

2988-RS
MAP #15-B
RE: CHANGE OF RECLASSIFICATION FROM "A" RESIDENTIAL TO "B" COMMERCIAL AND A SPECIAL PERMIT FOR A GASOLINE SERVICE STATION FOR PROPERTY AT NORTHWEST CORNER OF MARLYN AVENUE AND STEMMERS RUN ROAD OWNED BY WILLIAM J. KEISER AND MARION B. KEISER.

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on the 29th day of July, 1954, from an Order of the Zoning Commissioner of Baltimore County dated July 1, 1954, granting the reclassification from an "A" Residence Zone to an "B" Commercial Zone and the granting of a special permit for a gasoline service station in regard to the property described in the Petition; and it appearing from the facts and evidence adduced at the appeal and for reasons set forth in the opinion attached hereto that the granting of the reclassification of the subject property would not be detrimental to the health, safety, and general welfare of the community, therefore,

It is this 13th day of January, 1955, Ordered by the Board of Zoning Appeals of Baltimore County that the subject property be reclassified from "A" Residence Zone to "B" Commercial Zone and that a special permit be granted for a gasoline service station; subject, however, to the following restrictions and conditions:

1. That the setback for the service building and the islands for the gasoline pumps shall conform with the setback of the house and garage on the adjoining property on Marilyn Avenue.
2. That there shall be placed along the boundary line of the subject property and adjoining property on Marilyn Avenue plantings of evergreens of sufficient height and depth to adequately screen gasoline service station operations.

Approved: SEP 22 1955
County Commissioner of Baltimore County
W. H. H. Adams

Board of Zoning Appeals of Baltimore County
W. H. H. Adams

JUL 8 - 1954

FRANCIS T. FRAGO
ATTORNEY AT LAW
SECOND NATIONAL BANK BUILDING
FIDELITY SQUARE
BALTIMORE, MARYLAND
TELEPHONE THOMSON 34

July 7, 1954

Mr. Wilkie H. Adams
Zoning Commissioner,
Washington Avenue,
Towson 8, Maryland

Dear Mr. Adams:

Re: Change of Reclassification from "A" Residential to "B" Commercial and a Special Permit for a Gasoline Service Station for property at Northwest Corner of Marilyn Avenue and Stemmers Run Road owned by William J. Keiser and Marion B. Keiser.

Please enter an appeal to the Zoning Court from your decision in the above entitled matter dated July 1, 1954, and notify me of the date of the hearing.

Thank you for your kindness in this matter.

Very truly yours,

Francis T. Frago
FRANCIS T. FRAGO

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by Matthew Kalb, Jr., and other protestants from an Order of the Zoning Commissioner of Baltimore County dated July 1, 1954, granting a reclassification from an "A" Residence Zone to an "B" Commercial Zone and granting of a special permit for a gasoline service station in regard to the property described in the Petition.

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

The property which is the subject of this appeal is a tract of land on the northwest corner of Marilyn Avenue and Stemmers Run Road, having a frontage of 109.12 feet on the former and 190 feet on the latter.

There has been a phenomenal growth in this section with still some large open areas remaining to be developed; and it is apparent that there will be a great need for commercial enterprise in this region, for directly across from the subject property is a large development of group homes totaling about 1000 units, which have been built during the last two years.

Approximately three acres on Morris Lane, a short distance from the subject property, was re-zoned less than a year ago from "A" Residence Zone to "B" Commercial Zone, with the location of the new Middlesex Elementary School in the rear and with residential property being located across the street.

Approximately twelve acres across Marilyn Avenue to the east was re-zoned from "A" Residence Zone to "D" Group-House Zone within the last three years, and this tract of land backs up to the Kalb estate.

