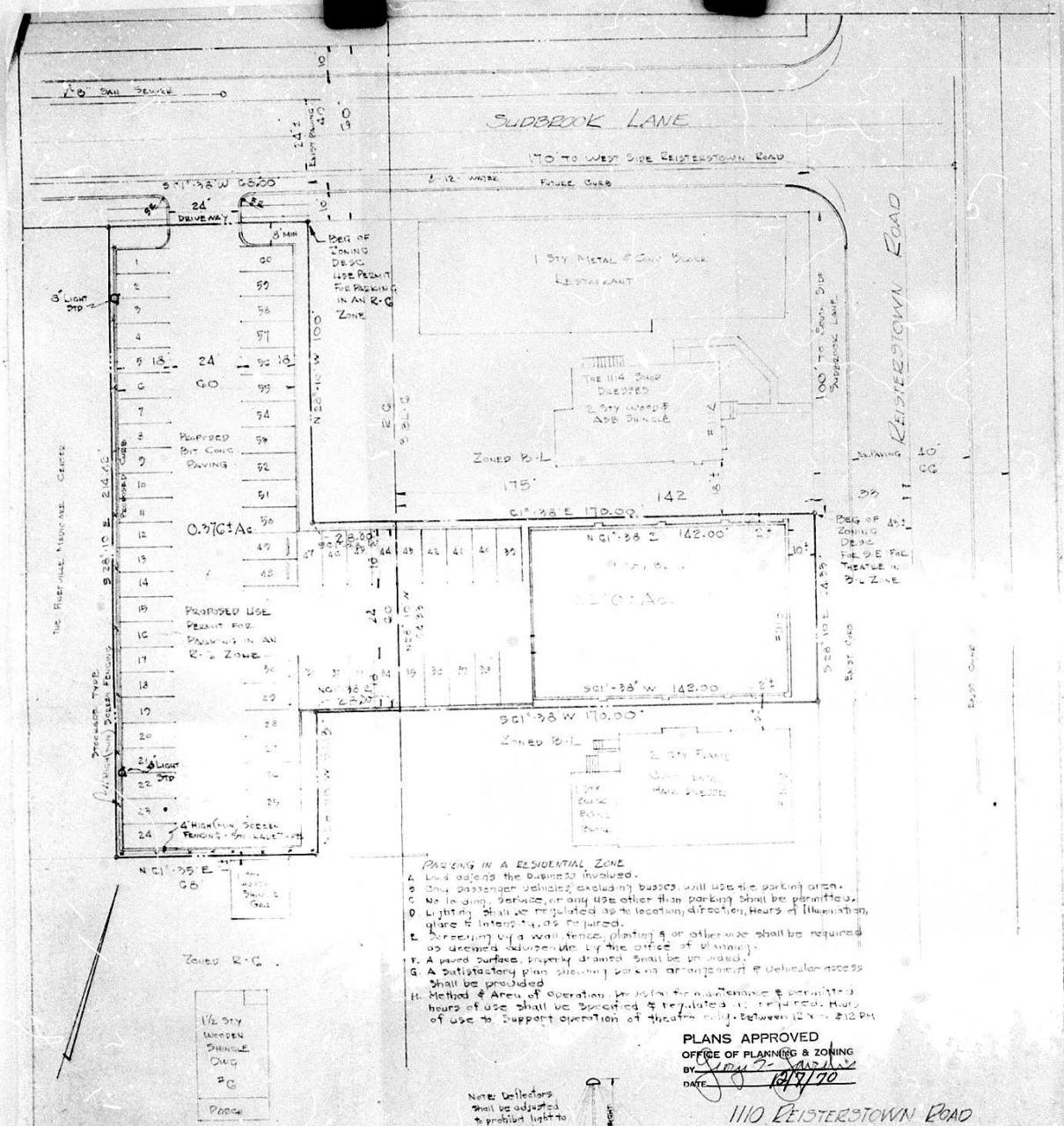

PARKING IN A RESIDENTIAL ZONE

A. Land adjoins the business involved.
B. Only passenger vehicles, excluding buses, will use the parking area.
C. No landing, service, or any use other than parking shall be permitted.
D. Lighting shall be regulated as to location, direction, Hours of Illumination, glare & intensity as required.
E. Screening by a wall, fence, planting & or otherwise shall be required as deemed advisable by the office of planning.
F. A paved surface, properly drained shall be provided.
G. A satisfactory plan showing parking arrangement & vehicular access shall be provided
H. Method & Area of operation as useful for maintenance & permitted hours of use shall be specified & regulated as required. Hours of use to support operation of theatre only between 12 A.M. & 12 PM

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY [signature]
DATE 12/9/70

1110 REISTERSTOWN ROAD

ZONING PLAT

FOR

THE DUNDALK HOLDING CO.

3RD ELECTION DISTRICT
SCALE 1"=20'

BALTIMORE CO. MD
AUGUST 18, 1970
REV NOV 1970
REV NOV 18, 1970

ZONING DATA

1. EXISTING ZONING OF TRACT. BL & R-G
2. PROPOSED ZONING OF TRACT BL WITH SPECIAL EXCEPTION FOR A THEATRE IN A BL ZONE AND R-G WITH USE PERMIT FOR PARKING IN AN R-G ZONE
3. GROSS ACREAGE OF TRACT 0.58C± AC
4. ACREAGE OF BL FOR SPECIAL EXCEPTION 0.21C± AC ; 0.37C± AC PARKING USE PERMIT
5. REQUIRED PARKING 2 MINIATURE THEATRES OF 150 SEATS EACH 2×150 = 300 SEATS ; 1 SPACE/6 SEATS = 50 SPACES
6. PROPOSED PARKING FOR 60 CARS (8.5'×18 MIN)
7. ALL UTILITYS AVAILABLE

71-152-XSPH

DAVID W. DALLAS JR.
CIVIL ENGINEER
5723 OLD HARFORD RD. BALTIMORE, MD.
NO 5-7222

71-152-XSPH #45

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

71-152-X SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Dundalk Holding Co., Inc., Howard A. Wagoaheim, V.P. 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an .... zone to an .... zone; for the following reasons:

MAP #3 SEC. 2-C NW-7-F "X" 6/4/72 MH

See attached description

Petition for Special Hearing for Off-Street Parking in a Residential Zone

DUNDALK HOLDING CO., INC. #71-152-XSPH W/S Reisterstown Rd. 100' S of Sudbrook Lane 3rd

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Theatre

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.

Contract purchaser

Address

Dundalk Holding Co., Inc. (signature)

Dundalk Holding Co., Inc.

Howard A. Wagoaheim, V.P. (signature)

Howard A. Wagoabeim, V.P. Legal Owner

Address 22nd Md. Natl. Bank Bldg. Balto., Md. 21202

Fred E. Waldrop (signature)

Fred E. Waldrop, Petitioner's Attorney

Address 22 W. Pennsylvania Avenue Towson, Maryland 21204 828-5688

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of September, 1970, 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 4th day of November, 1970, at 11:00 o'clock

SEP 22 70 AM OFFICE OF PLANNING & ZONING

Edward D. Hardesty (signature)

Zoning Commissioner of Baltimore County.

11:00 A 11/4/70

(over)

MICROFILMED

71-152 X SPH

RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING W/S of Reisterstown Road, 100' S of Sudbrook Lane - 3rd District Dundalk Holding Company, Incorporated - Petitioner NO. 71-152-XSPH (Item No. 45) : BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

::: ::: ::: ::: ::: :::

The Petitioner seeks a Special Exception for a theatre in a B.L. Zone and requests a permit for parking in a residential zone for property located on the west side of Reisterstown Road, one hundred (100') feet south of Sudbrook Lane, in the Third District of Baltimore County. Testimony revealed that the Petitioner wished to establish two (2) theatres of the "mini theatre type." These theatres would be located in the same building. Each would seat one hundred and fifty (150) people.

It was further testified that traffic along Reisterstown Road though being very heavy, would not be adversely affected by traffic emanating from the theatre, the peak hours for the theatre being Friday and Saturday evenings after 9:00 P. M. The peak hours for traffic on Reisterstown Road occurs between 3:00 P. M. and 7:00 P. M.

Parking for the customers of the theatre would consist of sixty (60) spaces, the majority of which would be located in the R. 6 Zone to the rear of the proposed theatres.

Protestants to this Petition testified to the increased and hazardous traffic along Reisterstown Road.

It is obvious to the Deputy Zoning Commissioner that the greatest impact of traffic emanating from the parking lot would occur somewhere after 10:00 P. M. in the evening when the peak traffic along Reisterstown Road had ended. Further, the property is presently zoned B. L., and if used in some manner as allowed in this zoning, there might be a continuous impact from traffic emanating from this property.

ORDER RECEIVED FOR FILING DATE 12/8/70 BY (signature) ADMINISTRATIVE ASSISTANT

MICROFILMED

For the aforegoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 8th day of December, 1970, that the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations having been met, the Special Exception for a theatre should be and the same is GRANTED, and that the herein Petition for a Special Hearing should be and the same is GRANTED, to permit parking in a residential zone in accordance with the plat dated August 18, 1970, revised November 1970, and November 18, 1970, and approved November 18, 1970, by George E. Gavrelis, Director of the Office of Planning and Zoning for Baltimore County, said plat having been filed as Exhibit "A" in this proceeding, and which is incorporated by reference hereto as a part of this Order, from and after the date of this Order, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

ORDER RECEIVED FOR FILING DATE 12/8/70 BY (signature) ADMINISTRATIVE ASSISTANT

(signature)

Deputy Zoning Commissioner of Baltimore County

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION for Theatre, and SPECIAL HEARING for Off-Street Parking in a Residential Zone W/S of Reisterstown Road 100 feet South of Sudbrook Lane 3rd District Dundalk Holding Co., Inc. Petitioner : BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 71-152-XSPH

: : :

OPINION

This case comes before the Board on an appeal from an Order of the Deputy Zoning Commissioner which granted the Petitioner a special exception for a theatre and a special permit for off-street parking in a residential zone. The subject property is located in the Pikesville business community on the west side of Reisterstown Road approximately 100 feet south of Sudbrook Lane. Same may be better identified as 1110 Reisterstown Road. The property is zoned Business Local and is improved by a one-story masonry building which was most recently used as a dress shop. If successful in this hearing, the Petitioner proposes to convert the existing building into two mini-type theatres, with one hundred fifty seats each, for the exhibition of movies. The Petitioner now operates five other movie houses in the Baltimore area and has been in this business for more than twenty years.

The requested permit for off-street parking is for an R-6 parcel immediately behind the existing improvement described above and shown on Petitioner's Exhibit No. 2. The primary protestants were the operator of the nearby Pikes Theatre and a Pikesville businessman who depends heavily upon the use of the Pikes Theatre parking lot to accommodate his customers.

The key question to be resolved concerns the traffic to be generated by the proposed petition and its impact upon the area. Each side presented a well qualified traffic expert, who offered his judgment as to this potential. The Board was impressed by two conclusions reached by William E. Corgill, the traffic expert for the Petitioner. Considering the peak hour movie traffic, which is well after the closing time for most of

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the Pikesville businesses, the particular use proposed would perhaps have less traffic impact on the area than most of the permitted uses in a Business Local zone. Secondly, from a congestion standpoint, it would be logical, as stated by Mr. Corgill, that a movie goer would perhaps have a more leisurely attitude toward traffic than the ordinary traveler in the hustle and bustle of the business day, and thus would be the least likely to cause undue congestion and confusion. The Board agrees with Mr. Corgill that the worst thing that might happen if all the parking spaces were filled would be that the movie goer would go home or select another movie location. Furthermore, the Petitioner testified that the proposed parking lot would be available to the Pikesville businesses when the Theatre was not using it. Hence, the Board foresees the opportunity to provide a good service to the surrounding business community by adding sorely needed parking spaces, exactly as the primary protestant does for the businesses near his theatre.

Without further detailing the evidence and testimony, it is the judgment of the Board that the Petitioner has satisfied the elements in Section 502.1 of the Baltimore County Zoning Regulations, and the special exception and permit as requested should be granted.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 23rd day of April, 1971, by the County Board of Appeals ORDERED, that the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations having been met, the Special Exception for a theatre should be and the same is GRANTED; and that the herein Petition for a Special Hearing should be and the same is GRANTED to permit parking in a residential zone, in accordance with the plat dated August 18, 1970, revised November 1970, and November 18, 1970, and approved December 7, 1970 by George E. Gavrelis, Director of the Office of Planning and Zoning for Baltimore County, said plat having been filed as

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Exhibit No. 2 in this proceeding, and which is incorporated by reference hereto as a part of this Order, from and after the date of this Order, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Acting Chairman

John A. Miller

William H. Gaffney

MICROFILMED

B. Ardinon

entA

ZONING FILE #71-152-XSPH

IN THE MATTER OF CASE NO. 71-152-XSPH BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY - PETITION FOR SPECIAL EXCEPTION FOR THEATRE AND SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE, W/S OF REISTERSTOWN ROAD, 100 FEET SOUTH OF SUDBROOK LANE, 3RD DISTRICT, DUNDALK HOLDING CO., INC., PETITIONER : IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Misc. 9/117 Case No. 4679

: : : : : : : : : :

ORDER OF COURT

The appeal in this cause having been heard, the papers, reports, exhibits and testimony before the County Board of Appeals of Baltimore County, together with the Opinion and Order of said Board, and the pleadings and memoranda filed in this Court having been read and considered, argument by counsel for the respective parties having been heard, and the Opinion of this Court having been rendered herein on November 5, 1971, it is ORDERED by the Circuit Court for Baltimore County, this 17th day of November, 1971, that the Order of the County Board of Appeals for Baltimore County, passed on April 23, 1971, in the above entitled cause, be and the same is hereby reversed, costs herein and in the County Board of Appeals to be paid by the Appellee, Dundalk Holding Co., Inc.

Judge

MICROFILMED

ROBERT HORN, JULIA HORN, his wife, WHITTIER REALTY CORPORATION, PIKESVILLE PHARMACY, INC., STERLING AMUSEMENT CORPORATION, and J. F. THEATRES, INC. Protestants-Appellants

vs.

WALTER A. REITER, JR., JOHN A. MILLER, and WILLIAM H. GAFFNEY, being and constituting the County Board of Appeals for Baltimore County Appellees

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket 9 File No. 117 Folio No. 4679

* *

PETITION TO INTERVENE AND ORDER OF COURT

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Dundalk Holding Co., Inc., by Fred E. Waldrop and Melvin A. Steinberg, their attorneys, respectfully represents:

1. That the above mentioned Dundalk Holding Co., Inc., was the Petitioner in the above entitled case before the Board of Appeals for Baltimore County.

2. That on the 23rd of April, 1971 the Board of Appeals granted the requested Special Exception.

3. That on or about the 20th of May, 1971, the said ROBERT HORN, et al, filed an Order for Appeal.

4. That your Petitioners have valuable rights and property interests that will be jeopardized unless they be permitted to intervene in this matter.

WHEREFORE, your Petitioner prays an Order

1. Granting them leave to intervene in these proceedings as additional defendants.

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2. Granting them leave to file such appropriate pleadings as may be proper.

Fred E. Weldrop

Fred E. Weldrop

Melvin A. Steinberg

202 Loyola Federal Building
Towson, Maryland 2120+
821-5515
Attorneys for the Petitioners

ORDER OF COURT

Leave granted as prayed this _____ day of _____, 1971.

_____
Judge

I HEREBY CERTIFY, that on this 29th day of June, 1971, copies of the aforegoing Petition and Order were mailed to M. William Adelson, 1035 Maryland National Bank Building, Baltimore, Maryland 21202, Attorney for the Protestants-Appellants, and to the County Board of Appeals for Baltimore County, County Office Building, Towson, Maryland 21204.

Melvin A. Steinberg

Rec'd 7/1/71
9:00 a.m.

