

SAMUEL T. CROWTHER NO. 66-184-X
NE corner York and Belfast Roads 8th Dist rct
SE - Filling Station 0.516 acres
C.N.S. District

Jan. 21, 1966 Petition filed
2/28 SE GRANTED by Z.C., with restrictions
Mar. 30 Appealed to C.B. of A.
Feb. 15, 1968 SE and CNS District granted by the Board
Mar. 14 Order for Appeal filed in Circuit Court (Jude #394)
Apr. 15 Record of proceedings filed in Circuit Court
July 1 Board REVERSED - Judge W. Albert Menchine

DENIED

It is admitted that the maps that were made a part of that bill did not identify the subject property with designation as a C.N.S. District. It is also admitted that the property had been so designated on plats recommended by the Planning Board.

Counsel for protestants argue that the last legislative action with respect to the subject property must be construed as denying to the subject property the requisite designation as a C.N.S. District required by Council Bill 40. This Court agrees.

The contention of the applicant that Bill 23 and its appended maps should be considered as intending no repeal of district designations by Zoning Commissioner or Zoning Board made by either in the interim period between passage of Bill 40 (May 1, 1967) and Bill 23 (May 9, 1968) is rejected. It is not possible for this Court to conclude that the County Council intended to pass an ordinance that would in practical effect say to the public "these are the designated districts of Baltimore County except as the attached maps were amended before we adopted them."

There is no vested interest in the petitioner here such as would pose a constitutional question. See *Yorkdale v. Powell*, 237 Md. 121.

The decision of the Board is reversed.

W. Albert Menchine
W. ALBERT MENCHINE, Judge

July 1st, 1968

Samuel Crowther - Zoning File #66-184-X

JAMES R. EISENHOWER : IN THE
KENNETH C. MORGAN and :
MILDRED TROSTLE : CIRCUIT COURT
VS :
WILLIAM S. BALDWIN, et al, : FOR
constituting the :
COUNTY BOARD OF APPEALS : BALTIMORE COUNTY
OF BALTIMORE COUNTY :
SAUNDERS M. ALMOND, JR., : LAW - Misc. Dkt. 8/287/3940
Executor of the Last Will and Testament :
of Samuel Thomas Crowther, deceased, and :
SHELL OIL COMPANY :
INTERVENORS :

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MEMORANDUM OPINION

This is an appeal by protestants from a decision of the County Board of Appeals of Baltimore County, granting a special exception for a gasoline service station and granting the C.N.S. (Commercial, Neighborhood Shopping) District petitioned for. The case had been commenced before the Zoning Commissioner at a time when the property was zoned BL and under then existing zoning regulations could be utilized for filling station purposes by way of special exception. Acting under the then existing law, the Zoning Commissioner granted the special exception and imposed certain restrictions upon use of the property.

Protestants having appealed from the Commissioner's grant of the special exception, the case came before the Board of Appeals after the passage of County Council Bill No. 40, by which the zoning regulations were substantially amended as they related to the use of land for filling station purposes. County Council Bill No. 40, among other things, required that filling stations be confined to certain districts not precisely delineated in that Bill. Accordingly, at the time of the scheduled hearing before the Board, an amendment was offered by the petitioner seeking the grant of a C.N.S. District such as would permit the grant of a special exception for filling station use. The perimeter lines of requested C.N.S. District proposed in the amendment was identical with the perimeter lines of the property as

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Gasoline Service Station, and : COUNTY BOARD OF APPEALS
C.N.S. (commercial, neighborhood :
shopping) District : OF
NE corner York Road and :
Belfast Road, : BALTIMORE COUNTY
8th District :
Samuel T. Crowther, Petitioner : No. 66-184-X
Shell Oil Company, :
Contract Purchaser :

OPINION

The petitioner in this case seeks a special exception for a gasoline service station on a lot of ground situated at the northeast corner of York Road and Belfast Road in the Eighth Election District of Baltimore County. The lot has approximately 130 feet of frontage along York Road and 125 feet of frontage on Belfast Road, and is presently zoned Business Local. In addition to his request for a special exception, the petitioner also requests the Board to grant a C.N.S. (commercial, neighborhood shopping) District for the subject property in accordance with Baltimore County Council Bill No. 40.

The Zoning Commissioner granted a special exception for the subject parcel for use as a gasoline service station on February 28, 1966. Shortly thereafter the Baltimore County Council passed a moratorium on the granting of any special exception for a gas station which continued until May of 1967 when Bill 40 was passed. The petitioner found himself in the position of having been successful in obtaining a special exception from the Zoning Commissioner, then being unable to construct the station due to the moratorium that had been passed by the County Council.

The petitioner produced testimony that the subject tract of land has been used commercially since 1920 as a store, weight scale and gas station. The gas station was torn down early in 1966 with the intention of constructing a new gas station on the subject parcel. All of the property along the York Road, both the west and east sides, is zoned commercial, either Business Local or Business Roadside, and an expert realtor appearing on behalf of the petitioner testified that, in his opinion, the construction of a gasoline station here would not in any way violate Section 502.1 of the Zoning Regulations.

Eugene Clifford, Traffic Engineer for Baltimore County, testified that the petitioner's plan (exhibit #1) meets all of the County's standards as required under Bill 40 and that, in his opinion, the erection of a gasoline service station here would not create any congestion on the surrounding streets.

A representative of the Shell Oil Company, the contract purchaser, testified that there was a definite need for an additional station in the area citing lengthy statistical data to support his opinion. He further testified that there were no abandoned service stations within a one-half mile radius of the subject site, nor are there

to which special exception under a BL classification at the time of the hearing before the Commissioner was sought.

Timely objection to the amendment was taken upon the ground that the Board was exclusively an appellate agency so that the cause should be remanded to the Zoning Commissioner for consideration by that official in the light of the change in law effected by Council Bill No. 40. The same contention is made here.

It is also strenuously argued by protestants that the requirement of Bill No. 40 set forth in Section 403.3 D for "the probability of a reasonable public need for the proposed automotive service station" was not supported by legally sufficient evidence.

It is also urged upon the Court that the passage of Bill No. 23, which adopted district maps but failed to include the subject property among such districts, operates to bar the subject property from use for filling station purposes.

The Amendment Before The Board

It is conceded that the perimeter lines of the requested amendment for the grant of a C.N.S. District were identical with the lines of the special exception sought for the property under its zoning classification prior to the passage of County Council Bill 40. This Court concludes that under such circumstance the requested amendment was of form and not of substance since all interested persons knew from the beginning that the petitioners desired to utilize the property for filling station purposes. Thus there was no substantive change effected by the amendment. Such an amendment in form would not require remand to the Zoning Commissioner.

The Proof of Need

This Court is not persuaded that the cases suggested as controlling on this issue are apposite. *American Oil Co. v. Miller*, 204 Md. 32 and *Elliott v. Lovejoy*, 233 Md. 76, both were cases in which a zoning reclassification was a requisite to use of property for filling station purposes. In the instant case the use of the property within its existing zone was permissible by special exception only. Its use for the purpose thus was *prima facie* appropriate. This Court is persuaded accordingly that the showing requisite under the provisions of Section 502.1 of the

- 2 -

Samuel T. Crowther - #66-184-X

two abandoned service stations within a one mile radius of the subject site.

The petitioner introduced as his exhibit #4 the Planning Board's proposed District Map 3-C. This exhibit shows that the Planning Board has recommended to the County Council that the subject parcel, together with other nearby lots, be included in a C.N.S. District. There was further substantial testimony that the gasoline service station requested meets all the requirements of Section 403.3 of the Zoning Regulations as well as those of Section 502.1.

The protestants were two filling station operators and a Mrs. Mildred Trostle, who is an officer of the Maryland Association of Petroleum Retailers. The main thrust of their testimony appeared that they did not want additional competition in the form of a new gas station. However, the Board finds that the petitioner proved a definite need for the station.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day of February, 1968 by the County Board of Appeals, ORDERED that the special exception for a gasoline service station petitioned for, be and the same is hereby GRANTED; also the C.N.S. (commercial, neighborhood shopping) District petitioned for, be and the same is hereby GRANTED, subject to site plan approval by the Department of Planning and Zoning, State Roads Commission, 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

William S. Baldwin, Chairman

John A. Miller

Walter A. Reiter, Jr.

Zoning Regulations have been met. See *Cadem v. Nanna*, 243 Md. 536, 543.

Testimony on the question whether there was "the probability of a reasonable public need for the proposed automotive-service station" (as required by new Section 403.3 enacted by County Council Bill 40) was conflicting. Its resolution accordingly was a matter for the exercise of the expertise of the Board, and not for this Court.

The Effect of the Passage of Council Bill 23

Council Bill 23 was passed on May 9, 1968, was approved by the County Executive on May 15, 1968 and became effective on June 29, 1968.

The title of the ordinance declared that its purpose was: "To designate * * * districts in Baltimore County, Maryland in accordance with and to implement the provisions of sections 2 and 3 of Bill No. 40 of the County Council of Baltimore County, Maryland."

In its Section 2 it was provided: "That the districts designated on twelve maps (each drawn to the scale of one inch equals 1000 feet) all dated May 3, 1968 and entitled *1 'Districts' *2 and as further defined on 210 maps, dated May 3, 1968 (each drawn to the scale of one inch equals 200 feet) entitled 'Districts' and all accompanying this ordinance, are hereby established and said maps are hereby adopted and declared to be a part of this ordinance. Said maps shall hereafter be known as 'District Maps', and for authentication shall be signed by the chairman of the County Council."

