5744-X

RE: PETITION FOR SPECIAL EXCEPTION for a Gasoline Service Station SE/S Cresson Avenue and NW/S Windsor Mill Road, Second District Arthur E. Choyce, et al Petitioners

BEFORE #5744-XA

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 5744-X

WESTERN AREA SEC. 2-B XA

OPINION

This is a petition for special exception for a gasoline service station on the southeast side of Cresson Avenue and the northwest side of Windsor Mill Road in the Second District of Baltimore County.

This property was zoned "B-L" by the County Council at the time of the adoption of the Second District land use map on November 15, 1962. The property actually is on the northeast corner of Windsor Mill Road and Cresson Avenue and is a part of land owned by the petitioner. In addition to the subject property, petitioner also owns additional frontage to the east of approximately fifty feet on Windsor Mill Road and to the north, a small strip of "B-L" land approximately ten feet wide. Contiguous to this small strip of business local land he owns approximately 125 feet of "R-A" land.

The Board cannot help being cognizant of the uses which are now permitted under a business local classification without an additional zoning hearing. Considering that the Board can and is writing restrictions on the use of the property, which restrictions we believe give the necessary protection needed by surrounding properties, one can only believe that the use of the subject property under these restrictions will be far more compatible to surrounding property owners than any of the unrestricted uses presently permitted in the "B-L" classification.

It is, therefore, the unanimous opinion of the Board of Appeals that the special exception be granted subject to the following restrictions:

1. Ingress and egress to the subject station be confined to Windsor Mill Road; that there be no ingress or egress of any kind on Cresson Avenue
2. That the rest rooms for men and women be located on the eastern side of the subject building, and that there be no doorways or entrances into the building on the western frontage

5744-X

ARTHUR E. CHOYCE SE/S of Cresson Ave. & NW/S of Windsor Mill Rd. 2nd

#5744-XA

WESTERN AREA SEC. 2-B XA

3. That there be no more than three light poles each containing no more than two units, and that all lights from these poles be focused directly on the subject property, and that no glare be allowed to exist on the residential properties to the west
4. In addition to the three light standards previously mentioned, pump island lights as shown on petitioners' exhibit No. 1 are permitted
5. That sidewalks be constructed as proposed on petitioners' exhibit No. 1, as well as the grass areas adjacent to the sidewalks
6. There may be no more than one vending machine located on the outside of the building
7. That there be no major repair work of any kind performed on automobiles, and by major repairs we refer to motor work, body repairs, painting; and that only such things as replacement of spark plugs, lights, brakes and mufflers are permitted
8. There may be no repair of lawn mowers or other mechanical devices other than that actually found on an automobile
9. There may be no rentals of trucks, trailers, automobiles or any other commodity
10. That the hours of operation shall be no greater than 6:00 a.m. to 11:00 p.m.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 3rd day of October, 1963 by the County Board of Apneals, ORDERED that the special exception 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

CHAIRMAN

NOTE: Mr. Austin did not sit at this hearing.

LAW OFFICES
SMITH AND HARRISON
THE JEFFERSON BLDG.
TOWSON 4, MARYLAND

MICHAEL PAUL SMITH
W. LEE HARRISON
RICHARD C. MURRAY
GEORGE BERNETT JOHNS
EUGENE G. RICKS
DONALD J. GILMORE

February 9, 1963

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

RECEIVED FEB 11 1963 BALTIMORE COUNTY OFFICE OF PLANNING

Re: Petition for Special Exception for Gasoline Service Station - S. E. Side Cresson Avenue and N. W. side Windsor Mill Road, 2nd Dist. Arthur E. Choyce and Katherine K. Choyce, Petitioners - Sibarco Corporation, Cont. Pur. No. 5744-X

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals from your decision of January 29th, 1963 in the above entitled matter.

Enclosed is check for $70.00 covering the cost of appeal.

Very truly yours,

R. C. Murray

Richard C. Murray

d

FEB 11 '63 OFFICE OF PLANNING & ZONING

#5744-XA

RE: PETITION FOR SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION S. E. Side Cresson Ave. and N.W. Side of Windsor Mill Road, 2nd Dist., Arthur E. Choyce and Katherine K. Choyce, Petitioners - Sibarco Corporation, Cont.Pur.

