

RE: PETITION FOR RECLASSIFICATION
from a "B-L" Zone to a "B-R" Zone,
SPECIAL EXCEPTION for a Used Car
Lot and VARIANCE to Section 238.2
of the Zoning Regulations
NE 1/2 of Hillen Road, 105' west of
Loch Raven Boulevard
9th District
Sun Oil Company, Petitioner
Douglas W. Griffith, Contract Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5393-RXV

ORDER OF DISMISSAL

Petition of Sun Oil Company for reclassification from a "B-L" Zone to a "B-R" Zone, special exception for a Used Car Lot and variance to Section 238.2 of the Zoning Regulations on the northeast side of Hillen Road, 105 feet west of Loch Raven Boulevard in the Ninth District of Baltimore County.

Whereas the Board of Appeals, namely, Nathan H. Kaufman, Chairman, is in receipt of a telephone call on August 13th, 1963 from Robert E. McManus, Esq., attorney representing the petitioner in the above entitled matter.

Whereas the said attorney for the said petitioner requests that the appeal filed on behalf of said petitioner, be dismissed and withdrawn as of August 13th, 1963.

It is hereby ORDERED this 13th day of August, 1963 that said appeal be dismissed with prejudice as of the aforementioned date.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William H. Kaufman
CHAIRMAN

G. Mitchell Austin

DOUGLAS GRIFFITH
versus
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
AND
OLETUS D. COFFMAN
(Intervenor)

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 2625
Docket Misc. 7
Folio 188

ORDER OF COURT

The above entitled appeal having come on for hearing, counsel having been fully heard, the record having been fully read and considered by the Court, it is this 25th day of April, 1963, for reasons he refore stated in the oral opinion of the Court, by the Circuit Court for Baltimore County,
ORDERED that the Order of the County Board of Appeals of Baltimore County in the above entitled matter dated the 12th day of July, 1963 and the same Order as amended by the Order of the 23d day of November, 1962, be and are hereby reversed and remanded to the County Board of Appeals of Baltimore County for further proceedings, and it is further ORDERED that the cost of this appeal be paid by Baltimore County.

True Copy Test
ROBERT R. GILL, Clerk
W. J. Allen
County Clerk

John B. Turnbull
Judge

RE: PETITION FOR RECLASSIFICATION
from "B-L" Zone to "B-R" Zone,
SPECIAL EXCEPTION for a Used Car
Lot, and VARIANCE to Section
238.2 of Zoning Regulations -
Sun Oil Company - Petitioner;
Douglas W. Griffith,
Contract Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5393-RXV

AMENDMENT TO ORDER

Due to a clerical error relating to this Board's Opinion of July 12, 1962 certain facts concerning the above stated hearing were not included in the written opinion. Therefore, the Board of Appeals constituting G. Mitchell Austin, Esq. and Charles Steinbock, Jr. (Mr. Nathan H. Kaufman being ill as of this date) make the following amendment to the above stated order:

The counsel for the protestants made a motion asking that the appeal be dismissed on the grounds that the original property owner, i.e. the Sun Oil Company, was not a party to the proceedings before this Board and that said acquiescence by the said property owner was necessary in order to constitute a valid appeal.

The Board feels that the protestants contention is a valid one and under the Baltimore County Regulations pertaining to Zoning, a contract purchaser per se, i.e. Griffith, cannot be the sole party to a proceeding. Therefore, the protestants motion for dismissal was granted.

It is hereby ordered on this 23rd day of November, 1962 that the above captioned Amendment to Order be a part of the July 12, 1962 written order.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles Steinbock
G. Mitchell Austin

RE: PETITION FOR RECLASSIFICATION
from "B-L" Zone to "B-R" Zone,
SPECIAL EXCEPTION for a Used Car
Lot, and VARIANCE to Section
238.2 of Zoning Regulations -
Sun Oil Company - Petitioner;
Douglas W. Griffith,
Contract Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5393-RXV

OPINION

The petitioner, the Sun Oil Company, seeks to reclassify a tract of ground in the Ninth Election District of Baltimore County on the northeast side of Hillen Road, 105 feet west of Loch Raven Boulevard, from Business Local to Business Roadside with a special exception for a Used Car Lot, and variance as set forth in Section 238.2 of the Zoning Regulations of Baltimore County.

