

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, _____, 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 259-2F to permit a CS-1 District to be located on a motorway not designated a Class I Commercial Motorway.

Section 405.2B5 - to permit a CS-1 District to have access to roads other than a Class I Commercial Motorway.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:

Section 405.4A2a - to permit a canopy of 0' from the front property line instead of the required 10' and 33' from the centerline of the street instead of the required 35' to permit pump island setback of 13' from the front property line instead of the required 15'.
Section 405.4A3a - to permit a tangent distance of 9' from the street corner to the access drive instead of the required 20' on Reisterstown Road -- to permit a tangent distance of 18' from the street corner to the access drive instead of the required 20' on Milford Mill Road.

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 _____ Legal Owner _____

Address _____ Address _____

Petitioner's Attorney _____ Protestants' Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this 26th _____ 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 28th _____ day of February, 1968, at 2:00 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

PETITION FOR AN Undistricted Zone to a C.S.-1 District for a special exception for Automotive Service station, variances to Sections 259.2-F; 405.2-B-5; 405.3-A-2-a and 405.4-A-3-a S/W Side Reisterstown Road and Milford Mill Road 3rd District Car-Al-Bob, Inc., Petitioner

ORDER OF DISMISSAL

Please dismiss the Appeal heretofore entered in the above captioned case on behalf of Mildred Trostle, Protestant.

Harry S. Swartzwelder, Jr.
341 St. Paul Place
Baltimore, Maryland 21202
727-4929
Attorney for Protestants

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

Fred E. Waldrop
11 Masonic Building
Towson, Maryland 21204

SUBJECT: Redistricting Petition from an undistricted zone to a CS-1 zone and a Special Exception for an Automotive Service Station, for Car-Al-Bob, Inc., located SW Cor. Reisterstown Rd. and Milford Mill Road 3rd District (Item 26, November 14, 1967)

Dear Sirs:

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

BUREAU OF ENGINEERING

Water - Existing 12" & 36" water in Reisterstown Rd.
Adequacy of existing utilities to be determined by developer or his engineer.
Sewer - Existing 10" sanitary sewer in Reisterstown Rd.
Road - Milford Mill Rd. is to be developed as a minimum 40' road on a 50' R/W.

STATE ROADS COMMISSION

The plan appears to be incorrect. The State Roads Comm. R/W indicated as being 60', 30' from center, but the R/W is actually 60', 33' from center. The entire frontage of the site must be curbed with S.R.C. type "W" curb, curb and gutter - the curb to return into Milford Mill Rd. on a 30' radius. The entrance aprons must be constructed at 90 deg. to Reisterstown Rd. The right of way line must be curbed with 24" x 22" concrete curb. Entrances will be subject to State Roads approval and permit. The plan must be revised prior to the hearing date being set.

BUREAU OF TRAFFIC ENGINEERING

The plan should be revised to conform to 8111 40 prior to a hearing date being assigned.

HEALTH DEPARTMENT

Since public water and sewer are available to subject site this office has no comment.

FIRE BUREAU

The petitioner will be required to meet all Fire Department requirements as to service station.

ZONING ADMINISTRATION DIVISION

The petitioner's plan must be in conformance with 8111 40 before any hearing date can be assigned.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to insure 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 Division
Building Engineer
Board of Education
Industrial Development
Col. Carolyn Brown-Bur. Engr.
John Mayers-State Roads
C. Richard Moore-Traffic Engr.
Unemployment-Health Dept.
Lt. Chris Morris-Fire Bureau

Very truly yours,

JAMES E. OVER,
Principal Zoning Technician

RE: PETITION FROM Undistricted Zone to C.S.-1 District; for SPECIAL EXCEPTION for Automotive Service Station and VARIANCES to Sections 259.2-F, 405.2-B-5, 405.4-A-2a and 405.4-A-3a SW/S Reisterstown Road and Milford Mill Road - 3rd District Car-Al-Bob, Inc., Petitioner

ORDER OF DISMISSAL

Petition of Car-Al-Bob, Inc. for redistricting from Undistricted to C.S.-1 District, and for Special Exception for Automotive Service Station, and Variances from Sections 259.2-F, 405.2-B-5, 405.4-A-2a and 405.4-A-3a of the Zoning Regulations, on property located on the southwest side of Reisterstown Road and Milford Mill Road, in the Third Election District of Baltimore County.

WHEREAS, the board of Appeals is in receipt of Order of Dismissal of Appeal filed July 11, 1968 (a copy of which Order is attached hereto and made a part hereof), from the attorney representing the Protestants in the above entitled matter.

WHEREAS, the said attorney for the said Protestants requests that the petition filed on behalf of said Protestants be dismissed and withdrawn as of July 11, 1968.