*1 & *2 - The Court considers that it is significant that the ordinance as introduced contained at note *1 the words "Recommended Zoning District Maps" and at note *2 "approved by the Planning Board" but that both phrases were struck out by amendment in the course of the Bill's passage.

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RE: PETITION FOR SPECIAL EXCEPTION :
For Filling Station - NE/Cor. :
York Road and Belfast Road, : BEFORE :
8th Dist., Samuel T. Crowther, : ZONING COMMISSIONER :
Petitioner : OF :
BALTIMORE COUNTY :
No. 66-184-X

The petitioner has requested a special exception for a gasoline filling station at the northeast corner of York and Belfast Roads, in the Eighth District of Baltimore County.

As the petitioner has complied with all the requirements of Section 502.1 of the Baltimore County Zoning Regulations a special exception should be granted.

It is this 15th day of February, 1968, by the Zoning Commissioner of Baltimore County, ORDERED that a special exception for a gasoline filling station should be and the same is hereby granted, from and after the date of this Order, provided that Samuel T. Crowther, his heirs and assigns, shall comply strictly with Section 403.1 of the Baltimore County Zoning Regulations in that the gasoline filling station shall not be used for any of the following uses:

1. Storing of school buses shall not be permitted for any portion of the day.
2. Rental trucks and rental trailers shall not be stored or rented from the subject premises.
3. No used cars or wrecked cars shall be stored on the subject property.
4. No advertising displays shall be permitted on the outside of the building without prior approval of the Zoning Commissioner.
5. No vending machines shall be permitted on the property except such as are approved by the Office of Planning and Zoning on the final construction and building plans for the gasoline filling station at the time a building permit shall be issued.

The site plan for the development of said property is subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE

BY

ADMINISTRATIVE ASSISTANT

JAMES R. EISENHOWER
KENNETH C. MORGAN and
MILDRED TROSTLE
VS
WILLIAM S. BALDWIN, et al.
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
SAUNDERS M. ALMOND, JR.,
Executor of the Last Will and Testament
of Samuel Thomas Crowther, deceased, and
SHELL OIL COMPANY
INTERVENORS

MEMORANDUM OPINION

This is an appeal by protestants from a decision of the County Board of Appeals of Baltimore County, granting a special exception for a gasoline service station and granting the C.N.S. (Commercial, Neighborhood Shopping) District petitioned for. The case had been commenced before the Zoning Commissioner at a time when the property was zoned BL and under then existing zoning regulations could be utilized for filling station purposes by way of special exception. Acting under the then existing law, the Zoning Commissioner granted the special exception and imposed certain restrictions upon use of the property.

Protestants having appealed from the Commissioner's grant of the special exception, the case came before the Board of Appeals after the passage of County Council Bill No. 40, by which the zoning regulations were substantially amended as they related to the use of land for filling station purposes. County Council Bill No. 40, among other things, required that filling stations be confined to certain districts not precisely delineated in that Bill. Accordingly, at the time of the scheduled hearing before the Board, an amendment was offered by the petitioner seeking the grant of a C.N.S. District such as would permit the grant of a special exception for filling station use. The perimeter lines of requested C.N.S. District proposed in the amendment was identical with the perimeter lines of the property as

to which special exception under a BL classification at the time of the hearing before the Commissioner was sought.

Timely objection to the amendment was taken upon the ground that the Board was exclusively an appellate agency so that the cause should be remanded to the Zoning Commissioner for consideration by that official in the light of the change in law effected by Council Bill No. 40. The same contention is made here.

It is also strenuously argued by protestants that the requirement of Bill No. 40 set forth in Section 405.3 D for "the probability of a reasonable public need for the proposed automotive service station" was not supported by legally sufficient evidence.

It is also urged upon the Court that the passage of Bill No. 23, which adopted district maps but failed to include the subject property among such districts, operates to bar the subject property from use for filling station purposes.

The Amendment Before The Board

It is conceded that the perimeter lines of the requested amendment for the grant of a C.N.S. District were identical with the lines of the special exception sought for the property under its zoning classification prior to the passage of County Council Bill No. 40. This Court concludes that under such circumstance the requested amendment was of form and not of substance since all interested persons knew from the beginning that the petitioners desired to utilize the property for filling station purposes. Thus there was no substantive change effected by the amendment. Such an amendment in form would not require remand to the Zoning Commissioner.

The Proof of Need

This Court is not persuaded that the cases suggested as controlling on this issue are apposite. *American Oil Co. v. Miller*, 204 Md. 32 and *Elliott v. Jones*, 233 Md. 76, both were cases in which a zoning reclassification was a requisite to use of property for filling station purposes. In the instant case the use of the property within its existing zone was permissible by special exception only. Its use for the purpose thus was *prima facie* appropriate. This Court is persuaded accordingly that the showing requisite under the provisions of Section 502.1 of the

Zoning Regulations have been met. See *Cadem v. Nanna*, 243 Md. 536, 543.

Testimony on the question whether there was "the probability of a reasonable public need for the proposed automotive-service station" (as required by new Section 405.3 enacted by County Council Bill 40) was conflicting. Its resolution accordingly was a matter for the exercise of the expertise of the Board, and not for this Court.

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The title of the ordinance declared that its purpose was: "To designate * * * districts in Baltimore County, Maryland in accordance with and to implement the provisions of sections 2 and 3 of Bill No. 40 of the County Council of Baltimore County, Maryland."

In its Section 2 it was provided: "That the districts designated on twelve maps (each drawn to the scale of one inch equals 1000 feet) all dated May 3, 1968 and entitled "1. Districts" *2 and as further defined on 210 maps, dated May 3, 1968 (each drawn to the scale of one inch equals 200 feet) entitled "Districts" and all accompanying this ordinance, are hereby established and said maps are hereby adopted and declared to be a part of this ordinance. Said maps shall hereafter be known as "District Maps", and for authentication shall be signed by the chairman of the County Council."

*1 & *2 - The Court considers that it is significant that the ordinance as introduced contained at note *1 the words "Recommended Zoning District Maps" and at note *2 "approved by the Planning Board" but that both phrases were struck out by amendment in the course of the Bill's passage.

It is admitted that the maps that were made a part of that bill did not identify the subject property with designation as a C.N.S. District. It is also admitted that the property had been so designated on maps recommended for the Planning Board.

Counsel for protestants argue that the last legislative action with respect to the subject property must be construed as denying the subject property the requisite designation as a C.N.S. District required by Council Bill 40. This Court agrees.

The contention of the applicant that Bill 23 and its appended maps should be considered as intending no repeal of district designations by Zoning Commissioner or Zoning Board made by either in the interim period between passage of Bill 40 (May 1, 1967) and Bill 23 (May 9, 1968) is rejected. It is not possible for this Court to conclude that the County Council intended to pass an ordinance that would in practical effect say to the public "these are the designated districts of Baltimore County except as the attached maps were amended before we adopted them."

There is no vested interest in the petitioner here such as would pose a constitutional question. See *Yorkdale v. Powell*, 237 Md. 121.

The decision of the Board is reversed.

W. Albert Menchine
W. ALBERT MENCHINE, Judge

July 1st, 1968

JAMES R. EISENHOWER,
KENNETH C. MORGAN and
MILDRED TROSTLE
Protestants-Appellants
VS.
WILLIAM S. BALDWIN,
JOHN A. MILLER and
WALTER A. REITER, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William S. Baldwin, John A. Miller and Walter A. Reiter, 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. 66-184-X
Jan. 21, 1963 Petition of Samuel T. Crowther for special exception for a filling station on property located on the northeast corner of York and Belfast roads, 8th District - filed
" " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for February 23, 1966 at 1:00 p.m.
Feb. 3 Certificate of Posting of property - filed
" 7 Certificate of Publication in newspaper - filed
" 23 At 1:00 p.m. hearing held on petition by Zoning Commissioner - case held sub curia
" 28 Order of Zoning Commissioner granting special exception subject to restrictions
Mar. 20 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner
Oct. 25, 1967 Hearing on appeal before County Board of Appeals - case held sub curia
" 25 Petitioner requested C.N.S. (commercial, neighborhood shopping) District in accordance with Baltimore County Council Bill No. 40 at the hearing before the Board

Feb. 13, 1963 Order of County Board of Appeals granting special exception and C.N.S. District
Mar. 14 Order for Appeal filed in the Circuit Court for Baltimore County
" 14 Petition to Accompany Order for Appeal filed in Circuit Court for Baltimore County
" 14 Certificate of Notice sent to all interested parties
Apr. 31 Transcript of Testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Photo of subject property - 10/20/67
" " 2 - Map of Yorkshire - 10/1/21 (Crowther interests)
" " 3 - Rendering of 3 bay ranch service station
" " 4 - Recommended map - new district - 9/12/67 - Planning Board as submitted to County Council
Protestants' Exhibit "A" - (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15) Photos - by Mrs. Trostle
Apr. 15 Record of proceedings filed in the Circuit Court for Baltimore County
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 respectfully 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. Eisenhart, Secretary
County Board of Appeals of Baltimore County

JAMES R. EISENHOWER,
KENNETH C. MORGAN and
MILDRED TROSTLE
Protestants-Appellants
VS.
WILLIAM S. BALDWIN,
JOHN A. MILLER and
WALTER A. REITER, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-B (4) of the Maryland Rules of Procedure William S. Baldwin, John A. Miller and Walter A. Reiter, 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, Saunders M. Almond, Jr., Esq., Jenifer Building, Towson, Maryland 21204, Attorney for the Petitioner, and Harry S. Swartzwelder, Jr., Esq., 341 St. Paul Place, Baltimore, Maryland 21202, Attorney for the Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Valley 3-3050, Ext. 570

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Saunders M. Almond, Jr., Esq., Jenifer Building, Towson, Maryland 21204, Attorney for the Petitioner, and Harry S. Swartzwelder, Jr., Esq., 341 St. Paul Place, Baltimore, Maryland 21202, Attorney for the Protestants, on this 14th day of March, 1968.

