

FOXTAIL LTD. PARTNERSHIP

120 Cockeysville Rd., Suite 205
Hunt Valley, MD 21030
Phone 410.771.8400
Fax 410.771.5541
Email Ccjfinc@aol.com

October 25, 2010

William J. Wiseman III
Zoning Commissioner for
Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
OCT 27 2010
ZONING COMMISSIONER

RE: 10-14 West Aylesbury Road
Zoning Commission Case No. 2010-0216-SPHX

Dear Mr. Wiseman:

This is in reply to your Oct. 14, 2010 letter. We regret that you find all the improvements of your "Finding of Facts and Conclusions of Law" were not completed. It is our belief that all was completed except for striping no parking areas in front of Schumacher and Seiler (S&S) and the submission of a landscaping plan.

Immediately following the zoning hearing I attempted to contact the right person in Baltimore County to consider the purchase of the property in question or, in lieu of purchasing, the possibility of leasing the strip of paving that sits along Aylesbury Road in front of the S&S unloading area. Following much telephoning and talking to County personnel, I got nowhere. No one that I talked with at the County could give an indication or reference as to someone of authority who could give an indication that purchase or leasing is possible. If anyone that you know can give an answer please let me know who that might be. You may know that the 110-foot at the street in front of the S&S unloading area is the only sidewalk paving from York Road. Adjacent neighbors have no sidewalks. This is most unusual. Nevertheless, we will comply with your request to stripe the strip that is being questioned.

As far as a landscaping plan, that is requested, we had no intentions to furnish additional landscaping. We are unaware as to why and how this might have been noted in the finding. We will however submit a site plan that will show the area of improvements.

In the Finding of Facts and Conclusions of Law, which was enclosed with your letter, Mr. Stephen E. Weber, Chief of Traffic Engineering, requested two additional improvements to the property: (1) extending the sidewalk on Foxtail Road from a curb cut west to the intersection with Aylesbury Road and (2) placement of a raised curb along the West Aylesbury property line in the S&S service court. At the same meeting Mr. Monk, Engineer, replied to Mr. Weber's

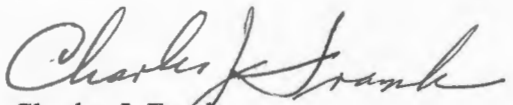
suggestions by saying that placing of the curb would impede truck turning radius for deliveries to S&S. Also, Mr. Monk stated that painting of stripes and a no parking sign in the County area should be done. Mr. Wiseman III was influenced by Mr. Monk's testimony and thereby authorized Mr. Monk's suggestions.

Please be advised Mr. Wiseman III, this is to let you know that we will proceed promptly to paint stripes in the area fronting S&S unloading area and to furnish a site plan for the property.

Our schedule for striping by paint of the area at S&S loading is as follows:

The paved area at S&S must first be sealed, then striped. Sealing and striping can only be done in good weather so the processes could take several weeks. We would guess that work will be spread out over the next month.

Sincerely,


Charles J. Frank
President, CJF Realty, General Partner

Enc.: Site Plan

CJF: jkh

c: File

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of April, 2010, that the Petition for Special Hearing, pursuant to Section 500:7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit a Commercial Recreational Facility on the described property with an accessory Arcade pursuant to Section 423.1.C, and (2) to approve that the existing parking, as varianced under Case No. 99-156-A, is adequate to support the existing uses and proposed uses, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit the use of the described property as a Commercial Recreational Facility, pursuant to Section 253.2.D.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), with an accessory arcade in accordance with Section 423.1 of the B.C.Z.R., that will contain indoor recreation, playground, and exercise entertainment equipment for children up to age 13, including, but not limited to, inflatable equipment, tunnel slide, bouncer maze, playhouse, a café and a boutique and related facilities for birthday parties associated with such uses pursuant to Section 253.2.D.3 of the B.C.Z.R. with eight (8) Nintendo Wii stations, two (2) air hockey tables and four (4) basketball nets that contain electronic equipment, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioners may apply for a building permit and be receipt of this Order; however, the Petitioners are he proceeding at this time is at their own risk until the from the date of this Order has expired. If an ap Order is reversed, the relief granted herein shall be re
2. The Property Owner, Foxtail Limited Partnership, shall make the 99-156-A improvements within ninety (90) days from the date hereof and within said period, notify this Zoning Commissioner that the same has been completed.

Due to B.C.Z.R. in 90 days

From: "Jeffrey H. Scherr" <JScherr@kg-law.com>
To: "Debra Wiley" <dwiley@baltimorecountymd.gov>
CC: <wmonk@mragta.com>, "Nancy D. Sumwalt" <nsumwalt@kg-law.com>
Date: 8/10/2010 10:06 AM
Subject: RE: Housekeeping - Foxtail Limited Partnership / Kiddie Crusoe, LLC

Thank you. I represent the tenant and will immediately send to this email to the property owner.

Jeffrey H. Scherr
 Kramon & Graham, P.A.
 410-752-6030 (Office)
 443-695-1369 (Cell)
 410-361-8221 (Direct Fax)

This communication is from a law firm and may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone at 410-752-6030.

-----Original Message-----

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
 Sent: Friday, July 09, 2010 9:59 AM
 To: Jeffrey H. Scherr
 Cc: wmonk@mragta.com
 Subject: Housekeeping - Foxtail Limited Partnership / Kiddie Crusoe, LLC

Good Morning,

According to our watch, the ninety (90) day period has been reached and we have not received assurances from the property owners (Foxtail Limited Partnership) as set out in Condition No. 2 in the 2010--0216-SPHX Order signed by Commissioner Wiseman on April 9, 2010.

We are attaching a copy of the Order for your convenience and await your response.

Thanks and have a great day !

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

Brian 10/1
Never heard
from anyone
(again).
July 9th - date per case #2
Ret. file

8/9

8/2

7/19
Fri. 7/19
Per [unclear] -
give them 2
wks.

From: Debra Wiley
To: Scherr, Jeffrey
CC: wmonk@magta.com
Date: 7/9/2010 9:59 AM
Subject: Housekeeping - Foxtail Limited Partnership / Kiddie Crusoe, LLC
Attachments: 2010-0216-SPHX.DOC

Good Morning,

According to our watch, the ninety (90) day period has been reached and we have not received assurances from the property owners (Foxtail Limited Partnership) as set out in Condition No. 2 in the 2010-0216-SPHX Order signed by Commissioner Wiseman on April 9, 2010.

We are attaching a copy of the Order for your convenience and await your response.

Thanks and have a great day !

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

Please
response
back w/
your
visibility
to do
so.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 14, 2010

Charles J. Frank, President
CJF Realty, Inc., General Partner
Foxtail Limited Partnership
120 Cockeysville Road, Suite 205
Hunt Valley, Maryland 21030

RE: 10-14 West Aylesbury Road
Zoning Commissioner Case No. 2010-0216-SPHX

Dear Mr. Frank:

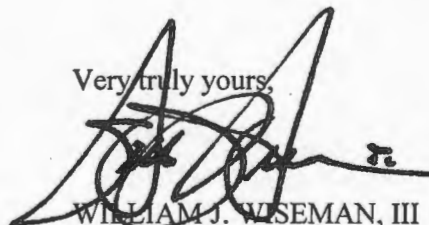
It has now been six (6) months since you've attended the zoning hearing involving Kiddie Crusoe, LLC as lessee. I have attached a copy of that Order for your convenience and direct your attention to the assurances you gave. *See* bottom of page 3 concerning specific improvements that were to be made following Case No. 99-156-A but due to inadvertence were left undone and reaffirmed and made a "condition precedent" in the captioned Order.

I have in the past made several gentle reminders that the improvements are overdue but as confirmed by my site visit on October 12, 2010, things remain as they have over the past years.

Perhaps the old proverb, "*Fool me once, shame on you; fool me twice, shame on me*" has some application. I am now determining the appropriate action to take and have taken the liberty of writing to you this last time prior to proceeding. I would appreciate your giving me the courtesy of a reply within ten (10) days of the date of this letter and informing me the reasons for your inability to make the improvements that were promised during the public hearing.

I look forward to receiving your advice.

Very truly yours,



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: John Higgins, Foxtail Limited Partnership, 120 Cockeysville Road, Suite 205,
Hunt Valley, MD 21030
File

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION

E/Side of Aylesbury Road, 142.86' *
c/line of Foxtail Road *
(10-14 West Aylesbury Road) *

8th Election District *
3rd Council District *

Foxtail Limited Partnership, *Legal Owner* *
Kiddie Crusoe, LLC, *Lessee* *
Petitioner(s)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2010-0216-SPHX

* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by Elizabeth N. Snyder, Managing Member, Kiddie Crusoe, LLC, the contract lessee, through their attorney, Jeffrey H. Scherr, Esquire with Kramon & Graham, P.A. The Petition was also signed by Charles J. Frank, President of CJF Realty, Inc., General Partner, on behalf of Foxtail Limited Partnership, the owner. Petitioners request special hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to approve a Commercial Recreational Facility and that it can be used with an accessory Arcade pursuant to B.C.Z.R. Section 423.1.C, and (2) to determine that the existing parking as varianced under Case No. 99-156-A is adequate to support the existing and proposed uses. In addition, Kiddie Crusoe requests a special exception to permit: (1) a Commercial Recreational Facility on the subject property to contain indoor recreation, playground, and exercise attractions for children up to age 13, including, but not limited to, inflatable equipment, tunnel slide, bouncer maze, playhouse, a café and a boutique and related facilities for birthday parties associated with such uses pursuant to Section 253.2.D.3 of the B.C.Z.R., and (2) in combination therewith, an accessory arcade, to contain Nintendo Wii

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Date 4-9-10
By 1023

stations, air hockey tables and basketball nets that contain electronic equipment, pursuant to B.C.Z.R. Sections 253.2.E and 423.1.C. The subject property and requested relief are more fully described on the site plan, which was marked and accepted into evidence as Petitioner's Exhibit 2.¹

Appearing at the requisite public hearing in support of the requested relief were Elizabeth N. Snyder on behalf of Kiddie Crusoe, LLC, and Jeffrey H. Scherr, Esquire, with Kramon & Graham, P.A, counsel for Ms. Snyder. Also appearing in support were William P. Monk with Morris & Ritchie Associates, Inc., the consultant who prepared the site plan, Charles J. Frank and John Higgins, on behalf of the property owner, and Frederick W. Hearn, Senior Vice President of MacKenzie Commercial Real Estate Services, LLC. Eric Rockel appeared in his capacity as the President of the Greater Timonium Community Council and participated at the hearing. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is positioned on the east side of Aylesbury Road just south of Fox Tail Road in Lutherville. The property is improved with an existing 138,734 net square foot warehouse, office and showroom on both West Aylesbury and Fox Tail Roads and parking lots fronting both West Aylesbury and Fox Tail. The parking lot fronting Fox Tail Road is contiguous to and serves the proposed use. Spaces in this lot will be leased by Kiddie Crusoe, LLC as well as the building area described on the site plan as Lease Area 8 consisting of 12,000 square feet, more or less. This space was previously occupied by the LAX World retail operation.

In order to give context and some important background information to these requests, it is necessary to briefly review the prior zoning history of the property. In Case No. 99-156-A, the

¹ Kiddie Crusoe, LLC will be located in approximately 15% of the total enclosed building's leasable area. It will feature an exclusive ingress and egress area known as 7 Foxtail Road.

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Date

4-9-10

By

193

owner of 10-14 West Aylesbury Road, Foxtail Limited Partnership, requested a variance for the relief set forth in Mr. Kotroco's opinion in that case, which opinion and order required the Owner to make certain improvements, namely (i) construct a sidewalk within the public right-of-way of Fox Tail Road between the curb cut serving the parking lot and running easterly approximately 60 feet to the end of the property and tying in to the existing sidewalk; (ii) pave a driveway that connects the parking area off of Fox Tail Road with the driveway and parking area on the west side of the Property (fronting W. Aylesbury Road); (iii) re-stripe the parking spaces adjacent to the driveway; (iv) painting stripes and "no parking" in the area in front of Schumacher & Seiler loading docks as so noted on the plan which is Petitioner's Exhibit 2; and (v) submitting to Baltimore County a landscape plan for the property (the "99-156-A Improvements"). A copy of the Order in Case No. 99-156-A and the site plan relating to it was marked and accepted into evidence as Petitioner's Exhibit 1.

In support of the current zoning relief requests, Petitioner's attorney, Mr. Scherr, also introduced, as Petitioner's Exhibit 9, a copy of an email memorandum from Stephen E. Weber, Chief of Traffic Engineering, Department of Public Works, dated March 23, 2010, which is accompanied by two (2) photos. Mr. Weber's memorandum concludes that he has no issue with the relief requested by Kiddie Crusoe, but is concerned that the improvements set forth in Case No. 99-156-A were not made and also requested two (2) additional improvements, (i) extending the sidewalk on Fox Tail Road from the curb cut west to the intersection with West Aylesbury Road; and (ii) placement of a raised curb along the West Aylesbury Road property line in the Schumacher & Seiler service court area, which is a County right-of-way in order to prohibit cars and trucks from utilizing this area for parking and turning maneuvers (additional improvements).

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Date

4-9-10

By

RSJ

Mr. Monk prepared the site plan for Case No. 99-156-A and testified in that case. In this case, Mr. Monk testified that the additional improvements suggested by Mr. Weber along West Aylesbury has no impact on Petitioner's request and that placing the curb, as described herein, would impede truck turning radius for deliveries to Schumacher & Seiler and the loading docks that service this tenant in Lease Area 1. Mr. Monk also testified that painting stripes and a "no parking" sign in the affected area should be done as was stipulated by the Deputy Zoning Commissioner in his opinion and Order in 99-156-A.

Mr. Monk also testified that the sidewalk suggested as an additional improvement was considered by and specifically rejected by Mr. Kotroco in his opinion in 99-156-A and nothing has changed to require a different result. In fact, Mr. Monk testified that the prior tenant in Lease Area 8, the space to be leased to Petitioner, was occupied by LAX World, which was a retail use which produced more intense parking use of Lease Area 8 than the use proposed by Petitioner.

The owner's representative, Mr. Frank, testified that the 99-156-A improvements were not made because the person responsible for the management of the property left the owner's employ and the owner was not left with a list of the 99-156-A improvements to be made.

Mr. Frank testified that he will make the 99-156-A improvements within ninety (90) days after the date of this Order.

This Zoning Commissioner is persuaded by Mr. Monk's testimony and will require the owner to make the 99-156-A improvements within ninety (90) days from the date of this Order, but will not require the additional improvements.

Testimony by Ms. Snyder and her business plan, Petitioner's Exhibit 5, reveals that she executed a five (5) year lease with a five (5) year renewal for Lease Area 8 to be used in the

ORDER RECEIVED FOR FILING

Date 4-9-10
By [Signature]

manner described above. Ms. Snyder testified that she borrowed money from M&T Bank and invested equity in the proposed operation for inventory and equipment. Petitioner's Exhibit 6 demonstrates that she started making loan payments. Petitioner's Exhibit 7 shows the layout for the equipment to be utilized in the business operations.

With respect to the arcade, Ms. Snyder described eight (8) potential Nintendo Wii stations, two (2) potential air hockey games and four (4) potential basketball nets with an electronic component for keeping score. All will be used on the same lot, in the same building and will be subordinate to the physical recreation provided within the proposed commercial recreation facility, as required by B.C.Z.R. Section 423.1.C.

With respect to parking, Ms. Snyder testified that she did a market study to determine usage of the proposed facility. Based on that study, she testified that the maximum number of cars in any of the three (3) daily sessions at the proposed family facility will be 32 on Saturday, when the neighboring space on Fox Tail Road currently leased to Tri State Electric, is not used, thereby creating 38 on-site spaces, without taking into account parking spaces available on Fox Tail and Aylesbury Roads.

Mr. Monk testified that based on his knowledge of this property and the variances acquired in Case No. 99-156-A, to accommodate the more intense use, the LAX World retail store, the former tenant in Lease Area 8, the existing parking, as varianced in 99-156-A, is adequate to support the existing and proposed uses. He also testified that the proposed use by the Petitioner meets the criteria set forth in B.C.Z.R. Section 502.1.

Mr. Rockel questioned Ms. Snyder and Mr. Monk, but did not challenge the substance of their testimony and exhibits.

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

Upon due consideration of the testimony and evidence presented, including, but not limited to, the 13 Exhibits introduced into evidence, I find that the requests for special hearing and special exception should be granted. As to the special exception use requested, I find that the proposed use at 10-14 West Aylesbury Road, Lease Area 8 is consistent with the definition of a commercial recreational facility and is permissible under Section 253.2.D.3 of the B.C.Z.R. in the M.L.-I.M. zone. I also find that the proposed use satisfies the criteria set forth in Section 502.1 of the B.C.Z.R., and generally will not be detrimental to the health, safety, or welfare of the locality involved. I also find that the proposed use of an arcade is an accessory use that will be in combination with the primary use as a commercial recreational facility, and further find that the use satisfies the requirements of Section 423.1.C of the B.C.Z.R. and will specify the devices as requested by the Petitioner, eight (8) Nintendo Wii stations, two (2) air hockey tables and four (4) basketball nets with electronic devices.

As to the request for special hearing, I am persuaded to grant this relief as well. In so doing, I find that the parking, as varianced under Case No. 99-156-A, is adequate to support the existing and proposed uses. I also find that the owner, Foxtail Limited Partnership, did not make the 99-156-A improvements, and I accept the property owner's offer to and will require it to make the 99-156-A improvements within ninety (90) days from the date hereof and to provide this Office with a letter within that period advising that such 99-156-A improvements have been completed.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of April, 2010, that the Petition for Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit a Commercial Recreational Facility on the described property with an accessory Arcade pursuant to Section 423.1.C, and (2) to approve that the existing parking, as varianced under Case No. 99-156-A, is adequate to support the existing uses and proposed uses, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and

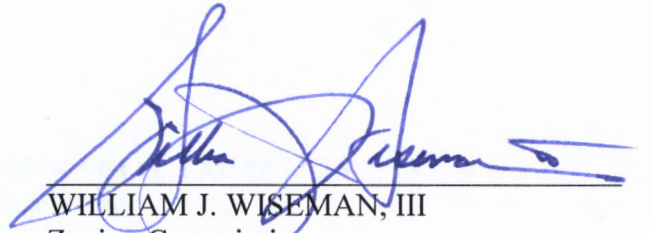
IT IS FURTHER ORDERED that the Petition for Special Exception to permit the use of the described property as a Commercial Recreational Facility, pursuant to Section 253.2.D.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), with an accessory arcade in accordance with Section 423.1 of the B.C.Z.R., that will contain indoor recreation, playground, and exercise entertainment equipment for children up to age 13, including, but not limited to, inflatable equipment, tunnel slide, bouncer maze, playhouse, a café and a boutique and related facilities for birthday parties associated with such uses pursuant to Section 253.2.D.3 of the B.C.Z.R. with eight (8) Nintendo Wii stations, two (2) air hockey tables and four (4) basketball nets that contain electronic equipment, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; subject to the following restrictions which are conditions precedent to the relief

granted herein:

1. Petitioners may apply for a building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The Property Owner, Foxtail Limited Partnership, shall make the 99-156-A improvements within ninety (90) days from the date hereof and within said period, notify this Zoning Commissioner that the same has been completed.

3. Petitioners shall be limited to the amusement games set forth hereinabove, which will remain accessory and incidental to the principal special exception use as a commercial recreational facility. Any subsequent proposal for machines in excess of that number will necessitate a separate petition for special exception and public hearing.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code and filed within thirty (30) days of the date of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING

Date 4-9-10
By DW



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10 Aylesbury Road (Lease Area #8 known as
 which is presently zoned ML-IM 7 Fox Tail Road)

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

a Commercial Recreational Facility and as such can be used with an accessory Arcade pursuant to Section 423.1.C of the Zoning Regulations of Baltimore County; AND to determine the existing parking as variances under Case No. 99-156-A attached is adequate to support the existing uses and proposed uses; AND for such other and further zoning relief as the nature of this Petition may require.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be 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/Lessee:

Kiddie Crusoe, LLC
 Name - Type or Print
 By: Elizabeth N. Snyder
 Signature Elizabeth N. Snyder, Managing Member
 2570 Flora Meadows Drive 443-465-5393
 Address Telephone No.
 Forest Hill MD 21050
 City State Zip Code

Attorney For Petitioner:

Jeffrey H. Scherr, Esquire
 Name - Type or Print
 Signature Jeffrey H. Scherr
 Kramon & Graham, P.A.
 Company
 One South Street, Suite 2600 410-752-6030
 Address Telephone No.
 Baltimore MD 21202
 City State Zip Code

Legal Owner(s):

Foxtail Limited Partnership
 Name - Type or Print
 By: Charles J. Frank
 Signature Charles J. Frank, President of
 CJF Realty, Inc., General Partner
 Name - Type or Print
CHARLES J. FRANK
 Signature
 120 Cockeysville Road, Suite 205 410-771-8400
 Address Telephone No.
 Hunt Valley MD 21030
 City State Zip Code

Representative to be Contacted:

Elizabeth N. Snyder
 Name
 2570 Flora Meadows Drive 443-465-5393
 Address Telephone No.
 Forest Hill MD 21050
 City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2010-0216-SPHX
 REV 9/15/98

UNAVAILABLE FOR HEARING
 Reviewed By D.T. Date 2/9/10

ORDER RECEIVED FOR FILING

Date 4-9-10
 By [Signature]



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at: 10 Aylesbury Road

which is presently zoned ML-IM

Deed Reference: 09001 / 178 Tax Account #: 0803026630

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

a Commercial Recreational Facility in accordance with Section 253.2.D.3 of the Zoning Regulations of Baltimore County (BCZR), with an accessory Arcade in accordance with Section 423.1.C of the BCZR, specifically:

an indoor, climate-controlled family recreational facility offering inflatable and indoor playground attractions, video game stations, two air hockey tables, food concessions, and a retail boutique. The facility will lease approximately 15% of the total enclosed area of the building, and the ingress and egress will specifically be located at 7 Fox Tail Road.

