

Zoning Commissioner  
Baltimore County  
County Office Building  
Towson, Maryland 21204

Dear Mr. Rosen:

Please enter an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner dated January 7, 1965 in case No. 65-177-R.

I enclose herewith my check in amount of \$75.00 to cover cost of appeal.



January 29, 1965

Protestant

County Board of Appeals for Baltimore County  
Room 301 County Office Building  
Towson, Maryland 21204

Re: Petition reclassification from an R-6 Zone to B-L Zone and Special Exception for a filling station  
Petition 65-177-R

Gentlemen:

Please dismiss the Appeal filed by me in the above-captioned case.

Very truly yours,

*Edmund G. Ricks*  
Edmund G. Ricks  
1133 Cranville Road  
Baltimore, Maryland 21207

*Rec'd 1-28-65  
10:50 am*

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Mr. J. G. Howell, Planner III  
Office of Planning and Zoning  
TO: \_\_\_\_\_ Date: \_\_\_\_\_  
FROM: William S. Baldwin, Chairman  
County Board of Appeals  
SUBJECT: Comm. Reg. Appl. 44-66 - Service Station  
Zoning Petition 65-177-RX - U.S. 40 & Rich Avenue  
Request for Approval of Revised Site Plan



Dear Mr. Howell:

I have received your correspondence regarding the above captioned gasoline station including the letter from Mr. Dwight L. McCurdy, Construction Engineer for Hess Oil Company, wherein he stated that the residents of the area apparently do not wish the screening installed along the side of the property toward Rich Avenue in accordance with the Fifth restriction of the Board's Order dated October 4, 1965.

I do not see how the Board could legally change such a restriction without a public hearing. While apparently some of the neighbors do not want the screening, we are not sure, at this point, how many of the neighbors may wish to insist on the screening.

I believe that the only course for the Hess Oil Company would be to file a petition with the Zoning Commissioner for a Special Hearing to ask that the above mentioned restriction be removed. If it is handled in this manner then all of the neighbors would have an opportunity to come in and express their views.

Very truly yours,

*William S. Baldwin*  
William S. Baldwin, Chairman

WSB:ete

cc: Mr. Dwight L. McCurdy  
Mrs. Hannah Lindsey  
Mr. Eugene E. Viard  
Mr. Earl Runkon  
Mr. and Mrs. Aaron Yancey  
Mr. and Mrs. Milton Foreman  
Mr. P. T. Lemay  
Mr. J. G. Rowe

Rich Property Partnership  
No. 65-177-R

are a "blight", that Route 40 has too many gasoline stations, and that the gasoline dealers are hard pressed now from an economic point of view. Mr. Lemmon should be an expert on this subject as he, or a company in which he has an interest, owns a number of gasoline stations.

Evidence presented on behalf of the petitioners showed that the subject property is about the only footage along this portion of Route 40 for approximately a mile and a quarter on the north side which was not zoned for or devoted to commercial use. From the shape of the property as it appears on the map and plot, and from an inspection of the property by the Board, it would appear that it would be almost, if not entirely, impossible to use this property for residential purposes and it further appears that if it were zoned for commercial uses it could hardly be used for anything other than a gasoline station. The fact that it has been used for recreational purposes as a playground for a long time cannot be controlling against the property owner who has invested his money in the land and to continue it in its present use would amount to a confiscation without any compensation whatever. The operations of the Hess Oil Company, the prospective operator, are unusual in that their gasoline stations are only as gasoline and oil dispensaries, they provide no other services or repairs, they do not even change tires on the premises, do no car washing, nor any trailer or other equipment rental business, and it was testified that in their other stations they maintain very high standards of cleanliness. Apparently there are seven gasoline stations within several hundred yards of this site on either side of Route 40 and there are two applications for new stations in the vicinity which would indicate that at least the gasoline companies and the property owners involved believe that there is some economic feasibility in these operations, and it was testified that an average of 34,000 cars per day pass this point on Route 40. There was further testimony from qualified expert engineers that water supply and sewerage would be adequate for the proposed operation, however, the sewer must be extended to existing County sewers across Route 40 at a cost of from \$7,000 to \$10,000. This alone would make it practically impossible to develop this property for residential purposes.

