

entA

RE : PETITION FOR RECLASSIFICATION	:	IN THE
from R-6 to B.R. zone;	:	
Undistricted to C.R. District; and	:	CIRCUIT COURT
SPECIAL EXCEPTION for	:	
Automotive Service Station	:	FOR
SW corner of York Road and Exit	:	
Ramp "A" of Interstate 83	:	BALTIMORE COUNTY
7th District	:	
William L. C. Jones, Petitioner	:	AT LAW
Humble Oil & Refining Company,	:	
Contract Purchaser	:	Misc. Docket No. <u>9</u>
Zoning File No. 71-144-RX	:	
	:	Folio No. <u>140</u>
Thomas F. Bryant, Jr., et al,	:	
Protestants-Appellants	:	File No. <u>4725</u>

: : : : : : : : : : : : : : : : : :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-B (4) of the Maryland Rules of Procedure; John A. Slowik, Walter A. Reiter, Jr. and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Fred E. Waldrop, Esq., Loyola Federal Building, Towson, Maryland 21204 and Melvin Steinberg, Esq., Loyola Federal Building, Towson, Maryland 21204, Attorneys for the Petitioners, and Anthony J. Sacco, Esq., 202 Courtland Avenue, Towson, Maryland 21204, Attorney for the Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Fred W. Waldrop, Esq., Loyola Federal Building, Towson, Maryland 21204 and Melvin Steinberg, Esq., Loyola Federal Building, Towson, Maryland 21204, Attorneys for the Petitioners, and Anthony J. Sacco, Esq., 202 Courtland Avenue, Towson, Maryland 21204, Attorney for the Protestants, on this 15th day of September, 1971.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William L. C. Jones, 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-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-6 zone; for the following reasons:

1. Error in the original zoning map
2. Change in the Character of the Neighborhood

3. For such other and further reasons as set forth in the attached memorandum in compliance with Bill 72.

see attached description

and (3) 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-classification 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.

Humble Oil & Refining Co., Inc.
Contact purchaser:
7720 York Road,
Address: Reisterstown, Maryland 21204

Legal Owner
York Road,
Address: Reisterstown, Maryland

Protestant's Attorney
Loyola Federal Bldg.,
Address: Baltimore, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of September, 1970, 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 4th day of October, 1970, at 1:00 o'clock.

Muriel E. Buddemeier
Zoning Commissioner of Baltimore County

(over)

cc: Waldrop, Esq.
Steinberg, Esq.
Sacco, Esq.
Zoning

RE: PETITION FOR RECLASSIFICATION
from R-6 to B.R. zone;
Undistricted to C.R. District; and
SPECIAL EXCEPTION for Automotive
Service Station
SW corner of York Road and Exit
Ramp "A" of Interstate 83
7th District

William L. C. Jones
Petitioner
Humble Oil & Refining Company
Contract Purchaser

File No. 71-144-RX

Thomas F. Bryant, Jr., et al
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 9

Folio No. 150

File No. 4725

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, &c.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

Melvin A. Steinberg
ATTORNEY AT LAW

402 LOYOLA FEDERAL BUILDING
22 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

September 22, 1972

Board of Zoning Appeals
for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
from R-6 to B.R. Zone
William L.C. Jones, Petitioner
Thomas F. Bryant, Jr., et al
Protestants-Appellants

Dear Mrs. Eisenhart:

In accordance with your request, I am herewith enclosing a letter dated March 7, 1972 from Judge Raine and a certified copy of the docket entries.

If there is any additional information you need, please contact my office.

Sincerely,

MELVIN A. STEINBERG

MAS:as
Encl.

March 7, 1972

Anthony J. Sacco, Esquire
302 Courtland Avenue
Towson, Maryland 21204

Re: Jones v. Bryant
Case No. 4725 - Zoning Appeal

Dear Mr. Sacco:

You filed a notice of appeal in the above case on September 14, 1971, noting an appeal from a zoning board action taken on August 13, 1971. The zoning board, not in session when you received notice of the board's action, so perhaps your appeal was noted within the thirty day period prescribed under Rule 5-4. In any event, no point was raised as to the time of the notice of appeal. However, as we noted in November 9, 1971 that you filed the petition required by Rule 5-1, and in the meantime the petitioner had moved to dismiss your appeal. There have been several cases, the latest being William L. C. Jones v. Board of Zoning Appeals, 342 Md. 189, which hold that an appeal must be dismissed, even though there is no showing of prejudice to the adverse party, unless there is good cause to the contrary. Unfortunately your recitation that you were engaged in the business of other clients does not fall within that category, and under the controlling law the Court must dismiss your appeal.

