

# MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



October 17, 2017

Mr. Carl Richards  
Baltimore County Zoning Review  
111 West Chesapeake Avenue, Room 111  
Towson, Maryland 21204

Re: Request for Spirit and Intent Letter  
5811 Allender Road

Dear Mr. Richards,

MRA represents the legal owner of 5811 Allender Road, also known as Freestate Indoor Sports Arena. The site is located on Allender Road about a quarter mile from Pulaski Highway.

Our client is proposing to raze an existing vacant  $\pm 13,177$  square foot warehouse building and construct a new  $\pm 14,000$  square foot warehouse and office building in its place. I am writing to confirm that the proposed improvements to the site are within the spirit and intent of zoning orders granted in Case No. 2010-0219-SPHA and Case No. 98-401-SPHA. More specifically in Case No. 98-401-SPHA the variance request from  $\S 409.8.A.4$  of the BCZR to permit existing parking spaces be located between 0' and 10' from the street right of way line in lieu of the minimum required 10', and from  $\S 255.1$  and  $\S 238.2$  of the BCZR to permit a building to building setback of 40' in lieu of the required 60' between recreation building 1 and warehouse building 2. And in Case No. 2010-0219-SPHA to permit a side yard variance of 12' in lieu of the minimum required 30'. I have enclosed a redlined site plan entitled "Plan to Accompany Spirit and Intent Letter which shows the previously approved site plan with the proposed improvements shown in red.

I have also provided the following brief summary of the previous zoning case history for your convenience.

- Case No. ~~65-209-65~~ 65-298-R
  - Petition for change of zoning from R-6 to M.L. – GRANTED.
- Case No. 96-386-X
  - Petition for Special Exception for approval of a commercial recreation facility. – GRANTED.
  - The Special Exception area only included Building #1 as shown on Petitioners Exhibit #2 in the case. Building #2 as shown on Exhibit #2 was proposed to be a warehouse which is a use permitted by right in the M.L. Zone.
- Case No. 97-205-X
  - Petition for Special Exception for approval of an arcade. – GRANTED.

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA  
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161

- The Special Exception area only included a small area of Building #1 as shown on Petitioners Exhibit #2 in the case. Building #2 as shown on Exhibit #2 was proposed to be a warehouse which is a use permitted by right in the M.L. Zone.
- Case No. 98-401-SPHA
  - Petition for special hearing to approve an amendment to the special exception and site plans approved in prior case no's 96-326-X and 97-205-X. – GRANTED.
  - Petition for Variance from §409.8.A.4 of the BCZR to permit parking spaces to be located between 0' and 10' from the street right of way line in lieu of the minimum required 10'. GRANTED.
  - Petition for Variance from §255.1 and §238.2 of the BCZR to permit a building to building setback of 40' in lieu of the required 60' between recreational building 1 and warehouse building 2. – GRANTED.
- Case No. 2010-0219-SPHA
  - Petition for special hearing to approve an amendment to the site plans previously approved in case no. – GRANTED.
  - Petition for variance from §255.1 and §238.2 of the BCZR to permit a side yard setback of 12' in lieu of the minimum required setback of 30', and setbacks between the proposed and existing buildings of 41' in lieu of the minimum required 60' setbacks. – GRANTED.

If you are in agreement kindly countersign this letter confirming that the proposed site improvements, as shown on the attached redlined plan, are within the spirit and intent of the relief granted in Case No. 2010-0219-SPHA and Case No. 98-401-SPHA.

Sincerely,

**MORRIS & RITCHIE ASSOCIATES, INC.**

*Matthew A. Bishop*

Matthew A. Bishop, PLA, LEED AP  
Associate

Encl: Plan to Accompany Spirit and Intent letter  
Previous Zoning Case Orders

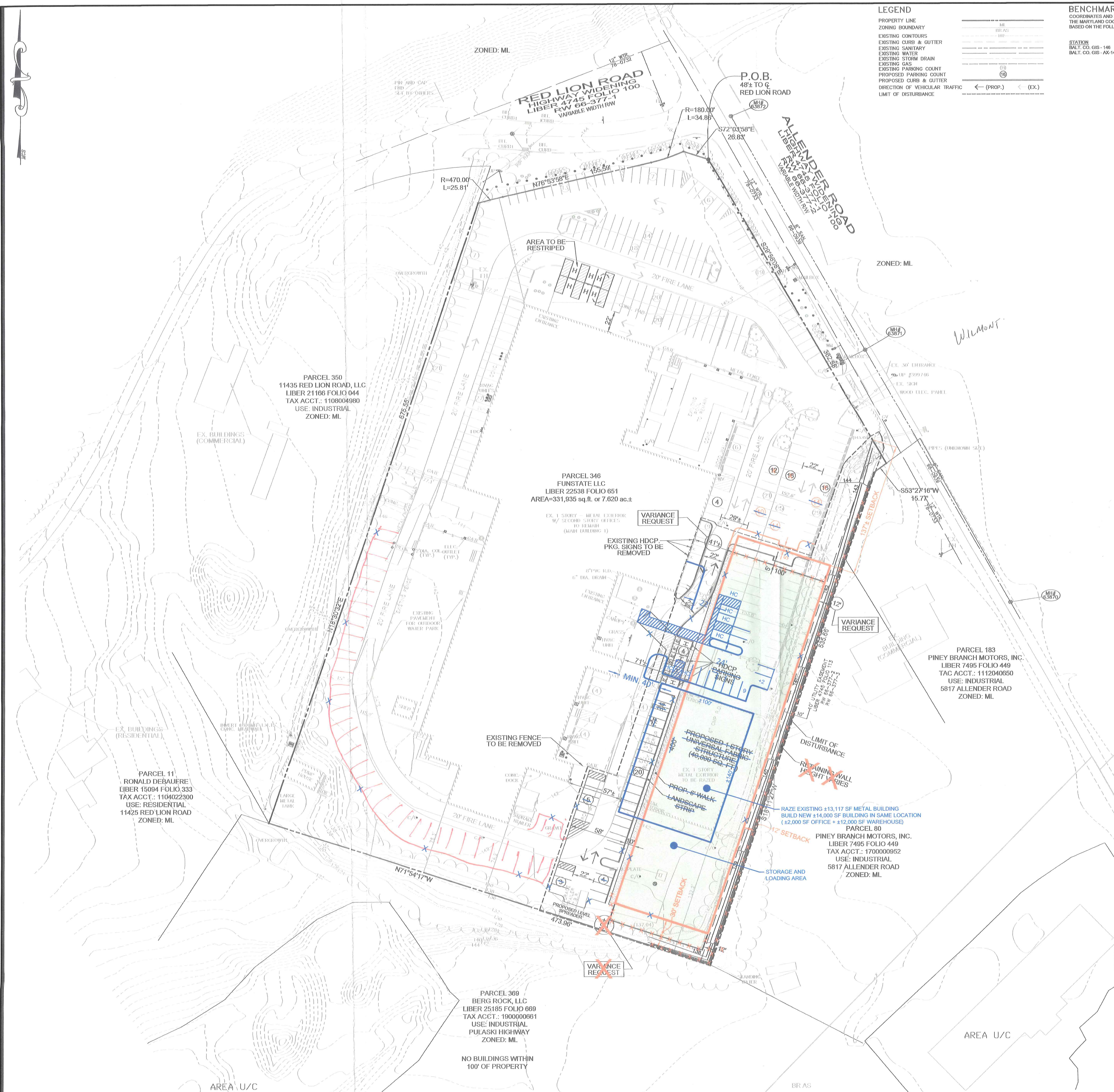
AGREED AND ACCEPTED:

*W. Carl Richards* 11/13/17

W. Carl Richards, Supervisor  
Zoning Review Office

\* Need good plan  
for zoning files



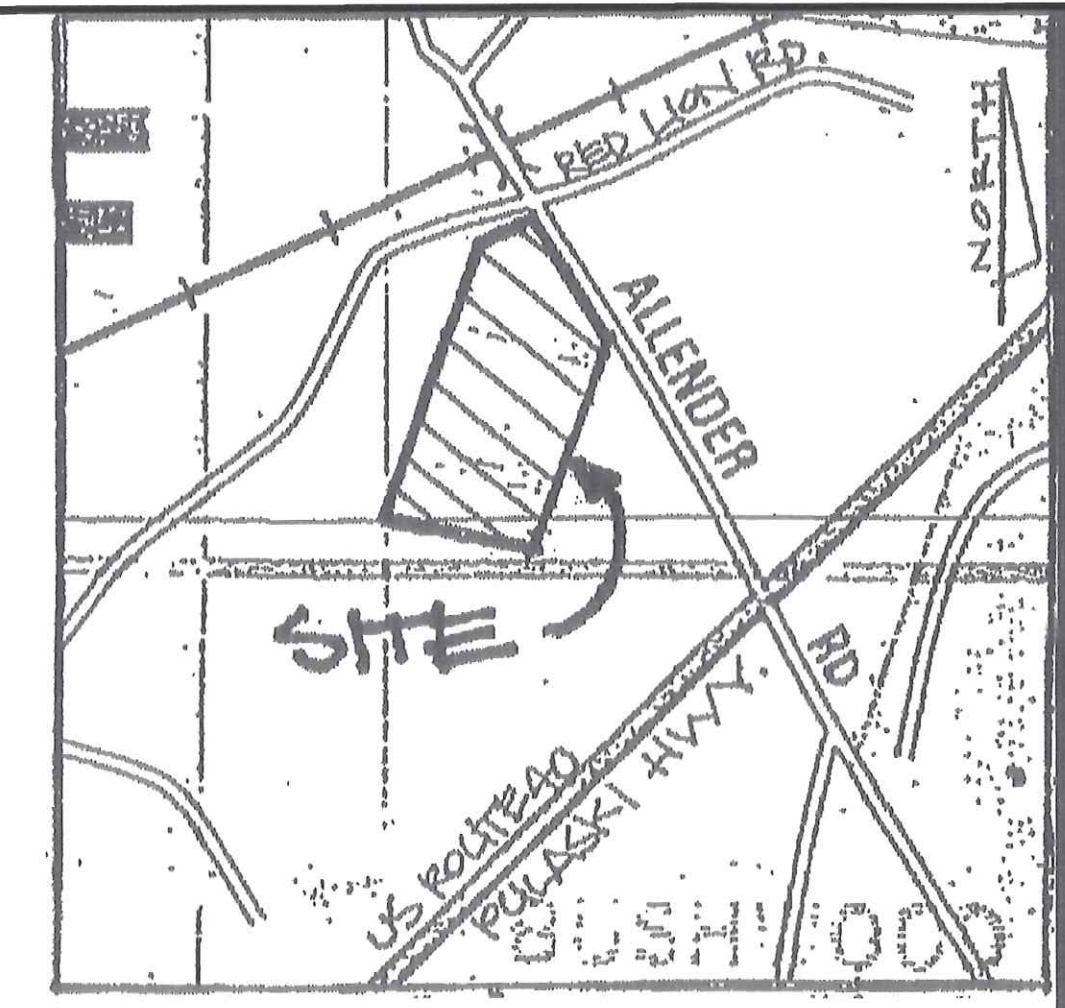


**LEGEND**

|                                |    |
|--------------------------------|----|
| PROPERTY LINE                  | ML |
| ZONING BOUNDARY                | ML |
| EXISTING CONTOURS              | ML |
| EXISTING CURB & GUTTER         | ML |
| EXISTING SANITARY              | ML |
| EXISTING WATER                 | ML |
| EXISTING STORM DRAIN           | ML |
| EXISTING GAS                   | ML |
| EXISTING PARKING COUNT         | ML |
| PROPOSED CURB & GUTTER         | ML |
| DIRECTION OF VEHICULAR TRAFFIC | ML |
| LIMIT OF DISTURBANCE           | ML |

**BENCHMARK DATA**

| STATION              | NORTHING  | EASTING   | ELEVATION |
|----------------------|-----------|-----------|-----------|
| BALT. CO. GIS-146    | 631109.20 | 140613.64 | 146.43    |
| BALT. CO. GIS-AX-146 | 631703.70 | 146197.89 | 146.64    |



- OWNER / APPLICANT**
- ALLENDER ROAD, LLC  
C/O PARAGON COMMERCIAL MANAGEMENT, LLC  
90 WEST STREET, SUITE 204  
ANNAPOLIS, MD 21401  
CONTACT: MIKE NEU  
PHONE: (888) 280-4488
- GENERAL NOTES**
- OWNER/APPLICANT: JAMMAK, LLC
  - ELECTION DISTRICT: 11
  - COUNCIL DISTRICT: 6
  - SITE ZONED: ML (ZONING MAP NO. 7342)
  - SITE AREA: 7.62 ACRES OR 331,835 SQ. FT.
  - EXISTING USE: INDOOR MULTI-USE RECREATION FACILITY AND OUTDOOR SWIMMING POOL
  - PROPOSED USE: SAME - WAREHOUSE AND OFFICE
  - BUILDING FLOOR AREA:  
EXISTING: MAIN BUILDING 1-79,971 SQ. FT., WAREHOUSE 434,444 SQ. FT., 111,117 SQ. FT. + 42,000 SQ. FT. OFFICE  
POOL BUILDING 477 SQ. FT.  
EXISTING F.A.R. 2.28  
PROPOSED: MAIN BUILDING 1-79,971 SQ. FT., WAREHOUSE 434,444 SQ. FT., 111,117 SQ. FT. + 42,000 SQ. FT. OFFICE  
POOL BUILDING 477 SQ. FT.  
NEW BUILDING 434,444 SQ. FT. + 111,117 SQ. FT. + 42,000 SQ. FT. OFFICE  
TOTAL FLOOR AREA 434,444 SQ. FT. + 111,117 SQ. FT. + 42,000 SQ. FT. OFFICE  
PROPOSED F.A.R. 4.00  
FLOOR AREA RATIO (F.A.R.) PERMITTED: 2.0
  - PUBLIC WATER AND SEWER IS AVAILABLE.
  - THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
  - THERE ARE NO 100-YR FLOOD PLAINS, WETLANDS OR STREAMS LOCATED ON THE SUBJECT SITE.
  - PREVIOUS COMMERCIAL PERMITS: 0847191
  - BUILDING SETBACKS (ML ZONE):  
FRONT: 20' TO C.L.  
SIDE: 7' (EXISTING) 12' (PROP.)  
REAR: 5' (EXISTING) 12' (PROP.)  
"VARIANCE REQUEST" REQUIRED FOR 12' REAR SETBACK
  - ZONING HISTORY:  
CASE NO. 08-208-05  
CASE NO. 08-388-X: ON MAY 13, 1996 THE ZONING COMMISSIONER APPROVED A SPECIAL EXCEPTION FOR A COMMERCIAL RECREATION FACILITY ON THE SUBJECT PROPERTY.  
CASE NO. 07-205-X: ON DECEMBER 15, 1995 THE ZONING COMMISSIONER APPROVED AN AMENDMENT TO APPROVE AN AMUSEMENT AND TO AMEND THE SPECIAL EXCEPTION AND SITE PLAN IN CASE NO. 08-388-X.  
CASE NO. 08-401-SHA: ON JUNE 25, 1998 THE ZONING COMMISSIONER APPROVED THE PROPOSED SWIMMING POOL, ROLLERBLADE SKATING AREA, AND ADDITIONAL PARKING. A REQUEST HAS BEEN SUBMITTED FOR APPROVAL OF AN 18' X 24' EXTENSION TO THE SWIMMING POOL AND CHANGES TO THE PARKING LOT WHICH WERE NEEDED TO PROVIDE AREAS FOR LANDSCAPING ON THE APPROVED LANDSCAPE PLAN, AS BEING WITHIN THE SPIRIT AND INTENT ON CASE NO. 08-401-SHA.
  - PARKING CALCULATION:  
REQUIRED PARKING:  
EXISTING SOCCER FIELDS (3 INTERNAL FIELDS):  
TEAMS: 127 TEAM X 2 TEAMS = 254 SPACES  
SPECTATORS: 80 FIELD X 3 FIELDS = 240  
MISC. (JUDGES, REFS, MGMT): 20 FIELD X 3 FIELDS = 60  
TOTAL SOCCER FIELD PARKING REQUIRED IS 554 + 240 + 60 = 854 SPACES  
GOLF AND BATTING CAGES: 7 @ 1.5 SP/UNIT = 10.5 SP.  
TENNIS & ATHLETIC COURTS: 8 COURTS @ 3 SP/UNIT = 24 SP.  
SWIMMING POOL: 100 PERSON CAPACITY @ 1 SP/UNIT = 100 SP.  
TOTAL REQUIRED: 854 + 10.5 + 24 + 100 = 1088.5 SPACES  
TOTAL PROVIDED: 230 SPACES (INCL. 44,444 SQ. FT. @ 12 SP/AC)  
-ALL PARKING SPACES WILL BE DURABLE, DUST FREE AND PERMANENTLY STRIPED.
  - AMENITY OPEN SPACE IS NOT REQUIRED FOR THIS DEVELOPMENT.
  - EXISTING SIGN TO REMAIN.
  - THIS SITE HAS NO HISTORICAL BUILDINGS AND IS NOT IN A HISTORIC DISTRICT.



**PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER**

**MORRIS & RITCHIE ASSOCIATES, INC.**  
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
1220-C EAST JOPPA ROAD, SUITE 505  
TOWSON, MARYLAND 21206  
(410) 821-1690  
FAX: (410) 821-1748  
MRAGTA.COM  
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**REDLINE**

**PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE**  
**FREESTATE INDOOR SPORTS ARENA**

5811 ALLENDER ROAD  
11TH ELECTION DISTRICT - 5TH COUNCIL DISTRICT  
TAX MAP 73 - GRID 8 - PARCEL 346  
BALTIMORE COUNTY, MARYLAND

**GRAPHIC SCALE**  
1 inch = 40 feet

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

**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. 13203** Expiration Date: 11-02-10  
1 4/5/10 REDLINE PLAN SR  
CHECKED: SLD  
FILE: 97183 VAR 2010.dwg  
DRAWING NUMBER: ZON-1

**PETITIONER'S**  
EXHIBIT NO. 1



**IN RE: PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE**

SW Corner of Allender Road and  
Red Lion Road  
**(5811 Allender Road)**

5<sup>th</sup> Council District  
11<sup>th</sup> Election District

Funstate, LLC  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
  
**Case No. 2010-0219-SPHA**

\* \* \* \* \*

**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 owner of the subject property, Funstate, LLC, by Dino Fasce, its Managing Member. The Petitioner requests variance relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the minimum required setback of 30 feet, a rear setback of 12 feet in lieu of the minimum required 30 feet; and setbacks between the proposed and existing buildings on the site of 41 feet in lieu of the minimum required 60 feet setback. In the event that the variance relief requested is granted, special hearing relief, pursuant to Section 500.7 of the B.C.Z.R., is requested to approve an amendment to the site plan previously approved in Case No. 98-401-SPHA. The subject property and requested relief are more particularly described on the amended red-lined site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Dino Fasce, on behalf of Funstate, LLC, and Richard E. Matz, P.E., Vice President of Colbert, Matz, Rosenfelt, Inc., the consultant who prepared the site plan. Counsel for the Petitioner at the hearing was

ORDER RECEIVED FOR FILING

Date

By

4-15-10

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John B. Gontrum, Esquire of Whiteford, Taylor & Preston, LLC. Adjoining and nearby property owners appeared as concerned citizens. These included Robert Lang, who operates Bobby's Pottys at 11435 Red Lion Road, Ronald Debaufre, his neighbor, and Charles Ferguson, the owner of property to the south of Mr. Debaufre's site on Red Lion Road. Both Mr. Lang's property and Mr. Debaufre's property are shown on Petitioner's Exhibit 1.

Testimony and evidence disclosed that the property has been the subject of four (4) previous zoning hearings. Initially, Zoning Case 65-278 granted a petition to change the zoning classification from a residential zone R-6 to M.L. The property is still zoned M.L., and in zoning case No. 96-326-X, a special exception was granted for an indoor commercial recreational facility. At that time 141 parking spaces were provided. A subsequent special exception for an arcade was granted in zoning case No. 97-205-X. Finally, in zoning Case No. 98-401-SPHA zoning variance relief was granted and the site plan was amended to permit the construction of a swimming pool, rollerblade skating area and for additional parking. At that time, zoning variance relief from the setbacks between warehouse building now on the site and the main recreation building were granted as was a side yard setback variance for the warehouse building.

Petitioner now proposes to raze the existing warehouse building and to replace it with a significantly larger recreational building on the east side of the site. At the hearing, Petitioner withdrew its request for a rear yard variance, and instead presented the red-lined site plan shifting the proposed building forward 18' so that the minimum rear yard setback was achieved. Although some of the existing parking area would be lost due to the new construction, additional parking also is being added to the side of the building as shown on Petitioner's Exhibit 1. Consequently, Petitioner's Exhibit 1 shows a net loss of only six (6) parking spaces, and the



number of parking spaces being provided (264) far exceeds the spaces required by the zoning regulations (193).

Petitioner seeks the setback variances because adding on to the existing building simply is not feasible. The main entrance to the building and accessible parking would be eliminated. More parking would be eliminated than under the proposed site plan, and as the adjacent property owners and residents pointed out in their testimony, parking at this site is very important. In addition, a variance was previously granted for the building to building setback for the existing warehouse to the existing recreation building, and the proposal simply extends that variance along the length of the proposed building.

The owner of the property impacted by the proposed side yard variance (Piney Branch Motors, Inc.) did not appear in opposition. That side of the property is on the opposite side of the site from Red Lion Road, and none of the citizens were concerned over the setback.

The red-lined plan (Petitioner's Exhibit 1) also reflects a boundary survey prepared by Colbert, Matz, Rosenfelt, Inc. The boundary survey, which apparently is the first to be conducted on the property in decades, disclosed that a County drainage easement which is supposed to run along the eastern property line is not properly located. The new building will require it to be relocated and improved to its original deeded location. Comments received by the Department of Public Works have been satisfied, and Petitioner's Exhibit 5 is a copy of the site plan signed by Dennis Kennedy acknowledging his satisfaction with the resolution to his comments proposed by Petitioner.

The boundary survey also clarified some issues raised by Mr. Lang, managing member of 11435 Red Lion Road, LLC and its user Bobby's Pottys. It appears that the fence, which separates the property and which was shown on previous site plans is actually part of the



adjacent property. Indeed, a pump house and metal water storage tank also appear to encroach on the adjoining property. Petitioner proposes a new water line to serve the proposed building and existing building. The new water line would provide sprinkler service from the County water line in Allender Road, which would allow the existing pump house and water tank to be removed.

Of primary concern to the citizens who appeared were storm water runoff and parking. As to this issue, Mr. Debaufre testified and presented several photographs introduced into evidence as Protestants' Exhibit 1. The photographs depict a pipe coming from the southwest corner of the subject property and erosion along Red Lion Road. There currently is no management of storm water coming from this site or apparently from properties adjoining the subject property, some of which connect into the County's storm drain easement and some of which do not. All of the properties, however, appear to drain their storm water west onto the Debaufre and Bobby's Pottys properties without any management.

No additional storm water will be generated by the proposed building because the proposed building will not be increasing the impervious area on the site. Indeed, there might be some decrease of impervious area due to taking up pavement in the rear of the site and adding landscape islands to the parking area. Mr. Matz, however, testified that the proposal will require that the Petitioner address storm water management on the subject site. The regulations impacting this development will require that management of approximately 1.5 acres of disturbed area be addressed. Consequently, there is an opportunity if the proposed building goes forward to improve an existing condition for the property owners along Red Lion Road.<sup>1</sup>

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<sup>1</sup> The parties have agreed to meet on the site to look at the current outfalls from the property and to determine if a proposal can be made to the Department of Environmental Protection and Resource Management to benefit all of the interests.



There was testimony that parking on the site now is occasionally insufficient to handle the weekend demands for parking. Although the frequency of the need for additional parking was an issue that was not resolved, the Petitioner has agreed to make additional overflow parking available to the rear of the existing recreation building. This area already is impervious, and the addition of compacted stone to enhance the base may provide, according to Mr. Matz, at least an additional fifty (50) parking spaces not now available. This should address the parking generated by the proposed building. Mr. Matz has indicated an area on Petitioner's Exhibit 1 where such parking shall be provided. Petitioner also is providing additional parking between the buildings not now available and the addition of internal parking located away from the entrance into the site and closer to the main entrance may encourage more people to park on site and not along Allender and Red Lion Roads.

All of the participants at the hearing agreed that there was a need for this recreational use, and that it really does serve the community. There were no complaints over the operation of the existing or proposed use or over the actual zoning relief sought.

There were no adverse Zoning Advisory Committee (ZAC) comments to the requested relief. Petitioner had met with Dennis Kennedy, Supervisor of the Bureau of Development Plans Review, prior to the hearing and discussed the issues he raised. Mr. Kennedy signed off on a copy of the site plan incorporating the changes he sought (Petitioner's Exhibit 4).

I am persuaded that the variance relief sought is based on the unique site conditions and positioning of buildings that have been on the property for many decades and not on any conditions created by Petitioner. I am further convinced that to deny the side yard variance and the building to building setback variance would indeed create a practical difficulty resulting in



the loss of parking, which is important to this particular use. Certainly, there is no adverse impact to any adjacent property by virtue of the variance relief sought.

I am also persuaded that based on the testimony and evidence presented that the amendment sought to the previously granted special exception and site plan is justified. By allowing the Petitioner to go forward with the new construction the storm water issues will have to be addressed at least in part, which can only have a positive impact on the neighbors downhill from the site. Because no additional impervious area will be created, any storm water management will have a positive impact over the existing conditions. I also believe that Petitioner's provision of additional parking over that required by the zoning regulations will help ameliorate any negative impacts from additional use of the site. As noted above, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

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 15<sup>th</sup> day of April, 2010 that the Petition for Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the site plan previously approved in Case No. 98-401-SPHA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the minimum required setback of 30 feet, and setbacks between the proposed and

ORDER RECEIVED FOR FILING

Date

4-15-10

By

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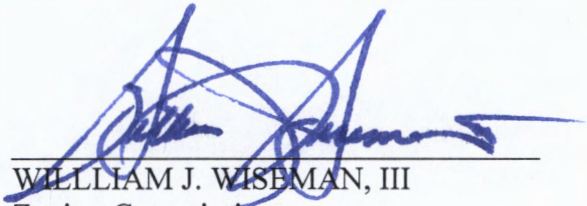
existing buildings on the site of 41 feet in lieu of the minimum required 60 feet setback, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance request to have a rear yard setback of 12 feet in lieu of the minimum required 30 feet, be and is hereby DISMISSED.

Petitioner's use of the property is subject to the following restriction:

1. The Petitioner may apply for its building permits and be granted same upon the receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the thirty (30) day appeal period from the date of 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.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date A-15-10

By 103





**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

WILLIAM J. WISEMAN III  
Zoning Commissioner

April 15, 2010

John B. Gontrum, Esquire  
Whiteford, Taylor & Preston, L.L.P.  
Towson Commons, Suite 300  
One West Pennsylvania Avenue  
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**  
SW Corner of Allender Road and Red Lion Road  
**(5811 Allender Road)**  
5<sup>th</sup> Council District - 11<sup>th</sup> Election District  
Funstate, LLC - Petitioner  
**Case No. 2010-0219-SPHA**

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: Dino Fasce, Funstate, LLC, 5811 Allender Road, White Marsh, MD 21162  
Richard E. Matz, P.E., Vice President, Colbert, Matz, Rosenfelt, Inc., 2835 Smith Avenue,  
Suite G, Baltimore, MD 21209  
Robert Lang, Bobby's Pottys, 11435 Red Lion Road, White Marsh, MD 21162  
Ronald Debaufre, 11425 Red Lion Road, White Marsh, MD 21162  
Charles Ferguson, 11403 Red Lion Road, White Marsh, MD 21162  
People's Counsel, DPR, DEPRM, File



**RE: PETITION FOR SPECIAL HEARING  
and VARIANCE  
W/S Allender Road, 48 feet +/- South of  
c/l of Red Lion Road  
(5811 Allender Road)**

Case No.: 2010-0219-SPHA

**11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District**

**Funstate, LLC,**

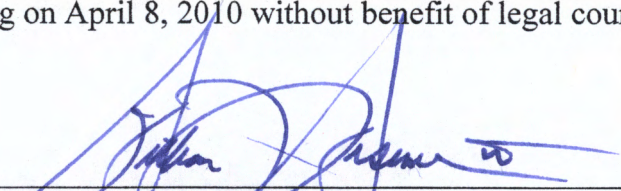
***Petitioner***

**ORDER**

Upon consideration of the Notice to Strike Appearance filed by Howard L. Alderman, Jr., Esquire and Levin & Gann, P.A., it is this 24<sup>th</sup> day of March, 2010,

**ORDERED**, that any appearance of Howard L. Alderman, Jr. and/or the law firm of Levin & Gann, P.A. in the above-captioned matter on behalf of the Petitioner is hereby **STRICKEN**; and it is

**FURTHER ORDERED**, that the Petitioner shall cause to be delivered to the Zoning Commissioner for Baltimore County within twelve (12) days of the date of this Order, either:  
i) an Entry of Appearance by legal counsel on its behalf; or ii) a Notice that it intends on proceeding at the scheduled hearing on April 8, 2010 without benefit of legal counsel.

  
\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner for Baltimore County



**COPIES OF SIGNED ORDER, DATED MARCH 24, 2010, WERE MAILED TO:**

Howard L. Alderman, Jr., Esquire  
Levin & Gann  
Nottingham Centre  
502 Washington Avenue, 8<sup>th</sup> Floor  
Towson, MD 21204

Funstate, LLC  
c/o Dino Fasce, Member  
5811 Allender Road  
White Marsh, MD 21162

Robert A. Hoffman, Esquire  
Arnold Jablon, Esquire  
Venable, LLP  
210 West Pennsylvania Avenue, Suite 500  
Towson, MD 21204

Peter Max Zimmerman, Esquire  
People's Counsel for Baltimore County  
Carole S. Demilio, Deputy People's Counsel (INTER-OFFICE MAIL)  
105 West Chesapeake Avenue, Suite 204  
Towson, MD 21204



**BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY**

**RE: PETITION FOR SPECIAL HEARING  
and VARIANCE  
W/S Allender Road, 48 feet +/- South of  
c/l of Red Lion Road  
(5811 Allender Road)**

Case No.: **2010-0219-SPHA**

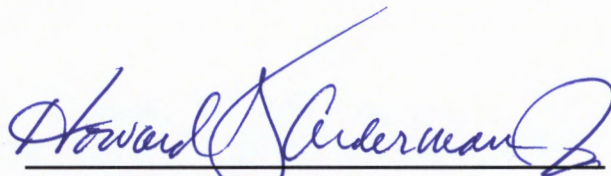
**11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District**

**Funstate, LLC,**

***Petitioner***

**NOTICE TO STRIKE APPEARANCE**

With separately obtained concurrence of the Petitioner, please strike the appearance of the undersigned and Levin & Gann, P.A., as legal counsel for the Petitioner. It is our understanding that Petitioner has retained or intends to retain Venable, LLP, Robert A. Hoffman, Esquire and/or Arnold Jablon, Esquire and that they/he will enter an appearance in due course. Accordingly, our appearance in the above-captioned matter should be **STRICKEN**.

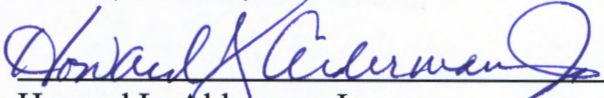


Howard L. Alderman, Jr.  
Levin & Gann, P.A.  
8<sup>th</sup> Floor, Nottingham Centre  
502 Washington Avenue  
Towson, Maryland 21204  
410.321.0600 [voice]  
410.296.2801 [fax]  
[halderman@LevinGann.com](mailto:halderman@LevinGann.com) [e-mail]



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of March 2010, a copy of the foregoing Notice to Strike Appearance and proposed Order were mailed, via First-Class, United States Mail to: i) Funstate LLC, c/o Dino Fasce, Member, 5811 Allender Road, White Marsh, MD 21162; ii) Robert A. Hoffman, Esquire and Arnold Jablon, Esquire, both of Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204 and iii) Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Carole S. Demilio, Deputy People's Counsel, 105 W. Chesapeake Avenue, Suite 204, Towson, MD 21204.

  
Howard L. Alderman, Jr.

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

DIRECT DIAL  
410-321-4640

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

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

March 23, 2010

William J. Wiseman, III, Zoning Commissioner  
The Jefferson Building, Suite 103  
105 West Chesapeake Avenue  
Towson, Maryland 21204

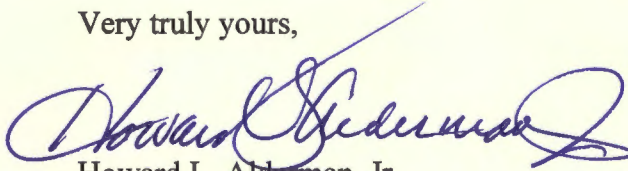
RE: Petition for Special Hearing and Variance  
5811 Allender Road  
**Case No. 2010-0219-SPHA**  
*Notice to Strike Appearance*

Dear Mr. Wiseman:

Please accept the enclosed Notice to Strike Appearance of myself and my firm in the above-referenced matter and consider the enclosed, proposed Order for signature. Should you need any additional information in this matter, please do not hesitate to contact me.

