

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, **SUN OIL COMPANY**, 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 for a Variance from Section 413.5 (D) to permit sign height of 50' instead of the required 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

See description attached.

Property is to be posted and advertised as prescribed by Zoning Regulations. For we agree to pay expenses of above Variance 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 **David H. Horn** **SUN OIL COMPANY** Legal Owner
Address: 6324 Balto. Nat'l. Pike. Address: 1910 Russell Street
Baltimore, Maryland 21228 Baltimore, Maryland 21230

Petitioner's Attorney Protestant's Attorney
Address: Address:

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day

of July 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 104, County Office Building in Towson, Baltimore County, on the 12th day of August 1966, at 10:00 o'clock

Edward D. Hardesty
DEPUTY Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 8/1/66
BY *John D. Hardesty*

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts **HARDSHIP SHOWN**

the above Variance should be had; and it further appearing that by reason of

It is ORDERED by the Zoning Commissioner of Baltimore County this 12th day of August 1966, that the herein Petition for a Variance should be and the same is granted from said after the date of this order, to permit a sign height of 50 feet instead of the required 25 feet, subject to approval of the site plan by the Bureau of Public Services and Office of Planning and Zoning.

Edward D. Hardesty
Deputy Zoning Commissioner of Baltimore County

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of August 1966, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BEGINNING at a point 263 ft. west of where the westerly side of Rolling Road meets the northerly side of Baltimore National Pike; thence proceeding in a westerly direction a distance of 5 ft. to a point; thence at an angle and proceeding in a northerly direction a distance of 20 ft. to a point; thence at an angle and proceeding in an easterly direction a distance of 5 ft. to a point; thence at an angle and proceeding in a southerly direction a distance of 20 ft. to the point and place of beginning.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. George E. Gavrellis, Director,
Office of Planning and Zoning

Date: August 15, 1966

FROM: *Edward D. Hardesty*
Deputy Zoning Commissioner
SUBJECT: Service Station Signs

The Reference is made to your inter-office Memo dated August 15, 1966 concerning Variance granted under Petition No. 66-27-A.

You advise that your Office requested that certain proofs be submitted in conjunction with this petition. I assume from the wording in the Advisory Comments submitted by Mr. Johnson (which appeared to be a Memo of Law) that the proofs referred related to the competency of the evidence to be submitted in support of the petition. It now appears that you are now treating the proofs as some kind of plats or other documentary evidence.

In any event, however, the petitioner, in my opinion made a case of hardship, and for this reason I granted the variance. All evidence given was verbally.

It does occur to me that Mr. Horn stated prior to the hearing that he had previously discussed with and obtained permission from Mr. Rose to file this particular petition for a variance. Therefore, it is possible that all relative factors so the subject petition are not personally known to me so far as any discussion between Mr. Horn and Mr. Rose is concerned. As you know, Mr. Rose is currently on vacation and I am unable to contact Mr. Horn by phone to either confirm or deny this conversation with Mr. Rose.

In closing, I would like to take this opportunity to comment that in the past I have never been called upon to justify or explain any of my official acts performed in conjunction with my duties as Deputy Zoning Commissioner. This applies to the Board of Appeals as well as to the Circuit Court for Baltimore County when they have occasion to hear one of my ORDERS on appeal.

I wish to assure you that I have no intention (and I apologize if I misconstrued the apparent intent of your Memo) of explaining or justifying my reasons for granting or denying any given petition, whether it be for a variance, special exception or reclassification.

If you so desire to discuss this case or any other case with me, I would appreciate your doing so in person and not by written Memo.

Edward D. Hardesty
Deputy Zoning Commissioner

P.S. So far as the type of signs to be permitted for service station locations, I see nothing wrong with the current business sign regulations governing the same.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Deputy Zoning Commissioner
FROM: Mr. George E. Gavrellis
Director of Planning
SUBJECT: Service Station Signs

Date: August 15, 1966

We have received a copy of your letter to Mr. David H. Horn, stating that the variance requested under Petition 66-27-A has been granted. We are glad to hear that the variance has been granted. The City Engineer's Office, however, and we thus assume that they were not aware of this.

