

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, John Q. Kluttz, 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-classified, pursuant to the Zoning Law of Baltimore County, from an B.L. CCC zone to an R-2 zone; for the following reasons:

Petitioner desires to utilize the subject premises (1511 Martin Boulevard) as a used car lot separated from Sales Agency Building.

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 a used car lot separated from Sales Agency Building.

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 regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
John Q. Kluttz
Address
Petitioner's Attorney
William E. Chamberlain
1760 Eastern Boulevard
Baltimore, MD 21221 686-9493
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of April, 1975, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of September, 1975, at 10:00 o'clock.

S. Eric DiNenna
Zoning Commissioner of Baltimore County.

(over)

BRIEF IN SUPPORT OF PETITION FOR ZONING RECLASSIFICATION

Zoning file No. _____

The owner of the premises known as 1511 Martin Boulevard (Southwest Corner of Orem Road and Martin Boulevard) requests reclassification of the aforesaid premises from B.L. Zone to B.R. Zone with special exception under regulation 236.4 for use of aforesaid premises for a used Motor Vehicle Business, outdoor sales, separated from sales agency building with all normal and incidental uses necessary for said business.

In support of the aforesaid request and Petition, the property owner offers proof of the following facts and matters:

1) The Zoning Map under which the present zoning is established was adopted by the Baltimore County Council on March 24, 1971, more than two years prior to the filing of the aforesaid Petition and request for reclassification.

2) The aforesaid premises is bounded on the Northern side by Martin Boulevard on the Southeastern side by Orem Road, and on the Western side by Middle River Road, of which Martin Boulevard is an arterial highway, and Orem Road and Middle River Road are fifty feet wide and forty feet wide, respectively, each carrying four lanes of traffic.

3) That the premises located on Orem Road, Fuselage Ave. and Martin Boulevard, within two-hundred to three-hundred feet of subject premises, is classified BMCSA, and is a general shopping center.

4) That the premises located Northwest of the subject premises, within 400 feet of the same, is zoned BM-CCC.

5) That the subject premises were purchased by the present owner on or about the 26th day of July, 1974, from the Exxon Company.

6) That the Exxon Company, to the best of your Petitioner's knowledge, did conduct from the aforesaid premises, for many years, an Automotive Service Station and did wash cars, dispense gasoline, store cars temporarily thereon, perform minor repairs on motor vehicles and sell minor accessories, dispense candy and soft drinks by vending machines and did perform all those services necessary and incident to the servicing of motor vehicles.

7) That your Petitioner's proposed use of the aforesaid premises, while requiring a technical reclassification under existing regulations, nevertheless, the said proposed use is not inconsistent with, nor greatly different from the uses which have heretofore been made of the said premises for many years prior to 7/26/74; the proposed uses consisting of servicing automobiles, minor auto repair, and sales of automobiles and storage of same for sales.

8) That the proposed reclassification is permitted as a special exception to B.R. Zone under Section 236.4 of the Baltimore County Zoning regulations.

9) That the proposed uses will not:
a. Be detrimental to the health, safety, or general welfare of the locality involved.
b. Tend to create congestion in roads, streets or alleys therein.
c. Create a potential hazard from fire, panic or other dangers.
d. Tend to overcrowd land and cause undue concentration of population

e) Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements.

f) Interfere with adequate light and air.

10) In consideration of all the foregoing factors the Petitioner claims that the existing zoning map, classifying the subject premises BL-CCC is in error and should now be changed to BR with a special exception in accordance with the Petitioner's request.

11) That the neighborhood in which the Petitioner's subject property is located has so changed as to be not inconsistent with the proposed uses Petitioned for herewith.

