

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, agree to pay expenses of above Special Hearing 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, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve off-street parking in residential zone.

The attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve off-street parking in residential zone.

For: HUMBLE OIL & REFINING CO.
Contract Purchaser Legal Owner
Address: _____
Address: _____
Protestant's Attorney
Address: _____
Towson, Md. 21204

ORDERED By the Zoning Commissioner of Baltimore County, this 9th day of February, 1971, 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 11th day of March, 1971, at 1:00 o'clock P.M.



Edward D. Hardesty
Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR SPECIAL HEARING : BEFORE
for Off-Street Parking in a : COUNTY BOARD OF APPEALS
Residential Zone :
5/5 Seminary Ave. 194.89' : OF
W. of York Road :
9th District : BALTIMORE COUNTY
Humble Oil & Refining Co., :
Petitioner : No. 71-246-SPH

OPINION

"is case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner, dated November 16, 1971, denying the requested petition. The Petitioner, Humble Oil Co., requests permission to provide twenty-five additional off-street parking spaces for passenger cars. This is needed, the Petitioner claims, to relieve overloaded parking congestion at its adjacently located automotive service station and retail training school.

The affected automotive service station is located on the corner at the west side of York Road and the south side of Seminary Avenue in Lutherville, Baltimore County, Maryland. The Petitioner owns this station and an abutting one acre residential lot in the rear of the station, which lot also fronts along the south side of Seminary Avenue. The Petitioner, if successful in its petition, would utilize a strip of land 31 feet wide by 266 feet long on the easternmost portion of this one acre lot, running along the division line between it and the service station, to construct the petitioned parking spaces, (see "Plan, Petitioner's Exhibit #3).

At the outset of the hearing, Protestants' counsel moved to dismiss the appeal on the grounds that under the Zoning Regulations of Baltimore County, an automotive service station cannot qualify for the requested parking permit, (see Memorandum, Protestants' Exhibit A). Petitioner's counsel objected to the Motion per argument in his Memorandum submitted into evidence as Petitioner's Exhibit #1. The Motion to Dismiss was denied since the Board interprets Section 409 of the Zoning Regulations to include automotive service stations and training schools as being businesses that do qualify for the petitioned use.

The Petitioner originally constructed a service station on the corner site about fifteen years ago. It became the Esso Humble Oil Company's initial Car-Care

Humble Oil & Refining Co. - #71-246-SPH

Center in Baltimore County. Over the ensuing years the station has been enlarged to include an eight bay Car-Care Center, a two bay Diagnostic Car Center and a District Retail Training Center, in addition to having two gasoline pump islands to sell gasoline and oil to the motoring public. There are thirty existing parking spaces now on the service station site, and testimony revealed that at peak times there are fifteen employees and thirteen school trainees on the site. The Petitioner claims that these parking spaces are insufficient to meet his needs; hence, the subject petition is necessary.

Without going into the details of the testimony, the Petitioner explained to the Board his proposed plans of construction, layout, lighting, screening, paving, etc. The Protestants, several of whom are regular customers at the station, testified that they have never encountered nor observed a congested parking condition on the service station site. They were greatly concerned that granting the petition would serve as an opening wedge for additional similar requests on other commercial establishments located nearby along York Road.

The Board is impressed with the testimony of the Protestants and believes that granting the petition would tend to adversely affect the general welfare of the area residents. The Petitioner has created his own problem, if in fact he has a parking problem, through his intensive expansion of his facilities.

For these reasons and from all of the testimony heard and evidence presented, the Board affirms the Zoning Commissioner's Order of November 16, 1971, and hereby denies the requested petition for off-street parking in a residential zone.

ORDER

For the reasons set forth in the foregoing Opinion, the Board affirms the Order of the Zoning Commissioner, dated November 16, 1971, and therefore, it is this 21st day of June, 1972, by the County Board of Appeals, ORDERED that the

Humble Oil & Refining Co. - #71-246-SPH

off-street parking in a residential zone petitioned for, be and the same is hereby DENIED. Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman

Walter A. Ketter, Jr.

John A. Miller

MARYLAND SURVEYING AND ENGINEERING CO., INC.

6707 WHITESTONE ROAD • BALTIMORE, MARYLAND 21207 • TELEPHONE: 301-944-9291
ENGINEERING • SURVEYING • PLANNING

ZONING DESCRIPTION S.W. CORNER YORK ROAD AND SEMINARY AVENUE

Beginning for the same on the South Right-of-Way Line of Seminary Avenue, 40 feet wide, said point being S 85° 17' 17" W, 194.89 feet and S 85° 32' 17" W, 2.10 feet measured along said South Right-of-Way Line from a point formed by the intersection of the said South Right-of-Way Line of Seminary Avenue, 40 feet wide, and the West Right-of-Way Line of York Road, Maryland Route 45, 66 feet wide; thence leaving the place of beginning and the South Right-of-Way Line of Seminary Avenue and running by a line drawn parallel to and at the distance of 189.42 feet westerly measured at right angles from the said West Right-of-Way Line of York Road, as now surveyed, bearings referred to True North, S 21° 40' 36" E, 254.43 feet; thence running S 64° 26' 47" W, 30.07 feet; thence running by a line drawn parallel to and at the distance of 30.00 feet westerly measured at right angles from the first mentioned line in this description, N 21° 40' 36" W, 265.75 feet to intersect the aforementioned South Right-of-Way Line of Seminary Avenue; thence running and binding on said South Right-of-Way Line of Seminary Avenue, N 85° 32' 17" E, 31.41 feet to the place of beginning.

Containing 0.1791 Acres more or less.



Signed This 26 day FEB 1970

SCALE _____ ft. - 1 inch

File No. _____

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

March 26, 1971

GEORGE E. GAYRELL
Director
Jefferson Building
Suite 301
Towson, Md. 21204
464-2211

John J. Bishop, Jr., Esq.
600 E. Jopps Road
Towson, Md. 21204

Re: Petition for Special Hearing for Humble Oil & Ref. Co. for Humble Oil & Ref. Co. #71-246-SPH

Dear Sirs:

This is to advise you that \$ 51.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson, Room 119, County Office Building, before the hearing.

Very truly yours,
Edward D. Hardesty
EDWARD D. HARDESTY
ZONING COMMISSIONER

John J. Bishop, Jr., Esq.
600 E. Jopps Road
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Special Hearing for Humble Oil & Ref. Co. #71-246-SPH

TIME: 1:00 P.M.

DATE: Wednesday, March 31, 1971

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, TOWSON, MARYLAND

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: February 19, 1971
FROM: Ian J. Forrest
SUBJECT: Item 118 - Zoning Advisory Committee Meeting, February 9, 1971.

