

**PETITION FOR SPECIAL HEARING 84-226-SPH**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve to amend Order of Zoning Commissioner No. 81-212-SPH to allow general shopping center uses rather than specific uses.

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

I, or we, agree to pay expenses of the above Special Hearing 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.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Legal Owner(s):  
Gussie's, Inc., By: Clyde Woodard  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Attorney for Petitioner:  
Robert J. Romadka/John B. Gontrum  
(Type or Print Name)  
Address: 1700 Old Eastern Avenue 686-2519  
Baltimore, Maryland 21221  
City and State: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
809 Eastern Boulevard  
Address: John B. Gontrum, Esquire  
Baltimore, Maryland 21221  
City and State: \_\_\_\_\_  
Name: \_\_\_\_\_  
Attorney's Telephone No.: 686-8274  
809 Eastern Boulevard 686-8274  
Address: \_\_\_\_\_ Phone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of January, 1984, 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 6th day of March, 1984, at 10:45 o'clock A.M.

*Carl John*  
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

**PETITION FOR SPECIAL HEARING 84-226-SPH**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve to amend Order of Zoning Commissioner No. 81-212-SPH to allow general shopping center uses rather than specific uses.

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

I, or we, agree to pay expenses of the above Special Hearing 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.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Legal Owner(s):  
Gussie's, Inc., By: Clyde Woodard  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Attorney for Petitioner:  
Robert J. Romadka/John B. Gontrum  
(Type or Print Name)  
Address: 1700 Old Eastern Avenue 686-2519  
Baltimore, Maryland 21221  
City and State: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
809 Eastern Boulevard  
Address: John B. Gontrum, Esquire  
Baltimore, Maryland 21221  
City and State: \_\_\_\_\_  
Name: \_\_\_\_\_  
Attorney's Telephone No.: 686-8274  
809 Eastern Blvd. 686-8274  
Address: \_\_\_\_\_ Phone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of January, 1984, 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 6th day of March, 1984, at 10:45 o'clock A.M.

*Carl John*  
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

**PETITION FOR SPECIAL HEARING 84-226-SPH**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve to amend Order of Zoning Commissioner No. 81-212-SPH to allow general shopping center uses rather than specific uses.

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

I, or we, agree to pay expenses of the above Special Hearing 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.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Legal Owner(s):  
Gussie's, Inc., By: Clyde Woodard  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Attorney for Petitioner:  
Robert J. Romadka/John B. Gontrum  
(Type or Print Name)  
Address: 1700 Old Eastern Avenue 686-2519  
Baltimore, Maryland 21221  
City and State: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
809 Eastern Boulevard  
Address: John B. Gontrum, Esquire  
Baltimore, Maryland 21221  
City and State: \_\_\_\_\_  
Name: \_\_\_\_\_  
Attorney's Telephone No.: 686-8274  
809 Eastern Boulevard 686-8274  
Address: \_\_\_\_\_ Phone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of January, 1984, 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 6th day of March, 1984, at 10:45 o'clock A.M.

*Carl John*  
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

RE: PETITION FOR SPECIAL HEARING : REPLACE THE ZONING COMMISSIONER  
W/S Old Eastern Ave., 16' : OF BALTIMORE COUNTY  
N of Rickenbacker Rd. :  
(1700 Old Eastern Ave.) : 15th District

GUSSIE'S, INC., Petitioner : Case No. 84-226-SPH

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21284  
434-2158

I HEREBY CERTIFY that on this 21st day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to Robert J. Romadka, Esquire, and John B. Gontrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221, Attorneys for Petitioner.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman

**BALTIMORE COUNTY  
ZONING PLANS  
ADVISORY COMMITTEE**



**PETITION AND SITE PLAN  
EVALUATION COMMENTS**

Robert J. Romadka, Esquire  
John B. Gontrum, Esquire  
809 Eastern Boulevard  
Baltimore, Md. 21221

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

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

Your petition has been received and accepted for filing this 3rd day of January, 1984.

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

Petitioner Gussie's  
Petitioner's Attorney Romadka/Gontrum, Esq.  
Received by *Nicholas B. Commodari*  
Nicholas B. Commodari  
Chairman, Zoning Plans Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

February 27, 1984

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

cc  
Nicholas B. Commodari  
Chairman

**MEMBERS**

- Bureau of Engineering
- Department of Traffic Engineering
- State Road Commission
- Bureau of Fire Prevention
- Health Department
- Project Planning
- Building Department
- Board of Education
- Zoning Administration
- Industrial Development

Robert J. Romadka, Esquire  
John B. Gontrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Item No. 163 - Case No. 84-226-SPH  
Petitioner - Gussie's, Inc.  
Special Hearing Petition

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

As you are aware, this property was the subject of a previous zoning hearing (Case No. 81-212-SPA) in which the existing buildings were found to be nonconforming for specific uses. However, this case is currently under appeal.

In view of your proposal to allow general uses for the existing buildings rather than the listed uses, this hearing is now requested.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
*Nicholas B. Commodari, Inc.*  
NICHOLAS B. COMMODARI, Chairman  
Zoning Plans Advisory Committee

NBC:bsc  
Enclosures



**BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204**

HARRY J. PISTEL, P.E.  
DIRECTOR

February 17, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #163 (1983-1984)  
Property Owner: Gussie's Inc.  
W/S Eastern Ave., 15.57' N. Rickenbacker Rd.  
Acres: 0.63 District: 15th

Dear Mr. Jablon:

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

**General:**

Comments were supplied in conjunction with the Zoning Advisory Committee review of this property for Item 163 (1980-1981).

