IN THE MATTER OF PETITION FOR SPECIAL EXCEPTION FOR APPRITESATE AND DELYS-IN THEATES - Tobin's lane Approxinately 86: 5.w. Reisterstown : Road, 3rd District - Truck Termina Inde, Petitioner - Valley Amuse-: sant Co.inc., Cont. Pur.

BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

No. 4217-I

Tobin's Lame approx. 486's SW of Reisterstown Rd.

#4227-3

4217

OPINION

This putition means a special exception for an amphibio feat modern and order the street of the lane, approximately, his feat southern of featureson means, in the Rybery, Newton III, Bultimore County, this location bearing the Rybery, Newton Line, in what is generally known in Carrison, Navyland.

that the granting of this putties weld inthorned by presented represents about a change of this putties weld inthorned, be deviated by the same of a basely bring about a change in purpose, and inthorned, be deviated at the same of the

In trying to much a decision in this care, it is very necessary to take into construction that w. are dealing with a patition for a special amospion on a piece of property already round "Decisions roundles", not a reclassification.

Under this moning category, without a special exception such operations as a boding alloy, modula clubs and fraternal organizations, billier monous, done halls, sketting risks, bodis, night of money rayed, there were the present and and as a set of the company of the present of the company of the compan

The request for a special exception gives the Board to opportunity, under Section 502.2, to write restrictions that will omired the use of the property and give seequate protection to the stabborhood.

In spiral to thoughing the character of the neighborhood, it appears that the character of the neighborhood was continued upon the property of the control of the control of the character of the control cont

Nuch testimony was given with regard to people, that patronise drive-in theatres and that their actions, while patronising such a place, could be detrimental to the sorals of the youth of the community.

No actual facts of proof were given to substantiate such a feeling, and it appears that those feelings are more due to public opinion than setual facts. The practice of providing nursery space at drive-in theatwee for the comvenience of the pairons seems to indicate that they are frequented by families with proug children as well as

The question of noise was suggested and by controlling the hours of operation under restrictions set forth, it is felt that noise will not be a problem.

With regard to the depreciating of property, we can find no reason to believe that the granting of this patition would cause any greater depreciation in property than can be normally expected when a residential neighborhood is invaded by comercial goning.

The major objection with regard to safety stemning from the increased traffic is not important. It is a natter of public knowledge that in using a procel of land previously unused that the arre presence of on satunchies increases congestion in the immediat and the safety of the contract of the contract of the contract of the a traffic heard.

We have been presented with a great deal of testinony by traffic experts and seen in agreement that the sight distance from the north light of the sight of the sight distance from regard to sight distances from the south. The desirability of traffic controls at the drive-in entrance intersection seems advisable and, therefore, is being made a part of the restrictions of this forder.

therever, a construction of the probatants stated that this property could readily be used for a shopping conter with profile or Doub cars without any additional counting or special exceptions of the property could be used to be considered to the construction of the content o

As proviously stated, the use of this preperty for a drive-in theatre or for any other use will bring traffic congestion to the majniference. However, it is the opinion of the najority members a drive-in theatre, taking into consideration the varieties property or a drive-in theatre, taking into consideration the varieties are varieties to the consideration that the consideration that the consideration of the consideration that the decision of the phage through any or time will not cause a traffic hearn. Therefore, it is the decision of the consideration of the local that the decision of the beguety Center of the Board that the decision of the Deputy Center of the Board that the decision of the Deputy Center of the Board that the decision of the Deputy Center of the Board that the decision of the Deputy Center of the Board that the decision of the Deputy Center of the Board that the decision of the Deputy Center of the Board that the Center of the Board that

It is manifestly clear from Section 500.1, which refers to the "general weifare of the locality involved", and from the Court opinion and text above quoted, that the interests and welfare of the immediate neighborhood must be primarily considered before allowing a Special Exception to the regulations.

If the intent of the enabling act has permeated the regulations, the Special Exception sought here is required because either (1) the inherent character of the use necessitates that it be carried on in a district organ to which it does not conform, or (2) the use has a peculiar tendency to impair the health, safety and morals of the public. It is difficult to believe that a drive-in Theatre does not conform as closely to a Business Roadside zone as to any in the regulations. I am, therefore, left with the opinion that the second reason applies.

