

ORDER RECEIVED FOR FILING

DATE 7/12/66
BY J. R. Horn
J. R. Horn
J. R. Horn

TO: PETITION FOR VARIANCE
NW/4 Pulaski Highway 95 feet
North of Ebenezer Road
11th District
Sun Oil Company, Petitioner
NO. 67-28-A

ORDER OF DENIAL

The petitioner in the above case has withdrawn his petition and the matter is dismissed without prejudice.

JOHN G. ROSE
Zoning Commissioner
BALTIMORE COUNTY

MAILING DEPARTMENT
SUN OIL COMPANY
111 W. Chesapeake Avenue
Towson, Maryland 21204
July 22, 1966

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

Re: Sign Variance for
Sun Oil Company, located
NE/4 Ebenezer Road
NW/4 Pulaski Highway
11th District
(Item #5, July 12, 1966)

Dear Mr. Rose:
We would appreciate if you would withdraw our petition for a sign variance at the subject location.

Your cooperation in this matter will be very much appreciated.

Very truly yours,
SUN OIL COMPANY

D. R. Horn
Land Dept.

DRH:fct

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 113-5 (D) to permit sign height of 38.8' 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.

I, or 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
Address Pulaski Hwy. & Ebenezer Rd.
White Marsh, Maryland
Petitioner's Attorney
Address 1910 Russell Street
Baltimore, Maryland 21230
Protestant's Attorney

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 106, County Office Building in Towson, Baltimore County, on the 12th day of August, 1966, at 10:30 o'clock
A.M.

DEPUTY Zoning Commissioner of Baltimore County.
(over)

Mr. David R. Horn
Sun Oil Company
1910 Russell Street
Baltimore, Maryland 21230

July 11, 1966

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

Revised by James S. Rose

Chairman of
Advisory Committee

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 42940

DATE July 12, 1966

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

DEPOSIT TO ACCOUNT NO. 66-282
QUANTITY 1 DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
RETURN THIS PORTION WITH YOUR REMITTANCE
Advertising and posting of property for a sign
67-28-A
25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BEGINNING at a point 95 ft. northeast of where the northeasterly side of Ebenezer Road meets the northeasterly side of Pulaski Highway; thence proceeding in a northeasterly direction a distance of 5 ft. to a point; thence at an angle and proceeding in a northeasterly direction a distance of 20 ft. to a point; thence at an angle and proceeding in a south westerly direction a distance of 5 ft. to a point; thence at an angle and proceeding in a south easterly direction a distance of 20 ft. to the point and place of beginning.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Deputy Zoning Commissioner

Date: July 22, 1966

FROM: George E. Carvelis, Director of Planning

SUBJECT: Petition 67-28-A. Northwest side of Pulaski Highway 95 feet North of Ebenezer Road. Petition for Variance to permit a sign height of 38.8 feet instead of the required 25 feet. Sun Oil Company - Petitioners

11th District

HEARING: Monday, August 8, 1966. (10:30 A.M.)

This planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments, which were also submitted in connection with Petition 67-27-A:

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.

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 39429

DATE 7/19/66

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

DEPT. Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. <u>66-282</u>	QUANTITY	DESCRIPTION OF SERVICE	AMOUNT
	<u>1</u>	<u>PETITION FOR VARIANCE</u>	<u>25.00</u>
		<u>67-28-A</u>	
			<u>25.00</u>

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 11th Date of Posting 7-22-66
Posted for George E. Carvelis
Petitioner Sun Oil Co.
Location of property NW/4 Pulaski Highway 95 ft. N. of Ebenezer Rd.
Location of Sign On front of property at intersection of Pulaski Highway
Remarks Sign posted on front of property at intersection of Pulaski Highway
Posted by George E. Carvelis Date of return 7-22-66

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Deputy Zoning Commissioner

Date: July 22, 1966

FROM: George E. Carvelis, Director of Planning

SUBJECT: Petition 67-28-A.

a. A variance cannot be granted to gratify a mere 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 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 is stated above are met - and that adequate proofs be submitted - if the variance is 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.

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

DUNDALK, MD., July 20, 1966

THIS IS TO CERTIFY, that the annexed advertisement
"Sun Oil Company"

was inserted in THE COMMUNITY PRESS, a weekly paper published in Baltimore County, Maryland, once a week for 1 successive week before 19th day of July 1966; that is to say, the same was inserted in the issues of 7-20-66

Stromberg Publications, Inc.

By Mrs. Palmer Price

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., 6666-70-6666 on: 1. 1966, successive weeks before the 21st day of July, 1966, the first publication appearing on the 21st day of July, 1966.

THE JEFFERSONIAN,

A. Frank Smith, Manager.

Cost of Advertisement, \$.....