This office has no further comment in regard to this Item 163 (1983-1984).

Very truly yours,

*Robert A. Morton, P.E.*  
ROBERT A. MORTON, P.E., Chief  
Bureau of Public Services

RAM:EAM:PWR:ss

1-SE Key Sheet  
9 NE 32 Pos. Sheet  
NE 3 H Topo  
90 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

April 9, 1981

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21284

Re: Item #163 (1980-1981)  
Property Owner: Gussie's Inc.  
W/S Eastern Avenue 15.67' N. of Rickenbacker Rd.  
Acre: 0.63 District: 15th

Dear Mr. Hammond:

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.

**General:**

Baltimore County Highway and utility improvements are not directly involved in connection with this Special Hearing for approval of a non-conforming use.

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.

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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #163 (1980-1981).

Very truly yours,

(SIGNED) EDWARD A. McDONOUGH

ROBERT A. MERTON, P.E., Chief  
Bureau of Public Services

RAM:JAH:FR:iss

1-SS Key Sheet  
9 MS 12 Pos. Sheet  
NS 3 H Topo  
90 Tax Map

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Feb. 8, 1984  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21284

Zoning Item # 163, Zoning Advisory Committee Meeting of Jan. 3, 1

Property Owner: Gussie's Inc.

Location: W/S Eastern Avenue District 15

Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Division of Air Pollution Control is required for any chaff-boiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 163  
Page 2

- ( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- ( ) Soil percolation tests have been conducted.
  - ( ) The results are valid until \_\_\_\_\_.
  - ( ) Revised plans must be submitted prior to approval of the percolation tests.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until \_\_\_\_\_.
  - ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- ( ) All roads and parking areas should be surfaced with a dustless, bonding material.
- ( ) No health hazards are anticipated.

(X) Others All solid waste generated at this facility, including spare parts and juke television sets, must be transported to and disposed of in an approved landfill. For information regarding this matter, owner should contact the Balt. Co. Bureau of Sanitation at 494-3185.

*[Signature]*  
IHR J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas Commodari, Zoning Department Date: January 20, 1984

FROM: G. E. Butcher, Chief, Building Plans Review C. 2. B

SUBJECT: Zoning Advisory Committee Meeting of January 3, 1984

- Item #158 See Comments
- Item #159 No Comment
- Item #160 See Comment
- Item #161 Standard Comment
- Item #162 Standard Comment
- Item #163 No Plan
- Item #164 See Comment
- Item #165 See Comment
- Item #166 Standard Comments
- Item #167 See Comments
- Item #168 See Comments

CEB/vw



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. RENCKE  
Chief

February 14, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Gussie's Inc.

Location: W/S Eastern Avenue 15.67' N. Rickenbacker Road

Item No.: 163 Zoning Agenda: Meeting of January 3, 1984

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *[Signature]* Noted and approved: *[Signature]*  
Fire Prevention Bureau  
Special Inspection Division

/mb

JUL 24 1984

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent      Towson, Maryland - 21204

Date: January 3, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of:  
January 3, 1984

RE: Item No: 158,159,160,161,162,163,164,165,166,167, & 168.  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

*Wm. Nick Petrovich*  
Mr. Nick Petrovich, Assistant  
Department of Planning

WNP/1h

IN RE: \* TO THE  
GUSSIE'S, INC. \* ZONING COMMISSIONER  
1700 Old Eastern Avenue \* OF  
Baltimore, Maryland 21221 \* BALTIMORE COUNTY

MEMORANDUM IN SUPPORT OF  
PETITION FOR SPECIAL HEARING

Now comes Gussie's Inc. by and through its attorneys  
ROBERT J. ROMADKA, JOHN B. GONTRUM and ROMADKA, GONTRUM, HENNEGAN  
& FOOS and in support of its Petition for Special Hearing requests  
the Zoning Commissioner to amend the Order issued July 20, 1983  
and in support thereof says as follows:

That on February 24, 1981, Petitioner filed for a  
special hearing to determine a non-conforming use of a shopping  
center on the front portion of Petitioner's property located at  
1700 Old Eastern Avenue. The case came on for hearing on August  
11, 1981. Testimony was presented to the Zoning Commissioner  
with respect to the existence of a shopping center existing on the  
subject site since the 1930's. Petitioner testified that there  
existed, on the subject property a number of stores which had  
been occupied by various tenants since before 1945. These tenants  
included a package goods store, an appliance store, a hair  
dresser, a barber shop, a restaurant and a TV sales and service  
store. Despite the various light business uses in the stores over  
the years, none had been unoccupied for more than a couple of  
months over that period. In addition to Petitioner's testimony,  
the Zoning Commissioner had before him testimony of Mr. Daniel  
Hubers whose family owned property across the road from the  
shopping center for many years. Indeed, Mr. Hubers grew up in  
a house across the road from the shopping center and still owned  
property across Old Eastern Avenue from it. Mr. Hubers fully  
corroborated the existence of the shopping area continuously and  
uninterruptedly since the 1930's.

