

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION - *variance*

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Discount Drugs, 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 (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an B-1 zone to an NORTH EASTERN zone for the following reasons:

B-R zone, for the following reasons:
Error in original zoning.

Variance to Section 238.1 of the Zoning Code from 25' to 21' (Front Yard) BR-XA
Variance to Section 238.2 of The Zoning Code from 30' to 0' (Side Yard)

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Used motor vehicle outdoor sales area

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.

Discount Drugs, Inc.

Contract purchaser

Nicholas B. Mangione, Legal Owner

Address

1640 Joppa Road, Baltimore, Md.

W. Lee Harrison, Petitioner's Attorney

Protestant's Attorney

Address 607 Loyola Federal Building
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day

of June, 1967, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of August, 1967, at 10:00 o'clock



W. Lee Harrison
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 21, 1967

FROM: George E. Gavellis, Director

SUBJECT: Petition #68-27-RXA, Reclassification from B-1 to B-R. Special Exception for Used Motor Vehicle Outdoor Sales Area. Variance to permit a front yard of 21 feet instead of the required 25 feet; and to permit a side yard of Zero Feet instead of the required 30 feet. Southeast corner of Joppa Road and Goetz Avenue. Being the property of Discount Drugs, Inc.

9th District

HEARING: Wednesday, August 2, 1967 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from B-1 to B-R zoning, together with Special Exception for Used Motor Vehicle Outdoor Sales Area and variances. Although we have no comment on the proposed reclassification, we recommend that any granting of the special exception include the condition that string lighting be prohibited and that the site plan be approved by this office.

GEG:ami



10200 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301/823-0900

DESCRIPTION

PARCEL ON THE SOUTHEAST SIDE OF JOPPA ROAD AND NORTHEAST SIDE OF GOETZ AVENUE, NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Existing Zoning "B-L"
Proposed Zoning "B-R With Special Exception and Yard Variances"

Beginning for the same at the intersection of the southeast side of Joppa Road, 40 feet wide, and the northeast side of Goetz Avenue, 30 feet wide, thence binding on said southeast side of Joppa Road (1) N 75° 43' E - 105 feet, more or less, to the third line of the land which by deed dated February 23, 1966 and recorded among the Land Records of Baltimore County in Liber O. T. G. 4706, Page 537, was conveyed by Albert R. Law and wife to Leon P. Levin and wife thence binding on part of the third line and part of the fourth line of said deed the two following courses and distances: (2) S 07° 30' E - 137 feet, more or less, and (3) S 82° 27' W - 105 feet, more or less, to the northeast side of said Goetz Avenue thence binding on the northeast side of Goetz Avenue (4) N 07° 50' W - 127 feet, more or less, to the place of beginning.

Containing 0.32 of an acre of land, more or less.

PPK:mpi

J.C. #57082



Water Supply • Sewerage • Drainage • Highways • Structures • Civil • Mechanical • Electrical • Reports

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

W. Lee Harrison, Esq.
607 Loyola Federal Building
Towson, Maryland 21204

SUBJECT: Reclassification from B-1 to B-R front and side yard variance and Special Exception for used motor vehicle outdoor sales area, for the Discount Drugs, Inc., located at Joppa Road, N/2 S Goetz Ave., 9th District (Item 1 June 27, 1967)

Dear Sirs:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BUREAU OF ENGINEERING:

Water - Existing 12" water in Joppa Road.
Sewer - Existing 8" sanitary sewer in Joppa Road.
Adequacy of existing utilities to be determined by developer or his engineer.
Roads - Joppa Rd is to be developed as shown on the submitted plan. Goetz Avenue is to be developed as indicated on submitted site plan.

TRAFFIC ENGINEERING: Since no access is provided to Joppa Road, this office has no adverse comment.

PLANNING ADMINISTRATION DIVISION: If the petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Project Planning Division
Health Department
Bureau of Fire Prevention
State Lands Commission
Building Engineer
Board of Education
Industrial Development

Very truly yours,

James S. Dine
Zoning Technician

cc: Carlyle Brown-Bureau of Eng.
C. Richard Moore-Bureau of Traffic Eng.