My colleagues apply the reasoning that other uses permitted in a "B.R" zone without a Special Exception, (and

 That there shall be no more than 800 car speakers provided for on the subject property and the number of cars allowed on the property at any one time shall not exceed 800 cars not including the cars in the reservoir space.

-3-

The ticket window shall be so located as to allow 2000 feet, three lames wide of reservoir space for entering cars.

 The ticket window shall be open only during the hours of 6:30 p. m. to 10:00 p. m.

h. Motion pictures must be projected only during the hours of 7:00 p. m. to 12:30 p.m.

That the property may be used only for a drive-in theater and may not be used for an amphitheater or any other use.

5. The reaching from "eisterstoom lead supplying ingress and agrees to the subject property any not have any reads missing the subject property in Belateraton Read, which property in Selectiveston Read, which property in Belateraton Read, which property in Generally seed "Bell", nor any the drivewing three larguess and operate to directly behind and bordering on the wastern boundary of the subject property presently seed "functionizing Light", even if these restrictions should not not not light, even if these restrictions should not not not not the "Membertung Light" property to occasion.

There shall be no lights allowed on the subject property
which are focused in the air and lights should be mushroa lights focused at the ground.

There shall be no amplication system allowed on the premise other than speakers placed on the inside of cars meessary for the operation of a drive-in theater.

 There shall be no venders permitted to sell anything on the property at any time other than which is seld in the building housing a snack bar of the drived in theater and the cale of tickets in the booth prevised for seme.

 Trash and garbage containers shall be available and maintained to prevent a nuisance from a health or aesthetic standpoint.

 The screen for the projection of the movies shall be precisely in the same location as shown on Petitioner's Exhibit No. 1.

12. Satisfactory conditions must be worked out with proper authorities for the erection of a traffic signal on Reistoratorn Read centrolling traffic entering and leaving the drive-in theater. For regions set forth in the aforegoing Opinion, it is this _______ and or March, 1978, by the County Board of Appeals of Baltimore County ORDERED that a special exception for a Drive-In Theater be and the same is hereby granted, subject, however, to compliance with the above restrictions.

OF BALTIMORE COUNTY

Netters A Karfrage

Spiro T. Agnew - Member, Dissenting

In 1943, the Legislature assended the Baltimore County
Zoning Enabling Act by authorizing the County Commissioners to
provide that the Zoning Commissioner may make Special Exceptions
to the zoning regulations in harmony with their general purpose
and intent, and to require such Special Exceptions or permits
where the inherent character of the use sought necessitates
that it be carried on in a district or area to which it does
not conform, or where the use sought has a peculiar tendency
to impair the health, zafety and norming of the public. The
enabling act further directs that the issuance of such a
Special Exception shall be subject to appropriate principles,
standards, rules, conditions and safeguards set forth in the
regulations (Code, Pablic Local Laws, Baltimore County 1955,
Title 10 Section 513).

they name several) are just as detrimental to the interests of the neighborhood as the use sought in this case.

I cannot help but agree that some, under particular

circumstances, may be objectionable. This would appear to be the fault of the resoning, however, and is not before this Board. It may be considered on appeal to the Courts (Hoffman vs Baltimore 197 Md. 294 and Ellicott vs Baltimore 180 Md. 176).

There is, with the exception of fragmentary testimony concerning a shopping center, no evidence in this case upon which to validly docide the relative merits or descrits of the uses which are inferentially compared in the majority opinion with the use sought here. Such notice taken, without factual basis, exceeds even the authority of the Board as zoolng experts.

"The power of a Board of Zoning Appeals under a zoning ordinance to grant exceptions must be strictly construed". (Easter vs Baltimore 195 Md. 395) It becomes, therefore, necessary to consider strictly the requirements of Section 502.1 of the regulations, cited above.

We can eliminate (c) (d) (w) and (f), which obviously do not apply. Mith respect to (a), there would be no apparent destriement to health, and arrive will be considered in conjunction with (b). This leaves for consideration whether or not the general veriface of the locality involved will be adversely affected.

The areas to the south, southeast and southwest of the subject property are predominantly residential. Members of improvement associations from these areas appeared to resist the granting of this Special Exception. About two miles from the site, to the north, lies Garrison Forest School, a

renowmed girls private school established in 1910. Its headmatrees appeared on behalf of its frustees to protest the instant petition. Also appeared the headmaster of McDonogh School, a fine military academy for boys, located. about a mile southwest of the subject property. All of these objectors based their complaints on the adverse and depreciating affect a drive-in movie would exert upon the properties represented by them. They also were concerned with the safety hazard.

