PETITION FOR RECLASSIFICATION an "R-6" Zone to a "B-R" Zone from an "R-6" Zone to a "B-R" 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. WILSTE 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 Wilsie H. Adams, Zoning Commissioner, dated January 31, 1957.







(3F)

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

BEFORE BOARD OF APPRAIS

No. hogh-ra

............

OPINION

This is a petition for reclassification from "R-6" Residential to "Business Boadside" of a tract of land at the couthwest corner of Church Lame and Old Court Road and a special exception for a masoline 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 Lame on the north, Old Court Road on the east, Liberty Read on the south, has already been somed 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 repidly coming into being and which will eventually surround it.

REFORE

- Se

December 27, 1956

\$38.00

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

The County has definite plans for the widening of both

We note that the potition requests "Business Roadside".

As to the special exception we feel that the public welfare

In order to assure that this sight distance will be main

A question has been raised as to whether the granting of

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 "Ramblewood".

This would not conform to the nearby conservial soning 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 Lame will take a large part

of the property included within the description in the potition. We

will reclassify only that portion of the property which will remain

will be better promoted by a gaseline service station on this corner

tained we will incorporate in our Order a condition and restriction

indicated on the Layout Sketch filed with us shall be complied with.

this reclassification means that the other four corners of this inter-

ditions it is our definite opinion that they should remain residential.

meetion will mecamearily also become commercial. Under present con-

pursuant to Section 502.2 of the Regulations that the setbacks as

than any other commercial use because the setbacks of the building will

provide an excellent sight distance which, as the traffic at the inter-

after the widening of these roads.

section increases, will become important.

We conclude that the subject property should be reclassified for

2 ming Commissioner of Baltimore County

HEARING:

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

County Office Building 111 W. Chesapeake Avenu Youson, Maryland

01.622-\$10.00 01.603-825.00

717

JOSEPH GTARAPPA

CHARLES O. IRISH, Chairman et al. : MISC. 1739

OPTHINE

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This soning 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 8-6 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 soning category of a more restrictive nature than Physiness madaids". It is the opinion of the Court that the Zoning Board has the authority to grant to a petitioner a soning reclassification of a more restrictive nature than that originally sought, particularly when both classifications are in the same gaveral category.

The area in question was essentially rural at the time when the first county moning 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 Churc. Lame is now antly 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 conservialisation rather than objections to a service station per se. There is testimony that the county plans to widen Old Court Read 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 station 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 portion of a tract that is bounded on two mides by major highways, and on the third side by a commercial zone on which a large shopping centre 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 highways 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.

June 20, 1957

A

J.E.R. Jr.

ORDER

For the reasons set forth in the aforegoing Opinion it is this 2/ 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" Residential 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 setback of building shall not be less than as shown on the Layout Sketch filed by the potitioner in this proceeding:

All that parcel of preporty at the southwest corner of Oid Gourt Road and Church Lame (relocated), thence southerly, on the unit side of Oid Gourt Road, 177 coutherly, on the unit side of Oid Gourt Road, 177 feet; thence Herth 179 degrees 15 distributes Rait 150 feet; thence Herth 179 degrees 15 distributes Rait 150 feet to the south side of Church Lame, 141 feet and thence southerly 57 feet to beginning.

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

ORDERED BY the Zoning Commissioner of Baltimore County this _ 3rd 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 __ 1957__ at _1:00_o'olock P. M.

Zoning Commissioner of Baltimore County

Upon hearing on petition (1) for reclassification Zone to a "B-R" Zone of the parcel of land describcon of Liberty and Old Court Roads just 2000 feet from comers property which should be ample to fulfill the his residential community.

It is this James day of January, 1957, by the Zoning Commissions of Baltimore County, ORDICED that the aforesaid position, the first, for reclassification from a "Bot Came to a "Bull Same and the second for a special exception for a gentlime that the second for a special exception for a gentlime

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

4029 RX

MAP

2-8

To the Zoning Commissioner of Reltimore County:

All that parcel of land in the Second District of Ballisore "anty on the Southest corner of Church Less and Old Court Lead; thence remains besterly and Minding on the South side of Church 18 declared to the Second 19 declared to the contention of Old Court Lead; these Serberly and Minding on the center-line of Old Court Lead; these Serberly and Minding on the center-line of Old Court Lead; these Serberly and Minding on the center-line of Old Court Lead; these Serberly and Minding on the center-line of Old Court Lead; these Serberly and Minding on the center-

County, from an R. 6 Zone to an D. R. Zone; and (2) for a Smicial Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for a Filling Station.

