

# PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Millard Spivey, et ux, legal owner(s) 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 CT to a CSA district; for the following reasons:

(See attached memorandum)

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:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above redistricting 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: Millard A. Spivey  
Address: 915 Beegans Rd  
Towson Md 21204

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## PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Millard Spivey, et ux, legal owner(s) 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 405.2.A(2) to permit direct access to a town-center distributor bypass road in lieu of the required no access to town-center distributor bypass road.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Millard A. Spivey  
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RE: PETITION FOR REDISTRICTING from a C.T. District to a C.S.A. District, and a VARIANCE from Section 405.2A(2) of the Zoning Regulations NW cor. Towntowne Blvd. (Fairmount Ave.) and Pennsylvania Avenue, 9th District Millard and Thelma Spivey, Petitioners

BEFORE COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 72-148-RA

### OPINION

It is case comes before the Board on an appeal by the Petitioners from an Order of the Deputy Zoning Commissioner, dated March 20, 1972, denying the petitioned redistricting and variance.

The Petitioner herein seeks a redistricting from a C.T. District to a C.S.A. District and also a variance from Section 405.2A(2) to permit direct access to a town center distributor bypass road in lieu of the required no access to a town center distributor bypass road.

There was testimony by the Petitioner that condemnation proceedings had taken 75 feet of the subject property and, further, the property had been zoned on the District Map in 1968 as being in a C.S.A. District, and that this was changed without notice to him by the 1971 Zoning Map which changed the District to C.T. There was further testimony that the subject property is under Contract of Sale to an oil company for use as a gas station, and this would require the requested zoning. In this connection, it would be necessary to obtain a variance to gain access to the Towntowne Boulevard. However, the Zoning Commissioner and, consequently, this Board of Appeals, only has the power to grant variances from area and height regulations.

We do not find that there has been any change in the neighborhood or error in the existing zoning, and find that it was the specific intent to change the zoning on the subject property to that of C.T. District. Furthermore, the Petitioner has failed to overcome the burden of proving that strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship other than the fact that the proposed gas station could not be erected on the subject property as it is now zoned.

Millard and Thelma Spivey - 72-148-RA

Therefore, the Board hereby affirms the Deputy Zoning Commissioner's Order of March 20, 1972, and denies the requested redistricting and variance.

### ORDER

For the reasons set forth in the foregoing Opinion, the Board affirms the Order of the Deputy Zoning Commissioner dated March 20, 1972, and, therefore, it is this 2nd day of April, 1973, by the County Board of Appeals ORDERED that the redistricting and variance 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

Robert L. Gilland

Robert L. Gilland

Robert L. Gilland

FRANK E. CICONE  
Attorney At Law

1000 WILSON AVENUE  
TOWSON, MARYLAND 21204

Suite 411 Jefferson Bldg.

April 5, 1972

Mr. S. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Petition for Variance and Redistricting NW corner of Towntowne Boulevard (Fairmount Ave.) and Pennsylvania Ave. 9th District, Millard Spivey, et ux Petitioners - No. 72-148-RA (Item 155)

Dear Mr. DiNenna:

Please note an appeal on behalf of Millard and Thelma Spivey to the Board of Zoning Appeals from the two orders of the Deputy Zoning Commissioner dated the 20th day of March, 1972 denying the redistricting and variance in the above-subject case.

I am enclosing herewith my check to cover the cost of the appeal.

Very truly yours,

Frank E. Cicone  
Attorney for Millard and Thelma Spivey, Petitioners

FEC:km  
Encl.

FRANK E. CICONE  
Attorney At Law

FIRST NATIONAL BANK BLDG.  
TOWSON, MARYLAND 21204

April 15, 1971

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

RE: Property of Millard Spivey, et ux

Dear Mr. Hardesty:

I am filing a petition in the above-subject case and wish to cite as a basis the following reasons which constitute error in the zoning maps signed March 24, 1971.

