

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE**

NE side of Middletown Road; 1,270 ft.
NW of the c/l of Beckleysville Road
6th Election District
3rd Councilmanic District
(20231 Middletown Road)

FWS Real Estate, LLC
Legal Owner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* Case No. 2011-0335-XA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Exception and Variance filed by FWS Real Estate, LLC, the legal property owner. The Special Exception is from Section 230.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow in a BL zone a community building to be utilized for recreational use and two racquetball courts. There is an existing retail liquor store on the subject site. The Variance request is from Section 409.6 of the B.C.Z.R. to allow 21 parking spaces in lieu of the required 37 parking spaces. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the Special Exception and Variance requests were Suzanne Fisher, Managing Member for FWS Real Estate, LLC, the legal property owner, and Anthony J. DiPaula, Esquire, attorney for the Petitioner. Also attending was Bruce E. Doak with Gerhold Cross & Etzel, Ltd., the professional land surveyor who prepared the site plan.

Testimony and evidence revealed that the property is irregular in size, split zoned BL and RC 2, and is located on the northeast side of Middletown Road and northwest of Beckleysville Road.

ORDER RECEIVED FOR FILING

Date 6-28-11

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Fire Marshal's Office dated May 19, 2011, which indicate that the proposed building must comply with the current Baltimore County Fire Prevention Code. Comments from the Office of Planning dated June 17, 2011, indicate that Office does not oppose the request, provided that prior to the application for any building permit, a landscape and lighting plan, along with architectural elevations, including signage, are submitted to the Office of Planning for review and approval. If the signage, lighting and hours are amenable to the rural character of this area, the Planning Office believes that this request will not be detrimental to the health, safety, or general welfare of the surrounding community.

Of course, special exception uses are presumptively valid, People's Counsel v. Loyola College, 406 Md 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. Petitioner's expert, Bruce Doak, testified (by way of proffer) that the community building proposed would satisfy § 502.1 of the B.C.Z.R. In addition, Petitioner presented letters of support from adjoining neighbors and the Freeland Legacy Alliance. See Exhibit 5.

With respect to the variance sought under Section 409.6 of the B.C.Z.R. to allow 21 parking spaces in lieu of the required 37 parking spaces, I also find that relief should be granted. As an initial matter, the adjoining carry-out restaurant (the Red Café) has indicated it no longer needs to utilize the seven (7) parking spaces on Petitioner's property that were the subject of Zoning Case 01-514-SPH. As such, the relief is actually to allow 28 spaces in lieu of the required 37.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request, that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship, and that the variance request can be

ORDER RECEIVED FOR FILING

Date 6-24-11

2

By [Signature]

granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The property is split zoned BL and RC 2, which is obviously a unique scenario. If Petitioner was obliged to create nine additional parking spaces, additional impervious surface would be created and the Department of Environmental Protection and Sustainability may very well impose onerous and costly stormwater management requirements. This would further impact the bucolic and rural setting in this part of the County, and there was no evidence or intimation that a parking shortage would exist at this time.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Variance request should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 24 day of June, 2011 that Petitioner's request for Special Exception relief from Section 230.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a community building to be constructed and utilized for recreational use and two racquetball courts (in addition to the existing retail liquor store on the site) be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Section 409.6 of the B.C.Z.R. to allow 21 parking spaces in lieu of the required 37 parking spaces be and is hereby GRANTED.

The granting of the above relief shall be subject, however, to the following condition:

1. Petitioner may apply for any permits required and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

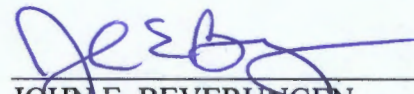
Date 6-24-11

3

By [Signature]

2. The proposed building shall be designed and constructed so as to meet the applicable provisions of the current Baltimore County Fire Prevention Code.
3. Petitioner must comply with the requirements imposed by the Office of Planning, as set forth in that Agency's correspondence dated June 17, 2011, and attached and incorporated herein as an Exhibit.

