

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Luther E. Bell and Margaret Bell, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-2 zone to an R-1 zone; and (2) for the following reasons:

To permit the erection and operation of a gasoline filling station.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Gasoline Service Station.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and/or 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.

Grown Central Petroleum Corporation

Luther E. Bell

Contract purchaser

Margaret Bell

Legal Owner

Address: 1022 South Clinton St., #20

Address: 1022 South Clinton St., #20

Remedial 22 Md

George D. Edwards
Petitioner's Attorney
Atty 5-0800

Address: 1001 Pennsylvania Building, Baltimore, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of March, 1961, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 25th day of April, 1961, at 1:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

1-EACH

GEORGE D. EDWARDS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
3000 SUMMITWAY
BALTIMORE 20, MARYLAND
ATLANTA 3-0800

May 18, 1961



John G. Dose
Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Luther E. Bell and Margaret Bell property -
S. W. Corner Merritt Boulevard and Meadow Lane

Mr. Commissioner:

Please enter an Appeal on behalf of Luther E. Bell and Margaret Bell, owners of the above captioned property from a decision rendered by you on May 10, 1961.

I am enclosing herewith a check in the amount of \$70.00, representing costs.

Very truly yours,

George D. Edwards
George D. Edwards

GDS/ds

Enc.

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-2" Zone to a "B-1" Zone
and a Special Exception
for a Gasoline Service Station
S. W. Cor. Merritt Boulevard and
Meadow Lane, 12th District -
Luther E. Bell and Margaret Bell,
Petitioners

BEFORE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

No. 5245-RX

Upon hearing on the above petition (1) for reclassification from an "R-2" Zone to a "B-1" Zone and (2) for a special exception to use said property for a gasoline service station, the subject property was considered before for commercial use and was denied January 21, 1955. At that time neither sufficient error nor change had taken place to warrant a change in zoning.

At the present time the nearest commercial property to the petitioner's property is 900 feet to the north and 1300 feet to the south. There is no commercial property to the east or west for a great distance.

There has been no change or error since January 21, 1955 when the Deputy Zoning Commissioner made his decision or from the date of the adoption of the Twelfth District Zoning Map on May 1, 1956 to warrant a change in zoning.

For the above reasons the reclassification and special should be denied.

It is this 10th day of May, 1961, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition, the first for reclassification from an "R-2" Zone to a "B-1" Zone and, second, for a special exception for a gasoline service station, be and the same is hereby denied.

George D. Edwards
Zoning Commissioner of
Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#5245

District: 12th Date of Posting: 10-26-61
Posted for: George D. Edwards
Petitioner: Luther E. Bell and Margaret Bell
Location of property: S. W. Cor. of Merritt Blvd. & Meadow Lane
Location of Sign: Opposite Corner of Merritt Blvd. and Meadow Lane
Remarks: None
Posted by: George D. Edwards Date of return: 10-27-61

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#5245

District: 12th Date of Posting: 11-6-61
Posted for: George D. Edwards
Petitioner: Luther E. Bell
Location of property: S. W. Cor. of Merritt Blvd. and Meadow Lane
Location of Sign: Opposite Corner of Merritt Blvd. and Meadow Lane
Remarks: None
Posted by: George D. Edwards Date of return: 11-7-61

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-2" Zone to a "B-1" Zone
and SPECIAL EXCEPTION for a
Gasoline Service Station on the
northwest corner Merritt Blvd. and
Meadow Lane - 12th District
Luther Bell - Petitioner

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 5245-RX

The subject petition is for a reclassification from a "R-2" zone to a "B-1" zone with a special exception for a Gasoline Service Station on the northwest corner of Merritt Boulevard and Meadow Lane in the Twelfth District of Baltimore County.

The subject property is completely surrounded by residential properties which are now partially developed. There is no commercial property within 900 feet to the north or to the south, and no commercial property to the east or west that would place any great significance to the petitioner's contention that the subject property should be reclassified.

Mr. George E. Gavrulis, Deputy Director of Planning and Zoning of Baltimore County, submitted testimony that in his opinion the surrounding area on the westerly side of Merritt Boulevard was an area zoned exclusively for residential purposes, and that there were no non-residential uses in the area compatible to that use which the petitioner seeks. The petitioner went to great lengths to show zoning changes in the area, however, none of the changes referred to had any effect upon the subject petition in the opinion of this Board. It is inconceivable that the petitioner's request would fit harmoniously with any of the existing uses which now dominate the neighborhood.

We must reiterate at this time that it is not within providence of this Board to determine the potential land uses in a given area as the petitioner has asked us to do, but merely to decide upon the weight of existing facts, such as change or error, in order to effect any reclassification, and in the subject case, the Board is unanimous in its opinion that to accede to the petitioner's request would unquestionably create a usage not compatible with the subject area and would in effect be "spot zoning."

