

Re: GIANT OF MARYLAND, INC., et al. *
Appellees/Petitioners * BEFORE THE
S/S of Old Court Road, 397' E *
of Reisterstown Road * COUNTY BOARD OF APPEALS
(3757 Old Court Road) *
3rd Election District * OF
2nd Councilmanic District *
Yorkridge-Calvert Savings and * BALTIMORE COUNTY
Loan *
and *
Yorkridge-Calvert Service *
Corporation * Case No.: 88-534-A
and *
Melvin Berger, Individually *
Appellants *

ORDER

This is an appeal from a decision of the Zoning Commissioner for Baltimore County dated July 29, 1988, granting the petition of Giant of Maryland, Inc. ("Giant") for zoning variances from Section 409 of the Baltimore County Zoning Regulations. Present at the appeal hearing on January 10, 1989, before this Board, were representatives of and counsel for Giant, the appellees-petitioners, and counsel for the three (3) above-named appellants. The parties elected to proceed with only two (2) Board members sitting, pursuant to Board Rule 1c.

At the outset of the hearing, counsel for all parties advised the Board that a settlement had been reached, the terms of which were placed on the record and which are set forth below. Preliminarily, and with the consent of counsel for the appellants, Giant moved to amend its Petition for Zoning Variance and the Notice of Postponement and Reassignment in order to reference the requirements of Bill No. 26-88, more particularly the ten (10') foot setback requirement under Section 409.8.A.4.

THEREFORE, having considered the motion and stipulations of the parties, it is this 13th day of February, 1989, by the County Board of Appeals of Baltimore County

ORDERED as follows:

1. That appellees-petitioners' motion to amend is hereby granted and the aforesaid Petition for Zoning Variance and Notice of Postponement and Reassignment are hereby amended to allow parking spaces to be either 1 1/2' and 4', as the case may be, from the street property line instead of the required 10';

2. That, pursuant to the request of the parties, the within appeal is hereby dismissed with prejudice, and the decision of the Zoning Commissioner dated July 29, 1988, is hereby affirmed in all respects;

3. That appellees-petitioners agree that they will not commence on-site construction of its revised parking con-

figuration in accordance with its Plat to Accompany Petition for Variances, revised as of May 26, 1988, and pursuant to the decision of the Zoning Commission granting the variances, as affirmed hereby, until the first to occur of (a) that date which is forty-five (45) days after the deadline established by Baltimore County, Maryland for the submission of construction bids on the Old Court Road Connector Project (Item No. 20, J.O. 18-332-2, Code No. 05-RW-84-189-21) or (b) June 1, 1989;

4. That appellees-petitioners further agree, that at such time as they utilize the subject variances, they will address the comments submitted by the Bureau of Traffic Engineering to the Zoning Plans Advisory Committee, either by installing wheel stops and "Head-In Parking Only" signs to prevent vehicles from overhanging into the Old Court Road right-of-way and the proposed Old Court Connector Road right-of-way, as set forth in a letter dated May 18, 1988 from Gregory M. Jones to the Zoning Commissioner, or by otherwise addressing Baltimore County's "overhang" concern in a manner which appellees-petitioners and Baltimore County, Maryland may deem appropriate; and

5. That in the event of any further appeals of this Order by any person claiming to be aggrieved, appellees-petitioners reserve the right to immediately seek to remand this case to this Board for the taking of testimony and the

presentation of evidence by Giant in opposition to any such appeal.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

APPROVED AS TO FORM AND CONTENT:

Gail M. Stern
On behalf of Appellees-Petitioners
Giant of Maryland, Inc., et al.

Gary Huddles
On behalf of All Appellants

7481A/SJN/mao

Re: GIANT OF MARYLAND, INC. * BEFORE THE
Appellee/Petitioner * COUNTY BOARD OF APPEALS
S/S of Old Court Road, 397' E * OF
of Reisterstown Road * BALTIMORE COUNTY
(3757 Old Court Road) *
3rd Election District *
2nd Councilmanic District * Case No.: 88-534-A
Yorkridge-Calvert Savings and *
Loan *
and * Hearing Date:
Yorkridge-Calvert Service * January 10, 1989
Corporation *
and *
Melvin Berger, Individually *
Appellants *

REQUEST FOR SUBPOENA DUCES TECUM

Madam Secretary:

Please issue a subpoena duces tecum for the following-named witness and command him to appear at the hearing before the County Board of Appeals of Baltimore County on Tuesday, January 10, 1989 at 10:00 a.m. at the Board's Hearing Room, Room 301, County Office Building, Towson, Maryland 21204:

Mr. Irvin Scott Poehlman
Highway Design Division
Engineering Bureau
Baltimore County Department of Public Works
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: GIANT OF MARYLAND, INC. * BEFORE THE
Appellee/Petitioner * COUNTY BOARD OF APPEALS
S/S of Old Court Road, 397' E * OF
of Reisterstown Road * BALTIMORE COUNTY
(3757 Old Court Road) *
3rd Election District *
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and * Hearing Date:
Yorkridge-Calvert Service * January 10, 1989
Corporation *
and *
Melvin Berger, Individually *
Appellants *

REQUEST FOR SUBPOENA DUCES TECUM

Madame Secretary:

Please issue a subpoena duces tecum for the following-named witness and command him to appear at the hearing before the County Board of Appeals of Baltimore County on Tuesday, January 10, 1989 at 10:00 a.m. at the Board's Hearing Room, Room 301, County Office Building, Towson, Maryland 21204:

Mr. Gregory M. Jones
Traffic Engineer III
Engineering Bureau
Baltimore County Department of Public Works
County Office Building
Towson, Maryland 21204

Re: GIANT OF MARYLAND, INC. * BEFORE THE
Appellee/Petitioner * COUNTY BOARD OF APPEALS
S/S of Old Court Road, 397' E * OF
of Reisterstown Road * BALTIMORE COUNTY
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and * Hearing Date:
Yorkridge-Calvert Service * January 10, 1989
Corporation *
and *
Melvin Berger, Individually *
Appellants *

REQUEST TO ENTER APPEARANCE

Madame Secretary:

Kindly enter the appearance of the following named attorneys as co-counsel for the Appellee/Petitioner in the above-captioned zoning appeal, GIANT OF MARYLAND, INC.:

Stephen J. Nolan
Nolan, Plunhoff & Williams, Chartered
Suite 1105 - Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204
(301) 823-7800

Re: GIANT OF MARYLAND, INC. * BEFORE THE
Appellee/Petitioner * COUNTY BOARD OF APPEALS
S/S of Old Court Road, 397' E * OF
of Reisterstown Road * BALTIMORE COUNTY
(3757 Old Court Road) *
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and * Hearing Date:
Yorkridge-Calvert Service * January 10, 1989
Corporation *
and *
Melvin Berger, Individually *
Appellants *

AFFIDAVIT AND RETURN OF SERVICE

I HEREBY SWEAR AND AFFIRM that the attached subpoena duces tecum was served by hand delivery on Mr. Gregory M. Jones, or his authorized agent, by the undersigned on the 9th day of January, 1989 at 3:50 p.m. Service was made at Room No. 405 of the County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204

Date: January 9, 1989

Affiant

7450A

RECEIVED
COUNTY BOARD OF APPEALS
69 JAN -6 PM 1:25

Re: GIANT OF MARYLAND, INC.
Appellee/Petitioner
OF
BALTIMORE COUNTY
S/S of Old Court Road, 397' E
of Reisterstown Road
(3757 Old Court Road)
3rd Election District
2nd Councilmanic District
Case No.: 88-534-A
Yorkridge-Calvert Savings and
Loan
and
Hearing Date:
January, 10, 1989
Yorkridge-Calvert Service
Corporation
and
Melvin Berger, Individually
Appellants

AFFIDAVIT AND RETURN OF SERVICE

I HEREBY SWEAR AND AFFIRM that the attached subpoena
duces tecum was served by hand delivery on Mr. Irvin Scott
Poehlman, ~~his authorized agent~~, by the undersigned on
the 6th day of January, 1989 at 1:24 p.m. Service was made
at Room No. 200 of the County Office Building, 111 West
Chesapeake Avenue, Towson, Maryland 21204

Date: January 6, 1989
Stephen J. Nolan
Affiant

7450A

In Re: PETITION FOR ZONING
S/S of Old Court Road,
397' E of Reisterstown Road
(3757 Old Court Road) -
3rd Election District
Giant of Maryland, Inc., et al.
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-534-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit
221 parking spaces instead of the required 228 spaces, and a
variance to allow parking spaces to be one and one half feet
(1-1/2') and four feet (4') from the street property line
instead of the required eight feet (8'), all as more parti-
cularly described on Petitioner's Exhibit 1.

The Petitioner, by Michael J. Bush, Vice President -
Real Estate for Giant of Maryland, Inc., appeared, testified
and was represented by Gail M. Stern, Esquire and Nancy Haas,
Esquire. Also appearing and testifying on behalf of the
Petitioner were Richard L. Smith, an engineer and planning
expert, and Scott Poehlman, a registered civil engineer and a
representative of the Baltimore County Traffic Engineering
Department and the Highway Design Section of the Bureau of
Engineering. Counsel for Petitioner also proffered what would
have been the testimony of Timothy A. Ryan, a traffic

ORDER RECEIVED FOR FILING
E.C. 3/10/89
By: [Signature]

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E.C. 3/10/89
By: [Signature]

engineering and planning expert. Gary Huddles, Esquire, noted
his appearance on behalf of Yorkridge Calvert Savings and Loan,
Yorkridge Service Organization and Melvin Berger. The
Pikesville Community Growth Corporation, by Evelyn Burns,
Executive Director, did not appear at the hearing, but has
indicated its support of Petitioner's requests in a letter to
the Zoning Commissioner dated July 11, 1988.

The Petitioner seeks relief from Sections 409.2.(b)(6)
and 409(c)(4), pursuant to Section 307 of the Baltimore County
Zoning Regulations (BCZR).

