

5841-X #9 SEC-3-C X 11/29/63 **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, MADISON B. SHEARMAN, L., legal owners, of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition the Zoning Commission of Baltimore County to re-classify the property as follows:

See Attached Description

XXXXXX for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for: A. gasoline filling station. (Property as is described on Addendum "A", attached hereto).
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 of Baltimore County.

Madison B. Shearman
Madison B. Shearman
M. H. Shearman, Legal Owner
Address: 512 Park Avenue

Contract purchaser
Address: 512 Park Avenue
Baltimore 4, Maryland
E. Mackie, Esq.
Attorney's Office
Address: Campbell Building
Townson 4, Maryland

ORDERED By the Zoning Commissioner of Baltimore County, this 25th day of February, 1963, 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 108, County Office Building in Towson, Baltimore County, on the 8th day of May, 1963, at 10:00 o'clock A.M.

10:00 A
5/8/63
10:00 A
OFFICE OF PLANNING & ZONING

5841-X
#9
SEC-3-C
X
11/29/63

RE: PETITION FOR SPECIAL EXCEPTION
S. W. Cor. Seminary and Railroad Avenues, 8th District - Madison B. Shearman and Marie H. Shearman, Petitioners

BALTIMORE COUNTY
No. 5841-X

Pursuant to the advertisement, posting of property and public hearing on the above petition for a special exception for a gasoline service station at the southwest corner of Seminary and Railroad Avenues, in the Eighth District of Baltimore County, as the petitioner did not prove satisfactorily that there would be compliance with Section 502.1 of the Baltimore County Zoning Regulations, sub-paragraphs a. and b. which provides as follows:

"That before any special exception shall be granted, it must appear that the use for which the special exception is requested will not:

- Be detrimental to the health, safety or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein."

For the above reason the special exception should be denied.

It is this 4th day of June, 1963, by the Zoning Commissioner of Baltimore County, ORDERED that the special exception for a gasoline service station, be and the same is hereby DENIED.

RE: PETITION FOR SPECIAL EXCEPTION
for a Gasoline Service Station,
SW corner Seminary and Railroad Avenues, 8th District - Madison B. Shearman, et al, Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5841-X

OPINION

This is a petition for a special exception for a Gasoline Service Station on property located on the southwest corner of Seminary and Railroad Avenues in the Eighth District of Baltimore County. The present zoning of the property is "B-L". The property is triangular in shape with a frontage of 191 feet on Seminary Avenue and 135 feet on Railroad Avenue. Three corners of the intersection of Railroad and Seminary Avenues are zoned "B-L" and the fourth, the northeast corner, is zoned "R-10" as a part of property being used for a large nursing home.

The testimony of Dr. Walter Worthington Ewell, traffic expert on behalf of the petitioner, was to the effect that Seminary Avenue is only 20 to 22 feet in width at the railroad crossing, that there was very little pedestrian or vehicular traffic, that neither road was being used to its capacity and, in his opinion, he did not feel that the granting of this special exception could in any way create a traffic hazard or tend to overcrowd or cause congestion in the streets of the community.

Considering the present zoning of the subject property as well as two of the remaining items of concern of this intersection, the Board is of the opinion that it would not be detrimental to the health, safety or general welfare of the locality involved to grant the special exception. The Board has also considered paragraphs C, D, E and F of Section 502.1 of the Zoning Regulations with regard to hazard from fire or other conditions, of overcrowding the land, interfering with provisions for public requirements and interference with provisions for adequate light and air, and does not feel that the special exception would violate any of these standards.

Therefore, it is the unanimous opinion of the Board of Appeals that the special exception should be granted subject to the following restrictions:

- In accepting this special exception, the petitioner agrees to limit the use of the property to the sale of gas, oil and other commodities normally found in a service station. Other uses that may be permitted in a "B-L" are prohibited.
- There may be no leasing of trucks, trailers or automobiles from this location.

- There may be no more than one vending machine located on the outside of the building.
- There may be no major repair work of any kind performed on automobiles, and by major repairs we refer to motor work, body repair, painting, etc.
- That the hours of operation shall be no greater than 7 a.m. to 11 p.m.
- Flood lights shall be installed as shown on petitioner's exhibit No. 3 and all lights shall be focused on the subject property.
- Plans for the development of this property as well as the ingress and egress locations must be approved by the Department of Planning and Zoning of Baltimore County.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of February, 1964, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby granted, subject to the aforementioned restrictions.

