

3531 PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF

A. J. Watkins & Sons, Inc.

For a Special Exception

To the Zoning Commissioner of Baltimore County

A. J. Watkins & Sons, Inc., 19 W. Pennsylvania Ave., Balto. 4, Md. Owner

Shell Oil Company, 5831 York Road, Baltimore 12 Contractor

hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 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 on or to be erected thereon) hereinafter described for an automobile service station

Situate in the 8th District of Baltimore County and fronting 160 feet on the west side of Pot Spring Road to a uniform depth westerly, binding upon and parallel to Ridgely Road, of 160 feet.

All that parcel of land in the Eighth District of Baltimore County on the northwest corner of Pot Spring and Ridgely Roads, thence running westerly and then north on the west side of Pot Spring Road 160 feet with a rectangular depth westerly of 160 feet and binding on the North side of Ridgely Road to the place of beginning.

Shell Oil Company

A. J. Watkins & Sons, Inc.

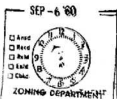
Contract Purchaser

Local Owner

William B. Watkins, president

19 W. Pennsylvania Ave. "A"

30 August 1960



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District... 8th

Date of Posting... 9-2-60

Posted for... Special Exception for Automobile Service Station

Petitioner... A. J. Watkins & Sons, Inc.

Location of property... Northwest corner of Pot Spring and Ridgely Roads

Location of Sign... Northwest corner of Pot Spring and Ridgely Roads

Remarks... [Signature]

Posted by... [Signature]

Date of return... 9-24-60

RE: PETITION FOR SPECIAL EXCEPTION

FOR GASOLINE SERVICE STATION -

N. W. Cor. Pot Spring and Ridgely Roads, 8th District -

A. J. Watkins & Sons, Inc.,

Petitioner - Shell Oil Company,

Contract Purchaser

BEFORE

DEPUTY ZONING COMMISSIONER

OF

BALTIMORE COUNTY

No. 5098-X

Upon hearing on the above petition for a special exception to use the property described therein at the northeast corner of Pot Spring and Ridgely Roads, in the Eighth District of Baltimore County, for a gasoline service station, the subject property is zoned "Business Local" which is located in one of the best neighborhoods wherein most of the houses are custom built.

The request for the special exception could only be based on the needs of the people in the immediate locality. The residents of the locality have no difficulty whatsoever in driving a mile or two to obtain gasoline and oil. The property could much better serve the neighborhood by being used as a location for specialty shops, etc.

The petitioner also pointed out that many obnoxious uses could be placed on the subject property. Zoning cannot prevent such uses being placed on property but can through the means of a hearing on a special exception prevent the erection of a gasoline service station where it is definitely not needed.

For the above reasons the special exception should be denied.

It is this 13th day of October, 1960, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception should be and the same is hereby denied.

[Signature]

Deputy Zoning Commissioner

of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION

FOR GASOLINE SERVICE STATION -

N. W. Cor. Pot Spring and Ridgely Roads, 8th District -

A. J. Watkins & Sons, Inc.,

Petitioner

BEFORE

DEPUTY ZONING COMMISSIONER

OF

BALTIMORE COUNTY

No. 5098X

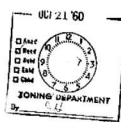
ORDER FOR APPEAL

Please enter an appeal by A. J. Watkins & Sons, Inc., from the Order dated the 13th day of October, 1960, passed by John G. Rose, Deputy Zoning Commissioner of Baltimore County, in the above entitled matter, to the County Board of Appeals.

[Signature]

James C. Anderson

Attorney for A. J. Watkins & Sons, Inc.,



RE: PETITION FOR SPECIAL EXCEPTION

FOR GASOLINE SERVICE STATION -

N. W. Cor. Pot Spring and Ridgely Roads, 8th District -

A. J. Watkins & Sons, Inc.,

Petitioner

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 5098-X

OPINION

This is a petition for a special exception for a gasoline service station on the northeast corner of Pot Spring and Ridgely Roads, in the Eighth Election District of Baltimore County. The property covered in this petition is approximately 160' x 160' in area and is part of a larger tract of approximately 6 acres. The entire 6 acres of said tract lying between Ridgely Road on the south and Margate Road on the north and Pot Spring Road on the east is zoned "Business Local". The major part of said tract is now being used as a community swimming pool.

The land lying directly opposite this property on the east side of Pot Spring Road, as well as the property to the south across Ridgely Road and the property across from Margate Road to the north, is all zoned "R-40".

It was testified to by witnesses for both the petitioner and the protestors that the houses in the general vicinity of the subject tract would range in value from \$25,000. to \$45,000. With the exception of the community swimming pool the nearest commercial establishment of any kind is approximately three-quarters of a mile to the west on the York Road, a major north-south highway carrying very heavy traffic.

-2-

It was also testified to by witnesses for both the protestors and the petitioner that Pot Spring Road is of rural character and is used almost exclusively by the residents living in the general vicinity of the subject property and the residential developments to the north.

The residents of the area testified that the construction of a service station would adversely affect the value of their homes and that any entrance to a service station from Ridgely Road would present an extremely dangerous traffic hazard to children using the swimming pool. It would also constitute a hazard for children going to and from school.

Mr. George E. Gwynolis, Deputy Director of Planning for Baltimore County, stated that in his opinion, the granting of this special exception would not be in conflict with the conditions set forth in Section 502.1 of the Baltimore County Zoning Regulations with the exception of the paragraph relating to the general welfare of the locality. It was his opinion that a gasoline service station would not be an appropriate use for this land and would have an adverse effect on the general welfare of the community.