ROBERT J. ROMADKA  
ATTORNEY AT LAW  
BALTIMORE, MARYLAND

ROBERT J. ROMADKA  
ATTORNEY AT LAW  
BALTIMORE, MARYLAND

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
W/S of Old Eastern Avenue, \* DEPUTY ZONING COMMISSIONER  
16' N of Rickenbacker Road - \*  
15th Election District \* OF  
Gussie's, Inc. - Petitioner \*  
No. 81-212-SPH (Item No. 163) \* BALTIMORE COUNTY  
No. 84-226-SPH \* \* \* \* \*

The Petitioner herein, Gussie's, Inc., seeks to amend the  
order of the Zoning Commissioner of Baltimore County dated July 20,  
1983, in case number 81-212-SPH, in order to establish the existence  
of nonconforming uses for a retail shopping area and apartments. The  
subject property is located on the northwest corner of Rickenbacker  
Road and Old Eastern Avenue.

Site plans were submitted in case number 81-212-SPH which case  
and file is incorporated herein by reference.

Testimony indicates that the Zoning Commissioner's order dated  
July 20, 1983 contained several inaccuracies with respect to the uses  
of the property over time. From the testimony it is apparent that  
some of the uses currently existing on the subject commercial site as  
indicated on the site plans filed are not in themselves uses which pre-  
date the zoning laws. It is also apparent that the Zoning Commissioner's  
order dated July 20, 1983, also recognized that some of the uses currently  
existing and approved by that order did not pre-date the 1945 zoning  
laws enactment.

Testimony further indicated, however, that over the years  
there have been rotating uses such as conformed to BL class zoning  
within the area currently utilized by the commercial stores. Conse-  
quently, it can only be assumed that the Zoning Commissioner appreciated  
the existence of the rotating retail use concept. The rotating use  
concept within a BL classification is one that has previously been  
recognized by this office within certain very limited cases. It seems  
to be in appropriate use here and one which may very well have been  
intended by the Zoning Commissioner in his July, 1983 order. Unfortu-  
nately, the enumeration of specific uses in that order does not conform

The testimony before the Zoning Commissioner was clear  
that the uses and tenants had changed over the intervening years.  
The Zoning Commissioner however, in his Order only specified a  
certain number of uses which would be permitted within the existing  
premises.

The Zoning Commissioner of Baltimore County apparently  
felt that a non-conforming use was indeed warranted based on the  
testimony. However, in his Order, he only specified those  
particular uses within the shopping center complex existing at  
the time of the hearing as being available for a non-conforming  
use. The uses which we are requesting be permitted as additional  
uses within the shopping center are those light business uses  
able to operate in a BL zone which would require no more additional  
parking than those uses currently in existence. At no time during  
the hearing was there a request for expansion upon existing uses  
or intensification of existing uses. Only for operation of the  
shopping center as it had been operated since many years prior  
to 1945.

We would therefore respectfully request the Zoning  
Commissioner to amend the Order to allow a shopping center use  
for Petitioner's property to be rotated with such tenants to be  
permitted as have been permitted over the years since prior to  
1945 with no greater intensification of use or area then  
currently exists.

Respectfully submitted,

*Robert J. Romadka*  
ROBERT J. ROMADKA

*John B. Gontrum*  
JOHN B. GONTRUM  
ROMADKA, GONTRUM, HENNEGAN & FOOS  
809 Eastern Boulevard  
Baltimore, Maryland 21221  
686-8274  
Attorneys for Petitioner

to the facts as presented either before the Zoning Commissioner at  
that time or as they currently exist today. Indeed, some of the uses  
in existence at the time of the filing of the original petition in  
1981 and the time that the order was issued in July of 1983 had changed.  
It seems, therefore, consistent with the finding of the Commissioner  
that rotating retail uses had existed over a period prior to the en-  
actment of the zoning laws to allow such use to continue exist as a  
legal nonconforming use. Petitioners have requested, however, that no  
pool hall or arcade use be permitted due to community concerns.

Since no one appeared either at the hearing before the Zoning  
Commissioner in case number 81-212-SPH nor in the hearing to amend  
the Zoning Commissioner's order, and since this Commissioner feels that  
the finding of nonconforming uses being conducted on the subject  
property will not adversely affect the health, safety and general wel-  
fare of the community,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County  
this \_\_\_ of March, 1984, that the nonconforming use of rotating retail  
uses conforming to BL zoning within the area currently utilized for  
commercial stores as depicted on the site plans filed in case number  
81-212-SPH, known as 1700 Old Eastern Avenue, and including three  
apartments to the rear of the existing commercial establishment have  
existed and have been conducted prior to the adoption of the Baltimore  
County zoning regulations and, as such, are hereby GRANTED the right to  
continue from and after the date of this Order, subject, however, to  
the following restrictions:

1. Abandonment or discontinuance for a period of  
one year or more shall terminate the nonconform-  
ing uses.
2. Damage by fire or other casualty of the improvement  
to the extent of 75% of its replacement cost at the  
time of such loss shall terminate the nonconforming  
uses.
3. A revised site plan, changing Eastern Avenue to Old  
Eastern Avenue and incorporating the restrictions  
set forth above, shall be submitted for approval by  
the Department of Public Works and the Office of

- 2 -

Planning and Zoning.

