

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Mangione

I, we, Nicholas B. Mangione, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone, for the following reasons:

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____ 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 regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Nicholas B. Mangione
Mary Mangione Legal Owner
Address: 3902 White Avenue
Baltimore, Maryland

Austin W. Brisendine
Petitioner's Attorney
Address: 22 West Pennsylvania Ave.,
Towson, Maryland, 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of February, 1965, 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 106, County Office Building in Towson, Baltimore County, on the 8th day of April, 1965, at 1:00 o'clock P.M.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: March 24, 1965

FROM: George E. Gavelis, Director

SUBJECT: Petition # 65-273-X "Special Exception for a Filling Station. Southwest corner of Oakleigh and Darlington Roads. Being the property of Nicholas B. Mangione"

9th District

HEARING: Wednesday, April 8th, 1965 (1:00 P.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

- According to information contained on Planning Office maps, the parcel is not zoned B.L. in its entirety, as the petitioner's plat indicates. Our information seems to be based upon the metes and bounds description set forth in petition #2597, approved by the County Commissioners in 1953. Since that petition was granted, the proposed right-of-way width of Marlborough Drive was reduced from 60 feet to 50 feet, thereby apparently leaving a strip of R-6 zoning along the street. But the present petition includes the strip in question. It cannot readily be verified, however, that the description on our maps, agrees with that of petition #2597, since the Zoning Office's file on the petition has evidently been transmitted to the Circuit Court. In any event, on the basis of information available to us, we must question the validity of the subject petition in that it embraces land which is apparently not zoned for the purpose sought.
- The site plan of the subject petition shows that a portion of the proposed service station will be located in Baltimore City in a Residential Use District. We have contacted Baltimore City's Zoning Enforcement Office and have been informed that no ordinance is pending before the City Council to rezone the City portion, and no appeal has been filed to the Board of Municipal and Zoning Appeals for permission to use the property as here proposed. In view of this, we cannot consider the site plan valid. It would appear that the plan should cover only the County portion of the property since there is no present right to use the City portion as here proposed.
- The property in the County poses a number of problems as a filling-station site. To name the most obvious thing, it is too small. We do not believe that a filling station can function properly on a site this size.

In addition, there is some question as to whether yard requirements could be met. In our opinion, the City-County line is the "rear lot line" and the Residential Use District in the City constitutes a "residence zone" within the respective meanings of

RE: PETITION FOR SPECIAL EXCEPTION for a Filling Station - SE cor of Oakleigh and Darlington Roads 9th District Nicholas B. Mangione-Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY No. 65-273-X

The petitioner requests a Special Exception to operate a gasoline filling station on his property located on the Southeast corner of Oakleigh and Darlington Roads. This is part of a 1/2 acre tract (partially in the city) which will eventually be developed as a shopping center.

The protestants based their opposition to the gasoline station on the grounds that the station would create a traffic hazard and jeopardize children and adults who may be travelling to and from the St. Thomas Moore School and Church and a neighborhood recreation area and swimming club located in Baltimore City.

The testimony and exhibits offered by the petitioner indicated that Darlington Drive and Marlborough Drive in the vicinity of the station will be widened to 36' with curb and gutter. Any dangerous curving now existing will be eliminated in accordance with a public works agreement to be entered into. It would appear that any children or adults attending the school, recreation area or swimming pool previously referred to would be travelling in a route away from the proposed station toward the city and it is difficult to understand how this station could create a traffic hazard.

All other requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 24 day of June, 1965, that a Special Exception for a Filling Station should be and the same is granted, from and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Hardesty
Deputy Zoning Commissioner of Baltimore County

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Petition # 65-273-X

the terms as used in Subsection 232.3 of the Zoning Regulations. That subsection would require a 20-foot rear yard, but the petitioner's plat shows only ten feet. And, there are further questions concerning yard requirements and lot orientation - particularly in view of the apparent R-6 strip on Marlborough Drive. Paragraph 230. 12-e of the Zoning Regulations may also be involved here.

Admittedly, whether or not a "Residential Use District" is a "residence zone" as stated in the Zoning Regulations may be a matter of interpretation. But neighborliness alone would be a good reason to consider it, at least within the context of a special exception request.

- Residential property across the street from the subject parcel raises the question of whether any filling station on the property ought to be permitted at all. From a planning viewpoint, a filling station would have an inhibitory effect on the development of these properties within the context of their present (and correct) residential zoning. The B. L. Zone does, after all, permit other uses - though it sometimes may seem otherwise. If the subject petition should be granted, we strongly recommend that extraordinary measures be taken to protect the residential properties from adverse effects of the use proposed.

