

Action of Board of Zoning Appeals
reversed by Circuit Court 1/28/54

2624
Handed for me
[Signature]

2624

2624
Zoning Appeals of Baltimore County
Joppa Road and Virginia Ave.

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE AND A SPECIAL PERMIT FOR GASOLINE SERVICE STATION - S. W. Cor. Joppa Road and Virginia Ave., Walter Hutchins, et al., Petitioners

The appeal in the above entitled matter coming on for hearing on September 24, 1953, before the Board of Zoning Appeals of Baltimore County, from an Order of the Zoning Commissioner of Baltimore County dated June 25, 1953, denying the application for reclassification from an "A" Residence Zone to an "E" Commercial Zone and denying the special permit for a gasoline service station in regard to the property described therein; and it appearing from the facts and evidence adduced at the appeal that the said application for a special permit would be detrimental to the safety and general welfare of the community and for reasons set forth in said opinion, therefore,

It is this 1st day of October, 1953. Ordered by the Board of Zoning Appeals of Baltimore County that the application for reclassification from an "A" Residence Zone to an "E" Commercial Zone and the special permit for a gasoline service station be denied.

Walter Hutchins
Chairman
Carl F. Volkmann

Approved:
County Commissioners of
Baltimore County

By _____ President _____ Board of Zoning Appeals of
Baltimore County
Date: _____

2624-RS
MAP #9
"E"

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Walter Hutchins and Laura Hook from an Order of the Zoning Commissioner of Baltimore County dated June 25, 1953, denying the reclassification from an "A" Residence Zone to an "E" Commercial Zone and denying a special permit for a gasoline service station pertaining 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 at the Southwest corner of Joppa Road and Virginia Avenue in Towson.

Joppa Road is a very heavily traveled highway and is very narrow considering the volume of traffic at the peak loads; and Virginia Avenue is likewise narrow, but it carries considerably less traffic. The property in question is located in an area which was formerly denied commercial reclassification, and there have been no material changes since then to justify this property being classified for commercial use. Although this property is not far removed from a commercial area, any reclassification as requested in the petition would amount to spot zoning, which is repugnant to zoning, and which might enable adjoining property owners to obtain reclassification of their land, the result of which would be a further traffic load on both Joppa Road and Virginia Avenue, without any adequate provisions available to relieve the congestion.

From the testimony it was also noted that there are numerous gasoline service stations in the general vicinity of the property in question; and the Board will, therefore, pass

its Order denying the reclassification and the special permit.

Walter Hutchins
Chairman
Carl F. Volkmann

Board of Zoning Appeals of
Baltimore County

FILED JUN 29 1953

Charles H. Deing, Esq.
Zoning Commissioner
Towson 4, Maryland

Re: Petition of Walter Hutchins and Laura Hook, Petitioners, for reclassification from an "A" residence zone and a Special Permit for Gasoline Service Station - S.W. cor. Joppa Road and Virginia Ave.

Mr. Commissioners:

Please enter an appeal to the Board of Zoning Appeals of Baltimore County from the Order of the Zoning Commissioner dated June 25, 1953 in the above application for reclassification and special permit, in behalf of Walter Hutchins and Laura Hook, within Petitioners, and forward transcript of record to the Board of Zoning Appeals of Baltimore County.

Michael Paul Smith
Michael Paul Smith
Attorney for Walter Hutchins and Laura Hook, Petitioners

Dated June 29, 1953.

Re: Petition of Walter Hutchins et al. for a Reclassification from an "A" Residence Zone to an "E" Commercial Zone and for a Special Permit for a Gasoline Service Station, property Southwest Corner Joppa Road and Virginia Avenue, Petition #2624.

I, as Zoning Commissioner, at the instigation of the applicants, filed a preliminary report with the County Commissioners of Baltimore County and on the 15th day of April, 1953 held a public hearing for the purpose of determining whether or not the area of land bounded by Joppa Road, Delaware Avenue, Shealey Avenue and Virginia Avenue in the Ninth District of Baltimore County, should be reclassified from residential to commercial and on May 7, 1953, I filed my final report with the County Commissioners in the negative, assigning reasons therefor.