MICROFILMED

cc: Zoning

ent A

IN THE PETITION FOR SPECIAL EXCEPTION for a Theatre, and SPECIAL EXCEPTION for Off-Street Parking in a Residential Zone W/S of Reisterstown Road 100' S. of Sudbrook Lane 3rd District Dundalk Holding Co., Inc. Petitioner	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Zoning File #71-152-XSPH	:	Misc. Docket No. 9
Robert Horn, et al Protestants-Appellants	:	Folio No. 117
	:	File No. 4679

: : : :

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, &c.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION for a Theatre, and SPECIAL EXCEPTION for Off-Street Parking in a Residential Zone W/S of Reisterstown Road 100' S. of Sudbrook Lane 3rd District Dundalk Holding Co., Inc. Petitioner	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Zoning File #71-152-XSPH	:	Misc. Docket No. 9
Robert Horn, et al Protestants-Appellants	:	Folio No. 117
	:	File No. 4679

: : : :

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., John A. Miller and William H. Gaffney, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 71-152-XSPH

Sept.	22, 1970	Petition of Dundalk Holding Co., Inc. (Howard A. Wagonheim, Vice President) for Special Exception for Theatre and Special Hearing for off-street parking in residential zone, on property located on the west side of Reisterstown Road 100 feet south of Sudbrook Lane, 3rd District - filed
"	"	Order of Zoning Commissioner directing advertisement and posting of property - Date of hearing set for November 4, 1970 at 11 a.m.
Oct.	13	Comments of Baltimore County Zoning Advisory Committee - filed
"	15	Certificate of Publication in newspaper - filed
"	17	Certificate of Posting of property - filed
"	30	Comments of Mr. George E. Gavrelis, Director of Planning for Baltimore County - filed
Nov.	4	At 11 a.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia

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Dec.	8, 1970	Order of Deputy Zoning Commissioner granting Special Exception for a theatre and parking in a residential zone, in accordance with conditions stated therein.
"	31	Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
Apr.	8, 1971	Hearing on appeal before County Board of Appeals - case held sub curia
"	23	Order of County Board of Appeals granting Special Exception for a theatre and parking in a residential zone, in accordance with conditions stated therein.
May	20	Order for Appeal filed in Circuit Court for Baltimore County by M. William Adelson, Esq. and Donald N. Rothman, Esq., attorneys for Protestants-Appellants
"	"	Certificate of Notice sent to all interested parties
June	1	Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
"	18	Transcript of testimony filed - 1 volume
		Petitioner's Exhibit No. 1 - Drawing showing front of building as proposed (C.B. of A. closet)
		" " " 2 - Plat of subject property - David W. Dallas, Civil Engineer - dated 8/18/70; revised 11/70
		" " " 3 - Traffic Engineering Investigation and Data Analysis, prepared under supervision of Wm. E. Cargill, of Chesapeake Consultants Assn.
		Protestants' Exhibit "A" - Report of Dr. W. Ewell-traffic study
		" " "B" - List of Protestants present at hearing (did not testify)
"	18	Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents

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will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddemeier
County Board of Appeals
of Baltimore County

MICROFILMED

Appealed 5/20/71

ent A

RE: PETITION FOR SPECIAL EXCEPTION for a Theatre, and SPECIAL HEARING for Off-Street Parking in a Residential Zone W/S of Reisterstown Road 100' S. of Sudbrook Lane 3rd District Dundalk Holding Co., Inc., Petitioner Zoning File #71-152-XSPH	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
	:	Misc. Docket No. 9
Robert Horn, et al, Protestants-Appellants	:	Folio No. 117
	:	File No. 4679

: : : : : : : : : : : : : : : : : : : :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-8 (d) of the Maryland Rules of Procedure; Walter A. Reiter, Jr., John A. Miller and William H. Gaffney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Fred E. Weldrop, Esquire, 22 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and M. William Adelson, Esquire, 1035 Maryland National Bank Building, Baltimore, Maryland 21202, and Donald Rothman, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, and Allan J. Malester, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, Attorneys for the Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
494-3180

cc: Zoning

I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to Fred E. Weldrop, Esquire, 22 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and M. William Adelson, Esquire, 1035 Maryland National Bank Building, Baltimore, Maryland 21202, and Donald Rothman, Esquire, Garrett Building, Redwood and South Street, Baltimore, Maryland 21202, and Allan J.

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Malester, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, Attorneys for the Protestants, on this 20th day of May, 1971.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

MICROFILMED

B. Anderson

ent A

ZONING FILE #71-152-XSPH

IN THE MATTER OF ORDER TO ENTER APPEAL, 71-152-XSPH BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY- PETITIONS FOR SPECIAL EXCEPTION AND SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE, W/S OF REISTERSTOWN ROAD, 100 FEET SOUTH OF SUDBROOK LANE, 3RD DISTRICT, DUNDALK HOLDING CO., INC. PETITIONER	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Misc. 9/317 Case No. 4679

ORDER TO ENTER APPEAL

Mr. Clerk:

Please enter an appeal to the Court of Appeals of Maryland from the decision rendered by the Circuit Court for Baltimore County on November 5, 1971, reversing the decision of the of the Board of Appeals for Baltimore County.

MELVIN A. STEINBERG
202 Loyola Federal Building
Towson, Maryland 21204
Attorney for Petitioner

I HEREBY CERTIFY that on this 29th day of November, 1971 a copy of the foregoing Order to Enter Appeal was mailed to M. William Adelson, Esquire, 1035 Maryland National Bank Building, Baltimore, Maryland 21202 and Donald N. Rothman, Esquire, Garrett Building, Baltimore, Maryland 21202, Attorneys for Appellee.

MELVIN A. STEINBERG

MICROFILMED

DEC 31 '70 AM

RE: IN THE MATTER OF THE PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING W/S of Reisterstown Road, 100's of Sudbrook Lane - 3rd District Dundalk Holding Company, Incorporated - Petitioner No. 71-152-XSPH (Item No. 45)

: BEFORE THE
: DEPUTY ZONING
: COMMISSIONER
: OF
: BALTIMORE COUNTY

: :

ORDER FOR APPEAL

TO: ZONING COMMISSIONER FOR BALTIMORE COUNTY
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Mr. Zoning Commissioner:

Please enter an appeal to the County Board of Appeals for Baltimore County from each and every part of the Order of the Deputy Zoning Commissioner of Baltimore County, dated the 8th day of December, 1970 in case No. 71-152-XSPH (Item No. 45), granting "the Special Exception for a theatre" and "permitting parking in a residential zone", on behalf of the following persons, corporations and taxpayers who are aggrieved by such decisions and Order:

Robert & Julia Horn
1006-8-10-Reisterstown Road
Pikesville, Maryland 21208

Robert Nelson Farmer
t/a Empire Coiffeur
1000-1002 Reisterstown Road
Pikesville, Maryland 21208

Frank H. Newell, 2nd
1104 Reisterstown Road
Pikesville, Maryland 21208

Sterling Amusement Corporation
1001 Reisterstown Road
Pikesville, Maryland 21208
Mailing Address: 5010 Park Heights Avenue
Baltimore, Maryland 21215

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JF Theatres, Inc.
t/a Pikes Theatre
1001 Reisterstown Road
Pikesville, Maryland 21208
Mailing Address: 10 Charles Plaza
Baltimore, Maryland 21201

Whittier Realty Corporation
1000-1002 Reisterstown Road
Pikesville, Maryland 21208
Mailing Address: 4501 E. Monument Street
Baltimore, Maryland 21205

Pikesville Professional Building, Inc.
7 Church Lane
Pikesville, Maryland 21208

Pikesville Pharmacy, Inc.
1210 Reisterstown Road
Pikesville, Maryland 21208

Pikesville Realty, Inc.
c/o Joel D. Fedder, Esquire
2100 One Charles Center
Baltimore, Maryland 21201

Donald N. Rothman

Allan J. Malester

Gordon, Feinblatt & Rothman
1200 Garrett Building
Baltimore, Maryland 21202

752-4567

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

Attorneys for Appellants

I HEREBY CERTIFY, that on this 31st day of December,

MICROFILMED

1970, a copy of the foregoing Order For Appeal was mailed to Fred E. Waldrop, Esquire, 202 Loyola Federal Building, 22 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

Allan J. Malester

MICROFILMED

IN THE MATTER OF CASE NO. 71-152-XSPH BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY - PETITION FOR SPECIAL EXCEPTION FOR THEATRE AND SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE, W/S OF REISTERSTOWN ROAD, 100 FEET SOUTH OF SUDBROOK LANE, 3RD DISTRICT, DUNDALK HOLDING CO., INC., PETITIONER

: IN THE
: CIRCUIT COURT
: FOR
: BALTIMORE COUNTY

ORDER FOR APPEAL FROM THE ACTION OF THE COUNTY BOARD OF APPEALS IN THE MATTER OF CASE NO. 71-152-XSPH

MR. CLERK:

Please enter an appeal to the Circuit Court for Baltimore County on behalf of Robert Horn and Julia Horn, his wife, Whittier Realty Corporation, Pikesville Pharmacy, Inc., Sterling Amusement Corporation and J. F. Theatres, Inc., from the Order of the County Board of Appeals, passed on April 23, 1971, in its Case No. 71-152-XSPH, granting a Special Exception for a Theatre and further granting a permit for parking in a residential zone.

M. William Adelson
1035 Maryland National Bank Building
Baltimore, Maryland 21202
Pl. 2-6682

Donald N. Rothman
1200 Garrett Building
Baltimore, Maryland 21202
Pl. 2-4567

Attorneys for Appellants

Rec'd 5-20-71
8:45 AM

MICROFILMED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 1971, a copy of the foregoing Order for Appeal was delivered to Edith T. Eisenhart, Administrative Secretary of the County Board of Appeals, County Office Building, Towson, Maryland 21204, and a copy of said Order was mailed to Fred E. Waldrop, Esq., 202 Loyola Federal Building, Towson, Maryland 21204, Attorney for the Petitioner, Dundalk Holding Co., Inc.

M. William Adelson
Of Counsel for Appellants

The Circuit Court for Baltimore County

CHAMBERS OF
JOHN GRASON TURNBULL
JUDGE

THIRD JUDICIAL CIRCUIT OF MARYLAND

TOWSON, MARYLAND 21204

June 21, 1971

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

Donald N. Rothman, Esquire
1200 Garrett Building
Redwood and South Streets
Baltimore, Maryland 21202

Hon. Fred E. Waldrop
202 Loyola Federal Building
Baltimore, Maryland 21204

Allan J. Malester, Esquire
Garrett Building
Redwood and South Streets
Baltimore, Maryland 21202

Re: In the Matter of Case No. 71-152-XSPH Before the Board of Appeals of Baltimore County et al, vs. Robert Horn, et al - Misc. 4678

Gentlemen:

The above matter has been assigned to me for hearing. Before a date can be set it will be necessary that Local Rule 2.3 be complied with. This Rule reads as follows:

"A. In all appeals to this Court from administrative agencies, the appellant shall, within thirty days from the date that the record is filed in this Court, file with the Clerk and serve on all opposing counsel a memorandum containing the following:

1. Points of Law
2. Legal authorities; and
3. Citation of particular portions of the record transcript in support of appellant's position.

"B. Appellee shall file with the Clerk and serve on all opposing counsel a reply memorandum (containing points of law, legal authorities, and citation of particular portions of the record transcript

Rec'd 6-22-71
9:15 AM

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Messrs. Adelson, Rothman, Waldrop and Malester June 21, 1971

- 2 -

in support of appellee's position) within fifteen days after receipt of appellant's memorandum."

Please let me have your citations as soon as possible with a memorandum advising me of the portion of the transcript you wish me to read. As you know, in these matters there is much repetition which is of no help to the court in reaching a decision.

I will be available to hear this matter through August. If counsel will decide upon a mutually convenient date, at 9 A. M., and notify my secretary, we will set it in for hearing.

Sincerely yours,

John Grason Turnbull

JGT/etl

CC: Mrs. Edith T. Eisenhart, Administrative Secretary
County Board of Appeals
County Office Building, Towson, Md. 21204

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: October 30, 1970

FROM: Mr. George E. Gavrelis, Director of Planning

SUBJECT: Petition #71-152-XSPH. West side of Reisterstown Road 100 feet south of Sudbrook Lane.
Petition for Special Exception for a Theatre.
Petition for Special Hearing to permit off-street parking in a residential zone.
Dundalk Holding Company - Petitioners

3rd District

HEARING: Wednesday, November 4, 1970 (11:00 a.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for special exception.

The Planning Staff voices no objection to the special exception for a theatre(s) if the use permit for parking is granted. We are not prepared to approve the development plan for parking here because: screening is not shown, lighting is not shown, hours of operation are not shown. Any lighting adjacent to residential premises ought to be no higher than 8 feet.

GEG:msh

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FIRE DEPARTMENT:

.he owner shall be required to comply with all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

BOARD OF EDUCATION:

No bearing on student population.

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of the Baltimore County Building Code and Regulations when plans are submitted. Also, see Parking Lots "Section 409.10H and Assembly Occupancies, Section 401.

HEALTH DEPARTMENT:

Since petition is for parking, no health hazards are anticipated.

STATE ROADS COMMISSION:

The subject plan indicates no access to the State highway, therefore, there will be no requirements from the State Roads Commission.

ZONING ADMINISTRATION DIVISION:

The petitioner indicated on his site plan that an existing parking permit is in effect for the parking lot which lies in the R-6 zone to the rear. Our records indicate that no parking permit exists. However, it is suggested that the petitioner revise his site plan in accordance with Section 409 ? B. of the Zoning Regulations showing the parking comments and any lighting that will be required for the site plan and revising his petition to request the Special Hearing for off street parking.

We are approving a hearing date on the subject property, with the stipulation that in the event the petitioner cannot prove that the parking permit exists, he will submit revised drawings to this office with the required information.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:JD
Enc.

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Sudbrook Lane, an existing road, is proposed to be improved as a 50-foot closed section within the existing 60-foot right-of-way. Highway improvements, including any necessary revertible slope easements would be required in connection with any subsequent grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Reisterstown Road (U.S. 140) is a State road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Water and Sewer:

Public water supply and public sanitary sewerage is available to serve this property.

PROJECT PLANNING DIVISION:

The plan must be revised to reflect all of the requirements of Section 409 of the Zoning Regulations.

DEPARTMENT OF TRAFFIC ENGINEERING:

The parking lot from Sudbrook Lane is now being used for a restaurant. Prior to this office commenting, clarification of the parking requirements for the restaurant and the theatre must be submitted to this office.

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#71-152X SPH

ZONING DESCRIPTION

SPECIAL EXCEPTION

FOR

A THEATER IN A B-L ZONE

BEGINNING for the same on the westernmost side of Reisterstown Road (66 feet wide) at a point distant 100 feet measured in a southerly direction from the point formed by the westernmost side of said Reisterstown Road with the southernmost side of Sudbrook Lane (60 feet wide), thence running with and binding on the first or 64 foot 4 inch line of the first parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co.to The New England Mutual Life Insurance Co. and on the westernmost side of said Reisterstown Road south 28 degrees 10 minutes east 64.33 feet to the end of said line, thence running with and binding on a part of the second line of said first parcel south 61 degrees 38 minutes west 142.00 feet to the division line between B-L and R-6 Zoning, thence binding on said division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding on a part of said line north 61 degrees 38 minutes east 142.00 feet to the place of beginning.

CONTAINING 0.210 acres of land more or less.

BEING part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co.

August 20, 1970

STATE OF MARYLAND
DAVID WILLIAM DALLAS JR.
No. 2572
REGISTERED
PROFESSIONAL ENGINEER

DAVID W. DALLAS, JR.
CIVIL ENGINEER
6719 OLD HARFORD RD. BALTO. 34, MD.
NO 5-7422

MICROFILMED

1110 REISTERSTOWN RD.
MINIATURE THEATRES

#71-152X SPH

ZONING DESCRIPTION

SPECIAL EXCEPTION FOR A
USE PERMIT FOR
PARKING IN AN R - 6 ZONE

BEGINNING for the same on the southernmost side of Sudbrook Lane (60 feet wide) at a point distant 170 feet measured in a westerly direction from the westernmost side of Reisterstown Road (66 feet wide) said point of beginning being at the beginning of the first or south 28 degrees 10 minutes east 214 foot 5½ inch line of the second parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co., thence running with and binding reversly on the fourth line of said deed and on the southernmost side of Sudbrook Lane south 61 degrees 38 minutes west 68.00 feet to the beginning of said fourth line, thence running with and binding reversly on the third, second and part of the first line of said deed the three following courses and distances south 28 degrees 10 minutes east 214.42 feet, north 61 degrees 35 minutes east 68.00 feet and north 28 degrees 10 minutes west 50.13 feet to the end of the second line of the first parcel of said deed, thence leaving said first line of said second parcel and running with and binding reversly on a part of said second line of said first parcel north 61 degrees 38 minutes east 28.00 feet to intersect the division line between R - 6 and B - L Zoning, thence binding on said zoning division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding reversly on a part of said fourth line south 61 degrees 38 minutes west 28.00 feet to the beginning of said line and to intersect said first line of said second parcel, thence running with and binding reversly on a part of said first line north 28 degrees 10 minutes west 100.00 feet to the place of beginning.

CONTAINING 0.376 acres of land more or less.

BEING part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co.

October 7, 1970

STATE OF MARYLAND
DAVID WILLIAM DALLAS JR.
REGISTERED
PROFESSIONAL CIVIL ENGINEER

DAVID W. DALLAS, JR.
CIVIL ENGINEER
6719 OLD HARFORD RD. BALTO. 34, MD.
NO 5-7422

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner

Date: October 2, 1970

FROM: John L. Wimbley, Project Planning Division

SUBJECT: Zoning Advisory Agenda Item #45

September 22, 1970
Dundalk Holding Company
SW/S Resiterstown Rd. 100' SE of
Sudbrook Lane

This office has reviewed the subject site plan and offers the following comments:

The plan must be revised to reflect all of the requirements of Section 409 of the Zoning Regulations.

