FETITION FOR ZONING RE-CLASSIFICATION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

of the property situate in Ba County and which is described in the description and plat attached hereto and made a part hereof. ition (1) that the coning status of the herein described property be re-class SEC. 2A E3A to the Zoning Law of Baltimore Courty, from an R-6. 5W-6-C zone; for the following reason CNS BL

MACHINE STREET	сиоросуюнство	DOCUMENT OF THE PARTY OF THE PA	out alous	4.V
6889090000	opposes page	BICKNESS		

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 Except osting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning sore County adopted pursuant to the Zoning Law Leone HSanden

Hazel K Sandys anna

3100 and 3107 Hell Stell Forey

Mole Sauso

Spe

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607 Loyolz Federal Building Towson, Maryland 21204 (8234280)

..., 196 ..., that the subject matter of this petition be advertises as

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George H. sanders, et al. - No. 68-171-RX

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have been built within the last two years, as has the Friendly Farns store. He further stated that two thousand square feet of his property had been taken by Ballimore County for the construction of the improved Hollins Ferry Road approximately a year and a half ago; that the truck terminals and repair shops two blocks from his home have been recently completed: that his property was reasonably level with the roadbed and that this was not only an excellent location for a service station, in his opinion, but that there was a definite need for one in the neighborhood

experienced realtor familiar with the area outlined the various zoning changes since the map adoption, described the property as a "center of business activity" which should be established as a C.N.S. District, and that the proposed use of the property did meet all of the requirements for a special exception under Section 502.1, and that the establishment of this use would not in a.y way adversely affect the value

George F. Govrelis, Director of Pignoira for Baltimore County, testified that in his opinion the subject property did not meet the criteria for C.N.S. District in that he felt the subject property was too small. He did state, however, that other C.N.S. Districts have been established throughout the County in multiple own He cited as an example at least one area in Timonium where a C.N.S. District was established by the County Council for a business district embracing many separately owned operations, and since all of the other commercial operations nearby or adjoining the subject property which would normally have been included in one C.N.S. District an already present and operating, and were so prior to the establishment of the "district" concept, the only thing before the Board at this time is in connection with the propert that is the subject of this petition, and the Board does not feel that the use of this property should be restricted (it undoubtedly being an excellent location for an automotive service station) or that this testimony should be given too much weight. He further testified

PETITIO.. FOR ZONING RED. FRI TING AND OR SPECIAL EXCEPTION V#68-171RX

legal owner... of the property situate in Balt County and which is described in the description and plat attached hereto and made a part hirrorl, #13 hereby petition (1) that the zoning status of the herein described property be re-districted, pursuant SEC. 2ASSA to the Zoning Law of Baltimore County, from an undistricted district. district: for the following reasons SW-6-C

Two of the other three corners are zoned and districted for Aut CNS "X "

See attached description

68-171

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and (2) for a Special Exception, under the said Zoning Law and Zoning Reg County, to use the herein described presenty, for ... an Automotive Service Station

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

1, or we, agree to pay expenses of above re-districting and/or Special Exception ere County adopted purposest to the Zoning Low for Be George H Sanders

x anna Johnson

3103 and 3107 Hammonds Ferry Rd.

Vamor

Land Son Touth

Address 607 Loyela Federal Building Towson, Maryland 21204 (823-1200)

, 1967..., that the subject matter of this petition be advertised, as required by the Zoning Law of Reltimore County, in two new unty, that property be pested, and that the public hearing be had before the Soning Colory Fra Alle - 31st



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George H. Sanders, et al - No. 68-171-RX

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that the present R-6 zoning is now extremely unrealistic and that some change was definitely indicated from a planning standpoint

