

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

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners have requested that the subject property,
which is now undistricted, be changed 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, 282 on an individual site in a CNS District. If located in a
CNS District, the property must be in an existing or proposed center
of business activity which are on land zoned BL, BM, BK and/or ML.

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

The purpose of all these petitions as far as the Petitioner is
concerned is to obtain an automotive service station. If this objective is
achieved, the intersection of Hollins Ferry Road and Hammonds Ferry
Road will have three automotive service stations, there being two there
at the present time. The instance of the oil industry in general to place
an automotive service station on every corner of important intersections
has in part contributed to the nation-wide outcry against the great number
of gasoline service stations.

The rules recently adopted by the Baltimore County Council
have in many instances relieved the Zoning Commissioner of the responsibility
of considering automotive service stations from an all-around zoning
viewpoint.

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 conditions 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 "new from time to time when there are
substantial changes 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 neighborhood 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 mis-
take 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 Zoning Appeals, 207 Maryland at
pages 358 and 359 has the following to say 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 wherein can be located various stores necessary
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 neigh-
borhood 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 re-
classification, 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.
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this
5th day of February, 1968, that all of the foregoing Petitions are
DENIED.

John G. Rose
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

FROM: George E. Gavrells, Director of Planning

SUBJECT: Petition #68-171-RX. Redistricting from Undistricted to C.N.S. District.
Reclassification from R-6 to B.L. Special Exception for Automotive
Service Station. Southeast corner of Hammonds Ferry & Hollins Ferry
Roads. Being the property of George H. Sanders, et al.

13th District

HEARING: Wednesday, 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:

1. We do not agree with the assertion that commercial zoning of one or two corners of
an intersection in itself justifies rezoning of yet another corner. This "all or nothing"
notion of zoning does not take into account probable traffic congesting the
desirability of compact and, if possible, integral commercial development; the fact
that the amount of land zoned for commercial purposes should bear a relation to the
amount needed; and the consideration that judicious site planning can mitigate the
effects upon residential property that commercial development across the street might
otherwise cause. We believe that the absence of commercial zoning at the subject
location is correct.
2. 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
neighborhood shopping (C.N.S.) district. Even if the property were to be rezoned,
however, such a district would still not be appropriate. Neighborhood shopping
potentials occur elsewhere in the vicinity, in more appropriate situations than that
of the subject property.
3. Inasmuch as 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.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

cc: Lee Harrison, Esq.,
600 Loyola Federal Building
Towson, Maryland 21204

SUBJECT: Reclassification from R-6 to B.L.
Special Exception for an automotive
service station, and redistricting
from an undistricted to a CNS District
for George H. Sanders, located 1/2
cor. Hollins Ferry & Hammonds Ferry Rd.
13th District
(Item 56, December 19, 1967)

Dear Sirs:

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

BUREAU OF ENGINEERING

Water - Existing 18" water in Hammonds Ferry Road
adequacy of existing utilities to be determined by developer or his engineer.
Sewer - Existing 12" sanitary sewer in Hammonds Ferry Rd.
Roads - Both Hammonds Ferry & Hollins 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

Entrances as shown do not conform to B111 40.

ZONING ADMINISTRATION DIVISION

The plan must be revised to indicate entrances which conform to B111 40, indicating
a tangent distance of 20' between the pc of the radius 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 are not intended to indicate the appropriateness of the
zoning action requested, but to ensure that all parties are made aware of plans or
problems that may have a bearing on this case. The Director and/or the Deputy
Director of the Office of Planning and Zoning will submit recommendations on the
appropriateness of the requested zoning 10 days before the Zoning Commission's
hearing.