The property which is the subject of the instant Petition is a part of the area described in said preliminary and final reports.

To grant this Petition would amount to letting the petitioners in the back door. Once any part of the area within the block is rezoned, there would be little or no justification or excuse for not extending the zoning and thus in this way the entire block would become rezoned with all of the detrimental effects upon the community set forth in said final report filed on May 7, 1953.

Further, (1) reclassification of said property would be "spot" zoning; (2) no need has been shown for an additional gasoline service station in this area; (3) no need has been shown for additional commercial uses in this area; (4) additional commercial uses in this area would create traffic hazards and congestion in the streets and roads; (5) ample commercial area and gasoline service

stations have been provided in the vicinity of this property and (6) streets in this area are inadequate to properly handle the present flow of traffic thereon, to increase the traffic would create an altogether intolerable situation.

It is this 25th day of June, 1953, ordered by the Zoning Commissioner of Baltimore County, that the aforesaid 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 are hereby denied.

Charles H. Deing
Zoning Commissioner of Baltimore County

To the Zoning Commissioner of Baltimore County:

I, or we, Walter & Marjorie E. Hutchins Legal Owner,

All that parcel of land at the southwest corner of Joppa Road and Virginia Ave., 9th District of Baltimore Co., thence southerly on the west side of Virginia Avenue, 180 feet, thence North 87 degrees west 104/7 feet; thence North 8 degrees west 50 feet; thence North 12 degrees west 55 feet to the south side of Joppa Road, and thence blading on the south side of Joppa Road, 122 feet, more or less, to beginning. Property known as 521 and 523 Virginia Avenue of Laura G. Hook and Walter Hutchins shown on plot plan filed with the Zoning Department.

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, to., 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.

Walter Hutchins
as to all

Walter Hutchins
Marjorie E. Hutchins
523 Virginia Ave., Towson 4
Laura G. Hook
605 DeBugh Ave., Towson 4, Md.

Witness

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

#2624

District: 9th Date of Posting: 6-10-53
 Posted for: Asst. J. Reschke, Zone to air to "Commercial Zone" Gasoline Station
 Petitioner: Walter R. Hutchins & Laura Hock, and Samuel C. Hock
 Location of property: SW. cor. Joppa Rd. and Virginia Ave. SW. 9th Dist.
 Location of Signs: South West Corner of Joppa Road and Virginia Avenue
 Remarks: George R. Hutchins Date of return: 6-11-53
 Posted by: George R. Hutchins

2624-RS

June 8, 1953

\$23.00

RECEIVED of William T. Bluman, the sum of Twenty Three (\$23.00) Dollars, being cost of petition for reclassification and special permit, advertising and posting property, southwest corner of Joppa Road and Virginia Avenue, 9th District.

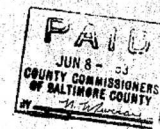
Zoning Commissioner

Hearings:

Monday, June 22, 1953

at 3:00 p.m.

basement
 Record Building
 Towson, Md.

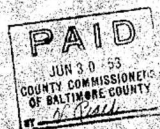


June 20, 1953

\$22.00

RECEIVED of Messrs. Smith & Smith, Attorneys for Walter Hutchins and Laura Hock, petitioners, 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 reclassification and special permit for a gasoline service station at the southwest corner of Joppa Road and Virginia Avenue, 9th District.

Zoning Commissioner



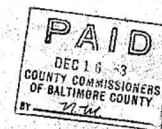
2624

December 16, 1953

\$9.25

RECEIVED of William T. Bluman the sum of \$9.25 being cost of certified copies of petition and other papers filed in the reclassification of property and special permit for gasoline service station, Southwest corner of Joppa Road and Virginia Avenue, Walter Hutchins, et al, petitioners.