A qualified realtor and developer testified that there was absolutely no other feasible use for this property except for that proposed by the petitioner, and that there had been very heavy commercial development in the area both before and since 1962. Other factors he stated were the price paid by the owner for the property, the cost of hooking the property up to existing sewers and water supply, and the shape of the lot with its frontage of 367 feet on Route 40 and a depth of approximately 100 feet at one end tapering off to a depth of 11 feet at the other end, which appears on the plat filed as an exhibit in the case and is very obvious upon inspection of the property. It was further testified that

Rich Property Partnership  
No. 65-177-R

the proposed use as a gas station would not affect the value of residential properties in the area.

From the evidence the Board finds error in the original zoning and further, can hardly see how this property could have any utilization whatever except as commercial property. The change in classification to B-L will, therefore, be granted and the special exception for a gasoline station will also be granted subject to the following restrictions which we believe will be in the best interest of the neighborhood, namely,

1. That there be no revolving signs on the property
2. That all lighting shall be directed toward the interior of the station
3. That the gasoline station be limited in its operations to the sale of gasoline, oil, and other automotive products
4. That there be no repairs, rentals, car washing, or tire operations conducted on the premises
5. That proper dense screening be planted on the side of the property toward Rich Avenue
6. That there be no access by road or driveway from Rich Avenue directly into the gasoline station
7. That all access shall be limited to Route 40
8. That all site plans and ingress and egress be subject to the approval of the Office of Planning and Zoning and in accordance with all other applicable regulations of Baltimore County, particularly Section 405 of the Zoning Regulations pertaining to filling stations

## ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day of October, 1965 by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby granted, subject to the aforementioned restrictions.

Rich Property Partnership  
No. 65-177-R

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

*William S. Baldwin*  
William S. Baldwin, Chairman

*W. Giles Parker*  
W. Giles Parker

*R. Bruce Alderman*  
R. Bruce Alderman

H. Lee Harrison, Esq.  
The Upson Building  
Towson, Md. 21204

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:  
"BUREAU OF TRAFFIC ENGINEERING": This office will review and comment at a later date.  
"HEALTH DEPARTMENT": Satisfactory percolation test for sewage disposal system will be required if the zoning request is granted.

No comments from the following Departments:

Office of Planning and Zoning  
Board of Education  
B & N Commission  
Buildings Department  
Industrial Commission  
State Roads Commission  
Fire Bureau  
Bureau of Engineering

Yours very truly,

*James E. Dyer*  
James E. Dyer  
Chief of Permit and  
Petition Processing

RE: PETITION FOR RECLASSIFICATION  
from R-6 or No Zoning-Public Land  
to a B-L zone, SPECIAL  
EXCEPTION for a Filling Station,  
SW corner Pine & Rich Avenues,  
1st District  
Rich Property Partnership,  
Petitioners  
BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 65-177-R  
OPINION

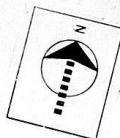
This case concerns an application for a reclassification from what is apparently R-6 zoning to a B-L zone, and a request for a special exception for a gasoline station by the Hess Oil Company a prospective lessee of the property which is owned by the partnership which is the petitioner. One of the partners, Mr. Alvin Snyder, is the legal owner of the land which he purchased at auction from the State Roads Commission at a price of \$22,000. The land in question fronts on U. S. Route 40 West on the north side and is triangular in shape being bounded by Route 40, Rich Avenue, and an entrance drive from Rich Avenue to Route 40. The land was part of the right-of-way acquired by the State Roads Commission when Route 40 was constructed and has since been unused and unimproved by the State Roads Commission. There was some question as to whether the property was actually zoned R-6 or should properly have been zoned as publicly owned land. In any event, the petitioner requests that it be zoned as B-L.

The zoning map, which is dated November 15, 1962, shows the property as R-6 but nothing has been constructed upon it and up until the present time it has been used only as a playground and grassplot. It is, in effect, the contention of the petitioner that there was error in the original zoning in that the land cannot possibly be used for residential purposes and, in fact, would have no other feasible or practical use than as a filling station.

The protestors, who live in the neighboring community, would prefer to have the property remain as it is for use as a park or playground but since the State saw fit not to retain it for this purpose but sold it at auction it hardly seems reasonable for the neighbors to expect Mr. Snyder to maintain his \$22,000 recent lot as a park for public use. The Board is in sympathy with the property owners in this neighborhood as evidenced by its decisions in other cases in the same general area (not fronting on Route 40).