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BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

October 13, 1970

Fred E. Waldrop, Esq.
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Type of Hearing: Special Exception for Theatre
Location: SW/S Reisterstown Rd. 100' SE of Sudbrook Lane
Petitioner: Dundalk Holding Co.
Committee Meeting of Sept. 22, 1970
3rd District
Item 45

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with a large brick masonry building which was used for a boutique, with the portion in the rear improved with a parking lot, which runs the full width of the subject property, as well as the width of three other properties to Sudbrook Lane. The property to the west is presently being improved with commercial structures, stores and offices. The property to the east is improved with a library and automotive service station. Sudbrook Lane and Reisterstown Road are improved as far as concrete curb and gutter are concerned - Sudbrook Lane partially, Reisterstown Road in its entirety.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Reisterstown Road (U.S. 140) is a State road; therefore, all improvements, intersections and entrances on this road will be subject to State Roads Commission requirements.

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ZONING FILE #71-152-XSPH

IN THE COURT OF APPEALS OF MARYLAND

No. 362

September Term, 1971

DUNDALK HOLDING COMPANY, INC.

v.

ROBERT HORN et al.

Barnes
McWilliams
Singley
Smith
Digges
Powers, Ralph W.
(specially assigned),

JJ.

Opinion by Barnes, J.

Filed: July 5, 1972

Rec'd 7-6-72
9:30 AM

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The two questions presented to us in this zoning appeal are whether the Circuit Court for Baltimore County (Turnbull, J.) erred in passing its order of November 17, 1971, reversing the decision of the County Board of Appeals of Baltimore County (County Board) for alleged lack of any substantial evidence to support its decision of April 23, 1971, to grant the appellant, Dundalk Holding Company, Inc. (Dundalk), (a) a special exception for a theatre on its land in a B.L. (Business Local) zone and (b) a special permit for off-street parking on its adjoining land in a D.R. 5.5 (Residential) zone. We have concluded that there was sufficient evidence to support the County Board's decision and we will reverse the order of the lower court.

The subject property is located in the Third Election District of Baltimore County on the west side of Reisterstown Road approximately 100 feet south of Sudbrook Lane in the Pikesville business area and is known as 1110 Reisterstown Road. The portion of the subject property in the B.L. zone is rectangular in shape and has a frontage on the west side of Reisterstown Road of 64.33 feet with a depth of 142 feet, and contains .21 acre of land. Immediately adjoining that portion of the property to the west is an "L" shaped part of the land containing .376 acre zoned D.R. 5.5 for which the special permit for off-street parking was requested. The portion of the subject property fronting on Reisterstown Road is improved by a

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one-story masonry store building which Dundalk proposes to convert into a 300 seat mini-theatre operation, using the D.R. 5.5 parcel as a parking lot. The mini-type theatre operation will have a single entrance but will have two theatres of 150 seats each for the exhibition of motion pictures. The land to the west of the subject property is improved with commercial structures - stores and offices. To the east, the land is improved with a library and with an automobile service station. In front of the subject property, Reisterstown Road is 40 feet wide. The plat for the proposed improvement was approved by George E. Gavrelis, Director of the Office of Planning and Zoning of Baltimore County. The Deputy Zoning Commissioner of Baltimore County on December 8, 1970, granted the requested special exception and granted a special hearing for the requested parking permit.

The appellees, Robert Horn and Julia Horn, his wife, Whittier Realty Corporation, Pikesville Pharmacy, Inc., Sterling Amusement Corporation and J. F. Theatres, Inc., being landowners in the immediate area, appealed the decision of the Deputy Zoning Commissioner to the County Board, which, after a hearing, granted the special exception and special parking permit on April 23, 1971. Thereafter, the appellees perfected an appeal to the lower court, which, as we have stated, on November 17, 1971, reversed the order of the County Board. Dundalk perfected a timely appeal to this Court from the order of November 17.

There is no dispute between the parties in regard to the applicable law. If the action by the County Board was supported by

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any substantial evidence, then the matter before it was "fairly debatable" and the lower court should not substitute its judgment for that of the administrative body; on the other hand, if the action of the County Board was not supported by any substantial evidence, then its action was arbitrary and capricious and a denial of due process of law as prohibited by Art. 23 of the Declaration of Rights of the Maryland Constitution and should have been reversed by the lower court for this reason.

As we stated in Prince George's County v. Meininger, 264 Md. 148, 152, 285 A.2d 649, 651 (1972):

> "For the lower court to have been correct in its holding it would have had to have found, and the record would have had to have shown, 'that the action of the District Council was unsupported by competent, material and substantial evidence and therefore, was arbitrary and capricious.'"

The determination of the present appeal, therefore, turns upon a consideration of the facts presented to the County Board. As we have indicated, we are of the opinion that there was sufficient substantial evidence presented before that Board to make its decision fairly debatable.

(1)

By Section 502.1 of the Baltimore County Zoning Ordinance, it is provided that for the County Board to grant a special exception it must be shown that the proposed use will not:

> "a. Be detrimental to the health, safety, or general welfare of the locality involved;

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> "b. 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;
>
> "e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
>
> "f. Interfere with adequate light and air."

Dundalk produced as its first witness before the County Board its Vice-President, Howard A. Wagonheim, who had resided in Pikesville for some 12 years, approximately one mile from the subject property. He was familiar with "the entire Pikesville area community and the whole commercial strip along Reisterstown Road." He buys all the films for Dundalk and other motion picture corporations and has managed, supervised and operated those corporations for almost 24 years. The other motion picture corporations include:

> "... the Homewood Amusement Company, which operates the Playhouse at 25th and Charles; the Five West Amusement Company, which operates the Seven East and the Five West at North and Charles; the Paramount Amusement Company, which operates the Paramount Theatre at 6650 Belair Road; and similar corporations of Maryland which operate Cinema 1 and Cinema 2 in the Yorkridge Shopping Center in Lutherville and Timonium."

After describing the subject property, its improvements and the surrounding commercial area, Mr. Wagonheim stated why he had selected the subject property for the proposed theatre operation, as follows:

> "Several reasons: the building is available, it is on commercial property, with a parking lot which more than meets the minimum zoning requirements for what I propose to do at this site, and for which we have been granted permission to do by the Deputy Zoning Commissioner.

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> "The minimum requirements for parking are 1 space for every 6 seats. I intend to construct what is called a mini-theatre, with a total of 300 seats. There will be 2 auditoriums of 150 seats each, which is a very small theatre. We have 60 parking spaces, which is actually 1 parking space for every 5 seats."
>
> * * *
>
> "A. It more than meets the [minimum] county requirements. The minimum requirements are 1 space for every 6 seats, which in fact would mean that at this location, with the number of parking spaces that we have, we could actually put in 360 seats, or a total of 360 seats, or 180 seats in each auditorium.
>
> "I have done research on population within a 2-mile radius of this site, with the use of census tracts. Coupled with the census-tract population figures that I have, which indicate that within a 2-mile radius of this site the population has grown from 39,730 as of January 1, 1960, to 65,479 persons as of January 1, 1970.
>
> "Pikesville has only one existing theatre, which, over the last 193 weeks, which is 3 years and 37 weeks, has had 47 programs, which is an average of one program every 4.11 weeks, and it is my feeling, with my background, in developing other theatres in areas which are very much similar to Pikesville, Pikesville residents deserve and should have another theatre."

In regard to the proposed hours of operation, Mr. Wagonheim stated:

> "The very earliest we would operate our box office would be at one-thirty in the afternoon, and with these miniature auditoriums I would operate this on a staggering schedule basis, which means that on one side we would program our features at one-thirty, three-thirty, five-thirty, seven-thirty, and nine-thirty, and on the other side at two, four, six, eight, ten, so that the last feature would go on at ten o'clock at night."

He further stated that he was aware that there was existing in the Pikesville area "a void of sufficient parking spaces for many of the merchants" and that when the proposed parking spaces were not used for the proposed theatre operation, he would allow them to use the spaces.

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In regard to the likely hours for most patrons to use the proposed theatre, Mr. Wagonheim testified that from his experience in the operation of other theatres, they would be as follows:

> "Predominantly the usage of this theatre will be after seven o'clock, from Monday through Saturday, and all day Sundays. I have research patterns at Cinema 1 and Cinema 2, which is a twin operation.
>
> "* * * [These are located at] Yorkridge Shopping Center in Lutherville. The Paramount, which is operated in the 6600 Block of Belair Road. I went through the year of 1969 on an admission basis, day by day, and the average, well I will give it to you exactly: In 1969, Cinema 1 had a total attendance of 71,983 people. Of that 71,983 people, 57,765 purchased tickets after seven o'clock, from Monday through Saturdays and all day on Sundays, which was actually figures to figure up 80.24%, that is average.
>
> "I did the same thing with Cinema 2. Our total attendance at Cinema 2 was 113,499 people. Of that 113,490 people, 97,465 purchased tickets after seven, from Monday through Saturday nights and all day Sundays, which was 85.88% of our total attendance.
>
> "I wanted to check still further and corroborate these findings, so I went to the Paramount Theatre for the year 1969. The Paramount total attendance was 48,993. Of the 48,993, --36,950 tickets were sold after 7:00 p.m. from Monday through Saturday nights and all day Sunday, which was 75.42% of our total attendance.
>
> "There is no doubt that in a suburban area, such as exists in Pikesville, that the same pattern would prevail. I could even take figures further, take it back to six o'clock, and show that the percentages from six o'clock from Monday through Saturday nights and all day Sundays, are even higher."

Mr. Wagonheim testified further that he was familiar with the Baltimore County Zoning Regulations and specifically Section 502.1 and was examined and testified as follows:

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> "Q. As a result of your experience as a motion-picture exhibitor, and in the varied neighborhoods and suburban shopping centers, do you feel that the granting of a special exception to locate a motion picture theatre on the subject site would be detrimental to the health, safety, and welfare of the locality? A. Absolutely not."
>
> * * *
>
> "Q. From your experience, it will not be detrimental to the general welfare? A. From my experience, yes it will not.
>
> "Q. Will it tend to create congestion in the roads, streets, and alleys? A. No.
>
> "Q. Have you hired an expert to analyze the traffic situation in the area? A. Yes, I have.
>
> "Q. Will it tend to create a potential hazard from fire, panic, or other dangers? A. From my experience, no.
>
> "Q. Will it tend to overcrowd land and cause undue concentration of population? A. No.
>
> "Q. Of course, I think you know that the property is presently zoned B-L, and any number of commercial uses can be placed on the subject property, is that correct? A. That is right.
>
> "Q. Will this interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements? A. No.
>
> "Q. Will it interfere with adequate light and air? A. It will not.
>
> "Q. Certainly, sir, if the Board were to deny you this request for a special exception, you would put the property to a commercial use, would you not? A. Yes, we would put it to a commercial use. We would lease it, and in competition to at least some of the existing retail merchants in the Pikesville area, which would generate and add to the existing traffic conditions during the hours with which they operate.
>
> "Q. As a matter of fact, you could put even a drug store or a grocery store or small department store or a

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> liquor store, automobile parking lot, or accessory supply shop, a barber shop or beauty shop, or any type of business, such as the other properties, as it is already zoned, can't you? A. Right."

Except upon the issue of traffic conditions in the locality, Mr. Wagonheim's testimony was substantially uncontradicted and, in our opinion, supplied more than a scintilla of evidence to support the finding by the County Board that the criteria set forth in Section 502.1 had been sufficiently established by the applicant. The County Board obviously accepted Mr. Wagonheim's testimony and opinions in regard to the criteria. In our opinion, Mr. Wagonheim's substantial experience in the management, supervision and operation of theatres - already set forth - is sufficient to permit the County Board to consider him as an expert in this field and to conclude that his testimony and opinions in regard to the criteria established by Section 502.1 were sufficient to support the County Board's conclusion that the criteria had been met. See Air Lift, Ltd. v. Board of County Commissioners of Worcester County, 262 Md. 368, 278 A.2d 244 (1971); Mondawmin Corp. v. Kres, 258 Md. 307, 266 A.2d 8 (1970); 2 Am.Jur. Administrative Law § 422, at 232.

It should be kept in mind, also, that the Deputy Zoning Commissioner had determined that "the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations [had] ... been met" in his order of December 8, 1970, granting the special exception and the special parking permit, incorporating in his order the map of August 18, 1970, as revised, which was approved by George E. Gavrelis,

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Director of the Office of Planning and Zoning for Baltimore County. Admittedly, the Deputy Zoning Commissioner and the Director of the Office of Planning and Zoning are experts in this field and their respective findings and approval were before the County Board. See Stephens v. Montgomery County Council, 248 Md. 256, 259, 235 A.2d 701, 703 (1967). See also Malasky v. Montgomery County, 258 Md. 612, 624-25, 267 A.2d 182, 189-90 (1970) and Board of County Commissioners of Howard County v. Turf Valley Associates, 247 Md. 556, 562, 233 A.2d 753, 756-57 (1967).

The appellees refer to the rule that "an expert's opinion is of no greater probative value than the soundness of his reasons given therefor will warrant," Miller v. Abrahams, 239 Md. 263, 273, 211 A.2d 309, 314 (1965). See also Sukovich v. Doub, 258 Md. 263, 272, 265 A.2d 447, 451 (1970); Westview Park v. Hayes, 256 Md. 575, 581-82, 261 A.2d 164, 167-68 (1970); and County Commissioners for Prince George's County v. Luria, 249 Md. 1, 3, 4, 238 A.2d 108, 109-10 (1967). They contend that the rule applies to Mr. Wagonheim's testimony. We do not agree with this contention. Mr. Wagonheim, as we have observed, testified rather fully in regard to (a) the surrounding properties and general commercial area surrounding the subject property, (b) his familiarity with the area over the past 12 years during which he lived approximately one mile from the subject property, (c) the essential details of the proposal and how it would be implemented practically and (d) his quite substantial experience over a 24-year period with the management, supervision

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and operation of a number of theatres in the general Baltimore area. As we have observed, his experience and his long personal knowledge of the neighborhood involved give his opinions in regard to the criteria some probative force and amount to more than a mere "scintilla" of evidence. The weight of this evidence was for the County Board. Mr. Wagonheim's opinions might have been impaired by cross-examination or possibly by the use of the testimony of others; but, as we have stated, his testimony was substantially uncontradicted and unimpaired. In our opinion, the rule mentioned in Miller, Surkovich, Westview Park and Luria is not applicable in the present case.

The principal issue before the County Board and the lower court was in regard to an alleged traffic hazard which would result if the application would be granted. In regard to this issue, the parties produced well-qualified traffic engineers. Dundalk produced William E. Corgill, a registered traffic engineer who held a Bachelor of Science Degree in civil engineering from Bucknell University, was a graduate from the Bureau of Highway Traffic Graduate School at Yale University and who would shortly receive his Ph.D in Transportation at Catholic University. He had also spent two years as a civil engineer in the New York State Department of Public Works and had been traffic engineer on the staff of the Association of Casualty and Surety Companies - a trade association of stock casualty and insurance business in New York. He was also staff director for traffic safety in Washington, D. C. for eight years. He is also a member of several professional institutes connected with engineering and traffic safety.

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Mr. Corgill was of the opinion that the proposed theatre would generate less traffic than any other business usage of the subject property and that traffic generated by the proposed theatre would be at times when normal traffic would be at a minimum, between Monday through Saturday after 7:00 p.m. and on Sunday. He pointed out that, in his opinion, the traffic coming to the theatre would be spread over a comparatively broad period of time while departing traffic would dissipate in a relatively short period of time. His conclusion was that the granting of the application would not result in a traffic hazard.

The appellees, on the other hand, produced an equally well-qualified traffic expert in Dr. Walter Worthington Ewell, who came to a conclusion different from that of Dundalk's expert, Corgill. Dr. Ewell holds the degrees of B.E. in civil engineering and Dr. Eng. from The Johns Hopkins University and was an instructor and Assistant Professor at that University, having taught highway engineering, structural engineering and other courses in the civil engineering department. He has been a consultant to the Baltimore City Department of Planning on highway and interchange problems. He, too, is a member of a number of professional engineering societies.

In Dr. Ewell's opinion, inter alia, unless a second exit from the parking lot were provided, there would be a traffic hazard on Sudbrook Lane west of Reisterstown Road when the patrons of the proposed theatre were attempting to arrive or depart during relatively short periods of time near the beginning of the feature film.

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It is apparent to us that in view of the differing opinions of the two well-qualified experts, the traffic hazard issue was "fairly debatable" and the County Board could quite properly accept the opinion of the expert of Dundalk rather than that of the appellees. As we have already stated, the Courts, under these circumstances, should not substitute their judgment on a fairly debatable issue for that of the administrative body.

The appellees contend that the County Board failed to comply with the requirement of Section 501.4 of the Baltimore County Zoning Ordinance requiring the Board to include in its opinion "a statement of the facts found and the grounds for its decision."

The County Board in its opinion described the subject property and its improvements as well as the proposal set forth in the application. It pointed out that the "primary protestants were the operator of the nearby Pikes Theatre and a Pikesville businessman who depends heavily upon the use of the Pikes Theatre parking lot to accommodate his customers." The Board considered the "key question" to be the traffic to be generated by the proposal and its impact upon the area. It noted that each side presented well-qualified experts who offered their respective opinions on the subject. It stated its reasons why it was more impressed with the opinions of Dundalk's expert than with those of the expert for the appellees. It then stated:

> "Without further detailing the evidence and testimony, it is the judgment of the Board that the Petitioner has satisfied the elements in Section

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> 502.1 of the Baltimore County Zoning Regulations, and the special exception and permit as requested should be granted."

