OSBORNE L. RIDER, YA

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

BO/RD OF ZONING APPEALS

Misc No. 5, folio 127 Case No. 1319

April 11. 1956. Judge Floyd J. Kintner- Action of Board reversed (No. opinion filed)

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY alider vs Zenning Board Case No. 1.3/2 Peter Dar Spicelette 9 st Action of Michigan A. M. Brown to proposed Landson What has finited GEORGE L. BYERLY, Clerk.

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OPINION OF THE BOARD OF ZONING APPEALS BALTIMORE COUNTY

This is an appeal by Abraham Goldberg and The Bits Enterprises. Inc., from an Order of the Zoning Commissioner of Baltimore County dated January 28, 1953, denying a Special Permit for an Open-Air Drive-In Theatre on the property described in the 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 Tenth Election District of Baltimore County lying on the Southeast side of Jarrettsville Road and the Southwest side of Paper Mill Road adjoining the gasoline filling station, which is at the intersection of the Jarrettsville and Paper Mill Roads.

There was testimony in this case that the operation of an Open Air Drive-In Theatre would subject the present highways in this locality to excessive traffic, and that the existing roads are now quite narrow and limited in their ability to handle the traffic as it now exists. It is further contended that the operation of this type business would be objectionable from the standpoint of the glaring of lights and probably other nuisances which would be detrimental to the general welfare of the residents in the community.

The Board is of the opinion, however, that these opinions were the results of apprehension rather than based on sufficient fact and evidence. The tract of land in question is located in an area which is definitely commercial, and it was also noted that there are other tracts of land that have been reclassified commercial which have not been improved by stores or other improvements and are not being used for commercial purposes at the present time; however, the petitioners are not

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requesting a reclassification of the subject property, but for a Special Permit for a special purpose, and the fact that there are two highways bordering the land makes the property more desirable for such an operation from the standpoint of handling the traffic. These two roads are not located in such a manner that they carry or will carry in the future great volumes of traffic, such as the York Road, Pulaski Highway, and other main artery highways; in fact, the completion of the Baltimore-Harriaburg Highway, part of which is now under construction, should substantially relieve the traffic on the Jarrettsville Fike, especially the flow of truck traffic.

The Board is of the opinion that with the proper locating of the screen and of the lights there will be no material objection in the residential part of the neighborhood from the operation of a drive-in theatre.

The tract of land requested for a Special Permit appears to be exceedingly large and greater than is reasonable for this area; and the Board will, therefore, pass its Order limiting the Special Permit to those parts of the land set forth in the Order.

RE: PETITION FOR A SPECIAL PERMIT FOR OPEN AIR DEIVE-IN THEATRE - S. E. Side Jarrettsville Pike, hhi. 7i ft. S. Paper Will Road, 10th District, Abraham Goldberg, Petitioner - The Ritz Enterprises, Inc., Contract Furchaser

The appeal in the above entitled matter coming on for hearing on the 25th day of June, 1953, before the Board of Zoning Appeals of Baltimore County, from an Order of the Zoning Commissioner of Baltimore County dated January 28, 1953, denying a Special Permit for an Open Air Drive-In Theatre in regard to the property described therein; and it appearing from the facts and evidence adduced at the appeal that the Special Permit in regard to part of the property would not be detrimental to the health, safety, and general welfare of the community and for reasons set forth in said opinion; therefore,

It to this 45 day of October, 1953, Ordered by the Board of Zoning Appeals of Baltimore County that a petition for a Special Permit for an Open-Air Drive-In Theatre be and the same is hereby granted as to the part of the land hereinafter described and subject to the conditions hereinafter set

1. All that property between Paper Mill Road and Jarrettsville Road adjoining the filling station property, and from the corner of said property on the West side of Paper Mill Road for a distance of 500 feet along the Westerly boundary of said road to a point and from said point in a Southerly direction to the Northeasterly corner of the Gas Pipe Line Corporation property, and thence along the Northerly boundary of the said Gas Pipe Line Corporation property and continuing in a streight line to the Jarrettsville Road, and from said point along the Easterly side of Jarrettsville Road in a Northerly direction to the corner of the filling station property, shall be subject to a Special Permit.

CED FED 2 1953

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January 30, 1953

Mr. Augustine J. Mueller Zoning Commissioner of Ealtimore County, 303 Machington Avenue, Towon E. Maryland

Dear Mr. Mueller:

Re: Petition for a Special Permit for an Open Air Drive-In Theatre-S.E. Side Jarrettsville Pike, btb.75 ft. S. Faper Mill Road, 10th District, Abrahas Boldbarg, Petitione: - The Ritz Enterprises, Inc. Contract Purchaser

Please enter an appeal from your Order demying the Special Permit Petition in the above matter, to the Board of Zoning Appeals.

