

WILLIAM A. PARSONS, et al

vs.

CHARLES H. DOING,
DANIEL W. HUBERS and
CARL F. VOHDEN, constituting
The Board of Zoning Appeals
of Baltimore County

IN THE CIRCUIT COURT

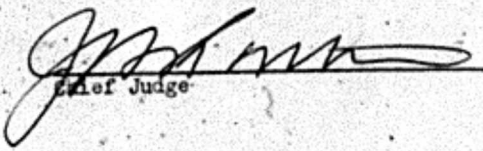
FOR BALTIMORE COUNTY

No. 1648

ORDER

The above entitled case having come on for hearing, counsel having been fully heard and the proceedings having been duly read and considered by the Court, it is this 9th day of December, 1958, by The Circuit Court for Baltimore County

ORDERED, that the Order of the Board of Zoning Appeals of Baltimore County, dated August 20, 1956, reclassifying the property herein described from "R-6 Residential" to "Business Local" be and the same is hereby affirmed, the cost of this proceeding to be paid by the Appellants-Protestants.


Chief Judge

FILED DEC 9-1958

IN THE MATTER OF PETITION FOR
RECLASSIFICATION AND SPECIAL
EXCEPTION FOR GASOLINE SERVICE
STATION - W. S. Jarrettville
Pike 1000 ft. N. Blenheim Road
10th Dist., Chester G. Brown,
Petitioner

RECEIVED
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY
Case No. 3746-IX

OPINION

This is a petition to reclassify a tract of land on the west side of Jarrettville Pike from "B-6 Residential" to "Business Local" and for a special exception for a Gasoline Service Station. The property has been used for commercial purposes for nearly twenty five years and a service station and restaurant are now in operation as a non-conforming use.

The area is rural and there is only one residence property which could be directly affected by the business activity.

If there were an application for reclassification of this property without the existing business use it would probably be considered "spot" zoning. We do not think that we should overlook the fact that the business is there and has been there for many years. It is serving a public need without any adverse effect on the community and we see no reason why the reclassification and special exception which would give legal sanction to what already exists should not be granted.

It is our opinion that the original zoning of this land was erroneous and that it should have been zoned for commercial use.

We have concluded that a tract fronting 150 feet on the road with a depth of 200 feet is sufficient and our Order will reclassify only this portion of the tract.

ORDER

For the reasons set forth in the foregoing Order, it is this 20th day of August, 1956, by the Board of Zoning Appeals of Baltimore County, ORDERED that the reclassification sought in the petition filed herein be and the same is hereby granted reclassifying that portion fronting on the westernmost side of Jarrettville Pike with a depth of 200 feet.

BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

Court 11/13/58
APPROVED THIS ORDER



IN THE MATTER OF: RECLASSIFICATION AND SPECIAL EXCEPTION FOR GASOLINE SERVICE STATION, RESTAURANT AND PARKING - W.S. JARRETTVILLE PIKE 1000 feet N. of Blenheim Road, 10th District - Charles G. Brown, Petitioner.

APPEAL

To the Board of Zoning Appeals of Baltimore County:

The Petitioner, Chester G. Brown, hereby files notice of an appeal in the above captioned matter and request that all affidavits, records, papers, etc., pertaining to the above matter be obtained from the Zoning Commissioner, and a date be scheduled for a hearing on this said appeal.

This appeal is taken this 13th day of March, 1956.

A. Gordon Boone
A. Gordon Boone

J. Thomas Elliott
J. Thomas Elliott
Attorneys for Petitioner

LAW OFFICE
J. THOMAS ELLIOTT
BOWEN, BALTIMORE

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

To the Zoning Commissioner of Baltimore County:
I, or we, Chet & Brown Legal Owner

All that parcel of land in the 10th District of Baltimore County on the west side of Jarrettville Road beginning 1000 feet North of Blenheim Rd., thence Northwesterly and binding on the West side of Jarrettville Road 355 feet; thence South 77 degrees 01 minutes West 229.81 feet; thence South 9 degrees 26 minutes West 195.5 feet; thence South 19 degrees 17 minutes West 182 feet; thence North 16 degrees 17 minutes East 210.13 feet to the place of beginning hereby petition (1) that the zoning of the above described property be properly reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 Zone to an B-6 Zone; and (2) for a special exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for GASOLINE SERVICE STATION LUNCHEON PARKING.

