

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

To the Zoning Commissioner of Baltimore County:

I, or we, Westview Land Co. Legal Owner

All that parcel of land in the First District of Baltimore County, beginning at the intersection formed by the Eastmost side of the proposed relocation of Ingleside Avenue with the rear or Southeasternmost outline of Lots No. 57 to 62 and thence running with and binding on said Southeasternmost outline of said lots Southeastwardly for a distance of 175 feet to intersect the Northwestward side of the proposed extension of Wilson Avenue; thence binding on the said Northwestward side of the proposed extension of Wilson Avenue the four following courses and distances: Southeastwardly by a line curving to the South for a distance of 45 feet; Southeastwardly by a distance of 10 feet; Southeastwardly by a line curving to the West for a distance of 50 feet and Westwardly by a line curving to the North for a distance of 30 feet to intersect the aforementioned Eastmost side of the proposed relocation of Ingleside Avenue; thence binding on the said Eastmost side of Ingleside Avenue Northwardly for a distance of 365 feet to the place of beginning.

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.

Westview Land Co.

Samuel B. Shockey
Legal Owner

10 E. Fayette St.
Address

#12

WESTVIEW LAND CO.
10 E. Fayette St.
Baltimore, Md.
4041-83

To the Zoning Commissioner of Baltimore County:
I, or we, Westview Land Co. Legal Owner

hereby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-1 Zone to an EB-1 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 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 pursuant to the Zoning Law for Baltimore County.

Westview Land Co.

Samuel B. Shockey
Legal Owner

10 E. Fayette St.
Address

#12

MICROFILMED

IN THE MATTER OF THE PETITION FOR
RECLASSIFICATION AND SPECIAL
EXCEPTION FOR GASOLINE SERVICE STATION
ON THE WEST SIDE OF INGLESIDE AVENUE,
140' WEST OF JOHNNYCAKE ROAD, FIRST
DISTRICT
WESTVIEW LAND CO., PETITIONER

BEFORE
VIRGIL H. ADAMS,
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

MR. COMMISSIONER:

PLEASE enter an Appeal to the Board of Zoning Appeals of Baltimore County on behalf of the protestants, viz: Westview Park Improvement Association, William J. Beck, James A. Wolf, Mary C. Himminger, Stanley A. Syber, James J. Flourey, et al, in the above-captioned matter, from your decision of February 15, 1957, granting the reclassification and special exception for said gasoline service station.

James J. Flourey
Attorney for Protestants

I HEREBY CERTIFY, that a copy of the within Appeal was mailed to Westview Land Co., 10 East Fayette Street, Baltimore 2, Maryland, this 15th day of February, 1957.

James J. Flourey
Attorney for Protestants
733 Title Building
Baltimore 2, Maryland



Re: Petition for Recl. vification and
Special Exception for a Gasoline
Service Station - W. S. Ingleside
Ave., 140' from Johnnycake Road,
1st District - Westview Land Co.,
Petitioner
BEFORE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
No. 4041-83

Upon hearing on petition (1) for reclassification of the parcel of land described therein from an "R-1" Zone to a "B-1" Zone and (2) for a Special Exception to use said property for a gasoline service station, from the facts presented at the hearing the property in question is an isolated parcel contiguous to an existing "B-1" Zone and was created by the County to relocate Ingleside Avenue and the extension of Wilson Avenue.

It is apparent that the use as requested is proper and to deny the same this use, in effect, would be confiscation. However, in the granting of this reclassification and special exception, the plat as presented by the Bureau of Land Development of Baltimore County is to be made a part of this Order so that there will be no question as to the notes and bounds of this property.

For the above reasons the petition should be granted.

It is this 15th day of February, 1957, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition be and the same is hereby granted; the first, for reclassification from an "R-1" Zone to a "B-1" Zone, and, second, for a special exception to use said property for a gasoline service station.

Virgil H. Adams
Zoning Commissioner
of Baltimore County

Re: PETITION FOR RECLASSIFICATION
AND SPECIAL EXCEPTION FOR GASOLINE
SERVICE STATION - W. S. Ingleside
Avenue 140 feet S.W. Johnnycake
Road, First District -
Westview Land Co., Petitioner
BEFORE
COUNTY BOARD OF APPEALS
No. 4041-83

OPINION

This is a petition for (1) a reclassification from an "R-1" Zone to a "B-1" Zone, and (2) a special exception to permit use for a gasoline service station. The parcel concerned, exactly described in the proceedings, is a rough triangle in shape with part of the easternmost side fronting on the west side of Ingleside Avenue. The entire length of the side to the north lies adjacent to "B-1" property presently used as a gasoline service station, and the long side to the west lies adjacent to property presently zoned for apartment housing. This westernmost side of the triangle will probably be the east side of the proposed new Ingleside Avenue which is in the present County Improvement Budget and scheduled for completion by the end of 1958.