Other than the residents of the community, the only witness for the protestors was Mr. P. T. Lemmon who appeared as a volunteer expert witness opposing the reclassification. He testified that he himself had bid on this property at the time of the auction sale but was outbid by Mr. Snyder, and that the property was owned by the State Roads Commission at the time of the adoption of the map. He suggested that the land might properly be used for a church although he did not indicate that he would have constructed a church if he had been successful in purchasing the property at the auction sale. His specific opposition was to the operation of a gasoline service station, that gas stations



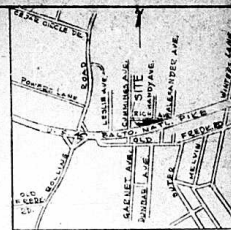


Houses  
R-6

Houses  
R-6

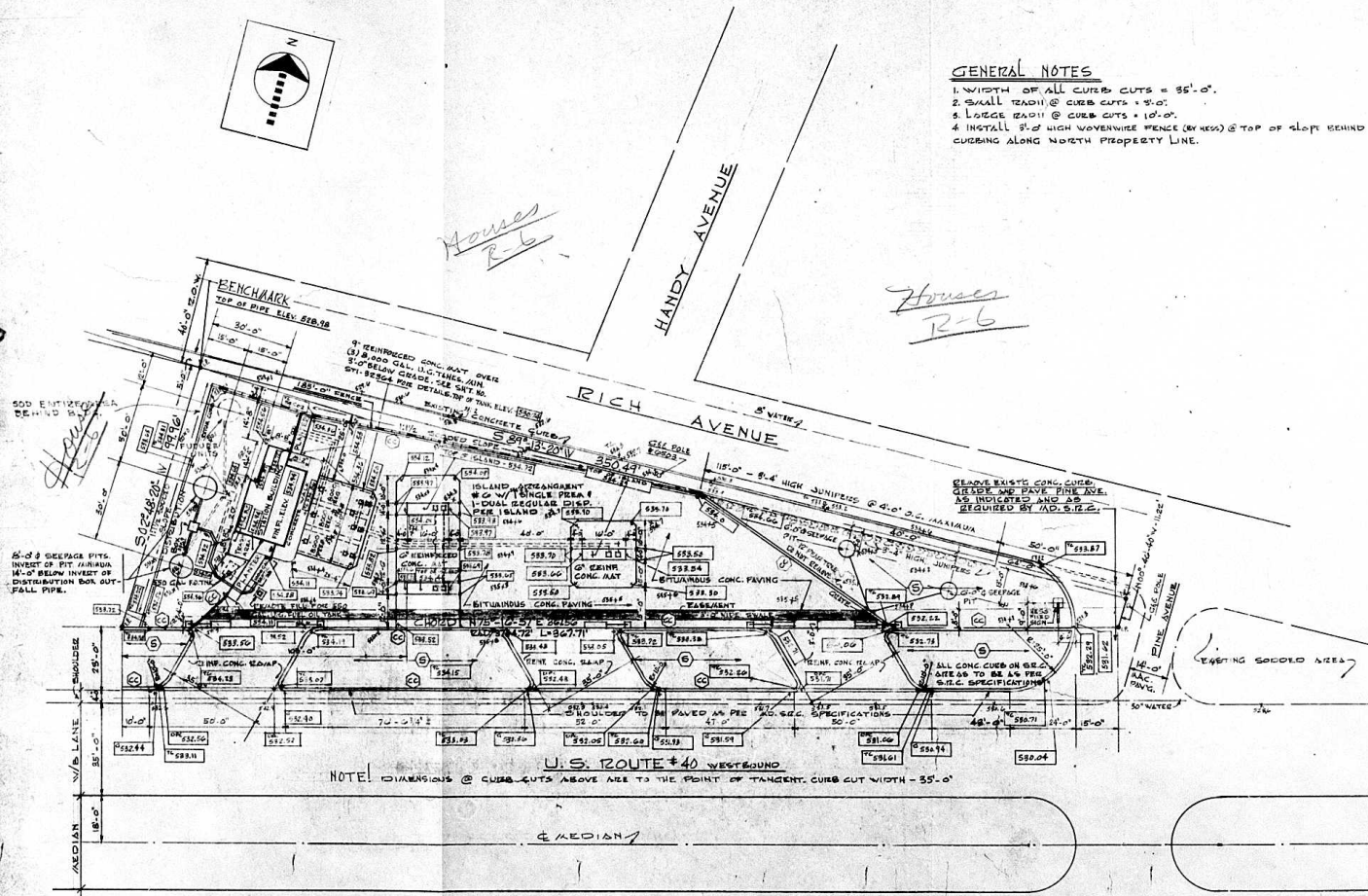
# GENERAL NOTES

1. WIDTH OF ALL CURB CUTS = 35'-0".
2. SMALL RADIUS @ CURB CUTS = 5'-0".
3. LARGE RADIUS @ CURB CUTS = 10'-0".
4. INSTALL 3'-0" HIGH WOVEN WIRE FENCE (BY SPEC.) @ TOP OF SLOPE BEHIND CURBING ALONG NORTH PROPERTY LINE.



VICINITY MAP  
SCALE: 1"=100'

49-66



NOTE: DIMENSIONS @ CURB CUTS ABOVE ARE TO THE POINT OF TANGENT. CURB CUT WIDTH = 35'-0"

U.S. ROUTE #40 EASTBOUND

## PLOT PLAN



- 1. Indicated existing structures.
- 2. Indicated proposed structures.
- 3. General Contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