It is hereby ORDERED this 16th day of July, 1968 that said petition be and the same is Dismissed.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

John A. Miller

John A. Slowik

ZONING DESCRIPTION SPECIAL EXCEPTION FOR A FILLING STATION IN A B-M ZONE AND A CS-1 DISTRICT

BEGINNING for the same at the point formed by the intersection of the westmost side of Reisterstown Road (60 feet wide) with the south side of Milford Mill Road (30 feet wide) said point of beginning being at the end of the fifth line of that tract of land which by confirmatory deed dated October 31, 1966 and recorded among the Land Records of Baltimore County in Liber 303, No. 4692 folio 129 etc. was conveyed by Ida M. Naylor et al to CAR-AL-BOB, Inc. thence running with and binding on a part of the last line of said deed and thence running with and binding on a part of the last line of said deed and on the westernmost side of said Reisterstown Road south 31 degrees 02 minutes 20 seconds east 160.00 feet thence running for lines of division the three following courses and distances south 75 degrees 15 minutes 10 seconds west 106.26 feet, westerly by a line curving toward the north with a radius of 25.0' feet for a distance of 32.16 feet and north 31 degrees 02 minutes 20 seconds west 121.26 feet to the south side of said Milford Mill Road and to intersect the said fifth line of said deed at a point distant 31.22 feet north 75 degrees 15 minutes 10 seconds east from the beginning of said line, thence running with and binding on a part of said line and on the south side of said Milford Mill Road north 75 degrees 15 minutes 10 seconds east 125.00 feet to the place of beginning.

CONTAINING 0.4483 acres of land more or less.

BEING part of that tract of land which by confirmatory deed dated October 31, 1966 and recorded among the Land Records of Baltimore County in Liber 303, No. 4692 folio 129 etc. was conveyed by Ida M. Naylor, et al to CAR-AL-BOB, Inc.



PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, _____, 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 _____ to _____

CS-1 _____ district; for the following reasons:

That Reisterstown Road by classified a Class I motorway from the City Line to the Beltway. And, under 405.10 of the Baltimore County Zoning Code that the Zoning Commissioner grant such variances as in his discretion are warranted but which do not comply with Bill No. 40 passed by the County Council on May 1, 1967

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 _____ on 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.

Contract purchaser _____ Legal Owner _____

Address _____ Address _____



TEXACO
INC.

PETROLEUM PRODUCTS

March 4, 1968

PETITION NO. 68-199-RXA
PROPOSED TEXACO SERVICE STATION
REISTERSTOWN & MILFORD MILL ROADS
BALTIMORE COUNTY, MARYLAND

Mr. John G. Rose,
Zoning Commissioner
County Office Building
11 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Sir:

At the time of the zoning hearing relative to the above petition on February 28, 1968 we understand you requested we submit to you in writing, our substantiation per Section 405.3, Paragraph D, of Bill #40 of the reasonable public need for the proposed automotive service station. The following will clearly substantiate said public need.

As was disclosed at the time of the hearing, Texaco is not proposing a net increase in service stations in the marketing area of the proposed site. We at present own and lease a service station 3/10 of a mile south on Reisterstown Road. It is our intention upon the completion of the proposed location to eliminate this existing service station from our retail chain and sell same for a use other than that of a filling station. The existing referred to property is inadequate to serve the needs of those residents of the surrounding marketing area. This is primarily due to the limited site size of 120 feet frontage by 100 feet depth,

Mr. John G. Rose - 2 - March 4, 1968

and also the fact that due to the combined effects of the limited frontage and the inside nature of the property, same is traffic bound and not readily accessible therefor to those of the public that wish to deal there. As a result of this conclusion, Texaco proposes to replace this existing station with the location and facility covered in our subject petition. We feel there can be no denying that the proposed new automotive service station will be infinitely superior in every way to our existing representation. The property size of the proposed new location will be nearly double the size of our existing site. The proposed will be the far corner location at an intersection controlled by an existing traffic light and as a result, access to same will be considerably superior to that at our existing station. Equally important, our proposed facility will represent a considerable improvement aesthetically compared to our existing location. In addition, the public need will be served in that, our proposed improvement will represent a vast improvement of the property in question in that same is now improved with most unsightly type uses.

Texaco feels it is of great importance to both us and the public that we remain in this marketing area. We would describe the marketing area as that area fronting on Reisterstown Road between Patterson Avenue and Slade Avenue. We distinguish this as a marketing area in that it contains virtually all shopping type uses which the residents living east and west of Reisterstown Road require thereby precluding their normal need to travel outside of this area for their day-to-day, week-to-week shopping trips. At the present time Texaco has no other station other than that described above

Mr. John G. Rose - 3 - March 4, 1968

which could serve this marketing area. As stated above, it is felt that it is essential that Texaco remain in this marketing area and we will so do in our existing station if this petition is declined. We feel it is important to the public that Texaco remain in this marketing area in that we are the largest nationwide retailer of gasoline, and as a result have many loyal Texaco credit card customers residing in the area immediate to the proposed site.

The gasoline volume that a service station site will produce testifies to the public need for the location. If the site will produce substantial volume it can be reasonably concluded there is a public need for the site, since so many of the public choose to deal at the location in question. Our experience in the petroleum business has taught us that on heavily travelled neighborhood motorways such as Reisterstown Road, that we will draw a minimum of 1% and usually more of the one-way traffic exposure, if the site enjoys good visibility, good accessibility, adequate lot size, attractive facilities and does not suffer from potential limiting factors. All of the above requirements are true of our proposed site and it does not suffer from any potential limiting factors. Since one-way traffic passing this location exceeds 12,500 cars per day, and our experience has taught us that an average purchase will average ten gallons per sale, we can project as a minimum that this site will produce 40,000 gallons per month which is considered substantial service station gasoline volume. We, in fact, anticipate the site will in reality do considerably more than 40,000 gallons per month.

