

PETITION FOR ZONING RE-STRUCTURING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Martin Meyers and Bernice Meyers, legal owner of the property situate in Baltimore 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-districted, pursuant to the Zoning Law of Baltimore County, from _____ to a _____ district for the following reasons:

The general area is commercially developed and there is a demonstrated need "X" for an automotive service station at this location.

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 _____ automotive service station _____

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

I, or we, agree to pay expenses of above re-districting 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 County.

Contract purchaser _____
Martin Meyers
Bernice Meyers Legal Owner

Address _____
Address _____
6769 Holabird Ave.
Dundalk, Md. 21222

W. Lee Harrison, Esq.,
Address 22 W. Pennsylvania Avenue, #1204
823-1200

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day of _____, 1967, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1967, at 1:30 o'clock

Zoning Commissioner of Baltimore County.

over:

RE: PETITION FOR REDISTRICTING : BEFORE THE
AND SPECIAL EXCEPTION : ZONING COMMISSIONER
NW corner of Holabird Avenue :
and Monumental Road : OF
12th District :
Martin Meyers, Petitioner : BALTIMORE COUNTY
NO. 68-172-RX :
SE-4-A
SE-3-E
CNS

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 405.2B2 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 subject property is located in a Business Local zone and the question of zoning does not have to be considered in this matter. The next point to consider is the subject property located in "centers of business activity".

Neither testimony produced at the hearing nor a visual inspection of Holabird Avenue from Dundalk Avenue to Snyder Avenue, the extremes given by Mr. Frederick P. Klaus the expert witness for the Petitioners in his testimony, indicated clearly and without a question of reasonable doubt that there is presently existing a center of business activity on Holabird Avenue from Dundalk Avenue to Snyder Avenue.

What is in this location is a scattering of stores plus a barber shop, beauty shop, law office, telephone office building, etc. It is scarcely a place where a shopper in the neighborhood would set out from his or her home in the surrounding neighborhood and shop for various and sundry needs for his household on a weekly or daily basis.

The definition of a CNS District reads as follows in Section 259.2B: "CNS District - Commercial, Neighborhood Shopping. CNS Districts may be applied only to certain existing or proposed centers of business activity which are on land zoned BL, BM, BR and/or ML, any one of which centers must be intended to: include at least one supermarket or grocery store; have less than 15 retail stores in total; have no department store, junior department store, nor ordinarily, variety (dime) store; and serve a resident neighborhood population of approximately 10,000 persons or less. A planned shopping center having such characteristics may lie wholly or partially within a CNS District."

In analyzing this definition in connection with this particular site the first definite thing that can be easily decided is the zone. The question of having less than 15 retail stores could be reduced to the requirement of just one store.

It is difficult to understand why the absence of department stores, variety stores, etc., would help to qualify an area as "a center of business activity." If this is coupled to the other requirement in the definition that there must be "less than 15 retail stores in total," does the mere existence of seven retail stores scattered along the street meet the requirement?

Maryland
Surveying and
Engineering Co., Inc.

ZONING DESCRIPTION
N.W. COR. HOLABIRD AVENUE & MONUMENTAL ROAD

Beginning for the same at a point set on the North Side of Holabird Avenue 55 ft. Right-of-Way; said point being at the end of a curve which is situated S 81° 45' 43" W, 14.32 feet from the intersection of the North Side of Holabird Avenue, 55 feet wide; and the West Side of Monumental Road, 50 feet wide; thence leaving the said point of beginning and running and binding on the North Side of Holabird Avenue, 50 feet wide, S 81° 45' 43" W, 160.87 feet; thence leaving the North Side of Holabird Avenue and running N 5° 33' 54" W, 162.79 feet to a point on the South Side of a 10 ft. alley; thence running and binding on the South Side of said 10 ft. alley, N 84° 26' 00" E, 175.00 feet to a point set on the West Side of Monumental Road, 50 feet wide; thence running and binding on the West of Monumental Road, S 5° 33' 54" E, 140.32 feet; thence by a curve to the right with a radius of 15 ft. Southwesterly 22.86 feet to the place of beginning. Containing 27731.46 sq. ft. or 0.637 Acres, more or less.



Signed This 12 day November 1967
J. Robert Caswell

SCALE: 1" = 100'
File No. 172-1-102

How can the Petitioner determine where to begin the confines of a proposed district? The proposed district can be so defined by the Petitioner that it will contain no more than 15 retail stores.

The same theory applies to the requirement of "approximately 10,000 persons or less." This can be contracted or expanded at will.

The common sense answer is to look at the site in question. This has been done and the conclusion is that the area between Dundalk Avenue and Snyder Avenue on the north side of Holabird Avenue has about seven stores and their arrangement is not such as to constitute a center of business activity.

There are some very fine homes very close to the subject property and they have some large shopping centers available to them at the present time and they seem to be much more attractive than the various stores scattered along Holabird Avenue. The term "centers of business activity" would seem to imply centralization of activity, but the dispersal of stores along Holabird Avenue is more of a scatter shot arrangement.