Thank you.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk  
Enclosures  
c (w/encl.): Funstate, LLC  
Venable, LLP  
Robert A. Hoffman, Esquire  
Arnold Jablon, Esquire  
People's Counsel for Baltimore County  
Richard E. Matz, P.E.





# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at: 5811 Allender Road

which is presently zoned ML

Deed Reference 22538 / 651

Tax Account # 1103052240

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 thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission 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:

Name - Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

### Attorney For Petitioner:

Howard L Alderman Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, P.A.

Company

502 Washington Avenue, Suite 800

410-321-0600

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

### Legal Owner(s):

Funstate, LLC

By: Dino Fasce, Mgr. Member

Name - Type or Print

Signature

Name - Type or Print

Signature

5811 Allender Road

410-335-6400

Address.

Telephone No.

White Marsh

MD 21162

City

State Zip Code

### Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

ORDER RECEIVED FOR FILING

Case No. 2010-0219-SPHA

Date 4-15-10

By lw

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Jim Date 2-19-10

ATTACHMENT TO SPECIAL HEARING PETITION  
FREE STATE INDOOR SOCCER – 5811 ALLENDER ROAD

To amend the plan previously approved in Case No. 98-401-SPHA, consistent with the relief requested and Plan submitted with these Petitions, and

For such other and further relief as the Zoning Commissioner may require.





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5811 Allender Road

which is presently zoned ML

Deed Reference 22538 / 651 Tax Account # 1103052240

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 thereof, hereby petition for a Variance from Section(s)

See Attached.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Reasons to be presented at the hearing.

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

I, or we, agree to pay expenses of above Variance, 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:

Howard L. Alderman Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, P.A.

Company

502 Washington Avenue, #800

410-321-0600

Address

Telephone No.

Towson

Md. 21204

City

State Zip Code

## Legal Owner(s):

Funstate, LLC

By: Dino Fasce, Mgr. Member

Name - Type or Print

Signature

Name - Type or Print

Signature

5811 Allender Road

410-335-6400

Address.

Telephone No.

White Marsh

Md. 21162

City

State Zip Code

## Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 2.19.10

ORDER RECEIVED FOR FILING SPH A

Date 4-15-10

By [Signature]

ATTACHMENT TO VARIANCE PETITION  
FREE STATE INDOOR SOCCER – 5811 ALLENDER ROAD

From Section 255.1 and 238.2, BCZR, to permit a side setback of 12 feet in lieu of 30 feet required; a rear setback of 12 feet in lieu of 30 feet required and side setbacks between buildings of 41 feet in lieu of 60 feet required, and

For such other and further relief as the Zoning Commissioner may require. .



# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



## ZONING DESCRIPTION FREE STATE INDOOR SOCCER – 5811 ALLENDER ROAD

Beginning at a point on the west side of Allender road, which is of varying width, at a distance of 48 feet south of the centerline of Red Lion Road, which is of varying width, thence the following courses and distances:

S 29°56'08" E, 362.58 ft.;  
S 53°27'16" W, 15.77 ft.;  
S 18°11'27" W, 535.66 ft.;  
N 71°54'17" W, 473.96 ft.;  
N 18°30'32" E, 675.55 ft.;  
By a curve to the right, radius 470.00', length 25.81 ft.;  
N 76°53'58" E, 155.59 ft.;  
By a curve to the left, radius 180.00 ft., length 34.86 ft.;  
S 72°03'58" E, 26.83 ft., to the Point of Beginning.

Also known as 5811 Allender Road and containing 7.62 acres, more or less. As recorded in Baltimore County Deed Liber 22538, folio 651 and located in the 11<sup>th</sup> Election District, 5<sup>th</sup> 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. 13203, Expiration Date: 11-2-2010

**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: 0219  
Petitioner: Fenstate, LLC  
Address or Location: 5811 Allender Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino Fasce  
Address: Fenstate, LLC  
5811 Allender Road  
White Marsh, Md.  
Telephone Number: \_\_\_\_\_



**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. **50233**

Date: **2-19-10**

**PAID RECEIPT**

BUSINESS NUMBER TIME USER  
 2/22/2010 2/19/2010 10:18:49 5  
 REC 5003 WALKER, RICHARD  
 RECEIPT # 405710 2/19/2010 OFLJ  
 5. 520 BOUND VERIFICATION  
 050233  
 Recpt Int 1650.00  
 1650.00 CF 1.00 CA  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev<br>Source/<br>Obj | Sub<br>Rev/<br>Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------------|------------------------|----------|---------|--------|
| 001  | 206  | 0000 |          | 6150                  |                        |          |         | 650.00 |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |

Total: **650.00**

Rec From: **2010-0219-SPHA**

For: **FNSTATE, LLC.**

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

# NOTICE OF ZONING HEARING

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

Case: # 2010-0219-SPHA

5811 Allender Road

W/side of Allender Road, 48 feet +/- south of centerline of Red Lion Road

11th Election District — 5th Councilmanic District

Legal Owner(s): Dino Fasce, Funstate, LLC

**Special Hearing:** to amend the plan previously approved in case no. 98-401-SPHA, consistent with the relief requested and plan submitted with these petitions, and for such and further relief as the Zoning Commissioner may require. **Variance:** to permit a side setback of 12 feet in lieu of the 30 feet required; a rear setback of 12 feet in lieu of the 30 feet required and side setbacks between buildings of 41 feet in lieu of 60 feet required; and for such other and further relief as the Zoning Commissioner may require.

**Hearing:** Thursday, April 8, 2010 at 11:00 a.m. in Room 106, County Office Building, 111 West 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 3/9/27 March 23

233517

## CERTIFICATE OF PUBLICATION

3/25/2010

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 3/23/2010.

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

*J. Wilkinson*

LEGAL ADVERTISING



# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN MATHHEWS

**DATE:** 03/26/2010

**Case Number:** 2010-0219-SPHA

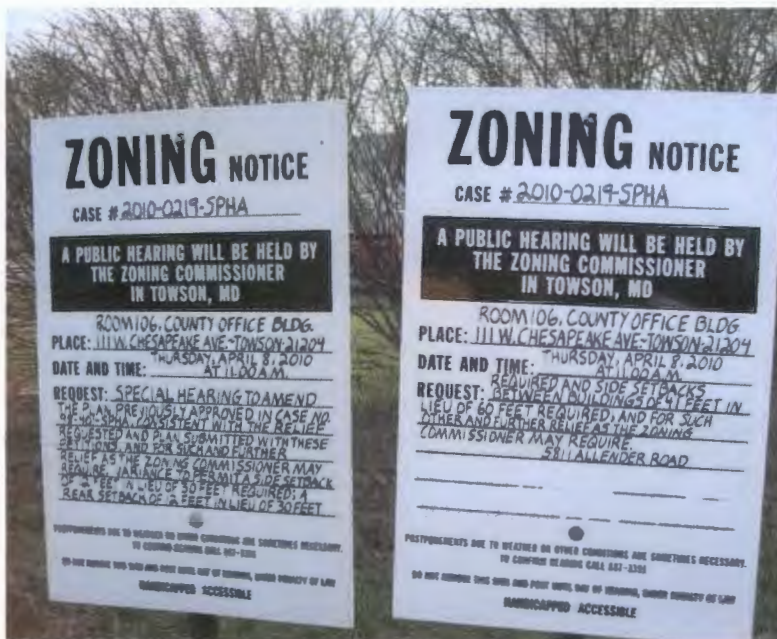
**Petitioner / Developer:** HOWARD ALDERMAN, JR., ESQ. ~

DINO FASCE, FUNSTATE, LLC~RICHARD MATZ, of COLBERT, MATZ & ROSENFELT, INC.

**Date of Hearing (Closing):** APRIL 8, 2010

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:  
THE CORNER OF 5811 ALLENDER ROAD & RED LION ROAD

**The sign(s) were posted on:** MARCH 24, 2010



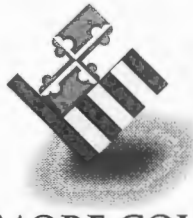
Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030  
(City, State, Zip of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Project Management*  
**March 15, 2010**

**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: 2010-0219-SPHA**

5811 Allender Road

W/side of Allender Road, 48 feet+/- south of centerline of Red Lion Road

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Dino Fasce, Funstate, LLC

Special Hearing to amend the plan previously approved in case no. 98-401-SPHA, consistent with the relief requested and plan submitted with these petitions, and for such and further relief as the Zoning Commissioner may require. Variance to permit a side setback of 12 feet in lieu of 30 feet required; a rear setback of 12 feet in lieu of 30 feet required and side setbacks between buildings of 41 feet in lieu of 60 feet required; and for such other and further relief as the Zoning Commissioner may require.

Hearing: Thursday, April 8, 2010 at 11:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Ave., Ste. 800, Towson 21204  
Dino Fasce, Funstate, LLC, 5811 Allender Road, White Marsh 21162  
Richard 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 WEDNESDAY, MARCH 24, 2010.**
- (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, March 23, 2010 Issue - Jeffersonian

Please forward billing to:

Dino Fasce  
Funstate, LLC  
5811 Allender Road  
White Marsh, MD 21162

410-335-6400

---

## NOTICE OF ZONING HEARING

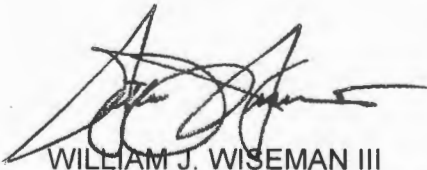
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2010-0219-SPHA**

5811 Allender Road  
W/side of Allender Road, 48 feet+/- south of centerline of Red Lion Road  
11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owners: Dino Fasce, Funstate, LLC

Special Hearing to amend the plan previously approved in case no. 98-401-SPHA, consistent with the relief requested and plan submitted with these petitions, and for such and further relief as the Zoning Commissioner may require. Variance to permit a side setback of 12 feet in lieu of 30 feet required; a rear setback of 12 feet in lieu of 30 feet required and side setbacks between buildings of 41 feet in lieu of 60 feet required; and for such other and further relief as the Zoning Commissioner may require.

Hearing: Thursday, April 8, 2010 at 11:00 a.m. in Room 106, County Office Building,  
111 West 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*

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

March 29, 2010

Howard Alderman  
Levin & Gann, PA  
502 Washington Ave  
Towson, MD 21204

Dear: Howard Alderman

RE: Case Number 2010-0219-SPHA, 5811 Allender Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 19, 2010. 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:lnw

Enclosures

c: People's Counsel  
Dino Fasce; Funstate, LLC; 5811 Allender Rd.; White Marsh, MD 21162  
Richard Matz; Colbert Matz Rosenfelt, Inc; 2835 Smith Avenue Ste. G; Baltimore, MD 21209



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** March 3, 2010

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For March 15, 2010  
Item No.: 2010-219

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

As shown on the plan, the County has a 10' Utility Easement along the eastern property line. The developer is proposing to build a retaining wall within the easement. Furthermore, the developer is proposing to direct runoff from Allender Road through the easement. The swale in the easement does meet public works standards unless it is paved. In addition, retaining walls, being permanent structures, may not be built in County easements. Because of this, I recommend that the developer petition the County to release the easement. Alternately, the developer may re-design the site to remove the need for the retaining wall and design a swale for the easement that meets public works standards.

I also recommend that no decisions be made on the variance and special hearing requests until these issues are resolved.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0219-03152010.doc



**BALTIMORE COUNTY**  
MARYLAND

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

March 8, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 1, 2010

Item Numbers: 0219, 0220, 0221, 0222, 0223, 0224 and 0225

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





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

Beverley K. Swaim-Staley, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MARCH 4, 2010

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

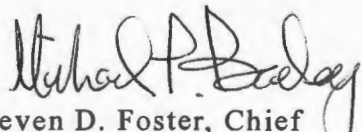
RE: Baltimore County  
Item No. 2010-0219-SPHA  
5811 ALLENDER RD  
FLN STATE, LLC  
VARIANCE -  
SPECIAL HEARING -

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. 2010-0219 SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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.sha.maryland.gov](http://www.sha.maryland.gov)

BW  
4-8-10

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



RECEIVED

APR 12 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 12, 2010

SUBJECT: Zoning Item # 10-219-SPHA  
Address 5811 Allender Road  
(Funstate, LLC Property)

Zoning Advisory Committee Meeting of March 1, 2010.

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

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

*Regina Esslinger; Environmental Impact Review*

Additional Comments:

There may be an existing septic system on site that must be properly pumped and back-filled or removed by a licensed sewage disposal contractor. Any wells must also be properly abandoned (by a licensed well driller). The building(s) must be connected to public water & sewer. – *Dan Esser; Groundwater Management*



RE: PETITION FOR SPECIAL HEARING  
AND VARIANCE  
5811 Allender Road; W/S Allender Road,  
48' S of Red Lion Road  
11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Funstate, LLC  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 10-219-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

MAR 04 2010

.....]

*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 4<sup>th</sup> day of March, 2010, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

**From:** Debra Wiley  
**To:** Livingston, Jeffrey; Murray, Curtis  
**Date:** 4/1/2010 3:26 PM  
**Subject:** Comments Needed  
**Attachments:** April Calendar

*Tracing  
of  
DEPRM* 411

Good Afternoon Gentlemen:

In reviewing case files for next week's hearings, it appears Bill needs comments for:

4/8 @ 9 AM - Room 106 (need Planning & DEPRM)

4/8 @ 11 AM - Room 106 (need Planning & DEPRM)

I've attached the April calendar for your convenience in locating the appropriate case numbers.

As always, thanks for your usual cooperation and have a great day !

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov



h  
6/18

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCE - SW/S Allender Road, \*  
35' SW of the c/l Red Lion Road \* DEPUTY ZONING COMMISSIONER  
(5811 Allender Road) \*  
11th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \*  
Freestate Indoor Sports, Inc. \* Case No. 98-401-SPHA  
Petitioner \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Freestate Indoor Sports, Inc., by Gerard B. Novak, President, through their attorney, John B. Gontrum, Esquire. The Petitioner seeks approval of an amendment to the special exception and site plans approved in prior Cases Nos. 96-326-X and 97-205-X, for a proposed swimming pool and rollerblade skating area, and an additional macadam paved parking area which already exists. In addition to the special hearing relief sought, the Petitioner requests a variance from Section 409.8.A.4 of the B.C.Z.R. to permit parking spaces to be located between 0 feet and 10 feet from the street right-of-way line in lieu of the minimum required 10 feet, and, from Sections 255.1 and 238.2 of the B.C.Z.R. to permit a building to building setback of 40 feet in lieu of the required 60 feet between Recreation Building 1 and Warehouse Building 2, and a side setback of 28 feet in lieu of the required 30 feet for Warehouse Building 2. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Gerard B. Novak, legal owner of the property and President of Freestate Indoor

As noted above, the Petitioner seeks approval of a parking lot area previously installed on the property. However, at the hearing, the Petitioner entered into evidence as Petitioner's Exhibit '3, a red-lined site plan depicting a possible future ice rink on the subject property, in the area where Warehouse Building 2 currently exists. The Petitioner was not requesting approval at this time for such a facility; however, in the event the Petitioner proceeds with its plans to construct an indoor ice rink at this location, then the parking area presently situated adjacent thereto must be modified and brought into compliance with the parking regulations at the time the ice rink is constructed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been

