BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON 4. MARYLAND
VA 3-3000

MALCOLM H. DILL

JOHN G. ROSE

March 8, 1962

Robert J. Romacka, Esq., 521 Septern Avenue, Baltimore 21, Maryland

> Re: Potition for Eaclessification and Special Escaption for Gasoline Service Station - S.E. Cor. Dogwood Road and Clarke Ave., lat District -Donald J. Elliott and Molet Elliott, Potitions & --- No. 5239-RX

Door Mr. Bomedka:

On February 8, 1961 you filed a patition on behalf of the above patitioners, for reclassification of property at the southeast corner of Regmond Road and Clerke Avenue, in the First District of Baltimore County, from an "R-6" Zone to a "B-L" Zone and a special exception for a gasoline service station.

After hearing the facts in the case the reclas ification and special exception were denied by the Zoning Consissioner.

On May 25, 1961 an appeal from the above decision was filed with the County Board of Appeals. After the hearing before the Board of Appeals, the majority members of the Board granted the reclassification and special exception, one mamber dissenting.

At the time of the hearing on the Western Area Planning Hap, before the County Council, on which map your property is located, the Council did not change the soming as triquested, therefore, your property remains in its original soming status as "R-6" and you are not permitted to conduct a commercial business on the subject property.

Very truly yours

Zoning Comissioner

ec: Br. S. P. Bessmen, Mild Woode Mile Ave., Ellicott City, Md. Mr. Edgar A. A. Sempson, 6610 Degwood Road, Baltimore 7, Md. Mr. Jes. Paper, 6601 Richardson Road, Baltimore 7, Md. Mr. Chan. G. Young, Pres., Woodlawn Improvement Assin., Salto. 7, Md. #5239 RX

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

MAP To the Zonice Commissioner of Baltimore County: I, or va, Donald J. Elliott . Violet J. ElliottLegal Owner s

BL-X 4/6/61 5239-RX

WOOD Rd. & Clarke

hareby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 Zone to m BL (2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for Gasoline Service 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.

Violetal Oppriott

6605 Dogwood Road, Ealto. 7, Md.

Robert J. Romadka 821 Eastern Avenue Baltimore 21, Maryland MU. 6-8274



1- Each

	ERTIFICATE OF POSTING		
ZONING	DEPARTMENT OF BALTIMORE COUNTY		
	Towson, Maryland	#5239	
District 121	Date of Postin	9-27-61	6
Posted for Grandly He	army.		
Petitioner Novald & Bill	att A Violet & Elliott	, , , , , , , , , , , , , , , , , , ,	
Location of property Siles Call	wed Dogwood Sof and to	lake ave.	
el Lu Plub : Know	cuas 6605 Dogwoods	verof.	
Location of Signs: Nostrel in	property known as 660	5 Dogwood	
Road	/-/-/		
Remarks:	<u> </u>		
Posted by Alange Signature	Samuel Date of return	7-28-61	

Description for Zoning Application -District No. 1 Baltimore County, Md

\$5239 RX MAP #1-B

Beginning at the point formed by the intersection of the southwesterly line of Lot 5 as abown on the Newland Plat of Section A of Brooklawn as Recorded in the Plat Records of Baltisever Newland, in Plat Book G.L.B. No. 17 at Pages 98 and of the Plat Records of Baltisever Newland, in Plat Book G.L.B. No. 17 at Pages 98 and of 4% 30° E along said southwesterly line of Carle Avenue (70° wide) and running themse of a point for corner; along said southwesterly line of said Lot 5 a distance of 150,00° to a point in the sound of the said lot 5 a distance of 150,00° to a point in the sound to a point for add to 5 a distance of 30° km of 150 km of

Associated Surveys 5412 Northwood Drive Baltimore 12, Md. Charles Butter Charles Butler

of the Zoning Act and negula-tions of Baltimore County, will hold a public hearing: Concerning all that parcel of land in the First District of Baltimore County, Beginning at the point formed by the intersection of the south-

CERTIFICATE OF PUBLICATION BALTIMORE COUNTY, MD. April 3 . 19 61

> THIS IS TO CERTIFY. That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of one sucessive weeks before the 19th

