

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 10, 2013

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

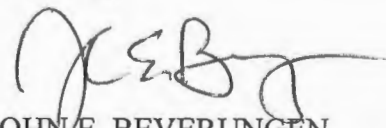
RE: Petitions for Special Hearing and Special Exception
Property: 901A and 915 Middle River Road
Case No.: 2014-0035-SPHX

Dear Counsel:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

C: Linda Felts, 1010A Bird River Road, Baltimore, Maryland 21220
Joyce Schmitt, 995 Rohe Farm Lane, Baltimore, Maryland 21220
Alice Strathy, 1143 Reames Road, Baltimore, Maryland 21220
Sandra Magsamen, 10132 Bird River Road, Baltimore, Maryland 21220
Robert Romadka, 10416 Vincent Road, Baltimore, Maryland 21162
Robert Funk, 10304 Vincent Farm Lane, Baltimore, Maryland 21162
Leslie Kaminski, 10504 Vincent Road, Baltimore, Maryland 21162
Devin Crum, 513 Eastern Blvd., Essex, Maryland 21221

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

(901A and 915 Middle River Road) *
15th Election District
6th Council District *
Bradley S. Glaser, Authorized
Representative of VEI Middle River, LLC *
Legal Owner
Jumping Jamboree, LLC *
Lessee

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0035-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed by Jason T. Vettori, Esquire with Smith, Gildea and Schmidt, LLC on behalf of VEI Middle River, LLC, the legal owner, and Jumping Jamboree, Lessee, ("Petitioners"). The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) seeking confirmation that the proposed use constitutes a practice or training physical conditioning facility, which is permitted by right in the ML zone, as provided in B.C.Z.R. Section 253.1.A.42; or in the alternative; (2) that the proposed use constitutes a commercial recreational facility, which is permitted by special exception in the ML zone as provided in B.C.Z.R. Section 253.2.D.3.

Appearing at the public hearing in support of the requests was Sabernia Fresnel and Rick Richardson of Richardson Engineering, LLC, the firm that prepared the site plan. Jason T. Vettori, Esquire with Smith, Gildea and Schmidt, LLC represented the Petitioners. Several area residents attended the hearing and expressed certain concerns (discussed below), and their names are listed in the case file. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

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Date

10/10/13

By

per

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive comment was from the Bureau of Development Plans Review which indicated that a landscape plan must be approved prior to any issuance of permits.

Testimony and evidence offered at the hearing revealed that the subject property contains 7,284 SF of space within a larger (4 acres +/-) commercial property and shopping center (the Miramar Shopping Center). The Lessee has since June 2013 operated a facility offering "moonbounces" and accommodations for children's parties and similar events. A brochure describing the business was submitted as Exhibit 4. Part of the difficulty in this case is taxonomical; i.e., how is such a business classified under the B.C.Z.R., given that it does not fit neatly within any existing categories. The second issue in the case concerns whether arcade/video games should be permitted in the facility, and if so, under what conditions.

Special Hearing

In December 2012 (Exhibit 10) the zoning office in responding to Counsel's request for zoning verification (Exhibit 9) indicated that a public hearing before the Administrative Law Judge (ALJ) was required to determine the appropriate use category. But in January 2013 (Exhibit 11) the county issued a verification letter finding the use in this case to be considered a "Practice and Physical Conditioning Facility." Having reviewed the definition for that use, and considering the testimony in the case, I respectfully disagree with this determination. That use category envisions "facilities and fields for amateur or professional sports organizations." B.C.Z.R. § 253.1.A.42. Including this facility within that category would strain that definition to the breaking point.

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Date 10/10/13

By Sen

In my opinion, the use and activities described should be considered a "commercial recreation facility," defined under the B.C.Z.R. as:

Facilities whose principal purpose is to provide space and equipment for nonprofessional athletic activities. A commercial recreational facility includes, but is not limited to, a base-ball batting range or cage; golf-driving range; putting green; miniature golf; athletic field; swimming pool; skating rink or course; baseball, racquetball, tennis or squash court; archery range or similar facility; or any combination of the above. For the purpose of these regulations, a commercial recreational facility shall not include a rifle, pistol, skeet or trap range; go-cart course; amusement park; or similar use.

The use here is similar to the non-exhaustive list of uses and activities mentioned in the above definition, and in response to the second Special Hearing request the Lessee's establishment shall be considered a "commercial recreational facility."

Special Exception Standards

Special exception uses are presumptively valid and consistent with the comprehensive zoning plan, People's Counsel v. Loyola College, 406 Md. 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. Rick Richardson, a licensed professional engineer who was accepted as an expert, testified that both the commercial recreational facility and arcade uses satisfied the B.C.Z.R. § 502.1 standards. While every Special Exception use will have some impact upon the community, the evidence in this case did not establish that the impact at this location would be greater than at any other location in the ML zone. The citizens who testified expressed concern with the arcade aspect of the facility, and I believe their comments were well founded. As such, the Order granting relief in this case will impose certain conditions that will help to minimize any adverse effects upon the surrounding neighborhood.

One such condition will provide that the Special Exception for the arcade and commercial recreational facility shall terminate when Sabernia Fresnel sells, leases or otherwise ceases to have day to day involvement with the facility. Mrs. Fresnell's testimony was

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Date

10/10/13

By

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compelling, and her background as an educator and the operator (for the past 5 years) of the child-care facility adjacent to this business gave comfort to the community that this business will be operated ethically and as an establishment catering to children and their families.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing and Special Exception requests should be granted in part and denied in part.

THEREFORE, IT IS ORDERED this 10th day of October, 2013, by this Administrative Law Judge, that the Petition for Special Hearing to categorize the proposed use as a practice or training physical conditioning facility, which is permitted by right in the ML zone, as provided in B.C.Z.R. Section 253.1.A.42, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing to categorize the proposed use as a commercial recreational facility, which is permitted by special exception in the ML zone as provided in B.C.Z.R. Section 253.2.D.3, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception seeking approval for: (1) An arcade, in accordance with B.C.Z.R. Sections 423.B and 422.A; and (2) a commercial recreational facility as provided in B.C.Z.R. Section 253.2.D.3, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and/or licenses and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. A maximum of (40) forty arcade or video games shall be permitted on the premises.
3. The hours of the facility shall be 10:00 am to 7:00 pm, except during the period June 15-August 30, when the facility may remain open until 9:00 pm.

ORDER RECEIVED FOR FILING

Date

10/10/13

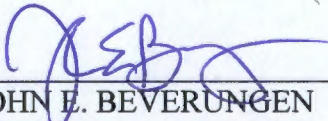
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4. As depicted on Exhibit A attached to this Order, each of the arcade/video games kept on the premises shall contain a ratings sticker (they are \$0.75 each) as established by the American Amusement Machine Association. Each of the arcade/video machines kept on the premises must be rated Green (suitable for all ages) or Yellow (mild content).
5. The arcade shall be deemed an accessory use to the commercial recreational facility. As such, use of the arcade/video games shall be restricted to paying customers of the "Jumping Jamboree" facility. All minors using the arcade shall be accompanied by their parent or legal guardian.
6. The special exception relief granted herein shall terminate when Jumping Jamboree, LLC and/or Sabernia Fresnel sells, leases, or otherwise ceases to have day-to-day involvement in the operation of the facility approved in this Order.
7. The Petitioners shall submit for approval to Baltimore County a landscape plan, prior to the issuance of permits.

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

JEB/sln

ORDER RECEIVED FOR FILING

Date 10/10/13
By pen



PARENTAL ADVISORY SYSTEM ORDER FORM

Giving parents and children the power to make informed choices about the video games they play. If you see a game that is missing a parental advisory disclosure message, report the location and game title(s) to us by sending an email to information@coin-op.org

Quantity - Stickers are \$0.75 each

FAX COMPLETED FORM TO 847.290.9121

☐

**SUITABLE
FOR
ALL AGES**

Suitable for All Ages - content is appropriate for game players of all ages.

☐

**MILD
CONTENT**

Mild Content - may contain mild violence, suggestive themes, minimal blood or crude humor.

☐

**STRONG
CONTENT**

Strong Content - may contain strong language, sexual content or strong violence involving human characters resulting in blood and gore.

☐

**THIS GAME
NOT YET
RATED**

This Game Not Yet Rated - the game has not yet been given a rating by the manufacturer.

☐

PAS Poster - 12"x 18" - \$3.95 each

Free Shipping!

**TOTAL
AMOUNT DUE**

Contact: _____ Company: _____

Address: _____ City/State/Zip: _____

Email: _____ Phone: _____ Fax: _____

*******IMPORTANT - ORDERS WILL NOT BE SHIPPED UNTIL PAYMENT IN FULL IS RECEIVED*******

Make check payable to: **American Amusement Machine Association, 450 E. Higgins Rd., Suite 201, Elk Grove Village, IL 60007**

Check # _____ enclosed

Credit Card: ☐ VISA ☐ MasterCard

Card # _____ Exp. Date _____ Security Code _____

Name on Card _____ Billing Phone # _____

Billing Address _____ Date _____

By _____

ORDER RECEIVED FOR FILING

10/10/13

City/State/Zip

EXHIBIT A

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION

(901A and 915 Middle River Road) *

15th Election District *

6th Council District *

Bradley S. Glaser, Authorized *

Representative of VEI Middle River, LLC, *

Legal Owner

Jumping Jamboree, LLC, *Lessee* *

Petitioners

* * * * *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0035-SPHX

ORDER ON MOTIONS FOR RECONSIDERATION

Now pending are cross Motions for Reconsideration filed by both the Petitioner and Protestants. Both Motions will be denied, as explained below.

The Protestants filed the first Motion, requesting additional restrictions be imposed on the special exception relief. As far as the square footage issue, I do not believe it is my role to decide upon the layout of Petitioner's business, the needs of which could change over time. The Order contained a restriction on the number of arcade machines, and that limit cannot be exceeded regardless of their placement within the building. In addition, Baltimore County Zoning Regulations (B.C.Z.R.) § 423 requires that the arcade use be subsidiary to the recreation (i.e., moon bounce) use, so the law itself dictates that the square footage devoted to the arcade use must be subordinate to the area devoted to the recreation use. I believe the combination of these factors is sufficient to safeguard the health and welfare of the community.

The Protestants also request that additional restrictions be imposed on the arcade machines, such that only machines rated "green" be allowed. The Protestants at the hearing expressed concern with violent games being available at the facility, and I believe the current restriction (permitting machines with green and yellow, but not red, ratings) will address this concern, and I will not impose any additional restrictions.

ORDER RECEIVED FOR FILING

Date 11-13-13

By [Signature]

After looking into the matter in greater detail, it appears many courts hold that video games (even ones appealing to a minor's "morbid interest in violence") are protected free speech. Entertainment Software Ass'n. v. Foti, 451 F.Supp. 2d 823, 829 (M.D. La. 2006) (citing cases). In light of this authority, I do not believe that any further restrictions concerning the content of the games would survive judicial/constitutional scrutiny.

