#1239-RS

MAP #4-B

RE: PETITION FOR (1) ZONING RECLASSIFICATION (2) FOR SPECIAL PERMIT FOR GASOLINE SERVICE STATION - EAST SIDE OF PARK HEIGHTS AVENUE, 177 feet SOUTH OF WALNUT AVENUE, 3rd District of Baltimore County, SAMUEL G. KELLEY AND RENNIS G. KELLEY, PETITIONERS

Upon hearing on appeal from the Order of the Zoning Commissioner of Baltimore County passed on July 10, 1948, denying the petition for reclassification and special permit for gasoline service station and it appearing to the Board from the evidence adduced that the Order of the Zoning Commissioner should be reversed, therefore:

It is this 24th day of January, 1949, ORDERED by the Board of Zoning Appeals that the aforesaid Order of said Zoning Commissioner be and thesame is hereby reversed and it is further ORDERED that the petition for reclassification from an "A" Residence Zone to an "E" Commercial Zone and the petition for special permit are hereby granted for the use as set forth in said petition.

Samuel Stone

Earle F. Wright

Board of Zoning Appeals
of Baltimore County.

Approved:
County Commissioners
of Baltimore County

By: Christian H. Kahl
President

Date: 1/24/49

PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL PERMIT

To the Zoning Commissioner of Baltimore County:

I or We, Samuel G. Kelley, and Rennis G. Kelly, Legal Owner of the property situate on the east side of Park Heights Ave., 3rd District of Balto. Co., beginning 177' south of Walnut Ave., thence southerly, on east side of Park Heights Ave., 83' with a rectangular depth southeasterly of 180',

hereby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence Zone to an "E" Comercial Zone; and (2) for a Special Permit, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for Gasoline Service Station.

Property to be posted as prescribed by Zoning Regulations.

I or We, agree to pay expenses of the above reclassification and Special Permit, 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.

Legal Owners

Address

OPINION OF THE BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

RE: PETITION FOR (1) ZONING RECLASSIFICATION (2) FOR SPECIAL PERMIT FOR GASOLINE SERVICE STATION - EAST SIDE OF PARK HEIGHTS AVENUE, 177 feet SOUTH OF WALNUT AVE., 3rd District of Baltimore County, SAMUEL G. KELLEY AND RENNIS G. KELLEY, PETITIONERS

This is a petition for reclassification of property situate on the east side of Park Heights Avenue, 3rd District of Baltimore County, beginning 177 feet south of Walnut Avenue, thence southerly, on the east side of Park Heights Avenue, 83 feet, with a rectangular depth southeasterly of 180 feet.

The petitioner requests a reclassification from an "A" Residence Zone to an "E" Commercial Zone and also for a special permit to use said property for gasoline service station.

The hearing on this appeal came before the Board on August 18, 1948. Both the petitioners and the protestants were represented by counsel. The Board has fully considered the testimony and the record made before this Board which shows as follows:

1. That there has been a nonconforming use at this location, the petitioner having formerly operated a store there for some period of time.

2. That the reclassification of this property to an "E" Commercial Zone will not create congestion in the roads, streets and alleys and will not increase the hazard of danger from traffic. That neither the health, safety, morals or general welfare of the community will be adversely affected by the reclassification petitioned for.

3. That the reclassification of this property to an "E" Commercial Zone will not cause any increase in hazard from fire, panic or other dangers nor will it interfere with traffic transportation and other public requirements.

4. That there has been no substantial showing that the petitioners are not entitled to the lower classification petitioned for.

5. That for reasons given above a special permit to use said property for gasoline service station should not be denied the petitioner.

The Board, therefore, after full consideration of all testimony and other data submitted as well as arguments of counsel for the petitioners and the protestants and after having given full and adequate opportunity for the submission of all pertinent testimony by any interested parties, is of the opinion that the petition should be granted and the Order of the Zoning Commissioner reversed. The Board will sign an Order in accordance with this opinion.

Samuel Stone

Earle F. Wright

Board of Zoning Appeals
of Baltimore County.

#1239-RS

MAP #4-B

ORDERED by the Zoning Commissioner of Baltimore County this 10th day of June, 1948 that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 6th day of July, 1948, at 1:00 o'clock P.M.