Mr. John G. Rose - 4 - March 4, 1968

We also understand that you requested the communication being provided herein comment relative to the variances requested. As we revealed at the zoning hearing, we will agree to relocating the entire improvement and the entrance requested off Milford Mill Road three feet farther back from Reisterstown Road in a westerly direction, thereby eliminating the variance need for the Milford Mill entrance and the pump island setback. We also agreed at the time of the hearing that we would withdraw our request for a canopy variance. We do, however, feel that the entrances shown on Reisterstown Road on our site plan are essential to realization of full potential of the proposed site. As we believe you are aware, the site as it is presently developed has no curb channelization whatsoever, but possesses an open driveway on its entire frontage on Reisterstown and Milford Mill Roads. Our development will represent a considerable improvement in the channelization of traffic at this important intersection. However, it is essential that our Reisterstown Road entrances be as shown, otherwise we are of the conviction that approaching motorists on Reisterstown Road will not be able to make an easy entrance into our station. Any movement of our proposed entrance on Reisterstown Road nearest the intersection in a more southerly direction would make the entering turn to our pump islands far too sharp and represent a potential traffic hazard. We also herein agree to adhere to the Bill #40 zoning requirements as they relate to the proposed light standard installation on Milford Mill Road.

Mr. John G. Rose - 5 - March 4, 1968

We are extremely hopeful that the above provided information will be sufficient for you to render a favorable decision to our zoning petition.

Yours very truly,

TEXACO INC.
R. H. CAMPBELL
DISTRICT SALES MANAGER

ARC:mh

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 53027
DATE March 7, 1968
FILED
To: Carl-Al-Beh, Inc.
Shelton Company
200 York Road
Towson, Md. 21204
Billing Dept. of Balto. Co.
REPORT TO ACCOUNT NO. 61-622
QUANTITY 14700
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
RETURN THIS PORTION WITH YOUR REMITTANCE
TOTAL AMOUNT \$47.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE
RES. 300
EXT. 367
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 51772
DATE Feb. 4, 1968
FILED
To: Fred L. Midway, Inc.
Renaissance Building
Towson, Md. 21204
Billing Dept. of Balto. Co.
REPORT TO ACCOUNT NO. 61-622
QUANTITY 1
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
RETURN THIS PORTION WITH YOUR REMITTANCE
TOTAL AMOUNT \$5.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE
RES. 300
EXT. 367
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 53085
DATE 4/8/68
FILED
To: Harry A. Semstrobler, Jr., Esq.
360 St. Paul Place
Baltimore, Md. 21202
Office of Planning & Zoning
119 County Office Bldg.
Towson, Md. 21204
REPORT TO ACCOUNT NO. 61-622
QUANTITY 11
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
RETURN THIS PORTION WITH YOUR REMITTANCE
TOTAL AMOUNT \$95.00
Cost of appeal -- Carl-Al-Beh, Petitioner \$70.00
No. 68-199-RXA posting - 2 signs 15.00
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
Fred L. Midway, Inc.
11 Renaissance Building
Towson, Maryland 21204
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received and accepted for filing this
26th day of January, 1968.
JOHN G. ROSE
Zoning Commissioner
Petitioner Carl-Al-Beh, Inc.
Petitioner's Attorney Fred L. Midway, Inc.
Reviewed by James S. Wynn
Chairman of Advisory Committee

#68-199RXA
MAP
#3
SEC. 2-C
NW-7-E
"X"
CS-1

RE: PETITION FOR AN
Undistricted Zone to a
C. S. -1 District; a special
exception for Automotive
Service station, variances to
Sections 259, 2-F; 405, 2-B-5;
405, 3-A-2-a and 405, 4-A-
3-a, S/W Side Reisterstown
Road and Milford Mill
Road, 3rd District -
Car-Al-Bob, Inc. Petitioner
No. 68-199-RXA

The petitioner has requested a change from undistricted to a C. S. -1 District, of property on the southwest side of Reisterstown Road and Milford Mill Road, in the Third District of Baltimore County; a special exception for an Automotive Service Station and the following variances:

Sec. 259, 2-F - to permit a C. S. -1 District to be located on a motorway not designated a Class I Commercial Motorway;

Sec. 405, 2-B-5 - to permit a C. S. -1 District to have access to roads other than a Class I Commercial Motorway;

Sec. 405, 4-A-2-a - to permit a canopy of 0' from the front property line instead of the required 10' and 33' from the centerline of the street instead of the required 35' -- to permit pump island setback of 13' from the front property line instead of the required 15'.

Sec. 405, 4-A-3-a - to permit a tangent distance of 9' from the street corner to the access drive instead of the required 20' on Reisterstown Road -- to permit a tangent distance of 18' from the street corner to the access drive instead of the required 20' on Milford Mill Road.

The C. S. -1 District is described as follows:

"Sec. 259, 2-F - Commercial Strip. C. S. -1 Districts must be applied only to certain strips of land which are zoned B, L, B. M., B. R., and/or M. L., on both sides of the street, any one of which strips may be at least 1500 feet in length, front on a Class I commercial motorway, and not be greater than 250 feet in depth from either side of the right of way, and on which roadside commercial usage has so developed that traffic flow has become impeded to the extent that application of highly restrictive site-accessibility standards would serve no useful purpose."