The instant case is obvious, even to the untrained eye, to represent what is commonly known as "spot zoning". The subject property is surrounded on the west, north, and east by property zoned Business Local, and on the south by Geacher Boulevard—a dual lane traffic artery. To the east is a Sunoco Service Station, to the north is a Shopping Center, and to the west a business enterprise more commonly known as a Miniature Golf Course.

The Board has only to take into consideration that the petitioners request for a "B-R" Zone would be a use that would not be in any way harmonious with surrounding uses now in existence. Further still, if such a use were put into operation, it would unquestionably be detrimental to the surrounding property owners.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of July, 1962, by the County Board of Appeals, ORDERED that the reclassification, special exception and variance petitioned for, be and the same is hereby denied.

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

Nathan H. Kaufman
CHAIRMAN

G. Mitchell Austin

Charles Steinbock

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

No. 9766
DATE 12/13/61

REPORT TO ACCOUNT NO.	DETAIL UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY		
	Cost of appeal to County Board of Appeals	770.00
	2 signs for posting property for appeal hearing	10.00
	Publication No. 5393-RXV	
		780.00

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

No. 10761
DATE 9/10/62

REPORT TO ACCOUNT NO.	DETAIL UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY		
	Cost of Certified Document for - No. 5393-RXV Douglas W. Griffith NE 1/2 Hillen Road, 105' west of Loch Raven Boulevard 9th District	\$7.00
		7.00

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.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 10-25-61
Posted for: *George R. Hammond*
Petitioner: *Sun Oil Company*
Location of property: *N.E. 1/2 of Hillen Rd. 105 ft. west of Loch Raven Blvd.*
Location of Sign: *N.E. 1/2 of Hillen Rd. 105 ft. west of Loch Raven Blvd.*
Remarks: *George R. Hammond* Date of return: 10-26-61

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 3-21-62
Posted for: *George R. Hammond*
Petitioner: *Sun Oil Company*
Location of property: *N.E. 1/2 of Hillen Rd. 105 ft. W. Loch Raven Blvd.*
Location of Sign: *N.E. 1/2 of Hillen Rd. 105 ft. west of Loch Raven Blvd.*
Remarks: *George R. Hammond* Date of return: 3-22-62

Re: Petition for Reclassification
Special Exception and Variance
to Zoning Regulations - N.S.
Side of Hillen Road 105' W. Loch Raven
Boulevard, 9th Dist., Sun Oil Co.,
Petitioner - Douglas W. Griffith,
Cont. Pur.

Mr. John G. Rose,
Zoning Commissioner
113 County Office Bldg.,
Towson 4, Md.

Mr. Commissioner:

Please enter an appeal from your decision
in the above matter and transmit all papers and records to the
County Board of Appeals.

Douglas W. Griffith
Douglas W. Griffith, Cont. Pur.
6708 Monkirk Road,
Baltimore 12, Md.

Dec. 13, 1961.