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

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

Contract Purchaser/Lessee:

Kiddle Crusoe, LLC

Name - Type or Print: _____
By: Elizabeth N. Snyder
Signature: Elizabeth N. Snyder, Managing Member
2570 Flora Meadows Drive 443-465-5393
Address: _____ Telephone No. _____
Forest Hill MD 21050
City State Zip Code

Attorney For Petitioner:

Jeffrey H. Scherr, Esquire

Name - Type or Print: _____
Signature: Jeffrey H. Scherr
Kramon & Graham, P.A.
Company: _____
One South Street, Suite 2600 410-752-6030
Address: _____ Telephone No. _____
Baltimore MD 21202
City State Zip Code

Legal Owner(s):

Foxtail Limited Partnership

Name - Type or Print: _____
By: Charles J. Frank, President of
Signature: CJR Realty, Inc., General Partner
Charles J. Frank
Name - Type or Print: _____
Signature: CHARLES J. FRANK
120 Cockeysville Road, Suite 205 410-771-8400
Address: _____ Telephone No. _____
Hunt Valley MD 21030
City State Zip Code

Representative to be Contacted:

Elizabeth N. Snyder
Name: _____
2570 Flora Meadows Drive 443-465-5393
Address: _____ Telephone No. _____
Forest Hill MD 21050
City State Zip Code

Case No: 2010-0216-SPHX

REV 07/27/2007

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

Reviewed By: D.T. Date: 2/9/10

ORDER RECEIVED FOR FILING

Date: 4-9-10

By: ESW

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the northerly side of Aylesbury Road which has a 80 foot width at the distance of 751.62 feet southeasterly of the right of way of the nearest intersecting street, Foxtail Road, which has a width of 70 feet. **Thence** the following courses and distances, viz:

North 78 degrees 51 minutes 33 seconds West, 27.68 feet; By a curve to the right with a radius of 250.00 feet and an arc length of 344.02 feet, said curve being subtended by a chord bearing of North 39 degrees 26 minutes 13 seconds West, 317.51 feet; North 00 degrees 00 minutes 57 seconds West, 365.00 feet; North 44 degrees 59 minutes 03 seconds East, 21.21 feet; North 89 degrees 59 minutes 03 seconds East, 147.85 feet; By a curve to the left with a radius of 780.00 feet and an arc length 66.01 feet, said curve being subtended by a chord bearing of North 87 degrees 33 minutes 35 seconds East, 65.99 feet, South 00 degrees 00 minutes 57 seconds East, 633.42 feet to the point and place of beginning, being known and designated as #10-14W. Aylesbury Road.

Containing an area of 3.000 acres of land, more or less, and being located in the Eighth Election District and 3rd Councilmanic District of Baltimore County, Maryland. Being the same land as recorded in a deed from Kirschner Medical Corporation to Foxtail Limited Partnership dated December 11, 1991 and record among the Land Records of Baltimore County, Maryland in Deed Book 9001 , Page 178.



404 S. Bedford Street, Suite 5, Georgetown, Delaware 19947 (302) 855-5734 Fax (302) 855-0157 www.mragta.com

Abingdon, MD
(410) 515-9000

◆ Laurel, MD
(410) 792-9792

◆ Towson, MD
(410) 821-1690

◆ Georgetown, DE
(302) 855-5734

◆ Wilmington, DE
(302) 326-2200

◆ York, PA
(717) 751-6073

2010-0216-SPHX

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the southerly side of Foxtail Road which has a 70 foot width at the distance of 142.86 feet easterly of the right of way of the nearest intersecting street, Aylesbury Road, which has a width of 80 feet. **Thence** the following courses and distances, viz:

North 89 degrees 59 minutes 03 seconds East, 19.99 feet; By a curve to the left with a radius of 780.00 feet and an arc length of 35.94 feet, said curve being subtended by a chord bearing of North 88 degrees 39 minutes 50 seconds East, 35.94 feet; South 00 degrees 00 minutes 57 seconds East, 287.54 feet; South 89 degrees 59 minutes 03 seconds West, 56.00 feet; North 00 degrees 00 minutes 02 seconds West, 286.71 feet to the point and place of beginning, being part of #10-14W. Aylesbury Road.

Containing an area of 0.369 acres of land, more or less, and being located in the Eighth Election District and 3rd Councilmanic District of Baltimore County, Maryland. Being the same land as recorded in a deed from Kirschner Medical Corporation to Foxtail Limited Partnership dated December 11, 1991 and record among the Land Records of Baltimore County, Maryland in Deed Book 9001 , Page 178.



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◆ Georgetown, DE
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◆ Wilmington, DE
(302) 326-2200

◆ York, PA
(717) 751-6073

2010-0216-SPHX

**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: 2010-0216-SPHX

Petitioner: FOXTAIL LTD PARTNERSHIP

Address or Location: 10-14 W. AYLESBURY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jeffrey H. Scherr, Esquire

Address: Kramon & Graham, P.A.

One South Street, Suite 2600

Baltimore, MD 21202-3201

Telephone Number: 410-752-6030

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

No. 17399

Date: 2/3/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	206	0000		115					105.00

Total: 105.00

Rec From: XXXXXXXXXX

For: XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

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

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2010-0216-SPHX

10 Aylesbury Road
E/side of Aylesbury Road, 142.86 feet south of
the centerline of Foxtall Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Foxtall Limited Partnership
Contract Purchaser: Kiddle Crusoe, LLC

Special Hearing: for a commercial recreational facility and as such can be used with an accessory arcade pursuant to section 432.2.C of the Zoning Regulations of Baltimore; and to determine the existing parking as varianced under Case no. 99-156-A attached is adequate to support the existing uses and proposed uses; and for such other and further zoning relief as the nature of this petition may require. **Special Exception:** for a commercial recreational facility in accordance with section 253.2.D.3 of the Zoning Regulations of Baltimore County, with an accessory arcade in accordance with section 423.1.C. of the BCZR, specifically; an indoor, climate-controlled family recreational facility offering inflatable and indoor playground attractions video game stations, two air hockey tables, food concessions, and a retail boutique. The facility will lease approximately 15% of the total enclosed area of the building, and egress will specifically be located at Fox Tall Road.

Hearing: Monday, March 29, 2010, at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

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

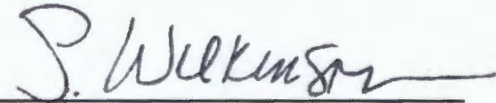
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
3/202 Mar. 11 232491

CERTIFICATE OF PUBLICATION

3/12, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/11, 2010.

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



LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0216-SPHX

RE: Case No.: _____

Petitioner/Developer: _____
Kiddie Crusoe. LLC

_____ March 29 2010
Date of Hearing/Closing: _____

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

Attn: Kristin Matthews

Ladies and Gentlemen:

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

_____ March 13 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black 3/15/10
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0216-SPHX

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

PLACE: Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. TOWSON 21284

DATE AND TIME: MONDAY, MARCH 29, 2010 AT 9:00 A.M.

REQUEST: SPECIAL HEARING FOR A COMMERCIAL RECREATIONAL

FACILITY AND AS SUCH CAN BE USED WITH AN ACCESSORY ARCADE PURSUANT TO SECTION 432.2.C OF THE ZONING REGULATIONS OF BALTIMORE AND TO DETERMINE THE EXISTING PARKING AS VARIANCED UNDER CASE NO. 99-156-A ATTACHED IS ADEQUATE TO SUPPORT THE EXISTING USES AND PROPOSED USES; AND FOR SUCH OTHER AND FURTHER ZONING RELIEF AS THE NATURE OF THIS PETITION MAY REQUIRE SPECIAL EXCEPTION FOR A COMMERCIAL RECREATIONAL FACILITY IN ACCORDANCE WITH SECTION 253.2 D.3 OF THE ZONING REGULATIONS OF BALTIMORE COUNTY, WITH AN ACCESSORY ARCADE IN ACCORDANCE WITH SECTION 483.9.C OF TAP BC2R, SPECIFICALLY, AN IN-DOOR, CLIMATE CONTROLLED FAMILY RECREATIONAL FACILITY OFFERING AND INDOOR PLAYGROUND ATTRACT- () ONE VIDEO GAME STATIONS. TWO ARE POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

2
ZONING NOTICE

CASE # 2010-0216-SPHX

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

ROOM 104, JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: MONDAY, MARCH 29, 2010 AT 9:00 A.M.

REQUEST: CONTINUED... AIR HOCKEY TABLES, FOOD CONCESSIONS AND A RETAIL BOUTIQUE. THE FACILITY WILL LEASE APPROXIMATELY 15% OF THE TOTAL ENCLOSED AREA OF THE BUILDING AND EGRESS WILL SPECIFICALLY BE LOCATED AT FOX TAIL ROAD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
March 9, 2010

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2010-0216-SPHX

10 Aylesbury Road

E/side of Aylesbury Road, 142.86 feet south of the centerline of Foxtail Road

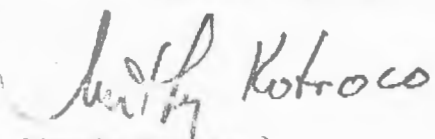
8th Election District – 3rd Councilmanic District

Legal Owners: Foxtail Limited Partnership

Contract Purchaser: Kiddie Crusoe, LLC

Special Hearing for a commercial recreational facility and as such can be used with an accessory arcade pursuant to section 432.2.C. of the Zoning Regulations of Baltimore; and to determine the existing parking as varianced under Case no. 99-156-A attached is adequate to support the existing uses and proposed uses; and for such other and further zoning relief as the nature of this petition may require. Special Exception for a commercial recreational facility in accordance with section 253.2.D.3 of the Zoning Regulations of Baltimore County, with an accessory arcade in accordance with section 423.1.C. of the BCZR, specifically; an indoor, climate-controlled family recreational facility offering inflatable and indoor playground attractions video game stations, two air hockey tables, food concessions, and a retail boutique. The facility will lease approximately 15% of the total enclosed area of the building, and egress will specifically be located at Fox Tail Road.

Hearing: Monday, March 29, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Jeffrey Scherr, One South St., Ste. 2600, Baltimore 21202
Charles Frank, 120 Cockeysville Road, Ste. 205, Hunt Valley 21030
Elizabeth Snyder, 2570 Flora Meadows Drive, Forest Hill 21050

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 13, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 11, 2010 Issue - Jeffersonian

Please forward billing to:

Jeffrey Scherr
Kramon & Graham, P.A.
One South Street, Ste. 2600
Baltimore, MD 21202

410-752-6030

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2010-0216-SPHX

10 Aylesbury Road

E/side of Aylesbury Road, 142.86 feet south of the centerline of Foxtail Road

8th Election District – 3rd Councilmanic District

Legal Owners: Foxtail Limited Partnership

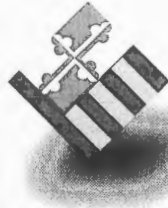
Contract Purchaser: Kiddie Crusoe, LLC

Special Hearing for a commercial recreational facility and as such can be used with an accessory arcade pursuant to section 432.2.C. of the Zoning Regulations of Baltimore; and to determine the existing parking as varianced under Case no. 99-156-A attached is adequate to support the existing uses and proposed uses; and for such other and further zoning relief as the nature of this petition may require. Special Exception for a commercial recreational facility in accordance with section 253.2.D.3 of the Zoning Regulations of Baltimore County, with an accessory arcade in accordance with section 423.1.C. of the BCZR, specifically; an indoor, climate-controlled family recreational facility offering inflatable and indoor playground attractions video game stations, two air hockey tables, food concessions, and a retail boutique. The facility will lease approximately 15% of the total enclosed area of the building, and egress will specifically be located at Fox Tail Road.

Hearing: Monday, March 29, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

March 23, 2010

Jeffery H. Scherr
Kramon & Graham, P.A.
One South St. Ste. 2600
Baltimore, MD 21202

Dear: Jeffery H. Scherr

RE: Case Number 2010-0216-SPHX, 10 Aylesbury Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 09, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Foxtail Limited Partnership; 120 Cockeysville Rd. Ste. 205; Hunt Valley, MD 21030
Kiddie Crusoe, LLC; 2570 Flora Meadows Dr.; Forest Hill, MD 21050

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 8, 2010
Item Nos. 2010-192, 209, 210, 211,
212, 214, 215, 216, 217 and 218

DATE: February 25, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03082010 -NO COMMENTS.doc



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 8, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 22, 2010

Item Numbers: 0215, 0216, 0218

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

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: FEB. 25, 2010

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

RE: Baltimore County
Item No. 2010-0216-SPHX
WYLESBURY RD
KIDDIE CRUSOE, LLC
SPECIAL EXCEPTION
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0216-SPHX.

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

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

BW 3/29
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 10, 2010

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

RECEIVED

MAR 22 2010

SUBJECT: 10 Aylesbury Road

Item Number: 10-216

ZONING COMMISSIONER

Petitioner: Foxtail Limited Partnership

Zoning: ML-IM

Requested Action: Special Exception and Special Hearing


The petitioner requests a special exception for a Commercial Recreational Facility in accordance with Section 253.2.D.3 of the BCZR, with an accessory Arcade in accordance with Section 423.1.C of the BCZR specifically; An indoor, climate-controlled family recreational facility offering inflatable and indoor playground attractions, video game stations, two air hockey tables, food concessions, and a retail boutique. The facility will lease approximately 15% of the total enclosed area of the building, and the ingress and egress will specifically be located at 7 Fox Tail Road. Also a special hearing for a Commercial Recreational Facility as such can be used with an accessory Arcade pursuant to Section 423.1.C of the BCZR; And to determine the existing parking as a variance under Case No. 99-156-A attached is adequate to support the existing uses and proposed uses; And for such other and further relief as the nature of this Petition may require.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the special exception to permit an indoor, climate-controlled family recreational facility offering inflatable and indoor playground attractions, video game stations, two air hockey tables, food concessions, and a retail boutique; or for the special hearing for a Commercial Recreational Facility to be used as an accessory Arcade, provided that the arcade is in accordance with the current definition of an arcade in the BCZR, which is defined as a building or part of a building in which five or more pinball machines, video games or other similar player-operated amusement devices are maintained.

This area is already an established commercial and manufacturing corridor. Therefore this Office believes that this request will not be detrimental to the health, safety, or general welfare of the surrounding community.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

BW
3-29-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 12 2010

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 12, 2010

SUBJECT: Zoning Item # 10-216-SPHX
Address 10 Aylesbury Road
(Foxtail Limited Partnership)

Zoning Advisory Committee Meeting of February 22, 2010.

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 4/12/10



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN, III
Zoning Commissioner

FACSIMILE TRANSMITTAL COVER SHEET

TO: Timothy M. Kotroco, Director
DPDM
DATE: March 29, 2010

FAX NO.: 410-887-5708

FROM: William J. Wiseman, III
Zoning Commissioner
PAGES (including cover): 5

RE: Case No. 2010-0216-SPHX – Hearing this Morning @ 9 AM

ORIGINAL TO FOLLOW VIA MAIL/OVERNIGHT COURIER/HAND DELIVERY
 ORIGINAL WILL NOT BE MAILED

CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which may be legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance or on account of the contents of this telecopy information is strictly prohibited. If you have received this telecopy in error, please immediately notify the sender to arrange for return of the original documents. Thank you.

Message/Comments:

Tim,

Please review the attached from Pete Zimmerman & Steve Weber regarding the above-referenced case which I am conducting at 9 AM this morning. Please know that I would like to discuss this with you and plan on calling you after the hearing today. Thanks.

BW 3/29
9 AM



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 25, 2010

RECEIVED

MAR 25 2010

HAND DELIVERED

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

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
Foxtail Limited Partnership/Kiddie Crusoe, LLC- Petitioners
10 Aylesbury Road
Case No: 10-216-SPHX

Dear Mr. Wiseman,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan in this case because they potentially present traffic/parking issues. As a result, he sent the enclosed e-mail dated March 23, 2010. As is our custom, we promptly forward it to you for consideration. The hearing date for this case is March, 29, 2010.

Based on his review, the filing of this petition exposes major problems relating to the failure of property owner Foxtail LP to implement the provisions or conditions in the enclosed decision by Deputy Zoning Commissioner Timothy Kotroco dated December 8, 1998 on Foxtail LP's Petition for Variance in Case No. 99-156-A. Mr. Weber's e-mail discusses in detail these failures. He also expresses concerns and makes recommendations concerning the property owner's use of the county right of way and site development in a way hazardous to pedestrian safety.

We sympathize that Kiddie Caruso, LLC, the proposed new tenant, is not responsible for these problems. At the same time, there is no excuse for Foxtail LLP's apparent failure to implement the provisions of the earlier approval and to operate the site in a way conducive to public safety.

Mr. Weber's thorough report is well-reasoned The Zoning Commissioner should condition approval of the present petition on Foxtail LP's implementation and filing within six months of verified itemized documentation and photography showing that it has complied with

William J. Wiseman, III, Zoning Commissioner

March 25, 2010

Page 2

each and every condition and/or recommendation of Mr. Weber.. As I understand it, Mr. Weber's main recommendations are:

1. The parking on the west side of the building and drive aisle going around the west side must conform to the approved 1998 plan.

2. There must be no parking within the 124-foot driveway entrance along the west side.

3. The sign "B" enterprise pole sign should be moved off the County right-of-way.

4. Sign "A", if built, should be oriented to Foxtail Road.

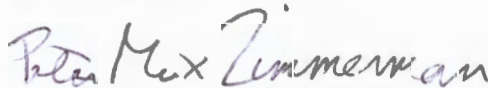
5. A sidewalk must be constructed on the south side of Foxtail Road from the Office Depot to the Foxtail Road driveway to this site.

6. Foxtail LP must cease using the County right-of-way on the inside of the curve of West Aylesbury Road at the south end of the building in the area of the plan marked "Ex. Paved Area/No Parking." This area must be made accessible to pedestrians. The paving should be removed, a sidewalk installed, and a curb placed on the back side of the right of way to prevent encroachment of vehicles in the pedestrian walkway.

7. The sidewalk along the south side of Foxtail Road should be extended along the entire length of the property, all the way from the Office Depot site to West Aylesbury Road.

Thank you for your attention to this matter.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Jeffrey Scherr, Esquire (via first class mail and e-mail)
Stephen Weber, Traffic Engineering
Lynn Lanham, Office of Planning
Michael Mohler, Department of Permits and Development Management, Enforcement

From: Stephen Weber
To: People's Counsel
CC: ccjfunc@aol.com; Dennis Kennedy; jscherr@kg-law.com
Date: 3/23/2010 5:02 PM
Subject: Fwd: Foxtail Properties/Kiddie Crusoe, LLC, Case No. 10-216-SPHX
Attachments: 10-216-SPHX Petitions.pdf; 10-14W.AylesburyRd-South.bmp; 10-14W.AylesburyRd-North.bmp

Dear Mr. Zimmerman:

We have examined the request for a Commercial Recreational Facility to be located within the building at 10-14 W. Aylesbury Rd. The proposed recreational facility appears to be a relatively small operation comprising only 12,100 sq. ft. of the building. While the parking requirement calculations only show 4 spaces to be required, it would appear the number of spaces would likely be something somewhat larger than this, based on the number of parents' vehicles that might come at one time potentially for having a party. The plan for the special exception however shows that the location of the leased area is at the northeast corner of the building which, based on my observations of the existing building, its use, and the access points into the building, appears to have the greatest excess of available parking on the entire site. As such, I do not see any significant issues with the specific request being made of this particular petitioner.

However, I did note significant issues with the site as a whole. In looking over the last Order dated Dec. 8, 1998 issued by Tim Kotroco as Deputy Zoning Commissioner, it is clear that there were numerous failures of the petitioner to follow thru with the conditions of the order. Apparently the property owner had to come to the County to obtain variances on the property to legitimize existing conditions on the property as well as proposed improvements in order to obtain permits from PDM for the interior of the building for LAX World. Mr. Kotroco noted that many of the variances were being requested due to the existing tenants occupying the building at that time, not necessarily for the relocation of LAX World to the site. While the property owner got their requested variances, it doesn't appear that they followed through in implementing the items on the approved plan. My concern with the current special exception is not so much with Contract Purchaser/Lessee and also Petitioner, but instead is with the owner of the property. It seems that what happens is that the Zoning Commissioner is granting Special Exceptions for a specific lessee to get in the building, but then there is no follow-up to actually implement the Zoning Commissioner's Order. Any pattern of such applications, issuance of Orders, and failure to comply is troublesome and appears to give indication that the process being used is just to enable tenants to get in the building without any intent to actually bring the site into compliance.

Attached are two aerial photos of the site; both photos are looking to the east and concentrate on the areas fronting W. Aylesbury Rd and Fox Tail Rd. First of all, the parking on the west side of the building is not located as shown and the drive aisle going around the west side to the north side of the building doesn't exist and has never been built. Perpendicular parking is occurring along the west side of the building within the 124-foot wide driveway entrance, that parking not even being shown. The Sign "B" Existing Enterprise Pole sign is not in the location shown in the plan but instead appears to be located on County right-of-way off of the owner's property. Sign "A" New Enterprise Sign was never installed, however the orientation of that sign does not make any sense with the language contained in the Deputy Zoning Commissioner's Order. The argument for another enterprise sign over the two existing signs which already face traffic on W. Aylesbury Rd, was the fact that this site faces two public streets. That being the case for the argument, then Sign "A" should be oriented to face traffic on Fox Tail Rd, basically showing it oriented 90 degrees from that shown on the plan. A sidewalk was required to be constructed on the south side of Fox Tail Rd from the property immediately to the east (Office Depot) to the Fox Tail Rd driveway to this site, however that work was never done.

Probably the most troubling on this site is the use of County-owned right-of-way on the inside of the curve of W. Aylesbury Rd at the south end of the building in the area of the plan marked "EX. PAVED AREA/NO PARKING". As can be seen from the photo, this area is anything but a No Parking area. There are 10 vehicles parking in this "No Parking" area. Repeated observations of the site indicate that this is standard practice. As a result, pedestrians walking along the inside of this curve are either forced to walk through the drive aisle on site or are forced into the street, walking in an area with limited sight lines due to it being on the inside of a curve. In addition, walking in the street in this area is particularly hazardous because there is a relatively heavy westbound left-turn movement into the commercial roadway opposite this area, that driveway leading to the York Ridge Shopping Center containing Borders, Old Navy, Kohl's, Michael's, et. al. Because of this heavy left-turn movement, through traffic on W. Aylesbury Rd coming from York Rd will move close to the inside curb to bypass stopped left-turning vehicles, thus being in direct conflict with any pedestrians walking in this area of the street. Because of the location of the Light Rail Stop for the Timonium Business Park being only 700 feet away, there is a fairly significant volume of pedestrian traffic in this area and the use of this portion of County property for basically supporting the parking needs of this site are unacceptable. While the property owner recognizes in their site plan submittal to the County that it is a No Parking area, at the same time it is clear that the property owner either has no interest in prohibiting the parking in this area or does not care if his tenants park in an area that is supposed to be reserved for pedestrian traffic. Further, it appears that at some time in the distant past, the property owner at that time most likely paved this County property without any permission to do so.

In reviewing the Dec. 8, 1998 Order, I also note the discussion about not installing sidewalk along the entire south side of Fox Tail Rd fronting the north side of this property. Given the presence of the nearby Light Rail stop, I do find it appropriate and reasonable that there should be a sidewalk network providing for transit passengers and others to reach the businesses along this area of York

Rd, including the retail Foxtail Center to the immediate north. To argue that it is appropriate for pedestrians to walk through the parking lot of this commercial property is not proper and certainly does not meet any of today's standards which call for providing and enhancing pedestrian ways where feasible. Pedestrians shouldn't be expected to trespass across private property in the mix of moving vehicles in a parking lot to safely get from point A to B. They should instead be provided for along the public roadway system. In addition, because this site is deficient in the number of required parking spaces, any on-street parking that would occur on Fox Tail Rd to support this business should likewise be safely accommodated. Drivers and pedestrians going to and from these parked vehicles should likewise be able to do so by using an adjacent sidewalk system and not be forced to either walk in the street with traffic or walk through the grass areas. You will note in the attached photograph the rather heavy use of both Fox Tail Rd and W. Aylesbury Rd adjacent to this site.