4. That no pool hall or arcade use be permitted  
within the existing commercial establishments.

Deputy Zoning Commissioner  
Baltimore County

- 3 -



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

March 22, 1984

Robert J. Romadka, Esquire  
and  
John B. Gontrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Special Hearing  
W/S of Old Eastern Avenue, 16' N  
of Rickenbacker Rd. - 15th Election  
District  
Gussie's, Inc. - Petitioner  
NO. 84-226-SPH (Item No. 163)

Gentlemen:

I have this date passed my Order in the above captioned matter in accordance  
with the attached.

Very truly yours,

*Jean M.H. Jung*  
JEAN M.H. JUNG  
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: People's Counsel

*Old case petition filed & appeal*

No. 1700 Eastern Avenue  
15th District Baltimore County, Maryland

Beginning for the same on the west side of Eastern Avenue at the distance  
of 15.67 feet measured northerly along the west side of Eastern Avenue from the north  
side of Rickenbacker Road, thence running and binding on the west side of Eastern Avenue  
North 23 degrees 16 minutes 34 seconds East 100 feet, thence leaving Eastern Avenue  
for six lines of division as follows:- North 66 degrees 43 minutes 26 seconds West  
348.10 feet, South 22 degrees 44 minutes 21 seconds West 99.70 feet, South 89 degrees  
23 minutes 50 seconds East 36 feet, South 80 degrees 01 minute East 123.60 feet,  
South 60 degrees 41 minutes East 16.23 feet, South 54 degrees 23 minutes East 181.45  
feet to the place of beginning.

Containing 0.63 acres of land more or less.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21284

000  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State House Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Robert J. Romadka, Esquire  
John B. Gontrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Item No. 163 - Case No. 84-226-SPH  
Petitioner - Gussie's, Inc.  
Special Hearing Petition

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

As you are aware, this property was the subject of a previous zoning hearing (Case No. 81-212-SPA) in which the existing buildings were found to be nonconforming for specific uses. However, this case is currently under appeal.

In view of your proposal to allow general uses for the existing buildings rather than the listed uses, this hearing is now requested.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
Nicholas B. Commodari, Esq.  
NICHOLAS B. COMMODARI, Chairman  
Zoning Plans Advisory Committee

NBC:bsc  
Enclosures



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY I. PISTEL, P.E.  
DIRECTOR

February 17, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Item #163 (1983-1984)  
Property Owner: Gussie's, Inc.  
W/S Eastern Ave. 15.67' N. Rickenbacker Rd.  
Acres: 0.63 District: 15th

Dear Mr. Jablon:

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

General:

Comments were supplied in conjunction with the Zoning Advisory Committee review of this property for Item 163 (1980-1981).

This office has no further comment in regard to this Item 163 (1983-1984).

Very truly yours,  
Robert A. Morton, P.E., Chief  
Bureau of Public Services

RAM:EAM:FR:iss

1-SE Key Sheet  
9 NE 32 Pos. Sheet  
NE 3 H Topo  
90 Tax Map

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

April 9, 1981

RE: Item #163 (1980-1981)  
Property Owner: Gussie's, Inc.  
W/S Eastern Avenue 15.67' N. of Rickenbacker Rd.  
Acres: 0.63 District: 15th

Dear Mr. Hammond:

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

General:

Baltimore County highway and utility improvements are not directly involved in connection with this Special Hearing for approval of a non-conforming use.

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.

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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 163 (1980-1981).

Very truly yours,  
Edward A. McDonough  
ROBERT A. MORTON, P.E., Chief  
Bureau of Public Services

RAM:EAM:FR:iss

1-SE Key Sheet  
9 NE 32 Pos. Sheet  
NE 3 H Topo  
90 Tax Map

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 163, Zoning Advisory Committee Meeting of Jan. 3, 1

Property Owner: Gussie's, Inc.

Location: W/S Eastern Avenue District 15

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s into the atmosphere.
- ( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

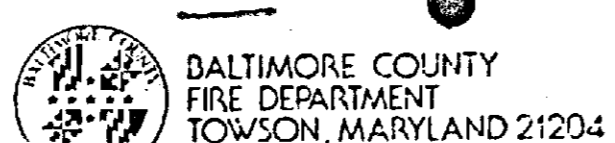
SS 20 1082 (1)

Zoning Item # 163  
Page 2

- ( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- ( ) Soil percolation tests have been conducted.
  - { } The results are valid until
  - { } Revised plans must be submitted prior to approval of the percolation tests.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
  - { } shall be valid until
  - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- ( ) All roads and parking areas should be surfaced with a dustless, bonding material.
- ( ) No health hazards are anticipated.
- (X) Others: All solid waste generated at this facility, including house parts and junk television sets, must be transported to and disposed of in an approved landfill. For information regarding this matter, owner should contact the Public Works Bureau of Planning at 494-2155.

Jan J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. RENCKE  
CHIEF

February 14, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Gussie's, Inc.

Location: W/S Eastern Avenue 15.67' N. Rickenbacker Road  
Item No.: 163 Zoning Agenda: Meeting of January 3, 1984

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: [Signature] Noted and Approved: George M. McConnett  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

RE: PETITION FOR SPECIAL HEARING : BEFORE THE  
W/S of Old Eastern Avenue, 16' : DEPUTY ZONING COMMISSIONER  
N of Rickenbacker Road - 15th : OF  
Election District : BALTIMORE COUNTY  
Gussie's, Inc. - Petitioner :  
NO. 84-226-SPH (Item No. 163) :

The Petitioner herein, Gussie, Inc., seeks to amend the Order of the Zoning Commissioner of Baltimore County dated July 20, 1983, in case 81-212-SPH, in order to allow general shopping center uses rather than specific uses. The subject property is located on the northwest corner of Rickenbacker Road and Old Eastern Avenue.

