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 RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE AND A SPECIAL PERMIT FOR GASOLINE SERVICE STATION - S. W. side Reisterstown Road, 450 feet S. W. Ritters Lane, 14th District - Frank A. and Julia N. Burkholder, Petitioners

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on October 2, 1952, denying the petition for reclassification from an "A" Residence Zone to an "E" Commercial Zone and a special permit for gasoline service station in regard to the property described in said petition; and it appearing from the facts and evidence adduced at the appeal that the granting of the petition and special permit would not be detrimental to the health, safety, and general welfare of the community; therefore,

It is this 30th day of Oct., 1952, Ordered by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner of Baltimore County denying the petition and special permit be reversed, and the said property be reclassified from an "A" Residence Zone to an "E" Commercial Zone and that the special permit for gasoline service station be hereby granted.

Approved:
 County Commissioners of
 Baltimore County

Michael J. Dunne
 Chairman

Date: 10/31/52

Carl F. Valder
 Board of Zoning Appeals of
 Baltimore County

H. B. Campbell
 Board of Zoning Appeals of
 Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS
 OF
 BALTIMORE COUNTY

This is an appeal by Frank A. and Julia N. Burkholder from an Order of the Zoning Commissioner of Baltimore County dated July 30, 1952, denying a reclassification from an "A" Residence Zone to an "E" Commercial Zone and a special permit for gasoline service station in regard to the property described in said petition.

The case came on for hearing before the Board, testimony was taken, and counsel heard.

The property which is the subject of this petition is located on the Southwest side of Reisterstown Road, 450 feet Southeast of Ritters Lane, Owings Mills, Fourth District.

The petitioner now conducts a general store in front of which are gasoline pumps under a non-conforming use. There are numerous commercial and non-conforming business operations along Reisterstown Road; and with the increase of the heavy traffic, it is apparent that this area will develop more for commercial uses than for residential, and that in due time a number of the residential properties will be reclassified for other uses. The petitioner stated that he would tear down the old portion of the building now used for the store and construct a modern gasoline service station and store with a proper setback from Reisterstown Road.

It is the opinion of this Board that the change in reclassification would not be detrimental to the health, safety, and general welfare of the community; but rather would be a marked improvement in the general welfare of the community, and would be a benefit from the standpoint of safety; and that the old building and obstructions would be removed permitting better

vision for those traveling both on Reisterstown Road and Ritters Lane. The Board will, therefore, pass its Order granting the reclassification and special permit.

H. B. Campbell

Carl F. Valder

Donald McQuinn
 Board of Zoning Appeals of
 Baltimore County

IN THE MATTER OF THE
 PETITION FOR RECLASSIFICATION
 FROM AN "A" RESIDENCE ZONE TO AN "E"
 COMMERCIAL ZONE AND A SPECIAL
 PERMIT FOR GASOLINE SERVICE STATION
 S. W. side Reisterstown Road, 450
 feet S. W. Ritters Lane, 14th
 District, Frank A. and
 Julia N. Burkholder, Petitioners

RESPONSE SUBMITTED BY J. MULLER
 ZONING COMMISSIONER FOR
 BALTIMORE COUNTY

APPEAL

Mr. Commissioners
 Please enter an appeal on behalf of the
 Petitioner in the above entitled cause from your Order
 dated 30th day of July, 1952

George B. Ward
 George B. Ward
 1314 Matheson Building
 Baltimore 2, Maryland
 Attorney for Petitioners

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE AND A SPECIAL PERMIT FOR GASOLINE SERVICE STATION - S. W. side Reisterstown Road, 450 feet S. W. Ritters Lane, 14th District - Frank A. and Julia N. Burkholder, Petitioners

The property which is the subject of this petition is located on the southwest side of Reisterstown Road, 450 feet southeast of Ritters Lane, Owings Mills, Fourth District. The petitioner now operates under a nonconforming use a general store with gasoline pumps. This property is adjacent to the Owings Mills Elementary School.

It is the intention of the petitioner if this reclassification and special permit are granted to move the residence, which is now attached to the store building, to the rear of the lot; to raise the portion of the building which is now used for the store and construct a modern store and gasoline service station approximately in the center of his lot with the proper setback from Reisterstown Road. The removal of the existing building from their present location very close to Reisterstown Road and practically against the right-of-way of the road leading to the west bordering on the embankment south of the school property would eliminate a hazard which now exists at this location. The relocation of the store and the filling station with a proper setback would also eliminate a traffic hazard which now exists on the Reisterstown Road. The removal of these hazards is the only reason for the consideration of this reclassification and special permit.

