

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

GIANT FOOD INC., legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition the Zoning Commissioner of Baltimore County for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a filling station, at the southeast corner of Joppa Road and Pershing Avenue, in the Ninth District of Baltimore County, for a gasoline filling station.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

GIANT FOOD INC.
Contract purchaser By: *William A. Adelson*, Vice President, Legal Counsel
Address: c/o M. William Adelson
1035 Maryland National Bank Bldg.
Baltimore, Maryland 21202
Protestant's Attorney
Address: 1035 Maryland National Bank Bldg.
Baltimore, Maryland 21202
M. William Adelson, Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of September, 1965, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of October, 1965, at 1:00 o'clock p.m.

Zoning Commissioner of Baltimore County.

(over)

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
10200 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301-823-0900

Lester Matz, P.E.
John C. Childs, L.D.
Associate
George W. Buehler, L.D.
Robert W. Gisham, P.E.
Leonard M. Gisham, P.E.
Norman F. Harrison, L.D.
Paul Lee, P.E.
Paul D. Simonet

DESCRIPTION

0.5957 ACRE PARCEL - SOUTHWEST CORNER JOPPA

ROAD AND PERSHING AVENUE - NINTH ELECTION

DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point formed by the intersection of the south side of Joppa Road, 40 feet wide, and the east side of Pershing Avenue, 30 feet wide, as shown on a plat entitled "Joppa Heights Little Farms" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 6, page 166, said point of beginning being located also in the last or S 65° 39' E 115.30 foot line of that parcel of land described in a deed from Leon P. Levin and wife to Giant Food, Inc., dated August 4, 1964 and recorded among said Land Records in Liber R.R.G. 4339, page 581, running thence, binding on said south side of Joppa Road and binding on a part of said last line and binding on a part of the fifth or S 70° 54' E 235 foot line of that parcel of land described in a deed from Longview, Incorporated to Giant Food, Inc., dated July 8, 1964 and recorded among said Land Records in Liber R.R.G. 4326, page 446, in all, S 76° 46' 05" E 242.71 feet, thence leaving said Joppa Road and running for lines of division, the two following courses and distances, (1) S 13° 13' 55" W 80.07 feet and (2) S 73° 22' 55" W 170.65 feet to a point on said east side of

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
for a Filling Station : COUNTY BOARD OF APPEALS
SE corner Joppa Road and :
Pershing Avenue, : OF
9th District :
Giant Food, Inc., : BALTIMORE COUNTY
Petitioner :
No. 66-97-X

OPINION

This case is an appeal from the Order of the Deputy Zoning Commissioner, dated November 18, 1965, granting the petitioner a special exception to use the property, located on the southeast corner of Joppa Road and Pershing Avenue, in the Ninth District of Baltimore County, for a gasoline filling station.

The Board has been advised by a letter from the petitioner's counsel dated January 30, 1967, (a copy of which is attached hereto and made a part hereof) that his client wishes to withdraw his petition for a special exception, and agrees to the passage of an order by the Board reversing the action of the Deputy Zoning Commissioner. This withdrawal and action of the Board has been agreed to by the attorney for the appellants in this matter as indicated in the letter attached hereto.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of February, 1967 by the County Board of Appeals, ORDERED the special exception petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slowik

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
SE/Cor of Joppa Road and : DEPUTY ZONING COMMISSIONER
Pershing Avenue - 9th District :
Giant Food, Inc. : OF
BALTIMORE COUNTY
No. 66-97-X

The Petitioner seeks a Special Exception in order to construct a Gasoline Filling Station on his property, which is on the S/S of Joppa Road between Pershing Avenue as proposed and Pershing Parkway.

The general neighborhood is commercial. The proposed station is situated on a tract which is now developed as a large supermarket. In the immediate vicinity is the Korvette Department Store. Directly across Joppa Road is another large commercial tract which will soon be developed as a shopping center. Just to the W of the Petitioner's property on the S/S of Joppa Road is a church and a large furniture store.