It is the contention of the petitioner that the relocation of Ingleside Avenue will isolate the aforesaid triangular parcel, thereby destroying its utility under the present "R-1" classification. He further contends that the property is well suited to use as a gasoline service station and that such use will not prejudice the public health, morals or general welfare.

The Zoning Commissioner granted the petition on the grounds that the isolated parcel is a creature of the County caused by the relocation of Ingleside Avenue, and that to deny the requested use would amount to confiscation.

The testimony indicates that acquisition of rights-of-way for the street location has not yet begun; we, therefore, find it necessary to consider the petition with regard to the effect of the proposed use on today's conditions, rather than to assume the conditions which may exist upon the relocation should occur exactly as projected.

In April of 1953 the parcel in question was reclassified from "Commercial" to "Apartment" use in this petitioner's application. Under today's conditions, we find it well suited to such use and we do not find since 1953 sufficiently substantial changes in the neighborhood to justify the reclassification.

It is our opinion that there has been no confiscation of the petitioner's property; that should such confiscation be attempted, he is initially protected from consequential damage by a condemnation proceeding.

While we do not propose to pre-judge what the findings in this petition would have been had the relocated Ingleside Avenue been a physical factor, and while we recognize that such matters lie beyond the present scope of zoning, we feel strongly, that after the relocation, such land would be ideally suited as green space, a future consideration which must some day be faced.

ORDER

For the reasons set forth in the foregoing Opinion it is this 20th day of March, 1957, by the County Board of Appeals ORDERED that the reclassification and special exception for a gasoline service station be and the same is hereby refused.

COUNTY BOARD OF APPEALS

Charles F. Hink
Spencer J. Jones

NOTES: Mr. Kaufman did not sit in the above case.

WESTVIEW LAND CO., INC.,

VS
CHARLES G. ZIEHL,
SPENCER J. JONES, and
NATHAN H. KAUFMAN,
contesting the
COUNTY BOARD OF APPEALS,
Miscd. 1742

ANSWER TO VIEW OF CERTIFICATE AND JUDICIAL
AND CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD OF ZONING
APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, etc.

Secretary to the
County Board of Appeals.

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY

Inter-Office Correspondence

From GEORGE R. LEWIS JAWNEY 31, 1957
To CHARLES L. FAYPATRICK
Subject Zoning Petition #404-BK
Special Exception for Service Station
Relocation of Ingleside Avenue and Johnnycake Road

The relocation of Ingleside Avenue as shown on the submitted plat cannot at this time be definitely defined. It is suggested that zoning be withheld from this site until completed plans are available.

Any rezoning of this area should be subject to defining the right of way of the Ingleside Avenue relocation.

George R. Lewis
George R. Lewis
Chief - Permit Section

GR:Lrs

May 22, 1957

\$9.00

RECEIVED of Proctor, Royston & Mueller, Attorneys, the sum of Nine (\$9.00) Dollars being cost of certified copies of papers filed in the matter of reclassification and special exception for gasoline service station, west side of Ingleside Avenue 110 feet west of Johnnycake Road, 1st District - Westview Land Company, Petitioner.

ZONING COMMISSIONER

RECEIVED
MAY 22 1957
COMPTROLLER'S OFFICE
By *770*

4041

February 26, 1957

\$50.00

RECEIVED of James J. Dougherty, Attorney for protestants, 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 Zoning Commissioner granting reclassification and a special exception for gasoline service station - west side of Ingleside Ave., 110 feet west of Johnnycake Road, 1st District.

Zoning Commissioner
of Baltimore County

01.622

RECEIVED
FEB 27 1957
COUNTY CLERK
770

January 8, 1957

\$30.00

RECEIVED of Charles Grace, for petitioner, Westview Land Co., the sum of Thirty-eight (\$38.00) dollars, being cost of petition for Zoning Reclassification and Special Exception of the property located on the West side of Ingleside Avenue, 110 feet from Johnnycake Road, First District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Wednesday, January 30, 1957
at 1:00 P. M.

