

IN RE: **PETITION FOR SPECIAL EXCEPTION** *
S/S Joppa Road, 422.5' East of Jasper Lane
(3615 East Joppa Road – Suite 110) *

11th Election District *
6th Council District *

Main Street Joppa LLC
Petitioner *

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY
Case No. 2008-0553-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the legal owner of the subject property, Main Street Joppa LLC, through its attorney David H. Karceski, Esquire. The Petitioner requests a special exception for an arcade, pursuant to Section 423B of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing in support of the request were David A. Avedesian, member of Main Street Joppa LLC, owner of the subject property, and Kenneth J. Colbert, professional engineer with Colbert Matz Rosenfelt, Inc., the engineering consultants who prepared the site plan for the property. Also appearing in support of the request was Charles Cook, a representative for the Lessee of the arcade, FDG Joppa, LLC. Appearing as interested citizens were Margaret Beaudreault, Carol Dammer, and Mary Dumas. These individuals identified themselves as interested citizens rather than Protestants, who reside nearby in the surrounding community. Meg O'Hare, President of the Carney Improvement Association, attended this public hearing as well on behalf of the association members. There were no other interested persons present.

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Date 8-7-08
By DS

Testimony and evidence offered revealed that the subject site is an irregular shaped property located on the south side of and adjacent to East Joppa Road, east of Belair Road, in the Parkville/Carney area of Baltimore County. The property contains a gross area of 2.42 acres, more or less, and is predominantly zoned B.L., with a small portion of it zoned D.R.5.5. The site is presently improved with a shopping center, known as "Main Street at Joppa Road," which contains a restaurant tenant, "The Original Steakhouse" and other smaller retail and service-related tenants. Additionally, office tenant space is located on the second story above the western portion of the building. A first floor tenant space, approximately 4,500 $\pm$ square feet in size, located next to the restaurant use is the subject of this Petition for Special Exception. This tenant space has been vacant since the center at Main Street at Joppa Road opened for business. Petitioner, as indicated by the petition filed, requests approval for an arcade to be named the "Main Street Family Fun Center."

"Arcade" is defined in Section 101 of the Zoning Regulations as "a building or part of a building in which five or more pinball machines, video games or other similar player-operated amusement devices are maintained." This use category is listed in the B.L. zone use regulations (See B.C.Z.R. Section 230.13) as a permitted special exception use. Section 230.13 provides that arcades are permitted "subject to the provisions of Section 423B" of the Zoning Regulations. Section 423B thereof indicates that an arcade is permitted in the B.L. zone "as a sole principal use." In this case, Petitioner proposes its special exception as a separate or principal use on the site.

Mr. Avedesian provided testimony regarding the subject property and its existing site improvements. The Main Street at Joppa center was described as an attractively built center and an asset to the surrounding community. Mr. Avedesian further described the ownership's high

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level of attentiveness to its site maintenance responsibilities. Petitioner offered and site photographs were accepted and marked into evidence as Petitioner's Exhibit 2 (Existing Conditions - Photographs) as an indication of the existing conditions of the site and to demonstrate how well-managed this center is. Those community members in attendance agreed with this testimony and were appreciative of the owner's efforts thus far. Mr. Avedesian then testified to his familiarity with the proposed special exception use and its operator FDG Joppa, LLC and indicated that Petitioner would not introduce a tenant to the property that would jeopardize the vitality of this center and/or its good relationship with the surrounding community. In his opinion the success of the center is "interlinked" with the vitality of the surrounding community.

Following Mr. Avedesian's testimony, the neighbors in attendance made comments regarding operation of the proposed special exception. These interested citizens are not opposed to an arcade on the property, provided its business is conducted in a professional manner respectful of the surrounding community. Their concerns may be summarized as follows: (a) the establishment of a minimum age for patrons that would be permitted to enter this arcade without adult supervision; (b) a restriction that, if granted, this special exception would apply to this Petitioner and FDG Joppa, LLC. If the property is sold or the subject space is leased to another tenant, other than FDG Joppa, LLC, it will require as a condition precedent another hearing; and (c) their desire for an interior patron connection to be installed between The Original Steakhouse tenant space and this special exception use. With regard to a connection, this would provide those in attendance the assurance that the proposed Main Street Family Fun Center would be operated in a professional manner, as they confirm and have observed the steakhouse is

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Date 8-11-08
By [signature]

managed. Each of these concerns was addressed by witnesses that testified on behalf of Petitioner including Mr. Avedesian, Mr. Cook, and Mr. Colbert.

Charles Cook attended the public hearing for the arcade operator and further identified himself as part of the ownership of The Original Steakhouse restaurant. Mr. Cook explained the numerous community events the steakhouse hosts for the benefit of the community's local schools and recreational leagues. Petitioner's Exhibit 7 identifies some of the schools and other organizations it sponsors events for in this area. To address the questions raised by those community residents in attendance, Mr. Cook first identified the proposed special exception use as the "Main Street Family Fun Center," and summarized his significant experience in the restaurant and arcade/entertainment related businesses over the past 25 years. The details of this family fun center (or arcade) were then provided indicating that this use will operate as a stand-alone or separately-run operation, intended to be complimentary or "companion use" to The Original Steakhouse. Petitioner's Exhibit 5, a floor plan for the subject tenant space, was provided not to identify a final layout for the tenant space but for informational purposes. Petitioner's Exhibit 5 identified for those community members in attendance the type of arcade machines that FDG Joppa, LLC would offer. In addition, FDG Joppa, LLC made clear that video poker machines would be prohibited on site.

Testimony further provided that FDG Joppa, LLC will operate the Main Street Family Fun Center in a manner respectful of its neighboring properties. To this end, a list of "House Policies" was provided to this Commissioner (Petitioner's Exhibit 6), which addresses patron behavior and conduct. One of these house policies would prohibit loitering on the property in connection with this special exception use and another policy, at the request of Ms. O'Hare and the other individuals present, requires that anyone under the age of 15 be accompanied by an

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By [signature]

adult. These house policies in addition to other conditions, which I will impose in my Order in this case, satisfactorily addressed the concerns of the community members in attendance. One of these conditions will require, if reviewed and approved by all County reviewing agencies, that an interior connection be provided along the shared tenant wall between The Original Steakhouse and Main Street Family Fun Center. Another, as noted, will require a further public hearing in the event that FDG Joppa, LLC ceases to exist and another entity seeks to lease this tenant space. Mr. Cook concluded his testimony stating on the record his assurances that the proposed Main Street Family Fun Center will not have any adverse impact of the surrounding area. He based this opinion on his 25 years in the restaurant and entertainment industry and the house rules including on-site adult supervision that FDG Joppa, LLC will provide and enforce.

