

Exhibit A & B
sent to Board of
Appeals

MICROFILMED

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Edward P. Hayes and
I or we, Edward P. Hayes, legal owner(s) 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 RE-6 zone to an RE-6-23-RX zone; for the following reasons: This neighborhood has changed and a mistake was made in the original zoning. These premises are bounded by a service station on one side, a tavern on one side, and by tavern driveway and Johnnycake Road. The property would be used as a driveway extension of the existing service station so as to reduce traffic congestion and improve visibility by raising the existing house built near the street.

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.

SOCONY MOBIL OIL COMPANY, INC.
By Edward P. Hayes
Real Estate Rep. - Contract purchaser/lessee
Address 1801 Chesworth Road
1 Norville, Md. 21092
679-2830 Va. 8-6065
Petitioner's Attorney
Address _____

Edward P. Hayes
By Edward P. Hayes
Legal Owner
Address 1225 N. Beling Rd
Baltimore, Md 21207
110 E. 1225 N. Beling Rd. 800
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of June, 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 21st day of July, 1965, at 11:00 o'clock



CHARLES BUTLER
ASSOCIATED SURVEYS
GENERAL LAND SURVEYING
1000 WOODBURN AVENUE
BALTIMORE 12, MD.
(410) 552-1191

ZONING DESCRIPTION

Beginning for the same on the northeast side of Johnny Cake Road as shown on the plat of Catonsville Manor W.P.C. No. 6-109, said point of beginning being 243 feet more or less northwesterly from the intersection of the paving of Ingleside Avenue and Johnny Cake Road, The beginning being on the northeasterly side of Johnny Cake Road and the division line of lots 7 and 8 as shown on plat of Catonsville Manor above mentioned, thence running with and bounding on the northeasterly side of Johnny Cake Road, South 26 degrees 47 minutes East 91.22 feet to the southernmost corner of lot No. 11, thence leaving Johnny Cake Road and running and bounding on the southeasterly line of lot No. 11, North 53 degrees 50 minutes East 79.34 feet, to the northeasterly lot corner of lot No. 18 as shown on above plat, thence by a line of division through lots Nos. 11, 10, 9 and 8, North 36 degrees 10 minutes West 90.00 feet, to the division line of lots 7 and 8, thence running with and bounding on the division line of lots 7 and 8, South 53 degrees 50 minutes West 64.46 feet to the place of beginning.

Containing 0.1485 of an acre more or less.



RE: PETITION FOR RECLASSIFICATION
From R-6 Zone to R-1 Zone -
Special Exception for Filling
Station - NE's Johnnycake Road
243' N/W Ingleside Ave., 1st Dist.,
Edward C. Hayes, et al,
Petitioners -
Socony Mobil Oil Co., Cont.Pur.
No. 66-23-RX

That portion of the petitioners' plat, marked Exhibit "B" attached hereto and made a part hereof, dated February 7, 1965 and revised August 9, 1965 and approved by the Office of Planning on August 12, 1965, for a use permit for parking is hereby granted, subject to the following:

1. That no signs of any kind may be erected or placed on the subject property so outlined;
2. That the property may not be used for the storage of materials of any kind for any period of time whatsoever;
3. No wrecked vehicles of any type may be stored on the property;
4. Vehicles may be parked on this property only while awaiting for service or repairs as set forth in Section 405.3 of the Baltimore County Zoning Regulations, which provides as follows:
"Repairs - Only minor and emergency repairs and customary services such as fire and chain service are permitted outside of a building. Body or fender repairs or repainting shall not be considered as emergency repairs, and in no case shall work be done outside which involves considerable noise, dust, paint or lacquer spray mist, or other objectionable characteristics";
5. Screening as required on the site plan must be in place before any use is made of the parking site.

August 17, 1965
Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION
From R-6 Zone to R-1 Zone -
Special Exception for Filling
Station - N/W Side Johnnycake
Road 243' N/W Ingleside Ave.,
1st Dist., Edward P. Hayes and
Carney P. Hayes, Petitioners
No. 66-23-RX

The petitioners in the above entitled matter have requested reclassification of property, from an R-6 Zone to a R-1 Zone, on the northeast side of Johnnycake Road 243 feet northwest of Ingleside Avenue, in the First District of Baltimore County, and a special exception for a Filling Station.

Testimony at the hearing indicated that the petitioners proved an error in the zoning of the subject property, so that the reclassification in R-1 should be granted.

The petitioners have met all requirements of Section 502.1 of the Baltimore County Zoning Regulations and the special exception should be granted.

For the above reasons the reclassification of the property, in part as would be had, as described below, and the special exception should be granted.

BEGINNING for the same on the northeast side of Johnnycake Road, as shown on plat of Catonsville Manor, W.P.C. No. 6-109, said point of beginning being 305 feet, more or less, northwesterly from the intersection of the paving and proposed widening line of Ingleside Avenue and Johnnycake Road, the beginning being on the northeasterly side of Johnnycake Road and the division line of lots Nos. 7 and 8, as shown on plat of Catonsville Manor above mentioned, thence running with and bounding on the northeasterly side of Johnnycake Road, South 26 degrees 47 minutes East 30 feet, to the southernmost corner of lot No. 11, thence leaving Johnnycake Road and running and bounding on the southeasterly line of lot No. 11, North 53 degrees, 50 minutes East 71.00 feet to the northeasterly lot corner of lot No. 18 as shown on above plat, thence by a line of division through lots Nos. 11, 10, 9 and 8, North 36 degrees, 10 minutes West 19.00 feet to a point, thence running in a southerly direction 64.00 feet to the place of beginning.

It is this 17th day of July, 1965, by the Zoning Commissioner of Baltimore County, RECEIVED that the above described property or area should be and the same is reclassified from an R-6 Zone to a R-1 Zone and a special exception for a filling station should be

and is granted from and after the date of this Order

The site plan for the development of said property is subject to approval of the Bureau of Public Services and the Office of Planning and zoning, and, further, subject to compliance with plan marked Exhibit "A" attached hereto and made a part hereof.

John P. Hayes
Zoning Commissioner of
Baltimore County

IN THE Court of Appeals of Maryland

SEPTEMBER TERM, 1969

NO. 16

THE WESTVIEW PARK IMPROVEMENT AND
CIVIC ASSOCIATION and
LLOYD WAGNER and DENNIS SMITH,
Appellants,

EDWARD D. HAYES and
CARNEY P. HAYES,
Appellees.

APPEAL FROM THE CIRCUIT COURT
FOR BALTIMORE COUNTY
(WALTER F. HALE, Judge)

APPELLEES' BRIEF AND APPENDIX

JOHNSON BOWIE and
RANDOLPH N. BLAIR,
Attorneys for Appellees.

The Paul M. Harrod Company, Towson, Maryland 21204

June 18, 1970

Johnson Bowie, Esq.,
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Edward C. Hayes, et al
Case #66-23RX

Dear Sirs:

There have been two cases on this property. The first petition #3666 in 1955 was a request for a Special Exception for a gasoline service station and included an Avenue and Johnnycake Road. This Special Exception was granted by the Zoning Commissioner on November 29, 1955. The service station was subsequently built and utilized.

1.) The second petition #66-23RX was for a Reclassification from R6 to R1, and a Special Exception for a filling station on lots 8, 9, 10 and 11 on the plat of Catonsville Manor - this was granted on July 30, 1965. On August 17, 1965 an amended order was issued granting a use permit for parking as indicated on Exhibit "B" (no longer a part of this file).

2.) An appeal was taken by the protestants but not heard until 1967 because of the moratorium on service stations, and the petitioner petitioned the Board to amend the said petition to conform to the newly passed "Bill 40", which was granted. The petition now is requesting a Reclassification from R6 to R1 on lots 8 to 11, and a CNS for an automotive service station. A new description was submitted and refers to Parcel No. 1 and Parcel No. 2. This new description is not stamped by a professional engineer or land surveyor. There is also no reference made to any off street parking in a residential zone on the petition.

The Board, on June 7, 1968 granted a CNS District on lots 18 through 21 and lot 11; a Reclassification from R6 to R1 and Special Exception for a service station on lot 11, and off street parking in an R1 zone on lots 8, 9, and 10. (Notes it appears to me that this is what the amended order of the Zoning Commissioner intended to do and what was probably shown on Exhibit "B".

7. No authority is cited in support of this proposition. § 104.1 of the Zoning Regulations permits a 25% extension of the ground floor area of a non-conforming structures.

Isabert v. Seabold, 246 Md. 562, 229 A.2d 116 (1967);
No. 443, 255 A.2d 32 (1969); Greenblatt v. Toney Schloss Properties Corp., 235 Md. 9, 200 A.2d 70 (1964); Shadynook Improvement Ass'n, Inc. v. Molloy, 232 Md. 265, 192 A.2d 502 (1963) and to sustain a piecemeal change therefrom, there must be strong evidence of mistake in the original zoning or of a substantial change in conditions.
County Comm'rs of Cecil County v. Phillips, 255 Md. 229, A.2d (1969); Wells v. Pierpont, 253 Md. 554, 253 A.2d 749 (1969); Board of County Comm'rs of Howard County v. Turf Valley Associates, 247 Md. 556, 233 A.2d 753 (1967); Pahl v. County Bd. of Appeals of Baltimore County, 237 Md. 294, 205 A.2d 245 (1965).

The record before us is devoid of any evidence of change in conditions. The only conceivable argument regarding mistake was the statement of Mobil's representative, Talbott, that it was error in 1962 to restrict the B.L. classification to the site then occupied by the Mobil Station,⁸ an unsupported conclusion which seems far from the mark of the "onerous burden" which our prior decisions have imposed on the one seeking a reclassification. Wells v. Pierpont, *supra*, 253 Md. at 557; Ameslane, Inc. v. Lucas, 247 Md. 612, 618, 233 A.2d 757 (1967).

8. Stuart Talbott, Mobil's real estate representative, who testified at the Board of Appeals hearing, said that it was his opinion "that when the original zoning was adopted there was an error in that the depth of commercial property originally proposed at the intersection of Johnnycake and Ingleside, was not sufficiently deep in order to satisfy the demands which today exist on commercial property, due to the tremendous expansion in the general area."

We have consistently held that "the prevailing general rule, almost universally followed, is that an expert's opinion is of no greater probative value than the soundness of his reasons given therefor will warrant." Miller v. Abrahams, 230 Md. 263, 273, 211 A.2d 309 (1965); Hunter v. Bd. of County Comm'rs of Carroll County, 252 Md. 305, 310, 250 A.2d 81 (1969). What was said by Judge (now Chief Judge) Hammond, speaking for the Court in Dill v. The Jobar Corp., 242 Md. 16, 217 A.2d 564 (1966), and quoted with approval in Smith v. Bd. of County Comm'rs of Howard County, 252 Md. 280, 284, 249 A.2d 708 (1969), is apposite here:

"The opinion of an expert that there was error in the original zoning or comprehensive rezoning is not evidence substantial or strong enough to support a finding of original error unless the reasons given by the expert as the basis of his opinion, or other supporting facts relied on by him, are in themselves substantial and strong enough to do so." 242 Md. at 23.

There was no effort to qualify Talbott as an expert, and indeed we doubt that Talbott, who had been in Mobil's real estate department for two and one-half years, would have claimed any particular expertise in the field of zoning. He was not familiar with the depth to which other properties on Ingleside Avenue had been commercially zoned, and admitted on cross examination that the result of the reclassification would be to orient the station to the Johnnycake Road frontage, an area which is now exclusively residential.

In the absence of any supporting evidence of mistake, the reclassification was arbitrary and capricious and must be declared

invalid. France v. Shapiro, 248 Md. 335, 236 A.2d 725 (1968).

Westview mounts an attack on many fronts on the order entered below. Under our view of the case, we need consider only one: Was there legally sufficient evidence to support the granting of a reclassification from an R-6 zone to a B.L. zone? Since we have concluded that there was not, most of the other portions of the Board of Appeals' order tumble like a house of cards.

A C.N.S. District may be imposed, by the terms of § 259.2 B. only on land zoned B.L., B.M., B.R. and/or M.L., which, under our holding, the Hayes property is not. A special exception for an automotive filling station can be granted under § 405.3 and § 502.1 only in a C.N.S. District, where the Hayes property cannot be, so long as it is zoned R-6.

All that remains is that portion of the order entered by the Board of Appeals which affirmed the action of the Zoning Commissioner in granting a use permit for the parking of automobiles on that portion of the Hayes property which remained R-6. This both the Board and the Commissioner purported to do under § 405.3, which regulates the kinds of repairs which may be performed outside a filling station, and not under § 409.4, which details the circumstances and conditions under which a use permit may be granted for the parking of automobiles in a residential zone. On remand, the case will be returned to the Zoning Commissioner for reconsideration of the issuance of a use permit, and the framing of such a permit, if it be granted, in conformity with the appropriate standards and conditions.

ORDER REVERSED, CASE REMAINED TO THE CIRCUIT COURT FOR THE ENTRY OF AN ORDER REVERSING THE ORDER OF THE BOARD OF APPEALS AND FOR REMAND TO THE ZONING COMMISSIONER FOR FURTHER RECONSIDERATION CONFORMABLE WITH THIS OPINION, COSTS TO BE PAID BY THE APPELLEES.

IN THE MATTER OF : BEFORE
ZONING PETITION NO. 66-23-RX : THE BOARD OF APPEALS
EDWARD C. and CARNEY P. HAYES : FOR BALTIMORE COUNTY
Northeast side of Johnnycake Road :
and Ingleside Avenue :

PETITION FOR LEAVE TO AMEND

The Petition of Edward C. Hayes and Carney P. Hayes, and Mobil Oil Corporation, Applicants, by Johnson Bowie, their attorney, respectfully represents:

1. That the petition for reclassification and special exception in the above entitled matter was heard by the Zoning Commissioner prior to the enactment of Council Bill 40 (1967), and this petition is submitted to the County Board of Appeals as said Board has the same powers as the Zoning Commissioner in accordance with Title 23 of the Baltimore County Code (1966 Supplement).

2. That subsequent to the filing of the application in this case and the hearing before the Zoning Commissioner, the Baltimore County Council enacted Council Bill 40 (1967) which created districts in addition to zones as set out in said Council Bill 40; and further provided that districts could be created by petition in accordance with Section 500.2 a of said Council Bill 40.

3. That it is necessary for your Petitioners to amend their application from a petition for reclassification and a special exception to a petition for reclassification and a special exception for an automotive service station and a C.N.S. district in accordance with the provisions of Council Bill 40 (1967).

WHEREFORE, it is respectfully prayed that leave be granted to the

JOHNSON BOWIE
ATTORNEY AT LAW
TOWSON, MD. 21204

Applicants to amend said petition for reclassification and a special exception for an automotive service station and a C.N.S. district.

Johnson Bowie
Attorney for Petitioners
22 W. Penna. Avenue
Towson, Maryland 21204
Phone: 825-6014

ORDER

It is ORDERED this _____ day of _____, 1967, by the Board of Appeals for Baltimore County, that leave be and the same is hereby granted to amend the petition for a reclassification and a special exception for an automotive service station, to an application for a reclassification and a special exception for an automotive service station and a C.N.S. district in accordance with the provisions of Council Bill 40 (1967).

Board of Appeals

JOHNSON BOWIE
ATTORNEY AT LAW
TOWSON, MD. 21204

RE: PETITION FOR RECLASSIFICATION : BEFORE
from an R-6 zone to a B.L. zone, : COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION for a filling : OF
station, USE PERMIT for parking : BALTIMORE COUNTY
in a residential zone, and a :
C.N.S. DISTRICT :
NE/S Johnnycake Road 243' NW :
of Ingleside Avenue, :
1st District :
Edward C. and Carney P. Hayes, :
Petitioners :
Mobil Oil Corporation, :
Contract Purchasers :
No. 66-23-RX

OPINION

This case comes before the Board on an appeal by the petitioners from an Order of the Zoning Commissioner which granted a reclassification in part, a special exception for a filling station, and a use permit for parking: said Order being dated July 30, 1965, with an Amended Order dated August 17, 1965. Intervening, were the filling station memorandum and County Council Bill #40 which bill became effective May 8th, 1967. Bill #40 enacts an entirely new set of zoning regulations pertaining to automotive service stations. Considering same, this Board granted the petitioner leave to amend the original application so as to include a request for the granting of a C.N.S. District to implement the requirements of Bill #40.

The subject property is located on the northeast side of Johnnycake Road approximately 243 feet northwest of Ingleside Avenue, in the First Election District of Baltimore County, and contains in toto 17,677 square feet. It is presently improved with a two bay gasoline filling station. The petitioners seek this reclassification, special exception, permit for parking, and C.N.S. District in order to expand the existing facilities to a three bay operation.

The uses surrounding the subject property are as follows: Across Johnnycake Road from the subject property, on the southwest corner, are a federal building and loan association and an office building. A gasoline filling station is now operating on the southeast corner of Johnnycake Road and Ingleside Avenue, while across Ingleside Avenue from the subject there are offices, a restaurant, and a small strip shopping center. Immediately behind the subject site are a tavern and a drive-in type grocery store. Northwesternly are existing cottage type residences.

Testimony before this Board, including evidence of change within this area, was sufficient to grant the requested petitions as follows:

1. A C.N.S. District shall be granted for that parcel of the subject property as described below:

Edward C. and Carney P. Hayes - #66-23-RX

BEGINNING for the same at the point formed by the intersection of the northwesternmost side of Ingleside Avenue (40 feet wide) with the easternmost side of Johnnycake Road said point of beginning being the southwestern corner of Lot No. 21 as shown on the plat of Block 13 Catonsville Manor as filed among the Land Records of Baltimore County in Plat Book WPC No. 6 folio 109, thence binding on the northwesternmost side of said Ingleside Avenue north 47 degrees 41 minutes 30 seconds east 100.00 feet to the division line between Lots No. 17 and 18 as shown on said plat, thence leaving said Avenue and binding on said division line and the northwestern projection thereof north 42 degrees 18 minutes 30 seconds west 155.00 feet to intersect the division line between Lots No. 9 and 10 as shown on said plat at a point distant 74.38 feet north 47 degrees 41 minutes 30 seconds east from the easternmost side of said Johnnycake Road, thence binding on a part of said division line south 47 degrees 41 minutes 30 seconds west 74.38 feet to the easternmost side of said Johnnycake Road, thence binding on the easternmost side of said Road south 32 degrees 55 minutes 30 seconds east 157.10 feet to the place of beginning.

CONTAINING 0.3102 acres of land more or less.

TOGETHER with the right of use in common with others lawfully entitled thereto as a right of way that parcel of land adjoining the above parcel on the northeast end described as follows:

BEGINNING for the same on the northwesternmost side of Ingleside Avenue (40 feet wide) at the division line between Lots No. 17 and 18 as shown on said plat of Catonsville Manor, filed as aforesaid, thence binding on the northwesternmost side of said Avenue north 47 degrees 41 minutes 30 seconds east 40.00 feet to the division line between Lots No. 15 and 16 as shown on said plat, thence running for a line of division north 87 degrees 18 minutes 30 seconds west 56.57 feet to said division line between Lots No. 17 and 18 thence binding on said division line south 42 degrees 18 minutes 30 seconds east 40.00 feet to the place of beginning.