The Petitioner has also filed a Motion for Reconsideration, seeking to have Condition No. 6 stricken from the final Order. This condition -- essentially stating that the relief is personal and shall not "run with the land" -- was imposed at the behest of the community, and I too felt that Ms. Sabernia was a vital component of the business operation, given her long-standing presence in the community as an educator and child advocate. While I understand the argument advanced by Petitioner, the Order does not require -- and it was certainly not my intent -- to mandate that Ms. Sabernia be present at the facility every day from opening to close. The restriction was that the relief would terminate upon her sale of the business.

It is not entirely clear that such restrictions are permissible, although I was unable to locate any Maryland law directly addressing the issue. Cases from other states are divided on the point. Compare Shoosmith Bros. v. County of Chesterfield, 601 S.E. 2d 641, 643 (Va. 2004) (conditional use permit does not run with land), with Fromer v. Two Hundred Post Assoc., 631 A.2d 347, 349 (Conn. 1993) (environmental permit "to conduct a regulated activity runs with the land"). Given the lack of controlling case law on the issue, I believe the condition is a reasonable one given the facts and circumstances in this case. As such, the Petitioner's Motion will be denied.

WHEREFORE, IT IS ORDERED this 13th day of November, 2013, that the Motion for Reconsideration filed by Protestants, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

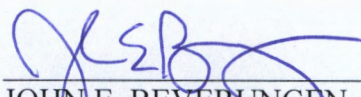
Date 11-13-13

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IT IS FURTHER ORDERED that the Motion for Reconsideration filed by Petitioner, be and the same is hereby DENIED.

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

JEB/dlw

ORDER RECEIVED FOR FILING

Date 11-13-13

By row



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 13, 2013

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

Robert J. Romadka, Esquire
10416 Vincent Road
Baltimore, Maryland 21162

RE: **ORDER ON MOTIONS FOR RECONSIDERATION**

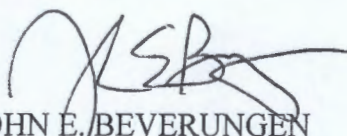
Petitions for Special Hearing and Special Exception
Property: 901A and 915 Middle River Road
Case No.: 2014-0035-SPHX

Dear Counsel:

Enclosed please find a copy of the Order on Motions for Reconsideration 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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Linda Felts, 1010A Bird River Road, Baltimore, Maryland 21220
Joyce Schmitt, 995 Rohe Farm Lane, Baltimore, Maryland 21220
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Robert Funk, 10304 Vincent Farm Lane, Baltimore, Maryland 21162
Leslie Kaminski, 10504 Vincent Road, Baltimore, Maryland 21162
Devin Crum, 513 Eastern Blvd., Essex, Maryland 21221

RECEIVED

IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION
(901A AND 915 Middle River Road

*

BEFORE THE

NOV 12 2013

*

OFFICE OF

OFFICE OF ADMINISTRATIVE HEARINGS

15th Election District

*

ADMINISTRATIVE HEARINGS

6th Councilmanic District

Bradley S. Glaser, Authorized Representative of
VEI Middle River, LLC

*

FOR BALTIMORE COUNTY

Legal Owner

*

Case No. 2014-0035-SPHX

Jumping Jamboree, LLC

*

Lessee

* * * * *

RESPONSE TO PROTESTANTS' MOTION FOR RECONSIDERATION
AND PETITIONER'S MOTION FOR RECONSIDERATION

PRELIMINARY STATEMENT

Petitioner submits the following memorandum in response to Protestants' Motion for Reconsideration dated November 7, 2013 and submits its own Motion for Reconsideration.

Protestants' motion fails to meet the standard required for reconsideration. The motion fails to raise new issues of fact or law, fails to demonstrate that the Office of Administrative Hearings ("OAH") failed to consider any material fact, and fails to demonstrate manifest injustice or clear error. *Regency Communications, Inc. v. Cleartel Communications, Inc.*, 212 F.Supp.2d 1, 3 (D.D.C. 2002). Indeed, Protestants' motion simply revisits the facts previously cited and repackages the same exact arguments previously advanced at the Administrative Law Judge ("ALJ") hearing on October 7, 2013.

Protestants have provided the ALJ with no reason to find that clear error exists in the ALJ's Opinion and Order dated October 10, 2013, or that manifest injustice would

result from the decision to grant the requested relief with the existing conditions. Because there are insufficient reasons for the ALJ to reverse his decision, Protestants' Motion for Reconsideration should be denied.

ARGUMENT

Protestants request that the ALJ conditions for approval of the special exception include the following:

1. A restriction on the square footage of the leased space dedicated to the arcade portion of the use; and
2. A restriction on the inclusion of games rated yellow altogether or in the alternative the percentage of the 40 authorized games/amusement devices so that very few of the games can be yellow.

Protestants' counsel has not cited any intervening changes in controlling law that would warrant reconsideration. In fact, he hasn't cited any caselaw. The Protestants merely want the ALJ to change his mind because they still have the same concerns they already expressed at the hearing. Similarly, Protestants have offered no new evidence with respect to the arcade use, nor have they demonstrated any clear error or manifest injustice.

Game Ratings

The condition imposed regarding the game ratings should not be modified. At the hearing, Protestants' counsel argued that only those games rated the movie equivalent of "G" should be permitted on the premises and/or in the alternative that the community should have the authority to review and approve all games before they are

permitted on the premises. Having ascertained that a rating system for amusement devices exists, the ALJ imposed a condition that only those games/amusement devices bearing a green or yellow sticker are permitted. It should also be noted that the Fresnels testified that restricting games/amusement devices permitted in the arcade rated the movie equivalent of "G" was an unduly burdensome condition. The ALJ's condition should not be modified now simply because Protestants have restated their position.

Square Footage of Arcade

There should not be a condition limiting the square footage of the arcade. There was testimony that a certain percentage of the square footage of the premises would be used for the arcade (this included a hallway for which square footage was not dimensioned.) The ALJ already considered the desires of the community, the applicable regulations pertaining to the uses requested (commercial recreational facility and arcade), BCZR § 423.1.C.1 through 423.1.C.4 in particular, and restricted the number of games to 40. The restriction on the number of games and the subordinate nature of the arcade use as provided in the applicable BCZR provision adequately limit the intensity of the arcade use. Protestants' requested restriction could potentially affect Petitioners' ability to reconfigure the site in ways that can't be conceived at this time. Protestants' request for reconsideration of the ALJ's conditions of approval is not appropriate in the instant matter.

PETITIONER'S MOTION FOR RECONSIDERATION

Petitioner would not have filed a motion for reconsideration were it not for the fact that Protestants filed one despite concerns about unintended consequences of the ALJ's conditions. However, Protestants' counsel's filing of the motion for reconsideration stays all further proceedings in the matter and a ruling on the motion is considered the final decision. Rule K of the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County. Therefore, the filing of Protestants' motion effectively stays the special exception approval of the commercial recreational facility and arcade. As a result, Petitioner would like to further argue that the imposition of a 40 game/amusement device limitation coupled with BCZR § 423.1.C.3 (requires the arcade to be "clearly subordinate in area, extent and purpose to the principal use") obviates the need for condition number 6, which indicates that the approval shall terminate when Jumping Jamboree, LLC and/or Ms. Fresnel "sells, leases or otherwise ceases to have day-to-day involvement in the operation of the facility."

To restrict the special exception approval to Ms. Fresnel constitutes a manifest injustice. While it's not as if she has plans to sell the business, the condition seems particularly harsh given the other conditions which were imposed. A strict reading of the ALJ's restriction regarding Ms. Fresnel's required association with the special exception use not only impedes her ability to ever consider selling the business without obtaining additional zoning relief, but it seems as if she has to be physically present on the premises whenever the commercial recreational facility is open. It is certainly

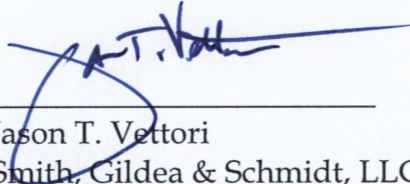
fathomable that Ms. Fresnel may from time to time be on vacation. A requirement that she be involved in the operation on a day-to-day basis is not practical. This unnecessary condition constitutes a manifest injustice and should be stricken.

CONCLUSION

This motion is akin to Protestants' counsel argument at the hearing but he has cited absolutely no authority for this proposition then or now.

For the aforementioned reasons, the motion should be dismissed.

Respectfully submitted,



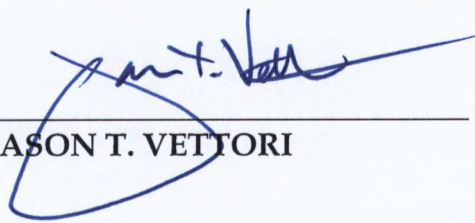
Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of **November, 2013**, a copy of the foregoing Response to Protestants' Motion for Reconsideration and Motion for Reconsideration was sent via electronic mail and mailed first-class, postage prepaid to:

Robert J. Romadka, Esquire
Robert J. Romadka, LLC
104-B Briarwood Road
Baltimore, MD 21222
Protestants' Counsel

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Room 204
Towson, MD 21204



JASON T. VETTORI



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 901A Middle River Road & 915 Middle River Road

which is presently zoned BL & ML-IM

Deed Reference 17341/00100

10 Digit Tax Account # 2300001850 & 2300001849

Property Owner(s) Printed Name(s) VEI Middle River, LLC

CASE NUMBER 2014-0035-SPHX Filing Date 8/18/13 Estimated Posting Date / / Reviewer BK

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

Please see attached.

