

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, the undersigned, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be to undistricted pursuant to the Zoning Law of Baltimore County, from an undistricted zone to an undistricted zone for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for: AUTOMOTIVE SERVICE STATION

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.

By: Charles Kempe, Jr. and Natalie S. Kempe
Contract purchaser
Address: 200 E. Joppa Rd.
Towson, Md. 21204
Legal Owner
Address: 211, 211, 2407 Harford Rd.
Baltimore County, Md.

By: Robert Paul Mann
Petitioner's Attorney
Address: 401 E. Joppa Rd. - 4
Towson, Md. 21204
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of May, 1967, 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 15th day of September, 1967, at 11:00 o'clock P. M.



Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, Erma S. Burton, et al., 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 Sections 405.2B5 and 405.4A3a pursuant to 405.10A, to permit an Automotive - Service Station to be located on a Road not designated as a Class I Commercial Motorway; and to permit four (4) access points as indicated on the attached plat filed with this Petition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
because the Baltimore County Council has not designated Class I commercial motorways and that it appears that it will be sometime before such designations are made by ordinance of the Baltimore County Council, and that the property owners are unable to make use of their property to its highest and best use; and, further, it would be impractical as well as injurious to the public health, safety, and general welfare if additional access points were unavailable.

See attached description

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.

By: Erma S. Burton, William D. Burton, Charles Kempe, Jr., Natalie S. Kempe, and Rose V. Mothershead
Legal Owners
Address: 22 W. Pennsylvania Ave.
Towson, Maryland, 21204

By: Robert Paul Mann
Petitioner's Attorney
Address: 22 W. Pennsylvania Ave.
Towson, Maryland, 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of October, 1967, 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 15th day of November, 1967, at 1:00 o'clock P. M.



Zoning Commissioner of Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOWSON, MD. 21204

Mr. Raymond Hesse
200 E. Joppa Road
Towson, Maryland 21204
Subject: Petition for CS-1 District and Special Exception for Automotive Service Station, for Erma S. Burton, et al., located on the NE/8 of Harford Road at the corner of Third Avenue - 9th District (Item 2, August 22, 1967)

Dear Mr. Hesse:
The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

BUREAU OF ENGINEERING:
Water - Existing 18" water in Harford Road
Sewer - Existing 8" sanitary sewer in Harford
Adequacy of existing utilities to be determined by developer or his engineer.
Road - 3rd and 4th Avenues are to be developed as minimum 50' roads on a 50' R/W.

STATE ROADS COMMISSION:
All entrances on Harford Road will be subject to State Roads Commission approval and permit.

HEALTH DEPARTMENT:
Sewer lines must be indicated on revised plans prior to the hearing. Also water lines are to be indicated.

BUREAU OF TRAFFIC ENGINEERING, OFFICE OF PLANNING AND ZONING
The county traffic engineer and the Director of Planning and Zoning will review the four entrances as indicated on the Petitioner's plan and submit comments to the Zoning Commissioner in the near future. A copy of these comments will be forwarded to the Petitioner.

ZONING ADMINISTRATION DIVISION:
If the Petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

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: Project Planning, Fire Bureau, Building Engineer, Board of Education, Industrial Development

Very truly yours,
James E. Dyer
JAMES E. DYER,
Principal Zoning Technician

cc: Carlyle Brown, Engineering; John Meyers, State Roads Commission; Mr. Green, Health Department; Richard Moore, Traffic Engineering; Albert Quimby, Planning and Zoning

RE: SPECIAL EXCEPTION FOR AUTOMOTIVE SERVICE STATION, from UNDISTRICTED TO C.S.-1 DISTRICT, and VARIANCES from Sec. 405.2B5 and Sec. 405.4A.3a pursuant to Sec. 405.10A: Harford corner of Harford Road and 3rd Avenue - 11th District
William D. Burton, et al.
(Shell Oil Company, Contract Purchaser)
Petitioner

ORDER OF DISMISSAL

Petition of William D. Burton, et al, for Special Exception for automotive service station, from Undistricted to C.S. - 1 District, and Variances from Section 405.2B5 and Section 405.4.A.3a pursuant to Section 405.10A, on property located on the northeast corner of Harford Road and 3rd Avenue, in the 11th District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of letter of dismissal of petition filed May 22, 1968 (a copy of which letter is attached hereto and made a part hereof)

from the attorney representing the Petitioners in the above entitled matter.