2. A reclassification from an R-6 zone to a B.L. zone, together with the requested special exception for an automotive service station, and a C.N.S. District as required in Bill #40, shall be granted for that parcel of the subject property as described below:

BEGINNING for the same on the easternmost side of Johnnycake Road at a point distant 126.69 feet measured northerly from the northwesternmost side of Ingleside Avenue (40 feet wide) and at the division line between Lots No. 11 and 21 as shown on the plat of Block 13 Catonsville Manor as filed among the Land Records of Baltimore County in Plat Book WPC No. 6 folio 109 said point being on the division line between 3L and R-6 Zoning, thence binding on the easternmost side of said Johnnycake Road north 32 degrees 55 minutes 30 seconds west 30.41 feet to the division line between said Lot No. 11 and Lot 10 as shown on said plat, thence leaving said road and binding on said division line north 47 degrees 41 minutes 30 seconds east 74.38 feet, thence running for a line of division south 42 degrees 18 minutes 30 seconds west 30.00 feet to said division line between 3L and R-6 Zoning, thence binding on said zoning line south 47 degrees 41 minutes 30 seconds west 79.34 feet to the place of beginning.

CONTAINING 0.0529 acres of land more or less.

Edward C. and Carney P. Hayes - #66-23-RX

3. A use permit for parking in the existing R-6 zone shall be granted for that parcel of the subject property as described below:

BEGINNING for the same on the easternmost side of Johnny Cake Road at a point distant 157.10 feet measured northerly from the northernmost side of Ingleside Avenue (40 feet wide) at the division line between Lots No. 10 and 11 as shown on the plat of Block 13 Catonsville Manor as filed among the Land Records of Baltimore County in Plat Book W.P.C. No. 6 folio 109 thence bounding on the easternmost side of said Johnny Cake Road north 32 degrees 55 minutes 30 seconds west 60.81 feet to the division line between Lots No. 7 and 8 as shown on said plat, thence leaving said road and bounding on a part of said division line north 47 degrees 41 minutes 30 seconds east 64.46 feet, thence running for a line of division south 42 degrees 18 minutes 30 seconds east 60.00 feet to intersect said division line between said Lots No. 10 and 11, thence bounding on a part of said line south 47 degrees 41 minutes 30 seconds west 74.38 feet to the place of beginning.

CONTAINING 0.0956 acres of land more or less.

Restrictions applicable to this Opinion are cited in the Order set out below.

As an existing automotive service station is now operating on the subject property, it is the judgment of this Board that it would be an unreasonable hardship upon the petitioner to force his strict compliance with Sections 405.4A3a and 405.4A2a. Therefore, the following variances shall be granted:

1. Variance - Section 405.4A3a: To permit a curb length to 0 feet for entrances located at the intersection of Johnny Cake and Ingleside Avenue.
2. Variance - Section 405.4A2a: To permit an existing sign to setback 1 foot from property line instead of the required 6 feet.

It is the intent of this Board to prevent further extension of any commercial usage on Johnny Cake Road northwesterly of the subject property; hence, the requested B.L. zoning will be denied upon that parcel of presently zoned R-6 land hereinafter described (i.e., that parcel of existing R-6 land upon which, by Section 3 of this Order, a use permit for parking shall be granted). As previously mentioned, the subject property together with the existing station totals more than 15,000 square feet. However, by partially denying the B.L. requested and maintaining the parcel of R-6 land upon which the use permit for parking shall be granted, this Board thereby reduces the area within the B.L. zoning and the C.N.S. District to 13,512 square feet, which would

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Bork, Zoning Commissioner, July 8, 1965

FROM: George E. Gaykells, Director

SUBJECT: Petition #66-23-RX. "R-6 to B.L. Zone. Northeast side of Johnny Cake Road 743 feet Northwest of Ingleside Avenue. Being the property of Edward P. Hayes and Carney P. Hayes."

1st District

HEARING: Wednesday, July 21, 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:

1. It was the intent of the planning proposals for the Western Area Comprehensive Rezoning Map to prevent any re-orientation toward Johnny Cake Road (northwesterly) of the commercial uses at Johnny Cake and Ingleside Avenue. The subject petition would completely subvert that intent: the petitioner's plat shows the proposed service station as being distinctly oriented toward - and with three entrances on - Johnny Cake Road. (The present station is oriented toward the intersection.) We find that the Map was correct as adopted and that no changes have taken place that would justify the reclassification proposed.
2. In view of the intent of the Map and the residential zoning across Johnny Cake Road, we strongly recommend that the subject petition be denied. If, however, the petition is granted, it should be made subject to approval of details by this office so that the inevitable adverse effect of the filling station can be controlled to the extent possible.

Edward C. and Carney P. Hayes - #66-23-RX

be below the requirement as set out in Section 405.4A1 of Bill #40.

Considering the above, the Board shall grant the following variance:

3. Variance - Section 405.4A1: To permit a service station site to have an area of 13,512 square feet instead of the required 15,000 square feet.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of June, 1965 by the County Board of Appeals, ORDERED that the reclassification, special exception, C.N.S. District, and use permit for parking in a residential area petitioned for be, and the same are hereby GRANTED, subject to the following restrictions which shall be applicable to the entire site:

1. Only passenger vehicles may park in this area. No buses, trucks, rental trailers, or rental cars may be parked or stored on the site.
2. No wrecked vehicles of any type may be stored on the property.
3. Vehicles may be parked on this property only while awaiting service or repairs as set forth in Section 405.3 of the Baltimore County Zoning Regulations which provides as follows:
"Repairs - Only minor and emergency repairs and customary services such as tire and chain service are permitted outside of a building. Body or fender repairs or repainting shall not be considered as emergency repairs, and in no case shall work be done outside which involves considerable noise, dust, paint or lacquer spray mist, or other objectionable characteristics."

The area covered by the use permit for parking shall be subject to the following restrictions:

1. That no signs of any kind may be erected or placed on the subject property as outlined.
2. That the property may not be used for the storage of materials of any kind for any period of time whatsoever.

Edward C. and Carney P. Hayes - #66-23-RX

3. Screening as required on the site plan must be in place before any use is made of the parking site, and said screening shall also be extended entirely along the northwest boundary of the subject site.

Also, the variances described in the foregoing Opinion be, and the same are hereby GRANTED. This entire Order is subject to site plan approval by the Department of Planning and Zoning and the Bureau of Public Services.

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

John A. Slowik, Acting Chairman

John A. Miller

Walter H. Ratter, Jr.

AMENDED PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Carney P. Hayes, and Mary Virginia Cole, I, or we, Edward C. Hayes and legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto as 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 R-6 zone to an B.L. zone, and (2) that the property hereinafter described and designated as Parcel No. 1 on the description attached hereto; and that the property described and designated as Parcel No. 2 on the description attached hereto be classified as a C.N.S. District - Commercial Neighborhood Shopping.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for an automotive service 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 of Baltimore County.

MOBIL OIL CORPORATION

BY: *Edward C. Hayes*
Contract purchaser
Address: 4 PENN CENTER PLAZA
PHILA., PENNA.

Legal On-
Address: 1225 N. Rolling Rd

Petitioner's Attorney
Johnson Bowie
Address: 22 West Pennsylvania Avenue
Towson, Maryland 21204

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of July, 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 1st day of July, 1965, at 10:00 o'clock

Zoning Commissioner of Baltimore County.

PARCEL NO. 1

Beginning for the same on the northeast side of Johnny Cake Road as shown on the plat of Catonsville Manor, W.P.C. No. 6-109, said point of beginning being 243 feet more or less northwesterly from the intersection of the paving of Ingleside Avenue and Johnny Cake Road, the beginning being on the northeasterly side of Johnny Cake Road and the division line of lots 7 and 8 as shown on plat of Catonsville Manor above mentioned, thence running with and bounding on the northeasterly side of Johnny Cake Road, South 26 Degrees 47 Minutes East 91.22 feet to the southernmost corner of lot No. 11, thence leaving Johnny Cake Road and running and bounding on the southeasterly line of lot No. 11, North 53 Degrees 50 Minutes East 79.54 feet to the northeasterly lot corner of lot No. 18 as shown on above plat, thence by a line of division through lots Nos. 11, 10, 9 and 8, North 36 Degrees 10 Minutes West 30.00 feet to the division line of lots 7 and 8, thence running with and bounding on the division line of lots 7 and 8, South 53 Degrees 50 Minutes West 64.46 feet to the place of beginning.

Containing 0.1485 of an acre, more or less.

PARCEL NO. 2

BEGINNING at the point formed by the intersection of the northeasterly line of Johnny Cake Road (40' wide) with the northwesterly line of Ingleside Avenue (40' wide) and running thence northwesterly along said line of Ingleside Avenue 100 feet to a point therein, thence northwesterly, at right angles to said line of Ingleside Avenue, 125 feet to a point, thence southwesterly along a line parallel to said northwesterly line of Ingleside Avenue 79.34 feet to a point in said northeasterly line of Johnny Cake Road, thence South 26 Degrees 47 Minutes East said line of Johnny Cake Road 126.69 feet to the first mentioned point and place of beginning.

BEING all of Lots 18, 19, 20 and 21, Block 3, Flat 1, Catonsville Manor, as recorded in the Clerk's Office of Baltimore County, Maryland, in Plat Book W.P.C. No. 6, page 109.

TOGETHER WITH the right to use in common with all other lawfully entitled thereto as a right of way that parcel of land adjoining said premises on the northeast and bounded and described as follows:

BEGINNING at the extreme easterly corner of the land hereinabove described and running thence northwesterly along said northwesterly line of Ingleside Avenue 40 feet to a point therein, thence westerly 56 feet, more or less, to a point in the northeasterly line of the lands hereinabove described, which point is 40 feet as measured along said northeasterly line of the land hereinabove described from the point of beginning, thence southeasterly along said northeasterly line of the lands hereinabove described 40 feet to the first mentioned point and place of beginning.

66-23-RX

IN RE: PETITION FOR RECLASSIFICATION FROM an R-6 Zone to a B.L. Zone, SPECIAL EXCEPTION for a Filling Station, USE PERMIT for parking in a residential zone, and a C.N.S. DISTRICT RE/S Johnny Cake Road 243' NW of Ingleside Avenue, 1st District Edward C. and Carney P. Hayes Petitioners Mobil Oil Corporation, Contract Purchasers

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW CASE NO. 4012 Misc. Docket 8 Folio 333

ORDER FOR APPEAL BY THE WESTVIEW PARK IMPROVEMENT & CIVIC ASSOCIATION, INC., LLOYD WAGNER AND DENNIS SMITH, PROTESTANTS

MR. CHIEF: Please enter an Appeal to the Court of Appeals of Maryland on behalf of The Westview Park Improvement & Civic Association, Inc., Lloyd Wagner and Dennis Smith, Protestants, from the Order of Court in this action dated May 22, 1965, and the Statement of Court dated June 5, 1965.

YVONNE SETTLER Attorney for Protestants 110 East Lexington Street Baltimore, Maryland 21202 539 - 3076

I HEREBY CERTIFY, That a copy of the foregoing Order for Appeal was mailed to Johnson Bowie, Esquire, 22 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Petitioners, on the 8th day of June, 1965.

YVONNE SETTLER

RE: PETITION FOR RECLASSIFICATION
from an R-4 zone to a B.L. Zone,
SPECIAL EXCEPTION for a filling
station, USE PERMIT for parking
in a residential zone, and a
C.N.S. DISTRICT
NE/S Johnnycake Road 243' NW
of Ingleside Avenue,
1st District
Edward C. and Carney P. Hayes,
Petitioners
Mobil Oil Corporation,
Contract Purchasers

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 8
Folio No. 333
File No. 4012

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, John A. Miller and Walter A. Retter, Jr.,
constituting the County Board of Appeals of Baltimore County, and in answer to the Order
for Appeal directed against them in this case, herewith return the record of proceedings
had in the above entitled matter, consisting of the following certified copies or original
papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 66-23-RX

June 15, 1965 Petition of Edward C. and Carney P. Hayes, and Socany Mobile Oil
Company, Inc. for reclassification from an R-4 zone to a B.L. zone
and for a special exception for a filling station on property located
on the northeast side of Johnnycake Road 243 feet northwest of
Ingleside Avenue, 1st District - filed

" " Order of Zoning Commissioner directing advertisement and posting of
property - date of hearing set for July 21, 1965 at 1:00 p.m.

July 1 Certificate of Publication in newspaper - filed

" 8 Certificate of Posting of property - filed

" 21 At 1:00 p.m. hearing held on petition by Zoning Commissioner -
case held sub curia

" 30 Order of Zoning Commissioner granting reclassification and special
exception, subject to compliance with plan marked Exhibit "A"

Aug. 17 Amended Order of Zoning Commissioner granting use permit for parking,
subject to restrictions, in accordance with plan marked Exhibit "B"
approved by the Office of Planning on August 12, 1965

" 13 Order of Appeal to County Board of Appeals from Order of Zoning
Commissioner

" 19 Order of Appeal to County Board of Appeals from Amended Order of
Zoning Commissioner

- 2 -

Oct. 17, 1967 Hearing on appeal before County Board of Appeals, case held sub curia

" 17 Petition for Leave to Amend for a C.N.S. District filed by the attorney
for the petitioners at the hearing before the County Board of Appeals

June 7 Order of County Board of Appeals granting reclassification, special
exception, C.N.S. District, and use permit for parking in a residential
area, subject to restrictions. The Board also granted variances as
described in Opinion

July 5 Order for Appeal filed in the Circuit Court for Baltimore County

" 10 Certificate of Notice sent to all interested parties

" 15 Petition to Accompany Order for Appeal filed in the Circuit Court for
Baltimore County

" 25 Transcript of Testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Board's Opinion in Case #66-119-X
precedent for amending petition

" " 2 - Plat of subject property - 9/1/67 -
revised plat

" " 3 - Plat of subject property - 2/6/65 -
plat used in Zoning Commissioner's
case

" " 4 - Baltimore County Bill #40

" " 5 - Western Area Map, adopted 11/15/62

Protestants' Exhibit "A" - (1, 2 and 3) - Photos of 5906 Johnny-
cake Road in 1959

" " "B" - (1 and 2) - Photos of 5906 Johnnycake
Road, 7/18/65

" " "C" - (1 and 2) - Photos showing outside
subject property, August, 1966
(3 and 4) - Photos showing outside
subject property, May, 1967

" " "D" - (1 and 2) - Photos - Driveway and
parking lot to Hayes Tavern, 10/16/67

" " "E" - (1 and 2) - Affidavit and Resolution of
Westview Park Improvement Ass'n.

July 30 Record of proceedings filed in the Circuit Court for Baltimore County

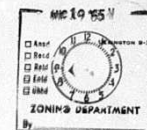
- 3 -

Record of proceedings pursuant to which said Order was entered and
said Board acted are permanent records of the Zoning Department of Baltimore County, as
are also the use district maps, and your Respondents respectively suggest that it would be
inconvenient and inappropriate to file the same in this proceeding, but your Respondents
will produce any and all such rules and regulations, together with the zoning use district
maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Elenhart, Secretary
County Board of Appeals of Baltimore County

ROCHLIN AND SETTLEMAN
ATTORNEYS AT LAW
110 E. LEIGHTON STREET
BALTIMORE, MD. 21202
August 18, 1965



John G. Ross, Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland, 21204

Re: Petition for Reclassification
from R-4 Zone to B-L Zone -
ME/S Johnnycake Road 243' N/W
Ingleside Ave., 1st District.
Edward C. Hayes and Carney P.
Hayes, Petitioners -
Socany Mobile Oil Co., Cont. Pur.
No. 66-23-RX

Dear Commissioner Ross:

With regard to the above entitled matter, I would
appreciate your noting an appeal from your Amended Order
dated August 17, 1965, as well as the appeal previously
requested to the original Order dated July 30, 1965

Thank you for your cooperation in this matter.

Very truly yours,

ROCHLIN AND SETTLEMAN

By: *Irving Settleman*
Irving Settleman

IS/du
MICROFILMED

EDWARD C. AND CARNEY P. HAYES #66-23-RX
Socany Mobil Oil Co., Inc., Contract Purchasers

NE/S Johnnycake Road 243' NW of Ingleside Ave. 1st District
R-4 to B.L. 0.1485 of an acre
SE - Filling Station
Use Permit for parking in a residential area
C.N.S. District

June 15, 1965 Petition filed

July 30 Order of Z.C. granting reclassification and SE, subject to
compliance with plan marked Exhibit "A"

Aug. 13 Order of Appeal to C.B. of A.

" 17 Amended Order of Z.C. granting use permit for parking, subject
to restrictions, in accordance with plan marked Exhibit "B"
approved by the Office of Planning on August 12, 1965

" 19 Order of Appeal to C.B. of A. from Amended Order

Oct. 17, 1967 Hearing held before the Board

" " Petition for Leave to Amend for a C.N.S. District filed by the attorney
for the petitioners at the hearing before the County Board of Appeals

June 7, 1968 Order of County Board of Appeals granting reclassification, special
exception, C.N.S. District, and use permit for parking in a residential
area, subject to restrictions, and in accordance with description of
property outlined in Opinion. The Board also granted variances as
described in Opinion

July 5 Order for Appeal filed in the Circuit Court for Baltimore County (4012)
by Irving Settleman, Esq., for Dennis Smith, et al

" 30 Record of proceedings filed in the Circuit Court

May 22, 1969 Board AFFIRMED - Judge Haile

June 29 Order for Appeal filed in the Court of Appeals by Mr. Settleman

Feb. 4, 1970 Remanded to the Circuit Court for the entry of an Order REVERSING
the Order of the Board of Appeals and for remand to the Zoning
Commissioner for further proceedings conformable with this Opinion.

Reclassification, SE, and C.N.S. District - DENIED

Use Permit for Parking in a residential zone remanded by the Court of Appeals
to the Zoning Commissioner for consideration

PETITION FOR RECLASSIFICATION AND
SPECIAL EXCEPTION

1st DISTRICT

ZONING: From R-4 to B.L. Zone,
Petition for Special Exception for a Filling Station.

LOCATION: Northeast side of Johnnycake Road 243 feet Northwest of
Ingleside Avenue.

DATE & TIME: WEDNESDAY, JULY 21, 1965 at 1:00 P.M.

PUBLIC HEARING: Room 105, 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:

Present Zoning: R-4
Proposed Zoning: B.L.
Petition for Special Exception for a Filling Station.

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

Being the property of Edward P. Hayes and Carney P. Hayes as shown on plat plan filed
with the Zoning Department.

Hearing: Tuesday, July 21, 1965 at 1:00 P.M.
Public Hearing: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER OF
BALTIMORE COUNTY

MICROFILMED

IN THE
Court of Appeals of Maryland

SEPTEMBER TERM, 1969

NO. 163

THE WESTVIEW PARK IMPROVEMENT &
CIVIC ASSOCIATION,
LLOYD WAGNER AND DENNIS SMITH,
Appellants,

EDWARD D. HAYES AND CARNEY P. HAYES,
Appellees.

APPEAL FROM THE CIRCUIT COURT FOR
BALTIMORE COUNTY
(WALTER R. HAILE, Judge)

APPELLANT'S BRIEF

IRVING SETTLEMAN,
Attorney for Appellants.

RE: PETITION FOR RECLASSIFICATION
from an R-4 zone to a B.L. zone,
SPECIAL EXCEPTION for a filling
station, USE PERMIT for parking
in a residential zone, and a
C.N.S. DISTRICT
NE/S Johnnycake Road 243' NW
of Ingleside Avenue,
1st District
Edward C. and Carney P. Hayes,
Petitioners
Mobil Oil Corporation,
Contract Purchasers
Zoning File No. 66-23-RX

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 8
Folio No. 333
File No. 4012

ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, &c.

Edith T. Elenhart, Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to a B.L. zone.
SPECIAL EXCEPTION for a filling station, USE PERMIT for parking in a residential zone, and a C.W.S. DISTRICT NE/S Johnnycake Road 243' NW of Ingleside Avenue, 1st District.
Edward D. and Carney P. Hayes, Petitioners
Mobil Oil Corporation, Contract Purchasers

BEFORE THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 8
Folio No. 333
File No. 4912

PETITION

The Petition of Lloyd Wagner, Dennis Smith and the Westview Park Improvement and Civic Association, Appellants, by their attorney, Irving Settleman, respectfully shows:

1. That a hearing before the County Board of Appeals of Baltimore County was held on October 17, 1967, at which time the Petitioners Hayes & Mobil Oil Company filed a petition for leave to amend the original application so as to include a request for the granting of a C.W.S. District to implement the requirements of Bill #40.

2. That although your present Petitioners were not prepared to oppose the amended petition, the Board saw fit to grant leave to amend requiring them to proceed with their protest at that same hearing.

3. That on June 7, 1968, the County Board of Appeals of Baltimore County passed an Order granting a reclassification special exception, C.W.S. District, and use permit for parking in a residential area, subject to certain restrictions.

4. That on July 5, 1968 your Petitioners did file an appeal to this Honorable Court from the Board's actions as set out in Paragraphs 2 and 3 above.

5. That the said Board was in error in its decisions:

a. In failing to allow the protestants time to prepare their case in opposition to the amended application filed on the day of the hearing.

b. In granting a reclassification from an R-6 zone to a B.L. zone in direct contradiction to the zoning regulations, Laws of the State of Maryland and County of Baltimore, and existing moratoriums.

c. In granting a special exception in direct contradiction to the zoning regulations, Laws of the State of Maryland and County of Baltimore, and existing moratoriums.

d. In granting a C.W.S. District in direct contradiction to the zoning regulations, Laws of the State of Maryland and County of Baltimore, and existing moratoriums.

WHEREFORE, your Petitioners request that this Honorable Court reverse the County Board of Appeals of Baltimore County with regard to its opinion and findings of June 7, 1968 and deny the application and amended application of the original petitioners.

IRVING SETTLEMAN
Attorney for Petitioners
110 East Lexington Street
Baltimore, Maryland 21202
539-3070

I HEREBY CERTIFY that a copy of the foregoing Petition was mailed this 15th day of July, 1968 to County Board of Appeals, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 and to Johnson Bowls, Esquire, Loyola Federal Building, Towson, Maryland 21204.

IRVING SETTLEMAN

Xc: Zoning
Solicitor
Perkins

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to a B.L. zone
SPECIAL EXCEPTION for a filling station, USE PERMIT for parking in a residential zone, and a C.W.S. DISTRICT
NE/S Johnnycake Road 243' NW of Ingleside Avenue, 1st District
Edward D. and Carney P. Hayes, Petitioners
Mobil Oil Corporation, Contract Purchasers

BEFORE THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 8
Folio No. 333
File No. 4912

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-8(4) of the Maryland Rules of Procedure, John A. Slowik, John A. Miller and Walter A. Balter, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it, namely, Johnson Bowls, Esq., Loyola Federal Building, Towson, Maryland, 21204, Attorney for the Petitioners, and Irving Settleman, Esq., 110 E. Lexington Street, Baltimore, Maryland, 21202, Attorney for the Protestants, and Mr. P. T. Lemmon, President, Rescom Land Leasing Corporation, 1029 St. Paul Street, Baltimore, Maryland, 21202, Protestants, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Cuddeheer
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Valley 3-3000, Ext. 570

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Johnson Bowls, Esq., Loyola Federal Building, Towson, Maryland, 21204, Attorney for the Petitioners, and Irving Settleman, Esq., 110 E. Lexington Street, Baltimore, Maryland, 21202, Attorney for the Protestants, and Mr. P. T. Lemmon, President, Rescom Land Leasing Corporation, 1029 St. Paul Street, Baltimore, Maryland,

Edward D. Hayes -

- 2 -

21202, Protestants, on this 10th day of July, 1968.

Muriel E. Cuddeheer
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION
From R-6 zone to B.L. zone -
Special Exception for Filling Station - NE/S Johnnycake Road 243' NW Ingleside Ave., 1st Dist.
Edward C. Hayes, et al.
Petitioners -
Society Mobil Oil Co., Cont.Pur.
No. 66-23-RK

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

AMENDMENT ORDINANCE

That portion of the petitioners' plat, marked Exhibit "B" attached hereto and made a part hereof, dated February 2, 1965 and revised August 9, 1965 and approved by the Office of Planning on August 12, 1965, for a use permit for parking is hereby granted, subject to the following:

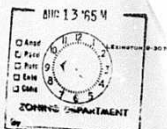
1. That no signs of any kind may be erected or placed on this subject property as outlined;
2. That the property may not be used for the storage of materials of any kind for any period of time whatsoever;
3. No wrecked vehicles of any type may be stored on the property;
4. Vehicles may be parked on this property only while awaiting for service or repairs as set forth in section No. 2 of the Baltimore County Zoning Regulations, which provides as follows:
 - "Repairs - Only minor and emergency repairs and customary services such as tire and chain service are permitted outside of a building. Body or fender repairs or repainting shall not be considered as emergency repairs, and in no case shall work be done outside which involves considerable noise, dust, paint or lacquer spray, or other objectionable characteristics."
5. Screening as required on the site plan must be in place before any use is made of the parking lot, and said screening shall also be placed on the southeast corner of the subject lot.

John G. Rose
Zoning Commissioner of Baltimore County

Date: August 17, 1965

HERBERT ROCHLIN
IRVING SETTLEMAN
PAUL E. ROCHLIN

ROCHLIN AND SETTLEMAN
ATTORNEYS AT LAW
110 E. LEXINGTON STREET
BALTIMORE, MD. 21202
August 12, 1965



John G. Rose, Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland, 21204

Re: Petition for Reclassification
from R-6 Zone to B.L. Zone
NE/S Johnnycake Road 243' NW
Ingleside Ave., 1st District
Edward C. Hayes and Carney P. Hayes, Petitioners -
Society Mobil Oil Co., Cont. Pur.
No. 66-23-RK

Dear Commissioner Rose:

With regard to the above entitled matter, I would appreciate your entering an appeal from your Order dated July 30, 1965 in behalf of my client, Dennis S. Smith, 5906 Johnnycake Road, Baltimore, Maryland, 21228.

Enclosed please find a check in the amount of \$75.00 to cover the cost of this appeal.

Please advise me that the appeal has been entered.

Thank you for your cooperation in this matter.

Very truly yours,

ROCHLIN AND SETTLEMAN

By: Irving Settleman

IS/dv
Encl.
cc: Mr. Dennis S. Smith
5906 Johnnycake Road - 28

Messrs. Rochlin & Settleman,
110 E. Lexington St.,
Baltimore, Maryland 21202

At: Irving Settleman, Esq.

Re: Petition for Reclassification
and Special Exception - NE/S
Johnnycake Road 243' NW of
Ingleside Ave., 1st Dist.
Ed. C. Hayes, et al., Petitioners
Society Mobil Oil Co., Cont.Pur.
No. 66-23-RK

Dear Mr. Settleman:

A copy of the Amended Order in the above matter is enclosed. If it is your desire to appeal this portion of the Order please send me a letter so indicating. No additional fee is necessary.

I would appreciate hearing from you by return mail as I am desirous of forwarding this matter to the Baltimore County Board of Appeals.

Very truly yours

Zoning Commissioner

cc: Mr. Edward C. Hayes,
1225 N. Rolling Road,
Baltimore, Maryland 21207

Rescom Land Leasing Corp.,
1029 St. Paul St.,
Baltimore, Maryland 21202

Mr. Herman Gerschbath,
920 Fernwood Circle
Catonsville, Maryland 21226

Mr. Richard M. Henry,
907 Prustwood Road,
Baltimore, Maryland 21228

Mr. Lloyd S. Wagner,
5906 Johnnycake Road,
Baltimore, Maryland 21228

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING July 12, 1965

County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
LA 3-0000

GEORGE E. GAVELIN
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

Mr. Edward P. Hayes
1225 N. Rolling Road
Baltimore, Md. 21207

Dear Sirs:

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

Any questions of correspondence in regard to the enclosed subject matter 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 be necessary for you to summons him through the Sheriff's Office.

Yours very truly,

John G. Rose
Zoning Commissioner

JGR/h

Encl:

1225 N. Rolling Road
1501 Charmuth Road
Lutherville, Maryland 21093

MICROFILMED

BOUNDING for the house at the point formed by the intersection of the northwestern side of J. Lisle Avenue (40 feet wide) with the easternmost side of Johnykrake Road as shown on plat beginning before the plaintiff and defendant at Lot 10 of the subdivision of the property of the plaintiff and defendant as filed among the Land Records of Baltimore County in Plat Book WPG No. 6 folio 109, thence binding on the northwestern side of said Johnykrake Road 47 degrees 41 minutes 30 seconds east 74.38 feet to the division line between Lots 17 and 18 as shown on said plat, thence leaving said Avenue and binding on said division line and the northeastern side of said Johnykrake Road 47 degrees 41 minutes 30 seconds east 74.38 feet to the division line between Lots 9, 10 and 11 as shown on said plat at a point distant 74.38 feet north 47 degrees 41 minutes 30 seconds east from the easternmost side of said Johnykrake Road, thence binding on the easternmost side of said Johnykrake Road 47 degrees 41 minutes 30 seconds east 74.38 feet to the easternmost side of said Johnykrake Road, thence binding on the easternmost side of said Road south 32 degrees 55 minutes 30 seconds east

TOGETHER with the right to use in common with others lawfully entitled thereto as a right of way that parcel of land adjoining the above parcel on the northeast and described as follows:

BOUNDING for the same on the northwesternmost side of Jagleside Avenue (40 feet wide) at the division line between Lots No. 17 & 18 as shown on the map of the city of Los Angeles, to-wit: the foresaid, thence bounding on the northwesternmost side of said Avenue north 47 degrees 41 minutes 30 seconds east 40.00 feet to the division line between Lots No. 15 and 16 as shown on said plat, thence running for a line of division north 87 degrees 18 minutes 30 seconds west 56.57 feet to said division line between Lots No. 17 and 18 as shown on said plat, thence running for a line of division north 12 degrees 13 minutes 30 seconds east 40.00 feet to the place of beginning.

DAVID W. DALLAS, JR.
CIVIL ENGINEER
8713 OLD HAINFORD RD. BALTO., MD.
NO. 5-7422

[illegible]

March 23, 1966

STATE OF MARYLAND
 DAVID W. DALLAS, P.E.
 No. 1275
 REGISTERED
 PROFESSIONAL ENGINEER

David W. Dallas
 DAVID W. DALLAS, SR.
 CIVIL ENGINEER
 8713 OLD NARFORD RD. BALTIMORE, MD 21208
 MD 5-7422

REGD NO. for the same on the easternmost side of Johnny Road at a point distant 197.10 feet measured northerly from the northernmost side of Ingdite Avenue (20 feet less) at the division line between Lots No. 6 and 7, said 60.00 feet to be measured easterly from the northernmost side of said road among the Land Records of Baltimore County in Plat Book WFO No. 6, folio 109, thence binding on the easternmost side of said Johnny Road West north 74.36 degrees 41 minutes 30 seconds east 76.36 feet to a point between Lots No. 7 and 8 as shown on said plat, thence leaving said road and binding on a part of said division line north 47 degrees 41 minutes 30 seconds east 60.00 feet to a point on said division line, thence north 18 minutes 30 seconds east 60.00 feet to intersect said division line between said Lots No. 10 and 11, thence binding on a part of said division line north 74.36 degrees 41 minutes 30 seconds west 76.36 feet to the place of beginning.

March 29, 1968

STATE OF MARYLAND
NATIONAL BOARD OF FIRE UNDERWRITERS
REGISTERED
PROFESSIONAL ENGINEER
DAVID W. DALLAS, JR.
CIVIL ENGINEER

RUNNING for a same on the eastern side of Johnnake Road at a point distant 197.10 feet measured northerly from the northeastern side of Ingleside Avenue (40 feet wide) at the division line between Lots No. 6 and 7 as shown on said plat; thence southeasterly along the Land Records of Baltimore County in Plat Book No. 18, page 108, thence binding on the easternmost side of said Johnnake Road north between Lots No. 6 and 7 as shown on said plat; thence southeasterly between Lots No. 7 and 8 as shown on said plat; thence south to the division line between Lots No. 8 and 9 as shown on said plat; thence southeasterly and binding on a part of said division line north 47 degrees 41 minutes 18 seconds west 30 seconds distance running for a line of division south 42 degrees 41 minutes east 30 seconds distance running for a line of division south 18 degrees 18 minutes 30 seconds west 30 seconds distance running for a line between said Lots No. 10 and 11; thence binding on a part of said line north 47 degrees 41 minutes 30 seconds west 3/4 38 feet to the place of beginning.

March 28, 1968

A circular professional engineer seal for the State of Maryland. The outer ring contains the text "STATE OF MARYLAND" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by two stars. The inner circle features the Maryland state coat of arms in the center. Above the coat of arms is the text "DAVID W. DALLAS, JR." and below it is "No. 1076 REGISTRATION". At the bottom of the inner circle, it says "CIVIL ENGINEER". A handwritten signature, "David W. Dallas", is written across the seal. Below the seal, the text "DAVID W. DALLAS, JR." and "CIVIL ENGINEER" are printed. At the very bottom, the address "2715 OLD HARBOR RD. BALTO., MD." and the number "MD 5-7432" are printed.

REGNO DND for the theme at the point formed by the intersection of the northwesternmost side of Ingalls Avenue (40 feet wide) with the easternmost side of Johnnynahs Road said point of beginning being the northwestern corner of the lot owned by the late Mrs. J. M. Ingalls, known as the Ingalls Manor as filed among the Land Records of Baltimore County in Plat Book WPC No. 5 folio 109, thence binding on the northwesternmost side of said road south 47 degrees 41 minutes 30 seconds west 74.38 feet to the division line between Lots No. 17 and 18 as shown on said plat, thence leaving said Avenue and binding on said division line and the northwestern corner of the lot owned by the late Mrs. J. M. Ingalls, known as the Ingalls Manor as filed among the Land Records of Baltimore County in Plat Book WPC No. 5 folio 109, to intersect the division line between Lots No. 9 and 10 as shown on said plat at a point distant 74.38 feet north 47 degrees 41 minutes 30 seconds east from the northwestern corner of the lot owned by the late Mrs. J. M. Ingalls, known as the Ingalls Manor as filed among the Land Records of Baltimore County in Plat Book WPC No. 5 folio 109, thence said division line south 47 degrees 41 minutes 30 seconds west 74.38 feet to the easternmost side of said Johnnynahs Road, thence binding on the easternmost side of said Road south 47 degrees 55 minutes 30 seconds east 74.38 feet to the point of beginning.

MOOREHEAD with the right-to-use in common with others lawfully entitled thereto as a right of way that parcel of land adjoining the above parcel on the northeast and described as follows:

BEGINNING for the same on the northeasterlymost side of Ingleside Avenue (40 feet wide) at the division line between Lots No. 17 and 18 as shown on said plat, thence running for a line of division north 43 degrees 18 minutes 30 seconds west 40.00 feet to the division line between Lots No. 15 and 16 as shown on said plat, thence running for a line of division north 18 degrees 18 minutes 30 seconds west 56.37 feet to said division line between Lots No. 17 and 18 thence running for a line of division north 43 degrees 18 minutes 30 seconds west 40.00 feet to the place of beginning.

DAVID W. DALLAS, JR.
CIVIL ENGINEER
8712 OLD HAYFORD BL. DALLAS, TX. 75243
NO 5-2162



WAGNO DINO for the time on the easternmost side of Johnnykay Road at a point distant 126.6 feet measured northerly from the northwesternmost side of Ingalls Avenue (40 feet wide) at the intersection of Hlook 13, Catonsville Manor as filled in by the Land Records of Baltimore County in Plat book WPC No. 6. Fello 109 said point 1/2 mile to the division line between said division line and the line between said division line and Johnnykay Road north 32 degrees 55 minutes 30 seconds west 30.41 feet to the division line between said division line and Lot 10 as shown on said plat, thence leaving said point 32 degrees 55 minutes 30 seconds west 76.38 feet, thence running for a line of division north 42 degrees 18 minutes 30 seconds east 30.30 feet to said division line between H. and Ned Zoning thence leaving said point 32 degrees 55 minutes 30 seconds west 76.38 feet to the place of beginning.

March 23, 1965



STATE OF MARYLAND
 ENGINEERING BOARD
 REGISTERED
 PROFESSIONAL ENGINEER
 No. 3978

David W. Dallas
 DAVID W. DALLAS, JR.
 CIVIL ENGINEER
 8713 OLD HANOVER RD. BALTIMORE, MD. 21234
 NO 5-7822

BRD NUNO for the same on the easternmost side of Johnnykade Road at a point distant 126.69 feet measured northerly from the north-easternmost side of Ingleside Avenue (40 feet wide) at the intersection of the same with the easternmost side of Block 13, Catonsville. "Asor as filed among the Land Records of Baltimore County in Plat Book No. No. 6 folio 109 said point being on the division line between the north-easternmost side of Block 13, Catonsville and the north-easternmost side of Block 14, Catonsville. The distance from the north-easternmost side of Block 13, Catonsville to the division line between the north-easternmost side of Block 13, Catonsville and the north-easternmost side of Block 14, Catonsville is 55 minutes 30 seconds west 30.41 feet to the division line between said lots No. 11 and lot 10 as shown on said plat, thence leaving said road and said division line and dividing line between the north-easternmost side of Block 13, Catonsville and the north-easternmost side of Block 14, Catonsville, thence running for a line of division north 42 degrees 18 minutes 30 seconds east 30.00 feet to said division line between Block 13 and said zoning thence binding on said zoning line for 37 degrees 18 minutes 30 seconds west 30.00 feet to the beginning.

March 28, 1968



STATE OF MARYLAND
 PROFESSIONAL ENGINEER
 No. 1375
 REG. 12/1/80
 DAVID W. DALLAS, JR.
 CIVIL ENGINEER
 8713 OLD NORTON RD. BALTIMORE, MD. 21211
 NO. 5-7427

BEING FOR the same at the point formed by the intersection of the northwesternmost side of Ingleisle Avenue (40 feet wide) with the easternmost side of Johnnyskake Road said point of beginning being the southern corner of the lot owned by the Baltimore County Board of Commissioners, the said corner of the said lot being the same as the corner of the said lot of the said Board of Commissioners as filed among the Land Records of Baltimore County in Plat Book WFC No. 6 folios 159, thence binding on the northwesternmost side of said lot of the said Board of Commissioners, 159 feet 10 inches, then east to the division line between Lots No. 17 and 18 as shown on said plat, thence leaving said Avenue and binding on said division line and the northwestern corner of the lot of the said Board of Commissioners, 159 feet 10 inches to intersect the division line between Lots No. 9 and 10 as shown on said plat at a point distant 74.38 feet north 47 degrees 41 minutes 30 seconds from the point of beginning, then south 47 degrees 41 minutes 30 seconds to the part of said division line between Lots 17 degrees 41 minutes 30 seconds to the easternmost side of said Johnnyskake Road, thence binding on the easternmost side of said Johnnyskake Road, 157.10 feet, then south 47 degrees 55 minutes 30 seconds east 157.10 feet to the place of beginning.

March 23 1960

David W. Dallas, Jr.
DAVID W. DALLAS, JR.
CIVIL ENGINEER
8717 OLP HARRISON RD. BALTO. 34 MD
NO 5-2422



June 6, 1968

Irving Settlement, Esq.
110 E. Lexington Street
Baltimore, Md. 21202

Re: Zoning Case No. 66-23-RX
Edward C. and Carney P. Hayes,
Petitioners

Dear Mr. Settlement:

Enclosed herewith is a copy of the Opinion and Order passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edith T. Elsenhart, Secretary

Encl.

cc: Johnson Davis, Esq.
Mr. P. T. Lammson
Mr. Herman Gorschboth
Mr. Richard M. Henry
Mr. Lloyd E. Wagner
Mr. William O. Bunnell
Mr. S. A. Talbot
Mr. John G. Rose
Mr. George E. Gorrall
Board of Education

July 30, 1965

Mr. Edward C. Hayes,
1225 N. Rolling Road,
Baltimore, Maryland 21207

Re: Petition for Reclassification
from R-6 Zone to B-L Zone -
NE/S Johnnycake Road 241' u/w
Ingleside Ave., 1st District,
Edward C. Hayes and Carney P.
Hayes, Petitioners -
Secomy Mobil Oil Co., Cont. Pur.
No. 66-23-RX

Dear Mr. Hayes:

I have today passed my Order in the above matter in accordance with the attached copy of said Order.

Very truly yours,

Zoning Commissioner

cc: Irving Settlement, Esq.,
110 E. Lexington St.,
Baltimore, Maryland 21202

Rascom Land Leasing Corp.,
1029 St. Paul St.,
Baltimore, Maryland 21202

Mr. Herman Gorschboth,
Westview Park Civic & Imp. Ass'n.,
520 Fordwood Circle,
Catonsville, Maryland 21228

Mr. Dennis B. Smith,
5906 Johnnycake Road,
Baltimore, Maryland 21228

Mr. Richard H. Henry, Pres.,
Westview Park Civic & Imp. Ass'n.,
507 Prosswood Road, Balto. 28, Md.

Mr. Lloyd E. Wagner,
5906 Johnnycake Road,
Baltimore, Maryland 21228

MICROFILMED

July 23, 1969

Mr. James H. Norris, Jr., Chief Deputy
Court of Appeals of Maryland
Annapolis, Maryland 21404

Re: 3/233/4012 - Dennis Smith, et al vs.
Edward C. and Carney P. Hayes

Dear Mr. Norris:

Please forward to this office a copy of the opinion in the above entitled case when it is filed by the Court of Appeals. We would appreciate it if you would note our request in your file on this case. Thank you.

Very truly yours,

Edith T. Elsenhart, Secretary

August 13, 1965

No. 66-23-RX -- Edward P. Hayes and Carney P. Hayes

Petition, description of property, Order of Zoning Commissioner
Plat marked Exhibit 'A'

Certificate of posting

Certificates of advertisement

Letter of protest from Westview Park Civic & Imp. Ass'n.

Comments of Office of Planning

Order of Appeal

Photogrammetric map

Plats filed with petition

Plats - Exhibits 'A' and 'B' - to follow

Edw. C. Hayes, petitioner

1225 N. Rolling Road,
Baltimore, Maryland 21207

Rascom Land Leasing Corp., protestant

Mr. P. T. Lammson, Pres.,
1029 St. Paul St., Balto., Md.
21202

Mr. Herman Gorschboth, "

Westview Park Civic & Imp. Ass'n.,
520 Fordwood Circle,
Catonsville, Maryland 21228

Mr. Dennis B. Smith, "

5906 Johnnycake Road,
Baltimore, Maryland 21228

Mr. Richard H. Henry, Pres., "

Westview Park Civic & Imp. Ass'n.,
507 Prosswood Road, Balto. 28, Md.

Mr. Lloyd E. Wagner, "

5906 Johnnycake Road,
Baltimore, Maryland 21228

Mr. William O. Bunnell, Contract purchaser

1501 Charmwin Road,
Lutherville, Maryland 21093

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 2, 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 each week, a time, successive weeks before the 21st day of July, 1965, the first publication appearing on the 2nd of July, 1965.

THE JEFFERSONIAN

H. Frank Smith
Manager.

Cost of Advertisement, \$.....

MICROFILMED

July 20, 1965

Secomy Mobil Oil Company
1501 Charmwin Road
Lutherville, Md. 21093

Re: Petition for Reclassification &
Special Exception for Edward P. Hayes
#66-23-RX

Gentlemen:

This is to advise you that \$66.50 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson, Room 121, County Office Building, before the hearing.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR:BA

MICROFILMED

Mobil
Mobil Oil Company
A Division of Exxon Mobil Oil Company, Inc.
2845 AIRFIELD ROAD, BALTIMORE 28, MD.

August 10, 1965

Mr. John G. Rose
Zoning Commissioner of Baltimore County
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland

SE-121 JOHNNYCAKE & INGLESIDE
File #63-23-RX

Dear Mr. Rose:

Attached is our plot plan in request of special exception for parking at subject location in accordance with Special Regulation 409.4g of Baltimore County Zoning Regulations.

We have left a plot plan with Mr. Hauswald of the Planning Department which he agreed to stamp and exchange with you upon request.

Yours truly,
Stuart A. Talbot, Inc.
Stuart A. Talbot
Real Estate Representative

SAT:mw

MICROFILMED

ROCHLIN AND SETTLEMAN
ATTORNEYS AT LAW
110 E. LEXINGTON STREET
BALTIMORE, MD. 21202
August 12, 1965

HERBERT ROCHLIN
IRVING SETTLEMAN
PAUL R. ROCHLIN

John G. Rose, Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland, 21204

Re: Petition for Reclassification
from R-6 Zone to B-L Zone -
NE/S Johnnycake Road 241' u/w
Ingleside Ave., 1st District,
Edward C. Hayes and Carney P.
Hayes, Petitioners -
Secomy Mobil Oil Co., Cont. Pur.
No. 66-23-RX

Dear Commissioner Rose:

With regard to the above entitled matter, I would appreciate your entering an appeal from your order dated July 30, 1965 in behalf of my client, Dennis B. Smith, 5906 Johnnycake Road, Baltimore, Maryland, 21228.

Enclosed please find a check in the amount of \$75.00 to cover the cost of this appeal.

Please advise me that the appeal has been entered.

Thank you for your cooperation in this matter.

Very truly yours,

ROCHLIN AND SETTLEMAN

By: *Irving Settlement*
Irving Settlement

TS/dv
Encl.
cc: Mr. Dennis B. Smith
5906 Johnnycake Road - 28

MICROFILMED

HERBERT ROCHLIN
IRVING SETTLEMAN
PAUL R. ROCHLIN
DONALD R. HART

ROCHLIN AND SETTLEMAN
ATTORNEYS AT LAW
SUITE 300
110 E. LEXINGTON STREET
BALTIMORE, MD. 21202

LEXINGTON 9-3070

July 12, 1968

County Board of Appeals
300 County Office Building
111 West Chesapeake Avenue
Baltimore, Maryland 21204

Re: Edward F. Hayes
File No. 66-23-RX

Gentlemen:

In reply to your letter of July 11, 1968 enclosed please find copy of Petition together with my check to the order of Baltimore County, Maryland in the amount of \$15.00 to cover the cost of certifying documents.

I would appreciate your advising me of the cost of the transcript as soon as possible in order that I may pay same.

Thank you for your kind cooperation.

Very truly yours,

ROCHLIN AND SETTLEMAN

By: *Irving Settleman*
Irving Settleman

IS:eb
Enclosures

Rec'd 7/15/68
9:30 a.m.

HERBERT ROCHLIN
IRVING SETTLEMAN
PAUL R. ROCHLIN

ROCHLIN AND SETTLEMAN
ATTORNEYS AT LAW
SUITE 300
110 E. LEXINGTON STREET
BALTIMORE, MD. 21202

August 18, 1965



John G. Rose, Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland, 21204

Re: Petition for Reclassification
from R-6 Zone to B-1 Zone -
NE/S Johnnycake Road 243' N/W
Ingleside Ave., 1st District.
Edward C. Hayes and Carney P.
Hayes, Petitioners -
Socony Mobile Oil Co., Cont. Pur.
No. 66-23-RX

Dear Commissioner Rose:

With regard to the above entitled matter, I would appreciate your noting an appeal from your Amended Order dated August 17, 1965, as well as the appeal previously requested to the original Order dated July 30, 1965.

Thank you for your cooperation in this matter.

Very truly yours,

ROCHLIN AND SETTLEMAN

By: *Irving Settleman*
Irving Settleman

IS/dv

Baltimore County, Maryland
DEPARTMENT OF PERMITS AND LICENSES
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND
TELEPHONE VA 3-3000 - EXT. 537

WALTER J. RAMMENSEN
DIRECTOR
GEORGE L. ELPHIN
ASSISTANT DIRECTOR

August 26, 1964

Westview Park Civic Improvement Assn.,
Mr. Henry, President,
907 Frestwood Road,
Baltimore, Maryland 21228

Zoning violation case 2V-64-748

Dear Mr. Henry:

On August 21st you telephoned and advised that the operators of the Mobil Gas Station located at Johnnycake Road and Ingleside Avenue were repairing the roads after 11 P. M. on Friday, Saturday and Sunday evenings; also revving of motors late at night which in turn disturbed nearby residents.

I am pleased to report that after the operators were advised of the zoning violation, and to cease immediately, I was notified by my inspector that they will comply with our order.

Very truly yours,

Walter J. Rammensen
DIRECTOR

WJR:la

Westview
Park
IMPROVEMENT & CIVIC ASSOCIATION, INC.
PO BOX 385 CATONSVILLE, MD. MARYLAND

July 20, 1965

Mr. John G. Rose, Zoning Commissioner
Baltimore County Office of Planning & Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Rose:

This letter concerns Zoning Case Number 66-23RX, a petition by Edward P. and Carney P. Hayes for reclassification of one lot of R-6 to Business Local with a special exception for a gasoline station usage.

This Association, by resolution at a meeting of its Board of Governors on July 13, 1965, records its opposition to the above petition. We wish to respectfully call your attention to the following facts:

1. The property in question was purchased and set erroneously zoned R-6 by the adoption of the Western Area Zoning Map through amended Bill No. 171 of the 1965 County Council session on November 16, 1963.
2. There has been no significant change in the character of this neighborhood, except perhaps a slight improvement in the maintenance of certain nearby commercial properties.
3. The granting of this petition would be a good example of spot zoning as we understand the term, leading to the likelihood of subsequent petitions (leading to this change as justification) for further changes along Johnnycake Road in a Northwesterly direction.
4. It is understood that the intention of this petition is to permit expansion of the existing service station on the adjacent property. If so, your attention is directed to the several informal complaints-unanimating in formal complaint 2V-64-748 - regarding the nuisance that the service station creates in the neighborhood. Since the receipt of Mr. Rammensen's letter of August 26, 1964, it has been reported that there were further similar violations.

Westview
Park

IMPROVEMENT & CIVIC ASSOCIATION, INC.
PO BOX 385 CATONSVILLE, MD. MARYLAND

4. This Association is in favor of expansion by well-run commercial interests within the limits of zoning, health and other regulations. There appears to be the possibility of expanding the subject service station in the presently zoned R-6 along Ingleside Avenue.

6. While of only academic interest, at least one service station in the immediate area has been vacant for many months and as you know there are no less than 16 service stations in operation within a one mile radius of the subject property.

On the basis of the foregoing facts we urge you to deny the subject petition.

Very truly yours,

Richard M. Henry
Richard M. Henry
President

RM/hb

cc: Mr. Irvin Settleman, Esq.

cc: Mr. Herman Gorschboth, Chairman, Zoning Committee

June 6, 1968

Irving Settleman, Esq.
110 E. Lexington Street
Baltimore, Md. 21202

Re: Zoning Case No. 66-23-RX
Edward C. and Carney P. Hayes,
Petitioners

Dear Mr. Settleman:

Enclosed herewith is a copy of the Opinion and Order passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edith T. Isenhardt
Edith T. Isenhardt, Secretary

Encl.

cc: Johnson Bowie, Esq.
Mr. P. T. Lemmon
Mr. Herman Gorschboth
Mr. Richard M. Henry
Mr. Lloyd E. Wagner
Mr. William O. Bunnell
Mr. S. A. Talbot
Mr. John G. Rose
Mr. George E. Govrelli
Board of Education

MICROFILMED

August 13, 1965

Mr. Edward C. Hayes,
1225 North Rolling Road,
Baltimore, Maryland 21207

Re: Petition for Reclassification
R-6 Zone to B-1 Zone - SE/S
Johnnycake Road 243' N/W of
Ingleside Ave., 1st District -
Edward C. Hayes, and Carney P.
Hayes, Petitioners - Socony Mobil
Oil Co., Cont. Pacht Purchaser,
No. 66-23-RX

Dear Mr. Hayes:

Please be advised that an appeal has been filed by counsel on behalf of protestants from the decision of the Zoning Commissioner rendered in the above matter.

You will be duly notified of the date and time of appeal hearing when scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

cc: Rescon Land Leasing Corp.,
1029 St. Paul St.,
Baltimore, Maryland 21207

Mr. Herman Gorschboth,
Westview Park Civic & Imp. Ass'n.,
920 Frestwood Circle,
Catonsville, Maryland 21228

Mr. Dennis B. Smith,
5906 Johnnycake Road,
Baltimore, Maryland 21228

Mr. Richard M. Henry, Pres.,
Westview Park Imp. & Civic Ass'n.,
907 Frestwood Road, Balto. 28, Md.

Mr. Lloyd E. Wagner,
5906 Johnnycake Road
Baltimore, Maryland 21228

Mr. William O. Bunnell,
1501 Charmuth Road,
Lutherville, Maryland 21093

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
VA. 3-3000

August 13, 1965

George F. Gorschboth,
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

Mr. Edward C. Hayes,
1225 North Rolling Road,
Baltimore, Maryland 21207

Re: Petition for Reclassification
R-6 Zone to B-1 Zone - SE/S
Johnnycake Road 243' N/W of
Ingleside Ave., 1st District -
Edward C. Hayes, and Carney P.
Hayes, Petitioners - Socony Mobil
Oil Co., Cont. Pacht Purchaser,
No. 66-23-RX

Dear Mr. Hayes:

Please be advised that an appeal has been filed by counsel on behalf of protestants from the decision of the Zoning Commissioner rendered in the above matter.

You will be duly notified of the date and time of appeal hearing when scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

cc: Rescon Land Leasing Corp.,
1029 St. Paul St.,
Baltimore, Maryland 21207

Mr. Herman Gorschboth,
Westview Park Civic & Imp. Ass'n.,
920 Frestwood Circle,
Catonsville, Maryland 21228

Mr. Dennis B. Smith,
5906 Johnnycake Road,
Baltimore, Maryland 21228

Mr. Richard M. Henry, Pres.,
Westview Park Imp. & Civic Ass'n.,
907 Frestwood Road, Balto. 28, Md.

Mr. Lloyd E. Wagner,
5906 Johnnycake Road
Baltimore, Maryland 21228

Mr. William O. Bunnell,
1501 Charmuth Road,
Lutherville, Maryland 21093

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY CLERK
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204GEORGE E. DAYKIN
DIRECTOR
JAMES G. ROSE
ZONING COMMISSIONER

August 17, 1965

Messrs. Rochlin & Sattelman,
110 E. Lexington St.,
Baltimore, Maryland 21202

Att. Irving Sattelman, Esq.

Re: Petition for Reclassification
and Special Exception - NE/4
Johnnycake Road 243' N/4 of
Ingleside Ave., 1st Dist.
Edw. C. Hayes, et al., Petitioners
Shoony Mobil Oil Co., Cont. Fur.
No. 66-23-RX

Dear Mr. Sattelman:

A copy of the Assessed Order in the above matter
is enclosed.
If it is your desire to appeal this portion of
the Order please send me a letter so indicating. No additional fee is
necessary.I would appreciate hearing from you by return
mail as I am desirous of forwarding this matter to the Baltimore County
Board of Appeals.

Very truly yours

Zoning Commissioner

cc: Mr. Edward C. Hayes,
1225 N. Rolling Road,
Baltimore, Maryland 21207Rescon Land Leasing Corp.,
1029 St. Paul St.,
Baltimore, Maryland 21207Mr. Herman Gerschowitz,
920 Forewood Circle
Lutonsville, Maryland 21228Mr. Richard M. Henry,
907 Forestwood Road,
Baltimore, Maryland 21228Mr. Lloyd E. Wagner,
5906 Johnnycake Road,
Baltimore, Maryland 21228

MICROFILMED

HERBERT ROCHLIN
IRVING SATTELMAN
PAUL B. ROCHLINROCHLIN AND SATTELMAN
ATTORNEYS AT LAW110 E. LEXINGTON STREET
BALTIMORE, MD. 21202
August 12, 1965John G. Rose, Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland, 21204Re: Petition for Reclassification
from R-6 Zone to B-1 Zone -
NE/4 Johnnycake Road 243' N/4 of
Ingleside Ave., 1st District.
Edward C. Hayes and Carney P. Hayes,
Petitioners -
Shoony Mobil Oil Co., Cont. Fur.
No. 66-23-RX

Dear Commissioner Rose:

With regard to the above entitled matter, I would
appreciate your entering an appeal from your Order dated
July 10, 1965 in behalf of my client, Dennis B. Smith, 5906
Johnnycake Road, Baltimore, Maryland, 21228.Enclosed please find a check in the amount of \$75.00
to cover the cost of this appeal.

Please advise me that the appeal has been entered.

Thank you for your cooperation in this matter.

Very truly yours,

ROCHLIN AND SATTELMAN

By: Irving Sattelman

IS/dw
Encl.cc: Mr. Dennis B. Smith
5906 Johnnycake Road - 28

MICROFILMED

June 28, 1965

Mr. W. A. Russell
1501 Chermuth Road
Lutherville, Md. 21093

NOTICE OF HEARING

Re: Petition for Reclassification & Special Exception for
Edward P. Hayes and Carney P. Hayes
#66-23-RX

TIME

1:00 P.M.

DATE

Wednesday, July 21, 1965

PLACE ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue,
Towson, MarylandZONING COMMISSIONER OF
BALTIMORE COUNTY

MICROFILMED

H66-23-RX
MAP
2-B
WESTERN
AREACERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: Sept 4, 1965

Posted for: Appeal

Petitioner: Edward P. Hayes

Location of property: NE/4 Johnnycake Rd. 243' N/4 of Ingleside Ave.

Location of Signs: NE/4 Johnnycake Rd. 243' N/4 of Ingleside Ave.

Remarks: J. Rose

Posted by: J. Rose Signature Date of return: Sept 9, 1965

1 sign

RE: PETITION FOR RECLASSIFICATION
From R-6 Zone to B-1 Zone -
Special Exception for Filling
Station - NE/4 Johnnycake
Road 243' N/4 Ingleside Ave.,
1st Dist., Edward P. Hayes and
Carney P. Hayes, PetitionersBEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 66-23-RXRE: PETITION FOR RECLASSIFICATION
From R-6 Zone to B-1 Zone -
Special Exception for Filling
Station - NE/4 Johnnycake Road
243' N/4 Ingleside Ave., 1st Dist.,
Edward P. Hayes, et al.,
Petitioners -
Shoony Mobil Oil Co., Cont. Fur.
No. 66-23-RX

ANNOUNCED ORDER

That portion of the petitioners' plat, marked Exhibit "B"
attached hereto and made a part hereof, dated February 2, 1965 and
revised August 9, 1965 and approved by the Office of Planning on August
12, 1965, for a use permit for parking is hereby granted, subject to the
followings:

1. That no signs of any kind may be erected or placed on the
subject property so outlined;
2. That the property may not be used for the storage of
materials of any kind for any period of time whatsoever;
3. No wrecked vehicles of any type may be stored on the property;
4. Vehicles may be parked on this property only while awaiting
for service or repairs as set forth in section 465.3 of the
Baltimore County Zoning Regulations, which provides as follows:
"Repairs - Only minor and emergency repairs and customary
services such as fire and chain service are permitted out-
side of a building. Body or fender repairs or repainting
shall not be considered as emergency repairs, and in no
case shall work be done outside which involves considerable
noise, dust, paint or lacquer spray mist, or other objec-
tionable characteristics."
5. Screening as required on the site plan must be in place
before any use is made of the parking site.

Date: August 17, 1965

and is granted from and after the date of this Order

The site plan for the development of said property is subject
to approval of the Bureau of Public Services and the Office of Planning
and Zoning, and, further, subject to compliance with plan marked Exhibit "A"
attached hereto and made a part hereof.J. Rose
Zoning Commissioner of
Baltimore CountyThe petitioners in the above entitled matter have requested
reclassification of property, from an R-6 Zone to a B-1 Zone, on the
northeast side of Johnnycake Road 243 feet northwest of Ingleside
Avenue, in the First District of Baltimore County, and a special
exception for a Filling Station.Testimony at the hearing indicated that the petitioners
proved an error in the zoning of the subject property, so that the
reclassification IN PART should be granted.The petitioners have met all requirements of Section 502.1
of the Baltimore County Zoning Regulations and the special exception
should be granted.For the above reasons the reclassification of the property,
IN PART should be had, as described below, and the special exception
should be granted.BEGINNING for the same on the northeast side of Johnnycake
Road, as shown on plat of Catonsville Manor, M.P.C. No. 6409, said
point of beginning being 305 feet, more or less, northwesterly from the
intersection of the paving and proposed widening line of Ingleside Avenue
and Johnnycake Road, the beginning being on the northeasterly side of
Johnnycake Road and the division line of lots Nos. 7 and 8, as shown on
plat of Catonsville Manor above mentioned, thence running with and binding
on the northeasterly side of Johnnycake Road, South 26 degrees 17 minutes
East 30 feet, to the southeast corner of lot No. 21, thence leaving
Johnnycake Road and running and binding on the southeasterly line of lot
Nos. 21, North 53 degrees, 50 minutes East 71.00 feet to the northeasterly
lot corner of lot No. 19 as shown on above plat, thence by a line of
division through lots Nos. 11, 10, 9 and 8, North 36 degrees, 10 minutes
West 19.00 feet to a point, thence running in a southerly direction
67.00 feet to the place of beginning.It is this day of July, 1965, by the Zoning
Commissioner of Baltimore County, ORDERED that the above described
property or area should be and the same is reclassified from an R-6 Zone
to a B-1 Zone and a special exception for a filling station should beJune 23, 1965
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204Mr. Edward P. Hayes
1225 N. Rolling Road
Baltimore, Maryland 21207SUBJECT: Reclassification from R-6 to B-1
and Special Exception for a
filling station for Edward P.
Hayes, et al., located on the NE/4
Johnnycake Road, 243' NW of
Ingleside Avenue, 1st District
(Item 5 June 15, 1965)The Zoning Advisory Committee has reviewed the subject petition and makes
the following comments.BUREAU OF TRAFFIC ENGINEERING: In the event that the zoning request is granted, the
location of entrances should be made subject to the approval of this bureau.OFFICE OF PLANNING AND ZONING: The Project Planning Division of this office will
review the site plan and submit any necessary comments at a later date.

BUREAU OF ENGINEERING:

SEWER - Installing 12" sewer in both Ingleside Avenue and Johnnycake Road.

WATER - Installing 12" water in both Ingleside Avenue and Johnnycake Road.

Adequacy of existing utilities to be determined by developer or his engineer.
Road - Ingleside Avenue is an existing improved road to which no further improvements
are required. Johnnycake Road is to be developed as a minimum 42 ft. curb and gutter
road on a 60 ft. right of way.The above comments are not intended to indicate the appropriateness of the
zoning action requested, but to assure that all parties are made aware of the plans or
problems that may have a bearing on this case. The Director and/or the Deputy
Director of the Office of Planning and Zoning will submit recommendations on the
appropriateness of the requested zoning 10 days before the Zoning Commission's
hearing.

The following members had no comment to offer:

State Roads Commission
Board of Education
Health Department
Industrial Development
Buildings Department
Fire Bureau-Plans Reviewcc: Shoony Mobil Oil Company, Inc.
William A. Russell
1501 Chermuth Road
Lutherville, Maryland 21093
Richard Moore-Bureau of Traffic Engineering
Albert Quibby-Office of Planning and Zoning
Gayle Brown-Town of Engineering

Very truly yours,

James S. Rose
Zoning Commissioner
Permit to Petition Process

MICROFILMED

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to a B.L. zone,
SPECIAL EXCEPTION for a filling
station, USE PERMIT for parking
in a residential zone, and a
C.N.S. DISTRICT
NE/S Johnnycake Road 243' NW
of Ingleside Avenue,
1st District
Edward C. and Carney P. Hayes,
Petitioners
Mobil Oil Corporation,
Contract Purchasers

APPEAL

Mr. Clerk:
Please enter an appeal from the decision of the
County Board of Appeals of Baltimore County, No. 66-23-RX dated
June 7, 1968.

IRVING BUTLERMAN
110 East Lexington Street
Baltimore, Maryland 21202
339-3070
Attorney for Protestants

Rec'd 7/5/68
10 a.m.

- 4 -

Edward C. and Carney P. Hayes - #66-23-RX

be below the requirement as set out in Section 405.4A1 of Bill #40.

Considering the above, the Board shall grant the following variance:

3. Variance - Section 405.4A1: To permit a service station site to have an area of 13,512 square feet instead of the required 15,000 square feet

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of June, 1968 by the County Board of Appeals, ORDERED that the reclassification, special exception, C.N.S. District, and use permit for parking in a residential area petitioned for be, and the same are hereby GRANTED, subject to the following restrictions which shall be applicable to the entire site:

1. Only passenger vehicles may park in this area. No buses, trucks, rental trailers, or rental cars may be parked or stored on the site
2. Wrecked vehicles of any type may be stored on the property
3. Vehicles may be parked on this property only while awaiting service or repairs as set forth in Section 405.3 of the Baltimore County Zoning Regulations which provides as follows:

"Repairs - Only minor and emergency repairs and customary services such as fire and chain service are permitted outside of a building. Body or fender repairs or repainting shall not be considered as emergency repairs, and in no case shall work be done outside which involves considerable noise, dust, paint or lacquer spray mist, or other objectionable characteristics."

The area covered by the use permit for parking shall be subject to the following restrictions:

1. That no signs of any kind may be erected or placed on the subject property so outlined
2. That the property may not be used for the storage of materials of any kind for any period of time whatsoever

RE: PETITION FOR RECLASSIFICATION :
from an R-6 zone to a B.L. zone,
SPECIAL EXCEPTION for a filling
station, USE PERMIT for parking
in a residential zone, and a
C.N.S. DISTRICT
NE/S Johnnycake Road 243' NW
of Ingleside Avenue,
1st District
Edward C. and Carney P. Hayes,
Petitioners
Mobil Oil Corporation,
Contract Purchasers

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 66-23-RX

OPINION

This case comes before the Board on an appeal by the protestant from an Order of the Zoning Commissioner which granted a reclassification in part, a special exception for a filling station, and a use permit for parking: said Order being dated July 30, 1965, with an Amended Order dated August 17, 1965. Intervening, were the filling station moratorium and County Council Bill #40 which bill became effective May 8th, 1967. Bill #40 enacts an entirely new set of zoning regulations pertaining to automotive service stations. Considering same, this Board granted the petitioner leave to amend the original application so as to include a request for the granting of a C.N.S. District to implement the requirements of Bill #40.

The subject property is located on the northeast side of Johnnycake Road approximately 243 feet northwest of Ingleside Avenue, in the First Election District of Baltimore County, and contains in toto 17,679 square feet. It is presently improved with a two bay gasoline filling station. The petitioners seek this reclassification, special exception, permit for parking, and C.N.S. District in order to expand the existing facilities to a three bay operation.

The uses surrounding the subject property are as follows: Across Johnnycake Road from the subject property, on the southwest corner, are a federal building and loan association and an office building. A gasoline filling station is now operating on the southeast corner of Johnnycake Road and Ingleside Avenue, while across Ingleside Avenue from the subject there are offices, a restaurant, and a small strip shopping center. Immediately behind the subject site are a tavern and a drive-in type grocery store. Northwest are existing cottages type residences.

Testimony before this Board, including evidence of change within this area, was sufficient to grant the requested petitions as follows:

1. A C.N.S. District shall be granted for that parcel of the subject property as described below:

3. Screening as required on the site plan must be in place before any use is made of the parking site, and said screening shall also be extended entirely along the northwest boundary of the subject site

Also, the variances described in the foregoing Opinion be, and the same are hereby GRANTED. This entire Order is subject to site plan approval by the Department of Planning and Zoning and the Bureau of Public Services.

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

John A. Slowik, Acting Chairman

John A. Miller

Walter A. Reiter, Jr.

- 2 -

Edward C. and Carney P. Hayes - #66-23-RX

BEGINNING for the same at the point formed by the intersection of the northwesternmost side of Ingleside Avenue (40 feet wide) with the easternmost side of Johnnycake Road said point of beginning being the southwesternmost corner of Lot No. 21 as shown on the plat of Block 13 Catonsville Manor as filed among the Land Records of Baltimore County in Plat Book WPC No. 6 folio 109, thence binding on the northwesternmost side of said Ingleside Avenue north 47 degrees 41 minutes 30 seconds east 100.00 feet to the division line between Lots No. 17 and 18 as shown on said plat, thence leaving said Avenue and binding on said division line and the northwestern projection thereof north 42 degrees 18 minutes 30 seconds west 155.00 feet to intersect the division line between Lots No. 9 and 10 as shown on said plat at a point distant 74.38 feet north 47 degrees 41 minutes 30 seconds east from the easternmost side of said Johnnycake Road, thence binding on a part of said division line south 47 degrees 41 minutes 30 seconds west 74.38 feet to the easternmost side of said Johnnycake Road, thence binding on the easternmost side of said Road south 32 degrees 55 minutes 30 seconds east 157.10 feet to the place of beginning.

CONTAINING 0.3102 acres of land more or less.

TOGETHER with the right to use in common with others lawfully entitled thereto as a right of way that parcel of land adjoining the above parcel on the northeast and described as follows:

BEGINNING for the same on the northwesternmost side of Ingleside Avenue (40 feet wide) at the division line between Lots No. 17 and 18 as shown on said plat of Catonsville Manor, filed as aforesaid, thence binding on the northwesternmost side of said Avenue north 47 degrees 41 minutes 30 seconds east 40.00 feet to the division line between Lots No. 15 and 16 as shown on said plat, thence running for a line of division north 87 degrees 18 minutes 30 seconds west 56.57 feet to said division line between Lots No. 17 and 18 thence binding on said division line south 42 degrees 18 minutes 30 seconds east 40.06 feet to the place of beginning.

2. A reclassification from an R-6 zone to a B.L. zone, together with the requested special exception for an automotive service station, and a C.N.S. District as required in Bill #40, shall be granted for that parcel of the subject property as described below:

BEGINNING for the same on the easternmost side of Johnnycake Road at a point distant 26.69 feet measured northerly from the northwesternmost side of Ingleside Avenue (40 feet wide) and at the division line between Lots No. 11 and 21 as shown on the plat of Block 13 Catonsville Manor as filed among the Land Records of Baltimore County in Plat Book WPC No. 6 folio 109 said point being on the division line between BL and R-6 Zoning, thence binding on the easternmost side of said Johnnycake Road north 32 degrees 55 minutes 30 seconds west 30.41 feet to the division line between said Lot No. 11 and Lot 10 as shown on said plat, thence leaving said road and binding on said division line north 47 degrees 41 minutes 30 seconds east 74.38 feet, thence running for a line of division south 42 degrees 18 minutes 30 seconds east 30.00 feet to said division line between BL and R-6 Zoning thence binding on said zoning line south 47 degrees 41 minutes 30 seconds west 79.34 feet to the place of beginning.

CONTAINING 0.0529 acres of land more or less.

- 3 -

Edward C. and Carney P. Hayes - #66-23-RX

3. A use permit for parking in the existing R-6 zone shall be granted for that parcel of the subject property as described below:

BEGINNING for the same on the easternmost side of Johnnycake Road at a point distant 157.10 feet measured northerly from the northwesternmost side of Ingleside Avenue (40 feet wide) at the division line between Lots No. 10 and 11 as shown on the plat of Block 13 Catonsville Manor as filed among the Land Records of Baltimore County in Plat Book WPC No. 6 folio 109 thence binding on the easternmost side of said Johnnycake Road north 32 degrees 55 minutes 30 seconds west 60.81 feet to the division line between Lots No. 7 and 8 as shown on said plat, thence leaving said road and binding on a part of said division line north 47 degrees 41 minutes 30 seconds east 64.46 feet, thence running for a line of division south 42 degrees 18 minutes 30 seconds east 60.00 feet to intersect said division line between said Lots No. 10 and 11, thence binding on a part of said line south 47 degrees 41 minutes 30 seconds west 74.38 feet to the place of beginning.

CONTAINING 0.0956 acres of land more or less.

Restrictions applicable to this Opinion are cited in the Order set out below.

As an existing automotive service station is now operating on the subject property, it is the judgment of this Board that it would be an unreasonable hardship upon the petitioner to force his strict compliance with Sections 405.4A3a and 405.4A2a. Therefore, the following variances shall be granted:

1. Variance - Section 405.4A3a: To permit a curb tangent length to 0 feet for entrances located at the intersection of Johnnycake and Ingleside Avenue
2. Variance - Section 405.4A2a: To permit an existing sign to setback 1 foot from property line instead of the required 6 feet

It is the intent of this Board to prevent further extension of any commercial usage on Johnnycake Road northwesterly of the subject property; hence, the requested B.L. zoning will be denied upon that parcel of presently zoned R-6 land heretofore described (i.e., that parcel of existing R-6 land upon which, by Section 3 of this Order, a use permit for parking shall be granted). As previously mentioned, the subject property together with the existing station totals more than 15,000 square feet. However, by partially denying the B.L. requested and maintaining the parcel of R-6 land upon which the use permit for parking shall be granted, this Board thereby reduces the area within the B.L. zoning and the C.N.S. District to 13,512 square feet, which would

RE: PETITION FOR RECLASSIFICATION :
from an R-6 zone to a B.L. zone,
SPECIAL EXCEPTION for a filling
station, USE PERMIT for parking
in a residential zone, and a
C.N.S. DISTRICT
NE/S Johnnycake Road 243' NW
of Ingleside Avenue,
1st District
Edward C. and Carney P. Hayes,
Petitioners
Mobil Oil Corporation,
Contract Purchasers
Zoning File No. 66-23-RX

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket No. 8

Folio No. 333

File No. 4012

MR. CLERK:

Please file, &c.

Edith T. Eisenhart, Secretary
County Board of Appeals of Baltimore County

Date: July 17, 1965

Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION
from an R-4 zone to a B.L. Zone,
SPECIAL EXCEPTION for a filling
station, USE PERMIT for parking
in a residential zone, and a
C.N.S. DISTRICT
NE/S Johnnyake Road 243' NW
of Ingleside Avenue,
1st District
Edward C. and Carney P. Hayes,
Petitioners
Mobil Oil Corporation,
Contract Purchasers

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 333
File No. 4012

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, John A. Miller and Walter A. Reiser, Jr.,
constituting the County Board of Appeals of Baltimore County, and in answer to the Order
for Appeal directed against them in this case, herewith return this record of proceedings
had in the above entitled matter, consisting of the following certified copies or original
papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 66-23-RX

June 15, 1965 Petition of Edward E. and Carney P. Hayes, and Secony Mobil Oil
Company, Inc. for reclassification from an R-4 zone to a B.L. zone
and for a special exception for a filling station on property located
on the northeast side of Johnnyake Road 243 feet northwest of
Ingleside Avenue, 1st District - filed

July 1 Order of Zoning Commissioner directing advertisement and posting of
property - date of hearing set for July 21, 1965 at 1:00 p.m.

July 8 Certificate of Publication in newspaper - filed

July 21 Certificate of Posting of property - filed

July 21 At 1:00 p.m. hearing held on petition by Zoning Commissioner -
case held sub curia

July 30 Order of Zoning Commissioner granting reclassification and special
exception, subject to compliance with plan marked Exhibit "A"

Aug. 17 Amended Order of Zoning Commissioner granting use permit for parking,
subject to restrictions, in accordance with plan marked Exhibit "B"
approved by the Office of Planning on August 12, 1965

July 13 Order of Appeal to County Board of Appeals from Order of Zoning
Commissioner

July 19 Order of Appeal to County Board of Appeals from Amended Order of
Zoning Commissioner

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Edward E. Hayes and 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 reclassified, pursuant
to the Zoning Law of Baltimore County, from an R-4 zone to an B.L. zone;
and (2) for the following reasons: This neighborhood has
changed and a mistake was made in the original zoning. These premises are
bounded by a service station on one side, a tavern on one side, and by tavern
driveway and Johnnyake Road. The property would be used as a driveway extension on
the existing service station so as to reduce traffic congestion and improve
visibility by raising the existing house built near the street.

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 reclassification 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.

SECURIT MOBIL OIL COMPANY, INC.
By Edward C. Hayes Legal Owner
Real Estate Rep. Contract Purchase Lease
Address 1501 Chermuth Road
Lutherville, Md. 21093
679-5930 Ya 8-6066
Petitioner's Attorney

Carney P. Hayes Legal Owner
Address 1225 N. Rolling Rd
Balt. Md. 21207
Irvin G. Settleman Protestants Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day
of June, 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 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, Baltimore
County, on the 21st day of July, 1965, at 1:00 o'clock
P. M.

Zoning Commissioner of Baltimore County



(over)

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Edward E. Hayes and 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 reclassified, pursuant
to the Zoning Law of Baltimore County, from an R-4 zone to an B.L. zone;
and (2) for the following reasons: This neighborhood has
changed and a mistake was made in the original zoning. These premises are
bounded by a service station on one side, a tavern on one side, and by tavern
driveway and Johnnyake Road. The property would be used as a driveway extension on
the existing service station so as to reduce traffic congestion and improve
visibility by raising the existing house built near the street.

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 gasoline filling station

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification 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.

SECURIT MOBIL OIL COMPANY, INC.
By Edward C. Hayes Legal Owner
Real Estate Rep. Contract Purchase Lease
Address 1501 Chermuth Road
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679-5930 Ya 8-6066
Petitioner's Attorney

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County, on the 21st day of July, 1965, at 1:00 o'clock
P. M.

Zoning Commissioner of Baltimore County



(over)

MICROFILMED

July 5, 1968 66-23-RX

RE: PETITION FOR RECLASSIFICATION
from an R-4 zone to a B.L. zone
SPECIAL EXCEPTION for a filling
station, USE PERMIT for parking in
a residential zone, and a C.N.S.
DISTRICT
NE/S Johnnyake Road 243' NW of
Ingleside Avenue, 1st District
Edward D. and Carney P. Hayes,
Petitioners
Mobil Oil Corporation,
Contract Purchasers

BEFORE THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 333
File No. 4012

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule 1101-8(4) of the Maryland Rules of
Procedure, John A. Slowik, John A. Miller and Walter A. Reiser, Jr., constituting
the County Board of Appeals of Baltimore County, have given notice by mail of the
filing of the appeal to the representative of every party to the proceeding before it,
namely, Johnson Bowles, Esq., Loyola Federal Building, Towson, Maryland, 21204,
Attorney for the Petitioners, and Irving Settleman, Esq., 110 E. Lexington Street,
Baltimore, Maryland, 21202, Attorney for the Protestants, and Mr. P. T. Lemmon,
President, Rescom Land Leasing Corporation, 1029 St. Paul Street, Baltimore, Maryland,
21202, Protestants, a copy of which Notice is attached hereto and prayed that it may be
made a part thereof.

Muriel E. Buddelemer
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
VAlley 3-3000, Ext. 570

I hereby certify that a copy of the foregoing Certificate of Notice has been
mailed to Johnson Bowles, Esq., Loyola Federal Building, Towson, Maryland, 21204,
Attorney for the Petitioners, and Irving Settleman, Esq., 110 E. Lexington Street,
Baltimore, Maryland, 21202, Attorney for the Protestants, and Mr. P. T. Lemmon,
President, Rescom Land Leasing Corporation, 1029 St. Paul Street, Baltimore, Maryland,

ZONING DESCRIPTION
JOHNNYAKE ROAD AND INGLESIDE AVENUE
USE PERMIT FOR PARKING IN R-4 ZONE

3
COPY
BEGINNING for the same on the easternmost corner of Johnnyake Road at
a point distant 197.10 feet measured north-south from the northernmost side
of Ingleside Avenue (40 feet wide) at the division line between lots 10
and 11 as shown on the plat of Block 13 Catonsville Manor as filed
among the Land Records of Baltimore County in Title Book 100 No. 6 folio
109 thence binding on the easternmost side of said Johnnyake Road north
12 degrees 55 minutes 30 seconds west 60.81 feet to the division line be-
tween lots 30, 7 and 8 as shown on said plat, thence leaving said road
30 seconds east 64.46 feet, thence running for a line of division south 42
degrees 18 minutes 30 seconds west 50.00 feet to intersect said division
line between said lots No. 10 and 11, thence binding on a part of said
line south 47 degrees 41 minutes 30 seconds west 74.38 feet to the place
of beginning.

CONTAINING 0.0956 acres of land more or less.



March 28, 1968

RE: PETITION FOR RECLASSIFICATION from an R-6 zone to a B.L. zone, SPECIAL EXCEPTION for a filling station, USE PERMIT for parking in a residential zone, and a C.N.S. DISTRICT NE/S Johnnye Road 243' NW of Ingleside Avenue, 1st District

Edward D. and Carney P. Hayes, Petitioners * Misc. Docket B
Mobil Oil Corporation, * Folio 333
Contract Purchasers

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW CASE NO. 4012

Attorney for Property Owners: Johnson Bowie

Attorney for Protestants: Irving Sottlesman

STATEMENT OF COURT

There is a small automotive-service station on the northeast corner of Ingleside Avenue and Johnnye Road in Catonsville. The service station site presently has an area of 9,190 square feet. The Board of Appeals enlarged the area of the service station site to 13,512 square feet, by changing the zoning classification of a small contiguous area for that purpose, from R-6 zoning to B.L. zoning.

Since the enactment of Bill No. 40, Legislative Session 1967, by the County Council, establishing area standards, the zoning regulations specify that the area of all service stations shall be at least 15,000 square feet.

By granting a variance, the Board of Appeals permitted the expanded site to have an area of 13,512 square feet, instead of the required 15,000 square feet.

on June 7, 1968. The Board would have been in error had it not acted in harmony with the Council action.

The petitioners were given 15 minutes to consider the amendment to the petition, presented at the hearing, requesting the inclusion of the whole site in the C.N.S. district. They claim they were denied due process. Since the amendment did not present a justiciable issue, there was no error in denying a postponement to the protestants.

Protestants do not argue that the Council action of May 9, 1968, placing this property and adjoining properties in a C.N.S. district, was unconstitutional, or that it could not affect protestant's rights in this proceeding.

Protestants have not waived their objections to other portions of the board's order, such as the portion granting a special exception for an adjacent parking area, and the portion granting variances. But as to those other portions, they have not presented arguments different in kind than the arguments presented against the enlargement of the existing service station site. Accordingly, the entire order was a proper exercise of the Board's discretion.

This concludes the court's statement of the basis for its order of May 22, 1969, affirming the decision of the Board of Appeals in the above entitled case.

Dated:

June 5, 1969

Walter R. Halle
JUDGE

Copies mailed to counsel of record.

The enlargement of the service station site was accomplished by changing the zoning of an irregularly shaped piece of property fronting 30.41 feet on the east side of Johnnye Road, with a depth of 74.38 feet on the north side, and 79.34 feet on the south side, and with a rear dimension of 30 feet.

The division line between the B.L. zone and the R-6 zone was moved about 30 feet to the north, away from Ingleside Avenue. The purpose of change was stated by the Board of Appeals to make it possible for the addition of a one-car service bay on the north side of the existing two-bay service station building, thereby expanding the existing facilities to a three-bay operation.

On appeal, the protestants urge this court to reverse the Board, on the ground that its decision was illegal. They charge that it was in direct contradiction to the zoning regulations, laws of the State of Maryland and County of Baltimore.

In open court, the protestants maintained that the petitioners did not prove that the original zoning was erroneous, or that conditions have since changed sufficiently to support, or justify, the zoning change.

The zoning commissioner has custody of the comprehensive zoning map for the western area of the county, which was adopted by the County Council on November 15, 1962. It is called the Western Map and the property described in this proceeding is in District 2-B.

Whenever petitioned to do so, the zoning commissioner has the power to make a change in or reclassification of the use to which a particular piece of property is subject, as shown on the zoning map theretofore adopted by the County Council. Council approval of such a change is no longer required. On appeal from the zoning commissioner to the County Board of Appeals, where the matter is heard de novo, the County Board of Appeals is vested with the same power to make the change which the zoning commissioner had at the original hearing.

The statute omits guidelines or standards. However, the judiciary has established guidelines or standards.

IN RE: PETITION FOR RECLASSIFICATION from an R-6 zone to a B.L. zone, SPECIAL EXCEPTION for a filling station, USE PERMIT for parking in a residential zone, and a C.N.S. DISTRICT NE/S Johnnye Road 243' NW of Ingleside Avenue, 1st District

Edward D. and Carney P. Hayes, * Misc. Docket B
Petitioners * Folio 333
Mobil Oil Corporation, *
Contract Purchasers *

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW CASE NO. 4012

ORDER OF COURT

For reasons to be set out, within 15 days, in a Statement to be filed in the above entitled case, it is this 22nd day of May, 1969,

ORDERED that the decision of the County Board of Appeals of Baltimore County rendered in the above proceedings, on June 7, 1968, is affirmed.

/s/ Walter R. Halle
JUDGE

Copies mailed to counsel of record.

which are binding on the zoning commissioner and the County Board of Appeals.

Before a change can be made in the use to which a particular piece of property is subject, petitioner must prove error in the map or change in conditions surrounding the piece of property. It is called, sometimes, the "change or mistake" rule.

The rule has no application, however, when the petitioner seeks merely to add one room to an existing facility. This can be done by increasing the area of the use within the piece of property on which the business is conducted.

In this case, the use is extended no more than 47%, and no new use is authorized. The existing use is continued, but in an enlarged area.

The zoning commissioner is limited to 25% when extending a non-conforming use. Zoning Regulations 1963, section 104. There is no such limit, when a conforming use is extended. The only limitation is reasonableness.

So the question in this case is whether or not the Board acted within reason. That it had the power to act is clear. Did it act arbitrarily?

Bill 40 established the minimum area for service stations (15,000 square feet). The present facility occupies 9,190 feet which is 39% too small. After extension of the use by the board, to 13,512 square feet, it will be only 10% too small. Potentially, the enlargement is conservative, and reasonable. It is less than was petitioned for. The petitioner sought to enlarge the site to 15,770 square feet.

Mr. Talbot, a witness for the petitioners, testified that they were seeking to enlarge the facility to adequately handle the volume of business at the site. The station had been there since 1955, and had survived competition from three other stations in the vicinity. Mr. Parker, also for the petitioners, testified that they were seeking the enlargement because of a definite need, from the customer's standpoint, of a larger facility to take care of their needs. From the stand-

point of safety, there would be less road hazard for customers driving in and out, because there would be more room. From the standpoint of eye appeal the enlarged facility, with a screened parking area, would be more appealing. From the owner's standpoint, a larger gross and net income would result from the enlargement.

There is substantial evidence in the record to support the enlargement.

For the protestants, there was little evidence in contradiction to the foregoing basic facts. The protestants are interested in eliminating the facility, not in encouraging it to stay in business by upgrading it, and making it more prosperous. They testified it would become a greater nuisance than it now is, and would lead to a general break-down in zoning in the residential neighborhood to the north and west of the station.

The diversity of evidence presented debatable issues which have been resolved equitably and reasonably by the board. This court is not permitted to substitute its judgment for the collective judgment of the three experts on the board. As a matter of fact, if this court were so permitted, in this court's judgment, the public welfare would be best served by permitting the reclassification of the existing facility, thus upgrading it, and thereby upgrading the neighborhood.

Another point made by the protestants is that the Board erred in "granting a C.N.S. District" without meeting statutory requirements.

The Board did grant a C.N.S. District for the original area, and the added area, of the filling station site. However, this action was taken for the purpose of bringing the board's action into harmony with earlier action taken by the County Council. By Bill No. 23, Legislative Session 1968, the property described in this proceeding as well as adjoining properties at and near the intersection of Johnnye Road and Ingleside Avenue were placed in a C.N.S. district. The Council action was taken on May 9, 1968, and the board action was taken

Johnson Bowie, Esq.
22 W. Pennsylvania Avenue
Towson, Maryland 21204

Edward D. Hardisty

Re: Edward C. Hayes, et ux
Case #66-238X

Dear Sirs:

There have been two cases on this property. The first petition #3666 in 1955 was a request for a Special Exception for a gasoline service station and included an area of 126'00"x125'00" at the intersection of Ingleside Avenue and Johnnye Road. This Special Exception was granted by the Zoning Commissioner on November 29, 1955. The service station was subsequently built and utilized.

1.) The second petition #66-238X was for a Reclassification from R6 to BL and a Special Exception for a filling station on lots 8, 9, 10 and 11 on the plot of Catonsville Manor - this was granted on July 30, 1965. On August 17, 1965 an amended order was issued granting a use permit for parking as indicated on Exhibit "B" (no longer a part of this file).

2.) An appeal was taken by the protestants but not heard until 1967 because of the vacation of service stations, and the petitioner petitioned the Board to amend the said petition to conform to the newly passed "Bill 40", which was granted. The petition now is requesting a Reclassification from R6 to BL on lots 8 to 11, and a C.N.S. District on lots 10, 11 and 20. Also, for a Special Exception for an automotive service station. A new description was submitted and refers to Parcel No. 1 and Parcel No. 2. This new description is not stamped by a professional engineer or land surveyor. There is also no reference made to any off street parking in a residential zone on the petition.

The Board, on June 7, 1968 granted a C.N.S. District on lots 10 through 21 and lot 11; a Reclassification from R6 to BL and Special Exception for a service station on lot 11, and off street parking in an R6 zone on lots 8, 9, and 10. (Note it appears to me that this is what the amended order of the Zoning Commissioner intended to do and what was probably shown on Exhibit "B".

Johnson Bowie, Esq.
Re: Edward C. Hayes, et ux
Case #66-238X
Page 2

June 16, 1970

Also, new descriptions were submitted by David W. Dallas in March 1968 describing the C.N.S. districting, the Reclassification and Special Exception area and off street parking area.

3.) The petition was appealed to the Circuit Court for Baltimore County before Judge Walter R. Hall and the Board of Appeals order was upheld on May 22, 1969.

4.) The protestants took a timely appeal to the Court of Appeals and the Court's opinion was laid down by Judge Singler on February 4, 1970. In his opinion he cites the Maryland rule on zoning as laid down in the "Hendrick Construction Company v. Deane 254 Md. 196, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 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Epitaphs

Petitioners —

- ✓ 1. ~~B~~ Board's opinion — #66-119-X — precedent for answering petition
- ✓ 2. Plat of SP — 9-21-67 — removed Plat —
- ✓ 3. " SP — ~~9-21-67~~ — that plat was to Young Commission Case
- ✓ 4. B.C. Bill #40
5. Western Area Map 11/15/62 adopted — showing S/P

Protectant —
✓ A, plate — of 5906 Johnny cake Rd — in 1957
✓ 2 " " " " " "
✓ 3 " " " " " "
✓ B, " " " " 7/13/65
✓ 2 " " " " " "
✓ C, " — chewing outside, pop at 5:15 P — 8/66
✓ 1 " " " " " "
✓ 3 " " " " " " 5/67
✓ 4 " " " " " " 5/67
✓ D, " — Driveway & parking lot to Hayes Town — 10/16/67
✓ 2 " " " " " "
✓ E, affidavit & Resolution from Western Bank Imp Assn
✓ 3 Resolution " " " "



PETITION FOR
 REINSTATEMENT
 AND
 SPECIAL EXEMPTION
 1st DISTRICT
 ZONING: From R-6 to D.L.
 Zone.
 Petition for Special Exemption
 for a Filling Station
 LOCATION: Northeast side
 of Johnnycake Road 243 feet
 Northwest of Haltside
 Avenue.
 DATE/TIME: WEDNESDAY,
 JULY 21, 1965 at 1:00 P.M.
 PUBLIC HEARING: June
 10, County Office Building,
 101 S. Chesapeake Street,
 Towson, Maryland.
 The Zoning Commissioner of
 Baltimore County, by author-
 ization of the Zoning Act and
 Regulations of Baltimore
 County will hold a public
 hearing:
 Present Zoning R-6
 Proposed Zoning R.L.
 Petition for Special Exem-
 ption for a Filling Station.
 All that parcel of land in
 the First District of Bal-
 timore County
 Beginning for the same on
 the northeast side of Johnnycake
 Road and shown on the plat
 Calomeney & Master
 W.P.C., No. G-108, said
 point of beginning being
 243 feet more or less north-
 westerly from the intersection
 of the paving of Haltside
 Avenue and Johnnycake
 Road. The beginning being
 on the northeasterly side of
 Johnnycake Road and C-
 division line of lots 7 and 8
 as shown on plat of Calomeney
 & Master above mentioned,

TEL. BALTIMORE 825-3000 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		No. 32047 DATE 8/13/65
TO: Messrs. Roskila & Seltmann, 110 E. Lexington St., Baltimore, Maryland 21202	BILL TO: 119 County Office Bldg., Towson, Maryland	
DEPOSIT TO ACCOUNT NO. 01-522 SECTION UPPER SECTION AND RETURN WITH YOUR REMITTANCE		TOTAL AMOUNT
QUANTITY Cost of appeal - Edw. C. Hayes, et al No. 66-23-DX	Postage \$70.00 5.00	COST \$75.00
41660 397 0 32047 119-		71.00
MICROFILMED		

TELEPHONE 823-3000		INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COURT HOUSE TOWSON, MARYLAND 21204		No. 32063 DATE 8/23/65	
To: Mobil Oil Company a Division of Economy Mobil Oil Co. P.O. Box 927 Philadelphia, Pa. 19105		BILL TO: Zoning Dept. of Balto. Co.			
DEPOSIT TO ACCOUNT NO. 01-562		CHECK UPPER SECTION AND DETACH WITH YOUR REMITTANCE		TOTAL AMOUNT \$66.19	
QUANTITY		ADVERTISING AND POSTING OF PROPERTY FOR EDWARD P. HOYAS, ET AL 866-23-RX		66.50	
4		MICROFILMED		66.50	
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.					

TELEPHONE 623-3000	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COURT HOUSE TOWSON, MARYLAND 21204	No. 31908 DATE <i>4/28/65</i>
To: <i>Mobil Oil Company</i> <i>3445 Fairfield Road</i> <i>Baltimore 26, Md.</i>	BILLED <i>BY</i> <i>Zoning Dept. of Baltimore County</i>	
DEPOSIT TO ACCOUNT NO. <i>01-522</i>	TOTAL AMOUNT <i>50.00</i>	TOTAL AMOUNT 50.00
QUANTITY	DETAIL UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
4	Petition for Reclassification & Special Valuation for Edward Hayes <i>466-21-X1</i> <i>FILED - Baltimore County Clerk - Office of Records</i> <i>APR 28 1965</i> <i>3 31908 TID-</i> MICROFILMED	50.00
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.		

TELEPHONE 823-3000 EXT. 307	INVOICE	No. 49261
BALTORE COUNTY, MARYLAND		
OFFICE OF FINANCE		
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		DATED <u>7/15/68</u>
To:	IRVING SATTILMAN, Esq. 110 E. Lexington Street Baltimore, Md. 21202	BILLED TO County Board of Appeals (Zoning)
REPORT TO ACCOUNT NO.		TOTAL AMOUNT \$15.00
QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE. DETACH FACING PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS.	COST
1	Cost of Certified Documents - Case No. 66-22-106 Edward P. Hays NE/S Johnson & Co., 243 NW of Ingleside Avenue 1st District	\$15.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

66-23 RX

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1ST Date of Posting July 8, 1965

Posted for Dissemination from P.O. to all - Spec. except. zoning. Notes

Petitioner: Edward P. Hayes, Sr.

