

**PETITION FOR ZONING MAP AMENDMENT**  
**TOWN OF SYKESVILLE**

I, Ruth Joy Gorsuch (formerly Ruth E. Joy), along with my sons, Christopher Thomas Joy and Daniel Joy, and daughter, Maria Lynn Joy, hereby petition for reclassification of property located in Sykesville, Maryland, and which is described in the attached plat and made part hereof, from B-L Business Local District (present zoning district) to B-G Business General District (requested zoning district) for reasons given in the below statement.

The property is located West of Springfield Avenue and approximately zero (0) feet North West the intersection of Springfield Avenue and Central Avenue and consists of approximately 0.20 acres.

**CURRENT USE OF PROPERTY AND REQUESTED CHANGE**

As referenced herein, any reference to Property shall mean all of that parcel of land situated in the Fifth Election District of Carroll County, Maryland as described in that Deed dated May 20, 1991 and recorded in the Land Records of Carroll County in Liber 1274, Folio 755 & etc. (attached as Exhibit 1) and shown on the Rezoning Plat (attached as Exhibit 4). Petitioner is the fee simple owner of the Property.

The Property is currently zoned B-L Business Local on the Town of Sykesville Zoning Maps and has historically been used as an automobile service and repair establishment.

The requested change in zoning for the Property is to the B-G Business General District.

**DESCRIPTION OF NEIGHBORHOOD**

The neighborhood (as depicted on the attached Exhibit 6) encapsules what is known as the Warfield development and the is centered around the portion of Town surrounding Springfield Avenue and northern Main Street. The subject property is located at the intersection of Springfield Avenue and Central Avenue and accesses directly onto Springfield Avenue. It is across Springfield Avenue from Sykesville Middle School.

**LEGAL ARGUMENT**

Petitioner alleges both a substantial change in the character of the neighborhood and a mistake. The Property consists of one parcel, although notably, Petitioner is the owner of 2 adjoining properties (see attached Exhibits 2 & 3). The property described in Exhibit 2 visually appears to be part of the adjoining residentially improved property and the property described in Exhibit 3 was the former railroad that served the area. The requested rezoning of the Property would allow the current use to continue and, given the “development envelope” circumstances described below, would not adversely affect surrounding properties.

The existing B-L Business Local zoning designation recognizes that this parcel is not appropriate for its existing use. The Property has historically been used as a neighborhood-type automobile service and repair establishment, which is not a permitted use in the B-L zone.

The Property is less than a quarter of an acre in size, so practically, although the B-G zoning district provides for more intense commercial development, it is unlikely, if not impossible, for most uses allowed in the B-G zoning district to develop on the site. It is Petitioner's intent to maintain the site with the neighborhood-type automobile service and repair establishment that has historically existed at the site. There is no anticipated redevelopment of the site, aside from building façade improvements, as a result of the instant Petition.

#### SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD

a. The requested rezoning is to another commercial zoning category (from B-L to B-G) and not to an entirely different use category (i.e. residential to commercial). As set forth in Stanley D. Abrams, *Guide to Maryland Zoning Decisions* §1.02[2] (Matthew Bender 5<sup>th</sup> ed.) citing *Missouri Realty, Inc. v. Ramar*, 216 Md. 442, 140 A.2d 665 (1958), such request is subject to a more relaxed standard of review.

b. Petitioner incorporates by reference paragraph (a) of the mistake portion of this Petition and further states that there have been substantial changes in the character of the neighborhood related to road improvements, surrounding rezonings, changes to the water and sewer service areas and development of the surrounding area. Petitioner realizes that certain of these "changes" can be characterized as a mere paper change, but Petitioner believes that this major change to the eligibility and appropriateness of the Property for continued commercial use can also be considered a change in the character of the neighborhood. Maryland case law has recognized that such paper changes can be part of a change argument. See *Bowman Grp. v. Moser*, 112 Md. App. 694, 686 A.2d 643 (1996), and *Montgomery v. Bd. of Cnty. comm'rs*, 263 Md. 1, 280 A.2d 901 (1971).

c. The Comprehensive Plan for the Town of Sykesville suggests that the Springfield Avenue corridor is a high priority area for increased connection to Downtown, and in fact, the intersection of Springfield Avenue and Sykesville Rd/Md Route 32 has been improved in recent history to accommodate the increased traffic and development of Warfield, which has consequently increased the prominence of this entrance to Downtown.

d. The Millard Cooper Park, although not a new development, has added amenities that have increased the regional draw to the area, including the splash pad. Although understandably zoned Conservation within the Town's zoning district, the use of the property has characteristics in common with a small commercially zoned property, similar to the Petitioner's, in terms of visitors/traffic.

e. Sykesville Middle School is located across the street from the Property and historically provided foot traffic of middle schoolers who frequented the Property for after-school snacks, candy and soda. Again, although not a new school, the institutional use of this property is similar to the Property in characteristics of use.

f. The intersection of Springfield Avenue and Spout Hill Road is noted in the Comprehensive Plan for the Town of Sykesville as a candidate for additional improvements in

and effort to activate that area as a gateway to Downtown. A commercially zoned property leading up to this intersection would be consistent with that intent.

