

IN THE MATTER OF
PETITION FOR A SPECIAL
EXEMPTION FOR GASOLINE
SERVICE STATION - and
VARIANCE TO ZONING RE-
GULATIONS - N. S. Liberty Road
225' W. Essex Road, 2nd Dist.
Albert F. Metzger, Petitioner
Sun Oil Co. Cont. Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
No. 4354-X

NOTICE OF APPEAL

Sun Oil Company and Albert F. Metzger, the applicant and owner of the above property respectively, desire to enter an appeal to the County Board of Appeals from the decision of Wilkie H. Adams, Zoning Commissioner, dated March 12, 1958 in the matter of request for special exemption and for a variance on the above property.

Mr. Nicholas D. G. J.
Nicholas D. G. J.
510 Mercantile Trust Building
Baltimore 2, Maryland
Lexington 5-5505

Attorney for Sun Oil Co.

Mr. F. Metzger
27 Townsend Park, Jr.
30 Central Savings Bank Bldg.
Baltimore 2, Maryland
Ridgely 5-5045

Attorney for Albert F. Metzger

SUN OIL COMPANY
1710 Russell Street
Baltimore 30, Maryland

and
ALBERT F. METZGER
2908 Essex Road
Baltimore 1, Maryland

VS
COUNTY BOARD OF APPEALS
c/o County Solicitor
County Office Building
Towson 4, Maryland

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ANSWER TO NOTICE OF APPEAL AND ORIGINAL AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE THE
ZONING COMMISSIONER AND COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, etc.

Secretary to County Board of
Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXEMPTION
FOR GASOLINE SERVICE STATION
and VARIANCE TO ZONING RE-
GULATIONS - N. S. Liberty Road 225'
W. of Essex Road, 2nd District -
Albert F. Metzger, Petitioner
BEFORE
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
No. 4354-X

OPINION

The petitioner herein seeks to obtain a special exemption for a gasoline service station on the north side of Liberty Road beginning 225 feet west of Essex Road in the Second District.

The subject property is presently zoned "B-1" and is vacant land. A gasoline service station is in operation to the east of this property at the corner of Liberty and Essex Roads. To the west of the property is a vacant lot owned by the petitioner. Directly across Liberty Road from the subject property is the Woodmoor Development consisting of one and a half story brick and frame cottages.

The traffic engineer for Baltimore County made a survey of the area at the request of the Board and testified that a steep hill and a high bank on adjoining property limits visibility on Liberty Road to the west. Liberty Road at this point is a two-lane highway and testimony was presented to the fact that Liberty Road is now carrying 70% of its capacity at peak times.

The Board is of the opinion that the erection of a gasoline service station on the subject property would create a traffic hazard due to the fact that it would be some 525 feet from the nearest intersection; that is on a grade and that visibility is limited to the west. It is felt that during peak hours cars would have difficulty in getting into either lane of traffic on Liberty Road from the proposed station.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of September, 1958, by the County Board of Appeals, ORDERED that the special exemption petitioned for, be and the same is hereby denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

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

Baltimore County, Maryland
DEPARTMENT OF PUBLIC SAFETY
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

WILLIAM J. GRADAN, JR.
Director

June 3, 1958

WALTER J. AGRESTON
Traffic Engineer

Mr. Spiro T. Agnew, Chairman
Board of Appeals
Office of Zoning
County Office Building
Towson 4, Maryland

Dear Mr. Agnew:

In accordance with a request by your Board for comments regarding the traffic situation on Liberty Road just west of Essex Road, an investigation was conducted at this site on Thursday, May 29, 1958.

The above location was surveyed from the proposed site of gasoline service station on the north side of Liberty Road. From this location it is estimated that the sight distance for vehicles entering Liberty Road at this point would be no greater than two hundred and fifty (250) feet to the west. There is a sharp crest of a vertical curve on Liberty Road immediately west of this location which causes this reduced sight distance. In addition, the property immediately west of this location has a high bank adjoining the edge of Liberty Road which would require vehicles to pull out almost to the edge of the pavement in order to obtain an adequate view of oncoming vehicles.

A recent traffic volume survey on Liberty Road about three-quarters of a mile west of this location shows that the evening peak hour traffic between the hours of 5:00 and 6:00 PM is slightly in excess of 1000 vehicles per hour per lane in a westbound direction. It is estimated that for an uncontrolled for traffic would be approximately 1000 vehicles per lane per hour. It can, therefore, be seen that during the evening rush hour, the westbound traffic lane is presently carrying a load approaching the capacity of the roadway.