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

cc: Zoning
Perkins
Solicitor

RE: PETITION FOR SPECIAL EXCEPTION
For Filling Station - NE/Cor.
York Road and Belfast Road,
8th Dist., Samuel T. Crowther,
Petitioner
BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 66-184-X

The petitioner has requested a special exception for a gasoline filling station at the northeast corner of York and Belfast Roads, in the Eighth District of Baltimore County.

As the petitioner has complied with all the requirements of Section 502.1 of the Baltimore County Regulations a special exception should be granted.

It is this 14th day of February, 1968, by the Zoning Commissioner of Baltimore County, ORDERED that a special exception for a gasoline filling station should be and the same is hereby granted, from and after the date of this Order, provided that Samuel T. Crowther, his heirs and assigns, shall comply strictly with Section 405.1 of the Baltimore County Zoning Regulations in that the gasoline filling station shall not be used for any of the following uses:

1. Storing of school buses shall not be permitted for any portion of the day.
2. Rental trucks and rental trailers shall not be stored or rented from the subject premises.
3. No used cars or wrecked cars shall be stored on the subject property.
4. No advertising displays shall be permitted on the outside of the building without prior approval of the Zoning Commissioner.
5. No vending machines shall be permitted on the property except such as are approved by the Office of Planning and Zoning on the final construction and building plans for the gasoline filling station at the time a building permit shall be issued.

The site plan for the development of said property is subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

John A. Miller
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 2/28/68
BY [Signature]

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Samuel T. Crowther, 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 the Zoning Commission of Baltimore County to use the herein described property, for a filling station.

See attached description

(1) For a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a filling station.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Samuel T. Crowther, Legal Owner
Address: 2046 York Road, Timonium, Maryland 21093
Protestant's Attorney: Saunders M. Almond, Jr., Attorney
Address: 21204

ORDERED by The Zoning Commissioner of Baltimore County, this 21st day of January, 1966, 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 23rd day of February, 1966, 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, Samuel T. Crowther, 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 the Zoning Commission of Baltimore County to use the herein described property, for a filling station.

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Contract purchaser: Samuel T. Crowther, Legal Owner
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Zoning Commissioner of Baltimore County.

(over)

B. Anderson

ent 17

RE: PETITION FOR SPECIAL EXCEPTION for a Gasoline Service Station, and C.N.S. (commercial, neighborhood shopping) District NE corner York Road and Belfast Road, 8th District Samuel T. Crowther, Petitioner Shell Oil Company, Contract Purchaser

OPINION

The petitioner in this case seeks a special exception for a gasoline service station on a lot of ground situated at the northeast corner of York Road and Belfast Road in the Eighth Election District of Baltimore County. The lot has approximately 130 feet of frontage along York Road and 125 feet of frontage on Belfast Road, and is presently zoned Business Local. In addition to his request for a special exception, the petitioner also requests the Board to grant a C.N.S. (commercial, neighborhood shopping) District for the subject property in accordance with Baltimore County Council Bill No. 40.

The Zoning Commission granted a special exception for the subject parcel for use as a gasoline service station on February 28, 1966. Shortly thereafter the Baltimore County Council passed a moratorium on the granting of a special exception for a gas station which continued until May of 1967 when Bill 40 was passed. The petitioner found himself in the position of having been successful in obtaining a special exception from the Zoning Commission, then being unable to construct the station due to the moratorium that had been passed by the County Council.

The petitioner produced testimony that the subject tract of land has been used commercially since 1930 as a store, weight scale and gas station. The gas station was torn down early in 1966 with the intention of constructing a new gas station on the subject parcel. All of the property along the York Road, both the west and east sides, is zoned commercial, either Business Local or Business Roadside, and an expert witness appearing on behalf of the petitioner testified that, in his opinion, the construction of a gasoline station here would not in any way violate Section 502.1 of the Zoning Regulations.

Eugene Clifford, Traffic Engineer for Baltimore County, testified that the petitioner's plan (Exhibit 1) meets all of the County's standards as required under Bill 40 and that, in his opinion, the erection of a gasoline service station here would not create any congestion on the surrounding streets.

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Samuel T. Crowther - 66-184-X

two abandoned service stations within a one mile radius of the subject site.

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The protestants were two filling station operators and a Mrs. Mildred Trestle, who is an officer of the Maryland Association of Petroleum Retailers. The main thrust of their testimony appeared that they did not want additional competition in the form of a new gas station. However, the Board finds that the petitioner proved a definite need for the station.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day of February, 1968 by the County Board of Appeals, ORDERED that the special exception for a gasoline service station petitioned for, be and the same is hereby GRANTED; also the C.N.S. (commercial, neighborhood shopping) District petitioned for, be and the same is hereby GRANTED, subject to site plan approval by the Department of Planning and Zoning, State Roads Commission, 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

William S. Baldwin, Chairman

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JAMES R. EISENHOWER ET AL vs. WILLIAM S. BALDWIN ET AL

SAUNDERS M. ALMOND, JR. Executor of the Last Will and Testament of Samuel Thomas Crowther, deceased and SHELL OIL COMPANY A Body Corporate

ANSWER TO PETITION FOR APPEAL

The Answer of Saunders M. Almond, Jr., Executor of Estate of Samuel Thomas Crowther, deceased, and Shell Oil Company, a Body Corporate, intervenors by Austin W. Brisendine, their attorney to the petition of appeal filed herein respectfully represents:

1. That they admit the allegations of Paragraph 1 of the Petition for Appeal.
2. Answering Paragraph 2 and its subdivisions, in its entirety, Respondents deny the allegations contained therein and they further say the action of the County Board of Appeals in granting the reclassification and special exception was correct.

Austin W. Brisendine 22 West Pennsylvania Avenue Towson, Maryland 21204 Attorney for Intervenor

I hereby certify that on this 16 day of June, 1968, a copy of the foregoing Answer to Petition for Appeal was mailed to Harry S. Swartzwelder, Jr., Esq., 341 St. Paul Place, Baltimore, Maryland, 21202, Attorney for Protestants-Appellants, and the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204.

Austin W. Brisendine

JAMES R. EISENHOWER ET AL vs. WILLIAM S. BALDWIN ET AL

SUGGESTION OF DEATH, MOTION TO BE SUBSTITUTED AS PARTY AND TO INTERVIEW

Saunders M. Almond, Jr., Executor of the Last Will and Testament of Samuel Thomas Crowther, deceased, and Shell Oil Company, a body corporate, contract purchaser, by Austin W. Brisendine, their attorney, respectfully represent:

1. That the said Samuel Thomas Crowther, deceased, was the owner of the property, the subject of these proceedings, and along with Shell Oil Company was the Petitioner on the original application for a special exception for said property. That the said Samuel Thomas Crowther departed this life on June 5, 1967, and that Saunders M. Almond, Jr. was named in his Last Will and Testament as Executor thereof; that he has duly qualified as said Executor; letters testamentary having been granted unto him by the Orphan's Court of Baltimore County on or about June 17, 1967, as appears from a certified copy of said letters annexed hereto as part hereof marked "Exhibit 1".

2. That the said Samuel Thomas Crowther being the owner of the property, which is the subject matter of this case, and the applicant, along with the Shell Oil Company, in the original hearings below and his Executor, Saunders M. Almond, Jr., are directly affected by this proceedings and all matters and actions connected therewith and have, therefore, a substantial interest and a legal

Rec'd 6/16/68

3. That for the protection of their rights and interests directly involved in these proceedings, Movants desire to intervene as parties Appellees, their interests being distinctly adverse to those of Appellants. Your Movants believe that the decision appealed from is legal and proper under the Zoning Regulations of Baltimore County and ought to be affirmed.

WHEREFORE, Movants pray:

1. That the said Saunders M. Almond, Jr. be made a Party Appellee in place of the decedent in this action.
2. That the said Saunders M. Almond, Jr. and Shell Oil Company, contract purchaser, be granted leave to intervene and to join in this case as Appellees.

AUSTIN W. BRISZENDINE
22 West Pennsylvania Ave.
Towson, Maryland 21204
Attorney for Movant

Saunders M. Almond, Jr., Movant

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify that on this day of June, 1968, before me, the subscriber a Notary Public of the State of Maryland, in and for the County of Baltimore, aforesaid, personally appeared Saunders M. Almond, Jr., Movant, and he made oath in due form of law that the matters and facts set forth in the foregoing Suggestion of Death, Motion to be Substituted as Party and to Intervene are true to the best of his knowledge and belief.

As Witness my hand and Notarial Seal.

