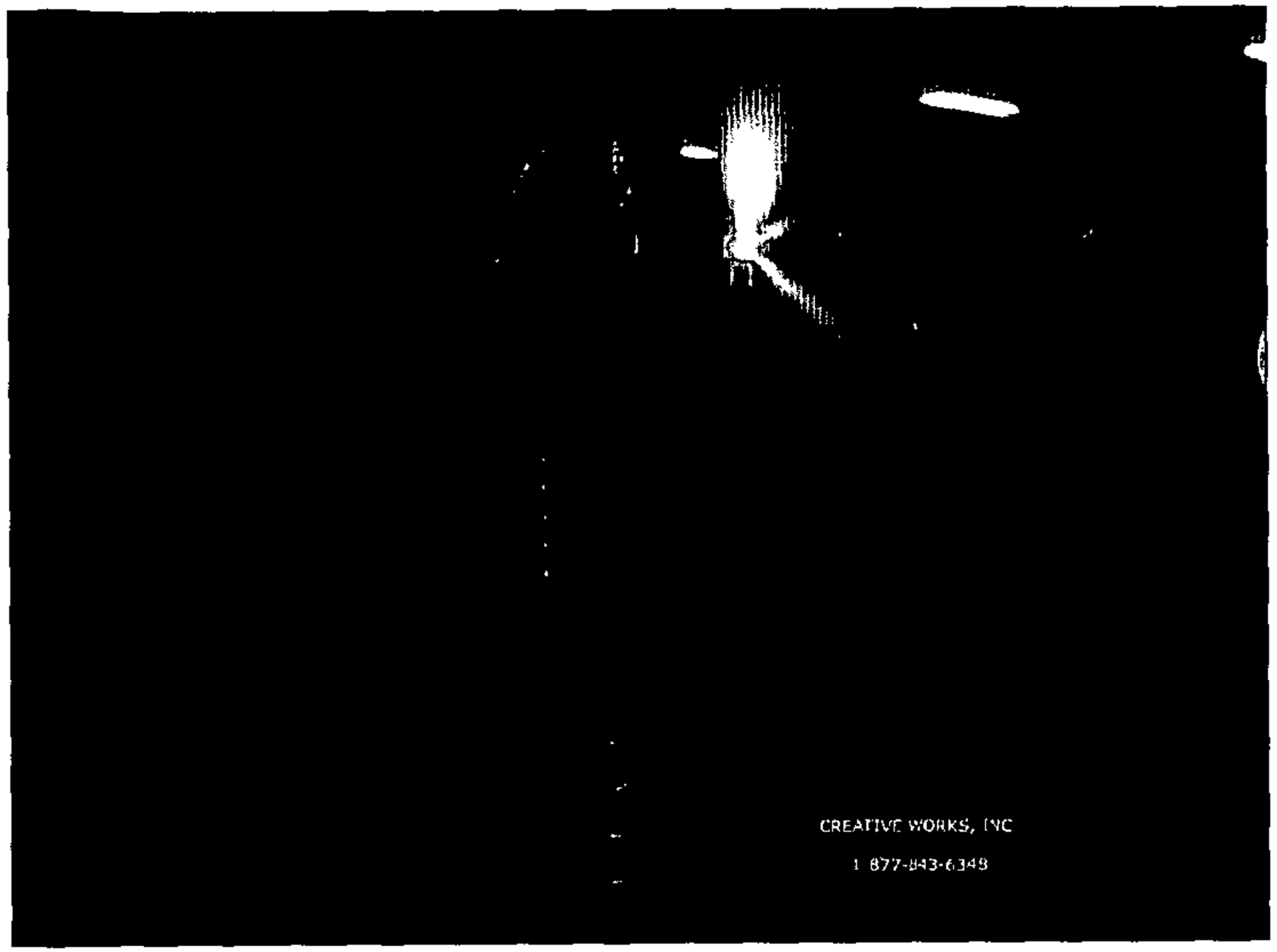


Left – Wall mural and obstacles example
Below – Base/reload station example

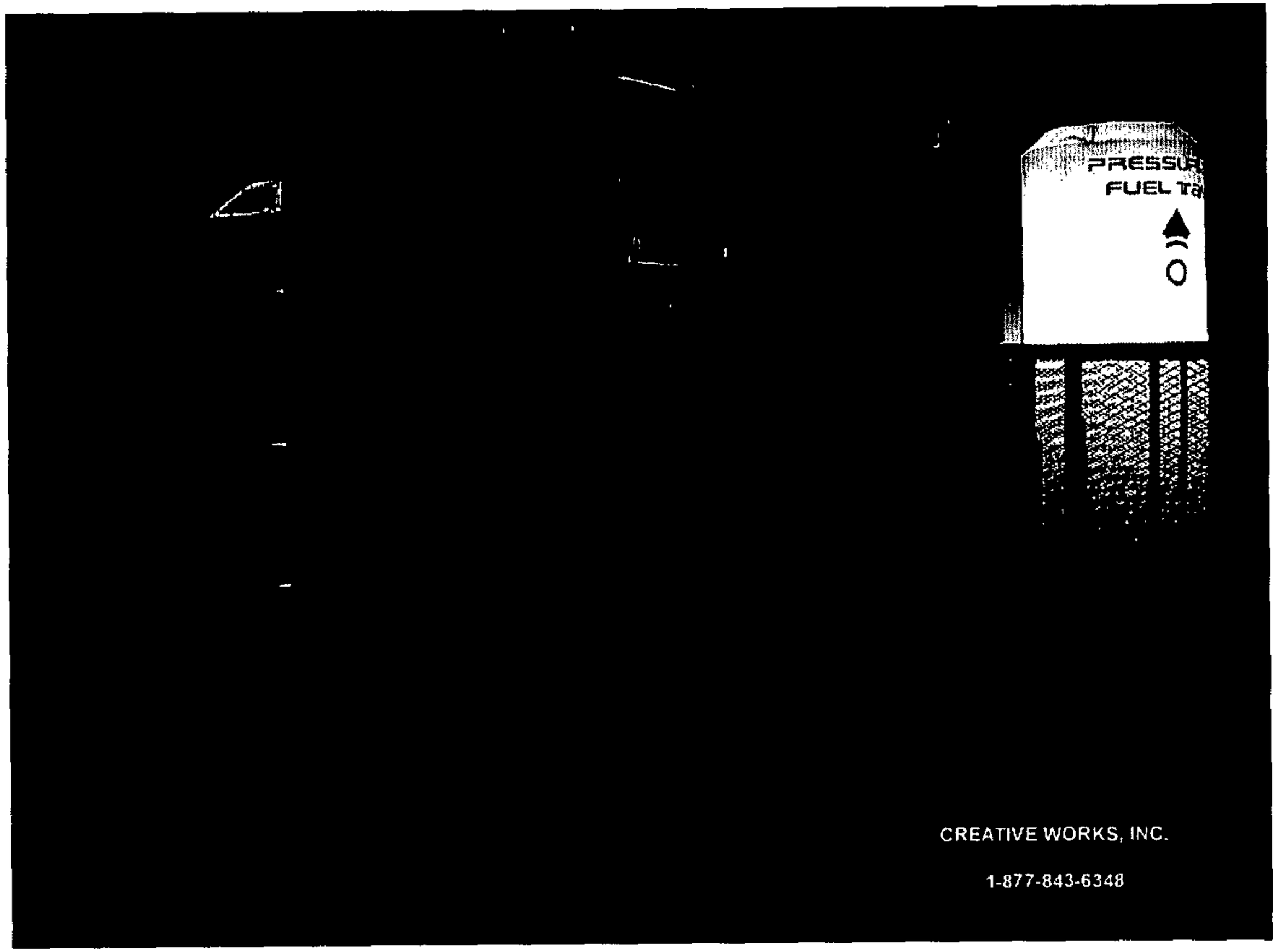