RE: PETITION FOR RECLASSIFICATION:
AND SPECIAL EXCEPTION AND
VARIANCES
SE/corner of Joppa Road and Goetz
Avenue - 9th District
Discount Drugs, Inc., Petitioner
NO. 68-27-RXA

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The above Petition involves an application to reclassify from a B-L zone to a B-R zone with a Special Exception for Used Motor Vehicle Outdoor Sales area and variances to permit a front yard of twenty (20) feet instead of the required twenty-five (25) feet and to permit a side yard of 0 feet instead of the required thirty (30) feet at the southeast corner of Joppa Road and Goetz Avenue.

The owner applicant has contracted to sell said lot or parcel of land to Wholesalers, Ltd., a company which is presently a wholesaler of used automobiles. The Contract Purchaser desires to construct an extremely attractive building on said property which will be used in connection with the retail sales of late model used cars.

The concept is an entirely new one in the retail sales of used automobiles and the property will have no string lights, banners, flags or signs of any kind other than a single sign of the type shown on a rendering submitted in evidence. The properties on the other side of Joppa Road, on the other side of Goetz Avenue and the contiguous property to the east are all in classification from B-L to B-R, no side yard being required at all in a B-L widening of Joppa Road. An inspection of the zoning map, and a proposed rendering which was zoned for business purposes, apparently completely overlooking the fact that commercial balance requires those uses permitted in the B-R zone as well as those permitted in the B-L. There was testimony that the map was in error because of the failure to provide any B-R zoning in this commercial district or this major thoroughfare. In this the Zoning Commissioner concurs.

It was also shown that the proposed use, if properly restricted as is allowed under the special exception provisions of the regulations, would not violate any of the requirements of Section 502.1 and, in fact, would be exemplary deviation from the usual and customary used car lots.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of August, 1967, that the Reclassification requested from a B-L zone to a B-R zone and the Special Exception for a used motor vehicle outdoor sales area and a variance to permit a twenty-one (21) foot front yard in lieu of a twenty-five (25) foot front yard and a variance to permit a 0 feet side yard in lieu of a thirty (30) feet side yard are hereby granted subject to the following exceptions:

1. That no use of said property shall be made for a used motor vehicle outdoor sales area unless and until a building is constructed thereon in substantial compliance with the rendering submitted by the applicant and contained in this file.
2. That no more than one sign shall be permitted thereon, such sign to be in substantial compliance as that shown

RICHARD D. TERRY

and

NORMA J. TERRY, his wife, et al
Complainants

v.

NICHOLAS B. MANGIONE, SR.

and

MARY C. MANGIONE, his wife, et al

and

DISCOUNT DRUGS, INC.
Respondents

IN THE
CIRCUIT COURT

FOR

BALTIMORE COUNTY

IN EQUITY

61138/83/538

SUBPOENA DUCES TECUM

Mr. Clerk:

Please issue Subpoena Duces Tecum for John G. Rose, Zoning Commissioner of Baltimore County, County Office Building, Towson, Maryland 21204, to personally appear and to produce Zoning File #68-27-RXA, southeast corner of Joppa Road and Goetz Avenue, application of Discount Drugs, Inc.

And make the same returnable to the Circuit Court for Baltimore County, Court House, Towson, Maryland 21204 on April 18, 1968 at 9:30 A.M.

W. Lee Harrison
607 Loyola Federal Building
22 W. Pennsylvania Avenue
Towson, Maryland 21204
823-1200
Attorney for Complainants



on the rendering submitted by the applicant.

3. That no string lighting shall be permitted on said lot.
4. That the common property line with the property immediately contiguous to the east, from the southeast corner of said lot, shall have erected thereon a four (4) foot high stockade type fence.
5. That the rear or southern most lot line of said property, running more or less perpendicular to Goetz Avenue be screened by a four (4) foot high dense, screen planting.

All of the above is further subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

W. Lee Harrison
Zoning Commissioner

THE COURT HOUSE, BALTIMORE COUNTY REPORT TO: CENTRAL ASSIGNMENT OFFICE, FIRST FLOOR

Summons John G. Rose Term, 15-68

You are hereby summoned to appear before the Circuit Court in Equity Court at Towson, Maryland on the 15th day of April 1968 at 10:00 A.M. to testify for Discount Drugs, Inc. in the above named case and to attend said Court daily until duly discharged.

