RE: PETITION FOR SPECIAL EXCEPTION :

BEFORE

for a Gasoline Service Station

COUNTY BOARD OF APPEALS

SE corner Bellona Avenue and Ruxton Road.

9th District

OF

Joseph J. Martin, Petitioner

BALTIMORE COUNTY

Texaco, Inc., Contract Purchaser No. 65-219-X

## ORDER OF DISMISSAL

This case is an appeal from an Order of the Zoning Commissioner denying a special exception for a Gasoline Service Station at the coutheast corner of Bellona Avenue and Ruxton Road, in the Ninth Election District of Baltimore County.

12

At the hearing before the Board, counsel for the petitioner and protestants appeared, and coursel for the petitioner advised the Board that he did not wish to put on any testimony in support of the petition.

By virtue of the fact that the petitioner did not produce any testimony in support of the petition, the special exception is hereby DENIED.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Boldwin, Chairman

Walter A. Reiter, Jr

May 7, 1969

BRIZENDINE AND MURRAY

STIORNEYS AT LAW LOYOLA BUILDING

22 W. PENNEYLVANIA AVENUE TOWSON, MACYLAND 21204

VALLEY BORSE VALLEY BIRLE

July 12, 1967

County Board of Appeals County Office Building Towson, Maryland 21204

> Re: Joseph A. Martin--Texaco Station

Geotlemen:

AUSTIN W. BRIZERDINE

RICHARD C. MURRAY

Further in connection with my recent letter in the above case, it is the position of the Protestants that this case cannot be heard since no district has been established as required by Council Bill 40. I am requesting that this issue be set as a special preliminary matter before the case is set on the merits.

Sincerely yours,

ard C. Murray

RCM/s

CC: George W. White, Esquire T. Bayard Williams, Jr., Esquire

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

ounty and which is described in the description and plat attached hereto and made a part hereof, # 9 sereby petition AF THE THE TOWNS OF HE ROTH

See Attached Description

SMETS for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a filling station

Property is to be posted and advertised as prescribed by Zoning Regulations L or we, agree to pay expenses of above re-classificat in 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

WITNESS: Limeth & Estellinen Howard D. Ford Gentrestancement Assistant Secretary ATTEST:

By CTI Eacourde -Address

2/4/65

(NW-10B)

) 4-1-26-George W. White, Jr. Petitioner's Poststant's Attorney 10 Light St., Baltimore 2, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this

Petitioner's Attorney

., 196. . 5that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out 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, County, on the 17th day of fabruary 196 at 11:00 clock

Zoning Commissioner of Baltimore County

OFFICE OF PLANNING AND ZONING Inter -Office Correspondence

Date\_ Feb. 5, 1965

To: Mr. John G. Rose, Zoning Commissioner From: George E. Gavralis, Director . . . .

Subject: 165-219-X - Petition for a Special Exception for a Filling Station - Southeast corner of Bellona Avenue and Ruxton Road

65-220-R - Petition for Reclassification from

R-10 and B.L. Zones to R.A. Zone. Northeur corner of Bellona and Malvern Avenues
Being the property of Joseph J. Martin and Kathryn Martin. 9th DISTRICT

HEARING: Wednesday, February 17, 1965 at 1:00 P. M.

The planning staff of the Office of Planning and Zoning has reviewed the subject petitions and offers wing advisory comments regarding planning factors:

 The subject properties are part of a single large parcel. Carrying out the proposals here would con-stitute a subdivision of the land. This office would require that the plans be submitted for subdivision processing and approval.

After preliminary review, we are not convinced that the present plans are entirely satisfactory. There are particular quasions regarding the adequecy of present Malvern Avenue to serve only portion of the apartment development and the possibility of widening Malvern while of the same time retaining as many as possible of the trees that now schonce it. Another question relates to the gooding of the property; here the staff's principal concern with the plan is the fact that the eatterly boundary of property; here the staff's principal concern with the plan is the fact that the catterly boundary of the proposed filling station to — presumably the centerly edge of the executation cut — is planned in such a way as to deny the wasterment house across Ruston Road the effect of terrain screening. There are further questions regarding internal circulation. There would appear to be good reason for providing access between the filling tetrion and the apartment development, if such access con be worked out gradewise.