Right - Vesting room example
Below – Wall mural example

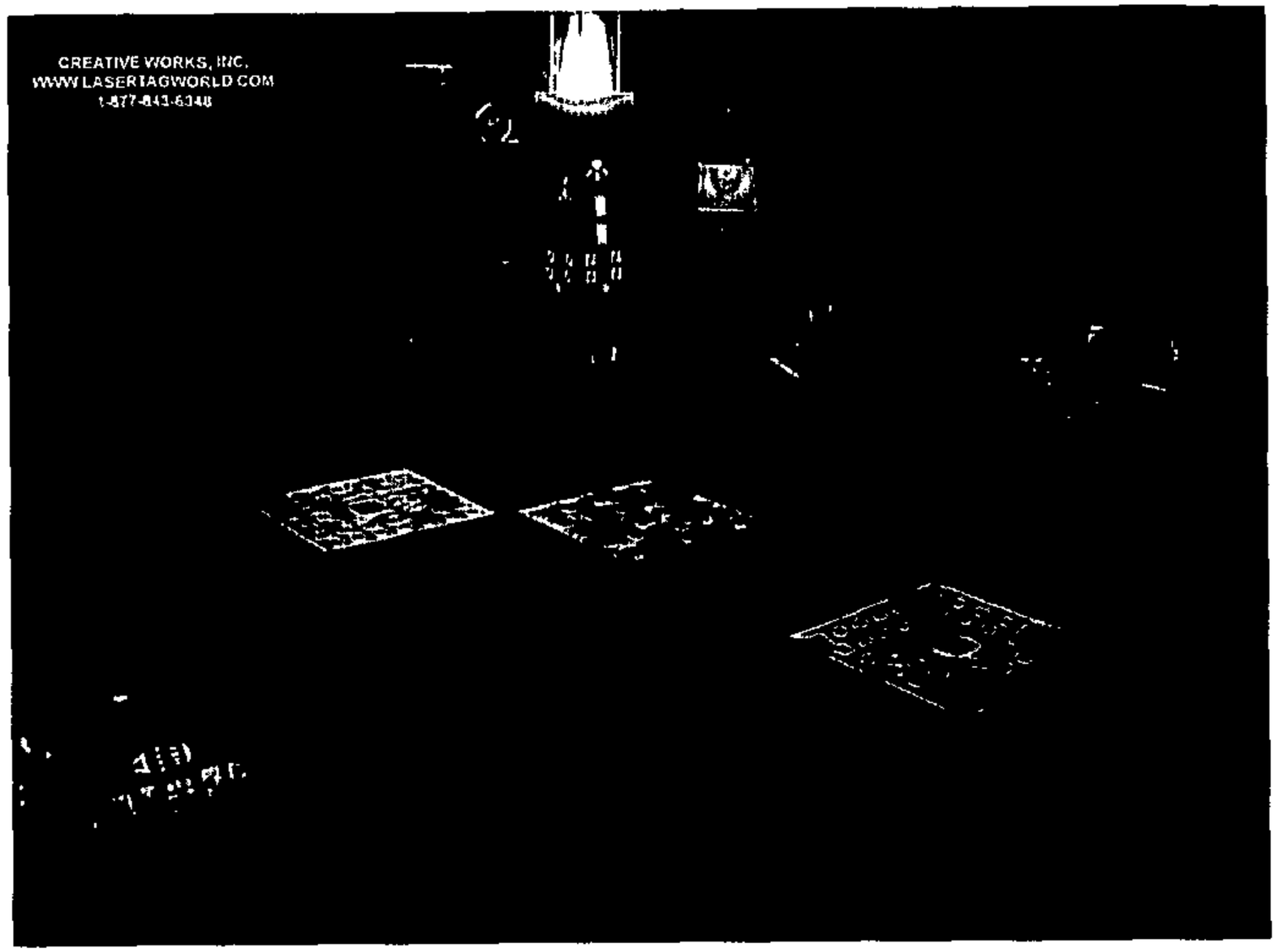


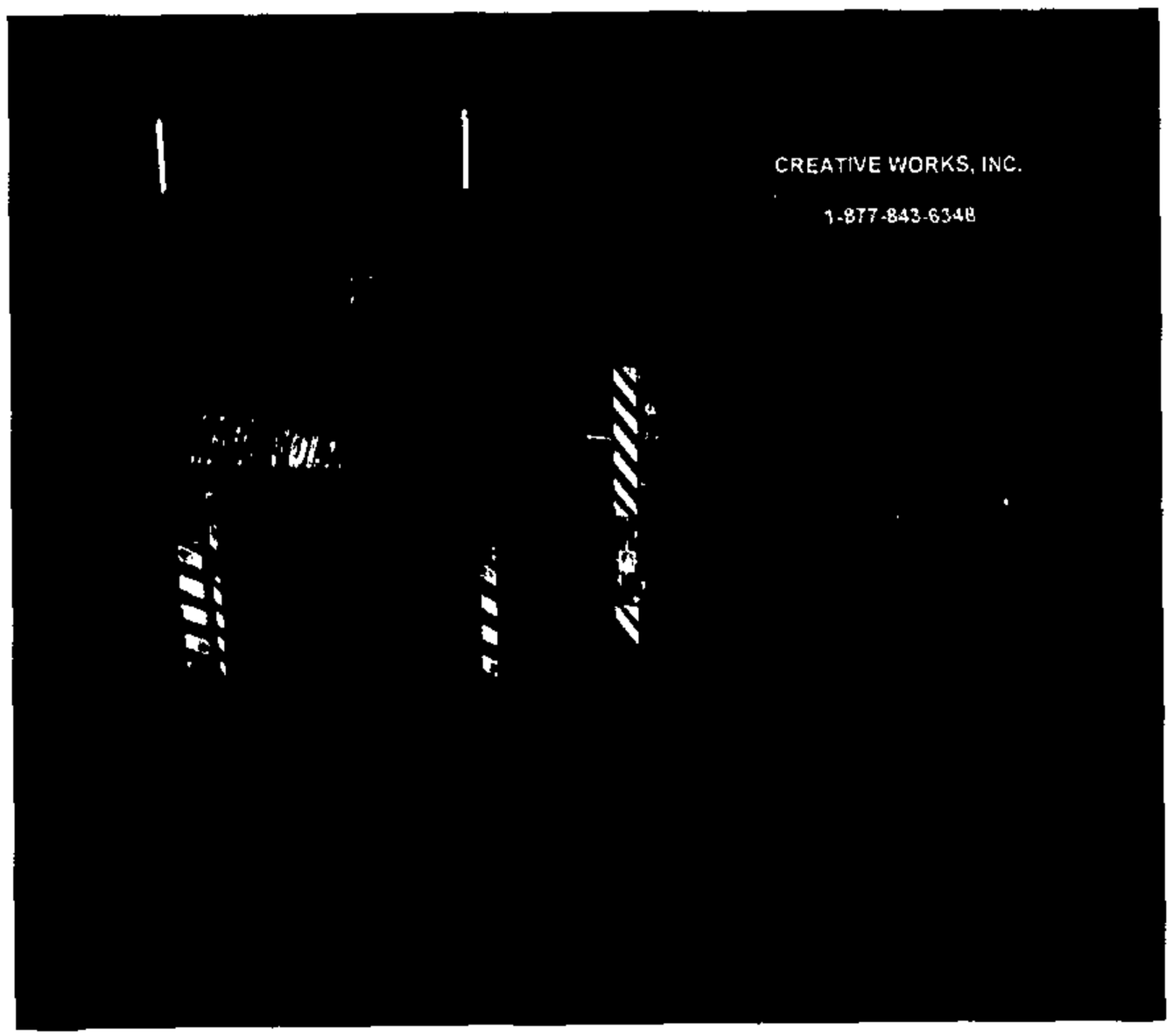