Site plans were submitted in case 81-212-SPH which case and file is incorporated herein by reference. That petition, heard on July 14, 1981, sought to establish a nonconforming use for a retail shopping center and apartments. The Order, however, granted nonconforming status for specific commercial uses.

Testimony indicates that the site has been occupied by a variety of rotating commercial uses which predate the Baltimore County Zoning Regulations (BCZR). The enumeration of specific uses in the July 20, 1983 Order does not accurately reflect the total and sole uses on the property either at the time the BCZR went into effect or since. The Petitioner has requested that, due to community concerns, no pool hall or arcade use be permitted.

The Deputy Zoning Commissioner examined the testimony and record in light of McKemy v. Baltimore County, 39 Md. App. 257 at 269-70, which stated:

"...In deciding whether a current activity is within the scope of a nonconforming use, the Court indicated that the following factors should have been considered:

- (1) to what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;
- (2) is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

H-23-1

No. 1700 Eastern Avenue  
15th District Baltimore County, Maryland

Beginning for the same on the west side of Eastern Avenue at the distance of 15.67 feet measured northerly along the west side of Eastern Avenue from the north side of Rickenbacker Road, thence running and binding on the west side of Eastern Avenue North 23 degrees 16 minutes 34 seconds East 100 feet, thence leaving Eastern Avenue for six lines of division as follows:- North 66 degrees 43 minutes 26 seconds West 348.10 feet, South 22 degrees 44 minutes 21 seconds East 99.70 feet, South 89 degrees 23 minutes 50 seconds East 36 feet, South 80 degrees 01 minute East 123.60 feet, South 50 degrees 41 minutes East 16.25 feet, South 54 degrees 23 minutes East 181.45 feet to the place of beginning.

Containing 0.63 acres of land more or less.

LAW FIRM  
*Romacka, Torburn, Hennegan & Foss*  
 GERMANIA FEDERAL BUILDING  
 808 EASTERN BOULEVARD  
 BOWEN, MARYLAND 21281  
 TELEPHONE (301) 586-8874

PH. 561

March 12, 1984

ROBERT J. ROMAACKA  
 JOHN B. GONTRUM  
 JOHN G. BENVENIGLIAN  
 CHARLES E. POOL, III  
 JOANNE M. FINKELAN

BY GENERAL  
 ALFRED M. WALFERT

Jean Jung  
 Deputy Zoning Commissioner  
 County Courts Building  
 401 Bosley Avenue  
 P.O. Box 6754  
 Towson, Maryland 21204-0754

Re: Petition for Special Hearing  
 W/S of Old Eastern Avenue  
 16' N of Rickenbacker Road  
 15th Election District  
 Gussie's, Inc. - Petitioner  
 No. 81-212-SPH (Item No. 163)  
 No. 84-226-SPH

Dear Ms. Jung:

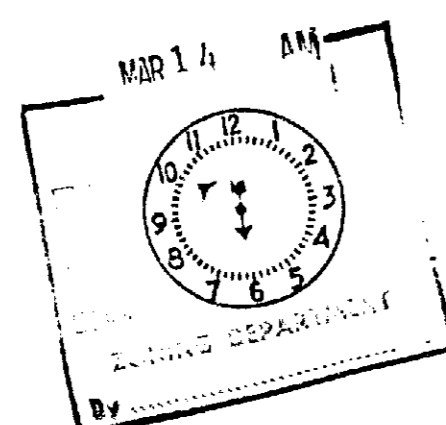
Enclosed is a draft order which I have prepared for your consideration.

Please review the order and let me know if there are any changes which you would have me make.

Very truly yours,

*JBG*  
 John B. Gontrum

JBG/sfc  
 Enclosure



BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
 Zoning Commissioner Date: February 16, 1984  
 Norman E. Gerber, Director  
 Office of Planning and Zoning  
 FROM: Gussie's, Inc. - 84-226-SPH  
 SUBJECT: Gussie's, Inc. - 84-226-SPH

The original hearing (81-212) established the existing non-conforming use. Consequently, this office cannot support the granting of the subject request.

*Norman E. Gerber per J. Howell*  
 Norman E. Gerber, Director  
 Office of Planning and Zoning

NEG/JGH/sf

Arnold Jablon  
 Zoning Commissioner February 16, 1984  
 Norman E. Gerber, Director  
 Office of Planning and Zoning  
 Gussie's, Inc. - 84-226-SPH

The original hearing (81-212) established the existing non-conforming use. Consequently, this office cannot support the granting of the subject request.

