

IN THE MATTER OF:
PETITION FOR RECLASSIFICATION
AND A SPECIAL EXCEPTION FOR
GASOLINE SERVICE STATION -
S.E. CORNER OF OLD HARFORD ROAD
AND PUTTY HILL AVENUE.
CLARENCE F. MILLER and ALICE V.
MILLER, PETITIONERS

BEFORE THE
BOARD OF ZONING APPEALS
FOR
BALTIMORE COUNTY

3635-RX

OPINION AND ORDER

This case comes before us on an Appeal by the Petitioners from the refusal of the Zoning Commissioner to grant a Petition for a reclassification of the property at the southeast corner of Old Harford Road and Putty Hill Road from an R-6 Zone to a R.L. Zone and for a Special Exception to use the property for a gasoline service station.

The northeast corner of this intersection was recently zoned commercial and a Special Exception was granted for a gasoline service station which is now under construction. The northwest corner has also been recently zoned commercial but is not yet occupied. The southwest corner is occupied by a County fire and police station.

The parcel of land for which this application is made is part of a tract of approximately 55 Acres, having a large frontage on both Old Harford Road and Putty Hill Avenue. This land is now being farmed, but it seems clear that it will eventually be developed for residential purposes for which there is a great demand in this area at this time.

There has been a substantial change in the character of this neighborhood since the original zoning map was adopted in 1945. As has been stated, the northeast and the northwest corners of the intersection have recently been zoned commercial and the southwest corner is now occupied by a County Fire and Police Station which, although not actually commercial, has commercial aspects and has the same general effect upon the neighborhood as though it were an actual commercial use. In 1945 this neighborhood was essentially rural in character. In addition to the commercialization of the other three corners of the intersection there has been a very substantial residential development at the northeast corner of the intersection in the development known as Woodcroft and it seems clear to us that the remaining undeveloped property will likely soon

be occupied with residences. The intersection of Old Harford Road and Putty Hill Avenue, both of which are heavily travelled thoroughfares, seems to us to be the natural place for commercial development in this vicinity and since the other three corners are already being used for commercial or semi-commercial purposes, we think it only logical that the remaining corner should likewise be classified as commercial.

With regard to the Special Exception for gasoline service station we are of the opinion that the residents of Woodcroft will not be affected in any manner by the operation of a modern service station on this corner and that no sound reasons have been advanced why this type of business should not be permitted.

We understand that plans are now under way for the widening of both Old Harford Road and Putty Hill Avenue and the service station will, of course, have to be erected to conform to the proposed widening of these streets. It should also be pointed out that the only property which can be directly affected by the operation of a service station on this corner is the property immediately to the south and east of the property. This property is owned by the Applicant in this case so that it is our feeling that if he is satisfied for a filling station to occupy the corner of his property, no one else has any just complaint.

For these reasons we will sign an Order granting the reclassification and the Special Exception applied for.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of January, 1956, by the Board of Zoning Appeals of Baltimore County, ORDERED that the reclassification and the Special Exception applied for be and the same are hereby granted.

Approved: APR 19 1956
County Commissioners
of Baltimore County

BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Clarence F. Miller
Commissioner

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

To the Zoning Commissioner of Baltimore County:
I, or we, Alice V. and Clarence F. Miller Legal Owner

All that parcel of land in the Ninth District of Baltimore County, on the southeast corner of Old Harford Road and Putty Hill Avenue; thence southerly and binding on the east side of Old Harford Road 150 feet; thence south 16 degrees 10 minutes east 150 feet; thence north 72 degrees 10 minutes west 150 feet to the south side of Putty Hill Avenue; thence westerly and binding on the south side of Putty Hill Avenue 150 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 R-6 Zone to an R-L Zone; and (2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for GAS STA

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above reclassification and Special Exception, 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.

Clarence F. Miller
Alice V. Miller
Legal Owner

Box 30 Parkville Rd. - 14
Address

Notify:

Smulkin, Hession, Martin & Taylor
Attorneys for Owners
Campbell Building
Towson 4, Maryland

IN THE MATTER OF:
PETITION FOR RECLASSIFICATION
AND A SPECIAL EXCEPTION FOR GASOLINE
SERVICE STATION - S.E. Corner Old
Harford Road, and Putty Hill Avenue,
Ninth Election District.
CLARENCE F. MILLER and ALICE V. MILLER,
Petitioners

BEFORE
WILFRED H. ADAMS
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Commissioner:

Please enter an Appeal to the Board of Zoning Appeals for Baltimore County in the matter of the Order of the Zoning Commissioner for Baltimore County, passed in the above captioned cause on October 31, 1955, and transmit all papers and records incident thereto to said Board of Zoning Appeals.

Clarence F. Miller
Alice V. Miller
Attorneys for Petitioners



3635-RX

ORDERED BY the Zoning Commissioner of Baltimore

County this 10th day of September, 1955, that the subject matter of this petition be entered 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 should be held in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 10th day of October, 1955, at 2:00 o'clock P. M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition (1) for reclassification of the property described in the within petition from an "R-6" Zone to a "R-L" Zone and (2) for a special exception to use said property for a gasoline service station, upon inspection of the property the commercial areas existing at the intersection of Old Harford Road and Putty Hill Avenue are sufficient at the present time, particularly in view of the serious and hazardous condition which would result from the reclassification of the property involved.

The entire area lying to the southeast is a heavily developed residential neighborhood and the needs for filling stations are concerned are more than adequately supplied by the existing facilities, also such use would seriously depreciate the value of residential property situated nearby.