118 Property Owner: Humble Oil and Refining Company
Location: S/W corner, York road and Seminary Avenue
Present Zoning: R-10
Proposed Zoning: Special Hearing - Offstreet Parking in a residential zone
District: 9
No. Acres: 0.1791 Acres

Since this petition is for parking, no health hazards are anticipated.

Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJF/sam



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts...

the above Special Hearing for... by reason of...

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of..., 196..., that the herein Petition for Special Hearing should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the public health, safety and general welfare of the locality involved being adversely affected...

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of November, 1961, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

IN THE MATTER OF THE PETITION FOR SPECIAL HEARING FOR OFF-Street Parking in a Residential Zone... vs ROLAND A. ROCKEL, WILLIAM WALLACE, DAVID H. HINKLEY, ROBERT A. MORTON (Protestants)

MEMORANDUM OPINION

This Appeal arises from an Order of the Board of Appeals of Baltimore County on June 21, 1972, which affirmed the Zoning Commissioner's Order of November 16, 1971, denying a requested petition for off-street parking in a residential zone.

Petitioner has been on the location of York Road and Seminary Avenue for approximately fifteen years. The service station facility has grown over that period to its present size consisting of an eight bay Car Care Center, a two bay Diagnostic Car Center and a Retail Training Center in addition to having two gasoline pump islands.

Petitioner's station is located on the southwest corner of the junction of York Road and Seminary Avenue. The Petitioner owns the station site and a lot abutting it on Seminary Avenue consisting of 0.9720 acres.

While the station site is zoned B1, the adjoining lot, which is subject to this petition, is zoned R10. By its Petition, Petitioner seeks to utilize a strip of land 31 feet wide by 266 feet long on the easternmost portion of the residential lot, running along the division line between it and the station site, to construct twenty-five additional parking spaces.

At the hearing before the Board of Appeals, Petitioner sought to gain the use of the residential strip by virtue of section 409.4 of the Baltimore County Zoning Regulations (1969). Protestants argued that section 409.4 did not apply because the County Council had enacted Bill No. 40 in 1967 which created within the zoning regulations a separate and distinct section for Automotive Service Stations.

The first question that this Court must address itself to is whether the decision of the Board of Appeals was arbitrary, capricious or illegal. Dundalk Holding Co. v. Horn, 292A 2d, 77, 266 Md. 280 (1972). Gernunko v. County Board of Appeals of Baltimore County, 264A 2d, 825, 257 Md. 706, (1970) and Taubert v. County Board of Appeals for Montgomery County, 262 A. 2d 513, 252 Md. 202 (1970).

"We have repeatedly stated that it is not the function of the courts to zone or rezone, and that courts will not substitute their judgment for the expertise of zoning officials. Only when there is no room for reasonable debate or where the record is devoid of substantial supporting facts are the courts justified in reversing

a decision of an administrative body or in declaring its action arbitrary, capricious or illegal. Minor v. Shifflett, 252 Md. 158, 243A 2d, 159 (1969). France v. Shifflett, 249 Md. 335, 236A 2d, 726 (1968); The Labor Corp. v. Rodara Forge Community Ass'n., 236 Md. 106, 120, 202A, 2d 612 (1964)."

If the opinion of the Board of Appeals is to be reversed, the Court must find that the Board failed to properly apply the zoning regulations or that the record is devoid of substantial supporting facts.

The zoning regulation that the Petitioner seeks to have applied to allow it to use its residential property to serve the parking needs of its business is Sec. 409, Offstreet Parking and Loading, Baltimore County Zoning Regulations, (1969). In particular, section 409.4 provides the following:

"409.4 - Business or Industrial Parking in Residence Zones - Upon application the Zoning Commission may issue a use permit for the use of land in a residential zone for parking areas to meet the requirements of the foregoing schedule, subject to the following conditions..."

The conditions refer to lighting, parking area, loading, etc. specifications. The language quoted above which provided the bona fide contention between the parties is the reference to the "...foregoing schedule...". The schedule is provided in section 409.2b and concerns educational, religious, recreational and theatrical uses and hospital and medical uses as well as other institutional, office and non-retail commercial uses and finally retail trade, industry, wholesale or warehouse type of commercial uses.

The Board of Appeals interpreted sections 409.2b (schedule) to include automotive service stations and training schools as being businesses that do qualify within section 409.4 (Business or Industrial Parking in Residence Zones) and thereby adopted the position of Petitioner. Protestants' position was that since the County Council had provided for a separate section for Automotive Service Stations in section 403 by Bill No. 40, 1967, they had

"...which details the circumstances and conditions under which a use permit may be granted for the parking of automobiles in a residential zone. On remand, the case will be returned to the Zoning Commissioner for a reconsideration of the issuance of a use permit, and the framing of such a permit, if it be granted, in conformity with the appropriate standards and conditions."

In light of the holding in Westview, supra, by the Court of Appeals, this Court affirms that part of the Board of Appeals opinion which interprets section 409 of the Zoning Regulations to include the Petitioner's business as qualifying for the petitioned use.

By his appeal, Petitioner claims that there was insufficient testimonial evidence to support the Board's ruling in favor of Protestants. In the Opinion accompanying the Board's Order, the Board states that they were impressed with the testimony of the Protestants to the effect that if the Board granted the petition the general welfare of the area residents would be adversely affected. The Board concluded that the Petitioner created its own problem, if in fact any parking problem existed, through its intensive expansion of its facilities.

It was the position of the Protestants that the Petitioner had no parking problem, as in the experience of some of them as regular customers at the station, they had never encountered nor observed congestion at the station. Additionally, Protestants argued that to allow the petitioned use would result in a commercial intrusion resulting in an opening wedge into a residential community.

In filing its appeal to the Court, Petitioner submitted a supporting Memorandum. That Memorandum contains some of the statements made at the hearing before the Board of Appeals by Petitioner's witnesses and Protestants' witnesses. These excerpted statements themselves indicate that there was a difference of opinion on the merits of Petitioner's request for use of its residential lot for parking. If the Board chose to believe Protestants' witnesses rather than Petitioner's or put more weight on Protestants' witnesses testimony than on Petitioner's, Petitioner cannot be heard to complain. It is the prerogative of the fact finder to believe whomever he chooses assuming there is adequate grounds for belief.

For Petitioner, Mr. Elmer Conner, Jr., Area Supervisor, testified on the question of congestion as follows:

"Mr. Elmer Conner, Jr. - 'Well, the conditions frequently the place is so jammed up, particular in front, that it is hard for the customers to get in and out of the location, and it is just difficult, that is all. We can't get them on the bays, we can't get them past the gasoline island, it is a very congested situation."