*Norman E. Gerber per J. Howell*  
 Norman E. Gerber, Director  
 Office of Planning and Zoning

NEG/JGH/sf

PETITION FOR SPECIAL HEARING  
 15th Election District

ZONING: Petition for Special Hearing  
 LOCATION: West side of Old Eastern Avenue, 16 ft. North of Rickenbacker Road (1700 Old Eastern Avenue)  
 DATE & TIME: Tuesday, March 6, 1984 at 10:45 A.M.  
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve to amend the Order of the Zoning Commissioner in Case No. 81-212-SPH to allow general shopping center uses rather than specific uses

Being the property of Gussie's, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
 ARNOLD JABLON  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING  
 15th Election District

ZONING: Petition for Special Hearing  
 LOCATION: West side of Old Eastern Avenue, 16 ft. North of Rickenbacker Road (1700 Old Eastern Avenue)  
 DATE & TIME: Tuesday, March 6, 1984 at 10:45 A.M.  
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve to amend the Order of the Zoning Commissioner in Case No. 81-212-SPH to allow general shopping center uses rather than specific uses

Being the property of Gussie's, Inc., as shown on plat plan filed with the Zoning Department.

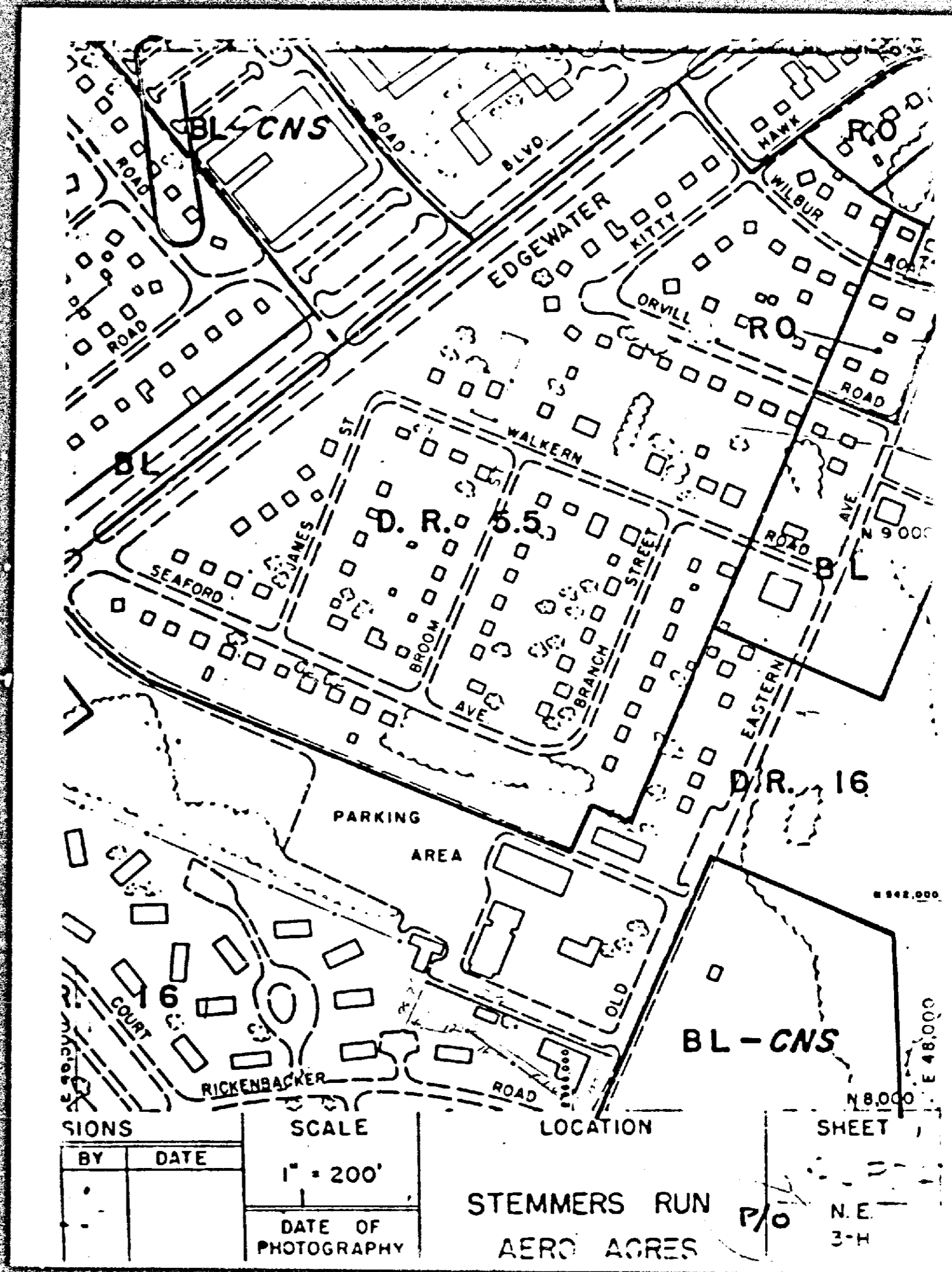
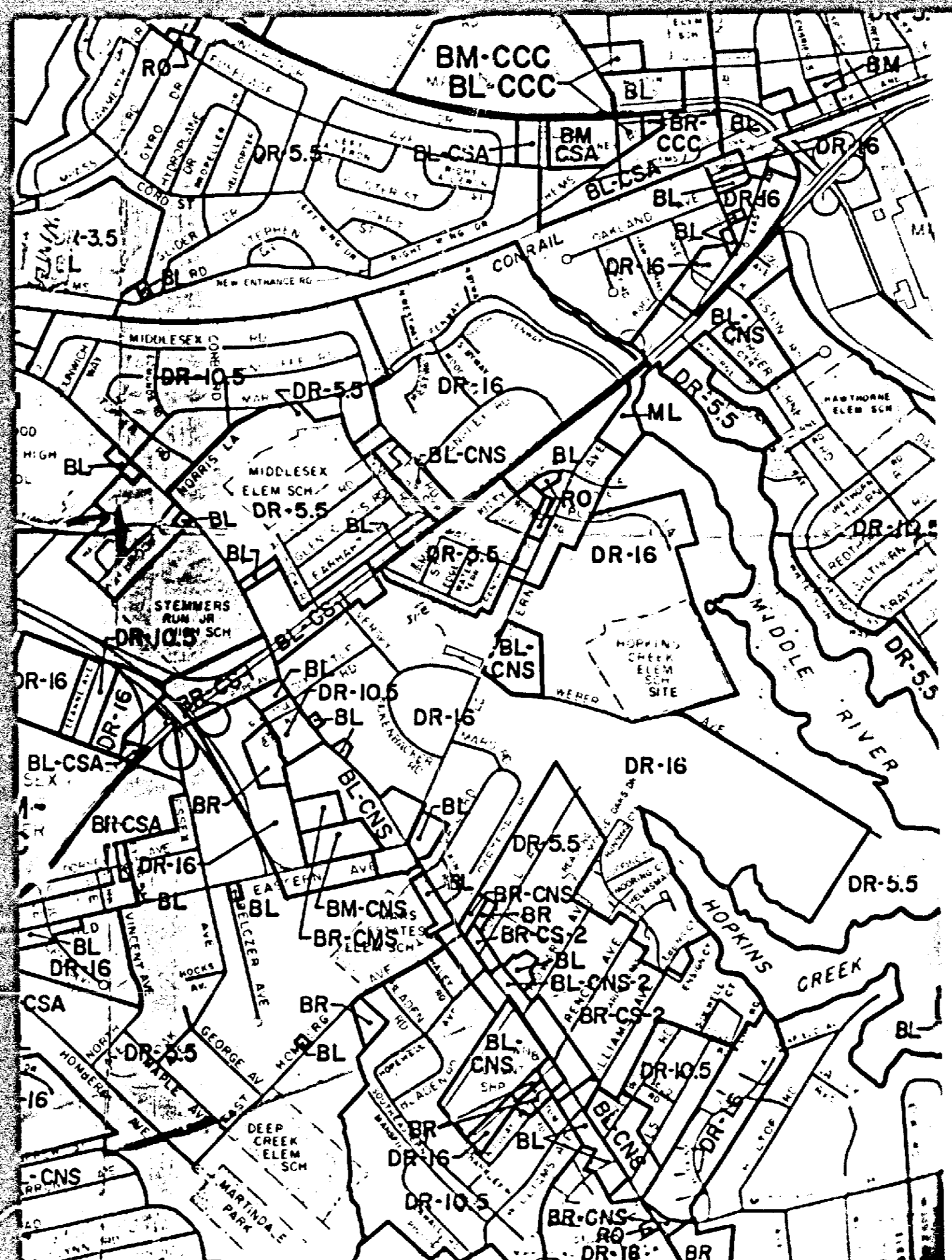
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
 ARNOLD JABLON  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY

Old  
 No. 1700 Eastern Avenue  
 15th District Baltimore County, Maryland

Beginning for these on the west side of Old Eastern Avenue at the distance of 15.67 feet measured northerly along the west side of Old Eastern Avenue from the north side of Rickenbacker Road, thence running and binding on the west side of Old Eastern Avenue North 23 degrees 16 minutes 3/4 seconds East 100 feet, thence leaving Eastern Avenue for six lines of division as follows:- North 66 degrees 43 minutes 26 seconds West 343.10 feet, South 22 degrees 44 minutes 21 seconds West 99.70 feet, South 89 degrees 23 minutes 50 seconds East 36 feet, South 80 degrees 01 minute East 123.60 feet, South 60 degrees 41 minutes East 16.25 feet, South 3/4 degrees 23 minutes East 181.45 feet to the place of beginning.

Containing 0.63 acres of land more or less.



RE: PETITION FOR SPECIAL HEARING  
W/S of Old Eastern Avenue, 16'  
N of Rickenbacker Road - 15th  
Election District  
Gussie's, Inc. - Petitioner  
No. 84-226-SPH (Item No. 163)

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY

The Petitioner herein, Gussie, Inc., seeks to amend the Order of the Zoning Commissioner of Baltimore County dated July 20, 1983, in case 81-212-SPH, in order to allow general shopping center uses rather than specific uses. The subject property is located on the northwest corner of Rickenbacker Road and Old Eastern Avenue.

Site plans were submitted in case 81-212-SPH which case and file is incorporated herein by reference. That petition, heard on July 14, 1981, sought to establish a nonconforming use for a retail shopping center and apartments. The Order, however, granted nonconforming status for specific commercial uses.

Testimony indicates that the site has been occupied by a variety of rotating commercial uses which predate the Baltimore County Zoning Regulations (BCZR). The enumeration of specific uses in the July 20, 1983 Order does not accurately reflect the total and sole uses on the property either at the time the BCZR went into effect or since. The Petitioner has requested that, due to community concerns, no pool hall or arcade use be permitted.