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 Zening Regulations and Restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

> Sichney Mayor Clara Meyer Clara Meyer

7008 Wallis Ave., Balto. 15, Md.

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

To the Zoning Commissioner of Baltimore County:

R-X I, or we, Sidney Meyer and Clara Meyer, his wife, Legal Cone of two late of ground situate in the Second Election District of E County, State of Maryland, and described as follows: chile?

4024 RX

MAP

2-8

(See reverse side hereof)

hereby petition (1) that the soning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R. 6 Zone to an B. R. Zone; and (2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for a Filling Station.

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 purguant to the Zoning Law for Baltimore County.

> Signey Mayor Clara Meyer
>
> Clara Meyer 7008 Wallis Ave., Balto. 15, Md

> > MICROFILMED

OFFICE OF PLANNING

Inter-Office Correc

From Office of Planning January 16, 1957 To ... Wilste H. Adens, Zoning Commissioner

Subject Potition #6024. R-6 to B-R.

Special Exception for Casoline Service. Southwest Corner of Church Lane and Old Court Road. Approximately 12 acres. 15th District.

The Office of Planning recommends that the request for commercial moding and Special Exception for a guesline station in this Patition be decided. The raw is question it as rapidly product predictial for the second production of the second produc

There are already three existing gasoline stations at the intersection of Old Court Road and Liberty Road, approximately 2000 feet from the Petitioner's property, with several more located meaning on Liberty Road.

An expected realignment of Charch Lane at Old Court Road will out across the north end of the subject property. We understand that the Bureau of Land Evelopment will cover this matter in a memorandum for your file on this Fetition.

OMS:gh

Bepartment Of Bublic Marks BUREAU OF LAND DEVELOPMENT

Inter-Office Correspondence

Prom OFORGS R. LEWIS January 16, 1957 To ____CHARLES L. FITZPATRICK

Zoning Petition #LO21-px Special Exception for Service Station Church Lane and Old Court Road

The attached plan indicates the relocation of Church Lane and Old Court Road at this site.

It appears that sufficient area still remains for use as a service station.

It is suggested that any soning be withheld from the right of may as indicated on this plan.

CR1-1-Attach.

CC: Mr. Stirling (Planning)

MCHIVED of Kenneth C. Procter, Attorney for Sidney Myers, and wife, the sum of Fifty (\$0.00) Dollars being cost of appeal to the Board of Appeals from the decision of the Zoming Commissioner denying the reclassification and special exception for a ga cline service station, Southwest corner of Church Lans and Old Court Hood.

Zonine Commissioner

ol.623 Zoning Service Charge

FEB.7 1967 COMPTERLIER'S OFFICE 4024-P) MAP 2-B BL

May 17, 1957

RECEIVED of James F. Offutt, Attorney for Jos. Giraffa, Appellant, the sum of Fourteen (\$14.00) Dollars, being cost of certified copies of papers filed in the matter of a reclassification and special exception for a gusoline service station, southwest corner of Church Lame and Old Court Road,

BEGINNING for the same in the center of Church Road thirty feet wide leading to Randallistown at a point distant morth fifty-seven degrees fifty-two minutes west two hundred twenty-five feet-site inches from the intersection point of the center of the Old Court Road and the center of Church and the center of the Old Court Road and the center of Church can describe the Court Road and the center of Church can describe the center of the point feet with the site of the center of the center of the center in the center of the center in the center of the center o