Q. (Mr. Bishop) Does it cause a traffic problem on York Road or Seminary Avenue?

A. There is difficulty getting in and out of the place, because of it, on occasion, yes.

Q. Would the installation of this additional parking space help alleviate that problem and, if so, how?

A. Well, it would move a lot of the parked automobiles that is congesting the property, we could move them to the rear, and allow better ingress and egress, and then in addition we would have parking places for our employees there.

Q. Suppose you were in a position where the trainees would be permitted only to park on the back area, would that situation help?

A. That would help. Naturally that would free up those spaces they are using now, for customers, and so forth.

Q. Would it also be beneficial to you, even though the parking on this new parking area might be limited to seven in the morning until six at night?

A. Yes, there is no reason for any parking there at night, after the shop is closed, no reason for any parking. (See transcript, page 68, line 21 to page 69, line 5)

Protestant's attorney addressed the following question to Mr. Conner:

"Q. (Mr. Hession) - Mr. Bain has said that the purpose for additional spaces is that you could service maybe five or six cases in a bay, a day, instead of two or three. The gross number of cars going in and out of the station is going to be increased, isn't it?

A. (Mr. Conner) - I don't particularly agree with that no, because the big problem we are having right now is the vehicles are parked on the service court, which makes it difficult to get in and out of the bays, and also congests the driveway for getting in and out of this location, either on to York Road or Seminary Avenue.

These automobiles would be parked in the rear if we had that space to park them in. So it wouldn't increase the number of vehicles in and out of the property at all, as I am seeing. (See transcript, page 72, lines 11-20)

Mr. Bain, Real Estate Representative for Petitioner, had earlier testified on the needs of Petitioner as follows:

Q. (Mr. Hession) So that the complaint that you make here this morning about not having enough parking spaces is brought about by your own construction work there, isn't it, increasing your own facilities on the site?

A. (Mr. Bain) Yes. (See transcript page 26 lines 6 - 10)

However, witnesses for Protestant view the matter differently.

Mr. Roland A. Rockel, who lives at 16 West Seminary Avenue, which is directly across the street from the lot owned by Petitioner, testified as to the question of congestion as follows:

APR 24 1974

Q. (Mr. Hession) Now Mr. Rockol, since the hearing on February 9, 1972, had you taken the opportunity to observe whether or not there was any shortage of parking space around the Esso property, as presently constituted?

A. Yes, I would say on the daily average, perhaps excluding Sunday, I would have occasion to pass this location, and the facility there, at a minimum of two times a day, many times as many as four or five times a day, and I, frankly, of course, am very acutely aware of the premise put forth here that they are so crowded and so hampered in parking there. I have made a direct effort to try to validate this from my observations, and I find no substance in the claims that were made, because there are many times, to me, it appears there are a dozen or more spaces available within the site, as constituted, to handle parking of cars."

The fact that there is a dispute between the witnesses of the parties raises for the fact finder the question of which of the witnesses they choose to believe. Provided there is reasonable grounds for the Board to believe Protestants' witnesses, this Court cannot reverse the Board's findings.

Mr. Rockol lived in Lutherville for thirty-seven years. At the time of the hearing he lived across the street from the Petitioner's station. He had at one time been a service station owner. In addition to his testimony other witnesses for the protestant had the same opinion that the service station was not congested. One such witness, Mrs. Ralph Lane of 1403 Westbury Court, had testified that she had dealt with the Petitioner on a regular basis for the sixteen years she had lived at her Lutherville address. Her residence backs up to within twenty-five feet of the residential lot owned by Petitioner and the subject property in the Petition. The following colloquy between Mr. Bishop and Mrs. Lane brings that point out:

Q. You will continue to deal there?
A. Oh, yes, we were sorry to see Mr. Chase (former station owner) go; he was our best friend.

Nevertheless, my point was, we never had any trouble parking, absolutely never, and not only we, when we parked, there was plenty of spaces close by.

Q. When you would take your car in, you say you would be taken home?

A. Yes.
Q. And they would insist on giving you a ride home?

A. Always.
Q. Would they give you a ride home in your car or in another car?
A. In our car. I would drive home, and they would take the car back.
Q. Then you didn't attempt to park the car at the station yourself, or you weren't there when they parked the car?
A. Well, I have done it on a good many occasions. Like I say, most of the time they insisted somebody take me home, and they were able to do it at that time or they at least tried. If they were busy and couldn't, I insisted on walking home, because it wasn't that far. But I just don't ever remember having any difficulty in parking.
Q. But most of the time they would give you a lift home in your car?
A. Oh, yes.

Perhaps the strongest witness for Protestant on this issue of congestion was Howard E. Ross of 1719 West Seminary Avenue. The following exchange occurred between Protestant's attorney and Mr. Ross:

Q. During the previous session before the Board, we had before the Board on this application, there was testimony to the effect that the present station handling its present capacity, did not have room to adequately store and park cars for the convenience of the customers.

Now following that hearing, did you have occasion to make any observations of parking conditions and the number of automobiles that were around the station on any given mornings?

A. Since our last hearing, I made a special point to observe that, and I observed it once or twice on every working day except once or twice since that time.

At no time did I find them completely filled. It was somewhat crowded at times, but there were still empty spaces in the parking areas, either behind the buildings or on the side. (See testimony, pages 98, lines 9-21 and page 99, lines 1-3.)

Mr. Ross also testified that he took two photographs of the Petitioner's station at peak business hours, each photograph taken on a different day. They were accepted in evidence as Protestant's exhibits. Both photographs showed empty parking spaces.

Thus, there appears to be sufficient testimony from reliable sources upon which the Board of Appeals could reasonably be of the opinion that in granting the use sought under the Petition, the general welfare of the community would be endangered.

-10-

This Court is of the opinion that the decision of the Board is supported by substantial evidence, that a reasonably debatable question is presented by the evidence and that the Board has not acted arbitrarily in denying the application of the Petitioner.

The Order of the Board of Appeals, dated June 21, 1972, must therefore be affirmed.

Patricia E. Barrett
Judge

September 19, 1973

RE: PETITION FOR SPECIAL HEARING IN THE
for off-street parking in a CIRCUIT COURT
residential zone
S/S Seminary Avenue 194.89 feet FOR
West of York Road BALTIMORE COUNTY
9th District AT LAW
Humble Oil & Refining Company
Petitioner - Appellant
Zoning File No. 71-246-5PH Misc. Docket No. 9
Folio No. 209
File No. 4864

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, 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. 71-246-5PH

Feb. 9, 1971 Petition of Humble Oil & Refining Company for Special Hearing for off-street parking in a residential zone, on property located on the south side of Seminary Avenue 194.89 feet West of York Road, 9th District - filed
" 9 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for March 31, 1971 at 10:00 p.m.
Mar. 2 Comments of Baltimore County Zoning Advisory Committee - filed
" 31 Hearing postponed and rescheduled for May 3, 1971 at 10:00 a.m.
Apr. 15 Certificate of Publication of property - filed
" 16 " " Posting of property - filed
May 3 At 10:00 a.m. hearing held on petition by Zoning Commissioner - case held sub curie
Nov. 16 Order of Zoning Commissioner denying Special Hearing
Dec. 10 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

Humble Oil & Refining Co. - 71-246-5PH (4864)

2.

