

IN THE MATTER OF

TRUCK TERMINAL, INC.

For a Special Exception
To the Zoning Commissioner of Baltimore County

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Legal Owner

Contract
Purchaser

herby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or be erected thereon) hereinafter described for

A GASOLINE SERVICE STATION

All that parcel of land in the Third District of Baltimore County on the Northwest corner of Reisterstown Road and Tobin Lane, thence running in a Northerly direction and blinding on the West side 100 feet; thence South 17 degrees West 100 feet; thence South 12 degrees 35 minutes West 39.12 feet to the North side of Tobin Lane; thence Northerly and blinding on the North side of Tobin Lane 217.78 feet to the place of beginning.

TRUCK TERMINAL, INC.
7 St. Paul Street

Legal Owner

JUN 23 REC'D

Mr. John G. Rose
Deputy Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Special Exception for Gasoline Service Station - NW cor. of Reisterstown Rd. & Tobin's Lane - 3rd District - Truck Terminal, Inc. Petitioner

Dear Mr. Rose:

I have received a copy of your order granting the special exception referred to above and I am writing this letter to notify you that I am hereby entering an appeal from your order in the name of the Reisterstown Road Association and Laurence K. Harper, Jr.

I enclose a check in the amount of \$50.00 to cover the cost of the appeal and I would appreciate your check. I enclose a copy of letter on which you wish to make the acknowledgment.

Very truly yours,
A. Adgate Duer
A. Adgate Duer

D/S
Enc.
Ck.

STATE OF MARYLAND
STATE ROADS COMMISSION
100 EAST LEXINGTON STREET
BALTIMORE 3, MD.
July 27, 1958

Mr. Willie H. Adams, Zoning Commissioner
Baltimore County Office Building
Towson 4, Maryland

Re: Zoning Petition No. 4460X - Special Exception for Gasoline Service Station NW Corner of Reisterstown Road, Route 140 and Tobin Lane

Dear Mr. Adams:

At the hearing for the proposed Drive-In Theatre located adjacent to the subject property, traffic conditions were discussed rather thoroughly. The writer feels that some of these points must be reiterated at this time.

The proposed location is situated on a very steep grade of the Reisterstown Road and traffic difficulties have been experienced during inclement weather due to the formation of ice. The intersection of Valley Road and Reisterstown Road is situated directly opposite the proposed site. This intersection is the generator of a large turning movement and due to existing physical conditions such as site distance, angle of approach, road grades, etc., the intersection could be classified as hazardous. Reisterstown Road, according to the 1957 traffic survey, is carrying in excess of 17,000 vehicles per day.

It was requested at the zoning hearing for the aforementioned Drive-In Theatre, that should the Special Exception be granted, it be stipulated that the proposed entrance opposite Montrose Avenue be the only access allowed to serve the entire tract of land.

The construction of a service station at the proposed location would necessitate the construction of at least two additional entrances at this critical location.

Thank you for your cooperation.

Very truly yours,
C. Stuart Linville
Development Engineer
C. Stuart Linville
Asst. Development Engineer

cc: Mr. J. M. Stirling

RE: PETITION FOR SPECIAL EXCEPTION
FOR Gasoline Service Station -
NW cor. of Reisterstown Rd. &
Tobin's Lane - 3rd District -
Truck Terminal Inc., Petitioner

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

#4460-X

OPINION

The petitioner, Truck Terminal, Incorporated, requests a special exception for a Gasoline Service Station on certain property now zoned "B-1" (business local), located on the northwest corner of Reisterstown Road and Tobin's Lane, in the Third District of Baltimore County.

Under the provisions of Section 502.1, the granting of special exceptions is made dependent upon the appearance of evidence to show that the use sought will not cause certain undesirable conditions. The petitioner contends that these conditions will not result from the use of the property as a gasoline station.

The protestants seek to prove that the granting of the special exception will be detrimental to the health, safety and general welfare of the locality involved and will tend to create congestion in the roads therein. They produce evidence to show that there are presently some eight filling stations within the immediate vicinity and argue that another would not be a successful operation, and that, therefore, it would not be well-maintained.

The Board does not feel that simply because one gasoline station may not do as much business as another, it would be detrimental to the general welfare. The testimony shows that this station is to be long term leased to a major oil company, and it is not reasonable that such a company could afford to have a station located on an arterial highway without maintaining it in a proper manner.

