

OSBORNE L. RISER, et al
vs
BALTIMORE COUNTY
Misc No. 5, folio 127
Case No. 1319

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

RE: PETITION FOR A SPECIAL PERMIT FOR OPEN AIR DRIVE-IN THEATRE - S. E. Side Jarrettsville Pike, 144.76 ft. S. Paper Mill Road, 10th District, Abraham Goldberg, Petitioner - The Ritz Enterprises, Inc., Contract Purchaser

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 is this 15th 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 herein-after described and subject to the conditions hereinafter set forth:

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 straight 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.

2. The movie screen shall be erected in such a way as to be 100 feet behind the gasoline filling station building.

Chairman

Carl F. Tolson

John L. Askey

Board of Zoning Appeals of Baltimore County

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Case No. 1319

George L. Riser, et al vs. Abraham Goldberg

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Abraham Goldberg and The Ritz 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

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-Harrisburg Highway, part of which is now under construction, should substantially relieve the traffic on the Jarrettsville Pike, 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.

FILED FEB 2 1953

JOHN L. ASKEY
Attorney at Law
202 Lexington Avenue
TOWSON 4, MARYLAND
Phone TOWSON 1400

January 30, 1953

Mr. Augustine J. Mueller
Zoning Commissioner of Baltimore County,
302 Lexington Avenue,
Towson 4, Maryland

Dear Mr. Mueller:

Re: Petition for a Special Permit
for an Open Air Drive-In Theatre -
S. E. Side Jarrettsville Pike,
144.76 ft. S. Paper Mill Road,
10th District, Abraham Goldberg,
Petitioner - The Ritz Enterprises,
Inc., Contract Purchaser

Please enter an appeal from your Order denying 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.

Please enter the appearance of Claude A. Hanley, Esquire, Second National Bank Building, Towson 4, Maryland, for the Ritz Enterprises, Inc., Contract Purchaser. Both Mr. Hanley and myself would appreciate as early a date as possible for a hearing before the Board of Zoning Appeals in this matter.

Thanking you for your courtesy in this matter.

Very truly yours,

John L. Askey

114/9
encl.

RE: PETITION FOR A SPECIAL PERMIT FOR OPEN AIR DRIVE-IN THEATRE - S. E. Side Jarrettsville Pike, 144.76 ft. S. Paper Mill Road, 10th Dist., Abraham Goldberg, Petitioner - The Ritz Enterprises, Inc., Contract Purchaser

This petition is for a special permit to operate an Open Air Drive-In Theatre on the property situate at the intersection formed by the southeasterly side of Jarrettsville Pike and the southwesterly side of the Paper Mill Road enclosing, however, that portion which is now occupied as a gasoline service station, said property comprising 15.467 acres.

According to the petitioner it is anticipated to have an entrance and exit from the Jarrettsville Pike together with an exit only on Paper Mill Road. The box office will be located on the inside of the property. The screen tower will be located at the entrance and exit on the Jarrettsville Pike section. The projection room will be located toward the rear of the property closer to Paper Mill Road. It is anticipated that this theatre will accommodate approximately 570 cars and will have two shows each night beginning between 8:00 and 9:00 p. m. until approximately 11:00 p. m. to 12:00 midnight.

It is the contention of the petitioner that with the design of the Open Air Theatre as planned there will be no disposal of traffic congestion originating or either of the bordering highways. However, according to the testimony as presented, it was found that Jarrettsville Pike has a paving 14 feet in width and the Paper Mill Road is paved 15 feet. This, of course, is a very narrow roadway for the present traffic volume and with the projected increase in traffic of the aforesaid 572 additional vehicles, this would definitely create a heavy flow of traffic prior to 8:00 p. m. and also immediately after midnight.

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 congestion on both the Jarrettsville Pike and Paper Mill Roads.

The fact that the projection tower is located at the entrance and exit on Jarrettsville Pike, and running parallel to the line the restaurant located on the west side of Jarrettsville Pike. It must be assumed that the petitioner does not anticipate drawing patrons from the immediate area and, therefore, according to the petitioner, the purpose of this Open Air Theatre is to attract patrons from Baltimore City and suburban areas.

The area immediately surrounding this proposed Open Air Theatre has been, or is being built up with substantial type residential properties and it is felt that in view of the fact that this area is being so nicely developed that it would be unfair to allow an enterprise of this nature to possibly blight the entire area.

PAID
FEB 2 - 1963
PAID BY COMMISSIONER
OF BALTIMORE COUNTY
H. W. Murray

January 5, 1953

\$5.00

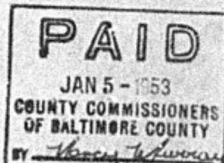
RECEIVED of The Ritz Enterprises, Inc., the sum of Five (\$5.00) Dollars, being additional cost of advertising property of Abraham Goldberg, Jarrettsville Pike, 10th District.