As you know, the petitioner's sign at the service station is a sign rather than 25 feet) on a service station sign. Petitioner's Office is making research to see if service station signs are allowed to be a great advantage to our citizens and to our service station owners. Therefore, we would appreciate a memorandum from your Office, particularly as to the petitioner's sign at the service station, as well as your opinion on the kind of sign a service station would apply to service stations generally. Some of our citizens, however, do not like to have this memorandum of August 11, or earlier, in this regard.

Your prompt attention to this matter will be appreciated.

TELEPHONE: 623-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 39499
DATE 8/26/66

TO: Sun Oil Company
1910 Russell Street
Baltimore, Md. 21230

Bill To: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
66-422		Advertising and posting of property 66-27-A	41.00
			41.00

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Deputy Zoning Commissioner
FROM: George E. Gavrellis, Director of Planning

Date: July 22, 1966

SUBJECT: Petition 66-27-A. North side of Baltimore National Pike 263 feet West of Rolling Road. Petition for Variance to permit a sign height of 50 feet instead of the required 25 feet.
Sun Oil Company - Petitioners

1st District

HEARING: Monday, August 8, 1966. (10:00 A.M.)

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

1. Recent zoning ordinances frequently include variance restrictions based, in part, on the following tenets:

a. Evidence should be carefully analyzed to determine whether there is a genuine need for a variance and whether that need is of such urgency that injustice will result if the variance is not granted. If it is possible to make any reasonable use of the property without a variance, the variance must not be granted.

b. The terms "practical difficulty" and "unreasonable hardship" mean difficulty or hardship which is peculiar to the situation of the property; which is of such a degree of severity that imposition of the hardship or difficulty is not necessary to carry out the spirit of the ordinance; and which amounts to a substantial and unnecessary injustice to the applicant. A criterion for determining unreasonable hardship is whether the legislated zoning restrictions, when applied to the property in the setting of its environment, are so unreasonable as to constitute an arbitrary and capricious interference with the basic rights of private ownership. It should be emphasized that the plight of any applicant seeking a variance must be due to unique circumstances regarding the applicant's property, and not to general conditions in the neighborhood.

c. The purchase of property with the expectation of receiving a variance does not constitute a practical difficulty or an unreasonable hardship.

d. The mere fact that a variance would make property more profitable does not justify the variance.

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Deputy Zoning Commissioner
FROM: George E. Gavrellis, Director of Planning

Date: July 22, 1966

SUBJECT: Petition 66-27-A.

a. A variance cannot be granted to grant a more convenience. Once again, the necessity must be so urgent and the facts so extraordinary as to require the withdrawal of the particular case from application of the zoning provision from which the variance is sought.

f. It is not proper or legal to consider the existence of surrounding ill-advised or illegal zoning variances as grounds for granting additional variances.

Although the Baltimore County Zoning Regulations do not spell out rules based on the above, we note that all of the tenets have been established in substance by the Maryland Court of Appeals. We feel that this case-book law set forth by the Court of Appeals in the matter of variances makes eminent sense from the planning viewpoint. This, of course, is because variances are not in accord with the above principles strongly tend to undermine the regulations which support land-use planning.

2. We request that the petitioner be required to show that the variance tests stated above are met - and that adequate proofs be submitted - if the variance requested is to be granted. We question the validity of this petition in any event, however, since we have not been able to find the statement of hardship or difficulty requested on the petition form itself.

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 12 day of July, 1966.

Petitioner: Sun Oil Company

Petitioner's Attorney

Reviewed by *James E. Hays*
Chairman of Advisory Committee

TELEPHONE: 623-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 39428
DATE 7/19/66

TO: Sun Oil Co.
1910 Russell Street
Baltimore, Md. 21230

Bill To: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
66-422		Petition for Variance 66-27-A	25.00
			25.00

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.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Post: July 23, 1966

Posted for: Variance

Petitioner: Sun Oil Co.

Location of property: N/S Balto. Nat'l. Pike 263' W of Rolling Rd.

Location of Sign: N/S Balto. Nat'l. Pike 270' W of Rolling Rd.