Since a CNS District has not been identified on Holabird Avenue in such a manner as to warrant a redistricting, the request must be denied. Since there is no district there can be no Special Exception so the automotive service station would have to be denied.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of February, 1968, that the above redistricting be and the same is hereby DENIED and that the above Special Exception for an automotive service station be and the same is also hereby DENIED.

John G. Rose,
Zoning Commissioner

ORDER RECEIVED FOR FILING
DATE 2/16/68
BY J. Robert Caswell
ADMINISTRATIVE ASSISTANT

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

W. Lee Harrison, Esq.,
22 W. Pennsylvania Avenue
Baltimore, Maryland 21204

SUBJECT: Special Exception for an Automotive Service Station and redistricting from an undistricted to a CNS district, for Martin Meyers, located N/S Holabird Avenue, N/W/2 of Monumental Road 12th District (Item 55, 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 10" water in Holabird Avenue.
Adequacy of existing utilities to be determined by developer or his engineer.
Sewer - Existing 8" sanitary sewer in Holabird Avenue.
Road - Both Holabird Ave. and Monumental Road are existing roads to which further improvements are not required.

BUREAU OF TRAFFIC ENGINEERING:
All proposed entrances conform to standards as set forth in B111 40

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

ZONING ADMINISTRATION DIVISION:
The plan should be revised to indicate the following items prior to the hearing:

1. The landscaped areas should be labeled to correspond to the notes.
2. The plan indicates two parking spaces and should be revised to indicate a total of six spaces.
3. It is suggested that landscaping also be provided on the north side of the stockade fence facing the residential dwellings.

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 show comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the County Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

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

Very truly yours,

JAMES E. LEE,
Principal Zoning Technician

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

FROM: George E. Gavelis, Director

SUBJECT: Petition 68-172-RX, Redistricting from Undistricted to C.N.S. District. Special Exception for Automotive Service Station, Northwest corner of Holabird Avenue and Monumental Road. Being the property of Martin Meyers.

12th District

HEARING: Wednesday, January 31, 1968 (1:30 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for creation of a C.N.S. District together with a Special Exception for an automotive service station. It has the following advisory comments to make with respect to pertinent planning factors:

1. In formulating recommendations to the County Council with respect to application of district in connection with automotive service stations, the Planning Board did not recommend a C.N.S. District for the area immediately adjacent to the subject property. Analysis of existing commercial land usage indicated that this portion of Holabird Avenue was developed in a strip commercial manner and that it did not serve as a neighborhood shopping area within the context of the definition of the C.N.S. District. A C.N.S. District is recommended to be established further east on Holabird Avenue between Crofton Avenue and Snyder Avenue. Land use there coincided with the C.N.S. District definition.

Holabird Avenue is recommended by the Planning Board as a Class II Commercial Motorway. If commercial zoning were existent for a minimum distance of 1500 feet along both sides of this road, the Planning Board might have recommended the establishment of a C.S. II District here. This district would not allow new service stations on individual sites. A resolution of the issues in any case is awaiting legislative action.

CEG:bms

W. Lee Harrison, Esq.,
22 W. Pennsylvania Avenue
Baltimore, Maryland 21204

- 2 - January 2, 1968

cc: Carole Brown-Sur, of Engr., C. Richard Moore-Sur, of Traffic Engr.
John Meyers-State Roads Commission

Ex 3 High Page Fence
26-06"E
Ex Bit Conc. Paving
(Poor Condition)
Ex Gate Pole 5407

Diagram of a section of a high-pile wall. The wall is 55.02' high. It has a top width of 4.26' and a base width of 3.2'. The wall is labeled "Iron Pin Found" and "Ex. 3 High Pile Fence". The wall is supported by "O.H. Wires".

Ex 5 W M H
Covered by

1

An aerial photograph showing a residential neighborhood. A street grid is visible, with a large, irregularly shaped lot in the center. The lot is surrounded by other residential lots and streets. The image is in black and white and appears to be a historical or archival photograph.

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1. COORDINATES AND BEARINGS SHOWN ARE BASED ON SAILING

2. ELEVATIONS AS SHOWN HEREON ARE BASED ON BATHYMETRIC SURVEY TRAVERSE STATION 1878A. ELEV. 80.074

3 UTILITIES AND OTHER DISTRACTIONS AS SHOWN HEREON MAY

TO HIS OWN SATISFACTION AND MUST NOTIFY THE EMPLOYER CONCERNED PRIOR TO COMMENCING WORK

OBAINED FROM PLANS OF THE LOCAL HIGHWAY AGENCIES
ARE SUBJECT TO CHANGE UNTIL ACTUAL CONSTRUCTION

CHESTERLEAKE & TROTTER TELEPHONE COMPANY
320 ST PAUL STREET BALTIMORE MD 21202

ALFA DECORUM N°

new logo, logo (TFL) is high

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11-11-11

CH.

STOCK	STATION
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ST No 12 BALTIMORE COUNTY, MARYLAND
 RNER HOLABIRD AVENUE 4 MINOMIENTAL ROAD

ST. ANTONIO RICHFIELD COMPANY AGENT

ZONING PLAT

CONCRETE AND ENGINEERING

1701 NORTH CHASE
BALTIMORE, MARYLAND 21202
CALL 5-0469

100

ZONED R.6

