



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

Deborah C. Dopkin, Esq.
June 10, 1999
Page 2

June 10, 1999

Deborah C. Dopkin, Esq.
Deborah C. Dopkin, P.A.
409 Washington Avenue, Suite 920
Towson, MD 21204

Dear Ms. Dopkin:

RE: Zoning Verification, The Valley Centre, 9616 Reisterstown Road,
3rd Election District

Thank you for your letter of May 27, 1999 to Arnold Jablon, Director of
Permits and Development Management. This correspondence has been referred to
me for reply.

Based upon information you have provided, which includes a letter dated
February 16, 1994 from John J. Sullivan, Jr., Planner II; the Zoning Office
confirms the following:

1. The property is located within the B.M., B.M.-I.M. and B.R.-I.M.
zoning classifications.
2. The subject property and its uses were approved pursuant to zoning
cases 89-59-A (variance for a sign of 375 square feet in lieu of the
maximum 150 feet), R-87-255 (reclassification from M.L. and
M.L.-I.M. to B.R.-I.M.), and 2355-S (special permit for a drive-in
movie and reclassification). The use granted in Case 2355-S is no
longer in effect.
3. The subject property and its uses were also approved pursuant to
subdivision approvals and/or waivers of CRG Plan III-270 (May 16,
1985); Amended CRG (April 16, 1986); W-86-235 (waiver of CRG plan,
November 20, 1986); W-87-296 (waiver of CRG plan and meeting,
October 15, 1987); W-88-180 (waiver of CRG meeting on second
amendment of plan, July 21, 1988; plan approval, December 21, 1988);
W-89-208 (waiver of CRG meeting and resubdivision of Lot 2,
September 21, 1989); W-90-292; DRC Approval No. 7193G (July 19,
1993, approving the construction of a freestanding drive-through
bank on Parcel 2); DRC Approval No. 02247D (February 24, 1997,
approving the addition of an adjoining parcel for a free-standing
restaurant and the expansion of two existing retail uses.
4. A retail shopping center, movie theater complex, free-standing
drive-through bank, restaurant and the uses accessory thereto,
constitute uses permitted in the B.M., B.M.-I.M., and B.R.-I.M.
zones.

Come visit the County's Website at www.co.ba.md.us

5. Based upon our current Zoning Enforcement records, there are no
outstanding zoning violations against the property.
6. The subject property is not affected by any special exceptions,
variances, conditional uses or planned unit developments, other than
those listed above.
7. The property complies with applicable subdivision regulations and no
further steps must be taken under the development regulations of
Baltimore County to effect the refinancing of the property.
8. There has been no legislature amendments to the Baltimore County
Zoning Regulations that would render the uses on the property as
nonconforming or noncomplying with such regulations.
9. There is no requirement for the issuance of any certificate,
certificate of occupancy, permit or license by the Office of Permits
and Development Management or any agency thereof to permit the
continued use of the property for its present users.

I trust that the information set forth in this letter is sufficiently
detailed and responsive to the request. If you need further information or
have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:ggs

c: Zoning cases 89-59-A, R-87-255, 2355-S



164-144
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
Delano J. Fitzgerald, et al. VS. Board of Zoning Appeals
Case No. Misc. 1316
June 6, 1955
June 6, 1955 Action of Board affirmed 10 A. M.
Judge Day
Please be prepared for trial on that day.
GEORGE I. BYERLY, Clerk.

RE: PETITION FOR A SPECIAL PERMIT FOR DRIVE-IN MOVIE - S. W. side Reisterstown Road, Beg. 180 feet S. E. Northern Central Railroad, Green Spring Branch, 3rd District - Delano J. Fitzgerald, Petitioner.

RE: PETITION OF DELANO J. FITZGERALD, et al. FOR RECLASSIFICATION FROM "A" RESIDENCE ZONE TO "E" COMMERCIAL ZONE of property situate on Southeast side of Reisterstown Road, 650 feet Southeast of Northern Central Railroad, Greenspring Branch, Third Election District of Baltimore County, State of Maryland.

The joint appeals in the above entitled matters coming on for hearing on the 11th day of June, 1953, before the Board of Zoning Appeals of Baltimore County from the Orders of the Zoning Commissioner of Baltimore County dated October 6, 1952, denying the special permit for an Amusement Park (Drive-In Movie) and denying the reclassification from an "A" Residence Zone to an "E" Commercial Zone in regard to the property described therein; and it appearing from the facts and evidence adduced at the appeal that the special permit and also the reclassification from an "A" Residence Zone to an "E" Commercial Zone would be detrimental to the safety and general welfare of the community and for reasons set forth in said opinion; therefore,

It is this 7th day of Oct., 1953, Ordered by the Board of Zoning Appeals of Baltimore County that both petitions be denied.