It is hoped that these comments on the traffic situation in this area will be of use to your Board.

Very truly yours,

Walter J. Agreston
Walter J. Agreston
Traffic Engineer

WJG:ash

RE: PETITION FOR A SPECIAL
EXEMPTION FOR GASOLINE
SERVICE STATION - and
VARIANCE TO ZONING RE-
GULATIONS - N. S. Liberty Road 1
225' W. Essex Road, 2nd Dist.
Albert F. Metzger, Petitioner
Sun Oil Co. Cont. Purchaser

BEFORE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
No. 4354-X

Upon hearing on petition for a special exemption to use the property described therein for a gasoline service station and a variance to permit a side yard of 5 feet instead of the required 30 feet in a "B-1" Zone, from the testimony presented before the Zoning Commissioner it appears that within three-tenths of a mile of the property in question there are at present six gasoline service stations. On a section of Liberty Road beginning with the Atlantic Service Station adjacent to the Woodmoor Shopping Center and extending westerly for a distance of less than two miles there are fourteen existing gasoline stations, the subject property lying within this section.

It seems clear to me, from the testimony, that the area involved is well served with gasoline service stations and there was no conclusive evidence to show any need for another gasoline service station at this location or any other location in this vicinity. Modern day travel undoubtedly requires adequate service stations for motorists but it does not follow that every brand of gasoline is required for this purpose and that every gasoline distributor is entitled to a filling station on the basis of hardship. It is only required that a reasonable amount of these facilities be available, not that every brand of gasoline must be available in every block particular on this heavily travelled highway.

As to the variance there was no testimony to prove a hardship to warrant the granting of the variance requested. For the above reasons the special exemption and variance are denied.

It is this 12th day of May, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition, is hereby denied, the first for a special exemption for a gasoline service station, and, second, for a variance to permit a side yard setback of five (5) feet in a "B-1" Zone instead of the required thirty (30') feet.

William J. Gradan, Jr.
Zoning Commissioner of
Baltimore County

January 29, 1958

\$25.00

RECEIVED of Sun Oil Company the sum of Thirty Five (\$35.00) Dollars, being cost of petition for a special exemption, zoning and zoning property on the north side of Liberty Road, 225' west of Essex Road, 2nd District.

Zoning Commissioner

RECEIVED
FEB 5 - 1958
COUNTY CLERK'S OFFICE

March 21, 1952

\$30.00

RECEIVED of J. Nicholas Shriver, Jr., Attorney for
for Sun Oil Company the sum of Thirty (\$30.00) Dollars being
cost of appeal to the County Board of Appeals from the decision
of the Zoning Commissioner denying a special exception for
gasoline service station - North side of Liberty Road, 225'
west of Essex Road, 2nd District, Albert F. Metzger, Petitioner.

Zoning Commissioner of
Baltimore County

RECEIVED
MAR 24 1958
COMPTROLLER'S OFFICE

October 10, 1958

\$9.00

RECEIVED of J. Nicholas Shriver, Jr., Attorney for
Appellants, the sum of Nine (\$9.00) Dollars, being cost of
certified copies of petition and other papers filed in the
matter of property of Albert F. Metzger, - Sun Oil Company
Contract Purchaser.

Zoning Commissioner

RECEIVED
OCT 14 1958
COMPTROLLER'S OFFICE

December 2, 1958

\$9.00

RECEIVED of J. Nicholas Shriver, Jr., Attorney, the
sum of Nine (\$9.00) Dollars, being cost of certified copies of
petition and other papers filed in the matter of a special
exception and variance - N. S. Liberty Road, 225' W. Essex Road,
2nd District, Albert F. Metzger, petitioner - Sun Oil Company
Contract Purchaser.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

12-358 4328 * * * TEL: 988

March 3, 1958

\$6.00

RECEIVED of Sun Oil Company, for petitioner, Albert
Metzger, the sum of Six Dollars (\$6.00) to cover cost of
advertising and additional sign for posting property situate
on the North side of Liberty Road and West of Essex Avenue,
Second District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED
MAR 3 - 1958
COMPTROLLER'S OFFICE

Granted by
Circuit Court
3/9/59

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

#4354

District 2nd Date of Posting 2-20-58
Posted for: Special Exception for Gasoline Service Station Advance
Petitioner: Albert F. Metzger
Location of property: 46 ft. of Liberty Road, W. of Essex Road.
2nd District
Location of Signs: 46 ft. of Liberty Road, 30 ft. W. of Essex
Road.
Remarks: _____
Posted by: George A. Hazzard Date of return: 2-21-58