Referring to Yokiey's tests, herein quoted, shall not the testimony of these substantial people with an obvious "stake" in the area, be carefully considered to determine whether the "interests of a particular neighborhood will be aversely affected"?

Even more serious is the traffic hazard inherent in and inseparable from the proposed use. Inspector Zinkand's testimony shows that Reisterstown Road is a beavily travelled artery with much through truck traffic and a 40 mile per hour speed limit, brought about by poor accident experience.

Mr. Rosenberger stated that within a two year period there were twelve injuries and four deaths on the read within a mile of the site. Lt. Novicki testified that the truck traffic is heavy, and heavier yet in the evening hours, and that within the past eleven months there were three accidents at Valley and Reisterstown Roads. Another witness, expert, says that 1957 traffic on the road showed a 20% increase over 1956.

The entrance to the site is at the bottom of a slight grade which rises to the southeast. Visibility to the southeast is only about 1400 feet and according to one witness

In the zoning regulations adopted pursuant to the enabling act and those which succeeded them, (the current regulations being effective March 30, 1975), certain uses in each zone category are listed as requiring Special Exceptions. Section 270 of the regulations provides a schedule or recapitulation of Special Exceptions, and shows "Theatre, drive-in" to be permitted only by Special Exception, and then only in R-Wo, R-20, and Business Roadside zones. With regard to the principles, conditions, safeguards, etc. required by the enabling act, Section 502.1 provides:

502.1 - Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

 Be detrimental to the health, safety, or general welfare of the locality involved;

 Tend to create congestion in roads, streets or alleys therein;

c. Create a potential hazard from fire, panic or other dangers;

d. Tend to overcrowd land and cause undue concentration of population;

 Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

f. Interfere with adequate light and air.

In the case of Oursler vs Soard of Zoning Appeals of Baltimore County, 204 Mt. 397, the Court of Appeals said, referring to Special Exceptions...."applicant has no requirement to show hardship...but must show only that the exception would be in harmony with the zoning plan and would not be

much less when the trees are in foliage. Traffic from the south east must turn left across southeast bound traffic to enter the drive-in Theatre.

The petitioner's expert, Haywood, testified that, without a traffic light or trooper, there would be a back-up on Reisterstown Road at peak times, and that congestion would occur during peak hours. There is no control at the present time and no testimony that one is authorized. Under the recent "Price" case, we cannot rely on indefinite improvements, but must consider only those elements which will exist within the

High speed trucks, unfamiliar with the road, hindered by darkness, would be a serious menace to traffic waiting to make the left turn into the theatre. Regardless of storage space, southeast bound traffic must be yielded to and, by Mr. Haywood's own testimony, a back-up could occur at peak times, without control.

Another expert witness for the petitioner, Mr. Thompson, in reply to a question from the writer, stated that under certain circumstances tleing-in the use of adjoining properties, traffic would not move and would be "like on York Road yesterday" (alluding to crippling of traffic flow due to snow).

Finally, my colleagues attempt to alleviate the traffic objections by prohibiting the use of the driveway leading into the subject property for ingress and egress to the adjacent business local property (shown on petitioner's Exhibit #1 in pink). I question the legality of their writing restrictions and conditions upon property which is not the subject matter of this petition. .

is arbitrary, capricious, and directly contrary to the law and the evidence in the case.

It is my opinion that the majority opinion of this Board

DATE 3/6/58

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY 5 t c #1 2-0 OMDERNED BY the Zoning Commissioner of Baltimore · × County this 16th day of July that the subject matter of this petition be advertised in 8/29/2 a newspaper of general circulation throughout Paltimore County and that the property be posted, as required by the

4217-XA

MAP #3

Zoning Regulations and Act of Assembly aforemaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, haryland, on the 21st

August 19 57, at 10:30 o'clock A. H.

Zoning Commissioner of Baltimore County

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No.31539

Division of Collection and Receipt. COURT HOUSE TOWSON, MARYLAND 21204

To: Louis A. Kann. Esq., 1400 American Bldg., Hervland 21202

TELEPHONE

Office of Planning & Zoning 119 County Office Bldg., Towson, Haryland 21204 OTAL AMOUNT DEPOSIT TO ACCOUNT NO. 01-621 \$2.00 5-2765 8223 . 31539 HP-200

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSOI PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMNTANCE.