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- 9. General Contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
- 10. General Contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

File # 65-177-R

Approved Plan

### SHRUBBERY & PLANTER LIGHT SCHEDULE

| LOCATION       | KERUM<br>DIALEA<br>18" HIGH | TAXUS<br>X HENRY<br>18" HIGH | OCEANA<br>36" HIGH | PLANTER<br>SPOTLIGHTS<br>SEE DWG HSD |
|----------------|-----------------------------|------------------------------|--------------------|--------------------------------------|
| RIGHT WINGWALL | 1                           | 3                            | 1                  | 5 COUBLES                            |
| LEFT WINGWALL  | 1                           | 4                            | 1                  | 5 COUBLES                            |

### PLANS APPROVED

OFFICE OF PLANNING & ZONING

BY: [Signature]

DATE: 4/23/66

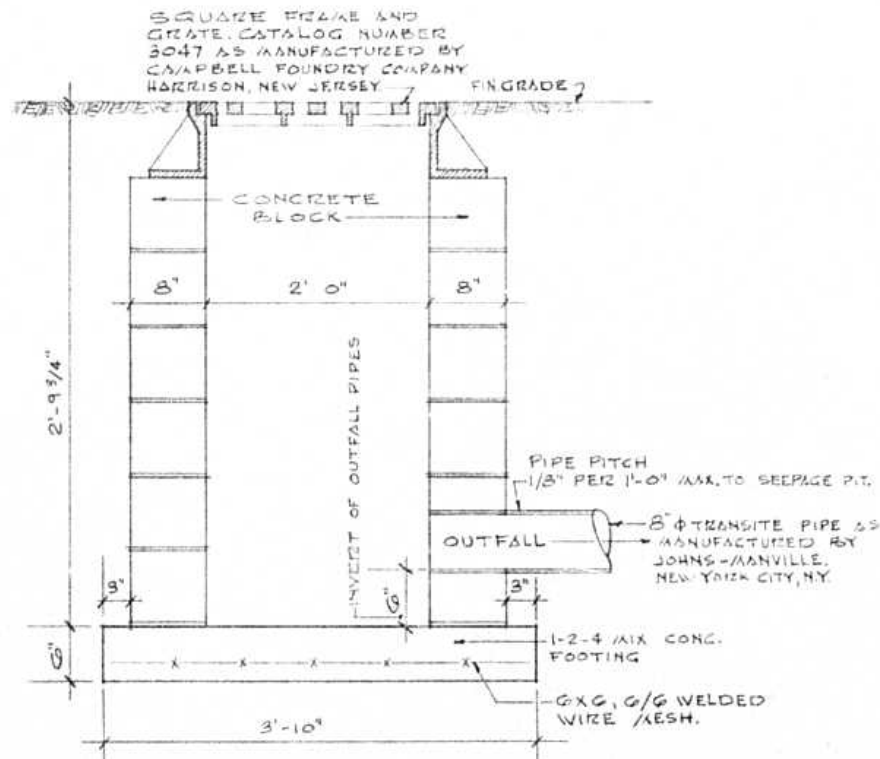
| NO. | DATE    | DESCRIPTION                                            | BY   |
|-----|---------|--------------------------------------------------------|------|
| 4   | 1/26/66 | REVISE CURB CUT ANGLES AS PER LANDLORD'S REC.          | L.L. |
| 3   | 3/24/66 | ADD DRAINAGE SYSTEM, REVISE CURB CUTS OF PER SITE PLAN | U.S. |
| 2   | 1/26/66 | MODIFICATIONS AND REVISIONS TO COMPLETE PLOT PLAN      | U.S. |
| 1   | 1/26/66 | RELOCATE TANKS AND BUILDING, ADD SEPTIC SYSTEM         | U.S. |