Testimony and evidence presented in this case estab-
lish the following facts: The subject property is zoned BL-CT,
is located between Old Court Road and Relocated Old Court Road,
just east of Reisterstown Road in Pikesville, and is improved,
in part, with a Giant supermarket. As of this date, Baltimore
County proposes to construct the Old Court Connector Road along
the eastern border of Petitioner's property, connecting
Relocated Old Court Road and Old Court Road. The proposed 36'
wide connector road will require the acquisition, by condem-
nation or otherwise, of approximately .26 acres across land
owned by Petitioner for highway rights of way, revertible slope
easements and temporary construction areas. Such taking will
result in the permanent loss to Petitioner of 19 parking
spaces. By restriping the parking lot as shown on Petitioner's
Exhibit 1, which is to be accomplished by the requested reduc-
tion in curb set-backs, Petitioner will be able to accommodate

- 2 -

221 parking spaces on the site. Because the off-street parking
provisions of the BCZR require 228 spaces on a site of this
size, Petitioner has requested a variance of 7 spaces. These
setback variances will enable Petitioner to create additional
parking spaces to accommodate parking demands at peak hours,
and to minimize the hardship to Petitioner caused by the taking
of the 19 existing parking spaces by Baltimore County.

Mr. Richard Smith testified that, in his opinion, based
on experience and studies, Sections 307 and 502 of the BCZR
would be satisfied, and that, in his opinion, the requested
variances were appropriate. Testimony proved that the 221
spaces would satisfy parking needs at the subject property. In
addition, Mr. Mike Bush testified that the inability to recoup
at least some of the 19 spaces to be taken by the County would
result in practical difficulty and unnecessary hardship to
Petitioner. Mr. Scott Poehlman testified that Baltimore County
is supportive of Petitioner's request.

An area variance may be granted where strict
application of the zoning regulation would cause practical
difficulty to the petitioner and his property. *McLean v.*
Soley, 270 Md. 208 (1973). To prove practical difficulty for
an area variance, the petitioner must demonstrate that:

1. Strict compliance with the applicable
requirement would unreasonably prevent
the use of the property for a permitted
purpose or render conformance
unnecessarily burdensome.

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E.C. 3/10/89
By: [Signature]

- 3 -

2. Granting the requested relief will do
substantial justice to applicant as
well as other property owners in the
district.
3. Relief can be granted in such fashion
that the spirit of the ordinance will
be observed and public safety and
welfare secured.

270 Md. at 214-215.

It is clear from the testimony that if the variance
were granted, such use as proposed would not be contrary to the
spirit of the BCZR and would not result in substantial
detriment to the public good.

After due consideration of the testimony and evidence
presented, it is clear that practical difficulty or
unreasonable hardship would result if the requested variances
were not granted. In addition, the variances requested will
not be detrimental to the public health, safety, and general
welfare.

Pursuant to the advertisement, posting of the
property, and public hearing on this Petition held, and for the
reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of
Baltimore County, this 29th day of July, 1988, that the
Petition for Zoning Variance to permit 221 parking spaces in
lieu of the required 228 spaces, and to permit parking spaces
to be one and one half feet (1 1/2') and four feet (4') from
the street property line in lieu of the required eight feet
(8'), be and are hereby GRANTED, from and after the date of
this Order, subject, however, to the following restriction:

- 4 -

The Petitioner may apply for any required
permits and be granted same upon receipt of
this Order; however, Petitioner is hereby
made aware that proceeding at this time is
at its own risk until such time as the
applicable appellate process from this Order
has expired. If, for whatever reason, this
Order is reversed, the Petitioner would be
required to return, and be responsible for
returning, said property to its original
condition.

cc: Gail M. Stern, Esquire
Gary Huddles, Esquire
Evelyn Burns, Esquire

1058u

J. Robert Haines
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
E.C. 3/10/89
By: [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 29, 1988

Gail M. Stern, Esquire
Nancy Haas, Esquire
Frank, Bernstein, Conway & Goldman
300 E. Lombard Street
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
S/S of Old Court Road, 397' E of Reisterstown Road
(3757 Old Court Road)
3rd Election District; 2nd Councilmanic District
Case No. 88-534-A

Dear Ms. Stern & Ms. Haas:

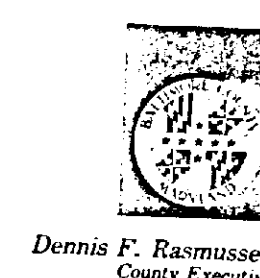
Enclosed please find the decision rendered on the above-refer-
enced case. The Petition for Zoning Variance has been granted in accor-
dance with the attached Order.

In the event the decision rendered is unfavorable to any party,
please be advised that any party may file an appeal within thirty (30)
days of the date of the Order to the County Board of Appeals. If you
require additional information concerning filing an appeal, please feel
free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs
Enclosure
cc: People's Counsel
File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-534-A

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
Variance from Section 409.2 b(6) to allow 221 parking spaces instead of the required 228 spaces
and from Section 409.2 of the BCZR to allow parking spaces to be 1 1/2' from a
street property line instead of the required 8'

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the
following reasons: (Indicate hardship or practical difficulty)
Baltimore County intends to take, by condemnation or other means, approximately a
0.2642 acre parcel from the Owner for certain road improvements. Such taking will
cause the Owner to lose nineteen (19) parking spaces permanently. The first
variance is required because the Owner cannot comply with the BCZR requirements as
to the number of spaces after the taking by Baltimore County. The second variance
is requested so that the Owner can restripe the remaining portion of the parking
lot and remove a grassy area so as to minimize the hardship to the Owner caused by
the taking of the 0.2642 acre parcel by Baltimore County.

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

I, or we, agree to pay expenses of above Variance 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.

