RE: PETITION FOR RECLASSIFICATION from an R-6 zone to a B-L zone, SPECIAL EXCEPTION for a Gasoline Service Stution, and Special Hearing to permit porking in a residential zone, NW corner Kenwood Avenue Hazelwood Avenue Hazelwood A 14th District Minna B. Dreher, et al

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY #11\*14 A No. 64-155-RX-SPH

## OPINION

This matter comes before the Board of Anneals on the goneral of Minna R Dreher, et al, who seek reclassification from R-6 to B-L of approximately 8.9 acres on the southwest corner of Kenwood and Hazelwood Avenues in the Fourteenth Election District of Baltimore County. The petitioners are also seeking a special exception for a gasoline service station for a small portion of the subject tract containing approximately eight-tenths of an acre, being that portion on the extreme southwest corner as indicated on petitioners' exhibit 11, and a special hearing to permit parking in a residential zone.

The petitioners have not requested reclassification from R-6 to B-L of that strip bordering on Hazelwood Avenue from the extreme western boundary line of the subject property, running approximately 388 feet in an easterly direction and having a death of approximately 100 feet. The petitioners propose to use this area solely for parking in conjunction with the over-all commercial use of the property and have, therefore, asked for the special hearing to permit parking in this area which is to remain residential.

The subject property is presently a large open field on which exists about three old wood frame structures, dating back as far as seventy-five years (see petitioners' exhibits 4-D, 4-E and 4-I). The property is bounded on the north by a six acre tract owned by the brother of Mrs. Dreher on which there exists a cottage with a printing operation in the basement; to the west there is a vacant field containing eight or nine acres; to the south exists a assoline service station with a beauty parlor behind it, and running in a southerly direction along Kenwood Avenue from the aforesaid assoline service station is a strip containing several service stations and other commercial operations: the property to the east of the subject tract is presently zoned R-6 and there is a house just across the street and to the south of the subject property.

The petitioners presented testimony showing a proposal to improve only about one half of the subject tract for commercial use at this time (see petitioners' exhibit \*1). The plans provide for the construction of a gasoline service station, a super-market, and four other retail stores, the architecture of all the aforesaid buildings to be of a colonial

#64-155 PX #64-155 PX# 1 ony and exhibits pre

reclassifications from residential to commercial have been granted within a two block radi of the subject property since the adoption of the land use map on January 2, 1945, and that these reclassifications have substantially changed the character of the neighborhood so as to justify the reclassification from R-6 to B-L of the subject property

Certain residents of the area who appeared to testify before the Board expressed the fear that an increase in traffic would result from the proposed shopping center so as to endanger the safety of the residents along Hazelwood Avenue and Hazelwood Court One of the witnesses indicated that there were no sidewalks along Kenwood Avenue to the north of Hazelwood Avenue and that a child had been killed as a result of a traffic accident in this area of Kenwood Avenue approximately two years ago. It is the finding of the Board that traffic has decreased greatly along Kenwood Avenue since the opening of the Baltimore County Beltway, which has served to reduce the use of Kenwood Avenue as a highway for commuters, and that the required widening of the roads and installation of curb and gutter along the perimeter of the shopping area, together with the proposed grading of the subject property for the establishment of the shopping center, would serve to alleviate any possibility of traffic hazards. There was also adequate testimony by a qualified traffic engineer that the establishment of the shopping center would not overload Kenwood and Hazelwood Avenues beyond their capacities, and that adequate sight distances exist at the point of the proposed entrances to the shopping area along Kenwood and Hazelwood Avenues so as not to create traffic safety problems as a result of entering or leaving the shopping center.

As far as the granting of the special exception for the possiline service sta tion is concerned, it is the feeling of the Board that, in addition to the testimony as to traffic discussed in the preceding paragraph, the petitioners have satisfied by affirmative testimony all of the requirements of Section 502, I for the granting of a special exception

In addition to the finding of substantial changes in the character of the neighborhood sufficient to justify reclassification, it is also the feeling of the Board that the general character of the area in question, because of the existence of other retail services and because of other large tracts available for residential development, makes the subject property an appropriate site for the location of just such a shopping center complex as the petitioners propose. The Board also feels that the area to be retained in the R-6 classification should be used for parking as proposed by the petitioners and imposes, as one of its conditions for the granting of the special exception, that the screening, indicated on petitioners' exhibit #1 along the Hazelwood Avenue perimeter of the residential parking area, be established and maintained at a minimum height of four (4) feet. In addition to the aforegoing, the following conditions and restrictions are imposed upon the special exception for the use of the area designated on petitioners' exhibit #1 as a gasoline service That the buildings' architecture and construction be of a colonial design as indicated by the