Following the testimony of Mr. Avedesian and Mr. Cook, Mr. Colbert, Petitioner's professional engineer, testified regarding the burden of proof contained in Section 502.1 of the Zoning Regulations. Mr. Colbert first explained his involvement with the site, the physical characteristics of it, and his familiarity with the surrounding area. For this hearing, he prepared a zoning exhibit and aerial photograph exhibits (Petitioner's Exhibits 3A-B and 4) to identify the site's existing conditions and surrounding uses. With this information, he was able to formulate his opinion that all the requirements of Section 502.1 of the Zoning Regulations have been met by this proposal. It was Mr. Colbert's opinion that this arcade use, as described by Mr. Cook and Mr. Avedesian, will not be detrimental to the health, safety, or general welfare of the surrounding area. In order to reach his conclusion, Mr. Colbert considered not only the testimony of Petitioner's other witnesses but, through his site visits and work product in analyzing whether the proposed use within the subject tenant space would have any impact on

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By [Signature]

neighboring properties of the community as a whole. His determination was that it would not have any negative impact.

Mr. Colbert also addressed the request of the residents in attendance that an interior connection be provided between The Original Steakhouse and this special exception use. Mr. Colbert explained, based on his many years of obtaining permits in Baltimore County for commercial properties, that he expects no issue with Petitioner acquiring a permit to install the requested tenant space to tenant space connection. Petitioner will use its best efforts to obtain the requisite permit and complete the work before commencing arcade operations.

I have considered all of the testimony and evidence presented by Petitioner as well as those citizens in attendance. I do not take lightly the concerns raised by those in attendance that live in the surrounding area and gave up their time to appear and testify before me. Based upon the testimony and evidence offered and the recommendation of those in attendance, I am persuaded to grant the special exception relief requested. In my judgment, the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding locale and satisfies the requirements of Section 502.1 of the regulations. Moreover, with the conditions I will impose the community members appeared to be comfortable with my approval of this use at the subject site. Thus, I find that the requested relief is appropriate and should, therefore, be granted. It is also to be noted that there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County's reviewing agencies.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

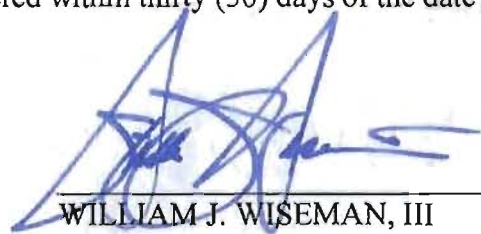
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of August 2008 that the Petition for Special Exception to approve an arcade

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Date 8-7-08
By [signature]

on the subject property, pursuant to Section 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 6, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for its use permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The special exception use granted herein is for operation of an arcade by FDG Joppa, LLC. In the event that FDG Joppa, LLC ceases operation of the arcade, any new entity shall be required to petition for special hearing relief to amend the special exception approval granted in this case.
3. No patrons under the age of 15 years shall be permitted inside this arcade tenant space without the supervision of an adult. The hours of operation shall be limited to 11:00 AM to 10:00 PM on weekdays and 11:00 AM to 12:00 PM on weekends and holidays.
4. The Petitioner shall provide an interior patron connection between "The Original Steakhouse" tenant space and this arcade tenant space, provided Petitioner is able to obtain the necessary County agency approvals to construct such a connection.
5. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 8-7-08
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 7, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

David Karceski, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: PETITION FOR SPECIAL EXCEPTION

S/S Joppa Road, 422.5' East of Jasper Lane
(3615 East Joppa Road – Suite 110)
11th Election District - 6th Council District
Main Street Joppa LLC - Petitioner
Case No. 2008-0553-X

Dear Mr. Karceski:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: David A. Avedesian, Main Street Joppa LLC, 100 Cathedral Street, Suite 3,
Annapolis, MD 21401
David A. Avedesian, 5 Baughman Court, Silver Spring, MD 20906
Kenneth J. Colbert, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G,
Baltimore, MD 21209
Charles Cook, 43614 Dunhill Cup Square, Ashburn, VA 20147
Margaret Beaudreault, 3014 First Avenue, Baltimore, MD 21234
Carol Dammer, 3017 First Avenue, Baltimore, MD 21234
Mary Dumas, 9313 Thornewood Drive, Baltimore, MD 21234
Meg O'Hare, President, Carney Improvement Association, 3012 Summit Avenue,
Carney, MD 21234
People's Counsel; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at: 3615 E. Joppa Road, Suite 110
which is presently zoned BL

Deed Reference 21723 / 341 Tax Account # 1600004413

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 of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Special Exception for an arcade, pursuant to Section 423 of the BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State Zip Code

Attorney For Petitioner:

David Karcesky, Esq.

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Avenue

Address

410-494-6285

Telephone No.

Towson

MD 21204

City

State Zip Code

Legal Owner(s):

David Avedesian, Main Street Joppa LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

100 Cathedral Street, Suite 3

Address

301-929-9000

Telephone No.

Annapolis

City

MD 21401

State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

Address

410-653-3838

Telephone No.

Baltimore

City

MD 21209

State Zip Code

Case No. 2008-0553X

ORDER RECEIVED FOR FILING

Date 8-7-08

By [Signature]

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 5-30-08



ZONING DESCRIPTION 3615 JOPPA ROAD

Beginning at a point S04°34'35" E, 60.34 feet from the south side of Joppa Road, which is 70 feet wide, at a distance of 422.5 feet, more or less, east of Jasper Lane, thence the following courses and distances:

N 87°22'58" E, 52.12 ft.;
S 02°41'15" E, 76.00 ft.;
S 87°22'58" W, 10.92 ft.;
S 02°37'02" E, 78.00 ft.;
S 87°22'58" W, 68.46 ft.;
N 02°37'02" W, 70.67 ft.;
N 87°22'58" E, 27.17 ft.;
N 02°37'02" W, 83.33 ft. to the Point Of Beginning

Containing 0.2090 acre of land, more or less, part of the Deed recorded in Liber 21723, folio 341. Also being part of 3615 Joppa Road, and located in the 11th Election District, 6th Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 9752, Expiration Date: 2/28/10

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: #2008-0553-X
3615 E. Joppa Road, Ste. 110
S/side of Joppa Road, 422.5 feet E/of Jasper Lane
11th Election District
6th Councilmanic District
Legal Owner(s): Main Street Joppa, LLC, David Avedesian, Member

Special Exception: for an arcade pursuant to Section 423 of BCZR.