Legal Owner(s):
Reister Court Limited Partnership
(Type or Print Name)
By: GFS Realty, Inc., General Partner
Signature: Michael J. Bush, Vice President
Address: _____
City and State: _____

Signature: _____
City and State: _____

Attorney for Petitioner:
Gail M. Stern, Esq.
(Type or Print Name)
Signature: _____
Address: 300 East Lombard Street
Baltimore, Maryland 21202
City and State: _____

Attorney's Telephone No.: (301) 625-3647

Address: _____
City and State: _____

Ordered By The Zoning Commissioner of Baltimore County, this 26th day of April, 1988.

1988 that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore
County, on the 7th day of July, 1988, at 11:00 A.M.

Legal Owner(s):
Giant of Maryland, Inc.
(Type or Print Name)
By: _____
Signature: Michael J. Bush, Vice President
GFS Realty, Inc.
(Type or Print Name)
By: _____
Signature: Michael J. Bush, Vice President

P.O. Box 1804 (301) 995-4313
Address: _____
Washington, D.C. 20013
City and State: _____

Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted
Gail M. Stern, Esquire
Name
Frank, Bernstein, Conway & Goldman
300 E. Lombard St., 17th Floor
Address
Baltimore, MD 21202 (301) 625-3647

Ordered By The Zoning Commissioner of Baltimore County, this 26th day of April, 1988.

1988 that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore
County, on the 7th day of July, 1988, at 11:00 A.M.

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Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore
County, on the 7th day of July, 1988, at 11:00 A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

10227 WINDCORN CIRCLE
COLUMBIA, MARYLAND 21044
(301) 730-6419

370 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 625-3700
(703) 556-9676

118 WEST CHURCH STREET
FREDERICK, MARYLAND 21701
(301) 842-2325

6701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 897-8282

7729 LEESEBURG PIKE
TYSONS CORNER, VIRGINIA 22043
(703) 583-4670

TELECOPIER (301) 625-3702
CABLE FRANKOR
TELEX 879339

WRITER'S DIRECT NUMBER
(301) 625-3706

July 19, 1988

VIA FEDERAL EXPRESS

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning and Zoning
County Office Building-Room 109
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case No.: 88-534-A
Petitioners: Giant of Maryland, Inc. et al.
Hearing held July 7, 1988 at 11:00 A.M.

Dear Mr. Haines:

As you requested, I am enclosing proposed Findings of Fact and Conclusions of Law in connection with the above-noted matter.

If I may be of additional assistance or if you should require any additional information, please feel free to call me.

Very truly yours,

Nancy Haas
Nancy Haas

NH:bd
Enclosure
cc: Mr. Michael J. Bush
Gail M. Stern, Esquire

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

10227 WINDCORN CIRCLE
COLUMBIA, MARYLAND 21044
(301) 730-6419

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
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(703) 556-9676

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(301) 842-2325

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BETHESDA, MARYLAND 20817
(301) 897-8282

7729 LEESEBURG PIKE
TYSONS CORNER, VIRGINIA 22043
(703) 583-4670

TELECOPIER (301) 625-3702
CABLE FRANKOR
TELEX 879339

WRITER'S DIRECT NUMBER
(301) 625-3706

July 27, 1988

FEDERAL EXPRESS

J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning and Zoning
County Office Building - Room 109
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case No.: 88-534-A
Petitioners: Giant of Maryland, Inc. et al.
Hearing held July 7, 1988 at 11:00 A.M.

Dear Mr. Haines:

Enclosed please find a revised draft of the Findings of Fact and Conclusions of Law in connection with the above-noted matter. I have enclosed a black-lined draft showing the changes, together with a clean copy for your signature.

If I can be of further assistance in connection with this matter, please call me.

Very truly yours,

Nancy Haas
Nancy Haas

NH:bd
Enclosure
cc: Mr. Michael J. Bush (w/enclosure)
Gail M. Stern, Esquire

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 302 Date of Posting: June 16, 1988

Posted for: Variance

Petitioner: Giant of Maryland

Location of property: Sp. of Old Court Road, 3.92' E. of Patterson Road (3752 Old Court Road)

Location of Sign: Both sides of Old Court Road in front of subject property

Remarks: None

Posted by: Nancy Haas Date of return: June 17, 1988

Number of Signs: 4

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. June 16, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 16, 1988

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

33.75

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified below in Room 109 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case No. 88-534-A
56 Old Court Road, 397' E. of Patterson Road (3752 Old Court Road)
3rd Election District
2nd Commission District
Petitioner(s): Giant of Maryland
Hearing Date: Thursday, July 7, 1988 at 11:00 a.m.
Special Hearing: A non-conforming use as a four apartment dwelling.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day period. The Zoning Commission will, however, consider any appeal for a stay of the issuance of and permit during the period of the appeal. Such request must be in writing and received by the office by the date of the hearing or above as provided in the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
628 June 16

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: _____

Gail M. Stern, Esq.
300 East Lombard Street
Baltimore, Maryland 21202

Re: Petition for Zoning Variance
Case number: 88-534-A
Petitioner(s): Giant of Maryland, Inc.
Hearing Scheduled: July 7, 1988 at 11:00 a.m.