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#68-199RXA
MAP
#3
SEC. 2-C
NW-7-E
"X"
CS-1

The Director of the Office of Planning commented on the proposed C. S. -1 district as follows:

"In its recommendations to the County Council regarding boundaries for zoning districts, the Planning Board proposed that the subject property be classified within a C. S. -1 District, based upon the assumption that the Council would designate Reisterstown Road from the City Line to the Beltway as a Class I Commercial Motorway. The Council has not designated Reisterstown Road as a Commercial Motorway of either Class I or Class II, however, and therefore, a C. S. -1 District should not be established until the Council has acted."

The traffic on Reisterstown Road, its commercialization, etc., is notorious, so much so that the subject property located in a C. S. -1 District as approved by the Baltimore County Planning Board on September 13, 1967, lies in an area that is almost a caricature of a C. S. -1 District.

To refuse to consider and create districts in accordance with the Legislative Enactment known as Bill 40, approved and enacted May 8, 1967, would make Bill 40 inoperative and in so doing would create a situation akin to a moratorium.

The request is a proper one and should be granted.

We now come to the request for an automotive service station. At the request of this office the zoning plat filed with the Office of Planning and Zoning was revised on November 14, 1967, December 8, 1967 and January 24, 1968 in order to comply with various comments of Baltimore County agencies and the State Roads Commission.

The requirements of Section 405, 3 of the Baltimore County Zoning Regulations have been met including traffic. Dr. Walter W. Ewell, a well known traffic authority, testified favorably in regard to traffic requirements.

Concerning the question of need, several automotive service station dealers indicated that new competition would be detrimental to their existing business. Zoning, of course, should not be used to control competition. Other protestants objected to an automotive service station because future housekeeping would be bad and because there would be unpleasant odors. The hearing is to consider a use. It cannot be assumed ahead of time that the subject property will be kept in an untidy manner, instead it should be expected that a large modern service station would be operated more efficiently.

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#68-199RXA

A Texaco witness testified it was Texaco's intention to close a nearby service station and prohibit its use as a service station in the future upon the opening of the subject service station.

Mention was made of the large number of existing automotive service stations in the radius of one mile. This property is close to the Baltimore City Line. A glance at the map prepared by the Office of Planning and approved by the Planning Board makes it very clear that automotive service stations serving a large portion of the Third and Fourth Districts of Baltimore County must be located along limited strip locations on Reisterstown Road.

Mr. Gavrellis remarked at the public hearing, "Who can tell just what the need is?"

Should it be five, ten, twenty? Any number could be arbitrary. There was no testimony indicating any abandoned service station within the prescribed one-half mile radius or two within a mile radius.

For the above reasons it is this 7th day of March 1968 by the Zoning Commissioner of Baltimore County, ORDERED that the following should be granted:

That the herein described property or area should be and the same is hereby redistricted from undistricted to a C. S. -1 District;

A special exception for an automotive service station. Having met requirements of 405, 3 of the Zoning Regulations. As strict compliance with the Zoning Regulations of Baltimore County would result in practical difficulty and unreasonable hardship upon the petitioner and the variances would and general welfare, the following variances should be granted, from and after the date of this Order:

Sec. 259, 2-F - to permit a C. S. -1 District to be located on a motorway designated a Class I Commercial Motorway;

Sec. 405, 2-B-5 - to permit a C. S. -1 District to have access to roads other than a Class I Commercial Motorway; and

Sec. 405, 4-A-3-a - to permit a tangent distance of 9' from the street corner to the access drive instead of the required 20' on Reisterstown Road.

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#68-199RXA

Sec. 405, 4-A-2-a - To permit a canopy of 0' from the front property line instead of the required 10' and 33' from the center line of the street instead of the required 35' and to permit pump island setback of 13' from the front property line instead of the required 15', has been withdrawn and is not considered.

That portion of Section 405, 4-A-3-a to permit a tangent distance of 18 feet from the street corner to the access drive instead of the required 20' on Milford Mill Road is also withdrawn and will not be considered.

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

[Signature]
Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING

DATE 3/7/68
BY *[Signature]*
Administrative Assistant

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Frederic E. Waldrop
Attorney at Law



MARION BUILDING
Baltimore, Maryland 21204
AREA CODE 301 528-6000

March 7, 1968

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

RE: Petition for Reclassification, Special Exception and Variance for Car-Al-Bob
No. 68-199 RXA

Dear Mr. Rose:

We wish to withdraw our request for a Variance under Section 405, 4A2a, permitting a canopy of Zero feet from the property line instead of the required 10' and 33' from the center line of the street instead of the required 35'. We also wish to withdraw our Variance under Section 405, 4A2a permitting a pump island setback of 13' from the front property line instead of the required 15'. We are also withdrawing our Variance under Section 405, 4A3a permitting a tangent distance of 18' from the street corner to the access drive instead of the required 20' on Milford Mill Road.

