The Board feels that the question of whether or not the rezoning requested here should be arrasted is a close one, however, the petitioner has not met the burden of and Case (65-134-RA) denied reclassification to B-L in this same area, the most recent case (65-134-RA) being at Belair and Perry View Roads only a block north of the subject tions of Belair and Joppa Roads and Kahlston and Forge Roads, and that in order for the Board to be consistent with its two previous decisions the petition should be denied.

Avenue. On the east side of Belair Road, travelling southerly, the nearest commercial reclassification since the adoption of the map in 1945 is approximately three-quarters of a mile away The petitioner testified that if the requested reclassification is granted he proposes to erect a High's Ice Cream and Milk Store on the property which is now approximately a mile south near the intersection of Belgir and Japan Roads, but wishes to move due to the limited space available at its present location. The petitioner also produced testi-

(6)

The petitioner here seeks a reclassification from an R-A zone to a B-L zone

The property is presently surrounded by R-6 zoning. Northerly along the

OPINION

and a special exception for a Gasoline Service Station on a lot of around on the northwest

corner of Belair Road and Klausmier Road in the Eleventh District of Baltimore County. The

subject property has frontage along Belair Road of 150 feet and a depth along the north side of Klausmier Road of 135 feet. At the beginning of the hearing before the Board the

potitioner withdrew his request for a special exception and seeks only the reclassification

west side of Belgir Road the pegrest commercial zoning is the parthwest corner of Belgir Road and Baker Avenue. Southerly along the west side of Belair Road from the property the

nearest commercial reclassification since the adoption of the map in 1945 is approximately

one mile. Directly across the street the property is zoned R-6, however, is being used as

a Tavern and Delicatessen, a nonconforming use. All of the property on the east side of

Belair Road north of the aforementioned nonconforming use is zoned B-L for a distance of

150 feet to one lot north of Camp Chanel Road but which is directly across from the Business

Local zoning previously mentioned as being on the northwest corner of Belair Road and Bake

REFOR

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 64-163-RX

OF

RE: PETITION FOR RECLASSIFICATION

from an R-A zone to a B-L zone, and a SPECIAL EXCEPTION for

a Filling Station, NW corner Belair Road and Klausmier Road,

from an R-A zone to a R-L zone

11th District

mony by an expert witness, a civil engineer, who tostified to utility changes in the area and an expert real estate witness, Mr. Frederick Klaus, who cited numerous changes and reclassifications in the Beloir Road area since 1945, and further stated that the trend since 1945 had been to reclassify the Belair Road frontage commercial. However, he did state that the negrest reclassification to commercial on the west side of Relair Road, south of the property, is a mile away and that the nearest reclassification to commercial on the east side of Belair Road, south of the property, is three-quarters of a mile away.

M. WILLIAM ADELSON



Mr. John G. Rose Zoning Commissioner Baltimore County Office of Planning & Zoning County Office Bullding Towson, Maryland 212004

Re: Petition for Reclassification from an "R-A" Zone to a "B-L" Zone and Special Exception for Gasoline Filling Station -NW/Cor. Belair & Klausseler Rds. 11th District, Yorkhill, Inc. Petitioner - No. 64-183-AX

Please enter an appeal to the County Board of Appeals from the decision of the Zoning Commissioner, dated June 11, 1964, denying the reclassification and special exception requested in the above matter. This Baltimore County Code, as enacted by Bill 20, 20, approved June 10, 1960.

A check for \$70.00 is enclosed herewith to cover the cost of the instant appeal.

Respectfully yours,

M. William Adelson Attorney for Petitioner 1035 Maryland Natl. Bank Bldg. Baltimore, Maryland 21202 Plaza 2-6882

of them stating that they feared depreciation of their property; that there was no need for additional commercial in the neighborhood; and that they did not want to see any changes to commercial zoning in the immediate neighborhood.

proving error or sufficient change in the character of the neighborhood to warrant the grant ing of the requested reclassification. The Board, in two previous cases, (Case #5615-RX property. We do not feel that the changes in the neighborhood testified to by the petitioner compel the reclassification of the subject property and further, that the great majority of the changes do not have any direct effect on this property, being closer to the intersec-

PETITION FOR ZONING RE-CLASSIFICATION, 4-143 FX AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

MAPV ore #11 + 14 F XXXXXXX YORKHILL, INC.....legal owner... of the property situate in Balt 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 .. zone to an 5/24/64 to the Zoning Law of Baltimore County, from an R. A.

h. It.