JAMES CROCKETT ASSOCIATES
CONSULTING ENGINEERS - LAND SURVEYORS
2453 MARYLAND AVENUE
BALTIMORE, MARYLAND 21218

JAMES E. CROCKETT, P.E.
ALEXANDER P. RAYSON, L.S.
ROBERT H. PRICE
JAMES P. KRANCZYK

DESCRIPTION OF A PARCEL OF LAND BOUNDED BY THE SOUTHERN BOUNDARY OF BALTIMORE CITY, CARLISLE ROAD, DARLINGTON DRIVE AND MARLBOROUGH DRIVE

BEGINNING FOR THE SAME at the intersection of the northern boundary of Baltimore City with the northeast side of Oakleigh Road as proposed to be widened and shown on the Resubdivision Plat - Part of Section A Blocks 36, 37, 38 and 39 Harford Park as prepared by James Crockett Associates, Consulting Engineers - Land Surveyors and intended to be recorded among the Land Records of Baltimore County; thence leaving said northern boundary of Baltimore City and running with and binding along said northeast side of Oakleigh Road as proposed to be widened North 41 degrees 41 minutes 11 seconds West 15.44 feet to intersect the southeast side of Darlington Drive 60 feet wide as proposed to be realigned and shown on the aforementioned Resubdivision Plat prepared by James Crockett Associates; thence running with and binding along said southeast side of Darlington Drive the following three courses and distances: (1) North 03 degrees 18 minutes 49 seconds East 28.28 feet, (2) North 48 degrees 18 minutes 49 seconds East 23.10 feet, and (3) by a curve to the right in northeasterly direction, having a radius of 1028.08 feet for an arc distance of 98.71 feet, said arc having a chord bearing of North 51 degrees 03 minutes 52 seconds East and a length of 99.58 feet to intersect the southwest side of Marlborough Drive, 50 feet wide, as proposed to be realigned and shown on the aforementioned plat prepared by James Crockett Associates; thence running with and binding along said southwest side of Marlborough Drive as proposed to be realigned; the following three courses and distances: (1) South 74 degrees 44 minutes 06 seconds East 25.22 feet, (2) by a curve to the right having a radius of 237.62 feet for an arc distance of 85.25 feet, said curve having a chord bearing of South 11 degrees 07 minutes 41 seconds East and a

BRANCH OFFICE: 25 WEST COURTLAND STREET • BEL AIR • MARYLAND • TE 4-803

March 3, 1965

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

Austin W. Brisendine, Esq.
22 West Pennsylvania Avenue
Towson, Maryland 21204

Special Exception for a filling station for SUBJECT: Nicholas Mangione located on the SE/Cor Oakleigh and Darlington Drive

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

OFFICE OF PLANNING AND ZONING: This office questions the desirability of having the rear of the gasoline service station facing the front of residential lots. If the Zoning Commissioner sees fit to grant the request, it is suggested that the order be made subject to approval of the location and/or design of the station by the Office of Planning and Zoning.

The following members had no comment to offer:

Bureau of Engineering
Board of Education
Fire Department
Health Department
Industrial Commission
Traffic Department
Buildings Department
State Roads Commission

cc: Albert Quinby: Office of Planning and Zoning

Yours very truly,

James E. Dyer
Chief of Permit and Petition Processing

INVOICE		BALTIMORE COUNTY, MARYLAND		No. 28691	
OFFICE OF FINANCE		Division of Collection and Receipts		DATE: 4/22/65	
TOWSON 4, MARYLAND		COUNTY HOUSE			
To: County Office Building, Baltimore 20, Md.		For: Advertising and posting of property for Nicholas Mangione		7.00	
REPORT TO ACCOUNT NO. 65-273-X		DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		7.00	
QUANTITY		ADVERTISING AND POSTING OF PROPERTY FOR NICHOLAS MANGIONE		7.00	
4-845 3220 • 28691 IIP-					
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.					