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Saberina Fresnel, Authorized Representative of Jumping Jamboree, LLC

Name- Type or Print

Signature

915 Middle River Road, Suite C, Baltimore MD

Mailing Address City State
21220 (855) 915-5867, saberinafresnel@yahoo.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address City State
21204 (410) 821-0070, jvettori@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners:

Bradley S. Glaser, Authorized Representative of VEI Middle River, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1500 Serpentine Road, Suite 100, Baltimore MD

Mailing Address City State
21209 (410) 296-1770, bsglaser@vanguardretaildev.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address City State
21204 (410) 821-0070, jvettori@sgs-law.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 10/10/13
By Den

ATTACHMENT TO PETITION FOR ZONING RELIEF

901A Middle River Road & 915 Middle River Road

Special Hearing to determine whether or not the ALJ should approve:

1. The proposed use as a practice or training physical conditioning facility, which is permitted by right in the ML zone, as provided in BCZR § 253.1.A.42; or in the alternative,
2. The proposed use as a commercial recreational facility, which is permitted by special exception in the ML zone as provided in BCZR § 253.2.D.3; and
3. Such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Special Exception to use the property for:

1. An arcade, in accordance with BCZR §§ 423.B and 422.A; and
2. If necessary, a commercial recreational facility as provided in BCZR § 253.2.D.3; and
3. Such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

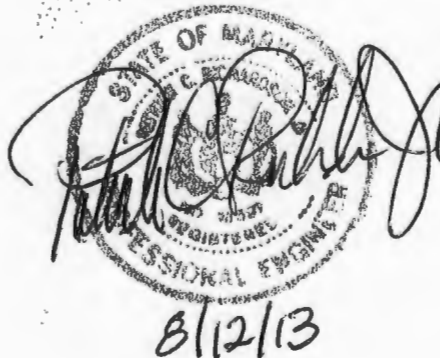
**ZONING PROPERTY DESCRIPTION FOR
915 MIDDLE RIVER ROAD
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the **north** side right-of-way of **Middle River Road** (**60** feet) wide at a distance of **390 feet north** of the centerline of the nearest improved intersecting street **Bird River Road** which is (**75** feet) wide; at a distance of 124 feet east of this point along the N 43 degrees 55 minutes 20 seconds East line on the northerly property line of the entire parcel:

Thence the following courses and distances: (1) North 43 degrees 55 minutes 20 seconds East 223.60', (2) South 45 degrees 46 minutes 13 seconds East 202.09', (3) South 43 degrees 38 minutes 05 seconds West 43.42', (4) North 46 degrees 03 minutes 05 seconds West 12.23', (5) South 43 degrees 56 minutes 55 seconds West 56.00', (6) North 45 degrees 58 minutes 59 seconds West 35.09', (7) South 44 degrees 00 minutes 47 seconds West 110.07', (8) South 45 degrees 58 minutes 59 seconds East 48.23', (9) South 43 degrees 51 minutes 54 seconds East 39.91', (10) South 46 degrees 08 minutes 06 seconds East 50.19' (11) South 43 degrees 51 minutes 54 seconds East 68.00', (12) North 46 degrees 08 minutes 06 seconds West 18.00' (13) North 43 degrees 51 minutes 54 seconds East 8.50', (14) South 46 degrees 08 minutes 06 seconds East 18.00' (15) North 43 degrees 51 minutes 54 seconds West 41.74', (16) North 46 degrees 18 minutes 13 seconds West 84.77' (17) North 43 degrees 18 minutes 02 seconds East 29.02', (18) North 46 degrees 41 minutes 58 seconds West 42.87' (19) North 43 degrees 34 minutes 39 seconds East 29.41', (20) South 46 degrees 15 minutes 27 seconds East 30.27' (21) North 43 degrees 56 minutes 55 seconds East 165.93', (22) North 46 degrees 03 minutes 05 seconds East 56.36' (23) South 44 degrees 04 minutes 31 seconds West 179.16', (24) North 46 degrees 04 minutes 40 seconds West 64.05'; back to the point of beginning.

Containing a net area of 36,128 square feet or 0.83 acres.

Being part of the land as recorded in deed Liber 17341, Folio 100,
Located in the 15th Election District and 6th Councilmanic District.


8/12/13

**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: 2014- 0035- SPH X
Petitioner: VEI Middle River, LLC
Address or Location: 915 Middle River Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASANT. VETTORI
Address: 600 Washington Ave.
Suite 200
Towson, MD 21204
Telephone Number: (410) 821-0070

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

No. **101534**

Date: **5/1/13**

PAID RECEIPT

BUSINESS ACTION TIME MON
 5/14/2013 5/13/2013 11:16:30 3
 REC NO: 5015 WALTON 5000.100
 RECEIPT # 400432 5/13/2013 0FLR
 Dept 5 500 200000 MICHIGAN
 CR NO. 101524
 Recpt Tot 41,000.00
 \$1,000.00 12 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	506	0000		6150				\$1,000.00

Total: **\$1,000.00**

Rec From: **Golden, Smith & Schmidt, LLC**
 For: **Special Hearing & Special Exception**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

A 30M-003-5 PH X

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/15/2013

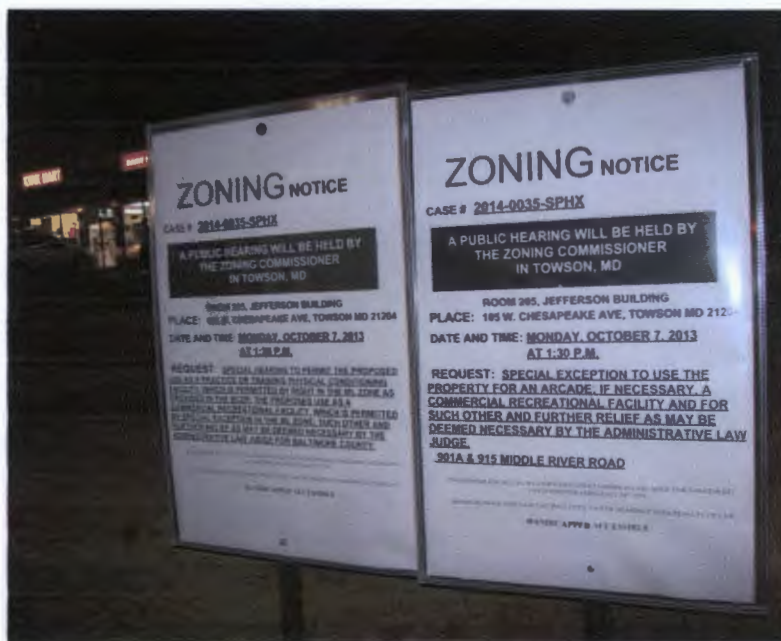
Case Number: 2014-0035-SPHX

Petitioner / Developer: JASON VETTORI, ESQ. of SMITH, GILDEA & SCHMIDT, LLC~SABERINA FRESNEL~BRADLEY GLASER

Date of Hearing (Closing): OCTOBER 7, 2013

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:
901A & 915 MIDDLE RIVER ROAD

The sign(s) were posted on: SEPTEMBER 13, 2013



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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

September 19, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on September 17, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2014-0035-SPHX

901A & 915 Middle River Road

NE corner of Middle River Road and Bird River Roads

15th Election District - 6th Councilmanic District

Legal Owner(s): VEI Middle River, LLC

Contract Purchaser: Jumping Jamboree, LLC

Special Hearing: to permit the proposed use as a practice or training physical conditioning facility, which is permitted by right in the ML zone as provided in the BCZR; the proposed use as a commercial recreational facility, which is permitted by special exception in the ML zone; such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. **Special Exception:** to use the property for an arcade; if necessary, a commercial recreational facility and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Monday, October 7, 2013 at 1:30 p.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.
JT 9/714 Sept. 17 947296

NOTICE OF PUBLIC HEARING

FOR THE CITY OF BIRMINGHAM

DATE: 10/15/2013

TIME: 10:00 AM

LOCATION: City of Birmingham

AGENDA: 1. City Manager's Report

2. Mayor's Report

NOTICE OF PUBLIC HEARING

The City of Birmingham is holding a public hearing on the proposed changes to the City Charter. The hearing will be held on the date and time listed below. The hearing is open to the public and all interested parties are invited to attend.

DATE: 10/15/2013

TIME: 10:00 AM

LOCATION: City of Birmingham

AGENDA: 1. City Manager's Report

2. Mayor's Report

3. Public Hearing

The City of Birmingham is holding a public hearing on the proposed changes to the City Charter. The hearing will be held on the date and time listed below. The hearing is open to the public and all interested parties are invited to attend. The hearing will be held in the City of Birmingham, Alabama. The hearing is open to the public and all interested parties are invited to attend. The hearing will be held in the City of Birmingham, Alabama. The hearing is open to the public and all interested parties are invited to attend.

For more information, please contact the City of Birmingham at (205) 325-1000. The hearing is open to the public and all interested parties are invited to attend.



City Manager

For more information, please contact the City of Birmingham at (205) 325-1000.

THE CITY OF BIRMINGHAM IS HOLDING A PUBLIC HEARING ON THE PROPOSED CHANGES TO THE CITY CHARTER. THE HEARING WILL BE HELD ON THE DATE AND TIME LISTED BELOW. THE HEARING IS OPEN TO THE PUBLIC AND ALL INTERESTED PARTIES ARE INVITED TO ATTEND. THE HEARING WILL BE HELD IN THE CITY OF BIRMINGHAM, ALABAMA. THE HEARING IS OPEN TO THE PUBLIC AND ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

MEMORANDUM

DATE: December 16, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0035-SPHX - Appeal Period Expired

The appeal period for the above-referenced case expired on December 13, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ☒ Case File
Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND SPECIAL EXCEPTION *
901A & 915 Middle River Road; NE corner * OF ADMINISTRATIVE
Middle River & Bird River Roads *
15th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): VEI Middle River LLC * BALTIMORE COUNTY
Contract Purchaser(s): Jumping Jamboree, LLC*
Petitioner(s) * 2014-035-SPHX

* * * * *

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

AUG 21 2013

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 21st day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
8/21/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
8/21/13	DEPS (if not received, date e-mail sent _____)	N/C
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
8/20/13	STATE HIGHWAY ADMINISTRATION	No Obj.
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 9/17/13	
SIGN POSTING	Date: 9/13/13 by O'Keefe	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

- [April 9, 2012](#)
- [April 2, 2012](#)
- [March 19, 2012](#)
- [March 12, 2012](#)
- [March 5, 2012](#)
- [February 20, 2012](#)
- [February 13, 2012](#)
- [February 6, 2012](#)
- [January 23, 2012](#)
- [Archived Editions](#)
- [Parental Advisory System](#)
 - [PAS – Frequently Asked Questions](#)
- [AAMA Charity](#)
 - [AAMCF Charity Golf Outing](#)
 - [Seasonal Fundraiser](#)
- [News](#)
- [Contact](#)

- [Association News](#)
- [Billboard](#)
- [Games](#)
- [General](#)
- [Manufacturers](#)
- [Music](#)
- [Vending Times](#)

You are here: [Home](#) / [Resources](#) / Parental Advisory System

Parental Advisory System

The American Amusement Machine Association together with its sister association (AMOA) have developed a coin-operated Video Game Parental Advisory System for coin-operated video games. The system was developed to educate consumers about the content of various video games, using an easy to follow color-coded system.

As part of the System, AAMA and AMOA, have agreed to a landmark industry-wide Code of Conduct that will help raise awareness of and compliance with the new System. In a further effort to ensure widespread implementation of the System, AAMA and AMOA have collaborated on the development and implementation of a comprehensive program targeting manufacturers, developers, distributors, location-owners and operators of video games.

To obtain a Game Rating Form, Manufacturer Code of Conduct or PACT Signatory Letter, please contact the AAMA at 847.290.9088.

[Click here to download the game ratings list](#)

[Click here to download a PAS Sticker & Poster Order Form](#)

[Click here for further details on the Parental Advisory System](#)

- [April 9, 2012](#)
- [April 2, 2012](#)
- [March 19, 2012](#)
- [March 12, 2012](#)
- [March 5, 2012](#)
- [February 20, 2012](#)
- [February 13, 2012](#)
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- [General](#)
- [Manufacturers](#)
- [Music](#)
- [Vending Times](#)

You are here: [Home](#) / [Resources](#) / [Parental Advisory System](#) / PAS – Frequently Asked Questions

PAS – Frequently Asked Questions

Q: What is the Coin-Operated Video Game Parental Advisory System?