Central tower examples

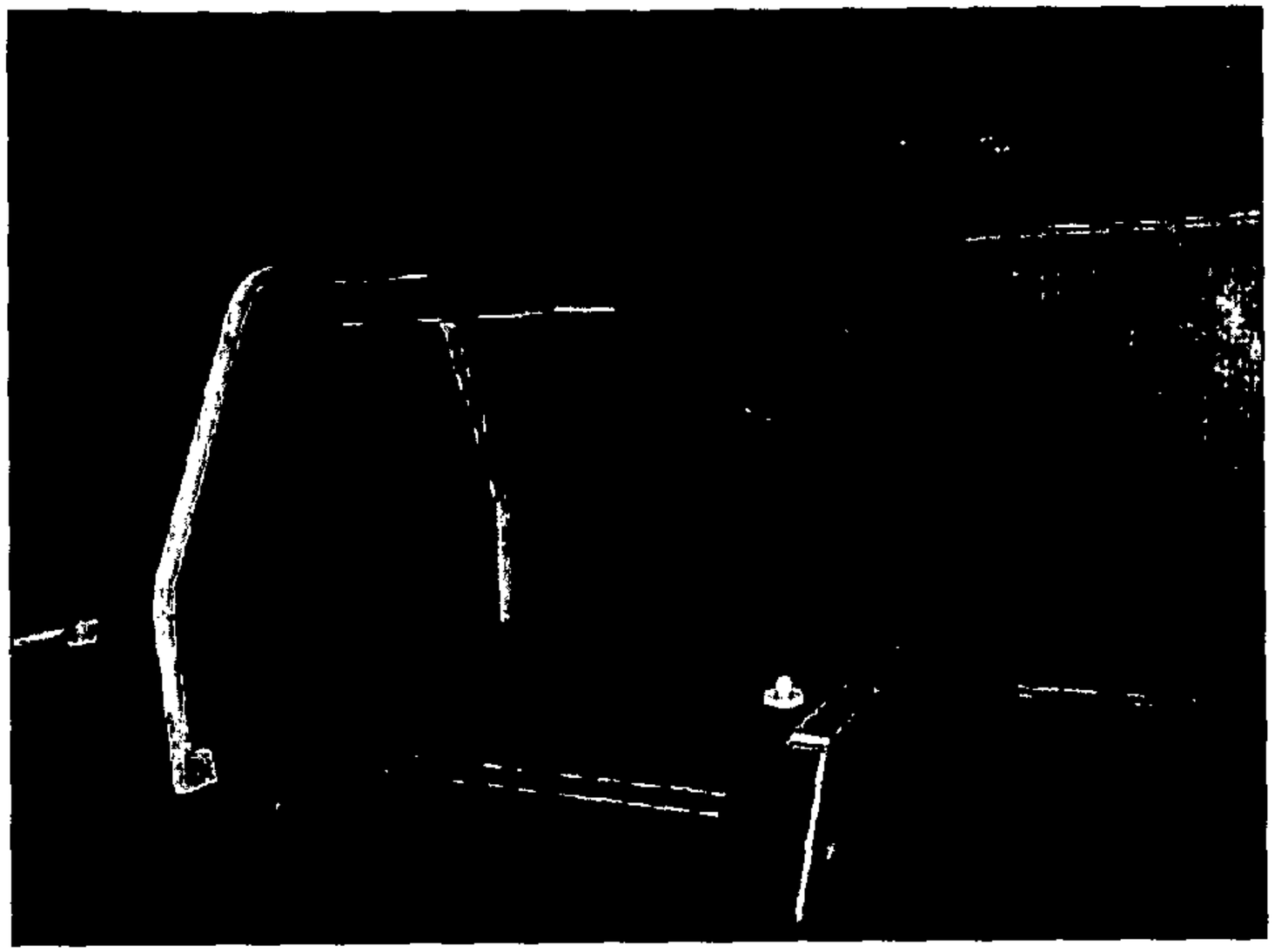


Obstacle prop example

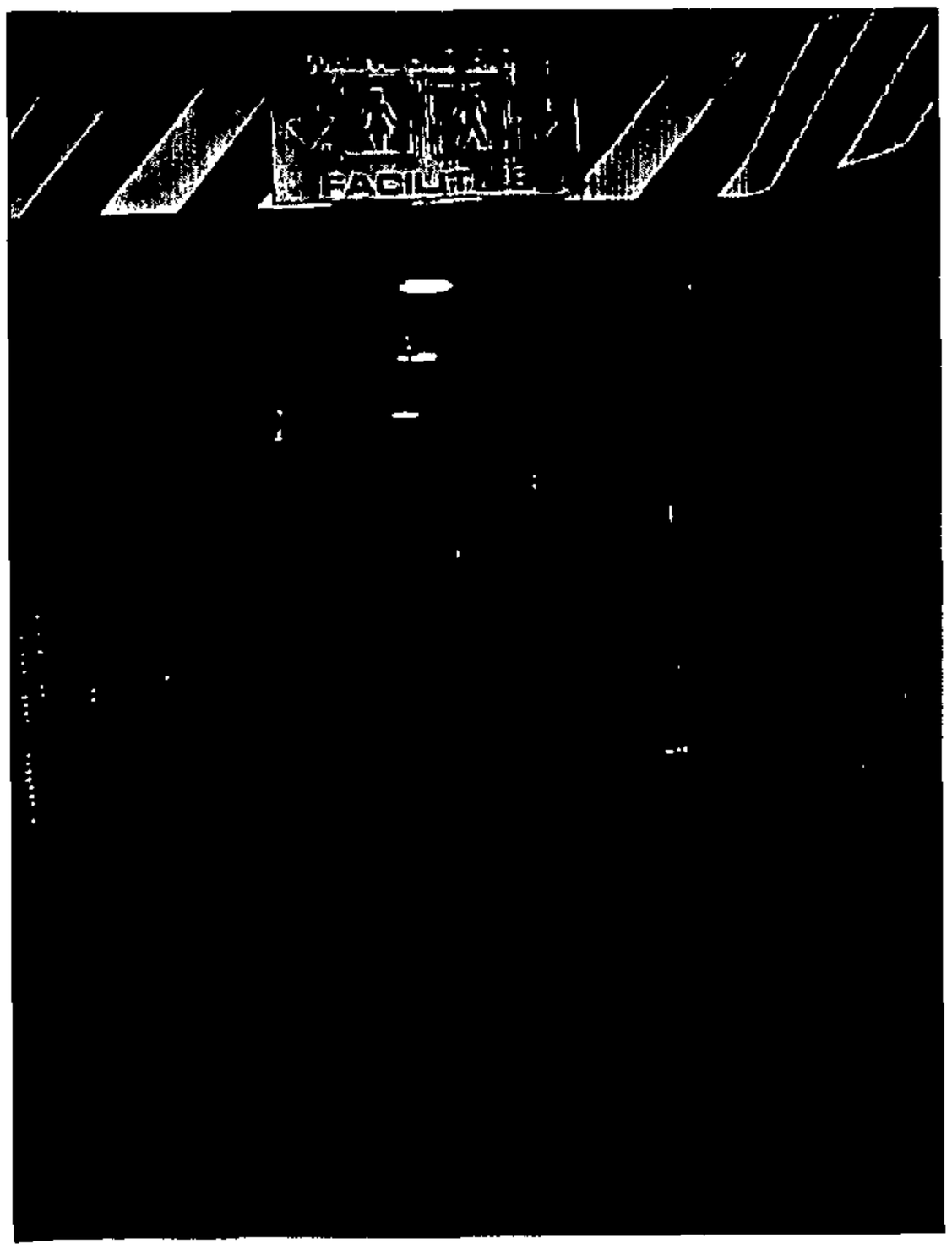