Delano J. Fitzgerald
Delano J. Fitzgerald
Delano J. Fitzgerald
Board of Zoning Appeals of Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Delano J. Fitzgerald from an Order of the Zoning Commissioner of Baltimore County dated October 6, 1952, denying a special permit for an Amusement Park (Drive-In Movie); and also an appeal from an Order of the Zoning Commissioner of Baltimore County dated October 6, 1952, denying the reclassification from an "A" Residence Zone to an "E" Commercial Zone in regard to the property described in said petition.

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

The property which is the subject of this petition is located in the Third Election District of Baltimore County on the Southwest side of Reisterstown Road at Garrison, Maryland, as pertaining to the Drive-In Movie. The petitioner stated in detail what he proposes to do with the land and how it is to be developed, the probable number of cars frequenting the movie on various days of the week, the manner in which the driveways would be surfaced, the number of shows, and how the lights would be adjusted, and the manner in which the patrons would enter and leave the property.

The fact that the petitioner's company operates the Pulaski Drive-In Movie and that in his opinion the operation of the proposed one on Reisterstown Road would be no more objectionable nor detrimental to the safety or general welfare of this community is seriously questioned by the Board. They are two different type highways located in two different type neighborhoods in different parts of the County. The Reisterstown Road is not a dual highway, and the location of the petitioner's land is in an area which has been subject to considerable traffic

fatalities along the Reisterstown Road. One of the witnesses living in the neighborhood testified that six or seven people have been killed on the Reisterstown Road in this immediate area during the last several years. It was noted from the testimony and also from the observation of the members of the Board that there is a long fairly steep down-grade in a Northerly direction towards the entrance of the proposed Drive-In Movie, and that said entrance is near to the bottom of the hill. A letter in the file in this case from the Maryland State Police dated September 29, 1952, sets forth in detail the number of accidents, those injured, the number of injuries, the number of persons killed within a 2.1 mile distance from McDonough Lane to St. Thomas Lane. Lt. Adams of the Pikesville Station testified of four traffic deaths in the area in the last two years.

The Board is of the opinion that the granting of a special permit for a Drive-In Movie would increase the traffic hazard here to such an extent that it would jeopardize the safety and general welfare of the community and that, therefore, such a permit should not be granted. The Board is also of the opinion that this land is well suited for residential development and that the denying of the special permit would not deprive the petitioner of the proper use of the land. The Board is also of the opinion that the reclassification of the property requested from an "A" Residence Zone to an "E" Commercial Zone would likewise increase the traffic to such an extent that it would be most detrimental to the safety and general welfare of the community and that such reclassification should be denied.

REC'D OCT 14 1952

IN THE MATTER OF: RESPONDENT
PETITION OF DELANO J. FITZGERALD, et al. AUGUSTINE J. KULLER
FOR A SPECIAL PERMIT FOR DRIVE-IN MOVIE ZONING COMMISSIONER
ON SOUTHEAST SIDE OF REISTERSTOWN ROAD OF
BEGINNING 180 FEET SOUTHWEST OF THE
NORTHERN CENTRAL RAILROAD, GREENSPRING BRANCH, THIRD ELECTION DISTRICT OF
BALTIMORE COUNTY, MARYLAND BALTIMORE COUNTY, MARYLAND

ORDER FOR APPEAL

Mr. Commissioner:
Please enter an Appeal to the Board of Zoning Appeals from the Decision and Order of the Zoning Commissioner of Baltimore County, State of Maryland, passed in the above captioned cause on October 6, 1952 and transmit all papers and records incident thereto to said Board of Zoning Appeals, Towson, Maryland.

Delano J. Fitzgerald
Attorneys for Petitioner

We hereby certify that a copy of the foregoing Order for Appeal was mailed to James C. L. Anderson, Esq., Masonic Building, Towson 4, Maryland, Attorney for Protestants this 14th day of October, 1952.

Delano J. Fitzgerald
Attorneys for Petitioner

RE: PETITION FOR A SPECIAL PERMIT FOR DRIVE-IN MOVIE - S. W. Side Reisterstown Road, Beg. 180 feet S. E. Northern Central Railroad, Green Spring Branch, 3rd District - Delano J. Fitzgerald, Petitioner.

The property which is the subject of this petition for a special permit for an Amusement Park (Drive-In Movie) is located on the southwest side of Reisterstown Road beginning 180 feet southwest of the Northern Central Railroad, Green Spring Branch, in Garrison.