As such, we do not have any particular objections to the Petitioner's request, provided that if Sign "A" New Enterprise Sign is going to be for the petitioner or any other tenant that it then needs to be oriented 90 degrees to face traffic on Fox Tail Rd. (It should have been that way in the previous Order.) In addition, at an absolute minimum the sidewalk ordered to be constructed by the Deputy Zoning Commissioner in his Dec. 8, 1998 Order must be constructed as it should have been. It would also be my strong recommendation that this sidewalk be extended along the entire north side of the property along the Fox Tail Rd frontage, all the way from the Office Depot site to W. Aylesbury Rd.

As to the degree that the Owner of the property owner can be held responsible for the failure to comply with both the previous Order and apparent encroachments of his operations onto County and into the right-of-way, if there is a way of conditioning the Order upon getting the property owner to both comply with either the previous order or have them come in again to revise the plan to show what they want to show now as a new plan, we feel that should be done. More importantly, we want to see that the paving on the inside of the curve within the County right-of-way in the "No Parking" area be removed, a sidewalk installed, and curbing place on the back side of the right-of-way line to insure no future encroachments of vehicles into the pedestrian walkway area contained within the County right-of-way. I certainly recognize that there is a lack of sidewalks on adjoining properties to the east of this site and that is a matter for potential future work. The problem on this particular portion of the site is that it is the one location requiring the highest level of an off-road pedestrian path due to being located on the inside of the curve with limited sight distance and the presence of bypassing traffic traveling close to the inside of the curve next to the curb. Getting pedestrians through this critical area of W. Aylesbury Rd appears more needed than along most of the remainder of the roadway.

Should you have any questions regarding these comments or wish to discuss them further, please feel free to give me a call.

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

>>> People's Counsel 3/10/10 11:36 AM >>>
Mr. Weber,

Attached you will find the Petitions for Special Hearing and Special Exception in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.
Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 AND SPECIAL EXCEPTION * ZONING COMMISSIONER
 10 Aylesbury Road; E/S of Aylesbury Road,*
 142.86' S c/line of Foxtail Road *
 8th Election and 3rd Councilmanic Districts * FOR
 Legal Owner(s): Foxtail Limited Partnership *
 Contract Purchaser(s): Kiddie Crusoe, LLC * BALTIMORE COUNTY
 Petitioner(s) *
 * 10-216-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.

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

RECEIVED

MAR 03 2010



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to Elizabeth Snyder, 2570 Flora Meadows Drive, Forest Hill, MD 21050 and Jeffrey Scherr, Esquire, Kramon & Graham, P.A. One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People’s Counsel for Baltimore County

From: "Jeffrey H. Scherr" <JScherr@kg-law.com>
To: "Debra Wiley" <dwiley@baltimorecountymd.gov>
Date: 8/10/2010 8:33 AM
Subject: Out of Office AutoReply: Housekeeping - Foxtail Limited Partnership / Kiddie Crusoe, LLC

I will return to the office on Monday, August 9, 2010. I will periodically be checking voice mails and emails. If you need immediate assistance, please contact my assistant, Karen McCarthy, at 410-752-6030 or kmccarthy@kg-law.com.

Sent 8-10

Will return 8-9

(auto reply stolen)

From: Debra Wiley
To: jscherr@kg-law.com
CC: wmonk@mragta.com
Date: 8/10/2010 8:32 AM
Subject: Fwd: Housekeeping - Foxtail Limited Partnership / Kiddie Crusoe, LLC
Attachments: Housekeeping - Foxtail Limited Partnership / Kiddie Crusoe, LLC

Good Morning,

Per Commissioner Wiseman, please see attached and kindly respond.

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

From: Debra Wiley
To: Lewis, Kristen; Williams, LaShenda
Date: 10/13/2010 10:29 AM
Subject: File Request for Bill

Good Morning,

When next week's files come over, Bill is asking for Case File 2010-0216-SPHX. Thanks.

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

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Fool me once, shame on you; fool me twice, shame on me

Proverbs:

Fool me once, shame on you; fool me twice, shame on me

Earlier, and still current, with the verb *deceive*.

For Who deceives me once, God forgive him; if twice, God forgive him; but if thrice, God forgive him, but not me, because I could not beware.
[1611 *Tarlton's Jest*s (1844) 11]

The Italians having a Proverb, He that deceives me Once, it's his Fault; but Twice it is my fault.
[1650 A. Welldon *Secret History of King James I* (1690) 88]

He that deceives me once, it is his faul[t]; if twice, it is mine.
[1659 N. R. *Proverbs English, French, Dutch, Italian & Spanish* 54]

The important thing in dealing with the Japanese is not to believe everything you hear. Or, as the saying goes: Fool me once, shame on you. Fool me twice, shame on me.
[1980 *Forbes* 17 Mar. 69]

You know the old saying, 'Fool me once, shame on you; fool me twice, shame on me.' How does that apply in the aftermath of the Sept. 11 act of war against our country?
[2001 *Washington Times* 3 Oct. A17]

'Did you give him any?' 'No. I wouldn't be so daft. You know that old saying? He

that deceives me once, shame fall him; if he deceives me twice, shame fall me.'
[2002 P. Lovesey *Diamond Dust* xxx. 297]

Related to: *deception*

Bibliography of major proverb collections and works cited from modern editions is available here.

Answers.com | ReferenceAnswers

English

Related Videos:

Fool me once, shame on you; fool me twice, shame on me



 Click to Play


[How to Make Cheese Souffle](#)



 Click to Play

[How to Fool People with a Really Simple Card Trick](#)



 Click to Play

[Card Ilusion Lesson](#)

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Frederick W. Hearn SENIOR VICE PRESIDENT

2328 W. JOPPA ROAD, SUITE 200
LUTHERVILLE, MARYLAND 21093
410-494-4868 (DIRECT)
410-821-8585 (MAIN)
410-427-0452 (FAX)
FHEARN@MACKENZIECOMMERCIAL.COM



Frederick W. Hearn (Skip) is a Senior Vice President of MacKenzie Commercial Real Estate Services, LLC. Having more than 47 years of experience in commercial real estate in the Baltimore Metropolitan area, Skip specializes in the sales and leasing of office, commercial, industrial and investment buildings, representing many companies and building owners throughout the area. Annually, Skip is one of MacKenzie's leading associates in the number of closed transactions. In addition to being named a partner in 1995 of the brokerage company, he was named Realtor of the Year by the Commercial Real Estate Network of Maryland in 1995. Skip maintains a high presence in the business community with his involvement in many organizations and committees including: Greater Baltimore Board of Realtors; the Maryland Association of Realtors; and the National Association of Realtors. Skip joined the former MacKenzie/O'Connor, Piper & Flynn in 1992 as a result of a merger between MacKenzie & Associates and the Commercial/Industrial Division of O'Connor, Piper & Flynn. He spent 15 years with O'Connor, Piper & Flynn as a manager and, prior to that, Skip was the principal of Hearn & Knott, Inc. and Hearn Corporation. He is a graduate of Duke University.

Represented Clients/Transactions

- Hopewell Cancer Support Center
- Wittenbach Business Systems
- Numerous local and regional firms
- Zenimax Online Studios
- Private investors
- Rampart Partnership LLC

- Seipp Family Properties
- Schaffer Family Properties
- 9 Schilling Road LLC
- Old Padonia LLC
- Del Pa Limited Partnership
- McGrath Family Properties
- Heaver Properties
- Green Spring Properties
- Gorman Development Company
- Bollman Joint Venture
- Kimco Realty Corporation
- 2331 York Associates, LLC
- 305 Washington Avenue, LLC

Industry Achievements

- Greater Baltimore Board of Realtors Commercial Realtor of the Year — 1995
- Greater Baltimore Board of Realtors Most Unusual Transaction of the Year — 1994
- Chairman of Greater Baltimore Board of Realtors Foundation — 2002-2003

Professional Memberships

- Greater Baltimore Board of Realtors
- Maryland Association of Realtors
- National Association of Realtors
- Institute of Real Estate Management - Certified Property Manager Designee (CPM) - 1970-2007
- Society of Industrial and Office Realtors - SIOR Designee - 1988-2008

[TOP]

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SECTION 423

Arcades

[Bill Nos. 29-1982; 29-1983; 66-1983]

§ 423.1. Permitted zones; conditions.

- A. An arcade is permitted as of right in the B.L., B.M. and B.R. Zones when located in (1) a bowling alley; (2) a hotel or motel; or (3) billiard or pool rooms, or when located in an enclosed mall, provided that public access to the arcade (except for emergency use) may only be via the enclosed concourse. Any number of amusement devices is permitted in an arcade, except that in a billiard or pool room, a maximum of 2 1/2 amusement devices is permitted for each regulation-size billiard or pool table in the room unless a special exception is obtained for a greater number of amusement devices. (As used herein, a "regulation-size billiard or pool table" is a table which requires for its use a minimum floor area of 192 square feet.)
- B. An arcade is permitted by special exception in the B.L., B.M. and B.R. Zones as the sole principal use or in combination with one or more of the entertainment, leisure or recreation oriented uses provided for in Section 422.A.
- C. An arcade is permitted by special exception in the Manufacturing, Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones when used in combination with, and accessory to, any entertainment, leisure or recreation oriented principal use provided for in Section 422.A, provided that:
1. The arcade is located on the same lot as the principal use.
 2. The arcade is located within a building which houses the principal use or which houses facilities that are incidental to the principal use or, notwithstanding the definition of the term "arcade," the arcade is located under an unenclosed permanent roofed structure which is attached to such a building.
 3. The arcade is clearly subordinate in area, extent and purpose to the principal use.
 4. The Zoning Commissioner specifies the maximum number of amusement devices to be maintained in the arcade.
 5. In the Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones, the principal use is operated as a private club for the benefit of persons who are bona fide members paying dues for the principal use and the use of the arcade is restricted to such members and their guests and is not open to the general public or to lessees of said private club.

ELEVATOR-APARTMENT RESIDENCE ZONES,
RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS
ZONES, MANUFACTURING ZONES AND DISTRICTS

§ 253.1

§ 253.2

- D. The following temporary use: carnivals, temporary, provided that no such use shall be established for more than 90 days in any one-year period.
- E. Combinations of the uses listed above.
- F. Accessory uses or structures, including but not limited to:⁶⁹
 - 1. Incidental sales (wholesale or retail).
 - 2. Living quarters for watchmen or caretakers and their families, and accessory uses or buildings subsidiary thereto.
 - 3. Trailers for temporary use, as permitted under Section 415.
 - 4. Industrial medical clinics.
 - 5. Employees' recreation facilities.
 - 6. Excavations, uncontrolled.
 - 7. Parking spaces (See Section 409.).
 - 8. Signs (See Section 450.). [Bill No. 89-1997]
- G. Hotels and motels when within an M.L. Zone which is part of a contiguous area of 25 acres or more of industrial zoning, and provided that the combined tract areas developed for such uses do not occupy more than 25% of the particular contiguous area of industrial zoning in which they are located. [Bill No. 82-1984]

§ 253.2. Uses permitted by special exception.

The uses listed in this subsection are permitted by special exception only (See Section 502.).

- A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities:⁷⁰
 - 1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.
 - 2. Airports, general aviation, if located in accordance with the Master Plan.
 - 3. Excavations, controlled, involving the use of explosives (See Section 403.).
 - 4. Moving and storage establishments. [Bill No. 18-1976]
 - 5. Sanitary or rubble landfills (See Section 412.). [Bill No. 97-1987]
 - 6. Storage, warehousing or distribution not permitted as of right.

69. Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.

70. Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.

ELEVATOR-APARTMENT RESIDENCE ZONES,
RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS
ZONES, MANUFACTURING ZONES AND DISTRICTS

§ 253.2 § 253.3

1. Amusement parks.
2. Farms or limited-acreage wholesale flower farms.
3. Commercial kennels and private kennels, subject to Section 421. [Bill No. 87-2001]
4. Radio or television broadcasting studios.
5. Racetracks.
6. Riding stables, commercial.
7. Shooting ranges.
8. Trailers, nonaccessory, subject to the provisions of Section 415, except that trailer parks are not permitted.
9. Used motor vehicle outdoor sales areas.
10. Veterinarians' offices.

D. The following miscellaneous uses:⁷⁴

1. Signs, outdoor advertising (See Section 450.). [Bill No. 89-1997]
2. Wireless telecommunications towers, subject to Section 426. [Bill Nos. 64-1986; 30-1998]
3. ⁷⁵ Commercial recreational facilities. [Bill No. 21-1996]


E. Combinations of the uses listed in this subsection or combinations of such uses with uses which are permitted as of right.

§ 253.3. Scope of restricted production.

For the purposes of this section, "restricted production" shall include only the assembly, manufacture or compounding of articles of merchandise from previously prepared materials, or the machining, electroplating or other comparable light processing or treatment of such articles; but it shall not include the manufacture of large stampings (such as motor vehicle fenders or bodies). (However, the exclusion of a use under a particular entry, whether by virtue of a limitation to restricted production or otherwise, does not affect the applicability of any other entry under which the use may be described.)

74. Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.

75. Editor's Note: Former Subsection D.3, regarding after-hours clubs, was repealed by Bill No. 36-2000. Said bill also provided for the renumbering of former Subsection D.4 as Subsection D.3.

	Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw4.3d)	Go Back View Map New Search
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Account Identifier: District - 08 Account Number - 0803025630

Owner Information

Owner Name:	FOXTAIL LIMITED PARTNERSHIP	Use:	INDUSTRIAL
		Principal Residence:	NO
Mailing Address:	SUITE 205 120 COCKEYSVILLE RD COCKEYSVILLE MD 21030-2139	Deed Reference:	1) / 9001/ 178 2)

Location & Structure Information

Premises Address	Legal Description
10 AYLESBURY RD	3 AC ES AYLESBURY RD SE COR FOX TRAIL RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
60	12	628						2	Plat Ref:

Special Tax Areas	Town Ad Valorem Tax Class
--------------------------	----------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1964	78,633 SF	3.00 AC	07

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	1,500,000	2,250,000		
Improvements:	2,096,100	2,125,600		
Total:	3,596,100	4,375,600	4,115,766	4,375,600
Preferential Land:	0	0	0	0

Transfer Information

Seller: KIRSCHNER MEDICA L CORP	Date: 12/16/1991	Price: \$3,000,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 9001/ 178	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO	Special Tax Recapture:
Exempt Class:	* NONE *

Case No.: 2010-0216-SPHY - LEASE AREA 8 10 AYLESBURY RD.

Exhibit Sheet

Petitioner/Developer

Protestant

	Petitioner/Developer	Protestant
No. 1	ORDER; SITE PLAN CASE NO. 99-156-A	
No. 2	Colorized Rendition OF SITE PLAN	
No. 3	ZONING MAP	
No. 4	Aerial of neighborhood	
No. 5	BUSINESS PLAN	
No. 6	M;t Statement	
No. 7	LAYOUT PLAN	
No. 8	PARKING ANALYSIS (2 PAGES)	
No. 9	Stephen Weber Traffic Engineering Memo	
No. 10	Photo - area of sidewalk to be placed	
No. 11 A+B	Photo's - E/W area Schmuckler land	
No. 12	sidewalks requested from LEASE area 8 to AYLESBURY	

Case No.: 2010-0216-SPHX

Exhibit Sheet - Continued

Petitioner/Developer

Protestant

No. 13 A B C	Petitioner/Developer	Protestant
No. 14	Photo's of Existing Conditions at East West area OF SITE - opposite Petitioner's board area	
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

PETITIONER'S

EXHIBIT NO. 401

IN RE: PETITION FOR VARIANCE
NE/S Aylesbury Road and S/S
Fox Tail Road
(10 - 14 W. Aylesbury Road)
8th Election District
4th Councilmanic District

Foxtail L.P.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-156-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Foxtail L.P., by Charles Frank, President, through their attorney, Vernon Boozer, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.12.B to permit a modified plan for parking and loading, and to amend the previously approved plan and Order in prior Case No. 74-34-A, accordingly; from Section 409.3 to permit standard angled parking spaces (30%) to be 14' deep in lieu of the required 18'; from Section 409.4.C to permit the travel aisle for 30% angled parking spaces to be 12' wide in lieu of the minimum required 14'; from Section 409.6.A.3 to permit 64 parking spaces for the combined uses on the site in lieu of the required 85 spaces; from Section 409.8.A.4 to permit parking spaces to be located 0 feet from the right-of-way line in lieu of the minimum required 10 feet; from Section 409.8.A to permit design, screening and landscaping not in compliance with the landscape manual; from Section 450.4 to permit one additional freestanding enterprise sign in combination with the two existing enterprise signs in lieu of the maximum two signs allowed, based upon one sign per frontage (site fronts on two public roads); and, from Section 450.5.B.4(a) to permit enterprise Signs A and B to be located within 65' of one another in lieu of the minimum required separation of 100

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Date 12/15/99
By [Signature]

feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Charles J. Frank and Edward Eby, representatives of Foxtail, L.P., owners of the subject property, William P. Monk, Zoning Consultant, and F. Vernon Boozer, Esquire, attorney for the Petitioners. Appearing as interested citizens were Louis W. Miller and Kathleen Beadell. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.702 acres, more or less, zoned M.L.-I.M., and is improved with one-story, 78,526 sq.ft. building which houses a variety of uses, including a warehouse, office, showroom, and accessory retail operations. The building was constructed in the 1970s and used by one business; however, over the years, it was divided to create space for the various business operations that exist therein today. Presently, there are eight tenants occupying the building. The latest tenant who wishes to locate to this building is a local business known as LAX World. LAX World is a wholesale dealer of lacrosse sports equipment and merchandise and currently operates from a location on Deereco Road. The owners of the subject property propose no exterior alterations to the building; however, in attempting to obtain permits for the interior improvements for LAX World, the Department of Permits and Development Management advised them that a variance was necessary to legitimize existing conditions on the property as well as the proposed improvements. Many of the variances being requested herein are due to the tenants that currently occupy the building, and not necessarily the relocation of LAX World to this site.

Further testimony was offered by Mr. Monk, the Zoning Consultant hired by the Petitioners to develop the design/site plans for this project. Mr. Monk thoroughly described

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Date 12/5/98
By [Signature]

current conditions on the site as well as those on surrounding properties. In addition, Mr. Monk discussed in detail all of the variance requests that are necessary in order to bring the property into total compliance with current zoning regulations. Furthermore, Mr. Monk testified as to other improvements that are being made onsite to accommodate and improve the traffic flow on the subject property. The site plan showing existing and proposed improvements, including a small area of additional paving, was submitted into evidence as Petitioner's Exhibit 6.

As noted above, Mr. Louis Miller and Ms. Kathleen Beadell, nearby residents of the area, appeared as interested citizens. Both Mr. Miller and Ms. Beadell are very involved in zoning and development matters that occur in the Timonium area. They indicated that they have been involved in other projects as well, not only in this business park, but also in the surrounding area. These citizens would like to see the owner of the subject property install sidewalk along the entire frontage of their property on Foxtail Road. They indicated that the adjacent property owner (Obrecht) is proposing to redevelop their property which adjoins the subject site and that they intend to install sidewalk along Foxtail Road from York Road to the property line adjoining the Petitioners' property. Mr. Miller and Ms. Beadell would therefore like to see the Petitioner continue this sidewalk along the frontage of their property on Foxtail Road.

The issue concerning the installation of sidewalk was discussed with the property owner at the hearing, who basically agreed with the citizens that the sidewalk along Foxtail Road should be extended along their property, but only to the existing 24-foot wide entrance into their site. They believe that any additional sidewalk along Foxtail Road would not be used by pedestrians and that they will choose to walk through the paved parking lot to their destinations, rather than continuing along the sidewalk, inasmuch as walking through the parking lot would be a shorter route. Therefore, the property owner believes that the installation of sidewalk along the

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Date

By

entire frontage of their property along Foxtail Road would not be beneficial to pedestrian traffic and an unnecessary expense for them.

After reviewing this issue with those parties in attendance at the hearing, I discussed this matter with Jeffrey Long, a representative of the Office of Planning. Mr. Long indicated that it would not be necessary for the Petitioners to install sidewalk along the entire length of Foxtail Road. Mr. Long did concur with the extension of the sidewalk from the adjacent property (owned by Obrecht) to the driveway entrance at the Petitioners' property. However, it was his opinion that the remainder of the Petitioners' frontage on Foxtail Road would be better landscaped than paved with sidewalk.

Having fully considered this issue, I find that as a condition of approval of the requested variances, I will require that the owners of the subject property extend the sidewalk along Foxtail Road, from the adjacent property to the existing entranceway into their parking lot. The Petitioners shall not be required to install sidewalk on any other portion of their property along Foxtail Road. I agree with Mr. Long's assessment that were pedestrians to use this sidewalk, they would simply exit off the sidewalk at that point and walk through the paved parking lot on the site. I further agree that installing a sidewalk along the Petitioners' property the remainder of the distance along Foxtail Road would serve no useful purpose and that this area will be better reserved for landscaping.

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:

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Date

By

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

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

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested variances. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. In my view, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of December, 1998 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.12.B to permit a modified plan for parking and loading, and to amend the previously approved plan and Order in prior Case No. 74-34-A, accordingly; from Section 409.3 to permit standard angled parking spaces (30%) to be 14' deep in lieu of the required 18'; from Section 409.4.C to permit the travel aisle for 30% angled parking spaces to be 12' wide in lieu of the minimum required 14'; from Section 409.6.A.3 to permit 64 parking spaces for the combined uses on the site in lieu of the required 85 spaces; from Section 409.8.A.4 to permit parking spaces to be located 0 feet from the right-of-way line in lieu of the minimum required 10 feet; from Section 409.8.A to permit design, screening and landscaping not in compliance with the landscape manual; from Section 450.4 to permit one additional freestanding enterprise sign in

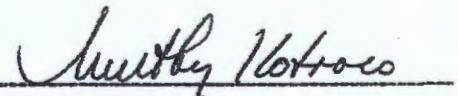
ORDER RECEIVED FOR FILING

Date 12/8/98

By [Signature]

combination with the two existing enterprise signs in lieu of the maximum two signs allowed, based upon one sign per frontage (site fronts on two public roads); and, from Section 450.5.B.4(a) to permit enterprise Signs A and B to be located within 65' of one another in lieu of the minimum required separation of 100 feet, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall install sidewalk along the frontage of their property on Foxtail Road commencing from the adjacent property owned by Obrecht and terminating at the entranceway to the Petitioners' property.
- 3) The Petitioners shall submit a landscape plan for review and approval by the Office of Planning.
- 4) 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.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

ORDER RECEIVED FOR FILING
Date 12/5/13
By [Signature]

Executive Summary

Market

A market opportunity exists in Timonium and surrounding areas throughout Baltimore County to create a safe and sanitary environment for families with children, in particular those aged 1 to 13, to engage in indoor exercise and recreation activities. According to kidshealth.org, 1 in 3 kids are now considered overweight or obese due to the hectic lifestyles of dual working family households in which fast foods and electronic entertainment, like television, computers, and video-game consoles, has become the norm. A family fun center consisting of physical and educational attractions provides an outlet for children to be active and exercise, particularly during inclement weather or when temperatures are too hot or cold for outdoor play, while also providing an avenue for families to enjoy time together in a healthy way. According to the US Census Bureau, the average consumer in 2007 spent \$ 2,698/year on entertainment, with \$698 devoted to entertainment fees and admissions.