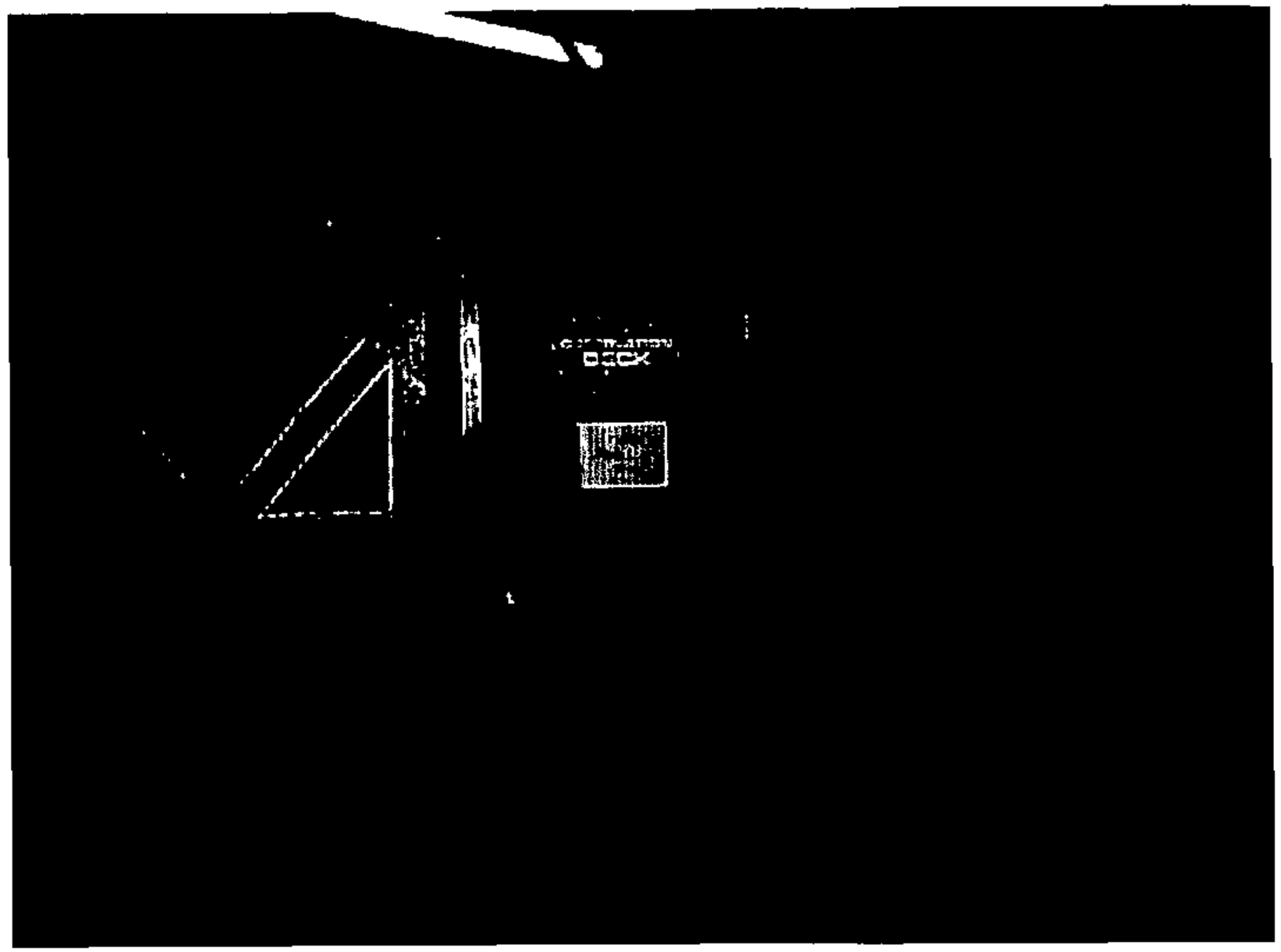


Above – Arena overview
Left – Large prop example



Arcade area theming examples



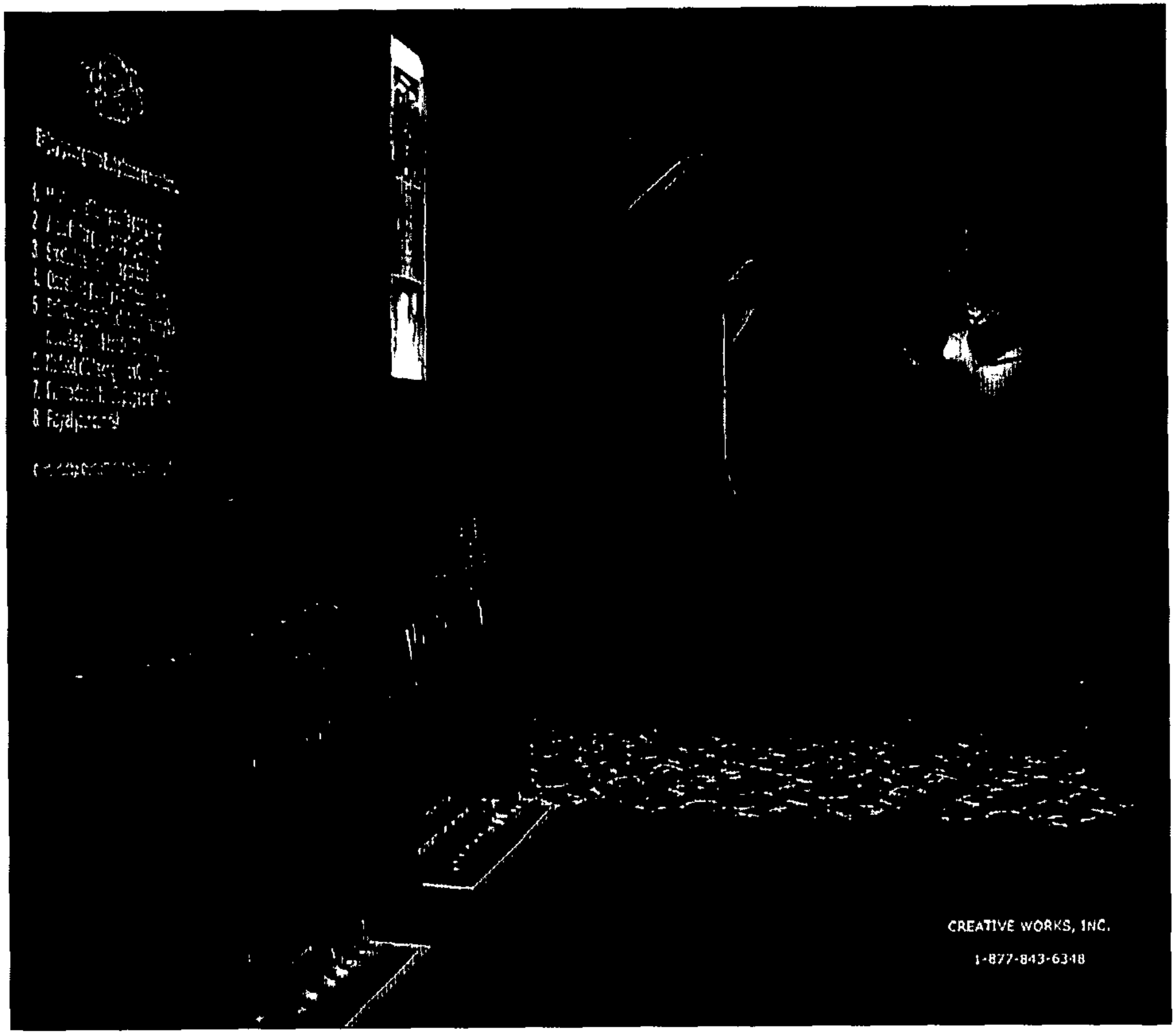