In our opinion, the opinion of the County Board, taken as a whole, complied with the requirement of Section 501.4.

(2)

The appellees earnestly contend that there was insufficient evidence to support the granting of the special permit for off-street parking in the residential zone. We are of the opinion that there was such sufficient evidence.

The County Board, in its opinion, observed that Dundalk's vice-president had testified that the proposed parking lot would be available to Pikesville businesses when not used by the proposed theatre. It stated: "Hence, the Board foresees the opportunity to provide a good service to the surrounding business community by adding sorely needed parking spaces, exactly as the primary protestant does for the business near his theatre." In short, the County Board concluded that the proposed parking area was needed, not only for the proposed theatre operation, but for partial relief of the parking problem for the surrounding business community.

The criteria set forth in Section 409.4 - Business or Industrial Parking in Residence Zones - were met by the findings and conditions appearing on the plat approved by the Director of the Office of Planning and Zoning, already mentioned, upon which the application was granted. These conditions were as follows:

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"A. Land adjoins the business involved.

B. Only passenger vehicles, excluding busses, will use the parking area.

C. No loading, service, or any use other than parking shall be permitted.

D. Lighting shall be regulated as to location, direction, hours of illumination, glare & intensity, as required.

E. Screening by a wall, fence, planting & or otherwise shall be required as deemed advisable by the office of planning.

F. A paved surface, properly drained, shall be provided.

G. A satisfactory plan, showing parking arrangement & vehicular access shall be provided.

H. Method & Area of operation, provision for maintenance & permitted hours of use shall be specified & regulated as required. Hours of use to support operation of theatre only. Between 12 Noon & 12 PM."

In addition, a typical light standard eight feet high is sketched on the plat with the notation:

> "Note: Deflectors shall be adjusted to prohibit light to residential areas."

These findings and conditions together with the testimony of Mr. Wagonheim and Mr. Corgill are, in our opinion, sufficient to support the grant by the County Board of the special parking permit for off-street parking in the residential zone.

ORDER OF NOVEMBER 17, 1971, OF THE CIRCUIT COURT FOR BALTIMORE COUNTY REVERSING THE ORDER OF THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY OF APRIL 23,

MICROFILMED

1971, REVERSED AND THE ORDER OF THE COUNTY BOARD OF APRIL 23, 1971, GRANTING THE APPLICATION FOR A SPECIAL EXCEPTION AND A SPECIAL PARKING PERMIT IN A RESIDENTIAL ZONE, BE REINSTATED; THE COSTS TO BE PAID BY THE APPELLEES.

MICROFILMED

TELEPHONE 494-2413

INVOICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 75406

DATE [illegible] 1970

BILLED BY

To: The Fourth District Corp.
2200 Maryland National Bank Building
Baltimore, Md. 21202

Zoning Dept. of Baltimore County

DEPOSIT TO ACCOUNT NO. 01-662

RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		TOTAL AMOUNT $107.50
	Advertising and posting of property for Dundalk Building Co., Inc. #71-152-XSPH	107.50

4

MICROFILMED

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413

INVOICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 74012

DATE 6/10/71

BILLED BY

County Board of Appeals (Zoning)

To: W. William Adkins, Esq.
1035 Maryland National Bank Bldg.
Baltimore, Md. 21201

DEPOSIT TO ACCOUNT NO. 01.712

RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		TOTAL AMOUNT $16.00
	Cost of certified documents - Case No. 71-153-XSPH W/S Reisterstown Road 100' S. of Sudbrook Lane 3rd District Dundalk Building Co., Inc., Petitioner	$16.00

4

MICROFILMED

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING 3rd DISTRICT

ZONING: Petition for Special Exception for a Theatre. Petition for Special Hearing for Off-Street Parking in a Residential Zone.

LOCATION: West side of Reisterstown Road 100 feet South of Sudbrook Lane.

DATE & TIME: WEDNESDAY, NOVEMBER 4, 1970 at 11:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson.

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

Petition for Special Exception for a Theatre. Petition for Special Hearing for Off-Street Parking in a Residential Zone.

All that parcel of land in the Third District of Baltimore County.

A THEATER IN A B-L ZONE

BEGINNING for the same on the westernmost side of Reisterstown Road (66 feet wide) at a point distant 100 feet measured in a southerly direction from the point formed by the westernmost side of said Reisterstown Road with the southernmost side of Sudbrook Lane (60 feet wide), thence running with and binding on the first or 64 foot 4 inch line of the first parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co. and on the westernmost side of said Reisterstown Road south 28 degrees 10 minutes east 64.33 feet to the end of said line, thence running with and binding on a part of the second line of said first parcel south 61 degrees 38 minutes west 142.00 feet to the division line between B-L and R-6 Zoning, thence binding on said division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding on a part of said line north 61 degrees 38 minutes east 142.00 feet to the place of beginning.

CONTAINING 0.210 acres of land more or less.

BEING part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co.

USE PERMIT FOR PARKING IN AN R-6 ZONE

BEGINNING for the same on the southernmost side of Sudbrook Lane (60 feet wide) at a point distant 170 feet measured in a westerly direction from the westernmost side of Reisterstown Road (66 feet wide) said point of beginning being at the beginning of the first or south 28 degrees 10 minutes east 214 foot 5¼ inch line of the second parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co., thence running with and binding reversely on the fourth line of said deed and on the southernmost side of Sudbrook Lane south 61 degrees 38 minutes west 68.00 feet to the beginning of said fourth line, thence running with and binding reversely on the third, second and part of the first line of said deed the three following courses and distances south 28 degrees 10 minutes east 214.42 feet, north 61 degrees 35 minutes east 68.00 feet and north 28 degrees 10 minutes west 50.13 feet to the end of the second line of the first parcel of said deed, thence leaving said first line of said second parcel and running with and binding reversely on a part of said second line of said first parcel north 61 degrees 38 minutes east 28.00 feet to intersect the division line between R-6 and B-L Zoning, thence binding on said zoning division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding reversely on a part of said fourth line south 61 degrees 38 minutes west 28.00 feet to the beginning of said line and to intersect said first line of said second parcel, thence running with and binding reversely on a part of said first line north 28 degrees 10 minutes west 100.00 feet to the place of beginning.

CONTAINING 0.376 acres of land more or less.

BEING part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co.

Being the property of Dundalk Holding Company, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 4, 1970 at 11:00 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
EDWARD D. HARDESTY
ZONING COMMISSIONER OF BALTIMORE COUNTY

Oct. 15, 1970

ORIGINAL

OFFICE OF

THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 October 19, 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One XXXXXXXX week before the 19th day of Oct., 1970 that is to say, the same was inserted in the issue of Oct. 15, 1970.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

MICROFILMED

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING 3rd DISTRICT

ZONING: Petition for Special Exception for a Theatre. Petition for Special Hearing for Off-Street Parking in a Residential Zone.

LOCATION: West side of Reisterstown Road 100 feet South of Sudbrook Lane.

DATE & TIME: Wednesday, November 4, 1970 at 11:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

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

Petition for Special Exception for a Theatre.

Petition for Special Hearing for Off-Street Parking in a Residential Zone.

All that parcel of land in the Third District of Baltimore County,

A THEATER IN A B-L ZONE

Beginning for the same on the westernmost side of Reisterstown Road (66 feet wide) at a point distant 100 feet measured in a southerly direction from the point formed by the westernmost side of said Reisterstown Road with the southernmost side of Sudbrook Lane (60 feet wide), thence running with and binding on the first or 64 foot 4 inch line of the first parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co. and on the westernmost side of said Reisterstown Road south 28 degrees 10 minutes east 64.33 feet to the end of said line, thence running with and binding on a part of the second line of said first parcel south 61 degrees 38 minutes west 142.00 feet to the division line between B-L and R-6 Zoning, thence binding on said division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding on a part of said line, north 61 degrees 38 minutes east 142.00 feet to the place of beginning.

Containing 0.210 acres of land more or less.

Being part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co.

USE PERMIT FOR PARKING IN AN R-6 ZONE

Beginning for the same on the southernmost side of Sudbrook Lane (60 feet wide) at a point distant 170 feet measured in a westerly direction from the westernmost side of Reisterstown Road (66 feet wide) said point of beginning being at the beginning of the first or south 28 degrees 10 minutes east 214 foot 5¼ inch line of the second parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co., thence running with and binding reversely on the fourth line of said deed and on the southernmost side of Sudbrook Lane south 61 degrees 38 minutes west 68.00 feet to the beginning of said fourth line, thence running with and binding reversely on the third, second and part of the first line of said deed the three following courses and distances south 28 degrees 10 minutes east 214.42 feet, north 61 degrees 35 minutes east 68.00 feet and north 28 degrees 10 minutes west 50.13 feet to the end of the second line of the first parcel of said deed, thence leaving said first line of said second parcel and running with and binding reversely on a part of said second line of said first parcel north 61 degrees 38 minutes east 28.00 feet to intersect the division line between R-6 and B-L Zoning, thence binding on said zoning division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding reversely on a part of said fourth line south 61 degrees 38 minutes west 28.00 feet to the beginning of said line and to intersect said first line of said second parcel, thence running with and binding reversely on a part of said first line north 28 degrees 10 minutes west 100.00 feet to the place of beginning.

Containing 0.376 acres of land more or less.

Being part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co.

Being the property of Dundalk Holding Company, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 4, 1970 at 11:00 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

By order of
EDWARD D. HARDESTY
Zoning Commissioner Of Baltimore County.

Oct. 15

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 15 1970

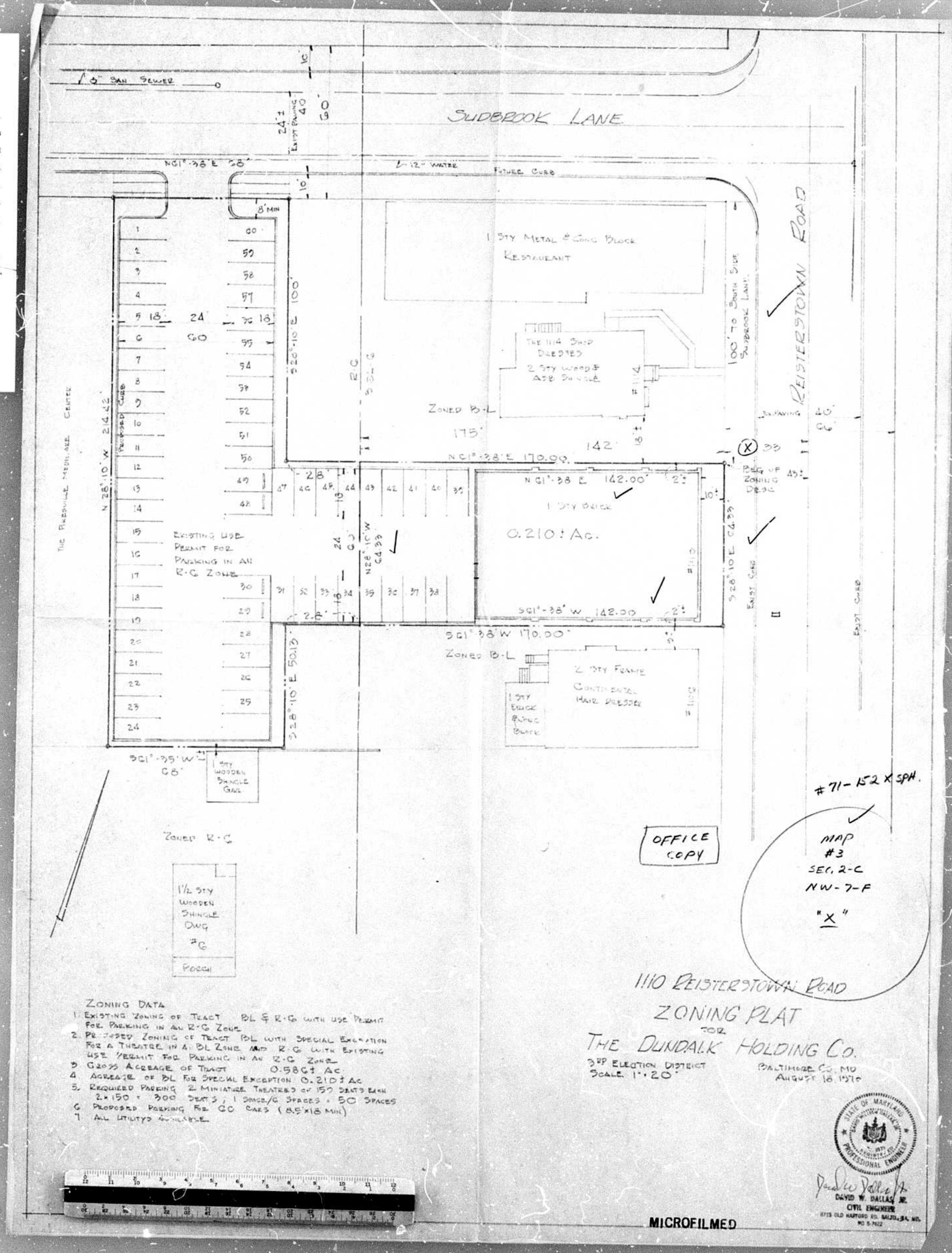
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time ~~successive weeks~~ before the 4th day of November, 1970, the first publication appearing on the 15th day of October 1970.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, $

MICROFILMED



15160 71-152-XSPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3 Rd. Date of Posting Jan. 16-1971
Posted for: APPEAL
Petitioner: Dundalk Holding Co. Inc.
Location of property: W/S Reisterstown Rd 100 FT. S. OF Sudbrook Lane
Location of Signs: 1110 Reisterstown Rd.
Remarks:
Posted by Charles M. Ford Signature Date of return: Jan. 22 - 1971

MICROFILMED

71-152 XSPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3 Rd. Date of Posting Oct. 17-1970
Posted for: SPECIAL EXCEPTION & A SPECIAL HEARING
Petitioner: DUNDALK HOLDING Co. INC.
Location of property: W/S REISTERSTOWN RD. 100 FT. S OF SUDBROOK LANE
Location of Signs: ① 1110 REISTERSTOWN Rd. ② S/S OF SUDBROOK LANE 100 FT - W OF REISTERSTOWN Rd.
Remarks:
Posted by Charles M. Ford Signature Date of return Oct. 23 - 1970

MICROFILMED

TELEPHONE 494-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 75312
DATE Oct. 13, 1970
BILLED BY:

TO:
Fred E. Waldrop, Esq.
202 Loyola Federal Building
Towson, Md. 21204

Zoning Dept. of Baltimore County

DEPOSIT TO ACCOUNT NO. 01-622
RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		COST
		TOTAL AMOUNT $50.00
	Petition for Special Exception and Special Hearing for Dundalk Holding Co.	50.00
	#71-152-XSPH	

4 MICROFILMED

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 75459
DATE 1/4/71
BILLED BY:

TO:
Allan J. Malester, Esq.,
Garrett Building
Baltimore, Md. 21202

Zoning Office
119 County Office Building,
Towson, Md. 21204

DEPOSIT TO ACCOUNT NO. 01-622
RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		COST
		TOTAL AMOUNT $75.00
	cost of appeal - property of Dundalk Holding Co. $70.00	
	No. 75-152-XSPH 1 sign 5.00	$75.00

4 MICROFILMED

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

Fred E. Waldrop, Esq.
22 W. Pennsylvania Avenue
Towson, Md.
21204

Item 45

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

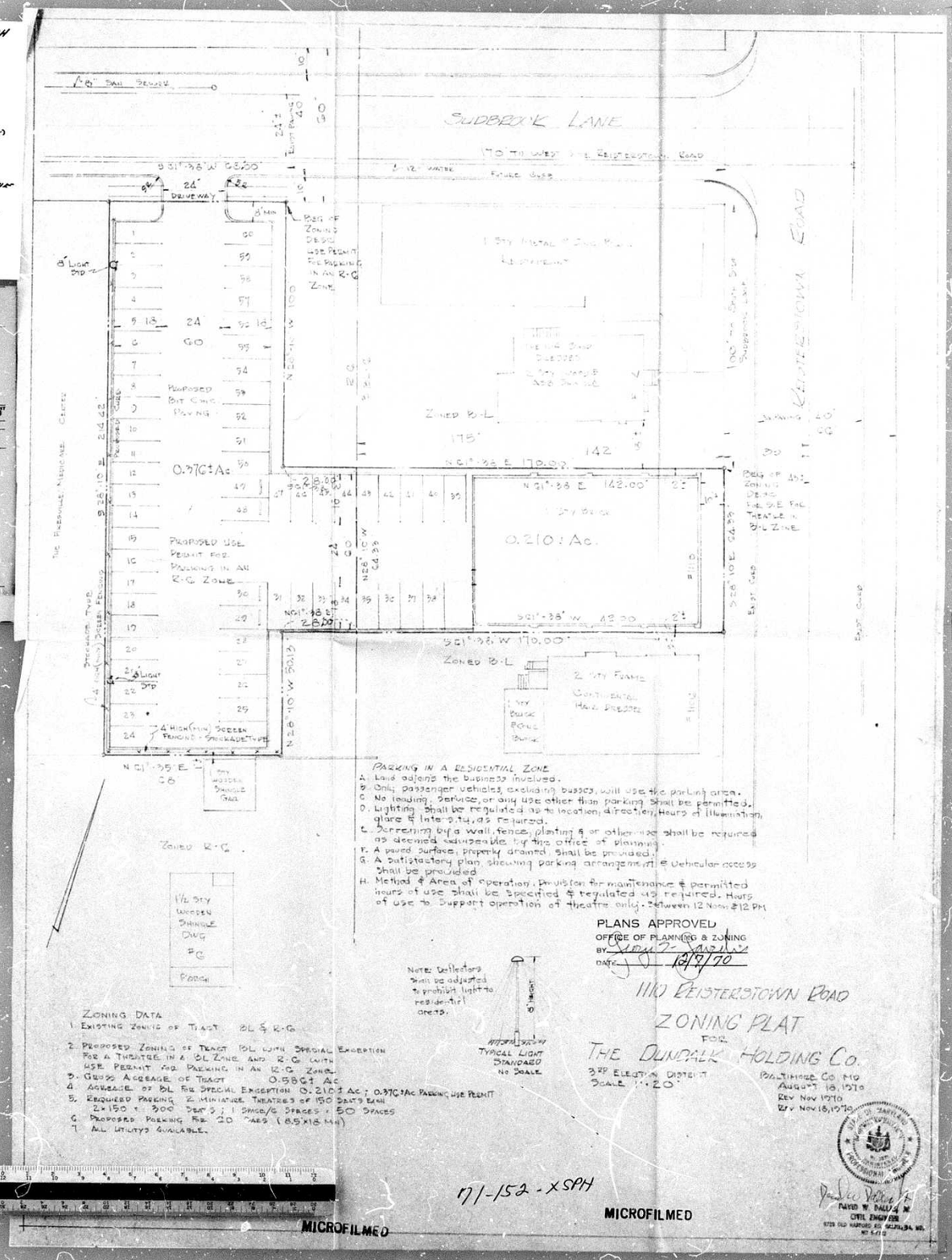
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this
22nd day of September, 1970.

