

PETITION FOR RECLASSIFICATION
from an "R-6" Zone to a "B-M" Zone
and Special Exception for Gasoline
Service Station - S. W. corner Church
Lane and Old Court Road, Second
Election District of Baltimore County.
Sidney Meyer and wife - Petitioners.

BEFORE

WILSON H. ADAMS,
ZONING COMMISSIONER.

NOTICE OF APPEAL

MR. CLERK:

Please note an Appeal to the County Board of Appeals in the
above entitled case from the Order of Wilson H. Adams, Zoning Commis-
sioner, dated January 31, 1957.

W. H. Adams
Attorney for Petitioners

December 27, 1956

\$30.00

RECEIVED of Clara Meyer, petitioner, the sum
of Thirty-eight (\$38.00) dollars, being cost of petition
for Zoning Reclassification and Special Exception, advertising
and posting property on the Southwest corner of Church Lane
and Old Court Road, Second District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED

Wednesday, January 16, 1957
at 1:00 P. M.

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

01633-810.00
01633-820.00

JOSEPH GIARAPPA

VS

CHARLES G. TRISH, Chairman et al.

MID. 1739

OPINION

This zoning appeal involves a tract of land in the Second
Election District located at the intersection of Old Court Road and
Church Lane. The owner applied for a change in classification from
R-6 to "business roadside", and for a special exception for use as a
gasoline station. The County Board of Appeals reclassified the tract
from R-6 to "business local", and granted the special exception
"business local" is a zoning category of a more restrictive nature than
"business roadside". It is the opinion of the Court that the Zoning
Board has the authority to grant to a petitioner a zoning reclassifi-
cation of a more restrictive nature than that originally sought, par-
ticularly when both classifications are in the same general category.

The area in question was essentially rural at the time when the
first county zoning went into effect, and it is not suggested that the
original classification was erroneous. The petitioner relies on a
change in conditions, and in the character of the neighborhood to justify
reclassification. In the last several years there has been extensive
residential development in the general area, and in August 1956 two tracts
were reclassified from "residential" to "business local", and the present
commercial area extends from the Liberty Road along Old Court Road to a
point approximately 600 feet from the intersection of Old Court Road and
Church Lane. Although there is no testimony as to the exact amount of
commercial area, it can clearly be seen from the zoning map that the

triangle formed by Liberty Road, Old Court Road and Church Lane is now
predominantly commercial. There is no evidence in the record that the
use of the subject property as a gas station will be detrimental to the
public health, safety, morals or general welfare of the people in the
area. The testimony of the only witness who appeared before the Zoning
Board and the two witnesses who were allowed to testify in the Circuit
Court raised general objections to increased commercialization rather
than objections to a service station per se. There is testimony that the
county plans to widen Old Court Road and Church Lane, and the change in
the intersection will have the effect of moving the station slightly
further distant from the residential homes in the new developments. Even
if the proposed widening of the roads is disregarded there is no evidence
that a traffic hazard would result from the operation of the service sta-
tion at the location in question.

The Court is not supposed to substitute its judgment for that of
the administrative body. The Court feels that there has been sufficient
change in the character of the neighborhood to make the propriety of the
Board's action fairly debatable. Although the area in question is not
immediately adjacent to an existing commercial area, it is the major por-
tion of a tract that is bounded on two sides by major highways, and on the
third side by a commercial zone on which a large shopping center is proposed.
The reclassification of the property in question seems to conform to a logical
and orderly plan already started by prior reclassifications, and major high-
ways seem to be the logical boundaries between a commercial area and a
residential area.

From a review of the evidence in the case, this Court is unwilling
to say that the Board was arbitrary and capricious, and therefore the action
of the Board will be affirmed.

J. R. J.

June 20, 1957

RE: PETITION FOR RECLASSIFICATION
AND SPECIAL EXCEPTION FOR
Gasoline Service Station -
S. W. corner Church Lane and
Old Court Road, 2nd District
Sidney Meyer, and wife,
Petitioners

BEFORE

BOARD OF APPEALS

No. 1031-K

OPINION

This is a petition for reclassification from "R-6"
Residential to "Business Roadside" of a tract of land at the south-
west corner of Church Lane and Old Court Road and a special excep-
tion for a gasoline service station. This area is in the process
of residential development. Many of the new homes are occupied
but only one person appeared before us in opposition to the
reclassification and the special exception.

