PETITION FOR ZONING RE-CLASSIFICATION \$66 97X AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

XXXXXXX GIANT LOOD 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, O+D hereby petitions Charles and a superior of the X DECENSION OF THE PROPERTY AND ADDRESS OF THE PROPERTY OF THE

"X 10/1/65 10

INC.

See attached description

KENNEY for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimo County, to use the herein described property, for ... a filling station , at the act of the CATION SICA

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 zoring regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

GIANT FOOD INC. By: Jacuf, Contract purchaser Vipe President, Legal Owner Aduress c/o M. William Adelson 1035 Maryland National Bank Bldg.

Baltimore, Maryland 21202

Address 1035 Maryland National Bank Bldg. Baltimore, Maryland 21202 ORDERED By The Zoning Commissioner of Baltimore County, thi.8thday

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 166. County Office Building in Towson. Baltimor

C staty, on the 18th cas ... day of October ..., 196, 5, at ... 1100b'clock

MCA DOD

11-1-1 V 400

Associates George W. Bushby, L. S. Robert W. Czaban, P. E. Leonard M. Glass, P. E. #66-97X

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 69: 39' E 115, 30 foot line of that parcel of land described in a deed from Leen P. Levin and wife to G'aut 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 PETITION FOR SPECIAL E for a Filling Station SE corner Joppa Road and Pershing Avenue, 9th District Giant Food, Inc., Petitioner

COUNTY BOARD OF APPEALS OF

> BALTIMORE COUNTY 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 counse! 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 gareed to by the attorney for the appellant. in this matter as indicated in the letter attached hereto.

For the reasons set forth in the aforegoing Opinion, it is this _______day of February, 1967 by the County Board of Appeals, ORDERED the 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 B of Maryland Rules of Procedure, 1961 edition

Pershing Avenue, thence binding thereon N 16*37'05" W 190.25 feet to the

Containing 0, 5957 of an acre of land,

place of beginning.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Beldwin, Chairman

John A. Slowik

MCA $\square \bigcirc \triangleright$

H66 97 X

KE: PETITION FOR SPECIAL EXCEPTION : SE/ Cor of Joppa Road and Pershing Avenue - 9th District : Giant Food, Inc.

DEPUTY ZONING COMMISSIONER

.............

The Petitioner seeks a Special Exception in order to construct a Gasoline Filling Station on his purperty, which is on the 3/S of Joppe Road between Pershing Avenue as proposed and Perring

The general neighborhood is commercial. The proposed station is situated on a tract which is now developed as a large supermarket. In the inmediate vicinity is the Korvetto Department Store. Directly across Joppe Road is another large commercial tract which will soom be developed as a superplang center, that to the Williamort's property on the 3/5 of Jappa Road is a church and a large furniture store.

Whis from the Jopa Gospol Tabermools, which was constructed in the latter part of 1963. The church based their protest primarily on two grounds; traffic competitud on Jopa 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 dopps asod in this vicinity will be widened to to twelve foot lames channolized and that these improvements will relieve the congestion currently existing. This witness stated that there will be a 500 site distance by one that the full station will be a foot site distance by one that the filling station will pose no traffic hazard in view of the proposed improvements.

With respect to the protest based or religious grounds, the Deputy Zoning Cormissioner must reluctantly discard this as a grounds of protest. While it is true the Bible stresses that the Sabbath shall be kept holy, a rise with which the Deputy Zoning Cormissioner concurs, it is difficult, in view of notem world conditions, to adhere to this Bibleal 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 neighborheed in 1963 when werk commenced on construction of the church.

All outer requirements of Section 502.1 of the Baltimore g Regulations having been mot 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:

Access to the proposed station shall be by Joppa Road only.

(2) Shrubbery at least 6' in height shall be planted on the W/S of the station so as shield it in part from the church.

(3) No major mechanical repair work shall be permitted on the premises. ...ing of commercial vehicles on the premises

All lights shall be arranged to as not to reflect on the church property.

(6) Hours of operation shall be restricted from 7:00 a.m. to ll:00 p.m.