1. The subject property had a C.S.A. district on it.
2. The Council without notice to the property owners, removed the C.S.A. and put thereon a T.C. district.
3. The property owners relying on the C.S.A. have entered into contractual relations for the sale of the property, entered into engineering expenses and also committed themselves by purchasing additional sites, in reliance on the sale of the subject property.
4. The Planning Staff placed a by-pass road on the subject property without notice to the property owners.
5. Both the T.C. and the by-pass road are in error, confiscatory and illegal.
6. Because of the shape, size and location of the property, error was committed in that the property is only suitable for C.S.A. district without a by-pass road.
7. And for other and further reasons to be shown at the hearing hereof which will definitely show a glaring error committed by the definition of the maps.

Very truly yours,

Frank E. Cicone

FEC:km

JOSEPH D. THOMPSON, P.E., S.L.S.

CIVIL ENGINEERS & LAND SURVEYORS

101 SHELL BUILDING - 200 EAST JOFFA ROAD  
TOWSON, MARYLAND 21204 - VAlley 3-8820



DESCRIPTION FOR REZONING NORTHWEST CORNER OF TOWNSHOWN BOULEVARD (FAIRMOUNT AVENUE) AND PENNSYLVANIA AVENUE, 9TH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a pipe set at the corner formed by the intersection of the northwest side of Towntowne Boulevard, 114 feet wide, and the northeast side of Pennsylvania Avenue, fifty feet wide, and running thence and binding on the northwest side of Pennsylvania Avenue and referring the courses of this description to the Baltimore County Grid Meridian, North 82 Degrees 50 Minutes 55 Seconds West 126.70 feet to a pipe set at the dividing line between Lot Nos. 14 and 15, Block D, as shown on a plat of Belle View, recorded among the Plat Records of Baltimore County in Plat Book WPC 4, folio 159, thence leaving the northeast side of Pennsylvania Avenue and binding on said division line North 14 Degrees 14 Minutes 35 Seconds East 189.86 feet to a pipe set at the end thereof and running thence and binding on the dividing line between Lot Nos. 7 and 15, and Lot Nos. 8 and 16, Block D, as shown on said plat, and continuing the same course for a line of division across a part of Lot No. 23, Block D, as shown on said plat, South 75 Degrees 15 Minutes 25 Seconds East, in all 125.46 feet to a pipe set on the northwest side of Towntowne Boulevard herein referred to and running thence and binding thereon South 14 Degrees 09 Minutes 13 Seconds West 173.12 feet to the place of beginning.

CONTAINING 0.5233 acres of land, more or less.

BEING parts of Lots 23 to 29, and all of Lots 15 and 16, Section D, as shown on a plat of Belle View, recorded among the Plat Records of Baltimore County in Plat Book W.P.C.

No. 4, folio 159.

4.13.71

SMITH, JOHNS & SMITH

MICHAEL PAUL SMITH  
JAMES HENRY  
GEORGE HENRY  
JAMES HENRY  
JAMES HENRY

February 19, 1973

The Honorable John A. Slowik  
Chairman  
County Board of Appeals  
County Office Building  
111 West Chesapeake Avenue  
Towson, Md. 21204

Re: File No. 72-148-RA  
Millard and Thelma Spivey

Dear Mr. Slowik:

I will appreciate it if you will enter my appearance for Mr. and Mrs. Spivey in the above mentioned case, in place of Judge Cicone.

Mr. and Mrs. Spivey are pressing me to seek a prompt determination of this matter. This necessary as they have to make some move with respect to this property in the immediate future.

For this reason, we respectfully request that the Board give immediate consideration to this case and make its determination promptly.