Very truly yours,

Frederic E. Waldrop
Fred E. Waldrop
Attorney for Petitioner

FEW:ap

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 16, 1968

FROM: George E. Gavrellis, Director

SUBJECT: Petition #68-199-RXA, Redistricting from Undistricted to C. S. -1 District, S.E. for Automotive Service Station, Variances to permit a C. S. -1 District to be located on a motorway not designated a Class I Commercial Motorway. To permit a C. S. -1 District to have access to roads other than a Class I Commercial Motorway. To permit a canopy of Zero feet from the property line instead of the required 10 feet and 33 feet from the center line of the street instead of the required 35 feet; and to permit pump island setback of 13 feet from the front property line instead of the required 15 feet and to permit a tangent distance of 9 feet from the street corner to the access drive instead of the required 20 feet on Reisterstown Road; and to permit a tangent distance of 18 feet from the street corner to the access drive instead of the required 20 feet on Milford Mill Road. Southwest side of Reisterstown and Milford Mill Road, Car-Al-Bob, Inc., Petitioner.

3rd District

HEARING: Wednesday, February 28, 1968 (2:00 P.M.)

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

- "In its recommendations to the County Council regarding boundaries for zoning districts, the Planning Board proposed that the subject property be classified within a C. S. -1 District, based upon the assumption that the Council would designate Reisterstown Road from the city line to the Beltway as a Class I commercial motorway. The Council has not designated Reisterstown Road as a commercial motorway of either Class I or Class II, however, and therefore, a C. S. -1 District should not be established until the Council has acted."
- The other variances requested seem to demonstrate that the petitioner desires only to establish an automotive-service station according to a standard plan, without regard for the requirements of Bill 40, 1967 - in fact, as though Bill 40 had never been passed. If a service station cannot be built on the subject property without variances, then it should not be built here. Actually, however, a service station could be constructed on the site without variances; the plat submitted by the petitioner indicated that the site is part of a larger tract.
- The site plan submitted to us is not sufficiently clear for us to evaluate landscaping, lighting, or other appearance factors. As noted, however, that one light pole, presumably 20 feet high (as shown in the notes), would be higher than one-eighth its distance to the nearest residential zone; we do not see that any variance from lighting requirements has been requested.
- We believe that the question of "probability of a reasonable pro-

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lie need for the proposed automotive service station" should be thoroughly explored. There are already at least 11 service stations on Reisterstown Road within a mile of the subject property. (Our Land use survey does not include property within the city). Further, in the future much of the Reisterstown Road traffic load will be transferred to the Northwest Expressway and travel patterns will change.

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW
241 ST. PAUL PLACE
BALTIMORE, MARYLAND 21202
727-4888

April 4, 1968



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

Re: Petition for Undistricted Special Exception and Variances S/W Side Reisterstown Road and Milford Mill Road, 3rd Dist., Car-Al-Bob, Inc., Petitioner No. 68-199-RXA

Dear Commissioner Rose:

Please enter an Appeal to the County Board of Appeals for Baltimore County from the Order passed on March 7, 1968, in the above-entitled case on behalf of Mildred Trostle, et al, Protestants, in the above case.

Very truly yours,

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

WSS:by

cc: Fred E. Waldrop, Esquire
11 Masonic Building
Towson, Maryland 21204

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PETITION FOR RECONSTRUCTING,
SPECIAL EXCEPTION AND
ZONING

ZONING: From Underlaid to C.S.-1 District.
Petition for Special Exception for Automotive Service Station.
Petition for Variance for a Garage and Tugboat Dockage.
LOCATION: Southwest side of Baltimore Road and Millard Mill Road.

DATE: FEB. 24, 1968 at 10:00 P.M.
Public Hearing: Room 146, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

The Joint Commissioners of Baltimore County, by authority of the Board of Public Safety and Police, do hereby certify that the following is a true and correct copy of the petition for special exception and zoning as filed with the Board of Public Safety and Police.

Present District: C.S.-1 District.
Proposed District: C.S.-1 District.
Petition for Special Exception for Automotive Service Station.
Petition for Variance from the Zoning Regulations for a Garage and Tugboat Dockage.

County to permit a garage of 24 feet in length, 12 feet in width, and 12 feet in height, to be located on the west side of the street, any one of which may be at least 100 feet in length, front on a Class I commercial roadway, and not greater than 12 feet in depth from either side of the right of way.

To permit a Class I District to be located on a Class I Commercial Motorway, to be located on the west side of the street, any one of which may be at least 100 feet in length, front on a Class I commercial roadway, and not greater than 12 feet in depth from either side of the right of way.

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CERTIFICATE OF PUBLICATION

TOWSON, MD., FEB 8 1968

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 in each of one time weeks before the 28th day of February 1968, the first publication appearing on the day of February 1968.

THE JEFFERSONIAN,

H. L. Smith
Manager.

Cost of Advertisement, \$

OFFICE OF THE
BALTIMORE COUNTY
CLERK

CATONSVILLE, MD.

February 13, 1968

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

BALTIMORE COUNTY, a group of weekly newspapers, Baltimore County, Maryland, once a week for one of the 13th day of Feb., 1968, that is to be read in the issues of February 8, 1968.

BALTIMORE COUNTY

John G. Rose
Zoning Commissioner

PETITION FOR
RECONSTRUCTING, SPECIAL
EXCEPTION AND ZONING

ZONING: From Underlaid to C.S.-1 District.
Petition for Special Exception for Automotive Service Station.
Petition for Variance for a Garage and Tugboat Dockage.
LOCATION: Southwest side of Baltimore Road and Millard Mill Road.

DATE: FEB. 24, 1968 at 10:00 P.M.
Public Hearing: Room 146, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

The Joint Commissioners of Baltimore County, by authority of the Board of Public Safety and Police, do hereby certify that the following is a true and correct copy of the petition for special exception and zoning as filed with the Board of Public Safety and Police.