Location of property: N/2 of Johns Creek Rd. 242' NW of Englewood

Location of sign ² 10' x 10' Johns Creek Rd. on NW side of Englewood Ave
signs N/2 Johns Creek Rd. 185' West of Englewood Ave

Remarks: JS Hayes

Posted by JS Hayes Date of return July 8, 1965

Signature

H. signs

Mr. Edward P. Hayes
1225 W. Rolling Road
Baltimore, Md. 21207

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
_____ day of _____, 1965

John G. Rose

JOHN G. ROSE
Zoning Commissioner

Owners Name: Edward P. Hayes
Reviewed by: James S. [Signature]

MICROFILM

ZONING PLAT
MOBIL OIL COMPANY
3445 FAIRFIELD ROAD
BALTIMORE 22, MARYLAND
17th ELECTION DIST. BALTIMORE CO., MD.
Scale: 1"=20' Mar. 29, 1925

NOT RECORDED



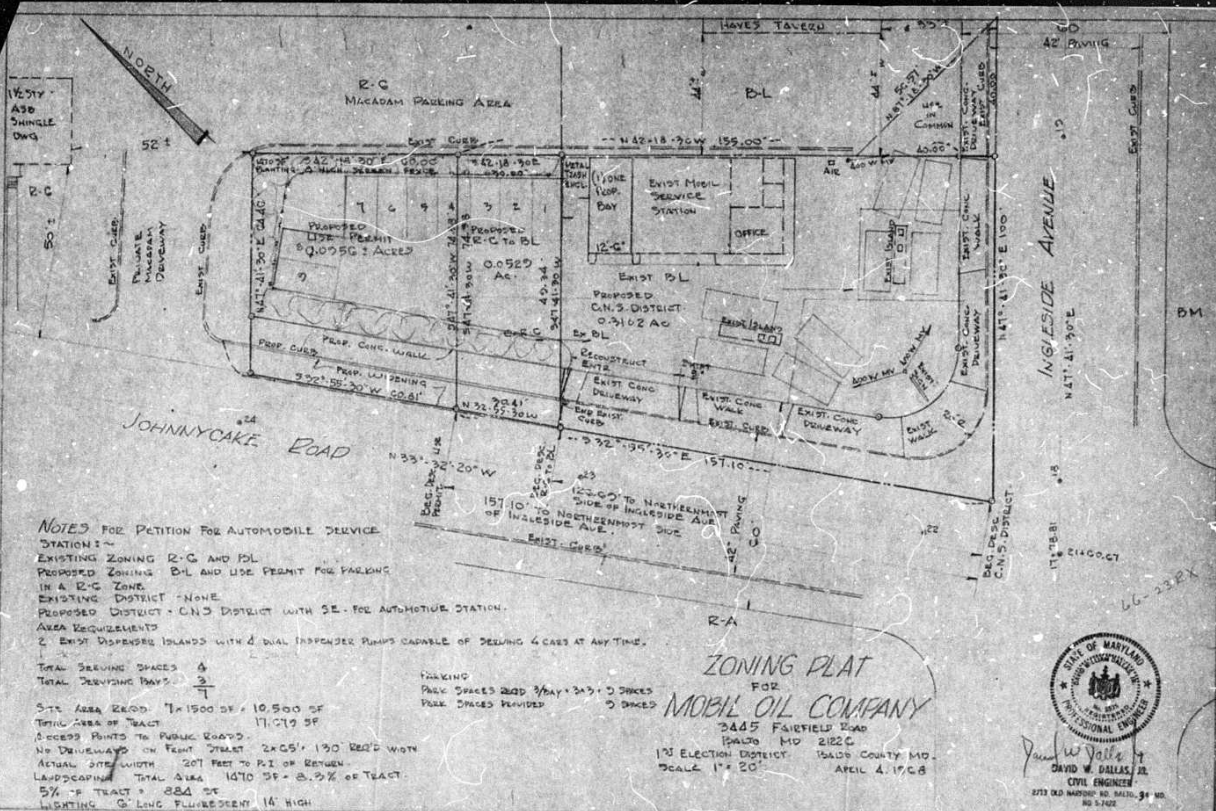
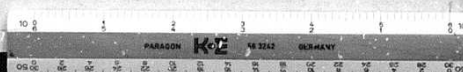
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ASSOCIATED SURVEYS
GENERAL LAND SURVEYING
1300 WOODBORNE AVE
BALTIMORE 12, MD.

MAP
2-B
WESTERN
AREA
SW-1F

#66-2344

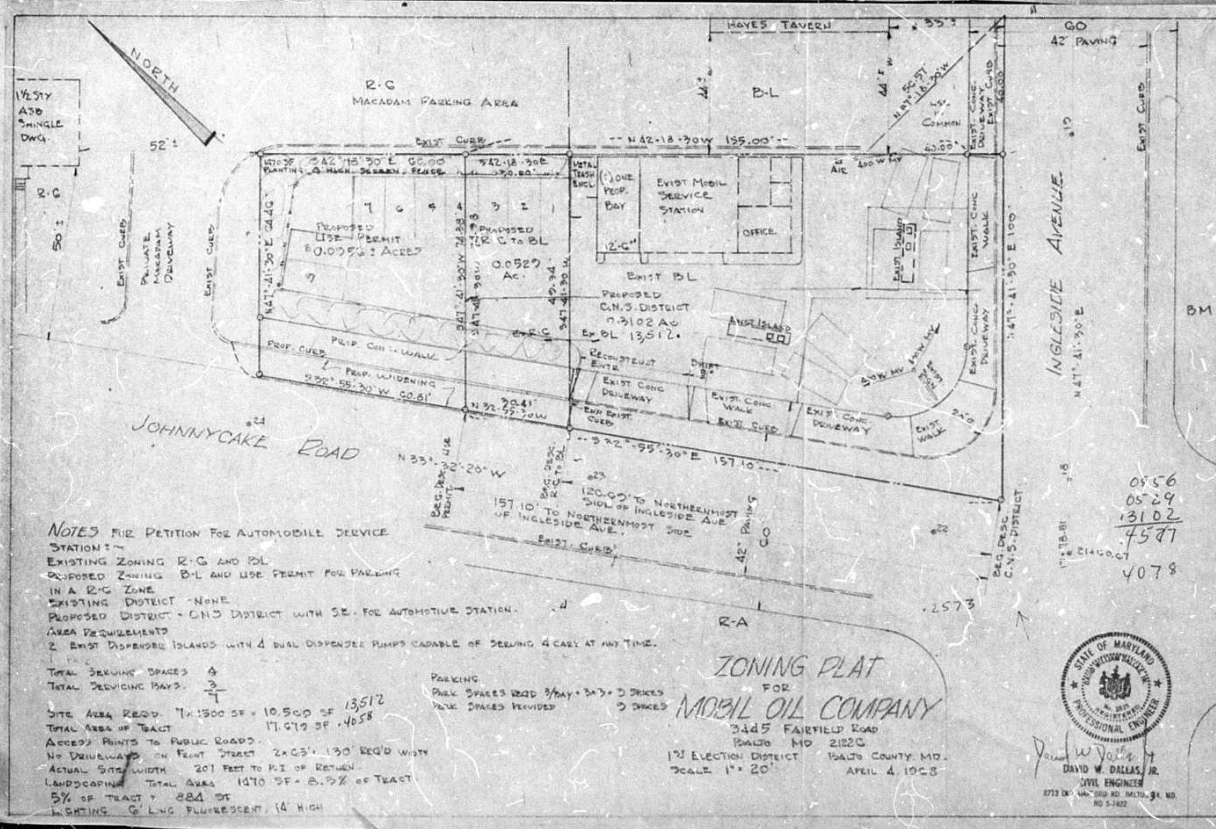


NOTES FOR PETITION FOR AUTOMOBILE SERVICE
STATION:
EXISTING ZONING: R-C AND P-L
PROPOSED ZONING: B-L AND USE PERMIT FOR PARKING
IN A R-C ZONE
EXISTING DISTRICT: NONE
PROPOSED DISTRICT: C-N3 DISTRICT WITH SE. FOR AUTOMOBILE STATION.
AREA REQUIREMENTS:
2. EXIST DISPENSER ISLANDS WITH 4 DUAL DISPENSER PUMPS CAPABLE OF SERVING 4 CARS AT ANY TIME.
TOTAL SERVING SPACES: 4
TOTAL PARKING SPACES: 3
SITE AREA REQD: 7x1500 SF = 10,500 SF
TOTAL AREA OF TRACT: 17,072 SF
ACCESS: POINTS TO PUBLIC ROADS:
NO DRIVEWAYS ON TRACT: 2x63'x130' REQD WITH
ACTUAL SITE WIDTH: 20' FEET TO P.I. OF RETURN
LANDSCAPING: TOTAL AREA: 1470 SF = 8.3% OF TRACT
5% OF TRACT = 884 SF
LIGHTING: 6' LONG FLUORESCENT 14' HIGH

ZONING PLAT
FOR
MOBIL OIL COMPANY
3445 FAIRFIELD ROAD
BALTIMORE 22, MD. 21220
17th ELECTION DISTRICT BALTIMORE COUNTY MD.
SCALE 1"=20'
APRIL 4, 1925



DAVID W. DALLAS, JR.
CIVIL ENGINEER
2723 DE WATSON RD. BALTIMORE, MD. 21220
MD 5-1422

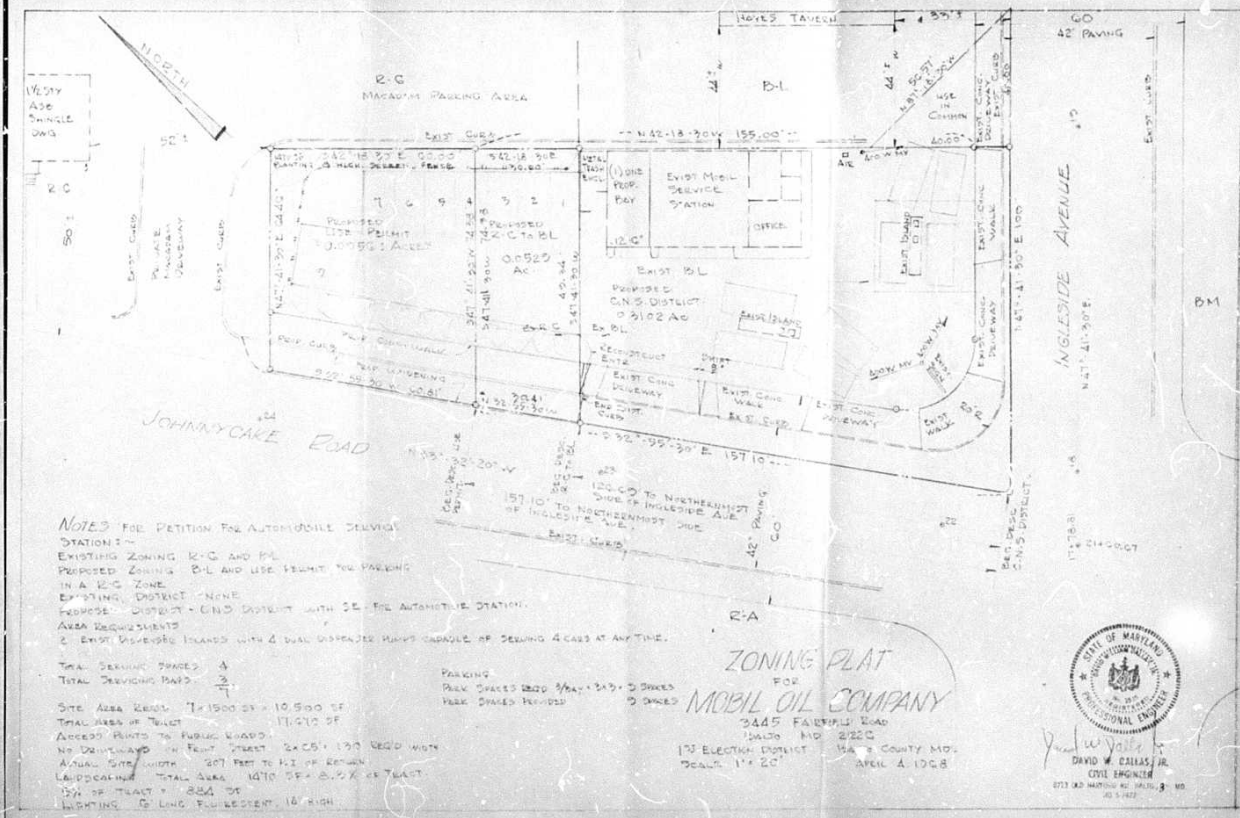
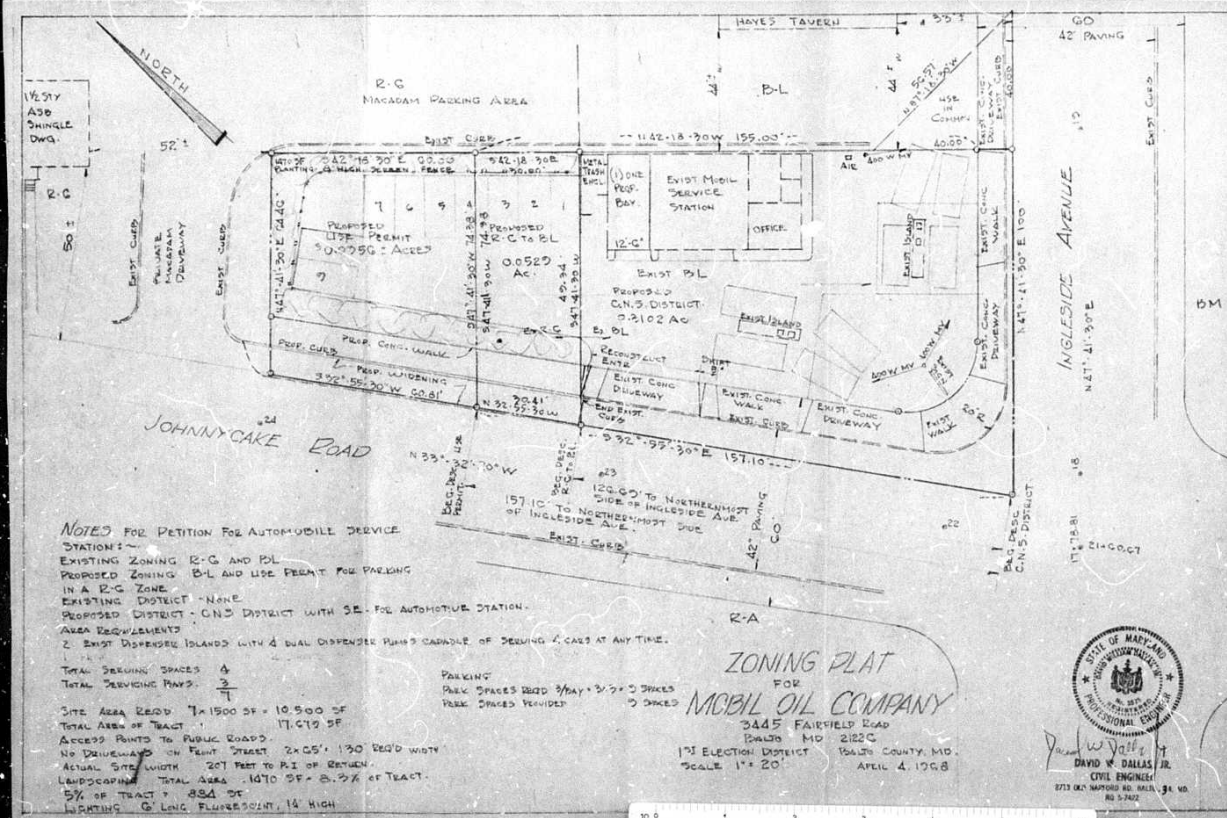
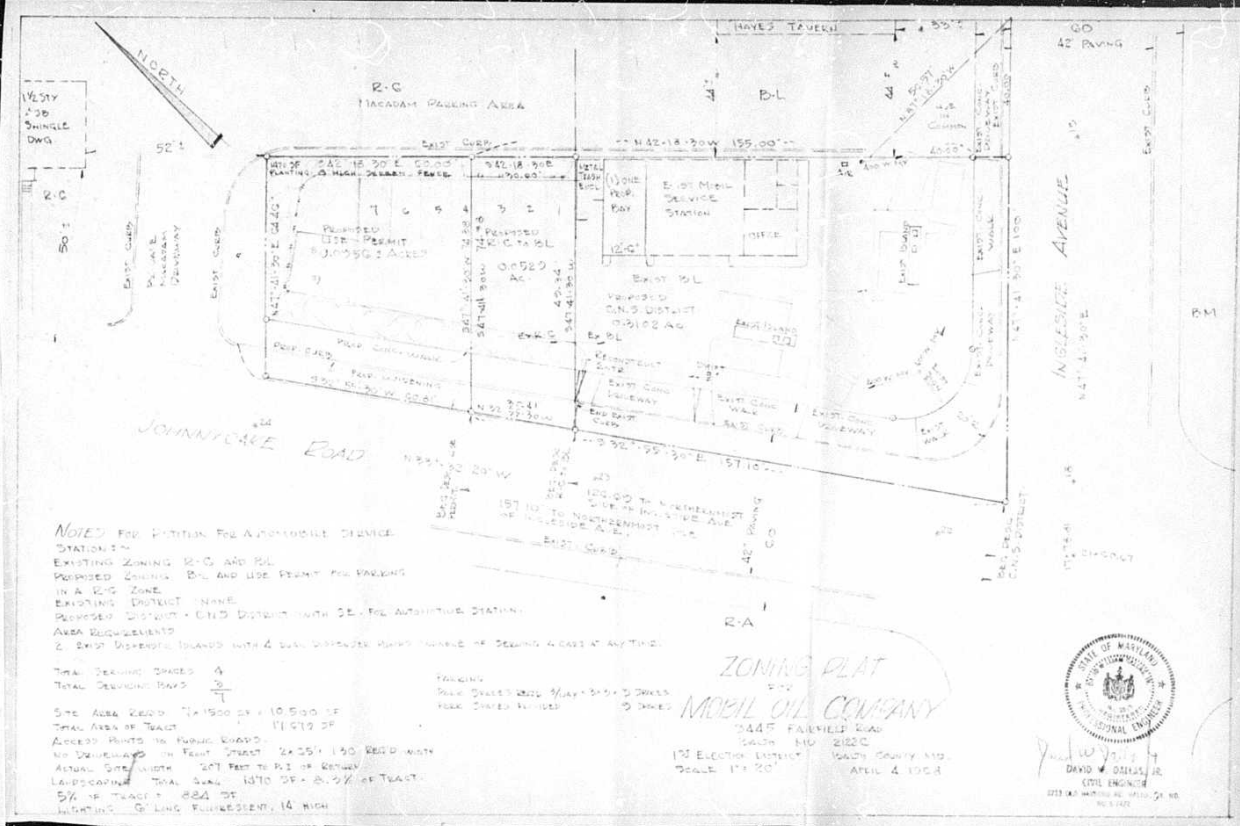
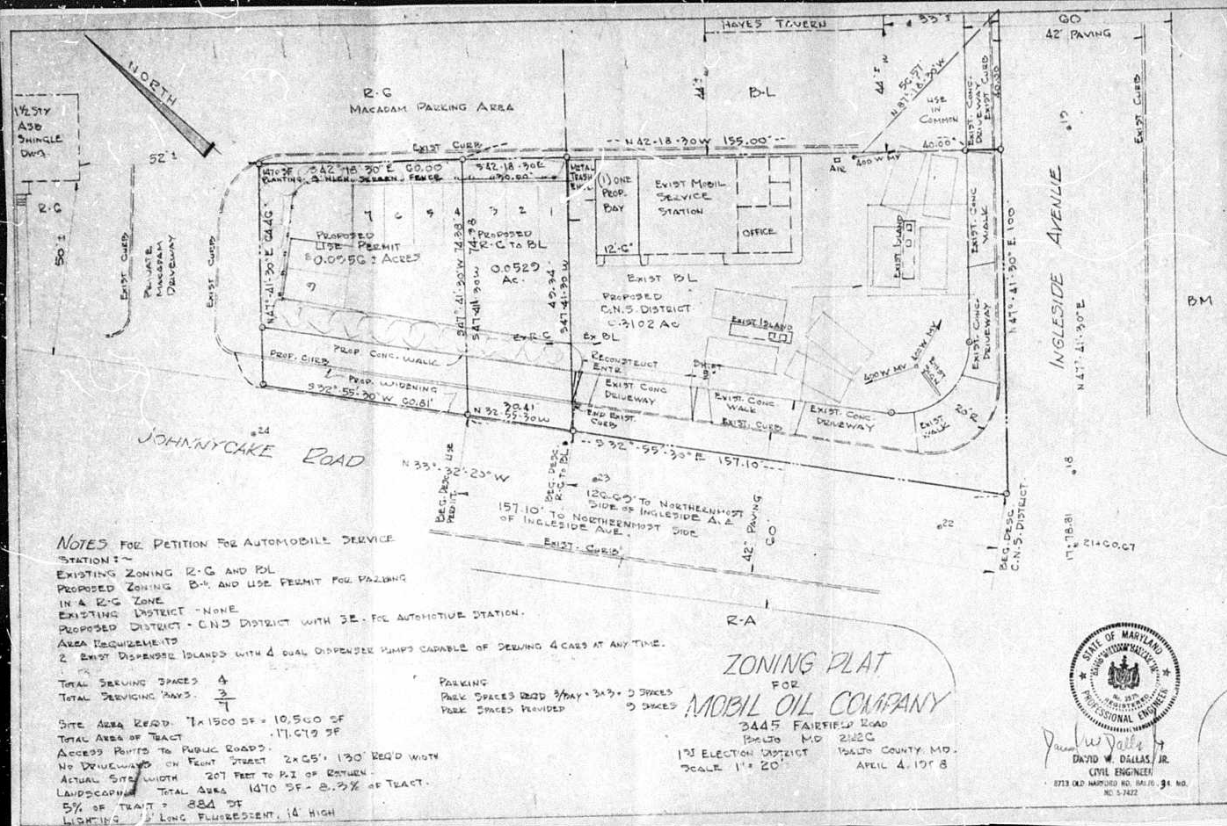