Notary Public

ORDER

Upon the for-going Suggestion, Motion and Affidavit, it is this 10 day of June, 1968, ORDERED by the Circuit Court for Baltimore County that Saunders M. Almond, Jr., Executor of the Last Will and Testament of Samuel Thomas Crowther, deceased, is hereby substituted as a Party Appellee in this action in place of Samuel Thomas Crowther, deceased, and that the said Saunders M. Almond, Jr., Executor as aforesaid, and Shell Oil Company are hereby given leave to intervene as Appellees. The said Interveners shall file their initial pleadings on or before the 17 day of June, 1968; all of the foregoing provided counsel for said Interveners shall mail a copy of the aforesaid Suggestion, Motion and this Order to all Parties herein or their attorney.

JUDGE

I hereby certify that on this 10 day of June, 1968, a copy of the foregoing Suggestion, Motion and Order was mailed to Harry S. Swartzvalder, Jr., Esq., 241 St. Paul Place, Baltimore, Maryland 21202, Attorney for Protestants-Appellants, and the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204.

Austin W. Briszendine

JAMES R. EISENHOWER,
KENNETH C. MORGAN and
MILDRED TROSTLE
Protestants-Appellants
vs.
WILLIAM S. BALDWIN,
JOHN A. MILLER and
WALTER A. REITER, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 297
File No. 3940

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. Eisenhart, Secretary
County Board of Appeals of Baltimore County

JAMES R. EISENHOWER,
KENNETH C. MORGAN and
MILDRED TROSTLE
Protestants-Appellants
vs.
WILLIAM S. BALDWIN,
JOHN A. MILLER and
WALTER A. REITER, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 297
File No. 3940

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William S. Baldwin, John A. Miller and Walter A. Reiter, 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. 66-184-X

Jan. 21, 1966 Petition of Samuel T. Crowther for special exception for a filling station on property located on the northeast corner of York and Belfast Roads, 8th District - filed
Feb. 3 Certificate of Posting of property - filed
Feb. 7 Certificate of Publication in newspaper - filed
Feb. 23 At 1:00 p.m. hearing held on petition by Zoning Commissioner - case held sub curia
Mar. 28 Order of Zoning Commissioner granting special exception subject to restrictions
Mar. 30 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner
Oct. 25, 1967 Hearing on appeal before County Board of Appeals - case held sub curia
Oct. 25 Petitioner requested C.N.S. (commercial, neighborhood shopping) District in accordance with Baltimore County Council Bill No. 40 at the hearing before the Board

- 2 -

Feb. 15, 1968 Order of County Board of Appeals granting special exception and C.N.S. District
Mar. 14 Order for Appeal filed in the Circuit Court for Baltimore County
" 14 Petition to Accompany Order for Appeal filed in Circuit Court for Baltimore County
" 14 Certificate of Notice sent to all interested parties
Apr. 11 Transcript of Testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Photo of subject property - 10/20/67
" " 2 - Plot of Yorkshire - 10/1/21 (Crowther interests)
" " 3 - Rendering of 3 bay ranch service station
" " 4 - Recommended map - new districts - 9/12/67 - Planning Board as submitted to County Council
Protestants' Exhibit "A" - (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15) Photos - by Mrs. Trostle
Apr. 15 Record of proceedings filed in the Circuit Court for Baltimore County

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. Eisenhart, Secretary
County Board of Appeals of Baltimore County

JAMES R. EISENHOWER,
KENNETH C. MORGAN and
MILDRED TROSTLE
Protestants-Appellants
vs.
WILLIAM S. BALDWIN,
JOHN A. MILLER and
WALTER A. REITER, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 297
File No. 3940

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. Eisenhart, Secretary
County Board of Appeals of Baltimore County

JAMES R. EISENHOWER,
KENNETH C. MORGAN and
MILDRED TROSTLE
Protestants-Appellants
vs.
WILLIAM S. BALDWIN,
JOHN A. MILLER and
WALTER A. REITER, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 297
File No. 3940

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William S. Baldwin, John A. Miller and Walter A. Reiter, 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. 66-184-X

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Feb. 7 Certificate of Publication in newspaper - filed
Feb. 23 At 1:00 p.m. hearing held on petition by Zoning Commissioner - case held sub curia
Mar. 28 Order of Zoning Commissioner granting special exception subject to restrictions
Mar. 30 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner
Oct. 25, 1967 Hearing on appeal before County Board of Appeals - case held sub curia
Oct. 25 Petitioner requested C.N.S. (commercial, neighborhood shopping) District in accordance with Baltimore County Council Bill No. 40 at the hearing before the Board

- 2 -

Feb. 15, 1968 Order of County Board of Appeals granting special exception and C.N.S. District
Mar. 14 Order for Appeal filed in the Circuit Court for Baltimore County
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" 14 Certificate of Notice sent to all interested parties
Apr. 11 Transcript of Testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Photo of subject property - 10/20/67
" " 2 - Plot of Yorkshire - 10/1/21 (Crowther interests)
" " 3 - Rendering of 3 bay ranch service station
" " 4 - Recommended map - new districts - 9/12/67 - Planning Board as submitted to County Council
Protestants' Exhibit "A" - (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15) Photos - by Mrs. Trostle
Apr. 15 Record of proceedings filed in the Circuit Court for Baltimore County

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. Eisenhart, Secretary
County Board of Appeals of Baltimore County

#66-184-X - Exhibits
Crawther 10/25/67

Petitioner
✓ #1 Plat of SR dated 10/20/67
✓ #2 Plat of York Road " 10/11/67 - Crawther interests
✓ #3 Knowledge of 3 day road service station
✓ #4 Business map - dated 9/13/67 - showing road as subject to
Map Tawson 3C C. Crowther

✓ #1 Photos - J. Mrs. Tristle
2
3
4
5
6
7
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14
15

Zoning File 66-184-X - Samuel T. Crowther - Appeal of 3/14/68

JAMES H. EISENHOWER, KENNETH C. MORGAN and MILDRED TRISTLE
Protestants-Appellants
vs.
WILLIAM S. BALWYN, JR., JAMES A. ALMOND, JR. and JENNIFER BUILDING, Inc., constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Circuit Court
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
File No. 297
File No. 3940

Presented to the provisions of Rule 1101-B (b) of the Maryland Rules of Procedure
William S. Balwyn, Jr., Attorney for the County Board of Appeals, filed a motion for the Court to set aside the Order of the County Board of Appeals, dated February 15, 1968, in case No. 66-184-X, which Order granted a special exception for a gasoline service station and a C.N.S. (commercial, neighborhood shopping) district, located on the northeast corner of York Road and Belair Road, in the Eighth Election District of Baltimore County.

On this day of February, 1968, the Court, after hearing the testimony of the parties and the evidence presented, has concluded that the Order of the County Board of Appeals, dated February 15, 1968, is arbitrary, capricious and illegal for the following reasons:
1. That the Order of the County Board of Appeals is not authorized by the Baltimore County Charter or any ordinance, statute or other law presently in existence.
2. That the action of the County Board of Appeals is not supported by any substantial or legally sufficient evidence.
3. That the action of the County Board of Appeals is not supported by any substantial or legally sufficient evidence.

JAMES H. EISENHOWER, KENNETH C. MORGAN and MILDRED TRISTLE
Protestants-Appellants
vs.
WILLIAM S. BALWYN, et al., constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY (AT LAW)

Mr. Clerk:
Please note an Appeal, on behalf of James H. Eisenhower, Kenneth C. Morgan and Mildred Tristle, Protestants-Appellants in the above entitled case, from the County Board of Appeals to the Circuit Court for Baltimore County, in the matter of a Petition for Special Exception for a Gasoline Service Station, and C.N.S. (commercial, neighborhood shopping) District, located on the northeast corner of York Road and Belair Road, in the Eighth Election District of Baltimore County.
This Appeal is from the Decision and Order of the County Board of Appeals of Baltimore County on Petition No. 66-184-X and the Order passed pursuant to such dated February 15, 1968, by virtue of which the requested special exception and redistricting was granted.
This Appeal is filed pursuant to the provisions of Maryland Rules 83 and 84.

HARRY S. SWARTZWELDER, JR.
341 St. Paul Place
Baltimore, Maryland 21202
727-4929
Attorney for Protestants-Appellants
I HEREBY CERTIFY, That on this day of February, 1968, a copy of the foregoing Order for Appeal was mailed to Saunders M. Almond, Jr., Esquire, Jennifer Building, Towson, Maryland 21204, Attorney for Petitioner, and the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204.
Harry S. Swartzwelder, Jr.

JAMES H. EISENHOWER, KENNETH C. MORGAN and MILDRED TRISTLE
Protestants-Appellants
vs.
WILLIAM S. BALWYN, et al., constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY (AT LAW)

TO THE HONORABLE, THE JUDGE OF SAID COURT:
The Petition of James H. Eisenhower, Kenneth C. Morgan, and Mildred Tristle, Protestants-Appellants in the above designated moving appeal, by Harry S. Swartzwelder, Jr., their attorney, pursuant to the Provisions of Maryland Rules 83 and 84, respectfully represent unto your Honor:
1. That this appeal is from the Decision and Order of the County Board of Appeals, dated February 15, 1968, in case No. 66-184-X, which Order granted a special exception for a gasoline service station and a C.N.S. (commercial, neighborhood shopping) district on the property which was the subject of the said zoning petition.
2. That the Order of the County Board of Appeals of Baltimore County in granting said reclassification is arbitrary, capricious and illegal for the following reasons:
a. That the action of the County Board of Appeals is not authorized by the Baltimore County Charter or any ordinance, statute or other law presently in existence.
b. That the action of said Board is not supported by any substantial or legally sufficient testimony.
c. That the decision of the Board was arbitrary, discriminatory, unreasonable and illegal, since the evidence failed to demonstrate a genuine need

for an additional gasoline service station at this location and the conclusion of the Board to the contrary is not supported by any substantial or legally sufficient evidence.