A: The Coin-Operated Video Game Parental Advisory System is a user-friendly system, endorsed by all sectors of the coin-operated amusement industry, Members of Congress and various child advocacy organizations, that allows consumers to quickly ascertain the content of coin-operated video games. The System uses a color-coded, “traffic light” approach so that even young children are able, following instructions from their parent’s, to make responsible game-playing decisions.

Q: How is the Coin-Operated Video Game Parental Advisory System different from the rating systems for home and PC-based computer games?

A: While the Coin-Operated Video Game Parental Advisory System provides information to consumers comparable in certain respects to the information provided by the ratings established by the Entertainment Software Rating Board for home video games, our System it is not age based and uses color-coded Parental Advisory Disclosure Messages to alert players to game content. Fundamental differences between the coin-operated and consumer segments of the video game industry (e.g., product development, marketing, cost, life-cycle, packaging, venues in which games appear, player demographics, access by children, etc.) led to the development of a separate system for coin-operated video games.

Q: Why is the Coin-Operated Video Game Parental Advisory System necessary?

A: While many coin-operated video games are suitable for play by children of all ages, some coin-operated video games contain scenes of violence that some parents may not wish their young children to play. The trend in coin-operated video game development is toward development of games that are suitable for all ages, and the coin-operated video game industry has put in place a user-friendly method to quickly ascertain the content of coin-operated video games in the event parents wish to limit game play by their children.

Q: Who decides which Parental Advisory Disclosure Message will appear on a particular coin-operated video game?

A: The manufacturer and/or developer of each game uses a Coin-Operated Video Game Parental Advisory System “Guideline” that poses a series of detailed questions regarding the content of video game releases. By using the Guidelines, the manufacturer and/or developer is able to accurately identify the appropriate Parental Advisory Disclosure Message to be placed on each coin-operated video game. Game ratings forms can be obtained by contacting AAMA at 847.290.9088.

Q: Who decides which game a child should play?

A: The Coin-Operated Video Game Parental Advisory System is designed to provide parents with sufficient information about the content of coin-operated video games so that they may make informed decisions about the games their children may play. Parents are encouraged to educate themselves about the Coin-Operated Video Game Parental Advisory System, and to accompany their children into locations where coin-operated video games are available and to assist their children in making game-playing decisions. As part of the Coin-Operated Video Game Parental Advisory System, whenever feasible, the staff at locations where children who are unaccompanied by a parent may have access to coin-operated video games are encouraged to discourage such children from playing coin-operated video games which carry a “Strong” (i.e., red color) Parental Advisory Disclosure Message.

Q: Where will Parental Advisory Disclosure Messages appear on coin-operated video games?

A: The Parental Advisory Disclosure Messages will appear either in a color-coded sticker that is affixed to the header of coin-operated video games or incorporated into the artwork on the header of such games in a location that is readily visible to the players of the game at all times. The Disclosure Message will typically appear in the lower right-hand corner of the game header; if the header is more than three feet from the player, the Disclosure Message must be repeated in the control panel of the game.

In addition, at the discretion of the coin-operated video game manufacturer or developer, a Parental Advisory Disclosure Message may also appear in the “attract mode” of the game. The attract mode is a digital message that is flashed every few seconds and that repeats an infinite number of times, without the need for a coin to be inserted. Posters and other information about the Coin-Operated Video Game Parental Advisory System will be posted when feasible at locations at which children may have access to coin-operated video games. Since AAMA and AMOA, do not have control over every location at which coin-operated video games are available to children, we are working with allied organizations and the trade press to heighten industry awareness of the need to implement all aspects of the Coin-Operated Video Game Parental Advisory System.

Q: Where can I obtain additional information about the Coin-Operated Video Game Parental Advisory System, including additional copies of this Kit, posters, or the Parental Advisory Disclosure Message stickers to be placed on coin-operated video games?

A: Additional information about the Coin-Operated Video Game Parental Advisory System may be obtained by contacting Jennifer Anker at janker@coin-op.org or 847.290.9088. To place an order for stickers and/or posters, please return the completed **PAS Sticker & Poster Order Form** via fax to 847.290.9121 or email to janker@coin-op.org.

Share this:

Like AAMA on Facebook

- [Facebook Members WordPress Plugin](#)

Networked Blogs

 NetworkedBlogs



KEVIN KAMENETZ
County Executive

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

October 2, 2013

Bradley S. Glaser, Representative
VEI Middle River LLC
1500 Serpentine Road
Suite 100
Baltimore MD 21209

RE: Case Number: 2014-0035 SPHX, Address: 901 A & 915 Middle River Road

Dear Mr. Glaser:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 13, 2013. 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: jaf

Enclosures

c: People's Counsel
Saberina Fresnel, 915 Middle River Road, Suite C, Baltimore MD 21220
Jason T. Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 8-20-13

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

RE: Baltimore County
Item No 2014-0035-SPHX
Special Hearing Special Exception
Bradley S. Glaser
901A & 915 Middle River Road

Dear Ms. Lewis:

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. 2014-0035-SPHX.

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).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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.roads.maryland.gov

Debra Wiley - 2014-0035-SPHX

From: Alyssa Fiore <afiore@sgs-law.com>
To: "jbeverungen@baltimorecountymd.gov" <jbeverungen@baltimorecountymd.gov>
Date: 11/14/2013 10:48 AM
Subject: 2014-0035-SPHX
CC: "dwiley@baltimorecountymd.gov" <dwiley@baltimorecountymd.gov>, "snuffer@..."

Judge Beverungen,

Please accept this letter as a supplement to the previously submitted Response to Protestants' Motion for Reconsideration and Petitioner's Motion for Reconsideration (the "Response"). This office received a phone call from Robert Romadka's office notifying us that he is **not** counsel in the above referenced matter. Evidently, the Response refers to Mr. Romadka as counsel for the Protestants. Mr. Romadka has informed us that he is no longer licensed to practice law. He asked that we amend our submission accordingly.

Correspondingly, he cannot accept service for all the signatories on the Motion for Reconsideration filed on or about November 7, 2013. As such, I have mailed via first class mail today the Response filed on November 12, 2013 on behalf of Petitioner to the following people:

1. Linda Felts, 1010A Bird River Road, Baltimore, MD 21220
2. Robert Funk, 10304 Vincent Farm Lane, White Marsh, MD 21162
3. Leslie Kaminski, 10504 Vincent Road, White Marsh, MD 21162
4. Joyce Schmitt, 995 Rohe Farm Lane, Baltimore, MD 21220
5. Alice Strathy, 1143 Reames Road, Baltimore, MD 21220
6. Sandra Magsamen, 10132 Bird River Road, Baltimore, MD 21220

Please make a note on the file accordingly.

Alyssa M. Fiore

Paralegal

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue

Suite 200

Towson, MD 21204

(410) 821-0070

(410) 821-0071 - fax

afiore@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

November 7, 2013

Office of Administrative Hearings
105 West Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RECEIVED

NOV 07 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Attn: John E. Beverungen
Administrative Law Judge
for Baltimore County

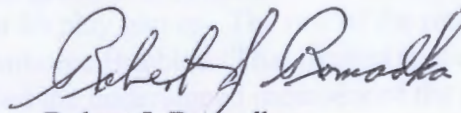
RE: Petitions for Special Hearing and Special Exception
Property: 901A and 915 Middle River Road
Case No. 2014-0035 SPHX
Motion for Reconsideration

Dear Judge John E. Beverungen:

Enclosed please find copy of Motion for Reconsideration relative to your opinion and order rendered in the above captioned matter on October 10, 2013. This motion is filed pursuant to Rule K of the Zoning Commissioner/Hearing Officer's Rules of Practice and Procedure.

This copy of said motion is filed by Robert J. Romadka on behalf of himself and the undersigned who respectively submitted this Motion for Reconsideration.

Very truly yours,



Robert J. Romadka
10416 Vincent Road
White Marsh, MD 21162

Enclosure

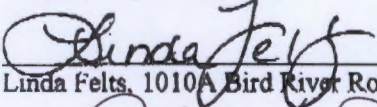
cc: Jason T. Vettori, Esq., Smith, Gildea & Schmidt, LLC, Attorney for Petitioner
Linda Felts, 1010A Bird River Road, Baltimore, MD 21220
Robert Funk, 10304 Vincent Farm Lane, White Marsh, MD 21162
Leslie Kaminski, 10504 Vincent Road, White Marsh, MD 21162
Joyce Schmitt, 995 Rohe Farm Lane, Baltimore, MD 21220
Alice Strathy, 1143 Reames Road, Baltimore, MD 21220
Sandra Magsamen, 10132 Bird River Road, Baltimore, MD 21220

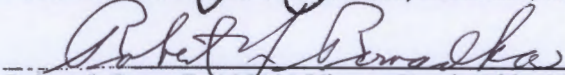
Hand Delivered to the Office of Administrative Hearings on November 7, 2013

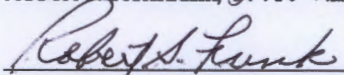
Signed by: _____

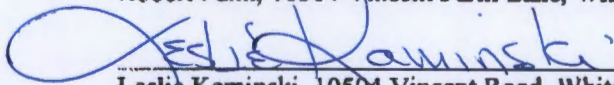
The Administrative Law Judge appropriately limited the kinds of machines to those rated suitable for all ages or having only mild content. The undersigned are concerned that the Petitioner's refusal to indicate what games would be placed on the premises may open up what is to be a facility suitable for all ages, including young children, to essentially adolescent gaming. It is requested that a condition be placed in the Order based on this information that only machines bearing a green sticker suitable for all ages be placed in the facility or alternatively that only a low percentage of the machines bearing a yellow sticker be permitted. This would then ensure that the facility would not operate contrary to the public health, safety or general welfare.

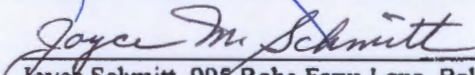
Respectfully Submitted,

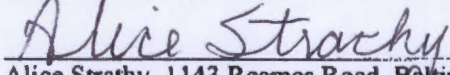
 Oct 30, 2013
Linda Felts, 1010A Bird River Road, Baltimore, MD 21220

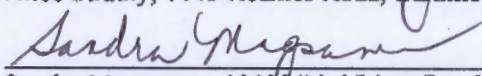

Robert J. Romadka, 10416 Vincent Road, White Marsh, MD 21162


Robert Funk, 10304 Vincent Farm Lane, White Marsh, MD 21162


Leslie Kaminski, 10504 Vincent Road, White Marsh, MD 21162


Joyce Schmitt, 995 Rohe Farm Lane, Baltimore, MD 21220


Alice Strathy, 1143 Reames Road, Baltimore, MD 21220


Sandra Magsamen, 10132 Bird River Road, Baltimore, MD 21220

cc: Jason T. Vettori, Smith, Gildca & Schmidt, LLC

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 21, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0035-SPHX
Address 901A & 915 Middle River Road
(VEI Middle River, LLC Property)

Zoning Advisory Committee Meeting of August 19, 2013.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

AUG 21 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 26, 2013
Item No. 2014-0035

DATE: August 21, 2013.