BEFORE ZONING COMMISSIONER OF BALTIMORE COUNTY No. 57hh

The subject property is located in the heart of old and new residential areas. The property is now zoned for light commercial uses and small stores serving the daily needs of the neighborhood would be most beneficial.

However, a contract purchaser wishes to use most of the property for a gasoline service station. This is the usual pattern that has been followed whenever the County Commissioners or the County Council have set up such commercial areas for small businesses. Such an area at Edmondson Avenue and Harlem Lane has three gasoline service stations and one drug store.

In the instant case a young couple who have purchased a home that is just across narrow Cresson Avenue from the proposed gasoline service station will try to bring up a small child.

Protestants are told that a gasoline service station is not as bad as a drive-in eating establishment. Two wrongs certainly do not make a right.

Therefore, in accordance with Section 23-18 c. the 1961 Supplement of the Baltimore County Code which charges the Zoning Commissioner with promoting the health, safety and general welfare of the community and as a result of the testimony presented at a public hearing at 10:00 a. m. on January 21, 1963, the petitioner's request is denied.

It is this 29th day of January, 1963, by the Zoning Commissioner of Baltimore County, ORDERED that the special exception requested for a Gasoline Service Station, be and the same is hereby denied.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

#5744 #5744XA

WESTERN AREA MAP SEC. 2-B "X" 1/16/63

TO: Mr. John G. Rose, Zoning Commissioner Date: January 11, 1963

FROM: Mr. George E. Gavrelis, Deputy Director

SUBJECT: #57hh-X. Special Exception for Gasoline Service Station. Southeast side of Cresson Avenue and Northwest side of Windsor Mill Road. Being property of Arthur Choyce.

2nd District

HEARING: Monday, January 21, 1963 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for special exception for gasoline service station. It has the following advisory comment to make with respect to pertinent planning factors:

1. The subject petition is part of a larger tract which is zoned partly for commercial and partly for residential purposes. The Planning Staff noted at the time this petition was filed that a subdivision was being created and that agreement in principle on the development of the overall tract should be a prerequisite to the filing of the subject petition. Such an agreement has not been reached. The plan as submitted is not satisfactory in that it leaves a 50 foot strip along Windsor Mill Road which is almost impossible to develop.

GEG:bms

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#57hh

District 2nd Date of Posting 12-31-62

Posted for: Special Exception for Gas Station

Petitioner: Arthur E. Choyce

Location of property: S.E. of Cresson and N.W. of Windsor Mill Road, etc. See Plat.

Location of Signs: Northeast corner of Cresson Ave. and Intersection Mill Road.

Remarks:

Posted by: George E. Gavrelis Signature Date of return: 1-2-63

PETITION FOR A ZONING SPECIAL EXCEPTION
2ND District
ZONING: Petition for a Special Exception for a Gasoline Service Station.
LOCATION: Southeast side of Cresson Avenue and the Northwest side of Windsor Mill Road.
DATE & TIME: MONDAY, JANUARY 21, 1963 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, 4, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Concerning all that parcel of land in the Second District of Baltimore County.
BEGINNING for the same at a pipe set at the corner formed by the intersection of the Southeast side of Cresson Avenue 30 ft. wide and the Northwest side of Windsor Mill Road as shown on the plat of Greenfield recorded among the Land Records of Baltimore County in Plat Book No. 8 folio 96; said point of beginning being also the beginning point in a deed dated July 10, 1959 which was conveyed by Robert Law and Anna May Law, his wife, to Arthur E. Choyce and Katherine K. Choyce, his wife and recorded among the Land Records of Baltimore County in Liber 3565 Folio 183, thence leaving said place of beginning and running and binding on the Southeast side of Cresson Avenue 30 ft. wide as now surveyed by Maryland Surveying and Engineering Co., Inc. bearing referred to Baltimore County grid meridian North 29 degrees 16 minutes 45 seconds East 140.0 ft. to a pipe, thence leaving the Southeast side of Cresson Avenue South 60 degrees 32 minutes 15 seconds East 157.00 ft. to a pipe, thence South 29 degrees 16 minutes 45 seconds West 140.00 ft. to a pipe set on the Northwest side of Windsor Mill Road, thence running and binding on the Northwest side of Windsor Mill Road North 60 degrees 32 minutes 15 seconds West 157.00 ft. to the place of beginning.
Containing 0.506 Acre plus.
Being the property of Arthur E. Choyce and Katherine K. Choyce, as shown on plat plan filed with the Zoning Department.
BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

OFFICE OF
THE BALTIMORE COUNTIAN

5744

THE COMMUNITY NEWS Reisterstown, Md
THE HERALD - ARGUS Catonsville, Md.