WHEREAS, the said attorney for the said Petitioners requests that the petition be dismissed and withdrawn as of May 22, 1968.

It is hereby ORDERED this 29th day of May, 1968, that said petition be and the same is dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slawik, Acting Chairman
W. Giles Parker
Walter A. Keller, Jr.

Re: Petition for Undistricted Area to a C.S.-1 District; Special Exception for Automotive Service Station; Variances to Zoning Regulations - Wm. D. and Erma S. Burton, Chas. and Natalie Kempe and Rose V. Mothershead, Petitioners - N.E. Cor. Harford Road and 3rd Ave., 11th District
Before
Zoning Commissioner
of
Baltimore County
No. 68-71-RXA

The petitioners have asked for Re-Districting; special Exception and variances to Zoning Regulations.

The petitioners are asking for a C.S.-1 District. The requirements of Section 259, 2-F have been met insofar as the C. S. - 1 District is concerned.

The request for Automotive Service Station meets the requirements of Section 405, 2-B-5 except for the requirements for Class I Commercial Motorway.

The following are created this 12th day of December, 1967.

The Special Exception for Automotive Service Station, from the C. S. - 1 District.

The variance from Class I Commercial Motorway, from Section 405, 2-B-5, for the Automotive Service Station, is granted in that the said Automotive Service Station meets the requirements of the said Class I Commercial Motorway, and access to other than a Class I Commercial Motorway, in Baltimore County Council has not designated such Class I Commercial Motorway.

A variance to Section 259, 2-F, pertaining to C.S. - 1 District is granted pertaining to the requirements of the C. S. - 1 District which must front on a Class I Commercial Motorway.

The petitioners have asked for two entrances on Harford Road, one entrance on Third Avenue and one entrance on Fourth Avenue. Section 405, 4.A.3a requires that the additional access driveways be approved by the Traffic Engineer and the Director of Planning. Exhibit "A" attached hereto and made a part hereof was sent to the Director of Planning on or about November 29, 1967 and there has been no approval or disapproval.

The Zoning Commissioner is, therefore, approving said plat marked Exhibit "A" which was submitted at his suggestion after the public hearing. The Automotive Service Station must be built in accordance with this site plan without variation. This constitutes a variance in accordance with Section 405.10-A of the Baltimore County Zoning Regulations.

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

Robert Paul Mann
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 8, 1967
 FROM: George E. Gavelis, Director
 SUBJECT: Petition #68-71-RX. Redistricting from Undistricted to C.S.-1 District. Special Exception for Automotive Service Station. Northeast corner of Harford Road and 3rd Avenue. Being the property of William D. Burton, et al.

11th District
 HEARING: Thursday, September 21, 1967 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for creation of a C.S.-1 District together with a Special Exception for an automotive service station. It has the following advisory comments to make with respect to pertinent planning factors:

1. The Planning Board has recommended that Harford Road from the city line northerly to Joppa Road be designated as a Class I Commercial Motorway. The County Council as yet has not legislatively designated the Commercial Motorways. Assuming that Harford Road will be designated as a Class I Commercial Motorway, the Planning Board is recommending that portions of the road frontage embracing the subject property be included in a C.S.-1 District. However, the district application cannot be made until the motorway is designated legislatively.
2. The C.S.-1 District does allow new service stations if the proofs required by the regulations are met. The planning staff will not offer comment on need. Its records indicate no abandoned stations within a mile radius; 17 stations exist along Harford Road from the city line to Joppa Road.
3. The site complies with the dimensional and area requirements of the regulations. Minor questions exist with respect to the details of the site plan including lighting.

GEG:bms

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: November 3, 1967
 FROM: George E. Gavelis, Director
 SUBJECT: Petition #68-71-A. Variance to permit an automotive service station to be located on a road not designated as a Class I commercial motorway and to permit four access points. Northeast corner of Harford Road and 3rd Avenue. Being the property of William D. Burton, et al.

