

IN THE MATTER OF
W. A. GARDE, INC.
For a Special Exception
To The Zoning Commissioner of Baltimore County

THE KINGSTON DEVELOPMENT CO.
hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 677 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or to be erected thereon) hereinafter described for a gasoline station

BEGINNING for the same at a pipe now set on the North side of Edmondson Avenue, as now laid out, Sixty (60) feet wide, at the distance of 143.5 feet from the point of intersection of the North side of Edmondson Avenue and the East side of Harlem Lane, as now laid out Fifty (50) feet wide, said point of intersection being at the P.I. of the tangents of a curve having a radius of 15 feet on the Northeast corner of Harlem Lane and Edmondson Avenue, thence with a radius of 1462.40 feet for a distance in an Easterly direction of 125.3 feet, thence running for a distance in an Easterly direction of West 101.00 feet, thence South 70 degrees 20 minutes 30 seconds West 125.00 feet to a pipe now set and South 34 degrees 42 minutes 20 seconds East 165.00 feet to the point of beginning.

KINGSTON DEVELOPMENT CO.
Contract Purchaser
11 E. FAYETTE ST.
Address

11/4/57
1-516N
1-51

4253-X

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RE: PETITION FOR A SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION - W. A. GARDE, INC., Petitioner
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
NO. 4253-X

The petitioner in this case has asked for a Special Exception for a Gasoline Service Station on a property that is already zoned "B-1". The Zoning Department denied the petition on the grounds that the small remaining commercial property should be developed for other uses.

From testimony the Board is of the opinion that other uses available without Special Exception could be more detrimental to the general welfare of the fine residential property between the Railway and Ingleside Avenue or the group housing of Academy Heights. They feel that it is not their duty to dictate the exact use to which property shall be dedicated by the owner. It was shown by competent testimony that the area will not be depreciated by the intended use and that other uses already permitted by the present classification would have more depreciating effect.

Consequently the ruling of the Zoning Department is hereby reversed and the petition is granted, the Special Exception, subject, however to the following restrictions:

1. All requirements of Section 405.1 thru 5 shall apply.
2. Scrap and other unightly debris must be contained in suitable containers and the rear of the station maintained in an orderly manner for the protection of the residential housing that may overlook the location from the rear.

RE: PETITION FOR A SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION - W. A. GARDE, INC., Petitioner
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
NO. 4253-X

Petitioner requested a special exception for a gasoline service station on a portion of a relatively small commercial area zoned "Business Local".

This property is located on the north side of Edmondson Avenue and the east side of Harlem Lane in Catonsville. The surrounding area is predominantly residential.

There is no inherent objection to the creation of small districts within a residential zone when such retail and service establishments within the district are for the accommodation of residents thereof. In the instant case one gasoline service station has already been granted and it is understood from testimony that a drug store is contemplated.

Under Section 502 of the Baltimore County Zoning Regulations the Zoning Commissioner is given considerable latitude in considering Special Exceptions.

Section 502 is quoted in part:
"Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another."

For reasons as set out above, the decision of the Deputy Zoning Commissioner in denying the special exception is reversed and the petition as asked is granted.

ORDER

For the reasons set forth in the foregoing Opinion it is this 19th day of February, 1958, by the County Board of Appeals, ORDERED that the aforesaid special exception for a gasoline service station, be and the same is hereby granted.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Note: Mr. Spiro T. Agnew did not sit in the above case.

October 15, 1957
\$30.00
RECEIVED OF W. A. GARDE CO., INC., the sum of Thirty (\$30.00) Dollars being cost of appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner denying a special exception for a gasoline service station, north side of Edmondson Avenue, 143.5 feet east of Harlem Lane, 1st District.

Zoning Commissioner
01.622

RECEIVED
OCT 25 1957
CITY OF BALTIMORE
ZONING DEPARTMENT

Filed October 14, 1957
RE: PETITION FOR A SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION - W. A. GARDE, INC., Petitioner
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
NO. 4253-X

Mr. Wilkie H. Adams, Zoning Commissioner, Baltimore County, Town and City.

Mr. Commissioner:

Please enter an appeal to the County Board of Appeals from the decision and Order of the Deputy Zoning Commissioner passed October 4, 1957, in the above matter,

W. A. GARDE CO., INC.
Petitioner

1451
ZONING DEPARTMENT

September 10, 1957

\$35.00

RECEIVED of Nathan Gerber, for petitioner W. A. Garde, Inc., the sum of Thirty-five Dollars (\$35.00), being cost of petition, advertising and posting property situate on the North side of Edmondson Avenue, and the East side of Harlem Lane, First District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Wednesday, October 2, 1957
at 1:00 P. M.