Chas. A. Dorsey
Zoning Commissioner
of Baltimore County

Upon hearing on petition (1) for reclassification of property described herein, from an "A" Residence Zone to an "E" Commercial Zone and (2) for special permit to use said property for Gasoline Service Station and it appearing by reason of location, being in an exclusive residential area, the granting of which would be "spot zoning", said petition should be denied, therefore:

It is this 7th day of July, 1948, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid petition for reclassification as aforesaid and special permit to use said property for gasoline service station be and the same is hereby denied and the above described property or area is hereby continued as and is to remain an "A" Residence Zone.

Chas. A. Dorsey
Zoning Commissioner
of Baltimore County.

RECD JUL 22 1948

#1239

Petition for Reclassification From a "A" Residence Zone to an "E" Commercial Zone and A Special Permit for Gasoline Service Station - East side of Park Heights Avenue, 177' S. of Walnut Avenue, 3rd District of Baltimore County.

: TO:
: ZONING COMMISSIONER
: OF BALTIMORE COUNTY

Please enter an Appeal from your decision in the above case and forward all papers to the Board of Zoning Appeals.

John C. Dawson
Attorney for Petitioner

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1239

District 3 Date of Posting June 25/48
Posted for: Commercial + Gasoline Service Station
Petitioner: Samuel G. Kelley + wife
Location of property: east side of Park Heights Ave 177 feet south of Walnut Ave
Location of Signs: east side of Park Heights Ave 208 feet south of Walnut Ave
Remarks:
Posted by Harry E. Garlick (Signature) Date of return: June 25/48

NOTICE OF ZONING RECLASSIFICATION AND PETITION FOR SPECIAL PERMIT FOR GAS. SERV.

Pursuant to petition filed with the Zoning Commissioner of Baltimore County, for change of reclassification from an "A" Residence Zone to an "E" Commercial Zone and A Special Permit for Gasoline Service Station for a SPECIAL PERMIT for the said property for Gasoline Service Station, by Samuel G. Kelley and wife, the undersigned, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing at the Zoning Office in the Basement of the County Office Building, Towson, Baltimore County, as follows:

On Tuesday, July 6, 1948 at 1:00 P. M.

At which hearing all those persons interested in the above described property will be given an opportunity to be heard. All that parcel of land situate on the east side of Park Heights Ave., 177 feet south of Walnut Ave, thence southerly, on east side of Park Heights Ave., 83' with a rectangular depth southeasterly of 180'.

By Order of
CHAS. A. DORSEY,
Zoning Commissioner
of Baltimore County.

June 18-21

RECD JUN 28 1948

#1239

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 28, 1948

THIS IS TO CERTIFY, That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of two successive weeks before the 6th day of July, 1948, the first publication appearing on the 18th day of June, 1948.

The UNION NEWS

Manager.

July 26, 1948

$22.00 ✓

RECEIVED of William P. Bolton, the sum of Twenty Two ($22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying the petition for reclassification, from an "A" Residence Zone to an "E" Commercial Zone and special permit for Gasoline Service station, property on east side of Park Heights Avenue, 177' south of Walnut Avenue, 3rd District of Baltimore County, Samuel G. and Rennie G. Kelley, petitioners.