Enclosed is check payable to the County Commissioners of Baltimore County in the amount of \$22.00 covering the cost of said appeal.

Equire, Press enter the appearance of Claude A. Hanley, for the second Mational Each Building, Towon & Maryland, for the Hanley and the second Hanley Appeals in this matter.

Thanking you for your courtesy in this matter.

John L. Cake

Jle/p

RE: PETITION FOR A SPECIAL PERMIT FOR OPEN AIR PENTION FOR A SEGULA PRINT FOR OTHER AIR DRIVE-IN THEATER - S. E. Side Jarrettaville Pike, him. 7k ft. 5. Paper Hill Road, 10th Dist., Abraham Goldberg, Fettioner - De Ritz Enterprises, Inc., Contract Purchaser

-2-

as to be 100 feet behind the gasoline filling station building.

2. The movie screen shall be erected in such a way

his petition is for a special point to operate an Open Air Drive-in Theatre on the proper States of the intersection Created watermoots side of the Paper 1811 lined excluding, however, that portion which is now compled as a gasoline service station, said property comprising 5.050 acres.

According to the politican: it is satisfupted to have an entrance and eath rown the Jerettuville like together with an exit and a set of the confider will be located on the lands of the property. The screen town will be located at the unitage and exit on the Jeretville like section. The projection rows will be located other row will be located toward the rear of the property clears row will be located toward the rear of the property clears and the located toward the rear of the property clears are presented by 750 cms and 750 cms. The control of the property of the secondary approximately 750 cms and 750 cm and 750 cms.

This the contention of the politicory that with the design of the Open Air Beatre as planed there will be no chance of traffic conjection explaning or either of the benefits plateauticovers, according to the testinosy as presented; its margher that Jarret barrille File has a pin. This, of course, is a very marrow reading for the present traffic which is ving said roads and with an anticipated increase in traffic of the stream of the large course, in a very marrow of the content of

It is the opinion of the Acting Zoning Commissioner that the increased flow of traffic at the opening and closing hours would definitely create some compession on both the Jerrettaville Pike and Faper Mill Rode.

The fact that the projection town is located at the entrance and said on Jerutavita'lla Pike, and receive probable to see, would have a tendancy when the projection of the set time of Jerutavita Pike. It must be assumed jabs the putitioner cos and unteligate receiving pairons from his immediate new and, therefore, according to the patitioner, the purpose of this Open Lie Theory is the status pairons from Mallacce (Qu'and embuches areas).

The area ismediately surrounding this proposed Open Air Theatre has been, or is being built up of the substantial type residential properties and it is fail that in view of these that this area is being so story developed that I will be unfair to allow on enterprise of this nature to possibly hitchit the entire

From the aforegoing it is the coinion of the Acting From the aforegoing it is the opinion of the Asting Zoning Consistence that the granting of this special permit for an Open Air Drive-In Theatre would be detrimental to the health, safety and general welfare of the community and the special permit petitioned should be denied.

It is this  $\frac{2P}{}^{-L}$  bay of January, 1953, ONEMERD by the Acting Zeniza Gonzáles former of Paltimore County that the acrossadá special permit patitions, be and the same is hereby donied.

## Baltimore County Blanning Commission

383 Washington Arruns Towson 4. Margianl

MALCOLM H. DILL. DIRECTOR

June 24, 1953

Mr. H. Guy Campbell, Chairman Board of Zoning Appeals Towson h, Maryland

Subject: Special Permit for a Drive-in Theatre at the Southeast Corner of Jarrettsville Pike and Paper Will Road

This petition was discussed orally with Mr. Muller when he was Zoning Commissioner, but no written statement was sent to him. For your reference, therefore, I am sending brief comments to you in advance of the heart of the comments to you in advance of the comments.

Until recently the surroundings of the tract for which this drive-in theatre is proposed here been typically read in character orderated theatre is proposed here been typically read in character orderated country store and pastice station. "Leady be influent or subschedulings has pointed to the development of behavior insplication typically type discussed by the contract of the c

A drive-in theatre by its very nature brings in concentrated volumes of non-local traffic from far and wide. The accompanying poises, str., which people traffic, and turning severests into under poises acres to the contract of the contract of the contract of the contract of the contract uses, withch are made of the local retail series type, also would tend to imrade the area than decreasing the desirability of the surrounding land for subsystem hase use.