This reclassification might have some of the aspects
of spot zoning except for the fact that almost the entire area
bounded by Church Lane on the north, Old Court Road on the east,
Liberty Road on the south, has already been zoned commercial
through various reclassifications. Only the northeasternmost
portion of the area remains in a residential classification and the
subject property is included therein.

We think it is only logical that this remaining area
should be zoned commercially as this seems to be the proper location
for a commercial center for the residential development which is
rapidly coming into being and which will eventually surround it.

The County has definite plans for the widening of both
Old Court Road and Church Lane. This will have the effect of moving
the proposed service station back considerably from the intersection
as it now exists and from the residential development of "Rambled".
We conclude that the subject property should be reclassified for
commercial use.

We note that the petition requests "Business Roadside".
This would not conform to the nearby commercial zoning which is "Business
Local", and no reason was suggested for the lower classification. We
will grant the reclassification to "Business Local". The proposed
widening of Old Court Road and Church Lane will take a large part
of the property included within the description in the petition. We
will reclassify only that portion of the property which will remain
after the widening of these roads.

As to the special exception we feel that the public welfare
will be better promoted by a gasoline service station on this corner
than any other commercial use because the setbacks of the building will
provide an excellent sight distance which, as the traffic at the inter-
section increases, will become important.

In order to assure that this sight distance will be main-
tained we will incorporate in our Order a condition and restriction
pursuant to Section 502.2 of the Regulations that the setbacks as
indicated on the Layout Sketch filed with us shall be complied with.

A question has been raised as to whether the granting of
this reclassification means that the other four corners of this inter-
section will necessarily also become commercial. Under present con-
ditions it is our definite opinion that they should remain residential.

ORDER

For the reasons set forth in the foregoing Opinion it
is this 21st day of March, 1957, by the Board of Appeals ORDERED
that the following described property, being a portion of the property
described in the petition herein, be reclassified from an "R-6" Resi-
dential to a "Business Local" Zone, and it is further ORDERED that a
special exception for a gasoline service station on said property is
granted, subject to the condition and restriction that the setbacks of
building shall not be less than as shown on the Layout Sketch filed
by the petitioner in this proceeding:

All that parcel of property at the southwest corner
of Old Court Road and Church Lane (relocated), thence
southerly on the west side of Old Court Road, 137
feet; thence South 59 degrees 44 minutes East 100
feet; thence North 19 degrees 15 minutes East 100
feet to the south side of Church Lane (relocated);
thence easterly on the south side of Church Lane,
113 feet and thence southerly 35 feet to beginning.

BOARD OF APPEALS OF
BALTIMORE COUNTY

Charles G. Trish
James J. Adams
William H. Meyer

June 20, 1957 -- Action of Board affirmed by
Circuit Court for Baltimore County

ORDERED BY the Zoning Commissioner of Baltimore

County this 1st day of December, 1956,
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 16th
day of January, 1957, at 1:00 o'clock
P. M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition (1) for reclassification
from an "R-6" Zone to a "B-M" Zone of the parcel of land described
therein and (2) for a special exception to use said property for
a gasoline service station, from the testimony presented at the
hearing and from personal inspection of this property, the Board
of Appeals of Baltimore County, Maryland, is of the opinion that the
petition was granted. The testimony of the petitioners
showed the existence of three gasoline service stations at the
intersection of Liberty and Old Court Roads just 2000 feet from
the petitioned property which should be ample to fulfill the
needs of this residential community.

For the above reasons the petition should be denied.

