TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
GADSON MCFADDEN, CORINNE MCFADDEN and we. FLSIE JANE MUIR legal owners. of the property situate in Baltimore (DOP)
County and which is described in the description and plat attached hereto and made a part hereof, #/ petition (1) that the zoning status of the herein described property be re-classified, pursuant SEC2A

to the Zoning Law of Baltimore County, from an-----R-A ...B-Lzone: for the following reasons

1. Error in the crisinal zoning.

2. Changes in the neighborhood of the subject property.

See Attached Descrition

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 filling station

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

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 Baltimore COBJUN HEFADDEN CORJUNE HEFADDEN

QUEEN ANNE CORPORATION

Address 1410 Court Square Building

rchaser of ELSIE Tage MUIN Legal Owners Address c/o 1410 Court Square Bldg.

faller ROBERT L. SULLIVAN, JR. Address 1410 Court Square Bldg, (02)

Baltimore, Maryland 21202

BL-X

SW 2-4

F.

52' E of Pin

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day 1965..., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning ssioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the day of March

Gadson McFadden, et al - \$65-257-RX

65-257 RX

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Testimony was offered by a protestant to the effect that he did not feel there d for another gas station in the area of the subject property. It is the finding of the Board that there was not sufficient testimony to show that the granting of the reclassification and special exception in the subject case would be detrimental to the health, safety, or general welfare of the community so as to warrant a denial of this application. was also testimony from protestants that the removal of residential zoning from the subject property, which is within the general area of the Douglas Park community, would serve to intensify an already existing lack of sufficient residential property within this area. On a personal inspection of the subject property by the members of the Board, with the permission of all parties to the case, a sign was observed along the south side of Old Frederick Road in the vicinity of Sutter Road indicating that a new housing development known as "Holly Manor" was soon to be built in that area.

For the foregoing reasons the reclassification from an R-A zone to a B-L zone and the special exception for a gasoline service station will be granted subject to the restrictions that any construction is to be in accordance with the site plan introduced as petitioner's exhibit \$5, and site plan approval by the State Roads Commission, Bureau of Public Services, and the Office of Planning and Zoning.

ORDER

of June, 1966 by the County Board of Appeals, OR DERED that the reclassification and special exception petitioned for, be and the same is hereby GRANTED, subject to the

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 S. Baldwin, Chairm

Pursuant to the advertisement, posting of property, and public hearing on the ab IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... ..., 196..., that the herein described property or area should be and the same is hereby reclassified; from a zone, and/or a Special Exception for a granted, from and after the date of this prier Zoning Commissioner of Baltimore County Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of .. failure to show an arror in the original scoping or substantial changes in the character of the neighborhood and failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations the above re-classification should NOT BE HAD, and EZ the Special Exception should NOT BE GRANTED IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... of April 1965 that the above re-classification be and the same is hereby DZNIED and that the above described property or area be and the same is hereby continued as and zone, and exthe Special Exception for Filling Station Edward D. Hardity

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date March 9, 1965

FROM George E. Gavrelis, Director

SUBJECT 65-257 RX. R-A to B.L. with a Special Exception for a Filling Station south side of Baltimore National Pike, 52' East of Pine Avenue. Being the property of Godson McFodden, et. al.

1st District HEARING:

Monday, March 29, 1965 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

- 1. The Western Planning Area Master Plan and the Composite Guideplan both contemplate use of the subject property for apartments, with possible special exceptions for office use. The Planning Board's policy with regard to the extension of strip commercial zoning was developed during the master planning for the Western Planning Area and was published as an appendix to the Board's report on the Western Area Master Plan (1961). That statement sought to prevent precisely the kind of development which is proposed here. It cannot be pointed out too strongly that the kind of roadside commercial uses which have developed along Route 40 since the war have tended to have a sadly detrimental effect, and one that only can be aggreeated by further developed. rimental effect, and one that only can be aggrevated by further develop
- 2. In view of the fact that the subject tract is located on a 150 foot highway with a median strip down the center and is otherwise surrounded by R. A. zoning, the subject proposal, from a planning viewpoint, would be spot zoning: It is not in accord with the area's comprehensive plan; the use would not be in harmony with adjacent uses; and there is no community and for the use.