RE: PETITION FOR RECLASSIFICATION FROM "A" RESIDENCE ZONE TO "B" COMMERCIAL ZONE AND SPECIAL PERMIT FOR A GASOLINE SERVICE STATION - W. M. Cor. Marilyn Ave. & Stemmers Run Road, 15th District - Mr. J. Keiser & Marion B. Keiser, Petitioners

Upon hearing on petition (1) for reclassification of the parcel of land described therein, from an "A" Residence Zone to an "B" Commercial Zone and (2) for a Special Permit to use said property for a gasoline service station, and it appearing that from the facts and evidence adduced at the hearing, the said petition should be granted for the following reasons:

1. The location of the property being on the main road between Route 40 and Back River Neck Road appears to be the logical location for the establishment of a gasoline service station.
2. The intersection at which the gasoline service station is proposed, is a very busy one but with proper setbacks would give better visibility at this very dangerous intersection, and
3. The erection of group houses on the property facing the subject property, and a school adjoining the property, have changed the character of the neighborhood since the adoption of the Zoning Regulations and Restrictions.

It is this 13th day of July, 1954, ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid petition be and the same is hereby granted; the first, for reclassification as aforesaid and, second, to use said property for a gasoline service station.

This Order is based upon the condition and compliance that the setback for the service building and the islands for the gasoline pumps shall conform with the setback of the house and garage on the adjoining property on Marilyn Avenue; also that there shall be placed evergreen screening in the rear of the gasoline service station and on the side of the adjoining property on Marilyn Avenue.

W. H. H. Adams
Zoning Commissioner of Baltimore County

A trailer camp was authorized during 1954 by the Zoning Department in regard to a property on Orama Road, a distance of 800 to 1000 feet from the subject property.

On the Stemmers Run Road in front of the school adjoining the subject property, the Consolidated Gas & Electric Company has approved a plan for erection of a repair shop, having complied with the Zoning Regulations of Baltimore County.

Two of the protestants object to the reclassification of this case on the grounds that it would depreciate the values of their properties in that they have substantial investments in their respective homes, and it is apparent that these two structures are more pretentious and individualistic than the rest of the general neighborhood; and the likelihood of the erection of similar residences in the immediate vicinity would be rather remote; and, consequently, the possibility of appreciating the values of their respective homes would also be remote.

The Board does not believe that this is a well established cottage residential zone, but is one which is interspersed with a mixture of various types and values of cottages, group homes, trailer camp, and commercial areas, with the subject property being situated at the intersection of two main arteries, with Stemmers Run Road connecting Eastern Avenue with U. S. Route 40. Stemmers Run Road in particular is the only direct route which may be taken from Eastern Boulevard in this area to Route 40 and the new proposed beltway intersection at Golden Ring.

The Petitioner produced expert testimony in the case as to traffic, zoning, real estate values, and the changes which have taken place in the immediate neighborhood, and the

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

To the Zoning Commissioner of Baltimore County;

I, or we, William J. Keiser & Marion B. Keiser, Legal Owner,

All that parcel of land in the Fifteenth District of Baltimore County, on the northeast corner of Marilyn Avenue and Stemmers Run Road, thence westerly and then up on the north side of Marilyn Avenue 109.12 feet thence north 41 degrees 31 minutes west 150 feet; thence north 48 degrees 20 minutes west 109.12 feet to west side of Stemmers Run Road, thence southerly and binding on the west side of Stemmers Run Road 190 feet to place of beginning.

herby 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 "B" 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 Filling 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.

William J. Keiser

Marion B. Keiser
Legal Owner

1817 Wilson Pt Rd. (20) MD.

commercial needs of this fast growing community, which has increased in population approximately 3000 in the last year and one-half. The Board will, therefore, pass its Order granting the reclassification from an "A" Residence Zone to an "B" Commercial Zone and the granting of a special permit for the erection of a gasoline service station, with certain restrictions to be set out in the Order.