Room 106
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

RECEIVED
SEP 10 1957
COMPTROLLER'S OFFICE

01.622-235.00

September 30, 1957

Stuart R. Wilcox, Esquire
11 E. Fayette Street
Baltimore 2, Maryland

Dear Mr. Wilcox:

Upon receipt of the invoice from the Office of Central Services, we wish to notify you that there is a balance of Six Dollars (\$6.00) due to cover cost of advertising the property situate on the North side of Edmondson Avenue East of Harlem Lane, W. A. Garde, Inc., petitioner.

May we please have your check payable to the Treasurer of Baltimore County, Maryland, for the same.

Very truly yours,

Wilsie H. Adams
Zoning Commissioner
of Baltimore County

trd

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

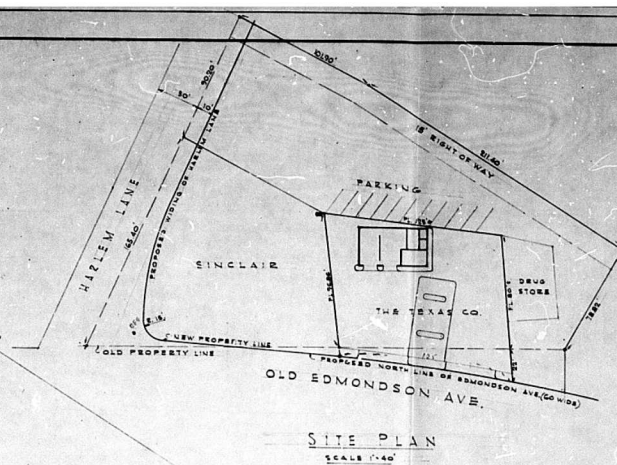
#4253

District: 1st Date of Posting: 9-18-57
Posted for: Special Exception for Gasoline Service Station
Petitioner: W. A. Garde, Inc.
Location of property: N.E. of Edmondson Ave. & E. of Harlem Lane
Location of Signs: North side of Edmondson Avenue 205 ft East of Harlem Lane
Remarks: _____
Posted by: George R. Hammond Date of return: 9-19-57

ZONING DEPARTMENT OF
BALTIMORE COUNTY
PETITION FOR SPECIAL
EXCEPTION
1st DISTRICT
Pursuant to petition filed with the Zoning Commissioner of Baltimore County for a Special Exception to use the property hereinafter described for a Gasoline Service Station, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md., land:
On Wednesday, October 2, 1957 at 1:00 P. M.
To determine whether or not the Special Exception petitioned for as aforesaid should be granted, the property in said petition being particularly described as follows:
All that parcel of land in the First District of Baltimore County, beginning for the same at a pipe now set on the North side of Edmondson Avenue, as now laid out, 60 feet wide, at the distance of 145.5 feet measured along the North side of said Avenue, in an Easterly direction, from the point of intersection of the North side of Edmondson Avenue and the East side of Harlem Lane, as now laid out, 60 feet wide, said point of intersection being at the P.I. of tangents of a curve having a radius of 15 feet on the Northeast corner of Harlem Lane and Edmondson Avenue, thence running and lying on the North side of Edmondson Avenue, as now laid out, with a radius of 1462.40 feet for a distance in an Easterly direction of 125.3 feet; thence running for lines of division, North 34 degrees 42 minutes West 135 feet; thence South 70 degrees 20 minutes 30 seconds West 125 feet to a pipe now set and South 34 degrees 42 minutes 20 seconds East 103.60 feet to the point of beginning, as shown on the plat plan filed with the Zoning Department, being property of W. A. Garde, Inc.
By Order of
Wilsie H. Adams
Zoning Commissioner
of Baltimore County
Sept. 13-20.

OFFICE OF
THE BALTIMORE COUNTIAN
THE COMMUNITY NEWS
Reisterstown, Md.
THE COMMUNITY PRESS
Dundalk, Md.
THE HERALD-ARGUS
Catonsville, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.

September 21, 1957
THIS IS TO CERTIFY, that the annexed advertisement of Wilsie H. Adams, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 21st day of September 1957, that is to say the same was inserted in the issues of
September 13 and 20, 1957
THE BALTIMORE COUNTIAN
By Paul J. Morgan
Editor and Manager.

[illegible]

THE TEXAS COMPANY
DOMESTIC SALES DEPARTMENT
..... TERR DIV.
BALTIMORE CO., MD. (BSS)
EDMONDSON AVE NEAR WARLEN LANE
GENERAL ARRANGEMENT PLAN
SCALE 1:10
DRAWN BY J.A.
CHECKED BY H.H.
APPROVED *HL*
DATE 8-20-57
TRACED BY
NO NFK 2742