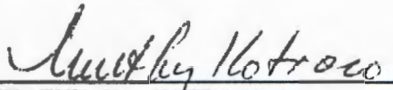


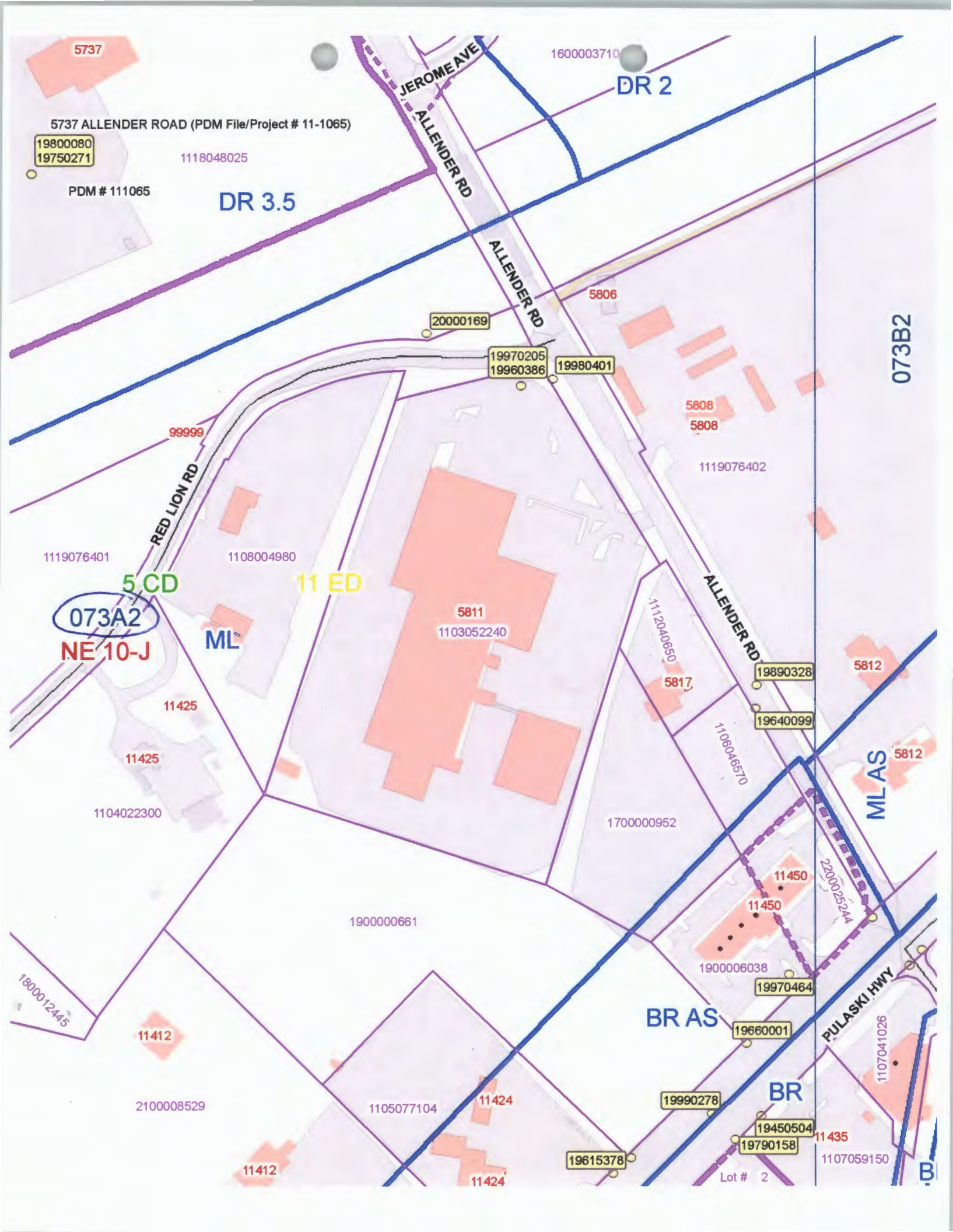
30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) In the future, should the Petitioner decide to proceed with its plans to construct an indoor ice skating rink in the area where Warehouse Building 2 currently exists (as shown on Petitioner's Exhibit 3), then the parking area situated adjacent thereto must be modified and brought into compliance with the parking regulations at the time the ice rink is constructed.

3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County



5737

1600003710

DR 2

5737 ALLENDER ROAD (PDM File/Project # 11-1065)

19800080  
19750271

1118048025

PDM # 111065

DR 3.5

JEROME AVE  
ALLENDER RD

ALLENDER RD

20000169

19970205  
19960386

19980401

5806

5808  
5808

1119076402

99999

RED LION RD

1119076401

1108004980

5 CD

11 ED

073A2

NE 10-J

ML

5811

1103052240

1112040650

5817

19890328

5812

19640099

1106046570

MLAS

5812

11425

11425

1104022300

1700000952

1900000661

1800012445

11412

2100008529

1105077104

11424

11412

11424

BR AS

19970464

19660001

19990278

BR

19450504

19790158

PULASKI HWY

1107041026

11435

1107059150

Lot # 2

B





**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vw6.3d)

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

**Account Identifier:** District - 11 Account Number - 1103052240

**Owner Information**

**Owner Name:** FUNSTATE,LLC **Use:** INDUSTRIAL  
**Mailing Address:** 5811 ALLENDER RD **Principal Residence:** NO  
 WHITE MARSH MD 21162-1314 **Deed Reference:** 1) /22538/ 651  
 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 5811 ALLENDER RD 7.587 AC  
 WHITE MARSH MD 21162-1314 5811 ALLENDER RD  
 NEAR ALLENDER RD

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:  |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------|
| 73  | 8    | 346    |              |             |         |       |     | 1               | Plat Ref: |

**Special Tax Areas** **Town**  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 0000                    | 80,722 SF     | 7.58 AC            | 07         |

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

**Value Information**

|                           | Base Value | Value As Of 01/01/2010 | Phase-in Assessments As Of 07/01/2009 | As Of 07/01/2010 |
|---------------------------|------------|------------------------|---------------------------------------|------------------|
| <b>Land</b>               | 1,106,600  | 939,500                |                                       |                  |
| <b>Improvements:</b>      | 1,193,400  | 1,233,000              |                                       |                  |
| <b>Total:</b>             | 2,300,000  | 2,172,500              | 2,300,000                             | 2,172,500        |
| <b>Preferential Land:</b> | 0          | 0                      | 0                                     | 0                |

**Transfer Information**

|                                            |                           |                           |
|--------------------------------------------|---------------------------|---------------------------|
| <b>Seller:</b> FREESTATE INDOOR SPORTS INC | <b>Date:</b> 09/14/2005   | <b>Price:</b> \$2,700,000 |
| <b>Type:</b> IMPROVED ARMS-LENGTH          | <b>Deed1:</b> /22538/ 651 | <b>Deed2:</b>             |
| <b>Seller:</b> COASTAL TRAILER CORP        | <b>Date:</b> 02/28/1997   | <b>Price:</b> \$1,000,000 |
| <b>Type:</b> IMPROVED ARMS-LENGTH          | <b>Deed1:</b> /12057/ 220 | <b>Deed2:</b>             |
| <b>Seller:</b>                             | <b>Date:</b>              | <b>Price:</b>             |
| <b>Type:</b>                               | <b>Deed1:</b>             | <b>Deed2:</b>             |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2009 | 07/01/2010 |
|----------------------------|-------|------------|------------|
| <b>County</b>              | 000   | 0          | 0          |
| <b>State</b>               | 000   | 0          | 0          |
| <b>Municipal</b>           | 000   | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

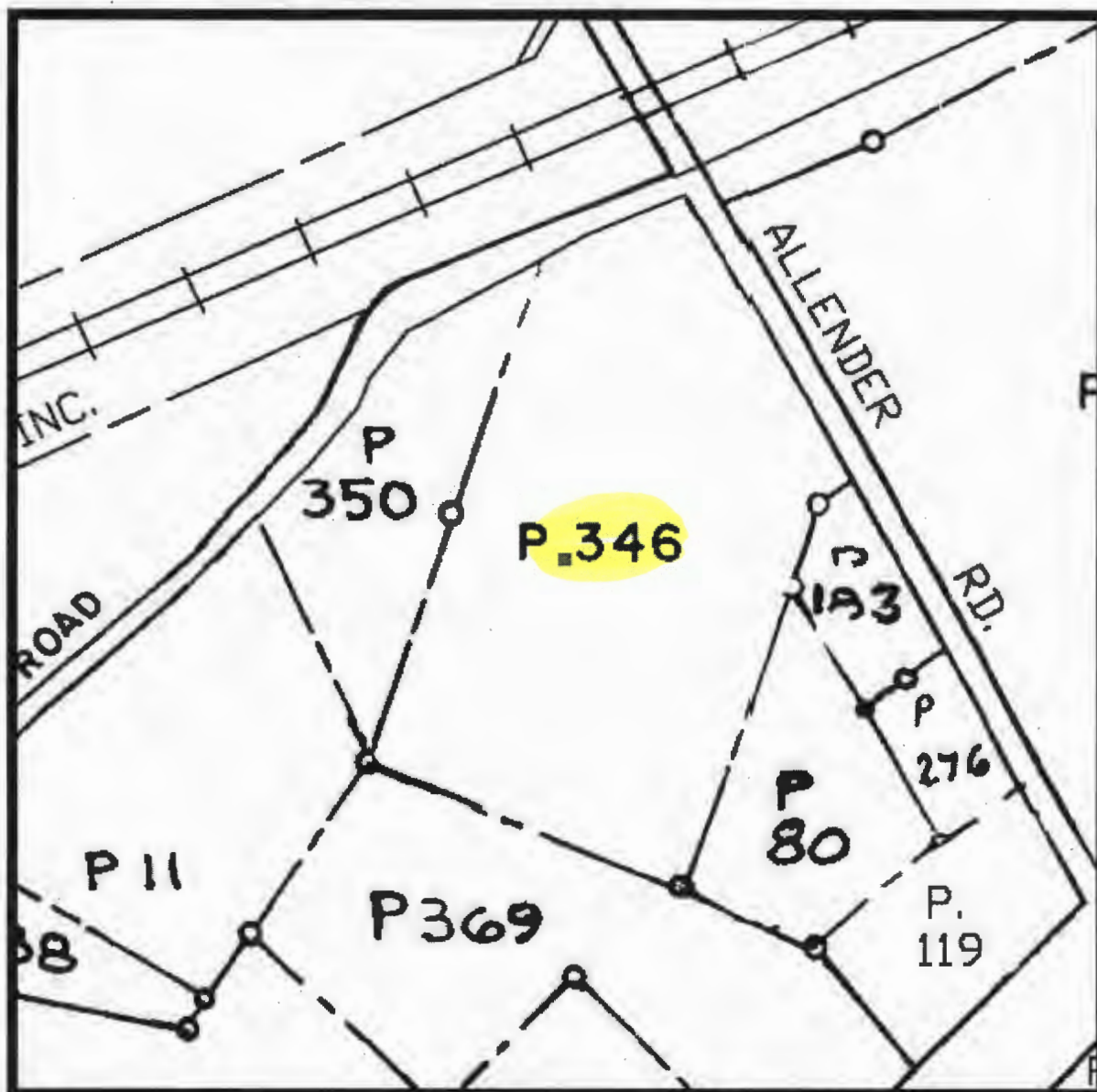
**Special Tax Recapture:**  
 \* NONE \*



Maryland Department of Assessments and Taxation  
BALTIMORE COUNTY  
Real Property Data Search

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[New Search](#)

District - 11 Account Number - 1103052240



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2009.  
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml)



# Bobby's PORTABLE

Bobby's Pottys

11435 Red Lion Rd  
White Marsh, MD 21162  
**info@bobbyspottys.com**  
Phone: 410-679-7108  
Toll Free: 877-679-7108  
Fax: 410-335-1360



## We Offer

- ▶ Portable Restrooms
- ▶ Portable Washstands
- ▶ Handicap ADA-Approved Units
- ▶ Holding Tanks
- ▶ Delivery and Cleaning
- ▶ All Units Fully Sanitized

## Rentals

- ▶ Commercial
- ▶ Residential
- ▶ Luxury Facilities
- ▶ VIP Restroom Trailer

Bobby's Portable Restrooms is the premier provider of portable restroom facilities for the special events industry. We offer a complete line of portable restrooms, including single stand-alone restrooms and wash stands, ADA approved handicap accessible restrooms, high volume restroom trailers, and luxurious restroom trailers. Whether your event is small or large, casual or formal, we have the perfect solution for your portable restroom needs. Here are just a few examples of the types of industries and events we serve:

## Special Event Planners / Individuals

- ▶ Weddings
- ▶ Receptions
- ▶ Graduation Ceremonies
- ▶ Birthday Parties
- ▶ Anniversary Parties
- ▶ Private Parties

## Special Event Venues

- ▶ Conventions
- ▶ Concerts
- ▶ Festivals / Fairs

## Corporate Event Coordinators

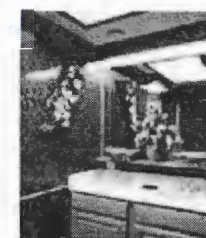
- ▶ Corporate Events / Meetings
- ▶ Public Relation Events
- ▶ Grand Openings
- ▶ Charitable Events

## Sports Facilities / Tournaments

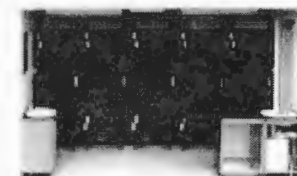
- ▶ Golf Courses
- ▶ Race Tracks
- ▶ Stadiums

## Long Term Use

- ▶ Construction / Remodeling



**Presidential Series**  
Luxurious Restroom Trailers



**Social Series**  
Comfortable Restroom Trailers





CASE NAME Fundate Inc.  
CASE NUMBER 2010-0249-SPMA  
DATE 4-8-10

[illegible]

Case No.: 2010-0219-SPHA 5811 ALLENDER RD

Exhibit Sheet

Petitioner/Developer

Protestant

|              |                                                  |                                                                               |
|--------------|--------------------------------------------------|-------------------------------------------------------------------------------|
| No. 1        | Amended Plan                                     | PHOTO'S OF EROSION<br>ONTO DEBAUFRE <sup>1</sup> / <sub>2</sub> REDLINE ROAD. |
| No. 2        | Storm Water Flow                                 |                                                                               |
| No. 3<br>A+B | AERIAL PHOTO'S                                   |                                                                               |
| No. 4        | REVISED PLAN - with<br>Dennis Kennedy's approval |                                                                               |
| No. 5        |                                                  |                                                                               |
| No. 6        |                                                  |                                                                               |
| No. 7        |                                                  |                                                                               |
| No. 8        |                                                  |                                                                               |
| No. 9        |                                                  |                                                                               |
| No. 10       |                                                  |                                                                               |
| No. 11       |                                                  |                                                                               |
| No. 12       |                                                  |                                                                               |