RE: PETITION FOR SPECIAL EXCEPTION
FOR GASOLINE SERVICE STATION -
NW cor. Reisterstown Rd. &
Tobin's Lane - 3rd District -
Truck Terminal Inc., Petitioner

BEFORE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

#4460-X

The petitioner is requesting a special exception for a gasoline service station on the northwest corner of Reisterstown Road and Tobin's Lane.

The petitioner represented himself and the protestants were represented by counsel. The petitioner's case basically was to be presented by counsel. The petitioner's case basically was to be presented by counsel. The petitioner's case basically was to be presented by counsel.

There was no expert testimony on either side. This property is part of a tract of approximately 39 acres currently zoned "B-1", "B-2", and "M-1".

On October 6, 1957, the Deputy Zoning Commissioner granted a special exception for an amphitheater and drive-in theater covering part of the same tract now under consideration.

On March 6, 1958, the County Board of Appeals of Baltimore County, in an Opinion signed by two of its members concerning the drive-in theater, had the following to say:

"In trying to reach a decision in this case, it is very necessary to take into consideration that we are dealing with a petition for a special exception on a piece of property already zoned 'business local', not a reclassification.

Under this zoning category, with a special exception such operations as a bowling alley, social clubs and fraternal organizations, billiard and pool rooms, dance halls, skating rinks, hotels, night clubs, conventional theaters, building material stores and sales yards, lumber yard, tire retreading and recapping, are permitted uses that this property may be used for.

With regard to the question of safety and traffic congestion, the petitioner presented the testimony of Mr. Walter Bell, a traffic engineer, who testified at great length with regard to the traffic situation at this location. His testimony, uncontradicted by the protestants, indicated that the establishment of the gasoline station planned would have no detrimental effect on existing traffic conditions. Under cross-examination by protestants' counsel as to the effect a proposed Drive-In Movie location in the immediate vicinity would have on this gasoline station, Mr. Bell went into great detail to explain his reasons for not feeling that any traffic congestion would be caused by the granting of this special exception even were that Drive-In Movie to become a reality. Mr. George Garvelis, Deputy Director of Planning of Baltimore County, testified that, in his opinion, the location of a gasoline station at this site is not incompatible with the overall plan of the area.

The Board feels the prohibitions set forth in Section 502.1 have been ruled out by the evidence presented, and therefore grants the special exception, subject, however to the following restrictions:

1. No automobile repairs may be performed on this property except the changing of tires and minor parts replacement, such as spark plugs, windshield wipers, oil filters and the like.
2. Plans for the station, including screening, shall be approved by the Baltimore County Office of Planning and construction shall be in accordance with such approved plans.

ORDER

For the reasons set forth in the foregoing opinion, it is this 17th day of February, 1959, by the County Board of Appeals, ORDERED that the special exception petitioned for be and the same is hereby granted; subject, however, to the restrictions set forth in the above opinion.

An appeal from this decision must be in accordance with Rule No. 1301 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Agnes J. Agnew
Charles H. H. H.
Dutney

The request for a special exception gives the Board the opportunity, under Section 502.1, to write restrictions that will control the use of the property and give adequate protection to the neighborhood.

In regard to changing the character of the neighborhood, it appears that the character of the neighborhood was confirmed upon the adoption of the present Land Use Map on January 18, 1957 by the Town County Commissioners and that the granting of this petition would do nothing further to change the character of a neighborhood which, along the Reisterstown Road, north from Tobin's Lane on the west side of Reisterstown Road, has been zoned commercial for a distance greater than a mile.

The factual situation is similar to that existing in October of 1957.

The Deputy Director of the Office of Planning testified upon the request of the Deputy Zoning Commissioner as to the proper plan for the gasoline service station to the effect that no plan could be approved until plans for the entire layout along Reisterstown Road have been worked out. Until the final action by the Circuit Court for Baltimore County is known, the Planning Department cannot approve the plans.

For the foregoing reasons, the special exception for a gasoline service station is granted, subject to the following as authorized by Section 502.1 of the Baltimore County Zoning Regulations.

1. Plans must be approved by the Baltimore County Office of Planning, Land Development and the State Roads Commission of Maryland.
2. There must be strict compliance with Section 413 pertaining to signs. There must be strict compliance with Section 602 pertaining to filling stations.
3. No trucks or trailers may be stored on the premises at any time for the purpose of sale or rental.