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



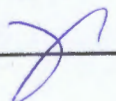
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Attachment

JEB/pz

ORDER RECEIVED FOR FILING

Date 6-24-11

By 

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JB
6-17-11

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: June 17, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 2031 Middletown Road

INFORMATION:

Item Number: 11-335

Petitioner: FWS Real Estate, LLC

Zoning: BL/RC 2

Requested Action: Variance and Special Exception

RECEIVED

JUN 17 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for a variance from Section 409.6 of the BCZR or for the petitioner's request for a special exception from Section 230.3 of the BCZR provided that prior to the application for any building permit, a landscape and lighting plan, along with architectural elevations, including signage are submitted to the Office of Planning for review and approval.

If the signage, lighting, and hours are amenable to the rural character of this area then this Office believes that this request will not be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by: _____

Division Chief: _____
AVA/LL: CM

ORDER RECEIVED FOR FILING

Date

6-24-11

By



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 24, 2011

ANTHONY J. DIPAULA, ESQUIRE
34 SOUTH MAIN STREET
BEL AIR MD 21014

Re: Petition for Special Exception and Variance
Case No. 2011-0335-A
Property: 20231 Middletown Road

Dear Mr. DiPaula:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 20231 MIDDLETOWN ROAD FREELAND MD 21053 which is presently zoned BL & RC2

Deed Reference: 223181652 Tax Account # 06-13-040400
06-13-040401

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

TO ALLOW A COMMUNITY BUILDING TO BE UTILIZED FOR RECREATIONAL USE AND 2 RACQUETBALL COURTS IN ADDITION TO EXISTING RETAIL LIQUOR STORE PER SECTION 230.3 BC2R

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Anthony J. DiPaola
Name - Type or Print _____
[Signature]
Signature _____
Law Offs. of Anthony J. DiPaola, P.A.
Company _____
34 S. Main St. 410-893-4255
Address _____ Telephone No. _____
BEL AIR MD 21014
City _____ State _____ Zip Code _____

Legal Owner(s):

FWS REAL ESTATE LLC
Name - Type or Print _____
Suzanne Fisher member
Signature _____
% SUZANNE FISHER
Name - Type or Print _____
Suzanne Fisher member
Signature _____
20231 MIDDLETOWN ROAD 443-491-2174
Address _____ Telephone No. _____
FREELAND MD 21053
City _____ State _____ Zip Code _____

Representative to be Contacted:

BRUCE E. DOAK
Name _____
GERHOLD CROSS & EISEL, LTD.
320 E. TOWNSHIP BLVD. 410-822-4470
Address _____ Telephone No. _____
TOWSON MD 21286
City _____ State _____ Zip Code _____

Case No. 2011-0335-XA

REV 07/27/2007 ORDER RECEIVED FOR FILING

Date 6-24-11

By [Signature]

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 5/11/11



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 20231 MIDDLETOWN ROAD FREELAND MD 21053
which is presently zoned BL & RC2

Deed Reference: 273181652 Tax Account # 06-13-040900
06-13-040401

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

TO ALLOW 21 PARKING SPACES IN LIEU OF THE
REQUIRED 37 PARKING SPACES.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

TO MINIMIZE THE AMOUNT OF IMPERVIOUS SURFACES AND COMMERCIAL
USE IN A RURAL AREA.

Property is 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:

ANTHONY J. DIPAULA

Name - Type or Print

Signature

LAW OFFS. OF ANTHONY J. DIPAULA, P.A.

Company

34 S. MAIN ST. 410-893-4255

Address Telephone No.

BEL AIR MD 21014

City State Zip Code

Legal Owner(s):

FWS REAL ESTATE LLC

Name - Type or Print

Suzanne Fisher member

Signature

1/0 SUZANNE FISHER

Name - Type or Print

Suzanne Fisher member

Signature

20231 MIDDLETOWN ROAD 413-991-3174

Address Telephone No.

FREELAND MD 21053

City State Zip Code

Representative to be Contacted:

BRUCE E. DMK

GORDON, CROSS & EISEL, LTD.