No. 1 Newburg Avenue CATONSVILLE, MD.

January 7, 1963.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, 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 One Week ~~successive weeks~~ before the 7th day of January, 19 63, that is to say the same was inserted in the issues of January 4, 1963.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager

INVOICE

TELEPHONE VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 17899

DATE 7/9/63

TO: Richard C. Murray, Esq. Jeffersonbuilding Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01622	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT $37.00
QUANTITY		COST
—	Advertising and posting of property for Arthur Choyce #57hh-X	37.00 —

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

PETITION FOR ZONING ~~RE-CLASSIFICATION~~ #5744XA ~~AND/OR~~ SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Arthur E. & Katherine K. Choyce legal owner s 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~~ zone to a "X" zone; ~~for the following reasons:~~ 1/16/63 XA

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 Gasoline Service Station

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.

SIBARCO CORP., TV
James A. Lasher
Contract purchaser
Address 320 S. Broad St.
Phila. Penn.

Arthur E. & Katherine K. Choyce
Legal Owner
Address 1936 Fernhurst Lane
Baltimore, Md.

R. C. Murray
Petitioner's Attorney
Address Jefferson Bldg. Towson 4, Md.

Barry S. Smith Baltimore, Md.
Atty for Petitioners

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of August, 196 2., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in a newspaper 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 21st day of January, 1963 at 10:00 o'clock A. M.

MAY 29 '62 OFFICE OF PLANNING & ZONING

NOV 2 '62 OFFICE OF PLANNING & ZONING

Zoning Commissioner of Baltimore County.

(over)

10:01 A.M. 12/1/63 1 sign

INVOICE

TELEPHONE VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 16427

DATE 2/14/63

TO: Messrs. Smith & Harrison, Jefferson Building, Towson 4, Maryland

BILLED BY: Office of Planning & Zoning, 119 County Office Bldg., Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Cost of appeal in matter of petition of Arthur K. Choyce No.57hk-X	$70.00
	2-1963 3727 * * * TXL *	70.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE

TELEPHONE VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 14105

DATE 8/21/62

TO: Baltimore County, Md. Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Petition for Special Exception for Arthur Choyce	50.00
	8-2162 4006 * * * TXL—	50.00
	8-2162 4006 * * * TXL—	50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

Maryland Surveying and Engineering Co., Inc.

1310 N. CALVERT STREET
Baltimore 2, Maryland
Phone: MUlberry 5-0469 - 0470

REGISTERED
Maryland - New York
Pennsylvania - Delaware

April 20, 1962

#5744XA

WESTERN AREA MAP SE. 2-B "X" 4/16/63

DESCRIPTION OF N. E. CORNER

WINDSOR MILL ROAD & CRESSON AVENUE

BEGINNING for the same at a pipe set at the corner formed by the intersection of the Southeast side of Cresson Avenue 30 ft. wide and the Northwest side of Windsor Mill Road as shown on the plat of Greenfield recorded among the Land Records of Baltimore County in Plat Book # 8 folio 96; said point of beginning being also the beginning point in a deed dated July 10, 1959 which was conveyed by Robert Lew and Anna May Lew, his wife, to Arthur E. Choyce and Katherine K. Choyce, his wife and recorded among the Land Records of Baltimore County in Liber 3565 Folio 185, thence leaving said place of beginning and running and binding on the Southeast side of Cresson Avenue 30 ft. wide as now surveyed by Maryland Surveying and Engineering Co., Inc. bearing referred to Baltimore County grid meridan North 29 degrees 16 minutes 45 seconds East 140.0 ft. to a pipe, thence leaving the Southeast side of Cresson Avenue South 60 degrees 52 minutes 15 seconds East 157.00 ft. to a pipe, thence South 29 degrees 16 minutes 45 seconds West 140.00 ft. to a pipe set on the Northwest side of Windsor Mill Road, thence running and binding on the Northwest side of Windsor Mill Road North 60 degrees 52 minutes 15 seconds West 157.00 ft. to the place of beginning.