> ,19 61, the first publication day of April appearing on the 30th day of March

19 61,

THE TIMES. John m. martin John M. Martin

Cost of Advertisement, \$16,60 Purchase order-P 9937 Requisition no. E 6029

#5239 RX

CREERED by the Zoning Commissioner of Baltimore County 8th day of February that the subject matter of this petition be advertised in two 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 Baltimer : County, Maryland, on the 19th , 19 61 , at 1)20 o'clock

Zoning Commissioner

A SHEET OF SHEET AND			126 C 2019 C 101		
В	ALTIMORE C	OUNTY.	MARYLAND		
	INTER-OFFIC	E CORRESPON	NDENCE	#5	239 RX
ROM George E.	Gavrelis, Depaty D	irector	DateApril	5, 1961	X
O John G. Ro	se, Zoning Comiss	ioner		1	MAP
UBJECT #5239-F¤	R-6 to B-L. Spe Gasoline Service corner of Dogwoo Donald J. & Viol	Station. So	thwesternmost		MAP #1-B BL-X 410/01
1st District		1/19/61	at 1:00 P.M.	\	416/61
subject petiti	ff of the Office o on for soning recl advisory commont t	assification	d Zoning has rev and special exce	iewed the ption and	1
1	A Master Plan a	he staff as I	thin that part the Western Plann nsive map showin ary 28, 1961 by t	g proposed	re-

soning was adopted on February 25, 1961 by the Flanning Bown after public hearings. The map showing proposed re-soning is in the process of being transmitted to the Gounty Gouncil for legislative action. The comprehensive proposals for soning as adopted by the Flanning Board do not indicate the appropriateness of the subject reperty for commercial

2. In light of the land use policy set by the Planning Board in its adoption of the Western Planning Area Master Plan, the staff cannot support the proposed reclassification. Since further action on soning for the area will be undertaken by the County Council, it appears that the score proposed approach to re-soning on the part of the petitionary would be to bring ils case before the Council for possible andimation on the new soning map, rather than, to petition for reconing on a piecessal basis?



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FROM	A George R. Lewis	Date April 18, 1961
TO	John Rose	

The entrances shown on the plan attached to this Petition do not conform with Baltimore County Standards.

It is requested that any zoning of this property be made subject to approval of site plans by the Office of Planning and Department of Public Works.

Storge R. Lewis Chief Bureau of Public Services

SUBJECT Zoning Petition 5239 RX



BALTMORE COUNTY, MAR LAND

No. 4256 OFFICE OF FINANCE DATE 2/8/61

COURT HOUSE
TOWSON 4, MAX LAND

To: Rebert J. Remadka, Esq., 821 Eastern Avenue, Baltimore 21, Md.

Zoning Papartment of Baltimore County 113 County Office Bldg., BILLED

Gost of patition for reclassification - S.S. Cor. Degreed Hoad and Clark Ave., 1st District 50.00 2-861 5430 # # + 1)P-_a-_061 5 4 3 0 · · · * 1/9--

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 REMINIANCE.

CERTIFICATE OF POSTING

ZONING D	EPARIMENT OF BALTIMO	DRE COUNTY	
,	Towson, Maryland		75239
District 2 mel		Date of Posting.	3-28-61
Posted for Con A-63 and to	un B-1 3000.	+ Hawling.	Sewie Station
Petitioner: donale J. 1.V.	elit & Ellico	1,000	7 . 7
Su Blub	g Noyword NO	I Clarice	664.16
Posted to: Live K-6 3 and lo Petitioner Stores and J. 4 Moss Location of property: S. M. Carsel S. L. Pland Location of Signs De Me 25920 And Black a Where	2 San Henrit Co	annel N	ogsverol stef
Remarks:			
Posted by Surge R. H.	Date of	of return: 3-	29-91

No. 4725 OFFICE OF FINANCE DATE 5/25/61

COURT HOUSE

Robert J. Romadka, Esq., 821 Eastern Avenue Essex 21, Mi.

BILLED

			TOTAL AMOUNT
ACCOUNT 140. 01.6	DETACH UPPER SECTION AND RETURN WITH YOUR REMI	ITTANCE	C067
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	5-2661 4916 ·	TYL +	75.00
3	#		1,000

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

> This is another zoning proceeding, which has pursued more or less of a "zigzag" course since its institution. Appellants, as the owners of a parcel of land in Baltimore County, applied to the Zoning Commissioner for a change of classification of said parcel from an R-5 Residential Zone to a B-L Commercial Zone and a special exception for a gaso ine station, and said application was denied by the Commissioner. Petitioners appealed to the Board of Appeals, and that Board, in a two-to-one decision, reversed. Thereupon, the appellee here entered an appeal to the Circuit Court, and the trial judge reversed the decision of the Board. The appeal to this Court followed.