WHEREFORE, your Petitioner prays that this Honorable Court reverse the Decision and Order of the County Board of Appeals for Baltimore County, dated February 15, 1968.

HARRY S. SWARTZWELDER, JR.
341 St. Paul Place
Baltimore, Maryland 21202
727-4929
Attorney for Protestants-Appellants

I HEREBY CERTIFY, That on this day of February, 1968, a copy of the foregoing Petition for Appeal was mailed to Saunders M. Almond, Jr., Esquire, Jennifer Building, Towson, Maryland 21204, Attorney for Petitioner, and the County Board of Appeals for Baltimore County, County Office Building, Towson, Maryland 21204.

Harry S. Swartzwelder, Jr.

February 15, 1968

Harry S. Swartzwelder, Jr., Esq.
341 St. Paul Place
Baltimore, Md. 21202

Re: Zoning File No. 66-184-X
Samuel T. Crowther,
Petitioner

Dear Mr. Swartzwelder:

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. Elenhorst, Secretary

cc: Mr. Kenneth C. Morgan
Saunders M. Almond, Jr., Esq.
Mr. John G. Rose
Mr. George E. Gavrilis
Board of Education

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Samuel T. Crowther, 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 the Zoning Commissioner of Baltimore County to grant a special exception for a filling station.

See attached description

(1)
XXXXX For a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a filling station

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Samuel T. Crowther, Legal Owner
Address: 2054 York Road
Timonium, Maryland 21093
Petitioner's Attorney: Saunders M. Almond, Jr., Esq.
Address: Jennifer Building, Towson, Md. 21204
Protestant's Attorney: [Signature]
Address: [Address]

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of January, 1968, 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 23rd day of February, 1968, at 1:00 o'clock P. M.

Zoning Commissioner of Baltimore County.

MULLER, RAPHEL & ASSOCIATES, INC.
PROFESSIONAL ENGINEERS, LAND SURVEYORS, PLANNING CONSULTANTS
801 WEST CHURCH STREET, BALTIMORE, MARYLAND 21201
TELEPHONE 5-1200
FACSIMILE 5-1200

ZONING DESCRIPTION

BEGINNING for the same at a point formed by the intersection of the east side of York Road with the north side of Belair Road, running thence and binding on the north side of Belair Road S-88°30' E 129.91', thence leaving the north side of Belair Road and running for a line of division through lots 12, 11, 10, 9, 8 and part of lot 7 as shown on the plat of York Road recorded among the land records of Baltimore County in Plat Book WPC 7, folio 21 N-14°29'W 166.96' thence for a line of division through lot 7 as shown on the aforesaid plat S-75°11' W 125.00' to the west side of York Road, running thence and binding on the east side of York Road S-14°29' E 131.40' to the place of beginning.

Containing 0.516 acres of land more or less.

Being part of lots 7, 8, 9, 10, 11, 12 as shown on the aforesaid plat and described in the two following deeds: Deed dated October 28, 1939 and recorded among the land records of Baltimore County in Liber C.W. 1083, folio 310 was conveyed by Mildred M. Lips to Samuel T. Crowther. Deed dated October 22, 1965 and recorded among the land records of Baltimore County in Liber OTG 4536, folio 517 was conveyed by Joseph A. Garliss and wife to Samuel T. Crowther.

Lucene F. Raphael
2246

SURVEY - LOT - FENCE - TOPOGRAPHY - LOCATION - CONSTRUCTION SERVICE - SURVEYING DESIGN AND LAYOUT - SCALE - SANITARY SEWERS - STORM DRAIN - WATER - ZONING PLATS, DESCRIPTIONS AND TESTIMONY

ZONING DESCRIPTION

BEGINNING for the same at a point formed by the intersection of the east side of York Road with the north side of Belfast Road, running thence and binding on the north side of Belfast Road S-88°30'E 129.91', thence leaving the north side of Belfast Road and running for a line of division through lots 14, 11, 10, 9, 8 and part of lot 7 as shown on the plat of Yorkshire recorded among the land records of Baltimore County in Plat Book WPC 7, folio 21 N-14°29'W 166.9' thence for a line of division through lot 7 as shown on the aforesaid plat S-75°11'W 125.00' to the east side of York Road, running thence and binding on the east side of York Road S-14°29'E 121.40' to the place of beginning.

Containing 0.516 acres of land more or less.

Being part of lots 7, 8, 9, 10, 11, 12 as shown on the aforesaid plat and described in the two following deeds: Deed dated October 28, 1939 and recorded among the land records of Baltimore County in liber CMB, Jr. 1083, folio 310 was conveyed by Mildred M. Lips to Samuel T. Crowther. Deed dated October 22, 1965 and recorded among the land records of Baltimore County in liber OTG 4536, folio 517 was conveyed by Joseph A. Garliss and wife to Samuel T. Crowther.

Eugene P. Raphael
Eugene P. Raphael 2246

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: 2-3-66
Posted for: Hearing held Feb 23-66 at 1:00 P.M.
Petitioner: Samuel T. Crowther
Location of property: N/E cor. of York Rd. & Belfast Rd.
Location of Sign: on York Rd. in front of old grocery store
Remarks: Robert Lee Bulch Date of return: 2-10-66
Posted by: Robert Lee Bulch Signature

RE: PETITION FOR SPECIAL EXCEPTION
For Filling Station - N/E Cor.
York Road and Belfast Road, 8th
Dist., Samuel T. Crowther,
Petitioner - No. 66-184-X

Mr. John G. Rose,
Zoning Commissioner
County Office Bldg.,
Towson, Maryland 21204

Mr. Rose:

Please enter an appeal of Kenneth C. Morgan, from the decision rendered by you on February 28, 1966, granting the special exception in the above matter and transmit all records and papers to the County Board of Appeals.

Kenneth C. Morgan
1601 East Jones Road,
Baltimore, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
For Filling Station - N/E Cor.
York Road and Belfast Road,
8th Dist., Samuel T. Crowther,
Petitioner
BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 66-184-X

The petitioner has requested a special exception for a gasoline filling station at the northeast corner of York and Belfast Roads, in the Eighth District of Baltimore County.

As the petitioner has complied with all the requirements of Section 502.1 of the Baltimore County Regulations a special exception should be granted.

It is this day of February, 1966, by the Zoning Commissioner of Baltimore County, ORDERED that a special exception for a gasoline filling station should be and the same is hereby granted, from and after the date of this Order, provided that Samuel T. Crowther, his heirs and assigns, shall comply strictly with Section 405.1 of the Baltimore County Zoning Regulations in that the gasoline filling station shall not be used for any of the following uses:

1. Storing of school buses shall not be permitted for any portion of the day.
2. Rental trucks and rental trailers shall not be stored or rented from the subject premises.
3. No used cars or wrecked cars shall be stored on the subject property.
4. No advertising displays shall be permitted on the outside of the building without prior approval of the Zoning Commissioner.
5. No vending machines shall be permitted on the property except such as are approved by the Office of Planning and Zoning on the final construction and building plans for the gasoline filling station at the time a building permit shall be issued.

The site plan for the development of said property is subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL EXCEPTION

8th DISTRICT

ZONING: Petition for Special Exception for a Filling Station.
LOCATION: Northeast corner of York and Belfast Roads.
DATE & TIME: WEDNESDAY, FEBRUARY 23, 1966 at 1:00 P.M.
PUBLIC HEARING: Room 106, 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:

Petition for Special Exception for a Filling Station.

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

Being the property of Samuel T. Crowther as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, February 23, 1966 at 1:00 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

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

Saunders M. Almond, Jr., Esq.,
Jennifer Building
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Special Exception for Samuel T. Crowther
66-184-X

TIME: 1:00 P.M.
DATE: Wednesday, February 23, 1966
PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

66-184-X
RIDGELEY JR. HIGH SCHOOL will attend zoning hearing
Dave McKibbin for Feb 23 1:00
John Pope
SP. X FOR GAS STA AT YORK
AND BELFAST RD.

66-184-X

MAP
#9
SE-13-C
NW-13-A
"X"

April 16, 1966

No. 66-184-X - Samuel T. Crowther

Petition, description of property, Order of Zoning Commissioner
Certificate of advertisement
Certificates of advertisement
Statement of Kenneth C. Morgan
Comments of Office of Planning
Order of appeal
Sketch - Vicinity Map 1 sign
List of stations
Plat filed with petition

Saunders M. Almond, Jr., Esq., Counsel for Petitioner
Jennifer Building
Towson, Maryland 21204
Kenneth C. Morgan, Applicant
1601 E. Jones Road,
Baltimore, Maryland 21204
Mrs. R. A. Trumble, protestant
8714 Janifer Road,
Towson, Maryland 21234
Mr. John E. Webster,
205 Purlington Road,
Lutherville-Financial, Md.
21093



MARYLAND ASSOCIATION OF PETROLEUM RETAILERS, INC.

