

389 #50SDRX MAP #1114A BL-X 7/28/60 PETITION FOR (1) ZONING RECLASSIFICATION (2) SPECIAL EXCEPTION

To the Zoning Commissioner of Baltimore County:

I, or we, John Kenneth Sims, and Joan Bertha Sims, his wife, Legal Owner
of property located in the 11th District of Baltimore County, State of Maryland, 7/28/60
and described as follows:

herby petition (1) that the zoning status of the above described property be
reclassified, pursuant to the Zoning Law of Baltimore County, from an R-5
Zone to an B-1 Zone; and (2) for a Special Exception, under the said
Zoning Law and Zoning Regulations of Baltimore County, to use the above describ-
ed property for a Drive-In Gasoline, Filling and Service Station.

Property to be posted as prescribed by Zoning Regulations.

or we, agree to pay expenses of the above reclassification and
Special Exception, advertising, posting, etc., upon filing of this petition.
I, or we, agree to and are to be bound by the Zoning Regulations and Restrict-
ions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore
County.

John Kenneth Sims
Joan Bertha Sims
Legal Owner
801 Bailey Rd.
Baltimore 6, Md.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TELEPHONE VALLEY 3-3000

No. 2888
DATE 7/5/60

To: William S. Baldwin, Esq.,
24 W. Pennsylvania Ave.,
Towson 1, Md.

BILLED BY: Zoning

QUANTITY	RECLASSIFICATION AND SPECIAL EXCEPTION - SIMS	TOTAL AMOUNT
1	Reclassification and Special Exception - Sims	\$50.00
1	Advertising and signs - Sims	\$50.00
1	Cost of certified copies of documents in the matter of reclassification of property of John K. Sims, et al Joppa Road and Sims Ave., 11th District	\$8.00
1	Cost of appeal to the Board of Appeals and posting property #5050-RX	\$75.00
1	Cost of certified copies of documents in the matter of reclassification of property of John K. Sims, et al Joppa Road and Sims Ave., 11th District	\$8.00
1	Cost of appeal to the Board of Appeals and posting property #5050-RX	\$75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TELEPHONE VALLEY 3-3000

No. 3551
DATE 9/25/60

To: William S. Baldwin, Esq.,
Towson 1, Maryland

BILLED BY: Zoning

QUANTITY	RECLASSIFICATION AND SPECIAL EXCEPTION - SIMS	TOTAL AMOUNT
1	Advertising and signs - Sims	\$50.00
1	Cost of certified copies of documents in the matter of reclassification of property of John K. Sims, et al Joppa Road and Sims Ave., 11th District	\$8.00
1	Cost of appeal to the Board of Appeals and posting property #5050-RX	\$75.00
1	Cost of certified copies of documents in the matter of reclassification of property of John K. Sims, et al Joppa Road and Sims Ave., 11th District	\$8.00
1	Cost of appeal to the Board of Appeals and posting property #5050-RX	\$75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TELEPHONE VALLEY 3-3000

No. 4713
DATE 5/22/61

To: Harry S. Swartzwelder, Jr., Esq.,
1101 Garrett Building
Baltimore 5, Maryland

BILLED BY: Zoning Department of Baltimore County

QUANTITY	RECLASSIFICATION AND SPECIAL EXCEPTION - SIMS	TOTAL AMOUNT
1	Advertising and signs - Sims	\$50.00
1	Cost of certified copies of documents in the matter of reclassification of property of John K. Sims, et al Joppa Road and Sims Ave., 11th District	\$8.00
1	Cost of appeal to the Board of Appeals and posting property #5050-RX	\$75.00
1	Cost of certified copies of documents in the matter of reclassification of property of John K. Sims, et al Joppa Road and Sims Ave., 11th District	\$8.00
1	Cost of appeal to the Board of Appeals and posting property #5050-RX	\$75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TELEPHONE VALLEY 3-3000

No. 3741
DATE 10/19/60

To: William S. Baldwin, Esq.,
24 W. Pennsylvania Ave.,
Towson 1, Maryland

BILLED BY: Zoning Department of Baltimore County

QUANTITY	RECLASSIFICATION AND SPECIAL EXCEPTION - SIMS	TOTAL AMOUNT
1	Advertising and signs - Sims	\$50.00
1	Cost of certified copies of documents in the matter of reclassification of property of John K. Sims, et al Joppa Road and Sims Ave., 11th District	\$8.00
1	Cost of appeal to the Board of Appeals and posting property #5050-RX	\$75.00
1	Cost of certified copies of documents in the matter of reclassification of property of John K. Sims, et al Joppa Road and Sims Ave., 11th District	\$8.00
1	Cost of appeal to the Board of Appeals and posting property #5050-RX	\$75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

ORDERED by the Zoning Commissioner of Baltimore County
this 5th day of July, 1960,
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 10th day of
August, 1960, at 2:00 o'clock
P. M.