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

RECEIVED
JAN 8 1957
COUNTY CLERK
770

01.622-\$18.00
01.623-\$38.00

January 30, 1957

\$8.00

RECEIVED of Westview Land Company, Inc., the sum of Eight (\$8.00) dollars due to cover cost of advertising the property on the West side of Ingleside Avenue, 110 feet from Johnnycake Road, First District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

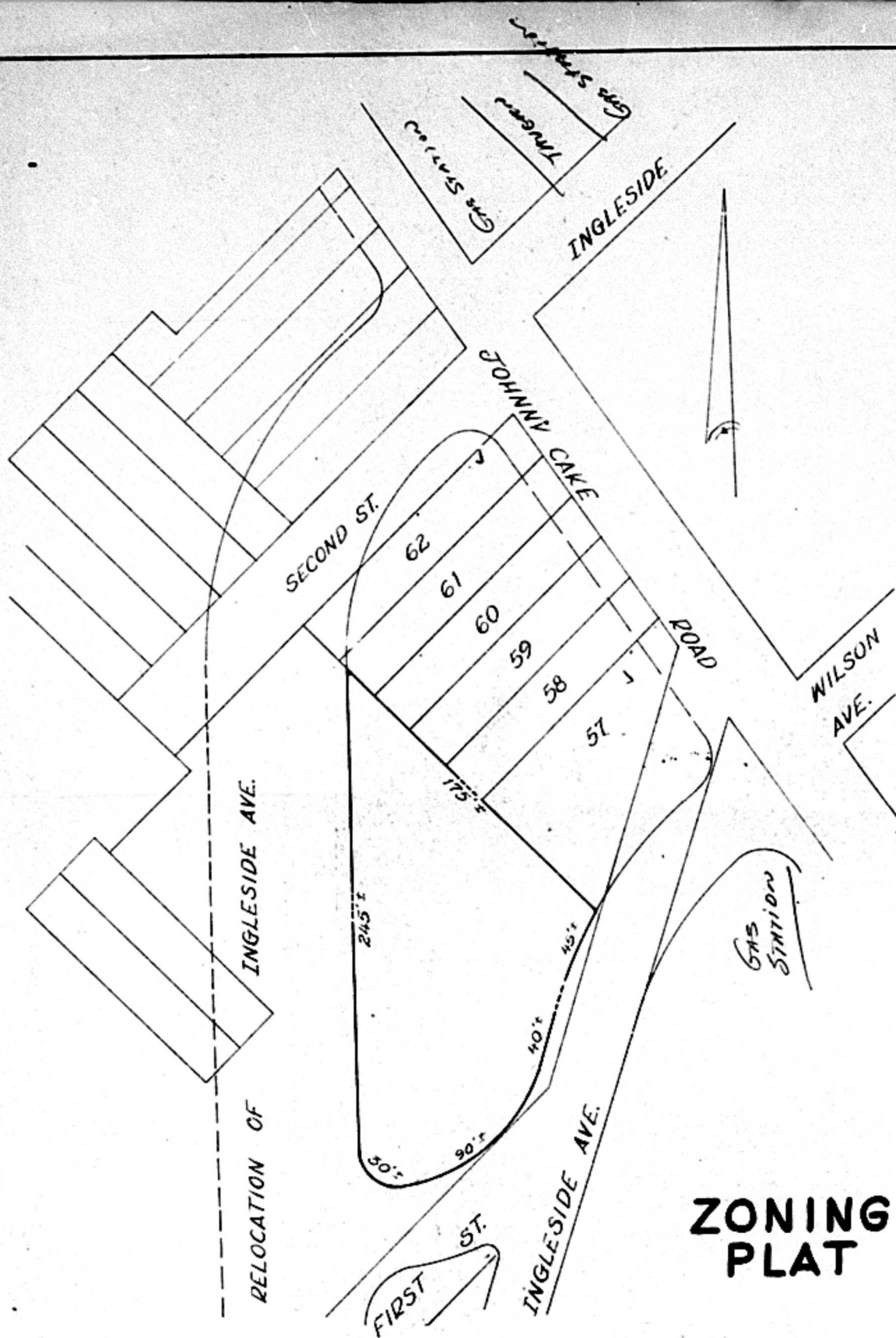
ted

01.622-\$18.00

RECEIVED
JAN 31 1957
COUNTY CLERK
770

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District *1st* Date of Posting *1-16-57*
Posted for: *Charles L. Faypatrick, B. L. Zoning and Charles L. Lewis, Petitioner*
Petitioner: *Charles L. Faypatrick*
Location of property: *West side of Ingleside Ave. 110 feet from Johnnycake Road*
Location of Signs: *West side of Ingleside Ave. 110 feet from Johnnycake Road*
Remarks: *None*
Posted by: *George R. Lewis* Date of return: *1-17-57*



ZONING PLAT

THOMPSON & GRACE
ENGINEERS & SURVEYORS
FIDELITY TRUST BLDG.
TOWSON 4, MD.