It is proposed to put 101 units on the property and six buildings covering about 37,200 sq. ft. Placing this number of units in buildings of such little coverage pass design problems requiring the submission of more destined information regarding site planning factors before the staff could recommend approval of the plan-

(2) Present zoning of the parcel is R.A., R-10 and B.L. That part of the B.L. Zone which odjoins he R. A. Zone would permit apartments. Rezoning generally as proposed by the petitioner would appear to be lajectal for the following reasons:

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of.....

the above Reclassification should be had; and it further appearing that by reason of ...

a Special Exception for a\_\_\_ ...should be granted IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... the same is hereby reclassified: from a zone, and/or a Special Exception for a ... should be and the same is

granted, from and after the date of this order

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition proximation to set the petitioners folled to satisfy all requirements of Section 502.1 of the Baltimore County Zoning Regulations, the special exception

adiracticonstructionalismicontienadoublacidadida did dia decentra activa directiva discontina administrativa d CHANTED

of Narch 196-5 - Moldbeaboon-cooling Golden, have a subother seem of subsense. straight, and that the above described projects as area be and the same is beroby continued as and recapiling the Special Exception for... be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

Petitions \$65-219-X and \$65-220-R (continued)

Because of its proximity to commercial development as well as to cottage development, use of the parcel for apartments would appear to be appro-priately transitional.

Recent expansion of nearby commercial facilities has probably been adequate to serve present local needs and the needs of residents of the proposed apartments. Therefore, the present B.L. zoning of the subject percel is probably

c. There is only a limited amount of rental housing in the Ruxton-Riderwood area. In view of trands throughout the metropolitan area, there would appear to be some degree of need for apartments here. There is doubt in our minds that the recent apartment development across Bellona Avenue has fully satisfied this

(3) With regard to the Special Exception for the filling station, we feel strongly that every effort must be made by the County, the petitioner and the future owner of the station to make the use learnessize with surrounding development if the special exception is to be granted. Particular care will be required to insure that no more of the overall as granted. Particular care will be required to insure that no more of the overall particular by the particular particular particular by the particular by

In view of the above, it is requested that a decision on these patitions be postponed until the various problems noted are solved, and also until approval has been secured from all appropriate State and County agencies. BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

February R. 1956

George W. White, Jr., Esq. 10 Light Street Baltimore 2. Hd.

Dear Sire

The enclosed memorandum is sent to you in compliance with Section 23-22 of the 1961 Supplement of the Baltimare County Code.

Any questions of correspondence in regard to the enclosed subject mat-ter must be directed to the Director of Planning and Zoning (or his Deputy) and NOT to the Zoning Commissioner.

If you desire to have a member of the Planning Staff testify, it will recessory for you to summons him through the Sheriff's Office

IGP/h Encis:

65-219-X

Date of Posting March & 1985

Data of return Ashick 11 1765

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Tomon, Maryland

Posted for JAC Extrat taking Station

Location of property SE from of Bullons les & heyten byt

(2) s/s entire ha sa's of rection line

Location of Signer ( E/s Sellera are 25 south of maybe the

Petitioner Insephe ). Martin

Remarks .....

to Salveys J. Martin docad June 9, 1963, and recorded among the load Breefres # 9 to Spanys J. Section once amore, and the section of Palitimer's County in Liber V.J.R. 3631, Tello 343 running thouse binding 4813-6 rovingesly am part of the sold fifth line and for part of the distance in the Bed of Maxten Reed Mirth at degrees on minutes 60 assends Mast 190.17 / 4%" Aust, thouse touring the bed of Sexten Rend and reaning for the Lines of Mivisian the two faltering courses and distance via: first, South 0 togress In minutes of smooth Boat 369.57 foot, and second, South 85 degrees 35 Startes 36 seconds Vact 190,18 foot to intercest the assemd line of the Giret percel of last on exercised in the sieve merilesed dead at a distance of 20.00 feet from the baginaing of said account line; receiver theses bindsing on the remainder of most second line of the first percel of load and to the Bod of Bollons Arusno Sarth's degrees 35 minutes 25 seconds West 124.94 feet to the sed of anid agooms line and to industrat the first line of the onid third percal of the chare described doed blomes hinding reversely on pure of the send first time one all of the single line of the said third

466-219 X

Candiduing 0.018 depos of less nove or loos. Suding years of the first pursel sed purt of the third percel of land ns detarthed in a field from John NoC. Heebray, Assignee, to Jesoph J. Bartin Spind June 5, 1961 and recorded strong the land records of Baltimore County to hiber W.J.E. 3551. Police Eds.

