PETITION FOR ZONING RE-CLASSIFICATION 165-231X AND/OR SPECIAL EXCEPTION

I, or we, Frederick I. Beste, Ir. and legal owners of the property situate in County and which is described in the description and plat attached hereto and made a phereby petition (1) that the zoning status of the herein described property be re-classified	art hereof, #8
to the Zoning Law of Baltimore County, from an z	one to an , , , , ,
zone: for the following reasons:	11.0

2/15/65 (NW-17-13)

and (2) 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 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 egulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Address 2311 Belair Road

Janice M. Beste Janice M. Beste Fuderick Das Al Frederick J. Beste, Jr. Legal Owner Address 17 Northampton Road

Baltimore, Maryland 21213 Petitioner's Attorney
Address 300 At Containst

Timonium, Maryland 21093

404 Jefferson Building ORDERED By The Zoning Commissioner of Baltimore County, this 25th day

..., 196. 5, 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 ssioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of Barch 3rd

Zoning Commissioner of Ballimorn Eduty.

FREDERICK J. BESTE, JR., et al IN THE CIRCUIT COURT WILLIAM S. BALDWIN, W. GILES PARKER and JOHN A. SLOWIK, constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY FUR EALTIMORE COUNTY ROBERT J. ROULEAU Folio 110

ORDER

This cause standing ready for hearing, argument of counsel having been heard in Open Court, the proceedings were read and considered by the Court.

WHEREUPON, it is this /6th day of December, 1966, by the undersigned, one of the Judges of the Circuit Court for Baltimore County, and by the authority of this Court, GRUERED that the Order of the County Board of Appeals of Baltimore County dated June 3, 1966, be and the same is hereby affirmed.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and t appearing that hywexmonest the petitioner has mot all requirements of Section 502.1 of the Baltimore County Zoning Regulations

a Special Exception for a Filling Station IT IS ORDERED by the Zoning Commissioner of Baltimore County this.

......, 196.⁵., shak the shorein sheeribeds prap

should be and the same is granted, from and after the date of this order, subject to approval of the site plan for the development of said property by the State Roads Commission, Bureau of Public Services and the Office of Planning & Zoning.

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

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this, 196..., that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and zone; and/or the Special Exception for_____ be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

I HEREBY CERTIFY that a copy of the aforegoing Order was mailed to William L. Jacob, Esquire, First National Bank Building, Towson, Maryland 21204 and David L. Klein, Esquire, 300 St. Paul Place, Baltimore, Maryland 21202, and the County Board of Appeals, County Office Building, Towson, Maryland 21204 to the attention of Mr. William S. Baldwin, Chairman this

M. Jacqueline McCurdy of Counsel

RE: PETITION FOR SPECIAL EXCEPTION: for Filling Station NW corner York Road and :

COUNTY BOARD OF APPEALS OF BATTETNORE COUNTY

BEFORE

No. 65-231-X

..... OPINION

The petitioner in this case seeks a special exception for a gasoline service station on the northwest corner of York Road and Ensor Avenue, in the 8th Election District of Baltimore County. The property on which the special exception is sought consists of .59 acres of vacant land, which is presently zoned Manufacturing Light, and is on the west side of York Road opposite the Cockeysville Elementary School.

It appears from the testimony before the Board that the primary, if not sole objection to the special exception sought here is on the ground that the construction of a filling station opposite the Elementary School would create a hazardous traffic condition. The Board is satisfied that the granting of a special exception for the subject property would not violate Subsection b. through f. of Section 502.1 of the Zoning Regulations; therefore, the sole question to be determined is whother or not the granting of the special exception would violate Subsection a. of this Regulation.

The Board faels that the placement of a filling station opposite the Elementary School entrance would create a hazardous traffic condition in that there would be numerous conflicting turning movements of vehicles entering and leaving the school property and the proposed filling station.

For the reasons given above, the petition for special MICROFILMED

IN THE

CIRCUIT COURT

BALTIMORE COUNTY

Frederick J. Beste, Jr., et al - #65-231-X

exception for filling station will be denied.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this __ 3rd__ day of June, 1966, by the County Hoard of apeals, ORDERED that the special exception petitioned for be and the same is he sby DENIED.

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, Chairman

I hereby certify that on this /st day of June, 1966, a copy of the aforegoing Order of Appeal was hand-delivered to the County Board of Appeals of Baltimore County, County Office Building, Dwson, Maryland, 21204.

William L. Jacob

Mr. Clerk:

ot al.

FREDERICK J. BESTE, JR.