Very truly yours,

George Barrett Johns

Red 2-20-73  
7-15-71

GBJ:chm

MAY 29 1973

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

the above Redistricting should be had, and it further appearing that by reason of.....

a Special Exception for a..... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of....., 196....., that the herein described property or area should be and the same is hereby re-districted, from..... to a..... district and/or a Special Exception for a..... 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 granting of the requested Redistricting not being in harmony with the spirit and intent of the regulations and being detrimental to the health, safety and general welfare of the community and public at large, and therefore.....

the above Redistricting should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this..... day of....., 196....., that the above Redistricting be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain..... C. T. District..... and the same is hereby DENIED.

Deputy 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 following finding of facts.....

the above Variance should be had, and it further appearing that by reason of.....

a Variance..... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of....., 197....., that the herein Petition for a Variance 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 granting of this Variance would not be in harmony with the general purpose and intent of the regulations and would be detrimental to the health, safety and general welfare of the community and public at large, and therefore.....

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this..... day of....., 197....., that the above Variance be and the same is hereby DENIED.

Deputy Zoning Commissioner of Baltimore County

#### CONTRACT OF SALE

THIS CONTRACT OF SALE, made this 12th day of May, 1970, by and between WILLARD SPIVEY and TERESA S. SPIVEY, his wife, of 915 Breezeview Road, Towson, Maryland - 21204, hereinafter called "VENDOR" and THE AMERICAN OIL COMPANY or its assigns, hereinafter called "PURCHASER".

WITNESSETH: That the Vendor, for and in consideration of the sum of ONE HUNDRED TWENTY THOUSAND FIVE HUNDRED DOLLARS (\$122,500.00) to be paid and satisfied as hereinafter mentioned, and also in consideration of the covenants and agreements herein contained, made and entered into by the Purchaser, agrees to and with the Purchaser that Vendor will convey to the Purchaser by sufficient Warranty Deed all that property situated in the Community of Towson, County of Baltimore, State of Maryland, to wit:

BEGINNING for the same at a pipe set at the corner formed by the intersection of the northeast side of Towson Avenue, 114 feet wide, and the northeast side of Pennsylvania Avenue, fifty feet wide, and running thence and binding on the northeast side of Pennsylvania Avenue and referring the courses of this description to the Baltimore County Grid Meridian, North 82 degrees 50 minutes 35 seconds West 126.70 feet to a pipe set at the dividing line between Lot Nos. 14 and 15, and Lot Nos. 8 and 16, Block D, as shown on said plat, and continuing the same course for a line of division across a part of Lot No. 23, Block D, as shown on said plat, South 75 degrees 15 minutes 55 seconds East, in all 129.46 feet to a pipe set on the northwest side of Towson Avenue, 114 feet wide, and running thence and binding thereon South 14 degrees 09 minutes 15 seconds West 173.12 feet to the place of BEGINNING.

Containing 0.5233 acres of land, more or less.

Being parts of Lots 23 and 29, and all of Lots 15 and 16, Section D, as shown on a plat of Belle View, recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 159.

The description above to be amended to conform with a description furnished by a Registered Surveyor, at Purchaser's expense.

Purchaser's promissory note shall be in the principal sum of THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00) without interest, payable in three (3) equal annual payments of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00) each, without interest, until said total sum of THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00) has been paid. Said annual payments will be made on the annual anniversary date of said settlement.

It is also further agreed between the parties hereto that the Purchaser shall file for necessary zoning in the proper jurisdiction within sixty (60) days from the date of this contract.

The provisions hereof shall inure to the benefit of and bind the parties hereto, their respective heirs, personal representatives, successors and assigns, and the Vendor hereby waives notice of assignment of this contract.

WITNESS our hands and seals the day and year first above written.