Proposed Business

Kiddie Crusoe will provide a sanitary, safe, and stimulating environment for physically active children to play in and explore under the direct supervision of their guardian(s). In addition, *Kiddie Crusoe* will employ additional supervision throughout its 12,000 square foot, open play area to ensure children's safety, while encouraging them to stretch, flex, think, interact, explore and discover the bounds of physical fun available through numerous age appropriate stations and attractions. The play area will consist of approximately 8,400 square feet of attractions designed for children 13 and under (with 2,500 square feet of the play area a dedicated Toddler Towne for children under the age of 5), *Nintendo Wii* video game stations for children and adults alike, a café with seating to accommodate 40-50 persons, a windowed exercise room will be available on weekdays for adults to use while watching their children play, and free Wi-Fi access for adults to stay connected to their busy lives as needed. The entire floor space will be covered in attractive, tough, slip resistant commercial flooring to absorb fall impacts, reducing the risk of injury, while providing a more sanitary floor covering that is both ADA and CPSC compliant.

For family celebrations, such as birthdays and special occasions, *Kiddie Crusoe* will offer three private party rooms, as well as designated party space in our Toddler Towne. All events will be hosted by trained staff to provide the party guests with two hours of supervised fun throughout the open play area. *Kiddie Crusoe* will offer themed play events throughout the week to stimulate imaginative and creative development.

Furthermore, select educational toys and items will be available for sale in *Kiddie Crusoe's* retail boutique to continue the adventure at home. *Kiddie Crusoe's* primary aim is to provide a physical learning environment that kids will enjoy and that parents will enjoy taking their kids to time and again.

Location

Kiddie Crusoe is planned to be located in a leased flex space at 7 Fox Tail Road in Timonium, Maryland. The location is flanked by Interstate 83 and York Road, providing easy access from a major arterial road, and light rail service and MTA bus service within one quarter mile. Within a 10-mile radius, there are more than 122,000 children (according to the U.S. Census Bureau Census 2000 data) at or under the age of 13, living in a household with an average annual income of \$40,688.

Management

Kiddie Crusoe will be operated by owner/manager, Nikki Snyder, who has had over 11 years experience as a business owner successfully managing and expanding a local web development and advertising company, *eCity Designs, LLC* and its subsidiary *Weddings Today™*. Nikki will continue to

Mission and Strategy

Kiddie Crusoe is an indoor, climate-controlled family entertainment center (FEC) combining recreation, entertainment, food concessions, and a retail boutique like no other in the area, year round. *Kiddie Crusoe's* primary focus is to provide a safe and clean physical learning environment for children, primarily aged from 1 to 13, designed to develop and hone basic motor skills, problem solving techniques, social skills, and general fitness, while instilling self-confidence and the want for a healthy lifestyle. Moreover, parents can enjoy hours of close interaction with their children in a safe, convenient, and stimulating environment.

Currently, there are no other indoor children playgrounds in the Timonium area. In addition, there are few local businesses in the child entertainment market that provide the scope of amenities and attractions that *Kiddie Crusoe* will offer. Within one year, *Kiddie Crusoe* will become known as the primary FEC in the Baltimore County area for children aged 1 to 13, and the destination of choice for children birthday parties. *Kiddie Crusoe* will maintain its appeal by the continual development of fun and interactive activities that maintain a focus for physical learning in a safe and clean, stimulating environment for years to come.

FOR INQUIRIES CALL: FOUNTAIN GREEN
(410) 838-8808

00 0 06418M NM I17

2159

KIDDIE CRUSOE, LLC
2570 FLORA MEADOWS DR
FOREST HILL MD 21050

ACCOUNT TYPE
M&T ADVANCED BUSINESS CHECKING

ACCOUNT NUMBER
XXXXXXXXXX

STATEMENT PERIOD
11/25/09 - 12/24/09

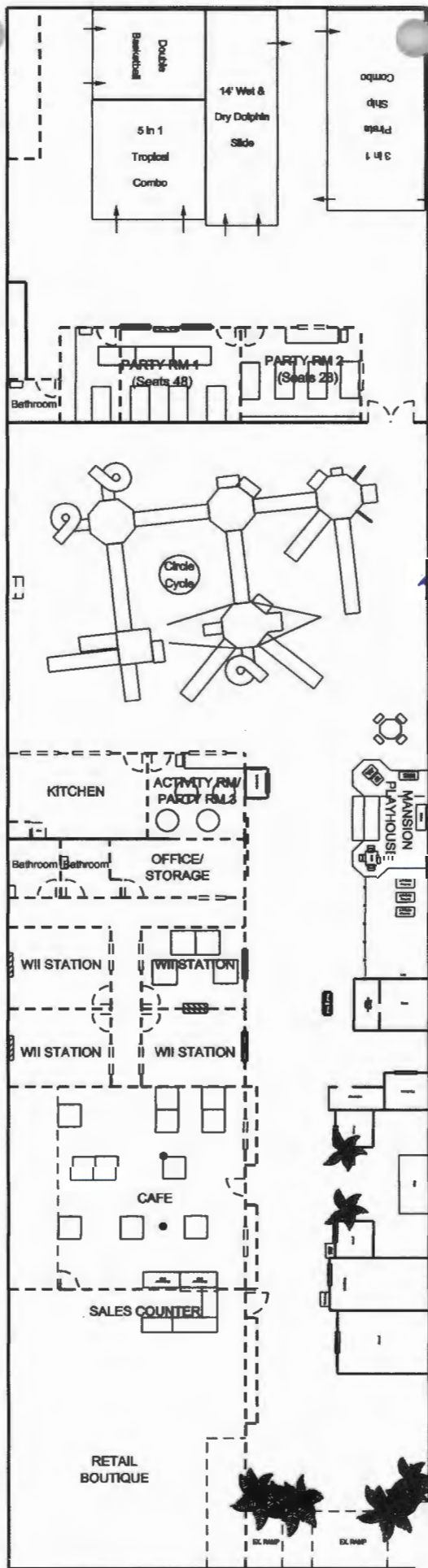
BEGINNING BALANCE	\$0.00
DEPOSITS & CREDITS	190,000.00
LESS CHECKS & DEBITS	11,317.50
LESS SERVICE CHARGES	0.00
ENDING BALANCE	\$178,682.50

ACCOUNT ACTIVITY				
DATE	TRANSACTION DESCRIPTION	DEPOSITS & CREDITS	CHECKS & DEBITS	BALANCE
11/25	BEGINNING BALANCE			\$0.00
11/30	DEPOSIT	\$10,000.00		10,000.00
12/01	CHECK NUMBER 55		\$10,000.00	0.00
12/02	DEPOSIT	10,000.00		10,000.00
12/03	MISCELLANEOUS CREDIT	170,000.00		
12/03	MISCELLANEOUS DEBIT		1,317.50	178,682.50
NUMBER OF DEPOSITS/CHECKS PAID		3	1	

CHECKS PAID								
CHECK NO.	DATE	AMOUNT	CHECK NO.	DATE	AMOUNT	CHECK NO.	DATE	AMOUNT
55	12/01	10,000.00						
* - GAP IN CHECK SEQUENCE R - CHECK RETURNED								
NUMBER OF CHECKS PAID			1					
AMOUNT OF CHECKS PAID			\$ 10,000.00					

PETITIONER'S

EXHIBIT NO. 6



← Climbing Play set (25K)

PETITIONER'S

EXHIBIT NO. 7

PETITIONER'S

EXHIBIT NO. 8

To determine the Family Entertainment Center's (FEC) market share of the fees and admissions portion of consumer expenditures, a projected average dollar spent of \$17.00 per visit was used at a rate of 4.6 visits per year, equating to \$78.20 per year spent at FECs. Using the median consumer expenditure of \$658 per year on fees and admissions, the FEC industry has an 11.9% market share of consumer expenditures within the fees and admissions category.

According to the United States Bureau of the Census, there are 1.80 children per family (with children) in Maryland (see Appendix).

Attendance Projections

A detailed analysis on the demographics within a 10-mile radius of the Timonium area was performed to determine the anticipated attendance and spending habits of the target market. The following table summarizes the expected attendance to Kiddie Crusoe. An analysis of the demographics appears in the Appendix, detailing how the following numbers were derived. The projected market share of Kiddie Crusoe was estimated based on the Competitive Analysis.

Average Monthly Expected Attendance to Kiddie Crusoe				
Radius	Projected Market Share	Admissions \$	Kids/Year	Kids/Month
2 Mile	20%	\$ 19,605.86	2,076	173
5 Mile	10%	\$ 51,005.23	5,401	450
10 Mile	7.7%	\$ 168,352.04	17,826	1,486
TOTAL		\$ 238,963.13	25,303	2,109

Attendance levels are expected to be seasonally influenced, with the busiest months being in winter, and the lightest months being in the summer and the beginning of the school year. The following table illustrates the projected monthly attendance levels by percent of total yearly attendance.

Per Month Projected Attendance to Kiddie Crusoe		
Month	% of Yearly Attendance	Kids/Month
January	10%	2,530
February	12%	3,036
March	12%	3,036
April	11%	2,783
May	7%	1,771
June	7%	1,771
July	6%	1,518
August	6%	1,518
September	5%	1,265
October	7%	1,771
November	9%	2,277
December	8%	2,024

A large percentage of attendance is expected between Friday and Sunday, with the weakest attendance levels during the beginning of the week, specifically Monday. The peak attendance is expected to occur on Saturday. For the purpose of developing parking needs, it is assumed that each

attending unit (one vehicle per unit) will consist of 1.8 children and 1.2 adults. The following table illustrates the projected attendance levels on a daily basis, using the projected attendance for the busiest month of the year (February and March).

Per Day Projected Attendance to Kiddie Crusoe (During Busiest Month)				
Day	% of Weekly Attendance	Kids/Day	Total Daily Attendance	Total Daily Vehicles
Sunday	18%	126	210	70
Monday	5%	35	58	19
Tuesday	10%	70	117	39
Wednesday	10%	70	117	39
Thursday	10%	70	117	39
Friday	20%	140	233	78
Saturday	27%	189	315	105

Admissions

Admission fees will be \$8.99 per child (ages 1-17) that includes unlimited play in all of the play areas, video game lounges, which can be reserved in 45 minute increments. Adults will be charged a nominal fee of \$1.99 and will be encouraged to play with their children in the designated attraction areas. This price compares favorably to other forms of family entertainment such as movie theatre outings where both adults and children must pay a full priced admission, ranging from \$7-\$10 per person. The following table illustrates the expected revenue from admissions.

Revenue - Admissions	
Children Admissions	\$8.99 /child
Children in Attendance	2,109 /month
Revenue (Children Admissions)	\$18,959.91/month
Adult Admissions	\$1.99 /adult
Adults in Attendance	1406/month
Revenue (Adult Admissions)	\$2,797.94/month
TOTAL REVENUE	\$21,757.85/month

Kiddie Crusoe will offer prepaid discount multi-pass cards (5 Play Admission Card: \$35 / 10 Play Admission Card: \$65) to promote repeat visits. In addition, *Kiddie Crusoe* will offer discounts consisting of 10 or more children at 15% off and 15 or more children at 20% off to encourage day care centers, youth groups, local Mom groups, schools, and summer camps to visit. *Kiddie Crusoe* will also offer a Family Membership plan at \$49/month to help defray costs for larger families. *Kiddie Crusoe* will also offer the last hour of play each day at half-priced admission.

Café

The 40-50 person capacity café will offer food products that appeal to both children and parents alike. It will offer traditional children's favorites such as pizza and hot dogs, as well as other nutritious snacks, drinks, and desserts.

The 2002 *Economic Census* provides detailed information on a variety of industries, classified by the *North American Industry Classification System (NAICS)*. There is no specific classification for Family Entertainment Centers, however, for the purpose of this analysis, *Bowling Centers (NAICS code 71395)*, a sub-classification of *Amusement, Gambling, & Recreation Industries*, was used as a

From: Stephen Weber
To: People's Counsel
CC: ccjfinc@aol.com; Dennis Kennedy; jscherr@kg-law.com
Date: 3/23/2010 5:02 PM
Subject: Fwd: Foxtail Properties/Kiddie Crusoe, LLC, Case No. 10-216-SPHX
Attachments: 10-216-SPHX Petitions.pdf; 10-14W.AylesburyRd-South.bmp; 10-14W.AylesburyRd-North.bmp

Dear Mr. Zimmerman:

We have examined the request for a Commercial Recreational Facility to be located within the building at 10-14 W. Aylesbury Rd. The proposed recreational facility appears to be a relatively small operation comprising only 12,100 sq. ft. of the building. While the parking requirement calculations only show 4 spaces to be required, it would appear the number of spaces would likely be something somewhat larger than this, based on the number of parents' vehicles that might come at one time potentially for having a party. The plan for the special exception however shows that the location of the leased area is at the northeast corner of the building which, based on my observations of the existing building, its use, and the access points into the building, appears to have the greatest excess of available parking on the entire site. As such, I do not see any significant issues with the specific request being made of this particular petitioner.

However, I did note significant issues with the site as a whole. In looking over the last Order dated Dec. 8, 1998 issued by Tim Kotroco as Deputy Zoning Commissioner, it is clear that there were numerous failures of the petitioner to follow thru with the conditions of the order. Apparently the property owner had to come to the County to obtain variances on the property to legitimize existing conditions on the property as well as proposed improvements in order to obtain permits from PDM for the interior of the building for LAX World. Mr. Kotroco noted that many of the variances were being requested due to the existing tenants occupying the building at that time, not necessarily for the relocation of LAX World to the site. While the property owner got their requested variances, it doesn't appear that they followed through in implementing the items on the approved plan. My concern with the current special exception is not so much with Contract Purchaser/Lessee and also Petitioner, but instead is with the owner of the property. It seems that what happens is that the Zoning Commissioner is granting Special Exceptions for a specific lessee to get in the building, but then there is no follow-up to actually implement the Zoning Commissioner's Order. Any pattern of such applications, issuance of Orders, and failure to comply is troublesome and appears to give indication that the process being used is just to enable tenants to get in the building without any intent to actually bring the site into compliance.

Attached are two aerial photos of the site; both photos are looking to the east and concentrate on the areas fronting W. Aylesbury Rd and Fox Tail Rd. First of all, the parking on the west side of the building is not located as shown and the drive aisle going around the west side to the north side of the building doesn't exist and has never been built. Perpendicular parking is occurring along the west side of the building within the 124-foot wide driveway entrance, that parking not even being shown. The Sign "B" Existing Enterprise Pole sign is not in the location shown in the plan but instead appears to be located on County right-of-way off of the owner's property. Sign "A" New Enterprise Sign was never installed, however the orientation of that sign does not make any sense with the language contained in the Deputy Zoning Commissioner's Order. The argument for another enterprise sign over the two existing signs which already face traffic on W. Aylesbury Rd, was the fact that this site faces two public streets. That being the case for the argument, then Sign "A" should be oriented to face traffic on Fox Tail Rd, basically showing it oriented 90 degrees from that shown on the plan. A sidewalk was required to be constructed on the south side of Fox Tail Rd from the property immediately to the east (Office Depot) to the Fox Tail Rd driveway to this site, however that work was never done.

Probably the most troubling on this site is the use of County-owned right-of-way on the inside of the curve of W. Aylesbury Rd at the south end of the building in the area of the plan marked "EX. PAVED AREA/NO PARKING". As can be seen from the photo, this area is anything but a No Parking area. There are 10 vehicles parking in this "No Parking" area. Repeated observations of the site indicate that this is standard practice. As a result, pedestrians walking along the inside of this curve are either forced to walk through the drive aisle on site or are forced into the street, walking in an area with limited sight lines due to it being on the inside of a curve. In addition, walking in the street in this area is particularly hazardous because there is a relatively heavy westbound left-turn movement into the commercial roadway opposite this area, that driveway leading to the York Ridge Shopping Center containing Borders, Old Navy, Kohl's, Michael's, et. al. Because of this heavy left-turn movement, through traffic on W. Aylesbury Rd coming from York Rd will move close to the inside curb to bypass stopped left-turning vehicles, thus being in direct conflict with any pedestrians walking in this area of the street. Because of the location of the Light Rail Stop for the Timonium Business Park being only 700 feet away, there is a fairly significant volume of pedestrian traffic in this area and the use of this portion of County property for basically supporting the parking needs of this site are unacceptable. While the property owner recognizes in their site plan submittal to the County that it is a No Parking area, at the same time it is clear that the property owner either has no interest in prohibiting the parking in this area or does not care if his tenants park in an area that is supposed to be reserved for pedestrian traffic. Further, it appears that at some time in the distant past, the property owner at that time most likely paved this County property without any permission to do so.

In reviewing the Dec. 8, 1998 Order, I also note the discussion about not installing sidewalk along the entire south side of Fox Tail Rd fronting the north side of this property. Given the presence of the nearby Light Rail stop, I do find it appropriate and reasonable that there should be a sidewalk network providing for transit passengers and others to reach the businesses along this area of York

PETITIONER'S

EXHIBIT NO.

9

Rd, including the retail Foxtail Center to the immediate north. To argue that it is appropriate for pedestrians to walk through the parking lot of this commercial property is not proper and certainly does not meet any of today's standards which call for providing and enhancing pedestrian ways where feasible. Pedestrians shouldn't be expected to trespass across private property in the mix of moving vehicles in a parking lot to safety get from point A to B. They should instead be provided for along the public roadway system. In addition, because this site is deficient in the number of required parking spaces, any on-street parking that would occur on Fox Tail Rd to support this business should likewise be safely accommodated. Drivers and pedestrians going to and from these parked vehicles should likewise be able to do so by using an adjacent sidewalk system and not be forced to either walk in the street with traffic or walk through the grass areas. You will note in the attached photograph the rather heavy use of both Fox Tail Rd and W. Aylesbury Rd adjacent to this site.

As such, we do not have any particular objections to the Petitioner's request, provided that if Sign "A" New Enterprise Sign is going to be for the petitioner or any other tenant that it then needs to be oriented 90 degrees to face traffic on Fox Tail Rd. (It should have been that way in the previous Order.) In addition, at an absolute minimum the sidewalk ordered to be constructed by the Deputy Zoning Commissioner in his Dec. 8, 1998 Order must be constructed as it should have been. It would also be my strong recommendation that this sidewalk be extended along the entire north side of the property along the Fox Tail Rd frontage, all the way from the Office Depot site to W. Aylesbury Rd.

As to the degree that the Owner of the property owner can be held responsible for the failure to comply with both the previous Order and apparent encroachments of his operations onto County and into the right-of-way, if there is a way of conditioning the Order upon getting the property owner to both comply with either the previous order or have them come in again to revise the plan to show what they want to show now as a new plan, we feel that should be done. More importantly, we want to see that the paving on the inside of the curve within the County right-of-way in the "No Parking" area be removed, a sidewalk installed, and curbing place on the back side of the right-of-way line to insure no future encroachments of vehicles into the pedestrian walkway area contained within the County right-of-way. I certainly recognize that there is a lack of sidewalks on adjoining properties to the east of this site and that is a matter for potential future work. The problem on this particular portion of the site is that it is the one location requiring the highest level of an off-road pedestrian path due to being located on the inside of the curve with limited sight distance and the presence of bypassing traffic traveling close to the inside of the curve next to the curb. Getting pedestrians through this critical area of W. Aylesbury Rd appears more needed than along most of the remainder of the roadway.

Should you have any questions regarding these comments or wish to discuss them further, please feel free to give me a call.

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

>>> People's Counsel 3/10/10 11:36 AM >>>
Mr. Weber,

Attached you will find the Petitions for Special Hearing and Special Exception in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.
Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax





Bw 3/29
9 AM

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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



PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 25, 2010

RECEIVED

MAR 25 2010

HAND DELIVERED

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

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
Foxtail Limited Partnership/Kiddie Crusoe, LLC- Petitioners
10 Aylesbury Road
Case No: 10-216-SPHX

Dear Mr. Wiseman,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan in this case because they potentially present traffic/parking issues. As a result, he sent the enclosed e-mail dated March 23, 2010. As is our custom, we promptly forward it to you for consideration. The hearing date for this case is March, 29, 2010.

Based on his review, the filing of this petition exposes major problems relating to the failure of property owner Foxtail LP to implement the provisions or conditions in the enclosed decision by Deputy Zoning Commissioner Timothy Kotroco dated December 8, 1998 on Foxtail LP's Petition for Variance in Case No. 99-156-A. Mr. Weber's e-mail discusses in detail these failures. He also expresses concerns and makes recommendations concerning the property owner's use of the county right of way and site development in a way hazardous to pedestrian safety.

We sympathize that Kiddie Caruso, LLC, the proposed new tenant, is not responsible for these problems. At the same time, there is no excuse for Foxtail LLP's apparent failure to implement the provisions of the earlier approval and to operate the site in a way conducive to public safety.

Mr. Weber's thorough report is well-reasoned. The Zoning Commissioner should condition approval of the present petition on Foxtail LP's implementation and filing within six months of verified itemized documentation and photography showing that it has complied with

William J. Wiseman, III, Zoning Commissioner

March 25, 2010

Page 2

each and every condition and/or recommendation of Mr. Weber.. As I understand it, Mr. Weber's main recommendations are:

1. The parking on the west side of the building and drive aisle going around the west side must conform to the approved 1998 plan.
2. There must be no parking within the 124-foot driveway entrance along the west side.
3. The sign "B" enterprise pole sign should be moved off the County right-of-way.
4. Sign "A", if built, should be oriented to Foxtail Road.
5. A sidewalk must be constructed on the south side of Foxtail Road from the Office Depot to the Foxtail Road driveway to this site.
6. Foxtail LP must cease using the County right-of-way on the inside of the curve of West Aylesbury Road at the south end of the building in the area of the plan marked "Ex. Paved Area/No Parking." This area must be made accessible to pedestrians. The paving should be removed, a sidewalk installed, and a curb placed on the back side of the right of way to prevent encroachment of vehicles in the pedestrian walkway.
7. The sidewalk along the south side of Foxtail Road should be extended along the entire length of the property, all the way from the Office Depot site to West Aylesbury Road.

Thank you for your attention to this matter.