Zoning Commissioner



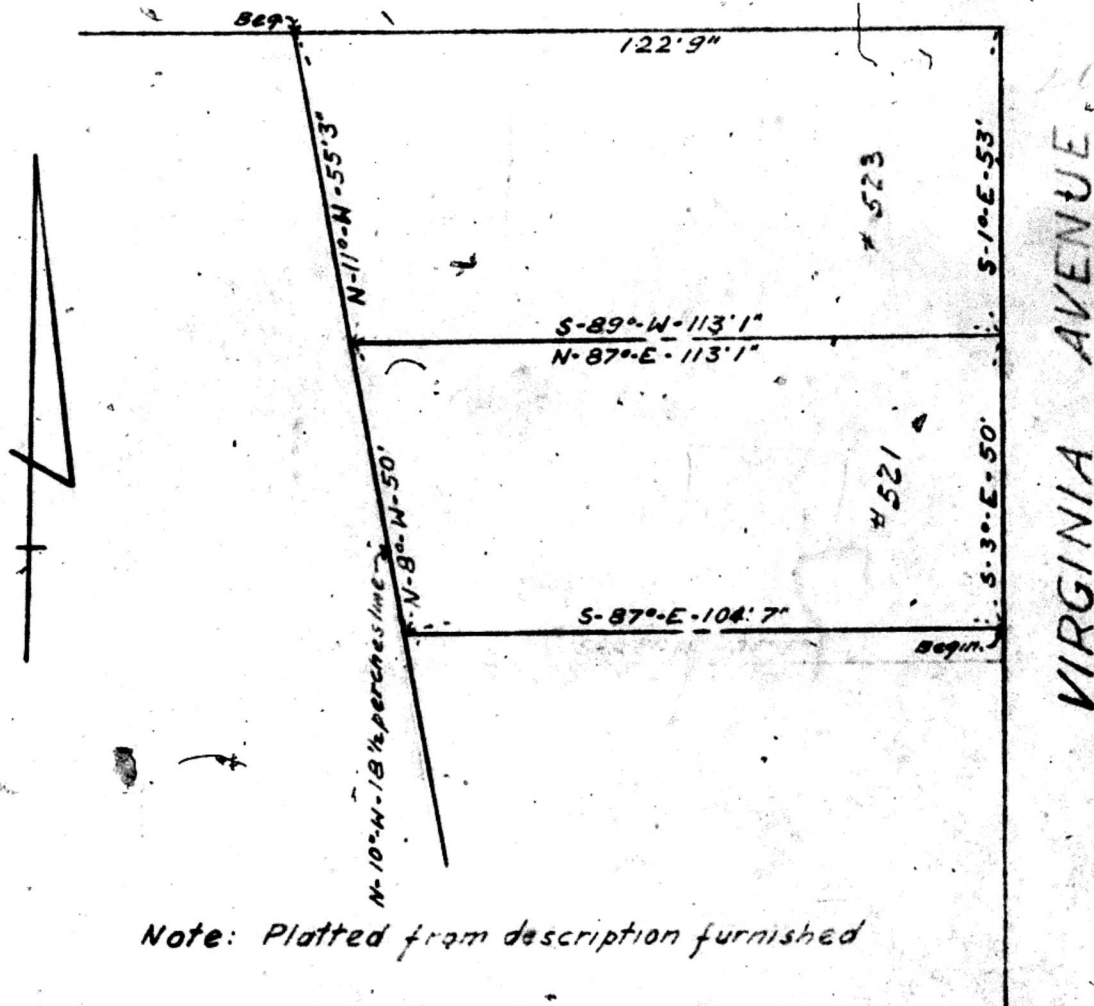
STATE REGISTRATION

VERNON C. LUTZ

SURVEYOR AND CIVIL ENGINEER
Town, Street and Roadway Supervision, & Topo-
graphical Work, & Surveying and Mapping.

City Planning & Building Operation.
4200 ELSRODE AVENUE
TELEPHONE, HAMILTON 2144
BALTIMORE 14, MARYLAND

JOPRA ROAD



Note: Platted from description furnished

Signed, This

195

SCALE 30' ft. = 1 inch

SURVEYOR AND CIVIL ENGINEER