Remarks:

Posted by: *J. Rose*
Signature

Date of return: July 25, 1966

PETITION FOR A VARIANCE
for DISTRICT

ZONING: Petition for Variance for a Sign.

LOCATION: North side of Baltimore National Pike 362 feet West of Rolling Road.

DATE & TIME: MONDAY, AUGUST 8, 1966 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Deputy Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for A Variance from the Zoning Regulations of Baltimore County to permit a sign height of 20 feet instead of the required 25 feet.

The Zoning Regulation to be changed is as follows:
Section 412.1-67 - Sign Height 25 feet.

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

BEGINNING at a point 362 ft. west of where the westerly side of Rolling Road meets the north-south side of Baltimore National Pike; thence proceeding in a westerly direction a distance of 5 ft. to a point; thence at an angle and proceeding in a northerly direction a distance of 20 ft. to a point; thence at an angle and proceeding in an easterly direction a distance of 5 ft. to a point; thence at an angle and proceeding in a southerly direction a distance of 20 ft. to the point and place of beginning.

Being the property of Sun Oil Company, as shown on plat filed with the Zoning Department.

Hearing Date: Monday, August 8, 1966 at 10:30 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
EDWARD H. HARDESTY,
DEPUTY ZONING
COMMISSIONER OF
BALTIMORE COUNTY,
July 21.

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Baltimore, Md.

THE HERALD - ARGUS
Columbia, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

July 25, 1966

THIS IS TO CERTIFY, that the annexed advertisement of
Edward J. Hardesty, Deputy Zoning Commissioner
of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
~~three~~ weekly newspapers published in Baltimore County, Maryland, once a week for One ~~continuous~~ week before
the 25th day of July, 1966, that is to say
the same was inserted in the issues of
July 21, 1966.

THE BALTIMORE COUNTIAN

By *Paul J. Morgan*
Editor and Manager R.N.

PETITION FOR A VARIANCE
197-200-200

ZONING: Petition for Variance for a Sign.

LOCATION: North side of Baltimore National Pike 362 feet West of Rolling Road.

DATE & TIME: MONDAY, AUGUST 8, 1966 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

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Being the property of Sun Oil Company, as shown on plat filed with the Zoning Department.

Hearing Date: Monday, August 8, 1966 at 10:30 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
EDWARD H. HARDESTY,
DEPUTY ZONING
COMMISSIONER OF
BALTIMORE COUNTY,
July 21.