Edward D. Hardesty
EDWARD D. HARDESTY,
Zoning Commissioner

Petitioner Dundalk Holding Co.
Petitioner's Attorney _____ Reviewed by Oliver L. Myers
Chairman of the Advisory Committee

MICROFILMED



PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

71-152-X SPH

71-152-XSPH #45

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Dundalk Holding Co., Inc. Howard A. Wagoaheim, V.P. 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an .... zone to an .... zone; for the following reasons:

MAP #3 SEC. 2-C NW-7-F "X" 8/4/72 MH

See attached description

Petition for Special Hearing for Off-Street Parking in a Residential Zone

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Theatre

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.

Contract purchaser

Address

DUNDALK HOLDING CO, INC.
Dundalk Holding Co., Inc.
Howard A. Wagoaheim, V.P.
Howard A. Wagoabeim, V.P. Legal Owner
Address 22nd MD. NAT'L. BANK BLDG.
BALTO., MD. 21202

Fred E. Waldrop
Fred E. Waldrop, Petitioner's Attorney
Address 22 W. Pennsylvania Avenue Towson, Maryland 21204 828-5688

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of September, 1970, 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 4th day of November, 1970, at 11:00 o'clock A.M.

SEP 22 '70 AM — OFFICE OF PLANNING & ZONING

Zoning Commissioner of Baltimore County.

11:00 A 11/4/70 Zoning

(over)

DUNDALK HOLDING CO., INC. #71-152-XSPH
W/S Reisterstown Rd. 100' S of Sudbrook Lane 3rd

CJA

ZONING FILE #71-152-XSPH

IN THE MATTER OF CASE NO. 71-152-XSPH BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY- PETITION FOR SPECIAL EXCEPTION FOR THEATRE AND SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE, W/S OF REISTERSTOWN ROAD, 100 FEET SOUTH OF SUDBROOK LANE, 3RD DISTRICT, DUNDALK HOLDING CO., INC. PETITIONER	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Misc. 9/117 Case No. 4679

* * * * * * * * * * * * *

ORDER TO ENTER APPEAL

Mr. Clerk:

Please enter an appeal to the Court of Appeals of Maryland from the decision rendered by the Circuit Court for Baltimore County on November 5, 1971, reversing the decision of the of the Board of Appeals for Baltimore County.

MELVIN A. STEINBERG
202 Loyola Federal Building
Towson, Maryland 21204
Attorney for Petitioner

I HEREBY CERTIFY that on this 29th day of November, 1971 a copy of the foregoing Order to Enter Appeal was mailed to M. William Adelson, Esquire, 1035 Maryland National Bank Building, Baltimore, Maryland 21202 and Donald N. Rothman, Esquire, Garrett Building, Baltimore, Maryland 21202, Attorneys for Appellees.

MELVIN A. STEINBERG

ROBERT HORN, JULIA HORN, his wife, WHITTIER REALTY CORPORATION, PIKESVILLE PHARMACY, INC., STERLING AMUSEMENT CORPORATION, and J. F. THEATRES, INC. Protestants-Appellants	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
vs.	*	
WALTER A. REITER, JR., JOHN A. MILLER, and WILLIAM H. GAFFNEY, being and constituting the County Board of Appeals for Baltimore County Appellees	*	Misc. Docket 9 File No. 117 Folio No. 4679

* *

PETITION TO INTERVENE AND ORDER OF COURT

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Dundalk Holding Co., Inc., by Fred E. Waldrop and Melvin A. Steinberg, their attorneys, respectfully represents:

1. That the above mentioned Dundalk Holding Co., Inc., was the Petitioner in the above entitled case before the Board of Appeals for Baltimore County.

2. That on the 23rd of April, 1971 the Board of Appeals granted the requested Special Exception.

3. That on or about the 20th of May, 1971, the said ROBERT HORN, et al, filed an Order for Appeal.

4. That your Petitioners have valuable rights and property interests that will be jeopardized unless they be permitted to intervene in this matter.

WHEREFORE, your Petitioner prays an Order

1. Granting them leave to intervene in these proceedings as additional defendants.

2. Granting them leave to file such appropriate pleadings as may be proper.

Fred E. Waldrop
Fred E. Waldrop

Melvin A. Steinberg
Melvin A. Steinberg
202 Loyola Federal Building
Towson, Maryland 21204
821-5515
Attorneys for the Petitioners

ORDER OF COURT

Leave granted as prayed this ______ day of __________, 1971.

Judge

I HEREBY CERTIFY, that on this 29th day of June, 1971, copies of the aforegoing Petition and Order were mailed to M. William Adelson, 1035 Maryland National Bank Building, Baltimore, Maryland 21202, Attorney for the Protestants-Appellants, and to the County Board of Appeals for Baltimore County, County Office Building, Towson, Maryland 21204.

Melvin A. Steinberg
Melvin A. Steinberg

Rec'd 7/1/71 9:30 AM

---

cc: Zoning

CJA

RE: PETITION FOR SPECIAL EXCEPTION for a Theatre, and SPECIAL EXCEPTION for Off-Street Parking in a Residential Zone W/S of Reisterstown Road 100' S. of Sudbrook Lane 3rd District Dundalk Holding Co., Inc. Petitioner	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Zoning File #71-152-XSPH	:	Misc. Docket No. 9
Robert Horn, et al Protestants-Appellants	:	Folio No. 117
	:	File No. 4679

: : : :

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, &c.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION for a Theatre, and SPECIAL EXCEPTION for Off-Street Parking in a Residential Zone W/S of Reisterstown Road 100' S. of Sudbrook Lane 3rd District Dundalk Holding Co., Inc. Petitioner	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Zoning File #71-152-XSPH	:	Misc. Docket No. 9
Robert Horn, et al Protestants-Appellants	:	Folio No. 117
	:	File No. 4679

: : : :

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., John A. Miller and William H. Gaffney, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 71-152-XSPH

Sept. 22, 1970	Petition of Dundalk Holding Co., Inc. (Howard A. Wagonheim, Vice President) for Special Exception for Theatre and Special Hearing for off-street parking in residential zone, on property located on the west side of Reisterstown Road 100 feet south of Sudbrook Lane, 3rd District - filed
" "	Order of Zoning Commissioner directing advertisement and posting of property - Date of hearing set for November 4, 1970 at 11 a.m.
Oct. 13	Comments of Baltimore County Zoning Advisory Committee - filed
" 15	Certificate of Publication in newspaper - filed
" 17	Certificate of Posting of property - filed
" 30	Comments of Mr. George E. Gavrelis, Director of Planning for Baltimore County - filed
Nov. 4	At 11 a.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia

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Dec. 8, 1970	Order of Deputy Zoning Commissioner granting Special Exception for a theatre and parking in a residential zone, in accordance with conditions stated therein.
" 31	Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
Apr. 8, 1971	Hearing on appeal before County Board of Appeals - case held sub curia
" 23	Order of County Board of Appeals granting Special Exception for a theatre and parking in a residential zone, in accordance with conditions stated therein.
May 20	Order for Appeal filed in Circuit Court for Baltimore County by M. William Adelson, Esq. and Donald N. Rothman, Esq., attorneys for Protestants-Appellants
" "	Certificate of Notice sent to all interested parties
June 1	Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
" 18	Transcript of testimony filed - 1 volume
	Petitioner's Exhibit No. 1 - Drawing showing front of building as proposed (C.B. of A. closet)
	" " " 2 - Plat of subject property - David W. Dallas, Civil Engineer - dated 8/18/70; revised ''/70
	" " " 3 - Traffic Engineering investigation and Data Analysis, prepared under supervision of Wm. E. Corgill, of Chesapeake Consultants Assn.
	Protestants' Exhibit "A" - Report of Dr. W. Ewall-traffic study
	" " "B" - List of Protestants present at hearing (did not testify)
" 18	Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents

---

will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddemeier
County Board of Appeals
of Baltimore County

Appealed 5/20/71

ent A

RE: PETITION FOR SPECIAL EXCEPTION for a Theatre, and SPECIAL HEARING for Off-Street Parking in a Residential Zone W/S of Reisterstown Road 100' S. of Sudbrook Lane 3rd District Dundalk Holding Co., Inc., Petitioner Zoning File #71-152-XSPH	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Robert Horn, et al, Protestants-Appellants	:	Misc. Docket No. 9
	:	Folio No. 117
	:	File No. 4679

: : : : : : : : : : : : : : : : : : : :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-B (4) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., John A. Miller and William H. Gaffney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Fred E. Waldrop, Esquire, 22 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and M. William Adelson, Esquire, 1035 Maryland National Bank Building, Baltimore, Maryland 21202, and Donald Rothman, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, and Allan J. Malester, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, Attorneys for the Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
494-3180

cc: Zoning

I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to Fred E. Waldrop, Esquire, 22 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and M. William Adelson, Esquire, 1035 Maryland National Bank Building, Baltimore, Maryland 21202, and Donald Rothman, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, and Allan J.

Malester, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, Attorneys for the Protestants, on this 20th day of May, 1971.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

IN THE MATTER OF CASE NO. 71-152-XSPH BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY - PETITION FOR SPECIAL EXCEPTION FOR THEATRE AND SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE, W/S OF REISTERSTOWN ROAD, 100 FEET SOUTH OF SUDBROOK LANE, 3RD DISTRICT, DUNDALK HOLDING CO., INC., PETITIONER	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

ORDER FOR APPEAL FROM THE ACTION OF THE COUNTY BOARD OF APPEALS IN THE MATTER OF CASE NO. 71-152-XSPH

MR. CLERK:

Please enter an appeal to the Circuit Court for Baltimore County on behalf of Robert Horn and Julia Horn, his wife, Whittier Realty Corporation, Pikesville Pharmacy, Inc., Sterling Amusement Corporation and J. F. Theatres, Inc., from the Order of the County Board of Appeals, passed on April 23, 1971, in its Case No. 71-152-XSPH, granting a Special Exception for a Theatre and further granting a permit for parking in a residential zone.

M. William Adelson
1035 Maryland National Bank Building
Baltimore, Maryland 21202
Pl. 2-6682

Donald N. Rothman
1200 Garrett Building
Baltimore, Maryland 21202
Pl. 2-4567

Attorneys for Appellants

Rec'd 5-20-71
8:45 AM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 1971, a copy of the foregoing Order for Appeal was delivered to Edith T. Eisenhart, Administrative Secretary of the County Board of Appeals, County Office Building, Towson, Maryland 21204, and a copy of said Order was mailed to Fred E. Waldrop, Esq., 202 Loyola Federal Building, Towson, Maryland 21204, Attorney for the Petitioner, Dundalk Holding Co., Inc.

M. William Adelson
Of Counsel for Appellants

B. Anderson

ent A

ZONING FILE #71-152-XSPH

IN THE MATTER OF CASE NO. 71-152-XSPH BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY - PETITION FOR SPECIAL EXCEPTION FOR THEATRE AND SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE, W/S OF REISTERSTOWN ROAD, 100 FEET SOUTH OF SUDBROOK LANE, 3RD DISTRICT, DUNDALK HOLDING CO., INC., PETITIONER	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
	:	Misc. 9/117 Case No. 4679

: : : : : : : : : : :

ORDER OF COURT

The appeal in this cause having been heard, the papers, reports, exhibits and testimony before the County Board of Appeals of Baltimore County, together with the Opinion and Order of said Board, and the pleadings and memoranda filed in this Court having been read and considered, argument by counsel for the respective parties having been heard, and the Opinion of this Court having been rendered herein on November 5, 1971, it is ORDERED by the Circuit Court for Baltimore County, this 17th day of November, 1971, that the Order of the County Board of Appeals for Baltimore County, passed on April 23, 1971, in the above entitled cause, be and the same is hereby reversed, costs herein and in the County Board of Appeals to be paid by the Appellee, Dundalk Holding Co., Inc.

RE: PETITION FOR SPECIAL EXCEPTION for Theatre, and SPECIAL HEARING for Off-Street Parking in a Residential Zone W/S of Reistertown Road 100 feet South of Sudbrook Lane 3rd District Dundalk Holding Co., Inc. Petitioner	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 71-152-XSPH

: : :

OPINION

This case comes before the Board on an appeal from an Order of the Deputy Zoning Commissioner which granted the Petitioner a special exception for a theatre and a special permit for off-street parking in a residential zone. The subject property is located in the Pikesville business community on the west side of Reistertown Road approximately 100 feet south of Sudbrook Lane. Same may be better identified as 1110 Reistertown Road. The property is zoned Business Local and is improved by a one-story masonry building which was most recently used as a dress shop. If successful in this hearing, the Petitioner proposes to convert the existing building into two mini-type theatres, with one hundred fifty seats each, for the exhibition of movies. The Petitioner now operates five other movie houses in the Baltimore area and has been in this business for more than twenty years.

The requested permit for off-street parking is for an R-6 parcel immediately behind the existing improvement described above and shown on Petitioner's Exhibit No. 2. The primary protestants were the operator of the nearby Pikes Theatre and a Pikesville businessman who depends heavily upon the use of the Pikes Theatre parking lot to accommodate his customers.

The key question to be resolved concerns the traffic to be generated by the proposed petition and its impact upon the area. Each side presented a well qualified traffic expert, who offered his judgment as to this potential. The Board was impressed by two conclusions reached by William E. Corgill, the traffic expert for the Petitioner. Considering the peak hour movie traffic, which is well after the closing time for most of

the Pikesville businesses, the particular use proposed would perhaps have less traffic impact on the area than most of the permitted uses in a Business Local zone. Secondly, from a congestion standpoint, it would be logical, as stated by Mr. Corgill, that a movie goer would perhaps have a more leisurely attitude toward traffic than the ordinary traveler in the hustle and bustle of the business day, and thus would be the least likely to cause undue congestion and confusion. The Board agrees with Mr. Corgill that the worst thing that might happen if all the parking spaces were filled would be that the movie goer would go home or select another movie location. Furthermore, the Petitioner testified that the proposed parking lot would be available to the Pikesville businesses when the Theatre was not using it. Hence, the Board foresees the opportunity to provide a good service to the surrounding business community by adding sorely needed parking spaces, exactly as the primary protestant does for the businesses near his theatre.