Name

320 E. TOWSONTOWN BLVD. 410-823-9970

Address Telephone No.

TOWSON MD 21286

City State Zip Code

Case No. 2011-0335-XA

Office Use Only

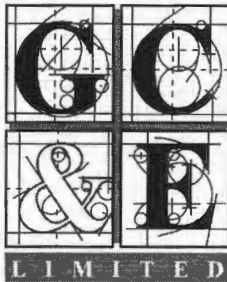
Estimated Length of Hearing
Unavailable For Hearing

Reviewed by [Signature] Date 5/14/11

REV 8/2009 ORDER RECEIVED FOR FILING

Date 6-24-11

By [Signature]



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

May 12, 2011

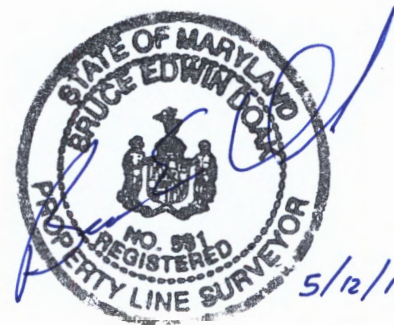
ZONING DESCRIPTION
FWS Real Estate, LLC Property
20231 Middletown Road
6th Election District 3rd Councilmanic District
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Sixth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Commencing at a point on the northeast side of Middletown Road, 1270 feet, more or less, northwest of the intersection with the center of Beckleysville Road, thence leaving said road and running thence,

- 1) North 52 1/2 degrees East 233.7 feet,
- 2) South 5 degrees East 103 feet,
- 3) North 50 degrees East 275 feet
- 4) North 37 1/2 degrees West 196 feet,
- 5) South 50 3/4 degrees West 446 feet to the northeast side of Middletown Road, thence running on the northeast side of Middletown Road
- 6) South 38 degrees East 103.5 feet, and
- 7) South 38 degrees East 58.7 feet to the place of beginning.

Containing 2.19 Acres of land, more or less.



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

2011-0335-XA

2011-0335X1A

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2011-0335-XA

20231 Middletown Road
N/east side of Middletown Road, 1,270 feet n/west of the centerline of Beckleysville Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): FWS Real Estate, LLC, c/o Suzanne Fisher

Special Exception to allow a community building to be utilized for recreational use and 2 racquetball courts in addition to existing retail liquor store for Section 230.3, BCZR.

Variance: to allow 21 parking spaces in lieu of the required 37 parking spaces.

Hearing: Monday, June 20, 2011, at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

06/05/11 June 2

277469

CERTIFICATE OF PUBLICATION

6/2/2011

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 6/2/2011.

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

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case#2011-0335-XA

PETITIONER: FWS Real Estate, LLC

DATE OF HEARING: June 20, 2011

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:

20231 Middletown Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100

320EAST TOWSONTOWN BLVD

TOWSON, MARYLAND 21286

410-823-4470 PHONE

410-823-4473 FAX

POSTED ON: June 3, 2011

ZONING NOTICE

CASE # :2011-0335-XA

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

PLACE:

Room 205 Jefferson Building
105 W. Chesapeake Avenue, Towson 21204

TIME:

DATE : Monday, June 20, 2011
at 10:00 am

Special Exception to allow a community building to be utilized for recreational use and 2 racquetball courts in addition to existing retail liquor sales per section 230.3 BCZR, Variance to allow 21 parking spaces in lieu of the required 37 parking spaces.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST THE DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



ZONING NOTICE

CASE # :2011-0335-XA

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

PLACE: Room 205 Jefferson Building
105 W. Chesapeake Avenue, Towson 21204

TIME: Monday, June 20, 2011
at 10:00 am

DATE : Special Exception to allow a
building to be utilized for
2 racquetball courts

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 2, 2011 Issue - Jeffersonian

Please forward billing to:
Suzanne Fisher
20231 Middletown Road
Freeland, MD 21053