PROPERTY SURVEYS IN CITY OR COUNTY
DEVELOPING SUBURBAN PROPERTIES A SPECIALTY
BUILDING PLANS OF ALL KINDS FURNISHED
TYPOGRAPHICAL SURVEYS
SURVEYS FOR EXCAVATING

WILLARD M. LEE
REGISTERED CIVIL ENGINEER
4604 MAINFIELD AVENUE
BALTIMORE 14, MARYLAND

September 27, 1961

N.E. 1/2 Hillen Road N.W. Loch Raven Bl.d.
9th District Baltimore County, Maryland

Beginning for the same on the northeast side of Hillen Road the
three following courses and distances along the northeast side of Hillen
Road as widens from the point of curve intersection of the northeast side
of Hillen Road with the northwest side of Loch Raven Blvd. as follows:-
North 59 degrees 58 minutes 10 seconds West 38.36 feet, North 30 degrees
01 minute 50 seconds East 4.12 feet and by a line curving to the right for
a distance of 66.79 feet and running thence binding on the northeast side
of Hillen Road by a line curving to the right for a distance of 20 feet to
a point 5 feet southeast of the northwest outline of the whole parcel of
land of which the land now being described is a part thence leaving Hillen
Road and running parallel with the northwest outline of said whole parcel
of land North 33 degrees 56 minutes 24 seconds East 77 feet thence running
North 57 degrees 59 minutes 09 seconds West 5 feet to intersect the north-
west outline above referred to thence running and binding on part of said
outline North 33 degrees 56 minutes 24 seconds East 142 feet to the north-
east outline of said whole parcel of land thence running and binding on
part of said northeast outline South 56 degrees 05 minutes 50 seconds East
51 feet thence leaving the northeast outline for three new lines of division
as follows:- South 34 degrees 21 minutes 20 seconds West 140.35 feet,
North 57 degrees 59 minutes 09 seconds East 25 feet and South 33 degrees
56 minutes 24 seconds West 77 feet to the place of beginning.



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

No. 8245
DATE 11/15/61

TO:	Robert J. Rosenthal, Esq. 825 Eastern Ave. Baltimore 21, Md.	BY:	The Zoning Department of Baltimore County
REPORT TO ACCOUNT NO.	01422	TOTAL AMOUNT	\$35.50
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST	
	Advertising and posting of property for Sun Oil Co.		35.50
			11-15-61 3550
			11-15-61 3550

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

No. 8149
DATE 9/29/61

TO:	Douglas W. Griffith 6728 Glenkirk Road Baltimore 12, Maryland	BY:	Zoning Department of Baltimore County
REPORT TO ACCOUNT NO.	01422	TOTAL AMOUNT	\$50.00
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST	
	Petition for Reclassification & Variance to Sun Oil Company property		50.00
			11-15-61 3550
			11-15-61 3550

**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. October 26th 19 61
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 200 successive weeks before the 15th day of November 19 61, the first publication appearing on the 26th day of November 19 61.
The COUNTY Paper, Inc.
Manager

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The COUNTY Paper, Inc.
Manager

Re: Petition for Reclassification from "B-1" Zone to "B-2" Zone; Special Exception for Used Car Lot and Variance to Section 238.2 of the Zoning Regulations - Sun Oil Co., Petitioner - Douglas W. Griffith, Cont.Pur.
BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5393-REV

Upon hearing on the above petition (1) for reclassification of property on the northeast side of Hillen Road 105 feet west of Loch Raven Boulevard, from a "B-1" Zone to a "B-2" Zone; (2) for a special exception for a Used Car Lot and (3) for variance to Section 238.2 of the Zoning Regulations to permit a rear yard of 10 feet instead of the required 30 feet and a side yard of 0 feet instead of the required 30 feet, and it appearing that by reason of location, the safety, health and the general welfare of the locality would be detrimentally affected, the petition should be denied.

The County Board of Appeals of Baltimore County denied a reclassification from a "B-1" Zone to a "B-2" Zone on the property at the southwest corner of Loch Raven Boulevard and Taylor Avenue. This Order of the Board was affirmed by Judge John O. Turnbull of the Circuit Court for Baltimore County on September 21, 1960. Testimony did not indicate that there has been any change in the area since September 21, 1960.

In addition, the area for which the zoning is requested is only 51 feet wide by 11 1/2 feet in depth. This would place a very small business roadside area in the midst of a large business local area, said business local area consisting of all four corners at Loch Raven Boulevard, Taylor Avenue and Hillen Road.