Lingly consercial and properties in the area of the subject presides are devoted to business uses so that area of the subject presides are devoted to business uses so that he area of the subject presides apartements in imporporitat and out of character. The president is the area justify the reclassification for business use and B. L. soning of the property is entirely reasonable and proper. B. I., largely commerc are devoted to

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 _ 2 filling 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 ictions of Baltimore County adopted pursuant to the Zoning Law for Baltir

	YORKHILL, INC.
	DI.VAQ.
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Problem Legal Owner
	Legal Owner
tss	Address C/o M. William Adelson 1035 Maryland National Bank Blo
1 11 11 00	1005 Manufaud Pattern
My William Adelm	Baltimore, Maryland, 21202,
the test of the te	-Transfe, Maryland, 21202,
	PLAYA 2-6682
M. William Adelson	MATERITATION HERE
Petitioner's Attorney	
reddoner's Attorney	, ADMINISTRATIVE OF

Address 1035 Maryland National Bank Bldg. Saltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 21st ..., 196. L., 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-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning inty in Room 106, County Office Bull

MR 21 64th .-- day of .-.... 1964 at 101 o'clock Se

-3-

Yorkhill, Inc. - #65-163-RX

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 8th day of December, 1965 by the County Board of Appeals, ORDERED that the reclassification ned for, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS

William S Boldwin Cha Pare To Dale

ATTORNEY AT LAW

May 25, 1965

M's Edith T. Eisenhart, Secretary County Board of Appeals Room 301 - County Office Building Towson, Maryland 21204

Dear M's Eisenhart:

Please enter my appearance as attorney for protestants in Case number 64-163-RX.

I understand that a hearing on special exception for a Filling Station has been scheduled for June 15, 1965 at

Very truly yours.

OVC - much

Sorge William Stephens, Jr.,

Description for Rezoning Belair Road ...

November 2, 1961 MAP #11+14A

#64-163RX

Beginning for the same at the intersection formed by Northwest side of Belair Road, 66 feet wide and the Northeast side BL-X of Kladsmier Road, 40 feet wide formerly known as Dengler Road and 3/24/44 shown on a plat of Dengler Heights", dated July 21, 1937, and recorded in detaimore County in Flat Book C.W.B., Jr. #12 folio #18 and rumning thence binding on the Northwest side of said Belair Road and across the fronts of Lots #92, 91 and 90 on said plat North 47° 32' East 150 feet thence along part of the Northeast side of said Lot 190 North 42° 26' West 135 feet thence across sald Lots #90, 91 and 92 and par-Allel to said Belair Road South 47° 32' West 150 feet to the Mortheast elde of said Klausmier Road, thance binding on the Mortheast side of said Klausmier Read and on part of the Southwest side of said Lot #72 South 42° 28' Bast 135 feet to the place of beginning.

Zoning Commissioner of Baltimore County

.... 196 that the herein described property or area should be and

should be granted

should be and the same is

Pursuant to the advertisement, posting of property and public hearing on the above cetition most as the petitioner failed to prove change in the area or error in the zoning map, the reclassification and special exception for a filling station, should be denied

Pursuant to the advertisement, posting of property, and public hearing on the above petition and

the above Reclassification should be had; and it further appearing that by reason of

IT IS ORDERED by the Zoning Commissioner of Baltimore County this

the same is hereby reclassified: from a

zone, and/or a Special Exception for a...

granted from and after the date of this order

ner of Baltimore County, this 1/1/1/ IT IS ORDERED by the Zoning Com 00 1964 that the above re-classification he and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain an "R-A" Filling Station

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

9.22-65 Prot Ex A TO Mr. John C. Rose, Zoning Courdsnioner Date. May 28, 1964.

FROMER. Coorge E. Cavrelis, Acting Director

SUBJECT #66-163-RX. R.A. to R.L. am Special Emeption for a Filling NEARLSON. However corner of Relair and Manusder Reads.
Being property of Yorkhill Inc.

11th District

Tuesday, June 9, 1964 HEARTHG.

(10:00 A.M.)