TOR OF LAND TO ME CONFERD PROF JORRES J. MARTIN

Beginning for the some at the and of the fifth line of the shied powers of land on described in a dead from John McC. Howbray, Assignes,

Subject to the rights of the Harriand State Reads Consider in the and of Splices are me and also subject to the Highla of Saltimore County in the bed of Person Read.

porce) of lood the two fullwating measures and distances wins first, South

55 stactos is occomis they bloke feet to the place of beginning.

We degree 54 minutes 20 exemply fort 18.35 feet, and second, Earth 5 degrees

DONALD L. BANKE Dog. #4. 3653

PETITION FOR A SER SPECIAL EXCEPTION

9th DISTRICT

Petition for a Special Exception for a Filling Station. Southeast corner of Sallons Avenue and Suxton Road.

DATE & TIME MEDNESDAY, FEBRUARY 17, 1965 at 11:00 A.K. PUBLIC HEARDIGE

Room 108, County Office Building, III V. Chesapnake Avenue,

The Zoning Commissioner of Baltimera County, by authority of the Zoning Act and Regulations of Baltimera County, will hold a public hearing:

Present Zoning: 8.L. Proposed Zoning: Special Exception for a Filling Station

All that percel of land in the Hinth District of Beltimore County

Saing the property of Joseph J. Martin and Kathryn Martin, as shown on plat plan filed

Hearing Date: Medicaday, Fabruary 17, 1965 at 11:00 A.H. Rublic Hearing: Nows 108, County Office Suilding, 111 he Cher

ZONING COMMISSIONER OF

April 26, 1965

No. 65-219-X -- Jos. J. Mertin -- Texaco, Inc.

Certificate of posting

Order of Appeal

Photogramettric Map

> Plat filed with petition

George W. White, Jr., Esq., 10 Light Street, Baltimore, Maryland 21202

Ernest C. Trimble, Esq., Jefferson Building Towson, Maryland 21204

Eugone P Smith, Esq., 1035 Maryland Matforel Bank Bldg., Baltimore, Maryland 21202

T. Sayard Williams, Jr., Esq., 6732 Holabird Avenue, Baltimore, Maryland 21222

Certificates of advertizement

Comments of Office of Planning

Petitions . description of property and Order of Zoning Commissioner

.......

BUCKMASTER WHITE, MINDEL & CLARKE 10013454 IO LIGHT STREET SALTIMORE MD 21202 April 12, 1965 RETURN RECEIPT REQUESTED JEPA-TMENT Honorable John G. Rose, Zoning Commissioner County Office Building 111 West Chesapeake Avenue

Towson, Maryland 21204 Re: Petition for Special Exception for

Filling Station - SE/C Ruxton Road and Bellona Avenue, 9th District, Jos. J. Martin and Kathryn F. Martin, Petitioners - No. 65-219-X

Dear Mr. Rose:

Please enter an Appeal on behalf of Texaco, Inc., Contract purchaser, to the Baltimore County Board of Appeals, from your order of March 31, 1965, denying the special excep-tion sought in the above entitled matter.

Please transmit all papers and records in the case to the Baltimore County Board of Appeals.

We have enclosed our check No. 22359, made payable to Baltimore County, Maryland, in the amount of \$75.00, covering the costs of the appeal and one sign.

Very truly yours, George W. White, Jr. Attorney for Texaco, Inc.

GLC/kgm Enclosure cc: Ernest C. Trimble, Esquire

Jefferson Building Towson, Maryland 21204 Eugene P. Smith, Esquire 1035 Maryland National Bank Building Baltimore, Maryland 21202

- MOD 13'65 V In State 2 per (8 ) 32

T. Bayard Williams, Jr., Esquire 6732 Holabird Ayenue, Baltimore, Maryland 21222

larmary 18, 1965

BALTIMORE COUNTY OFFICE OF FLANKING AND ZONING  $\#45^{5-21}$   $^{4}$  X COUNTY OFFICE BUILDING

TOWSON L, MARYLAND

Special Exception for a Caroline Service Sta. SUBJECT, For Joseph J. Martin Located on the BE/Cor of Funion & Bellom Avec., 9th District

The Zoning Advisory Committee has reviewed the subject petition

COPPLE OF PLANTED AND ROOMEN The refreshment pottle indicated on the plan mark be under cover and must be located a minimum of 25 feet from the cide property representations of the representation of the plant proposed time rache must be indicated on the replantified on an 14 feet.

An opening of the resident connection between the pas station and the proposed entrance road to the apartment chould be provided.

STATE FOADS CONTESTON: All entrances are subject to change location and approval by this commission.

THAPPIC ENGINEERING: This office will make an on-site inspection of proposed site and convent at a later date.