October 20, 1967

Mr. William S. Baldwin, Chairman
Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition of Samuel T. Crowther for Special Exception
for Filling Station - N. E. Corner York and Belfast Roads,
8th District, #66-184-X

Dear Mr. Baldwin,

On September 26, 1967, following a general meeting of the Maryland Association of Petroleum Retailers, Inc., the Board of Directors held a brief meeting at which time Mrs. Mildred Trostle, Baltimore County Zoning Representative, informed them that a hearing has been scheduled on the above mentioned location for October 25, 1967.

The minutes show that Mrs. Trostle stated that she and Mr. Morgan, former Baltimore County Zoning Representative, and many of the dealers in the area of the proposed site, had opposed the station, at the original hearing held early in 1966, on a "need basis". Following Mr. Rose's granting of the Special Exception Ken Morgan appealed the decision in accordance with Section 500.10 of the Baltimore County Zoning Regulations.

Mrs. Trostle, who was appointed Baltimore County Zoning Representative, for the MPR Inc., in May 1966 and elected to a second term as Corresponding Secretary in March 1967, which automatically according to our By-Laws makes her a board member, was advised to make a new survey of the area, interview the dealers and report to the Board on October 10th, at which time the Board would decide on its course of action.

On October 10th, with 25 out of 28 Board Members present, Mrs. Trostle reported that her survey showed that there were 25 stations within one and a half miles of the proposed site. One nine-tenths of a mile away, which had been for lease nearly two years and one four-tenths of a mile away, which had been converted to a milk store. She stated the proposed station was to be a Shell Station and that there is a Shell Station one-half mile south of the proposed site.

Rec'd 10/23/67
9:15 AM

She further stated that four of the stations had been built within the past year and a half and that in her opinion there was no more need for stations in this area.

The board agreed and a resolution was passed unanimously directing Mrs. Trostle to conduct further interviews with the dealers in the area, have them complete the questionnaire drawn up by the board and gather all the information she felt was pertinent to the case and to testify in behalf of the MPR Inc. in the hearing scheduled for October 25, 1967.

Very truly yours,

A. L. Collins
A. L. Collins
President

ALC:lb

JENIFER PITTS & ALMOND
ATTORNEYS AT LAW
JENIFER BUILDING
TOWSON, MARYLAND 21204

October 11, 1967

Mr. William S. Baldwin, Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Petition of Samuel T. Crowther
for Special Exception
Case No. 66-184X

Dear Mr. Baldwin:

The above entitled case is scheduled for a hearing before the County Board of Appeals on Wednesday, October 25, 1967, at 10 o'clock a.m. Please allow me to suggest the untimely death of the Petitioner, Samuel T. Crowther, and request that the Trustees under the Will of Samuel T. Crowther be substituted as the Petitioners.

The Trustees under the Will are First National Bank of Maryland and Saunders M. Almond, Jr.

Sincerely yours,

Samuel M. Almond, Jr.

SMA:wm

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW

June 13, 1966

William Baldwin, Esquire
County Board of Appeals
Room 301 - County Office Building
Towson, Maryland - 21204

Re: Case No. 66-184X
Petition of Samuel T. Crowther

Dear Mr. Baldwin:

On Tuesday, June 14, 1966, I received notice from the Board dated June 10, 1966, indicating that the above case was set for hearing on Tuesday, June 21, 1966, at 1:30 a.m.

I immediately contacted Mr. Kenneth C. Morgan and the other appellants-protestants involved in this matter, and determined that Mr. Morgan's wife is undergoing surgery on that date and that Mrs. Trostle will be out of the area and unable to appear.

Since the former is a named party and the second, an essential witness to my case, I must respectfully request that this matter be continued to a later date.

Very truly yours,

Harry S. Swartzwelder, Jr.
Harry S. Swartzwelder, Jr.

HSS:mmm

cc: Saunders M. Almond, Jr., Esq.

Rec'd 6-16-66
9:15 AM

1-66-128-744

PETITION OF SAMUEL T. CROWTHER
FOR SPECIAL EXCEPTION FOR A
FILLING STATION

BEFORE THE
COUNTY BOARD
OF APPEALS
FOR
Case No. 66-184X
BALTIMORE COUNTY

Mr. _____

Please issue for the following witness to testify for the Petitioner
in the above entitled cause, and make the writ returnable on Wednesday, the 25th
day of October, 1967, at 10 o'clock A.M.

Name: Eugene J. Clifford Address: County Office Building
Bureau of Traffic Engineering Towson, Md. 21204

Rec'd. 10/11/67

2:45 P.M.

Mr. Clerk:

Attorney for the Petitioner

Please issue summons in accordance with the above.

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

1-66-128-744

PETITION OF SAMUEL T. CROWTHER
FOR SPECIAL EXCEPTION FOR A
FILLING STATION

BEFORE THE
COUNTY BOARD
OF APPEALS
FOR
Case No. 66-184X
BALTIMORE COUNTY

Mr. _____

Please issue for the following witness to testify for the Petitioner
in the above entitled cause, and make the writ returnable on Wednesday, the 25th
day of October, 1967, at 10 o'clock A.M.

Name: Eugene J. Clifford Address: County Office Building
Bureau of Traffic Engineering Towson, Md. 21204

Rec'd. 10/11/67

2:45 P.M.

Mr. Clerk:

Attorney for the Petitioner

Please issue summons in accordance with the above.

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

May 16, 1967

Saunders M. Almond, Jr., Esq.
Jennifer Building
Towson, Maryland 21204

Re: Case No. 66-184-X
Petition of Samuel T. Crowther

Dear Mr. Almond:

I am in receipt of your letter dated May 8th requesting that the above captioned case be set for hearing.

It is my understanding that before the recent gas station regulations can become effective, the Council must pass a law districting the County. I further understand that these proposed districts will not be taken up before the Planning Board until its June meeting.

Therefore, I do not see how we can schedule any service station case until the question of districts has been resolved by the Planning Board and the County Council.

Very truly yours,

William S. Baldwin
William S. Baldwin, Chairman

WSB:ete

May 8, 1967

Mr. William S. Baldwin, Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Case No. 66-184X
Petition of Samuel T. Crowther

Dear Bill:

I will appreciate it if you will set the above entitled case in for a hearing at your earliest convenience. I am of the opinion that the case will not take longer than one hour to be heard, although the other side could change his plan of action to make me a poor prognosticator.

Sincerely yours,

SMA:wm

March 21, 1967

Mr. William S. Baldwin, Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Case No. 66-184-X
Samuel T. Crowther, Petitioner

Dear Bill:

Thank you very much for your letter of March 15, 1967 about Sam Crowther's case.

I appreciate your time and am sure that you will realize my clients concern about securing a hearing date for the appeal from the zoning commissioner granting him a special exception for a gas station at Belfast and York Roads in Timonium, since the matter was appealed in February of 1966 and last res. is \$600.00 per month due to the Petitioner.

Sincerely yours,

SMA:wal

Rec'd 3/24/67
9:15 AM

Samuel M. Almond, Jr., Esq.
Jenifer Building
Towson, Maryland 21204

Re: Case No. 66-184-X
Samuel T. Crowther,
Petitioner

Dear Sam:

I am in receipt of your letter of March 9th.

It is my understanding that the County Council did not pass any new regulations pertaining to service stations on March 13th, but merely scheduled and held a public hearing on the new regulations as proposed by the Planning Board.

Since there is no way of knowing at this time what the regulations will be when finally passed by the Council, or whether or not your client's property will be eligible for a filling station site under the new regulations, I do not see how we can schedule your appeal now as there is a possibility that the petitioner's property will not meet the requirements of the regulations and, hence, the case may become moot. If and when the Council passes a gasoline station bill and it is signed into law, I will be happy to schedule your case.

Best personal regards.

Very truly yours,

William S. Baldwin
William S. Baldwin, Chairman

WSB:ste

March 9, 1967

Mr. William S. Baldwin, Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Case No. 66-184X
Petition of Samuel T. Crowther

Dear Bill:

I represent the petitioner, Samuel T. Crowther, who seeks a special exception for a filling station in the above entitled matter.

It is my understanding that the County Council will pass the zoning regulations regarding service stations on March 13, 1967 and, if this be the fact, then the moratorium on service station zoning will be lifted.

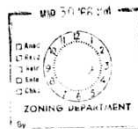
Please set the hearing in this matter at your earliest convenience since the zoning commissioner granted the special exception in January of 1966 and since that date we have been held up by an appeal. Your cooperation will be appreciated.

Sincerely yours,

SMA:wal

Rec'd 3-10-67
3:20 PM

RE: PETITION FOR SPECIAL EXCEPTION
For Filling Station - 11/2 Cur.
York Road and Belfast Road, 8th
Dist., Samuel T. Crowther,
Petitioner - No. 66-184-X



Mr. John G. Rose,
Zoning Commissioner
County Office Bldg.,
Towson, Maryland 21204

Mr. Rose:

Please enter an appeal of Kenneth C. Morgan, from the decision rendered by you on February 28, 1966, granting the special exception in the above matter and transmit all records and papers to the County Board of Appeals.

Kenneth C. Morgan
1601 East Joppa Road
Baltimore, Maryland 21204

Mr. Chairman:

My name is Kenneth C. Morgan and I live at 1823 Greenwood Rd., Baltimore, Maryland 21234. I am the Northeast Baltimore County Zoning Representative for the Maryland Association of Petroleum Retailers, Inc. I am the Secretary of the Maryland Petroleum Association for the Dealers of Maryland and also on the Board of Directors of this association. I am a former Sales Representative, Retail for the American Oil Company. I am also a American Oil dealer at 1601 East Joppa Road in Baltimore County, zone 4.