Present District: Underlaid to C.S.-1 District.
Proposed District: C.S.-1 District.
Petition for Special Exception for Automotive Service Station.
Petition for Variance from the Zoning Regulations for a Garage and Tugboat Dockage.

County to permit a garage of 24 feet in length, 12 feet in width, and 12 feet in height, to be located on the west side of the street, any one of which may be at least 100 feet in length, front on a Class I commercial roadway, and not greater than 12 feet in depth from either side of the right of way.

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old P. Road south
21 10 minutes follow-
ing course and distance south
75 degrees 15 minutes 10
seconds west 100.25 feet, replac-
ed by a line curving toward the
north with a radius of 25.00
feet and north 51 degrees 02
minutes 30 seconds west 101.25
feet to the south side of said
Millard Mill Road and to be in-
tersected the said 100 foot line of
said deed at a point distant
51.25 feet north 75 degrees 15
minutes 10 seconds east from
the beginning of said line, thence
running with and heading on the
south side of said Millard Mill
Road north 75 degrees 15 minutes
10 seconds west 125.00
feet to the place of beginning,
CONTAINING 6.468 acres of
land more or less.

BEING part of that tract of
land which by conformity
dated October 31, 1966
and recorded among the Land
Records of Baltimore County
in Liber OTD No. 4092 folio
139 etc. was conveyed by Mr.
M. H. Taylor, et al to CAR-
ALBON, Inc.

Being the property of Car-
albon, Inc., as shown on plat
also filed with the Zoning
Department.
Hearing Date: Wednesday,
February 28, 1968 at 2:00 P.M.
Public Hearing: Room 146,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Md.

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

Feb. 8

Feb. 8

Feb. 8

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Feb. 8

REISTERSTOWN ROAD

CANDICEE
BODY & FENCED
WORKS

NOTES FOR PETITION FOR AUTOMOBILE
SERVICE STATION
ZONING STATUS
EXISTING ZONING PARCEL #1 B-M
PROPOSED ZONING PARCEL #1 B-M
EXISTING DISTRICT NAME
PROPOSED DISTRICT C51 WITH DE. FOR AUTOMOBILE STATION
OR ROAD NOT DESIGNATED AS A CLASS I HIGHWAY.

SECTION 259.2E REQUEST A VARIANCE TO PERMIT A C51 DIST TO BE LOCATED ON A HIGHWAY.
SECTION 405.2 B5 TO PERMIT AN INDIVIDUAL SITE IN A C51 DISTRICT TO HAVE ACCESS
TO ROADS OTHER THAN A CLASS I COMMERCIAL HIGHWAY
SECTION 405.4 2C TO PERMIT A CANOPY ZERO FT FROM PROPERTY LINE INSTEAD OF THE
REQUIRED 10' AND 33' FROM E INSTEAD OF THE REQ'D 35' AND TO PERMIT A GASOLINE
PUMP ISLAND DET BACK OF 15' INSTEAD OF THE REQ'D 15' FROM PROPERTY LINE.
SECT 405.4 2C TO PERMIT THE CURB TANGENT BETWEEN ST. GRAD ACCESS DE # 3 INSTEAD OF 20' DIST. 20'
18' INSTEAD OF 20' MURDER MILL RD

AREA REQUIREMENTS
TWO (2) DISPENSER ISLANDS WITH 4 DUAL DISPENSER
PUMPS CAPABLE OF SERVING 4 CARS AT ANY TIME
TOTAL SERVING SPACES 4
TOTAL SERVING DAYS 3
TOTAL DAYS & SPACES 1
SITE AREA REQUIRED: 7 x 1500 SF = 10,500 SF
TOTAL AREA REQUIRED 10,500 SF
TOTAL AREA OF TRACT 19,180 SF = 0.4493 AC
ACCESS POINTS
NUMBER OF DRIVEWAYS ON FRONT STREET = 2
2 x 65' = 130' REQUIRED WIDTH
ACTUAL SITE WIDTH 160'
LANDSCAPING
AREA A: 1200 SF
AREA B: 520 SF
TOTAL 1720 SF = 9% OF TRACT
5% OF TRACT = 953 SF
LIGHTING
TYPE MERCURY VAPOR FLOOD LIGHT HEIGHT 20'
PARKING
PARKING SPACES REQ'D (3) / DAY = 3 x 3 = 9 SPACES
PARKING SPACES PROVIDED