The foregoing applies equally to the owner, lessee or operator of the gasoline service station.

A copy of this Order must be kept on the gasoline service station premises available for inspection by the Zoning Department.

Deputy Zoning Commissioner
of Baltimore County

DATE: 2/28/58

July 1, 1958

\$40.00

RECEIVED of Truck Terminal, Inc., petitioner, the sum of Forty Dollars (\$40.00), being cost of petitioner, advertising and posting property situate on the Northwesternmost corner of Reisterstown Road and Tobins Lane.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED

Wednesday, July 23, 1958
at 3:00 P. M.

Room 106
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

RECEIVED
JUL 1 - 1958
COMPTROLLER'S OFFICE

August 4, 1958

\$50.00

RECEIVED of A. Adgate Duer, Attorney for protestants, the sum of Fifty (\$50.00) dollars, being cost of appeal to the County Board of Appeal from the decision of the Deputy Zoning Commissioner granting the Special Exception of property of Truck Terminal, Inc. - northwest corner of Reisterstown Road and Tobin's Lane - 3rd District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED
AUG - 4 1958
COMPTROLLER'S OFFICE
BY

ZONING DEPARTMENT OF
BALTIMORE COUNTY
PETITION FOR SPECIAL EX-
CEPTION 3rd DISTRICT

Pursuant to petition filed with the Zoning Commissioner of Baltimore County for a Special Exception to use the property hereinafter described for a Gasoline Service Station, the Zoning Commissioner of Baltimore County, by authority of the Zoning Regulations of Baltimore County, will hold a public hearing in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:

On Wednesday, July 23, 1958
at 3:00 P. M.

to determine whether or not the Special Exception petitioned for as aforesaid should be granted, the property in said petition being particularly described as follows: All that parcel of land in the Third District of Baltimore County on the Northwesternmost corner of Reisterstown Road and Tobins Lane; there running in a North-south direction and bounding on the Westernmost side 200 feet; there 150 feet; there South 42 degrees 36 minutes West 22.42 feet to the North side of Tobins Lane; there Easterly and bounding on the North side of Tobins Lane 218.74 feet to the place of beginning as shown in plat plan filed with the Zoning Department, being property of Truck Terminal, Inc.

By Order of
Wilsie H. Adams
Zoning Commissioner
of Baltimore County,
July 4-11.

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md.

THE COMMUNITY PRESS
Dundalk, Md.

THE HERALD-ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

July 12, 1958

THIS IS TO CERTIFY, that the annexed advertisement of
Wilsie H. Adams, Zoning Commissioner of
Baltimore County

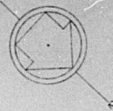
was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 12th day of July, 1958, that is to say the same was inserted in the issues of July 4 and 11, 1958.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 7-8-58
Posted for: Special Exception for a Gasoline Service Station
Petitioner: Truck Terminal, Inc.
Location of property: N.W. Corner of Reisterstown Road & Tobins Lane
Location of Sign: Northwest Corner of Reisterstown Road and Tobins Lane
Remarks:
Posted by: George R. Hammond Date of return: 7-8-58