RE: PETITION FOR RECLASSIFICATION : from an R-A zone to a B-L zone and SPECIAL EXCEPTION for a Filling Station S/S Baltimore National Pike 52' East of Pine Avenue, 1st District
Gadson McFodden, et al.

COUNTY BOARD OF APPEALS BALTIMORE COUNTY

No. 65-257-RX \

OPINION

This matter comes before the Board of Appeals on the petition of Gadson McFadden and others for the reclassification from R-A to B-L and special exception for a gasoline service station of .49 of an acre tract located on the south side of Baltimore National Pike (Route 40) approximately fifty-two feet east of Pine Avenue in the First Election District of Baltimore County

The subject property is an irregular piece of ground located within the con fines of a tract of land consisting of approximately two and one-half acres which was originally zoned R-A on the zoning map for this portion of the First Election District which was adopted April 5, 1960 (the zoning map in question being map Section 2-A which was introduced as petitioner's exhibit #2). The subject property fronts along the south side of the Baltimore National Pike and is surrounded by R-A zoning on its east, south, and west sides although that portion of R-A extending westward to Pine Avenue comprises only approx mately fifty-two feet and is presently being used as a small vegetable garden.

The petitioners have alleged both error in the original land use map in zoning the subject property R-A and change in the character of the neighborhood sufficient to warrant the reclassification of the subject property to B-L.

Mr. Robert V. McCurdy, a recognized expert in the real estate field, testified that error was committed in the original zoning of this two and one-half acre tract of R-A land part of which the subject property comprises. This tract of R-A land is owned by several different individuals so that the possibility or probability of making use of the property in the R-A classification are both extremely difficult and very remote. He further testified that use of the subject property as a gasoline service station would be nonious with the rest of the area and that the subject property was very well suited to such use due to its irregular shape and large frontage along the Baltimore National Pike.

There was also testimony that financing could not be obtained for development of the subject property in its R-A classification because of heavy truck traffic along the Baltimore National Pike, and because the size and shape of the subject property does not make it practical for use in its present classification.

Gadson McFadden, et al - #65-257-RX

The map, referred to above as petitioner's exhibit \$2, shows that other prop erties, which were originally zoned R-A as part of this two and one-half acre R-A tract, have been reclassified for use as a gasoline service station and for use in the expansion of ar ready existing service station. Testimony as to changes in the character of the neighborhood since the adoption of the land se map verified this. The reclassification referred to was for the Savon Gas Station approximately 400 feet east of the subject property and the expansion was for a Sinclair Station just east of the Savon Station. Another change in the area testified to was that on the northeast corner of Winters Lane and Baltimore National Pike which was also reclassified for use as a gasoline service station. On the north side of Route 40, slightly west of the subject property, is another parcel of land which was recently reclassified for commercial use.

The present owners of the property, Gadson McFadden and his wife, both testified that the subject property was too close to the Baltimore National Pike to enjoy the use of the property as a residence. They stated that the trucks kept them awake at night and that the truck traffic was such that it had caused panes of glass in both regular and storm windows to crack, and had also caused cracks to appear in the plastered walls of the home. This testimony was neither contradicted nor challenged.