#68-199 RYA

OFFICE
COPY

MAP
#3
SEC. 2-C
NW-7-E
X
C5-1

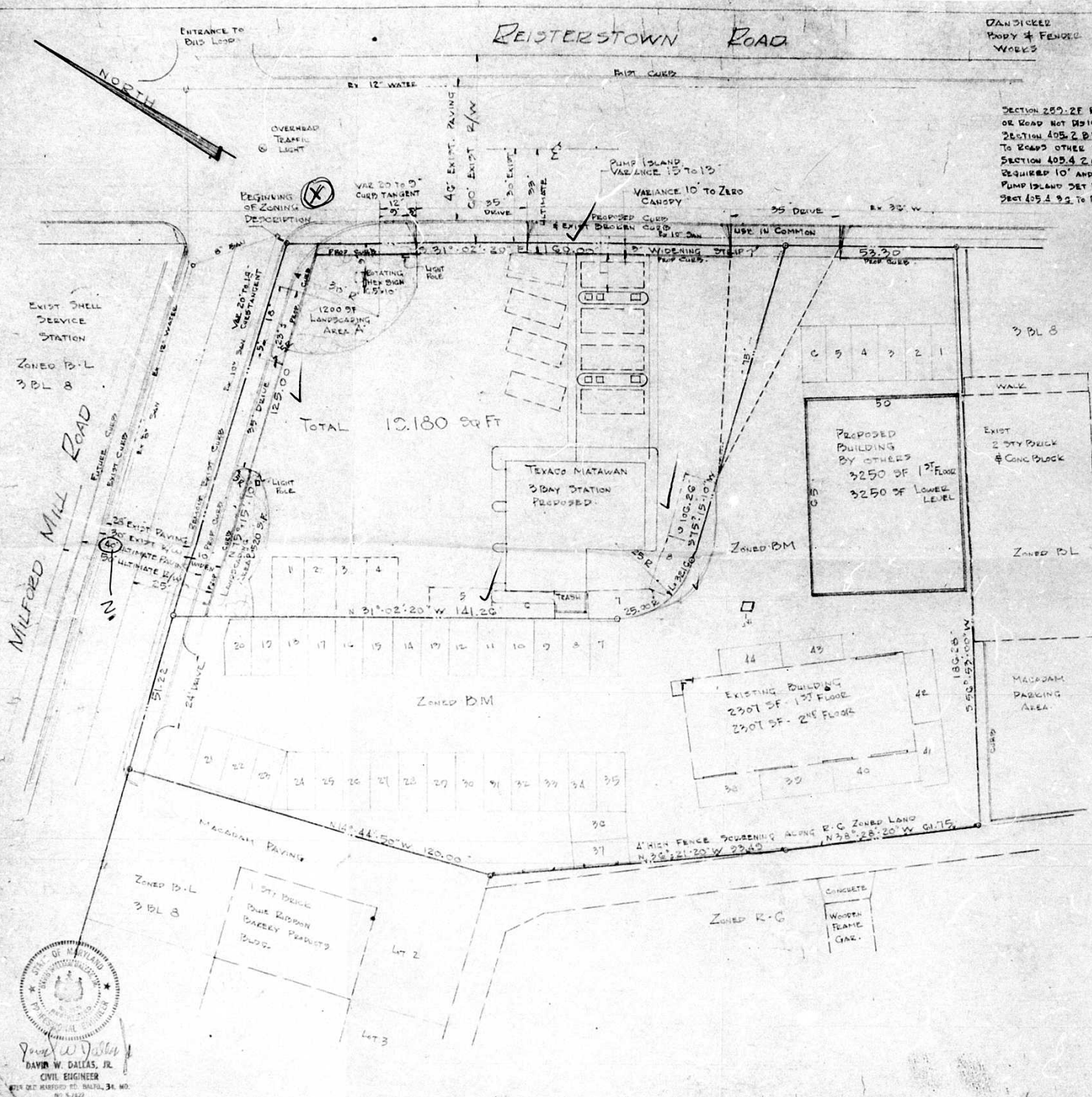
ZONING PLAT
PROPERTY OF
CAR-AL-BOB, INC.

301 YORK ROAD
BALTIMORE, MARYLAND 21204
3RD ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE 1" = 20'
Nov 14, 1967
REV. DEC 8, 1968
REV. JAN 24, 1968

MILFORD MILL ROAD
EXIST SHELL
SERVICE
STATION
ZONED B-L
3 BL 8



David W. Dallas, Jr.
DAVID W. DALLAS, JR.
CIVIL ENGINEER
REGISTERED PROFESSIONAL ENGINEER
BALTIMORE, MD. 21204
NO 12422



PARKING
PARKING SPACES REQUIRED 23 SPACES
EXISTING SPACES PROVIDED - 3 SPACES

ACCESS POINTS

NUMBER OF DRIVEWAYS ON FRONT STREET - 2
2X 65' 130' REQUIRED WIDTH
ACTUAL SITE WIDTH 160'

LANDSCAPING

AREA A - 11,000 SF
AREA B - 510 SF
TOTAL 11,510 SF, 3% OF TRACT
5% OF TRACT - 1,000 SF
LANDSCAPING CONSISTS OF
AREA A
WASHED STONE
4 OF 202 UPRIGHT TAXUS (NEW)
10 OF 204 AZALEA ROSEBUD OR EQUAL
10 OF 205 AZALEA FEDORA OR EQUAL
3 OF 207 JUNIPERUS HORIZONTALIS VARIETIES

AREA B
WASHED STONE
5 OF 202 UPRIGHT TAXUS (NEW)
4 OF 207 JUNIPERUS HORIZONTALIS VARIETIES
4 OF 203 PIERIS JAPONICA (LANDSCAPE)
5 OF PLANTER PLANTING AREA AROUND BLDG TO CONSIST OF ANNUAL PLANTS

LIGHTING

TYPE MERCURY VAPOR FLOODLIGHT HEIGHT 20'

**ZONING PETITIONS FOR AUTOMOBILE SERVICE STATIONS
ZONING STATUS**

EXISTING ZONING PARCEL #1 B.M.
PROPOSED ZONING PARCEL #1 B.M.
EXISTING DISTRICT NONE
PROPOSED DISTRICT C-1 WITH R.E. FOR AUTOMOBILE STATION