The question to be decided is whether the action taken by the Board was fairly debatable, or was it arbitrary and capricious in a legal sense, bocause it lacked substantial evidence to support it?

The appellants rely principally upon a "change of neighborhood" to support the action of the majority of the Board. The appellee filed no brief, and, from the record extract and the exhibits contained therein, it is difficult to state, with accuracy, the exact zoning of some of the surrounding and neigh-

It seems that the subject property (103 by 155 feet) is surrounded, or almost surrounded, by residentially zoned properties. It is located on the southeast corner of the intersection of Pogwood Road and Clarke Avenue, and is improved by a small dwelling. Dogwood Road, running generally in an east-west direction, is a rather narrow two-lane highway, without sidewalks Immediately to the east of the subject property and within some seven feet from its boundary line is the residence of one of the protestants. Apparently, the property further to the east along Dogwood is residential for some 2,000 feet, and then some commercial uses begin. Diagonally across Dogwood, there is a small nursary school and a small apartment house containing three apart ments, but the property immediately north of the subject property

BALTMORE COUNTY, MARQLAND TELEPHONE

OFFICE OF FINANCE COURT HOUSE TOWSON 4, MARYLAND

No. 4724 5239

DATE E/SE/61

Robert J. Remidka Maq. 521 Eastern Awanne, Beltimore 21, Md. HLLED. Building

Cost of andvertising and posting property of Donald J. Kiliott, et al No. 5230 9.1 m 3-38日 3717 : : : Wh: 188

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.

> and across Dogwood is residential. The contiguous property to the south is residential for about 150 feet, where it joins the Security Senior High School site. The bulk of this site is in a southeasterly direction from appellants' property. Its area is substantial (estimated to be some thirty acres), and it extends southeasterly on Clarke Avenue (described below) to a distance of some 1,800 to 1,900 feet from the intersection. Further to the southeast, some 2,500 feet from the subject property, and across Security Boulevard, 120 feet wide, is the Meadows Industrial Park, on which is located the Social Security site.

> We return to the intersection of Dogwood and Clarke. Clarke Avenue is a fairly new street, and when it was constructed, appellants sold the county three to five feet of their land for its construction. It intersects Dogwood at a 90-degree angle. At the intersection, Clarke runs in a generally north-south direction, but, at a point about 500 feet south thereof, it curves in a southeasterly direction so that some of the property directly south of appellants' is across Clarke Avenue from it. Shortly to the south of the subject property runs a fair-sized stream called Dead Run. Further south at a point some 600 feet from the intersection and across Clarke Avenue is a pasoline filling station. Still further south, some 1,500 feet from the intersection, is the proposed site of a shopping center. The property immediately to the west and across Clark; Avenue is zoned residential, but, beginning about 1,400 feet west of the intersection, there are some commercial uses.

Appellants made an attempt to show a "need" in the community for the filling station, but no great weight can be afforded this testimony, for the evidence discloses at least four such stations within a radius of about one-half of a mile.

We have set forth, on innumerable occasions, the function of the Court of appeals when determining questions of reclassific tions in zoning. The Court will note zone or rezone, nor will it substitute its own judgment as to the wisdom or soundness of the

TEGEPHONE

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE on of Collection and Receip COURT HOUSE WSON 4, MARYLAND

No. 10751 DATE 1/23/62

James J. Dobarty, Egq.

QUANTITY	DITACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	\$ 12.00
	Cost of Certified Documents for Donald J. Alliott, SE/cor. Dogwood Rd. & Clarke $A_{\rm YC}$.	12,00 _
	First - Later Court on a Street House	
	1-2562 024 + • • TEL-	2.00
	3	

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

> the Board, if supported by substantial evidence. In other words, if there be room for reasonable debate as to whether the facts warranted the Board in deciding the need for its action, the decision must be upheld. For one of the many cases stating the rule, see Missouri Realty v. Ramer, 216 Md. 442, 140 A. 2d 655. Judge Marbury, for the Court, in City of Baltimore v. Sapero, 230 Md. 291, 186 A.2d 834 stated the substantial evidence test to be: "(It) means whether on the record the agency could reasonably make the finding. This is the extent of the reviewing court's inquire."