Feb. 7, 1972 Hearing on appeal before County Board of Appeals
Apr. 26 Continued hearing on appeal before County Board of Appeals - case held sub curie
June 21 Order of County Board of Appeals denying off-street parking
July 20 Order for Appeal filed in the Circuit Court for Baltimore County by John J. Bishop, Jr., Esq.
" " Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
" 21 Certificate of Notice sent to all interested parties
Aug. 21 Transcript of testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Memo on Motion - 5/27/71 - John Bishop, Esq.
" " 2 - Plat of subject property - Md. Surveying and Engineering Co., Inc. 3/10/78
" " 3 - Plat of subject property - Md. Surveying and Engineering Co., Inc. with red marks
" " 4 - Comments from Zoning Advisory Committee, 3/2/71
Protestants " A - Memorandum on behalf of Protestants-5/20/71 by J. Hession, Esq.
" " B1 - Photo - subject property, by Howard Ross, 2/29/72 (True)
" " B2 - Photo - " " " " 3/1/72 (Wed.)
" " C - Joint Resolution - re: Lutherville preserve (Missing)
Sept. 13 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 inconvenient 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

RE: PETITION FOR SPECIAL HEARING IN THE
for Off-Street Parking in a CIRCUIT COURT
Residential Zone
S/S Seminary Avenue 194.89 feet FOR
West of York Road BALTIMORE COUNTY
9th District AT LAW
Humble Oil & Refining Company
Petitioner - Appellant
Zoning File No. 71-246-5PH Misc. Docket No. 9
Folio No. 209
File No. 4864

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

cc:
Zoning
John J. Bishop, Esq.
John W. Hession, Esq.
Respondents

Appealed 7/20/72

RE: PETITION FOR SPECIAL HEARING IN THE
for Off-Street Parking in a CIRCUIT COURT
Residential Zone
S/S Seminary Avenue 194.89 feet FOR
West of York Road BALTIMORE COUNTY
9th District AT LAW
Humble Oil & Refining Company
Petitioner - Appellant
Zoning File No. 71-246-5PH Misc. Docket No. 9
Folio No. 209
File No. 4864

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-8(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, John J. Bishop, Jr., Esq., 600 E. Joppa Road, Towson, Maryland, 21204, Attorney for the Petitioner, and John W. Hession, Esq., 102 W. Pennsylvania 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.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County
County Office Bldg., Towson, Md. 21204
494-3180 (Tel.)

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to John J. Bishop, Jr., Esq., 600 E. Joppa Road, Towson, Maryland, 21204, Attorney for the Petitioner, and John W. Hession, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland, 21204, Attorney for the Protestants, on this 21st day of July, 1972.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

cc: Zoning
Bishop, Esq.
Hession, Esq.

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

To: Edward Hindey Date: February 17, 1971
FROM: Oliver L. Myers
FROM: Silworth H. Davis, Jr.
SUBJECT: Item 118 (1970-1971) Property Owners: Humble Oil and Refining Company S/W corner, York Road and Seminary Avenue District: 9 Present Zoning: R-10 Proposed Zoning: Special Hearing - Offstreet Parking in a residential zone No. Acres: 0.1791 Acres

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in conjunction with Item 118 (1970-1971), copy attached, remain valid and applicable to this Petition, Item 118 (1970-71).

Edward L. Myers
Silworth H. Davis, Jr., Esq.
Chief, Bureau of Engineering

ED:BAH:MMK
138 S.S. Key Sheet
S. 36-1 Position Sheet
S.W. 124 Type
51 Tax

Attachment

APR 24 1974

HUMBLE OIL COMPANY
Appellant
VS
JOHN A. SLOWIK
and
WALTER A. REITER, JR.
and
JOHN A. MILLER
Constituting the County Board
of Appeals of Baltimore County
Appellees
9/209/4864

MOTION TO EXTEND TIME

Petition of Humble Oil Company, by John J. Bishop, Jr.,
It's Attorney, respectfully moves that the time for the transmission of the
Baltimore County Board of Appeals records, exhibits, and transcript of the
testimony taken before the Baltimore County Board of Appeals be extended
until September 15, 1972, for the following reason:

1.) That one of the exhibits is in the possession of John W.
Hessian, Esquire and that John W. Hessian, Esquire, as well as his
secretary, are on vacation and will not return until the expiration date for
the submitting of the record, etc. Further, that this exhibit is necessary
to complete the record.

WHEREFORE, the Petitioner prays this Honorable Court
issue an Order extending the time for the transmission of the Baltimore
County Board of Appeals records, exhibits and transcript of testimony of
it's proceedings in this case to September 15, 1972.

JOHN J. BISHOP, JR.
600 East Joppa Road
Towson, Maryland 21204
823-6301
Attorney for Petitioner & Appellant

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a copy of the foregoing Order For
Appeal was served this 20 day of July, 1972, on the County
Board of Appeals of Baltimore County, County Office Building, Towson,
Maryland 21204.

John J. Bishop, Jr.
600 East Joppa Road
Towson, Maryland 21204
823-6301
Attorney for the Appellant

I HEREBY acknowledge receiving service of the foregoing Order
For Appeal and Certificate of Compliance, this 20 day of July,
1972.

John W. Hessian, III
County Board of Appeals

I HEREBY CERTIFY this 16th day of July,
1972, that a copy of the foregoing Motion To Extend Time was mailed to
Baltimore County Board of Appeals, County Office Building, Towson,
Maryland 21204 and John W. Hessian, Esquire, 102 W. Pennsylvania Avenue,
Towson, Maryland 21204.

JOHN J. BISHOP, JR.

HUMBLE OIL COMPANY
Appellant
VS
JOHN A. SLOWIK
and
WALTER A. REITER, JR.
and
JOHN A. MILLER
Constituting the County Board
of Appeals of Baltimore County
Appellees
9/209/4864

ORDER

It is ORDERED this 16th day of July, 1972, that
in accordance with Rule 70 of the Maryland Rules of Procedure and upon the
foregoing Motion, the time for transmission of the records, exhibits and
transcript of testimony in the above captioned case be and the same is hereby
extended to September 15, 1972.