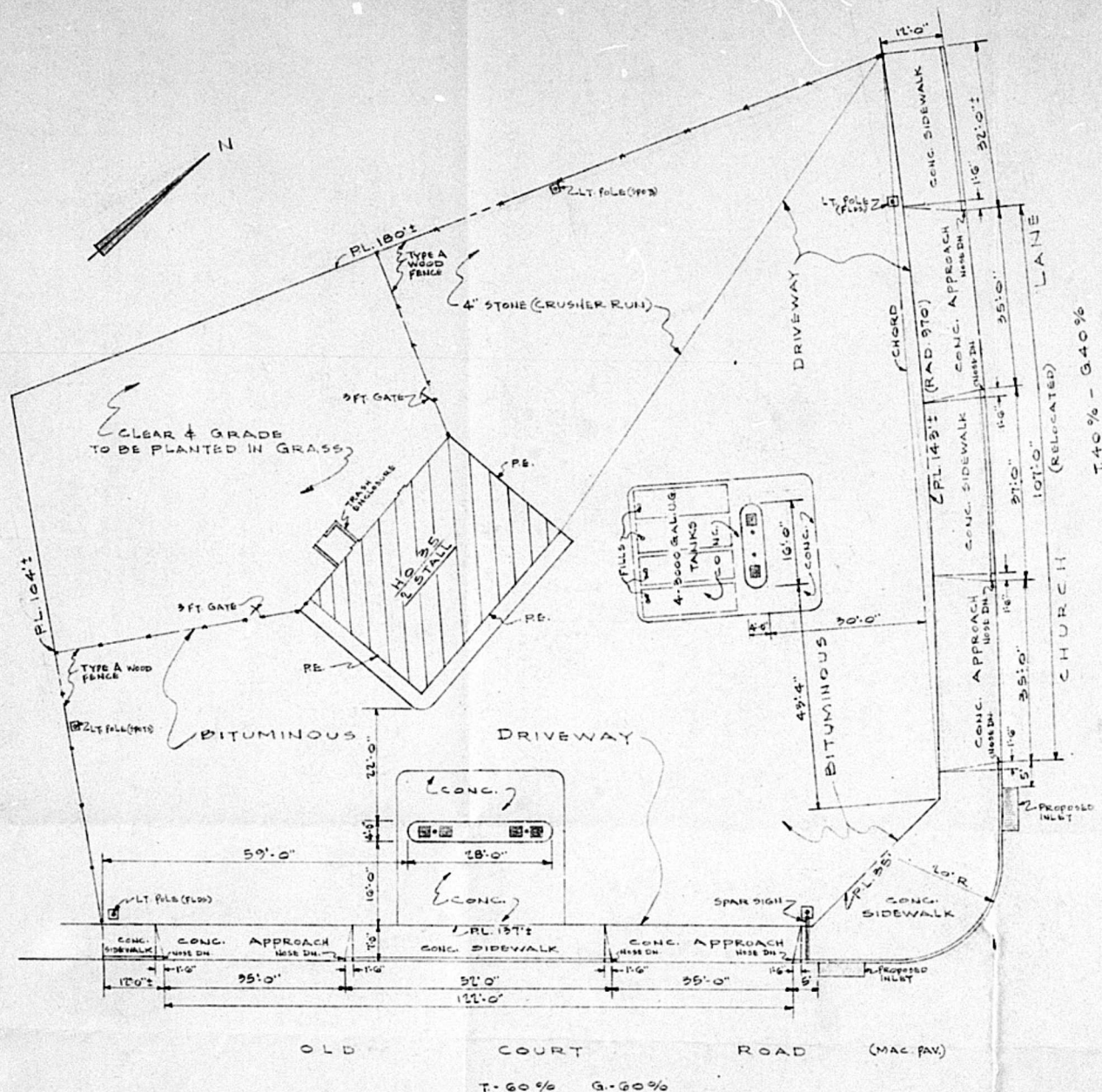
It is this 31st day of January, 1957, by the
Zoning Commissioner of Baltimore County, ORDERED that the aforesaid
petition, the first, for reclassification from an "R-6" Zone to a
"B-M" Zone and the second for a special exception for a gasoline
service station, be and the same is hereby denied.

William H. Meyer
Zoning Commissioner
of Baltimore County

Approved:

By

Date



APPROVALS:

B. P. Edmonston 1/2/57
 DIST. OPERATIONS MGR. DATE
 J. H. Newcomb 1/2/57
 DIST. MGR. DATE
 AREA MGR. DATE

DEVIATIONS FROM STANDARD PLANS

- 1-OIL INTERCEPTOR IN WASH STALL
- 2-EXTERIOR FOOTINGS BELOW FROST LINE - MIN. 5'-0" TO FIRM GROUND.

NOTE
 TEST BORINGS TO BE OBTAINED

ANTICIPATED MO GAL. H.C.
 P.A.

APPROX. COST IMPVTS.