The following members had no comment to offer:

Project Planning Division
Health Department
Bureau of Fire Prevention
Building Engineer
Board of Education
Industrial Development

Very truly yours,

James E. Uyen,
Principal Zoning Technician

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

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th Date of Posting: 2-2-68
Posted for: Appeal
Petitioner: George H. Sanders
Location of property: SE cor. Hammonds Ferry & Hollins Ferry Rd.
Location of Signs: SE cor. Hammonds Ferry & Hollins Ferry Rd.
Remarks:
Posted by: J. E. Uyen Date of return: 3/6/68

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th Date of Posting: 1-13-68
Posted for: Redistricting - Reclassification - Special Exception
Petitioner: George H. Sanders
Location of property: SE cor. Hammonds Ferry Rd. & Hollins Ferry Rd.
Location of Signs: 1. 30' x 30' at SE corner of Hammonds Ferry Rd.
& Hollins Ferry Rd.
2. 150' x 150' at SE corner of Hammonds Ferry Rd. & Hollins Ferry Rd.
Remarks:
Posted by: J. E. Uyen Date of return: 1-19-68

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD., JANUARY 17, 1968
THIS IS TO CERTIFY that the annex advertisement was
published in THE TIMES, a weekly newspaper printed and pub-
lished in Baltimore County, Md., once in each of one
consecutive weeks before the 31st
day of January 1968, the first publication
appearing on the 11th day of January
1968.

THE TIMES

John M. McArthur
Purchase order No. 2808
Registration No. 1 6480

CERTIFICATE OF PUBLICATION

TOWSON, MD., JAN. 17, 1968
THIS IS TO CERTIFY that the annex advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of one consecutive weeks before the 31st
day of January 1968, the first publication
appearing on the 11th day of January
1968.

THE JEFFERSONIAN

Manager

W. L. SPANER & ASSOCIATES
PROFESSIONAL SURVEYORS & LAND SURVEYORS
SUITE 2000 - TOWSON, MD. 21204

BY: WLS
DATE: 7/14/67
Gulf Oil
Hammonds Ferry and Hollins Ferry Roads
SHEET: 1 of 1
FILE: 1-1226

All that piece or parcel of land situate, lying or being in the Thirteenth Election District, Baltimore County, Maryland, and described as follows, to wit:

BEING: (1) The same as an iron pipe set at the southeast corner of Lot No. 5 of the plat of Edna Terrace as recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 3, folio 24, and running thence bearing on the southern line of said Lot No. 5 (the course herein being referred to the meridian of the Baltimore County Metropolitan District: Coordinate System), (1) South 60° 25' 26" West 120.87 feet to the east side of Hammonds Ferry Road as widened to 60 feet and shown on Baltimore County Bureau of Land Acquisition Plat No. 64-107-2, thence with the east side of Hammonds Ferry Road, (2) North 27° 00' 11" West 55.04 feet and (3) by a line curving left with a radius of 365.47 feet to a distance of 95.32 feet and a chord bearing North 30° 09' 11" West 95.47 feet to a point of reverse curvature, thence still binding on the right of way line as shown on said Plat No. 64-107-2, (4) by a line curving to the right with a radius of 32 feet the distance of 64.32 feet and a chord bearing North 24° 16' 15" East 54.03 feet to the south side of Hollins Ferry Road as widened and shown on said Plat No. 64-107-2, thence binding on said south side of Hollins Ferry Road, (5) North 81° 51' 20" East 114.47 feet to intersect the eastern line of Lot No. 4 of Edna Terrace, thence binding on the eastern line of Lots 4 and 5 of Edna Terrace, (6) South 27° 24' 10" East 211.11 feet to the place of beginning.

Containing 0.472 acres of land more or less.

Subject to the reversible slope easements as shown on the aforesaid Plat No. 64-107-2.

For source of title see:

1. Deed dated August 6, 1951 from J. Thomas Felps to Anna Johnson, recorded in Liber G.L.R. No. 2001 folio 172.
2. Deed dated September 12, 1958 from Edith Killbeyer to George H. Sanders and wife, recorded in Liber G.L.R. No. 3439 folio 78.
3. Plat of Edna Terrace recorded in Plat Book W.P.C. No. 3, folio 24.
4. NW Plat 64-107-2.

*High point of beginning being measured North 81° 51' 20" East 114.47 feet and South 27° 24' 10" East 211.11 feet from the east end of a curve of radius 32 feet at the southeast corner of Hollins Ferry Road and Hammonds Ferry Road,



TELEPHONE 823-3000 EXT. 287

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 51760
DATE: Feb. 2, 1968

TO: W. Lee Harrison, Esq.,
Loyola Building
Towson, Md. 21204

FROM: Zoning Dept. of Balto. Co.