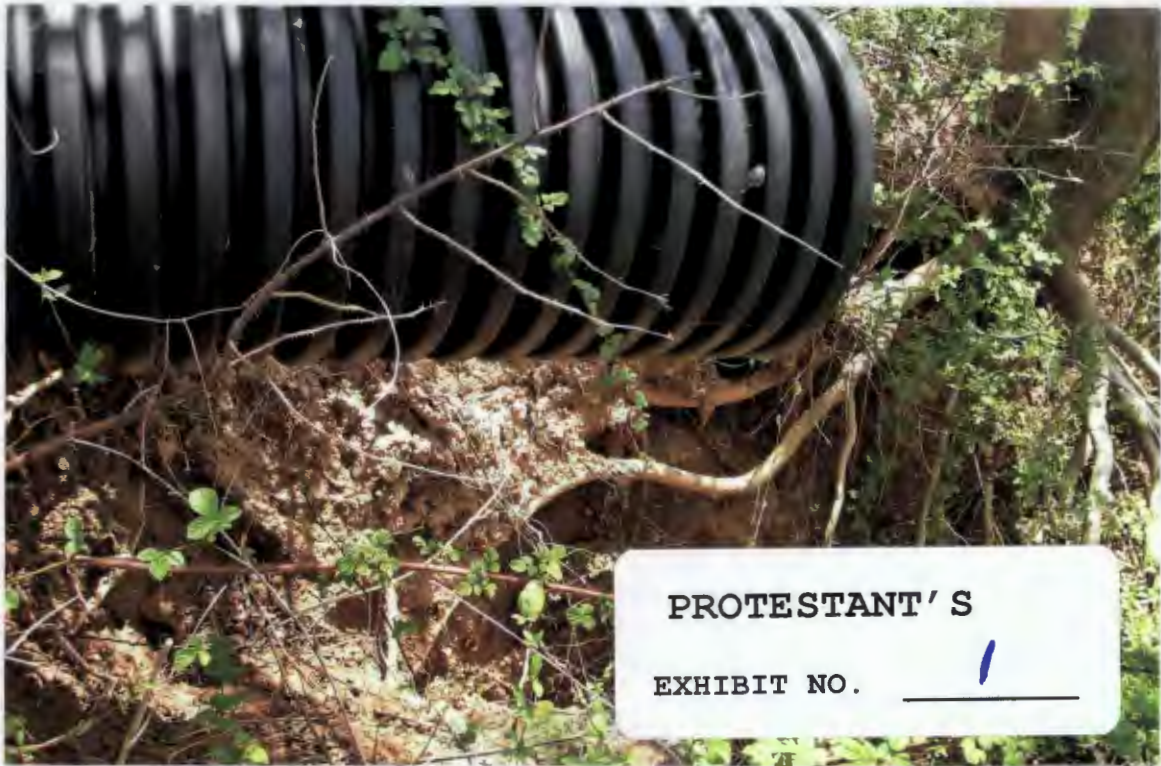






3B





PROTESTANT' S

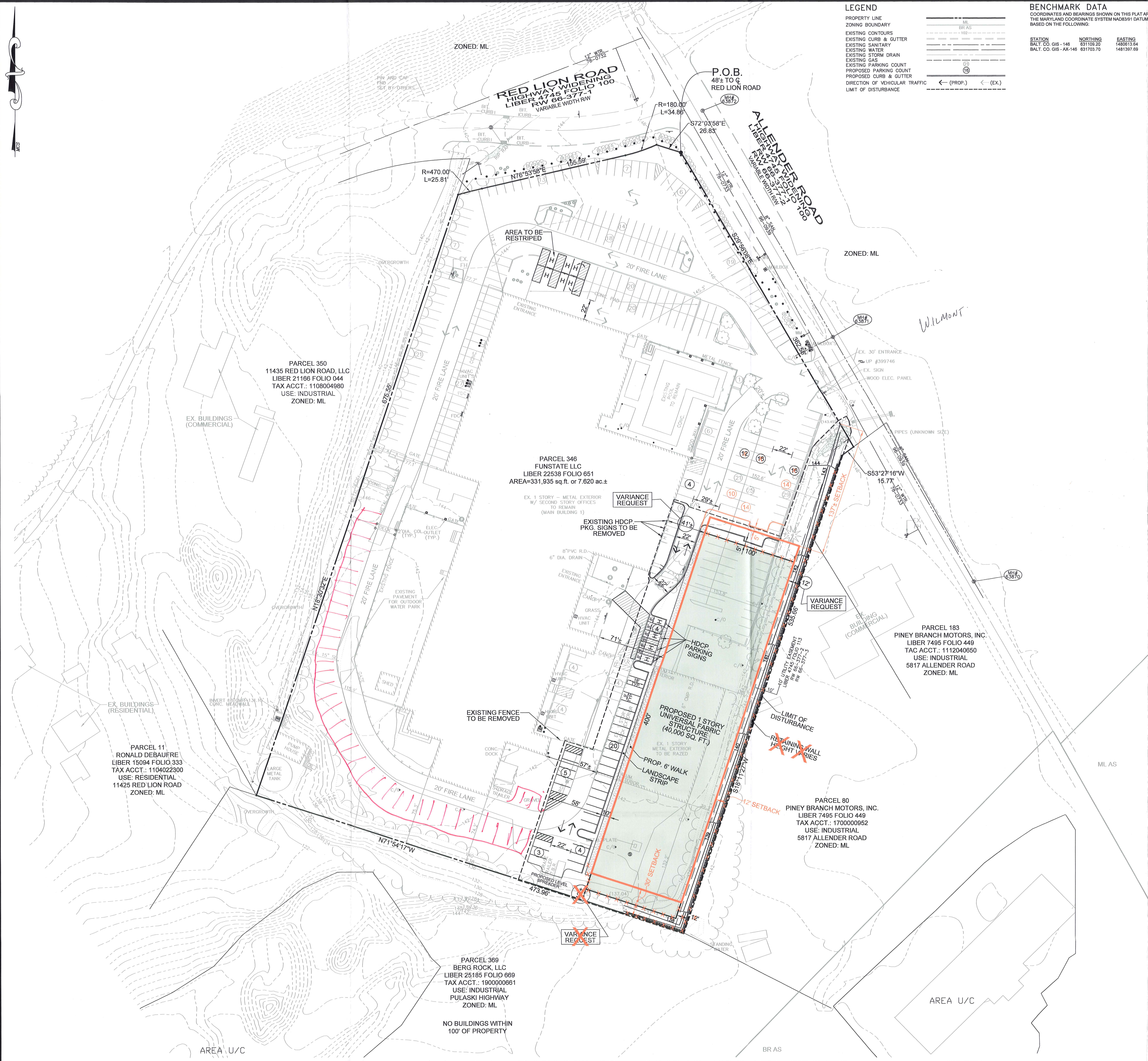
EXHIBIT NO. 1





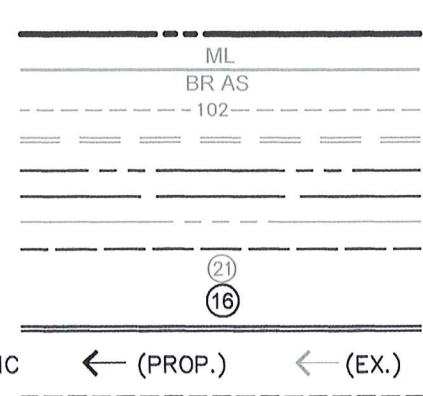






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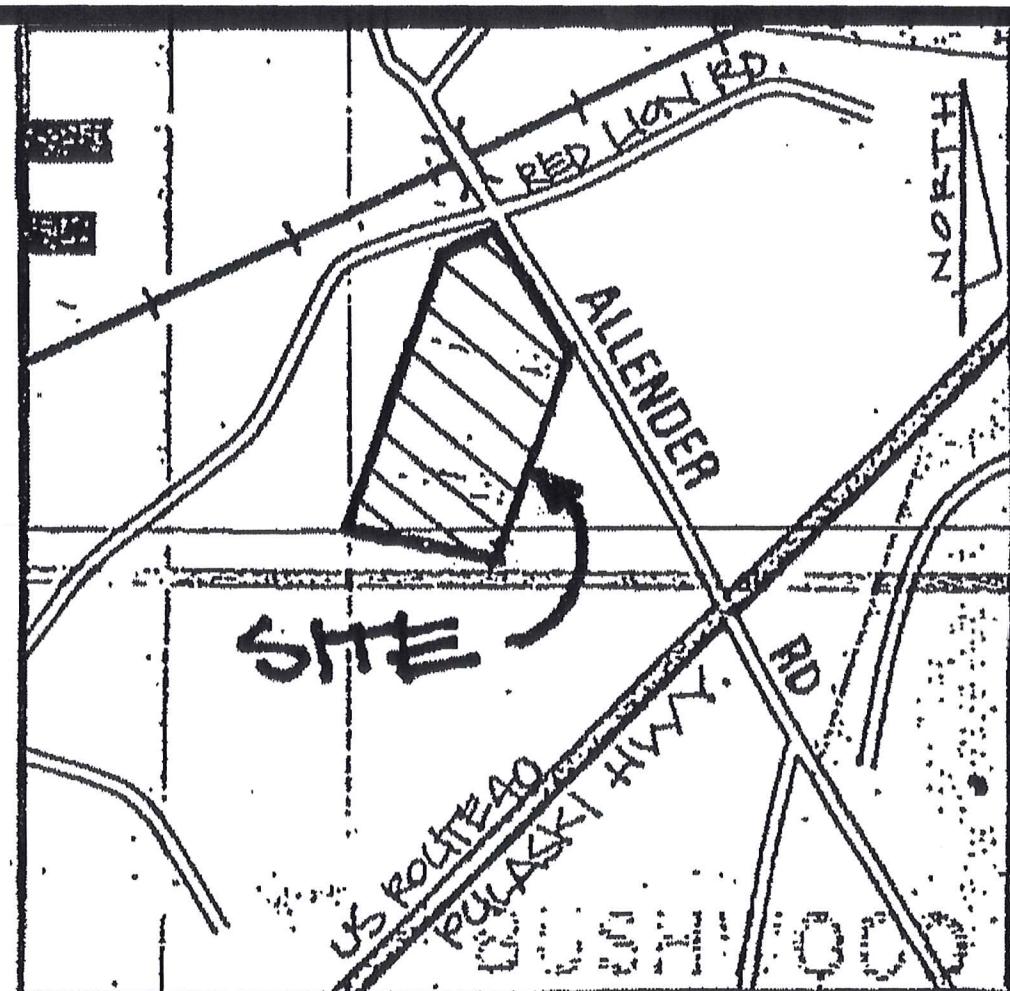
PROPERTY LINE  
ZONING BOUNDARY  
EXISTING CONTOURS  
EXISTING CURB & GUTTER  
EXISTING SANITARY  
EXISTING WATER  
EXISTING STORM DRAIN  
EXISTING GAS  
EXISTING PARKING COUNT  
PROPOSED CURB & GUTTER  
DIRECTION OF VEHICULAR TRAFFIC  
LIMIT OF DISTURBANCE



# BENCHMARK DATA

COORDINATES AND BEARINGS SHOWN ON THIS PLAN ARE REFERRED TO THE MARYLAND COORDINATE SYSTEM NAD83/91 DATUM AND ARE BASED ON THE FOLLOWING:

| STATION                | NORTHING  | EASTING    | ELEVATION |
|------------------------|-----------|------------|-----------|
| BALT. CO. GIS - 146    | 831108.20 | 1488513.64 | 146.43'   |
| BALT. CO. GIS - AX-146 | 831103.70 | 148197.69  | 146.64'   |



VICINITY MAP  
SCALE: 1" = 500'

# GENERAL NOTES

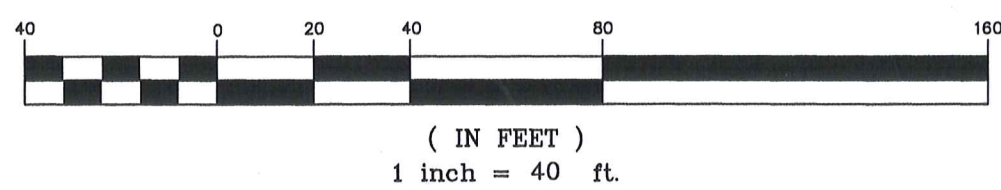
- OWNER/APPLICANT: FUNSTATE, LLC  
5811 ALLENDER ROAD  
WHITE MARSH, MARYLAND 21162-1314  
410-358-8600  
DEED REF.: L 22538 F. 651  
TAX ACCT. NO. 1103052240  
TAX MAP: 73 GRID: 8 PARCEL: 346
- ELECTION DISTRICT: 11  
COUNCIL DISTRICT: 5
- SITE ZONED: ML (ZONING MAP NO. 73A2)
- SITE AREA: 7.62 ACRES ± OR 331,935 SQ. FT. ±
- EXISTING USE: INDOOR MULTI-USE RECREATION FACILITY AND OUTDOOR SWIMMING POOL
- PROPOSED USE: SAME
- BUILDING FLOOR AREA:  
EXISTING: MAIN BUILDING 1-79,971 SQ. FT.  
WAREHOUSE-13,117 SQ. FT.  
POOL BUILDING-477 SQ. FT.  
TOTAL FLOOR AREA-93,565 SQ. FT.  
EXISTING F.A.R.-0.28  
PROPOSED: MAIN BUILDING 1-79,971 SQ. FT.  
POOL BUILDING-477 SQ. FT.  
NEW BUILDING-40,000 SQ. FT.  
TOTAL FLOOR AREA-120,448 SQ. FT.  
PROPOSED F.A.R.-0.38  
FLOOR AREA RATIO (F.A.R.) PERMITTED 2.0
- PUBLIC WATER AND SEWER IS AVAILABLE.
- THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO 100-YR FLOODPLAINS, WETLANDS OR STREAMS LOCATED ON THE SUBJECT SITE.
- PREVIOUS COMMERCIAL PERMITS: B647191
- BUILDING SETBACKS (ML ZONE):  
REQUIRED: FRONT 25' TO C.L.  
SIDE 30'  
REAR 30'  
PROPOSED: 137' (PROP.)  
145' (EXISTING) 137' (PROP.)  
77' (EXISTING) 12' (PROP.)  
41' (PROP.)  
74' (EXISTING) 12' (PROP.)  
\*VARIANCE REQUIRED  
\*BUILDING TO BUILDING
- ZONING HISTORY:  
CASE NO. 88-288-48  
CASE NO. 88-386-X: ON MAY 13, 1998 THE ZONING COMMISSIONER APPROVED A SPECIAL EXCEPTION FOR A COMMERCIAL RECREATIONAL FACILITY ON THE SUBJECT PROPERTY.  
CASE NO. 97-205-X: ON DECEMBER 18, 1998 THE ZONING COMMISSIONER APPROVED AN AMENDMENT TO APPROVE AN ARCADE AND TO AMEND THE SPECIAL EXCEPTION AND SITE PLAN IN CASE NO. 88-386-X.  
CASE NO. 98-401-SPH-A: ON JUNE 25, 1998 THE ZONING COMMISSIONER APPROVED THE PROPOSED SWIMMING POOL, ROLLERBLADE SKATING AREA, AND ADDITIONAL PARKING. A REQUEST HAS BEEN SUBMITTED FOR APPROVAL OF AN 18'x24' EXTENSION TO THE SWIMMING POOL AND CHANGES TO THE PARKING LOT WHICH WERE NEEDED TO PROVIDE AREAS FOR LANDSCAPING ON THE APPROVED LANDSCAPE PLAN, AS BEING WITHIN THE SPIRIT AND INTENT ON CASE NO. 98-401-SPH-A.  
DRC NOS.: 04088H/02098H, 100308, 010510E
- PARKING CALCULATION:  
EXISTING SOCCER FIELDS (3 INTERNAL FIELDS):  
TEAMS: 12 TEAM x 2 TEAMS x 3 FIELDS = 72  
SPECTATORS: 80 FIELD x 3 FIELDS = 240  
MISC. (JUDGES, REFS., MAINT.): 2 FIELD x 3 FIELDS + 2 = 8  
PROPOSED SOCCER FIELDS (2 INTERNAL FIELDS):  
TEAMS: 12 TEAM x 2 TEAMS x 2 FIELDS = 48  
SPECTATORS: 80 FIELD x 2 FIELDS = 160  
MISC. (JUDGES, REFS., MAINT.): 1 FIELD x 2 FIELDS + 2 = 6  
TOTAL SOCCER FIELD PARKING REQUIRED IS 534 + 133.5 SP.  
GOLF AND BATTING CAGES: 7 @ 1.5 SP/UNIT = 10.5 SP.  
TENNIS & ATHLETIC COURTS: 8 COURTS @ 3' COURT = 24 SP.  
SWIMMING POOL: 100 PERSON CAPACITY @ 1 SP/4' = 25 SP.  
TOTAL REQUIRED: 183 SPACES  
TOTAL PROVIDED: 270 SPACES (INCL. 10 HDCP).  
\*ALL PARKING SPACES WILL BE DURABLE, DUST-FREE AND PERMANENTLY STRIPED.
- AMENITY OPEN SPACE IS NOT REQUIRED FOR THIS DEVELOPMENT.
- EXISTING SIGN TO REMAIN.
- THIS SITE HAS NO HISTORICAL BUILDINGS AND IS NOT IN A HISTORIC DISTRICT.

# REDLINE

## PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE FREESTATE INDOOR SPORTS ARENA

5811 ALLENDER ROAD  
11TH ELECTION DISTRICT - 5TH COUNCIL DISTRICT  
TAX MAP 73 - GRID 8 - PARCEL 346  
BALTIMORE COUNTY, MARYLAND

### GRAPHIC SCALE



### Colbert Matz Rosenfelt, Inc.

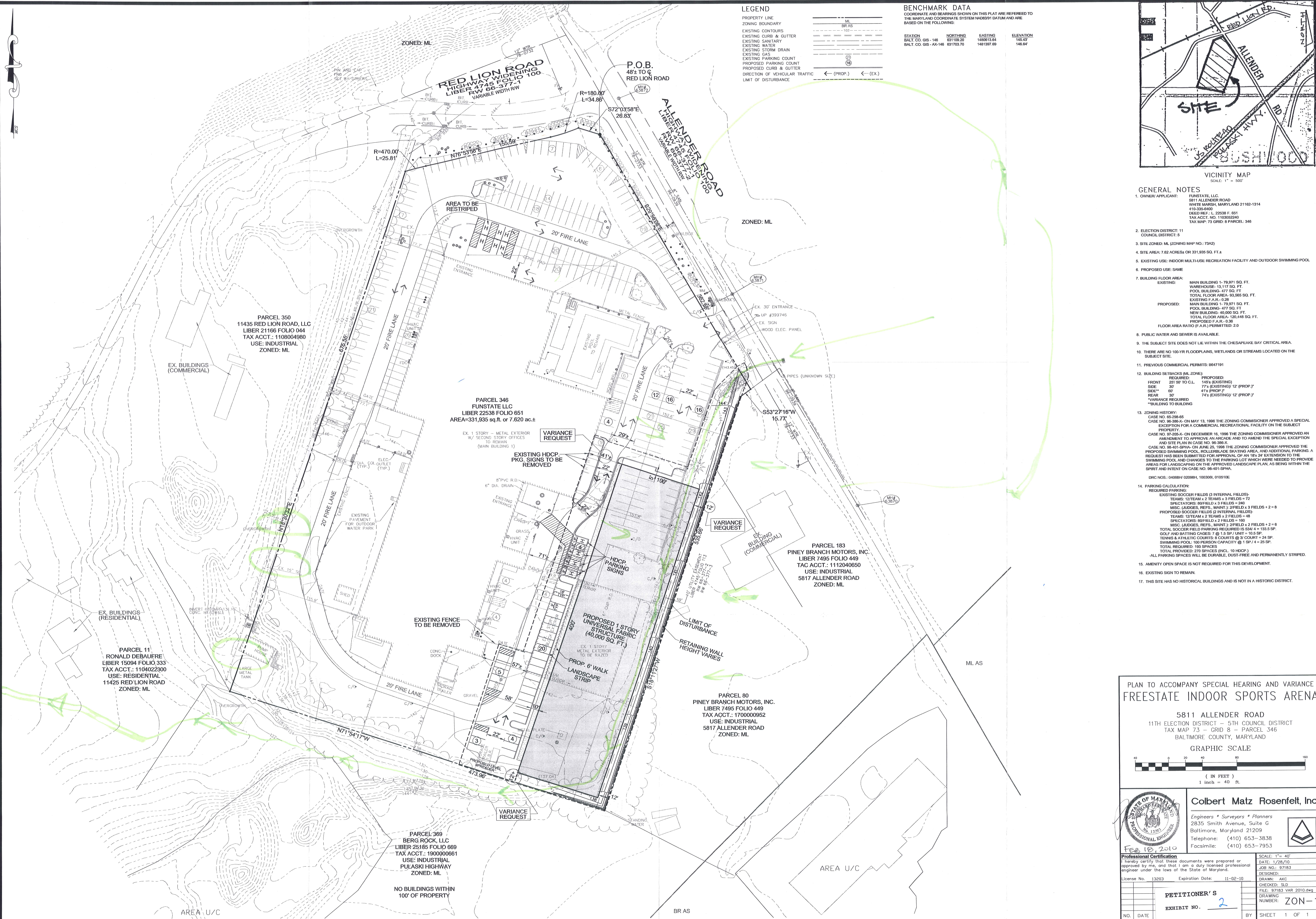
Engineers \* Surveyors \* Planners  
2835 Smith Avenue, Suite G  
Baltimore, Maryland 21209  
Telephone: (410) 653-3838  
Facsimile: (410) 653-7953

|                                                                                                                                                                                                   |                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Professional Certification<br>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" = 40'<br>DATE: 1/28/10<br>JOB NO.: 97183<br>DESIGNED:<br>DRAWN: AKC<br>CHECKED: SLD<br>FILE: 97183 VAR 2010.dwg<br>DRAWING NUMBER:<br>ZON-1 |
| License No. 13203<br>Expiration Date: 11-02-10<br>REDLINE PLAN<br>1 5/6/10                                                                                                                        | BY SHEET 1 OF 1                                                                                                                                       |