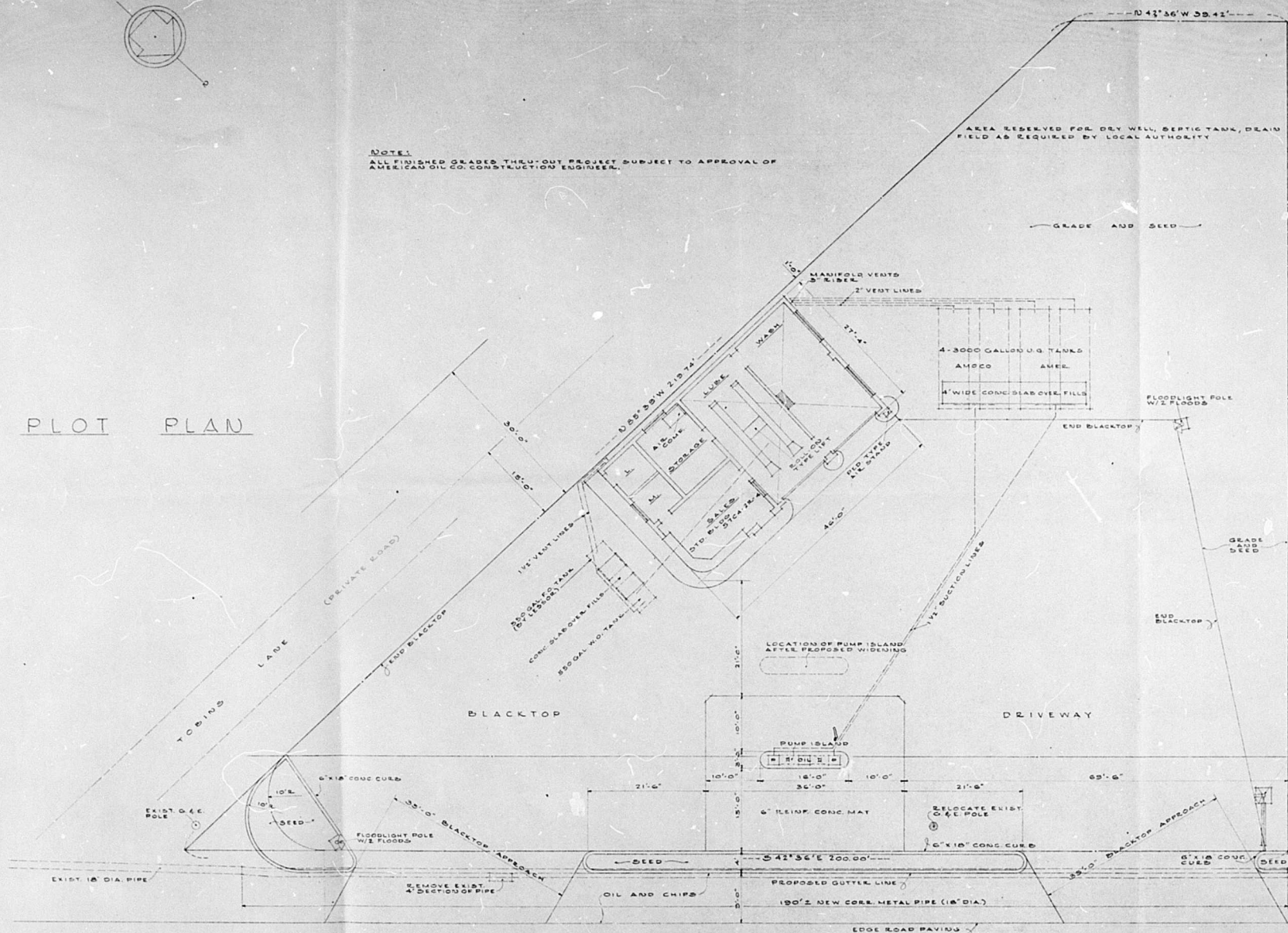


NOTE:
ALL FINISHED GRADES THRU-OUT PROJECT SUBJECT TO APPROVAL OF
AMERICAN OIL CO. CONSTRUCTION ENGINEER.

AREA RESERVED FOR DRY WELL, SEPTIC TANK, DRAIN
FIELD AS REQUIRED BY LOCAL AUTHORITY

GRADE AND SEED

PLOT PLAN



APPROVED		DATE
DIV. MGR.	<i>[Signature]</i>	4-18-56
ASST. DIV. MGR.	<i>[Signature]</i>	
SA. CRAT.	<i>[Signature]</i>	
ASST. DIV. MGR.	<i>[Signature]</i>	
DIV. ENGR.	<i>[Signature]</i>	4-18-56
ST. MGR.	<i>[Signature]</i>	

4" x 1/2" GALV. PANEL SIGNS AND
POLE ON MAJOR BASE
W/2 FLOODS

REISTERSTOWN ROAD 66' WIDE

THE AMERICAN OIL COMPANY		Location BALTO AND SOUTHWEST, BALTO	
PROPOSED NEW DRIVEWAY STATION	Office BALTO	Dist. ENGR.	Asst.
BALTIMORE ROUND SIDE OF D-15140	Asst. DIV. MGR.	Date	Checked
REISTERSTOWN ROAD AT TOWNS	Asst. DIV. MGR.	Date	Checked
LAKE OPPOSITE VALLEY ROAD	Asst. DIV. MGR.	Date	Checked
BALTIMORE CO. MD.	Asst. DIV. MGR.	Date	Checked
FILE	DATE PRINTED	DR. NO. D-2254	

