ZONING PILE NO. 64-65-6PH - JOSEPH A. BLAZEK, ET AL

Dear Mrs. Elsenhardt:

The case of Albert J. Wichert, stal ws. the Board, etal was heard by Judge Barrett on Tuesday, Movember 10, 1964,

The Action of the Board was affirmed.

Robert R. Gill, Clerk

land for certain businesses that without restrictions could be detrimental to the health, safety, or general welfare of the community.

The majority members of the Board feel that this case is a perfect example as to why the Board was given such broad power. To use the subject property for a gasoline service station without the widening of Bolling Road would in our opinion, be detrimental to the health, safety, and general welfare of the community. To grant the energial excention subject to the widening of Rolling Road as indicated on Petitioners' Exhibit No. 2, would in our opinion comply with all Section of 502,1 of the Zoning Regulations. It is our opinion that when a property owner contributes his cum money to the improvement of highways in Baltimore County, he is entitled to know what value these improvements will make

It is the majority opinion of the Board that the special exception asked for in the petition should be granted, subject to the

No construction work may be done on said service station until constructions work is begun on the stdeming of Rolling Road for the intersection of Route h0 and Rolling Road in a southerly direction for at least 155 feet in accordance with the plane presented as Petitioners' Zehibit No. 2.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 7th day of December, 1961, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS OF BALTISORS COUNTY Mathan H. Kaufman, Jr.

O. Mitchell Austin

MATHAM M. KAMPHAM, JR., G. MITCHELL AUSTIM, CHAMLES STRINGOCK, AS THE BOARD OF APPRALS OF BALTIMORE COUNTY

TH THE CINCUIT COURT

misi 250

AP TAM

PETITION

Now comes Gordon M. Holland, Petitioner, by his attorney, James J. Doherty, and represents the following:

1. That the Petitioner was a Protestant in a proconding before the County Board of Appeals, Case No. 5282-X. concerning the Petition for Special Exception for Gasoline Station, West side Rolling Road, 300 feet south of Baltimore Wational Dike

2. That the County Board of Appeals on the 7th day of December, 1961, granted the Petition for the Special Exception.

3. The Petitioner avers that the County Board of Appeals erred in its decision in that it erroneously ruled that the property may be subject to the Special Exception when and if Rolling Road, and, further, that the evidence presented on such matter did not support and would not sustain the finding of the said County Board of Appeals,

Appeals is arbitrary, capricious and without foundation in law. WHEREFORE the Petitioner prays that this Honorable

4. And further, the decision of the County Board of

Court reverse the decision of the County Board of Appeals and deny the Petition for Special Exception.

9 D-61

RIED JAN 5-1932

AMOUNTABLE TO GROUP

......

hereby smended to include the following conditions and/or restrictions in

addition to those set forth in the original Order-

March 31, 1964

The Order of March 5, 1964, in the above captioned matter is

The gazoline cervice station to be erected is to be a ranch style building with exterior facing to be limited to red shade brick and reduced. The building is to have the Old Company name affixed in no more than three locations and is to be maintained at all times in good condition and repair.

2. At the northesetermost corner of the service station premises, there is to be permitted a double fixed oil company identification sign, having an advertising area of not more than 36 square feet on sech side and having a maximum overall height of not more than 25 feet. This sign shall be stations

A standard tire display cabinet shall be permitted to be installed along the western building line of the gasoline service station premises.

h. The passions service station building is to be generally parallel to Rolling Road and atteated approximately as shown on the plot plan submitted to the Zoning Commissioner with petition No. 61-51-81, as revised on Annary 31, 1964s

5. With the exception of sigms specifically permitted in itsel is and 2 hereof, and standard oil congrue yings scened on the building, pages and sett oil calintes, two (2) business extent on the configuration of the con

Eduard D. Harder

HE: PENITION FOR A SPECIAL EXCEPTION for a Casoline Service Station W/S Rolling Road and the H/S of Geipe Road- Int District Klein & Goldman- Petitioner No. 64-54-RK

SEL.2-

BEFORE DEPUTY ZONING COMMISSIONER

BALTIMORE COUNTY No. 64-54-X

.........

I hereby certify that a copy of the above Petition was

mailed to the County Board of Appeals this You day of

This is a petition for a Special Exception for a gasoline service station on the corner of the West side of Rolling Road and the Morth side of Geipe Road. The proposed station would be situated on the southeastern corner of an existing shopping conter.

This same site was the subject of a zoning potition several years On December 7, 1961 the County Board of Appeals granted the Special tion. This Order was subsequently reversed by the Circuit Court of more County.