### PETITIONER'S

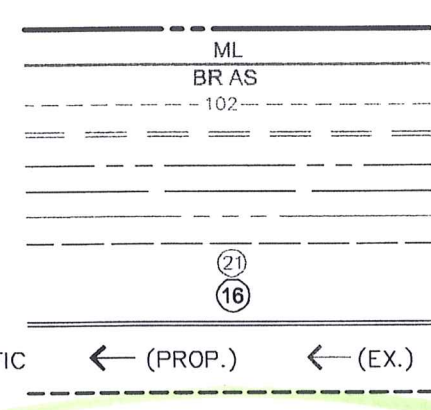
EXHIBIT NO. 1





LEGEND

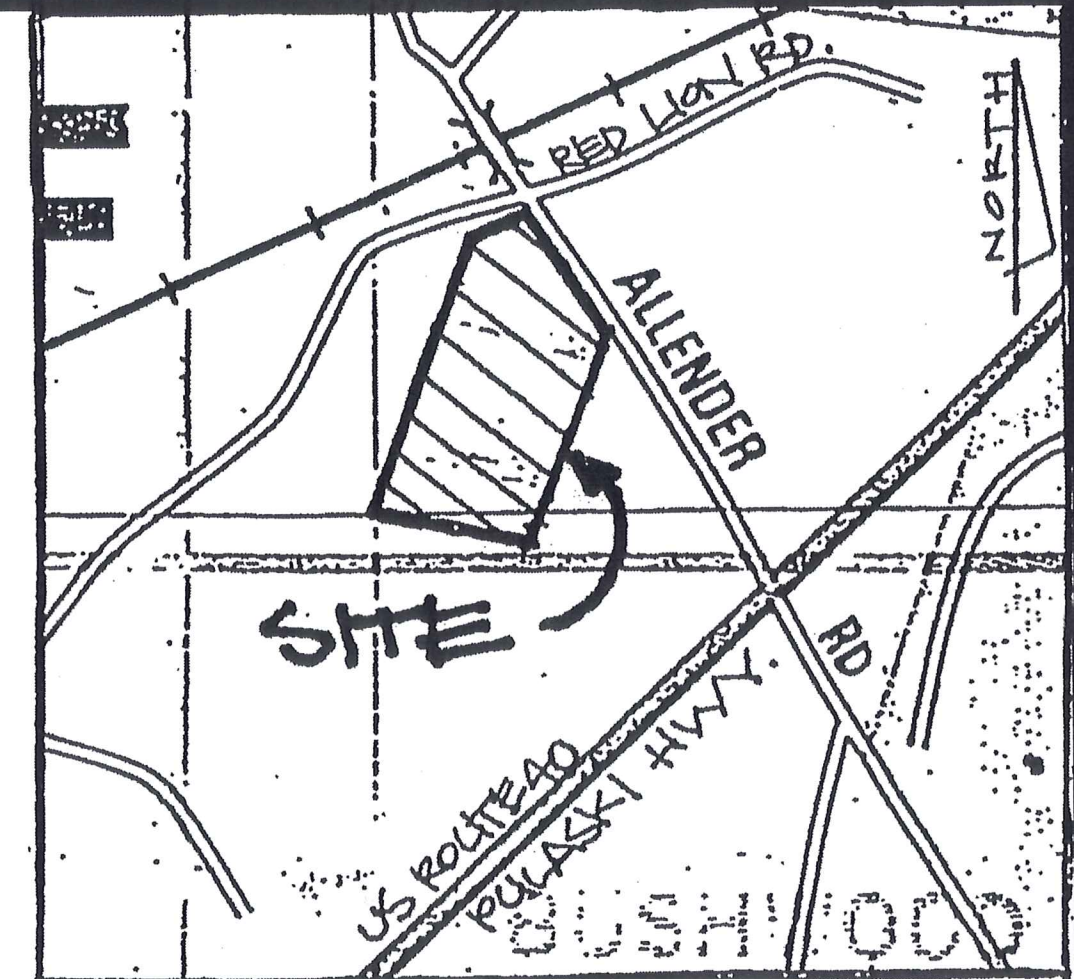
PROPERTY LINE  
ZONING BOUNDARY  
EXISTING CONTOURS  
EXISTING CURB & GUTTER  
EXISTING SANITARY  
EXISTING WATER  
EXISTING STORM DRAIN  
EXISTING GAS  
EXISTING PARKING COUNT  
PROPOSED CURB & GUTTER  
DIRECTION OF VEHICULAR TRAFFIC  
LIMIT OF DISTURBANCE



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|--------------------------|-----------|------------|-----------|
| BALTY. CO. GIS - 146     | 831109.20 | 1480613.64 | 145.43'   |
| BALTY. CO. GIS - JAC-146 | 831703.70 | 1481397.69 | 146.94'   |



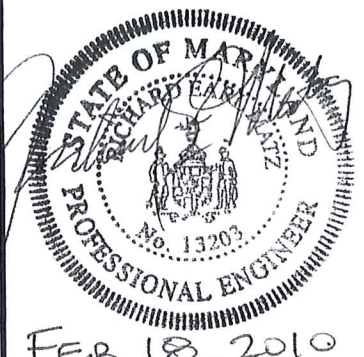
VICINITY MAP  
SCALE: 1" = 300'

GENERAL NOTES

- OWNER/APPLICANT: FUNSTATE, LLC  
8811 ALLENDER ROAD  
WHITE MARSH, MARYLAND 21162-1514  
410-335-6400  
DEED REF.: L 22538 F. 601  
TAX ACCT. NO.: 1108004980  
TAX MAP: 73 GRID: 8 PARCEL: 346
- ELECTION DISTRICT: 11  
COUNCIL DISTRICT: 5
- SITE ZONED: ML (ZONING MAP NO.: 73A2)
- SITE AREA: 7.62 ACRES± OR 331,935 SQ. FT.±
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- PROPOSED USE: SAME
- BUILDING FLOOR AREA:  
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WAREHOUSE-13,117 SQ. FT.  
POOL BUILDING-477 SQ. FT.  
TOTAL FLOOR AREA-93,565 SQ. FT.  
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PROPOSED: MAIN BUILDING 1-79,971 SQ. FT.  
POOL BUILDING-477 SQ. FT.  
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- THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- THERE ARE NO 100-YR FLOODPLAINS, WETLANDS OR STREAMS LOCATED ON THE SUBJECT SITE
- PREVIOUS COMMERCIAL PERMITS: B947191
- BUILDING SETBACKS (ML ZONE):  
REQUIRED: 20' TO C/L  
PROPOSED: 145' (EXISTING)  
77' (EXISTING) 12' (PROP.)  
SIDE: 60'  
REAR: 30'  
74' (EXISTING) 12' (PROP.)  
\*VARIANCE REQUIRED  
\*\*BUILDING TO BUILDING
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CASE NO. 96-386-X: ON MAY 13, 1996 THE ZONING COMMISSIONER APPROVED A SPECIAL EXCEPTION FOR A COMMERCIAL RECREATION FACILITY ON THE SUBJECT PROPERTY.  
CASE NO. 97-205-X: ON DECEMBER 16, 1996 THE ZONING COMMISSIONER APPROVED AN AMENDMENT TO APPROVE AN ARCADE AND TO AMEND THE SPECIAL EXCEPTION AND SITE PLAN IN CASE NO. 96-386-X.  
CASE NO. 98-401-SPH-A: ON JUNE 25, 1998 THE ZONING COMMISSIONER APPROVED THE PROPOSED SWIMMING POOL, RECREATION AREA, AND ADDITIONAL PARKING. A REQUEST HAS BEEN SUBMITTED FOR APPROVAL OF AN 18'x24' EXTENSION TO THE SWIMMING POOL AND CHANGING THE PARKING LOT WHICH WERE NEEDED TO PROVIDE AREAS FOR LANDSCAPING ON THE APPROVED LANDSCAPE PLAN, AS BEING WITHIN THE SPIRIT AND INTENT ON CASE NO. 98-401-SPH-A.  
DRC NOS.: 04068H 02068H, 100309H, 010510E
14. PARKING CALCULATION:  
REQUIRED PARKING:  
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GOLF AND BATTING CAGES: 7 @ 1.5 SP./UNIT = 10.5 SP.  
TENNIS & ATHLETIC COURTS: 6 COURTS @ 3 COURT = 24 SP.  
SWIMMING POOL: 100 PERSON CAPACITY @ 1 SP./4 = 25 SP.  
TOTAL REQUIRED: 193 SPACES (INCL. 10 HDCK)  
TOTAL PROVIDED: 270 SPACES  
\*ALL PARKING SPACES WILL BE DURABLE, DUST-FREE AND PERMANENTLY STRIPED.
15. AMENITY OPEN SPACE IS NOT REQUIRED FOR THIS DEVELOPMENT.
16. EXISTING SIGN TO REMAIN.
17. THIS SITE HAS NO HISTORICAL BUILDINGS AND IS NOT IN A HISTORIC DISTRICT.

PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE  
FREESTATE INDOOR SPORTS ARENA

5811 ALLENDER ROAD  
11TH ELECTION DISTRICT - 5TH COUNCIL DISTRICT  
TAX MAP 73 - GRID 8 - PARCEL 346  
BALTIMORE COUNTY, MARYLAND  
GRAPHIC SCALE  
40 0 20 40 60 80 100  
( IN FEET )  
1 inch = 40 ft.



Colbert Matz Rosenfelt, Inc.

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

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. 13293 Expiration Date: 11-02-10  
DESIGNED: [Signature]  
CHECKED: SLD  
FILE: 97183 VAR 2010.dwg  
DRAWING NUMBER: ZON-1  
PETITIONER'S  
EXHIBIT NO. 2  
NO. DATE BY SHEET 1 OF 1



REQUIRED GRADING PLAN NOTES:

1. THE PROPOSED GRADING SHOWN ON THIS PLAN MEETS THE REQUIREMENTS SET FORTH BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT AND COMPLES WITH TITLE 14, ARTICLE VI OF THE BALTIMORE COUNTY CODE. HOWEVER, DUE TO BUILDING TYPES AND LAYOUT, SOME FIELD ADJUSTMENTS MAY BE REQUIRED. ALL CHANGES MUST COMPLY WITH THE ABOVE MENTIONED REQUIREMENTS.
2. ALL SWALES HAVE BEEN DESIGNED BY THE ENGINEER TO CONVEY RUNOFF ACCORDING TO BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS.
3. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND/OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

NOTE: PROTECTIVE FENCE (ORANGE HIGH VISIBILITY FENCE) SHALL BE MANUALLY INSTALLED ALONG THE LIMIT OF DISTURBANCE, WHERE THE LIMIT IS WITHIN 50 FEET OF THE FOREST BUFFER/ CONSERVATION EASEMENT TO MINIMIZE IMPACT TO THE FOREST BUFFER AND/OR FOREST CONSERVATION AREAS. NO WORK IS TO TAKE PLACE AND NO PERMITS SHALL BE ISSUED UNTIL THE FENCE IS INSTALLED AND THE LOCATION OF THE FENCE APPROVED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. IF ANY PROBLEM ARISES REGARDING THE FENCE LOCATION, UNNECESSARY EQUIPMENT CLEARING, ETC., NO PERMIT WILL BE ISSUED UNTIL THE REQUIRED CORRECTIONS ARE COMPLETED TO THE SATISFACTION OF BALTIMORE COUNTY DEPTM.

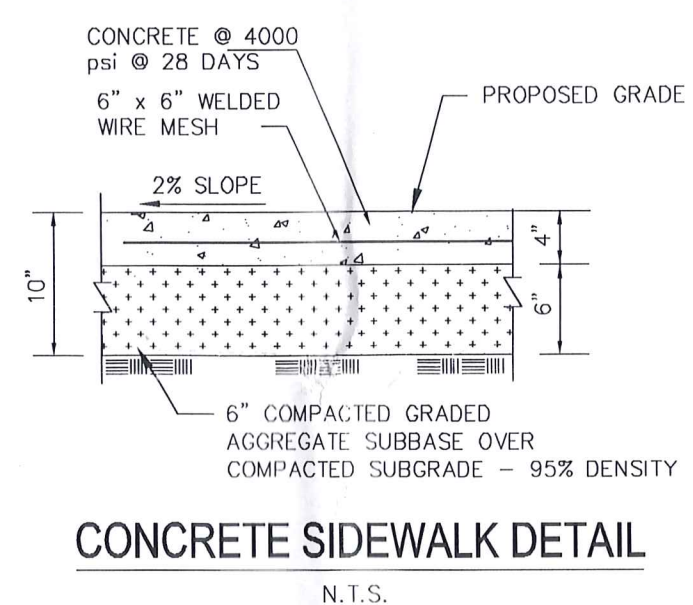
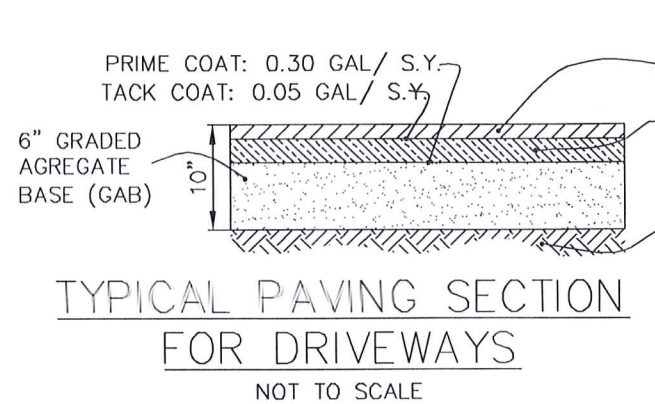
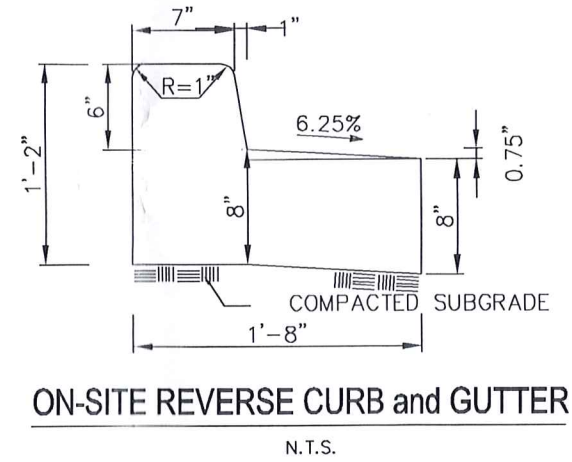
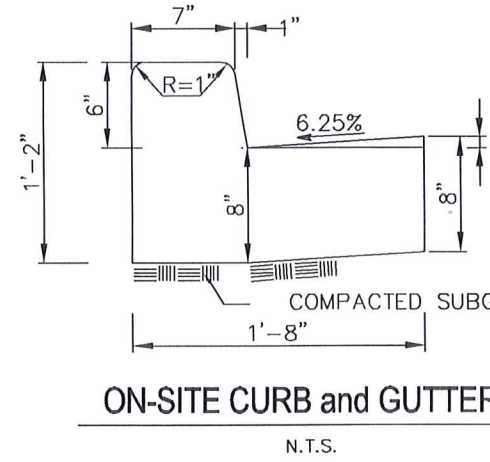
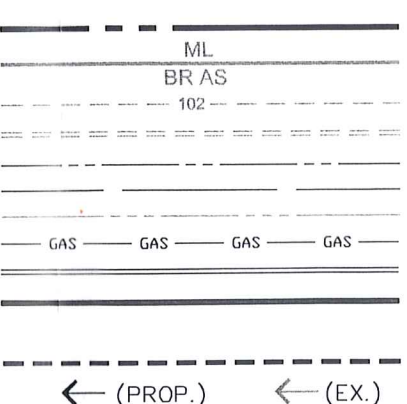
NOTE: PROP. FIRST FLOOR WILL BE CONCRETE.