The only opposition to the proposed service station was from the Joppa Gospel Tabernacle, which was constructed in the latter part of 1963. The church based their protest primarily on two grounds: traffic congestion on Joppa Road and a sincere feeling that work on the Sabbath is contrary to their religious belief.

With respect to the traffic situation, there was testimony from a competent engineer that Joppa Road in this vicinity will be widened to two twelve foot lanes channelized and that these improvements will relieve the congestion currently existing. This witness stated that there will be a 300' site distance by one approaching the station along Joppa Road. It was his opinion that the filling station will pose no traffic hazard in view of the proposed improvements.

With respect to the protest based on religious grounds, the Deputy Zoning Commissioner must reluctantly discard this as a ground of protest. While it is true the Bible stresses that the Sabbath shall be kept holy, a view with which the Deputy Zoning Commissioner concurs, it is difficult, in view of modern world conditions, to adhere to this Biblical doctrine regarding the Sabbath. It should also be kept in mind that the church congregation must have been aware of the heavy commercial aspects of the neighborhood in 1963 when work commenced on construction of the church.

All other requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the safety, health and general welfare of the locality involved not being detrimentally affected, the Special Exception should be granted, subject, however, to the following restrictions:

- (1) Access to the proposed station shall be by Joppa Road only.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. JOHN A. ROSE
Zoning Commissioner
FROM: GEORGE E. GAVELIN, Director
OFFICE OF PLANNING AND ZONING

SUBJECT: PETITION 66-97-X, Application for Special Exception for Filling Station, Southeast corner of Joppa Road and Pershing Parkway. Being the property of Giant Food, Inc.

9th District

HEARING: Monday, October 18, 1965 (1:00 P.M.)

The Planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

1. The subject property was rezoned to B.L. under an order pursuant to Petition No. 5524. Although we opposed the rezoning, at the request of the Zoning Commissioner we approved in concept and transmitted a traffic-channelization plan for the property. This plan was made a part of the order, and the text of the order stipulated that the property "can only be used if properly controlled traffic-wise. As shown on the plat, it will be necessary to use this property in conjunction with property on either side." (The tract was then in separate parcels.)
2. A plan for part of the tract was approved by this office on December 8, 1964. Approval of the plan was based upon, among other things, the following:
 - a. The provision of a number of parking spaces adequate to serve the Giant Food and drug store and adjoining future stores with 12,000 square feet of floor area. 210 parking spaces were required, and 251 were provided for on the plan.
 - b. Integrated development of the site in order to provide for proper traffic circulation within the site boundaries and in order to minimize the number of access points to public right of way, in accordance with the channelization plan made a part of the order pursuant to Petition No. 5524.

The subject proposal, as submitted, negates these considerations. The total number of parking spaces on the overall tract would be reduced to about 199. An additional, high-intensity use would be established with access to Pershing Avenue, with no widening strip provided. And integration of the overall development would be minimal, resulting in too many entrances and improper interior circulation.