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

A landscape plan shall be received and approved prior to the approval of any building permits.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0035-08202013.doc

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier: District - 15 Account Number - 2300001849		
Owner Information		
Owner Name:	VEI MIDDLE RIVER LLC	Use: COMMERCIAL
	STE #100	Principal Residence: NO
Mailing Address:	1500 SERPENTINE RD	Deed Reference: 1) /00000/ 00000
	BALTIMORE MD 21209-2010	2)
Location & Structure Information		
Premises Address:	915 MIDDLE RIVER RD	Legal Description: 2.6790 AC
	0-0000	NES MIDDLE RI
		300FT NW BIRD
Map: 0082	Grid: 0022	Parcel: 0134
Sub District:	Subdivision: 0000	Section:
		Block:
		Lot:
		Assessment Year: 2012
Special Tax Areas:	Town: NONE	
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
	24750	Property Land Area
		2.6800 AC
Stories	Basement	Type
		SHOPPING CENTER / NEIGHBORHOOD
Exterior	Full/Half Bath	Garage
		Last Major
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	1,204,000	1,204,000
Improvements	623,400	694,900
Total:	1,827,400	1,898,900
Preferential Land:	0	1,875,067
		1,898,900
		0
Transfer Information		
Seller: NORVIC LLC	Date: 02/13/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00000/ 00000	Deed2:
Seller: TWO RIVER ROADS PARTNERSHIP	Date: 01/08/2003	Price: \$1,985,000
Type: ARMS LENGTH MULTIPLE	Deed1: /17341/ 00100	Deed2:
Seller: TWO RIVER ROADS PTNSHP	Date: 02/20/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12675/ 00030	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **15** Account Number: **2300001849**

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 ©2011.

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>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)

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Real Property Data Search (w2)

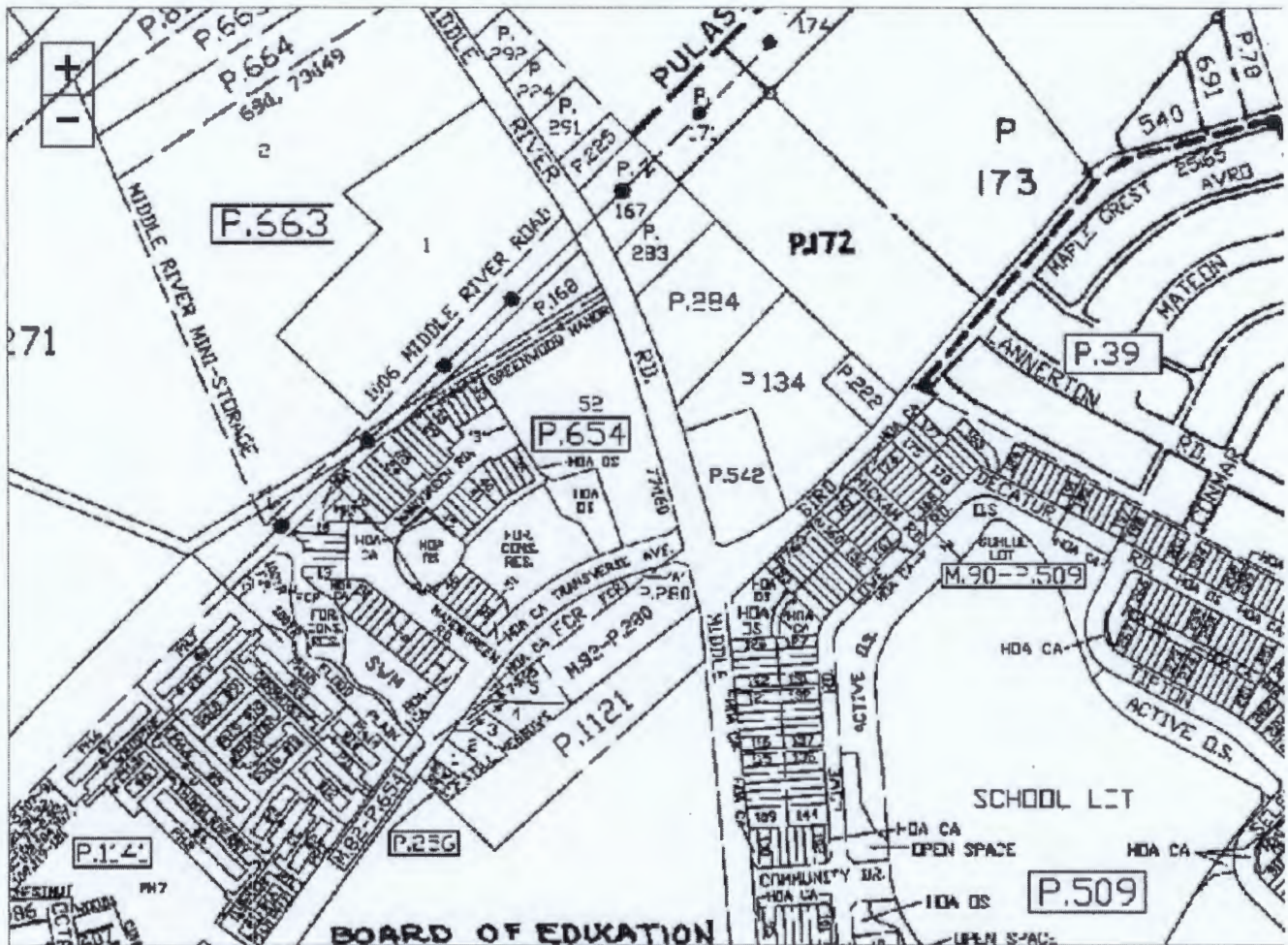
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 15 Account Number - 2300001850	
Owner Information		
Owner Name:	VEI MIDDLE RIVER LLC	Use: COMMERCIAL
	STE #100	Principal Residence: NO
Mailing Address:	1500 SERPENTINE RD	Deed Reference: 1) /00000/ 00000
	BALTIMORE MD 21209-2010	2)
Location & Structure Information		
Premises Address:	901A MIDDLE RIVER RD	Legal Description: 1.1250 AC
	BALTIMORE MD 21220-0000	NES MIDDLE F
		COR OF BIRD I
Map:	Grid:	Parcel:
0082	0022	0542
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
		2012
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1986	13600	1.1300 AC
Property Land Area		
Stories	Basement	Type
		SHOPPING CENTER / NEIGHBORHOOD
Exterior	Full/Half Bath	Garage
Last Major		
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	539,000	539,000
Improvements	949,100	984,500
Total:	1,488,100	1,523,500
Preferential Land:	0	0
Phase-in Assessments		
	As of	As of
	07/01/2013	07/01/
		07/01/
Transfer Information		
Seller: NORVIC LLC	Date: 08/24/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00000/ 00000	Deed2:
Seller: TWO RIVER ROADS PARTNERSHIP	Date: 01/08/2003	Price: \$1,985,000
Type: ARMS LENGTH MULTIPLE	Deed1: /17341/ 00100	Deed2:
Seller: TWO RIVER ROADS PTNSHP	Date: 02/20/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12675/ 00030	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
		07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:		0.00 0.00
Exempt Class:	Special Tax Recapture:	
	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **15** Account Number: **2300001850**



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(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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CASE NAME _____
CASE NUMBER 2014-0035-SPHX
DATE 10/7/13

[illegible]

CASE NAME _____
CASE NUMBER 2014-0035-SPHX
DATE 10-7-13

CASE NAME _____
CASE NUMBER 2014-0035-SPHX
DATE 10-7-13

[illegible]

CASE NAME _____
CASE NUMBER 2014-0035
DATE 10-7-13

[illegible]

Case No.: 2014-0035-SPHX

Exhibit Sheet

DW
12-16-13

Alm
10-10-13

Petitioner/Developer

Protestant

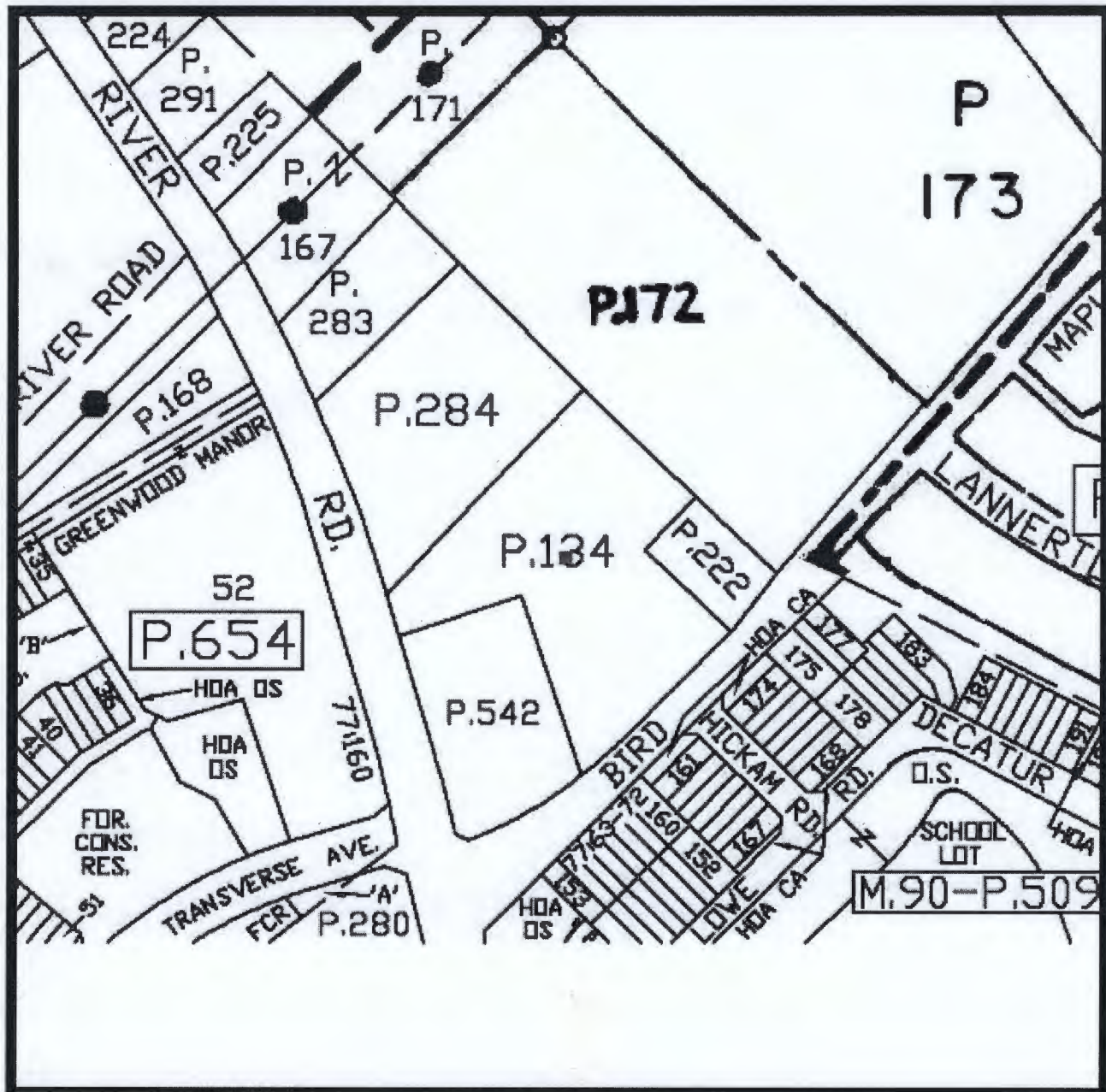
No. 1	site plan	
No. 2	2A-2C SDAT records	
No. 3	3A-3C Google Maps photos of site	
No. 4	Brochure for facility	
No. 5	Opinion No. 90-102-X	
No. 6	Opinion No. 92-115- SPH	
No. 7	Opinion No. 97-418-A	
No. 8	Opinion No. 05-081-X	
No. 9	11-30-12 letter to A. Jablon	
No. 10	12-19-12 letter to J. Vettori	
No. 11	1-3-13 letter to A. Jablon	
No. 12		