NOTE: BALTIMORE COUNTY IS NOT RESPONSIBLE FOR THE CONSTRUCTION, MAINTENANCE OR DAMAGE THAT RESULT FROM THESE PRIVATE FACILITIES.

NOTE: THIS PLAN SHALL BE USED FOR SITE IMPROVEMENTS/ SITE GRADING /SITE UTILITIES. ONLY FOR SEDIMENT CONTROL. SEE APPROPRIATE DRAWINGS.

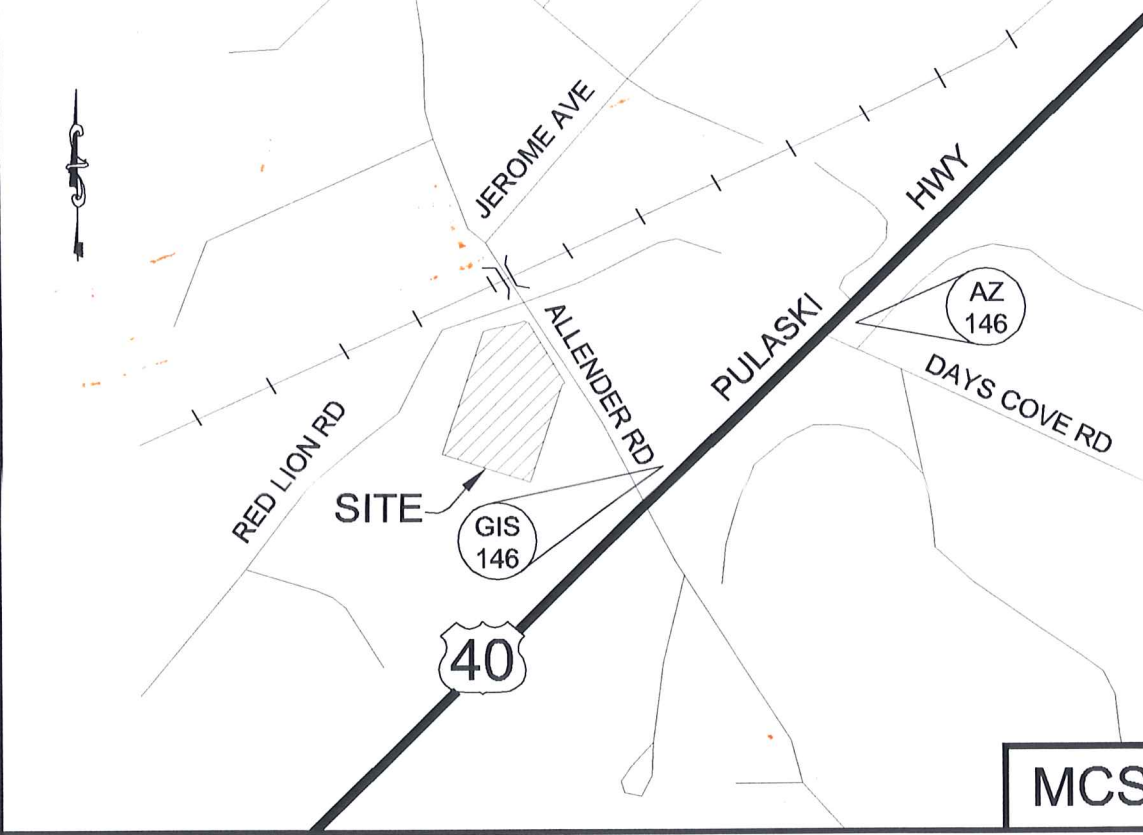
LEGEND:

- PROPERTY LINE
- ZONING BOUNDARY
- EXISTING CONTOURS
- EXISTING CURB & GUTTER
- EXISTING SANITARY
- EXISTING WATER
- EXISTING STORM DRAIN
- EXISTING GAS
- PROPOSED CURB & GUTTER
- PROPOSED REVERSED C & G
- SOIL LIMITATIONS
- LIMIT OF DISTURBANCE
- DIRECTION OF VEHICULAR TRAFFIC
- EXISTING PARKING COUNT
- PROPOSED PARKING COUNT



VICINITY MAP

SCALE: 1" = 100'



BENCHMARK DATA

COORDINATE AND BEARINGS SHOWN ON THIS PLAN ARE REFERRED TO THE MARYLAND COORDINATE SYSTEM NAD83/91 DATUM AND ARE BASED ON THE FOLLOWING:

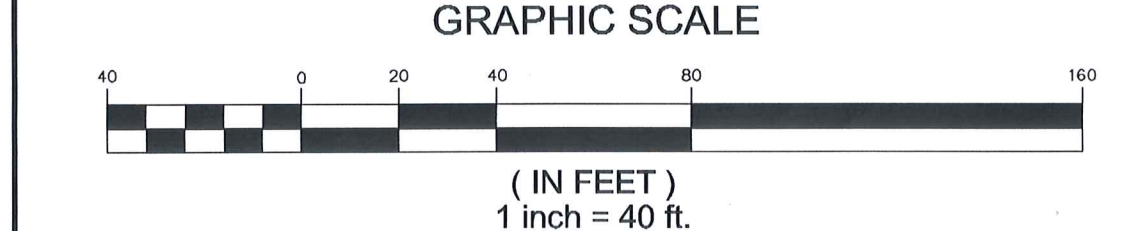
| STATION              | NORTHING  | EASTING    | ELEVATION | BRASS DISK |
|----------------------|-----------|------------|-----------|------------|
| BALT. CO. GIS-146    | 631109.20 | 1480813.84 | 145.43    | BRASS CAP  |
| BALT. CO. GIS-A2-146 | 631705.70 | 1481587.69 | 146.94    |            |

Construction Notes

1. CONTRACTOR SHALL MEET ALL EXISTING IMPROVEMENTS SMOOTHLY FOR LINE, GRADE AND FINISH.
2. ALL WORK SHOWN ON THESE PLANS SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST STANDARDS AND SPECIFICATIONS OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND OF THE MARYLAND STATE HIGHWAY ADMINISTRATION AND THE BALTIMORE COUNTY PLUMBING CODE, UNLESS OTHERWISE NOTED.
3. IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THIS PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY TO PERFORM SUCH WORK. THE COST OF SUCH WORK SHALL BE INCLUDED IN THE BASE BID.
4. CONTRACTOR SHALL MAINTAIN TRAFFIC AT ALL TIMES DURING CONSTRUCTION. THE CONTRACTOR SHALL NOTE ANY DISCREPANCY BETWEEN ANY SCALED DIMENSIONS AND THE FIGURED DIMENSIONS SHOWN ON THESE PLANS. THE FIGURED DIMENSIONS SHALL GOVERN. ANY QUANTITIES SHOWN ARE FOR THE CONVENIENCE OF THE CONTRACTOR ONLY AND MUST BE VERIFIED BEFORE FINALIZING BIDS OR ORDERING ANY MATERIALS.
5. THE LOCATIONS OF EXISTING AND PROPOSED UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE ONLY AND ARE PROVIDED FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE LOCATIONS ARE TAKEN FROM EXISTING RECORDS OR SITE PLANS AND DO NOT REPRESENT FIELD-VERIFIED LOCATIONS. THE CONTRACTOR SHALL NOTIFY MISS UTILITY AT 1-800-257-7777 A MINIMUM OF 5 WORKING DAYS PRIOR TO DIGGING. THE CONTRACTOR SHALL CONFIRM TO HIS OWN SATISFACTION THE LOCATION OF ALL UTILITIES PRIOR TO PLACEMENT OF ANY MATERIALS. IF ANY CONFLICT IS FOUND BETWEEN THE UNDERGROUND UTILITIES AND THE PROPOSED LOCATION OF ANY CONSTRUCTION, THE CONTRACTOR SHALL CONTACT COLBERT MATZ ROSENFELT, INC. AND THE OWNER OF THE UTILITY IMMEDIATELY. ANY DAMAGE OR DISRUPTION OF SERVICE SHALL BE AT THE EXPENSE OF THE CONTRACTOR. RELOCATION OF ANY SUCH DISCOVERED EXISTING UTILITY, IF NECESSARY, SHALL BE AT THE EXPENSE OF THE OWNER. THE CONTRACTOR SHALL COORDINATE RELOCATION OF THESE FACILITIES WITH THE UTILITY CONCERNED.
6. PREFORMED ELASTOMERIC COMPRESSION JOINT MATERIAL SHALL BE INSTALLED AT ALL MEETINGS OF EXISTING AND PROPOSED CONCRETE PAVING AND CURB. THE CONTRACTOR SHALL PROTECT ALL EXISTING TREES OUTSIDE THE LIMIT OF DISTURBANCE AT ALL TIMES DURING CONSTRUCTION. WHERE NOTED, TREE PROTECTION FENCE SHALL BE ERRECTED AS SHOWN AROUND EACH TREE DESIGNATED FOR PROTECTION PRIOR TO BEGINNING ANY CONSTRUCTION.
7. THE CONTRACTOR SHALL INSPECT THE SITE TO DETERMINE IF ANY TREES, PAVING, ETC. ARE TO BE REMOVED AS PART OF THIS PROJECT. SAID REMOVAL SHALL BE INCLUDED IN THE BASE BID.
8. CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS NOT SCHEDULED FOR REMOVAL OR DEMOLITION. COST OF REPAIR TO ANY DAMAGED EXISTING IMPROVEMENTS SHALL BE INCLUDED IN THE BASE BID. THE CONTRACTOR SHALL CLEAR THE PROJECT SITE OF EXISTING TREES, PAVING, STRUCTURES, ETC. WITHIN THE CONSTRUCTION AREA UNLESS OTHERWISE NOTED ON THE PLAN. ALL DEMOLITION/REMOVED MATERIALS SHALL BE DISPOSED OF AT AN APPROVED LOCATION. ANY DAMAGE TO OTHERS' ROADS, RIGHTS OF WAY, OR ADJACENT PROPERTY SHALL BE REPAIRED IMMEDIATELY AT THE EXPENSE OF THE CONTRACTOR.
9. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY COLBERT MATZ ROSENFELT, INC. OF ANY DEVIATION FROM THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM COLBERT MATZ ROSENFELT. SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
10. CONTRACTOR SHALL CONFORM TO ALL GRADINGS AND DIMENSIONS SHOWN WITHIN A TOLERANCE OF 0.1 FOOT.
11. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FOR THE COMPLETION OF THIS PROJECT, INCLUDING THOSE REQUIRED FOR THE INSTALLATION OF ONSITE UTILITIES.
12. PREPARE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS.
13. PREPARE MECHANICAL AND ELECTRICAL PLANS FOR DETAILS AND LOCATIONS OF LIGHTING, GAS, ELECTRIC, ETC.
14. SIDEWALK ONSITE SHALL BE IN ACCORDANCE WITH THE DETAILS SHOWN ON THESE PLANS. CROSS-SLOPES OF SIDEWALKS SHALL NOT EXCEED 2%.
15. ALL HANDICAPPED RAMPS SHALL BE IN ACCORDANCE WITH THE LATEST ADA REGULATIONS. UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL PROVIDE A MINIMUM 4 FOOT WIDE EARTHEN BENCH BEYOND EDGE OF PAVING OR FACE OF CURB IN ALL FILL AREAS. MAXIMUM SLOPE OF BENCH AWAY FROM PAVING IN ALL FILL AREAS SHALL BE 4 PERCENT. (1/2 IN PER FOOT) UNLESS OTHERWISE NOTED.
16. CONTRACTOR SHALL PLACE A WITNESS POST AT THE TERMINUS OF ALL UTILITY TUBES.
17. CONTRACTOR SHALL PROVIDE ALL PAYMENT MARKINGS AND SIGNS FOR HANDICAP PARKING SPACES INDICATED ON THESE PLANS IN ACCORDANCE WITH ALL APPLICABLE CODES.
18. PAVEMENT MARKINGS TO MEET SHA STANDARD FOR TRAFFIC AND PAINT. PAVEMENT MARKINGS TO BE APPLICABLE TRAFFIC COLORS (MATCH THAT CURRENTLY EXISTING ON SITE).
19. CONTRACTOR SHALL PLACE MINIMUM 4 INCHES TOPSOIL IN ALL LANDSCAPE AREAS. TOPSOIL SHALL MEET MDOT SHA STD. 920.01 AND SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLACEMENT.
20. EARTHWORK:
21. ALL EARTHWORKS SHALL BE AS DIRECTED BY GEOTECHNICAL ENGINEER OR AS OUTLINED IN THE GEOTECHNICAL REPORT. IF NO GEOTECHNICAL REPORT IS AVAILABLE AND NO GEOTECHNICAL ENGINEER IS ENGAGED FOR THIS PROJECT, ALL EXCAVATED AREAS SHALL BE BACKFILLED AND COMPACTED TO 95 PERCENT DENSITY AS DETERMINED BY ASTM D-1557 (MODIFIED PROCTOR). ANY AREAS TO BE PAVED WHICH EXHIBIT UNSTABLE SUBGRADE CONDITIONS SHALL BE EXCAVATED TO BEARING SOIL, REFILLED AND COMPACTED. ONLY SUITABLE MATERIAL SHALL BE USED AS FILL AND PLACEMENT OF ALL MATERIAL SHALL BE IN 8 IN. THICK LAYERS COURSES AND COMPACTED. COMPACTION UNDER PAVING SURFACE SHALL BE TO A MINIMUM OF 95 PERCENT DENSITY AS DETERMINED BY ASTM D-1557 (MODIFIED PROCTOR). COMPACTED WITHIN BUILDING AREAS AND UNDER ALL UTILITY AND COMMUNAL MANAGEMENT STRUCTURES SHALL BE TO A MINIMUM OF 95 PERCENT DENSITY AS DETERMINED BY ASTM D-1557.
22. ALL 2:1 SLOPES SHOWN ON THESE PLANS, EXCEPTING THOSE ASSOCIATED WITH LANDSCAPE BERMING, SHALL BE OBSERVED BY A GEOTECHNICAL ENGINEER DURING EARTH PLACEMENT.
23. CONTRACTOR SHALL PLACE SURFACE COURSE OVERLAY 5 FEET BEYOND LIMITS OF REPLACEMENT PAVING, UNLESS DIRECTED OTHERWISE BY THE ENGINEER IN THE FIELD. ALL OVERLAYS SHALL HAVE SMOOTH, STRAIGHT EDGES. STRIP AND REPAIR EXISTING PAVING AS NEEDED TO PROVIDE SMOOTH TRANSITION.
24. ALL PROPOSED ONSITE CURB/GUTTER & GUTTER SHALL BE IN ACCORDANCE WITH DETAILS ON THESE PLANS.
25. CONTRACTOR SHALL PROVIDE A MINIMUM OF 1 FOOT OF PROTECTIVE FILL OVER ALL STORM DRAIN PIPES DURING CONSTRUCTION.
26. THE CONTRACTOR SHALL GRADE ALL AREAS WITHIN THE LIMITS OF CONSTRUCTION AND SHALL WARP ALL PAVING AS NECESSARY TO ENSURE POSITIVE DRAINAGE IN THE DIRECTION INDICATED ON THE PLAN. CONTRACTOR SHALL PROVIDE SMOOTH TRANSITIONS BETWEEN CONVENTIONAL AND REVERSE SLOPE CURB SO AS TO CREATE POSITIVE DRAINAGE AT ALL TIMES.
27. CONTRACTOR SHALL COORDINATE ANY RELOCATION OF UTILITY AND/OR LIGHT POLES AND/OR STRUCTURES WITH PROPER UTILITY COMPANY. BRACING OF POLES TO BE PROVIDED DURING CONSTRUCTION AS NEEDED. SAID RELOCATION AND/OR POLE BRACING TO BE INCLUDED IN BASE BID.
28. FILTER CLOTH SHALL BE MIRAFI 1405 OR APPROVED EQUAL.
29. CONCRETE WHEEL STOPS SHALL BE TYPE I, IN ACCORDANCE WITH MD SHA STD. MD 634.04. TOPOGRAPHY AND PROPERTY BOUNDARY SHOWN ON THESE PLANS IS BASED ON A SURVEY PREPARED BY COLBERT MATZ ROSENFELT. TOPOGRAPHY OUTSIDE TOPO LIMITS IS TAKEN FROM SITE PLANS AND DOES NOT REPRESENT A FIELD SURVEY.