Without further detailing the evidence and testimony, it is the judgment of the Board that the Petitioner has satisfied the elements in Section 502.1 of the Baltimore County Zoning Regulations, and the special exception and permit as requested should be granted.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 23rd day of April, 1971, by the County Board of Appeals ORDERED, that the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations having been met, the Special Exception for a theatre should be and the same is GRANTED; and that the herein Petition for a Special Hearing should be and the same is GRANTED to permit parking in a residential zone, in accordance with the plat dated August 18, 1970, revised November 1970, and November 18, 1970, and approved December 7, 1970 by George E. Gavrelis, Director of the Office of Planning and Zoning for Baltimore County, said plat having been filed as

Exhibit No. 2 in this proceeding, and which is incorporated by reference here o as a part of this Order, from and after the date of this Order, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Acting Chairman

John A. Miller

William H. Gaffney

16 1972

DEC 31 '70 AM

RE: IN THE MATTER OF THE PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING W/S of Reisterstown Road, 100's of Sudbrook Lane - 3rd District Dundalk Holding Company, Incorporated - Petitioner No. 71-152-XSPH (Item No. 45)

: BEFORE THE
: DEPUTY ZONING
: COMMISSIONER
: OF
: BALTIMORE COUNTY

: :

ORDER FOR APPEAL

TO: ZONING COMMISSIONER FOR BALTIMORE COUNTY
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Mr. Zoning Commissioner:

Please enter an appeal to the County Board of Appeals for Baltimore County from each and every part of the Order of the Deputy Zoning Commissioner of Baltimore County, dated the 8th day of December, 1970 in case No. 71-152-XSPH (Item No. 45), granting "the Special Exception for a theatre" and "permitting parking in a residential zone", on behalf of the following persons, corporations and taxpayers who are aggrieved by such decisions and Order:

Robert & Julia Horn
1006-8-10-Reisterstown Road
Pikesville, Maryland 21208

Robert Nelson Farmer
t/a Empire Coiffeur
1000-1002 Reisterstown Road
Pikesville, Maryland 21208

Frank H. Newell, 3rd
1104 Reisterstown Road
Pikesville, Maryland 21208

Sterling Amusement Corporation
1000 Reisterstown Road
Pikesville, Maryland 21208
Mailing Address: 5010 Park Heights Avenue
Baltimore, Maryland 21215

JF Theatres, Inc.
t/a Pikes Theatre
1001 Reisterstown Road
Pikesville, Maryland 21208
Mailing Address: 10 Charles Plaza
Baltimore, Maryland 21201

Whittier Realty Corporation
1000-1002 Reisterstown Road
Pikesville, Maryland 21208
Mailing Address: 4501 E. Monument Street
Baltimore, Maryland 21205

Pikesville Professional Building, Inc.
7 Church Lane
Pikesville, Maryland 21208

Pikesville Pharmacy, Inc.
1210 Reisterstown Road
Pikesville, Maryland 21208

Pikesville Realty, Inc.
c/o Joel D. Fedder, Esquire
2100 One Charles Center
Baltimore, Maryland 21201

Donald N. Rothman
Donald N. Rothman

Allan J. Malester
Allan J. Malester

Gordon, Feinblatt & Rothman
Gordon, Feinblatt & Rothman
1200 Garrett Building
Baltimore, Maryland 21202

752-4567

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

Attorneys for Appellants

I HEREBY CERTIFY, that on this 31st day of December, 1970, a copy of the foregoing Order For Appeal was mailed to Fred E. Waldrop, Esquire, 202 Loyola Federal Building, 22 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

Allan J. Malester
Allan J. Malester

ORDER RECEIVED FOR FILING
DATE 12/8/70
BY [illegible]

RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING W/S of Reisterstown Road, 100' S of Sudbrook Lane 3rd District Dundalk Holding Company, Incorporated - Petitioner NO. 71-152-XSPH (Item No. 45)

: BEFORE THE
: DEPUTY ZONING
: COMMISSIONER
: OF
: BALTIMORE COUNTY

::: ::: :::

The Petitioner seeks a Special Exception for a theatre in a B.L. Zone and requests a permit for parking in a residential zone for property located on the west side of Reisterstown Road, one hundred (100') feet south of Sudbrook Lane, in the Third District of Baltimore County. Testimony revealed that the Petitioner wished to establish two (2) theatres of the "mini theatre type." These theatres would be located in the same building. Each would seat one hundred and fifty (150) people.

It was further testified that traffic along Reisterstown Road though being very heavy, would not be adversely affected by traffic emanating from the theatre, the peak hours for the theatre being Friday and Saturday evenings after 9:00 P. M. The peak hours for traffic on Reisterstown Road occurs between 3:00 P. M. and 7:00 P. M.

Parking for the customers of the theatre would consist of sixty (60) spaces, the majority of which would be located in the R.6 Zone to the rear of the proposed theatres.

Protestants to this Petition testified to the increased and hazardous traffic along Reisterstown Road.

It is obvious to the Deputy Zoning Commissioner that the greatest impact of traffic emanating from the parking lot would occur somewhere after 10:00 P. M. in the evening when the peak traffic along Reisterstown Road had ended. Further, the property is presently zoned B.L., and if used in some manner as allowed in this zoning, there might be a continuous impact from traffic emanating from this property.

For the aforegoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 8th day of December, 1970, that the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations having been met, the Special Exception for a theatre should be and the same is GRANTED, and that the herein Petition for a Special Hearing should be and the same is GRANTED, to permit parking in a residential zone in accordance with the plat dated August 18, 1970, revised November 1970, and November 18, 1970, and approved November 18, 1970, by George E. Gavrelis, Director of the Office of Planning and Zoning for Baltimore County, said plat having been filed as Exhibit "A" in this proceeding, and which is incorporated by reference hereto as a part of this Order, from and after the date of this Order, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

ORDER RECEIVED FOR FILING
DATE 12/8/70
BY [illegible]

Deputy Zoning Commissioner of
Baltimore County

The Circuit Court for Baltimore County

CHAMBERS OF
JOHN GRASON TURNBULL
JUDGE

THIRD JUDICIAL CIRCUIT OF MARYLAND
TOWSON, MARYLAND 21204

June 21, 1971

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

Donald N. Rothman, Esquire
1200 Garrett Building
Redwood and South Streets
Baltimore, Maryland 21202

Hon. Fred E. Waldrop
202 Loyola Federal Building
Baltimore, Maryland 21204

Allan J. Malester, Esquire
Garrett Building
Redwood and South Streets
Baltimore, Maryland 21202

Re: In the Matter of Case No. 71-152-XSPH Before the Board of Appeals of Baltimore County et al, vs. Robert Horn, et al - Misc. 4679

Gentlemen:

The above matter has been assigned to me for hearing. Before a date can be set it will be necessary that Local Rule 2.3 be complied with. This Rule reads as follows:

"A. In all appeals to this Court from administrative agencies, the appellant shall, within thirty days from the date that the record is filed in this Court, file with the Clerk and serve on all opposing counsel a memorandum containing the following:

1. Points of Law
2. Legal authorities; and
3. Citation of particular portions of the record transcript in support of appellant's position.

"B. Appellee shall file with the Clerk and serve on all opposing counsel a reply memorandum (containing points of law, legal authorities, and citation of particular portions of the record transcript

Messrs. Adelson, Rothman, Waldrop and Malester June 21, 1971

- 2 -

in support of appellee's position) within fifteen days after receipt of appellant's memorandum."

Please let me have your citations as soon as possible with a memorandum advising me of the portion of the transcript you wish me to read. As you know, in these matters there is much repetition which is of no help to the court in reaching a decision.

I will be available to hear this matter through August. If counsel will decide upon a mutually convenient date, at 9 A. M., and notify my secretary, we will set it in for hearing.

Sincerely yours,

John Grason Turnbull

JGT/etl

CC: Mrs. Edith T. Eisenhart, Administrative Secretary
County Board of Appeals
County Office Building, Towson, Md. 21204

BALTIMORE COUNTY, M[illegible]

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: October 30, 1970
FROM: Mr. George E. Gavrelis, Director of Planning

SUBJECT: Petition #71-152-XSPH. West side of Reisterstown Road 100 feet south of Sudbrook Lane.
Petition for Special Exception for a Theatre.
Petition for Special Hearing to permit off-street parking in a residential zone.
Dundalk Holding Company - Petitioners

3rd District

HEARING: Wednesday, November 4, 1970 (11:00 a.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for special exception.

The Planning Staff voices no objection to the special exception for a theatre(s) if the use permit for parking is granted. We are not prepared to approve the development plan for parking here because: screening is not shown, lighting is not shown, hours of operation are not shown. Any lighting adjacent to residential premises ought to be no higher than 8 feet.

GEGmsh

AUG 16 1972

ZONING FILE #71-152-XSPH

IN THE COURT OF APPEALS OF MARYLAND

No. 362

September Term, 1971

DUNDALK HOLDING COMPANY, INC.

v.

ROBERT HORN et al.

Barnes
McWilliams
Singley
Smith
Digges
Powers, Ralph W.
(specially assigned),

JJ.

Opinion by Barnes, J.

Filed: July 5, 1972

Rec'd 7-6-72
9:30 AM

The two questions presented to us in this zoning appeal are whether the Circuit Court for Baltimore County (Turnbull, J.) erred in passing its order of November 17, 1971, reversing the decision of the County Board of Appeals of Baltimore County (County Board) for alleged lack of any substantial evidence to support its decision of April 23, 1971, to grant the appellant, Dundalk Holding Company, Inc. (Dundalk), (a) a special exception for a theatre on its land in a B.L. (Business Local) zone and (b) a special permit for off-street parking on its adjoining land in a D.R. 5.5 (Residential) zone. We have concluded that there was sufficient evidence to support the County Board's decision and we will reverse the order of the lower court.

The subject property is located in the Third Election District of Baltimore County on the west side of Reisterstown Road approximately 100 feet south of Sudbrook Lane in the Pikesville business area and is known as 1110 Reisterstown Road. The portion of the subject property in the B.L. zone is rectangular in shape and has a frontage on the west side of Reisterstown Road of 64.33 feet with a depth of 142 feet, and contains .21 acre of land. Immediately adjoining that portion of the property to the west is an "L" shaped part of the land containing .375 acre zoned D.R. 5.5 for which the special permit for off-street parking was requested. The portion of the subject property fronting on Reisterstown Road is improved by a

one-story masonry store building which Dundalk proposes to convert into a 300 seat mini-theatre operation, using the D.R. 5.5 parcel as a parking lot. The mini-type theatre operation will have a single entrance but will have two theatres of 150 seats each for the exhibition of motion pictures. The land to the west of the subject property is improved with commercial structures - stores and offices. To the east, the land is improved with a library and with an automobile service station. In front of the subject property, Reisterstown Road is 40 feet wide. The plat for the proposed improvement was approved by George E. Gavrelis, Director of the Office of Planning and Zoning of Baltimore County. The Deputy Zoning Commissioner of Baltimore County on December 8, 1970, granted the requested special exception and granted a special hearing for the requested parking permit.

The appellees, Robert Horn and Julia Horn, his wife, Whittier Realty Corporation, Pikesville Pharmacy, Inc., Sterling Amusement Corporation and J. F. Theatres, Inc., being landowners in the immediate area, appealed the decision of the Deputy Zoning Commissioner to the County Board, which, after a hearing, granted the special exception and special parking permit on April 23, 1971. Thereafter, the appellees perfected an appeal to the lower court, which, as we have stated, on November 17, 1971, reversed the order of the County Board. Dundalk perfected a timely appeal to this Court from the order of November 17.

There is no dispute between the parties in regard to the applicable law. If the action by the County Board was supported by

any substantial evidence, then the matter before it was "fairly debatable" and the lower court should not substitute its judgment for that of the administrative body; on the other hand, if the action of the County Board was not supported by any substantial evidence, then its action was arbitrary and capricious and a denial of due process of law as prohibited by Art. 23 of the Declaration of Rights of the Maryland Constitution and should have been reversed by the lower court for this reason.

As we stated in Prince George's County v. Meininger, 264 Md. 148, 152, 285 A.2d 649, 651 (1972):

> "For the lower court to have been correct in its holding it would have had to have found, and the record would have had to have shown, 'that the action of the District Council was unsupported by competent, material and substantial evidence and therefore, was arbitrary and capricious.'"

The determination of the present appeal, therefore, turns upon a consideration of the facts presented to the County Board. As we have indicated, we are of the opinion that there was sufficient substantial evidence presented before that Board to make its decision fairly debatable.

(1)

By Section 502.1 of the Baltimore County Zoning Ordinance, it is provided that for the County Board to grant a special exception it must be shown that the proposed use will not:

> "a. Be detrimental to the health, safety, or general welfare of the locality involved;

> "b. 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;
>
> "e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
>
> "f. Interfere with adequate light and air."

Dundalk produced as its first witness before the County Board its Vice-President, Howard A. Wagonheim, who had resided in Pikesville for some 12 years, approximately one mile from the subject property. He was familiar with "the entire Pikesville area community and the whole commercial strip along Reisterstown Road." He buys all the films for Dundalk and other motion picture corporations and has managed, supervised and operated those corporations for almost 24 years. The other motion picture corporations include:

> "... the Homewood Amusement Company, which operates the Playhouse at 25th and Charles; the Five West Amusement Company, which operates the Seven East and the Five West at North and Charles; the Paramount Amusement Company, which operates the Paramount Theatre at 6650 Belair Road; and similar corporations of Maryland which operate Cinema 1 and Cinema 2 in the Yorkridge Shopping Center in Lutherville and Timonium."

After describing the subject property, its improvements and the surrounding commercial area, Mr. Wagonheim stated why he had selected the subject property for the proposed theatre operation, as follows:

> "Several reasons: the building is available, it is on commercial property, with a parking lot which more than meets the minimum zoning requirements for what I propose to do at this site, and for which we have been granted permission to do by the Deputy Zoning Commissioner.

> "The minimum requirements for parking are 1 space for every 6 seats. I intend to construct what is called a mini-theatre, with a total of 300 seats. There will be 2 auditoriums of 150 seats each, which is a very small theatre. We have 60 parking spaces, which is actually 1 parking space for every 5 seats."

* * *

"A. It more than meets the [minimum] county requirements. The minimum requirements are 1 space for every 6 seats, which in fact would mean that at this location, with the number of parking spaces that we have, we could actually put in 360 seats, or a total of 360 seats, or 180 seats in each auditorium.

"I have done research on population within a 2-mile radius of this site, with the use of census tracts. Coupled with the census-tract population figures that I have, which indicate that within a 2-mile radius of this site the population has grown from 39,730 as of January 1, 1960, to 65,479 persons as of January 1, 1970.

"Pikesville has only one existing theatre, which, over the last 193 weeks, which is 3 years and 37 weeks, has had 47 programs, which is an average of one program every 4.11 weeks, and it is my feeling, with my background, in developing other theatres in areas which are very much similar to Pikesville, Pikesville residents deserve and should have another theatre."

In regard to the proposed hours of operation, Mr. Wagonheim stated:

> "The very earliest we would operate our box office would be at one-thirty in the afternoon, and with these miniature auditoriums I would operate this on a staggering schedule basis, which means that on one side we would program our features at one-thirty, three-thirty, five-thirty, seven-thirty, and nine-thirty, and on the other side at two, four, six, eight, ten, so that the last feature would go on at ten o'clock at night."

He further stated that he was aware that there was existing in the Pikesville area "a void of sufficient parking spaces for many of the merchants" and that when the proposed parking spaces were not used for the proposed theatre operation, he would allow them to use the spaces.

In regard to the likely hours for most patrons to use the proposed theatre, Mr. Wagonheim testified that from his experience in the operation of other theatres, they would be as follows:

> "Predominantly the usage of this theatre will be after seven o'clock, from Monday through Saturday, and all day Sundays. I have research patterns at Cinema 1 and Cinema 2, which is a twin operation.
>
> " * * [These are located at] Yorkridge Shopping Center in Lutherville. The Paramount, which is operated in the 6600 Block of Belair Road, I went through the year of 1969 on an admission basis, day by day, and the average, well I will give it to you exactly: in 1969, Cinema 1 had a total attendance of 71,983 people. Of that 71,983 people, 57,765 purchased tickets after seven o'clock, from Monday through Saturdays and all day on Sundays, which was actually figures to figure up 80.24%, that is average.
>
> "I did the same thing with Cinema 2. Our total attendance at Cinema 2 was 113,490 people. Of that 113,490 people, 97,465 purchased tickets after seven, from Monday through Saturday nights and all day Sundays, which was 85.88% of our total attendance.
>
> "I wanted to check still further and corroborate these findings, so I went to the Paramount Theatre for the year 1969. The Paramount total attendance was 48,993. Of the 48,993, --36,950 tickets were sold after 7:00 p.m. from Monday through Saturday nights and all day Sunday, which was 75.42% of our total attendance.
>
> "There is no doubt that in a suburban area, such as exists in Pikesville, that the same pattern would prevail. I could even take figures further, take it back to six o'clock, and show that the percentages from six o'clock from Monday through Saturday nights and all day Sundays, are even higher."

Mr. Wagonheim testified further that he was familiar with the Baltimore County Zoning Regulations and specifically Section 502.1 and was examined and testified as follows:

> "Q. As a result of your experience as a motion-picture exhibitor, and in the varied neighborhoods and suburban shopping centers, do you feel that the granting of a special exception to locate a motion picture theatre on the subject site would be detrimental to the health, safety, and welfare of the locality? A. Absolutely not."
>
> * * *
>
> "Q. From your experience, it will not be detrimental to the general welfare? A. From my experience, yes it will not.
>
> "Q. Will it tend to create congestion in the roads, streets, and alleys? A. No.
>
> "Q. Have you hired an expert to analyze the traffic situation in the area? A. Yes, I have.
>
> "Q. Will it tend to create a potential hazard from fire, panic, or other dangers? A. From my experience, no.
>
> "Q. Will it tend to overcrowd land and cause undue concentration of population? A. No.
>
> "Q. Of course, I think you know that the property is presently zoned B-L, and any number of commercial uses can be placed on the subject property, is that correct? A. That is right.
>
> "Q. Will this interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements? A. No.
>
> "Q. Will it interfere with adequate light and air? A. It will not.
>
> "Q. Certainly, sir, if the Board were to deny you this request for a special exception, you would put the property to a commercial use, would you not? A. Yes, we would put it to a commercial use. We would lease it, and in competition to at least some of the existing retail merchants in the Pikesville area, which would generate and add to the existing traffic conditions during the hours with which they operate.
>
> "Q. As a matter of fact, you could put even a drug store or a grocery store or small department store or a

AUG 16 1972

liquor store, automobile parking lot, or accessory supply shop, a barber shop, or beauty shop, or any type of business, such as the other properties, as it is already zoned, can't you? A. Right."