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

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District - 15 Account Number - 2300001849



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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.pla

DEVELOPER' S

Property maps provided courtesy of the Maryland Department

EXHIBIT NO.

2A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
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[GroundRent Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 15 Account Number - 2300001850

Owner Information

Owner Name:	VEI MIDDLE RIVER LLC	Use:	COMMERCIAL
Mailing Address:	STE #100 1500 SERPENTINE RD BALTIMORE MD 21209-2010	Principal Residence:	NO
		Deed Reference:	1) /00000/ 00000 2)

Location & Structure Information

Premises Address	Legal Description
901A MIDDLE RIVER RD BALTIMORE MD 21220-0000	1.1250 AC NES MIDDLE RIVER RD COR OF BIRD RIVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0082	0022	0542		0000				3	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1986	13600	1.1300 AC	06

Stories	Basement	Type	Exterior
		SHOPPING CENTER / NEIGHBORHOOD	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	539,000	539,000		
Improvements:	949,100	984,500		
Total:	1,488,100	1,523,500	1,499,900	1,511,700
Preferential Land:	0			0

Transfer Information

Seller:	NORVIC LLC	Date:	08/24/2005	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/00000/ 00000	Deed2:	
Seller:	TWO RIVER ROADS PARTNERSHIP	Date:	01/08/2003	Price:	\$1,985,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/17341/ 00100	Deed2:	
Seller:	TWO RIVER ROADS PTNSHP	Date:	02/20/1998	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/12675/ 00030	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

Homestead Application Information

Homestead Application Status: No Application

Special Tax Exemption:
DEVELOPER'S

EXHIBIT NO. 2B

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
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[New Search](#)
[GroundRent Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 2300001849

Owner Information

Owner Name: VEI MIDDLE RIVER LLC **Use:** COMMERCIAL
Mailing Address: STE #100 **Principal Residence:** NO
1500 SERPENTINE RD **Deed Reference:** 1) /00000/ 00000
BALTIMORE MD 21209-2010 2)

Location & Structure Information

Premises Address **Legal Description**
915 MIDDLE RIVER RD 2.6790 AC
0-0000 NES MIDDLE RIVER RD
300FT NW BIRD RIVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0082	0022	0134		0000				3	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
	24750	2.6800 AC	06

Stories **Basement** **Type** **Exterior**
SHOPPING CENTER / NEIGHBORHOOD

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	1,204,000	1,204,000		
Improvements:	623,400	694,900		
Total:	1,827,400	1,898,900	1,851,233	1,875,067
Preferential Land:	0			0

Transfer Information

Seller: NORVIC LLC	Date: 02/13/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00000/ 00000	Deed2:
Seller: TWO RIVER ROADS PARTNERSHIP	Date: 01/08/2003	Price: \$1,985,000
Type: ARMS LENGTH MULTIPLE	Deed1: /17341/ 00100	Deed2:
Seller: TWO RIVER ROADS PTNSHP	Date: 02/20/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12675/ 00030	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:

Homestead Application Information

Homestead Application Status: No Application

DEVELOPER' S

EXHIBIT NO. 2C



Address **Bird River Road**

Address is approximate



DEVELOPER' S

EXHIBIT NO. 3A



Address **905 Middle River Road**

Address is approximate



DEVELOPER'S

EXHIBIT NO.

3B



Address **915 Middle River Road**

Address is approximate



DEVELOPER' S

EXHIBIT NO. 3C

DEVELOPER'S

EXHIBIT NO.

4



Family Fun Center

Where happiness is a hop away



www.jumpingjam.com

IN RE: PETITION FOR SPECIAL EXCEPTION
 1/3 Middle River Road •
 680' N Bird River Road •
 15th Election District •
 S Councilmanic District •
 Two River Roads Partnership, Petitioner •

BEFORE THE ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 CA# NO. 90-102-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a car wash in a ML-IM zone. This use is allowed by special exception pursuant to Section 253.2b.2, subject to the provisions of Section 419 all of the Baltimore County Zoning Regulations (B.C.Z.R.).

Petitioner presented testimony from its engineer, William Bafitis, who prepared the site plan (Petitioner's Exhibit 1). The Petitioner also presented testimony from John O. Hennegan, Esquire, one of the general partners with respect to the proposed use of the site.

There were no protestants.

The Petitioner desires to place the car wash on a tract containing approximately 6.6 acres gross. The property now contains a strip commercial shopping center in a portion of the tract zoned B.L., and a manufacturing facility in the ML-IM zone. The proposed car wash, as indicated by Petitioner's Exhibit 1, will be located on the northern corner of the property and would have a floor area of approximately 3,822 square feet. Testimony indicated that the site already is

1

fully developed and paved with gutter and sidewalk along it. Testimony from Mr. Bafitis as well as from Mr. Hennegan indicate that the requirements of Section 419 can be met.

The car wash would be a self-service car wash enabling trucks and other commercial and manufacturing vehicles to be washed by hand as opposed to the automated car washes. The car wash is not to be subdivided from the balance of the property, and the building is situated so as to accommodate larger vehicles, which have larger turning radii. It is estimated that the site at maximum capacity will accommodate two vehicles per half hour, which appears to be reasonable given the nature of the car wash involved. Stacking area is provided to accommodate this flow.

Testimony was also put into evidence pertaining to the requirements of Section 502.1.

In review of the application, the exhibits presented, and the testimony, it is clear that the location of this use on this site will meet the requirements of Section 419, and will serve the adjacent manufacturing properties as is required by Section 253.2b. The special exception criteria in Section 502.1 having been met the special exception should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 10th day of October, 1989, that the Petition for Special Exception for a car wash in a ML-IM zone by and the same IS HEREBY GRANTED, subject,

2

ORDER RECEIVED FOR FILING

Date 10/19/89 By [Signature]

ORDER RECEIVED FOR FILING

Date 10/19/89 By [Signature]

DEVELOPER'S

EXHIBIT NO.

590

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-102-X

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 Law and Zoning Regulations of Baltimore County, to use the herein described property for a car wash in a NLIM zone

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

Legal Owner(s):

(Type or Print Name)

Two River Roads, a Limited Partnership

Signature

Signature John B. Gontkus, General Partner

Address

(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

Romacka, Gontkus & Henneegan, P.A.

(Type or Print Name)

Address

Phone No.

Signature

City and State

829 Eastern Boulevard

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Baltimore, Maryland 21221

Name

Attorney's Telephone No.: 686-8274

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of July, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 20th day of Sept, 1989, at 8:30 o'clock P.M.

Zoning Commissioner of Baltimore County

however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) Petitioner shall comply with all Baltimore County development regulations or obtain waivers of same.

MICROFILMED

J. Robert Haines
J. Robert Haines, Esquire
Zoning Commissioner

ORDER RECEIVED FOR FILING

Date 10/19/89 By J. Robert Haines

RECEIVED FOR FILING

10/19/89 J. Robert Haines

7-54-JL

EXHIBIT NO.

DEVELOPER'S

ORDER RECEIVED FOR FILING

Date 11/14/91 By [Signature]

IN RE: PETITION FOR SPECIAL HEARING *
E/S Middle River Rd., 680 ft. *
N c/l Bird River Rd., Middle *
River Retail & Mfg. Complex *
15th Election District *
5th Councilmanic District *
2 River Roads Partnership *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 92-115-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case comes before the Zoning Commissioner as a Petition for Special Hearing filed by 2 River Roads Partnership, the subject property owner. The Petitioner seeks, pursuant to a Petition for Special Hearing, approval for an extension of a special exception granted in case No. 90-102-X which permitted a car wash in an M.L.-I.M. zone.

The Petitioner, by John B. Gontrum, General Partner and Counselor, appeared and testified. Also appearing on behalf of the Petition was William Bafitis, the engineer who prepared the subject plat. The facts of this case are not in dispute. By order of October 19, 1989, then Zoning Commissioner, J. Robert Haines, approved a special exception for the subject property permitting a car wash in an M.L.-I.M. zone. Commissioner Haines' Findings of Facts and Conclusions of Law, pursuant to his opinion dated October 19, 1989, are referenced and incorporated herein.

Following the approval of the special exception, the Petitioner moved forward with his plan through the CRG process. Although the original special exception plan and the approved CRG plan are substantially similar, certain modifications were made to the original plan to comply with the development regulations of Baltimore County. Thus, the Petitioner is proceeding by way of the amended plan, which is identified and adopted herein as Petitioner's Exhibit No. 2.

Due to the prolonged process to obtain development approval through the CRG process, Zoning Commissioner Haines' Order is in excess of two years old and thus the special exception has not been utilized as required by the Baltimore County Zoning Regulations (BCZR) Section 502.3. Therefore, the Petitioner has filed the subject Petition seeking the extension of the special exception for a period of three years.

Upon a review of the evidence and testimony presented, it is clear that the approval for Special Exception should be extended. There have been no substantial changes to the plan nor development within this locale which would justify overturning Commissioner Haines' Order. Thus, the Petition for Special Exception shall be extended for a period of three years pursuant to the new plan submitted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4th day of Nov., 1991 that, pursuant to the Petition for Special Hearing, a request for an extension of a special exception granted in case No. 90-102-X permitting a car wash in an M.L.-I.M. zone be extended for three years from the date of this Order, in accordance with Petitioner's Exhibit No. 2.