Zoning Commissioner
of Baltimore County

Upon hearing on the above petition (1) for reclassification
from an "R-5" Zone to a "B-1" Zone and (2) for a special
exception to use the property described therein for a gasoline
service station, and it appearing that by reason of location,
being in a residential area and the fact that the property was not
previously zoned under the comprehensive plan and the character
of the neighborhood has not changed sufficiently to warrant the
reclassification, the petition should be denied. Wherefore:

It is in this 15th day of September, 1960, by
the Deputy Zoning Commissioner of Baltimore County, ORDERED that
the aforesaid reclassification from an "R-5" Zone to a "B-1" Zone
and a special exception for a gasoline service station, should be
and the same are hereby denied.

Deputy Zoning Commissioner
of Baltimore County

WALLACE M. WAINICK
3710 East Joppa Road
Baltimore County, Maryland, et al
Protestants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN and
CHARLES STEINER
Consisting the County
Board of Appeals of Baltimore
County

AT LAW
NO.

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal in the above entitled case
on behalf of the Protestants from the Order of the County Board
of Appeals of Baltimore County dated April 13, 1961.

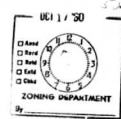
Attorney for Protestants

I HEREBY CERTIFY, That a copy of the above Order
of Appeal has been served on the County Board of Appeals of
Baltimore County on this 15th day of May, 1961.

Attorney for Protestants

Service admitted this 14th day of May, 1961, on
behalf of the County Board of Appeals of Baltimore County.

TELEPHONE VALLEY 3-3000
ATTORNEY AT LAW
24 WEST PENNSYLVANIA AVE.
TOWSON 4, MARYLAND



Zoning Commissioner for Baltimore County
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification from
an "R-5" Zone to a "B-1" Zone and
Special Exception for Gasoline
Service Station - Jct. of Joppa Rd.
and Sims Ave., 11th Dist., John K.
Sims and Joan B. Sims, Petitioners

Dear Mr. Commissioner:

Please enter an appeal for John K. Sims and Joan B. Sims
the above petitioners from the order of the Deputy Zoning Com-
missioner denying the requested reclassification and special
exception dated September 15, 1960.

Very truly yours,

William S. Baldwin

WSB:dw

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to a "B-1" Zone,
and SPECIAL EXCEPTION for a
Gasoline Service Station -
Int. of Joppa Road and Sims Avenue
11th District
John K. and Jean B. Sims,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5050-RX

OPINION

This is a petition of John K. and Jean B. Sims for reclassification of property on the northeast corner of Joppa Road and Sims Avenue in the Eleventh District of Baltimore County, and a special exception for a gasoline service station.

The subject property is located on the Joppa Road, a major east-west thoroughfare connecting the Harford and Bel Air Roads. The property has a frontage of 177 feet on the north side of Joppa Road and a depth of 140 feet on the west side of Sims Avenue. The Gas & Electric Company power lines pass overhead on the property adjacent to and west of the subject property some 30 to 40 feet west of the petitioners' western property line. Immediately across the street from the subject property are three new bungalow type homes and the entrance to the sand and gravel pits of the Ark Concrete Corporation, as well as the entrance to a greenhouse.

The testimony of Mr. J. Walter Jones, a realtor and appraiser appearing in behalf of the petitioners, was to the effect that the property had not been zoned for its highest and best use; that the Joppa Road was a main east-west artery, "heavily travelled thoroughfare".

The existing steel towers and overhead power lines of the Baltimore Gas & Electric Company on adjacent properties and a major sand excavating project on the property of the Ark Concrete Corporation furnishes extensive resistance to the sale of the subject property for home sites. Mr. Jones, under cross-examination, stated that the land in question could be used for "R-6" purposes.

The protestants through their witness, Mr. J. Oliver Ziegfeld, stated that the land in question could be used for "R-6" purposes.

In considering the testimony before the Board, both at its original hearing as well as at the remanded hearing by order of the Circuit Court for Baltimore County, the Board is of the opinion that there was an error in the original zoning at the time of the

adoption of the land use map in 1945. In adopting the original land use map too little importance was placed on the existing steel towers and power lines of the Gas & Electric Company. Their presence on the subject property makes it undesirable for residential use. The Board further feels that in adopting the land use map insufficient consideration was given to the ultimate use of Joppa Road as a major traffic thoroughfare. While it is not impossible to build "R-6" homes on the subject property, the use of the property in this manner would not be for its highest and best use. The fact that Sims Avenue has been almost completely developed to the north of Joppa Road with the exception of the corner property, would seem to substantiate the Board's position of the undesirability of this property for residential construction. The Board is unanimous in its opinion that there was an error in the original zoning, and that the reclassification of the subject property from an "R-6" Zone to a "B-1" Zone should be and is hereby granted.

With regard to the special exception for a gasoline service station, this seems to be a logical use for the subject property and the Board feels to see why the granting of the special exception would in any way violate Section 502.1 of the Baltimore County Zoning Regulations as adopted on March 30, 1955.