443-491-3174

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0335-XA

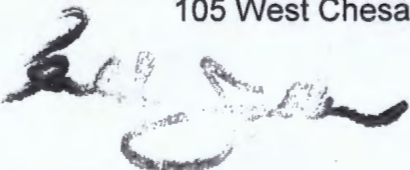
20231 Middletown Road

N/east side of Middletown Road, 1,270 feet n/west of the centerline of Beckleysville Road
6th Election District – 3rd Councilmanic District

Legal Owners: FWS Real Estate, LLC, c/o Suzanne Fisher

Special Exception to allow a community building to be utilized for recreational use and 2 racquetball courts in addition to existing retail liquor store for Section 230.3, BCZR. Variance to allow 21 parking spaces in lieu of the required 37 parking spaces.

Hearing: Monday, June 20, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 25, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0335-XA

20231 Middletown Road

N/east side of Middletown Road, 1,270 feet n/west of the centerline of Beckleysville Road

6th Election District – 3rd Councilmanic District

Legal Owners: FWS Real Estate, LLC, c/o Suzanne Fisher

Special Exception to allow a community building to be utilized for recreational use and 2 racquetball courts in addition to existing retail liquor store for Section 230.3, BCZR. Variance to allow 21 parking spaces in lieu of the required 37 parking spaces.

Hearing: Monday, June 20, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Anthony DiPaula, 34 South Main Street, Bel Air 21014
Suzanne Fisher, 20231 Middletown Road, Freeland 21053
Bruce Doak, GCE, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 4, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011- 0335- XA

Petitioner: FWS REAL ESTATE LLC

Address or Location: 20231 MIDDLETOWN ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: SUZANNE FISHER

Address: 20231 MIDDLETOWN ROAD

FREELAND MO 21053

Telephone Number: 443- 491- 3174

Revised 2/20/98 - SCJ



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

June 15, 2011

FWS Real Estate LLC
c/o Suzanne Fisher
20231 Middletown Road
Freeland, MD 21053

RE: Case Number 2011-0335XA, 20231 Middletown Road

Dear Ms. Fisher,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 11, 2011. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd. Towson, MD 21286
Anthony J. Di Paula, 34 S. Main Street, Bel Air, MD 21014



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 19, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 23, 2011**

Item No.:

Special Exception: 2011-0335-XA (Recreational use and 2 Racquetball Courts)

Comments:

The proposed building shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code; Bill # 48-10.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: June 17, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

Hearing
6/20/11

SUBJECT: 2031 Middletown Road

INFORMATION:

Item Number: 11-335

Petitioner: FWS Real Estate, LLC

Zoning: BL/RC 2

Requested Action: Variance and Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for a variance from Section 409.6 of the BCZR or for the petitioner's request for a special exception from Section 230.3 of the BCZR provided that prior to the application for any building permit, a landscape and lighting plan, along with architectural elevations, including signage are submitted to the Office of Planning for review and approval.

If the signage, lighting, and hours are amenable to the rural character of this area then this Office believes that this request will not be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by: _____



Division Chief: _____
AVA/LL: CM



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 5-24-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2011-0335-XA
Variance Special Exception
FWS Real Estate LLC/Suzanne
2031 Middletown Rd. Fisher

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. 2011-0335-XA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 19, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 23, 2011**

Item No.:

Administrative Variance: 2011-0333A – 0334A.

Variance: 2011-0335-XA.

*See other
fire
comment*

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 26, 2011

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

Neasey 6/20/11

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2011
Item Nos. 2011-152, 333, 334,
And 335

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06062011 -NO COMMENTS.doc

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
20231 Middletown Road; NE/S of Middletown* ADMINSTRATIVE LAW
Road; 1,270' NW of Beckleysville Road *
6th Election & 3rd Councilmanic Districts * JUDGE FOR
Legal Owner(s): FWS Real Estate LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2011-335-XA

* * * * *

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

MAY 26 2011

.....!