MAP #11+14A That entrances and exits to and from the service station be in compliance with County and State BL-X

That no light pale be erected on the Hazelwood Ind no light pole be erected on the riazewood Avenue side of the proposed gootine filling station at any point further than fifty (50) feet west of the eastern most boundary line of the subject property as indicated on petitioners' exhibit \*1

For the above stated reasons the reclassification from an R-6 zone to a B-L zone, the special exception for a gasoline service station, and the special permit for parking in a residential zone are hereby granted.

## ORDER

For the reasons set forth in the aforegoing Opinion, it is this 29 day of June, 1965 by the County Board of Appeals, ORDERED that the reclassification, the special exception, and the special permit petitioned for, be and the same are hereby arented subject to the aforementioned restrictions

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

#64-155 RX

Very truly yours. A. Owen Hennegan, Jr., Attorney for Petitioners

Enclosed herewith is check in the amount of \$70.00 to cover costs

Please enter an Appeal to the Baltimore County Board of Appeals from the decision of the Deputy Zoning Commissioner of June 5, 1964,

HENNEGAN CHIPMAN & KIMMEI

June 8, 1964

Re. Petition for Reclassification, Special Petition for Reclassification, Special Exception for gasoline service station and Special Hearing to permit parking in a residential zone - NW corner Kenwood and Hazelwood Avenues - 14th District; Minna B. Dreher, et al., Petitioners No. 64-155-RXSPH

IIN 10'64 4 -

- 155 PX

map. HILL IAA

AOHJ r:m

464-155 RK

Honorable John G. Rose Zoning Commissioner for Baltimore County County Office Building

Mr. Commissioner:

of filing said Appeal.

denying the above captioned Petition

Before resoning can be granted, the burden is on the petitioner to show either an error in the original config map or a substantial change in the character of the neighborhood to justify the resoning scape to the period of a principle properly but it does not necessarily compel it. Even at the of a principle properly but it does not necessarily compel it. Even at the original control period and to in the general postic interest for the health, asfety and general walfare of the community as well as the individual interest of the land oncers. (See Hift vs. Board of Cardin éponis Cal Navigland Sermace Board, Cardin Cardi

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY-Minna B. Dreher and Lutheran Social
I, or we Services of Md., Inc. legal owner. of the property situate in Baltim

/MAP V County and which is described in the description and plat attached hereto and made a part hope of County and waters as distributed in the described property be re-classified, pursuant place. A personal place of the herein described property be re-classified, pursuant place. to the Zoning Law of Baltimore County, from an R-6 B-L zone; for the following reasons

1. Change in character of neighborhood. 5/19/64 Change in character c
 Error in original map.

VAND for Special Hearing to permit parking in a residential (R-6) Zone.

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 .. A gasoline service station ....

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification 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 Bal

(2) Substant Social Services of Meryland, Inc., 20 System A. Miller, Legal Owner Longview, Incorporated By Blan & Blesmann. Address - 508 Surrey Road Address II) Hazelwood & Kenwood Ayes. (6)

(2) 507 Park Ayenue (1) en Hennegan, Jr. Pelitioner's Aptorphy Address 406 Jefferson Building (4)

ORDERED By The Zoning Commissioner of Baltimore County, this...... 16th April ......, 1964..., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through ore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Bulkling in Towson, Baltim

c'64 day of June County, on the lst ., 1961..., at 1:00 o'clock 100 1 P. ..... M.

6 24 County.

CHARLES D. GRACE

DESCRIPTION FOR ZONING

BL-X BEGINNING for the same at or near the center line intersection of st tract Avenue (40 feet wide) and Hazelwood Avenue at the end of the fourth line of of land which by deed dated February 23, 1950 and recorded among the Land Records of Baltimore County in Liber G. L. B. #2169 folio 313 etc. was conveyed by August M. Roth to Minna B. Dreher thence binding in or near the bed of Hazelwood Avenue and running with and binding on part of the fifth line of said conveyance North 79 degrees 15 minutes West 238 feet more or less thence leaving Hazelwood Avenue and running for lines of division the two following courses and distances:

- 1. North 10 degrees 45 minutes East 130 feet more or less and
- 2. North 79 degrees 15 minutes West 388 feet more or less to intersect the sixth line of said conveyance thence running with and binding on part of the sixth
- and last lines of said conveyance the two following courses and distances: 1. North 3 degrees 30 minutes East 660 feet more or less an
- 2. South 65 degrees 45 minutes East coossing over Kenwood Avenue 803.55 feet more or less thence running with and binding on the first through the said fourth

lines inclusive of said conveyance and running to or binding in or near the right of way of Kenwood Avenue the four following courses and distances:

- 1. South 20 degrees West 41,25 feet more or less,
- 2. South 20 degrees West 107,25 feet more or less,
- 3. South 23 degrees West 231 feet more or less and
- 4. South 12 degrees 31 minutes West 198 feet more or less to the place of

PETITION FOR RECLASSIFICATION SPECIAL EXCEPTION FOR GASOLINE SERVICE STATION AND SPECIAL

BEFORE THE # 64-155 PX DEPUTY ZONING COMPRISSIONER HEARING TO PERSIT PARKING IN A RESIDENTIAL ZONE NW corner Ken-wood & Hazelwood Avenues- Minra B. Dreher et al-Potitioner GF No. 61-155-RXSPH

.........

The petitioner's property consists of some 10 arms of land situated on the northeset corner of Removed and Harshwood Armonas. The petitioner has respected 50.1 country with a Special Reception for a period and the state of the

was impressed with the innersity of all the processions who testilized,
the petitions did not contend the subject incit was not
suitable for development in its present het came, Instead, he not
actually for development in the present het came, Instead, he not
content in the neighborhood to justify as re-placeficiation. Pretinoprevealed that on the esternly side of the subject truct across inner
content in constaining of a plat acros, not he north side is
a small house the constaining of a plat across interior
Arena are a service station and beauty since for a residential to
commortial within a two block radius on the sast side of Kennod Arena
constructed within a two block radius on the sast side of Kennod Arena
constructed within a two block radius on the sast side of Kennod Arena
constructed that the constant of the construction of the constant
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construction of the constant of the construction of the constant
house. However, it is significant
the innersification of residential developments in the development in the
house.

There was additional testimony that the shopping facilities in the immediate area estimfactorily meet the needs of the residents, and they could see no need for construction of another shopping center.

In view of the existing traffic hazard in the general neighbor-hood, it is the opinion of the Deputy Zoning Commissioner that to grant the coming hereby requested would not be in the general public interest for the premotion of the health, safety and general welfare of the

CHARLES D. GRACE -2-

CONTAINING 8.9 Acres of land more or less.

5/14/64 This description is compiled from deeds and not an actual sur BEING part of that tract of land which by deed dated February 23, 1950 and recorded among the Land Records of Baltimore County in Liber G.L.B. #2169 folio 313 etc. was conveyed by August M. Roth to Minna B. Dreher.

SUBJECT to Kenwood Avenue 40 feet in width as conveyed by Robert L. Roth et al to State Roads Commission of Maryland in two deeds recorded among the Land Records of Baltimore County in Liber C. W.B. Jr. #955 folio 503, 504, 505 and 506 and shown on State Roads Commission of Maryland's Plat Nos. 1540 and 1541.

SUBJECT, also, to that part of Hazelwood Ave, as traveled and maintained for public use.

Quiles For

#64-155 RX

(MAP

#11+14 A

BL-X

4/13/64

CHARLES D. GRACE

SPECIAL EXCEPTION

BEGINNING for the same at or neat the center line intersection of Keywood BL-X Avenue and Hazelwood Avenue at the end of the fourth line of that tract of land which by deed dated February 23, 1950 and recorded among the Land Records of Ba County in Liber G. L. B. #2169 folio 313 etc. was conveyed by August M. Roth to Minns B. Dycher thence hinding in or near the hed of Hazelwood Avenue and running with and binding on part of the fifth line of said conveyance North 79 degrees 15 minute West 182 feet more or less, thence for lines of division North 10 degrees 45 minutes East 195 feet more or less to a point that will be 150 feet measured at right angles to the future right of way line of Hazelwood Avenue and 150 feet measured at right angles to the right of way line of Kenwood Avenue, thence Southeasterly 188 feet more or less to the bed of Kenwood Avenue and to the last line of said conveyance thence binding in or near the bed of Kenwood Avenue and running with and binding on part of said last line South 12 degrees 31 minutes West 176 feet more or less to the place

CONTAINING 0.8 Acres of land more or less.