The following members have no comments to offer with regard to the proposed development plane:

Bureau of Engineering Board of Education Buildings Department Industrial Commission Health Department

cos Albert Quinby-Office of Planning and Zoning John Duerr-State Loads Commission C. N. Moore-Traffic Engineering

BUCKMASTER, WHITE, MINDEL & CLARKE

IO LIGHT STREET

BALTIMORE, MD. 21202

TELEPHONE MULBERRY 5-6741

Re: Petition for Special Exception for

In accordance with the instructions from Mr. John G. Rose, Zoning Commissioner, we have enclosed our check in the amount of \$72 for advertising and

Very truly yours,

George L. Clarke

71 Clark

Joseph J. Martin

#65-219-X

cc Mr. John G. Rose, Zoning Commissioner

March 16, 1965

Mrs. Anderson

Towson, Maryland

Dear Mrs. Anderson:

GLC:mem

Room 121 - County Office Building

posting of the above property.

Yours very truly. JAPES E. DYER Chief of Permit and Testition Processing

Bus Paticion for Special Encapti on for Filling Station - 3E/C Ruston Road and Ballons Ave., 9th Dist., Jos. J. Nartin and Kathryn F. Vrtin, Patitioners - No. 65-219\_X

I have today packed by Order denying the special above matter, as the patitionary feiled to satisfy of Section 500,1 of the Seltimore County Zoning

Very truly yours

Zoning Countailoner

COPY

LAW DEFICE BUCKMASTER, WHITE, MINDEL & CLAR

----BALTIMORE, MD. 21202 ELEPHONE MULBERRY SARAR

March 16, 1965



Mrs. Anderson Room 121 - County Office Building 111 W. Chesapeake Avenue Towson, Maryland

Re: Petition for Special Exception for Joseph J. Martin

#65-219-X

Dear Mrs. Andersons

In accordance with the instructions from Mr. John G. Rose, Zoning Commissioner, we have enclosed our check in the anount of 672 for advertising and posting of the above property.

Very truly yours,

George L. Clarke

ee Mr. John G. Rose.

MAP

SE1.3-6

214/6

(NW-108)

- FFR 11 '85 W EVERETT L BUCKMAST GEORGE W WHITE, JR CHARLES MINDEL GEORGE L CLARKE SANUEL B. HILL BUCKMASTER, WHITE, MINDEL & CLARKE BUCKMASTER, WHITE, MINDEL & CLAPKE IO LIGHT STREET IO LIGHT STREET DI JULIO DI LI CO JOHN F FOLEY JA BALTIMORE ND 21202 TELEPHONE MULBERRY 5-6747 February 10, 1965 January 18, 1965 Mr. John G. Rose, Zoning Commissioner Mr. John G. Rose, County Office Building Zoning Commissioner Towson, Maryland 21204 County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 Bellona Avenue & Ruxton Road Re: Petition for Special Exception for Jos. Martin No: 65-219-X Dear Mr. Rose: Enclosed are original and two copies Enclosed are original and two copies of a Petition for Zoning Re-classification and/or special exception which has been executed by Texaco, Inc. for the above property. Will you please include this Petition in the papers in this matter. Dear Mr. Rose: Enclosed is our check in the amount of \$62.00 for advertising as requested in your letter of February 8, 1965. Sincerely yours, Sincerely yours, Fry VA George W. White, Jr. George W. White, Jr. GWW.Jridki GWW Jr.dki

March 1, 1965

Res Petition for Special Exception for Filling Station

ZOUTHA COMMISSIONER OF

NOTICE OF HEARING

for Joseph J. Martin

Wednesday, Herch 24, 1965

FLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue

#65-219-X

10:00 A.H.

Enclosure

George W. White, Jr. Es q. 10 Ligth Street Baltimore 2, Md.

DATE 1

Towson, Maryland

February 8, 1965 George W. White, Jr., Esq. 10 Light Street Baltimore 2. Maryland Res Petition for Special Exception for Jos. Martin #65-219-X Dear Sirs This is to advise you that \$52,00 is due for advertising only on the above property. Please make check payable todaltimore County, Md. and remit to Mrs. Anderson, Roms 119, County Office Building, Towson, Md. Yours very truly, JOHN G. ROSE ZONING CONVISSIONER