11th District

HEARING: Wednesday, November 15, 1967 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for variances to the requirements of Section 405 of the Regulations. The staff particularly is opposed to the variances requesting a C.S.-1 District to be located on other than a Class I Commercial Motorway. It was the specific intent and provision of Section 405 that commercial motorways could only be designated legislatively by the County Council. A variance here would abort the objectives of the Zoning Regulations. Further, the County Council will hold a hearing on November 8th on recommendations for both designation of commercial motorways and allocation of the various districts throughout the County. This issue should be settled legislatively.

GEG:bms

OFFICIAL
 CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 11th Date of Posting: Jan 24, 1968
 Posted for: William D. Burton, et al. 3rd Ave. & Central Avenue
 Location of property: NE Corner Harford Road & 3rd Ave.
 Location of Signs: 3rd Ave. between 3rd & 4th Ave.
 Remarks: Mal A. Rose
 Posted by: Mal A. Rose Date of return: Jan 2, 1968

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

NO. 48451
 DATE: Aug. 29, 1967

TO: Shell Oil Company
 200 E. Joppa Road
 Towson, Md. 21204

REPORT TO ACCOUNT NO. 01-622
 QUANTITY: 1
 DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Petition for Redistricting and Special Exception For Emma S. Burton, et al. #68-71-RX	\$50.00

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

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

NO. 51713
 DATE: 1/15/68

TO: Stephen G. Leggins,
 2109 Elder Mill Road,
 Baltimore, Md. 21234

REPORT TO ACCOUNT NO. 01-622
 QUANTITY: 1
 DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of appeal - Property of Wm. D. Burton, et al. No. 68-71-RX	\$85.00

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

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

NO. 49693
 DATE: Nov. 17, 1967

TO: Shell Oil Company
 200 E. Joppa Road
 Towson, Md. 21204

REPORT TO ACCOUNT NO. 01-622
 QUANTITY: 1
 DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Advertising and posting of property for William D. Burton, et al. #68-71-A	\$80.00

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

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

NO. 48481
 DATE: Sept. 21, 1967

TO: Robert Paul Mann, Esq.,
 22 W. Pennsylvania Ave.,
 Lapsley Federal Bldg.,
 Towson, Md. 21204

REPORT TO ACCOUNT NO. 01-622
 QUANTITY: 1
 DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Advertising and posting of property for Emma S. Burton, et al. #68-71-A	\$80.00

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

OFFICE
 THE BALTIMORE COUNTIANTHE COMMUNITY NEWS
 Baltimore, Md.THE HERALD, ARGUS
 Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

October 25, 1967

THIS IS TO CERTIFY that the advertisement of John G. Rose, Zoning Commissioner of Baltimore County, was inserted in THE BALTIMORE COUNTIAN, a group of weekly news papers published in Baltimore County, Maryland, one week for one successive weeks before the 15th day of Oct., 1967, that is to say the same was inserted in the issues of October 25, 1967.

THE BALTIMORE COUNTIAN

By: Louis J. Morgan

Editorial Manager

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 11th Date of Posting: 11-26-67
 Posted for: William D. Burton, et al.
 Location of property: NE Corner Harford Road & 3rd Ave.
 Location of Signs: 3rd Ave. between 3rd & 4th Ave.
 Remarks: Mal A. Rose
 Posted by: Mal A. Rose Date of return: Nov 2, 1967

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 15th day of August 1967

John G. Rose,
 Zoning Commissioner

Petitioner: Mr. Raymond Hesse

Petitioner's Attorney

Reviewed by: [Signature]
 Chairman of Advisory Comm.CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 11th Date of Posting: Nov 21, 1967
 Posted for: William D. Burton, et al.
 Location of property: NE Corner Harford Road & 3rd Ave.
 Location of Signs: 3rd Ave. between 3rd & 4th Ave.
 Remarks: Mal A. Rose
 Posted by: Mal A. Rose Date of return: Nov 2, 1967

January 15, 1968

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

Dear Mr. Rose:

I, Edward W. Stuart, hold a parcel of land in Baltimore, Maryland, which is subject to an appeal in the above captioned case.

Please see the attached date of hearing to the following:

Mr. Stephen G. Leggins, Esq., 2109 Elder Mill Road, Baltimore, Md. 21234
 Mr. John G. Rose, Zoning Commissioner, Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21204

Very truly yours,
 Edward W. Stuart

6-22-70