This description compiled from plats and deeds and not an actual survey. BEING part of that tract of land which by deed dated February 23, 1950 and recorded among the Land Records of Baltimore County in Liber G. L. B. #2169 folio 313 etc. was conveyed by August M. Roth to Minna B. Dreher.

1 #11+14A -2-SUBJECT to Kenwood Avenue 40 feet in width as conveyed by Robert I S/14/64 Both et al to State Roads Commission of Maryland in two deeds recorded an Land Records of Baltimore County in Liber C. W. B. Jr. #955 folio 503, 504, and 506 and shown on State Roads Commission of Maryland's Plat Nos. 1540 and

SUBJECT, also, to that part of Hazelwood Ave, as traveled and maintained for public use,

Trails From.

\$64-155 EX

MAP

4/13/64

CHARLES D. GRACE ENGINEER & LAND & LLEGHANY AVENUE WBON, MD, 21204

R-6 ZONED

BEGINNING for the same at a point in or near the bed of Hazelwood Avenue 314/44 distant 238 feet more or less measured Northwesterly from the center line into of Hazelwood Avenue and Kenwood Avenue and along the fifth line of that tract of land which by deed dated February 23, 1950 and recorded among the Land Records of Baltimore County in Liber G. L.B. #2169 folio 313 etc. was conveyed by August M. Roth to Minna B. Dreher, thence binding in or near the bed of Hazelwood Avenue and running with and binding on part of said fifth line North 79 degrees 15 minutes West 367, 55 feet more or less thence leaving Hazelwood Avenue and running with and binding on part of the sixth line of said conveyance North 3 degrees 30 minutes East 132 feet more or less thence leaving said line and running for lines of division the two following courses and distances; South 79 degrees 15 minutes East 388 feet more or less and South 10 degrees 45 minutes West 130 feet more or less to the place of

CONTAINING 1.1 Acres of land more or less. This description compiled from deeds and not an actual survey. BEING part of that tract of land which by deed dated February 23, 1950 and recorded among the Land Records of Baltimore County in Liber G. L. B. #2169 folio 313 etc. was conveyed by August M. Roth to Minna 3. Dreher.

Quale How

BL-X

4/15/64

#64-155 RX SPH New 5 . 1966 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING pinp > COUNTY OFFICE BUILDING TOMSON 4, MARYLAND

Petition for Reclassifica & Special Exception for SUBJECT: Minna B. Dreher, et al

The Zoning Advisory Committee has reviewed the subject petition and

No comments from the following Departments: Office of Planning & Zoning, Traffic Department, Bureau of Engineering, Redovelopment Ceptission, Industrial Developmen Buildings Department, Decard of Educations.

Health Department Comments This property must be tied into Public Utilities. State Roads Commissions Subject to review and approval by this Office. Fire Department: See attached comment.

Yours very truly.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. James A. Dyer, Chairman Zoning Advisory Committee Date May 5, 1964 FROM Capt. Paul H. Reincke SUBJECT Hinns B. Dreher, et al NM/corner of Kenwood & Hazelwood Aves. District 1h - 5/1/6h

MPP #11+148 BL-X 5/19/69

#64-155RX

#64-155 RX

MAP

#/1+/4A

Water mains, meters, and fire hydrants shall be of an approved type and installed in accordance with the Baltinore of the State of the

Contact Capt. Paul H. Reincke at Valley 5-7310 for further

PHR/bbr



BALMORE COUNTY, MARYLD D

INTER-OFFICE CORRESPONDENCE Mr. James A. Dyer, Chairman Zoning Advisory Committee Date May 5, 1964

FROM Capt. Paul H. Reincke SUBJECT Minns B. Dreher, et al NM/corner of Eenwood & Hazelwood Aves, District 11 - 5/1/61 mpp V #11+14A BL- X 5/19/64

Water mains, meters, and fire hydrants shall be of an approved typs and installed in accordance with the Raltimore County Standard Design Namal, 1954 edition. Spacing of hydrants in a B.L. zone is 300 feet spart as measured along an approved rose and the National Board of Fire Underwriters for