Issued 4/15/68
By order of the Court,
GILBERT L. DEYLE, Sheriff of Baltimore County

Be punctual in attendance as you will be attached. Bring this summons with you.

TELEPHONE
823-3000
EXT. 387

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 44299

DATE: Aug. 2, 1967

Division of Collection and Receipts

TOWSON, MARYLAND 21204

By W. Lee Harrison
Zoning Dept. of Baltimore Co.

To: Wholesalers, Ltd.
1824 E. York Road
Towson, Md. 21204

DEBIT TO ACCOUNT NO. 01-622

QUANTITY

Advertising and posting of property for Discount Drugs, Inc.

#68-27-RXA

ATTACH - LONG EXPIRATION AND KEEP THIS PORTION FOR YOUR RECORDS

COST

68.25

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

34920

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#68-27-R.P.

District: 9th Date of Posting: July 13, 1967
 Posted for: Reclassification from R-1 to R-2
 Petitioner: Discount Drugs, Inc.
 Location of property: SE corner of Joppa Rd. & 1st St.
 Location of Sign: On the SE corner of Joppa Rd. & 1st St. in front of building of 1841 Joppa Road
 Remark: _____
 Posted by: Neil V. Shank & Robert Caldwell Date of return: July 20, 1967
 Signature _____

VOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 44249

DATE: July 10, 1967

TO: M. Lee Harrison, Esq.
Loyola Building
Towson, Md. 21204
Billing Dept. of Sales, Co.

DEBIT TO ACCOUNT NO.	QUANTITY	DETAILS ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
01-621		Position for Reclassification, Special Exception & Variance for Discount Drugs, Inc.	\$50.00
			\$2.00
			\$0.00
			\$0.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Ridgely, Md.

THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

July 17, 1967

THIS IS TO CERTIFY, that the annexed advertisement of
J. A. Rose, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for one successive weeks before
the 17th day of July, 1967, that is to say
the same was inserted in the issues of

July 13, 1967.

THE BALTIMORE COUNTIAN

Paul J. Morgan
Editor and Manager, R.M.

PETITION FOR
RECLASSIFICATION
SPECIAL EXCEPTION AND
VARIANCE
9TH DISTRICT

ZONING: From R-1 to R-2,
Zone.

Petition for Special Excep-
tion for Used Motor Vehicle
Outdoor Sales Area.

Petition for Variance for
Front and Side Yards.

LOCATION: Southeast corner
of Joppa Road and Greens-
day Avenue.

DATE & TIME: WEDNES-
DAY, AUGUST 2, 1967 at 10:00
A.M.

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

The Zoning Commissioner of
Baltimore County, by author-
ity of the Zoning Act and
Regulations of Baltimore
County, will hold a public
hearing:

Present Zoning: R-1,
Proposed Zoning: R-2,
Petition for Special Excep-
tion for Used Motor Vehicle
Outdoor Sales Area.

Petition for Variance from
the Zoning Regulations of Bal-
timore County to permit a
front yard of 21 feet instead
of the required 25 feet and
to permit a side yard of zero
feet instead of the required
30 feet.

The Zoning Regulation to be
excepted as follows:
Section 238.1 - 25 feet for
Front Yard

Section 238.2 - Side Yard -
36 feet.

All that parcel of land in
the Ninth District of Bal-
timore County,

beginning for the same at
the intersection of the south-
east side of Joppa Road, 10
feet wide, and the northeast
side of Goetz Avenue, 30 feet
wide, thence blinding on said
southeast side of Joppa Road
(1) N 75 degrees 42' E - 185
feet, more or less, to the third
line of the land which is de-
scribed as follows:

Section 238.1 - 25 feet for
Front Yard

Section 238.2 - Side Yard -
36 feet.

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line of the land which is de-
scribed as follows:

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 13, 1967

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of _____ one successive weeks before the _____
day of _____ August, 1967, the first publication
appearing on the _____ 13th day of _____ July
1967.

THE JEFFERSONIAN,

L. Leach Strickland
Manager.

Cost of Advertisement, \$_____