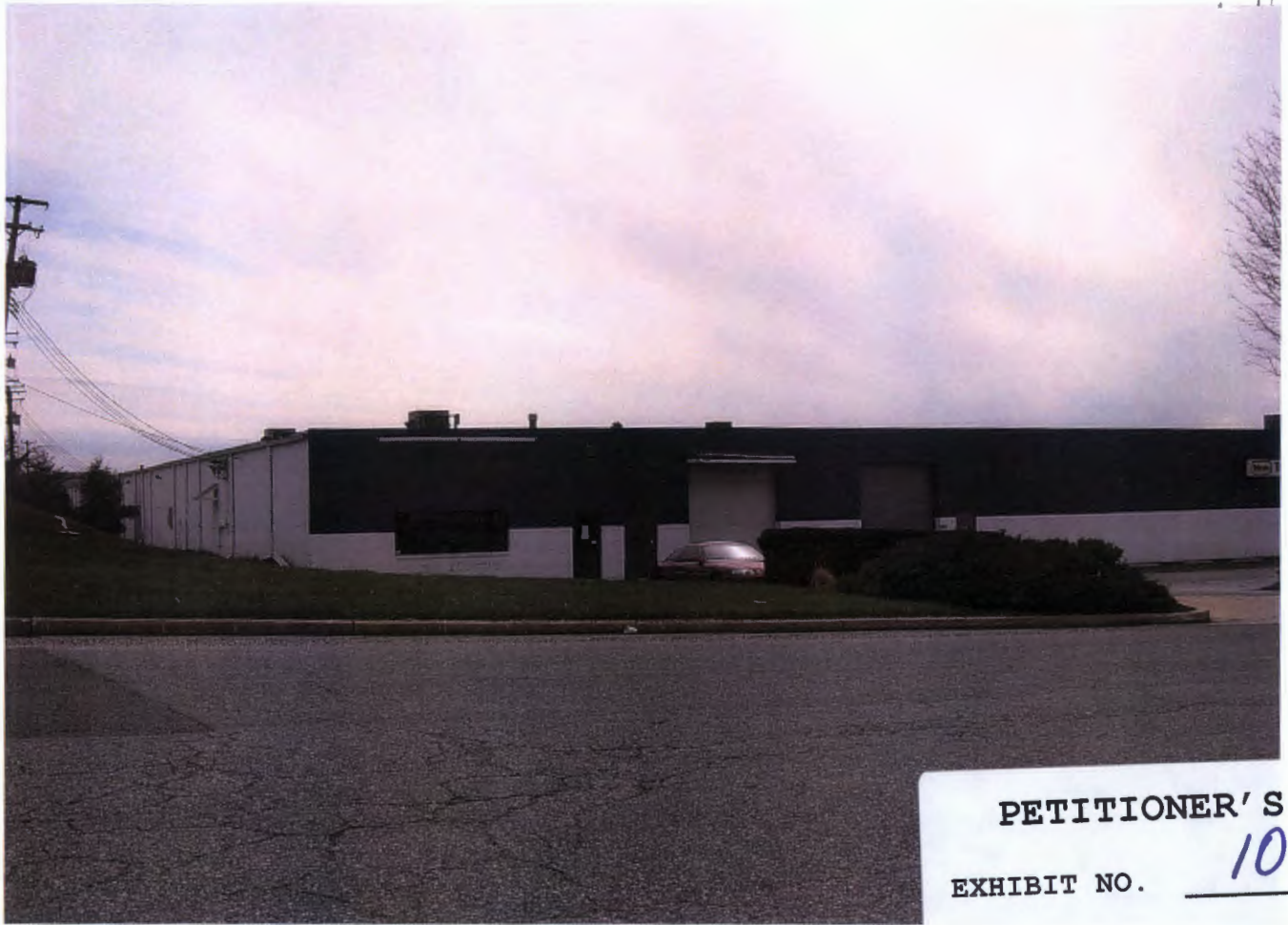
Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Jeffrey Scherr, Esquire (via first class mail and e-mail)
Stephen Weber, Traffic Engineering
Lynn Lanham, Office of Planning
Michael Mohler, Department of Permits and Development Management, Enforcement



PETITIONER'S
EXHIBIT NO. 10



PETITIONER'S

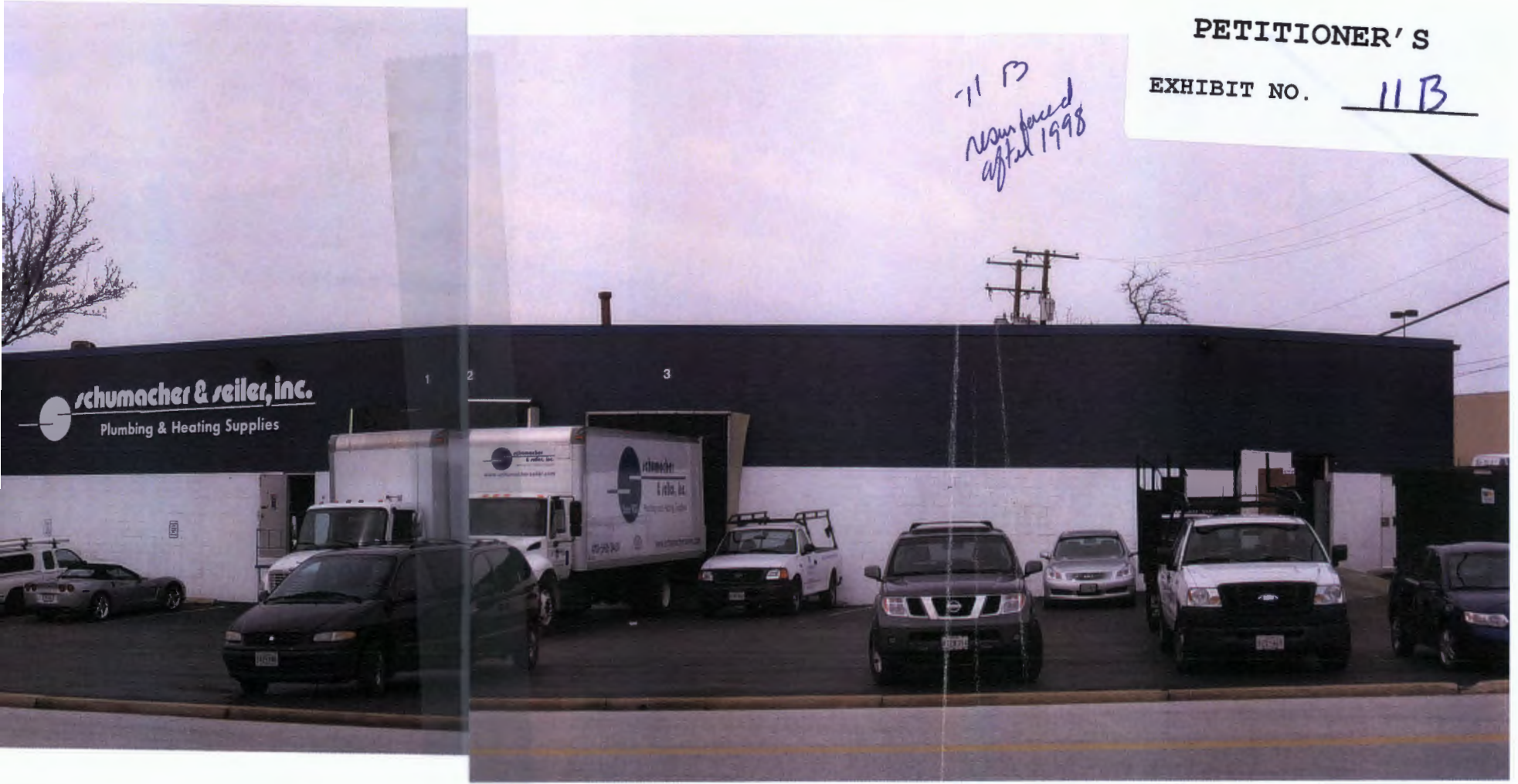
EXHIBIT NO. 11A

1998

PETITIONER'S

EXHIBIT NO. 11B

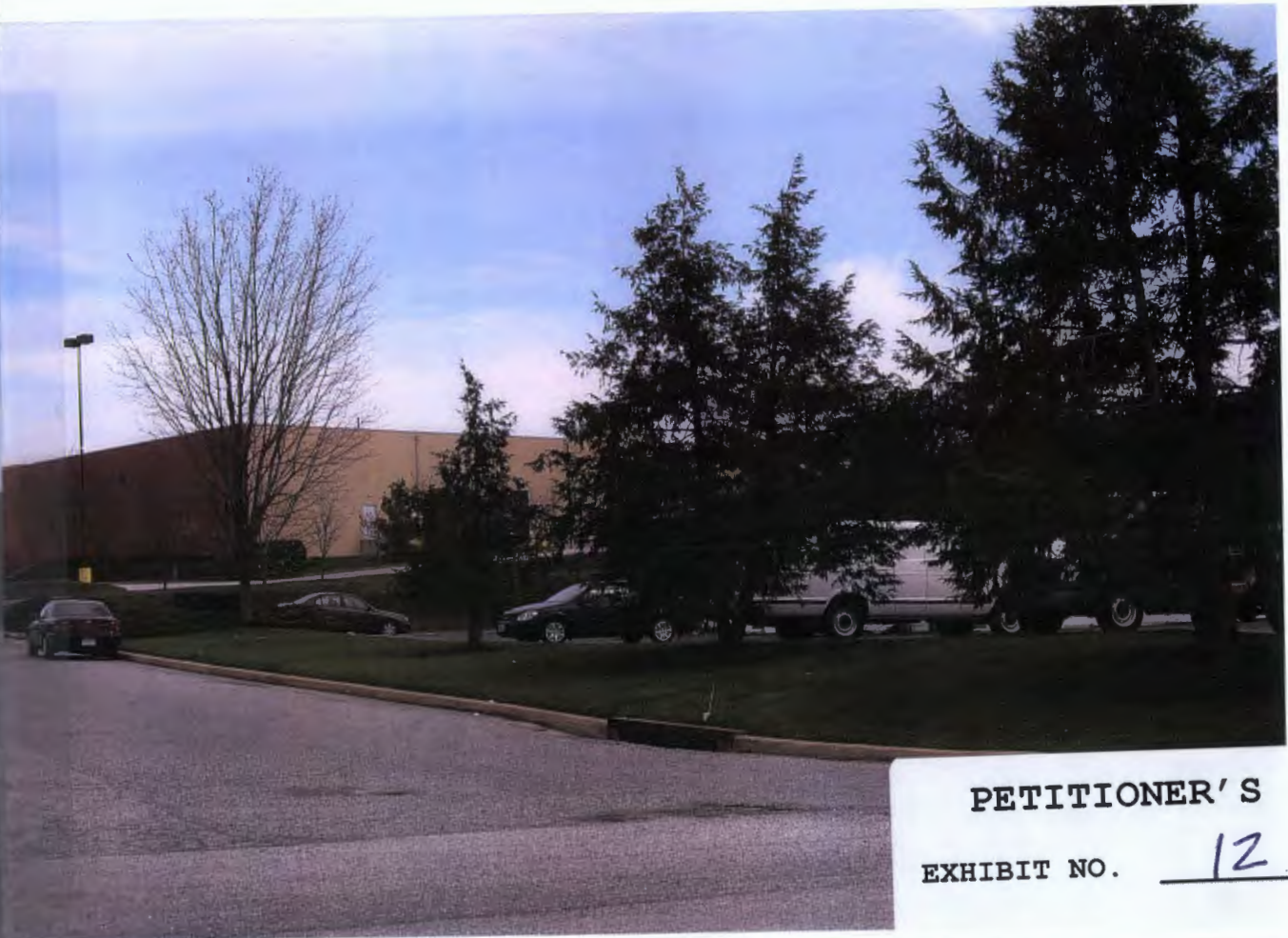
71 B
New fence
after 1998



Schumacher & Seiler, Inc.
Plumbing & Heating Supplies

1 2 3

Schumacher & Seiler, Inc.
Plumbing & Heating Supplies
www.schumacher-seiler.com



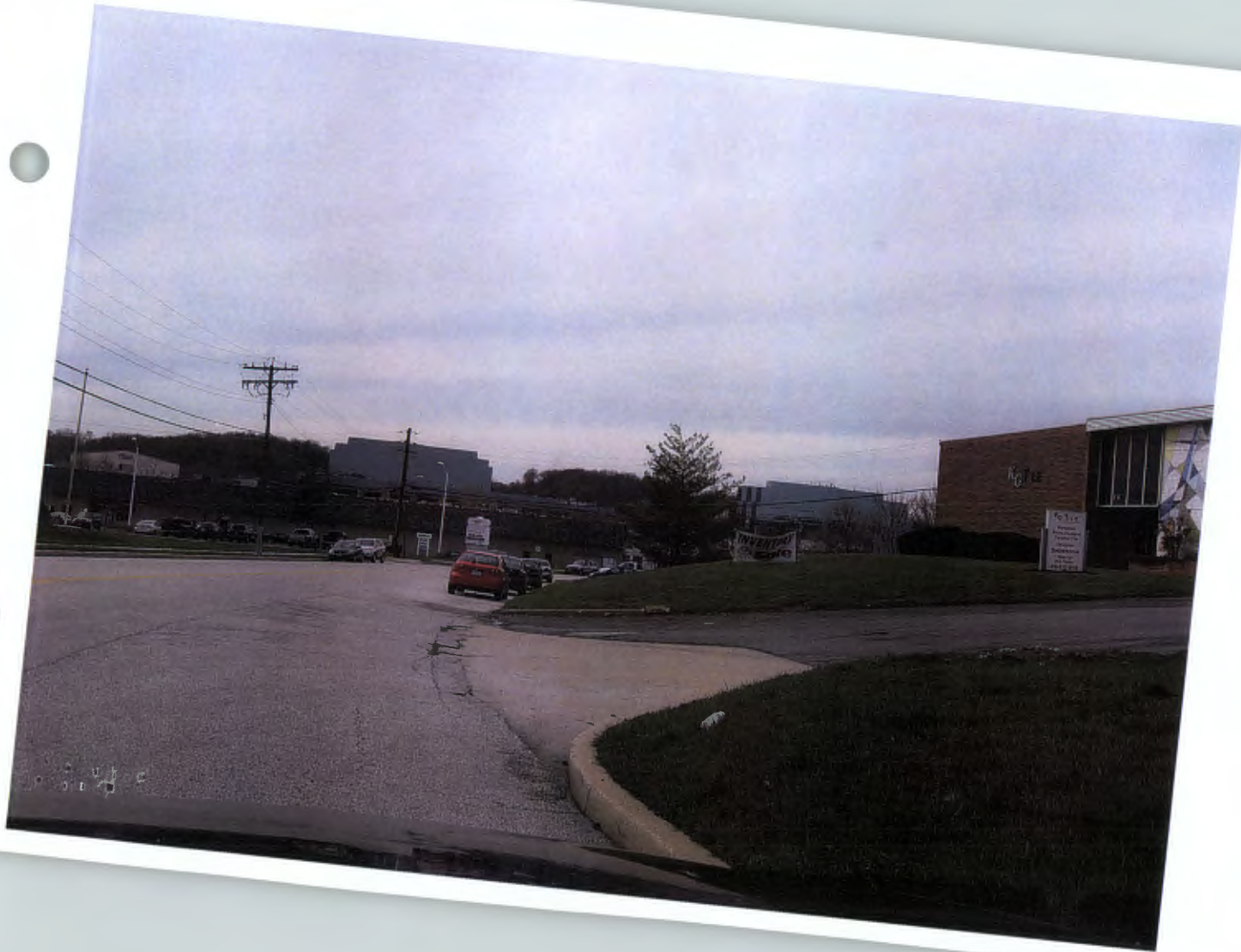
PETITIONER'S
EXHIBIT NO. 12



PETITIONER'S

EXHIBIT NO.

13



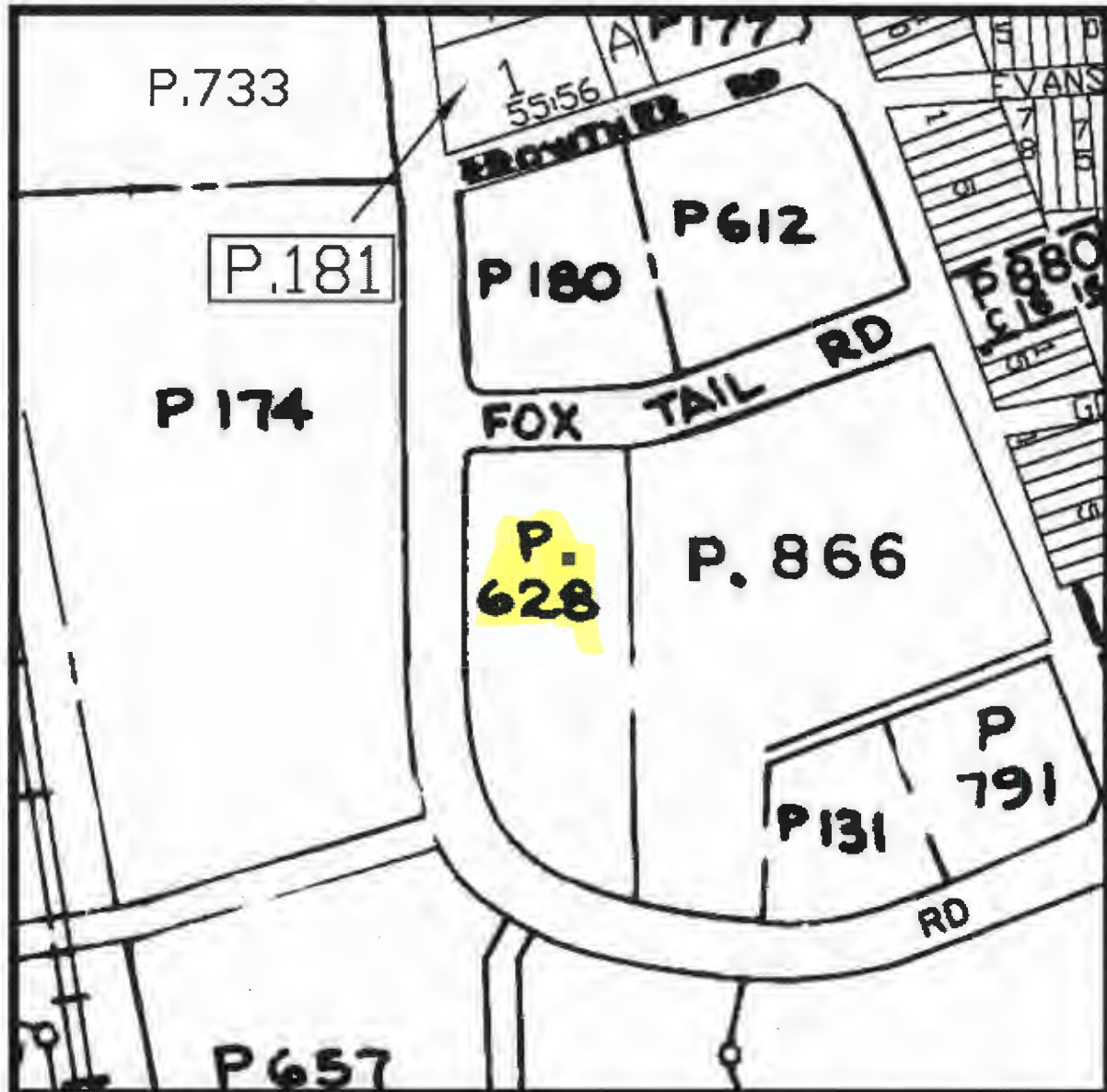




Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 08 Account Number - 0803025630



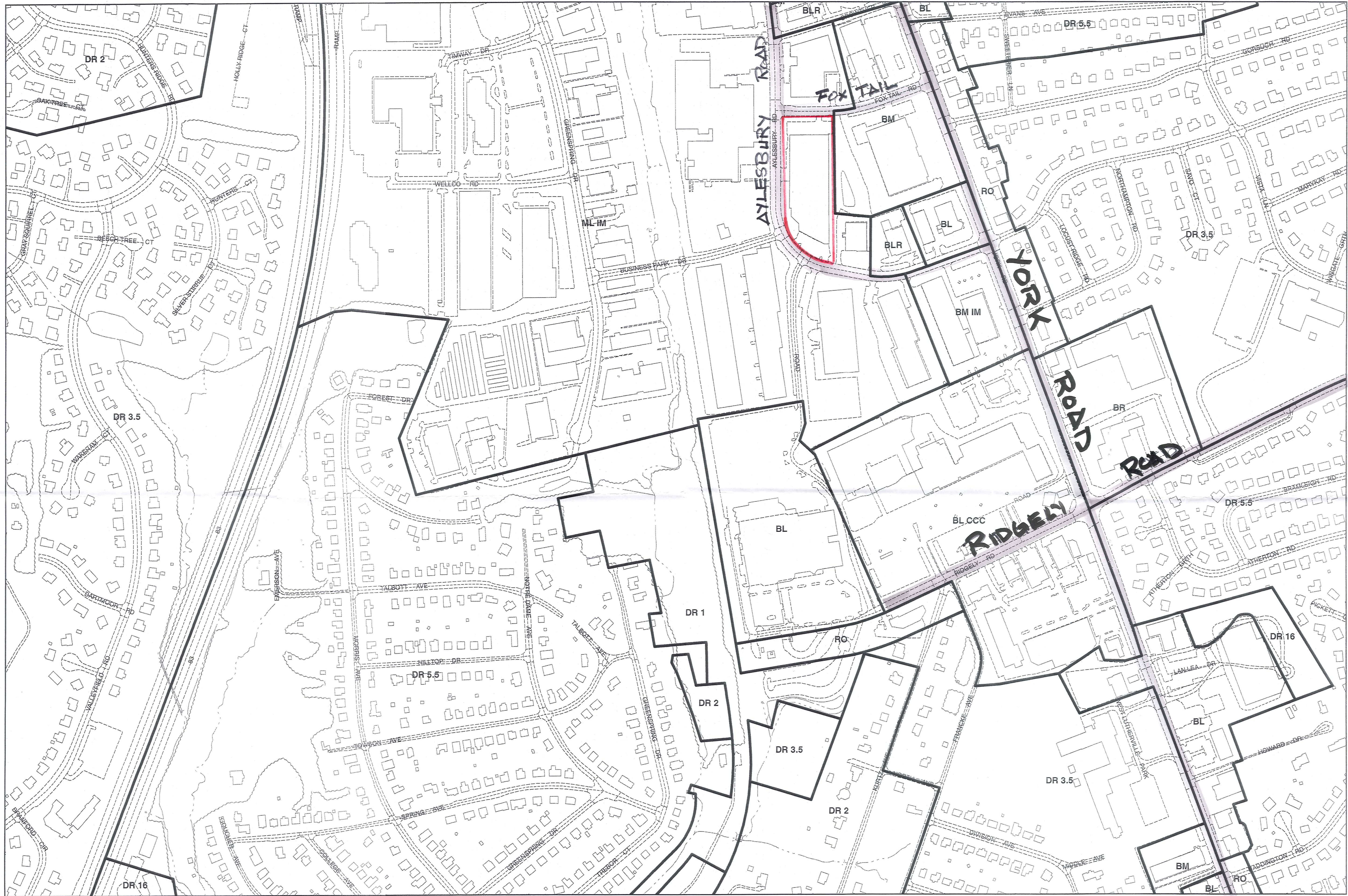
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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.