I do want to point out to you that I have made an examination of the transcript and the opinion of the zoning board. On the well known principle that the Court cannot substitute its judgment for that of the board, any decision in your favor on the merits would have undoubtedly led to an affirmation of the board's action.

Very truly yours,

John M. Sacco, Esq.
Judge

John M. Sacco

c.c. Melvin A. Steinberg, Esq.

RE: PETITION FOR RECLASSIFICATION
from R-6 to B.R. zone;
Undistricted to C.R. District; and
SPECIAL EXCEPTION for Automotive
Service Station
SW corner of York Road and Exit
Ramp "A" of Interstate 83
7th District

William L. C. Jones
Petitioner
Humble Oil & Refining Company
Contract Purchaser

File No. 71-144-RX

Thomas F. Bryant, Jr., et al
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 9

Folio No. 140

File No. 4725

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slawik, Walter A. Reiter, Jr. and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 71-144-RX

July 31, 1970 Comments of Baltimore County Zoning Advisory Committee - filed

Sept. 1 Petition of William L. C. Jones (Humble Oil & Refining Co., contract purchaser) for reclassification from R-6 to B.R. zone; Undistricted to C.R. District, and special exception for automotive service station on property located on the southwest corner of York Road and Exit Ramp "A" of Interstate 83, 7th District - filed

" 1 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for October 28, 1970 at 1:00 p.m.

Oct. 8 Certificate of Publication of property - filed

" 10 Certificate of Posting of property - filed

" 28 Comments of Mr. George T. Gavrells, Director of Planning for Baltimore County - filed

" 28 At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia

William L. C. Jones (Humble Oil) - 71-144-RX

2.

Jan. 4, 1971 Order of Deputy Zoning Commissioner granting reclassification from R-6 to B.R. zone, redistricting from Undistricted to C.R. District, and Special Exception for automotive service station

Feb. 3 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner

June 17 Hearing on appeal before County Board of Appeals

July 8 Continued hearing on appeal before County Board of Appeals - case held sub curia

Aug. 13 Order of County Board of Appeals granting Special Exception, subject to restrictions

Sept. 14 Order for Appeal filed in the Circuit Court for Baltimore County by Anthony J. Sacco, Esq., attorney for protestants-appellants

" 15 Certificate of Notice sent to all interested parties

Oct. 28 Petition to extend time for filing record from October 18, 1971 to an additional sixty days

Nov. 3 Transcript of testimony filed - 1 volume

Petitioner's Exhibit No. 1 - Amended plat of subject property showing new zoning

" " 2 - Plat by Esq (4/17/71) - in closet of County Board of Appeals

" " 3 - Rendering of proposed station and motel in closet of C.B. of A.

" " 4 - Report of Traffic Engineer

" " 5 - Official map - 3F

" " 6 - A thru G - Photos by Klaus

" " 7 - A thru C - Air photos

Protestants' Exhibit "A" - File No. 71-144-RX

Dec. 1 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be incon-

William L. C. Jones (Humble Oil) - 71-144-RX

3.

venient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

July 31, 1970

COUNTY OFFICE BLDG.
111 N. Calverton
Towson, Maryland 21204OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF
PLANNING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROADS COMMISSIONBUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATIONINDUSTRIAL
DEVELOPMENTFred W. Waldrop, Esquire
202 Loyola Federal Building
Towson, Maryland 21204RE: Type of Hearing: Reclassification
Location: 1/2 York Road, Int. with
Harrisburg Expressway
Petitioner: William L. C. Jones
Committee Meeting of May 26, 1970
7th District
Item 317

Dear Mr. Waldrop:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site 20-ft inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with a dwelling. The surrounding properties are improved with the same. The northern boundary is bounded by the Harrisburg Expressway Interstate 83. York Road location is not improved as far as concrete curb and gutter are concerned.