Disturbed Area - 76,501 SF. OR 1.76± AC

GRADING PLAN  
FREESTATE INDOOR SPORTS ARENA  
5811 ALLENDER ROAD  
11TH ELECTION DISTRICT - 5TH COUNCIL DISTRICT  
TAX MAP 73 - GRID 8 - PARCEL 346  
BALTIMORE COUNTY, MARYLAND



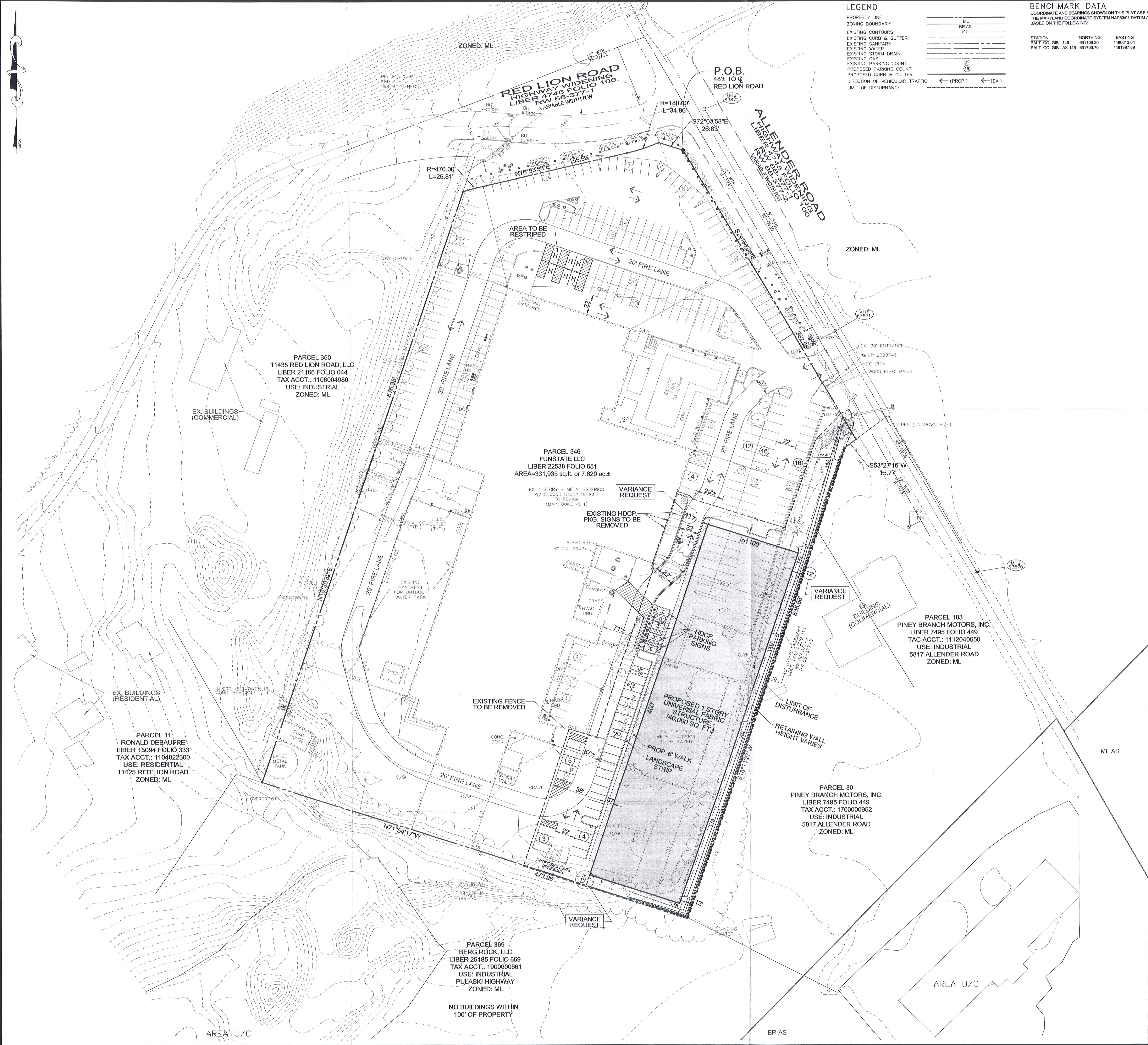
Colbert Matz Rosenfelt, Inc.

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

|                                                                                                                                                                     |  |                                                                                |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------|--|
| Professional Certification                                                                                                                                          |  | SCALE: 1"= 40'                                                                 |  |
| 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. |  | DATE: 3/09/10<br>JOB NO.: 97183<br>DESIGNED:<br>DRAWN: MJC/ SR<br>CHECKED: SLD |  |
| License No. 13293 Expiration Date: 11-02-10                                                                                                                         |  | PETITIONER'S                                                                   |  |
| Signature of Owner/Developer                                                                                                                                        |  | EXHIBIT NO. 4                                                                  |  |
| Print Name                                                                                                                                                          |  | DRAWING NUMBER: GRD-1                                                          |  |
| Signature of Owner/Developer                                                                                                                                        |  | NO. DATE                                                                       |  |
| Print Name                                                                                                                                                          |  | BY SHEET 1 OF 1                                                                |  |

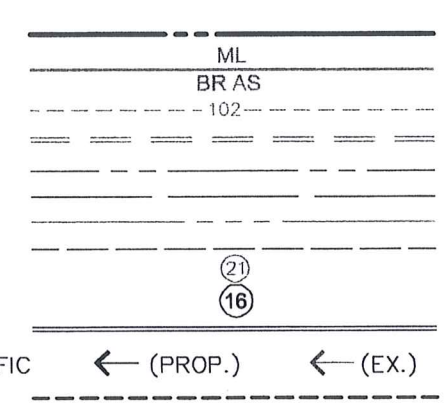
1/5/10 MTC.





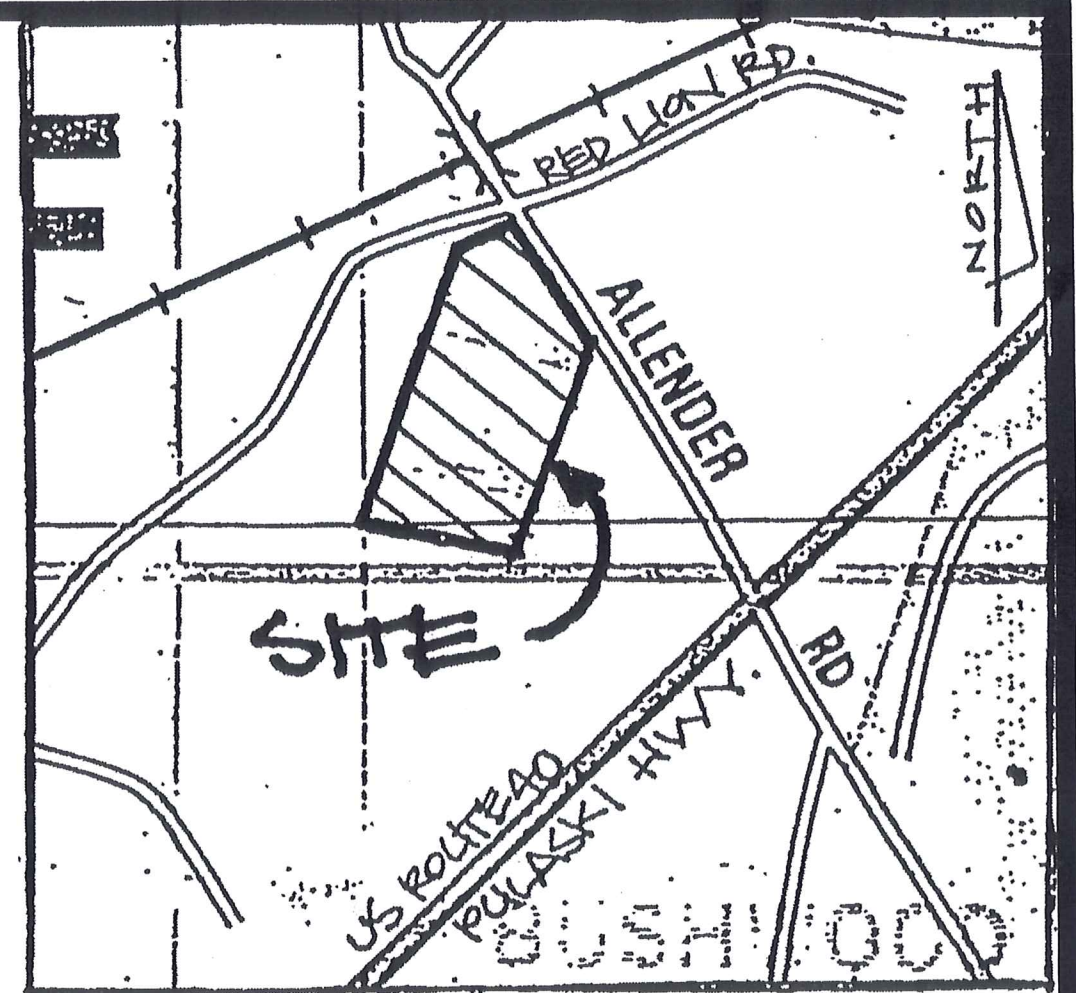
LEGEND

- PROPERTY LINE
- ZONING BOUNDARY
- EXISTING CONTOURS
- EXISTING CURB & GUTTER
- EXISTING SANITARY
- EXISTING WATER
- EXISTING STORM DRAIN
- EXISTING GAS
- EXISTING PARKING COUNT
- PROPOSED CURB & GUTTER
- DIRECTION OF VEHICULAR TRAFFIC
- LIMIT OF DISTURBANCE



BENCHMARK DATA

| COORDINATE AND BEARINGS SHOWN ON THIS PLAN ARE REFERRED TO THE MARYLAND COORDINATE SYSTEM NAD83 DATUM AND ARE BASED ON THE FOLLOWING: |           |            |           |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|-----------|
| STATION                                                                                                                               | NORTHING  | EASTING    | ELEVATION |
| BALT. CO. GIS - 146                                                                                                                   | 831703.20 | 1481397.89 | 146.84'   |
| BALT. CO. GIS - AC-146                                                                                                                | 831703.70 | 1481397.89 | 146.84'   |



VICINITY MAP

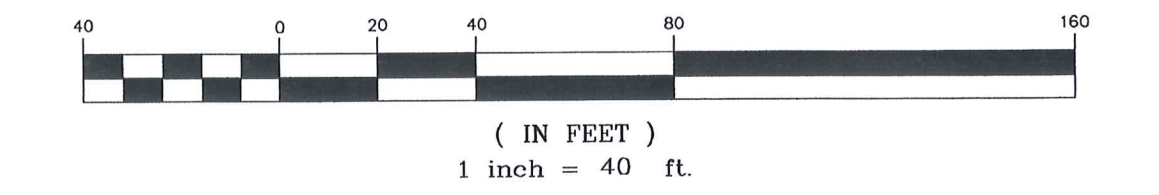
SCALE: 1" = 500'

GENERAL NOTES

- OWNER/APPLICANT: FUNSTATE, LLC, 5811 ALLENDER ROAD, WHITE MARSH, MARYLAND 21162-1314, 410-335-6400, DRED REF: L 2258 F. 651, TAX ACCT. NO. 1103052240, TAX MAP: 73 GRID: 8 PARCEL: 346
- ELECTION DISTRICT: 11, COUNCIL DISTRICT: 3
- SITE ZONED: ML (ZONING MAP NO. 73A2)
- SITE AREA: 7.82 ACRES OR 331,935 SQ. FT.
- EXISTING USE: INDOOR MULTI-USE RECREATION FACILITY AND OUTDOOR SWIMMING POOL
- PROPOSED USE: SAME
- BUILDING FLOOR AREA: EXISTING: MAIN BUILDING: 1,79,971 SQ. FT., WAREHOUSE: 13,117 SQ. FT., POOL BUILDING: 477 SQ. FT., TOTAL FLOOR AREA: 193,565 SQ. FT., EXISTING F.A.R.: 0.28, PROPOSED: MAIN BUILDING: 1,79,971 SQ. FT., POOL BUILDING: 477 SQ. FT., NEW BUILDING: 40,000 SQ. FT., TOTAL FLOOR AREA: 224,448 SQ. FT., PROPOSED F.A.R.: 0.38, FLOOR AREA RATIO (F.A.R.) PERMITTED: 2.0
- PUBLIC WATER AND SEWER IS AVAILABLE.
- THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO 100-YR FLOODPLAINS, WETLANDS OR STREAMS LOCATED ON THE SUBJECT SITE.
- PREVIOUS COMMERCIAL PERMITS: 8647191
- BUILDING SETBACKS (ML ZONE): REQUIRED: FRONT: 25' TO CL, SIDE: 30', REAR: 60', PROPOSED: 145' (EXISTING) 12' (PROP.), 77' (EXISTING) 12' (PROP.), 41' (PROP.), 74' (EXISTING) 12' (PROP.), \*VARIANCE REQUIRED, \*BUILDING TO BUILDING
- ZONING HISTORY: CASE NO. 95-298-65, CASE NO. 96-386-X, ON MAY 13, 1996 THE ZONING COMMISSIONER APPROVED A SPECIAL EXCEPTION FOR A COMMERCIAL RECREATIONAL FACILITY ON THE SUBJECT PROPERTY. CASE NO. 97-205-X, ON DECEMBER 16, 1996 THE ZONING COMMISSIONER APPROVED AN AMENDMENT TO APPROVE AN ACQUIRE AND TO AMEND THE SPECIAL EXCEPTION AND SITE PLAN IN CASE NO. 96-386-X. CASE NO. 98-401-SPH-X, ON MAY 13, 1998 THE ZONING COMMISSIONER APPROVED THE PROPOSED SWIMMING POOL, ROLLERBLADE SKATING AREA, AND ADDITIONAL PARKING. A REQUEST HAS BEEN SUBMITTED FOR APPROVAL OF AN 18'-26" EXTENSION TO THE SWIMMING POOL AND CHANGES TO THE PARKING LOT WHICH WERE NEEDED TO PROVIDE AREAS FOR LANDSCAPING ON THE APPROVED LANDSCAPE PLAN, AS BEING WITHIN THE SPIRIT AND INTENT ON CASE NO. 98-401-SPH-X. DECISIONS: 040884H 020884H, 100306H, 010101E
- PARKING CALCULATION: EXISTING SOCCER FIELDS (3 INTERNAL FIELDS): TEAMS: 12TEAM x 2 TEAMS = 3 FIELDS = 12, SPECTATORS: 80FIELD x 3 FIELDS = 240, MISC. (JUDGES, REFS, MAINT.): 2FIELD x 3 FIELDS = 6, PROPOSED SOCCER FIELDS (2 INTERNAL FIELDS): TEAMS: 12TEAM x 2 TEAMS = 2 FIELDS = 4, SPECTATORS: 80FIELD x 2 FIELDS = 160, MISC. (JUDGES, REFS, MAINT.): 2FIELD x 2 FIELDS = 4, TOTAL SOCCER FIELD PARKING REQUIRED IS 304 + 1 = 305 SP, GOLF AND BATTING CAGES: 7 @ 1.6 SP / UNIT = 10.5 SP, TENNIS AND ATHLETIC COURTS: 1 COURTS @ 3 COURT = 24 SP, SWIMMING POOL: 100 PERSON CAPACITY @ 1 SP / 4 = 25 SP, TOTAL REQUIRED: 193 SPACES, TOTAL PROVIDED: 270 SPACES (INCL. 10 HDOP), \*ALL PARKING SPACES WILL BE DURABLE, DUST-FREE AND PERMANENTLY STRIPED.
- AMENITY OPEN SPACE IS NOT REQUIRED FOR THIS DEVELOPMENT.
- EXISTING SIGN TO REMAIN.
- THIS SITE HAS NO HISTORICAL BUILDINGS AND IS NOT IN A HISTORIC DISTRICT.

PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE  
FREESTATE INDOOR SPORTS ARENA

5811 ALLENDER ROAD  
11TH ELECTION DISTRICT - 5TH COUNCIL DISTRICT  
TAX MAP 73 - GRID 8 - PARCEL 346  
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

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. 13203 Expiration Date: 11-02-10  
Scale: 1" = 40'  
Date: 1/28/10  
Job No.: 97183  
Designed: AKC  
Checked: SLD  
File: 97183 VAR. 2010.dwg  
Drawing Number: ZON-1  
NO. DATE REVISIONS: BY SHEET 1 OF 1