JUDGE

IN THE MATTER OF THE PETITION FOR
SPECIAL HEARING FOR
Off-Street Parking in a
Residential Zone
S/S Seminary Ave. 194.89'
W. of York Road
9th District
Humble Oil & Refining Co.,
Petitioner
BEFORE THE
CIRCUIT COURT
BOARD OF APPEALS
OF
BALTIMORE COUNTY

ORDER FOR APPEAL BY HUMBLE OIL CO., APPELLANT

MR. CLERK:

Please enter an appeal to the Circuit Court for Baltimore County,
at Law, on behalf of the Humble Oil Company from the Order of the County
Board of Appeals of Baltimore County in case #71-246-SPH, which case
denied Humble Oil Company permission to provide twenty-five (25) additional
off-street parking places in a residential zone, S/S Seminary Ave., 194.89'
W. of York Road in the 9th District of Baltimore County.

John J. Bishop, Jr.
600 East Joppa Road
Towson, Maryland 21204
823-6301
Attorney for the Appellant

Re: Petition for Special Hearing
S/S of Seminary Avenue, 194.89'
W of York Road - 9th District
Humble Oil & Refining Company -
Petitioner
No. 71-246-SPH (Item No. 118)
OF
BALTIMORE COUNTY

NOTICE OF APPEAL

Please enter an appeal from the order of the Zoning Commissioner
of Baltimore County dated November 10, 1971.

JOHN J. BISHOP, JR.
600 East Joppa Road
Towson, Maryland 21204
823-6301
Attorney for Humble Oil &
Refining Company - Petitioner

RE: PETITION FOR SPECIAL HEARING
S/S OF SEMINARY AVENUE, 194.89'
WEST OF YORK ROAD - 9th DISTRICT
HUMBLE OIL AND REFINING COMPANY -
PETITIONER
NO. 71-246-SPH (ITEM NO. 118)

MEMORANDUM ON BEHALF OF THE PROTESTANTS

"We have frequently held, that the legislative
intent is to be determined, in the first instance, by
the words used by the legislative body and if these
words, given their ordinary meaning, indicate the
legislative intent, our quest for determining that in-
tent is over."

Judge Barnes thusly managed to rephrase one of the oldest
interpretative rules. Delbrook Homes, Inc., v. Mayers, 248 Md. 80, 234 A2
880. The threshold question here is whether the County Council intended the
provisions of Section 409.4 as an aid to the requirements for parking imposed
upon the uses listed or "scheduled" on page 106 of the Baltimore County Zoning
Regulations, or intended that the effect of those provisions should keep
throughout all of the various use classifications contained in the Regulations.

The 1955 edition of the regulations, revised in 1964, con-
tains in Section 409.4 language identical to that in the present, 1969, edi-
tion, with one significant difference: the Council added the words, "...to
meet the requirements of the foregoing schedule..."

Similarly, within the context of the instant proceeding, one
other significant addition appeared in the 1969 revision: whereas the 1955/1964
edition of the regulations was content to dispose of the question of parking
at "Filling Station" sites by merely prohibiting continuous storage or parking,
the Council literally created a new classification under Section 405 and labeled
it, "Automotive-Service Stations," and imposed parking space requirements
applicable to the particular classification. Those requirements, again as
applicable to the instant case, are found in Section 405.4 Standard-Individual
Sites, sub-section A5, Parking Spaces, and make mandatory the provisions,
calculated per service bay, on the site.

The commonly accepted definition of "schedule" is perhaps the
last of the interpretative tools necessary for our purpose in this proceeding.
Black's Law Dictionary, Fourth Edition, defines "schedule" as, "a sheet of

paper or parchment annexed to a statute, deed, answer in equity, deposition,
or other instrument, exhibiting in detail the matters mentioned or referred
to in the principal document." (Emphasis added). Funk & Wagnall: "1. a
written or printed statement, usually in tabular form, specifying the details
of some matter, and often annexed to statutes, petitions, etc. 2. a list;
catalogue; inventory."

Your obligation, as we see it, is to follow the "words used
by the legislature", here the County Council, and give them their "ordinary
meaning," to determine the "legislative intent." The Council has by relabeling
and greatly expanding the regulatory intensity of the old "Filling Station"
category literally created a new category of "Automotive-Service Stations"
and specifically requires "on site" parking. It has also amended the previous
provisions for parking in residential zones by adding a qualification, "to
meet the requirements of the foregoing schedule." The "ordinary" meaning of
a "schedule" is a specific list. The "foregoing schedule" or list, if you
will, which is a part of the section dealing with offstreet parking (Section
409) appears in Section 409.2, parts a. and b. "Automotive-Service Stations"
are not included in that list. It therefore follows that the Petitioner
cannot benefit from the provisions of Section 409.4 as it seeks.

Respectfully submitted,

John W. Hessian, III
Attorney for Protestants

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
S/S OF SEMINARY AVENUE 194.89' : ZONING COMMISSIONER
WEST OF YORK ROAD - 9TH DISTRICT : OF
HUMBLE OIL AND REFINING COMPANY -
PETITIONERS :
NO. 71-246-SPH (ITEM NO. 118) : BALTIMORE COUNTY

MEMORANDUM ON BEHALF OF THE PETITIONERS

This Memorandum responds to the question of whether or not the Zoning Commissioner of Baltimore County has the authority to grant off street parking in a residential zone pursuant to Section 409.4 of the Baltimore County Zoning Regulations 1969 edition to a Petitioner who is engaged in the automotive service station business or whether Bill No. 40 0967, would prohibit the Zoning Commissioner from granting such a use permit.

It is certainly true that the 1969 edition of the Baltimore County Zoning Regulations added to Section 409.4 the following words: "... to meet the requirements of the foregoing schedule, ..." It should also be pointed out that the schedule referred to is a schedule of requirements and is contained in Section 409.2c, and has nothing whatsoever to do with Section 409.2b. Section 409.2c contains the following: "requirements for all parking spaces on parking lots--etc." Section 409.4 reads, in part, "upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking meters to meet the requirements of the foregoing schedule, etc." Section 409.2b contains the following: "parking space for buildings other than dwellings--etc." It was clearly the intent of the County Council that the "requirements" referred to in Section 409.4 are the "requirements" referred to in Subsection c of Section 409.2, and was not intended to include automotive service stations from utilizing the "Business of Industrial Parking in Residential Zones", provided under Section 409.4. Had it been the intent of the County Council to exclude any specific business from Section 409.4, it would have

specifically stated the exclusion or if, in fact, Section 409.2b does not include automotive service stations. It would have provided in Section 409.4 that not only the requirements of the foregoing schedule would have to be met, but also Section 409.2b would have to be complied with. If we were to accept the argument of the Protestants we would have to believe that everything not mentioned in Section 409.2b would automatically be excluded from acquiring parking in residential zones as set out in Section 409.4.