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



PETITIONER'S
EXHIBIT NO. 4



Plan Sheet: 060C2

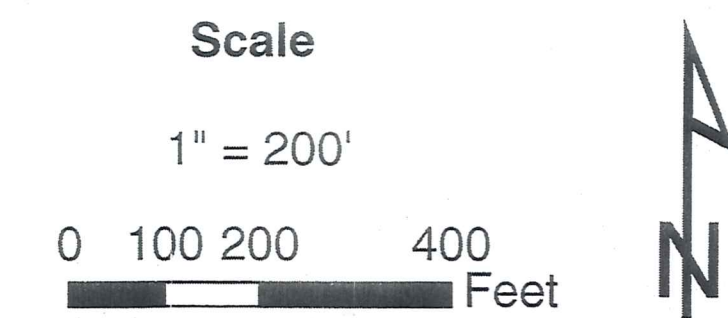
Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

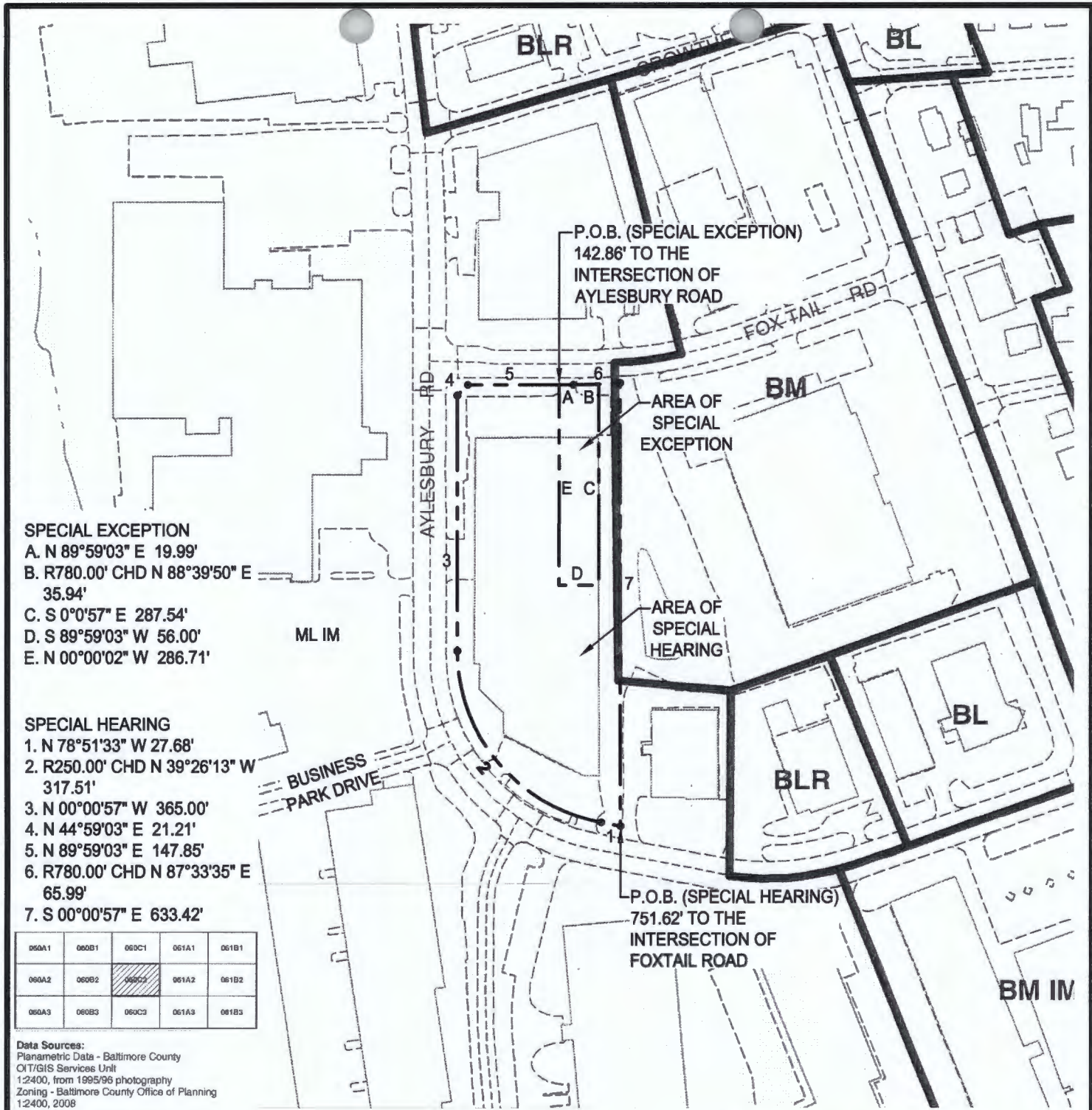
**Baltimore County
Office of Planning and Zoning
Official Zoning Map**

060A1	060B1	060C1	061A1	061B1
060A2	060B2	060C2	061A2	061B2
060A3	060B3	060C3	061A3	061B3



Data Sources:
Planimetric Data - Baltimore County
CIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

PETITIONER'S
EXHIBIT NO. 3



SPECIAL EXCEPTION
 A. N 89°59'03" E 19.99'
 B. R780.00' CHD N 88°39'50" E 35.94'
 C. S 0°0'57" E 287.54'
 D. S 89°59'03" W 56.00'
 E. N 00°00'02" W 286.71'

SPECIAL HEARING
 1. N 78°51'33" W 27.68'
 2. R250.00' CHD N 39°26'13" W 317.51'
 3. N 00°00'57" W 365.00'
 4. N 44°59'03" E 21.21'
 5. N 89°59'03" E 147.85'
 6. R780.00' CHD N 87°33'35" E 65.99'
 7. S 00°00'57" E 633.42'

060A1	060B1	060C1	061A1	061B1
060A2	060B2	060C2	061A2	061B2
060A3	060B3	060C3	061A3	061B3

Data Sources:
 Planimetric Data - Baltimore County
 OT/GIS Services Unit
 1:2400, from 1995/98 photography
 Zoning - Baltimore County Office of Planning
 1:2400, 2008

Plan Sheet: 060C2

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Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

Baltimore County
 Office of Planning and Zoning
 Official Zoning Map



MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 1220-C EAST JOPPA ROAD, SUITE 505
 TOWSON, MARYLAND 21286
 (410) 821-1690
 FAX: (410) 821-1748
 MRAGTA.COM

10-14 AYLESBURY ROAD

ZONING MAP

BALTIMORE COUNTY, MARYLAND

SCALE: 1"=200'

DATE: 2/5/10

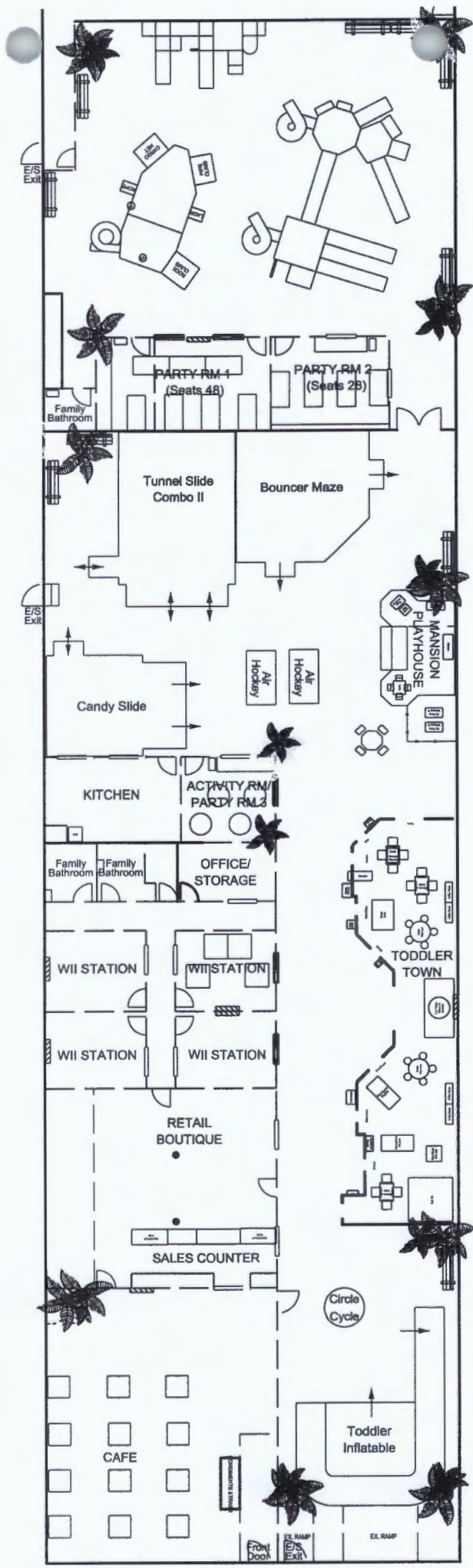
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DESIGN BY: WM

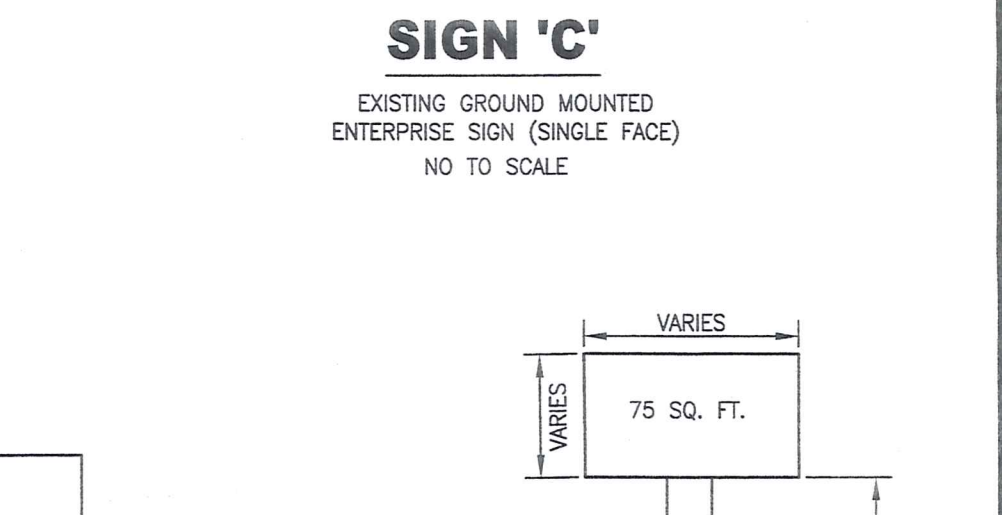
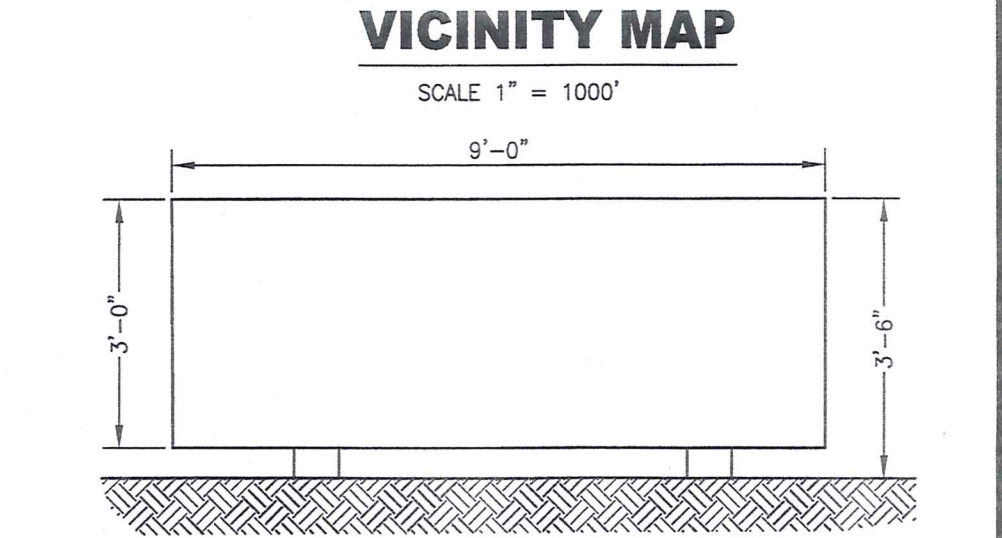
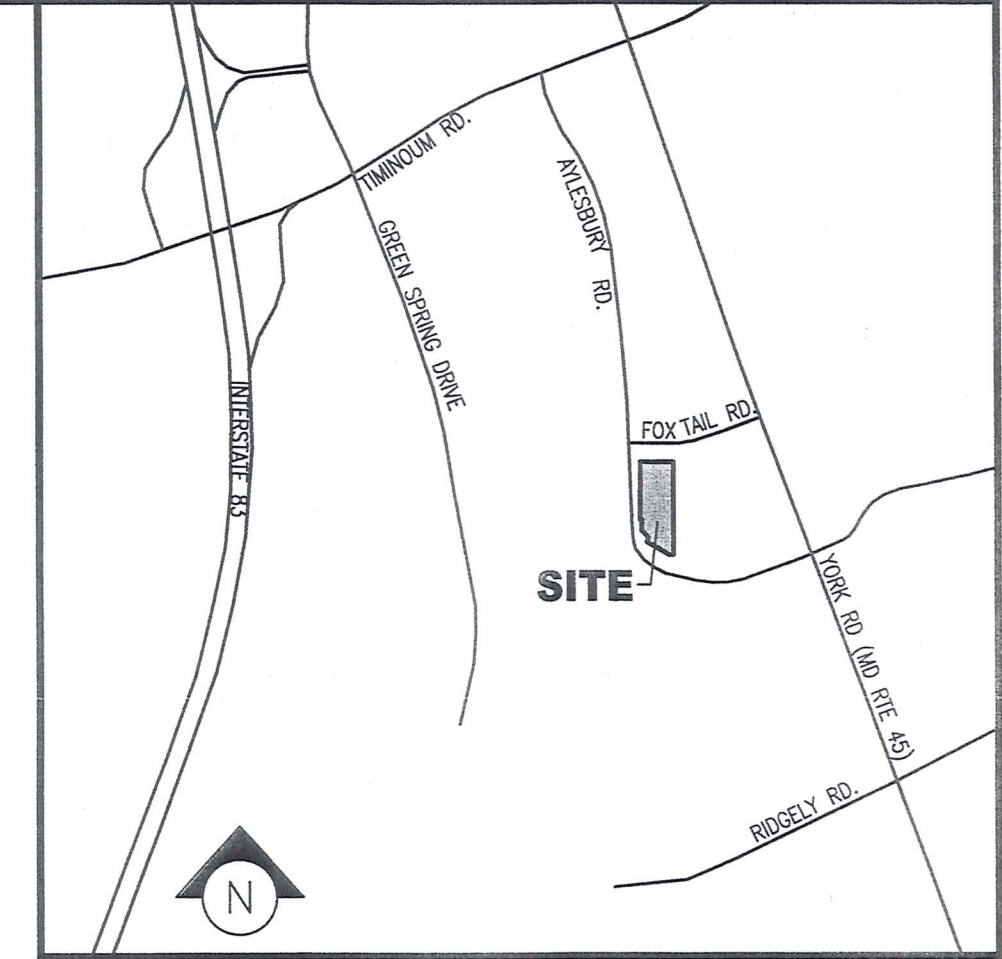
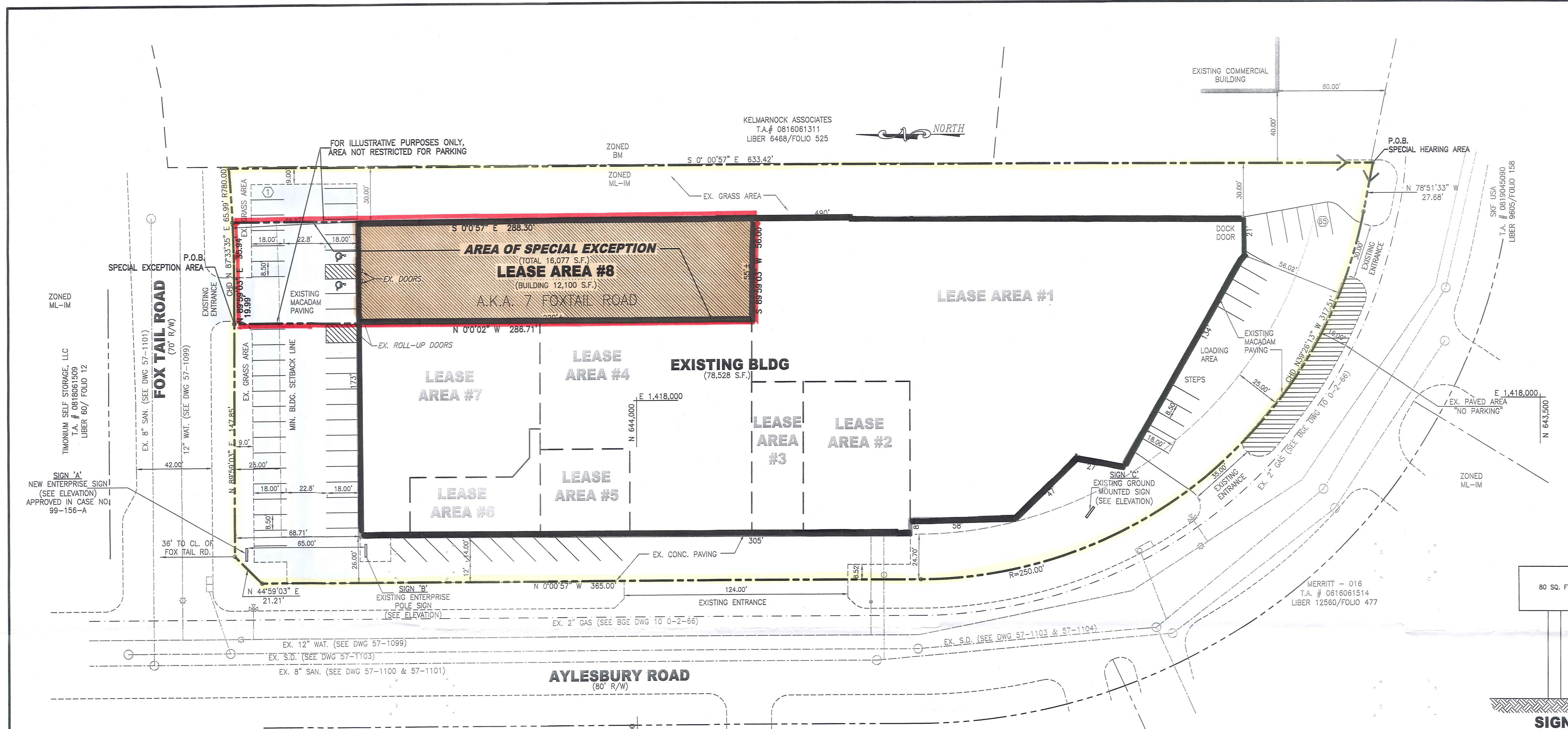
REVIEW BY: WM

JOB NO.:16719

2010-0216-SPHX



2010-0216-SPHX



- NOTES:
- ZONING: ML-IM
 - LOT AREA: NET = 138,734 SQ. FT +/- 3.001 AC
GROSS = 181,258 SQ. FT +/- 3.702 AC
AREA OF SPECIAL EXCEPTION = 0.369 AC
 - EXISTING USE: WAREHOUSE/OFFICE/SHOWROOM
 - PROPOSED USE: LEASE AREA 8 TO BE CONVERTED TO A "COMMERCIAL RECREATIONAL FACILITY" AND ACCESSORY "ARCADÉ." ALL OTHER USES TO REMAIN AS IS. NO EXTERIOR BUILDING EXPANSION IS PROPOSED.
 - SPECIAL EXCEPTION AREA
BUILDING 12,100 S.F.
PARKING 3,277 S.F.
TOTAL 16,077 S.F.
 - BUILDING SETBACKS:

FRONT	25'	25' +/-
INTERIOR SIDE	N/A	N/A
REAR	50'	30' +/- **
 - *REQUIREMENT WAS 50'
**VARIANCE GRANTED BY PREVIOUS ZONING DECISION 74-34-A BUILDING AREA: 78,528 SQ. FT. +/-
 - PARKING:
REQUIRED - SEE PARKING TABLE
PROVIDED - 85 *
**VARIANCE APPROVED IN CASE #99-156-A
 - UTILITIES:
SEWER - PUBLIC
WATER - PUBLIC
 - SPECIAL HEARING TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONER SHOULD APPROVE A COMMERCIAL RECREATIONAL FACILITY AND AS SUCH CAN BE USED WITH AN ACCESSORY ARCADÉ PURSUANT TO SECTION 423.1.C OF THE ZONING REGULATIONS OF BALTIMORE COUNTY AND TO DETERMINE THE EXISTING PARKING AS VARIANCED UNDER CASE NO. 99-156-A ATTACHED IS ADEQUATE TO SUPPORT THE EXISTING USES AND PROPOSED USES; AND FOR SUCH OTHER AND FURTHER ZONING RELIEF AS THE NATURE OF THIS PETITION MAY REQUIRE.
 - SPECIAL EXCEPTION TO APPROVE THE PROPOSED USE IN LEASE AREA 8 AS A "COMMERCIAL RECREATIONAL FACILITY" PER SECTION 253.2.D.3 BCZR AND TO APPROVE AN ACCESSORY "ARCADÉ" PER SECTION 423.1.C
 - APPLICABLE VARIANCES APPROVED PER CASE NO. 99-156-A
 - SECTION 489.12 B - TO PERMIT A MODIFIED PLAN FOR PARKING AND LOADING BASED UPON HARDSHIP AND PRACTICAL DIFFICULTY IN MEETING THE REQUIREMENTS AS SET FORTH IN SECTION 409 AND TO AMEND THE APPROVED PLAN AND ORDER IN ZONING CASE #74-34-A.
 - SECTION 489.3 - TO PERMIT STANDARD ANGLED PARKING SPACES (30%) TO BE 14' DEEP IN LIEU OF THE REQUIRED 18' WHERE NOTED ON THE PLAN.
 - SECTION 489.4C - TO PERMIT 30 DEGREE ANGLE PARKING SPACE - ONE MAY TRAVEL AISLE WIDTH TO BE 12' WIDE IN LIEU OF THE MINIMUM 14' WHERE NOTED ON THE PLAN.
 - SECTION 489.6 A 3 - TO PERMIT 64 PARKING SPACES FOR THE COMBINED USES ON THE SITE IN LIEU OF THE REQUIRED 85 SPACES.
 - SECTION 489.8 A 4 - TO PERMIT PARKING SPACES TO BE LOCATED 0' FROM THE RIGHT-OF-WAY LINE IN LIEU OF THE MINIMUM REQUIREMENT OF 10' WHERE NOTED ON THE PLAN.
 - SECTION 489.8A - TO PERMIT DESIGN, SCREENING AND LANDSCAPING NOT IN COMPLIANCE WITH THE LANDSCAPE MANUAL ON AREAS NOTED ON THE PLAN.
 - SECTION 450.5.B.4(a) - TO PERMIT ENTERPRISE SIGNS 'A' & 'B' TO BE LOCATED WITHIN 65' OF ONE ANOTHER IN LIEU OF THE MINIMUM REQUIRED SEPARATION OF 100 FEET.
 - ELECTION DISTRICT: 8TH

- COUNCILMANIC DISTRICT: 3RD
- CENSUS TRACT: 4068
- WATERSHED: 24
- SUBSEWERSHED: 57
- DEED REFERENCE: 9001/178
- PROPERTY ACCOUNT NO.: 8-0803025630
- TAX MAP 60, GRID 12, PARCEL 628
- FLOOR AREA RATIO:
MINIMUM PERMITTED - 2.0
PROPOSED - 0.486
- HEIGHT OF BUILDING: 24' MAXIMUM PERMITTED = 40'
- NO. OF FLOORS - 1 EXCEPT 1890 S.F. OF 2ND FLOOR OFFICE IN LEASE AREA 1.
- MASS TRANSIT ADJUSTMENT: PER SECTION 409.B.1 TO PERMIT REDUCTION OF 5% OF THE OFF STREET PARKING SPACES REQUIRED WHERE IN THE PEDESTRIAN ENTRANCE TO THE BUILDING IS LOCATED WITHIN 1,000' WALKING DISTANCE OF A TRANSIT STOP.
- TO THE BEST OF OUR KNOWLEDGE, NO CRITICAL AREAS EXIST ON SITE.
- TO THE BEST OF OUR KNOWLEDGE, NO HAZARDOUS MATERIALS EXIST ON SITE.
- AMENITY OPEN SPACE: N/A
- OUTDOOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT PROPERTIES.
- SIGNS: THREE EXISTING FREE-STANDING SIGNS TO REMAIN. (SEE ELEVATIONS ON PLAN). NO ADDITIONAL FREE STANDING SIGNS ARE PROPOSED.
- PREVIOUS COMMERCIAL PERMIT - NONE.
- PREVIOUS ZONING HEARINGS:
 - 74-34-A - VARIANCE TO PERMIT 30' REAR YARD IN LIEU OF THE REQUIRED 50' APPROVED AUGUST 5, 1973.
 - 99-156-A - APPROVED DECEMBER 8, 1998.
- ZONING MAP # 060 C2
- LEGAL OWNER:
FOXTAIL LIMITED PARTNERSHIP
C/O CHARLES J. FRANK
120 COCKEYSVILLE ROAD
SUITE 205
HUNT VALLEY, MD 21030
(410) 771-8400
- APPLICANT:
KIDDIE CRUSOE, LLC
ELIZABETH N. SNYDER
2570 FLORA MEADOWS DRIVE
FOREST HILL, MD 21050
443-465-5393

PARKING REQUIREMENTS:

IN CASE # 74-34-A, THE ZONING COMMISSIONER APPROVED (WITHOUT RESTRICTIONS) IN LEASE AREA #1

OFFICE - 1,890 SQUARE FEET @ 1/300 SQUARE FEET = 7
WAREHOUSE - @ 1 SPACE/3 EMPLOYEES = 16

TOTAL REQUIRED - 23 SPACES
TOTAL PROVIDED - 33 SPACES

*PAVING WAS APPROVED FROM THE RIGHT-OF-WAY LINE ON AYLESBURY ROAD AND 8' FROM THE RIGHT-OF-WAY LINE ALONG FOX TAIL ROAD.