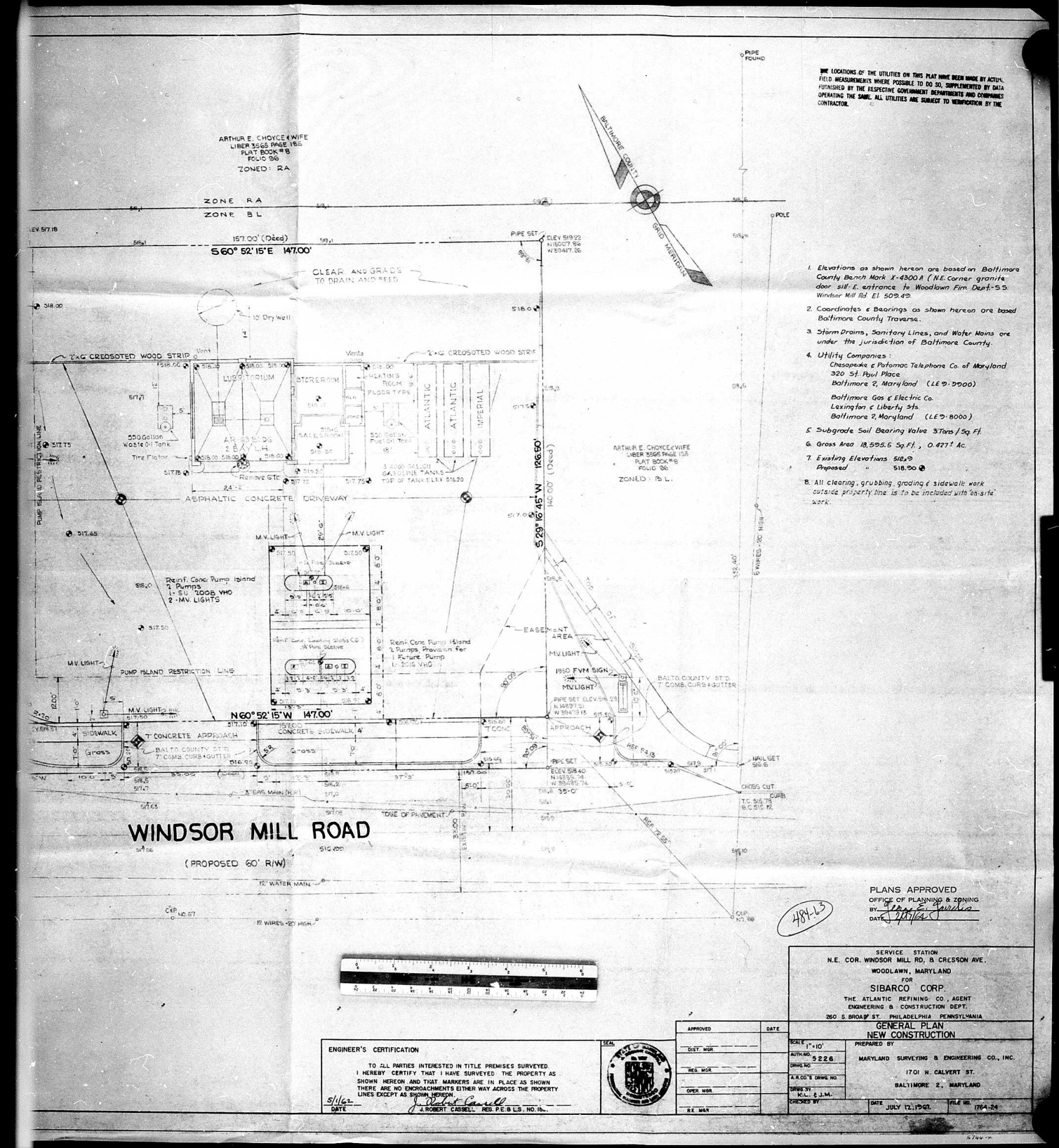
Containing 0.505 Ac.±.

SCALE 1" = 1 inch.

File No.