Dear Ms. Stern:

Please be advised that \$67.85 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52714

DATE: 7/7/88 ACCOUNT: 88-534-A

AMOUNT: \$67.85

RECEIVED FROM: Giant of Maryland

FOR: 7/7/88 hearing

VALIDATION OR SIGNATURE OF CASHIER



Dennis F. Rasmussen
County Executive

plaint, the Commission on Medical Discipline conducted any preliminary investigation. The results of the investigation were then referred to the Medical and Surgical Faculty (Med-Chi) for review. The Commission was held before the full Commission and finally a decision was rendered. Testimony revealed that the process took approximately 11 months to complete the process. The Commission is now in the process of reviewing the process for final action of serious complaints. This bulky method of handling medical discipline relied on not only to monitor each other, but also to investigate this is no way to expect a community. The investigations were conducted in secret and no public record of cases or deliberations in cases. The new bill, now law, will change the system dramatically. It will be streamlined and will NOT rely on physician volunteers to conduct investigations of their peers. The State Page 18 / Northwest Star / June 15, 1988

in risk management or quality assurance matters. The Commission was then referred to the Medical and Surgical Faculty (Med-Chi) for review. The Commission was held before the full Commission and finally a decision was rendered. Testimony revealed that the process took approximately 11 months to complete the process. The Commission is now in the process of reviewing the process for final action of serious complaints. This bulky method of handling medical discipline relied on not only to monitor each other, but also to investigate this is no way to expect a community. The investigations were conducted in secret and no public record of cases or deliberations in cases. The new bill, now law, will change the system dramatically. It will be streamlined and will NOT rely on physician volunteers to conduct investigations of their peers. The State Page 18 / Northwest Star / June 15, 1988

LEGAL NOTICE
The County of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified below in Room 109 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case No. 88-534-A
56 Old Court Road, 397' E. of Patterson Road (3752 Old Court Road)
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2nd Commission District
Petitioner(s): Giant of Maryland
Hearing Date: Thursday, July 7, 1988 at 11:00 a.m.
Special Hearing: A non-conforming use as a four apartment dwelling.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day period. The Zoning Commission will, however, consider any appeal for a stay of the issuance of and permit during the period of the appeal. Such request must be in writing and received by the office by the date of the hearing or above as provided in the hearing.

the second publication appearing on the _____ day of _____, 1988.

the third publication appearing on the _____ day of _____, 1988.

THE NORTHWEST STAR

Cost of Advertisement \$19.20

RECEIVED
JUN 16 1988

ZONING OFFICE

Office of
PATUXENT
Publishing Company

10750 Linn Patuxent Pkwy.
Columbia, MD 21044

June 29, 1988

THIS IS TO CERTIFY, that the annexed advertisement of Notice of Hearing

was inserted in the following:
☒ Catonsville Times
☒ Arbutus Times
☒ Reporter Weekly
☐ Booster Weekly
☐ Owings Mills Flier
☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 13th day of June 1988, that is to say, the same was inserted in the issues of

June 16, 1988

PATUXENT PUBLISHING COMPANY

By _____

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff
vs.
Defendant

CERTIFICATE OF PUBLICATION OF

RECEIVED
JUL 1 1988

ZONING OFFICE

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

SUITE 1000, NORTH TOWER
7729 LEESEBURG PIKE
TYSONS CORNER, VIRGINIA 22043
(703) 583-4670

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 625-3700
(703) 556-9676

118 WEST CHURCH STREET
FREDERICK, MARYLAND 21701
(301) 842-2325

6701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 897-8282

TELECOPIER (301) 625-3702
CABLE FRANKOR
TELEX 879339

WRITER'S DIRECT NUMBER
(301) 625-3706

April 19, 1988

HAND DELIVERED

Mr. Carl Richards
Baltimore County Zoning Office
County Office Building
Chesapeake and Bosley Avenues
Towson, Maryland 21204

Re: Petition for Zoning Variance
Giant of Maryland, Inc., et al.

Dear Carl:

As you know, on Wednesday, April 12, 1988, I filed a variance request on behalf of the above-noted entities requesting both a parking and a set-back variance. In connection with the Petition, you had a number of questions concerning the parking arrangements at the site.

After discussing these matters with Mr. Richard L. Smith of Kiddle Consultants, Inc., I am able to report to you the following:

1. The 26 spaces designated as employee spaces along old Old Court Road were in fact coded in the 221 spaces. These are the same 26 spaces which were designated as employee parking on the approved site plan for the original building expansion. In addition, it is important to note that this parking is exclusively dedicated for employee parking, and employees are not permitted to park in the front of the store. Customers do not enter the customer parking lot through the employee parking lot, nor do they park along old Old Court Road.
2. With respect to the size of the parking spaces, which are shown on the site plan as 18 by 8-1/2 feet, Mr. Smith has informed that he has accounted for the overhang

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Mr. Carl Richards
April 19, 1988
Page Two

in assigning an 18 foot length to the spaces. Moreover, wheelstops will be placed in each of the parking spaces to prevent any overhang into the right-of-way.

I hope that this information is helpful to you. In addition, I have also enclosed eight (8) copies of the legal description of the property.

Of course, if you have any additional questions or if you need any additional information, please feel free to call me.