RE: PETITION FOR SPECIAL EXCEPTION FOR AMPHITHEATER AND DRIVE-IN THEATRE - Tobin's Lune approx. 186 feet 5.W.Reiterstown Road, 3rd District - Truck Terminal, Inc., Petitioner - Valley Amuse ment Co., Inc.Cont. Pur

BEFORE DEPUTY ZONING COMMISSION R OF BALTIMORE COUNTY No. 1217-Y A

.........

Pursuant to the advertisement, posting of property and public hearing on the above for a special exception for an Amphitheater and Drive-In Theatre, there has been a great volume of testimony ably presented by both the petitioner and the protestants. None of the qualified experts have disagreed concerning one fact. Traffic probleas in any situation are corrected by proper control. The traffic problem in the case before us, while, difficult is not insurmountable,

The petition for the special exception is granted. providing adequate traffic control is provided.

It is this Sth day of October, 1957, by the Deputy Zening Commissioner of Baltimore County, ORDERED that the aforesaid petition for a special exception, be and the same is hereb

August 20, 1957

CERTIFICATE OF POSTING NG DEPARTMENT OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION FOR AMPHITHEATER AND DRIVE-IN THEATRE - Tobin's Lane approx. 486 feet S.W. Reisterstown Boad,

ment Co.. Inc. Cont. Pur

case.

3rd District - Truck Terminal, Inc., Petitioner - Valley Asses

.........

decision and Order of the Deputy Zoning Commissioner in the above entitled

Please enter an appeal to the County Board of Appeals from the

BEFORE

DEPUTY ZONING COMMISSIONER

	Towson, Marylar	wd .	
_/			#4217
istrict 3.1d		a Date of Posti	8-6-57
istrict 3.15 poted for: Jakkey Ehs etitioner: Walky Con contion of property: Bug as fand: ille: Su 1	estion for a 2	heate, Hunt	ne.
etitioner: Nalley Gr	mesement lo	Inc	
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cation of Signs and figures	der 680 ft, another	Stoff Soultweet	4. Reistertown
marks: M.W.Soy Jon	ins fanc.		
posted by George Q: 1	Semme Date of	return:	5.7

DATE 5/27/65

It also appears that the Outdoor Theatre, for which we now have a request for a Special Exception, should also have the same outlet to the Reinterstown Road. The Shopping Center, located adjacent to Reisterstown Read, should also be controlled by the same access on Reisterstown Read,

In reviewing the potition which has been submitted by the Valley Awarement Company, Incorporated, we find that the land has been zoned in three different classifications: EL, RR and ML. The tract consists of 39 acres.

It appears that the ML zone should have its own access through the property to a definite cutlet on the Reisterstown doad. This is not shown on the plat submitted as of this date.

In other words, for the development of this property we work the request an entirence south of the service station on the property to the State Lans, for turning nowment from this property to the State Lans, which is now reduced any particular of the property to the State Lans, which is now residentially entire of State Lans, which is now residentially appeared or discussioness of Todate Lans, which is now residentially we feel that a separate road to the ML zone is now increasing, we feel that a separate road to the ML zone is now increasing the service of the service station for access to the contract trust for its full development of this truck is the

S/ J. Fred Offutt

JF0:ls:td

FROM: J. Fred Offutt

TO: Wilsie H. Adams

SUBJECT: Zoning Potition #Lo17-X Special Exception Outdoor Thematre Tobin's Lame Mc60 S/N of Roisterstown Road District 3

TRUCK TERMINAL, INC. For a Special Exception To The Zoning Commissioner of Balt more County TRUCK TERMINAL, INC., 7 St. PAUL STREET Logal Oner Contract

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF

VALLEY AMUSEMENT CO., INC.

hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

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

effected instron) care than wer described to the flatteries of militaires County, beginning at a point in flowing lane approximately 105 feet Southest of Sainterstoom Road (said Tobin's Lane being a continuation of Valley Road); there exists the courses and distances Rorth 46 degrees 50 minutes West 105 etc. Routh 56 degrees 20 minutes West 205 feet, South 56 degrees 50 minutes West 205 feet, South 56 degrees 50 minutes West 205 feet, South 56 degrees 50 minutes Mest 205 feet, South 56 degrees 50 minutes Roat 105 feet, Both 56 degrees 50 minutes Roat 105 feet, Both 56 degrees 50 minutes Roat 120 feet to the place of beginning.