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
Charles H. Kasper
Charles H. Kasper
Charles H. Kasper

PROCTOR, ROYSTON & MUELLER

ATTORNEYS AT LAW
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

July 2, 1963

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

Re: Petition for Special Exception
S.W. Cor. Seminary and Railroad Avenues,
8th District - Madison B. Shearman and
Marie H. Shearman, Petitioners - No. 5841-X

Dear Mr. Rose:

Please note an Appeal to the County Board of Appeals of Baltimore County from your Order dated June 4, 1963, in the above captioned matter.

Our check for \$70.00, payable to Baltimore County, Maryland, to cover the filing fee, is enclosed.

Very truly yours,
W. Lee Thomas
W. Lee Thomas

WLT:jk
enc.
cc: Edward C. Mackie, Esq.
W. Giles Parker, Esq.
Lowell R. Bowen, Esq.

JAMES CROCKETT ASSOCIATES
CONSULTING ENGINEERS - LAND SURVEYORS
280 WEST BAY STREET
BALTIMORE 11, MARYLAND
Telephone 5-3292

ZONING PLAT DESCRIPTION
PROPERTY AT S.W. CORNER, SEMINARY AVE & RAILROAD AVE
EIGHTH DISTRICT, BALTIMORE

BEGINNING FOR THE SAME at the intersection of the centerline of Seminary Avenue (30 feet wide) with the northwestern side of Railroad Avenue (30 feet wide) and running thence with and binding on the Centerline of Seminary Avenue North 71 degrees 45 minutes 47 seconds West 191.12; thence leaving said centerline and running for lines of division the following two courses and distances: (1) South 45 degrees 42 minutes 13 seconds West 73.14 feet to the point of beginning of the first line of that parcel of land which by deed dated January 6, 1958 and recorded March 13, 1958 among the Land Records of Baltimore County in G.L.N. No. 3321, folio 443 was conveyed by the Northern Central Railway Company to Madison B. Shearman and wife; (2) South 41 degrees 17 minutes 47 seconds East 164.80 feet to the northwestern side of Railroad Avenue; thence running with and binding on said northwestern side North 48 degrees 42 minutes 13 seconds East 169.97 feet to the place of beginning; containing 0.460 acres. BEING ALL OF that parcel of land described in the aforementioned conveyance and subject to the easements and rights of owners of utilities and rights of way therein described. Note: This description is for zoning purposes only and is not to be used for the conveyance of property.

JCM:dp W.O. 2862 February 18, 1963

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mrs. John G. Rose, Zoning Commissioner Date: April 25, 1963

FROM: Mr. George M. Costello, Deputy Director

SUBJECT: 5841-X, Petition for Special Exception for Gasoline Filling Station, Southwest corner of Seminary and Railroad Avenues. Being property of Madison Shearman.

8th District
HEARING: Wednesday, May 8, 1963 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for Gasoline Filling Station. It has the following advisory comment to make with respect to pertinent planning factors:

- If granted, the granting should be conditioned upon final approval of site plans by the appropriate State and County agencies.

OD:mas

W. Lee Thomas, Esq.,
Campbell Building
Towson 4, Md.

August 13, 1964

Dear Mr. Thomas:

Re: Petition for Special Exception
for Gasoline Service Station
S.W. Cor. Seminary & Railroad
Aves., 8th Dist., Madison B.
Shearman, et al, Petitioners -
No. 5841-X

Please be advised that the plat submitted with the above petition, was approved by the Office of Planning and Zoning on August 4, 1964. If you are desirous of obtaining an approved plat, kindly forward two copies of the plat to the Office of Planning.

Very truly yours

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

No. 18443

DATE July 6, 1963

TO: Messrs. Proctor, Royston & Mueller,
Campbell Building
Towson 4, Maryland

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

DEPOSIT TO ACCOUNT NO.	01.622	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of appeal - Madison Shearman property No. 5841-X PAID - Baltimore County, Md. - Office of Finance 7-9-63 1089 * * * TIL -	\$70.00 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
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 16457

DATE 2/25/63

TO: Messrs. Proctor, Royston & Mueller
Campbell Building
Towson 4, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	01.622	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Special Exception for Madison B. Shearman PAID - Baltimore County, Md. - Office of Finance 4-25-63 5983 * * * TIL -	\$50.00 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.