Hearing: Tuesday, July 15, 2008 at 9:00 a.m. in Jefferson Building, 1st Floor, 105 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

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

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

JT 7/614 July 1 177513

CERTIFICATE OF PUBLICATION

7/3/, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/1/, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15359**

Date: **5-30-08**

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				380.00

Total: **380.00**

Rec
 From: **COLBERT, MATZ, ROSENTELT, INC.**

For: **2008-0553-X**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PRINTED: 5/30/2008 17:15:17
 5/30/2008 17:15:17
 RECEIPT # 15359
 5/30/2008 17:15:17
 5 528 ZONING IDENTIFICATION
 015359
 Recpt Tot: \$380.00
 \$380.00 00 \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2008-0553-X

Petitioner/Developer: MAIN STREET

Joppa, LLC

Date of Hearing/Closing: JULY 15, 2008

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

ATTN: Kristen Matthews ((410) 887-3394)

Ladies and Gentlemen:

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

3615 E. Joppa RD, STE. 110

The sign(s) were posted on 6-30-08
(Month, Day, Year)

Sincerely,

Robert Black 7-2-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

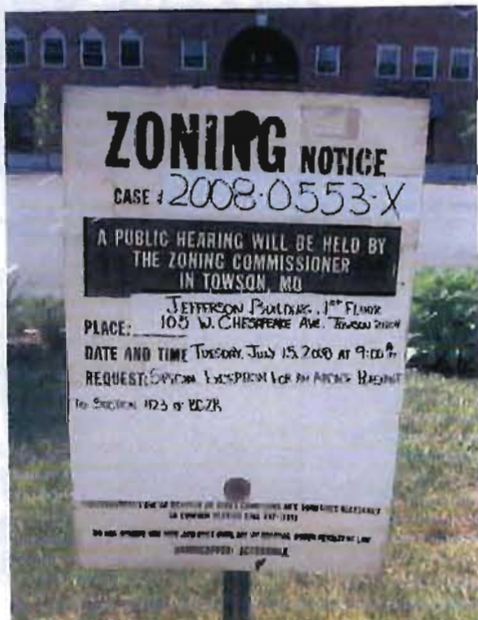
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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/neighbor 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: 553
Petitioner: MAIN STREET JOPPA LLC
Address or Location: 3615 E. JOPPA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MAIN STREET JOPPA LLC
Address: 100 CATHEDRAL STREET
SUITE 3
ANNAPOLIS MD 21401
Telephone Number: 301-889-929-9000

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 1, 2008 Issue - Jeffersonian

Please forward billing to:
Main Street Joppa, LLC
100 Cathedral Street, Ste. 3
Annapolis, MD 21401

301-929-9000

CORRECTED NOTICE OF ZONING HEARING

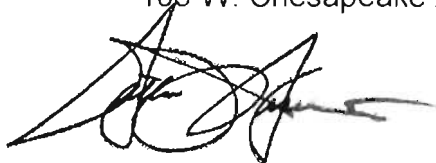
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0553-X

3615 E. Joppa Road, Ste. 110
S/side of Joppa Road, 422.5 feet E/of Jasper Lane
11th Election District – 6th Councilmanic District
Legal Owners: Main Street Joppa, LLC, David Avedesian, Member

Special Exception for an arcade pursuant to Section 423 of BCZR.

Hearing: Tuesday, July 15, 2008 at 9:0 a.m. in Jefferson Building, 1st Floor,
105 W. Chesapeake 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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 18, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0553-X

3615 E. Joppa Road, Ste. 110

S/side of Joppa Road, 422.5 feet E/of Jasper Lane

11th Election District – 6th Councilmanic District

Legal Owners: Main Street Joppa, LLC, David Avedesian, Member

Special Exception for an arcade pursuant to Section 423 of BCZR.

Hearing: Friday, August 1, 2008 at 11:00 a.m. in Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204

David Avedesian, Main Street Joppa LLC, 100 Cathedral Street, Ste. 3, Annapolis 21401

Kenneth Colbert, Colbert & Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 17, 2008.**
- (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
Thursday, July 17, 2008 Issue - Jeffersonian

Please forward billing to:

Main Street Joppa, LLC
100 Cathedral Street, Ste. 3
Annapolis, MD 21401

301-929-9000

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: 2008-0553-X

3615 E. Joppa Road, Ste. 110

S/side of Joppa Road, 422.5 feet E/of Jasper Lane

11th Election District – 6th Councilmanic District

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Hearing: Friday, August 1, 2008 at 11:00 a.m. in Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 10, 2008

David Karceski
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

RE: Case Number: 2008-0553-X, 3615 E. Joppa Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 30, 2008. 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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
David Avedesian, Main Street Joppa, 100 Cathedral Street, Ste. 3 Annapolis, MD 21401
Kenneth Colbert, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Ste. G, Baltimore 21209



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

June 16, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 09, 2008

Item Number: 0527A, 0549A, 0550A, **0551SPH**, 0552SPHA, **0553X**, 0554A, 0555A,
0556A, 0557SPH

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 10, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2008
Item Nos. 08-0548, 0549, 0550, 0551,
0552, 0553, 0554, 0555, 0556, and 0557

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

DAK:CEN:lrk

cc: File

ZAC-06102008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6-20-2008

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

RE: Baltimore County
Item No 2008-0553-X
3615 E. JOPPARD 110
AVESDESIAN PROPERTY
SPECIAL EXCEPTION

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. 2008-0553-X.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
3615 E. Joppa Road; S/S Joppa Road, * ZONING COMMISSIONER
422.5' E of Jasper Lane *
11th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): David Avedesian *
Petitioner(s) * BALTIMORE COUNTY
* 08-553-X

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 17 2008

Per.....

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

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Kenneth Colbert, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

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



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 v01.1)

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

Account Identifier: District - 11 **Account Number -** 1111015825

Owner Information

Owner Name:	MAIN STREET JOPPA LLC	Use:	RESIDENTIAL
Mailing Address:	STE 3 100 CATHEDRAL ST ANNAPOLIS MD 21401-2702	Principal Residence:	NO
		Deed Reference:	1) /21723/ 341 2)

Location & Structure Information

Premises Address	Legal Description
3615 E JOPPA RD	.2435 AC 3615 E JOPPA RD 1150 E WALTER BLVD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
71	18	205						3	Plat Ref:

Special Tax Areas	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		10,609.00 SF	04

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	37,900	77,900		
Improvements:	0	0		
Total:	37,900	77,900	64,566	77,900
Preferential Land:	0	0	0	0

Transfer Information

Seller: GREENHOUSE PLACE LIMITED LIABILITY	Date: 04/15/2005	Price: \$1,500,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /21723/ 341	Deed2:
Seller: KERST MARY E	Date: 03/27/2003	Price: \$130,000
Type: IMPROVED ARMS-LENGTH	Deed1: /17740/ 627	Deed2:
Seller: KERST MARY E	Date: 08/20/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11755/ 757	Deed2:

Exemption Information

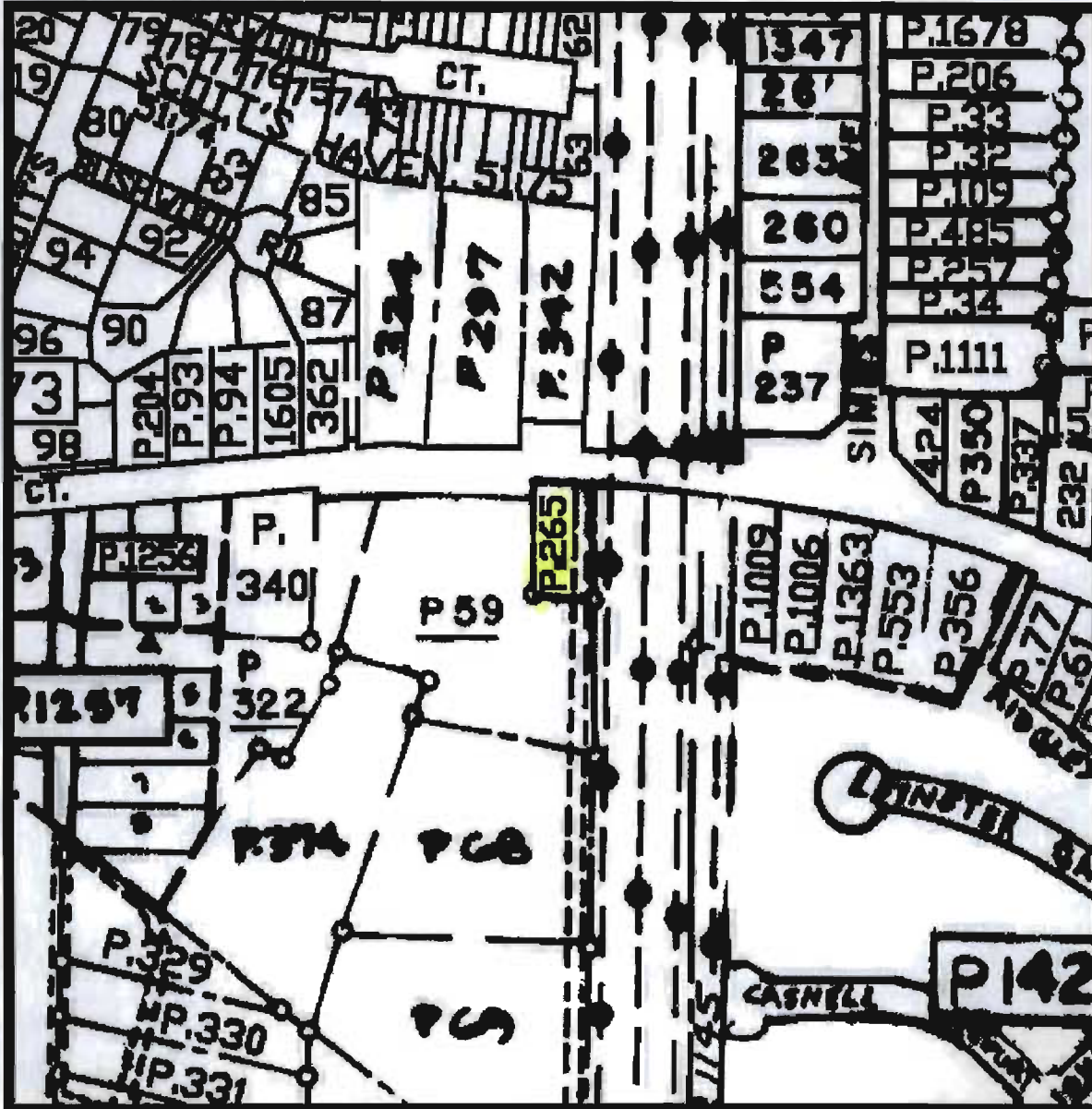
Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



District - 11Account Number - 1111015825



Property maps provided courtesy of the Maryland Department of Planning ©2004.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/tax_mos.htm



PLEASE PRINT CLEARLY

CASE NAME Main Street Pit Stop LLC
CASE NUMBER 2008-0553-X
DATE 7/15/08

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
David Karceski	210 Alegheny Ave	Towson MD 21204	dkarceski@
Charles Code	43614 Dunhill Cir Sg	Ashburn, VA 20147	140451e.com
DAVID AVEDESIAN	5 BAUGHMAN COURT	SILVER SPRING, MD 20906	david.avedesian@comcast.net
KEN COLBERT	2835 SMITH AVE	BALTIMORE, MD 21209	kcolbert@cmrengine.com