NEW PARKING REGULATIONS APPLY TO ALL SPACE CONVERTED FROM WAREHOUSE TO OFFICE AND/OR ACCESSORY RETAIL

THE NUMBER OF PARKING SPACES REQUIRED FOR WAREHOUSE EMPLOYEES IS BASED UPON THE REQUIREMENT 1 SPACE/3 EMPLOYEES.

LEASE AREA	USE	PARKING CRITERIA	PARKING REQUIRED	BUILDING AREA
1	WAREHOUSE	1/3 EMPLOYEES	2	23,185
	SHOWROOM/RETAIL	5/1,000 SQ. FT.	13	2,425
	OFFICE	3.3/1,000 SQ. FT.	12	3,351
	(PREVIOUSLY APPROVED)	3/1,000 SQ. FT.	5	1,890
2	WAREHOUSE	1/3 EMPLOYEES	1	3,949
	OFFICE	3.3/1,000 SQ. FT.	3	800
3	WAREHOUSE	1/3 EMPLOYEES	1	1,620
	OFFICE	3.3/1,000 SQ. FT.	3	900
4	CARPET STORE	RETAIL AREA @ 2.5/100	13	5,072
	WAREHOUSE	3.3/1,000 SQ. FT.	5	6,206
5	WAREHOUSE	1/3 EMPLOYEES	1	1,232
	OFFICE	3.3/1,000 SQ. FT.	5	1,386
6	WAREHOUSE/STORAGE	1/3 EMPLOYEES	3	1,104
	OFFICE	3.3/1,000 SQ. FT.	4	1,200
7	WAREHOUSE	1/3 EMPLOYEES	1	7,833
	SHOWROOM/RETAIL	5/1000 SQ. FT.	6	1,200
8	COMMERCIAL RECREATIONAL FACILITY	1 PER EMPLOYEE ON LARGEST SHIFT	4 **	12,100
		PARKING REQUIRED	78	
		PARKING PROVIDED	65 *	

* PREVIOUS VARIANCE WAS GRANTED TO PERMIT 64 SPACES IN LIEU OF THE REQUIRED 85 (SEE NOTE #12 D)

** SPECIAL EXCEPTION AREA TO INCLUDE 8 SPACES IN SUPPORT OF THE PROPOSED USE. FOR ILLUSTRATIVE PURPOSES ONLY, AREA NOT RESTRICTED FOR PARKING.

CASE # 99-156-A

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of December, 1998 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.12.B to permit a modified plan for parking and loading, and to amend the previously approved plan and Order in prior Case No. 74-34-A, accordingly; from Section 409.3 to permit standard angled parking spaces (30%) to be 14' deep in lieu of the required 18'; from Section 409.4.C to permit the travel aisle for 30% angled parking spaces to be 12' wide in lieu of the minimum required 14'; from Section 409.6.A.3 to permit 64 parking spaces for the combined uses on the site in lieu of the required 85 spaces; from Section 409.8.A.4 to permit parking spaces to be located 0 feet from the right-of-way line in lieu of the minimum required 10 feet; from Section 409.8.A to permit design, screening and landscaping not in compliance with the landscape manual; from Section 450.4 to permit one additional freestanding enterprise sign in combination with the two existing enterprise signs in lieu of the maximum two signs allowed, based upon one sign per frontage (site fronts on two public roads); and, from Section 450.5.B.4(a) to permit enterprise Signs A and B to be located within 65' of one another in lieu of the minimum required separation of 100 feet, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their permits 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- The Petitioners shall install sidewalk along the frontage of their property on Foxtail Road, commencing from the adjacent property owned by Olbrecht and terminating at the entranceway to the Petitioners' property.
- The Petitioners shall submit a landscape plan for review and approval by the Office of Planning.
- 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.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
For Baltimore County

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
FOX: (410) 821-1690
FAX: (410) 821-1748
MRA@TA.COM

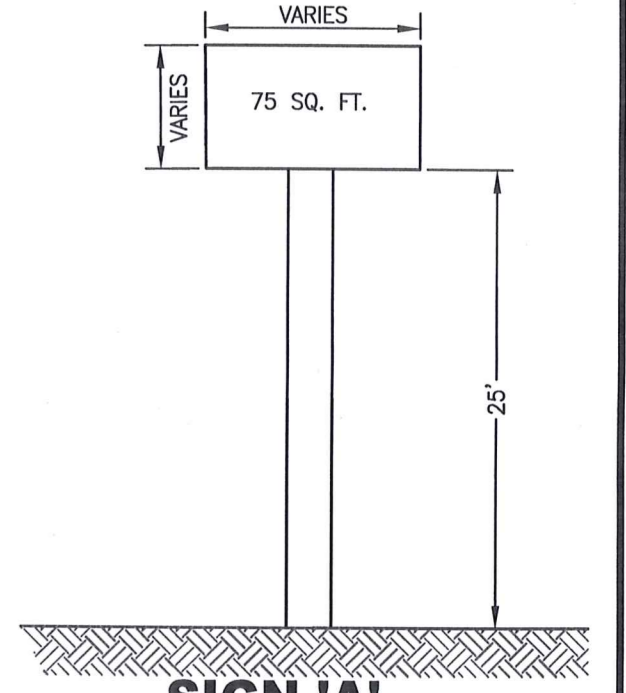
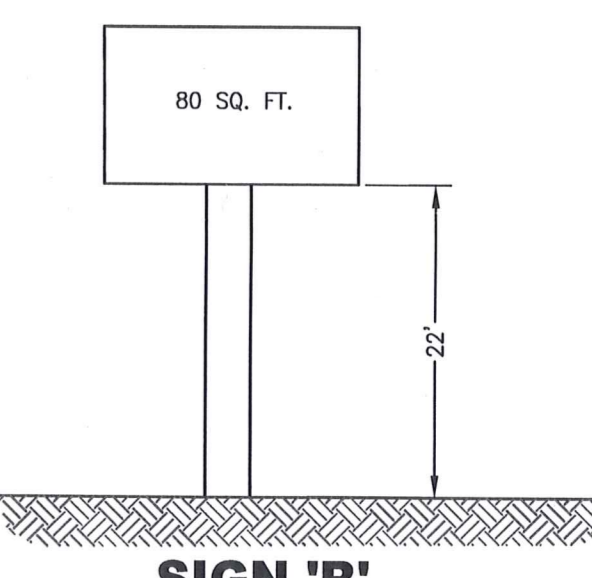
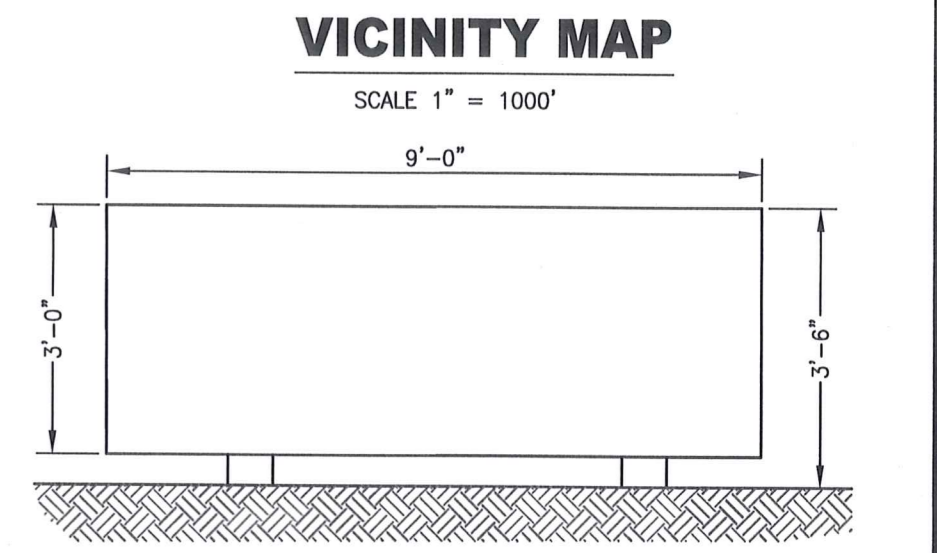
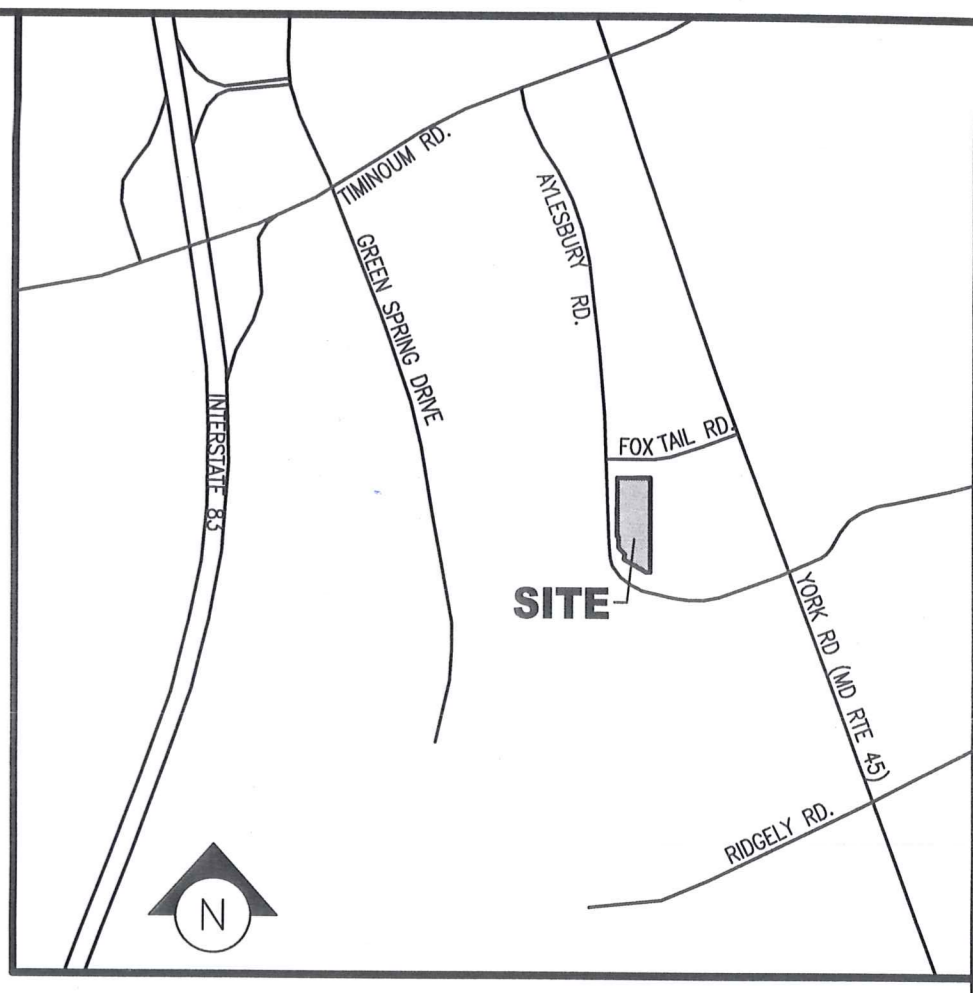
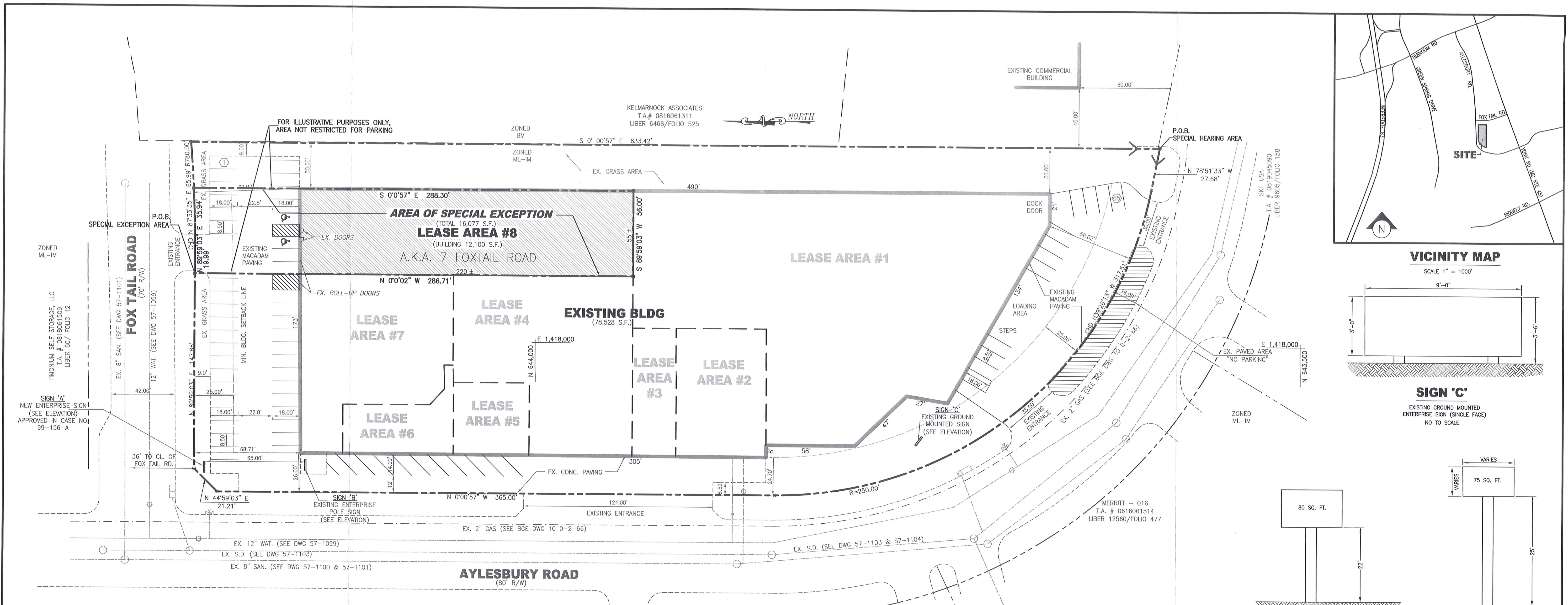
**PLAN TO ACCOMPANY
SPECIAL HEARING AND SPECIAL EXCEPTION
APPLICATION**

**10-14 W. AYLESBURY ROAD
BALTIMORE COUNTY, MARYLAND**

8 ELECTION DISTRICT 3 COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.: 16719
		SCALE: 1" = 30'
		DATE: 02/05/2010
		DRAWN BY: MLS
		DESIGN BY:
		REVIEW BY: BM
		SHEET: 1 OF 1

PETITIONER'S
EXHIBIT NO. 2



- NOTES:**
- ZONING: ML-IM
 - LOT AREA: NET - 138,734 SQ. FT +/- 3.001 AC
GROSS - 161,259 SQ. FT +/- 3.702 AC
AREA OF SPECIAL EXCEPTION - 0.369 AC
 - EXISTING USE: WAREHOUSE/OFFICE/SHOWROOM
 - PROPOSED USE: LEASE AREA 8 TO BE CONVERTED TO A "COMMERCIAL RECREATIONAL FACILITY" AND ACCESSORY "ARCADE." ALL OTHER USES TO REMAIN AS IS. NO EXTERIOR BUILDING EXPANSION IS PROPOSED.
 - SPECIAL EXCEPTION AREA
BUILDING 12,100 S.F.
PARKING 3,077 S.F.
TOTAL 16,077 S.F.
 - BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT -	25'	25' +/-
INTERIOR SIDE -	N/A	N/A
REAR -	50'	30' +/- **
 - *REQUIREMENT WAS 50'.
**VARIANCE GRANTED BY PREVIOUS ZONING DECISION 74-34-A
 - PARKING: REQUIRED - SEE PARKING TABLE
PROVIDED - 65 *
 - *VARIANCE APPROVED IN CASE #99-156-A.
 - UTILITIES:
SEWER - PUBLIC
WATER - PUBLIC
 - SPECIAL HEARING TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONER SHOULD APPROVE A COMMERCIAL RECREATIONAL FACILITY AND AS SUCH CAN BE USED WITH AN ACCESSORY ARCADE PURSUANT TO SECTION 423.1.C OF THE ZONING REGULATIONS OF BALTIMORE COUNTY, AND TO DETERMINE THE EXISTING PARKING AS VARIANCED UNDER CASE NO. 99-156-A ATTACHED IS ADEQUATE TO SUPPORT THE EXISTING USES AND PROPOSED USES; AND FOR SUCH OTHER AND FURTHER ZONING RELIEF AS THE NATURE OF THIS PETITION MAY REQUIRE.
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 - SECTION 489.12 B - TO PERMIT A MODIFIED PLAN FOR PARKING AND LOADING BASED UPON HARSHNESS AND PRACTICAL DIFFICULTY IN MEETING THE REQUIREMENTS AS SET FORTH IN SECTION 409 AND TO AMEND THE APPROVED PLAN AND ORDER IN ZONING CASE #74-34-A.
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 - ELECTION DISTRICT: 8TH

- COUNCILMANIC DISTRICT: 3RD
- CENSUS TRACT: 4068
- WATERSHED: 24
- SUBWATERSHED: 57
- DEED REFERENCE: 9001/178
- PROPERTY ACCOUNT NO.: 8-0803025630
- TAX MAP 60, GRID 12, PARCEL 628
- FLOOR AREA RATIO:
MINIMUM PERMITTED - 2.0
PROPOSED - 0.486
- HEIGHT OF BUILDING: 24' MAXIMUM PERMITTED = 40'
- NO. OF FLOORS - 1 EXCEPT 1890 S.F. OF 2ND FLOOR OFFICE IN LEASE AREA 1.
- MASS TRANSIT ADJUSTMENT: PER SECTION 409.B.1 TO PERMIT REDUCTION OF 5% OF THE OFF STREET PARKING SPACES REQUIRED WHERE IN THE PEDESTRIAN ENTRANCE TO THE BUILDING IS LOCATED WITHIN 1.000' WALKING DISTANCE OF A TRANSIT STOP.
- TO THE BEST OF OUR KNOWLEDGE, NO CRITICAL AREAS EXIST ON SITE.
- TO THE BEST OF OUR KNOWLEDGE, NO HAZARDOUS MATERIALS EXIST ON SITE.
- AMENITY OPEN SPACE: N/A
- OUTDOOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT PROPERTIES.
- SIGNS: THREE EXISTING FREE-STANDING SIGNS TO REMAIN. (SEE ELEVATIONS ON PLAN). NO ADDITIONAL FREE STANDING SIGNS ARE PROPOSED.
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- PREVIOUS ZONING HEARINGS:
 - 74-34-A - VARIANCE TO PERMIT 30' REAR YARD IN LIEU OF THE REQUIRED 50' APPROVED AUGUST 6, 1973.
 - 99-156-A - APPROVED DECEMBER 8, 1998.
- ZONING MAP # 080 C2
- LEGAL OWNER:
FOX TAIL LIMITED PARTNERSHIP
C/O CHARLES J. FRANK
120 COCKEYSVILLE ROAD
SUITE 205
HUNT VALLEY, MD 21103
(410) 771-8400
- APPLICANT:
KIDDIE CRUSOE, LLC
ELIZABETH N. SNYDER
2570 FLORA MEADOWS DRIVE
FOREST HILL, MD 21050
443-465-5393

PARKING REQUIREMENTS:

IN CASE # 74-34-A, THE ZONING COMMISSIONER APPROVED (WITHOUT RESTRICTIONS) IN LEASE AREA #1

OFFICE	WAREHOUSE
1,890 SQUARE FEET @ 1/300 SQUARE FEET = 7	1,890 SQUARE FEET @ 1 SPACE/3 EMPLOYEES = 16
TOTAL REQUIRED - 23 SPACES	TOTAL PROVIDED - 33 SPACES

*PAVING WAS APPROVED FROM THE RIGHT-OF-WAY LINE ON AYLESBURY ROAD AND 8' FROM THE RIGHT-OF-WAY LINE ALONG FOX TAIL ROAD.