Signed This 19 day April 1962

J Robert Caskell



1. Elevations as shown hereon are based on Baltimore County Bench Mark X-4300 A (N.E. corner granite door sill-E. entrance to Woodlawn Fire Dept.-S.S. Windsor Mill Rd. El. 509.49.
2. Coordinates & Bearings as shown hereon are based Baltimore County Traverse.
3. Storm Drains, Sanitary Lines, and Water Mains are under the jurisdiction of Baltimore County.
4. Utility Companies:
   Chesapeake & Potomac Telephone Co. of Maryland
   320 St. Paul Place
   Baltimore 2, Maryland (LE 9-3900)
   Baltimore Gas & Electric Co.
   Lexington & Liberty Sts.
   Baltimore 2, Maryland (LE 9-8000)
5. Subgrade Soil Bearing Value 3 Tons / Sq. Ft.
6. Gross Area 18,595.5 Sq. Ft., 0.427± Ac.
7. Existing Elevations 518.9
   Proposed " 518.90
8. All clearing, grubbing, grading & sidewalk work outside property line is to be included with on-site work.

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY Edward E. Gurvitis
DATE 2/27/63

484-63

SERVICE STATION
N.E. COR. WINDSOR MILL RD. & CRESSON AVE.
WOODLAWN, MARYLAND
FOR
SIBARCO CORP.
THE ATLANTIC REFINING CO., AGENT
ENGINEERING & CONSTRUCTION DEPT.
260 S. BROAD ST. PHILADELPHIA PENNSYLVANIA

GENERAL PLAN
NEW CONSTRUCTION

SCALE	1"=10'
AUTH. NO.	5226
DRWG. NO.	
A.R.CO.'S DRWG. NO.	
DRWS. BY	K.L. & J.M.
CHECKED BY	
DATE	JULY 12, 1962
FILE NO.	1764-24