> > The trial judge stated:

"In my opinion, there is no evidence whatever which would support the Board's action in granting this reclassification. The cost is the strength of the cost is a cost of the cost is a cost of the cost is a cost of the land use ray for t area, 'or were so far removed from the subject property as not to have any effect upon the subject property."

We agree that the record before us fails to meet the requirements of the "substantial evidence" test.

There is no suggestion of claim that the failure to grant the reclassification with the special exception would deny the property owners of all reasonable use thereof in a constitutional sense. As a matter of fact, it is presently improved by a dwelling, used by the appellants as their residence. They claim, however, that the increased traffic and new lights on Clarke Avenue render their dwelling less desirable as a habitation, but, as pointed out by Mr. Steinbock in the minority opinion of the Board "residents in other sections of the County live on thoroughfares with similar lights and it is possible to shade such lights in a manner so as to prevent glare into residences."

RE-lassification in zoning as well as original zoning must bear some reasonable relationship to the general public interest in promoting the health, safety or welfare of the commun ity. Code (1957), Article 56B § 21; Missouri Realty v. Ramer, supra; Furnace Branch Land Company v. Board of City Comm.,

It appears that this was done in November of 1962.

IN THE COURT OF APPEALS OF MARYLAND

NO. 52

September Term, 1963

DONALD J. ELLIOTT, et ux.

ROBERT A. JOYCE

Brune, C. J. Hammond Prescott

Opinion by Prescott, J.

J.T.

Filed: November 21, 1963

No. 48, This Term, just decided. Mr. Gavralis, Deputy Director of Planning for the County, who was called by the petitioners, stated that the office of Planning and Zoning is not in favor of the petition 'or reclassification and special exception because: it is not appropriate due to the surroundings; commercial changes in the area have been confined to the Security Boulavard (a street some 1,800 to 2,000 feet south of the subject property); Dogwood Poad frontage has not been changed; and it would 1- out of character with the residential surroundings (this last reason seems to be included in the first). The record as it has been presented to us, we think, cle. 'ly supports these conclusions. In addition to the facts which we set forth above, there was testimony that two schools are located in the neighborhood of the intersection of Dogwood Road and Clark Avenue, and there is a school bus stop at the intersection. These factors contribute to producing a heavy pedestrian traffic, and, since Dogwood has no sidewalks and accommodates but two lanes of traffic, Mr. Steinbock was of the opinion that the, "turn in movements to and from the proposed service station * * * would tie up traffic in both directions (on Dogwood) and create hazards which are not presetnly existing at this point."

We hold that "on the record" before us, the Board could ot "reasonably make" the reclassification and grant the special exception. Therefore, its action in so doing was arbitrary and capricious in a legal sense. To permit a gasoline station in the esidential surroundings of the subject property would not promote the safety, health or general welfare of the community, but would constitute, we think, invalid "spot coming." Baylis v. City of Baltimore, 219 Md. 164, 148 A. 2d 429; Hewitt v. County Comm'rs. 220 Md. 48, 151 A. 2d 144.

ORDER AFFIRMED, WITH COSTS.

ROBERT J. ROMAD

RE: PETITION FOR RECLASSIFICATION District ald J. Elliott-Petitioner

COUNTY BOARD OF APPEALS

BALTIMONE COUNTY No. 5239-HX

.................

The petitioner sacks reclassification of a rectangular tract of ground on the Coutheast corner of Dogwood Road and Clarke Avenue in the Pirst District of Baltimore County. The petitioner also seeks a special exception if this petition is granted, for the erection of a gasoline service station on the subject property for which the Socomy-Mobil Cil Company has an option to purchase

Mr. Donald J. Elliott, the owner of the instant property gav testimony to the effect that the tract of ground in question is bounded on the west by Clarke Avenue which is 70-80 feet wide at this point, the said Clarke Avenue having been recently widened to this width as an access road to the Sc_ial Security Building, Woodlawn Senior High School, Whitehead Injustrial Park, as well as being a cut-off road for traffic proceeding to Ingleside and Edmondson Avenue. At the same time that this road was widened, mercury vapor lights were installed on Clarke Avenue. The necessary property for the widering of Clarke avenue on the east sile was purchased from Mr. Elliott materiall, cutting down the lawn space of his home. Some 2500 feet from Mr. Elliott's residence is the Johnny Unites Bouling Alleys, two gas stations are located on Daynn Oak Avenue. One Hundred-Pifty feet to the north running off Clarke Agenue in a westerly direction is an entrance to the Whitehead Metal Products plant and Whitehead Industrial Park.