VALLEY AMUSEMENT CO., INC. TRUCK TERMINAL, INC.

Atout Dung inhum page.

Contract Purchase
Howard AV Macouneza
Topl Owner Hilton Schwaden

STATE ROADS COMMISSION

BALTIMORE 3. MD.

August 19, 1957

Wr. Wilsie H. Adams Zoning Commissioner Baltimore County Office Building Towson I, Maryland

Re: Zoning Petition #1217 Special Exception for a Drive-In Theatre

Dear Mr. Adams

This office has reviewed the subject petition and is forwarding the following comments with respect thereto.

It is the opinion of the Traffic Division of the Maryland State Roads Consistent that the installation of the traffic signals in such a short space with no postality of co-opinions and the state of th

The proposed channelization for said drive-in most definitely is not acceptable to this office.

We would also like to call to your stontion the fact that the maintenance forces of the 20 medas Committee have operationed to the call of the section of Restretume Road. Certainly, if the proposed drive-in is to operate on a year-round basis, the added traffic will only increase this problem.

Thank you for your co-operation.

October 16, 1957

\$30.00

EXCEIVED of James C. L. Anderson, Attorney for protestants, the sum of Thirty (\$30.00) Dollars, being cost of appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner granting a special exception for Amphitheatre and Drive-In Theatre, Tobin's Lane, approx. 186 feet southwest of Reisterstown Road, 3rd District.

Zoning Commissioner

01,622

001 1 6 1957 COMPTROLLER'S DIFFICE

660. N. LEWIS. JR

.... ----

STATE ROADS COMMISSION September 11, 1957

TRAFFIC DIVISION

Hr. Wilsie H. Adams Zoning Commissioner Baltimore County Office Bldg., Towson I, Haryland

Special Studies - 2353

Reference is made to letter of September 6th to you from Mr. Edward D. Reilly, Assistant Engineer, regarding soning petition No. 1227, special cortesion of or a drive-in theatre proposed to be located on the west side of Reisterutown Road, in the vicinity of Montrose Arenne.

I feel that we should go on record in this case by stating that any development such as the proposed drived-in theatre, shopping center and warehouse project, resulting in the generation of large volumes of traffic in this area, or as a matter of fast, along any arterial highway is a potential heard, even though the main entrance may be signalized.

I further find that the effect of the satisficial generation of traffic on woods feeding the Solsterstoon Hood should be given consideration as a support of the satisficial state of the satisficial state of the satisficial state of the satisficial state occurrent sate values of traffic. I would appreciate if these statements would be made part of the revent for soming petition No. 2017.

Thanking you for your cooperation.

Very truly yours, Geo. N. Lewis, Jr., Director

ce: Hr. Edward D. Reilly, Asst. Engr. P.O. Bldg., Reisterstown, Md. Hr. E. C. Chaney

August 22, 1957

\$11.00

RECEIVED of Truck Terminal, Inc. the sum of Eleven (\$11.00) dollars to cover cost of signs and advertising of the property situate in Tobin's Lune, approximately 486 feet Southwest of Reisterstown Road -3rd District of Baltimore County.

AUG 2 2 1957 COMPTROLLER'S OFFICE Department Of Bublic Works

BUREAU OF LAND DEVELOFMENT Inter Office Correspondence

August 20, 1957 J. FRED OFFITT.

WITISTE H. ADAMS Zoning Petition #1217-X

Special Exception Outdoor Theatre

In reviewing the petition which has been submitted by the Valley Amuseunt Company, Incorporated, we find that the land has been soned in three different classifications: SL, HR and NL. The tract commiss of 39 acres.

It appears that the NI zone should have its own access through the property to a definite outlet on the Reisterstown Road. This is not shown on the plat submitted as of this date.

It also appears that the Outdoor Theatre, for which we now have a request for a Special Exception, should also have the same outlet to the Reisterstown Road.

The Shopping Center, located adjacent to Reisterstown Road, should also be controlled by the same access on Reisterstown

In other words, for the development of this property we property, we entered established to report type the entered established to the service station on the property, which we have been considered to the Besterstonn Bend, and exclude any entrances in the erre of Greenspring Arennes also exclude any entering or discussions of Foldsta Euro, which was rectally any order to the entered to the ent

cc: Mr. Stirling

July 29, 1957

Zoning Commissioner of Reltimore County

COMPTROLLER'S OFFICE

RECEIVED of Truck Terminal, Inc., for petitioner

Valley Amusement Co., Inc., the sum of Thirty-five Dollars

(\$35.00), being cost of petition, advertising and posting of

property situate in Tobins's Lang, approximately h86 South-

Thank you.