It is true that the "whicet property is only slightly resored from an intersection of two highways. The latter, however, both have rethour narrow the source of the state of t

## PITITION FOR SPECIAL PERMIT

IN THE MATTER OF ABRHAN GOLDBERG BEFORE THE SOMING COMMISSIONER OF BALFILDRE COUNTY

To The Zoning Commissioner of Baltimore

For A Special Parcit

Abraham Goldberg

The Rits Enterprises, Inc.

hereby petition for a Special Permit, under the Zening Regulations and Restrictions passed by the County Commissioners of Baltimero

County, agreeable to Chapter 877 of the Acts of the General Assenbly of maryland of 1943, for a cortain permit and use, as provided under said Regulations and Act. as follows:

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

or be excited thereon) herehafter described for

Span Afr Prive-IR Databer, located, at immediately a

Paper mill meed - Join Mischien District, maintainer

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South 75 degrees 56 minutes West 30,2, feet to indee of

South 75 degrees 56 minutes West 30,2, feet to indee of

South 75 degrees 56 minutes West 30,2, feet to indee of

It does not appear to us that there are any elements in this situation It does not appear to us that there are any elements in this situation that would nake the site particularly appropriate for a driven-in thatre, On the contrary, we do feel that such a feature here in this situation would create a serious traffic hazard. Although our land use studies would repeat a serious traffic hazard. Although our land use studies would legically become the least the appear that this intersection would legically become the least the limit of the serious that would be a control server but insuffice twintinty. A drive-in theater would not fit into such a pattern of local service but would actually be an intrasion in that it would be an apreviously noted, an attraction for putrange for several miles around rather than something to benefit least people.

In summary, from the standpoint of good community planning, we do not feel that this is a suitable or safe location for a drive in theatre.

Malish H. Dill

Malcolm H. Dill Director

cc: Charles H. Doing W. W. MacVicar

PERICION FOR SPECIAL PERIOT

IN THE MATTER OF ABRHAM GOLDBERG

BEFORE THE CF BALFI ORE COUNTY

For A Special Percit

To The Laning Commission r of Baltirore

Abraham Goldberg

The Rits Enterprises, Inc.

hereby potition for a Special Pernit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Beltimore

County, merceable to Chapter 877 of the Acts of the General Assonbly of maryland of 1943, for a cortain permit and use, as provided

The Rits Enterprises, Inc.

Abraham Goldberg.

1607 N. Washington Street Baltimore-13, Maryland.

Jacksonville, Maryland.

ORDERED by the Zoning Connissioner of Baltimore County this 21st day of December that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Condesioner of Baltimore County, haryland, on the 12th day of Jamary \_, 1953, at 2:00 o'clock P.M.

Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

Date of Posting 1-2-53 Date of Posting 1-2-Posted for Age and Skirm T. (Open Gen Harrif - Inte Chestal) Petitioner: GMAKan Golding mille led by 444 74 ft South flyner Location of property: S. E. S. Janutto Mill Roud Sel Plato

Logation of Signs ONE MAN 450 H, another Des St. B. of fanethenel & Ster Sty 55 of Repertured 1st and now so flandle well & flow mill stonders fourthally

Posted by Glange R. Hammer

Date of return: 1-2-53

#2453

February 2, 1953

RECEIVED of John L. Askew, Attorney for Abraham Goldberg, Petitioner, Rits Enterprises, Inc., Contract Purchaser, the sum of Tuenty Two (\$22,00) Dollars, being cost of appeal to the Board of Zening Appeals of Baltimore County from the decision denvine the special permit petitioned for Open Air Drive-In Theatre, southeast side of Jarretteville Pike, Abb. 7h feet S. Paper Hill

Sentue Comtastenet



Docombon 22, 1950

January 5, 1953

\$5.00

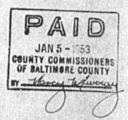
RECEIVED of The Mits Enterprises, Enc., the sum of Five (\$5.00) Dollars, being additional cost of advertising property of Abraham Goldberg, Sarrettsville Pike, 10th District.

Zoning Commissioner

Hearings

Jan. 12, 1953 at 2:00 p.m.

basement of Reckord Building Townon, Hd.



\$29.00

RECEIVED of The Rits Interprises, Inc., being cost of petition for Special Parmit, adv rtising and posting of property Southeast side Jarrettsville Hodd, 10th District.

Zoning Commissioner

Hearings

Monday, January 12, 1953 at 2:00 p.m. Basement of the Reckord Dullding Townon, Maryland