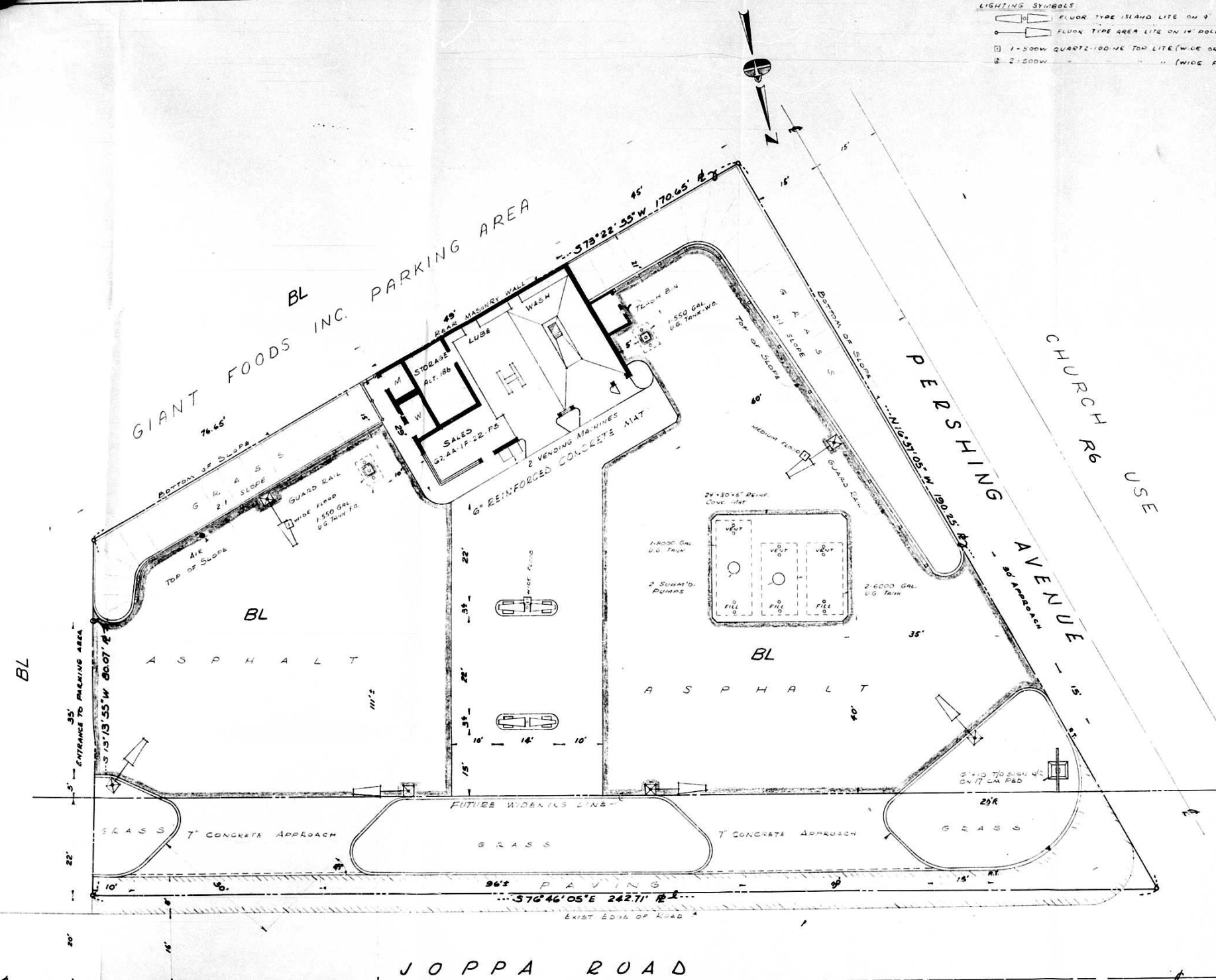
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: _____ Date: October 7, 1965
FROM: _____
SUBJECT: PETITION 66-97-X

3. In view of the above matters, we request that, should a special exception be granted for a service station on the subject property, the grant be conditioned upon approval of a proper overall site plan by this office and upon traffic channelization as required under the prior order. It should be noted that the new plan must limit the filling station's direct Joppa Road access to one point.

- LIGHTING SYMBOLS
- FLOOD TYPE ISLAND LITE ON 4' POLE (TWIN).
 - FLOOD TYPE AREA LITE ON 14' POLE (DAVIT).
 - 1-500W QUARTZ-HALIDE TOP LITE (WIDE OR MEDIUM FLOOD).
 - 2-500W QUARTZ-HALIDE TOP LITE (WIDE FLOOD).



AREA = 25,950 SQ. FT. OR 0.5957 ACRE

DATE	NO.	REVISIONS	BY

AMERICAN OIL COMPANY

PROPOSED CO
JOPPA ROAD & PERSHING AVE.
BALTIMORE COUNTY, MD.
9th ELECTION DIST.

SCALE: 1" = 10'	BALTIMORE REGION
DRAWN BY: W.H.G.	BALTIMORE DISTRICT
CHECKED BY: H.W.L.	NET UNBUILT FRONTAGE: 144.50'
APPROVED:	EST. GALLONS:
DATE: 6-22-63	NO. 2470

DO NOT SCALE. USE DIMENSIONS ONLY