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day of March, 1962, by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby denied.

-2-

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William H. Steinbock
CHAIRMAN

W. Mitchell Austin

NOTE: Mr. Steinbock did not sit at the hearing.

CERTIFICATE OF PUBLICATION

APRIL 6 1961
TOWSON, MD.
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 one successive weeks before the 26th day of April, 1961, the first publication appearing on the 6th day of April, 1961.

The COUNTY Paper, Inc.

Manager

TELEPHONE
CHESAPEAKE 3-7801

W. LLOYD WALLACE
SURVEYOR AND CIVIL ENGINEER
REGISTRATION NO. 62
3305 THE ALAMETTA
BALTIMORE 18, MD.

March 14, 1961

Beginning for the sure at the intersection of the division line between Lots 84 and 87 on the Plat of Dundalk Farms, recorded among the Land Records of Baltimore County in Plat Book L.M.O.L.M. No. 10, folio 53 and the northeast side of Meadow Lane, as widened in accordance with a deed from Luther E. Bell and Mary Bell to the County Commissioners of Baltimore County, recorded among said Land Records in Liber C.W.S. No. 2471, folio 549, and running thence, binding on said northeast side of Meadow Lane, South 59°-51'-30" East 104.15 feet, thence still binding on the lines of said deed, North 73°-50'-25" East 72.30 feet to the northwest side of Merritt Boulevard, thence, binding on said northeast side of Merritt Boulevard and on the lines of said deed, Northeasterly by a line curving to the left with a 11,399.16 foot radius the distance of 104.47 feet, which arc is subtended by a chord bearing North 27°-16'-17" East 104.46 feet to the northeast side of said Plat, thence, binding on the northeast side of said Plat, North 59°-33'-30" West 149.87 feet to the southeast side of said Lot 87, thence, binding on the southeast side of said lot, South 50°-08'-30" West 187.39 feet to the place of beginning. Being a portion of Lots 84, 85 and 86 on said before mentioned Plat of Dundalk Farms. Being the property of Luther E. Bell and Margaret Bell, as shown on plat plan filed with the Zoning Department.

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

No. 4711
DATE 5/2/61

TO: George D. Edwards, Esq.,
6903 Dunaway,
Dundalk 22, Md.

BILLED BY: Zoning Department of
Baltimore County
113 County Office Bldg.,
Towson 1, Md.

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
	Appeals Board of Appeals - Luther E. Bell, et al	70.00
	PAID - Baltimore County, Md. - Office of Finance	70.00

3

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

No. 4530
DATE 3/27/61

TO: Bell's Food Market
100 Willow Spring Road
Dundalk 22, Maryland

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
	Petition for reclassification for Luther E. Bell	50.00
	PAID - Baltimore County, Md. - Office of Finance	50.00

3

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.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

FROM: George R. Lewis
TO: John G. Rose
SUBJECT: Zoning Petition #52h5 RX

Date: April 25, 1961

Any Special Exception granted for this property should be subject to approval of site plan by the Division of Land Development.

George R. Lewis
Chief
Bureau of Public Services

RECEIVED
APR 25 1961
BALTIMORE COUNTY
OFFICE OF PLANNING

OFFICE OF PLANNING
Inter-Office Correspondence

From: George R. Lewis, Deputy Director
To: John G. Rose, Zoning Commissioner
Subject: #52h5-RX R-6 to B-1 and Special Exception for Gasoline Service Station NW/Cor. Merritt Boulevard and Meadow Lane Luther E. Bell et al.

April 12, 1961
APR 12 61 AM

12th District
4/26/61
1:00 P.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B-1 zoning together with a special exception for a gasoline service station. It has the following advisory comments to make with respect to pertinent planning factors:

1. The subject property is located on the westerly side of Merritt Boulevard within an area zoned exclusively for residential purposes. Examination of land use data indicates the presence of no non-conforming, non-residential uses adjacent to the subject site.
2. The test of spot zoning is based on whether or not the proposed rezoning creates land use potentials in conformity with those of adjacent properties, whether or not the zoning being sought will enable adjacent property to develop in accordance with the potentials of the existing zoning, and whether or not the proposed petition for reclassification is in conformity with the goals of the Master Plan. The planning staff is of the opinion that commercial zoning for the subject tract will in fact create land use potentials not in conformity or in harmony with those of adjacent properties. Commercial zoning on the subject tract would be detrimental to the land use potentials of those properties adjacent to or across the street from the subject tract. The planning staff is in the process of setting up a public hearing for the Patapsco Neck Master Plan. Although comprehensive proposals for rezoning the 12th District portions of the Patapsco Neck are not being made, additional or future commercial zoning along Merritt Boulevard is not being proposed. Creation of commercial zoning for the subject tract, therefore, would not be in accordance with the Master Plan.
3. The planning staff as part of a broad and comprehensive proposal for creation of open spaces for the Dundalk community area is proposing an extensive system of open spaces starting from the Patapsco Neck Senior High School site and extending easterly to Bear Creek. Part of the subject tract may be effected by this open space proposal. Commercial zoning for the subject tract would not only be not in conformity with the goals of the Master Plan; it would be in direct contradiction with the plan's goals.

