

RE: PETITION FOR RECLASSIFICATION
AND SPECIAL EXCEPTION FOR
GASOLINE SERVICE STATION -
N. E. Cor. Bel Air and Klausmeyer
Roads, 11th District - George
Otrados and Wilam Otrados,
Petitioners

BEFORE
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY
Case No. 3908

OPINION

This is an appeal from an Order of the Zoning Commissioner denying a petition for a reclassification from "B-6 Residential" to "Business Local" and for a special exception for a gasoline service station.

The property is located at the northeast corner of Bel Air Road and Klausmeyer Road in a predominantly residential area.

The petitioner has utterly failed to prove either error in original zoning or any change in the character of the neighborhood which would justify the reclassification to commercial use. The property in question has no relation whatever to existing commercial zones and would clearly constitute spot zoning in its worst form.

This property is within the same general area as the property considered by us in Case No. 3877 when we refused a reclassification to "Business Local" and we repeat what we said in that case that if any additional land in this area is to be zoned commercial it ought to be as a result of a careful study of the whole neighborhood and that spot zoning of the type here requested should be avoided.

For these reasons we will sign an Order denying the reclassification.

ORDER

For the reasons set forth in the foregoing Opinion it is this _____ day of December, 1956, ORDERED by the Board of Zoning Appeals of Baltimore County that the reclassification herein requested be and the same is hereby denied.

Board of Zoning Appeals
of Baltimore County

PROCTOR, ROYSTON & MUELLER

ROYSTON C. PROCTOR
CARROLL W. ROYSTON
16 WESTVIEW HILLSIDE
ELMER L. ROYSTON, JR.

TOWNSHIP 4, MARYLAND

VALLEY 4 1900

September 24, 1956

Mr. Charles L. Fitzpatrick
Deputy Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification and
Special Exception for Gasoline
Service Station - N. E. corner
Bel Air and Klausmeyer Roads,
11th District
George Otrados & w.f., Petitioners

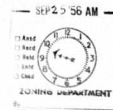
Dear Mr. Fitzpatrick:

Please note an appeal from your Order dated September 20, 1956, in the above entitled case, to the Board of Zoning Appeals of Baltimore County.

Very truly yours,

Kenne C. Proctor.

KCP/lg



RE: PETITION FOR RECLASSIFICATION AND SPECIAL
EXCEPTION FOR A GASOLINE SERVICE STATION -
N. E. Cor. Bel Air and Klausmeyer Roads,
11th District - George Otrados and
Wilam Otrados, Petitioners

Pursuant to advertisement, posting of property and public hearing on the above petition, after having heard the testimony and after having seen the area in question I can only conclude that this petition is premature and completely without cause.

The petitioner failed to show any change in the character of the neighborhood since the original zoning or prove that the original zoning was erroneous. These two reasons the Courts have held valid and proper for reclassifications. For these same reasons a petition for a large tract of land directly across the Bel Air Road from the petitioner's property was denied a reclassification from an "B-6" Zone to a "B.L." Zone.

To grant this request would be "spot zoning" and considered the poorest type of zoning. As stated by the petitioner there are at present nine (9) gasoline service stations within a mile of the proposed site and of these nine (9) five (5) are not more than six-tenths (0.6) of a mile away. There are at least three (3) other stations in the area none of which is more than one and one-half (1 1/2) miles away. I can hardly conclude that there is any need for additional service stations in the entire area. Of all these stations, Amoco has one within one-tenth (0.1) of a mile and another within four miles of the subject property.