The protestants contended at the original hearing several years ago as well as the hearing held on March 2, 1964 that to grant the request for a geschine cervice station would result in a several traffic hearing Road. Rolling Road, Rolling Road was described as being a 25° wide road with no nidewalks.

However, at the recent hearing the petitioner produced Mr. Rohard moneth, blasf of the Rock Milliang Design in Baltimore County. Mr. McDon. 1964; construction of the videnting of Railing Rock will review. The plane for two 27' paved Lague separated by a 16' wide medium strip on Railing from Rocks Do to CMR Frederick Rock.

In view of Nr. MeDinough's testimony, it is difficult for the Deputy Zoning Commissioner to believe that a gasoline service station at the proposed location would in anyway constitute a traffic heard. All other requirements of Section 502.1 of the Zoning Regulations dealing with the granting of a Special Exception have been met.

IT IS CONDEND by the Deputy Zoning Commissioner of Baltimore County, any of Barch, 1964, that a Special Exception for a guadine station should be granted, subject to approval of the State Waste to, Bureau of Public Services, and the Office of Planning and Zoning the following restrictions.

(a) There shall be charactization of the adjoining shopping center parking lot to provide for orderly movement for traffic between the service station and the commercial complex.

(b) Landscaping shall be provided to temper the vista of asphaltic paying and also provide greenery or shrubbery on the service station site.

(c) No construction work may be done on the service station until the construction has began on the widening of Ralling Road from the inter-section of "note 10 and Ralling Road in a southerly direction to Gld Freder Roads

This is a petitior for a special exception for a Gasoline ion on the west side of Rolling Road 300 feet south of w Mational Piles in the lat District of Saltimore County. The rty has a frontage of 150 feet on the west side of Rolling Road and depth of 116 feet. Property to the south of the subject perty lying between the northern boundary of subject property and Box market and other retail establishments. The present width of Rolling Road is 20 feet and has no sidewalks. The use of the subject property for a gasoline service station with Rolling Road in its present

Mr. Phillip Klein, one of the owners of the subject property as well as one of the owners of the other "B-R" property mentioned above, testified that it would be impossible to develop the larger "B-R" tract for commercial use without the widening of Bolling Sond, and that the development of subject tract for a gasoline service station depends on the

The majority members of the Board of Appeals recognise that in order for Rolling Road to be widered, that the owners of property both on the east and west side of Rolling Road would materially contribute to the cost of such midening. Without knowledge as to the use that could be made of their land, a property owner would be unwise to commit monies for such widening as he could then find himself with an unusable piece of property. The Zoning Regulations of Baltimore County grants the Board of Appeals the right to write restrictions which would allow for the use of

1 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

See Attached Description

material for a Secretal December, under the cold Sector Law and Sector De sty, to use the herein described property, for. a.Gasoline.Service Station

gree to pay expenses of above re-classification and/or Special Exceptions and the position of the position of the second special speci

Haya felken



FOR SYLL

21.164



PHOCESSING

Associates George W. Buddy Robert W. Cushan Leonard M. Glass Norman F. Herrman Paul Lee Paul S. Sauto

MATZ, CHILDS & ASSOCIATES, INC. Engineers - Surveyors - Site Planners 2129 N. Charles St. - Baltimore, Muyland 21218 110-Line 7-5700

DESCRIPTION

0.4015 ACRE PARCEL, FOR LEASE, ROLLING ROAD 64 AND GEIPE ROAD, FIRST ELECTION DISTRICT, 17

BALTIMORE CO., MD.

Present Zoning:BR Proposed Zoning: BR with Special Exception Water Smel

Beginning for the same at a point in the eighth or 3. 22-3/4* 56 perch line of the land which by deed dated September 15, 1945 and recorded among the Land Records of Baltimore County in Liber R. J.S. No. 1405, Folio 263 was conveyed by Andrew D. Harbaugh and wife to J. Norman Geipe and wife, said beginning point being located N. 19° 14' 10" E., 81.34 feet measured reversely along said eighth line from a stone heretofore set at the end thereof, said beginning point being also at the northeast end of the gusset line that connects the west side of Rolling Road, as proposed to be 90 feet wide, and the north side of Geipe Road, as proposed to be 70 feet wide, thence binding on said gusset line S. 62° 40° 00" W., 15. 15 feet, thence along the said north side of Geipe Road N. 89° 17' 00" W., 125.06 feet, thence leaving said north side of Geipe Road and running for new lines of division the three following courses and distances, (1) N. 52* 10' 00" E. 54.74 feet, {2} N. 13* 37' 00" E., 140.00 feet, and (3) S. 89* 17' 00" E., 103, 61 feet to the aforesaid west side of Rolling Road, thence binding thereon

TZ, CHILDS & ASSOCIATES, INC. N. Charles St. - Baltimore 18, Maryland Page Two \$64-54X

the two following courses and distances, (1) southerly, by a line curving to the left with a radius of 5645. 00 feet the distance of 157.88 feet (said arc being subtended by a chord bearing S. 13° 53' 22.5" W., 157.88 feet) SEL,2-A and (2) S. 19° 14' 10" W., 10.28 feet to the place of beginning 'X' Containing 0, 4152 acres of land.