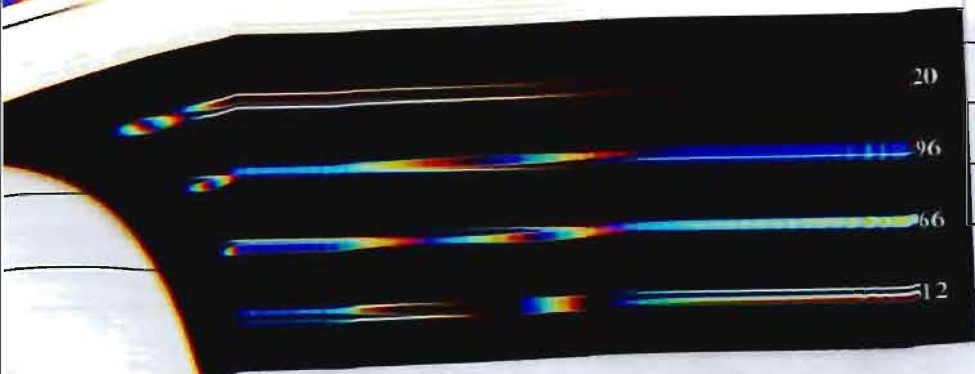


David A. Avedesian, PE, RPA

ANNAPOLIS DEVELOPERS, LLC

100 Cathedral Street, Suite 3
Annapolis, Maryland 21401

Tel 410-626-6004
Fax 410-626-6005
Cell: 301-938-1811
david.avedesian@comcast.net



PLEASE PRINT CLEARLY

CASE NAME Main Street Joppa Inc
CASE NUMBER 2008-0553-X
DATE 7-15-08

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Margaret Handreault

3014 First Ave

Baltimore, Md 21234

Carol Damman

3017 1st Ave

21234

Mary Dumas

9313 Homewood Dr

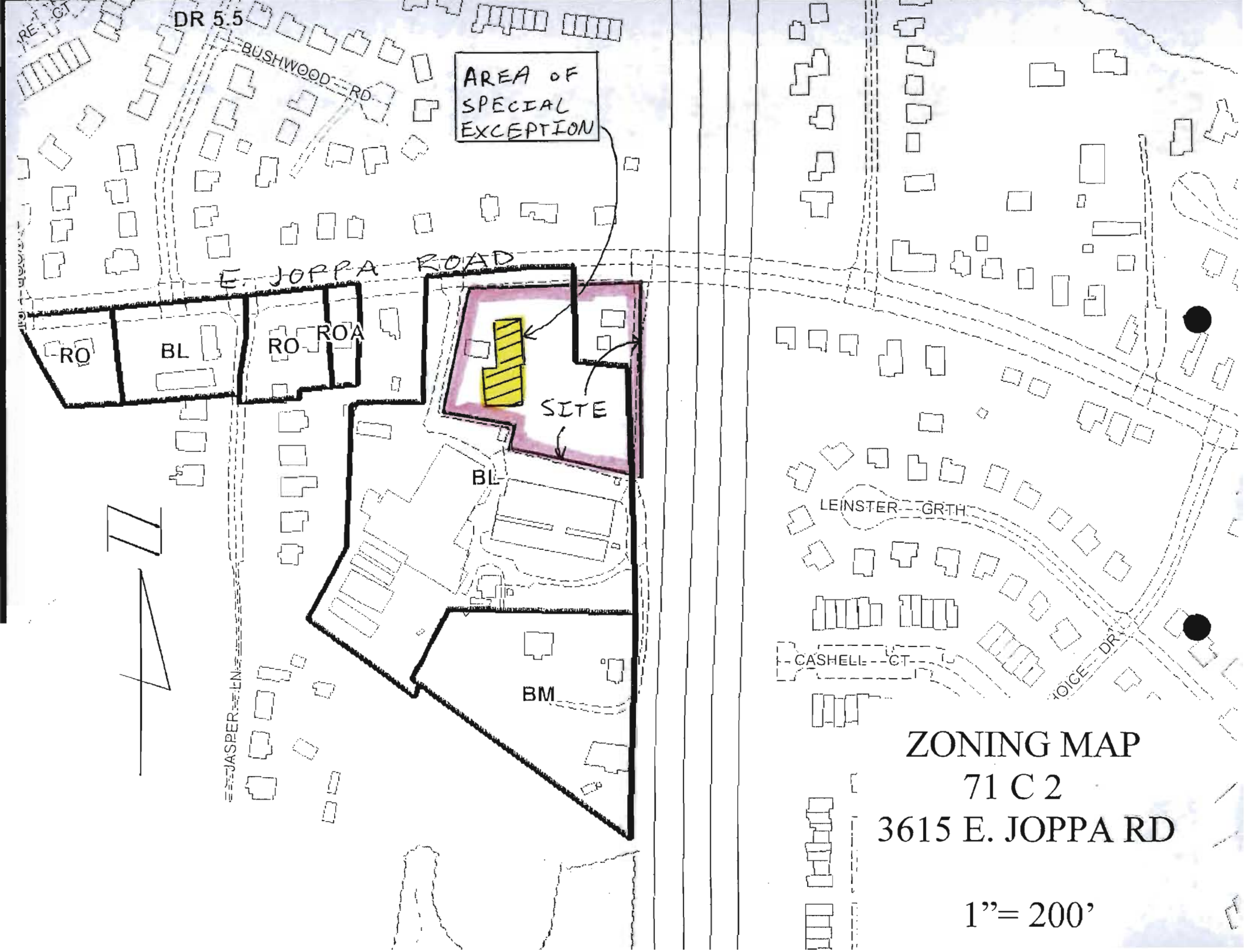
Balto Md 21234

Meg O'Hare

3012 Summit Avenue

Carney MD 21234

meg-ohare@msn.com



AREA OF
SPECIAL
EXCEPTION

DR 5.5

BUSHWOOD RD

E JOPPA ROAD

SITE

LEINSTER GRTH

CASHELL CT

VOICE DR

ZONING MAP

71 C 2

3615 E. JOPPA RD

1" = 200'

Case No.: 20008-0553-X 3615 E. JOPPA RD

Exhibit Sheet

Petitioner/Developer

Protestant

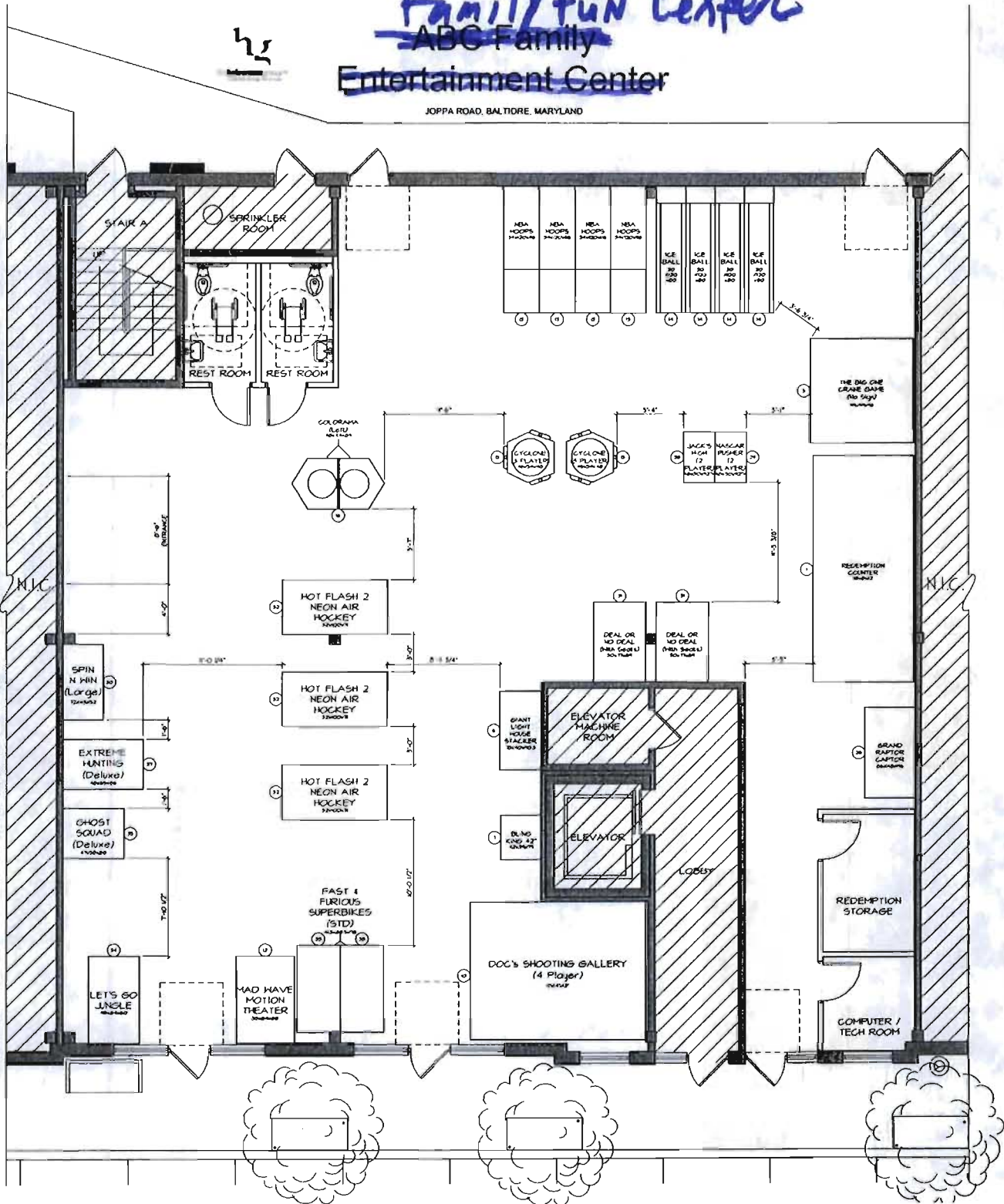
No. 1	Site Plan	
No. 2	Photo of Improvements of Site - Existing Conditions	
No. 3 A 3B	LAY OUT - Close up Aerial from a distance	
No. 4	Zoning Map	
No. 5	Entertainment Floor Plan	
No. 6	House Policies	
No. 7	PETITIONERS WORK WITH AREA SCHOOLS & COMMUNITY ORGANIZATIONS	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Main Street at Joppa Family Fun Center



ABC Family
Entertainment Center

JOPPA ROAD, BALTIMORE, MARYLAND



PETITIONER'S

EXHIBIT NO.