William E. Chamberlain
Attorney for John Q. Kluttz,
Petitioner

FRANK S. LEE Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

January 31, 1975

Chesapeake Motors
Southwest corner of Orem Road and Martin Blvd.
15th District Baltimore County, Maryland

Beginning for the same on the northwest side of Orem Road at the distance of 147.62 feet measured along the northwest side of Orem Road from the east side of Middle River Road, and thence running and binding on the northwest side and the west side of Orem Road the two following courses and distances viz: North 54 degrees 44 minutes East 205 feet and North 4 degrees 50 minutes West 50.4 feet, to the south side of Martin Blvd., thence running and binding on the south side of Martin Blvd. South 85 degrees 02 minutes West 176 feet, and thence running for a line of division South 4 degrees 50 minutes East 150.97 feet to the place of beginning.

Containing 0.75 acres of land more or less.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
William E. Chamberlain, Esq.
1760 Eastern Boulevard
Baltimore, Md. 21221
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 15 day of April 1975

S. Eric DiNenna
Zoning Commissioner

Petitioner John Q. Kluttz

Petitioner's Attorney William E. Chamberlain viewed by Franklin T. Hofana, Jr.
as: Frank S. Lee, Surveyor
1277 Neighbors Ave.
Baltimore, Md. 21237
Chairman,
Zoning Plans
Advisory Committee

William E. Chamberlain, Esquire
1760 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Reclassification and Special Exception
SW/corner of Martin Boulevard and Orem Road - 15th Election District
John Q. Kluttz - Petitioner
NO. 76-39-RX (Rem No. 3)

Dear Mr. Chamberlain:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED/acw

Attachments

cc: John W. Hession, III, Esquire
People's Counsel



DEC 02 1975

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map, substantial changes in the character of the neighborhood and the health, safety, and general welfare of the community not being adversely affected.

the above Reclassification should be had, and it further appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a used car lot separated from sales agency building should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of October, 1975, that the herein described property or area should be and the same is hereby reclassified from a B. L. Zone, with a C. C. C. District to a B. R. Zone, and a Special Exception for a used car lot separated from sales agency building should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a

sign plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning, Baltimore County.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1975, that the above reclassification be 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 a zone, and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
AND PETITION FOR SPECIAL EXCEPTION, : ZONING COMMISSIONER OF
Southwest corner of Martin Boulevard :
and Orem Road, 15th District : BALTIMORE COUNTY

JOHN Q. KLUTTZ, : Case No. 76-39-RX
Petitioner :

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

CHARLES E. KOUNTZ, JR.
Deputy People's Counsel

JOHN W. HESSIAN, JR.
People's Counsel
County Office Building
Towson, Maryland 21204
494-3211

I HEREBY CERTIFY that a copy of the foregoing Order was mailed this 29th day of August, 1975 to William F. Chamberlain, Esquire, 1760 Eastern Boulevard, Baltimore, Maryland, 21221.



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204

Franklin T. HOGANS, Jr.
Chairman

April 30, 1975

William E. Chamberlain, Esq.
1760 Eastern Boulevard
Baltimore, Maryland 21221

RE: Reclassification Petition
Item 3 - Cycle Zoning 9
John O. Kluttz - Petitioner

Dear Mr. Chamberlain:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These 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 with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located at the southwest corner of Orem Road and Martin Boulevard, and was the subject of previous review by this Committee as Item 163 (1974-75), Case No. 75-244-X. A request was made for Special Exception on this property for a service garage operation. The petitioner's current request involves the change of the existing B.L., C.C.C. zoning to Business Roadside, with Special Exception for an outdoor used car sales lot.

The existing building on this property, a converted gasoline service station, is proposed to be utilized as used car sales office and service garage operation. Adjacent properties exist as commercial development in the immediate environs of this site.

William E. Chamberlain, Esq.
Item 3 - Cycle Zoning 9
April 30, 1975
Page 2

The comments of this Committee concerning the previous item, as noted in the foregoing, are referred to the petitioner for his consideration, as well as specific comments concerning the proposed car lot operation.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to Monday, June 2, 1975, in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between September 1, 1975 and October 15, 1975, will be forwarded to you well in advance of the date and time.