It is the opinion of the Board that there was error committed in the original zoning of the subject property as R-A and also that there have been such changes in the character of the surrounding area so as to justify the reclassification sought. It is our further finding, from the testimony and exhibits affered in this case, that the establishmen of a gasoline service station on the subject property will not serve to depreciate the volues of the surrounding residential homes. The subject tract will still be buffered from the larger single cottage residential area to the south of Old Frederick Road by the R-A zoning adjoining the subject property along its southern boundary

As a result of the large amount of frontage along the Baltimore National Pike, wider driveways for ingress and egress to the proposed gasoline filling station have been designed, and testimony indicated that preliminary approval of the access driveways had already been obtained from the State Roads Commission. It is also our feeling, supported by testimony in this case, that the opening of interstate Route 1-70 will serve to alleviate traffic along the Baltimore National Pike. We find, from the testimony, that the granting of the special exception for the gasoline station will not tend to create congestion in the roads, streets, or alleys in the area. We also find that the other requirements of Section 502.1 of the Zoning Regulations have been satisfied, and we will grant the special exception for the gasoline service station

SULLIVAN & PITTLER

April 22, 1965



Honorable Edward D. Hardesty, Deputy Zoning Commissioner of Baltimore County Baltimore County Office Building 111 U. Chesapeake Avenue Towson, Maryland 21204

Re: Petition for Reclassification from
"R-A" to "B-L" with Special
Exception
Baltimore National Pike
52' E. of Pine Avenue
lst District
Cadson McFadden, et al, Petitioners
No. 65-257-R No. 65-257-R Our File No. 7347

Dear Mr. Hardesty:

On behalf of the Petitioners in the above cap-tioned matter, we herewith enter an Appeal to the County Board of Appeals from your Order in said case, dated April 21, 1965.

Enclosed herewith is our check, in the amount of \$80.00, to cover the cost of this Appeal and posting of same.

Very truly yours, allan J. Malester

AJM:eml

MARY AND SURVEYING AND ENGINEERING CO., INC.

1701 N. CALVERT STRE # 65-357 FX

Humble Oil 5 Refining Company Description of Entire Tract 6039 Edmondson Avenue

BEGINNING for the same at a pipe set on the South Right-of-MAP Way line of the Baltimore National Pike, U.S. Route #46, situate North formed by the East side of Pine Avenue and the South Right-of-Way line 26.2A of the Baltimore National Pike, U.S. Route #40, sate point of oeginning being also the intersection of the property line between Lots #20 and #21 point as shown on the record plat of Douglas Park recorded among the Land Records of Baltimore County in Liber W.P.C. 7, folio 170 and the South Right-of-Way line of the Baltimore National Pike, U.S. Route #40; thence 2-6 leaving the said point of beginning and running and binding on the South SW leaving the said point of beginning and running and binding on the South Pight-of-Way line of the Baltimore National Pike, U.S. Route #40, an now surveyed, courses referred to True Meridian as established by the Baltimore County Metropolitan District, North 72 degrees 43 minutes 47 seconds East 230,61 feet to a pipe set at the intersection of the East property line of Lot #17 as shown on said record plat of Douglas Park; thence leaving the South Right-of-Way line of the Baltimore National Pike, U.S. Route #46, and running and binding on a part of the property line of Lot #17 South 7 degrees 56 minutes 44 seconds West 144.64 feet to a pipe set on the rear property line of Lot #17; thence running and binding on said rear property line North 86 degrees 47 minutes 05 seconds West 200.15 feet to a pipe set at the intersection of the rear property line and the property line between Lots #20 and #21; thence running and binding on the property line in between Lots #20 and #21; thence running and binding on the property line between Lots #20 and #21 thought and #20 as shown on Being a part of Lots #17, #18, #19, and #20 as shown on

Being a part of Lots #17, #18, #19, and #20 as shown on the record Plat of Douglas Park recorded among the Land Records of Baltimore County in Liber W.P.C. 7, folio 170.