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

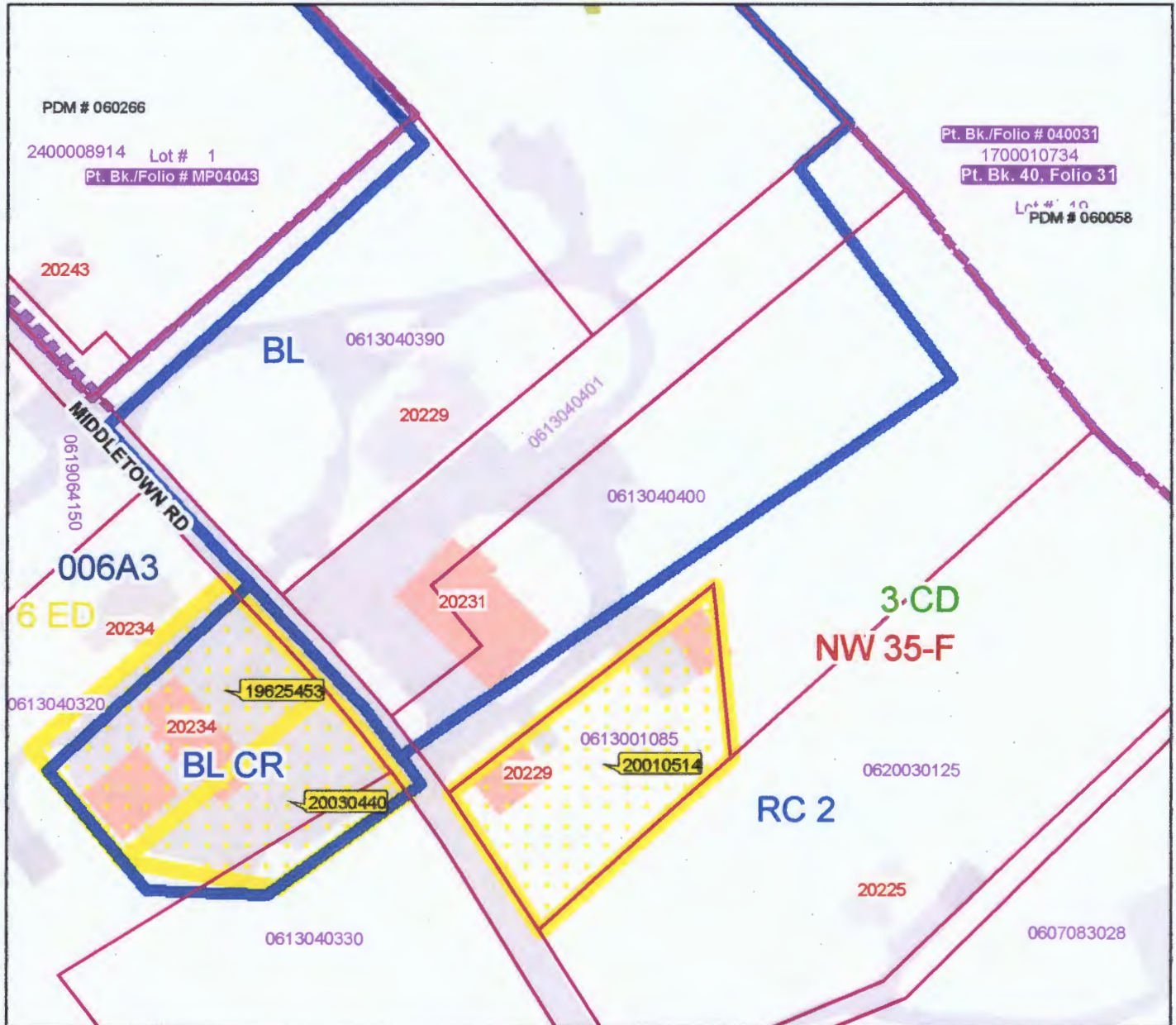
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of May, 2011, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Gerhold, Cross & Etzel, 320 E Towsontowne Boulevard, Suite 100, Towson, Maryland 21286 and Anthony DiPaula, Esquire, 34 S. Main Street, Bel Air, MD 21014, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

20231 Middletown Road



2011-0335-XA



Publication Date: May 12, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200 Feet