Reported		# 65-273-X	
CERTIFICATE OF POSTING		ZONING DEPARTMENT OF BALTIMORE COUNTY	
Towson, Maryland			
District: 9B	Date of Posting: 4-22-65		
Posted for: Hearing Mon. 4/19/65 AT 12:00 P.M.			
Petitioner: Nicholas Mangione			
Location of property: SE/Cor of Oakleigh & Darlington Roads			
Location of Sign: On Oakleigh Rd. 15' from rd way of Marlborough Drive (dub ed) + 2 signs 25'			
Remarks: from 1000 to Darlington and Marlborough Drives			
Posted by: Robert E. Dyer	Date of return: 4-29-65		
Note: signs on top of small dirt pile and facing the back of apt. houses			

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 3-18-65
Posted for: Heating Thru. April 8-65 at 100 P.M.
Petitioner: Nicholas Mangione
Location of property: SE corner of Oakleigh and Darlington Aves.
Location of Sign: On Oakleigh Rd. on Vacant lot near Ave.
Opposite 25' apart and opposite 80' from small tree bushes
Remarks: Robert Lee Bullen
Posted by: Robert Lee Bullen Date of return: 3-24-65

Joseph M. Brundage, Esq.
30 N. Penn. Ave.
Towson, Md.
21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your petition has been received and accepted for filing this

24th day of February, 1965

Owner Name: Nicholas Mangione

Reviewed by: James E. Hyl

John G. Rose
Zoning Commissioner

**PETITION FOR A
SPECIAL EXCEPTION**
9th DISTRICT

ZONING: Petition for Special Exception for a Filling Station.
LOCATION: Southeast corner of Oakleigh & Darlington Roads.
DATE & TIME: MONDAY, MAY 10, 1965 at 10:00 A.M.
PUBLIC HEARING: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for a Special Exception for a Filling Station.
All that parcel of land in the Ninth District of Baltimore County

Beginning for the same at the intersection of the northern boundary of Baltimore City with the northeast side of Oakleigh Road as proposed to be widened and shown on the Resubdivision Plat - Part of Section A Blocks 35, 37, 39 and 39 Hartford Park as prepared by James Crockett Associates, Consulting Engineers - Land Surveyors and intended to be recorded among the Land Records of Baltimore County; thence leaving said northern boundary of Baltimore County and running with and binding along said northeast side of Oakleigh Road as proposed to be widened North 41 degrees 41 minutes 11 seconds West 13.41 feet to intersect the northeast side of Darlington Drive 60 feet wide as proposed to be realigned and shown on the aforementioned Resubdivision Plat prepared by James Crockett Associates; thence running with and binding along said southeast side of Darlington Drive the following three courses and distances: (1) North 03 degrees 18 minutes 49 seconds East 25.23 feet, (2) North 45 degrees 18 minutes 49 seconds East 23.10 feet, and (3) by a curve to the right in northeasterly direction, having a radius of 1028.08 feet for an arc distance of 95.71 feet, said arc having a chord bearing of North 51 degrees 03 minutes 52 seconds East and a length of 98.68 feet to intersect the southwest side of Marlborough Drive, 60 feet wide, as proposed to be realigned and shown on the aforementioned plat prepared by James Crockett Associates; thence running with and binding along said southwest side of Marlborough Drive as proposed to be realigned; the following three courses and distances: (1) South 74 degrees 44 minutes 06 seconds East 25.22 feet, (2) by a curve to the right having a radius of 237.62 feet for an arc distance of 85.25 feet, said curve having a chord bearing of South 11 degrees 07 minutes 11 seconds East and a length of 84.78 feet, and (3) South 00 degrees 51 minutes 00 seconds East 27, 29 feet to intersect the aforementioned northern boundary of Baltimore County; thence running with and binding along said northern boundary Due West 126.47 feet to the place of beginning.

Said part of the land which by Deeds dated July 23, 1962 recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4021 page 25 was conveyed by The Inter-City Land Company to Nicholas B. Mangione and Mary Mangione, his wife, including a portion of the bed of Marlborough Drive, 60 feet wide.

Being the property of Nicholas B. Mangione and Mary Mangione, as shown on plat plan filed with the Zoning Department.

Hearing Date: Monday, May 10, 1965 at 10:00 A.M.
Public Hearing: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order Of
John G. Rose
Zoning Commissioner Of Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. April 22, 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 10th day of May, 1965, the first publication appearing on the 22nd day of April, 1965.

THE TIMES.

John M. Martin
Manager

Cost of Advertisement \$34.00

Purchase Order A8785
Requisition No. F415

**BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE**
Building of Collection and Receipts
COUNTY TREASURER
TOWSON 4, MARYLAND

20611

AMOUNT TO DEPOSIT IN FULL	DATE
CASH	1965
Petitioner for Special Exception for Filling Station	
206-00-1	
PAID - Baltimore County, Md. - Office of Finance	
5-1265 1700 • 20611 IIF-	
4	

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.