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Zoning Commissioner

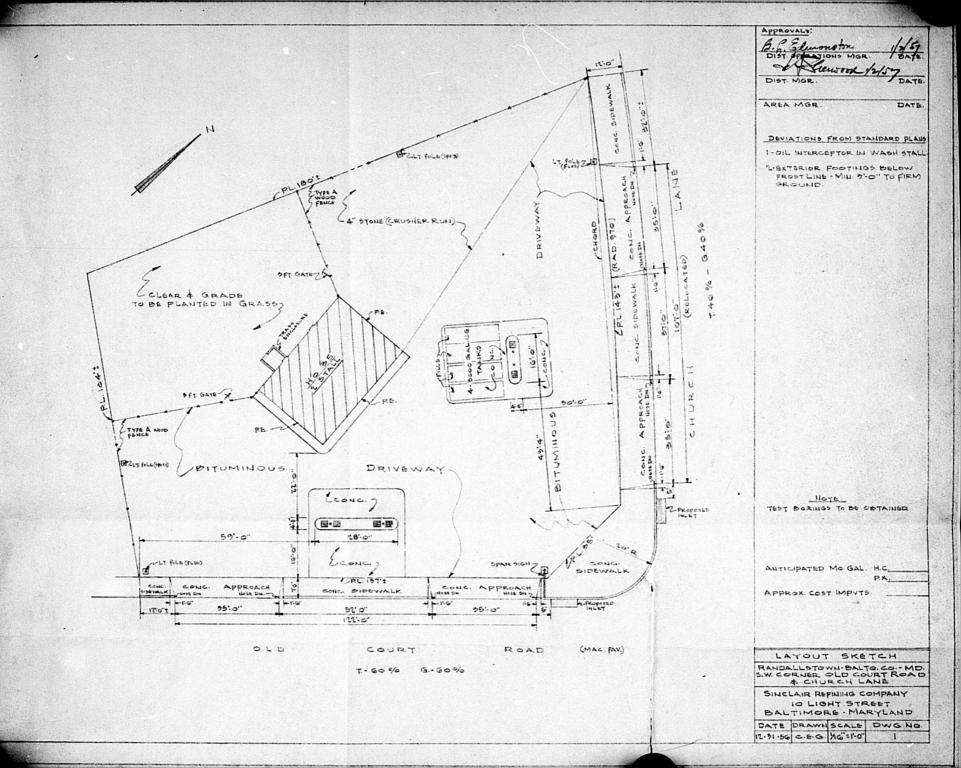
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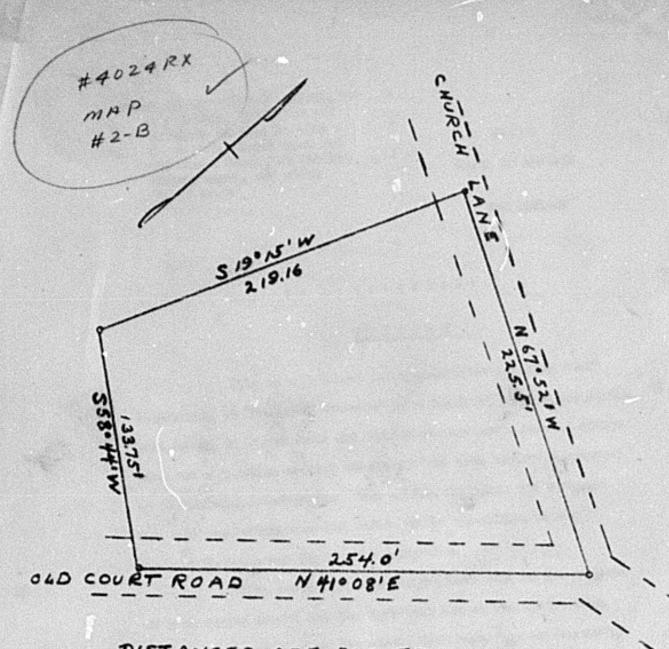


CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland District 2md #4024 Posted to: Con A - Gard by and - R zone + Descline Served Stature Date of Posting 12-28-56 Petitioner Seldriger Clara angusty
Location or yourse; y. Clara angusty
Location of yourse; y. Clara angusty
Location of yourse; Survey of Church Several Old Count Kord
Like See State

Remarks: Date of return: 12-31-56





DISTANCES ARE SCALED ONLY SCALE I" : 50' PLAT OF PROPERTY MR. SYPNEY MEYER

JUNE 13, 1956.

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