The staff of the Office of Planning and Josing has reviewed the subject position for reclassification from had to 1-2, soning together with a Special Insection for a passion service station. It has the following strikener; consents to make with respect to pertinent planning factors:

- The present had muting is indicative of exactly the Mand of soming validate which should be supposed along previous of soming validate with an exact preparative to the resitting of century with land uses along maker indexage. It sade up land use potentials which provide compatible onforting between Bellat most only representative of of the three residences.
- Oranac user many temporary creation of conserval noning here would constitute a flagment except of myot souths. To the sides, to the rear, and are deadled noting, to change many the source of land samp hard contract orange, to change the source of land samp hard converted inside laws. The Planning staff flently believes the he present south of the the subject reproder is not in orange.

GEG:brus

*64-163 RX MAPARY BALTIMORE COUNTY OFFICE OF FIANNING AND ZONING COUNTY OFFICE BUILDING TOUSEN IL MARYTAND

from Red to BeL. Special Exception for Cas Statio for Yorkhill. Inc.

The Zoning Advisory Committee has reviewed the subject petition and makes the following commants:

Bureau of Engineering: A 5 foot widening should be provided along the East side of

State Roads Commission: This plan does not conform to the standard of the State Roads Commission.

No. I Newburg Avenu

nning for the same at the

No comments from the following departments:

Office of Planning & Zoning, Traffic, Scalth, Industrial Commission, Buildings Department of Education, Fire Department.

James E. Dyer
Chief of Permit and Petition
Processing

OFFICE OF
THE BALTIMORE COUNTIAN

ECONDACT From R.A. to B.L. Zone
POURSON for Special Exception
For a Filling Station
LOCATION: Northwest censor of
LOCATION: Northwest censor of
LOCATION: Northwest censor of
LOCATION: Northwest censor
LOCATION:

CERTIFICATE OF PUBLICATION

TOWSON, MD. Hay 22, -, 19_64 THIS IS TO CERTIFY, that the annexed advertisement was

64-163

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., concentrometer mt __1.time ______maccountrs washes before the ___2th____ day of _____June___ 1964, the #FF publication appearing on the 22nd day of May 19.64

K. the

64-163 Posted for Gordefield American Ad a Klassamion all Location of some On Balant Hel Capacit 15th from sidewith Posted by Robert Low Bull h Date of return 7-1-65

> d 64-163-Rt CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE OF

Towson, Maryland District // the Date of Posting 5/2-/64 Posted for Hearing Two June 9 64 ATIO GAD. Location of property N/41 Com of Belan al - Klaysons &

Leading of Some Con Machine Hold and Special Work of Manual Services and Special with the Contract of Contract of

2 on flauseme til side copped 4 It from Bille 18 and copped in the property by an chart 2 It goat

BON AND SPECIAL EXCEPTION.

THE JEFFERSONIAN,

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Ma. 23295

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, MARTIAND

OFFICE OF FINANCE

COURT HOUSE TOWSON 4. MARYLAND

No. 23288

DATE 4/23/4

TELEPHONE 823-3000

BALTIMORE COUNTY, MARY AND OFFICE OF FINANCE Division of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND

PMD-american

6-2364 5695 • 23288* TIP-6-2364 5695 • 23288* TIP-

4-2164 2661 * 23344* TIP-00.0 0.00 4-2164 2661 * 233440 TIP-

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, MARY ND No. 23048

OFFICE OF FINANCE rision of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND Yorks Hill, In 3h W. 25th St. HLLED Tening Depart

STAL AMOUN 14.50 6-4264 5 6 3 3 . 23048 HP-1250 6-2264 5 ± 3 3 . 23048 HP-

IMPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLL TION & RECEIPTS, COURT VICUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPERS SECTION OF THIS BILL WITH YOUNG MITTANE.

tion of Collection and Receipt COURT HOUSE OWSON 4, MARYLAND

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.

faceing Tlansmen Rel.

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Mary-

CATONSVILLE, MD.

May 25, 19 64.

ORIGINAL

1964, that is to say

THE BALTIMORE COUNTIAN

By Paul J. Morgany By Paul J. Morgany M.

land, once a week for One Week the 25th day of May, the same was inserted in the issues of Mny 22, 1964.

THIS IS TO CERTIFY, that the annexed advertisement of

John G. Rose, Zoning Commissioner of Beltimore County