Very truly yours,

Nancy Haas
Nancy Haas

MH/mh
Enclosures
cc: Michael J. Bush, Esquire
Mr. Richard Smith
Gail M. Stern, Esquire

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Giant of Maryland

Location: S/S Old Court Road, 397' E. of Reisterstown Road

Item No.: 379 Zoning Agenda: Meeting of 4/26/88

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.

() 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.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/31

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 21, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000

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

Gail M. Stern, Esquire
300 East Lombard Street
Baltimore, Maryland 21202

RE: Item No. 379 - Case No. 88-534-A
Petitioner: Giant of Maryland, Inc.
Petition for Zoning Variance

Dear Ms. Stern:

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. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Kilde Consultants, Inc.
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
Date: May 20, 1988
FROM: P. David Fields, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition #88-491-A, 88-547-A, 88-534-A,

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. G. Hoswell
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning Office

RECEIVED
MAY 24 1988

ZONING OFFICE

CPS-008

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: *3rd*
Posted for: *Appeal*
Petitioner: *Giant of Maryland, Inc. et al.*
Location of property: *S/S Old Court Rd. 397' E. of Reisterstown Rd.*
Location of Sign: *200 East Lombard Street, Baltimore, Md.*
Remarks: *See filing certificate*
Posted by: *J. G. Hoswell* Date of return: *June 4, 1988*
Number of Signs: *1*

APPEAL

Petition for Zoning Variance
S/S of Old Court Road, 397' E of Reisterstown Road
(3757 Old Court Road)
3rd Election District
GIANT OF MARYLAND, INC. ET AL - Petitioner
Case No. 88-534-A

Var.-221 parking spaces in lieu of req. 228 and 0' from a street property line instead of req. 8'.

Petition for Zoning Variance

Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None Submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: Plat to accompany Petition for Variance for Giant Food
Zoning Commissioner's Order dated July 29, 1988 (Granted w/ restrictions)
Notice of Appeal received August 26, 1988 by Gary Huddles

cc: Giant of Maryland, Inc. et al.
c/o Michael J. Bush, Vice President
P.O. Box 1804, Washington, D.C. 20013

Gail M. Stern, Esquire and Nancy Haas, Esquire
300 E. Lombard Street, Suite 1700, Baltimore, Md. 21202

* Mr. Gary Huddles
Suite 501, 28 Allegheny Avenue, Towson, Maryland 21204

Evelyn Burns, Esquire
Pikesville Community Growth Corporation
3655 A Old Court Road, Suite 15, Baltimore, Md. 21208

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

Entered appearance 1/06/89 as
Co-counsel for Petitioner:
Stephen J. Nolan, Esquire
Suite 1105, Hampton Plaza
300 E. Joppa Road 21204

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3833

J. Robert Haines
Zoning Commissioner

October 24, 1988

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
S/S of Old Court Road, 397' E of Reisterstown Road
(3757 Old Court Road)
3rd Election District
GIANT OF MARYLAND - Petitioner
Case No. 88-534-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 26, 1988 by Gary Huddles. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Giant of Maryland, Inc. et al.
c/o Michael J. Bush, Vice President
P.O. Box 1804, Washington, D.C. 20013

Gail M. Stern, Esquire and Nancy Haas, Esquire
300 E. Lombard Street, Suite 1700, Baltimore, Md. 21202

LAW OFFICES GARY HUDDLES

SUITE 501
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
309 821-7757

August 26, 1988

J. Robert Haines
Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue - Room 113
Towson, Maryland 21204

Attn: Charlotte Radcliffe

Hand-delivered

Re: Case No. 88-534-A
3757 Old Court Road
Giant of Maryland, Inc., et al.
Petitioner

Dear Ms. Radcliffe:

Please enter an Appeal to the Board of Appeals on behalf of Yorkridge-Calvert Savings and Loan, Yorkridge-Calvert Service Corporation, and Melvin Berger, individually, in the above-captioned case.

Enclosed is my check no. 3075 in the amount of \$90.00, representing \$75.00 for the filing fee and \$15.00 for the sign. Thank you for your cooperation.

Very truly yours,

Gary Huddles
Gary Huddles

GH/cas
Enclosure

cc: Gail M. Stern, Esquire
Nancy Haas, Esquire
300 E. Lombard Street, Suite 1700
Baltimore, Maryland 21202

Evelyn Burns, Esquire
Pikesville Community Growth Corporation
3655 A Old Court Road, Suite 15
Baltimore, Maryland 21208

RECEIVED ZONING OFFICE
DATE: *8-26-88*
O.K. (cas)



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

October 27, 1988
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-534-A

GIANT OF MARYLAND
S/S of Old Court Road, 397' E of Reisterstown Road
(3757 Old Court Road)
3rd Election District
2nd Councilman District
VAR - to permit 221 parking spaces in lieu of required 228 spaces; to allow parking spaces to be 11' and 4' from street property line instead of required 8'.
7/29/88 - Z.C.'s Order - that Variances are GRANTED w/restrictions.

ASSIGNED FOR:

WEDNESDAY, NOVEMBER 16, 1988 at 10:00 a.m.

cc: Giant of Maryland, Inc.

Appellee / Petitioner

Michael J. Bush, Vice Pres.

