

PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Menlo Enterprises, Inc., 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 re-districted, pursuant to the Zoning Law of Baltimore County, from Undistricted to a CNS district, for the following reasons:

Variance to Section 405.4-A(3) to permit a tangent distance of 15 feet instead of the required 20 feet.

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 re-districting 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.

Sun Oil Co. Menlo Enterprises, Inc.
David R. Horn Contract purchaser Joseph L. Sobey Legal Owner
Address 1910 Russell St. Balto., Md. #30 Address 3 Hollins Ave., Balto., Md. 21210
W. Lee Harrison
22 W. Pennsylvania Avenue #2104
823-1200 Petitioner's Attorney
Address _____ Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of September, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of November, 1967, at 11:00 o'clock.

John G. Rose
Zoning Commissioner of Baltimore County.

RE: PETITION FOR REDISTRICTING
from Undistricted to CNS District,
SPECIAL EXCEPTION for
Automotive Service Station, and
VARIANCE from Section 405.4A(3)
NW corner of Liberty Road and
Rockdale Terrace,
2nd District
Menlo Enterprises, Inc.,
Petitioner
Sun Oil Company,
Contract Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-105-RXA

The Zoning Commissioner has requested clarification of the Board's Order, dated July 10, 1968, in the above entitled case to clarify whether the Order of Dismissal, as originally filed, affirms the decision of the Zoning Commissioner in granting the petitioner's request. For this reason the Board is issuing the following Amended Order.

AMENDED ORDER

It is hereby ORDERED this 29th day of November, 1968 by the County Board of Appeals that the petition of Menlo Enterprises, Inc. be and the same is dismissed, and that the zoning status of the property which is the subject of this petition shall revert to the same status as prior to the filing of the petitioner's request before the Zoning Commissioner of Baltimore County.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

John A. Miller

Walter A. Reiter, Jr.

RE: PETITION FOR REDISTRICTING
from Undistricted to CNS District,
SPECIAL EXCEPTION for
Automotive Service Station, and
VARIANCE from Section 405.4A(3)
NW corner of Liberty Road and
Rockdale Terrace
2nd District
Menlo Enterprises, Inc.,
Petitioner
Sun Oil Company,
Contract Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-105-RXA

ORDER OF DISMISSAL

Petition of Menlo Enterprises, Inc. for redistricting from Undistricted to CNS District, special exception for Automotive Service Station, and variance from Section 405.4A(3) of the Zoning Regulations, on property located at the northwest corner of Liberty Road and Rockdale Terrace, in the Second Election District of Baltimore County.

WHEREAS, in open hearing before the Board of Appeals on June 25, 1968, and prior to the conclusion of said hearing, the attorney for the petitioner withdrew and dismissed the petition filed on behalf of the petitioner in the above entitled matter.

It is hereby ORDERED, this 10th day of July, 1968, that said petition be and the same is dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

John A. Miller

Walter A. Reiter, Jr.

RE: Petition for Re-Districting
Special Exception for Auto-
motive Service Station, and
Variance to Sec. 405.4-A (3)
NW Cor. Liberty Road and
Rockdale Terrace, 2nd Dist.
Menlo Enterprises, Inc.,
Petitioner

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 68-105-RXA

Pursuant to the advertisement, posting of property, and public hearing on the within petition and it appearing that the petitioner has complied with the requirements of Sections 259, 2-B; 405, 2-B-2 and also 405, 3 for re-districting the property in the above matter to a C.N.S. District, the above re-districting should be had; and it further appearing that by reason of meeting the requirements of the aforesaid Sections, a Special Exception for an Automotive Service Station should be granted.

In accordance with authority granted under Section 405.10 a variance to Section 405.4-A (3) to permit a tangent distance of 15 feet instead of the required 20 feet, should also be granted.

It is ORDERED by the Zoning Commissioner of Baltimore County this 16th day of November, 1967, that the herein described property or area should be and the same is hereby Re-districted from Undistricted to a C.N.S. District, and a special exception for an Automotive Service Station, should be and the same is granted from and after the date of this Order.

The variance requested to permit a tangent distance of 15 feet instead of the required 20 feet is granted.

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

John G. Rose
Zoning Commissioner of
Baltimore County

Description to Accompany Zoning Petition
Northwest Corner of Liberty Road and
Rockdale Terrace for the Sun Oil Company.