The Deputy Zoning Commissioner examined the testimony and record in light of *Mohr v. Baltimore County*, 39 Md. App. 257 at 269-70, which stated:

"...In deciding whether a current activity is within the scope of a nonconforming use, the Court indicated that the following factors should be considered:

- (1) to what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;
- (2) is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

- (3) does the current use have a substantially different effect upon the neighborhood;
- (4) is the current use a 'drastic enlargement or extension' of the original non-conforming use."

and concluded that general shopping center uses, i.e., rotating retail uses, have existed on the site since prior to the enactment of the BCZR.

Since no one appeared in protest to the petition either at the hearing before the Zoning Commissioner in case 81-212-SPH nor at this hearing, and after due consideration of the testimony and evidence presented, it is clear that the finding of nonconforming uses being conducted on the subject property will not adversely affect the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 22<sup>nd</sup> day of March, 1984, that the nonconforming use of rotating retail uses conforming to B1 zoning within the area currently utilized for commercial stores, as depicted on the site plan filed in case 81-212-SPH, known as 1700 Old Eastern Avenue, and including three apartments to the rear of the existing commercial establishment, have existed and have been conducted prior to the adoption of the BCZR and, as such, are hereby GRANTED the right to continue from and after the date of this Order, subject, however, to the following:

1. Abandonment or discontinuance for a period of one year or more shall terminate the nonconforming uses.
2. Damage by fire or other casualty of the improvement to the extent of 75% of its replacement cost at the time of such loss shall terminate the nonconforming uses.
3. No pool hall or arcade use shall be permitted within the existing commercial establishments.
4. A revised site plan, changing Eastern Avenue to Old Eastern Avenue and incorporating the restrictions set forth above, shall be submitted for approval by the Office of Planning and Zoning.

*John M. Deane*  
Deputy Zoning Commissioner  
of Baltimore County

ORDER RECEIVED FOR FILING  
DATE: March 22, 1984  
BY: Mary Compton

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

February 28, 1984

John B. Contrum, Esquire  
809 Eastern Boulevard  
Essex, Maryland 21221

Re: Petition for Special Hearing  
W/S Old Eastern Ave., 16' N of Rickenbacker  
Rd. (1700 Old Eastern Avenue)  
Gussie's, Inc. - Petitioner  
Case No. 84-226-SPH

Dear Mr. Contrum:

This is to advise you that \$49.05 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*Arnold Jablon*  
Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 126887

DATE: 3/6/84 ACCOUNT: R-01-615-000

AMOUNT: \$49.05 cash

RECEIVED FROM: John B. Contrum, Esquire  
FOR: Advertising & Posting Case #84-226-SPH  
(Gussie's, Inc.)

C 494\*\*\*\*\*492516 6066A

VALIDATION OR SIGNATURE OF CASHIER

February 2, 1984

John B. Contrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

NOTICE OF HEARING

Re: Petition for Special Hearing  
W/S Old Eastern Ave., 16' N of Rickenbacker  
Road (1700 Old Eastern Avenue)  
Gussie's, Inc. - Petitioner  
Case No. 84-226-SPH

TIME: 10:45 A.M.

DATE: Tuesday, March 6, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

*Arnold Jablon*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 124019

DATE: 12/20/83 ACCOUNT: 01-615-000

AMOUNT: 100.00

RECEIVED FROM: Romanek, Contrum  
FOR: Filing fee for Item # 163  
/Cd.

C 060\*\*\*\*\*1006016 2216A

VALIDATION OR SIGNATURE OF CASHIER

ORDER RECEIVED FOR FILING

DATE: March 22, 1984  
BY: Mary Compton

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 16, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 16th day of February, 1984, the first publication appearing on the 16th day of February, 1984.

THE JEFFERSONIAN,  
*L. Lauck Smith*  
Manager.

Cost of Advertisement, \$ 22.00

Petition For Special Hearing

15TH ELECTION DISTRICT  
ZONING: Petition for Special Hearing  
LOCATION: West side of Old Eastern Avenue, 16' North of Rickenbacker Road (1700 Old Eastern Avenue)  
DATE & TIME: Tuesday, March 6, 1984 at 10:45 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Hearing under Section 807 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner should approve to amend the Order of the Zoning Commissioner in Case No. 81-212-SPH to allow general shopping centers on the property of Gussie's, Inc. as shown on the site plan filed with the zoning Department.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period. Such request must be received in writing by the date of the hearing and made as the hearing is held.  
By Order Of  
Zoning Commissioner  
Of Baltimore County

The Times

Middle River, Md., Feb. 16, 1984

This is to Certify, That the annexed  
*Petition*

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 16th day of Feb 19 84  
*S. D. Upton, Jr.*  
Publisher.

DUPLICATE  
CERTIFICATE OF PUBLICATION

TOWSON, MD., February 16, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 16th day of February, 1984, the first publication appearing on the 16th day of February, 1984.

THE JEFFERSONIAN,  
*L. Lauck Smith*  
Manager.  
Cost of Advertisement, \$ 22.00

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15 Date of Posting: 2/14/84  
Posted for: Petition for Special Hearing  
Petitioner: Gussie's, Inc.  
Location of property: W/S Old Eastern Ave., 16' N of Rickenbacker Rd.  
Location of Sign: posting intersection of Old Eastern & Rickenbacker  
Remarks: \_\_\_\_\_  
Posted by: Ann R. Solomon Date of return: 2/14/84  
Number of Signs: Signs

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>Wan</u>			Revised Plans:				Change in outline or description		Yes	
Previous case:			Map #						No	