LAYOUT SKETCH

RANDALLSTOWN-BALTO. CO.-MD.
 S.W. CORNER OLD COURT ROAD
 & CHURCH LANE

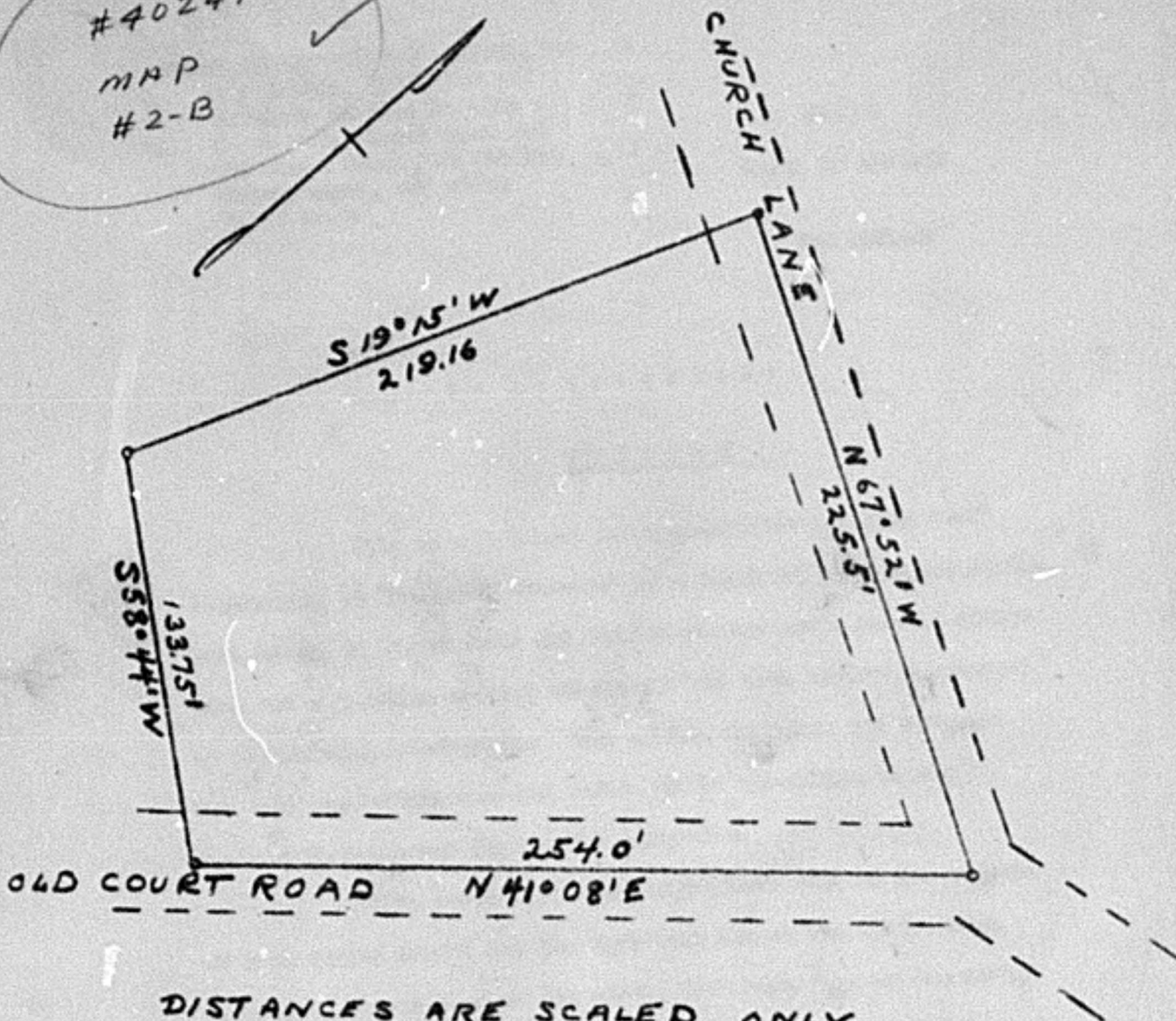
SINCLAIR REFINING COMPANY
 10 LIGHT STREET
 BALTIMORE-MARYLAND

DATE	DRAWN	SCALE	DWG NO.
12-31-56	C.E.G.	1/4"=1'-0"	1

#4024RX

MAP

#2-B



DISTANCES ARE SCALED ONLY
SCALE 1" = 50'

PLAT OF PROPERTY
MR. SYDNEY MEYER

JUNE 13, 1956.