It is the unanimous opinion of the Board that the special exception for a gasoline service station should be granted subject, however, to the following restrictions:

1. All lights shall be located in such manner as not to shine in the homes to the north on Sims Avenue and south on Joppa Road
2. That the northern and western property lines of the subject property shall be fenced with a chain link fence to a minimum height of 5 feet
3. That the northern property line shall further be planted with a privet hedge, or hedge comparable to a privet type hedge with a minimum height at time of planting of 4 feet; such hedge to be planted outside of the steel fence
4. The hours of operation for the service station shall be no greater than from 7:00 a.m. to 10:30 p.m.

been erected and the subject property had already been adversely affected for residential use due to the existing Gas Company's steel tower and power lines. The proximity to the Ark Concrete Corporation further detracts from its residential character.

The Board is certainly in agreement that the subject property could be developed in "R-6" classification but feels that this estate in a large majority of the properties where gas stations are built. The Board further feels that insufficient consideration was given to the ultimate use of the Joppa Road as a major thoroughfare.

The Board also feels that there have been changes in the immediate area that affect the subject property. The expansion of the Ark Concrete Corporation, such expansion having brought the operation closer to the Joppa Road, has certainly had a deterring residential effect on the subject property. In addition to this the change in the traffic conditions on Joppa Road creates traffic hazards far different to that which existed in 1945, hazards that could retard the residential development of properties directly on Joppa Road.

The Board is unanimous in its opinion that there was an error in the original zoning and that there have been changes in the neighborhood to warrant the reclassification of the subject property from an "R-6" Zone to a "B-1" Zone.

With regard to the special exception for the gasoline service station, this seems to be a logical use for the subject property and the Board feels to see why the granting of the special exception would in any way violate Section 502.1 of the Baltimore County Zoning Regulations as adopted on March 30, 1955.

It is the unanimous opinion of the Board that the special exception for a gasoline service station should be granted, subject, however, to the following restrictions:

1. All lights shall be located in such manner as not to shine in the homes to the north on Sims Avenue and south on Joppa Road.
2. That the northern and western property lines of the subject property shall be fenced with a chain link fence to a minimum height of 5 feet.
3. That the northern property line shall further be planted with a privet hedge, or hedge comparable to a privet type hedge with a minimum height at time of planting of 4 feet; such hedge to be planted outside of the steel fence.
4. The hours of operation for the service station shall be no greater than from 7:00 a.m. to 10:30 p.m.

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to a "B-1"
Zone and Special Exception for a
Gasoline Service Station -
Int. of Joppa Road and Sims
Avenue, 11th District - John K.
Sims, et al., Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5050-RX

OPINION

This is the petition of John K. and Jean B. Sims for reclassification of property at the northeast corner of Joppa Road and Sims Avenue in the Eleventh District of Baltimore County, and a special exception for a gasoline service station.

The subject property is located on the Joppa Road, a major east-west thoroughfare connecting the Harford and Bel Air Roads. The property has a frontage of 177 feet on the north side of Joppa Road and a depth of 140 feet on the west side of Sims Avenue. The Gas & Electric Company power lines pass overhead on the property adjacent to and west of the subject property some 30 to 40 feet west of the petitioners' western property line. Immediately across the street from the subject property are three new bungalow type homes and some 150 to 200 feet to the west of the subject property and on the south side of Joppa Road is the entrance to the Ark Concrete Corporation.

The testimony of Mr. J. Walter Jones, a realtor and appraiser appearing in behalf of the petitioners, was to the effect that the property had not been zoned for its highest and best use; that the Joppa Road was a main east-west artery, "heavily travelled thoroughfare".

The existing steel towers and overhead power lines of the Baltimore Gas & Electric Company on adjacent properties and a major sand excavating project on the property of the Ark Concrete Corporation furnishes extensive resistance to the sale of the subject property for home sites. Mr. Jones, under cross-examination, stated that the land in question could be used for "R-6" purposes.

The protestants through their witness, Mr. J. Oliver Ziegfeld, stated that the land in question could be used for "R-6" purposes.

In reviewing the testimony presented the Board has little trouble in deciding that there was an error in the original zoning at the time of the adoption of the map in 1945; that the area in question was of rural character, the three homes directly across Joppa Road having

For the reasons set forth in the foregoing Opinion, it is this 24th day of September, 1963 by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby granted, subject to the aforementioned restrictions.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN

NOTE: Mr. Steinbeck did not sit at this hearing.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th
Posted for: 7-27-60
Petitioner: John K. and Jean B. Sims
Location of property: Northeast corner of Joppa Road and Sims Avenue
Location of Signs: Northeast corner of Joppa Road and Sims Avenue
Remarks:
Posted by: J. Walter Jones
Date of return: 7-27-60

DUPLICATE CERTIFICATE OF PUBLICATION

TOWSON, MD., July 22, 1960.
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., before the day of August, 1960, the first publication appearing on the 22nd day of July, 1960.

THE JEFFERSONIAN,
Charles Steinbeck
Manager
Cost of Advertisement, \$.....

ORDER

For reasons set forth in the foregoing Opinion, it is this day of April, 1961, by the County Board of Appeals, ORDERED that the aforesaid reclassification from an "R-6" Zone to a "B-1" Zone and a special exception should be and the same are hereby granted, subject, however, to compliance with the above restrictions.

Any appeal from this decision must be in accordance with Rule 1100-8 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN

NOTE: Mr. Charles Steinbeck did not sit in the above case.