If Section 409.4 is interpreted, based on the words contained therein, then the "requirements" must be those contained in Section 409.2c and not the "use" referred to in Section 409.2b. In addition, Section 409 is titled "Off Street Parking and Loading," and the only part of that that is pertinent to Section 409.4 is that section dealing with screening, surfacing, etc., as contained in Section 409.2c.

In addition to the above, the Court of Appeals has decided this question. In the case of Westview Park and Civic Association, et al. vs. Edward D. Hays, et al., 261 A 3d, 164, 256 Md. 575, which was decided on February 4, 1970 after the adoption of Bill No. 40, the Court remanded the case to the Zoning Commissioner of Baltimore County for the purpose of having the Commissioner decide the case under Section 409.4 of the Baltimore County Zoning Regulations because the Court found that the Zoning Commissioner and the Board of Appeals had erroneously allowed off street parking in a residential zone under Section 405.3 to a Petitioner who was an automotive service station. The Court said that Section 405.3 was not applicable and "on remand, the case will be returned to the Zoning Commissioner for reconsideration of the issuance of a use permit, and the framing of such a permit, if it be granted, in conformity with the appropriate standards and conditions". The Court having previously stated that the use permit for parking in a residential zone should have been granted under Section 409.4, which details the circumstances and conditions under which

-2-

a use permit may be granted for the parking of automobiles in a residential zone".

Let me repeat that the Petitioner in the Westview, et al, case was an automotive service station, and the Court said that the parking use on a residential zone should have been granted under Section 409.4 and not under Section 405.3.

For all of the above reasons, the Petitioner respectfully requests that the Zoning Commissioner issue the use permit under Section 409.4.

Respectfully submitted,

John J. Bishop, Jr.
John J. Bishop, Jr.
Attorney for the Petitioners
600 East Joppa Road
Towson, Maryland 21204
823-6301

I HEREBY CERTIFY that a copy of the foregoing Memorandum on behalf of the Petitioners was mailed to John W. Hession, Esq., 102 West Pennsylvania Avenue, Towson, Maryland 21204, on this 27th day of May, 1971.

John J. Bishop, Jr.
John J. Bishop, Jr.

-3-

TO: Mr. Edward D. Hardesty, Zoning Commissioner
1158 - 2C - Myers
FROM: Planning Division
Zoning Department
SUBJECT: Special Hearing
Humble Oil and Refining Company

LOCATION: S/W corner, York Road and Seminary Avenue

Item 118

2/9/71

The Fire Department has no comment on the proposed site.

H. Thomas Kelly

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 2, 1971

John J. Bishop, Jr.,
606 Loyola Federal Building
Towson, Maryland 21204

RE: Type of Hearing: Special Hearing
Location: S/W Cor. York Road and
Seminary Avenue
Petitioner: Humble Oil and Refining Company
Committee Meeting of February 9, 1971
9th District
Item 118

Dear Sirs:

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

The subject property is presently improved with a diagnostic center for Humble Oil & Refining Company. The property to the north is improved with a service station and several commercial uses. The property to the south is a vacant lot and a service station. The property to the east is improved with a small shopping center and several filling stations. The property to the west is improved with dwellings, 10 to 20 years of age, in excellent repair. Seminary Avenue is not improved insofar as concrete curb and gutter are concerned, however, York Road is.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in conjunction with Item 14 (1970-1971), copy attached, remain valid and applicable to this Petition, Item 118 (1970-71).

John J. Bishop, Jr.,
Item 118
Page 2

March 2, 1971

DEPARTMENT OF TRAFFIC ENGINEERING:

The special hearing for off street parking in a residential zone should assist the circulation problems on site.

HEALTH DEPARTMENT:

Since this petition is for parking, no health hazards are anticipated.

BOARD OF EDUCATION:

No bearing on student population.

FIRE DEPARTMENT:

This office has no comment on the proposed site.

BUILDINGS ENGINEER'S OFFICE:

Petitioner to comply with requirements of Parking Lots, Section 409.104.

STATE ROADS COMMISSION:

The proposed curb along Seminary Avenue must have a height of 8" rather than 6" as indicated on the plan.

An 8" concrete curb must be constructed at some point between the right of way line and the parking spaces as mentioned in our comments to the Zoning Commissioner of July 24, 1970.

The plan must be revised accordingly.

ZONING ADMINISTRATION DIVISION:

Petitioner will be required to submit revised plans in accordance with State Roads Commission comments above.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date of the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

OLM:JD
Enc.



Mr. Edward D. Hardesty
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Re: Item 118 - 2AC meet. 2/9/71
Property Owner: Humble Oil & Ref.
Location: S/W cor. York Road
& Seminary Ave. (Route 131)
Present Zoning: R-10
Proposed Zoning: Special Hearing
Offstreet Parking in a residential zone
District 9
No. Acres: 0.1791 Acres

Dear Mr. Hardesty:

The proposed curb along Seminary Avenue must have a height of 8" rather than 6" as indicated on the plan.

An 8" concrete curb must be constructed at some point between the right of way line and the parking spaces as mentioned in our comments to the Zoning Commissioner of July 24, 1970.

The plan must be revised accordingly.

Very truly yours,

Charles Lee, Chief
Development Engineering
Section
by John E. Meyers
Asst. Development Engineer

CL:EM:bk

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardesty
Attn: Oliver L. Myers
FROM: C. Richard Moore

Date: February 10, 1971

SUBJECT: Item 118 - 2A - February 9, 1971
Property Owner: Humble Oil & Refining Co.
SW Corner York Road and Seminary Avenue
Special hearing - offstreet parking in a residential zone

The special hearing for offstreet parking in a residential zone should assist the circulation problems on site.

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:nt

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning..... Date: February 10, 1971

FROM: Everett Reed, Plans.....

SUBJECT: 118..... Humble Oil And Refining Co.
S.W. Corner York Road
and Seminary Avenue
District: 9

Petitioner to comply with requirements of Parking lots Section 409.10H

Everett Reed
Everett Reed, Plans Review

BALTIMORE COUNTY BOARD OF EDUCATION

ZONING ADVISORY COMMITTEE MEETING
OF Feb. 9, 1971

Petitioner: HUMBLE OIL & REFINING CO.
Location:
District: 9
Present Zoning:
Proposed Zoning:
No. of Acres:

Comments: NO BEARING ON STUDENT POP.

118

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 11, 1971.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. ~~on~~ ~~one~~ ~~time~~ ~~before~~ ~~the~~ ~~11th~~ ~~day~~ ~~of~~ ~~March~~ ~~1971~~ ~~the~~ ~~11th~~ ~~day~~ ~~of~~ ~~March~~ ~~1971~~ appearing on the 11th day of March 1971.