The church also expressed concorn over the architectural design of the proposed station as being in conflict with the architectural design of the proposed station as the proposed course. Although the Deputy Zoning Coordisoner lacks the authority under the law to distaise the architectural design of a building, it is hoped that the Petitioner in this nature will make every effort to construct it's station in conformity with the building design of the neighboring structura.

August Harde S

EDAND D. MANESTY
Deputy Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND

MR. JOHN G. ROSE
TO Zoning Convintioner
GEORGE E. GAVRELIS, Director
FROM Office of Flanning and Zoning

Date_October 7, 1965

SUBJECT FATTION A65-97-A. Astition for Special Exception for Filling Station. Southwest corner of Joppa Road and Ferring Parkway. Being the property

9th District

HEARTING: 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:

- The subject property was rezerned to 8.1. under an order pursuant to Petition No. 5524. Although we apposed the reclassification of the request of the Zening Commissioner we approved in concept and transmitted a indirect-homelization plan for the property. This plan was made a part of the order, and the two of the order stipulated that the property "can only be affer property controlled traffic-wise. As shown on the plat, it will be necessary to use this property in confuscion with property on either side." (The tract was then in separate parcels.)
- 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 licon creas. 210 parking spaces were re-quired, 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 ministrate the number of occase points to public rights of way, in accordance with the channel ization plan made a part of the order pursuant to Patition No. 52240 n plan made a part of the order pursuant to Patition No. 52240 n

The subject proposal, as abmitted, negates these considerations. The total number of parking spaces on the overall fract would be reduced to about 199. An additional, high-interior, we would be established with access to Pershing Avenue, with no widning 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

Date October 7, 1965

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 preparable per the conditioned upon approved of a proper overall size plan by this office and upon traffic channelization or required under the prior creder. It should be noted that the new plan must limit the filling station's direct Joppa Road access to one point.



BALTIMORE CARRY OFFICE OF PLANSING COUNTY OFFICE SCILLING TOWNON, AURELAND 21204

SUBJECT Special Exception for 3 filling station for Stant Ford Inc.
Located on the Se/Cor of Joseph

#66-97X

NAME OF PARTIES IN A STATE OF THE PARTIES OF THE PA

From the car wash area should be shown on the petitioners plan.

OFFICE OF PLANTING AND CHINE - RESIDEN ADMINISTRATION DIVIDIONS If the publicase plans an extella storage or display of tires, this should be instinted on his plans

The above concents are not intended to indicate the appropriateness of the scaling action requested, but to assure that all parties are sade source of plans or problems that say have a bearing on this case. The libraries sade or appropriate of the Office of Flamming and Soning will sobult revenue to the opportunities of the requested soning 10 days before the leading thoughtainers's hearing.

The following members had no comment to offers

Dureau of Traffic ingineering Dureau of Francic Ingineering State Fonds Commission Fire Bureau-Plans Review Industrial Development Commission Board of Reseation Buildings Department

Yery truly yours,

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CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. Sautampar 30, 19 65

Suth day of Saltace ar THE TIMES

,19 65, the first publication

THIS IS TO CERTIFY. That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and pub-

lished in Baltimore County, Md. once in each of one

sucessive weekr before the

Cost of Advertisement, \$ 25.50

Fura was _ der 54:04 lequisition to, 15921

SPECIAL. 90: DISTRICT

LOCATION: Southeast corner of Joppa Road and Pershin NOTE & TIME: MONDAY, ECTOBER 15, 1965 at 1:06

OCTOMER 1s, 196 at 150
PM. C. 18ABING Rose
PUBLIC 18ABING ROSE
PUB

and recorded among the Land Records of likitizere Courily in Plat Book W.P.C. 5, page 166, and point of beginning being located also in the land or South 68 degrees 39 min-ster 115,30 foot line of that pured of land described in a deed from any Food, Inc., dated August 1, 1984 and re-corded among and Land Rec-ords in Liber R.R.G. 6339, page 581, running thence, bedings on and stand the bedings on and stand the bedings on and the conder-0.5957 of

M. WILLIAM ADELSON

ASSOCIATE EUGENE P. SMITH

January 11, 1967

Messis. William S. Baldwin Chairman, County Board of Appeals, John G. Rose, Zoning Commissioner County Office Building 111 W. Chespachus Towson, Maryland 21204