PETETEN POR SPECIAL ENLEPTED Sub account Country Office Bulldings 111 M. Che George H. White, Jr., Esq 10 Light Street Saltimore 2, Md. Ratition for Special Exception for Filling Station, Res Petition for Special Exception for All that percel of land in the Hinth District of Beltimere County Maering Botts Medicaldry, Harch 25, 1965 ot 10:00 Aut. Rublic Hearings Room 188, County Office Bulliolog, 111 V. Cheespeaks Avenue, Yours very truly. JOHN G. ROSE ZONING COMISSIONER



175.00

P#10-100

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND MARKER RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

4-2260 3886 · 28699 TIP-

\$72.00 72.00 PAID - billione Courty, 162 - Office of Fig. 3-1765 1972 . 28623 IIP-2.00 IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MALTO DIVISION OF CALLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

PETITION FOR A SPECIAL EXCEPTION

ZONING: Petition for a Spec-ial Exception for a Filling Station.

of Bellona Avenue and Ruston Road. DATE A TIME: WEDNESDAY FEBRUARY 17, 1985 M 11:00 PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Tow-son, Maryland

The Zoning Commissioner o Baltimore County, by mathor-ity of the Zoning Act and Regulations of Baltimore County will hold a public hearing Proposed Zoning: B.L. Proposed Zoning: Special Exception for a Filling

All that parcel of land in the Ninth District of Baltimore Beginning for the same at

the end of the fifth line of the third purcel of land as described in a deed from John McC. Montray, Assigner, to Joseph J. Martin dated June Jacoph J. Martin dated June 9, 1981 and recorded among the Land Records of Balti-more County in Liber 4J.R. 3851, Police 58 maning there-binding reversely on part of the maid fifth line and for part of the distance in the bed of Ruston Road North 82 de

of Ruxton Road North A2 de-green 06 minutes 00 seconds East 196-17 feet, thence leaving the bed of Ruxton Road and running for the lines of division the two following of division the two following courses and distance wiz: first, South 0 degrees 39 minutes 45 seconds West 207.57 feet, and account, South 45 degrees 35 minutes 35 seconds West 160.18 feet to intersect the second line of the first parcel of land as defirst parcel of land as de-cribed in the above mentioned deed at a distance of 30.04 feet from the beginning of saids second line; running, there binding on the remain-der of said second line of the first purcel of land and in the bed of Bellona Ave-nue North & degreen 23 mission 28 seconds West 134, 34 feet to the end of said second line and to intersect the first line of the said third the first line of the said third parcel of the showe described deed thence binning reversely on part of the said first line. As all the said first line and all the said first line and all the period of land the two following occurses and distances vizifirst, South 75 degrees 52 minutes 28 accounds West 13.25 feet, and account, North 3 degrees 53 minutes 18 accordad West 13.25 feet to the place of \$1.30 feet to the place of

Containing 0.513 Acres of land more or leas.

Being part of the first par-cel and part of the third par-

cel of land as described in a deed from John McC. Mowbray, Assignce, to Joseph J. Mar-tin dated June 8, 1981 and recorded among the land re-cords of Baltimore County in Liber W.J.R. 3851, Follows 19. Subject to the rights Subject to the rights we Mary had State Roads Commission in the bed of Bana-Avenue and also subject to the Rights of Baltimore County in the bed of Raxton Road.

Being the property of Joseph J. Martin and Kathryn Martin, as shown on plat plan filed with the Zoning Deportment.

Hearing Date: Wednesday, February 17, 1965 at 11:00 A.M. Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Tow-

son. Maryland By Order Of Zoning Commissioner Of Baltimore County

## CERTIFICATE OF PUBLICATION

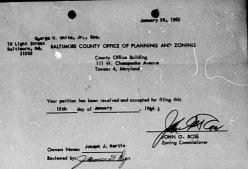
BALTINGRE COUNTY, MD. January 28, 1965

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 17th

day of February 19 65 , the first publication 28th day of January

> THE TIMES. Marta M. Martin

Cost of Advertisement, S Purchase Order A6290 Requisition No. F2605





CERTIFICATE OF PUBLICATION

Petition for Special Exception for Philing Stollers. All that percei of land in the

And the control of th

Cost of Advertisement, \$.....

related 0.513 Acres of land

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., oncerin reach

of 1 time xuccessive weeks before the 21th---day of \_\_\_\_\_Narch\_\_\_\_\_\_\_ 1965\_\_, the first publication appearing on the 5th day of March

THE JEFFERSONIAN,

A DESCRIPTION OF THE STATE OF T day of .... Merch appearing on the 5th day of March 19 65

THE JEFFERSONIAN. Cost of Advertisement, \$....

DUPLICATE

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimere County, Md., offer ht poch

xx 1 time manustrexweeks before the 21th