THE JEFFERSONIAN
L. L. Morgan
Manager

Cost of Advertisement, \$.....

OFFICE OF
THE TOWSON TIMES

TOWSON, MD. 21204 April 19, 1971

CERTIFY, that the annexed advertisement of Edward D. Hardisty, Zoning Commissioner of Baltimore County, in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week, on the 19th day of April, 1971; that is to say, the same day of the month of April, 1971.

EDWARD D. HARDISTY
ZONING COMMISSIONER OF BALTIMORE COUNTY
April 19, 1971

STROMBERG PUBLICATIONS, Inc.

L. L. Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 15, 1971.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN a weekly newspaper printed and published in Towson, Baltimore County, Md. ~~on~~ ~~one~~ ~~time~~ ~~before~~ ~~the~~ ~~15th~~ ~~day~~ ~~of~~ ~~April~~ ~~1971~~ ~~the~~ ~~15th~~ ~~day~~ ~~of~~ ~~April~~ ~~1971~~ appearing on the 15th day of April 1971.

THE JEFFERSONIAN
L. L. Morgan
Manager

Cost of Advertisement, \$.....

PETITION FOR SPECIAL
HEARING

ZONING: Petition for Special Hearing for Off-Street Parking in a Residential Zone.

LOCATION: South side of Seminary Avenue 154.88 feet West of York Road.

DATE & TIME: Wednesday, March 11, 1971 at 1:00 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

The Zoning Commission of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

THE TOWSON TIMES

724 YORK ROAD
TOWSON, MD. 21204

821-7500

March 15 - 1971

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardisty, Zoning Commissioner of Baltimore County, was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week, on the 15th day of March 1971, that is to say, the same day of the month of March 1971.

STROMBERG PUBLICATIONS, Inc.

L. L. Morgan

PETITION FOR SPECIAL
HEARING

ZONING: Petition for Special Hearing for Off-Street Parking in a Residential Zone.

LOCATION: South side of Seminary Avenue 154.88 feet West of York Road.

DATE & TIME: Wednesday, March 11, 1971 at 1:00 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

The Zoning Commission of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, do hereby certify that the following petition was filed with the Zoning Commission of Baltimore County, on the 11th day of March, 1971.

THE TOWSON TIMES

724 YORK ROAD
TOWSON, MD. 21204

821-7500

March 15 - 1971

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardisty, Zoning Commissioner of Baltimore County, was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week, on the 15th day of March 1971, that is to say, the same day of the month of March 1971.

STROMBERG PUBLICATIONS, Inc.

L. L. Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 11, 1971.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. ~~on~~ ~~one~~ ~~time~~ ~~before~~ ~~the~~ ~~11th~~ ~~day~~ ~~of~~ ~~March~~ ~~1971~~ ~~the~~ ~~11th~~ ~~day~~ ~~of~~ ~~March~~ ~~1971~~ appearing on the 11th day of March 1971.

THE JEFFERSONIAN
L. L. Morgan
Manager

Cost of Advertisement, \$.....

TELEPHONE 484-8413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 74028
DATE 8/24/72

To: John J. Bishop, Jr., Esq.
606 E. Johns Road
Towson, Md. 21204

County Board of Appeals
(Selling)

REMITTANCE
DEBIT TO ACCOUNT NO. 01-712
TOTAL AMOUNT \$10.00

DEBIT TO ACCOUNT NO. 01-712
DEBIT AMOUNT \$10.00

Cost of Certified Documents - Case No. 71-246-SPH
S/S Seminary Ave. 194.89°
W. of York Road
9th Easement
Humble Oil & Refining Co.

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 484-8413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 81218
DATE Sep 5, 1971

To: Robert G. Galt
606 E. Johns Road
Baltimore, Md. 21205

Selling Dept. of Baltimore County

REMITTANCE
DEBIT TO ACCOUNT NO. 01-622
TOTAL AMOUNT \$100.75

DEBIT TO ACCOUNT NO. 01-622
DEBIT AMOUNT \$100.75

Advertising and posting of property for Humble Oil & Ref. Co.
871-246-SPH

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 484-8413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 76393
DATE March 2, 1972

To: Harold S. Hauer, Esq.
606 E. Johns Road
Towson, Md. 21204

Selling Dept. of Baltimore County

REMITTANCE
DEBIT TO ACCOUNT NO. 01-622
TOTAL AMOUNT \$5.00

DEBIT TO ACCOUNT NO. 01-622
DEBIT AMOUNT \$5.00

Petition for Special Hearing for Humble Oil & Ref. Co.
871-246-SPH

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

15160 71-246-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting Dec 28, 1971

Posted for APPEAL

Petitioner: HUMBLE OIL & REFINING CO.

Location of property: 1/2 SEMINARY AVE. 194.89° W. OF YORK RD

Location of Signs: S/S SEMINARY AVE. 225 FT. W. OF YORK RD.

Remarks:

Posted by Charles M. Hinkel Date of return Dec 30, 1971

15160 71-246-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting APR 16, 1972

Posted for SPECIAL HEARING

Petitioner: HUMBLE OIL & REFINING CO.

Location of property: 1/2 SEMINARY AVE. 194.89° W. OF YORK RD.

Location of Signs: S/S SEMINARY AVE. 225 FT. W. OF YORK RD.

Remarks:

Posted by Charles M. Hinkel Date of return APR 17, 1972

John J. Bishop, Jr., Esq.
606 E. Johns Road
Towson, Md. 21204

Item 115

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
9th day of February, 1978

Edward D. Harkisty
EDWARD D. HARKISTY
Zoning Commissioner

Petitioner Humble Oil and Refining Company
Petitioner's Attorney John J. Bishop, Jr. Reviewed by Chairman of the Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
MISCELLANEOUS CASH RECEIPT