Mr. Hobert C. Lose, an employee in the Bureau of Engineering of Baltimore County, testified that it was necessary to make major road ments in this area due to the increase traffic brought to the area by the Social Security Building, as well as future development which accompanies a major governmental agency. Mr. Lese testified further that Clarke Avenue would be eventually a major traffic artery carrying north-south

BEFORE

No. 5232-27

RE: PETITION FOR MECLASSIFICATION AND SPECIAL EXCEPTION for Gasoline Service Station Southeast corner of Dogwood Rd., and Clarke Avenue lst District Donald J. Elliott -Petitioner

COUNTY BOARD OF APPRAIS BALTIMORE COURTY

DISSENTING OPINION

This is a petition for reclassification from #R-6# to #R-7# and Special Exception for a Gasoline Service Station on the southeast corner of Dogwood Road and Clarke Avenue in the First District.

The subject tract is 103 feat by 155 feet and is improved by a residence occupied by the petitioner. Clarke Avenue is a relatively new street and was constructed to provide access to the Social Security Building and the Woodlawn Senior High School which is approximately 150 feet south of the subject property.

The principal reasons cited by the petitioner in bohalf of his request for reclassification and special exception were the amount of traffic on Clarke avenue, the bright street lights erected on the new street. and the commercial changes in the area

Certainly the County would not have borne the expense of cutting a new streat through if it were not expected to carry a reasonable amount of traffic. Residents in other sections of the County live en thoroughfares with similar lights and it is possible to shade such lights in a manner so as to prevent glare into residences. The commercial changes have all been confined to the Security Boulevard area and are separated from the residential area by a stream, Dead Rin.

Mr. George E. Gavrelis, Deputy Director of Planning, testified that the Office of Planning and Zoning is not as favor of the petition for reclassification and special exception because

- 1. It is not appropriate because of the surroundings.
- 2. Changes in the area have been confined to the Security Boulevant
- 3. Dogwood Road frontage has not been changed,
- 4. It would be out of character with the residential surroundings.

Mr. George E. Gavrelis, Deputy Director of Planning, testified that the Planning Board adopted the Master Plan on November, 1959, which encompaged this area and that it was not planned for the subject property to be commercial. He testified that the neighborhood has had many land use changes but in his opinion they have been confined to the area on Social Security Boulevard, and had not affected the Dogwood Road frontage.

Property owners in the 6500 and 6600 block Dogwood Road voiced their objections to the use of subject property for commercial use. Mrs. Alvenea Simpson, 6610 Dogwood Road, testified that industrial uses and the Social Security Building had sotten in ahead of planning in the area and had caused many problems. She stated that she would probably not buy her property today under present conditions. Other residents of the area as well as Mr. Robert A. Joyce, representing the North Folling Road Improvement Association, seem to be of the opinion that traffic has had an adverse effect on residential uses -- part of this adverse effect being caused by the tractor going to the industrial properties in the immediate area.

The majority members of the Board are of the opinion that many changes have taken place in this area since the adoption of the Zening Man for this area in 1945. The building and completion of the Social Security Building, along with the Social Security Boulevard, and other roads in the area brought heavy traffic and have changed what once was a quiet country community. There is no question that when the residents in the 6500 and 6600 block Dogwood Road built their homes that they had every right to expect a country atmosphere to continue. The development of the Whitehead Insustrial Park with an entrance off Clarke Avenue--just some 150 feet from the subject property, cannot be overlooked. The commercial uses in the area such as the bowling alley, drive-in bank, and gasoline tations have further changed the character of the neighborhood. It seems only reasonable to expect that the widening of Clarks Avenue, the deletion of property from Mr. Elliott's tract of land, the new wapor lights on Clarke Avenue, have he a detrimental effect on the value and desirability of the subject property for residential use.