For the above reasons the reclassification, special exception and variance should be denied.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION
#5393 REV

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Sun Oil Company, legal owner, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an BL zone to an BR-XV zone, for the following reasons:

a used car lot
lot 3382 - 10' rear yard instead of 30'
lot 3382 - 10' side yard

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 USED CAR LOT

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 of Baltimore County.

Douglas W. Griffith
6728 Glenkirk Road
Baltimore 12, Maryland
Robert J. Rosenthal
825 Eastern Ave.
Baltimore 21, Maryland
SUN OIL COMPANY BY: P.S. Goshen
Am. Oil Company
Legal Owner
Address: 1910 Russell Street
Baltimore, Maryland

ORDERED BY The Zoning Commissioner of Baltimore County, this 29th day of September, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of November, 1961, at 9:00 o'clock A.M.

OFFICE OF PLANNING AND ZONING
Inter-Office Correspondence

Date November 3, 1961

To: Mr. John G. Rose, Zoning Commissioner
From: Mr. George E. Gavrellis, Deputy Director
Subject: From B-1 Zone to B-2 Zone. Petition for Special Exception for Used Car Lot. A Variance to permit rear yard of 10 feet instead of the required 30 feet; rear yard of 0 feet side yard instead of the required 30 feet. Northeast side of Hillen Road 105 ft. west of Loch Raven Boulevard.
9th District
Wednesday, November 15, 1961 (9:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a zoning reclassification and special exception for a used car lot as well as variances to the side and rear yard setback requirements. It has the following advisory comments to make:

- The 9th District zoning map established B-1 zoning on the four corners of the Loch Raven Boulevard, Taylor Avenue intersection. Creation of business roadside zoning would result in land use potentials for the subject property which would be less restrictive than are those on adjacent properties. As such, inharmonious land use and zoning relationship would exist in this area which primarily is for neighborhood shopping center purposes. The Planning staff believes that B-2 zoning here truly would constitute spot zoning.
- Special Exceptions are governed by the conditions of Section 502.1 of the Zoning Regulations. They also are judged as to whether or not the specific use being sought is in harmony or conformity with those of adjacent properties and whether or not requested use is appropriate. The Planning staff doesn't believe that a used car lot on the subject property would be in appropriate use. It is to be noted that the property already enjoys a special exception for a gasoline service station and that the granting of this petition would result in the application of two (2) special exceptions simultaneously. The Planning staff also is concerned with the implications of traffic circulation in terms of the entire width of the lot and the possible conflicts between service station traffic and used car lot traffic. We question whether or not combined access of the two facilities will tend to create competition or undue hazard on Loch Raven Boulevard and Taylor Avenue.