The purpose of my testimony is to familiarize the Zoning Board with the facts pertaining to the area involved where this service station is proposed to be built.

On York Road from the City-County line to Joppa Road, a distance of 2.2 miles there are 14 service stations. From Joppa Road to Shavano Road in Cockeysville, a distance of 6.9 miles, there are no less than 44 stations for an average of 7 stations for every mile of road. For specifics, we have prepared charts giving exact locations of all stations and a breakdown of the mileage. You will note on these charts that there are 2 stations closer in less than a mile from the proposed station. I submit these pictures as evidence. This is not unusual in this area and I will explain.

The dealer change over rate in this area is fairly high, in certain cases, the dealers can only manage to stay in business an average of 1 year. In the past five years, one American station has had five dealers, Mobil- two dealers in five years. Another American- three dealers in five years, Esso- two dealers in five years, Sinclair- five dealers in two years. Flying A- six dealers in two years and

another Sinclair possibly twenty dealers in five years. If these dealers had the business, there would be no need for this alarming rate of dealer change overs.

At the present time, there are applications for a station at this location, Belfast and at Pedonia Road and York Roads. Esso is building at Shavano Road and American is remodeling their station into a four bay station at Pedonia Road. I am told that there are more applications for stations on this road. Phillips is going to remodel their station at Warren Road, south of Cockeysville on the east side of York Road.

The service station dealers and the neighbors in these communities would like to know where this service station expansion or explosion is going to stop. We ask that on the general principle of Need, that this station be denied zoning since there is no need for this station or any other station on this road regardless of brand.

I further submit that the welfare of 58 dealers and their families, and their employees and their employees families who live in this area. Roughly a total of 1,000 people have already been seriously affected by this over saturation and that any more stations on this road will create an economic chaos and add to future blight in these communities.

Thank you,

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
FROM: Mr. George E. Gervais, Director
Office of Planning and Zoning
SUBJECT: "Petition 66-184-X, NE/Cor of York and Belfast Roads. Petition for Special Exception for a Filling Station." Samuel T. Crowther-Petitioner.

8th District

HEARING: Wednesday, February 22, 1966. (11:00 P.M.)

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

It is our belief that the current, almost universal public resentment against proliferation of filling stations cannot be without cause, even though the cause remains to be identified in official documents. There can be little doubt, however, that the public outcry is a reaction against a trend often detrimental to the general welfare of localities throughout the County. We suggest, therefore, that it would behoove the petitioner to demonstrate, genuinely and persuasively, that the establishment of still another filling station would not be in any way "detrimental to the... general welfare of the locality involved." (Paragraph 502.1.a of the Zoning Regulations.)

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
Tel. 2-8000

George E. Gavett
Director
John C. Rose
Zoning Commissioner

April 14, 1966

Saunders H. Almond, Jr., Esq.,
Jennifer Building
Towson, Maryland 21204

Re: Petition for Special Exception
for Filling Station - N/E Cor.
York Road and Belfast Road,
8th Dist., Samuel T. Crowther,
Petitioner - No. 66-184-X

Dear Mr. Almond:

An appeal has been filed from the decision
of the Zoning Commissioner granting the special exception in
the above matter.

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

Very truly yours

Zoning Commissioner

Mrs. R. A. Trostle,
8714 Jenifer Road,
Towson, Maryland 21234

Mr. John D. Webster,
205 Purlington Road,
Lutherville-Timonium, Md.
21093

April 14, 1966

Saunders H. Almond, Jr., Esq.,
Jennifer Building
Towson, Maryland 21204

Re: Petition for Special Exception
for Filling Station - N/E Cor.
York Road and Belfast Road,
8th Dist., Samuel T. Crowther,
Petitioner - No. 66-184-X

Dear Mr. Almond:

An appeal has been filed from the decision
of the Zoning Commissioner granting the special exception in
the above matter.

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

Very truly yours

Zoning Commissioner

Mrs. R. A. Trostle,
8714 Jenifer Road,
Towson, Maryland 21234

Mr. John D. Webster,
205 Purlington Road,
Lutherville-Timonium, Md.
21093

February 28, 1966

Saunders H. Almond, Jr., Esq.,
Jennifer Building
Towson, Maryland 21204

Re: Petition for Special Exception
for Filling Station - N/E Cor.
York and Belfast Roads, 8th Dist.,
Samuel T. Crowther, Petitioner
No. 66-184-X

Dear Mr. Almond:

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

Very truly yours

Zoning Commissioner

cc: Mrs. R. A. Trostle,
8714 Jenifer Road,
Baltimore, Maryland 21234

Mr. John D. Webster,
205 Purlington Road,
Lutherville-Timonium 21093

Mr. Kenneth C. Morgan,
1828 Cromwood Road,
Baltimore, Maryland 21234

February 28, 1966

Saunders H. Almond, Jr., Esq.,
Jennifer Building
Towson, Maryland 21204

Re: Petition for Special Exception
for Filling Station - N/E Cor.
York and Belfast Roads, 8th Dist.,
Samuel T. Crowther, Petitioner
No. 66-184-X

Dear Mr. Almond:

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

Very truly yours

Zoning Commissioner

cc: Mrs. R. A. Trostle,
8714 Jenifer Road,
Baltimore, Maryland 21234

Mr. John D. Webster,
205 Purlington Road,
Lutherville-Timonium 21093

Mr. Kenneth C. Morgan,
1828 Cromwood Road,
Baltimore, Maryland 21234

February 17, 1966

Saunders H. Almond, Jr., Esq.,
Jennifer Building
Towson, Md. 21204

Re: Petition for Special Exception for
Samuel T. Crowther
66-184-X

Dear Sir:

This is to advise you that \$50.75 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 C. ROSE
ZONING COMMISSIONER

JCR/ba

RE: PETITION FOR SPECIAL EXCEPTION
For Filling Station - N/E Cor.
York Road and Belfast Road, 8th
Dist., Samuel T. Crowther,
Petitioner - No. 66-184-X

Mr. John C. Rose,
Zoning Commissioner
County Office Bldg.,
Towson, Maryland 21204

Mr. Rose:

Please enter an appeal of Kenneth C. Morgan, from
the decision rendered by you on February 28, 1966, granting
the special exception in the above matter and transmit all records
and papers to the County Board of Appeals.

Kenneth C. Morgan
1601 East Joppa Road,
Baltimore, Maryland 21204



Mr. Chairman:

My name is Kenneth C. Morgan and I live at 1828 Cromwood Rd.,
Baltimore, Maryland 21234. I am the Northeast Baltimore County
Zoning Representative for the Maryland Association of Petroleum
Retailers, Inc. I am the Secretary of the Maryland Petroleum
Association for the Dealers of Maryland and also on the Board of
Directors of this association. I am a former Sales Representative,
Retail for the American Oil Company. I am also a American Oil
dealer at 1601 East Joppa Road in Baltimore County, zone 4.

The purpose of my testimony is to familiarize the Zoning Board with
the facts pertaining to the area involved where this service
station is proposed to be built.

On York Road from the City-County line to Joppa Road, a distance of
2.3 miles there are 14 service stations. From Joppa Road to
Shawen Road in Cockeysville, a distance of 6.9 miles, there are
no less than 44 stations for an average of 7 stations for every
mile of road. For specifics, we have prepared charts giving exact
locations of all stations and a breakdown of the mileage.
You will note on these charts that there are 2 stations closed in less
than a mile from the proposed station. I submit these pictures as
evidence. This is not unusual in this area and I will explain.

The dealer change over rate in this area is fairly high, in certain
cases, the dealers can only manage to stay in business an average of
1 year. In the past five years, one American station has had five
dealers, Mobil- two dealers in five years. Another American- three
dealers in five years, Esso- two dealers in five years, Sinclair-
five dealers in two years. Flying A- six dealers in two years and

another Sinclair possibly twenty dealers in five years. If these
dealers had the business, there would be no need for this alarming
rate of dealer change overs.

At the present time, there are applications for a station at this
location, Belfast and at Pedonia Road and York Roads. Zero is
building at Shawen Road and American is remodeling their station
into a four bay station at Pedonia Road. I am told that there are
more applications for stations on this road. Phillips is going to
remodel their station at Warren Road, south of Cockeysville on
the east side of York Road.

The service station dealers and the neighbors in these communities
would like to know where this service station expansion or explosion
is going to stop. We ask that on the general principle of Need,
that this station be denied zoning since there is no need for this
station or any other station on this road regardless of brand.

I further submit that the welfare of 58 dealers and their families,
and their employees and their employees families who live in this
area, roughly a total of 1,000 people have already been seriously
affected by this oversaturation and that any more stations on this
road will create an economic chaos and add to future blight in
these communities.

Thank you.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
VA. 3-3000GEORGE E. GAVRELL
DIRECTOR
JOHN G. ROSE
JUNIOR COMMISSIONERSaunders M. Almond, Jr., Esq.
Jennifer Building
Towson, Maryland 21204

January 24, 1966

RE: Filling Station Special
Exception for Samuel T.
Crowther, located NE/Cor of
York and Belfast Rds., 8th Dist.
(Item 1, December 7, 1965)

Dear Sir:

This office has received the revised plans and descriptions
as requested by the Bureau of Traffic Engineering and the State
Roads Commission. It is my understanding that these plans and
descriptions are satisfactory.The above referenced petition is accepted for filing as of
the date on the enclosed filing certificate. Notice of the hearing
date and time which will be held not less than 30 days nor more
than 90 days after the date on the filing certificate will be
forwarded to you in the near future.If you have any questions concerning this matter, please
do not hesitate to contact me at VA 3-3000, Extension 353.