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.

Chet & Brown
Legal Owner

Address

CHESTER G. BROWN
SUNNY BROOK PARK ESSO
JARRETTVILLE PIKE
PILGRIM P. O. MD.
COCKEYSVILLE 21031

ORDERED by the Zoning Commissioner of Baltimore County this 21st day of January, 1956, that the return 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 5th day of March, 1956, at 10 o'clock A.M.

Zoning Commissioner
of Baltimore County

Upon having on petition(1) for reclassification from an "R-6" Zone to a "B-6" Zone and (2) for a special exception to use the property described in the within petition for a gasoline service station, restaurant and parking, from the facts and evidence presented at the hearing there was no testimony to the effect that there was a need for the proposed use or that the property was erroneously zoned or be beginning and that sufficient changes in the character of a neighborhood had taken place to warrant the reclassification and a special exception, the granting of which would be detrimental to the safety, health and the general welfare of the community and be "spot zoning".

It is this 28th day of March, 1956, ORDERED by the Deputy Zoning Commissioner of Baltimore County, that the aforesaid petition, be first, for reclassification from an "R-6" Zone to a "B-6" Zone, and, second, for a special exception for a gasoline service station, be and the same is hereby denied.

Charles G. Brown
Deputy Zoning Commissioner
of Baltimore County

February 9, 1956

\$40.00

RECEIVED of Chester G. Brown, petitioner, the sum of Forty-four (\$44.00) dollars being cost of petition for Reclassification and Special Exception, advertising and posting property, West side of Jarrettville Road, beginning 1000 feet North of Blenheim Road, 10th District of Baltimore County

Zoning Commissioner
of Baltimore County

RECEIVED

Monday, March 5, 1956
at 10:00 A. M.

County Office Building
Room 108
111 N. Chesapeake Avenue
Towson 4, Maryland

RECEIVED
FEB 13 1956
COMPTROLLER'S OFFICE
7410

March 25, 1956

\$50.00

RECEIVED of A. Gordon Boone and J. Thomas Elliott, Attorneys for Chester G. Brown, Petitioner, the sum of Fifty (\$50.00) Dollars, being cost of appeal to the Board of Zoning Appeals from the decision denying reclassification and special exception for a Gasoline Service Station, Restaurant and Parking, West side of Jarrettville Pike, 1000 feet North of Blenheim Road, 10th District.

Zoning Commissioner

RECEIVED

7410

APR 10 1956

November 1, 1956

\$7.00

RECEIVED of Kenneth C. Proctor, Attorney for Protestants
the sum of Seven (\$7.00) Dollars, being cost of certified copy
of petition and other papers filed in the matter of reclassi-
fication and special exception for Gasoline Service Station -
W. S. Jarrettville Pike, 1800 feet north of Blenheim Road,
Chester G. Brown, petitioner.

Zoning Commissioner

01.623 Zoning Service Charge

RECEIVED

NOV 1 1956

COMPTROLLER'S OFFICE

770

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#3746

District 16th

Date of Posting 2-22-56

Posted for: W. S. Jarrettville Pike Gasoline Service Station

Petitioner: Chester G. Brown

Location of property: W. S. Jarrettville Pike 1800 ft. N. of Blenheim Rd.

Site: See Plot

Location of Signs: W. S. Jarrettville Pike 1925 ft. N. of

Blenheim Rd.

Remarks: _____

Posted by: George H. Hume Date of return: 2-23-56

Signature

30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1