NEW PARKING REGULATIONS APPLY TO ALL SPACE CONVERTED FROM WAREHOUSE TO OFFICE AND/OR ACCESSORY RETAIL.

THE NUMBER OF PARKING SPACES REQUIRED FOR WAREHOUSE EMPLOYEES IS BASED UPON THE REQUIREMENT 1 SPACE/3 EMPLOYEES.

LEASE AREA	USE	PARKING CRITERIA	PARKING REQUIRED	BUILDING AREA
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	SHOWROOM/RETAIL	5/1,000 SQ. FT.	13	2,425
	OFFICE	3.3/1,000 SQ. FT.	12	3,351
	(PREVIOUSLY APPROVED) 3/1,000 SQ. FT.		5	1,890
2	WAREHOUSE	1/3 EMPLOYEES	1	3,949
	OFFICE	3.3/1,000 SQ. FT.	3	800
3	WAREHOUSE	1/3 EMPLOYEES	1	1,620
	OFFICE	3.3/1,000 SQ. FT.	3	900
4	CARPET STORE	RETAIL AREA @ 2.5/100	13	5,072
	WAREHOUSE	1/3 EMPLOYEES	1	6,206
5	WAREHOUSE	1/3 EMPLOYEES	1	1,232
	OFFICE	3.3/1,000 SQ. FT.	5	1,386
6	WAREHOUSE/STORAGE	1/3 EMPLOYEES	3	1,104
	OFFICE	3.3/1,000 SQ. FT.	4	1,200
7	WAREHOUSE	1/3 EMPLOYEES	1	7,833
	SHOWROOM/RETAIL	5/1,000 SQ. FT.	6	1,200
8	COMMERCIAL RECREATIONAL FACILITY	1 PER EMPLOYEE ON LARGEST SHIFT	4 **	12,100
		PARKING REQUIRED	78	
		PARKING PROVIDED	65 *	

* PREVIOUS VARIANCE WAS GRANTED TO PERMIT 64 SPACES IN LIEU OF THE REQUIRED 85 (SEE NOTE #12 D)

** SPECIAL EXCEPTION AREA TO INCLUDE 8 SPACES IN SUPPORT OF THE PROPOSED USE. FOR ILLUSTRATIVE PURPOSES ONLY, AREA NOT RESTRICTED FOR PARKING.

CASE # 99-156-A

THEREFORE, IT IS ORDERED BY THE Deputy Zoning Commissioner for Baltimore County this 8th day of December, 1998 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.12.D to permit a modified plan for parking and loading, and to amend the previously approved plan and Order in prior Case No. 74-34-A, accordingly, from Section 409.3 to permit standard angled parking spaces (30%) to be 14' deep in lieu of the required 18'; from Section 409.4.C to permit the travel aisle for 30% angled parking spaces to be 12' wide in lieu of the minimum required 14'; from Section 409.6.A.3 to permit 64 parking spaces for the combined uses on the site in lieu of the required 85 spaces; from Section 409.8.A.4 to permit parking spaces to be located 0 feet from the right-of-way line in lieu of the minimum required 10 feet; from Section 409.8.A to permit design, screening and landscaping not in compliance with the landscape manual; from Section 450.4 to permit one additional freestanding enterprise sign in combination with the two existing enterprise signs in lieu of the maximum two signs allowed, based upon one sign per frontage (site fronts on two public roads); and, from Section 450.5.B.4(a) to permit enterprise Signs A and B to be located within 65' of one another in lieu of the minimum required separation of 100 feet, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their permits 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- The Petitioners shall install sidewalk along the frontage of their property on Foxtail Road commencing from the adjacent property owned by Obrecht and terminating at the entranceway to the Petitioners' property.
- The Petitioners shall submit a landscape plan for review and approval by the Office of Planning.
- 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.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

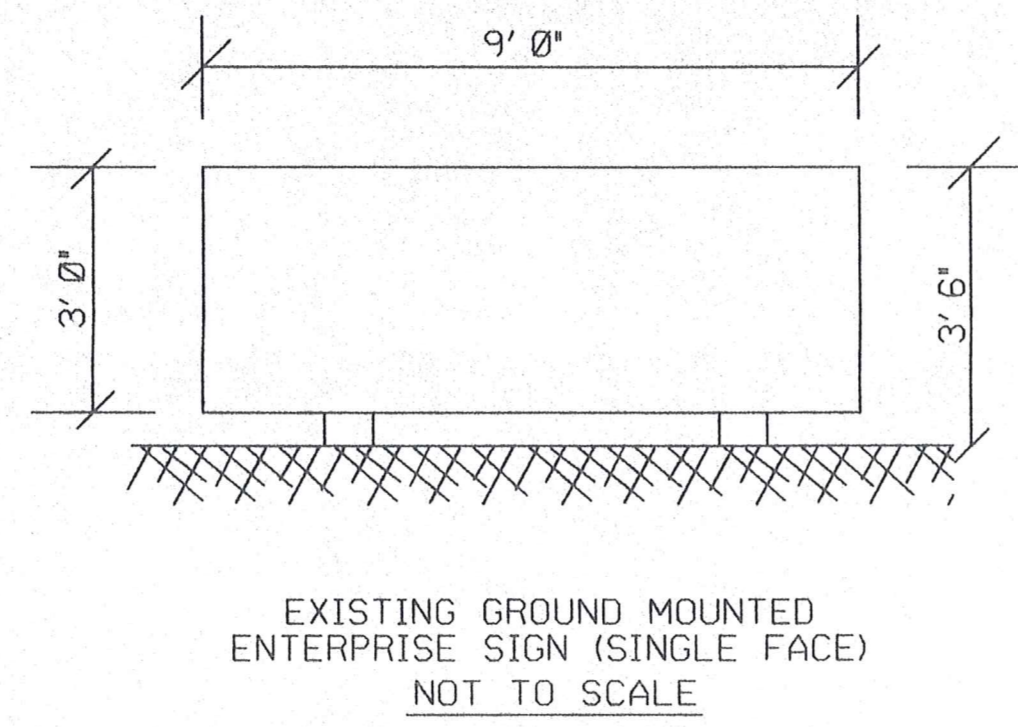
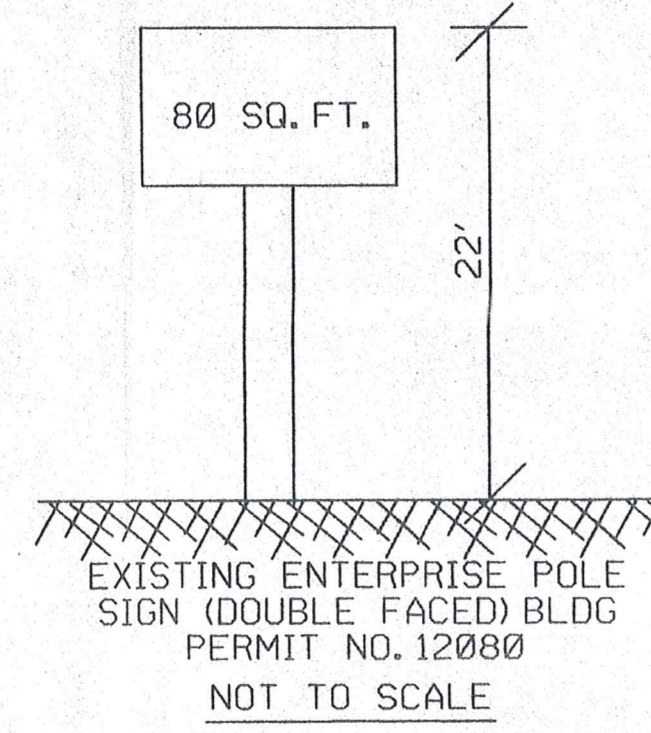
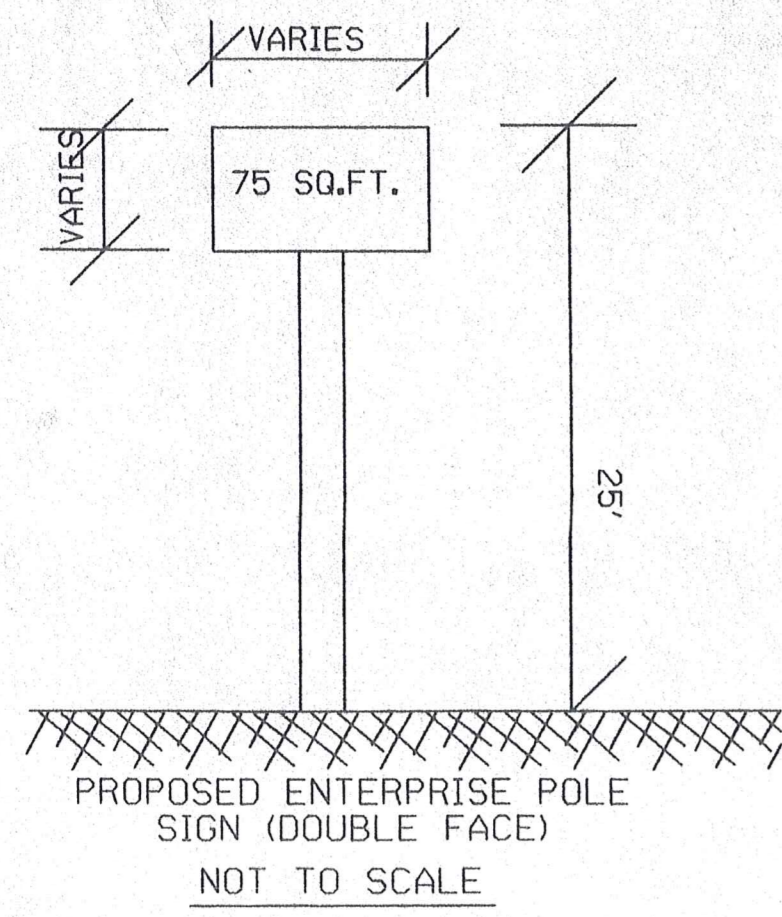
MRAGTA.COM

**PLAN TO ACCOMPANY
SPECIAL HEARING AND SPECIAL EXCEPTION
APPLICATION**

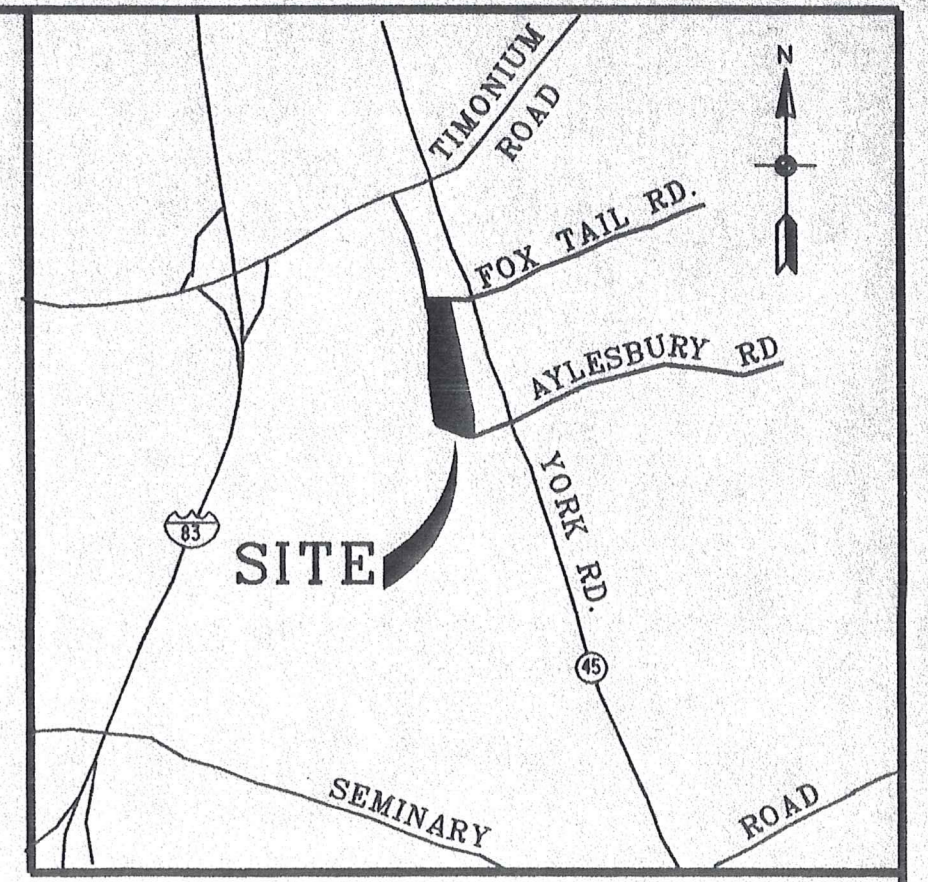
**10-14 W. AYLESBURY ROAD
BALTIMORE COUNTY, MARYLAND**

8 ELECTION DISTRICT 3 COUNCILMANIC DISTRICT

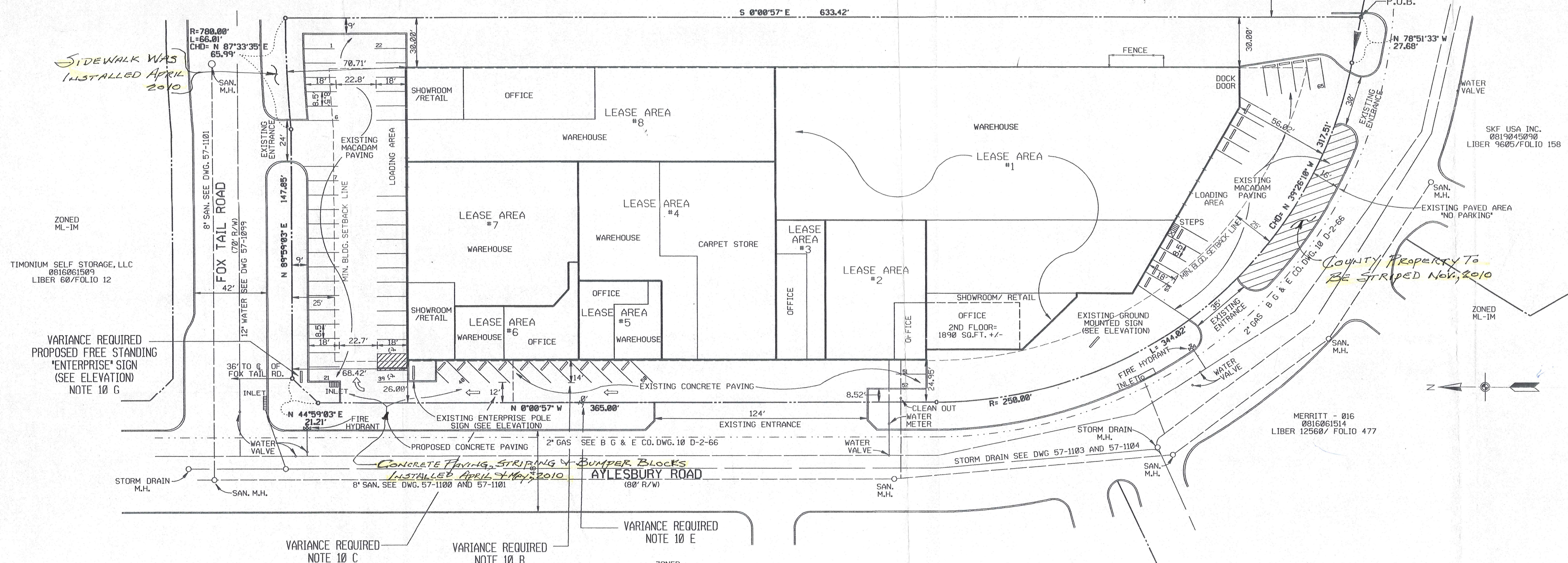
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		SCALE: 1" = 30'
		DATE: 02/05/2010
		DRAWN BY: MLS
		DESIGN BY:
		REVIEW BY: BM
		SHEET: 1 OF 1



KILMARNOCK ASSOCIATES
0815061511
LIBER 6468/FOLIO 525



VICINITY MAP
SCALE: 1"=2000'



NOTES:

- ZONING: ML-1M
- LOT AREA: NET - 130,734 SQ. FT. +/- 3,001 AC+
GROSS - 161,255 SQ. FT. +/- 3,702 AC+
- EXISTING USE: WAREHOUSE/ OFFICE/ SHOWROOM- RETAIL
- PROPOSED USE: NO CHANGE
- BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT -	25'	25'+
INTERIOR SIDE -	N/A	N/A
REAR -	50'	30' **
- NO EXTERIOR BUILDING EXPANSION IS PROPOSED.
** REQUIREMENT WAS 50'.
* VARIANCE GRANTED BY PREVIOUS ZONING DECISION (74-34-A).
- BUILDING AREA: 78,526 SQ. FT. +/-
- PARKING: REQUIRED - 85 (SEE PARKING TABLE)
PROVIDED - 65
* VARIANCE REQUIRED (SEE NOTE 10D)
- UTILITIES: SEWER - PUBLIC
WATER - PUBLIC
- SPECIAL HEARING: NONE
- VARIANCES:
 - SECTION 409.12 B - TO PERMIT A MODIFIED PLAN FOR PARKING AND LOADING BASED UPON HARSHIP AND PRACTICAL DIFFICULTY IN MEETING THE REQUIREMENTS AS SET FORTH IN SECTION 409 AND TO AMEND THE APPROVED PLAN AND ORDER IN ZONING CASE NO. 74-34-A.
 - SECTION 409.3 - TO PERMIT STANDARD ANGLED PARKING SPACES (30°) TO BE 14' DEEP IN LIEU OF THE REQUIRED 18' WHERE NOTED ON THE PLAN.
 - SECTION 409.4C - TO PERMIT 30 DEGREE ANGLE PARKING SPACE ONE WAY TRAVEL AISLE WIDTH TO BE 12' WIDE IN LIEU OF THE MINIMUM 14' WHERE NOTED ON THE PLAN.
 - SECTION 409.6 A 3 - TO PERMIT 65 PARKING SPACES FOR THE COMBINED USES ON THE SITE IN LIEU OF THE REQUIRED 85 SPACES.
 - SECTION 409.8 A 4 - TO PERMIT PARKING SPACES TO BE LOCATED 0' FROM THE RIGHT-OF-WAY LINE IN LIEU OF THE MINIMUM REQUIREMENT OF 10' WHERE NOTED ON THE PLAN.
 - SECTION 409.8A - TO PERMIT DESIGN, SCREENING AND LANDSCAPING NOT IN COMPLIANCE WITH THE LANDSCAPE MANUAL ON AREAS NOTED ON THE PLAN.
 - SECTION 450.4 - TO PERMIT A FREE-STANDING ENTERPRISE SIGN WHERE NOTED ON THE PLAN.
- SPECIAL EXCEPTION: N/A
- ELECTION DISTRICT: 8TH
- COUNCILMANIC DISTRICT: 4TH

- CENSUS TRACT: 4068
- WATERSHED: 24
- SUBWERSHED: 57
- DEED REFERENCE: 9801/178
- PROPERTY ACCOUNT NO.: 8-0803825630
- TAX MAP 60, GRID 12, PARCEL 628
- FLOOR AREA RATIO:

	MINIMUM PERMITTED - 2.0	PROPOSED -
	.24	.24
- HEIGHT OF BUILDING: 24'
- NO. OF FLOORS - 1
- MASS TRANSIT ADJUSTMENT: PER SECTION 409.6 B 1 TO PERMIT REDUCTION OF 5% OF THE OFF STREET PARKING SPACES REQUIRED WHERE IN THE PEDESTRIAN ENTRANCE TO THE BUILDING IS LOCATED WITHIN 1,000' WALKING DISTANCE OF A TRANSIT STOP.
- TO THE BEST OF OUR KNOWLEDGE NO CRITICAL AREAS EXIST ON SITE.
- TO THE BEST OF OUR KNOWLEDGE NO HAZARDOUS MATERIALS EXIST ON SITE.
- AMENITY OPEN SPACE: N/A
- OUTDOOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT PROPERTIES.
- SIGNS: TWO EXISTING FREESTANDING SIGNS TO REMAIN. (SEE ELEVATIONS ON PLAN). SIGN VARIANCE REQUESTED FOR ONE FREESTANDING ENTERPRISE SIGN. SEE NOTE 10 G.
- PREVIOUS COMMERCIAL PERMIT: NONE
- ZONING HEARINGS: 74-34-A - VARIANCE TO PERMIT 30° REAR YARD IN LIEU OF THE REQUIRED 50° APPROVED AUGUST 6, 1973.
- ZONING MAP NO.: NW 13-1
- PROPERTY OWNER: FOXTAIL L.P.
120 COCKEYSVILLE ROAD
SUITE 205
COCKEYSVILLE, MD 21030

PARKING REQUIREMENTS:

In Case # 74-34-A the Zoning Commissioner approved (without restrictions):

Office - 1,890 square feet @ 1/300 square feet =	7
Warehouse - @ 1 space/3 employees =	16
Total required	= 23 spaces
Total provided	= 33 spaces

* Paving was approved 0' from the right-of-way line on Aylesbury Road and 8' from the right-of-way line along Fox Tail Road.

New parking regulations apply to all space converted from warehouse to office and/or accessory retail.

The number of parking spaces required for warehouse employees is based upon the requirement of 1 space/3 employees.

LEASE AREA	USE	PARKING CRITERIA	PARKING REQUIRED	BUILDING AREA
1	Warehouse	1/3 employees	2	23,185
	Showroom/Retail	5/1,000 sq. ft.	13	2,418
	Office (previously approved)	3.3/1,000 sq. ft.	12	3,561
2	Warehouse	1/3 employees	1	3,949
	Office	3.3/1,000 sq. ft.	3	900
3	Warehouse	1/3 employees	1	1,620
	Office	3.3/1,000 sq. ft.	3	900
4	Carpet Store	Retail area @ 2.5/100	13	5,072
	Warehouse	1/3 employees	1	6,206
5	Warehouse	1/3 employees	1	1,282
	Office	3.3/1,000 sq. ft.	5	1,386
6	Warehouse/Storage	1/3 employees	2	1,164
	Office	3.3/1,000 sq. ft.	4	1,200
7	Warehouse	1/3 employees	1	7,855
	Showroom/Retail	5/1,000 sq. ft.	6	1,200
8	Warehouse/Manufacturing	1/3 employees	6	1,054
	Showroom/Retail Warehouse	5/1,000 sq. ft.	1	8,246
	Office	3.3/1,000 sq. ft.	9	2,700

PARKING REQUIRED	89
-3% transit adjustment	4
ADJUSTED/TOTAL PARKING REQUIRED	85
PARKING PROVIDED	65



William Monk, Inc.
ENGINEERS - PLANNERS

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222 Bosley Avenue, Suite B-6
Towson, Maryland 21284
Phone: 410-484-0891 Fax: 410-484-0903

PLAN TO
ACCOMPANY
VARIANCE
APPLICATION
10-14 W. AYLESBURY ROAD
BALTIMORE COUNTY,
MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	SAD	WPM	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	9/28/98	98-112	1 OF 1