HESS OIL & CHEMICAL CORPORATION  
STATE STREET, PERTH AMBOY, NEW JERSEY

|                                                                                         |               |
|-----------------------------------------------------------------------------------------|---------------|
| PROPOSED WESS GASOLINE STATION<br>U.S. ROUTE #40 AND RICH AVENUE, CANTONVILLE, MARYLAND |               |
| SCALE: 1"=20'-0"                                                                        | DATE: 4/23/65 |
| CHECKED BY: D. McCurdy                                                                  | STATION NO.   |
| MARKETING APPROVAL: MD-24                                                               | STATION NO.   |
| MULTI-PURPOSE SPECIAL: GHT 1 OF 10                                                      | STATION NO.   |

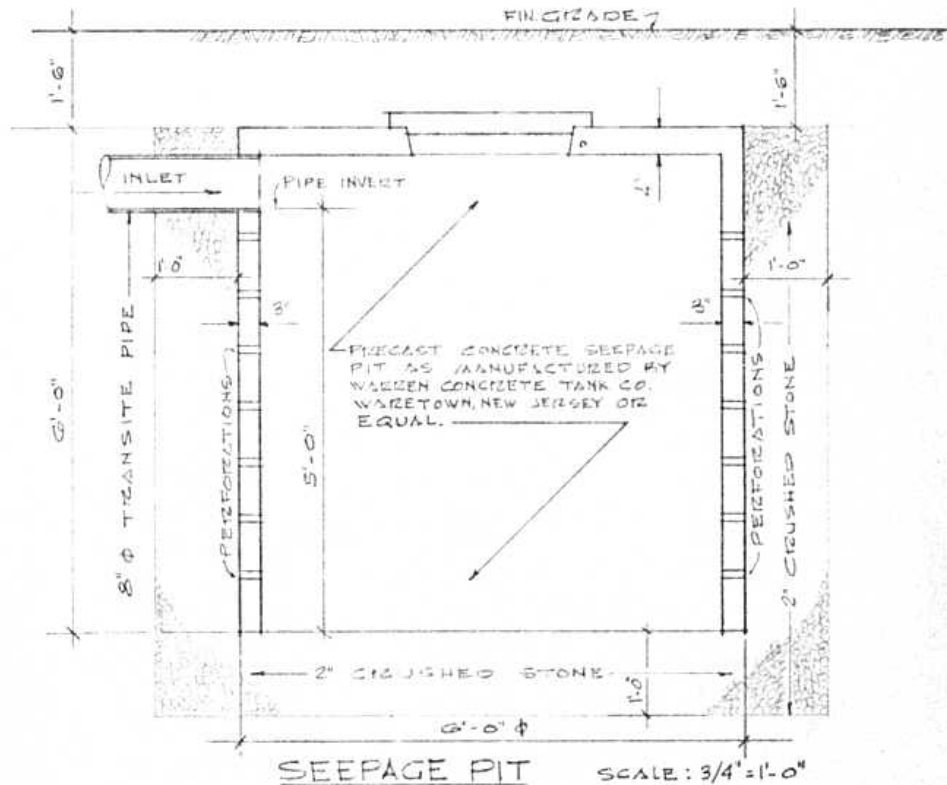
NOTE!

SEE PLOT PLAN MD.-24 FOR LOCATION OF CATCH BASIN AND (2) SEEPAGE PITS.



CATCH BASIN

SCALE: 1" = 1'-0"



# HESS OIL & CHEMICAL CORPORATION

SCALE: AS NOTED

DATE 12/28/65

DRAWN BY C.T. Longo

APPROVED BY

CATCH BASIN  
AND  
SEEPAGE PIT DETAILS

PROJECT NO.

DRAWING NUMBER

MD.-24-CB

REVISION NO.