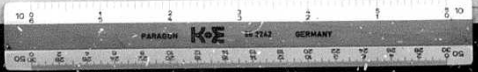
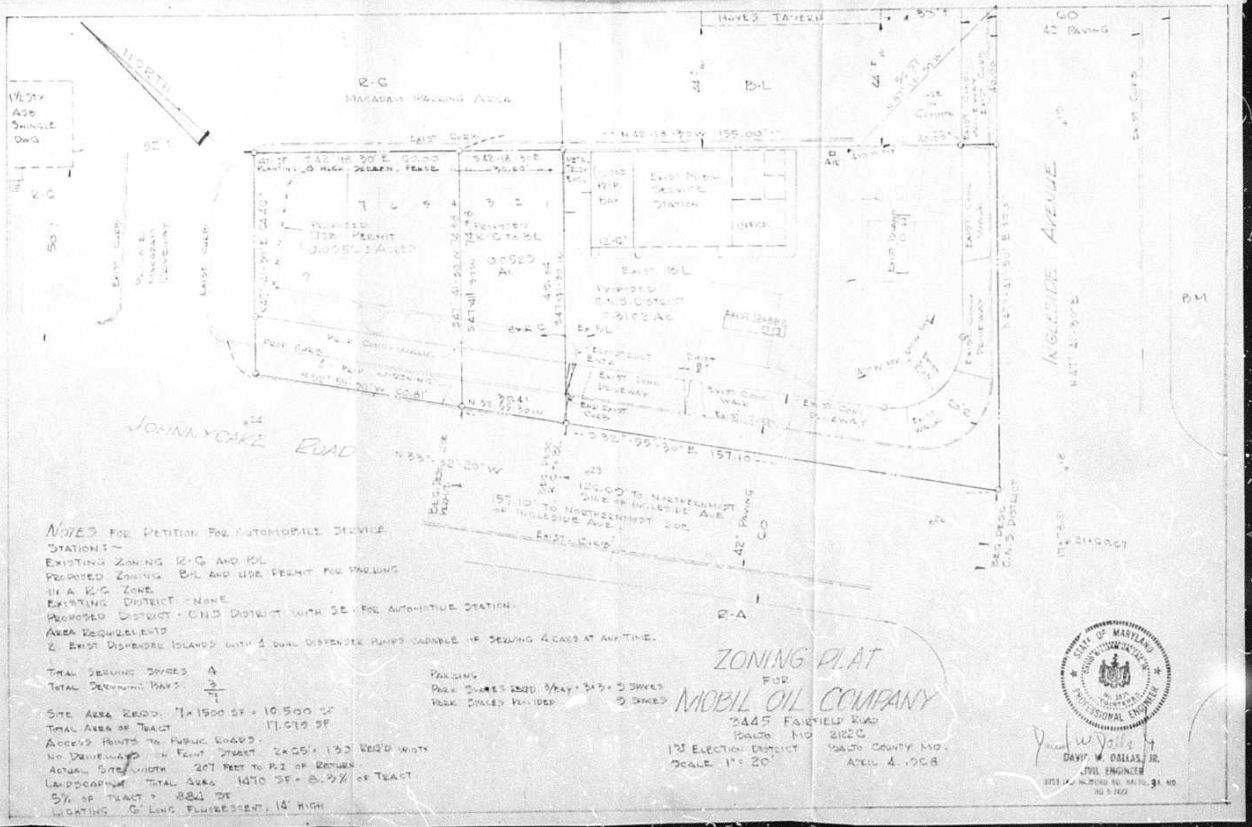
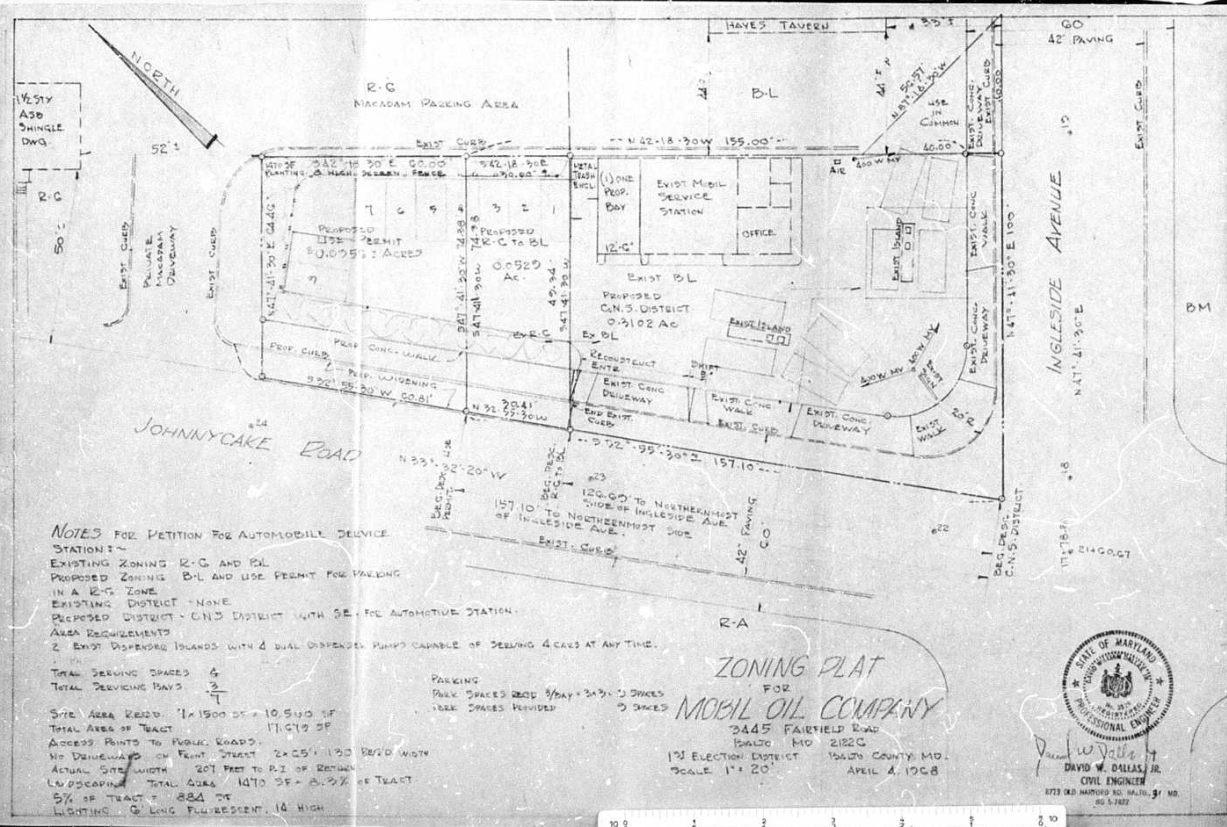
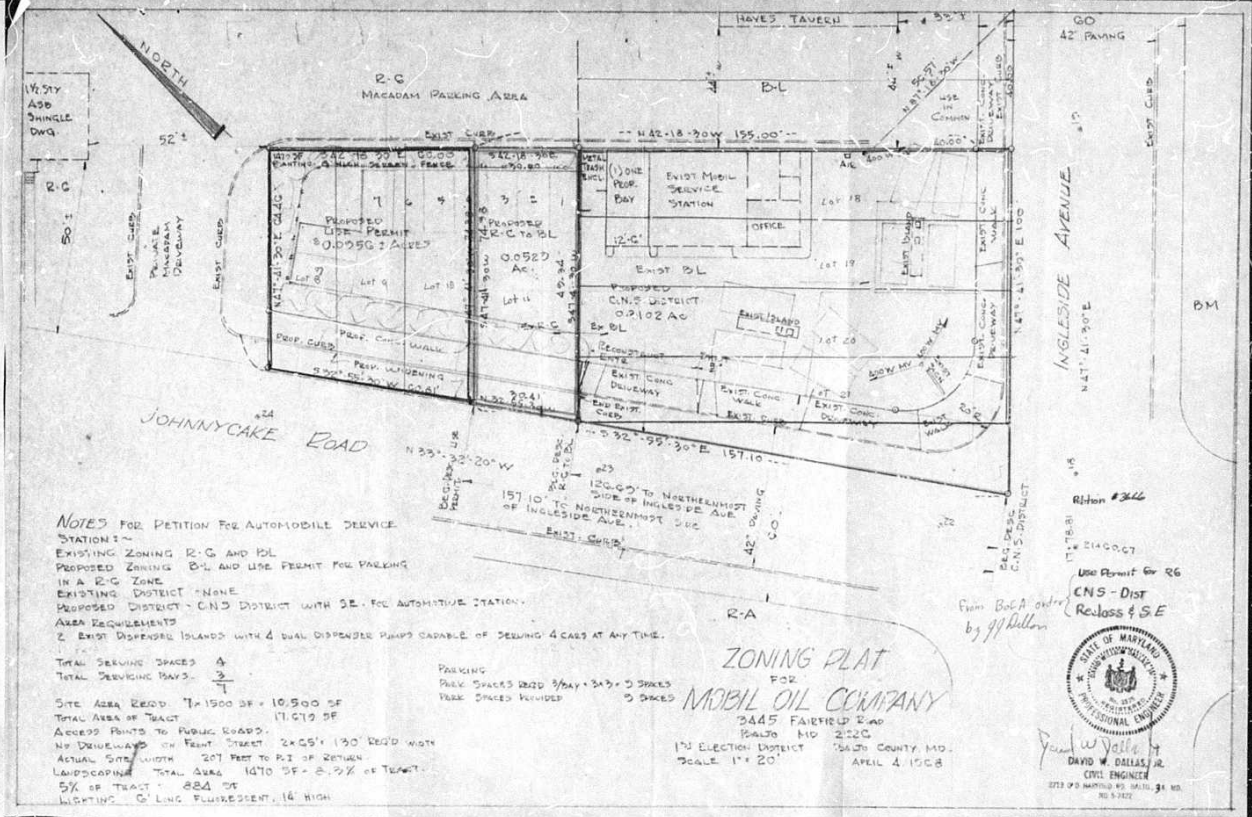
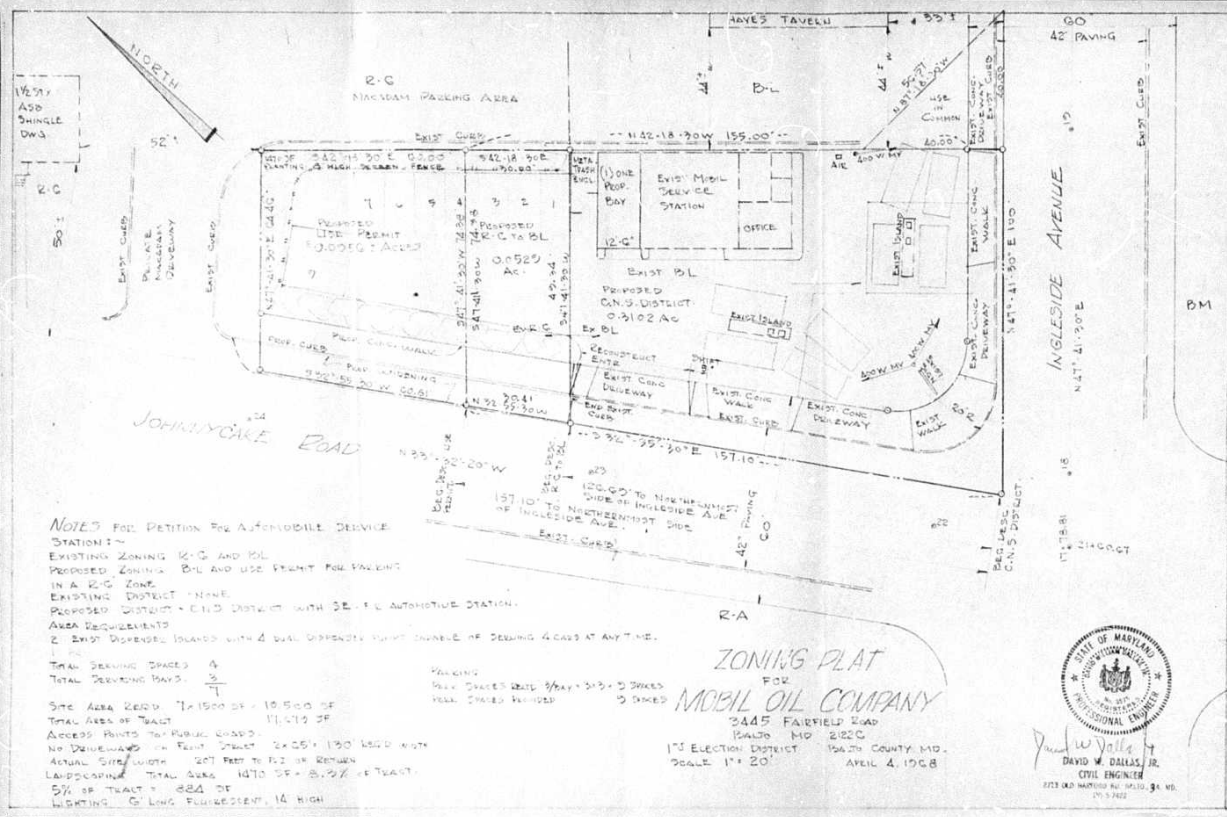
NOTES FOR PETITION FOR AUTOMOBILE SERVICE
STATION:
EXISTING ZONING: R-C AND P-L
PROPOSED ZONING: B-L AND USE PERMIT FOR PARKING
IN A R-C ZONE
EXISTING DISTRICT: NONE
PROPOSED DISTRICT: C-N3 DISTRICT WITH SE. FOR AUTOMOBILE STATION.
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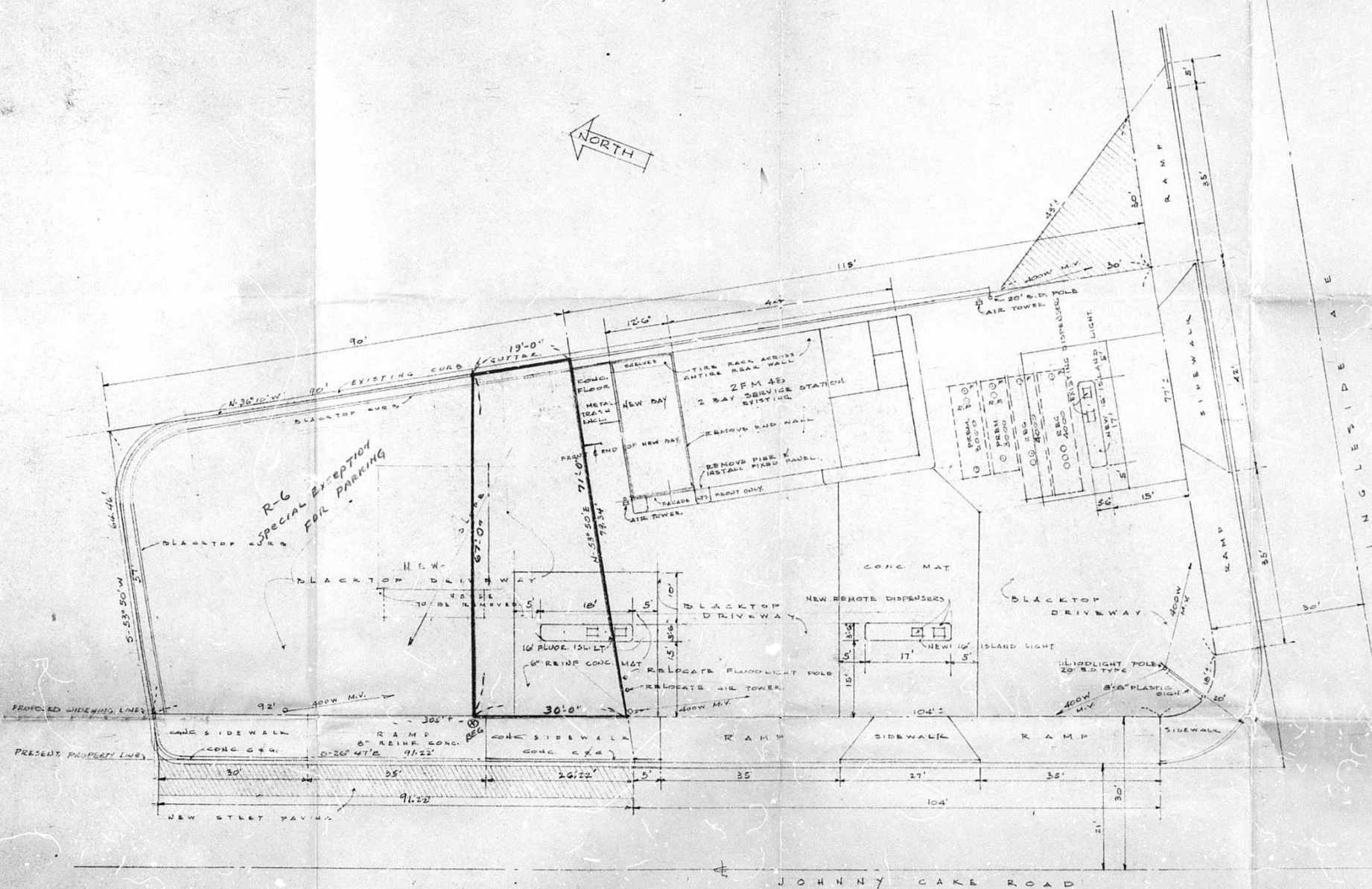
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MD 5-1422







#66-23RX

MAP
2-B
WESTERN
AREA
SW-IF
"X"

EXHIBIT "A"

66-23 Ex "A"

NO.	REVISIONS	DATE BY
1	RE-DRAWN	2/22/55

MOBIL OIL CO 3445 FAIRFIELD RD BALTIMORE MD 21226		
SERVICE STATION PLOT PLAN JOHNNY CAKE / FINGERSIDE CATONSVILLE MARYLAND		
DR BY: BRC	371	5E
SCALE: 1"=10'	SHEET NO 121	
DATE: 2-21-55	1 OF 1	