Beginning for the same at the intersection of the northeast side of Liberty Road, 80 feet wide, as shown on a State Roads Commission Right of Way Plat No. 25137, and the northwest side of Rockdale Terrace and running thence North 65° 58' 35" West on the northeast side of Liberty Road 108.20 feet to the division line of Lot Nos. 108 and 109, as shown on a plat entitled Amended Plat of Rockdale Terrace dated August 13, 1923 and recorded among the Plat Records of Baltimore County in Liber MPC 7 Folio 92, and running thence North 41° 35' 54" East binding on part of the above mentioned division line and passing over a pipe now set distant 10.00 feet, as now surveyed in all 208.37 feet to a pipe now set on the southwestern side of Lot No. 102 on the above mentioned plat of Rockdale Terrace, thence South 45° 26' 46" East binding on part of the southwest side of Lot No. 102 and binding on all of northeastern sides of Lot Nos. 109 thru 113 and part of Lot No. 114, passing over a pipe now set distant 96.91 feet, as now surveyed, in all 108.91 feet to intersect the northwest side of Rockdale Terrace as shown on the herein mentioned State Roads Commission Right of Way Plat No. 25137, thence binding on said Right of Way Plat along the northwest side of Rockdale Terrace the four following courses, as now surveyed, viz: first South 55° 35' 41" West 3.98 feet, second South 41° 33' 30" West 94.09 feet, third southwesterly by a curve to the left having a radius of 173.00 feet for a distance of 53.56 feet, said curve being subtended by a chord bearing South 32° 57' 27" West 53.35 feet, fourth South 69° 01' 25" West 28.26 feet to the place of beginning.

Containing 0.479 acres of land more or less.

Being part of six contiguous lots known as Nos. 109, 110, 111, 112, 113

Description to Accompany Zoning Petition
Northwest Corner of Liberty Road and
Rockdale Terrace for the Sun Oil Company.

and 114 shown on a plat entitled Amended Plat of Rockdale Terrace dated August 13, 1923 and recorded among the Plat Records of Baltimore County in Liber MPC 7 Folio 92.

Being also part of the land conveyed by William R. Brown et ux to Menlo Enterprises, Inc. by deed dated July 10, 1964 and recorded among the Land Records of Baltimore County in Liber RRG 422 Folio 441.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: October 27, 1967
FROM: George E. Gavelis, Director of Planning
SUBJECT: Petition #68-105-RXA. Northwest corner of Liberty Road and Rockdale Terrace. Petition for Redistricting from Undistricted to a C.N.S. District. Petition for Special Exception for Automotive Service Station. Petition for Variance to permit a tangent distance of 15 feet instead of the required 20 feet. Menlo Enterprises, Inc. - Petitioners.

2nd District

HEARING: Wednesday, November 8, 1967. (11:00 A.M.)

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

- Although the final recommendations of the Planning Board with respect to the subject property indicate a C.N.S. District, the district status of this property will be subject to action by the County Council pursuant to its hearing on November 8th (or, if continued, the 8th and 9th).
- We note that granting of the special exception is subject to a finding that "... there is evidence of the probability of a reasonable public need for the proposed automotive service station." The site under consideration is in a 3700-foot commercial strip in which there are already located seven automotive-service stations, according to the commercial land use survey made by this office last winter and spring.
- One of the many important aims of the new Section 405 of the Zoning Regulations was to discourage the proliferation of entrances on commercial arteries. Paragraph 405.1.6 states, "It is the purpose of this section ... to regulate motor-vehicle access to automotive-service stations so as to cause minimum disruption of traffic ...". The variance sought under the subject petition seeks to thwart one of the very purposes for which the new automotive-service station regulations were enacted. Any access to Liberty Road should be limited to one entrance, rather than two; this would obviate any requirement for a variance.
- The site plan submitted to us is not acceptable. Details are extremely unclear. Landscaping is in strip form, rather than being distributed so as to enhance the appearance of the proposed service station. In general, it would appear that the site plan does not reflect what, from a planning viewpoint, was intended under Subsection 405.4 of the Zoning Regulations.