5

MAIN STREET FAMILY FUN CENTER

HOUSE POLICIES

The Main Street Family Fun Center welcomes all our guests and respectfully reminds you that we are a family establishment. The Main Street Family Fun Center has certain house policies relating to admission, conduct, and safety of all guests.

1. Guests must behave courteously.
2. Loud and/or abusive language will not be tolerated.
3. The Main Street Family Fun Center is a nonsmoking establishment. No snuff or chewing tobacco is permitted.
4. We will not admit anyone who is obviously intoxicated.
5. Any person inside the Main Street Family Fun Center caught drinking alcoholic beverages will be immediately removed from the premises.
6. Loitering and solicitation is prohibited.

** Please observe the following dress code:*

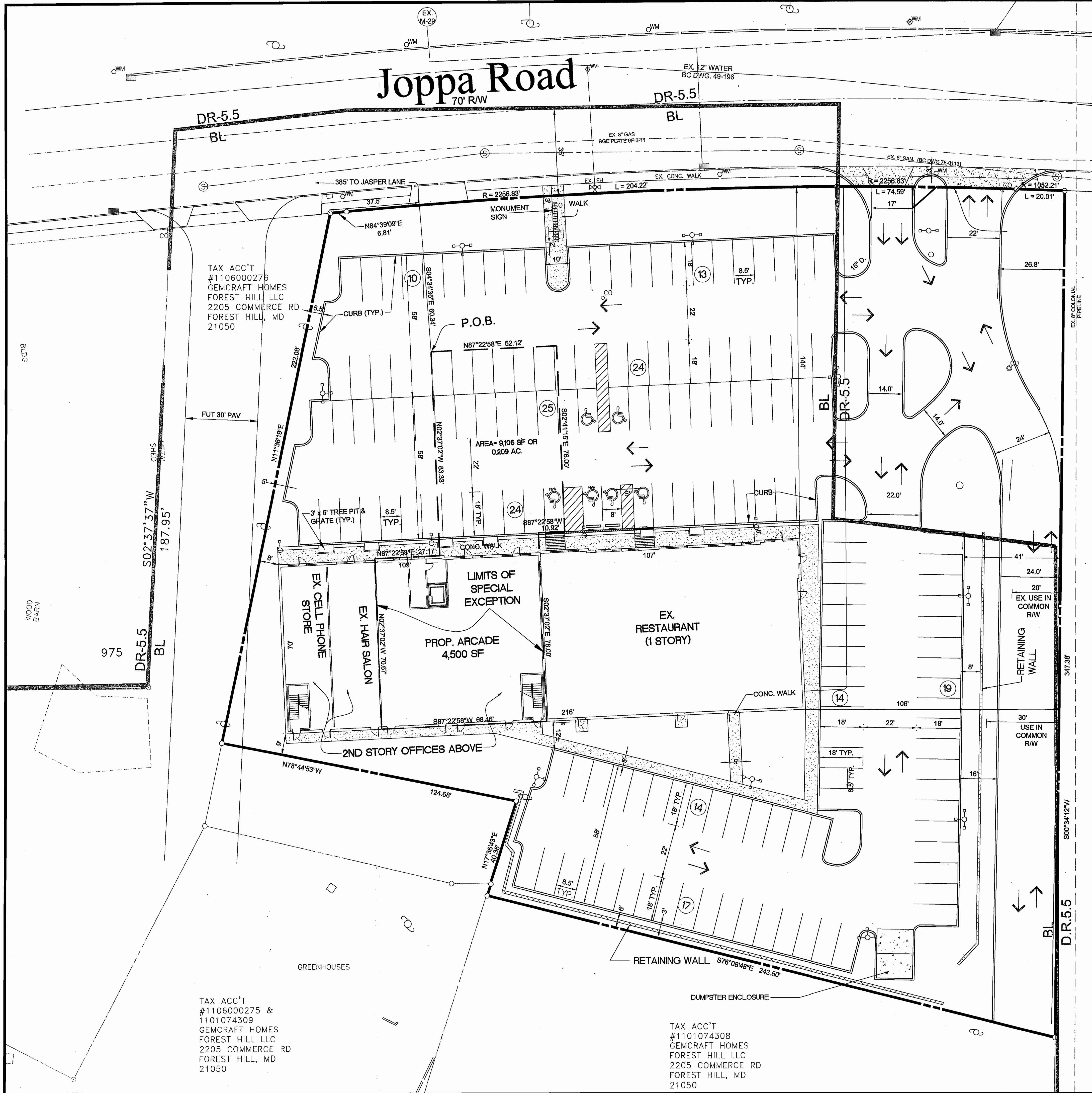
Appropriate, clean attire is required.

PETITIONER' S

EXHIBIT NO. 6

7 Patrons age 14 or under must be accompanied by an adult. Charles A. Cook DO

Joppa Road



Benchmark

- 1) HORIZONTAL CONTROL IS ON NAD83/91
- 2) VERTICAL CONTROL IS ON NAVD88 DATUM.
- 3) CONTROL BASED ON THE FOLLOWING BALTIMORE COUNTY TRAVERSE STATIONS:

STATION 343
SMALL RR SPIKE IN CONC. WALK NORTH SIDE
BRITAIN LANE, WEST OF MAGLEDT RD.
STATION 344
SMALL RR SPIKE IN CONC. WALK NORTH
SIDE BRITAIN LANE, WEST OF STA. 343.