W. H. H. Adams
Board of Zoning Appeals of Baltimore County

ORDERED by the Zoning Commissioner of Baltimore County this 8th day of April, 1954,

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 11th day of May, 1954, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County

All that piece of land situate lying and being in the fifteen
election district of Baltimore County, State of Maryland and described
as follows:

Beginning for the same on the northwest side of Marlyn as now
widened 25.30 feet northwesterly from the centerline thereof at a point
distant 113.33 feet measured south 41 degrees 29 minutes west along the
northwest side of Marlyn Avenue as widened from the corner formed by
the intersection of said side of said avenue with the southwest side
of Stemmers Run Road as widened 25.00 feet northwesterly from the
centerline thereof, said point of beginning also being distant 90.00
feet measured north 48 degrees 29 minutes east along the aforesaid
said of Marlyn Avenue as widened from the intersection of said side
of said avenue with the second or north 41 degrees 31 minutes west
200.00 feet line of the lot of ground conveyed by Matthew Kalb et al
to Harold Kotzen et al by a deed dated July 28th 1950 and recorded
among the land records of Baltimore County in Liber T.B.S. No. 1888
Folio 477 etc as found marked by the iron pins running thence and
binding on the northwest side of Marlyn Avenue as widened north 48
degrees 29 minutes east 99.03 feet thence by a line curving toward
the left or northwest having a radius of 1500 feet a distance of 23.60
feet to the southeast side of Stemmers Run Road as widened aforesaid
thence binding on the said side of Stemmers Run Road as widened north
42 degrees 4 minutes west 174.74 feet thence leaving the road for the
two following lines of division now made viz south 48 degrees 29 minutes
west 109.42 feet to a pipe and south 41 degrees 31 minutes east 190.00
feet to the place of beginning.

Containing 0.486 of an acre or less more or less.

RESERVED:

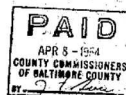
Being a part of that land which by a deed dated February 4th 1930
and recorded among the land records of Baltimore County in Liber
L.H.M. No. 1947 Folio 50 etc was granted and conveyed by the Taylor
Land Company to Matthew Kalb and Frances Kalb, his wife.

April 8, 1954

\$25.00

RECEIVED of William J. Kaiser, petitioner, the sum of
Twenty (\$25.00) dollars, being cost of petition for Special
Permit, Reclassification, advertising and posting property,
northwest side of Marlyn Avenue, 15th District, Baltimore County,
Maryland.

Zoning Commission

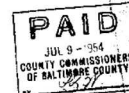


July 9, 1953

\$30.00

RECEIVED of John L. Asher, Attorney for William J. Kaiser,
and Marion S. Kaiser, appellants, the sum of Thirty (\$30.00)
Dollars, being cost of appeal to the Board of Zoning Appeals of
Baltimore County from the decision of the Zoning Commission
of Baltimore County granting reclassification and a special
permit for a gasoline service station at the northwest corner
of Marlyn Avenue and Stemmers Run Road, 15th District.

Zoning Commission



IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Matthew J. Kalb, et al. VS. Board of Zoning Appeals

Case No. Misc. 1449

June 20, 1955, Judge Smith - Action of Board affirmed
Trial Date: 10 A. M.

Please be prepared for trial on that day.

GEORGE L. BYERLY, Clerk.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

2958

District: 15 Date of Posting: 4-21-54
Posted for: Civil, Gordon Jones to an S. Communal Zone 15th District Station
Petitioner: William J. Kaiser
Location of property: NW. cor. of Marlyn Ave. & Stemmers Run Rd. 15th District
MS. of Marlyn Ave. 15th District, 15th District, 15th District
Location of Sign: Northwest Corner of Marlyn Avenue & Stemmers Run Rd.

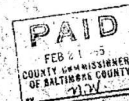
Remarks: Posted by George B. Hummel Date of return: 4-22-54

