The Court has read the testimony and inspected the promises and is of the opinion that the reclassification of the property involved is not an arbitrary, unreasonable and illegal exercise on the part of the Board of Zoning Appeals.

The action of the Board will therefor be sustained.

John B. Contrus, Judge

April 17, 1953

Some of the Protestants complained about lights from automobiles and other lights and illumination being objectionable and interfering with the use of their property. The location of the screen in a northerly corner at a distance fariherest from the intersection of Edmondson Avenus and Winters Lane would overcome this objection; besides, proper shrubbing along the boundary lines of the property at Winters Lane would materially reduce the illumination from projecting over to addiction promotedies.

The Board is of the opinion that the granting of this reclassification would not be detrimental to the health, safety, moral, and general welfare of the community; and that such out-door moving picture theaters are conducted generally on heavily treveled highways; and that because of the topography of this land, to deny this application would work a hardship on the Petitioner. The Board will, therefore, sign an order granting the reclassification, subject to the following:

- That the Petitioner screen, by planting of shrubbery, the property line adjoining the rear of the houses facing on Winters Lane.
- 2. That the creation of any lights shall be directed away from Winters Lame and away from Edmondson Avenue, except that on Edmondson Avenue any advertising sign which will be permitted to be created may face said Avenue.
- That any area used for parking shall be surfaced with an asphalt bound material, as well as all driveways.
- i. That the southerly boundary of the Petitioner's property along Edmondson Avenue be properly screened by the clanting of shrubbery so as to prevent the glare of automobile

RE: PETITION POR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "B" COMMERCIAL ZONE - N. W. SIDE EDMONDSON AVE. EXT'D. and N. W. SIDE WINTERS LANE, Joseph C. EINDINGEP, PETITIONER

The appeal in the above entitled matter coming on for hearing on the 13th day of Desember, 1951, before the Board of Zoning Appeals of Baltimore Gounty from an order of the Zoning Commissioner of Baltimore Gounty dated November 21, 1951, denying the petition for reclassification from an "A" Residence Zone to an "2" Commercial Zone; and it appearing from the ortimose and facts adduced at the appeal that the granting of the petition for reclassification would not be detrimental to the health, safety, morals, and general velfare of the community; and it appearing further, that to deay this petition would subject the Petitioner to undee hardship not characteristic of the adjoining property owners; and that such an enterprise would be a proper use of this property; therefore.

It is this // ⁶⁸ day of January, 1952, Ordered by the Board of Zoning Appeals of Baltimore County that the order of the Zoning Commissioner donying the patition be reversed, and that said petition for reclassification from an "A" Residence Zone to an "A" Commercial Zone be and the same is hereby granted and approved, subject to the following:

- That the Petitioner screen, by planting of shrubbery, the property line adjoining the rear of the houses facing on Winters Lane.
- 2. That the erection of any lights shall be directed away from Minises Lane and away from Edmondson Avenue, except that on Monondson Avenue any advertising sign which will be permitted to be created may face said Avenue.
- That any area used for parking shall be surfaced with an asphalt bound material, as well as all driveways.

h. That the southerly boundary of the Petitioner's property along Edmondson Avenue be properly screened by the planting of shrubbery so as to prevent the glare of automobile lights extending to adjoining properties across Edmondson framework.

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Approved:

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OPINION OF THE BOARD OF ZONING APPEALS
OF
RATETIORS COUNTY

This is an appeal from the decision of the Zoning Commissioner of Baltimore County dated November 21, 1951, denying the patition for reclassification from an "A" Residence Zone to an "B" Commercial Zone in regard to the property described in said settion.

The case came on for hearing before the Board, testimony was taken for and against said petition, and counsel heard.

The property which is the subject of this petition is located at the Northwest corner of Edmondson Avenue Extended and Winters Lane, with a frontage on Edmondson Avenue of as2 (592) feet. It is the intention of the Petitioner to operate an out-door moving picture theater. This property is near a large residential development which is now nammed at the Northwest corner of Ingleside Avenue and Edmondson Avenue. but the topography of the property in question does not leng itself to such a development for residential purposes; and the Board is of the opinion that this property could be better used for the purpose for which it is requested. There was some testimony as to the increase of traffic which would result from the operation of such a business, but it was testified that the area would be used for only a few hours in the evening and at a time when the normal traffic load would be reduced and considerably less than the peak day traffic.

The objection to the operation of this business in such a manner as to cause quantities of dust resulting from the traffic within the confines of the property was considered by the Board and such objection can easily be overcome by proper surfacing of the parking area with an asphalt bound material which would eliniants or materially reduce the dust.

OPINION OF THE ECARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal from the decision of the Toring Commissioner of Baltimers County dated Newsber 22, 1951, desping the petition from real assistantian from an "A" Basidence Zone to an "A" Commercial Zone in "ward to the property described in said potition.

The case came on for hearing before the Board, testimony was taken for and against said petition, and counsel heard.

The property which is the subject of this published is located at the intrinset corner of Education twens Defended and Mintery Lane, with a frunkages and intended names of 592 feet. This the intention of the Politikomer to operate an out-loce norting picture thousier, this property is mare a large residential development which is now planned at the Environment or Language and the Varience, but the topography of the property in question does not lend then! I not need to be the option of the property out of the better used for the purpose for which it is requested. There was now testinony as to the increase of tenffic which would result from the operation of such a business, but it was testified that the area would be used for only a few hours in the avening and at a time when the cornel briffic hold which be briefled and considerably have then the operation of profile.