WILLIAM S, BALDWIN, W, GILES PARKER JOHN A. SLOWIK, constituting the County Pagrd of Appeals of Baltimore County

Appellants

Appellees

Please enter an appeal to the Circuit Court for Baltimore County on behalf of Frederick J. Beste, Jr., Janice M. Beste, and the Sun Oil Company from the Order of the County Board of Appeals of Baltimore County denying the special exception for filling station at the northwest corner of York Road opp. Ensor Avenue in the 8th District of Beltimore County, Maryland.

ORDER OF APPEAL

This appeal, which is filed pursuant to Maryland Rules B2 et seg., is from the decision of Case No. 65-231-X of the County Board of Appeals dated June 3, 1966.

MICROFILME DATE ACTION OF APPEllants

MICROFILMED

APR -2 '65 4 OF BALTIMORE COUNTY

JAMICE N. BESTE

FRED J. BESTE, JR. and

PETITION OF

ORDER FOR APPEAL

Please enter an appeal in the above case to the County Board of Appeals.

Richard C. Murray
606 Loyola Federal Building
Towson 4, Maryland
VA. 5-1515
Attorney for Robert J. Rouleau
and William E. Standiford
and Wife.

No. 65-231X

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Ruse, Zoning Commissioner Date February 17, 1965

MICYOFILMED

FROM. George E. Gavrelis, Director

SUBJECT 65-231-X Special Exception for Filling Station. Northwest corner of York Road and Ensor Avenue. Being the property of Frederick J. Beste, Jr. and Janice M. Beste.

8th District

HEARING: Wednesday, March 3, 1965 (10:00 A. M.)

The Office of Planning and Zoning has reviewed the subject petition and offers the following advisory comments with regard to planning factors:

- The Cockeysville Elementary School is located directly across from the subject
- The parcel is recorded as part of a larger tract of some 5 acres, and of a depth suited to industrial development.
- This frontage was formerly zoned M. R. in order to provide a buffer. If the This frontage was tormerly zoned M. K. In arear to provide a butter. In the present request should be granted, this office would require a site plan showing sufficient landscoping and setbacks to meet that end. In addition, the site plan should show adequate provision of sidewalks and coordination of access with the industrial property to the side and rear.

Maryland Surveying and Engineering Co., Inc.

ON N. CALVERT STREET Phone: Mulberry 5-0469 - 0470

ZONING DESCRIPTION for Sun Oil Company

MAP

BEGINNING for the same at a point on the Western Right-of-Way line of York Road, 66 feet wide, said point of beginning being situated North 18 degrees 4.6 minutes 4.0 seconds West 25 feet from the intersection of the centerline of Ensor Road extended to intersect the West Right-of-Way line of York Road. Said point also being situated on the North side of a private road, 50 feet wide, there situate. Thence running and private road, 50 test wide, there situate. Thence running and binding on the North side of said 50-ft. private road, South 71 degrees 11 minutes 20 seconds West 194.12 feet; thence North 83 degrees 27 minutes 20 seconds West 194.12 feet; thence North 83 degrees 27 minutes 20 seconds 25 the 147.36 feet to a point set on the West side of York Road; thence running and binding on the West side of York Road South 18 degrees 46 minutes 40 seconds East 162.81 feet to the place of beginning.

Containing 0.59 Acre, more or less.

The beginning point mentioned above being also 312 feet more

or less Northerly from the Northernmost side of Bosley Road, extended

to intersect the West Right-of-Way line of York Road.



File No. 1769-15

Signed This 12 day august John Caroll

65-231-X

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

District 8 TH Posted for: Spice Eyes	1 F 11 .	Date of Posting	Ist 12, 1965
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Petitioner: Auduck	· Butille		
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Location of Signs: 10/5	M. 160. 90. 1	Unk Gol.	
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Remarks:		1	L18 1965
Posted by	<u>u</u>	Date of return:	V-18 1703
Signature	7.		
()	2 Signs		
	17		

LEPHONE 123-3000	BAL MORE COUNTY, MAU'L OFFICE OF FINANCI Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND	AND No. 28672 B DATE ANAS
To: No.	deed Co Norvey, Sales MLLER OF	Man of Planning & Zaning County Office Stdg., Many Revyland 21204
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR RENITT	FANCE COST
	Cost of opposit - Fred. J. Seeks, Jr., et al.	17.0
	P. 3 - 1 - 10 3 3 7 3 * 3	28672 TIP- 1000
	TIMAKE CHECKS PAYABLE TO BALTIMORE COUNT	

BALTIMERE COUNTY, MARYIMAND OFFICE OF FINANCE 101'S 7.05 17.00 1-2966 6568 . 38959 TIP-7.00 ORTANTI 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.