WITNESSES: Willard Spivey (SEAL) Teressa S. Spivey (SEAL) Willard Spivey (SEAL) Teressa S. Spivey (SEAL)

ATTEST: W. J. Friedman (SEAL) W. J. Friedman (SEAL) W. J. Friedman (SEAL) W. J. Friedman (SEAL)

THE AMERICAN OIL COMPANY P. V. Thompson (SEAL) P. V. Thompson (SEAL) P. V. Thompson (SEAL) P. V. Thompson (SEAL)

Together with all buildings and improvements thereon, all rights, ways, tenements, hereditaments, riparian rights and appurtenances thereunto belonging or in anywise appertaining, and all rights of Vendor in and to any public or private thoroughfare abutting said premises, the said property having a frontage of 173.12 feet on Towson Avenue and a frontage of 126.70 feet on Pennsylvania Avenue. Any notices necessary under this contract shall be in writing. Such written notice shall be deemed to be properly served if delivered personally or sent by mail or telegram addressed to Vendor at the above stated address or Purchaser at P. O. Box 501, Baltimore, Maryland - 21203. It is agreed that the date of service of a notice served by mail or telegram shall be the date on which such notice is deposited in the United States mail or in an office of the Western Union Telegraph Company.

Within thirty (30) days of the date of this contract, Vendor will furnish to Purchaser, at Purchaser's expense, a guaranty policy or the customary preliminary report of title issued by a title insurance company acceptable to Purchaser, in its usual form, brought down to said date of exercise, guaranteeing Purchaser against loss or damage to the extent of the purchase price by reason of defects in or liens upon Vendor's title, subject only to the usual exceptions contained in guaranty policies of the issuing company. Purchaser shall have a reasonable time thereafter in which to make an examination thereof, and if such examination discloses other objections to the Vendor's title, Vendor shall, within a reasonable time, furnish evidence satisfactory to Purchaser that such objections have been or will be removed prior to the date of conveyance. When such objections have been so removed, or if such objections are waived by Purchaser, Vendor shall convey to Purchaser a merchantable title in fee simple to said real estate by good and sufficient Warranty Deed, with release of dower, homestead, curtesy and other rights of the respective spouses, if any, and free from all encumbrances whatsoever, but subject to general real

estate taxes for the current year which are to be prorated from July 1 of the current year to the date of delivery of the deed, based upon the general real estate taxes for the last ascertainable year. Vendor shall pay one-half (1/2) of all real estate transfer taxes and all special assessments due on date of closing and shall credit Purchaser for all levied but unpaid installments of special assessments due and payable after the date of such closing. Insurance, water rent, rents receivable and other current expenses shall be adjusted as of the date of settlement. Actual tender of the purchase price by the Purchaser or tender of deed by the seller shall not be necessary, and neither party shall be in default until after written demand for performance shall have been made by the other party.

Provided, however, that if prior to the consummation of said purchase, Purchaser is unable to obtain an ordinance or permit satisfactory to Purchaser from the proper authorities to conduct Purchaser's business upon said premises, including the raising of existing improvements if desired by Purchaser, or if said ordinance or permit, if obtained, shall be revoked, or if Purchaser shall be restrained or enjoined from conducting Purchaser's business thereon or if, pursuant to the said test as hereinafter provided, the soil or ground is not suitable for the construction of improvements for the conduct of Purchaser's business thereon, this contract may, at the election of Purchaser, become null and void and Purchaser shall be relieved of all liability thereunder.

During the period of this contract, Purchaser shall have the right to enter upon said property to make such borings, drive such test piles and make such soil borings or other tests as deemed necessary to determine its suitability for the conduct of Purchaser's business thereon, provided said tests shall not be so exercised as to damage Vendor's property materially or to interfere substantially with its use or occupancy by Vendor.

The risk of loss, damage, condemnation or destruction of the property or any improvements by fire or otherwise prior to delivery of deed or settlement hereunder shall be borne by the Vendor, and Vendor covenants and agrees that possession of said property shall be delivered to said Purchaser coincident with settlement and delivery of deed of said property, free, clear and discharged of possession and the right of possession by all other persons.