REPORT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Appraisal and posting of property for George H. Sanders, et al 65-171-RX	\$123.75

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 823-3000 EXT. 287

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 53012
DATE: 2/28/68

TO: W. Lee Harrison, Esq.,
Loyola Federal Building
Towson, Maryland 21204

FROM: Office of Planning & Zoning
119 County Office Bldg.,
Towson, Md. 21204

REPORT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of appeal - property of Geo. H. Sanders	\$70.00
1	No. 65-171-RX	5.00
	Total	\$75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 823-3000 EXT. 287

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 51704
DATE: Jan. 9, 1968

TO: W. Lee Harrison, Esq.,
Loyola Building
Towson, Md. 21204

FROM: Zoning Dept. of Balto. Co.

REPORT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Petition for Redistricting, Reclassification & Special Exception for 65-171-RX	\$50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

W. Lee Harrison, Esq.,
507 Loyola Federal Building
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

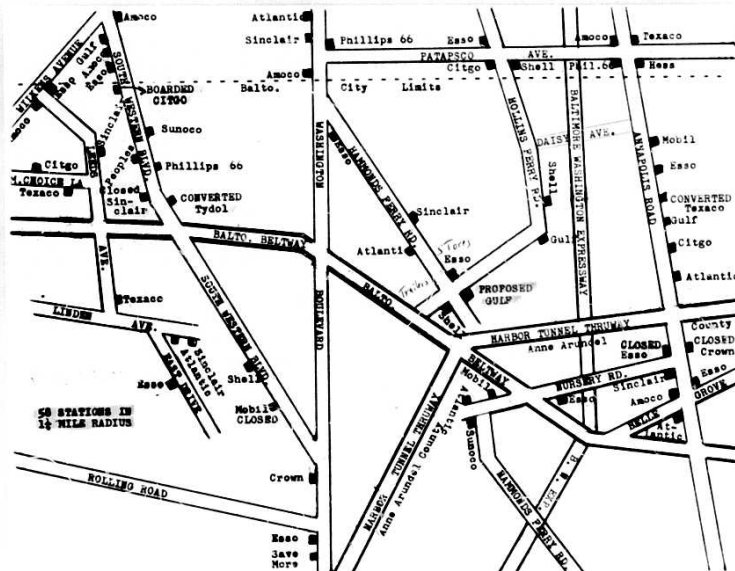
Your petition has been received and accepted for filing this
12th day of December, 1967.

John G. Hill
JOHN G. HILL
Zoning Commissioner

Petitioner: George H. Sanders

Petitioner's Attorney: W. Lee Harrison, Esq.

Reviewed by: *James S. Hill*
Chairman of
Advisory Committee





DISTRICTS

MAY 3, 1968

DISTRICT LEGEND

- C.N.S. District - Commercial, Neighborhood Shopping
- C.C.C. District - Commercial, Community Core
- C.T. District - Commercial, Town-Center Core
- C.S.A. District - Commercial, Supporting Area
- C.S-1 District - Commercial, Strip
- C.S-2 District - Commercial, Strip
- I.M. District - Industrial, Major

THIS MAP IS PART OF ORDINANCE NO. _____
 PASSED BY THE COUNTY COUNCIL OF
 BALTIMORE COUNTY ON _____, 1968
 Harry J. Bartenfelder
 Chairman, County Council