The petitioner stated that he wishes to conduct on the 39 acre parcel of land a Drive-In Movie located on a show on the plan filed with the petition. The petitioner stated that the operation could handle the maximum of 500 cars but that on week days it was expected that 150 cars would frequent the movie and on weekends approximately 300 cars per day. The petitioner also stated that the screen used in the operation of the movie would be 60 feet in height with a width of 60 feet, that the driveways and parking area would be blacktop surfaced. He stated further that a ticket booth would be open at 6:10 p. m. and that the shows would be exhibited nightly and that the last show would be over between 11:00 p. m. and midnight. He stated further that no lights would be on during the showing of the pictures but that during intermission and at the end of each show the flood-lights would be put on so that the cars would leave the area. He stated that ingress to and egress from Reisterstown Road would be by a driveway 100 feet wide.

The petitioner stated that his company now operates the Pulaski Drive-In and his experience in this operation leads him to believe that the operation of the Drive-In in question would not be detrimental to the safety and general welfare of the Garrison community.

The protestants in this case produced much evidence as to the traffic hazard which would be created on Reisterstown Road by the operation of such a Drive-In Movie. A letter from the Maryland State Police was submitted by counsel for the protestants giving statistics as to the fatal accidents and other accidents which have occurred on Reisterstown Road between McDonough Road and St. Thomas Lane.

The Captain of the Traffic Division of the Baltimore County Police Department testified that his was, in his opinion, the most dangerous section of the Reisterstown Road and one on which accidents were more prevalent than on any other section of the road. He stated that in his experience with the Pulaski Drive-In a serious traffic problem was set up when the Drive-In closed for the night and the cars disgorged from the Drive-In to Pulaski Highway. He stated that it was necessary for the Police Department to station two patrolmen at the Drive-In on week-ends to take care of the traffic. Even after doing that, there were many complaints from the motorists using Pulaski Highway because of the delay and impediment to traffic. The Captain stated that in his opinion the placing of a Drive-In at the location in question would create a serious traffic hazard on this already dangerous section of Reisterstown Road.

The Traffic Lieutenant from the Pikesville Sub-Station of the Baltimore County Police Department, testified that Reisterstown Road, leading from the Sun Mile house to the Northern Central Railroad tracks, has an approximate 5% grade. He stated that the truck traffic was especially heavy on this road which made this section very dangerous especially at the intersection of Valley Road. He further stated that the location of a Drive-In as proposed would aggravate the traffic hazard which now exists at this location.

The residents of the area testified that the location of a Drive-In as proposed would be detrimental to the proper enjoyment of their property for residential use. It was also testified by the residents and by a realtor, who is also a resident, that the location of the Drive-In as proposed would depreciate property values and be detrimental to the general welfare of the community.

In view of the foregoing it is the opinion of the Zoning Commissioner of Baltimore County that a serious traffic problem would be created on the Reisterstown Road at this location if this Drive-In were allowed. In addition, it is the opinion of the Zoning Commissioner that the operation of this Drive-In would be detrimental to the safety and general welfare of the community and prejudicial to the proper enjoyment of the surrounding area for residential use.

It is this 14th day of October, 1952, ORDERED by the Zoning Commissioner of Baltimore County that the special permit petitioned should be and the same is hereby denied.

Delano J. Fitzgerald
Zoning Commissioner
of Baltimore County

IN THE MATTER OF

Petition of
Delano J. Fitzgerald

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For a Special Permit

To The Zoning Commissioner of Baltimore

Delano J. Fitzgerald

Legal Owner

Contract
Purchaser

Whereby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 577 of the Acts of the General Assembly of Maryland of 1943, for a court in permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or to be erected thereon) hereinafter described for

Amusement Park (Drive-In Movie)

All that parcel of land in the Third District of Baltimore County on the southeast side of Baltimore Road beginning 100 feet southeast of the Northern Central Railroad, Green Spring Branch, thence southeasterly and binding on the southeast side of Baltimore Road 500 feet 8 inches, thence northeasterly 224 feet, thence northerly 622 feet, thence easterly 75 feet 5 inches, thence northerly 112 feet 8 inches, thence northeasterly 522 feet 8 inches to Northern Central Railroad, thence southeasterly and binding on the Northern Central Railroad 102 feet 8 inches, thence southeasterly 102 feet, thence easterly 175 feet 8 inches, thence southeasterly 207 feet to place of beginning as shown on the plan filed with the Building and Zoning Department, saying that portion of said plan is a petition requesting a change from an "A" business zone to an "A-1" Commercial zone.