Except upon the issue of traffic conditions in the locality, Mr. Wagonheim's testimony was substantially uncontradicted and, in our opinion, supplied more than a scintilla of evidence to support the finding by the County Board that the criteria set forth in Section 502.1 had been sufficiently established by the applicant. The County Board obviously accepted Mr. Wagonheim's testimony and opinions in regard to the criteria. In our opinion, Mr. Wagonheim's substantial experience in the management, supervision and operation of theatres - already set forth - is sufficient to permit the County Board to consider him as an expert in this field and to conclude that his testimony and opinions in regard to the criteria established by Section 502.1 were sufficient to support the County Board's conclusion that the criteria had been met. See Air Lift, Ltd. v. Board of County Commissioners of Worcester County, 262 Md. 368, 278 A.2d 244 (1971); Nondemir, Corp. v. Kress, 259 Md. 307, 266 A.2d 8 (1970); 2 Am.Jur. Administrative Law § 422, at 232.

It should be kept in mind, also, that the Deputy Zoning Commissioner had determined that "the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations [had] ... been met" in his order of December 8, 1970, granting the special exception and the special parking permit, incorporating in his order the map of August 18, 1970, as revised, which was approved by George E. Gavrelis,

Director of the Office of Planning and Zoning for Baltimore County. Admittedly, the Deputy Zoning Commissioner and the Director of the Office of Planning and Zoning are experts in this field and their respective findings and approval were before the County Board. See Stephens v. Montgomery County Council, 248 Md. 256, 259, 235 A.2d 701, 703 (1967). See also Malasky v. Montgomery County, 258 Md. 612, 624-25, 267 A.2d 182, 189-90 (1970) and Board of County Commissioners of Howard County v. Turf Valley Associates, 247 Md. 556, 562, 233 A.2d 753, 756-57 (1967).

The appellees refer to the rule that "an expert's opinion is of no greater probative value than the soundness of his reasons given therefor will warrant," Miller v. Abrahams, 239 Md. 263, 273, 211 A.2d 309, 314 (1965). See also Surkovich v. Doub, 258 Md. 263, 272, 265 A.2d 447, 451 (1970); Westview Park v. Hayes, 256 Md. 575, 581-82, 261 A.2d 164, 167-68 (1970); and County Commissioners for Prince George's County v. Luria, 249 Md. 1, 3, 4, 238 A.2d 108, 109-10 (1967). They contend that the rule applies to Mr. Wagonheim's testimony. We do not agree with this contention. Mr. Wagonheim, as we have observed, testified rather fully in regard to (a) the surrounding properties and general commercial area surrounding the subject property, (b) his familiarity with the area over the past 12 years during which he lived approximately one mile from the subject property, (c) the essential details of the proposal and how it would be implemented practically and (d) his quite substantial experience over a 24-year period with the management, supervision

and operation of a number of theatres in the general Baltimore area. As we have observed, this experience and his long personal knowledge of the neighborhood involved give his opinions in regard to the criteria some probative force and amount to more than a mere "scintilla" of evidence. The weight of this evidence was for the County Board. Mr. Wagonheim's opinions might have been impaired by cross-examination or possibly by the use of the testimony of others: but, as we have stated, his testimony was substantially uncontradicted and unimpaired. In our opinion, the rule mentioned in Miller, Surkovich, Westview Park and Luria is not applicable in the present case.

The principal issue before the County Board and the lower court was in regard to an alleged traffic hazard which would result if the application would be granted. In regard to this issue, the parties produced well-qualified traffic engineers. Dundalk produced William E. Corgill, a registered traffic engineer who held a Bachelor of Science Degree in civil engineering from Bucknell University, was a graduate from the Bureau of Highway Traffic Graduate School at Yale University and who would shortly receive his Ph.D in Transportation at Catholic University. He had also spent two years as a civil engineer in the New York State Department of Public Works and had been traffic engineer on the staff of the Association of Casualty and Surety Companies - a trade association of stock casualty and insurance business in New York. He was also staff director for traffic safety in Washington, D. C. for eight years. He is also a member of several professional institutes connected with engineering and traffic safety.

Mr. Corgill was of the opinion that the proposed theatre would generate less traffic than any other business usage of the subject property and that traffic generated by the proposed theatre would be at times when normal traffic would be at a minimum, between Monday through Saturday after 7:00 p.m. and on Sunday. He pointed out that, in his opinion, the traffic coming to the theatre would be spread over a comparatively broad period of time while departing traffic would dissipate in a relatively short period of time. His conclusion was that the granting of the application would not result in a traffic hazard.

The appellees, on the other hand, produced an equally well-qualified traffic expert in Dr. Walter Worthington Ewell, who came to a conclusion different from that of Dundalk's expert, Corgill. Dr. Ewell holds the degrees of B.E. in civil engineering and Dr. Eng. from The Johns Hopkins University and was an instructor and Assistant Professor at that University, having taught highway engineering, structural engineering and other courses in the civil engineering department. He has been a consultant to the Baltimore City Department of Planning on highway and interchange problems. He, too, is a member of a number of professional engineering societies.

In Dr. Ewell's opinion, inter alia, unless a second exit from the parking lot were provided, there would be a traffic hazard on Sudbrook Lane west of Reisterstown Road when the patrons of the proposed theatre were attempting to arrive or depart during relatively short periods of time near the beginning of the feature film.

It is apparent to us that in view of the differing opinions of the two well-qualified experts, the traffic hazard issue was "fairly debatable" and the County Board could quite properly accept the opinion of the expert of Dundalk rather than that of the appellees. As we have already stated, the Courts, under these circumstances, should not substitute their judgment on a fairly debatable issue for that of the administrative body.

The appellees contend that the County Board failed to comply with the requirement of Section 501.4 of the Baltimore County Zoning Ordinance requiring the Board to include in its opinion "a statement of the facts found and the grounds for its decision."

The County Board in its opinion described the subject property and its improvements as well as the proposal set forth in the application. It pointed out that the "primary protestants were the operator of the nearby Pikes Theatre and a Pikesville businessman who depends heavily upon the use of the Pikes Theatre parking lot to accommodate his customers." The Board considered the "key question" to be the traffic to be generated by the proposal and its impact upon the area. It noted that each side presented well-qualified experts who offered their respective opinions on the subject. It stated its reasons why it was more impressed with the opinions of Dundalk's expert than with those of the expert for the appellees. It then stated:

> "Without further detailing the evidence and testimony, it is the judgment of the Board that the petitioner has satisfied the elements in Section

> 502.1 of the Baltimore County Zoning Regulations, and the special exception and permit as requested should be granted."

In our opinion, the opinion of the County Board, taken as a whole, complied with the requirement of Section 501.4.

(2)

The appellees earnestly contend that there was insufficient evidence to support the granting of the special permit for off-street parking in the residential zone. We are of the opinion that there was such sufficient evidence.

The County Board, in its opinion, observed that Dundalk's vice-president had testified that the proposed parking lot would be available to Pikesville businesses when not used by the proposed theatre. It stated: "Hence, the Board foresees the opportunity to provide a good service to the surrounding business community by adding sorely needed parking spaces, exactly as the primary protestant does for the business near his theatre." In short, the County Board concluded that the proposed parking area was needed, not only for the proposed theatre operation, but for partial relief of the parking problem for the surrounding business community.

The criteria set forth in Section 409.4 - Business or Industrial Parking in Residence Zones - were met by the findings and conditions appearing on the plat approved by the Director of the Office of Planning and Zoning, already mentioned, upon which the application was granted. These conditions were as follows:

> "A. Land adjoins the business involved.
>
> B. Only passenger vehicles, excluding busses, will use the parking area.
>
> C. No loading, service, or any use other than parking shall be permitted.
>
> D. Lighting shall be regulated as to location, direction, hours of illumination, glare & intensity, as required.
>
> E. Screening by a wall, fence, planting & or otherwise shall be required as deemed advisable by the office of planning.
>
> F. A paved surface, properly drained, shall be provided.
>
> G. A satisfactory plan, showing parking arrangement & vehicular access shall be provided.
>
> H. Method & Area of operation, provision for maintenance & permitted hours of use shall be specified & regulated as required. Hours of use to support operation of theatre only. Between 12 Noon & 12 PM."

In addition, a typical light standard eight feet high is sketched on the plat with the notation:

> "Note: Deflectors shall be adjusted to prohibit light to residential areas."

These findings and conditions together with the testimony of Mr. Wagonheim and Mr. Corgill are, in our opinion, sufficient to support the grant by the County Board of the special parking permit for off-street parking in the residential zone.

ORDER OF NOVEMBER 17, 1971, OF THE CIRCUIT COURT FOR BALTIMORE COUNTY REVERSING THE ORDER OF THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY OF APRIL 23, 1971, REVERSED AND THE ORDER OF THE COUNTY BOARD OF APRIL 23, 1971, GRANTING THE APPLICATION FOR A SPECIAL EXCEPTION AND A SPECIAL PARKING PERMIT IN A RESIDENTIAL ZONE, BE REINSTATED; THE COSTS TO BE PAID BY THE APPELLEES.

1110. REISTERSTOWN RD.
MINIATURE THEATRES

#71-152X SPH

ZONING DESCRIPTION

SPECIAL EXCEPTION FOR A
USE PERMIT FOR
PARKING IN AN R - 6 ZONE

BEGINNING for the same on the southernmost side of Sudbrook Lane (60 feet wide) at a point distant 170 feet measured in a westerly direction from the westernmost side of Reisterstown Road (66 feet wide) said point of beginning being at the beginning of the first or south 28 degrees 10 minutes east 214 foot 5½ inch line of the second parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co., thence running with and binding reversly on the fourth line of said deed and on the southernmost side of Sudbrook Lane south 61 degrees 38 minutes west 68.00 feet to the beginning of said fourth line, thence running with and binding reversly on the third, second and part of the first line of said deed the three following courses and distances south 28 degrees 10 minutes east 214.42 feet, north 61 degrees 35 minutes east 68.00 feet and north 28 degrees 10 minutes west 50.13 feet to the end of the second line of the first parcel of said deed, thence leaving said first line of said second parcel and running with and binding reversly on a part of said second line of said first parcel north 61 degrees 38 minutes east 28.00 feet to intersect the division line between R - 6 and B - L Zoning, thence binding on said zoning division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding reversly on a part of said fourth line south 61 degrees 38 minutes west 28.00 feet to the beginning of said line and to intersect said first line of said second parcel, thence running with and binding reversly on a part of said first line north 28 degrees 10 minutes west 100.00 feet to the place of beginning.

CONTAINING 0.376 acres of land more or less.

BEING part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co.

October 7, 1970

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER

DAVID W. DALLAS, JR.
CIVIL ENGINEER
8719 OLD HARFORD RD. BALTO., MD. 21234
PO 5-7722

#71-152X SPH

ZONING DESCRIPTION

SPECIAL EXCEPTION

FOR

A THEATER IN A B-L ZONE

BEGINNING for the same on the westernmost side of Reisterstown Road (66 feet wide) at a point distant 100 feet measured in a southerly direction from the point formed by the westernmost side of said Reisterstown Road with the southernmost side of Sudbrook Lane (60 feet wide), thence running with and binding on the first or 64 foot 4 inch line of the first parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co. and on the westernmost side of said Reisterstown Road south 28 degrees 10 minutes east 64.33 feet to the end of said line, thence running with and binding on a part of the second line of said first parcel south 61 degrees 38 minutes west 142.00 feet to the division line between B-L and R-6 Zoning, thence binding on said division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding on a part of said line north 61 degrees 38 minutes east 142.00 feet to the place of beginning.

CONTAINING 0.210 acres of land more or less.

BEING part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co.

August 20, 1970

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER

DAVID W. DALLAS, JR.
CIVIL ENGINEER
8719 OLD HARFORD RD. BALTO., MD. 21234
PO 5-7722

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner — Date: October 2, 1970

FROM: John L. Wimbley, Project Planning Division

SUBJECT: Zoning Advisory Agenda Item #45

September 22, 1970
Dundalk Holding Company
SW/S Reisterstown Rd. 100' SE of
Sudbrook Lane

This office has reviewed the subject site plan and offers the following comments:

The plan must be revised to reflect all of the requirements of Section 409 of the Zoning Regulations.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

OFFICE

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

October 13, 1970

Fred E. Waldrop, Esq.
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Type of Hearing: Special Exception for Theatre
Location: SW/S Reisterstown Rd. 100' SE of Sudbrook Lane
Petitioner: Dundalk Holding Co.
Committee Meeting of Sept. 22, 1970
3rd District
Item 45

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with a large brick masonry building which was used for a boutique, with the portion in the rear improved with a parking lot, which runs the full width of the subject property, as well as the width of three other properties to Sudbrook Lane. The property to the west is presently being improved with commercial structures, stores and offices. The property to the east is improved with a library and automotive service station. Sudbrook Lane and Reisterstown Road are improved as far as concrete curb and gutter are concerned - Sudbrook Lane partially, Reisterstown Road in its entirety.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Reisterstown Road (U.S. 140) is a State road; therefore, all improvements, intersections and entrances on this road will be subject to State Roads Commission requirements.

Fred E. Waldrop, Esq.
Item 45
Page 2

October 13, 1970

Sudbrook Lane, an existing road, is proposed to be improved as a 50-foot closed section within the existing 60-foot right-of-way. Highway improvements, including any necessary reversible slope easements would be required in connection with any subsequent grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Reisterstown Road (U.S. 140) is a State road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Water and Sewer:

Public water supply and public sanitary sewerage is available to serve this property.

PROJECT PLANNING DIVISION:

The plan must be revised to reflect all of the requirements of Section 409 of the Zoning Regulations.

DEPARTMENT OF TRAFFIC ENGINEERING:

The parking lot from Sudbrook Lane is now being used for a restaurant. Prior to this office commenting, clarification of the parking requirements for the restaurant and the theatre must be submitted to this office.

Fred E. Waldrop, Esq.
Item 45
Page 3

October 13, 1970

FIRE DEPARTMENT:

The owner shall be required to comply with all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

BOARD OF EDUCATION:

No bearing on student population.

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of the Baltimore County Building Code and Regulations when plans are submitted. Also, see Parking Lots Section 409.10H and Assembly Occupancies, Section 401.

HEALTH DEPARTMENT:

Since petition is for parking, no health hazards are anticipated.

STATE ROADS COMMISSION:

The subject plan indicates no access to the State highway, therefore, there will be no requirements from the State Roads Commission.

ZONING ADMINISTRATION DIVISION:

The petitioner indicated on his site plan that an existing parking permit is in effect for the parking lot which lies in the R-6 zone to the rear. Our records indicate that no parking permit exists. However, it is suggested that the petitioner revise his site plan in accordance with Section 409.2 B. of the Zoning Regulations showing the parking comments and any lighting that will be required for the site plan and revising his position to request the Special Hearing for off street parking.

We are approving a hearing date on the subject property, with the stipulation that in the event the petitioner cannot prove that the parking permit exists, he will submit revised drawings to this office with the required information.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:JD
Enc.

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
3rd DISTRICT

ZONING: Petition for Special Exception for a Theatre.
Petition for Special Hearing for Off-Street Parking in a Residential Zone.
LOCATION: West side of Reisterstown Road 100 feet South of Sudbrook Lane.
DATE & TIME: Wednesday, November 4, 1970 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petition for Special Exception for a Theatre.
Petition for Special Hearing for Off-Street Parking in a Residential Zone.
All that parcel of land in the Third District of Baltimore County,

A THEATER IN A B-L ZONE

Beginning for the same on the westernmost side of Reisterstown Road (66 feet wide) at a point distant 100 feet measured in a southerly direction from the point formed by the westernmost side of said Reisterstown Road with the southernmost side of Sudbrook Lane (60 feet wide), thence running with and binding on the first or 64 foot 4 inch line of the first parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co. and on the westernmost side of said Reisterstown Road south 28 degrees 10 minutes east 64.33 feet to the end of said line, thence running with and binding on a part of the second line of said first parcel south 61 degrees 38 minutes west 142.00 feet to the division line between B-L and R-6 Zoning, thence binding on said division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding on a part of said line north 61 degrees 38 minutes east 142.00 feet to the place of beginning.

Containing 0.210 acres of land more or less.

Being part of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by The Dundalk Holding Co. to The New England Mutual Life Insurance Co.