Re: Zoning File No. 66-97-X Giant Food, Inc.

longer desires to construct, maintain and operate a filling station on the southeast corner of Joppa Road and Pershing Avenue, Ninth Election District of Baltiance County, Maryland, On Nevember 18, 1965, the Deputy Zoning Commissioner of filling station. Subsequently, on exception for the gasoline filling station. Subsequently, on exception for the gasoline filling station. Subsequently, on extra young commissioner of the subsequently, on the gasoline filling station of the gasoline filling station. Subsequently, on the gasoline filling station of the gasoline filling

If anything further is required, please advise.

Respectfully yours,

In holling Folder

EPS:mel

TON. 9711 DESTRICT
ZONING: Petition for Special Enception for Filling Station.
LOCATION: Southeast corner of
Joppa Road and Pershing Avenue,
DATE & TIME Nondray, October 18,
1945 at 1:60 P.M.
PURLIC HEARING: Roam 108, County Office Building, 111 W. Chewpoake Avenue, Towan, Maryland.

PETITION FOR SPECIAL EXCEP-

increase. The results the region for the results of the results of a similar charge. So the results of a similar charge. So the results of a similar charge. So the results of a similar charge of a similar c

land. Being the property of Giant Pood, for, as shown on plat plan flied sith the Zaning Department. Hearing Date: Monday, October 1s, 1843 at 1100 P.M.
Public Hearing: Room 108, County-Office Building, 111 W. Chesapeake Avenue, Twonen, Md.

CROFILL

CERTIFICATE OF PUBLICATION

TOWSON, MD. Suptonior 30 , 19 65 . THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly new-paper printed and published in Towson, Baltimore County, Md., once in each of 1 tile specessive weeks, before this 1515..... appearing on the 1955 day of 50pt-355

THE JEFFERSONIAN,

M. WILLIAM ADELSON

TLUMBAL.

January 30, 1967

County Board of Appeals County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Zoning File No. 56-97-X Giant Food, Inc.

Gentlemen:

This will serve to advise that Giant Food, Inc. no longer deafres to procure special exception for a filling station on the southeast corner of Joppa Road and Pershing Avenue, Minth Election District of Baltimore County, Maryland, and Lersony withdraw its Petition for Special Exception and voluntarily surrenders all authorization which it procured to use the property for a filling station, by wittue of the November 18, 1985 order of the Deputy Zoning Commissioner of Baltimore County. So that the case may be removed from your docket, the parties to the appeal have agreed that you enter an order rocting: that the petition of four filling station be depended from the Deputy County of the Deputy County Special exception to use the November 18, 1985 order of the Deputy County County Special exception to use the November 18, 1995 order of the Deputy County County County Special exception to use the November 18, 1995 order of the Deputy County County County Special Exception of Saltimore County granting same personners.

Yours very tiuly, In Willia Kalan

EPS:mel

The protestants hereby agree to the passage of the order in accordance with the foregoing letter.

Samuel S. Sapero
Attorney for the protestants

DALTHORE COUNTY, MALL AND OFFICE OF FINANCE

Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

To: Glant Food Stores

BILLED Zoning Sept. of Balto. Co

No.33487 DATE 11/1/65

CH UPPER SECTION AND RETURN WITH YOUR REMITTANCE 58.00 #66-97-X 11-165 4 s o z . 33887 (IP-5800

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIV. SION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

M. William Adelson, Esq. 1035 Maryland National Bank Building Baltimore, Md. 21202

..