Protestants who reside in the area objected to this netition on the grounds that it would adversely affect the general welfare of the community and the public safety. It was pointed out that two schools in the neighborhood cause a heavy pedestrian traffic at this intersection. There is a school bus stop at this corner. Furthermore, it was testified that Dogwood Road has no sidewalks and is wide enough for only two lanes of traffic. Turn in movements to and from the proposed service station on Dogwood Road would tie up traffic in both directions and create hazards which are not presently existing at this point.

The owner of the property on Dorwood Road adjoining the subject tract stated that her home was located only seven feet from the side boundary of her lot adjoining the proposed service station.

It is the opinion of this Humber of the Board of Appeals that the petitioner has failed to show an error in original zoning or sufficient change in the neighborhood so as to warrant reclassification; and furthermore that the granting of this special exception would be contrary to paragraphs A and H of Section 502.1 of the Zoning Regulations of Baltimore County.

For the reasons set forth above, it is the opinion of this Member of the Board of Appeals that the reclassification and special exception potitioned for should be denied.

DATE: Accusher 14, 1961 Grantes Steinbook, Jr.

The majority members of the Board are of the opinion that the changes outlined above are such in number and character to warrant the reclassification of subject property. With regard to the special exception for a gasoline service station, it is difficult to see how the granting of this special exception would in any way violate Section 502.1 of the Baltimo County Zoning Regulations.

It is therefore, the majority opinion of the Board that both reclassification and special exception for a gasoline service station should be granted with the following restrictions:

- 1. The building must be built in conformity with the plans presented with the petitioner's Exhibit #18.
- 2. Evergreens must be planted on the eastern boundary of the subject property; from the rear lot like in a southerly direction so that the southerness twenges is in like with the front building like of property known as 600 Degreed Roud. Those evergreens to be along feet in beight at the time of planting and planted no less than 6 feet spart.
- Evergreens to be placed on the northern property line of the subject property for its entire width of 150 feet. Height and spacing to coincide with restriction # 2.
- h. All outside flood lights should be focused in such a way that the glare of said lights will not be focused on any residential properties.
- 5. A trash enclosure shall be built on the rear of the building -- such trach enclosure to have simil construction as the service station itself.
- The hours of said service station shall not be before 7:00 A.M. in the morning nor later than 10:00 P.M.

ORDER

this 14th day of December 2 day of December, 1961 by the County Board of Appeals, ONDERED that the reclassification and special exception petitioned for, be and the same is hereby granted.

Any appeal from this decision must be in accordance with Rule No. 110) of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY DOARD OF APPEALS

Quellas n/a

It is this 2644 day of April, 1961 by the Coning Commissioner of Baltimore County, CREATO that the aforesaid patition for reclassification from an "7-6" Zone to L "B-L" Zone and the Special Exception for a Gasoline Carvico Station are hereby denied.

> a Soning Commissions of

RE: PETITION FOR REGLASSIFICATION : from an "R-6" Zone to a "R-L" Zone and Special *coption for Seatler Service Station - 5. E. Cor. Dogsood Read and Chrise Ave., 1st District - Donald J. Elliott and Violet BEFORE ZONDIO COMISSIONER CP. J. Elliott. Potition BATTHORS COUNT No. \$239-70X

Upon hearing on the above potition (1) for reclassification from an "R-6" Zone to a "B-L" Zone and (2) for a special exception to use the property described therein for a qualine service station, the western area land use map having been approved by the Planning Board of Baltimore County and will presently be want to the County Council of Boltimore County, to consider a change in classification under the circumstances would secunt to 'piece-wal' soning.

In the case of Zirm ve the Board of Zoning Appeals 207 Md. 359, the Court of Appeals maid:

when it is argued that an unenticipated need has daveloped, this presupposes a fault in the original plan, that should be ideally corrected by a resurvey of the land use map, rather than by 'picco-meal' alteration."

And further on Page 363:

The fundamental objection lies in the fact that The fundamental edgesten lies in the rast was there is appropriately on its of existence, where is appropriately land to make the Disk, a truly comprehensive land to make the position of which "photo-coast" adjustment in the position of which "photo-coast" adjustment of the production of which "photo-coast" adjustment and producture, in which one proceed compliance and producture, in which one proceed positions and producture, in which one proceed to committee objectively use large range purposes. "

For the above reasons the potition is denied.