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 23, 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. once in each of one successive weeks before the 10th day of May, 1965, the first publication appearing on the 22nd day of April, 1965.

THE JEFFERSONIAN.

St. Frank Struthers
Manager

Cost of Advertisement, \$.....

**PETITION FOR SPECIAL
EXCEPTION, 9th DISTRICT.**

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PUBLIC HEARING: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

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All that parcel of land in the Ninth District of Baltimore County, beginning for the same at the intersection of the northern boundary of Baltimore City with the northeast side of Oakleigh Road as proposed to be widened and shown on the Resubdivision Plat - Part of Section A Blocks 35, 37, 39 and 39 Hartford Park as prepared by James Crockett Associates, Consulting Engineers - Land Surveyors and intended to be recorded among the Land Records of Baltimore County; thence leaving said northern boundary of Baltimore County and running with and binding along said northeast side of Oakleigh Road as proposed to be widened North 41 degrees 41 minutes 11 seconds West 13.41 feet to intersect the northeast side of Darlington Drive 60 feet wide as proposed to be realigned and shown on the aforementioned Resubdivision Plat prepared by James Crockett Associates; thence running with and binding along said southeast side of Darlington Drive the following three courses and distances: (1) North 03 degrees 18 minutes 49 seconds East 25.23 feet, (2) North 45 degrees 18 minutes 49 seconds East 23.10 feet, and (3) by a curve to the right in northeasterly direction, having a radius of 1028.08 feet for an arc distance of 95.71 feet, said arc having a chord bearing of North 51 degrees 03 minutes 52 seconds East and a length of 98.68 feet to intersect the southwest side of Marlborough Drive, 60 feet wide, as proposed to be realigned and shown on the aforementioned plat prepared by James Crockett Associates; thence running with and binding along said southwest side of Marlborough Drive as proposed to be realigned; the following three courses and distances: (1) South 74 degrees 44 minutes 06 seconds East 25.22 feet, (2) by a curve to the right having a radius of 237.62 feet for an arc distance of 85.25 feet, said curve having a chord bearing of South 11 degrees 07 minutes 11 seconds East and a length of 84.78 feet, and (3) South 00 degrees 51 minutes 00 seconds East 27, 29 feet to intersect the aforementioned northern boundary of Baltimore County; thence running with and binding along said northern boundary Due West 126.47 feet to the place of beginning.

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By Order Of
John G. Rose
Zoning Commissioner

PROPOSED
FIRE HYDR.
715/

PROPOSED BITUMINOUS CONCRETE PAVING

DAZLINGTON DZIVE (COO'WIDE)

PROP. 80 NOTE

CONC. ENTER.

$z = 10723.025'$
 $Q = 95.71'$
 $Ch = 10723.025' \pm 95.71' = 10818.735'$

CONC. EUTZ.

874044000'E 75.77'

SPECIAL EXCEPTION
FOR GASOLINE SERVICE
STATION REQUESTED

1000 GAL. (3)
FUEL OIL TR.

N=737.607
D=93.75
CH=2112

EXIST. 3" SW. SW

PROPOSED
MAY 20 1964

CONCRETE PAVING-
DRIVE

CONC. ELITE.

EXIST. ZONING - RESIDENTIAL E
EXIST. USE - VACANT
(BALTIMORE CITY)

- ASPHALTIC CONCRETE DRIVEWAY -

CONC. PUMP IS ON

BALTIMORE COUNTY / BALTIMORE CITY

OAKLEIGH ROAD (50 WIDE)