65 -231-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Date of Posting april 9 1965 Posted for: - affice 1 Frylenck peste pe et al Location of property: NW Con Jork RC VE Exces are Location of Signs: NW Low York Pol 1 Comon ave Dale of return april 15 1965 D Signature / pign

PETITION FOR SPECIAL EXCEPTION

Sth DISTRICT .

ZONING: Petition for Special Exception for Filling Station. LOCATION: Northwest corner of York Road and Ensor Ave-

nue.
DATE & TIME: WEDNESDAY.
MARCH 3, 1965 at 10:00 A.M.
PUBLIC HEARING: Room 198,
County Office Building, 111
W. Chenspeake Avenue, Towson, Maryland.

The Zoning Commissioner of Bakimore County, by authority of the Zoning India Regu-lations of India Regu-lations of India Regu-sive India Regulation of India Proposed Zoning; Special Exception for Filling Station

All that parcel of land in the Eighth District of Baltimore County

County

Deginning for the same at a point on the Wostern Right-ofWay line of York Road, 65 feet wide, aski point of begin and the point of begin and the same at a point of the same at a minute of the same and the same at a minute of the same Road at a minute of the same Road extended to intersection of the contention of the same Road at minute of the same Road at a minute of the North aide of a private road, so the same at a same and the same at a same at a

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD., Pabruary 11, 19 65.

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

sucessive weeks before the .1935 ... the first publication day of Hards

appearing on the lltn day of Fabruary 19 💢

THE TIMES. Merta Manager

Hant to Cost of Advertisement, \$ 24.00

Purchase Order A0737 Requisition We. P2620

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

District - Special Exception for

Date. January 29, 1965

TO. Mr. John Rose
Zoning Commissioner
FROM Mr. H. B. Staab Property Owner: Mr. Frederick SUBJECT. J. Beste, Jr. - York Road and Ensor Avenue - 8th Election

ZONING DEPASIMENT

FFB =1-65 4 _____

map

#8

5cc.3-D

The subject site, located on York Road opposite the Cockeysville Elementary School, was originally zoned M. R. It was, however, recently rezoned M. L. as the result of a

Section 255, 1 of the M. L. Zone was added to the Zoning Code to restrict the type of development permitted opposite or adjacent to residential zones, to those permitted in the M. R. Zone. The Commissioner of Zoning's previous order, Petition Number 5480, on this tract based his opinion on these restric-

Although this parcel is opposite a public school, unzoned land, the intent of change was to prevent any commercial uses in an area such as the subject site.

The Industrial Development Commission considers this n industrial site and does not believe it to be in the interest of Baltimore County to grant this request for a service station at this site.

> H. B. STAAB, Director Industrial Develop

HBS:GCH:clm

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING

Ser 3-D Ernest C. Trimble, Esquire TOUSON L, MARYLAND February 1, 1965

SUBJECT: Special Exception for a Filling Station for Frederick J Heate etal located on ME corner York Road and private road opposite Ensor Ave.

The Zoning Advisory Committee has reviewed the subject petition makes the following comments:

Office of Planning and Zoning: Reference is made to this offices comments resulting from a previous review by the coemittee on <u>December 11, 1960</u> regarding the average front yard setback requirements in an M.L. Zone. The Zoning Coemissioner has ruled that portion of Section 2381 of the Paltimore County Zoning Regulations which refers to Section 303.2 does not apply to the subject site, therefore, this comment is rescinded.

Reference is also made to the comments of this date of the same date regarding the requirements of 125' setback from a residential zone that is for structures in an M.L. Zone. Since the writing of this comment it has been determined that the school property across lock Read is classified as unsoned public land, therefore, this comment does not apply and is hereby rescinded.

State Roads Commissions In the original review of this entire tract of industrial development, it was intended that the site be served by a street which could be public or private. This street was to be located opposite kneer Avenus (See Engineering community B.L.D. \$185-63) and that York Road would not be burdened with additional points of access which would decrease its efficiency.

Industrial Development Consissions See attached comments.