Examples of incorporating required elements into theme

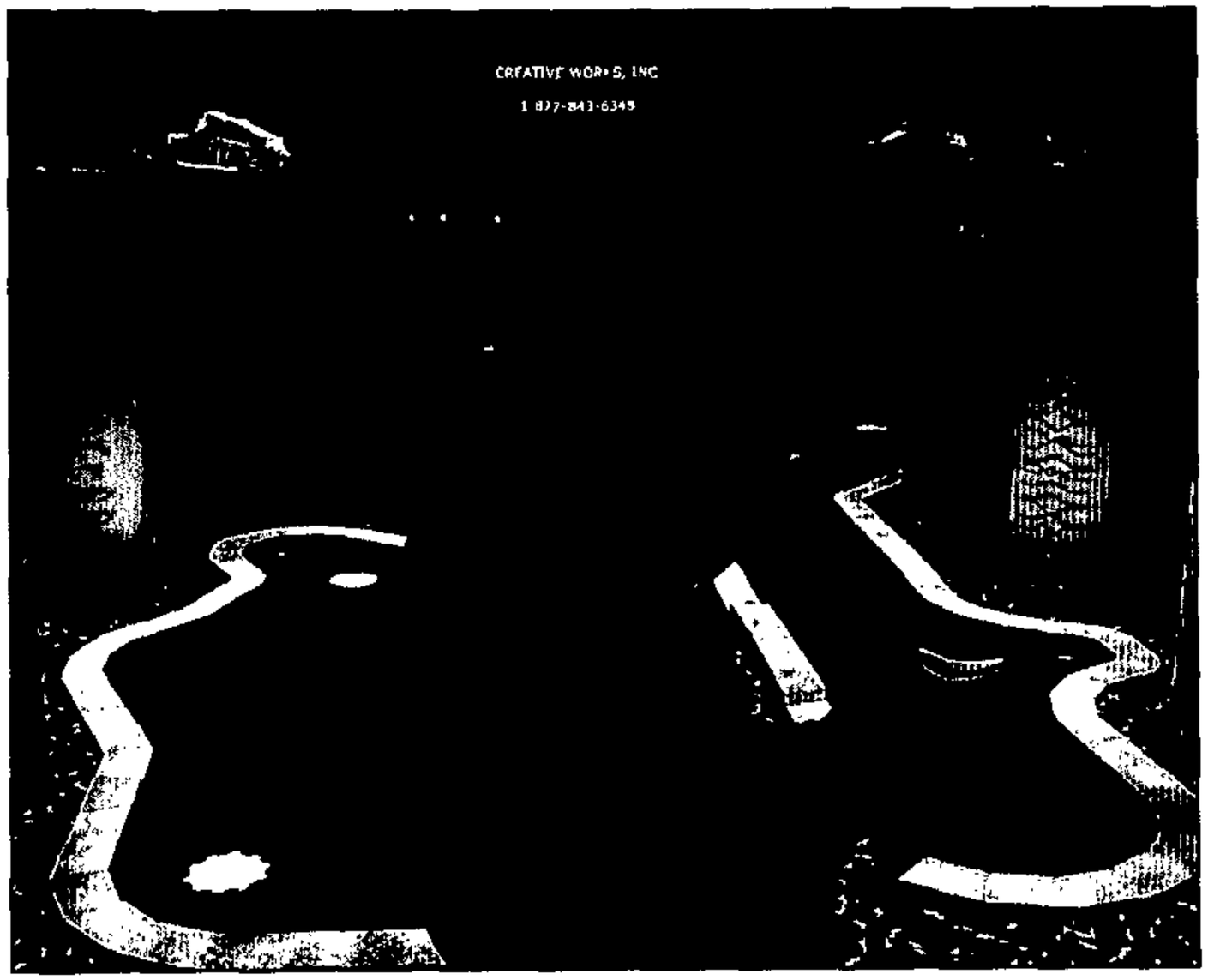
(emergency exit and bathrooms)