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end interfering with the use of their property. The location of the soreen in a northerly corner at a distance furtherest from the intersection of Education Feedback would corrected this objection; besides, proper shrather along the boundary lines of the property at Minters Lane would materially reduce the illustration from projecting over to the adjoining properties.

The board is of the opinion that the greating of this reclessification would not be destinated to the beatly, active, and censual waiters of the community, and that such out-foor soving picture theaters are conducted generally on heavily traveled highways and that because of the topocraphy of this land, to deep this application would ware a heardnip on the Pettitioner. The Food will, beardown, sign an order greating the reclassification, subject to the following:

- That the Petitioner screen, by planting shrubbery, the property line adjoining the rear of the houses facing on Winters Lame.
- That the erection of any lights shall be directed
 every from Minters Lone and every from Schendson Avenue, scoopt
 that on Education Avenue any odvertising sign which will be
 permitted to be erected any face said Avenue.
- That any area used for parking shall be surfaced with an asphalt bound material, as well as all drive bys.
- is. That the a subscrip boundary of the Patitionin's properly along Education Avenue is properly acreemed by the planting of directory so as to prevent the plant of automobile lights exhabiling to adjoining properties across Education

-3-

Avenue.

Cash of Zoning Appeals of Baltimore Courts

H. Guy Campbell

Daniel W. Rubers

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

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Posted for From an A Residence gene to ar & Commercial Bane

Ported by Glorge R. Hummel

#2104

Date of Posting 10-2-51

Date of return: 10-8-51

Carl F. Venden
Beard of Zening Appeals of
Baltimere County

RET PRETTOR FOR REGISSIFICATION OF REFORE THE SOURCE CONSISTENCE FROM AY A" RESIDENCE COUNT TO AN ANY CONTROL OF THE SOURCE COUNTY OF T

Mr. Commissioner:

Please enter an appeal from your Order dated November 21, 1951, in the above entitled matter to the Board of Coming Appeals of Baltimore County.

Attorney for Petitioner

1713 p.m

November 28, 1951

RECEIVED of John E. Reine, Jr., Asttorney for Joseph G. Rimbinder, potitioner, the sum of Twenty Two (\$22,00) Dollars being cost of appeal to the Board of Zoning Appeals from the Order of the Zoning Commissioner damying the patition for reclassification of property, Northwest side of Edmondson Ave. Ext'd, and northwest side of Winters Lane, lat District of Baltimore County.

Zoning Consissioner

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

Lowe, Newship, Hiblinder, held over the first property situate sections at the intersection on the northwest side of Minondom Arenus Extended States and Windows and are unused note the northwest side of the Minondom Arenus Extended States are or less, thence along the west outline of the plat of MENDROMAN States (NOT 5/50) 900 feet; thence along the northwest side of Titoto Road 500 feet nore or less, thence parallal to Winters Lose 0-100 feet that wherefrom 500 feet them contently 100 feet to the northwest of 500 feet that and these along the northwest side of Winters Lose 5/3 feet to the place of beginning and those along the northwest side of Winters Lose 5/3 feet to the place of beginning.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Reasons for Re-Classification approved commercial use

Size and height of building: front _____feet; depth _____feet; height _____feet. Front and side set backs of building from street lines: front.... Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning egulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

ss c/o John E. Baine, Jr. Masonic Building Toyson A. Maryland

2104

ORDERED By The Zoning Commissioner of Baltimore County, this September 19 51, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a new spaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Bldg., in Towson, Baltimore County, on the ... 15th day of October 19.51 at3:00 o'clock P. M.

Zoning Commissioner of Baltimore County

October 15, 1951

\$26,00

sagn

REGSIVED of Jos. C. Minhinder the sum of Twenty Six (626.00) Bollars, being cost of petition for reclassification, advertising and posting property, Northwest side of Education Avenue, 1st District of Baltimore County,

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESTRENCE ZONE TO AN "E" COMMERCIAL ZONE - N. W. SIZE ENUNDOON AME. EXT'D. AND N. W. SIZE ENUNDESS LANE, Joseph G. Einbinder, Petitioner

The property which is the subject of this petition is located at the northwest corner of Zimenson Avenue, Eqt'd, and Winters Lune, which is approximately addown between Inglemide Avenue and Folling Sond, First District.

To in the intention of the potitioner if this reclassification is granted to operate an Outdoor Noving Heture Theatre on the property. The represt to the reporty is not a large residential development which is not placed at the last in an envelopment of the property of

Ioning Cominsters of Batters county that the equation of the this reclassification of county that the greating of this reclassification would be detrimented to the general uniform of the committy and the reclassification should not be had.

Ounty, this commence of Battisore County, the service of Battisore of Boundary, this county, the service of Boundary 1951, that he above petition be and the same is heavily dended and that the above described property or swa be and the same is heavily continued as and to vanish an 4¹⁴ Basichene Zene.

February 25, 1952

RECEIVED of Bichael Paul Smith, Attorney for John H. Murphy, et al, the erm of 88,20 being cost of certified copy of petition and other papers filed in the matter of reclassification of property , N. W. Side Echamison Ave., Ext'd., lat District, Joseph G. Einbinder, petitioner.

Zoning Counterioner

FEB 1 81989 OF BALTIMORE COUNTY er_ Ce