Very truly yours,

FRANKLIN T. HOGANS, JR.
Chairman
Zoning Plans Advisory Committee

FTH:JD

Enclosure

cc: Frank S. Lee, Surveyor
1277 Neighbors Ave.
Baltimore, Md. 21237

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

April 22, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 23 - Cycle #9 (April - October 1975)
Property Owner: John Q. Kluttz
S/W cor. of Orem Rd. and Martin Blvd.
Existing Zoning: B.L. - C.C.C.
Proposed Zoning: Re-class to B.R. and Special Exception for used car lot separated from sales agency building.
No. of Acres: 0.78 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item 163 (197-1975) remain valid and applicable. A copy of those comments is attached for your consideration.

Very truly yours,

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:FW:iss

1-NE Key Sheet
13 NE 33 Pos. Sheet
NE & I Topo
90 Tax Map

Attachment

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

March 11, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #163 (1974-1975)
Property Owner: John Q. Kluttz
S/W corner of Orem Rd. and Martin Blvd.
Existing Zoning: B.L. - C.C.C.
Proposed Zoning: Special Exception for service garage.
No. of Acres: 0.78 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Orem Road (Md. 163) and Martin Boulevard (Md. 700) are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect these roads come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #163 (1974-1975)
Property Owner: John Q. Kluttz
Page 2
March 11, 1975

Water and Sanitary Sewers:

Public water supply and sanitary sewers are serving this property. It appears that additional fire hydrant protection may be required in the vicinity.

Very truly yours,

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:FW:iss

cc: William Wanchal

1-NE Key Sheet
13 NE 33 Pos. Sheet
NE & I Topo
90 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

Wm. T. MELZER
DEPUTY TRAFFIC ENGINEER

April 28, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland - 21204

Re: Cycle Zoning 9
Item 3 - ZAC - April, 1975 - October, 1975
Property Owner: John Q. Kluttz
Location: SW/C of Orem Rd. & Martin Blvd.
Existing Zoning: B.L. - C.C.C.
Proposed Zoning: Re-class to B.R. - Special Exception for used car lot separated from sales agency bldg.
No. of Acres: 0.78
District: 15th

Dear Mr. DiNenna:

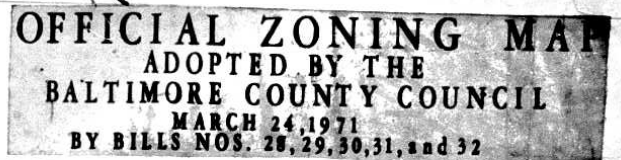
The subject petition is requesting a change from B.L. to B.R.

This should not change the trip density of the property.

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

CRM/bza





MARTIN

585'-02" W

BLVD.

GLASS MEDIAN STRIP

CONC.

TO BE CLOSED

DRIVE

TO BE CLOSED

176.00

ENTIRE AREA TO BE MACADAM PAVING

USED CAR PARKING

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B.M. CSA

MIDDLE DIVED ROAD

EX. 22' PAVING

35.81

N89°37'E

OZEM

CHESACO MOTORS
USED CAR LOT

B.L. CSA

PROPERTY OF
CHESACO MOTORS

15TH DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30'

DATE: 1-31-75

REVISED 2-26-75

REVISED 2-2-76

EX. USE - SERVICE GARAGE
PROP. USE - SERVICE GARAGE & ACCESSORIES
EX. ZONING - B.L. CCG
PROP. ZONING - C-12, WITH A SPECIAL EXCEPTION FOR A USED CAR LOT
AREA OF LOT - 0.78 AC.
AREA OF EX. BLDG. - 1530 SQ. FT.
AREA OF PROP. BLDG. - 489 SQ. FT.

PARKING DATA

NO. OF SPACES (225' / 1500') (BUILDING - 2010') = 7 SPACES + 15 SPACES PROVIDED

DISABLED VEHICLES - 3 VEHICLES (BAY STORAGE AREA, 1 PER BAY - 3 SPACES PROVIDED)

PLANS APPROVED
OFFICE OF PLANNING & ZONING

BY: *[Signature]*

DATE: 2-2-76

16-39-RX



FRANK S. LIEB
1277 NEIGHBORS AVE.
BALTIMORE, MD. 21237