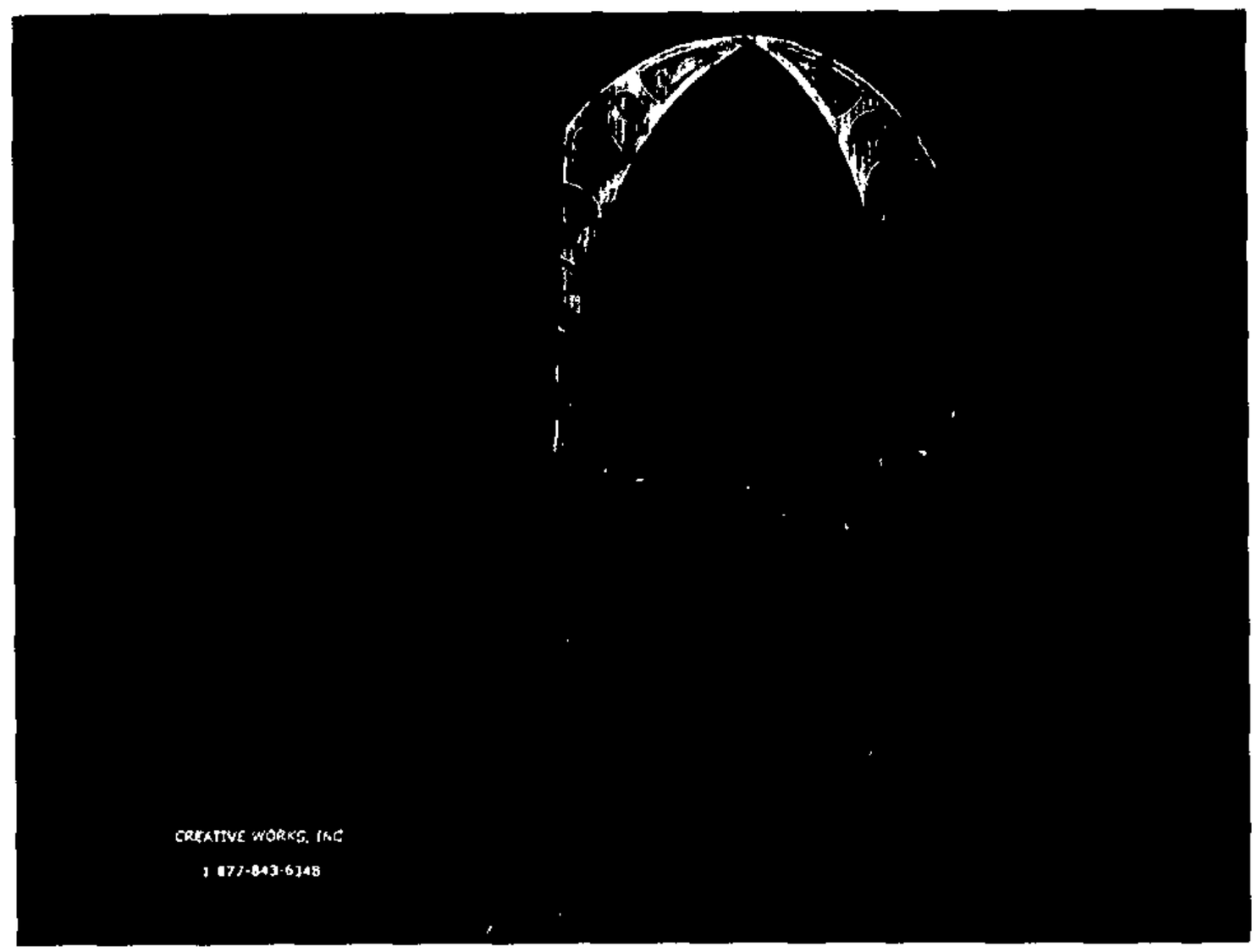
Views of main desk/lobby incorporated into theme

Example of front desk and concession theming



Entrance to Cosmic Golf course





Cosmic Golf “greens”

SITE TABULATIONS

#1924 GREENSPRING DRIVE

EXISTING ZONING	ML-IM
GROSS AREA	90,919 SF= 2.087AC.
NET AREA	83,529 SF= 1.918 AC.
EXISTING FLOOR AREAS + USES	
COMMUNICATIONS WAREHOUSE-	4000 SF (LOWER LEVEL)
PRINTING COMPANY-	12,000 SF (LOWER LEVEL)
SCREEN PRINTING COMPANY-	8000 SF (UPPER LEVEL)
RESTORATION SERVICE-	8000 SF (UPPER LEVEL)

TOTAL FLOOR AREAS
LOWER LEVEL- 16,000 SF
UPPER LEVEL- 16,000 SF
TOTAL= 32,000 SF

EXISTING FLOOR AREA RATIO	32,000 SF/90,919 SF= 0.35
MAXIMUM FLOOR AREA RATIO ALLOWED	2.00
PARKING REQUIRED	
COMMUNICATIONS WAREHOUSE (6 EMPLOYEES)=	6 SPACES
PRINTING COMPANY (3 EMPLOYEES)=	3 SPACES
SCREEN PRINTING COMPANY (10 EMPLOYEES)=	10 SPACES
RESTORATION SERVICE (8000 SF/1000x3.3)=	27 SPACES
TOTAL=	46 SPACES
PARKING PROVIDED	
TOTAL SPACES ON SITE-	123 SPACES
LESS SPACES RESERVED FOR #1926	40 SPACES
TOTAL=	83 SPACES

#1928 GREENSPRING DRIVE

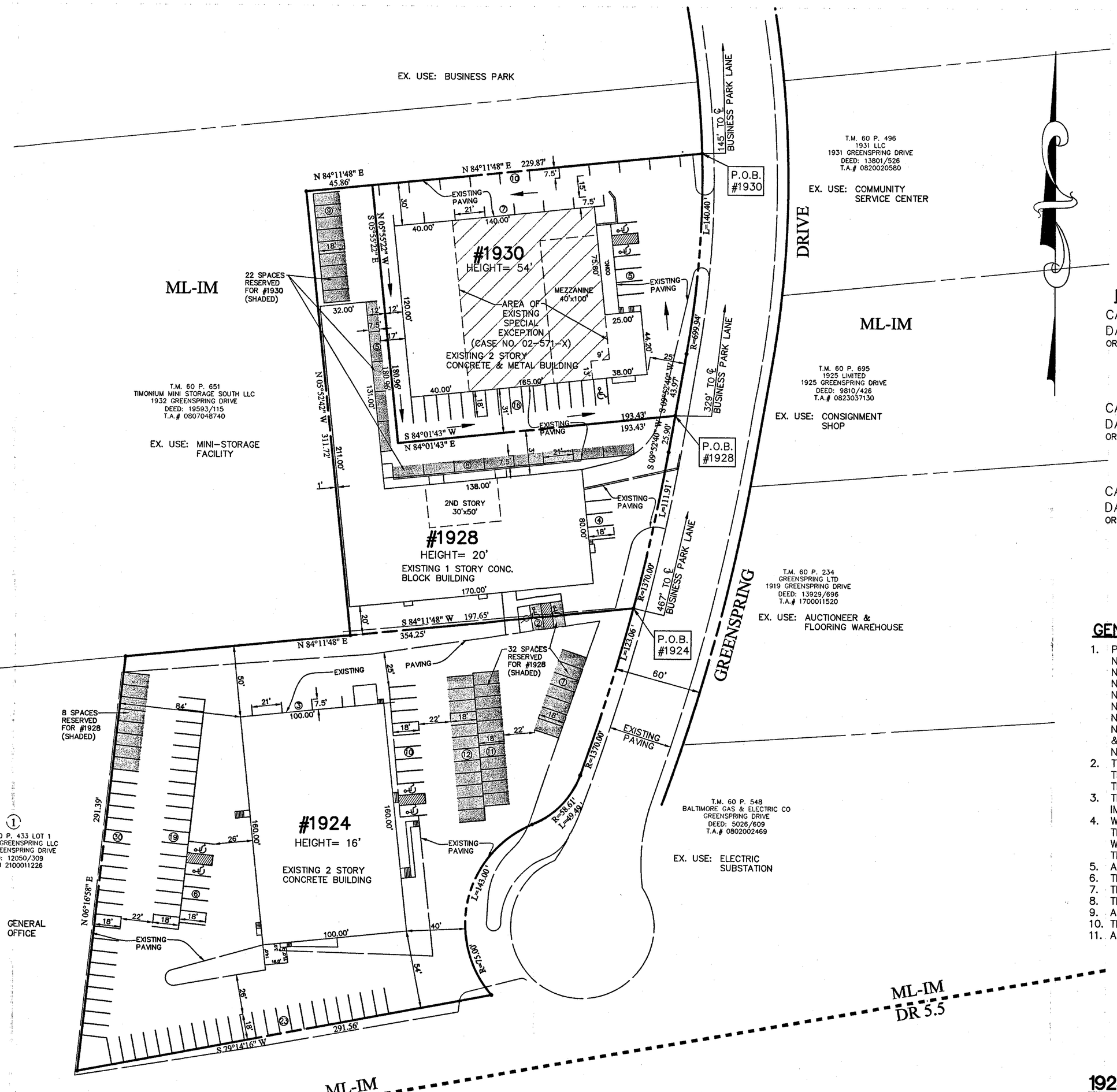
EXISTING ZONING	ML-IM
GROSS AREA	42,235 SF= 0.970 AC.
NET AREA	37,075 SF= 0.851 AC.
EXISTING FLOOR AREAS + USES	
COMMERCIAL RECREATIONAL FACILITY (FIRST FLOOR)	17,792 SF
COMMERCIAL RECREATIONAL FACILITY (SECOND FLOOR)	1500 SF
TOTAL=	19,292 SF
EXISTING FLOOR AREA RATIO	19,292 SF/42,235 SF= 0.46
MAXIMUM FLOOR AREA RATIO ALLOWED	2.00
PARKING REQUIRED	24 SPACES (TO BE APPROVED BY ZONING COMMISIONER)
PARKING PROVIDED	
TOTAL SPACES ON SITE	26
LESS SPACES RESERVED FOR #1930	22
PLUS SPACES RESERVED FROM #1924	40
TOTAL=	44 SPACES