N 630396.75
E 1450540.71
ELEV: 348.36
N 630849.55
E 1450504.30
ELEV: 364.81

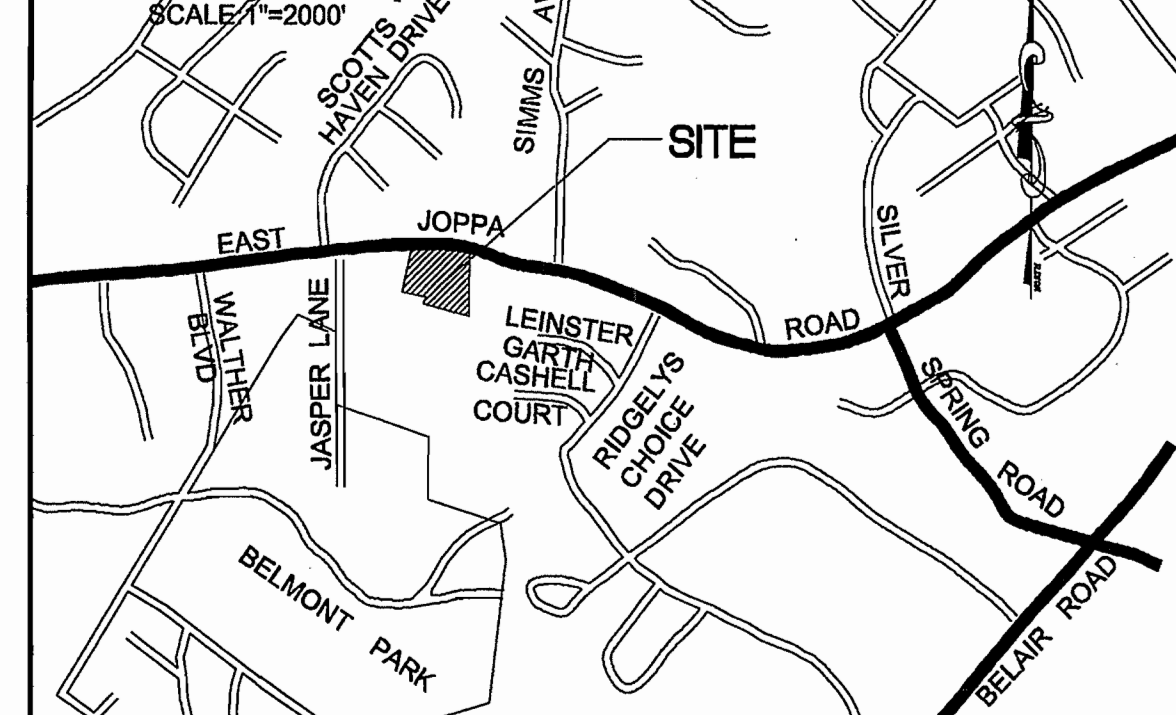
KEY

- PROPERTY LINE
- CURB
- DIRECTION OF TRAFFIC
- SIDEWALK

TRANSMISSION LINE
TOWERS (TYPICAL)

BALTIMORE GAS & ELECTRIC CO.
361-588
11-1102002919

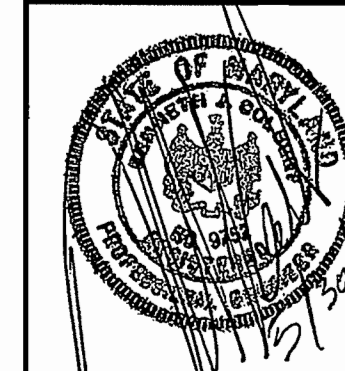
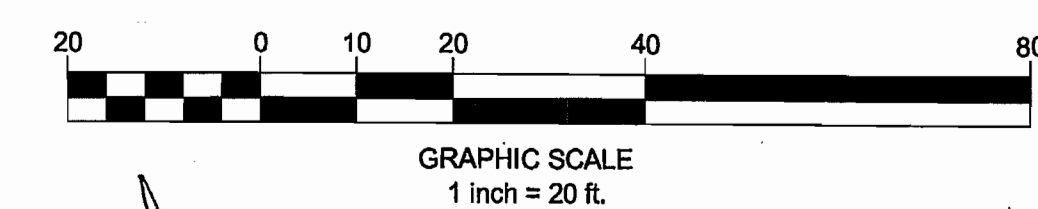
Vicinity Map



1. OWNER:
MAIN STREET JOPPA LLC
100 CATHEDRAL STREET, SUITE 3
ANAPOLIS, MARYLAND 21401
2. PARCEL NUMBERS:
MAP: 71 GRID: 18 PARCEL 205 MAP: 71 GRID: 18 PARCEL: 59
TAX ACCOUNT NUMBERS:
11-111015925 11-1600004413
DEED REFERENCES:
21723/341
3. ELECTION DISTRICT: 11
COUNCILMANIC DISTRICT: 6
CENSUS TRACT: 4114.02
WATERSHED: 15B WATER DESIGNATION: W-1
SUBWATERSHED: 25 SEWER DESIGNATION: S-1
ZONED: BL & D R. S.S. ZONING MAP 71C2
4. FLOOR AREA RATIO (FAR)
FLOOR AREA:
RESTAURANT: 7490 SQ.FT.
RETAIL: 3130 SQ.FT.
MEDICAL OFFICE: 8328 SQ.FT.
ARCADE: 4,500 SQ.FT.
TOTAL: 23,448 SQ.FT.
FLOOR AREA RATIO = 0.24
MAX. PERMITTED F.A.R. = 2.0
5. PARKING REQUIREMENTS: (PER SHARED PARKING ADJUSTMENT IN SECTION 409.6.B.3)
7,490 SF RESTAURANT @ 1.5/1000 X 100% = 119.8
4,500 SF ARCADE @ 4/1000 X 100% = 18.0
3,130 SF RETAIL/SALON @ 5/1000 X 100% = 15.6
8,328 SF MEDICAL OFFICES @ 4.5/1000 X 100% = 3.7
TOTAL PROVIDED SPACES: 158
ALL PARKING, MANEUVERING AND AISLE AREAS ARE PAVED AND PERMANENTLY STRIPPED. ALL DRIVEWAYS AND PARKING AISLES COMPLY WITH SECTION 409.9 OF THE BALTIMORE COUNTY CODE.
6. IN HEARING ORDER CASE NO. XI-800, ON APRIL 12, 1999, THE DEVELOPMENT PLAN FOR GREENHOUSE PLACE WAS APPROVED SUBJECT TO CONDITIONS. ON MAY 19, 1999 A MOTION FOR RECONSIDERATION WAS DENIED. ON MARCH 18, 2004, A REQUEST FOR EXTENSION WAS APPROVED FOR "GREENHOUSE PLACE, ALTERNATE A". ON APRIL 7, 2004, AN ORDER OF CLARIFICATION WAS APPROVED THAT THE PREVIOUSLY APPROVED EXTENSION IS FOR "FIRST AMENDED DEVELOPMENT PLAN, GREENHOUSE PLACE". A REFINEMENT FOR A SECOND AMENDED DEVELOPMENT PLAN WAS APPROVED BY THE DRC ON APRIL 30, 2004 (DRC NO. 22304K).
7. PREVIOUS COMMERCIAL PERMITS ISSUED FOR THIS SITE: ALTERATIONS, B654917, DATED 4/28/08
8. ALL SIGNS TO MEET REQUIREMENTS OF SEC. 450, BCZR.
9. THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
10. THE SITE IS NOT IN A 100-YEAR FLOODPLAIN.
11. THERE ARE NO HISTORIC BUILDINGS OR SITES ON PROPERTY.