FER 3- '64 (1) 12 1 2 2/11/4 1/31/64 8763

J. O. #5914548 WHAT IS PUBL

THIS AGREEMENT between Klein and Goldman, operating as 40 W. Shopping Conter, the Shall Oil Company, Lessee, and Gordon M. Holland, relates to the property known as 40 W. Shopping Center, and nore specifically to that piece of property bounded on the south by Geipe Road and on the east by Relling Road, for which a potition was made for a special exception to erect a filling station. The parties, involved in an offert to have a clean and orderly filling station in an area bounded to the south by residential property, do hereby agree to the followings

1. The building to be erected is to be either a two or three boy rench style station, as shown on page 7 of the Shell Cil Company catalogue, with pink colonial brick and redwood siding used exclusively for the exterior. This building is to have the word "Shell" affixed in no more then three (3) locations and be maintained at all times in a well loost condition.

- 2. At the northermost point of the station property on Rolling Road there is to be permitted a 6' m 6' stationery sign having a maximum overall height of 20' 2", as shown on page 27 of the Shell catalogue. This sign will display the Shell omblom on two (2) sides in a generally northern and southern direction.
- 3. If additional tire storage is required, other than that provided in the general floor plan for the station shown on page 6 of the shell catalogue, a completely emologed rook stating its contents is to be permitted on the western boundary of the property and immediately adjacent to the station.

4. The building on the station side is to run generally narralled to Rolling Road and situated approximately as shown on the plat plan submitted to the Zoning Commissioner with potition #64-54-Z, which plan was revised Jamery 31, 1964.

5. with the exception of the signs specifically outhorized above in Items 1 and 2 and those porma attached to the purps, no other signs are to be permitted in the service station area either affired to the building, pumps, tire rack or shell trade mark standard (6' z 6' stationry gion referred to in Item 3). Free standing signs and all others not referred to but intended to attract the public or advertise a product are to be prohibited.

6. More shall be no perments or similar displays as usually strong on wire, rope, or similar material about the

7. The station is to comply with all other soning requirements in accordance with the present law.

8. No construction work may be done in the service station until construction has been commanded on the widening of Rolling Road from the intersection of Route 40 and Rolling Road in a montherly direction to Old Frederick Road.

9. Landscaping shall be provided to temper the vista of amphaltic paving and also provide some greenery or abrubbery on the service station site.

The parties to the above items are to meet with the Zoning Commissioner and petition him to emend his order to include the restrictions as agreed to by all parties. After this action it shall

be the responsibility of the owners and tenent to record among the Land Records of Baltimore County all restrictions included in the Soming Cormissioner's amended order. The cost in this case to be

borne by the omor.

March 31, 1964

Nr. Edward D. Hardesty Deputy Zoning Commissioner Baltimore County Office Building Baltimore, Maryland 21204

Dear Nr. Hardesty:

It is the desire of the undersigned parties that your Order of Narch 5th, 1964, granting a Special Exception for a gasoline service attain to be created on the west side of Mori Road and the north side of Geips Road, int Election Discretions, Baltimore County, the Language of the State of t

1. The gasoline service station to be ersected is to be a ranch style building with exterior facing to be limited to red shade brick and redwood. The building is to have the 011 Company name affixed in no more than three locations and is to be maintained at all times in good condition and repair.

2. At the northeasternmost corner of the service station 2. At the northeasternmost corner of the service station premises, there is to be permitted a double faced oil company identification sign, having an advertising area of not more than 36 square feet on each side and having a maximum overall height of not more than 25 feet. This sign shall be stationary.

A standard tire display cabinet shall be permitted to be installed along the western building line of the gasoline service station premises.

4. The gasoline service station building is to be generally parallel to Rolling Road and situated approximately as shown on the glot plan submitted to the Zoning Commissioner with petition No. 68-5%, as revised on January 31, 1964.

items I and 2 hereof, and standard oil company signs smouted on the building, pumps and motor oil cabinets, two (2) business signs will be persitted to be displayed on the genoline serice station will be persitted to be displayed on the genoline serice station (2) signs shall not exceed 72 square feet, and provided further that they be mounted at or behind the frent pump island line.

There shall be no pennants or streamers displayed except during a Grand Opening period, which shall not exceed fifteen (15) days.

Yours very truly.