VARIANCE TO SECTION 255-2F TO PERMIT A C-1 DIST. TO BE LOCATED ON A MOTORWAY OR ROAD NOT DESIGNATED AS A CLASS I MOTORWAY
VARIANCE TO SECTION 406-2B6 TO PERMIT AN INDIVIDUAL SITE IN A C-1 DISTRICT TO HAVE ACCESS TO A ROAD OTHER THAN A CLASS II COMMERCIAL MOTORWAY
VARIANCE TO SECTION 406-4-2G TO PERMIT A CANOPY ZERO FT. FROM PROPERTY LINE INSTEAD OF THE REQUIRED 10' TO 20' FROM E INSTEAD OF THE REQUIRED 25' AND TO PERMIT A GASOLINE PUMP ISLAND DETRACK OF 15' INSTEAD OF THE REQUIRED 15' FROM PROPERTY LINE
VARIANCE TO SECTION 406-4-3G TO PERMIT THE CURB PARALLEL BETWEEN ST. CORNER, CACCESS DRIVE OF 3' INSTEAD OF 20' REISTERSTOWN RD 15' INSTEAD OF 20' MILFORD MILL RD.

AREA REQUIREMENTS

TWO (2) 0.12 PENNER ISLANDS WITH 4 DUAL DISPENSER PUMPS CAPABLE OF SERVING 4 CARS AT ANY TIME
TOTAL SERVING SPACES 4
TOTAL BAYS 3 SPACES
TOTAL BAYS 3 SPACES
SITE AREA REQUIRED: 10,500 SF
TOTAL AREA REQUIRED: 10,500 SF
TOTAL AREA OF TRACT: 19,180 SF = 0.4401 AC.

HOT WATER SYSTEM
HOT WATER HEATER TO BE FURNISHED BY TEXACO. HEATER TO BE MODEL GS-30, OIL FIRED SUSPENDED AS MFG'D BY PARAGON OIL CORP. CONNECT HOT & COLD WATER TO THE FOLLOWING: REAR OF END BAY TO COMBINATION HOSE BIBB, SERVICE SINK WITH COMB. FAUCET, MEN'S & LADIES REST ROOMS WITH SINKS, P.C.E. SPEC. CONTRACTOR IS TO FURNISH AND INSTALL A 6" VITROLNER FLUE

PLUMBING AND ELECTRICAL
SERVICES ARE REQUIRED TO THE DRAWING FOUNTAIN (D.F.) AT LOCATION SHOWN

PAVEMENT BETWEEN CURB LINE
AS SHOWN ON THE GA AND THE EXISTING EDGE OF PAVEMENT SHALL BE THE CONTRACTORS RESPONSIBILITY AND SHALL COMPLY WITH HAY DEPT. SPEC.

DEMOLITION WORK TO INCLUDE
REMOVAL OF FOUNDATION WALLS 2'-0" BELOW GRADE BASEMENT TO BE FILLED WITH BANK RUN MATERIAL OR SAND-BASEMENT FLOORS TO BE BROKEN OUT

FILL TO BE GRANULAR SOIL
FREE OF ROOTS AND OTHER FOREIGN MATERIALS. COMPACTED IN 6" LAYERS TYPE OF FILL AND METHOD OF COMPACTION TO BE APPROVED BY THE FIELD BY TEXACO ENGINEER.

ALL FOOTERS ARE TO BE
PLACED ON UNDISTURBED GROUND

BAY FLOORS TO SLOPE
1" REAR TO FRONT
1" 6" CONTINUOUS DRAIN WITH C.I. GRATE PIPE OUTLET 4" C.I. TO SUMP IN WASH BAY

NEW SERVICE STATION TO BE CONSTRUCTED
IN ACCORDANCE WITH THE DWGS & SPECIFICATIONS LISTED & THE CODES & REQUIREMENTS OF BALTIMORE CO., MD.

EXISTING STORAGE TO BE
REMOVED

NO.	DATE	DESCRIPTION
059216	3-29-67	PUMP ISLAND WIRE 30 DET
059224	6-29-67	TELE. RAB
059239	11-9-67	WATER INSTALL
059240	11-18-67	HOT WATER HEATER
059241	11-29-67	ELECTRICAL
059242	2-11-68	SHIELDING
059243	12-29-67	DESIGN & SPEC
059244	1-13-68	HEATING
059245	5-13-67	TEXACO 216N
059246	8-10-68	LANDSCAPING
059247	1-6-68	GENERAL CONDITIONS
059248	11-2-68	CONSTRUCTION SPEC
059249	12-6-68	ASPHALTIC CONC
059250	4-6-68	COIL TREATMENT
059251	6-27-68	DEMOLITION
059252	3-26-68	TRUCK REMOVAL

NO.	DATE	REVISION / ZONING REQ.
11-6-68	11-6-68	REVISED / ZONING REQ.

SYMBOL	DESCRIPTION
	DASHED LINE
	SOLID LINE
	DOTTED LINE
	DASH-DOT LINE
	SOLID LINE WITH ARROW
	DASHED LINE WITH ARROW
	DOTTED LINE WITH ARROW
	DASH-DOT LINE WITH ARROW
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