HEARING: Wednesday, August 21, 1957 at 10;30 A. M.

Room 108 County Office Building 111 W. Chesapeake Avenue Towson, Maryland

01.622-\$ 25.00

west of Reisterstown Road, Third District of Baltimore County,

W. C. HOPEING,

P. A. MORISON,

C. A. BOLDERSON.

Zoning Commissioner
Baltimore County Office Building
Townon h. Maryland

Mr. Wilste H. Adams

I refer to my letter of August 19, 1957, in which several objections to the subject petition were expressed. I have reviewed the revised plan for the development, as prepared by Thompson and Grace, which seems to eliminate the majority of the State Roads Commission's objections.

STATE ROADS COMMISSION

September 6, 1957

Under the revised plan the entire thirty-nine (39) acres to be developed is allowed access to the Resisterstown Boad, Route 180, at only one (1) point, said access being directly opporite the existing intersection of Resisterstown Boad and Montrose Avenue. It is proposed by the developer to control this intersection by means of a tarffic signal.

The developer has assured this office that the drive-in theatre portion of the development will not be operated during inclement weather. If possible, and in the event that the special exception is granted, could this restriction be made a part of the Zoning Commissioner's order.

I have forwarded a copy of this layout to the Traffic Division of the State Roads Commission and expect an early reply; however, I do not anticipate any objection from said division.

cc: Mr. George N. Lewis, Jr. Mr. O. M. Stirling

A. Adgate Duer, Esquire Attorney at Law 800 Neyerhoff Building

Dear Mr. Duer

We have your Order to Dismiss the appeal in the case of Garrison Porest School, Inc. v. Truck Terminal, Inc. and Valley Assusement Co., Inc., No. 120 - September Term, 1960.

The Transcript and Mandate will be returned to the Circuit Court for Baltimore County. A copy of the Mandate is enclosed herewith for your files.

Very truly yours,

Clerk

W. Lee Harrison, Esq. James C. L. Anderson, Esq.

September 8, 1960

MANDATE

Court of Appeals of Maryland

No. 120 , September Term, 19 60

derpison Pérest School, Inc.

Appeal from the Gircuit Court for Baltimore Courty.

Filed: July 6, 1960.

Suptember 8, 1960: Order to dismiss appeal filed and case dismissod.

STATEMENT OF COSTS:

The second second second Filing Record on Appeal \$\ \\ \partial \text{20.00} \\ \text{Printing Brief for Appellant} \\ \text{Reply Brief} \\ \text{Portion of Record Extract - Appellant} \\ \text{Appearance Fet - Appellant} \\ \end{appearance Fet - Appellant} \\ \end{appe

STATE OF MARYLAND, Set:

I do hereby certify that the foregoing is truly taken from the record and proceedings of the said Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Appeals, this edighth A. D. 1960. Lld 7 mg

Clerk of the Court of Appeals of Maryland.

wn on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE

OFFICE OF PLANNING

September 16, 1957 From Mr. Malcolm H. Dill

Subject Zoning Petition #4217-X - Supplementary

This report is substited as a supplement to the portions one, dated Ampat 50, 1577, 32 substituted as a stressfully plan has been schutzied, when the properties of the properties of the layout a previously substitute. The entrance-exit scheme appears workable as reports a drive-in theatre, future industrial uses beyond the work lime for the latter, and conserval uses substitute (as the stress should be substituted by the substitute of the latter, and conserval uses adjusting indirections should be substituted by the substitute of the latter, and conserval uses adjusting indirections should be substituted by the substitute of the latter, and conserval uses adjusting indirections should be substituted by the substitute of the latter and conserval uses adjusting indirections should be substituted by the substitute of the latter and conserval uses adjusted by the substitute of the latter and conservations are substituted by the latter and th

Notorthatending the apparently effective solution of this specific traffic problem the fast remains that a drive-in theatre would attract to this spot, which is close to a locality typical by some of the first residences in the County and I have a depreciating effect on the high character of the goneral neighborous development. In this respect the subject location is different from the environs of other existing driven in the Baltimers area, For this reason the generally uniformly reaction to the subject pointing an object of previous written consents by this Office is reaffringed beneath.

