Protestant's Exhibit 10

RE: PETITION FOR REDISTRICTING from Undistricted to C.N.S. District, SPECIAL EXCEPTION for an Automotive Service Station, and VARIANCES from Sections 405.4B5 and 259.2B of the Zoning Regulations NE/S Reisterstown Road and SE/S of Hooks Lane, 3rd District George J. Schwesinger and Albert L. McGuire, Petitioners Humble Oil & Refining Co., Contract Purchaser	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 72-141-RXA

: :

OPINION

This case comes before the Board on an appeal by the petitioner from an Order of the Zoning Commissioner which denied the requested petition. The subject property is located in the Third Election District of Baltimore County, on the northeast side of Reisterstown Road and the southeast side of Hooks Lane, at the corner of these two streets. Same is northwest of the Pikesville community and a few hundred feet northwest of the Reisterstown Road-Beltway interchange. The petitioner seeks redistricting from an undistricted area to a C.N.S. District, and a special exception for an Automotive Service Station. At the commencement of this hearing, the petitioner's Motion withdrawing previously petitioned variances was granted by the Board. The site is now zoned B.L. and B.R.

There were no protestants. The petitioner presented evidence and testimony through three witnesses: Smith N. Stathem, a real estate department executive of the petitioner, Humble Oil and Refining Company; Raymond A. Waterworth, a construction engineer for Humble Oil and William E. Corgill, an independent expert traffic engineer. The petitioner's proposal may be examined as detailed on the plat plan which has been admitted into evidence as Petitioner's Exhibit #1. The written report of the traffic engineer was submitted into evidence as Petitioner's Exhibit #2.

Concerning the petitioner's request for a C.N.S. District, the Zoning Regulations at Section 259.2B defines same as follows:

> "C.N.S. District - Commercial, Neighborhood Shopping. C.N.S. Districts may be applied only to certain existing or proposed centers of business activity which are on land zoned B.L., B.M., B.R, and/or M.L., 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 C.N.S. District."

Considering and reflecting upon said Section, and the evidence and testimony presented in this case, it would seem to this Board that the petitioner's proposal would fulfill the elements of this definition.

Concerning the request for a special exception for an Automotive Service Station, the prime question to be decided is whether or not the petition could satisfy Section 502.1B, which deals with traffic congestion. The testimony and evidence of Mr. Corgill satisfies the Board in this instance. It may also be noted that the file in this case contains comments from the County's Department of Traffic Engineering which seems to affirm the report of Mr. Corgill when same states; "This special exception will not create any major traffic problems". The comments of the State Highway Administration, also found in the case file, seem to be adequately answered in Mr. Corgill's report, especially considering the fact that any building permit for this site would be subject to approval by this agency.

Considering the above, and other evidence and testimony heard in this case, the Board is satisfied that the elements of Section 502.1 will not be violated by this petition. Hence, without further detailing the testimony and evidence, the Board shall grant the requested district and special exception.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 11th day of July, 1972, by the County Board of Appeals, ORDERED that the redistricting from Undistricted to C.N.S. District petitioned for, be and the same is hereby GRANTED; and

IT IS FURTHER ORDERED that the special exception for an Automotive Service Station petitioned for, be and the same is hereby GRANTED.

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

Walter A. Reiter, Jr., Acting Chairman

John A. Miller

William H. Gaffney