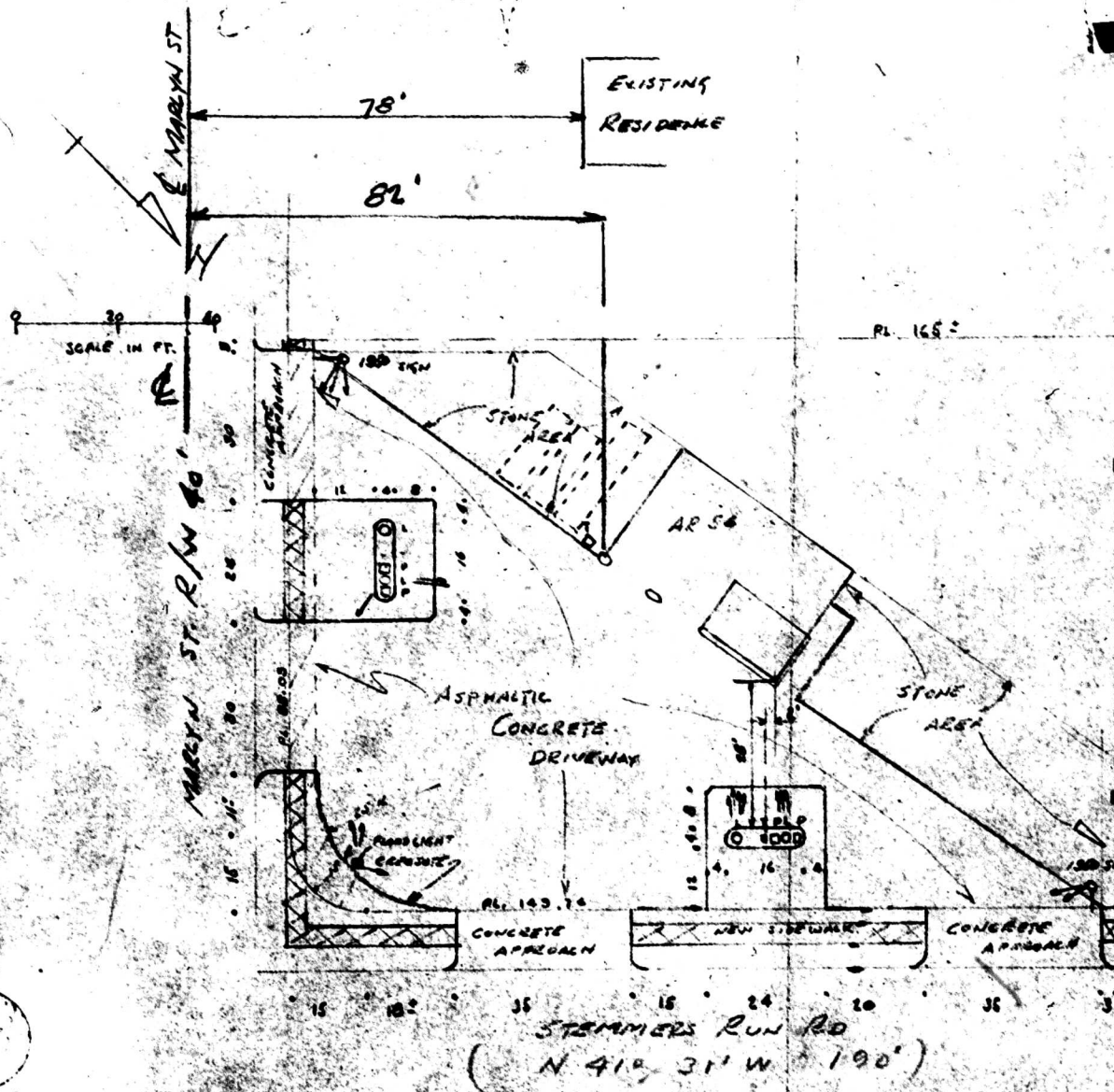
February 2, 1955

\$7.20

RECEIVED of Francis T. Peach, attorney for protestants,
the sum of \$7.20 being cost of certified copy of petition and
papers filed in the matter of reclassification and special
permit for a gasoline service station, property corner
Stemmers Run Road and Marlyn Avenue, 15th District, and
other, petitioners.

Zoning Commission





NOTE: STANDARD CURB & GUTTER COMBINATION REQUIRED

J. J. Burns
4-23-54

SERVICE STATION LAYOUT
STEMMERS RUN RD
MARLYN STREET
ESSEX, MARYLAND
4-21-54 DR