CERTIFICATE OF POSTING

District. JST	on Mª Faddes 5/2 Balls Not V	De	to of Posting May	h 131965
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Petitioner: Hads	on Me Jaddes	rutal	77	
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Location of Signs:	Is Bath Will I	the 52'E	1 Pine an	on Lain
1 6039 - 6	lugas on Lava	\$ 6037	Balts Matte /	he
Remarks:	k			
Posted by	fore	Date of	return Much	181965
- 4	Signature			

4 signs

TOWSON, MD. March 12 1965

. 19.65 the first publication

THIS IS TO CERTIFY, that the annexed advertisement was

2. L. THE JEFFERSONIAN,

ord: From B-A to B.L. Sone titler for Special Exception to Hilling Station. 770N: South side of Baltimor Sonal Piles 12 feet East of Pin CERTIFICATE OF PUBLICATION

19 65

States (Courty, will half a public hearing)
hearing: Bandrage Ba.
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published in THE JEFFERSONIAN, a weekly newspaper printed appearing on the 12th day of March

65-257 RX CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District / 5 /	Date of Posting May 8 1965
	1º Ladden Nal,
Location of property: 3/5 Bults:	I fadden, Nal, Inal I like 52's of line are
Loration of Signa O. en Law	n of 6039 butte Hat'l like
Remarks: Basse	Dale of return May 13,1965

BALTIMORE COUNTY OFFICE OF PLANNING AND ZOHING TOWSON L, MARYLAND Rebert L. Sullivan Jr. Esq 1810 Court Square Bldg. Baltimore, Moryland 21202 Dear Mr. Sullivans The Zoning Advisory Committee has reviewed the subject petition State Roads Commissions Subject to approval of the entrances by this Bureau of Traffic Engineerings This office will review and submit any necessary Will review and submit comments at a later date if

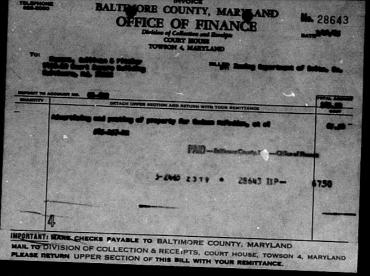
Board of Education Buildings Department Health Department Office of Planning and Zoning Industrial Development Commission

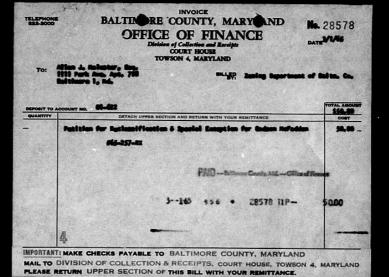
Yours very truly.

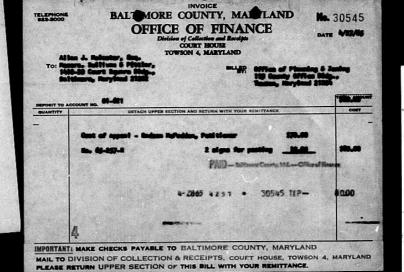
JAMES E. DYER Chief of Permit and Petition Processing

ecs State Roads Commission Bureau of Traffic Engir Fire Bureau

Robert L. Sulliven, Jr., Esq. 1910 Copst Square Building Seltimore, Md. 21202 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING County Office Building 111 W. Chesapeake A: Towson 4, Maryland day of <u>February</u>







CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. March 11 .1965 ..

tion.

LOCATION: So a size of Sullimore Mar and Pills Scient Each. Piles Avenue. DATE & CHER. MONDAY. March 2: 985 at 10-50. MAP. UBLIC HEARING: Room 108, County Office Building, 111 W. Chenapenke Avenue. Townon, Maryland.

The Zoning Commissioner of Buildings, County by nathor-Building. 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 75th March ,19 65 , the first publicatio appearing on the 11th day of Karch

> THE TIMES John M. Martin Manager. John M. Martin

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 12

THIS IS TO CERTIFY that the annexed advertisement was

19.65 the first publication

THE JEFFERSONIAN,

published in THE JEFFERSONIAN, a weekly newspaper printed

appearing on the 12th day of Warch

Cost of Advertisement, a 29.00

Purchase Order A7h3h Requisition No. F76E9

PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION

Ist DISTRICT

Henring Date: Monday, Marc 29, 1965 at 10:00 A.M.

ZONING: From R-A to B.L. Zone Petition for Special Exception for a Filling Station. LOCATION. South side of Bultimere National Pine 12 feet East of Jime

Cost of Advertisement, \$.....

19 65