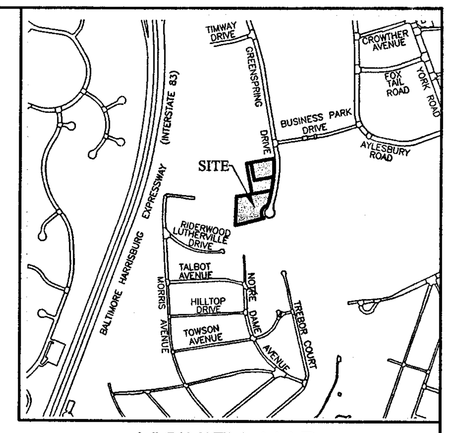
#1930 GREENSPRING DRIVE

EXISTING ZONING	ML-IM
GROSS AREA	44,405 SF= 1.019 AC.
NET AREA	38,873 SF= 0.892 AC.
EXISTING FLOOR AREAS + USES	
COMMERCIAL RECREATIONAL FACILITY (FIRST FLOOR)	11,883 SF
GENERAL OFFICE (FIRST FLOOR)	1217 SF
MACHINE SHOP (FIRST FLOOR)	1600 SF
WAREHOUSE (MEZZANINE)	3883 SF
WAREHOUSE (SECOND FLOOR)	3200 SF
GENERAL OFFICE (SECOND FLOOR)	1217 SF
MACHING SHOP (SECOND FLOOR)	1600 SF

TOTAL FLOOR AREAS
FIRST FLOOR 14,700 SF
MEZZANINE 3883 SF
SECOND FLOOR 2817 SF
TOTAL= 21,400 SF

EXISTING FLOOR AREA RATIO	21,400 SF/44,405 SF= 0.48
MAXIMUM FLOOR AREA RATIO ALLOWED	2.00
PARKING REQUIRED	
COMMERCIAL RECREATIONAL FACILITY (FROM CASE NO. 02-571-X)	40 SPACES
GENERAL OFFICE (2334 SF/1000x3.3)	9 SPACES
MACHINE SHOP (2 EMPOYEES)	2 SPACES
WAREHOUSE (5 EMPOLYEES)	5 SPACES
TOTAL=	56 SPACES
PARKING PROVIDED	
TOTAL SPACES ON SITE	38 SPACES
PLUS SPACES RESERVED FROM #1928	22 SPACES
TOTAL=	60 SPACES





VICINITY MAP

SCALE: 1"=1000'

PREVIOUS ZONING HEARINGS

CASE NO. 81-156-A
DATE OF ORDER: 2/27/1981
ORDER: VARIANCES GRANTED FOR A REAR YARD SETBACK OF 30 FEET FOR 1930 IN LIEU OF THE REQUIRED 30 FEET, A SIDEYARD SETBACK OF 20 FEET FOR 1928 IN LIEU OF THE REQUIRED 30 FEET, AND A BUILDING SEPERATION OF 25 FEET BETWEEN 1930 AND 1928 IN LIEU OF THE REQUIRED 60 FEET.

CASE NO. 02-571-X
DATE OF ORDER: 8/7/2002
ORDER: SPECIAL EXCEPTION GRANTED FOR 1930 TO PERMIT A COMMERCIAL RECREATIONAL FACILTY IN AN ML-IM ZONE AND TO APPROVE THE ASSOCIATED PARKING LAYOUT AND DESIGN.

CASE NO. 05-648-SPHA
DATE OF ORDER: 8/22/2005
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VARIANCES GRANTED TO PERMIT A FRONT YARD SETBACK OF 12.5 FEET FOR 1928 IN LIEU OF THE REQUIRED 25 FEET AND A REAR YARD SETBACK OF 12.5 FEET FOR 1930 IN LIEU OF THE REQUIRED 30 FEET.

GENERAL NOTES

1. PREVIOUS COMMERCIAL PERMITS:
   NO. 237-65 OFFICE & WAREHOUSE
   NO. 587-66 WAREHOUSE & OFFICE ADDITION
   NO. 181-67 ADD OFFICE & WAREHOUSE
   NO. 163-75 ALTERATIONS
   NO. 1159-77 CONSTRUCT STORAGE AREA ON REAR OF EXISTING BLDG.
   NO. 375-81 BUILDING ADDITION
   NO. 1190-81 CHANGE OF USE FROM VENDING & WAREHOUSE TO VENDING & MANUFACTURING
   NO. 1198-81 ALTERATIONS
2. TRAFFIC:
   THIS SITE IS NOT IN A TRAFFIC DEFICIENT AREA.
   THE GOVERNING LEVEL OF SERVICE FOR THIS AREA IS C.
3. THE BALTIMORE COUNTY PROPOSED STREETSCAPE PROGRAM HAS NO IMPACT ON THIS SITE.
4. WATER & SEWER:
   THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
   WATER AND SEWER SERVICE DESIGNATION W-1 AND S-1.
   THIS PROPERTY IS WITHIN THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
5. ALL ON SITE PAVED AREAS ARE BITUMINOUS CONCRETE.
6. THIS SITE IS NOT HISTORIC.
7. THIS SITE DOES NOT LIE IN A 100 YEAR FLOOD PLAIN.
8. THERE ARE NO STREAMS OR WETLANDS WITHIN 50 FEET OF THIS SITE.
9. ALL BUILDINGS ON THESE PROPERTIES ARE EXISTING.
10. THIS PROPERTY IS NOT WITHIN THE CBCA.
11. ALL PARKING SPACES ARE TO BE STRIPED.