Vendor shall pay and assume any and all fees and commissions, if any, charged by any real estate brokers or agents, fee or on behalf of Vendor, in connection with the execution of this option, or in settlement of purchase hereunder, and shall indemnify and hold Purchaser harmless from and against any and all fees, commissions, claims and suits, whether in law or in equity, of any and all such real estate brokers or agents.

It is hereby agreed that the Purchaser shall deposit with the Seller the sum of Five Thousand DOLLARS (\$5,000.00) as earnest money to be applied to the said purchase, provided the Purchaser has secured necessary zoning and permits for service station facilities on the hereinabove mentioned premises. Should for any reason the Purchaser fail to procure said necessary zoning and permits, then the above mentioned earnest money shall be refunded in total to the Purchaser.

Vendor and Purchaser hereby agree that at settlement Purchaser will pay Seventy Thousand DOLLARS (\$70,000.00) in cash or by check, and will deliver to Vendor Purchaser's interest-free promissory note in the sum of THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00), being the unpaid balance of said purchase price as hereinafter provided and Vendor will deliver to Purchaser the deed as hereinabove provided.

Purchaser's promissory note shall be in the principal sum of THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00) without interest, payable in three (3) equal annual payments of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00) each, without interest, until said total sum of THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00) has been paid. Said annual payments will be made on the annual anniversary date of said settlement.

It is also further agreed between the parties hereto that the Purchaser shall file for necessary zoning in the proper jurisdiction within sixty (60) days from the date of this contract.

The provisions hereof shall inure to the benefit of and bind the parties hereto, their respective heirs, personal representatives, successors and assigns, and the Vendor hereby waives notice of assignment of this contract.

WITNESS our hands and seals the day and year first above written.

WITNESSES: Willard Spivey (SEAL) Teressa S. Spivey (SEAL) Willard Spivey (SEAL) Teressa S. Spivey (SEAL)

ATTEST: W. J. Friedman (SEAL) W. J. Friedman (SEAL) W. J. Friedman (SEAL) W. J. Friedman (SEAL)

THE AMERICAN OIL COMPANY P. V. Thompson (SEAL) P. V. Thompson (SEAL) P. V. Thompson (SEAL) P. V. Thompson (SEAL)

STATE OF MARYLAND, County of Baltimore, SS. On this 12th day of May, 1970, before me, WILLARD SPIVEY and TERESA S. SPIVEY, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal. Willard Spivey (SEAL) Teressa S. Spivey (SEAL)

My Commission Expires: July 1, 1972

STATE OF MARYLAND, CITY OF BALTIMORE, SS. On this 12th day of May, 1970, before me, P. V. THOMPSON, who acknowledged himself to be the NATIONAL VICE PRESIDENT of THE AMERICAN OIL COMPANY, a corporation, and that he, as such NATIONAL VICE PRESIDENT, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as NATIONAL VICE PRESIDENT.

In witness whereof, I hereunto set my hand and official seal. P. V. Thompson (SEAL)

My Commission Expires: July 1, 1972

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNenna, Zoning Commissioner Date: December 10, 1971

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

SUBJECT: Petition 772-148-RA, N/W corner of Towsonville Blvd. (Fairmount Avenue) and Pennsylvania Avenue.  
Petition from C.T. District to C.S.A. District.  
Petition for Variance for Direct Access.  
Millard Spivey, et ux - Petitioners

9th District

HEARING: Monday, December 13, 1971 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to make:

1. The subject property had been included within an area districted for C.S.A. purposes in connection with the maps adopted by the County Council in 1968. Subsequent to that time the Planning Board extended the designation of "town-center bypass" for that portion of proposed Towsonville Boulevard running southerly and westerly between Joppa and York Roads.
2. In connection with the most recent comprehensive zoning maps, the County Council reviewed, among other things, districting for the Towson area and chose to adopt a recommendation of the Planning Board changing the districting for the subject property from C.S.A. to C.T. The effect of this action was a clear legislative statement that new automotive service stations would not be allowed here unless the service station were to be developed with special exception as part of a planned shopping center.
3. To change now the districting to C.S.A. would abort the comprehensive zoning map for this area. To grant the variance for direct access to Towsonville Boulevard also would be contrary to the comprehensive plan for Towson and could tend only to create additional pressures for roadside and service station uses which would result in a serious reduction of the potentials for Towson as set forth by the recently adopted zoning maps.

GEG:msh

## BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 27, 1971

Frank E. Ciccone, Esq.,  
First National Bank Building  
Towson, Maryland 21204

RE: Type of Hearing: Redistricting  
from CT to a CSA  
Location: NW/Cor, Penna. Ave. & Towsonville Blvd.  
Petitioners: Millard Spivey, et ux  
9th District  
Item 155

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 a vacant tract of land with the property to the north improved with Diversified Contractors equipment storage yard. The property to the west is improved with the Hempelmont Security building. The property to the east and south is improved with dwellings, 10 to 30 years of age, in good repair. Towsonville Blvd. in this location has just undergone extensive realignment and widening. Pennsylvania Avenue is improved with concrete curb and gutter but no widening has been done at this time.

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 tract.

Highways:

Towsonville Boulevard (formerly Fairmount Avenue, an existing County street) is proposed to be improved as a dual two highway with closed roadway section within a

Frank E. Ciccone, Esq.,  
Item 155  
Page 2  
May 27, 1971

114-foot right-of-way. This project is currently scheduled for construction in 1975-76 under the Capital Improvement Program as a Federal aid project.

No median openings will be permitted along the frontage of this property or at the intersection with Pennsylvania Avenue, and all entrances to this site are subject to the approval of the Office of Planning and Zoning and the Department of Traffic Engineering.

Highway right-of-way widening has already been acquired from the subject property, however, a reversible slope easement will be required along the frontage of the site in connection with any subsequent grading or building permit applications.

Pennsylvania Avenue, an existing County street, has been previously improved within a 50-foot right-of-way and is proposed to be closed in part in conjunction with the construction of the highway improvement prepared for Towsonville Boulevard. The portion of Pennsylvania Avenue proposed to be closed would extend from Towsonville Boulevard westerly to a point near the southwestern corner of the subject property. Pennsylvania Avenue is proposed to be improved as a 30-foot closed roadway section within the existing 50-foot right-of-way with a standard cul-de-sac being constructed at its terminus adjacent to this site. Additional highway right-of-way would be required from this property to permit construction of the proposed cul-de-sac.

Since considerable horizontal and vertical alignment changes are proposed in conjunction with the highway improvements planned for the streets adjacent to this property, the petitioner or his engineer should contact the Chief of the Street, Road and Bridge Design Group of the Bureau of Engineering to obtain more specific details in this regard. The extent of the developer's responsibilities in connection with proposed highway improvements required adjacent to the subject property would be fully determined upon application for a grading or building permit.

Settlement Controls:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public buildings 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.

Frank E. Ciccone, Esq.,  
Item 155  
Page 3  
May 27, 1971

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages 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.

Waters:

Public water supply is available to serve this property.

Sanitary Sewers:

Public sanitary sewerage is available to serve this property.

DEPARTMENT OF TRAFFIC ENGINEERING:

Item 155 has been reviewed previously by this office and that current remains valid. The plan does not indicate the correct solution for the intersection of Pennsylvania and Towsonville as currently proposed by the County.

BOARDS OF EDUCATION:

No barring on student population.

FIRE PREVENTION BUREAU:

This office has no comment on the proposed site.

BUILDINGS ENGINEERING OFFICE:

Petitioner to comply with all applicable requirements of Baltimore County Building Code and regulations. Also, see Section 400.5 and 514.4 on Service Stations.

ZONING ADMINISTRATION DIVISION:

This office is withholding a hearing date until such time as revised plans are received in accordance with the Department of Traffic Engineering and Bureau of Engineering comments in the foregoing.