The other protestants appeared either as members of or under the auspices of the Maryland Petroleum Retailers Association, the thrust of whose testimony was that there are no many gas stations in business already and that there is no need for a gas station in this location. We particularly note the testimony of Ar. John Whitelock, a of the Board of Petroleum Retailers Association who has operated an Esso station for twenty years, who lives in Pandallstown and operates a service station in Brooklyn four or five miles away from the subject property, and who stated unequivocally that he was entirely unfamiliar with the Lansdowne area.
The Board finus his testimony has very little weight, and on the basis of the facts as outlined above, finds that a reclassifica tion from R=6 to R.L. is justified recause of compelling changes in the character of the hood since the map adoption, and further notes the possibility that there may even have been error in the original zoning. We further find as a fact that the subject property should be within a C.N.S. District, and that the Petitioner has met the burden with regard to the special exception requested; and further, the Board finds as a fac that the proposed use will not create a traffic hazard or congection; that the use will not adversely affect the general welfare or orderly development of the reighborhood; that there is the possibility of a reasonable public need for the proposed automotive service station, and meets all other requirements of Section 405.3 of the Zoning Regula-It will, of course, be required to comply with all regulations regarding site plans, setbacks, access, etc. as required by the standard laid down in Section 405.4.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 2nd day of July, 1970, by the County Board of Appeals ORDERED, that the reclassification from R-6 to B.L., the establishment of a C.N.S. District, and special exception for an automotive #68-171EX MEP #13

SEL. 213A

5W-6-C

BL-X CNS-DIST

PETITION FOR RECLASSIFICATION from R-6 zone to B.L. zone; UNDISTRICTED TO C.N.S.DISTRICT; SPECIAL EXCEPTION for Automotive

George H. Sanders, et al Gulf Oil Corporation

BEFORE

COUNTY BOARD OF APPEALS

RATTIMORE COUNTY No. 68-171-83

. . . . OPINION

This case arises from an application for a tract of land of slightly less than one acre on the southeast corner of Hammonds Ferry and Hollins Ferry Roads, in the 13th District of Baltimore County, for rezoning from R-6 to B.L., for the establishment of a C.N.S. District, and for a special exception for use as an automotive service station all of which are necessary under existing zoning regulations for the construction and open tion of a Gulf Oil Station at this interaction

At the immediate intersection there are two gasoline stations located on two of the corners, i.e. the northeastern and southwestern. On the northwestern comer is a rcial trailer operation, and behind one of the gas stations is a "Friendly Farms" store, which is a type of general store dealing primarily in graceries. A large terminal of the Yale Trucking Company has been built on Hammonds Ferry Road, as well as a repair depot for trucks operated by Brockway Motors on Hammonds Ferry Road approximately two blocks from the subject property; and nearby is the cloverleaf intersection of the Boltimor County Beltway with Hollins Ferry Road, and another one with the Horbos Tunnel Throway All of the foregoing described present uses of property have been constructed and come into being since the adoption of the Zoning Map, which was dated June 2, 1959. The two corners of the intersection presently occupied by service stations are zoned for commercial use, and the area presently occupied by the trailers is zoned for light manufacturing. All of the above facts are illustrated graphically by the photographs constituting Petitioners' Exhibits Nos. 2, 3, 4 and 5, especially Exhibit No. 3 which was taken in 1965 (the aeria George H. Sanders, et al - No. 68-171-84

photo), which shows the construction of industrial and commercial usages which follower the maze of traffic intersections and new roads in the vicinity, all of which were not present at the time of the adoption of the map. All of the rezoning in the immediate area was done by petition following the adoption of the map during 1964, 1965 and 1966, own on Paritioners' Exhibit No. 7, a list of such properties

Mr. William Locke, a real estate man for the Gulf Oil Corporation, testified that there was a public need for this service station, in addition to it being a good location from the standpoint of the Oil Company. In support of this he cited the high density of gas in the road patterns of the vicinity, and that in the defined area, which he stated to be that area included between the Washington Boulevard, the City line, the Expressway inel approach and the Beltway complex, there were seven gasoline stations in operation, including some as for as two miles away from the subject property. He expresse the opinion that the new road pattern has changed the traffic flow to an extent that the company could expect to sell 480,000 gallons a year at the proposed station.