Counsel for Appellee / Petitioner

Gail M. Stern, Esquire

" " " "

Nancy Haas, Esquire

" " " "

Gary Huddles, Esquire

Counsel for Appellants / Protestants
(Yorkridge-Calvert S&L; Yorkridge-Calvert Service Corp; and Melvin Berger)

Evelyn Burns, Esquire

Pikesville Community Growth Corp.

People's Counsel for Baltimore County
c/o Stephen J. Nolan, Esquire
Suite 1105, Hampton Plaza
300 E. Joppa Road 21204

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

Docket Clerk - Zoning

Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

October 27, 1988
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-534-A

GIANT OF MARYLAND

S/s of Old Court Road, 397' E of Reisterstown Road
(3757 Old Court Road)
3rd Election District
2nd Councilmanic District

VAR -to permit 221 parking spaces in lieu of required 228 spaces; to allow parking spaces to be 11' and 4' from street property line instead of required 8'.

7/29/88 -Z.C.'s Order -that Variances are GRANTED w/restrictions.

ASSIGNED FOR: WEDNESDAY, NOVEMBER 16, 1988 at 10:00 a.m.

cc: Giant of Maryland, Inc.
Michael J. Bush, Vice Pres.
Gail M. Stern, Esquire
Nancy Haas, Esquire

Appellee /Petitioner
Counsel for Appellee /Petitioner
" " " "

Gary Huddles, Esquire

Counsel for Appellants /Protestants
(Yorkridge-Calvert S&L; Yorkridge-Calvert Service Corp; and Melvin Berger)

Pikesville Community Growth Corp.

Evelyn Burns, Esquire

People's Counsel for Baltimore County

P. David Fields
Pat Keller

J. Robert Haines
Ann M. Nastarowicz

James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary



PIKESVILLE
Community Growth Corp.

3555-A
Old Court Road
Suite 15
Pikesville, MD 21208

Telephone
(301) 464-2310

September 20, 1988

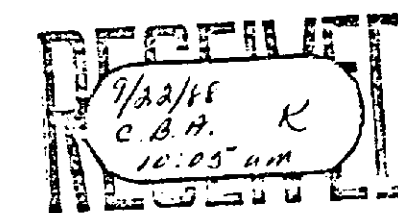
Mr. William T. Hackett
Chairman
Baltimore Co. Board of Appeals
County Office Building
Room 315
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Hackett:

We have received notice that Yorkridge - Calvert Savings and Loan Association has appealed Case #88-534-A, Giant of Maryland, Inc. Petitioner.

The Pikesville Community Growth Corporation has worked diligently for 10 years to create a Connector Road in between Old Court Road and Walker Avenue. Baltimore County Government has been working expeditiously to see the Road become a reality. County Executive Rasmussen has stated publicly that this Pikesville Connector Road is a priority of his administration. Great lengths were taken by his administration in order to clear any obstacles in the construction of the road. There was no opposition of any kind at the hearing. We wholeheartedly supported the Giant variance request.

The current request for an appeal on behalf of Yorkridge - Calvert Savings and Loan Association now poses a very real threat to the construction of a vital link in the revitalization of Pikesville.



Mr. William T. Hackett

Page 2

September 20, 1988

On behalf of the Pikesville Community Growth Corporation and the entire Pikesville community I request that this matter be expedited so that this variance appeal will be heard as soon as possible. The community and officials in Baltimore County government feel the timely construction of the connector road is vital to the future growth of the Pikesville business and residential communities. Your help in expediting this appeals hearing is urgently needed.

Thank you for your consideration.

Sincerely,

Evelyn Burns
Executive Director

EB/ff
cc: The Honorable Dennis Rasmussen
Councilman Melvin Mintz
Raymond D. Carnighan
Michael J. Bush
Gail M. Stern, Esq.
Nancy Haas, Esq.

Disk-york

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

SUITE 1000, NORTH TOWER
7799 LEEBURG PIKE
TOWSON CORNER, VIRGINIA 22043
(703) 893-4670

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 625-3500
(703) 556-9676

TELEPHONE (301) 625-3702
CABLE FRANKSON
TELEX 89939

SUITE 700
AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21044
(301) 730-9477

DIRECT DIAL NUMBER
625 1467

November 1, 1988

Mr. Thomas J. Bollinger
County Board of Appeals of
Baltimore County
County Office Building
Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Giant of Maryland
Case No. 88-534-A

Dear Mr. Bollinger:

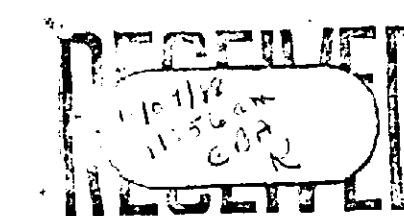
I am writing to confirm our telephone conversation of today in which I advised you that Giant's primary witness would be out of town on the day of the scheduled hearing in the above-captioned case. You advised me that Mr. Huddles, counsel for the Appellants, would also be unavailable on the 16th. Therefore, you agreed that the hearing would be postponed until the next available date in January. I assume that I will receive notice of the new date as soon as the hearing is scheduled.

Thank you very much for your assistance in this matter.

Sincerely,

Gail M. Stern

GMS/alp
cc: Michael J. Bush, Vice President
Nancy Haas, Esquire



10/27/88 -Notice of Assignment to following re hearing set for Wednesday, November 16, 1988 at 10:00 a.m.