It is also the opinion of the Deputy Zoning Commissioner that a statement made by one of the protestants is entirely correct, that "You don't have to have filling stations every couple of hundred

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

To the Zoning Commissioner of Baltimore County:

I, or we, George + Wilam Otrados Legal Owner
on the Northeast corner of Bel Air and Klausmeyer Roads, thence running easterly and
binding on the North side of Bel Air Road 150 feet; thence North 62 degrees 28 minutes
West 125 feet; thence South 17 degrees 32 minutes West 150 feet to the East side
of Klausmeyer Road thence binding on the East side of Klausmeyer Road 125 feet to the
place of beginning.

humbly petition (1) that the zoning status of the above described
property be reclassified, pursuant to the Zoning Law of Baltimore
County, from an B-6 Zone to an B.L. Zone; and
(2) for a Special Exception, under said Zoning Law and Zoning Regu-
lations 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 reclassifi-
cation 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.

George Otrados

Wilam Otrados
Legal Owner

Address

8/24/56
10 AM.
Noted
Wm. H. H. H.
American Bell Co
1001 Eastern Ave
Baltimore, Md

93' to center
of proposed rd.

Filed
AUG 2 1956

OFFICE OF PLANNING

Inter-Office Correspondence

From: Mr. M. Stirling Jr. August 27, 1956

To: Wilam H. Adams, Zoning Commissioner

Subject: Zoning Petition #3908-X, Northeast
corner of Bel Air and Klausmeyer Roads,
11th District. Hearing scheduled Wednesday,
August 29, 1956, 7:30 P.M.

Although no major public projects would be affected by the reclassification, the office has noted a number of substantial objections to the proposed which, taken together, have considerable weight.

- (1) The gasoline service station would be flanked on both sides of Bel Air Road in both directions by well-built residences of fairly recent construction. The value of these residences would presumably be lowered if the use proposed were permitted.
- (2) This residential area lies between two growing commercial centers. Further commercial use hereabouts should be within or adjacent to these already established commercial centers, where sufficient land is already available.
- (3) A point of traffic congestion additional to the congestion at the existing nearby commercial centers would be undesirable.
- (4) The new Perry Hall Methodist church is to be built directly across Bel Air Road from the parcel.

CMW/gh

\$5.00

RECEIVED OF Wilam Haylor, for the petition of
George and Wilam Otrados, the sum of Five (\$5.00)
dollars, being cost of additional advertising the
property on the Northeast corner of Bel Air and Klausmeyer
Roads, Eleventh District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

trd

04628-11 5.00

RECEIVED

AUG 29 1956

COMPTROLLER'S OFFICE

770

August 7, 1956

\$36.00

RECEIVED of William A. Kaylor, for the petition of George and Ellamay Otrudovec, the sum of Thirty-eight (\$38.00) dollars, being cost of petition for Zoning Re-classification and Special Exception, advertising and posting property on the Northeast corner of Belair and Klausmeier Roads, Eleventh District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Wednesday, August 29, 1956
at 1:00 P. M.

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

01.622-\$10.00
01.623-\$28.00

RECEIVED
AUG 7 - 1956
CONTROLLER'S OFFICE
BY HW

September 27, 1956

\$50.00

RECEIVED OF Kenneth C. Proctor, Attorney for George Otrudovec, and wife, petitioners, the sum of Fifty (\$50.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Deputy Zoning Commissioner denying reclassification of property at northeast corner of Bel Air & Klausmeier Roads, and special exception for Gasoline Service Station.

Zoning Commissioner

01-623 Zoning Service Charge

RECEIVED
SEP 27 1956
CONTROLLER'S OFFICE
BY HW

AUG 22 1956
3108

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 17, 1956

THIS IS TO CERTIFY. That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~XXXXXX~~ ~~2 times~~ before the 29th day of August, 1956, the first publication appearing on the 10th day of August, 1956.

THE JEFFERSONIAN,

R. J. Smith
Manager.

Cost of Advertisement, \$.....

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

3908

District: 11th Date of Posting: 8-15-56
Posted for: by R. C. Zoning to B. K. Zoning & Gasoline Service Station
Petitioner: George & Ellamay Otrudovec
Location of property: M. & W. Belair and Klausmeier Roads etc.
See Plat.
Location of Signs: Northeast corner of Belair and Klausmeier Roads
Remark: _____
Posted by: George A. Thomas Date of return: 8-16-56