Zoning Commissioner

PAID
JUL 30 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY W. Lancaster

June 16, 1948

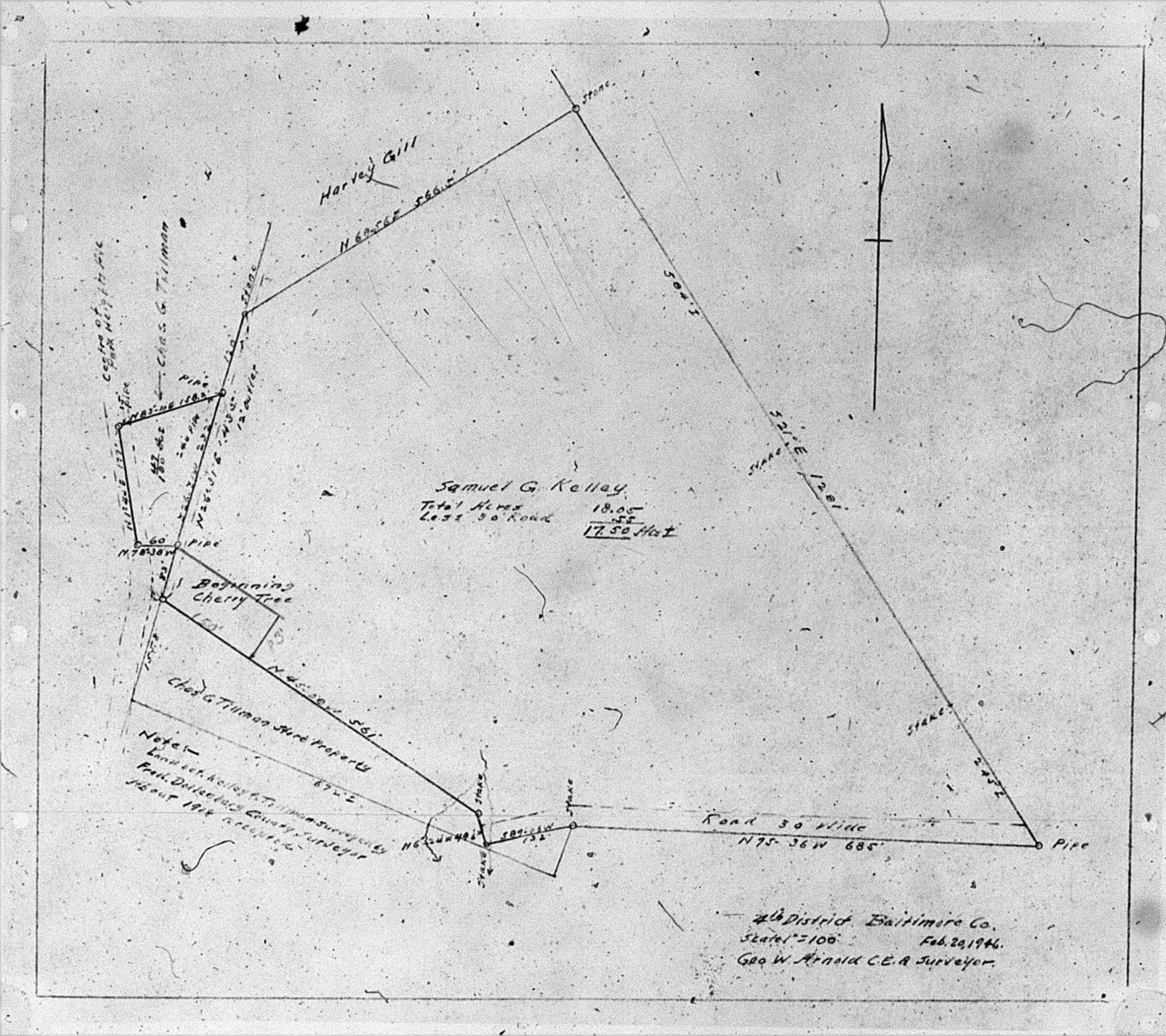
$18.00 ✓

Received of Rennie G. Kelley the sum of Eighteen ($18.00) Dollars, being cost of petition for reclassification, and special permit, advertising and posting of property, East side of Park Heights Avenue, 177' S. of Walnut Avenue, 4th District of Baltimore County.

Zoning Commissioner

Hearing:
Tuesday, July 6, 1948
at 1:00 P. M.

PAID
JUN 17 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY W. Lancaster


Harvey Gill
Stone
N69-45E 566'
504'
Stone
Chas G Tillman
Center of Spout Hill Public Road
Pipe
N43-NE 198'
Stone
N12-30E 177'
N26-15E 180 ft
N43-45E 132'
12 poles
60
N78-30W
Pipe
Beginning Cherry Tree
150'
N 45-30W 561'
Chas G Tillman Store Property
Note:-
Land bet. Kelley & Tillman Surveyed by Frank Dallashaw County Surveyor about 1914 accepted.
Samuel G. Kelley
Total Acres 18.05
Less 30 Road .55
17.50 Nett
521' E 1281'
Stake
514' E
Stake
N6-2W 496'
S89-45W 152'
Stake
Stake
Road 30 Wide
N75-36W 685'
Pipe
4th District Baltimore Co.
Scale 1"=100'
Feb. 20, 1946.
Geo W. Arnold C.E. & Surveyor