Giant of Md (Michael J. Bush)
Gail M. Stern, Esq.
Nancy Haas, Esq.
Gary Huddles, Esq.
Evelyn Burns, Esq.
People's Counsel out 10/28
P. David Fields
Pat Keller
J. Haines
A. Nastarowicz
J. Dyer
Docket Clerk -Zoning
Arnold Jablon

11/01/88 -Per telephone request for postponement from g. Huddles 10/31/88 and from Gail Stern on 11/01/88, POSTPONED to 1/10/89 at 10:00 a.m. Notice of Assignment sent to above.

1/10/89 -Steve Nolan, Counsel for Petitioner, agreed to the settlement and they're going to amend petition to reflect change from setback of 8' to 10' as mandated by Section 409.8(a). Parties agree to dismiss with prejudice appeal 88-534-A on the contingency that Giant will not start construction of the parking lot prior to June 1, 1989 or the County begins construction of the road prior to that date. When the County begins construction of the road, that can start construction of the parking lot. If the County does not start construction of the road, they cannot start parking lot until June 1, 1989. Comments of Greg Jones, Department of Public Works, to be followed. Huddles in agreement with statements. The Board has granted Motion and dismissed appeal in 88-534-A. However, Nolan, Stern and Huddles will prepare order so that everyone understands what has been agreed to and what is not agreed to. WITH

10/31/88

Mr. H:

Received t/c from Gary Huddles, counsel representing Appellant in the case to be heard 11/16/88 -Giant of Maryland.

Problem:

the case was set in October 27, 1988 (within 10-day limit for setting case)

he has two separate cases in Circuit Courts on that date and will not be available for 11/16

also, he was not cc'd on the letter to the Board from Evelyn Burns, although she was aware, per Mr. Huddles, that he was a party to the case and representing the Appellant (Yorkridge-Calvert and Berger, etc.)

he just received the notice; does not have the required 15 days to notify the Board in writing; however, telephoned in order to advise you of his schedule conflict as soon as he was notified of hearing date

Please call him at 821-7757 -- he will attempt to resolve hearing date issue with other attorneys involved. However, 11/16 date will not be possible for him.

kathi

11/01/88

T/C fr Gail Stern, counsel for Petitioner; client unavailable for hearing date as assigned on 11/16/88; requested postponement. Advised of resulting mutual request by T. Bollinger and also advised that case would be set in for next available date in January.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

November 1, 1988
NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-534-A

GIANT OF MARYLAND

S/s of Old Court Road, 397' E of Reisterstown Road
(3757 Old Court Road)
3rd Election District
2nd Councilmanic District

VAR -to permit 221 parking spaces in lieu of required 228 spaces; to allow parking spaces to be 11' and 4' from street property line instead of required 8'.

7/29/88 -Z.C.'s Order -that variances are GRANTED w/restrictions

which had been assigned for hearing on Wednesday, November 16, 1988 has been POSTPONED at the mutual request of Counsel for Petitioner and Counsel for the Appellants and has been

REASSIGNED FOR: TUESDAY, JANUARY 10, 1989 at 10:00 a.m.

cc: Giant of Maryland, Inc.
Michael J. Bush, Vice Pres.
Gail M. Stern, Esquire
Nancy Haas, Esquire
Gary Huddles, Esquire

Appellee /Petitioner
Counsel for Appellee /Petitioner
" " " "
Counsel for Appellants /Protestants
(Yorkridge-Calvert S&L; Yorkridge-Calvert Service Corp; and Melvin Berger)

Evelyn Burns, Exec. Director
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Pikesville Community Growth Corp.

Entered appearance 1/06/89 as Co-Counsel for
Petitioner: Stephen J. Nolan, Esquire

Kathleen C. Weidenhammer
Administrative Secretary

NEWTON A. WILLIAMS
WILLIAM M. HESBON, JR.
THOMAS J. BERNER
WILLIAM R. ENGLISH, JR.
STEPHEN J. NOLAN
ROBERT S. HANLEY, JR.
STEPHEN M. SCHENKOW
DOUGLAS L. BURNETT
LOUIS G. CLOSE, II
ROBERT C. BARNHART
THOMAS A. ALDERMAN
KEIRA L. KOSTUN

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED FEB 1 1980
SUITE 1105, HAMPTON LAKES
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095
(301) 823-7900
TELEFAX (301) 296-2765

EARLE PLUMHOFF
(1960-1988)
JAMES D. NOLAN
(RETIRED, 1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 222-5261

February 1, 1989

HAND DELIVERY

Ms. Kathi Weidenhammer
Administrative Secretary
County Board of Appeals
of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-534-A
Giant of Maryland, Inc., et al. -
Petitioner-Appellee

Dear Ms. Weidenhammer:

As you know, a settlement of the above zoning appeal was placed on the record before the Board on January 10, 1989. Yesterday afternoon, we received the confirmatory Order from Mr. Huddles, counsel for the appellants.

Therefore, I am submitting herewith a signed original and two signed copies of the proposed Order for the Board's consideration and approval.

Thank you for your assistance.

Very truly yours,

Stephen J. Nolan
Stephen J. Nolan

SJN/emd
enc.

cc: Gail M. Stern, Esquire
Nancy Haas, Esquire

Gary Huddles, Esquire

Mr. Michael Bush
Giant Food, Inc.