Mr. John Hocheder, a qualified civil engineer and site planner, stated without qualification that sewer, water and all other utilities were available to a more than adequa degree, and he further described the various road changes which have occurred in the ad since the adoption of the map. Hammonds Ferry Road as of old was only enty feet wide in most places; however, it is planned to be farty-four feet wide at the site. His testimony further indicated that the proposed use would meet all of the requirements of Section 502.1 of the Baltimore County Zoning Regulations for the special exception

Mr. George H. Sanders, the Petitioner, has lived on this site for thirty-eight Mr. Sanders, incidentally, has had twenty years' experience as a manager of goseline stations, mostly with the Shell Oil Company. He restified as to the charges since the adoption of the map in 1951, stating that the trailer operation on the northwest corner had doubled in size since 1959; that the other two gas stations, i.e. Shell and Essa

George H. Sanders, et al - No. 68-171-RX

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#68-171 PEX

service station petitioned for, be and the same are hereby GRANTED

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

> COUNTY BOARD OF ARREADS OF BALTIMORE COUNTY

W. LEE HARRISON 607 LOYOLA FEDERAL BUILDING 22 WEST PENNSYLVANIA AVENUE TOWSON, NARYLAND 21204

February 19, 1968



.

Mr. John G. Rose Zoning Commissione: County Office Building Towson, Maryland 21204

Re: Petition for Redistricting, Reclassification and Special Exception--SE/corner of Hammonds Ferry and Hellins Ferry Roads--13th District--George H. Senders, et al. petitioner No. 68-171

Please enter an appeal to the County Board of Appeals on behalf of the applicants in connection with the above captioned matter from your decision and order dated February 5, 1968 denying the same.

I enclose herewith my check in the amount of \$75,00 to cover

Very truly yours,

W. Lee Harrison

ck

Enclosure

RDER RECEIVED FOR VIE 2/5/10 RE: PETITION FOR REDISTRICTING, RECLASSIFICATION AND SPECIAL EXCEPTION SE/corner of Hammonds Ferry and SE/corner of Hammonds Ferry and Hollins Ferry Roads - 13th District George H. Sanders, et al, Petitioner NO. 68-171-RX

BEFORE THE 68-171 PX

BALTIMORE COUNTY

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DATE

The Petitioners have requested that the subject property, which is now undistricted, be change to a CNS District. The Petitioner also requests a Special Exception for an automotive service station.

An automotive service station may be located in accordance with Section 405, 2B2 on an individual site in a CNS District. If located in a CNS District, the property must be in an existing or proposed centers of business activity which are on land zoned BL. BM, BR and/or ML.

The Petitioners in order to get a CNS District have also ioned that the subject property be reclassified from an R-6 zone to a

The purpose of all these petitions as far as the Petitioner is ine purpose of all these petitions as lar as the Petitioner's incerned is to obtain an automotive service station. If this objective is gached, the latersection of Hollins Ferry Road and Hammonds Ferry and will have three automotive service stations, there being two there gached, the interaction of Hollins Ferry Road and Hammonds serry, bad will have three automotive service stations, there being two there is the present time. The insistence of the oil industry in general to place automotive service station on every corner of important interactions in part contributed to the nation-wide outer, against the great number f gasoline service stations.

The rules recently adopted by the Baltimore County Council have in many instances relieved the Zoning Commissiones of the responsibility of considering automotive service stations from an ali-a round zoning

In the case of Offutt vs Board of Zoning Appeals, 204 Maryland at page 552, the Court made it quite clear as to the responsibility of zoning officials, "It is universally recognized that zoning is not static. If it could not change with the changing conuitions amid the complexities of the modern world, progress would be retarded. A restriction of property use which might be considered reasonable today could be so unreasonable under changed conditions as to amount to confiscation. Zoning officials have the power to alter zoning "nes from time to time when there are substantial charges in conditions and such alteration has a reasonable relation to the public welfare." In Zinn vs Board of Zoning Appeals, 207 Maryland at pages 358 and 359 another rule was promulgated. 'It is an established rule that where an application is made for reclassification of a tract of land from one zone to another, there is a presumption that the zones established by the original zoning ordinance were well planned and arranged and were intended to be more or less permanent, subject to change only when there are genuine changes in conditions. Thus, before a zoning board rezones a property, there should be proof either that there was some mistake in the original zoning or that the character of the neis borhood had changed to such an extent that reclassification ought properly to be made. The burden

is upon the proponents of change to justify it by proof of original mistake or substantial change in the character of the neighborhood,