Contact Capt. Paul H. Reincke at Valley 5-7310 for further



Case of Burmon - 64-1558X SPI BIERMAN - LOUTVIEW INC. Jan 1 1945 2463 - Pat Vecchio petitioner West side of Kenwood Ave. 150' south of Hozelwood Ave. From R-6 to BL (A to E) 196.35' frontage, depth of 200' Granted February 4, 1953 by Zoning Commissioner No Appea \$2. 2803-S Pat Vecchio petitioner Permit for service station granted on 7 of December 1953 by Zoning Commissioner No Appeal 3. 1349 Frederick Hellwig, Jr. petitioner West side of Kenwood Ave. from Golden Ring Road to Weyburn Ave. From R=6 to RL /A toF 662.8 frontage, depth of 215' Granted on Jan. 5, 1949 by Zoning Commissioner No Appeal 4. 1043 Melvin Windisch petitioner Southwest corner of Kenwood Ave. & Corkley Road From R-6 to BL (A to E) Granted Oct. 10, 1947 by Zoning Commissioner No Appeal 5. 4569 RX John Ogier petitioner East side of Kenwood Ave. South side of Golden Ring Road From R-6 to BL Zone plus a S.E. for service station Granted February 10, 1959 by Zoning Commissioner 6. 749-S Frederick Hellwig petitioner East side of Kenwood Ave. South Side of From R-6 to BL (A to E) Granted by Board of Appeals on 14 December, 1946 No Appea Entire Black as shown on map #7. 6438-R Carl N. Boroughs petitioner East side of Kenwood Ave. South of Helwig Ave.

From R-6 to BL (50' x 142.8')

Granted August 5, 1964 by Zoning Commissioner No Appea (Planning says in accord with land use studies)

EL-XDear Siri

5/14/69

8. 1252 Frederick Hellwig Contiguous to 749-S Granted Sept. 1, 1948 by Zoning Commissioner

#9. 3676-R-X James W. Shank petitioner West side of Kenwood Ave. South of Corkley Rave. From R-6 to B.L. Granted on Dec. 7, 1955 by Zoning Commissioner

fisidential changes not noted as to young for by for denty

> BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING April 17, 1964

County Office Building 111 W. Chesapeake Avenue Towson b, Maryland

Re: Petition for Minna B. Dreher, et al

464-155 Cyppeal OF POSTING Date of Posting 6/17/64 Prelitioner Minister B Straker et al Location of property M. Y. COR. Transmood & Hazelwood Cure

Location of Sand Other Street September 1 September 1

Hazelwood are, and agral 10 ft on property

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Cosmissioner Date May 22, 196h

FROM Mr. George E. Gavrelis, Acting Director SUBJECT. #50-15-mc-425. Special Exception for Gas Station and Special Rearing to permit parking in a residential New Northeset Course of Emission dermon and Automote Afrense. Being property of Minne h. Decker and Letheran Special Services of Maryland Day.

1hth District

Monday, June 1, 1964 (1:00 P.M.)

The staff of the Office of Planning and Zoring has reviewed the subject petition for reclassification from \$6. to \$4.5 oning and has the following general systemy comment to make with respect to performed planning factors:

The proposal for commercial zoning here is not in accord with planning studies for comprehensive rezoning of this

CATONSVILLE. MD BY CADER OF ADSESSED OF A CERTIFY, that the annexed advertisement of Joint G. MOSE.

CONNECTORATION OF ADDRESS OF A CONTROL CONTROL OF A CONTROL OF was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week surrenterwards before the 18th day of May. the same was inserted in the issues of May 15, 1964. THE BALTIMORE COUNTIAN By Paul J. Morgan

Editor and Manages 74

RYSPH CERTIFICATE OF POSTING ARTMENT OF BALTIMORE COUNTY Towsen, Maryland Date of Posting 5/10/64 June 1 64 at 1:00 p.m. Posted for Hearing Mon. Petitioner Manual B. Drehm et al Location of property. N/w Con Kenwood a Hazelwood aveg. Location of Signer on Kenwood Deep Links aggs 50 th from

Pould by School and Market States Sta BALTITORE COUNTY, MARYSAND OFFICE OF FINANCE -845 6 8 6 9 . 29912 TIP-

Hogelwood are and appeal 30th look on projetity and Lack sign is appel 25th apost thin 3

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TO PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTA

BALTIN ORE COUNTY, MARY AND No. 23336 OFFICE OF FINANCE PAID-Ballone Courty and - strated 4-1764 2533 . 23336- TIP-0000 00.0 4-1764 2533 . 23336. HP-IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

CTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

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