PREPARED BY
MARYLAND SURVEYING & ENGINEERING CO., INC.
1701 N. CALVERT ST.
BALTIMORE 2, MARYLAND

APPROVED	DATE
DIST. MGR.	
REG. MGR.	
OPER. MGR.	
RE. M&R	

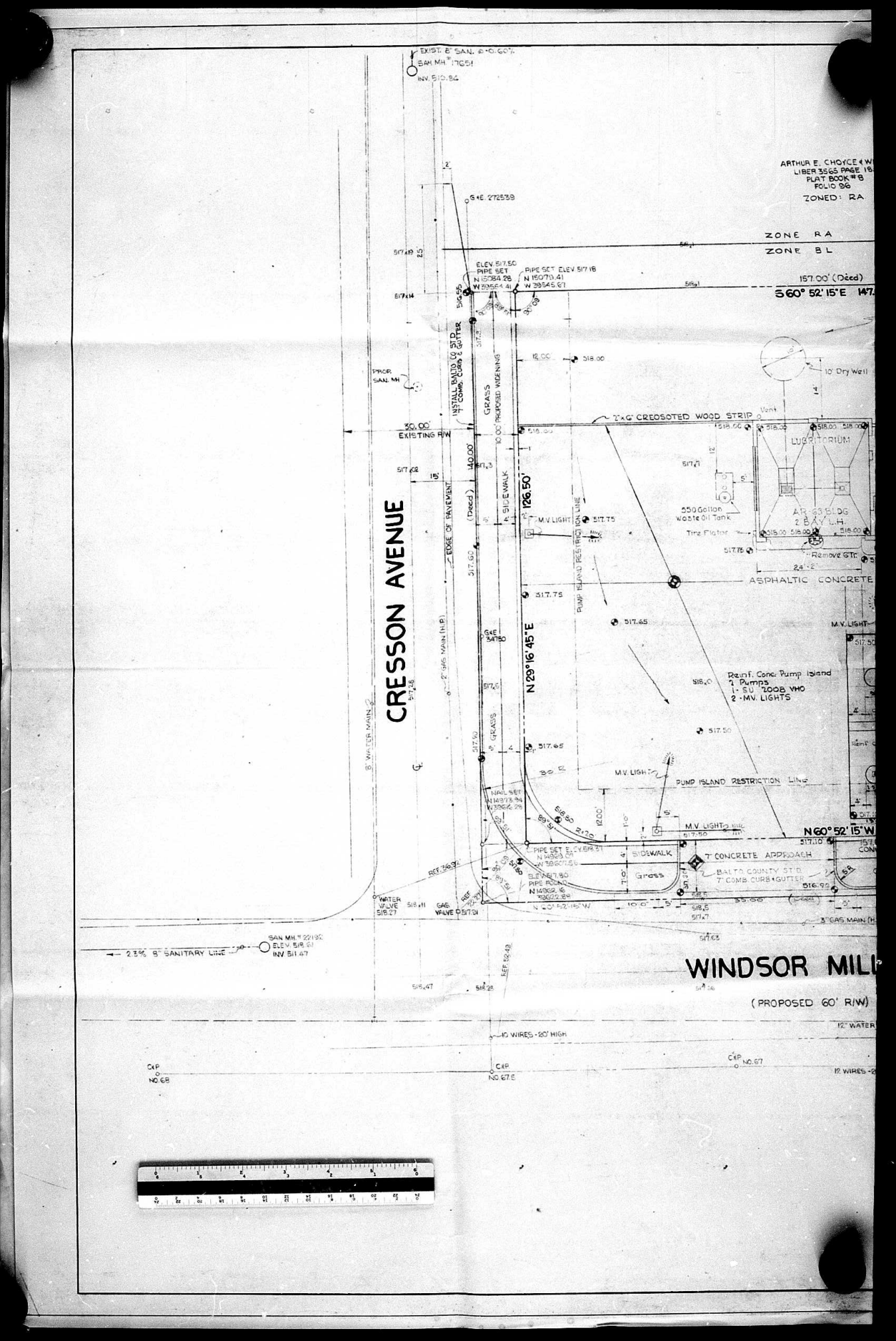
ENGINEER'S CERTIFICATION

TO ALL PARTIES INTERESTED IN TITLE PREMISES SURVEYED.
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON AND THAT MARKERS ARE IN PLACE AS SHOWN THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINES EXCEPT AS SHOWN HEREON.

5/1/62 DATE
J. Robert Cassell
J. ROBERT CASSELL REG. P.E. & L.S. NO. 16..

SEAL

5744-F


EXIST. 8" SAN. @ +0.60%
SAN. MH. #7651
INV. 510.84
ARTHUR E. CHOYCE & W
LIBER 3565 PAGE 18
PLAT BOOK # 8
FOLIO 96
ZONED: RA
ZONE RA
ZONE BL
G&E 272539
ELEV. 517.50
PIPE SET
N 152564.28
W 39564.41
PIPE SET ELEV. 517.18
N 150719.41
W 39545.67
157.00' (Deed)
S 60° 52' 15" E 147.
PROP. SAN. MH
INSTALL BALTO CO STD 7" COMB. CURB & GUTTER
GRASS
10.00' PROPOSED WIDENING
12.00
518.00
10' Dry Well
Vent
2"x6" CREOSOTED WOOD STRIP
30.00' EXISTING R/W
140.00'
15'
5' SIDEWALK
126.50'
EDGE OF PAVEMENT (Deed)
M.V. LIGHT
517.75
PUMP ISLAND RESTRICTION LINE
550 Gallon Waste Oil Tank
Tire Pigtor
LUBRITORIUM
AR-63 SLDG
2 BAY L.H.
Remove GTP
24'-2"
ASPHALTIC CONCRETE
CRESSON AVENUE
N 29° 16' 45" E
G&E 34750
2" GAS MAIN (H.P.)
8" WATER MAIN
Reinf. Conc. Pump Island
2 Pumps
1 - S.U. 2008 VHO
2 - MV. LIGHTS
517.65
517.50
M.V. LIGHT
PUMP ISLAND RESTRICTION Line
30.00
NAIL SET
N 149973.94
W 39666.29
S 89° 07' 45" W
518.80
2 x 20
120.00'
M.V. LIGHT
N 60° 52' 15" W
PIPE SET ELEV. 518.21
N 149903.09
W 39607.56
7" CONCRETE APPROACH
SIDEWALK
BALTO COUNTY STD.
7" COMB. CURB & GUTTER
Grass
10'-0"
35.00
WATER VALVE 518.27
GAS VALVE 517.91
518.11
N 60° 52' 15" W
3" GAS MAIN (H
2.3% 8" SANITARY LINE
SAN. MH. # 22132
ELEV. 518.61
INV. 511.47
WINDSOR MILL
(PROPOSED 60' R/W)
12" WATER
10 WIRES - 20' HIGH
12 WIRES -
C&P NO. 68
C&P NO. 67.5
C&P NO. 67