- Interlant Dieg Malcolm H. Dill,

imeb ee - Mr. H. Richard Smalkin

From Mr. Halcoln H. Dill

OFFICE OF PLANNING

August 20, 1957

To Mr. Wilnie H. Adams

Subject Zoning Petition #1217-X - Special Exception for Drive-In Theatre, northwest corner of Reisterstown Road and Tobins Lane, approximately 39 acres, 3rd

The propeal to develop this property as a drive-in theatre has been rarefully studied in this office, and it is the considered opinion of the Office of Planning that this propeaty is not a good location for each auc. Intensive studies of Land until the property is not a good location for each auc. The control of the Octavity Commissions adopted a new scaling in the Jan Few pears, resulting in the adopted Feater Plans for land use and scaling in the Jan Few pears, resulting in the adopted Feater Plans for land use and scaling in the Jan Few pears and provide a new scaling map for this seve in January of the present plans. The Flanning adopted a new scaling map for this seve in January of the present two threads and particularly active the Commission of the Plans uses should be served by more than one road. The subject property is served only by indisterection lineal, While Yallay limid interested links in the vicinity of midsterection lineal, while Yallay limid interested links in the vicinity of the property sizes it is narrow and winding. There are no plans to improve Yallay call at the present time, and it is planned that much of the traffic using it at present bload to the vestigation of the property sizes it is planned that much of the traffic using it at present bload to the vestigation of the property o

* for access to an interchange with the future Northwest Expressway, near Gaynn Falls.



PAGE -2-

August 20, 1957

Subject Zoning Patition #1217-X - continued

Any plan for fiture development of the varied was possibled in these three somes presents problems of considerable difficulty, particularly coordination of accessive problems of considerable difficulty, particularly coordination of accessive problems of the patition for a Special Exception to pravit a drived of considerable was considered by the Zoning Adrisory Committee at its regular neeting on August 9; was considered by the Zoning Adrisory Committee at its regular neeting on August 9; and the particularly unstatisticatery for this patition was considered by the consistence of the area described particularly and did not show clearly the boundaries of the area described and accession of agrees from Radistantonia was unstandampate. There was a question about particular for the proposed appling area was inadequate. There was a question about particular for the proposed appling area was inadequate. There was a question about particular for the proposed appling area was inadequate. There was a question about the series was a consistent of the construction, would be out of the question. The Committee suggested that the Chairman contract was consistent to the construction of the construction of the proposed particular and partic

Although a considerable amount of time has been spent in this office in an attempt to derice a plan which would be satisfactory for the development of this property of the satisfactory of the property of the property of the satisfactory or of this limit foundation that property of the satisfactory or of this limit of the satisfactory or of th

In 1952 a petition for a Special Permit for a drive-in theatre at this location was denied by the Zeming Commissioner. An appeal was carried to the Beard of Zeming Appeals. At that time this office gare the opinion that it did not consider this property a logical location for a drive-in theatre.

marken Dice Malcoln H. Dill.

DANIEL S. GREENBAUM ELIZABETH P. SWOPZ, and GARRISCH FOREST SCHOOL, INC., IN THE a body corporate, et al CIRCUIT COURT CHARLES G. IRISH, NATHAN N. KAUPMAN, JR. SPIRO T. AGNEW, constituting the County Board constituting the County Board BALTDICKE COUNTY

> ANSMER TO WRIT OF CERTIORARI AND ORIGINAL AND GERTIFIED COPTES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE COUNTY BOARD OF APPEALS OF BALTDIORE COUNTY

Please file, &c.

Secretary to County Board of Appeals of Baltimore County

over orcured when m vas adopted because at that time no large treate good for garden agels admitted by Grates proven by surge of that have chanced drawfield the 3 d District may a feel fartend of a dead the trait before a directly knied begging eggtes, County Commissione failed to phoppy study Kearea In 64-87-R. Gardes amended his comments to state that from a Planning standpers gentiment use of all least a forta of the subject property rould make sence

L 11-18-14.	
Clesuit Court for Buildingro Count	
LAW CRIMINAL	•
To the Sheriff of Baltimere County—City:	
SUMMONS	•
63-100 Rx + RA	•
65-136 R to BA	
(3-158 R to MLV	
66-255xV	•
17-93 XV	
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