ORDER RECEIVED FOR FILING

Date 11/14/91 By [Signature]

LES:am

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

IN RE: PETITION FOR VARIANCE
NE/Corner Middle River Road and
Bird River Road
(915 Middle River Road)
15th Election District
5th Councilmanic District

Louie Hampton
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-418-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 915 Middle River Road, located in the vicinity of Bird River Road in Middle River. The Petition was filed by the owner of the property, Louie Hampton, through his attorney, John B. Gontrum, Esquire. The Petitioner seeks relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side/rear setbacks of 5 feet each in lieu of the minimum required 50 feet for a proposed 6,300 sq.ft., one-story addition to an existing building. 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 was John B. Gontrum, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is part of a larger tract of land that has been split into three separate parcels, identified as Parcels 284, 134, and 542 on the site plan. When combined, the entire tract of land consists of a gross area of 5.79 acres, more or less, and is split zoned M.L.-I.M. and B.L. The subject of this Petition is Parcel 134, which is an irregular shaped parcel, containing a

ORDER RECEIVED FOR FILING

Date

By

DEVELOPER'S

EXHIBIT NO.

7

gross area of 0.55 acres. Parcel 134 is improved with a one-story masonry building of 24,960 sq.ft., which houses the business known as Creative Packaging. The Petitioner is desirous of constructing a 6,300 sq.ft. addition to the rear of the existing building; however, due to its close proximity to the lot lines of this particular parcel, the requested variance is necessary in order to proceed with the proposed improvements. Testimony indicated that the area where the proposed addition is to be constructed is routinely littered with trash and debris and is an eyesore to the Petitioner as well as his immediately adjoining neighbor, the Middle River Assembly of God Church. The Petitioner believes that the proposed addition will help to alleviate this problem and assist with his business operation in providing additional space. Further testimony and evidence offered demonstrated that the Middle River Assembly of God Church is not opposed to the Petitioner's request, and, in fact, supports the Petitioner's plans to construct the proposed addition.

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.

ORDER RECORDED FOR FILING

Date

By

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 variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance 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 this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of May, 1997 that the Petition for Variance seeking relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side/rear setbacks of 5 feet each in lieu of the minimum required 50 feet for a proposed 6,300 sq.ft., one-story addition to an existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

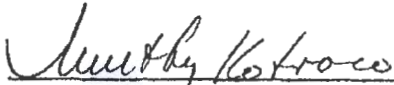
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review approval by the Landscape Architect for Baltimore County.

ORDER RECEIVED FOR FILING
Date 5/29/97
By [Signature]

3) When applying for a building permit, the site plan and 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

ORDER REVIEWED FOR FILING
DATE 7/29/09
BY [Signature]
[Signature]
[Signature]

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 NE/Corner of Bird River Road *
 and Middle River Road * DEPUTY ZONING COMMISSIONER
 15th Election District *
 6th Election District * OF BALTIMORE COUNTY
 (915-D Middle River Road) *
 * CASE NO. 05-081-X
 Norvic, LLC *
 By: Norman I. Sines, Jr. *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Norvic, LLC, by Norman I. Sines, Jr. The Petitioners are requesting a special exception for property located at 915-D Middle River Road in the eastern area of Baltimore County. The special exception request is for a service garage pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to confirm application of Zoning Case No. 97-418-A.

The property was posted with Notice of Hearing on September 27, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 28, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;

XEROX RECEIVED FOR FILING
 Date 10/13/04
 By Ray

DEVELOPER' S

EXHIBIT NO. 8

- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air, [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Angel Gonzales and Norman Sines, Jr. Petitioner. Alfred L. Brennan, Jr., Esquire represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Brennan proffered that the property, which is the subject of this request for special exception, is the ML-IM a portion of the property which was the subject of a prior side and rear yard setback variance Case No. 97-418-A. The subject property is outlined in yellow highlighter on Petitioner's Exhibit No. 2. It includes the existing Charm City Cycle Shop and 25 parking spaces. The existing shop sells motorcycle parts and clothing in the front of the shop and rebuilds and custom manufactures cycles in the rear of the shop. All this is done according to the ML-IM regulations.

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Date 10/13/04
BY Ray

What the shop can not do is to change a customer's oil, replace transmission fluids, etc. It can not perform customary maintenance on customers' vehicles because it is not zoned for such service. Mr. Brennan proffered that the Petitioner's request for special exception was authorized by Section 253.B.3 as an auxiliary service use in an IM district. Ms. Gonzales, who represented the shop, indicated that many of her customers come from the several industrial parks and centers in the area. Waste fluids would be picked up by Waste Management and disposed of appropriately.

The subject property is located in a bay of a larger building which is leased to other tenants such as a day care center. Mr. Sines, who represented the landlord, indicated that he understood that the special exception if granted would bind the property even if the present tenant, Charm City Cycle moved out. He noted that overall the center had an abundance of parking in that they provided 218 spaces while only 183 parking spaces were required. Consequently, he indicated that dedicating 25 parking spaces to this clients' special exception was no problem. He also noted that the cycle shop had been operating in that space without experiencing problems either from the church or day care center.

Mr. Brennan indicated that granting the special exception would not adversely affect the community and met all of the criteria given in Section 502.1 of the B.C.Z.R.

Findings of Fact and Conclusions of Law

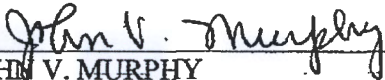
This is an existing cycle shop that can assemble motorcycles but can not change a customer's oil. This request is a minor extension of the existing uses in a heavily industrial area. I find that the proposed use would primarily serve the industrial uses in the area. I also find that the special exception for a service garage as shown on Petitioners' Exhibit No. 2 will

not endanger the health, safety and welfare of the community and that there will be no detriment to the area considering each of the criteria listed under Section 502.1 of the B.C.Z.R

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

THEREFORE, IT IS ORDERED, this th13 day of October, 2004, by the Deputy Zoning Commissioner, that the Petitioners' special exception request for a service garage pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to confirm application of Zoning Case No. 97-418-A, be and is hereby GRANTED.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR ALMO

Date

10/13/04

raj

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

November 30, 2012

Via Hand Delivery

Arnold Jablon
Director
Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

**Re: VEI Middle River, LLC
915 Middle River Road
Zoning Verification Letter**

Dear Mr. Jablon:

On behalf of the property owner, VEI Middle River, LLC, of the real property known as 915 Middle River Road (listed with the State Department of Assessments and Taxation as Map 82, Parcel 134 (Tax Account No. 2300001849)) located in Baltimore County, Maryland (the "Property"), I hereby request that you verify that the proposed use is permitted by right. The Property is approximately 2.679 acres, the entirety of which is zoned ML-IM.

The property owner is proposing a private indoor arena, filled with gigantic inflatable slides, bounce houses, obstacle courses and more. We are seeking verification that the proposed use is considered a "[p]ractice or training physical conditioning facilit[y]", which is permitted by right in the ML zone as provided in BCZR § 253.1.42. In support of the categorization of the proposed use as a practice or training physical conditioning facility, the children utilizing the private indoor arena will engage in physical activity for the bulk of the time they are renting the premises. Following the training/physical activity, the children will then move on to their own private party room food and other refreshments.

It is my understanding that similar uses already exist in similarly zoned property in Baltimore County. For instance, "Pump It Up", which is similar to the proposed use is located at 11515 Cronridge Drive in Owings Mills. That property is zoned ML-IM and there is no zoning history for that site. Similarly, there is another such facility called Rebounders at 7 W.

RECEIVED

DEC 21 2012

Smith, Gildea & Schmidt



KEVIN KAMENETZ
County Executive

December 19, 2012

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

Jason T. Vettori
Smith, Gildea and Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

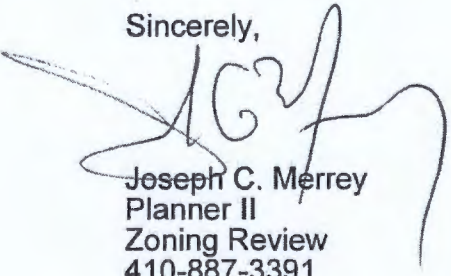
Dear Mr. Vettori:

RE: Zoning Verification, 915 Middle River Road, "Pump It Up", Zoning ML, 15th Election District

Your letter to Mr. Arnold Jablon, Director, concerning a zoning verification for the above referenced property and use has been referred to this Office for reply. Please be advised that upon discussing this matter with Mr. Carl Richards, Zoning Supervisor, it is the opinion of this Office that your request must be presented to the Law Judge for consideration, as it is our opinion that your request to have the subject use considered a "Practice and Physical Conditioning Facility" is beyond this Office's administrative authority. A public hearing will be required pursuant to a Special Hearing request which is filed with this Office for intake and docketing.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,


Joseph C. Merrey
Planner II
Zoning Review
410-887-3391

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

January 3, 2013

Via Hand Delivery

Arnold Jablon
Director
Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

**Re: VEI Middle River, LLC
915 Middle River Road
Zoning Verification Letter**

Dear Mr. Jablon:

On behalf of the property owner, VEI Middle River, LLC, of the real property known as 915 Middle River Road (listed with the State Department of Assessments and Taxation as Map 82, Parcel 134 (Tax Account No. 2300001849)) located in Baltimore County, Maryland (the "Property"), I hereby request that you verify that the proposed use, a practice or training physical conditioning facility, is permitted by right. The Property is approximately 2.679 acres, the entirety of which is zoned ML-IM, which permits the proposed use by right.

As illustrated on the attached floor plan, the bulk of the 7284 square foot space is dedicated to four "training areas" where physical conditioning will take place and four corresponding "training meal rooms," so athletes of various ages can train on different schedules. We are seeking verification that the proposed use is considered a "[p]ractice or training physical conditioning facilit[y]", which is permitted by right in the ML zone as provided in BCZR § 253.1.42. As indicated on the attached floor plan, the proposed use is for one of four spaces in the existing structure. The other uses include Milestones Children's Center, Inc., a day care center, Eastern Technical, an educational institution and a 3369 square foot space which is presently vacant. The operators of the day care center have leased the 7284 square foot space for the instant use.

January 3, 2013

Page 2

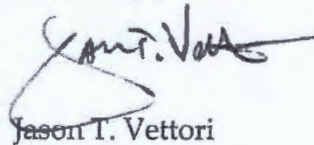
The proposed use will incorporate the core principles of First Lady Michelle Obama's Obesity Awareness and Prevention Campaign. Her public awareness campaign, Let's Move, has set the goal of solving the problem of childhood obesity within a generation. By providing access to the proposed facility, the principles of the First Lady's cause will be put into practice for children, including but not limited to those utilizing the day care.

In support of the categorization of the proposed use as a practice or training physical conditioning facility, the instant facility is one where children of all ages will engage in physical activity for anywhere from 30 minutes to two hours per session. Specially trained staff will be on hand to supervise the physical conditioning, ensuring that proper form and technique are employed, with an emphasis on safety. Following the training/physical conditioning, the children will then utilize the training meal rooms. In an attempt to further the First Lady's campaign, the training facility encourages healthy eating, but does not prohibit patrons from selecting their own dietary options.