Zoning Commissioner

Hearings:

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

basement of
Reckord Building
Towson, Md.



December 22, 1952

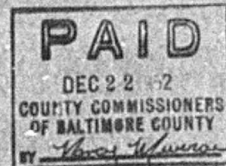
\$29.00 ✓

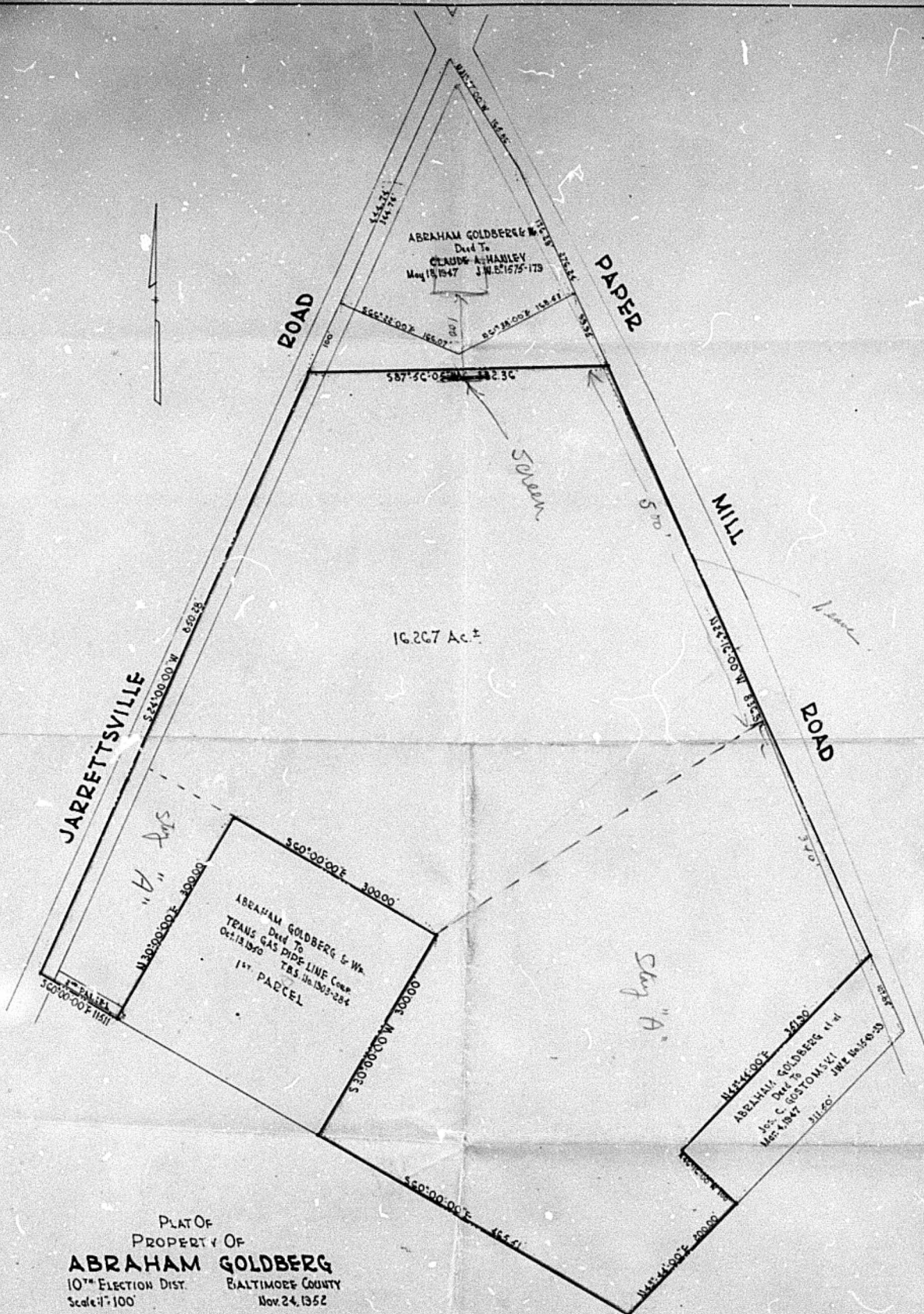
RECEIVED of The Ritz Enterprises, Inc., being cost of petition for Special Permit, advertising and posting of property Southeast side Jarrettsville Road, 10th District.

Zoning Commissioner

Hearings:

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





PLAT OF
PROPERTY OF
ABRAHAM GOLDBERG
10TH ELECTION DIST. BALTIMORE COUNTY
Scale 1"=100' Nov. 24, 1952

NOTE:

COMPILED FROM DEEDS.

THOMPSON, GRACE AND MAYS, Inc.
ENGINEERS-CONTRACTORS
FIDELITY TRUST COMPANY BLDG.
YORK ROAD TOWSON 4, MD.