CERTIFICATE OF PUBLICATION

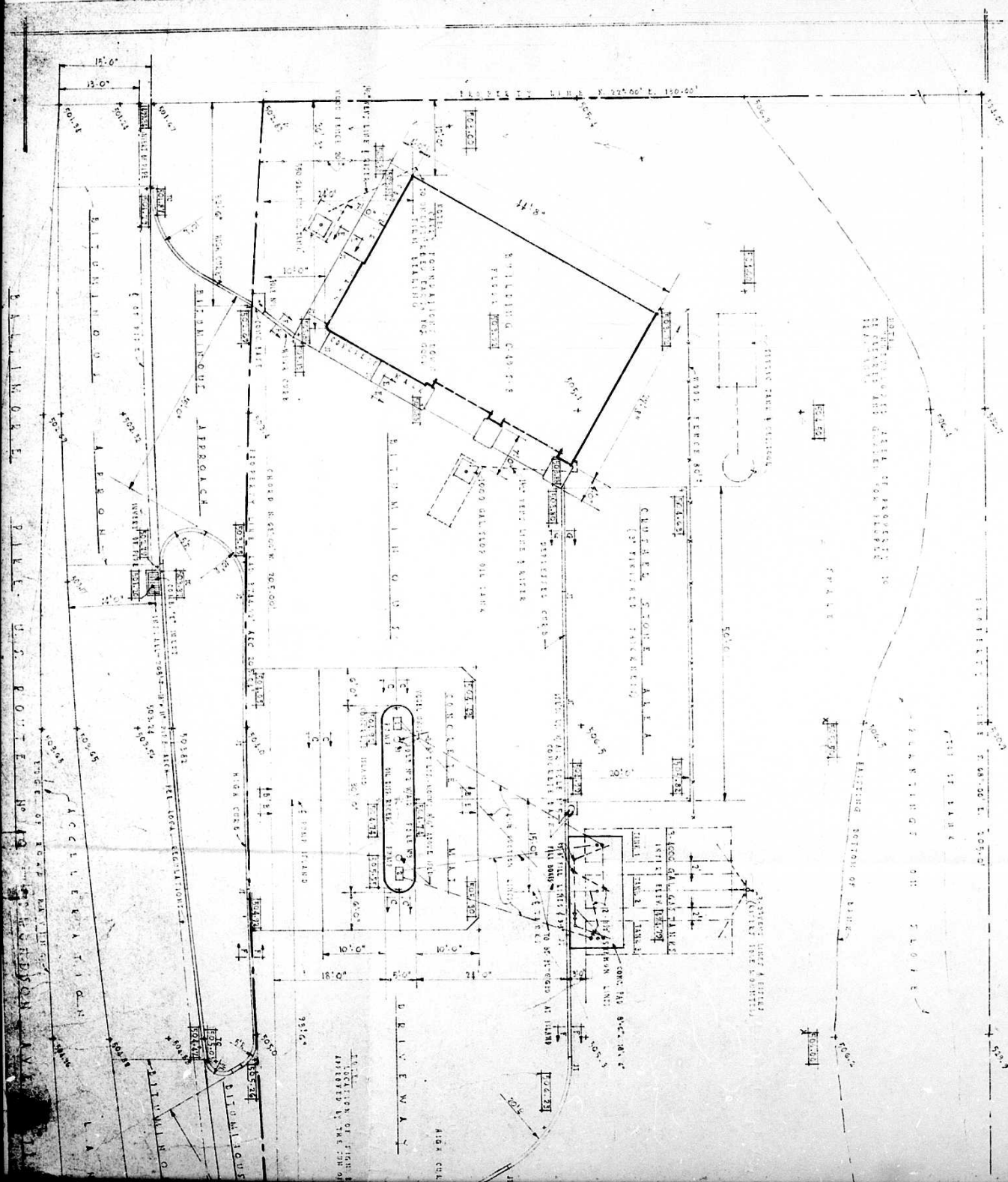
TOWSON, MD., JULY 21, 1966.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ ~~for one week~~ ~~before the 25th day of August, 1966~~, the first publication appearing on the 21st day of July 1966.

THE JEFFERSONIAN

H. L. Smith
Manager

Cost of Advertisement, \$.....





THE BOARD SHALL MAKE A THOROUGH
EXAMINATION OF THE CITY AND SHALL INQUIRE
AS TO THE ANNUAL PREPARATION OF THE
MATERIALS FOR SUCH EXAMINATION. WILL
BE REQUIRED AND NO STATE WILL BE ALLOWED
ON THE BASIS OF AN EXAMINATION.

[illegible][illegible]

THE FOLLOWING INFORMATION WAS OBTAINED FROM THE
RECORDS OF THE NEW YORK STATE DEPARTMENT OF
CORRECTIONS, ALBANY, NEW YORK, ON 10/10/68:

WILLIAM J. FOLEY, ALIEN, BORN 1/10/1914, IN
NEW YORK CITY, NEW YORK, WAS ARRESTED ON
10/10/68, FOR VIOLATION OF FEDERAL LAWS,
CONNECTION TO FOREIGN DISSEM. OF CRYPTO-
GRAPHIC INFORMATION, AND A VIOLATED BONDING
CONDITION. AFTER ARREST, HE WAS NOT AVAIL-
ABLE TO REPORT TO HIS EMPLOYMENT IN THE
NEW YORK CITY LIGHTHOUSE REPORT INSTALLATION
CONTRACTOR, TO RECEIVE CRYPTOLOG, SPECIFIC
TASKS UNDER THE CRYPTOLOG FIELD AS ASSIGNED
BY THE NEW YORK CITY LIGHTHOUSE REPORT
INSTALLATION TO BE

DIFFERENCE DRAWINGS

[illegible][illegible]

APPROVED

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