OFFICE OF PLANNING AND ZONING
Inter-Office Correspondence

Date November 3, 1961

To: Mr. John G. Rose, Zoning Commissioner
From: Mr. George E. Gavrellis, Deputy Director
Subject: From B-1 Zone to B-2 Zone. Petition for Special Exception for Used Car Lot. A Variance to permit rear yard of 10 feet instead of the required 30 feet; rear yard of 0 feet side yard instead of the required 30 feet. Northeast side of Hillen Road 105 ft. west of Loch Raven Boulevard.
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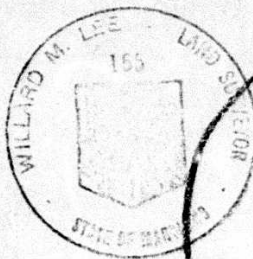
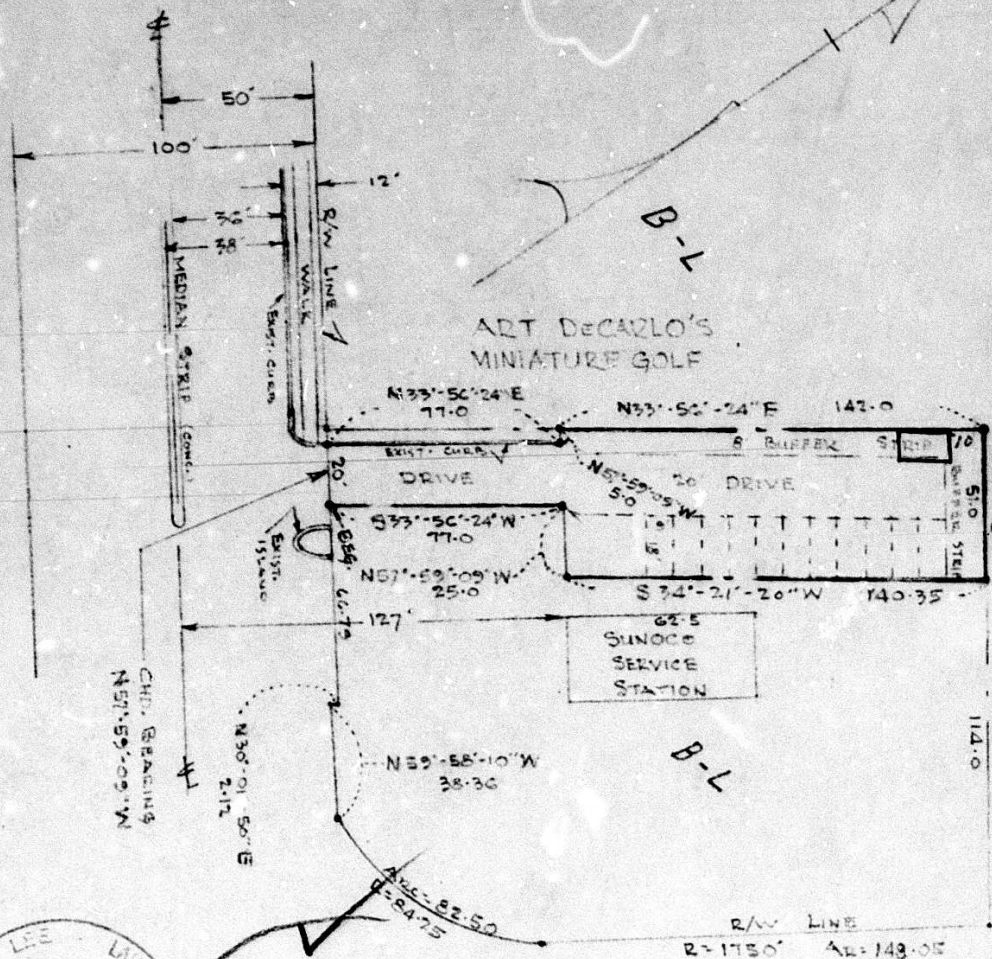
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It is this 16th day of November, 1961, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for reclassification from a "B-1" Zone to a "B-2" Zone; a special exception for a Used Car Lot and a variance to section 238.2 of the Zoning Regulations, should be and the same is hereby denied and the above described property or areas should be and the same is hereby continued as and to remain a "B-1" Zone.

Douglas W. Griffith
Zoning Commissioner of
Baltimore County

HILLEN ROAD
(TAYLOR AVE) B-L

B-L GIANT FOOD SHOPPING CENTER
(PARKING LOT)



#5393-RXV

MAP

#9

SEC. 3-C

LOCH

RAVEN

BLVD.

To JOPPA RD. →

9TH DISTRICT BALTIMORE CO., MARYLAND
SCALE: 1"=50'

PRESSENT USE - NONE
PROPOSED USE - USED CAR LOT
PRESSENT ZONING - B-L
PROPOSED ZONING - B-R

AREA - 8,711.4'

APPROVED FOR FILING

Reviewed By G.D.

Date 9/29/61

REG. CIVIL ENGR.