SEWER AND DRAINAGEHighways

York Road and the Harrisburg Expressway Ramp are State Roads; therefore, all improvements, alterations, and entrances on these roads will be subject to State Roads Commission requirements.

Storm Drainage

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

York Road and the Harrisburg Expressway Ramp are State Roads. Therefore, drainage requirements as they affect these roads come under the jurisdiction of the Maryland State Roads Commission.

- 2 -

Fred W. Waldrop, Esquire
Item 317Sediment Control

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Water and Sanitary Sewers

Public water and sanitary sewer services are not available. Private water supply and sewer disposal systems will be required in accordance with the Department of Health Standards.

STATE ROADS COMMISSION

The entire frontage of the subject site must be curbed. The curb must be in line with the existing curb to the north and must tie into the curb at the ramp.

The median of the proposed monumental entrance must have a minimum length of 120' from the flow line. The said entrance must be located a minimum of 55' to the South in order to create an easement and enter last turn movement into the entrance.

The plan be revised prior to a hearing date being assigned.

The entrances will be subject to State Roads Commission approval and permit.

HEALTH DEPARTMENT

It is recommended that a hearing date be withheld until such time that a complete geological study is made regarding water and sewerage.

BUILDING DEPARTMENT'S OFFICE

Petitioner to comply with all applicable requirements of Baltimore County Building Code and Regulations. Also, see Section 104.5 and 91.1 on Service Stations.

BOARD OF EDUCATION

No hearing on student population.

- 3 -

Fred W. Waldrop, Esquire
Item 317FIRE DEPARTMENT

Owner shall be required to comply with all applicable requirements of the 193 Life Safety Code, 1967 edition, and the Fire Prevention Code when Construction plans are submitted for approval.

DEPARTMENT OF TRAFFIC ENGINEERING

The subject petition is requesting a change from R-6 to B-2 at 10.5 acres. As B-2, the subject petition could generate 5,000 vehicles a day. The access at the monumental entrance is not desirable since it interfered with the end of the median on York Road.

ZONING ADMINISTRATION DIVISION

This office is withholding a hearing date until such time as the petitioner submit revised plans in accordance with the State Roads Commission comments in the foregoing.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS
Chairman

C/Time

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: October 28, 1970

FROM: Mr. George E. Gourell, Director of Planning

SUBJECT: Petition #71-144-RX. Southwest corner of York Road and Exit Ramp "A" of Interstate 83. Petition for Redistricting from R-6 to B.R. Zone. Petition for Redistricting from Undistricted to C.R. District. Petition for Special Exception for Automotive Service Station. William L.C. Jones - Petitioner.

7th District

1st FILING: Wednesday, October 28, 1970 (1:00 p.m.)

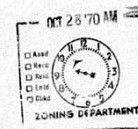
The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B.R. zone, together with redistricting and special exception for automotive service station and has the following advisory comments to make relative to pertinent planning factors:

The Office of Planning does not feel that zoning changes have occurred in the neighborhood so as to warrant the subject zoning. The changes tend to support a change in character in Maryland Line, which is already acknowledged as a rural locality center.

The Office of Planning does not feel that there is community need for an automotive service station in this area. There is not sufficient residential development in the immediate vicinity to support such a business, and the low densities of traffic on adjacent roads discourage commercial development at this time.

For the above reasons, it is recommended by the Office of Planning that the B.R. zoning and C.R. districting not be approved.

GEG:mn

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: FEB. 27-71
 Period for: APPEAL
 Petitioner: WILLIAM L. C. JONES
 Location of property: S.W. CORNER OF YORK RD. AND EXIT RAMP A OF INTERSTATE 83
 Location of Sign: Q.E.B. OF RAMP A SOUTH - S. OF YORK RD. @ 1/2 OF YORK RD. 100 FT. E. OF RAMP A. @ 2nd TURN 300 FT. E. OF RAMP A
 Remarks: Charles W. Myers
 Posted by: Charles W. Myers Date of return: MARCH 5, 1971