PLAT TO ACCOMPANY PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION

1924, 1928, AND 1930 GREENSPRING DRIVE

3RD COUNCILMANIC DISTRICT
8TH ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
SCALE: 1"=40' — DATE: SEPTEMBER 4, 2007

RECEIVED
SEP 19 2007
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

OWNERS

#1924 GREENSPRING DRIVE
WILMER REALTY LLC
1953 GREENSPRING DRIVE
TIMONIUM, MD 21093
TAX MAP 60, GRID 11, PARCEL 763
DEED REFERENCE: 13206/674
ACCOUNT NO.: 16-00-003055

#1930 AND #1928 GREENSPRING DRIVE
1930 GREENSPRING DRIVE LLC
4412 FOX CHASER LANE
WHITE HALL, MD 21161
TAX MAP 60, GRID 11, PARCEL 616
DEED REFERENCE: 19363/238
ACCOUNT NO.: 08-16-062190

STATE OF MARYLAND — GREGORY CRAIG SCHITT — No. 21154 — PROFESSIONAL LAND SURVEYOR

9/12/07

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 — COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 — FACSIMILE: (410) 527-1563

COMPUTED BY:	DRAWN BY: REK	CHECKED BY: GCS	JOB No.: 07-121

08-143-SPH

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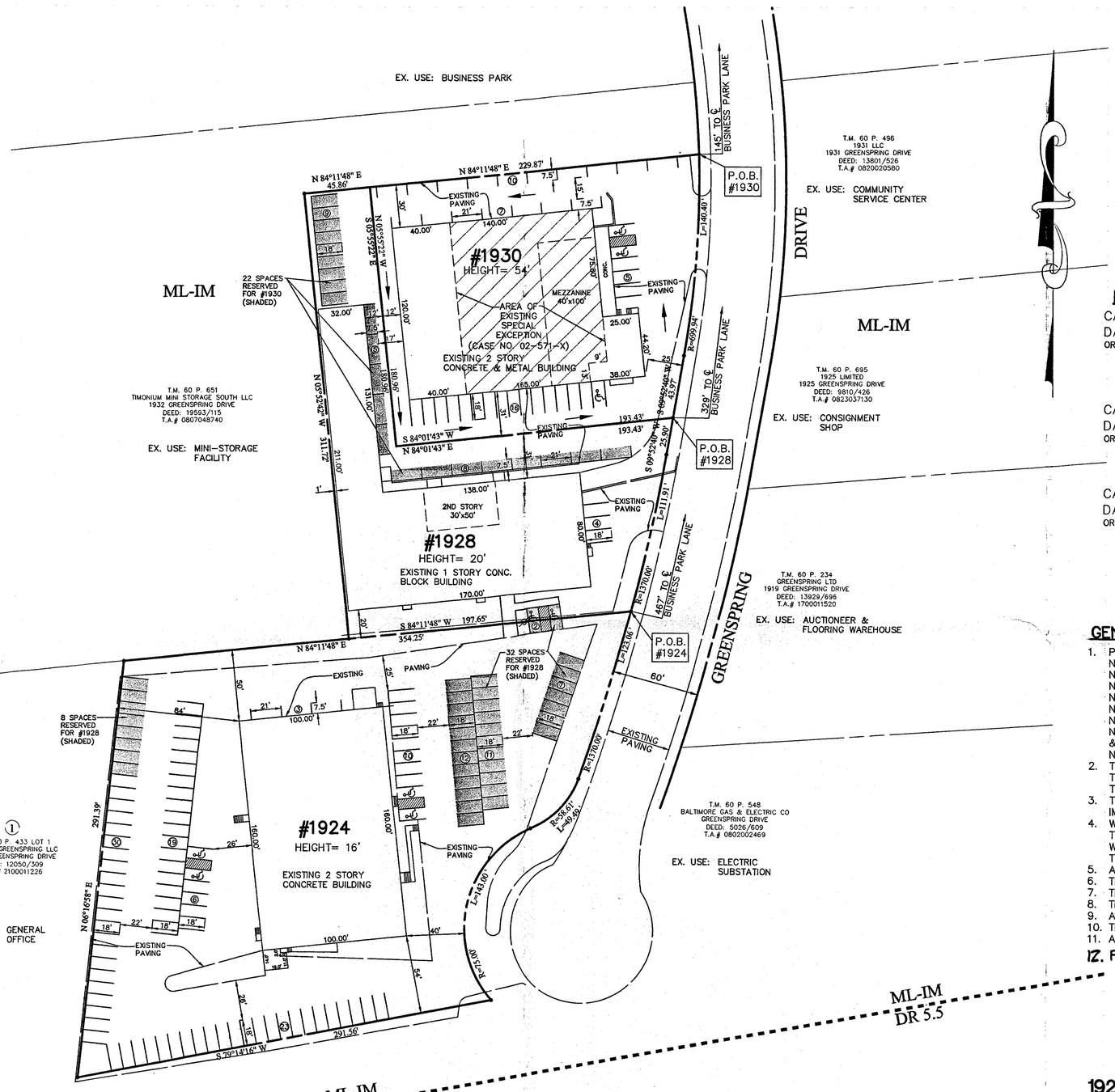

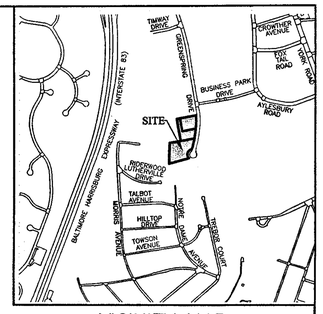

VICINITY MAP

SCALE: 1"=1000'

PREVIOUS ZONING HEARINGS

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11. ALL PARKING SPACES ARE TO BE STRIPED.
12. PARKING LAYOUT SHOWN HEREON IS FOR ZONING PURPOSES ONLY.

PLAT TO ACCOMPANY PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION

1924, 1928, AND 1930 GREENSPRING DRIVE

3RD COUNCILMANIC DISTRICT
8TH ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
SCALE: 1"=40' — DATE: SEPTEMBER 4, 2007

PETITIONER'S EXHIBIT NO. 1

OWNERS

#1924 GREENSPRING DRIVE
WILMER REALTY LLC
1953 GREENSPRING DRIVE
TIMONIUM, MD 21093
TAX MAP 60, GRID 11, PARCEL 763
DEED REFERENCE: 13206/674
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STATE OF MARYLAND — GREGORY CRAIG SCHULTZ — No. 21154 — PROFESSIONAL LAND SURVEYOR

9/12/07

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1930 GREENSPRING DR

BALTIMORE COUNTY, MARYLAND

PARKING LOT OCCUPANCY STUDY

SATURDAY - JULY 7, 2007

10:00 am to 4:00 pm

Time Period	NUMBER OF VEHICLES ON LOT
10:00 AM	9
10:30 AM	17
11:00 AM	23
11:30 AM	18
12:00 PM	19
12:30 PM	18
1:00 PM	20
1:30 PM	19
2:00 PM	18
2:30 PM	22
3:00 PM	25
3:30 PM	28
4:00 PM	26