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION MAIN STREET AT JOPPA ROAD (GREENHOUSE PLACE)

PETITIONER'S
EXHIBIT NO. 1



Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

SPECIAL EXCEPTION:
FOR AN ARCADE, PURSUANT TO
SECTION 423 OF BCZR

Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.		SCALE: 1"= 20'	
License No. 9752	Expiration Date: 02-28-10	DATE: 5/30/08	JOB NO: 95092.5
		DESIGNED: TNW	DRAWN: DSL
		CHECKED: TNW	FILE: 95092.5 PROP.DWG
		DRAWING NUMBER:	ZON-1
NO.	DATE	REVISIONS:	BY
			SHEET 1 OF 1

TAX ACC'T
#1106000275 &
#1101074309
GEMCRAFT HOMES
FOREST HILL LLC
2205 COMMERCE RD
FOREST HILL, MD
21050

TAX ACC'T
#1101074308
GEMCRAFT HOMES
FOREST HILL LLC
2205 COMMERCE RD
FOREST HILL, MD
21050



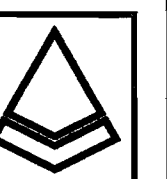
PHOTO EXHIBIT

MAIN STREET AT JOPPA ROAD
(GREENHOUSE PLACE)

CASE NO. 2008-0558-X
3615 JOPPA ROAD
ELECTION DISTRICT 11 - COUNCILMANIC DISTRICT 6
BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.

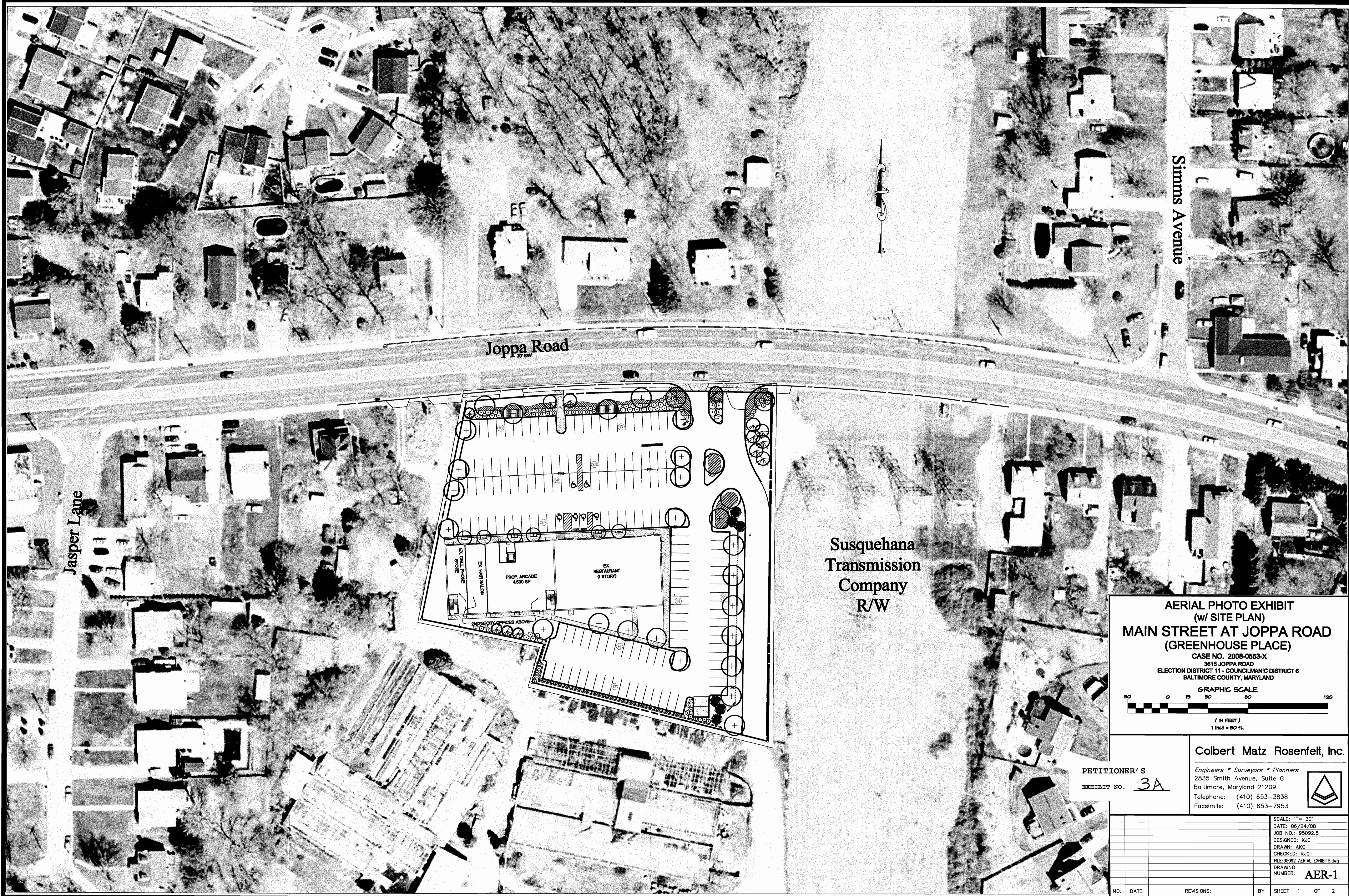
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



PETITIONER'S

EXHIBIT NO. 2

					SCALE: N/A
					DATE: 06/24/08
					JOB NO.: 95092.5
					DESIGNED: KJC
					DRAWN: AKC
					CHECKED: KJC
					FILE: 95092 PHOTO EXHIBITS.dwg
					DRAWING NUMBER: PHOTO-1
NO.	DATE	REVISIONS:	BY	SHEET	1 OF 1



**AERIAL PHOTO EXHIBIT
(w/ SITE PLAN)
MAIN STREET AT JOPPA ROAD
(GREENHOUSE PLACE)**
CASE NO. 2008-0553-X
3615 JOPPA ROAD
ELECTION DISTRICT 11 - COUNCILMANIC DISTRICT 6
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

PETITIONER'S
EXHIBIT NO. 3A

NO.	DATE	REVISIONS:	BY	SHEET	1	OF	2
				DRAWING NUMBER: AER-1			
				FILE: 95092 AERIAL EXHIBITS.dwg			
				CHECKED: KJC			
				DRAWN: AKC			
				DESIGNED: KJC			
				JOB NO.: 95092.5			
				DATE: 06/24/08			
				SCALE: 1" = 30'			



ZONING EXHIBIT

MAIN STREET AT JOPPA ROAD
(GREENHOUSE PLACE)

CASE NO. 2008-0558-X
3615 JOPPA ROAD
ELECTION DISTRICT 11 - COUNCILMANIC DISTRICT 6
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE

500 0 250 500 1000 2000
(IN FEET)
1 Inch = 500 ft.

PETITIONER'S
EXHIBIT NO. 4

Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1
-----	------	------------	----	--------------

SCALE: 1" = 500'
DATE: 06/24/08
JOB NO.: 95092.5
DESIGNED: KJC
DRAWN: AKC
CHECKED: KJC
FILE: 95092 ZONING EXHIBITS.dwg
DRAWING NUMBER: ZON-1