g. Downtown has seen increased commercial utilization, including increased commercial uses at the North end of Main Street. In 2011, the Sykesville Main Street Association was created and through the Downtown Sykesville Connection's efforts, Downtown has seen an increase in commercial activity both in utilization of existing space, as well as temporary Downtown attractions and events. All such uses demonstrate a change in the character of the neighborhood with the expansion of commercial uses along Main Street, all of which are compatible with the subject request.

h. Petitioner is aware of County and State initiated efforts to construct sidewalks down Springfield Avenue. The planned increased pedestrian access, particularly coupled with the residential proximity of the Warfield development, increase the suitability of commercially zoned property on Springfield Avenue. Walkability to a beneficial neighborhood service use, as allowed in the B-G district, would be a community advantage for the neighborhood and such change supports the requested rezoning.

i. The zoning and development of Warfield allows for increased mixed-use space to develop, thus changing the character of the neighborhood by creating a commercial component North of the Property that is consistent with the commercial zoning designation requested for the Property. The use of a neighborhood-type automobile service and repair establishment is also consistent with the residential component of the Warfield development and would serve residents with needed neighborhood services.

j. Petitioner incorporates paragraph a of the Mistake argument of this Petition.

#### MISTAKE

a. Presumably, it was an oversight or mistake of the zoning authority to place the Property in a zoning district which does not allow for the historically existing use of an automobile repair/service establishment, as there has been no historical indication that it was the intent to prevent the continuance of the use at this property. Generally, comprehensive zoning actions are not intended to "create" non-conforming uses, which is a categorization that encourages the demise or cessation of the use.

b. Given the size of the property and the modern day development requirements and standards, any change of use or redevelopment of the site for a commercial use would likely not be feasible.

#### CONSISTENCY WITH CITY COMPREHENSIVE PLAN

The Property is within the Growth Area Boundary for the Town of Sykesville and has a future land use designation of Medium Density Residential on the 2020 Town of Sykesville Comprehensive Plan Designated Land Use in Growth Area Boundary Map. The Property is also within the Priority Funding Area.

**CURRENT SERVICE OF PUBLIC FACILITIES**

The Property is currently served by public water and sewer. The Property has existing access onto Springfield Avenue. The Property is within the “W-1 Existing/Final Planning” category on the Freedom Water Service Area Master Plan. The Property is within the “S-1 Existing/Final Planning” category on the Freedom Sewer Service Area Master Plan.

**ATTACHED EXHIBITS**

1. Deed for the Subject Property, recorded in the Land Records for Carroll County, Maryland in Liber 1274, Folio 755 & etc..
2. Deed for adjoining property owned by Joy, recorded in the Land Records for Carroll County, Maryland in Liber 858, Folio 1015 & etc..
3. Quiet Title Judgment, dated September 22, 1995 and recorded May 9, 2023 in the Land Records for Carroll County, Maryland in Liber 11022, Folio 6 & etc..
4. Rezoning Plat prepared by RTF & Associates, Inc..
5. Zoning Map.
6. Map of the Neighborhood – collaboratively prepared by Petitioner and Town Staff.

Information to Accompany Petition for Zoning Map Amendment

Petitioners: Ruth E. Joy, Christopher Thomas Joy, Daniel Joy & Maria Lynn Joy

Legal Owners:

Ruth Joy Gorsuch

Christopher Thomas Joy

Daniel Joy

Maria Lynn Joy

Legal Owner's Phone:

410-984-7166 (Tom Joy)

Petitioners:

Same as above.

Legal Owners' Address:

170 Southeast 20<sup>th</sup> Street  
Cape Coral, FL 33990

3308 Nicholson Road  
Westminster, MD 21157


3300 Nicholson Road  
Westminster, MD 21157

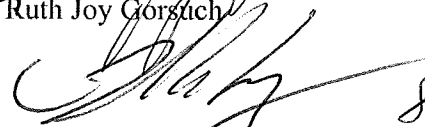
603 Church Road  
Reisterstown, MD 21136

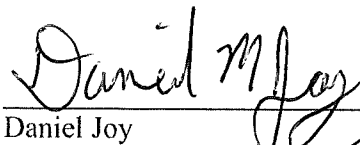
Petitioner's Address:

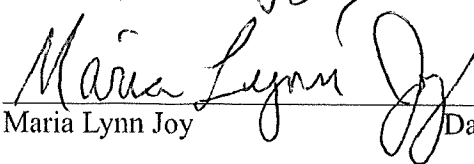
Same as above.

Signature of Petitioners:

 8-3-2023  
Ruth Joy Gorsuch Date

 8-11-23  
Christopher Thomas Joy  
Date

 8/14/23  
Daniel Joy Date

 8-14-23  
Maria Lynn Joy Date

Attorney:

Kelly Shaffer Miller  
Shaffer and Shaffer, LLP

Attorney's Phone:

(410)848-3737

Attorney's Address:

73 E. Main Street  
Westminster, MD 21157