IN THE MATTER OF

Petition of
Delano J. Fitzgerald

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For a Special Permit

To The Zoning Commissioner of Baltimore

Delano J. Fitzgerald

Legal Owner

Contract
Purchaser

Whereby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 577 of the Acts of the General Assembly of Maryland of 1943, for a court in permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or to be erected thereon) hereinafter described for

Amusement Park (Drive-In Movie)

Delano J. Fitzgerald

District Purchaser

Legal Owner

Address

Address

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 9-18-52
Posted for: Delano J. Fitzgerald
Petitioner: Delano J. Fitzgerald
Location of property: 100 feet southeast of the Northern Central Railroad, Green Spring Branch, thence southeasterly and binding on the southeast side of Baltimore Road 500 feet 8 inches, thence northeasterly 224 feet, thence northerly 622 feet, thence easterly 75 feet 5 inches, thence northerly 112 feet 8 inches, thence northeasterly 522 feet 8 inches to Northern Central Railroad, thence southeasterly and binding on the Northern Central Railroad 102 feet 8 inches, thence southeasterly 102 feet, thence easterly 175 feet 8 inches, thence southeasterly 207 feet to place of beginning as shown on the plan filed with the Building and Zoning Department, saying that portion of said plan is a petition requesting a change from an "A" business zone to an "A-1" Commercial zone.
Remarks: *See map of Baltimore County, Maryland, showing location of property.*
Posted by: *George J. Hammond* Date of return: 9-18-52

September 15, 1952

\$28.00

RECEIVED of *Smith & Smith, Attorneys for Delano J. Fitzgerald*, petitioner, the sum of Twenty Eight (\$28.00) Dollars being cost of petition for reclassification, advertising and posting property on Baltimore Road, 3rd District.

Zoning Commission

Meeting:
Wednesday, Oct. 1, 1952
at 10:00 A.M.

Witnessed by:
Robert J. Smith
Secretary

PAID
SEP 16 1952
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

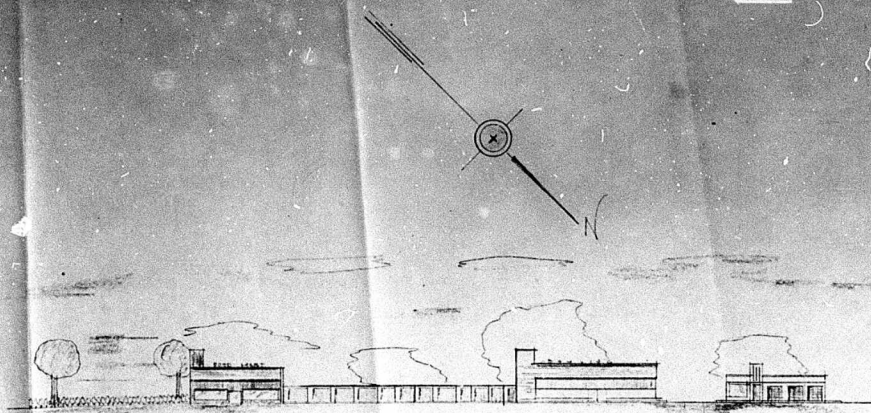
May 25, 1953

\$22.00

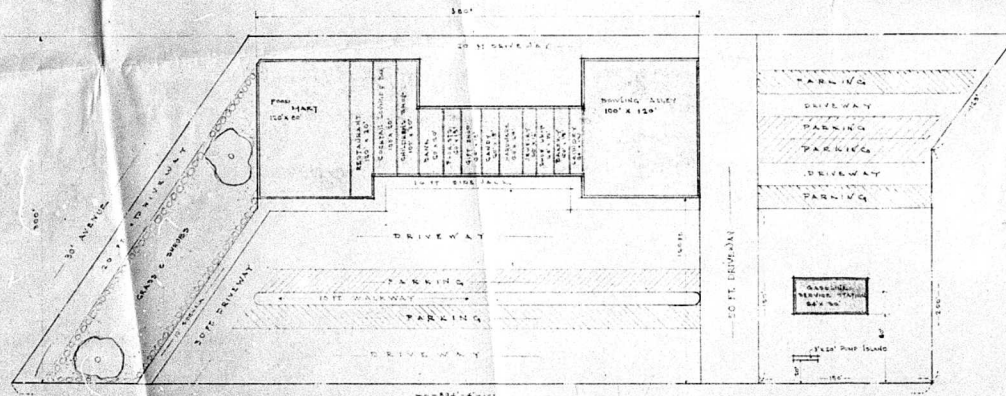
RECEIVED of *H. Edward Smith, Attorney for Delano J. Fitzgerald*, petitioner, the sum of Twenty Two (\$22.00) Dollars being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying the special permit for Drive-In Movie, southeast side of Baltimore Road, 3rd District.

Zoning Commission

PAID
MAY 28 1953
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY



— FRONT ELEVATION —



• REISTERSTOWN ROAD •

PLAN OF PROPOSED SHOPPING CENTER

FOR THE TRUCK TERMINAL INC. - 505 MATHESON BLD'G.

PARKING ACCOMMODATIONS FOR APPROX. 223 CARS/VEHICLES

DATE: 4-11-55
SCALE: 1"=50'