GEO:bcc

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

No. 4670
DATE 5/2/61

TO: Mr. George D. Edwards
Attorney
6903 Dunaway
Baltimore 22, Md.

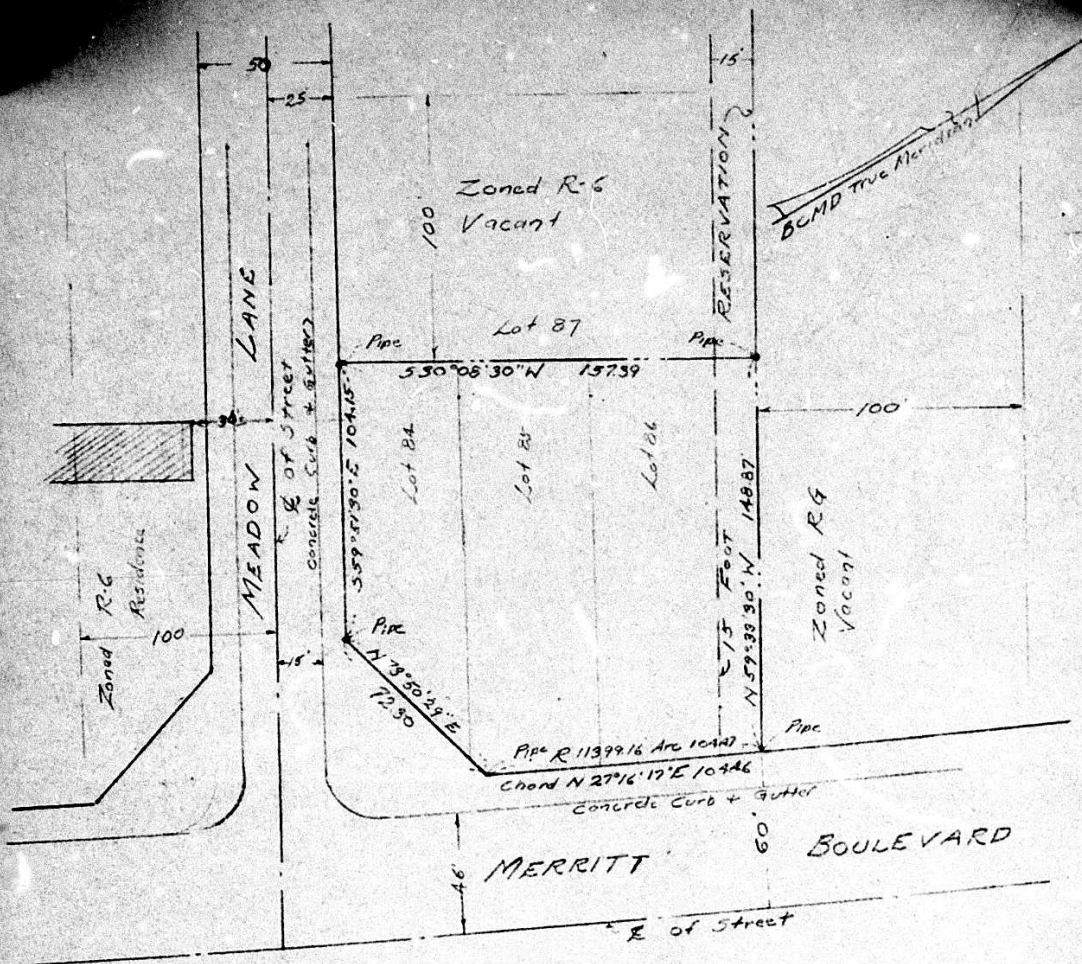
BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
	Advertising and posting of property for Luther E. Bell	39.00
	PAID - Baltimore County, Md. - Office of Finance	39.00

3

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.



Zoned R-6

Election District No 12

Area of Property 13,868 sq. ft.

Existing Use of Property Vacant

Proposed Use of Property Service Station

Present Zoning R-6

Proposed Zoning BL

Scale 1"=50 ft March 14, 1961

W Lloyd Wallace Land Surveyor 2 G.W. 5700

3205 The Alameda, Baltimore 18 Md

Reg # 63 W. Lloyd Wallace

OK Leo 3/21/61