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

No. 17729

DATE 4/29/63

TO: Messrs. Proctor, Royston & Mueller
Campbell Building
Towson 4, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	01.622	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property for Madison Shearman #5841 PAID - Baltimore County, Md. - Office of Finance 4-29-63 7619 * * * TIL -	\$31.00 31.00

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 SPECIAL EXCEPTION
8TH DISTRICT

ZONING: Petition for Special Exception
for changing Piling Station
LOCATION: Southeast corner of Seminary
and Railroad Avenues
DATE & TIME: Wednesday, May 8, 1963
at 10:00 A.M.
PUBLIC HEARING: Room 361, County
Office Building, 111 W. Chesapeake Ave.,
Towson, 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 Eighth District of
Baltimore County.

Beginning for the same at the inter-
section of the centerline of Seminary
Avenue (20 feet wide) with the north-
western side of Railroad Avenue (20 feet
wide) and running thence with and bind-
ing on the centerline of Seminary Avenue
North 71 degrees 42 minutes 47 seconds
West 191.72 feet to the intersection of said center-
line and running for lines of division the
following two courses and distances: (1)
South 49 degrees 42 minutes 12 seconds
West 73.14 feet to the point of beginning
of the first line of that parcel of land
which is dead dated January 6, 1954 and
recorded March 13, 1954 upon the Land
Records of Baltimore County in G.L.B.
No. 272, folio 42 and conveyed to the
Northern Central Railway Company to
Madison B. Shearman and wife; (2) South
41 degrees 17 minutes 47 seconds East
144.80 feet to the northeastern side of
Railroad Avenue; thence running with
said binding on said northwestern side
North 48 degrees 42 minutes 12 seconds
East 189.47 feet to the place of beginning
containing 0.460 acres. Being all of that
parcel of land described in the afore-
mentioned conveyance and subject to the
easements and rights of owners of utilities
and rights of way thereto described.
Being the property of Madison B. Shear-
man and wife and P. B. Shearman, as shown on
plat plan filed with the Zoning Depart-
ment.

By Order of
JOHN G. ROSE,
Zoning Commission of
Baltimore County
Apr. 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 19, 1963

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., on each of the
days of the week of the month of April, 1963, the first publication
appearing on the 14th day of April, 1963.

THE JEFFERSONIAN,

Frank M. Smith,
Manager.

Cost of Advertisement, \$.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting April 29, 1963
Posted for Special Exception for Geo. Station
Petitioner: Madison Shearman
Location of property: Southwest corner of Seminary & Railroad Aves
Location of Signs: Corner of Railroad & Seminary
Remarks: J. B. Rose
Posted by J. B. Rose Date of return 4/25/63
Signature

3M. ELECTION DISTRICT.
 AREA OF SERVICE STATION: 16,290.07
 PRESENT ZONING: BUSINESS LOCAL.
 PROPOSED ZONING: DIS. ELECTION FOR 3M.
 PRESENT USE OF PROPERTY: VACANT.
 PROPOSED USE: GASOLINE SERVICE STATION.

PROPERTY ZONED BUSINESS LOCAL.
PROPERTY USED FOR STORES & HOUSES

 TWO (2) BAY C-30021 SERVICE STA.
51W ^{CONF} SEMINARY 214 RAILROAD AVE
BALTIMORE COUNTY, MARYLAND

DATE 1-16-63	DESIGN	APPROVED	No. 19-005-04G SP-1
SCALE 1"=10'-0"	STRUCT.		
DRAWN BY J. J. [signature]	CHD.		
PREP. NO.		SHEET	

5	9-30-64	11A	ADD BAY 4 FEET STANDING CANNY.
4	5-4-64	11A	LUCI VANDER'S MICHY. & TEE CABINET IN PARL
3	4-29-64	11A	LOCATED HANDING & DEBORAH ADD AT 2000 S HIGH DEBORAH LANE
2	4-6-64	11A	CHANGED RUMPHREDS, ELLIE PINK ISLAND, 5 GRADES.
1	4-27-63	11A 1PM	REVISED PROPERTY ABOVE ELLIE AND DEBORAH 4-5 WIPPIING STR 10-1-64
Mo.	DATE	BY	RECORD OF REVISIONS

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION
DRAWING OF MATERIAL UNLESS IT IS APPROVED.

~~10-007-04~~