Very truly yours,

James M. Dyer, Principal
Zoning Technician

JED:ylb

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

February 14, 1966

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
VA. 3-3000GEORGE E. GAVRELL
DIRECTOR
JOHN G. ROSE
JUNIOR COMMISSIONERSaunders M. Almond, Jr., Esq.
Jennifer Building
Towson, Md. 21204

Dear Sir:

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/ba

Encls:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 11, 1966
FROM: Mr. George E. Gavrell, Director
Office of Planning and ZoningSUBJECT: "Petition #66-184-X. NE/Cor of York and Belfast Roads. Petition for Special
Exception for a Filling Station. Samuel T. Crowther-Petitioner."

8th District

HEARING: Wednesday, February 23, 1966. (1:00 P.M.)

The planning staff of the Office of Planning and Zoning has re-
viewed the subject petition and offers the following comments:It is our belief that the current, almost universal public resent-
ment against proliferation of filling stations cannot be without cause, even
though the cause remains to be identified in official documents. There can
be little doubt, however, that the public outcry is a reaction against a
trend often detrimental to the general welfare of localities throughout the
County. We suggest, therefore, that it would behoove the petitioner to
demonstrate, genuinely and persuasively, that the establishment of still
another filling station would not be in any way "detrimental to the...
general welfare of the locality involved." (Paragraph 502.1.1a of the
Zoning Regulations.)

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

January 24, 1966

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
VA. 3-3000GEORGE E. GAVRELL
DIRECTOR
JOHN G. ROSE
JUNIOR COMMISSIONERSaunders M. Almond, Jr., Esquire
Jennifer Building
Towson, Maryland 21204RE: Filling Station Special
Exception for Samuel T.
Crowther, located NE/Cor of
York and Belfast Rds., 8th Dist.
(Item 1, December 7, 1965)

Dear Sir:

This office has received the revised plans and descriptions
as requested by the Bureau of Traffic Engineering and the State
Roads Commission. It is my understanding that these plans and
descriptions are satisfactory.The above referenced petition is accepted for filing as of
the date on the enclosed filing certificate. Notice of the hearing
date and time which will be held not less than 30 days nor more
than 90 days after the date on the filing certificate will be
forwarded to you in the near future.If you have any questions concerning this matter, please
do not hesitate to contact me at VA 3-3000, Extension 353.

Very truly yours,

James M. Dyer, Principal
Zoning Technician

JED:ylb

JENIFER PITTS & ALMOND

ATTORNEYS AT LAW

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204TELEPHONE
TOWSON 3-3000

February 18, 1966

Mrs. Don Anderson
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204RE: Petition for Special Exception
for Samuel T. Crowther
66-184-X

Dear Madam:

I am enclosing my check in the amount of \$50.75
for the additional costs in the above entitled matter. Please
forward me a receipt at your earliest convenience.If you hear about any new opposition to this matter,
please advise me by call.

Sincerely yours,

Enclosed

December 10, 1965

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204Saunders M. Almond, Jr., Esquire
Jennifer Building
Towson, Maryland 21204SUBJECT: Filling Station Special Exception
for Samuel T. Crowther
Located NE/Cor of York and
Belfast Roads, 8th District
(Item 1, December 7, 1965)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes
the following comments:BUREAU OF ENGINEERING:
Water - Existing 12" and 30" in York Road, existing 6" in Belfast Road.
Sewer - Existing 6" in both York and Belfast Roads.
Adequacy of existing utilities to be determined by developer or his engineer.
Road - Belfast Road is to be developed as a minimum 30' road on a 50' right of way.STATE ROADS COMMISSION AND BUREAU OF TRAFFIC ENGINEERING: The petitioner's engineer
should contact Mr. G. Richard Moore-Bureau of Traffic Engineering at VA 3-3000,
Extension 555, and Mr. John Meyers, State Roads Commission at VE 7-3000 Extension 353
with regard to the proposed site plan prior to a hearing.
The site plan as submitted does not indicate sufficient details with regard to
entrances, sidings, radius returns and storm drains.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 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 Commissioner's hearing.

The following members had no comment to offer:

Fire Bureau--Plans Review
Health Department
Industrial Development Commission
Board of Education
Buildings Department
Office of Planning and Zoning

Very truly yours,

James M. Dyer, Principal
Zoning Technician

JED:ylb

cc: Mr. Carlyle Brown-Bureau of Engineering
Mr. G. Richard Moore-Bureau of Traffic Engineering
Mr. John Meyers-State Roads CommissionTELEPHONE
823-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 35750

DATE 1/18/66

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204TO: Saunders M. Almond, Jr., Esq.
Jennifer Building
Towson, Md. 21204

BILL TO: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-622	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.00 COST
Petition for Special Exception for Samuel T. Crowther			50.00
#66-184-X 184			
1-2666 184-X * 35750 T14-			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
823-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 35774

DATE 2/22/66

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204TO: Saunders M. Almond, Jr., Esq.
Jennifer Building
Towson, Md. 21204

BILL TO: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-622	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.75 COST
Advertising and parking of property for Samuel T. Crowther			50.75
#66-184-X			
1-2666 184-X * 35774 T14-			50.75

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
823-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 37651

DATE 2/30/66

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204TO: Kenneth C. Morgan,
1681 East Johns Road,
Baltimore, Maryland 21204BILL TO: Office of Planning & Zoning
119 County Office Bldg.,
Towson, Maryland 21204

DEPOSIT TO ACCOUNT NO. 01-622	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$75.00 COST
Cost of appeal - Property of Samuel T. Crowther			75.00
No. 66-184-X			
1-2666 184-X * 37651 T14-			75.00

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
823-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 41100

DATE 2/27/66

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204TO: Mrs. R. A. Trumble
8714 Jennifer Road
Baltimore, Md. 21224BILL TO: County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO. 01-712	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$1.00 COST
Copy Order of Board of Appeals - Case No. 66-184-X Samuel T. Crowther			1.00

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.

PETITION FOR SPECIAL EXCEPTION
NO INTEREST
ZONING: Petition for Special Exception for a Filling Station.
LOCATION: Northeast corner of York and Belfast Roads.
DATE & TIME: WEDNESDAY, February 23, 1966 at 1:00 P.M.
PUBLIC HEARING: Room 108, 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: **Petition for Special Exception for Filling Station.**

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

RETURNING: For the same as a plot formed by the intersection of the east side of York Road with the north side of Belfast Road, running thence and bounding on the north side of York Road 363' 00" to the north line of York Road 363' 00" thence leaving the north side of Belfast Road, running for a line of division through lots 12, 11, 10, 9, 8, and part of lot 7 as shown on the plat of Yorkshire recorded among the land records of Baltimore County in Plat Book WPC 7, folio N-11 degrees 29' 16.36" thence for a line of division through lot 4 as shown on the aforesaid plat S-73 degrees 11' W 125.00' to the east side of York Road, running thence and bounding on the east side of York Road S-41 degrees 29' E 121.00' to the place of beginning. Containing 3.616 acres of land more or less.

Being parts of 1467 7, 8, 9, 10, 11, 12 as shown on the aforesaid plat and described in the following deeds: Deed dated October 28, 1930 and recorded among the land records of Baltimore County in Liber CWB, Jr., 1083, folio 210 was conveyed by Mildred H. Lips to Samuel T. Crouther. Deed dated October 22, 1961 and recorded among the land records of Baltimore County in Liber OTG 4336, folio 317 was conveyed by Joseph A. Garlick and wife to Samuel T. Crouther.

Being the property of Samuel T. Crouther as shown on plat map filed with the Zoning Department.

Hearing Date: Wednesday, February 23, 1966 at 1:00 P.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

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

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Rosedown, Md

THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue
CATONVILLE, MD.

February 7, 1966

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of ~~various~~ weekly newspapers published in Baltimore County, Maryland, once a week for ~~one~~ two week before the 7th day of February, 1966, that is to say the same was inserted in the issues of

February 3, 1966.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager of the

466-184-X

No. York and Belfast Rds.

8th District

Samuel T. Crouther, Petitioner

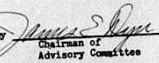
I sign

Sebastiano M. Almondo, Jr., Registrar
Junior Building
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of January, 1968.


JOHN G. ROSE
Zoning Commissioner

Petitioner: Samuel T. Crumher
Petitioner's Attorney: Sebastiano M. Almondo Jr. Reviewed by: 
Chairman of
Advisory Committee

Boudware M. Almond, Jr., Appraiser
Jennifer Building
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of January, 1968.



JOHN G. HUSE
Zoning Commissioner

Petitioner Samuel T. Crothers

Petitioner's Attorney Boudware M. Almond, Jr. Reviewed by James H. Ryan
Chairman of
Advisory Committee

46-184-x

1 sign

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 5th Date of Posting 2-3-66
Posted by Hearing held Feb. 23-66 AT 1:00 PM
Petitioner: Samuel T. Growther
Location of property NE Cor. of York Rd. & Belfast Rd.
Location of Sign: D on York Rd in front of Old
Green Store
Remarks: _____
Posted by Robert Lee Bell Date of return 2-10-66
Signature