I would appreciate your executing this document where indicated and returning same to me. A self-addressed stamped envelope has been included for your convenience. Additionally, please find enclosed a check in the amount of One Hundred Dollars (\$100.00) for the County's standard response fee.

Your kind attention to this matter is much appreciated.

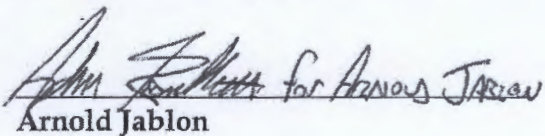
Very truly yours,



Jason T. Vettori

CC: Adam Rosenblatt
Carl Richards
Brad Glaser
Paul Van Riley
David K. Gildea

ACCEPTED AND APPROVED:

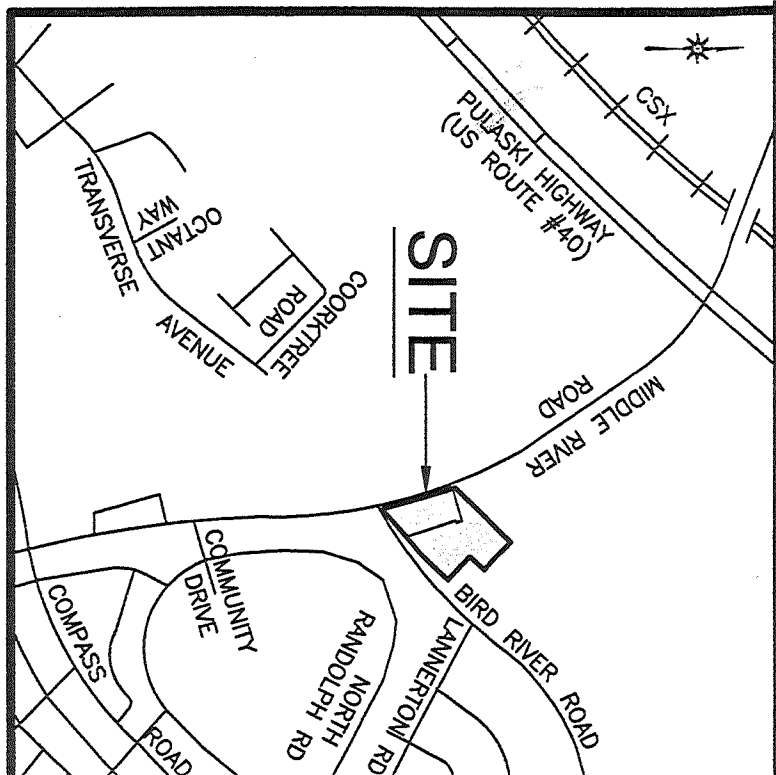
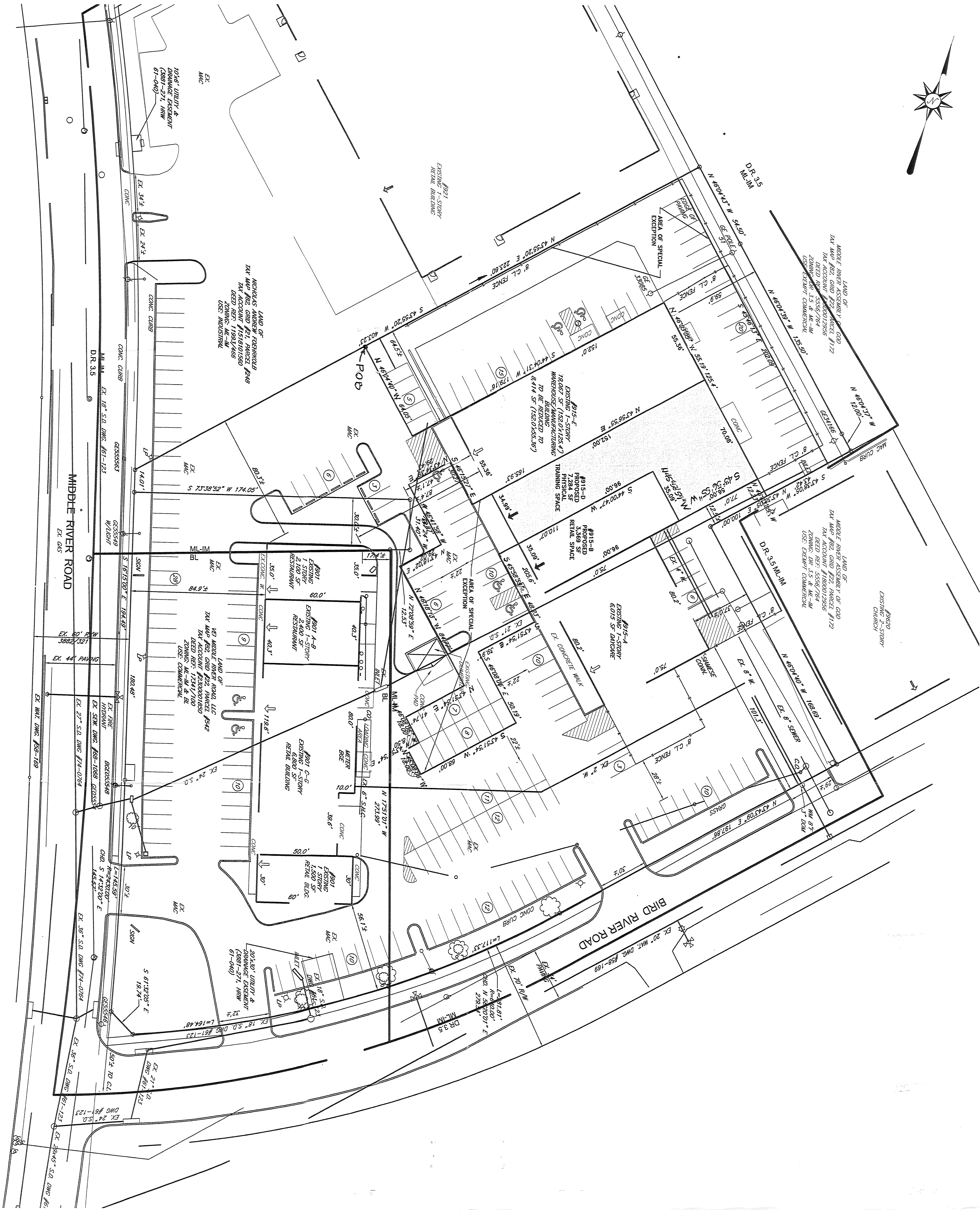
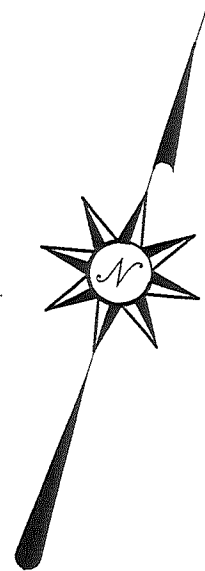


Arnold Jablon

Director

Department of Permits, Approvals and Inspections

0035



GENERAL NOTES

1. OWNER: VET MIDDLE RIVER, LLC
1500 SERPENTINE ROAD
BALTIMORE, MD 21209
2. SITE AREA: 192,240 SF OF 4.41 AC.±
NET AREA: 182,240 SF OF 3.50 AC.±
3. GROSS: 192,240 SF OF 4.41 AC.±
DEED REF: 17341/100
4. TAX MAP #82, GRID #22, PARCEL #134 & #542.
5. TAX ACCOUNT: #230001849 & 230001850
6. COUNCILMANIC DISTRICT: 6TH
7. ZONING: BL & ML-M (PER 1"-200' ZONING MAP 08233)
8. BUILDING AREA: 37,882 SF
9. UTILITIES:
WATER: PUBLIC
SEWER: PUBLIC
GAS: PUBLIC
ELECTRIC: PUBLIC
10. YEAR FLOODPLAIN LOCATED ON SITE.
11. PREVIOUS ZONING CASES:
05-081-X, 97-418X, 4408 RX, 5260, 1990-0102-X,
1992-0115-SPH, 1997-0418-A & 2005-0081-X.
12. PREVIOUS PERMITS:
BS12-860: FOR DAYCARE
BS10-449: FOR INTERIOR WALL CONSTRUCTION, 2002.
13. PREVIOUS DEC:
#021003K: LIMITED EXEMPTION GRANTED MARCH 3RD 2003.
#021003K: LIMITED EXEMPTION GRANTED FEBRUARY 10TH, 2006.
#021003K: LIMITED EXEMPTION GRANTED FEBRUARY 10TH, 2006.
#021003K: LIMITED EXEMPTION GRANTED FEBRUARY 10TH, 2006.
14. THE PROPERTY NOR THE BUILDINGS ARE HISTORIC.
15. WATERSHED: BACK RIVER
16. ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
17. BASIC SERVICE MAPS:
TYPE DEFICIENT (Y/N) NOTE
SEWER N
WATER N
TRANSPORTATION N
FIRE N
PAVING CALCULATIONS:
RETAIL: 11,669 SF @ 5/ 1000 = 59 SPACES
CARRY OUT RESTAURANT: 2,400 SF @ 5/ 1000 = 11 SPACES
RESTAURANT: 2,400 SF @ 16/ 1000 = 39 SPACES
WAREHOUSE \ MANUFACTURING:
8,414 SF @ 1/ EMPL. = 11 SPACES
DAYCARE: 6,015 SF @ 1/ EMPL. = 8 SPACES
ATHLETIC CLUB: 7,284 SF @ 10/ 1000 = 73 SPACES
TOTAL REQUIRED = 201 SPACES.
PARKING PROVIDED: 201 SPACES (7 H.C., 194 STD.)
20. SETBACKS:
TYPE PROVIDED
FRONT 84.9'±
SIDE 56.1'±
REAR 37.0'±
FLOOR AREA RATIO (F.A.R.)
MAXIMUM PERMITTED:
ML: 2.0
F.A.R. PROVIDED: 37,882/192,240 = 0.20
21. PROFESSIONAL CERTIFICATION:
I, THE UNDERSIGNED, A PROFESSIONAL ENGINEER, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. MY LICENSE NUMBER IS 16597.
EXPIRATION DATE: 05-15-2015

PROFESSIONAL CERTIFICATION:
I, THE UNDERSIGNED, A PROFESSIONAL ENGINEER, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. MY LICENSE NUMBER IS 16597.
EXPIRATION DATE: 05-15-2015



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

POTTER'S PREP PHYSICAL
CONDITIONING
MIRAMAR @ MIDDLE RIVER
901-915 MIDDLE RIVER ROAD
BALTIMORE, MARYLAND 21220

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	GND	PCR	1" = 30'
DATE:	09-07-13	JOB NO.:	SHEET NO.:
		13054	1 OF 1

Exhibits No. 1

DEVELOPER'S EXHIBIT NO. 1