B: Patition for Special Exception MM/ Corner of German Hill Road and Delvale Avenue 12th District Herbort J. Herman

BEFORE THE
THEFITY ZONING COUNTISSIONER
OF

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119

BALTIMORE COUNTY NO.66-119-X

The Petitions souks a Special Exception to construct a filling station on his property. The general neighborhood was described in a commanion case, 60-21-3, and there is no noish setting forth in fouls that has already been state in the opinion of even date in connection with the other scener petition.

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Mittout revisiting the testingry in detail, the Deput of Coning Constantion is not the opinion that the Patition has failed to read the requirements of Section general to the returner County Coning Veneral to the contract of a mile of the contract of the

For the aforegoing frameous, IT IS GEREED by the Deputy
Zoning Commissioner of balt more of city this
af Deputy, 1965, that the Special exception for a FITNing Station
be and the same in hereby CHEED.

Micro D And Street Deputy Zosing Comissioner

ORDER
It is ORDERED this and of July, 1967 by the Board of Appeals for Baltimore Councy that leave be, and the same hereby is, granted to Amend the Application for a Special Exception for a Filling Statton to an Application for Special Exception for an Automotive Service Station and a CNS District in accordance with the applicable provisions of Council Bill 40-1967.

John a Aland Marilla Board of Appeals PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

5E-2-E

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 vise petition, and further agree to and are to be bound by the roning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

By: Contract purchaser

Address 200 E. Joppa Road

Paltimore, Mr. 21204

Petitioner's Attorney

GOT LOYOLE FEB2 Code

iddress Triviage 4, 182

Paltimore, M. 21202

Vinnery Cleury

Projestant's Atomey

3c 5 E Fourtle ST

2020

Herbert J. Herman

Legal Owner

County, on the 15th 15th

dr. John G. Rose Zoning Commissioner County Office Building

111 West Chesapeake Aven Towson, Maryland 21204 Mind Commissioner of Baltimore County

W. Lee Harrison

(over)

LAW OFFICES

W. LEE HARRISON

W. LEE HARRESON
607 LOVOLA FEDERAL BUILDING
92 WEST PENSTIVANIA AVENUE
TOWSON, NARVLAND 20201

December 21, 1965

Plase enter an appeal to the County Board of Appeals or

1 enclose herewith check in the amount of \$70 to cover the

Re: Petition for Special Exception NW/Corner of German Hill Road and Delvale Avenue - 12th District Herbert J. Herman Petitioner Case No. 66-119-X

behalf of the applicants in connection with the from your decision dated December 16, 1965. - nFC 27 '85 "

LAW OFFICES

W. LEE HARRISON

007 LOVOLA PEDENAL BUILDING
22 WEST PENNSYLANIA AVEN LE
10 8800. NARYLAND 21204

AREA COME 2001

June 29, 1967

County Board of Appeals County Office Building Towson, Maryland 21204

> Re: File #66-119-X, Herbert J, Herman, German Hill Road and Delvale Avenue

Gentlemen:

As attorney for the property owner, applicant, in the above entitled case, I wish to amend our application from a Petition for a Special Exception for a filling station to an application for an automotive service station and a CNS District in accordance with the provisions of Council filli 40-1967.

Very truly yours,

W. Lee Harrison

WLH;b

CC: Vincent L. Gioricso, Esq.



map v

Zarch 24, 1965.

SEC. 4A

INCRIPTION OF 0.5432 ACAE MAICEL, ROBINGER CITY OF SHEETS HILL AND - MOR MIAST SILE OF INVALE AND HILL PART OF DEL-RAY PARE, 128 ELEMENT, BARTOT BEL-RAY PARE, 128 ELEMENT BELLE BEL

Reginning for the same at a point on the Borthwest side of Berman Hill Road 60 feet wide as snown on Baltimore County Right-of-May Plat No. NRW 63-085-29, said point being at the intersection of the Northwest side of German Mill Would and the fillet cutoff for proposed Polyale Avenue 70 feet wice, and running thence and binding on the Northwest side of Jerman Hill soud as snown on the Right-of-way Fist herein exferred to, and referring the courses of this description to the Baltimore County Depropolitan District Grid Horidian, Hortheasterly by a curve to the right with a radius of 655.00 feet the distance of 168.02 feet (the chord of the arc bours worth G1 legrees 10 Minutes S7 uncould must 164.58 feet), thence leaving the orthwest side of Jersus Bill Boad and running worth 21 logrees 30 limites 30 decends west 125.00 feet, and Southwesterly by a curve so the 1-ft with a radius of 750.00 feet the distance of 204.38 feet (the chore of the are tours South 60 Tegrees 59 Minutes 06.5 ... comes -est 203.80 feet to the ortheast side of proposed leivale avenue harein referred to, and running thence and binding on the ortheast side of proposed inlyale Avenue

IN THE MATTER OF ZONING PETITION NO, 66-119-X HERBERT J. HERMAN, GERMAN HILL ROAD AND DELVALE AVENUE BEFORE THE
BOARD OF APPEALS

* FOR BALTIMORE COUNTY

PETITION FOR LEAVE TO AMEND

The Petition of Herbert J. Herman, Applicant, by W. Lee Harrison, his attorney, respectfully represents as follows:

- That the application in the subject appeal was heard by the Zening Commissioner prior to the enactment of Council Bill 40-1967 and this Petitica to Amerd is submitted to the Board of Appeals of Baltimore County as said Board has the same powers as the Zoning Commissioner.
- 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 40-1987 which created districts which are to be superimposed upon zones, said districts to be created by petition in accordance with Section 500.2a of the Baltimore County Zoning Regulations as amended by Council Bill 40-1987.
- 3. That it is necessary for the Petitioner to amend his application from a Petition for a Special Exception for a Filling Station to a Petition for a Special Exception for an Automotive Service Station and a CNS District in accordance with the provisions of Council Bill 40-1967, Sections 100.1B2, Section 258.2B, Section 405.2B2, and Section 405.2.

WHEREFORE, it is respectfully prayed that leave be granted to the Applicant to amend said Petition for Special Exception for a Filling Station to an application for a Special Exception for an Automotive Service Station and a CNS District.

W. LEE HARRISON
607 Loyola Federal Building
22 W. Pennsylvania Avenus
Towson, Maryland 21204-823-1200
Attorney for Herbert J. Herman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner, November

George E. Gavrelis, Director

SUBJECT. 466-119-X. Petition for Special Exception for Filling Station Morthwest side of Terman Hill Rold and Delvale Avenue. Being the property of Herbert J. Herman.

12th District

HPARING:

Monday, November 15, 1965 (10:00 A.M.)

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

We agree in concept with the subject proposal in that is is our firm belief that shopping centers are awong the most desirable locations for filling stations. The petitioneral plan, however, is unsatisfactory. If it should be decided to grant the subject petition, the site plan should be made, subject to the approval of this office. In processing the site plan, we propose to require effective landscaping, prepartice of the decidency of the subject to the approval of this office. In processing the site plan, we propose to require effective landscaping, preparticle channelization, and integration of the filling station use with other uses in this shopping conter.

It should be noted that, as of this writing, we are uncertain as to the total extent of the shopping center; we understand that no order has been issued with regard to the zoning northwest of the x-6-8.L. line shown on the Petitionor's Plat.

Que'd 6/30/61

Enclosure - Check No. 1173

4.30 acc

#66-119X Earch 24, 1365.

MAP

INDERIORISE OF 0.5432 ACRE OF CIL. NORTHELES SIE OF TROUB HILL HIT FAST - TOUR ASSESSED CONTROL OF THE BAY PARK. SEC. 44

South 34 legroes 58 Elmates 00 Seconds Fast 215.06 feet, and running thence South 80 Degrees 41 Minutes 40 Seconds East 15.96 feat to the place of beginning. Containing 0.5632 scres more or

Subject to a slope ensement slope the first line of the shows described purcel of land, as shown on Baltimore County sight-of- ag that herein referred to: and

Cabject also to possible rights of others in and to the bed of 31d Jorman Hill Hoad.



RE: PETITION FOR SPECIAL EXCEPTION : for a Filling Station NW/S German Hill Road and Delvale Avenue, 12th District Shell Oil Company Contract Purchaser

SET AA

SF - 4-E

COUNTY BOARD OF APPEALS OF BA! TIMORE COUNTY No. 66-119-X

REFORE

OPINION

The petitioner in this case seeks a special exception for an automotive ser vice station on a .54 acre tract of ground situated on the northwest side of German Hill Road and Devale Avenue in the Twelfth Election District of Baltimore County. The zoning on the subject property is Business Local and it is a part of a larger tract of ground, all zoned Business Local, on which is proposed a small shopping center.

Since the filing of the original petition in November of 1965 the Baltimore County Council has enacted Bill #40 which is an entirely new set of zoning regulations pertaining to automotive service stations, and also superimposes districts on commercial and manufacturing zones which allow service stations only in certain districts. The petitioner amended his petition to request a C.N.S. district be granted on the subject parcel.

The testimony before the Board indicated that the subject parcel properly falls within a C.N.3. (commercial neighborhood shopping) district, and the petitioner produced evidence that the Planning staff has recommended to the County Council that the subject property be placed in a C.N.S. district. Under the new zoning regulations pertaining to service stations, Section 405.2 $\theta_{\rm s}$, a service station is allowed as a special exception in a C.N.S. district.

A witness for the petitioner testified that there is a need for a gasoline station in this neighborhood; that there are no closed service stations within a half mile radius; that the closest Shell station is three and one-half miles away; and that there are no churches or schools in close proximity to the property.

- Two expert witnesses testifying on behalf of the petitioner stated that the granting of the special exception would in no way violate Section 502.1 of the zoning regulations, and that it would not adversely affect the neighborhood.

The Office of Planning, in its comments, agreed with the concept of the proposal in that it felt that the location of automotive service stations in shopping centers is most desirable.

BALTIMORE COUNTY, MARYLAND

November 5, 1965 TO Mr. John G. Rose, Zoning Commissioner

George E. Gavrelis, Director

166-119-X. Petition for Special Exception for /illing Station. "Northwest MIGN of Corman Hill Road and Delva/a Avenue. Being the property of Herbert J. Herman.

12th District HEARING:

Monday, November 15, 1965 (10:00 A.M.)

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

We agree in concept with the subject proposal in that is is our firm bolief that shopping centers are smong the nest clearizable bottlons for filling stations. The petitions state plan proposal properties are subject to the approal of this off and the subject to the approal of this off section. In processing the site plan, we propose to require fractive landscaping, proper traffic channels taking, and integration of the filling station use with other uses in the shopping center.

It should be noted that, as of this writing, we are uncertain as to the total extent of the shopping center; we understand that no order has been lawed with regard to the soning north west of the Ref-B_L. line shown on the Petitioner's Plat.

- 2 -

ORDER

of August, 196/ by the County Board of Appeals, ORDERED that the property described

further ORDERED that the special exception for an automorive service station is hereby

GRANTED, subject to site plan approval by the Office of Planning and Zoning, Bureau of

in the subject petition be and the same is hereby placed in a C.N.S. district, and it is

For the reasons set forth in the aforegoing Opinion, it is this 24th

Any appeal from this decision must be in accordance with Chapter 1100,

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

*66-119-X - Herbert J. Herman, Petitione

Public Services, and the State Roads Commission

subtitle B of Maryland Rules of Procedure, 1961 edition.

PROJECT TELAMENT ANALYSIS JOHNO __ EWELL, BOMHARDT & ASSOCIATES CONSULTING ENGINEERS FURIET JOERMAN HILL RAD SHEET NO OF n .17 PROPOSED DELVALE AVE. FROPOSED 5175 -24 2112 O-GERMANI POAD ANE. POSTON (36 36 DELVALE

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BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

BILLED Zoning Dept. of Balto, Co.

Na 33544

DATE 11/26, 1965

EPOSIT TO A	GETACH UPPER BECTION AND RETURN WITH YOUR REMITTANCE		
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	POD-Morrowskie in Condens		
	11-2007 3133 • 33589 1FP-	:7.38	
	■ Section 1997		
	4		

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

BANDORE COUNTY, MORNAND TELEPHONE OFFICE OF FINANCE

No.33471

Division of Collection and Receipts
COURT HOUSE
TOVSON, MARYLAND 21204

BILLED Zoning Dept. of Salts, Co.

ACCOUNT NO. Old	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
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	102160 3500 • 23071 HP-	5800
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IMPORTANTI 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 RENITTANCE.

ning Advisory Countities has reviewed the subject petition and makes

The above comments are not intended to indicate the appropriateness of the soming settem requested, but to senure that all parties are note source of plane or problems that may have bearing on this sease. The Director and/or the Duputy Director of the Office of Flamming and Zening will substit recommendations on the appropriateness of the requested soming 10 days before the Totals Constitutes and the Appropriateness of the requested soming 10 days before the Totals Constitutes the Duput Planes of the requested soming 10 days before the Totals (Double conser's bearing)

Very truly yours

cas Mr. C. Righard Moore-Bureau of Traffic Engineering

BALTIN RE COUNTY, MARY ND TELEPHONE OFFICE OF FINANCE

BILLED Office of Planning & Zoning 119 County Office Sid).,

No.35708

DATE 12/28/65

No.35721

5.7992.5	DETACH UPPER SECUTION A'40 RETURN WITH YOUR REMITTANCE	UANTITY	
\$70.00	Cost of appeal H./bert J. Herman		
	No. 66-119-X		
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70.00	122905 8449 • 35158 12P+		
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IMPORTANTI 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.

BALT RE COUNTY MAR AND

OFFICE OF FINANCE

DATE 1/3/66 Division of Collection and I COURT HOUSE

nile: Office of Planning & Zoning 119 Cornty Office Bidg.

DEPOSIT TO ACCOUNT NO. 01-622				
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IMPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIP'S, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE,

BALTIMORE (DUNTY OFFICE OF PLANNING AND ZORING

Your petition has been received and accepted for filing this

Petitioner's Attorney

A.M.
PUBLIC HEARING: Room
108, County Office Building, 112
W. Chesapeake Avenue, Towson,

100. Cousty Office Building, 113
W. Chenapask Avenue, Twent, C. W. Chenapask Avenue, Twent, C. W. Chenapask, C. W. Chenapask,

CERTIFICATE OF PUBLICATION

OFFICE OF

The Community Press

DUNDALK, MD., October 27,

THIS IS TO CERTIFY, that the annexed advertisement

was inserted in THE COMMUNITY PRESS, a weekly r paper published in Baltimore County, Maryland, once a

26th day of October 19 65 ; that is to the same was inserted in the issues of 12-27-65

Stromberg Publications, Inc

By Mrs. Palmer Price

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 25k 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., or 1 time soccastes were before the ____15th_ day of _____November _____, 1965__, the new publication appearing on the 28th day of Scheber

> THE JEFFERSONIAN, & Frank Structur

Cost of Advertisement, \$

PETITION FOR APROIAL EXCEN-MING: Potition for Special Supplies for Pilling Station

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

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

gabilished in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, Md., once in such

of 1 time successive weeks before the 15th-

day of ________, 1955___, the first publication

appearing on the ... 282h day of Ordenbur

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Tousen, Maryland Date of Posting 10 29 Posted for Hadring Man 115-15 65 AT 12 32 King Petitioner Hendret & Harmand Location of property 11 44/5 Sterrenam Hall Res and Selval and Wallog of Signs O Car James Hed the approx 20 from the himmany of vacant lat Robert Lee Beel Date of return 11-4-65

CERTIFICATE OF POSTING ING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

Mitbet & Heemon Location of property Wist is - in acron this Will Caref water of Signs & Speech to from the forementially

Posted by Constant Bull on Date of return 1966