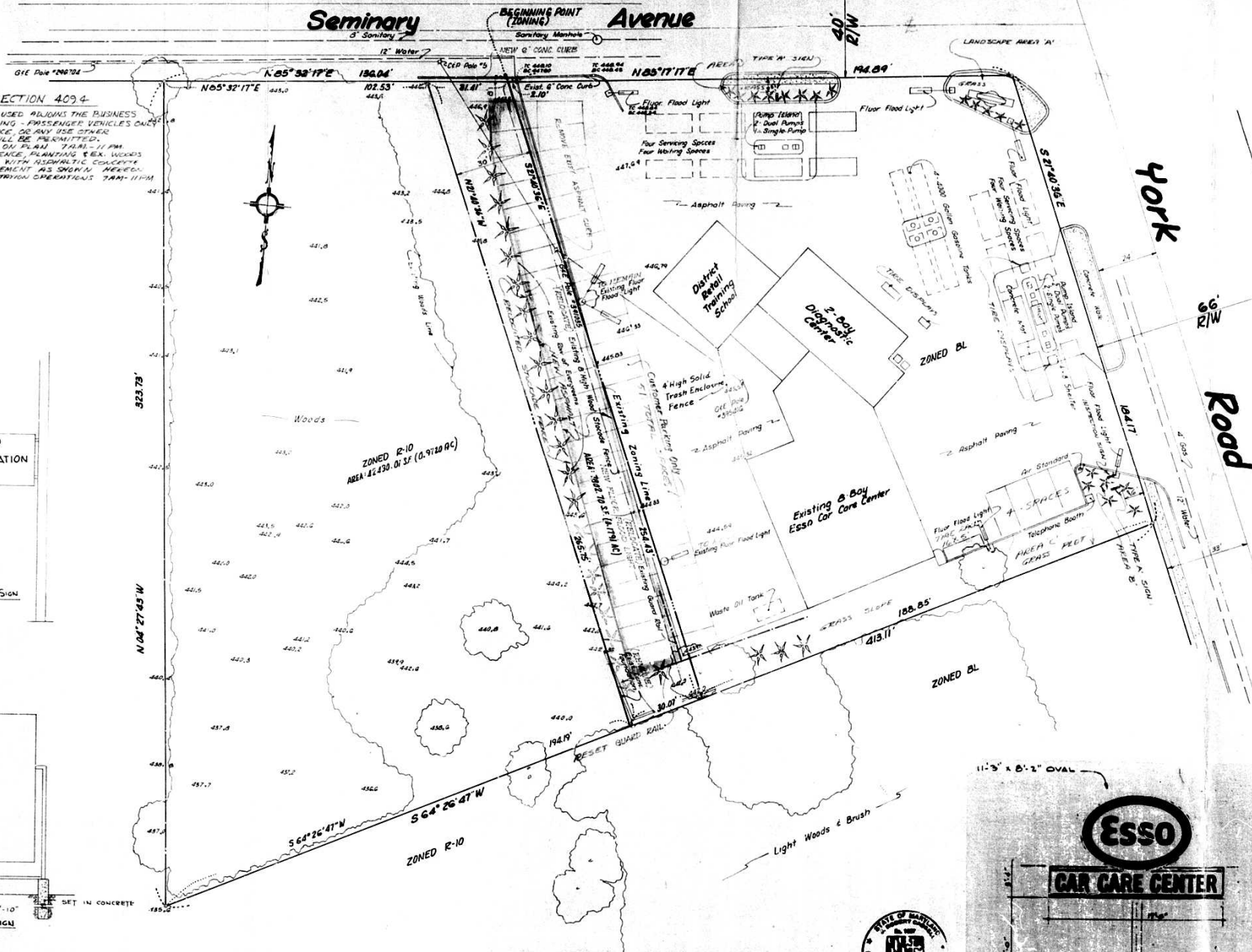
No. 1449

DATE Dec 14, 1971 ACCOUNT 01-662

AMOUNT \$15.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER

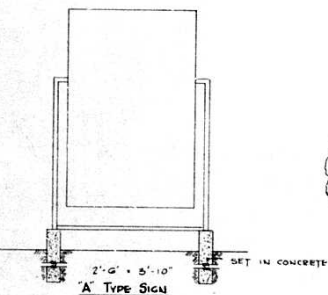
No. 71-246-SPH Humble Oil
& Ref. Co., John J. Bishop, Jr.,
S/S Seminary Ave. W. York Road
109272815 350C REC



- NOTES: SECTION 409.4
- THE LAND TO BE USED ADJACENT THE BUSINESS.
 - CUSTOMER PARKING - PASSENGER VEHICLES ONLY.
 - NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING WILL BE PERMITTED.
 - LIGHTING SHOWN ON PLAN 7:00 AM - 11:00 PM.
 - SCREENING BY FENCE, PLANTING EX. WOODS.
 - SURFACE PAVED WITH ASPHALTIC CONCRETE.
 - PARKING ARRANGEMENT AS SHOWN HEREON.
 - NORMAL SERVICE STATION OPERATIONS 7 AM - 11 PM.

AUTHORIZED
INSPECTION STATION
NO 00000

2.3 STATE INSPECTION SIGN
ON FLOODLIGHT POLE



Location Map

EXISTING DISTRICT C.N.S.

AREA REQUIREMENTS

One pump island with two dual pumps and two single pumps capable of servicing four cars at one time, and

One pump island with one single pump and two dual pumps capable of servicing four cars at one time.

Total Servicing Spaces = 8
Total Servicing Bays = 10
Total Spaces and Bays = 18
Site Area Required = 18 x 1500 S.F. = 27,000 S.F.
Total Waiting Spaces = 8

Ancillary Uses:

Vehicle Repair, vending, tire sales and installation, sale of small auto parts. Add 0 S.F.
Automobile Rental (Normal stock & cars) Add 3900 S.F.
Auto Diagnostic center, 1275 S.F. x 2 Add 2550 S.F.
District Retail Training School 36.6' x 40' Add 1464 S.F.
Site Area Required for Ancillary Uses = 7914 S.F.

Combination Uses:

Muffler sales and installation 27' x 12' = 324 S.F.
Site Area Required for Combination Uses = 324 S.F. x Factor 6 = 1944 S.F.

Total Area Required = 1,858
Total Area of Tract = 81,374

ACCESS POINTS

Number of driveways on major street = 2
Required width: 2 x 65' = 130'
Actual Site Width = 185.09'

LANDSCAPING

Area "A" 340 S.F. trees and overgreens.
Area "B" 400 S.F. planter with overgreens.
Area "C" 2760 S.F. Grass plot and grass slope.
Area "D" 280 S.F. Existing trees to remain.
Grass and overgreens.
Total 3800 S.F. = 9% of Tract.

OFFICE COPY

PARKING

Parking spaces required = 30
Parking spaces provided = 55

LIGHTING SCHEDULE

No proposed change in present lighting schedule.

ADDITIONAL PARKING AREA
ESSO SERVICE STATION
YORK ROAD AND SEMINARY AVENUE
BALTIMORE COUNTY, MARYLAND

ZONING PLAT

CHECKED BY: PREPARED BY:
SCALE: 1" = 20'
MARYLAND SURVEYING AND ENGINEERING CO., INC.
SUSPENSORY OF LYON ASSOCIATES, INC.
6707 WHITE STONE ROAD
BALTIMORE COUNTY, MARYLAND 21207
TELEPHONE 301-944-9291
DATE: 3/10/70 FILE: 1805-58-3



J. Robert Cassell