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Charapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing inis

day of September

Petitioner's Attorney He willie

Mr. John G. Rose Zoning Commissioner of Baltimore County Towson, Maryland 21204

Re: South East corner of Joppa Road and Fershing Avenue 9th District Glant Food, Inc. 66-97-X Joppa Cospel Tabernacle

Please enter an appeal in the above estitled matter. You will find check enclosed, Thanking you,

Yours very truly,

Samuel 3. Japeno Attorney for Protest

BALTIMORE COUNTY, MARY AND OFFICE OF FINANCE

No.33586 DATE 12/14/65

Division et Collection and Receipt COURT FOUSE TOWSON, MARYLAND 21204

Jopps Gospel Tabernacie, 1 1917 E. Jopps Road, Jaitimore, Maryland 21234

Office of Planning & Zoning 119 County Office 91dg., Touson, Maryland 21204

\$70.00 5.00 \$75.00 161960 5 8 7 7 . T3596 TIP-1500

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

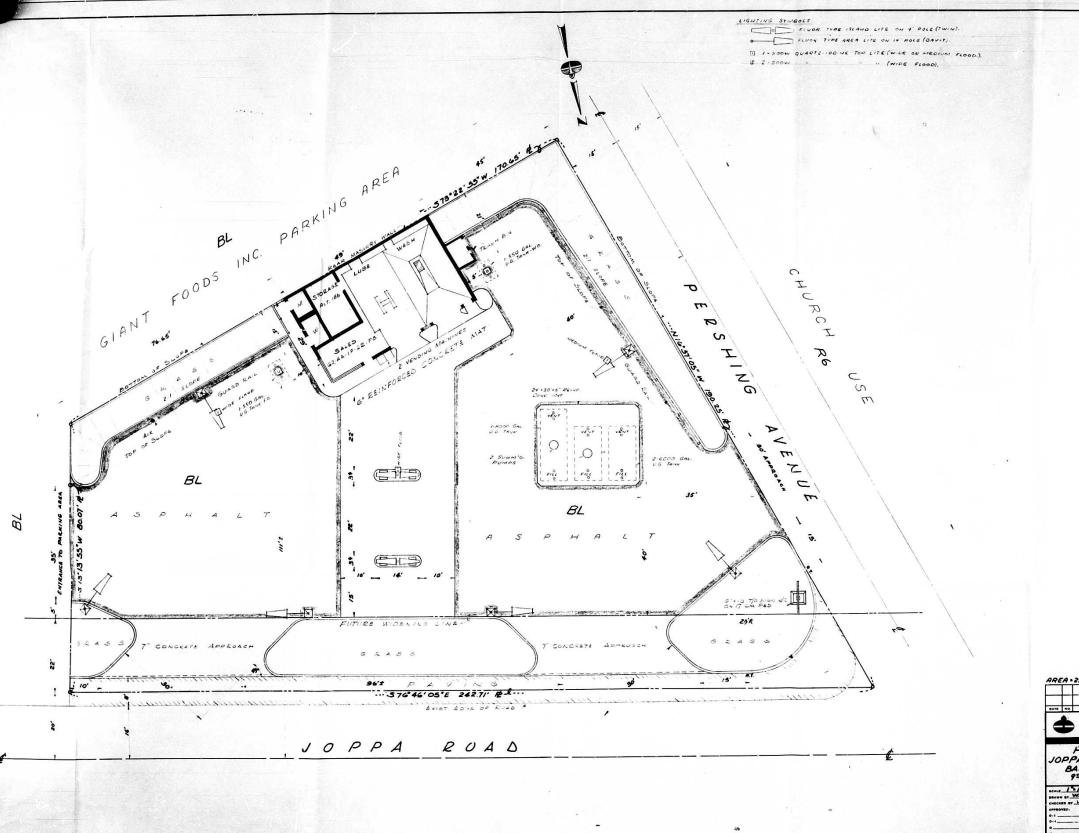
BASTIMORE COUNTY, MORY AND OFFICE OF FINANCE Division of Collection and Receipts CGURT HOUSE TOWSON, MARYLAND 21204

DATE 9/22/65

No.33422

9-2360 2149 * 33422 BP-ODD IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MALE OD DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.



AREA - 25,950 SQ. FT. ... 0.5957 ACRE

AMERI

AMERICAN OIL COMPANY

PROPOSED CO JOPPA EDAD & PERSHING AVE. BALTIMORE COUNTY, MD. 9° ELECTION DIST.

SALTIMORE REGION

SOURCES OF LEVY L.

SALTIMORE DISTRICT

SOURCES OF LEVY L.

SALTIMORE PROGRAM

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