40 WEST SHOPPING CENTER

By: Kilin E. Non

SHELL OIL COMPANY

John G. 'Cribbs

BARTIMORE COUNTY, MARY NO

TO He John G. Rose, Zoning Commissioner Date. February 18, 1964

PROM. Br. George E. Gerrelia, Acting Director

600.50.V. Special Exception for a Genoline Service Station. Heat side of Rolling Road and South side of Baltimore National Piles, Being property of Philip E. Klein and Malvyn Goldman.

Monday, Harch 2, 1964 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the sabject pertition for a Special Disception for a gaseline service starion and has the following advisory comments to make with rea to pertinent planning Sec

TITION FOR A SPECIAL EXCEPTION for a Casoline Service Station W/S Rolling Read and the M/S of Ceipe Road lst District Klein & Caldman- Patitioner #1 SEL. 2-A XA AMMINISTY TO CEDER The Order of March 5, 196h, in the above captioned matter is amended to include the following conditions and/or restrictions in addition to those set forth in the original Order. The modline service station to be sweeted is to be a ranch style building with exterior facing to be limited to red shade brick and reduced. The building is to have the 2D Company mass affixed in one sure than there locations and is to be ministed at all times in good condition and repair 2. At the merthesterrement corner of the service station merchane, there is to be permitted a double faced oil company identification size, having an elevativing orac of not more than 56 square feet on each tide and having a small haided or hower than 25 octs. This sign shall be stationary. A standard tire display cabinet shall be permitted to be installed along the western building line of the gazoline service station premises. h. The gaussine service station building is to be generally parallel to Molling Road and attosted approximately as show on the plot plan submitted to the Joning Confissioner with patition No. 66-51-87, as revised on Annery 31, 1964. "with the exception of signs specifically presided in them 1 and 2 hereof, and standard cill company signs conted on the building, pumps and restored clusters; which conted signs will be presidently signs and the signs will be presidently of the two (2) signs sign to exceed 72 copiers freely, and presided further that they be sounded at or building the pump (aland 11). 6. There shall be no pennanté or stressers displayed except during a Grand Opening p-riod, which shall not exceed fiftyen (15) days. Edward D. Harles t March 31, 1964

BAL NORE COUNTY, MANLAND No. 21660 OFFICE OF FINANCE DATE 3/16/6 Oicision of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND Goldman and Elstr BILLED Zoning Department of Baltimore County 5508 Park Heights Ave. Baltimore 15, Hd. 850.00

50,00

Advertising and posting of your property

hashax

TELEPHONE 823-3000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSE PPER SECTION OF THIS BILL WITH YOUR REMITTANCE. BALTIOORE COUNTY, MAR AND No. 21522 OFFICE OF FINANCE COURT HOUSE TOWSON 4, MARYLAND Geldman and Elein 5508 Park Heights Ave. Baltimore 15, Fd. 50.00 Patition for Special Exception 1--764 8538 . . . TIL. IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

OR IG INAL THE BALTIMORE COUNTIAN

Road and South side of Baltimore
National Pike.
DATE AND TIME: MONDAY,
NARCH 2. 1964 at 100 P.M.
PUBLIC HEARING; Room 108,
County Office Building, 111 W.
Chrispeake Avenue, Towson,
The Zoning Commissioner of
Baltimore County, suchesting
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eablic heart of the County, will hold
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of the County of the Count CATONSVILLE, MD. No. I Newburg Avenue

February 17, 1964. a public hearing:

Concerning all that purcel of land in the First District of

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 Neek MODERNSKERNEER'S before 1964, that is to say the 17th day of February, the same was inserted in the issues of

February 13, 1964. THE BALTIMORE COUNTIAN

> By Paul J. Morgan Editor and Manager



CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD, Pobruary 26, 19 64.

THIS IS TO CERTIFY. That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of One

successive weeks before the 2nd .19 64, the first publication appearing on the 13th day of February

THE TIMES

ZONNO: Bestines for Spec-lescrice Station and Station of LOCATION: West Additional Stationary of LOCATION: West Additional Stationary of LOCATION: West Additional Stationary of LOCATION: MODELLA STATIONARY OF LOCATION OF

Mark Manager John M. Martin

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#64=54=A

Date of Posting .. Ceh .. 15 .. 1964. District 1a5 Posted for: Relition for Special Exception for Mas Station .. Location of Signs: W/S Rolling Sd. 1009 S.of 40 West Shopping Senter

BALTIORE COUNTY, MARYOND No. 25213 OFFICE OF FINANCE DATE/21./61 isision of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND Baltimore County 2 conten of Verticar letters 1.00 #164-54 A

-2460 6178 * 25213 NP-

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND