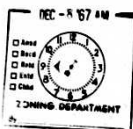
Petition for Re-Districting,
Special Exception and Variance
to Zoning Regulations - N/W Cor.
Liberty Road and Rockdale Terrace,
2nd Dist., Menlo Enterprises, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 68-105-RXA

APPEAL

Mr. Clerk:

Please note an appeal to the Board of Appeals for Baltimore County on behalf of Mr. Donald Stran and Mr. Elmer Wood, two of the Protestants herein, from the Order of the Zoning Commissioner, passed November 17, 1967.



Garry S. Swartzwelder, Jr.
341 St. Paul Place
Baltimore, Maryland 21202
737-1029
Attorney for Protestants

TELEPHONE: 823-3000 EXT. 387

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

No. 49634
DATE Oct. 17, 1967

TO: Maryland Commercial Contractors, Inc.
3 Hollins Ave.
Baltimore, Md. 21210

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Petition for Redistricting, special exception & variance for Menlo Enterprises, Inc. #68-105-RXA	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. 50649
DATE Dec. 12, 1967

TO: Harry S. Swartzwelder, Jr., Esq.
341 St. Paul Place
Baltimore, Maryland 21202

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of appeal - Menlo Enterprises, Inc. #68-105-RXA	75.00

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. 49679
DATE Nov. 9, 1967

TO: Maryland Commercial Contractors, Inc.
3 Hollins Ave.
Baltimore, Md. 21210

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Advertising and posting of property for Menlo Enterprises, Inc. #68-105-RXA	109.88

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

W. Lee Harrison, Esq.,
607 Loyola Federal Building
Towson, Maryland 21204

SUBJECT: C&S District and Special Exception
for Automotive Service Station
for Menlo Enterprises, Inc., located
NW Corner of Liberty Road and
Rockdale Terrace
2nd District
(Item 5 July 25th, 1967)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BUREAU OF ENGINEERING

Water - Existing 8" water in Rockdale Terrace.
Adequacy of existing utilities to be determined by developer or his engineer.
Sewer - Existing 8" sanitary sewer in Rockdale Terrace.
Road - Improvements to Rockdale Terrace will be accomplished by the State Roads Commission along with the present Liberty Road construction.

STATE ROADS COMMISSION: The plan must indicate dimensions of distance from property line to entrance, the distance between entrances, distance from entrance to p.d. curb return into Rockdale Terrace, and radius of curb return. Entrances must be at or near 90 deg. angle to Liberty Road. There must be an 8' x 22' concrete curb constructed along the 1/4" line of Liberty Road. All entrances are subject to State Roads Commission approval and permit.

BUREAU OF TRAFFIC ENGINEERING AND ZONING ADMINISTRATION DIVISION: Prior to refiling the petition, the plan must be revised to comply with all site standards as set forth in Bill No.

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 Commission's hearing.

The following members had no comment to offer:

Project Planning Division
Health Department
Bureau of Fire Prevention
Building Engineer
Board of Education
Industrial Development

Very truly yours,

James S. Diney, Principal
Zoning Technician

cc: Carole Brown - Dir. of Engr., John Meyers - State Roads Commission, Richard Moore - Traffic Engr.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
W. Lee Harrison, Esq.,
607 Loyola Federal Building
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of September 1967

John G. Rose,
Zoning Commissioner

Petitioner: Menlo Enterprises, Inc.

Petitioner's Attorney: W. Lee Harrison

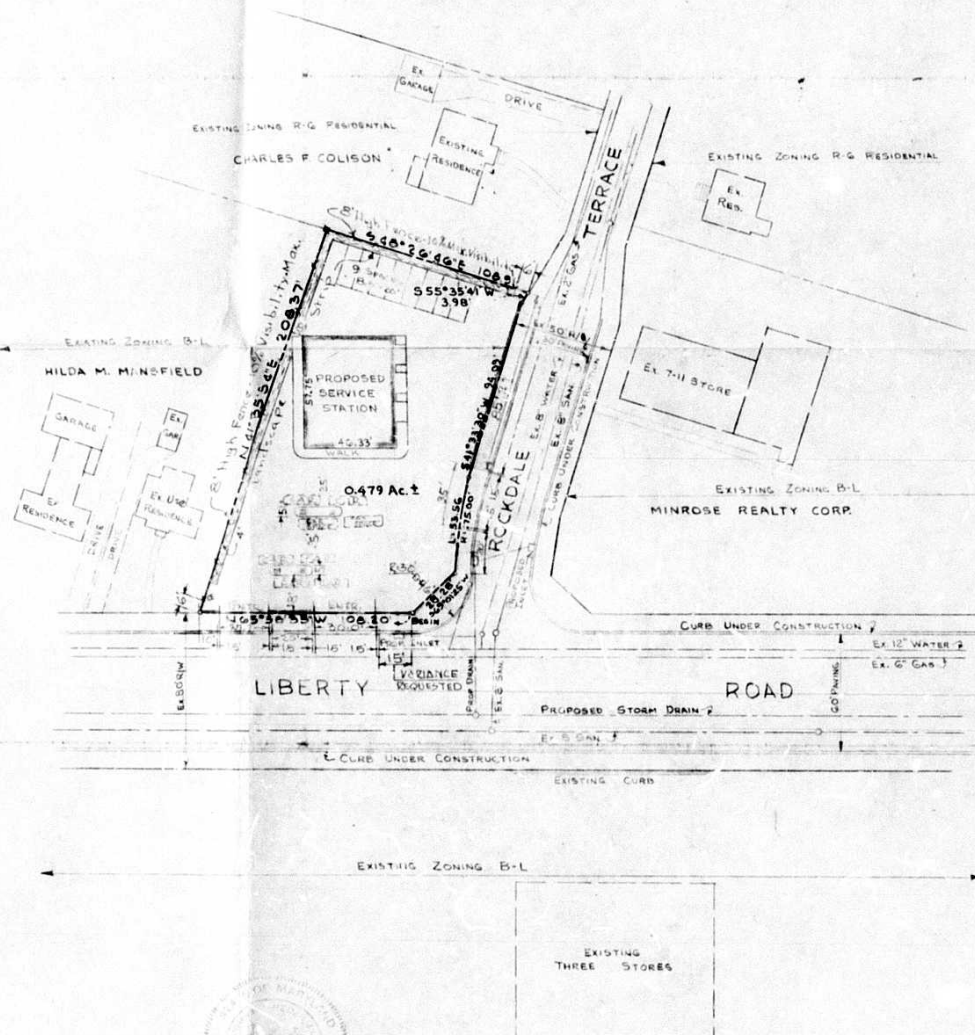
Reviewed by
Chairman of Advisory Com.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: 10/23/67
Posted for: Redistricting, special exception & variance for Menlo Enterprises, Inc. #68-105-RXA
Petitioner: Menlo Enterprises, Inc.
Location of property: NW Corner of Liberty Rd. & Rockdale Terrace
Location of Signs: @ SW of Liberty Rd. on Rockdale Terrace
@ SE of Rockdale Terrace on W. of Liberty Rd.
Remarks: H. E. Cook
Posted by: H. E. Cook Date of return: 10/24/67

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: 12/1/67
Posted for: Appeal
Petitioner: Menlo Enterprises, Inc.
Location of property: NW Corner of Liberty Rd. & Rockdale Terrace
Location of Signs: @ W. of Liberty Rd. @ SE of Rockdale Terrace
Remarks: J. S. Diney
Posted by: J. S. Diney Date of return: 12/1/67



NOTE:
 PRESENT ZONING B-L
 PROPOSED ZONING B-L WITH SPECIAL
 EXCEPTION FOR SERVICE STATION
 & VARIANCE FOR ENTRANCE LOCATION
 AND TOTAL FRONTAGE REQUIREMENTS

AREA OF SITE - 20,850 Sq. Ft. ±
 LANDSCAPE AREA - 1,160 Sq. Ft. ±
 α DENOTES SHIELDED LIGHT 8' HIGH
 □ DENOTES SIGN
 ■ DENOTES PUMP-1 NOZZLE

PLAT TO ACCOMPANY ZONING PETITION
 LIBERTY ROAD AND ROCKDALE TERRACE
 BALTIMORE COUNTY, MD.
 SCALE: 1"=50'

ELECTION DISTRICT No 2
 DATE: MAY 1, 1967
 Revised Aug 23, 1967
 Revised Sept 7, 1967

GEORGE WILLIAM STEPHENS, JR.
 AND ASSOCIATES, INC.
 ENGINEERS
 303 ALLEGANY AVE.
 TOWSON, MARYLAND

Revised Plans
 OFFICE COPY

John H. H. H.
 2286
 ASSOCIATE
 9/7/67
 DATE