PROP. 3rd NOTE

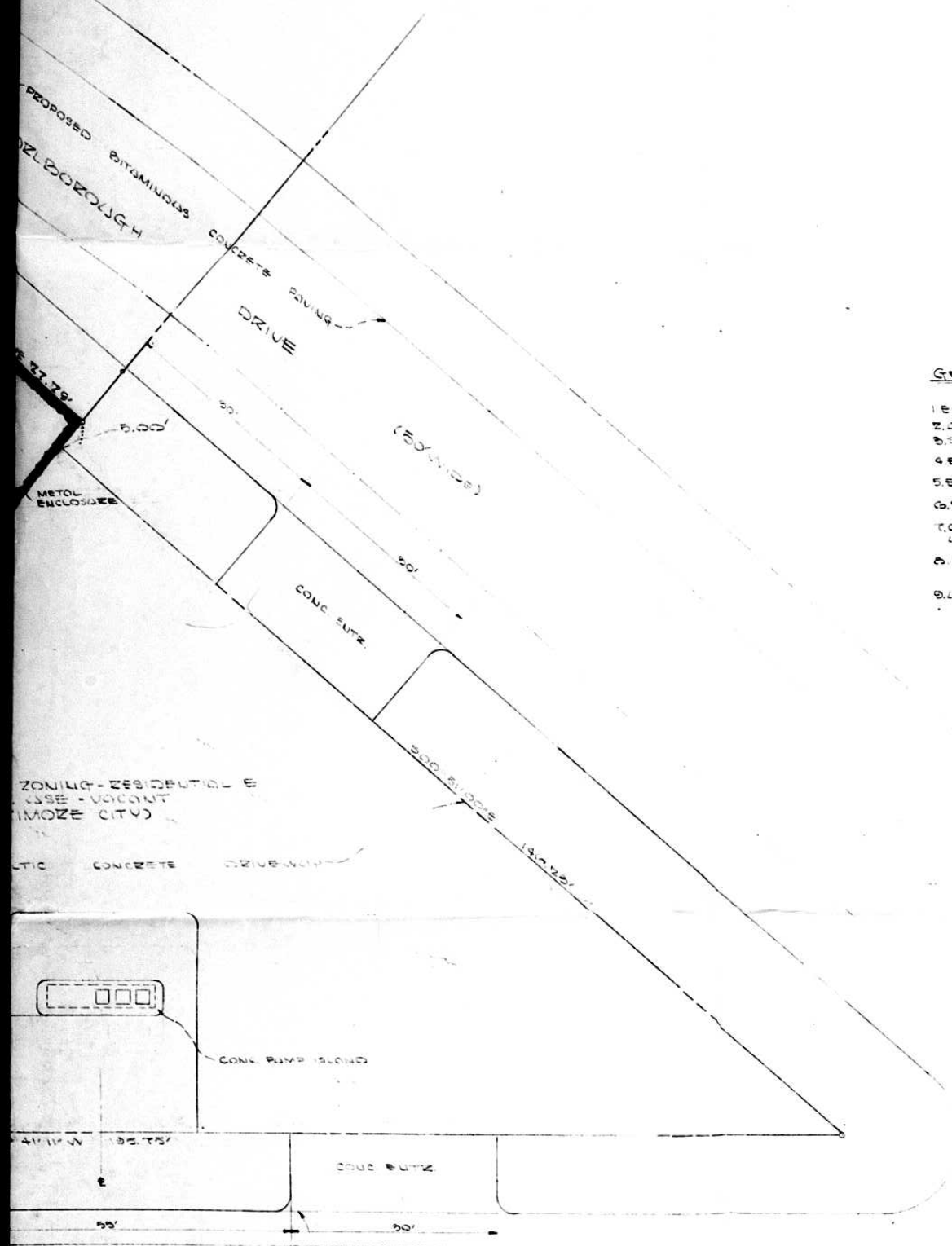
EXIST. BITUMINOUS CONCRETE PAVING

MOOSE QUELSE (45' WIDE)

PROPOSED

220P. C. G.

F1



GENERAL NOTES

1. ELECTRICAL DISTRICT AND S
2. DRESS - 11,500 W/L
3. SCALE - 1"=10'
4. EXIST. ZONING - B.D.L.
5. EXIST. USE - VACANT
6. PROPOSED SERVICE STATION
7. ALL IMPROVEMENTS SHOWN HEREON ARE PROPOSED
(UNLESS OTHERWISE SPECIFIED)
A. LIGHTING: MERCURY VAPOR - DIRECTLY (20' HIGH)
FLUORESCENT - DIRECTLY (20' HIGH)
8. UTILITY ZER. DEAGS:
GAS - 5'-0" TO 12'-4", 5'-0" TO 5'-0"
WATER - 5'-0" TO 14'-0", 5'-0" TO 5'-11"
SEWER - 2'-0" TO 5'-0", 5'-0" TO 5'-0"
STORM - 2'-0" TO 5'-0", 5'-0" TO 5'-0"



ZONING PLAT PREPARED FOR
HEMPLE OIL REFINING COMPANY
N.W. COR. DORRINGTON DRIVE &
MAYLEBOUGH DRIVE
BOLT MORE COUNTY, MARYLAND
SCALE: 1" = 10'
MAY 1964 ZCO, 1964

PRINT DATE: 7-5-65