An inspection of the zoning map for Reisterstown Road in this area discloses the fact that the commercial zones which have been established on the road are fairly well consolidated. Regarding the intersection of Reisterstown Road and Western Maryland Railroad and travelling northerly to Reisterstown, the following zones have been set up:

1. A commercial zone at the intersection of Reisterstown Road and the Western Maryland Railroad.
2. A commercial zone, on both sides of Reisterstown Road, fronting 550 feet on said Road, between Pleasant Hill Road and Oysteroak Avenue.
3. A commercial zone fronting approximately 1000 feet on the east side of Reisterstown Road to the north of Ritters Lane.
4. A commercial zone at the intersection of Reisterstown Road and Delight Road, extending 2300 feet northerly.
5. A commercial zone on the west side of Reisterstown Road at Rockdale Avenue, fronting approximately 550 feet on said road.
6. A commercial zone at the intersection of Reisterstown Road and Cockeys Hill Road, fronting approximately 900 feet on Reisterstown Road, and
7. The commercial zone in Reisterstown proper.

The remainder of the road from Owings Mills to Reisterstown has been reserved for "A" residential use. It is conceded by the petitioner that this is "spot zoning". This too is well known by the Zoning Commissioner.

In view of this fact and in view of the fact that the Zoning Department in collaboration with the Planning Commission, has undertaken the revision of the Zoning Regulations and Restrictions and zoning areas in Baltimore County with the view in mind of stabilizing to a great degree the commercial and industrial areas, it is the opinion of the Zoning Commissioner of Baltimore County that it would be improper to reclassify this parcel of land and open up an otherwise residential area for commercial development.

It is true that the removal of the present building and the construction of new facilities at a better location would eliminate a hazard and improve that specific lot, however, it is the opinion of the Zoning Commissioner that this advantage is far outweighed by other considerations in this case. It is, therefore, the opinion of the Zoning Commissioner that the reclassification and special permit should not be granted.

It is this 26th day of July 1952, ORDERED by the Zoning Commissioner of Baltimore County that the above petition for reclassification, from an "A" Residence Zone to an "E" Commercial Zone and a special permit for a gasoline service station, be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain an "A" Residence Zone.

Charles H. Muller
 Zoning Commissioner
 of Baltimore County

FILED APR 23

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

To the Zoning Commissioner of Baltimore County:

I, or we, _____ Legal Owner,

all that parcel of land on the southwest side of Reisterstown Road, 4th District of Baltimore County, beginning 450 feet southeast of the north side of Ritters Lane, thence southeasterly along Reisterstown Road 105 feet 9 1/2 inches, thence south 5° 42' minutes west 150.3 feet, thence north 35° 32' minutes west 160.7 feet, thence north 53° 10' minutes east 160.7 feet to beginning.

herely 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" Commercial 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.

Frank A. Burkholder

Julia N. Burkholder
 Legal Owners

George B. Ward
 Attorney

Notary
 GEO. B. WARD
 12 LIGHT ST

Zoning Commissioner
of Baltimore County

[illegible][illegible]

The UNION NEWS

CERTIFICATE OF PUBLICATION
OF

Received of George B. P. Ward, Attorney
the sum of Twenty two (\$22.00) Dollars, being
cost of appeal on behalf of Frank A. & Julia
Burkholder, Petitioners, on property S. W. Side
Reisterstown Road, 450 Feet E. A. Ritters Lane
4th District, Baltimore County.

Received of George B. Attorney
the sum of Twenty two (\$22.00) Dollars, being
cost of appeal on behalf of Frank A. & Julia
Burkholder, Petitioners, on property S. W. Side
Riverton Road, 450 feet S. E. Ritters Lane
4th District, Baltimore County.

RECEIVED of Frank A. Burkholder the sum of Twenty Three (\$23.00) Dollars, being cost of petition for reclassification and special permit, advertising and postage of property on the southwest side of Reisterstown Road, 450 feet southwest of the south side of Bitters Lane, 4th District of Baltimore County.

Zoning Commissioner

Hearing
Wednesday, May 21, 1952
at 10 A. M.

PAID
APR 30 1962
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *V. Waifeld*

RAID
AUG 5 - 1962
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *James Informant*