USE PERMIT FOR PARKING IN AN R-6 ZONE

Beginning for the same on the southernmost side of Sudbrook Lane (60 feet wide) at a point distant 170 feet measured in a westerly direction from the westernmost side of Reisterstown Road (66 feet wide) said point of beginning being at the beginning of the first or south 28 degrees 10 minutes east 214 foot 5½ inch line of the second parcel of that tract of land which by deed dated December 23, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3288 folio 163 etc. was mortgaged by the Dundalk Holding Co. to the New England Mutual Life Insurance Co., thence running with and binding reversely on the fourth line of said deed and on the southernmost side of Sudbrook Lane south 61 degrees 38 minutes west 68.00 feet to the beginning of said fourth line, thence running with and binding reversely on the third, second and part of the first line of said deed the three following courses and distances south 28 degrees 10 minutes east 214.42 feet, north 61 degrees 35 minutes east 68.00 feet and north 28 degrees 10 minutes west 50.13 feet to the end of the second line of the first parcel of said deed, thence leaving said first line of said second parcel and running with and binding reversely on a part of said second line of said first parcel north 61 degrees 38 minutes east 28.00 feet to intersect the division line between R-6 and B-L Zoning, thence binding on said zoning division line north 28 degrees 10 minutes west 64.33 feet to intersect the fourth line of said first parcel, thence running with and binding reversely on a part of said fourth line south 61 degrees 38 minutes west 28.00 feet to the beginning of said line and to intersect said first line of said second parcel, thence running with and binding reversely on a part of said first line north 28 degrees 10 minutes west 100.00 feet to the place of beginning.

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Being the property of Dundalk Holding Company, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 4, 1970 at 11:00 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

By order of
EDWARD D. HARDESTY
Zoning Commissioner Of
Baltimore County.

Oct. 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 15, 1970

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 time ~~successive weeks~~ before the 4th day of November, 1970, the first publication appearing on the 15th day of October 1970.

THE JEFFERSONIAN,
[signature]
Manager.

Cost of Advertisement, $

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
3rd DISTRICT

ZONING: Petition for Special Exception for a Theatre. Petition for Special Hearing for Off-Street Parking in a Residential Zone.
LOCATION: West side of Reisterstown Road 100 feet South of Sudbrook Lane.
DATE & TIME: WEDNESDAY, NOVEMBER 4, 1970 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Special Exception for a Theatre. Petition for Special Hearing for Off-Street Parking in a Residential Zone.
All that parcel of land in the Third District of Baltimore County.

A THEATER IN A B-L ZONE

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Being the property of Dundalk Holding Company, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 4, 1970 at 11:00 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
EDWARD D. HARDESTY
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Oct. 15, 1970

ORIGINAL

OFFICE OF
THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 October 19, 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One XXXXXXXX week~~s~~ before the 19th day of Oct., 1970 that is to say, the same was inserted in the issue~~s~~ of Oct. 15, 1970.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

TELEPHONE 494-2413

INVOICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 75406

DATE Nov. 19, 1970

TO: The Fourth District Corp.
2500 Maryland National Bank Building
Baltimore, Md. 21202

BILLED BY: Zoning Dept. of Baltimore County

DEPOSIT TO ACCOUNT NO. 01-622

TOTAL AMOUNT $107.50

QUANTITY		COST
	Advertising and posting of property for Dundalk Holding Co., Inc. #71-152-XSPH	107.50

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413

INVOICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 75459

DATE 1/4/71

TO: Allan J. Malester, Esq.,
Garrett Building
Baltimore, Md. 21202

BILLED BY: Zoning Office
119 County Office Building,
Towson, Md. 21204

DEPOSIT TO ACCOUNT NO. 01-622

TOTAL AMOUNT $75.00

QUANTITY		COST
	Cost of appeal - property of Dundalk Holding Co. $70.00 No. 75-152-XSPH 1 sign 5.00	$75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413

INVOICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 74012

DATE 6/18/71

TO: M. William Adelson, Esq.
1035 Maryland National Bank Bldg.
Baltimore, Md. 21202

BILLED BY: County Board of Appeals (Zoning)

DEPOSIT TO ACCOUNT NO. 01.712

TOTAL AMOUNT $16.00

QUANTITY		COST
	Cost of certified documents - Case No. 71-152-XSPH W/S Reisterstown Road 100' S. of Sudbrook Lane 3rd District Dundalk Holding Co., Inc., Petitioner	$16.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413

INVOICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 75312

DATE Oct. 13, 1970

TO: Fred E. Waldrop, Esq.
202 Loyola Federal Building
Towson, Md. 21204

BILLED BY: Zoning Dept. of Baltimore County

DEPOSIT TO ACCOUNT NO. 01-622

TOTAL AMOUNT $50.00

QUANTITY		COST
	Petition for Special Exception and Special Hearing for Dundalk Holding Co. #71-152-XSPH	50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

13160 71-152-XSPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Date of Posting Jan. 16-1971
Posted for: APPEAL
Petitioner: Dundalk Holding Co. Inc.
Location of property: W/S Reisterstown Rd 100 FT. S. of Sudbrook Lane
Location of Signs: 1110 Reisterstown Rd.
Remarks:
Posted by [signature] Date of return: Jan. 22 1971
Signature

71-152 XSPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3 Rd. Date of Posting Oct. 17-1970
Posted for: SPECIAL EXCEPTION & A SPECIAL HEARING
Petitioner: DUNDALK HOLDING CO. INC.
Location of property: W/S REISTERSTOWN RD. 100FT. S OF SUDBROOK LANE
Location of Signs: ① 1110 REISTERSTOWN RD. ② S/S OF SUDBROOK LANE 100+- W OF REISTERSTOWN RD.
Remarks:
Posted by Charles M. Neal Date of return Oct. 23 - 1970
Signature

Fred E. Waldrop, Esq.
22 W. Pennsylvania Avenue
Towson, Md.
21204

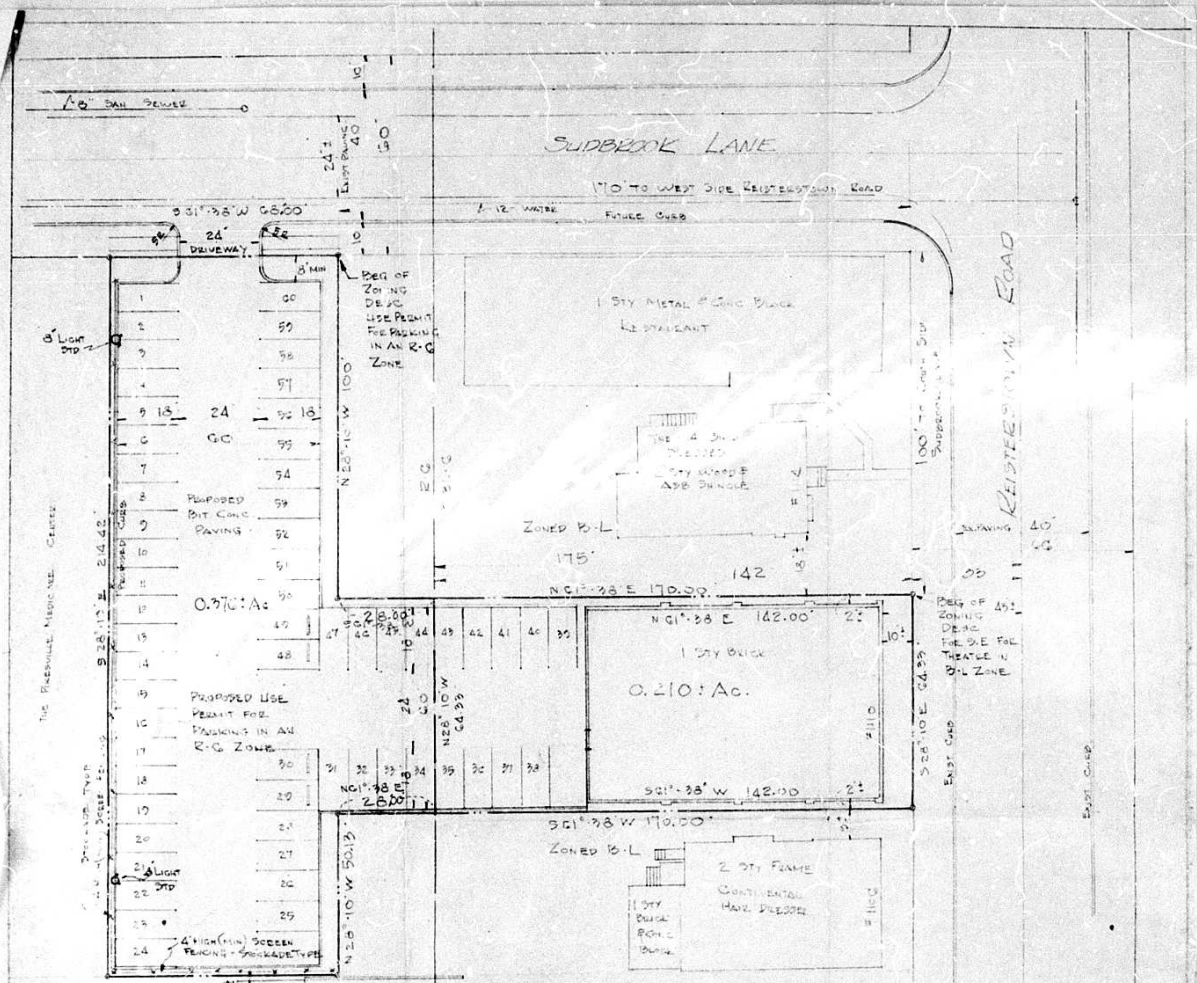
Item 45

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 22nd day of September, 1970.

Edward D. Hardesty
EDWARD D. HARDESTY,
Zoning Commissioner

Petitioner Dundalk Holding Co.
Petitioner's Attorney ______ Reviewed by Oliver L. Myers
Chairman of the Advisory Committee



PARKING IN A RESIDENTIAL ZONE

A. Land adjoins the business involved.
B. Only passenger vehicles, excluding busses, will use the parking area.
C. No loading, service, or any use other than parking shall be permitted.
D. Lighting shall be regulated as to location, direction, Hours of Illumination, glare & Intensity, as required.
E. Screening by a wall, fence, planting & or other means shall be required as deemed advisable by the office of planning.
F. A paved surface, properly drained, shall be provided.
G. A satisfactory plan showing parking arrangement & vehicular access shall be provided
H. Method & Area of operation. Provision for maintenance & permitted hours of use shall be specified & regulated as required. Hours of use to Support operation of theatre only. Between 12 Noon & 12 PM

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY John J. Gardner
DATE 12/9/70

Note: Reflectors shall be adjusted to prevent light to residential areas.

NORTH

NOT TO SCALE
TYPICAL LIGHT STANDARD
No SCALE

1110 REISTERSTOWN ROAD

ZONING PLAT

FOR

THE DUNDALK BUILDING CO.

3RD ELECTION DISTRICT
SCALE 1" = 20'

BALTIMORE CO. MD
AUGUST 18, 1970
REV NOV 1970
REV NOV 18, 1970

ZONING DATA

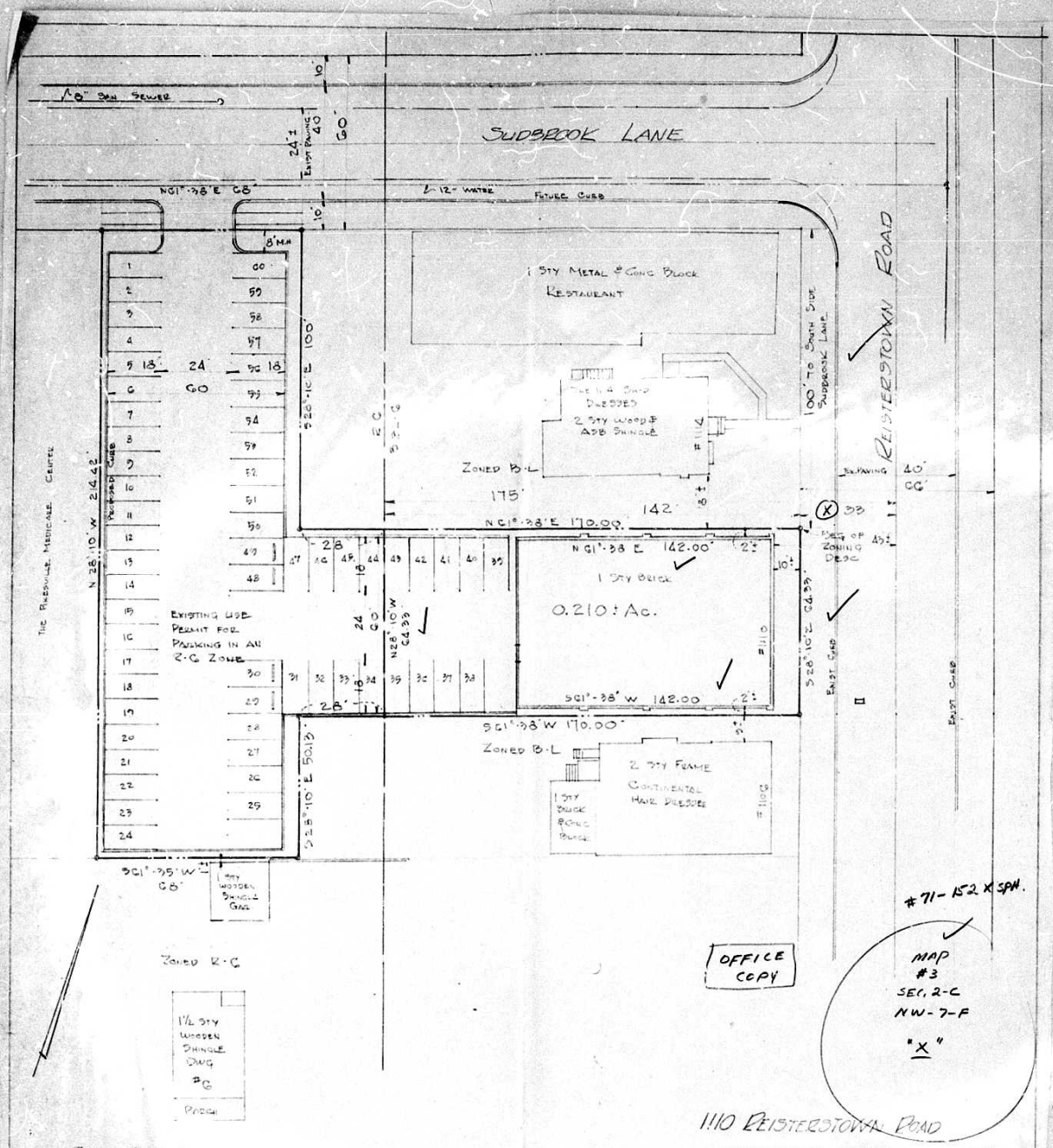
1. EXISTING ZONING OF TRACT: B-L & R-G
2. PROPOSED ZONING OF TRACT B-L WITH SPECIAL EXCEPTION FOR A THEATRE IN A B-L ZONE AND R-G WITH USE PERMIT FOR PARKING IN AN R-G ZONE
3. GROSS ACREAGE OF TRACT 0.5861 Ac
4. ACREAGE OF B-L FOR SPECIAL EXCEPTION 0.210 ± Ac ; 0.370 ± Ac PARKING USE PERMIT
5. REQUIRED PARKING 2 MINIATURE THEATRES OF 150 SEATS EACH
   2 × 150 = 300 SEATS ; 1 SPACE/6 SEATS = 50 SPACES
6. PROPOSED PARKING FOR 60 CARS (8.5 × 18 MIN)
7. ALL UTILITYS AVAILABLE

STATE OF MARYLAND
PROFESSIONAL ENGINEER

DAVID W. DALLAS JR.
CIVIL ENGINEER
6723 OLD HARFORD RD. BALTIMORE, MD.
NO 5-7672

71-152-XSPH

MICROFILMED



1110 REISTERSTOWN ROAD

ZONING PLAT

FOR

THE DUNDALK HOLDING CO.

3RD ELECTION DISTRICT — BALTIMORE CO., MD.

SCALE 1"=20' — AUGUST 18, 1970

ZONING DATA

1. EXISTING ZONING OF TRACT B-L & R-G WITH USE PERMIT FOR PARKING IN AN R-G ZONE
2. PROPOSED ZONING OF TRACT B-L WITH SPECIAL EXCEPTION FOR A THEATRE IN A B-L ZONE AND R-G WITH EXISTING USE PERMIT FOR PARKING IN AN R-G ZONE
3. GROSS ACREAGE OF TRACT 0.3864 ± AC
4. ACREAGE OF B-L FOR SPECIAL EXCEPTION 0.210 ± AC
5. REQUIRED PARKING 2 MINIATURE THEATRES OF 150 SEATS EACH 2×150 = 300 SEATS ; 1 SPACE/6 SPACES = 50 SPACES
6. PROPOSED PARKING FOR 60 CARS (8.5'×18 MIN)
7. ALL UTILITYS AVAILABLE

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER

DAVID W. DALLAS JR.
CIVIL ENGINEER
8713 OLD HARFORD RD. BALTO., 34, MD.
NO. 9 7622