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

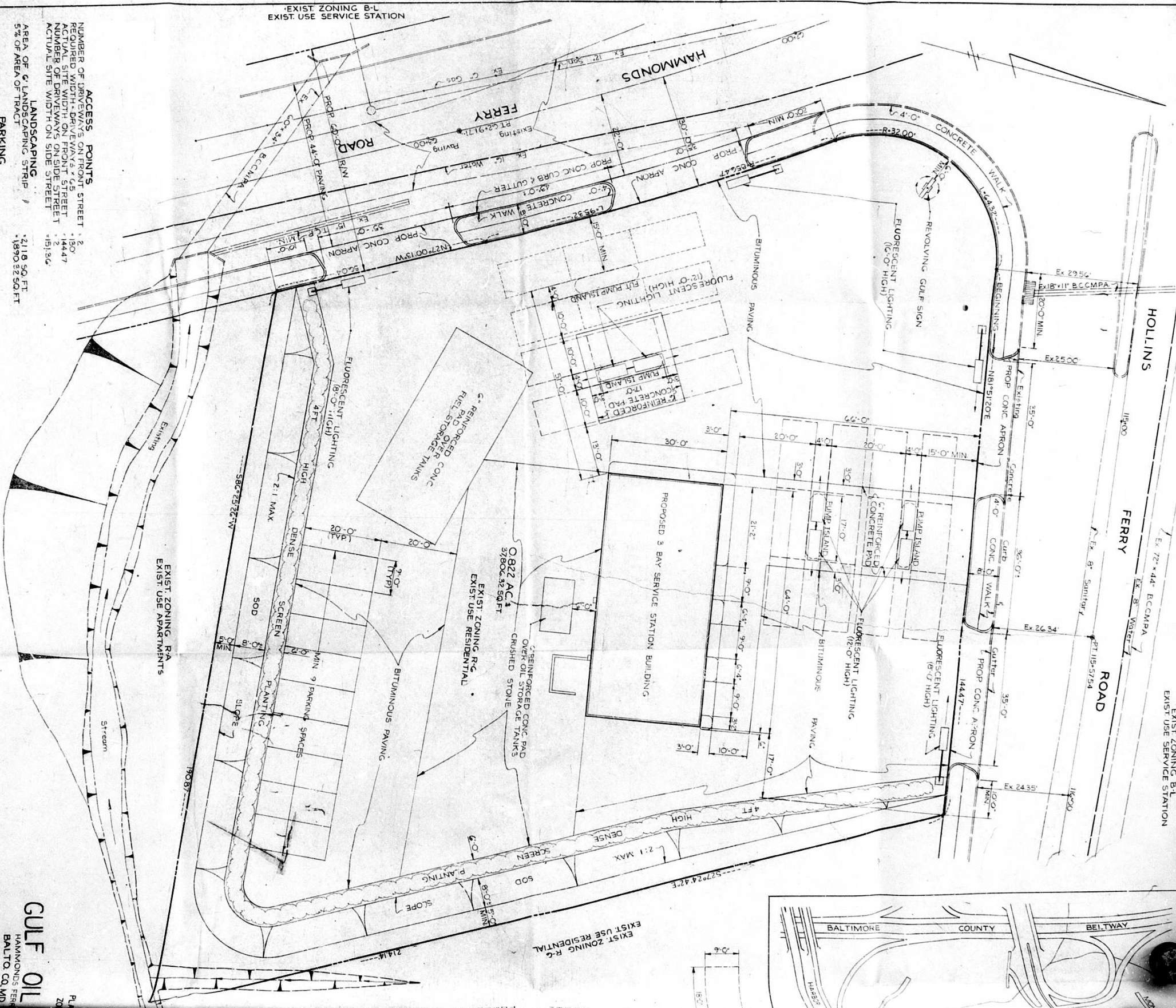
REVISIONS		SCALE 1" = 200'	LOCATION MONUMENTAL BALTIMORE HIGHLANDS	SHEET S.W. 6-B 2A
BY	DATE			
		DATE OF PHOTOGRAPHY APRIL 1953		
Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.				

ACCESS POINTS
 NUMBER OF DRIVEWAYS ON FRONT STREET 2
 REQUIRED WIDTH OF DRIVEWAY 14.0 FT
 ACTUAL SITE WIDTH ON FRONT STREET 14.47
 NUMBER OF DRIVEWAYS ON SIDE STREET 2
 ACTUAL SITE WIDTH ON SIDE STREET 15.30

LANDSCAPING
 AREA OF LANDSCAPING STRIP 1
 5% OF AREA OF TRACT 2118 SQ. FT.
 1890 SQ. FT.

PARKING
 NUMBER OF SERVICE BAYS PROPOSED 3
 PARKING SPACES REQUIRED @ 3 PER BAY 9
 PARKING SPACES PROVIDED 9

LIGHTING
 4 ADJUSTABLE 8'-0" DAVID POLES, 2 16'-0" HIGH,
 2 8'-0" HIGH WITH 6'-0" FLUOR. FIX
 3 12'-0" HIGH Y-TYPE POLES WITH 8'-0" FLUOR.
 FIX



GULF OIL
 HAMMONDS FERRY
 BALTO. CO. MD.
 SCALE: 1" = 20'