For the above reasons it is the opinion of the Zoning Commissioner that the granting of the reclassification and a special exception for the operation of a gasoline service station would be detrimental to the health, safety and the general welfare of the community and the petition should be denied.

It is this 3rd day of October, 1955, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid petition be and the same is hereby denied.

Walter H. Adams
Zoning Commissioner
of Baltimore County

November 6, 1955

\$50.00

RECEIVED OF Messrs. Smulkin, Hession, Martin & Taylor, Attorneys for Clarence F. Miller and Alice V. Miller, appellants, the sum of \$50.00 being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying reclassification and a special exception for a gasoline service station at the southeast corner of Old Harford Road and Putty Hill Avenue, 9th District.

Zoning Commissioner



September 20, 1955

\$38.00

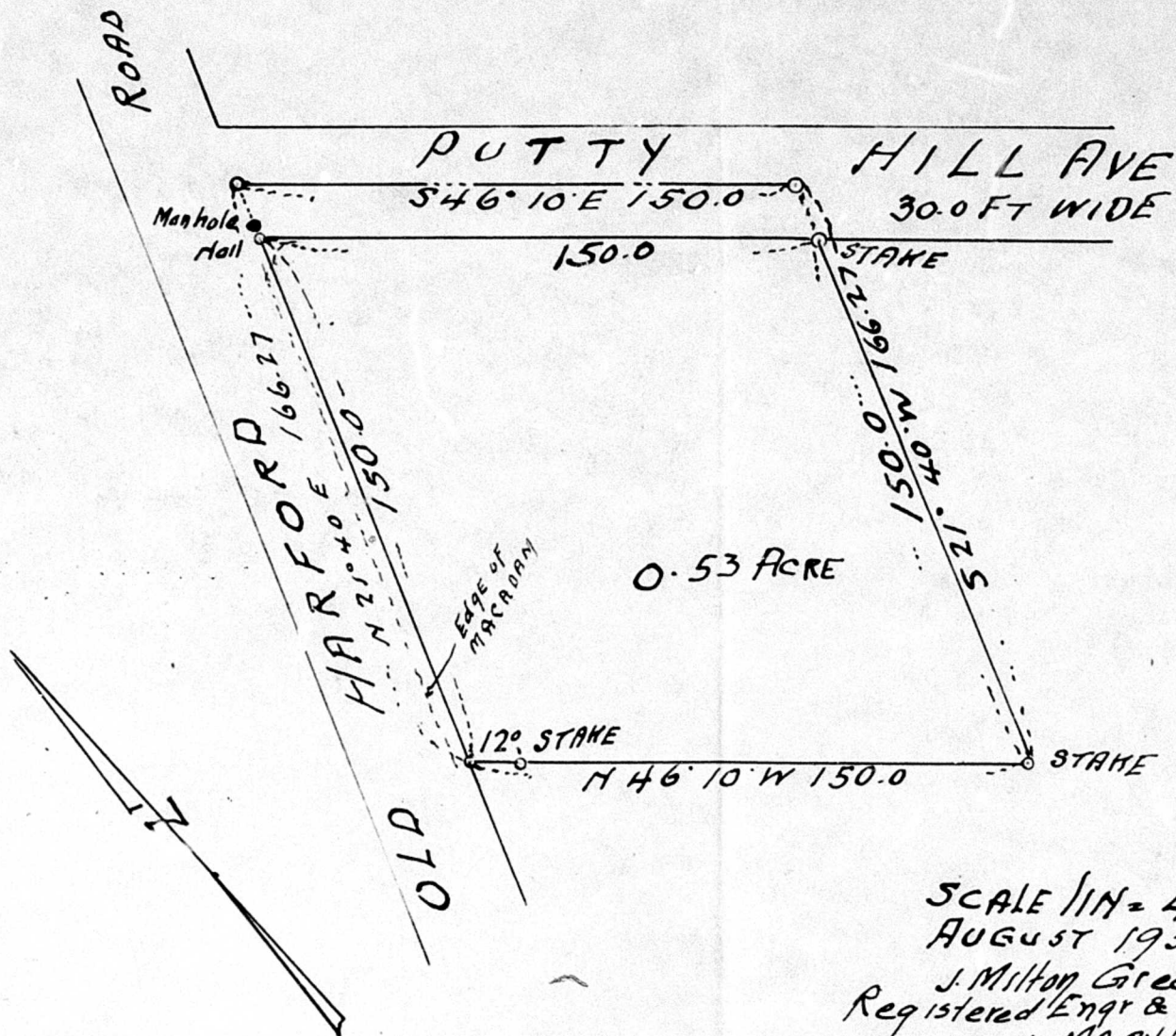
RECEIVED OF Smulkin & Hession, Attorneys, the sum of Thirty Eight (\$38.00) Dollars, being cost of petition for Reclassification and Special Exception, advertising and posting property, on the southeast corner of Old Harford Road and Putty Hill Avenue, 9th District, of Baltimore County, Maryland.

Zoning Commissioner of Baltimore County

HEARING:

Monday, October 10, 1955
at 2:00 p.m.
Baltimore Building
Towson 4, Maryland.





SCALE 1 IN = 40.0 FT
 AUGUST 1955
 J. Milton Green
 Registered Engr & Surveyor
 TOWSON, MARYLAND



SCALE 1"=50'-0"
DATE 12/13/55
DWG. No. 1