1 inch = 100 feet

CASE NAME FWS Real Estate
CASE NUMBER 2011-0335-XA
DATE 6/20/11

[illegible]





PETITIONER'S

EXHIBIT NO. 3A-Y









BLUE MOON 12PK \$ 12 99
SVEDKA VODKA 175 \$19 99
YELLOW TAIL \$10 99
MEGAS 30 POWERBALLS80

BLUE MOON 12PK \$ 12.99
SVEDKA VODKA 175 \$19.99
YELLOW TAIL \$10.99
MEGAS 30 POWERBALLS80

RED CAFE
DINING ROOM
THU - FRI - SAT 11-9
SUN



June 15, 2011

Zoning Commissioner

111 West Chesapeake Ave.

Towson, MD. 21204

Re: Community Center - 20231 Middletown Rd. Freeland, MD 21053

Dear Zoning Commissioner,

We are the surrounding neighbors of FWS Real Estate and we are in support of a 2900 square foot community center with multi-purpose racquetball courts behind Freeland Wine and Spirits.

Sincerely,

Jon C Macdonald Sr

David A Sullivan

Jim Sullivan

David Macdonald

PETITIONER'S

EXHIBIT NO. 5

June 15, 2011

Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Community Center and parking at 20231 Middletown Rd., Freeland, MD 21053

Dear Zoning Commissioner,

I would like to inform you that my business (The Red Cafe) located on Middletown Road next to Freeland Wine and Spirits no longer uses the 7 parking spaces that FWS Real Estate has allotted to us. There has been a house removed on our property (Meadowcroft Brothers, Inc.) where we now have our own parking. We also have cut back our hours to just three days a week.

Also, we are in support of a 2,900 square foot community center with multi-purpose racquetball courts that Suzanne Fisher of FWS Real Estate is asking for permission to build. I feel there is more than enough parking to support all businesses on these adjoining properties.

Sincerely,



Dawn Wilson
The Red Cafe
Meadowcroft Brothers, Inc.
20235 Middletown Rd.
Freeland, MD 20153
410-357-5026 shop
410-357-5690 home
443-506-2287 cell
thedws@verizon.net



Promoting our rural legacy as the heritage for present and future generations

20216 Middletown Road, Freeland Maryland 21053. 410.329.6469

www.freelandlegacyalliance.com

17 June 2011.

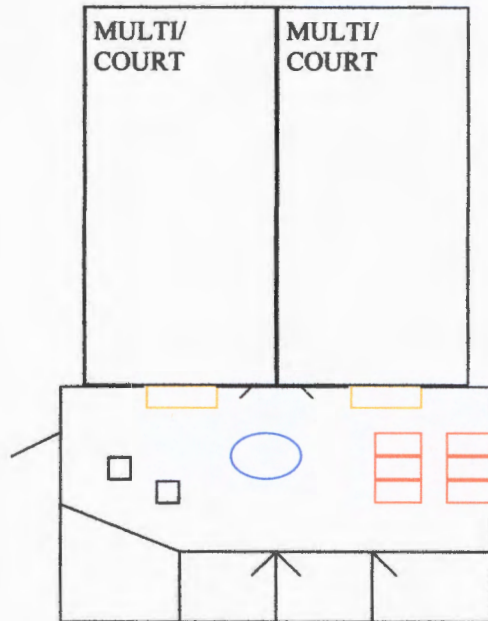
To Whom it May Concern:

Suzanne Fisher appeared before a body of the Freeland Legacy Alliance membership and clearly stated her plans. Her proposal of the Multi-purpose Racquetball Courts, as presented at that time, was met with no opposition by the FLA And indeed, may become a valuable asset to the community,

A handwritten signature in black ink, appearing to read 'Reb Scavone', written over a horizontal line.

Reb Scavone,
President, FLA

F5 REVIVE



Red-Cardio Machines
Blue-Circuit weight set
Yellow-bench
Green- high top table
Black-rooms
-restrooms
-snack bar & office

2900 square ft

SCALE
1" = 20'

PETITIONER' S

EXHIBIT NO. 6