It is the unanimous opinion of the Board that to grant a special exception for a gasoline service station would be detrimental to the general welfare of the locality. The general over-all plan for the area involved is that of a high class residential neighborhood. To place a gasoline service station on the subject property would cause irreparable damage and could open the door for subsequent zoning on adjoining properties. It would adversely affect the property values of the homes within this area.

In denying the petition the Board calls attention to the Court of Appeals ruling in case 213, September Term 1960 filed May 17, 1961 of Crowther, Inc., vs Samuel P. Johnson, Roland R. Nelson,

-3-

et al. In this case there was an appeal taken from the Order of the Circuit Court for Baltimore County sustaining the action of the Board of Appeals of Baltimore County in denying the petition of Crowther, Inc., for a special exception to operate a trailer park upon land zoned "R-40".

The petitioner asked for a trailer park which is a permitted use by special exception in an "R-40" Zone. In affirming the Circuit Court and the Board of Appeals in their denial of the issuance of a special exception, the Court of Appeals said and we quote:

(a) "It would be inconsistent with the continued development of a planned and existing, though only partly developed, manufacturing area needed for such purposes in this particular locality for the development of a large area in accordance with a comprehensive plan; and

(b) "because it would adversely affect property values in the vicinity."

The Court in its ruling did not seem to consider permitted uses in an "R-40" Zone without special exceptions and the affect that these uses would have on surrounding properties, rather it seemed to consider what affect the special exception would have without regard to uses permitted without special exceptions.

In the subject case the Board feels that similar conditions exist, conditions upon which the Court of Appeals passed its decision in "the Crowther case"

(a) "It would be inconsistent with the continued planned development of the land of the surrounding area" and

(b) "It would unquestionably have an adverse affect upon the property value in the general vicinity".

-4-

These two facts leave the Board but one conclusion, that to grant the special exception would violate paragraph (a), Section 502.1 of the Baltimore County Zoning Regulations - "be detrimental to the general welfare of the locality involved".

ORDER

For the aforesaid reasons, on this 20th day of July, 1961, by the Board of Appeals of Baltimore County ORDERED that the aforesaid petition for a special exception for a gasoline service station, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Rule No. 2101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

[Signature]

NOTE: G. Mitchell Austin, Esq., did not sit in the above case.

TELEPHONE VALLEY 3-3000

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

No. 3531

DATE 9/4/60

TO: Shell Oil Company
 5400 York Rd.
 Baltimore 12, Md.

BILLED BY: Zoning

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
1	Petition for Special Exception - A. J. Watkins	\$ 50.00
	PAID - Baltimore County, Md. - Office of Finance	
	9-7-60 264 * * * TIL -	50.00
	9-7-60 264 * * * TIL -	50.00

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.

TELEPHONE VALLEY 3-3000

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

No. 3748

DATE 10/21/60

TO: James G. L. Anderson, Esq.,
 K. Lewis Building
 Towson 4, Maryland

BILLED BY: Zoning Department of
 Baltimore County
 113 County Office Bldg.,
 Towson 4, Md.

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
1	Cost of appeal to Board of Appeals and posting property 5098-X	\$75.00
	PAID - Baltimore County, Md. - Office of Finance	
	10-24-60 2339 * * * TIL -	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.

TELEPHONE VALLEY 3-3000

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

No. 3721

DATE 10/20/60

TO: Mr. E. C. Woodman
 5811 York Road
 Baltimore 12, Md.

BILLED BY: Zoning

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
1	Advertising & Posting for A. J. Watkins & Sons, Inc. 1st cor. Pot Springs & Ridgely Roads	\$20.50
	PAID - Baltimore County, Md. - Office of Finance	
	10-10-60 1667 * * * TIL -	20.50
	10-10-60 1667 * * * TIL -	20.50

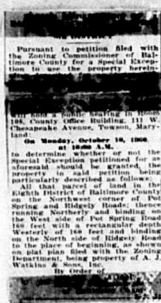
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
 PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 22, 19 60

THIS IS TO CERTIFY, That the annexed advertisement was published in The COUNTY Paper, Inc., a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks before the 10th, day of September, 19 60, the first publication appearing on the 22nd, day of Sept., 19 60.

The COUNTY Paper, Inc.
 Fenwick Keyser, Manager.
 Per Helen G. Hildner



CERTIFICATE OF PUBLICATION

TOWSON, MD., September 22, 19 60

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks before the 10th day of September, 19 60, the first publication appearing on the 23rd day of September, 19 60.

THE JEFFERSONIAN
 [Signature]
 Manager.

ZONING DEPARTMENT OF BALTIMORE COUNTY
 PETITION FOR SPECIAL EXCEPTION

PURSUANT to petition filed with the Zoning Commissioner of Baltimore County for a Special Exception to use the property hereinafter described for an "Automobile 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 104, County Office Building, 113 N. Chesapeake Avenue, Towson, Maryland.

On Monday, October 18, 1960

At 10:00 A. M.

All that parcel of land in the Eighth District of Baltimore County on the north-west corner of Pot Springs and Ridgely Roads, thence running northerly and easterly, and southerly and westerly, and easterly and southerly, a distance of 166 feet with a rectangular depth westerly of 166 feet and bounding on the North side of Ridgely Road to the place of beginning as shown on plat filed with the Zoning Department, being property of A. J. Watkins & Sons, Inc.

By Order of
 WILFRED H. ADAMS,
 Zoning Commissioner of Baltimore County

Sept. 22, 1960

Cost of Advertisement, \$.....