The following members had no comment to offers

Health Department Building Department Board of Education

hOh Jefferson Building Towson, Maryland 2120h

Yours very truly,

SAMES E. DYER AUGU Chief of Permit and Petition Processing

ELEPHONE BES-BOOD	OPPICE OF PINIANCE	Me. 28587
TO:	UNT NO. DETACH UPPER BEGTION AND RETURN WITH YOU REMITTANCE	TOTAL AMOUNT COST
	PRO-107000 Court, 372.—Citional	_
<i>I</i>	>-965 1168 • 28587 TVP-	55.00
PORTANT: M	AKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND	

Ernest C. Trimble, Esq. Touson Hd. 21204

BALTIMORE COUNTY OFFICE OF PLANNING A

County Office Building 111 W. Chesapeake Avenue Towson 4, Maryland

Your petition has been received and accepted for fi

Owners Name: Frederick J. Beste Reviewed bys Many 5

ND ZONING	
ing this	
MASSIC.	à
OHN G. ROSE oning Commissioner	

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	PRITTION FOR SP	SCIAL
	ZOHING: Polition for Spe	cial Exce
	LOCATION: Northwest York Road and Enge	corner c
	DATE & TIME Wedness 5, 1965 of 10:00 AM. PUBLIC HEARING: R	tay, Marc
	County Office Buildin Checapeabs Avanue, To	Witten, Mc
	The Zoning Commission timore County, by author Zoning Act and Requisite timore County, will hold hearing:	or of Bal
	Soning Act and Regulation timore County, will hold	ns of Bal
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	West 25 feet from the in	acconds terrection
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	48 minutes 40 seconds We feet; thence North \$3 de minutes 10 seconds East 14 to a point set ou product to a point set ou p	free 17
	to a point set on the West York Road; thence runn	side of
	York Road; thence runn binding on the West side Road Routh 18 degrees 48 40 seconds East 152.51 Jee place of beginning.	of York minutes
	Containing a re	
	shows belowering point in	entioned
	less Northerly from the N most side of Bosley Road, a to intersect the West Righ line of York Road	tiended Lof-Way
	Being the property of P. J. Beste, Jr. and Janice W.	

CERTIFICATE OF PUBLICATION

TOWSON, MD February 12, 1965 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., 888800000000000 apox 1 time socressive waste before the 3rd day of _____ March _____ 1965 __ the first publication appearing on the 12th day of February 1965.

THE JEFFERSONIAN. Manager.

Cost of Advertisement, \$_____

BALTIN ORE COUNTY, MARY AND OFFICE OF FINANCE

No. 28527 DATE 2/5/65

Division of Collection and Receipts

COURT HOUSE TOWSON 4, MARYLAND

TELEPHONE

BILLED Zoning Department of Balto, Co.

DEPOSIT TO	CCOUNT NO. 01-692 DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	\$50.00 COST
-	Petition for Special Exception for Fraderick J. Bests, Jr. #65-231-X	50.00
	PMQ-bitters Core of the - Climate	+
	2865 cos • 28527 TIP-	50.00
	<u> </u>	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

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

HALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Ernest C. Trimble, Esq. 404 Jefferson Building

COUNTY OFFICE BUILDING TOWSON L. MARYLAND

Door Sire

Towson, Haryland 21204

8th District Special Exception for a SUBJECT: Filling Station, located on the W/S of York Road opposite Ensor Avenue, for Frederick J. Beste, Jr.

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

The Zoning Advisory Committee has reviewed the subject petition and makes the following

1. The property in question is part of a 200 foot strip of M.R. Zoning adjacent to the west side of York Road which was reclassified to an M.L. Zong, by zoning petition #5475.

The Zoning Commissioner gave the following reasons for granting this reclassifications

"The practical effect of the granting of this petition would be to "The practical effect of the granting or this petition would be to require a 100 foot beffer strip, or set-back, along the western boundary of York Road in 11eu of the existing "H-R" (buffer zone) of 200 feet. It is falt that the County, Itself, recongnizing the impracticability of buffering "H-L" property facing residential property with an "H-R" Zone, resulted in the adoption of the zoning regulations of 1961, whereby a 100 foot set-back was created. "

In lieu of the above requirements, Section 303.2 of the Baltimore County Zoning Regulations requires that the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on either side.

There is also great concern as to the proposed entrances on York Road. The County and State has consistently refused to grant any entrances other than the private road which is intended to serve this entire industrial subdivision. The only other existing entrance is a temporary entrance which serves the Universal Lithographers, Inc.

- It is requested that the following changes or revisions be made prior to re-submitting the petition for review by the committees
- (a) The building must be relocated to provide for a 100 foot front yard and/or an average setback between the two adjoining buildings.
- (b) All ingress and egress to the site should be by way of the private road.

James E. Dyer Chief of Permit and Petition Processing

ccs Mr. Preston R. Wells %Sun 011 Company 2311 Belair Road Baltimore, Md. 21213