In the instant case we are particularly interested in a very small commercial area not far distant from existing commercial areas The old business community of Lansdowne proper is about 4/10 of a mile away on Hammonds Ferry Road and the new Hollins Ferry Road leads to a very active shopping center 8/10 of a mile away.

Again Zinn vs Board of Zocing Appeals, 207 Maryland at pages 358 and 359 has the following to Lay concerning small districts; "There is no inherent objection to the creation of small districts within a residential zone, not inconsistent with a comprehensive plan, where establishments for the service and convenience of residents may be permitted. In some situations this may be a practical necessity, due in part to the rigidity of the classifications.

"Zoning looks to the future and is predicated upon an assumed ability to predict future needs within a narrow range of fallibility. When it is argued that an unanticipated need has developed, this presupposes a fault in the original plan, that should be ideally corrected by a resurvey of the land use map, rather than by piecemeal alteration."

Regardless of the creation of a CNS District or any other district recently conceived by Bill 40, approved and enacted May 8, 1967, the public, living in that particular locality are entitled to a small area of commercial land whereon can be located various stores necessery for their immediate daily needs and amongst those daily needs would certainly be at least one automotive service station. The intersection in question has two automotive service stations, a drive-in grocery store and another proposed automotive service station. This additional zoning Would not appear to add any real service and convenience to the neighborhood which it already does not have, so that the requested zoning is not such as could be considered as a result of change caused by the opening of the new Hollins Ferry Road. In fact it might be said that this would penalize the neighborhood because a road has received much needed improvement.

Since the Petition does not meet the requirements for reclassification, the Petition to reclassify from R-6 to BL is DENIED. There being no change in classification, the Petition for re-districting and Special Exception for an automotive service station are also DENIED.

17 IS ORDERED by the Zoning Commissioner of Baltimore County, this

ZA day of February, 1968, that all of the aforegoing Peritions are

DENIED.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date January 19, 1968

FROM George E. Gavrells, Director of Planning

Petition ⁶68-171-RX. Redistricting from Undistrict to C.N.S. District. Reclassification from R-6 to B.L. Special Exception for Automotive Service Station. Southest corn.or of Hammond Ferry Rods. Being the property of George H. Sonden, et al.

13th District

HEARING: Wadnesday, January 31, 1968 (11:00 A.M.)

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

- We do not agree with the assertion that commercial zoning of one or two corners of on intersection in Intel' justifier rezoning of yet another corner. This "all or nothing" notion of zoning does not take into accounts probable traffic congestion; the notion of zoning about and, if possible, integral commercial development; the fact that the amount of land zoned for commercial purposes should bear or relation to the amount needed; and the consideration that judicious site planning can mitigate the effects upon readental property that commercial development across the street might otherwise cause. We believe that the obsence of commercial zoning at the subject location is correct.
- Inasmuch as the subject property should not, from a planning viewpoint, be rezoned
 to a commercial classification, it follows that it should also not be classified as a
 neiphonhoad shopping (C.N.S.) district. Even if the property were to be rezoned,
 however, such a district would still not be appropriate. Neighborhoad shopping
 potentials occur elsewhere in the vicinity, in more appropriate situations than that
 of the subject remorative. of the subject property.
- Inamuch or we are opposed both to the commercial zoning and to the application of a C.N.S. District, we will not comment here on the proposal to locate an automotive-service station on the site, other than to point out that we strongly question that there is any need for such a use at this location.

SALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOMSON, MARYLAND 21264

W. Lee Harrison, Esq. 1ding

FURJECT: Reclassification from R-6 to R.L.
Essetial Exception for an automation
and the Reclassification for the Receiving
from an undistance of resident for
for George N. Senders, located E/E
for. "Ollins Ferry 6 Homemon forry RG.
13th Statict
(Item 56, Decomber 19, 1967)

The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

NUMERAL OF EXCINEETING
Water - Existing 10th water in Nammonds Ferry Nord
Adequacy of existing utilities to be determined by developer or his engineerleaves - Existing 12th and tarry saver in Nammonds Ferry Rd.
Roads - Both Hummonds Ferry & Hullins Ferry Roads are existing roads to which
further improvements are not required.

STATE ROADS COMMISSION; There are no State roads involved; therefore, this office has no comment.

BUREAU OF TRAFFIC ENGINEERING:

IONING AGMINISTRATION DIVISION:
The plan must be revised to indicate entrances which conform to Bill 40, indicating
a tengent distance of 20° between the pc of the redus and the pt of the entrance.

If the petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments a m not intended to indicate the appropriateness of the xoning action requested, but to easure that all parties are mide sware of plans or problems that may have a byzning on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the eparapriataness of the requested zoning 10 days before the Loning Commissioner's

The following members had no comment to offer:

Project Planning Division Health Deportment Bureau of Fire Prevention Building Engineer Board of Education Industrial Exvelopment

Very truly yours,

JAMES E. DYER, Principal Zoning Technician

Carlyle Brown-Bur. of Engr.; John Meyers-State Roads Comm.; C. Richard Moore-Bur. of Traffic Engr.

CERTIFICATE OF POSTUME MENT OF BALTIMORE COUNTY

ict..../3# Herry H. SANGERS Location of property SE our Hammonds Ferry & Hellins Ferry &d cation of Signe SE Car Hammonds Ferry & Holling Fory Rd Romarks:
Posted by S. C. C. Cork.

> 9 68-171-RX € ₽ CERTIFICATE OF POSTING TMENT OF BALTIMOTE COUNTY

1 68-171-174

Date of Posting 1-13-68 Posted for Redistricting - Responsement Special Escaption Petitioner Hearya H. Sanders Destioner Steery the Senders Lerry Rd F Helinatory Rd Location of Signs 3) - 50 5 got Halling For Rd on E/s of Hammend's Fory Rd (3) - 150' E of Hammon Sterry Ril on 3/5 of Holling For , Pet

> Albort Date of return 1-19-65

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y newspaper , Md., once are the 31:

PUBLICATION

G S. SPANER & ASSISTANTS
POPESSIONAL ENGINE COS & LAND SURVEYORS
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BENDENNO for the same at an iron sign set at the combinest corner of Lot No. 5 of the plat of Ross termes as seconded same, the Land Becords of Baltimore County line of Sain termes as seconded same, the Land Becords of Baltimore County line of said Let, No. 5 (the courses berein being referred to the secretary of the Baltimore County line of said Let, No. 5 (the courses berein being referred to the secretary of the Baltimore County Between the Saint Baltimore (Port of Saint Baltimore County Bereau at Saint Baltimore (Port of Saint Baltimore County Bereau and Saint Baltimore (Port of Saint Baltimore County Bereau (Port of Saint Baltimore County Bereau and County Bereau (Port of Saint Baltimore County Bereau) (Port of Saint Baltimore C

Containing 0.372 acres of land more or less.

Subject to the revertible slope easements as shown on the aforesaid Plat BM 68-107-2.

For source of title see:

- Deed dated August 6, 1951 from J. Thomas Phipps to Anna Johnson, recorded in Liber C.L.S. No. 2001 folio 172.
- Deed dated September 12, 1958 from Edith Killneyer to George H. Sanders and wife, recorded in Liber G.L.B. No. 3139 folio 78.
- 3. Plat of Edna Terrace recorded in Plat Book W.P.C. No. 3, folio 2h.
- 4. AN Plat 64-107-2.



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