Frank E. Ciccone, Esq.,  
Item 155  
Page 4  
May 27, 1971

Very truly yours,

*Oliver L. Myers*  
OLIVER L. MYERS, Chairman

OLM:JD

Enc.

November 15, 1971

Frank E. Ciccone, Esq.,  
First National Bank Building  
Towson, Maryland 21204

RE: Type of Hearing: Redistricting from  
CT to CSA  
Location: NW/Cor, Penna. Ave. & Towsonville Blvd.  
Petitioners: Millard Spivey, et ux  
9th District  
Item 155

Dear Sirs:

The following is an addendum to our Zoning Advisory Committee comments of May 27, 1971.

ZONING ADMINISTRATION DIVISION:

The petitioner indicated to us that he will not revise his site plan to comply with the Bureau of Engineering and Dept. of Traffic Engineering comments previously stated. The petitioner has requested a hearing which will be based on facts presented to the Zoning Commissioner at the time of the hearing. It is felt that it would behoove the petitioner to submit these revised plans showing the adequate alignment of Penna. Ave.

Please note your records accordingly.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:JD

Mr. Edward D. Harbert, Zoning Commissioner  
DATE: 5/4/71

Mr. George E. Goveletti, Director of Planning  
15th Avenue, Towson, Maryland

Mr. John D. Dietrich, B.A.S.D.

Millard Spivey, et ux

Location: NW/Cor Pennsylvania Avenue & Towsonville Boulevard

Item 155 Zoning Agenda 5/4/71

The Fire Department has no comment on the proposed site.

Respectfully submitted,

*John D. Dietrich*  
John D. Dietrich, B.A.S.D.

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Zoning Date: May 6, 1971

FROM: Mr. John D. Dietrich, B.A.S.D.

SUBJECT: #155 Millard Spivey, et ux  
N/W corner Pennsylvania Ave. & Towsonville Blvd.  
District 9

Petitioner to comply with all applicable requirements of Baltimore County Building Code and regulations. Also, see Section 400.5 and 514.4 on Service Stations.

JDD:jd



Petitioner: Spravey, et al  
Location:  
District: 9  
Present Zoning: B-1  
Proposed Zoning: V-1  
No. of Acres: 0.5333

Comments: No bearing on student pop

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

TO: Edward D. Hardisty  
ATTN: Oliver L. Myers  
FROM: C. Richard Moore  
SUBJECT: Item 155 - ZAC - May 4, 1971  
Property Owner: Millard Spravey et al  
Pennsylvania Ave. & Towson Blvd.  
Variance from 405.2A(2) - access to town  
center distributor bypass; redistrict from CT to CSA

Item 155 has been reviewed previously by this office and that comment remains valid. The plan does not indicate the correct solution for the intersection of Pennsylvania and Towson Blvd as presently proposed by the County.

C. Richard Moore  
Assistant Traffic Engineer

CRM:mr

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardisty  
ATTN: Oliver L. Myers  
FROM: ELLSWORTH N. DYER, P.E.  
SUBJECT: Item 155 (1970-1971)  
Property Owner: Millard Spravey, et al  
NW/C Pennsylvania Avenue & Towson Blvd.  
District: 9  
Present Zoning: B-1  
Proposed Zoning: Variance from 405.2A (2) - access to town  
center distributor bypass; redistrict from CT  
to CSA  
No. Acres: 0.5233

The comments supplied in conjunction with Item 16 (1970-1971) and as reiterated per Item 77 (1970-1971), copy attached, remain valid and applicable to this Petition Item 155 (1970-1971).

ELLSWORTH N. DYER, P.E.  
Chief, Bureau of Engineering

ENR:RAM:PW:tag

WM - H.W. Key Sheet  
36 NW 4 Position Sheet  
NS 104 Topo  
TO & TOA Tax

Attachment - Copy Item 16

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers  
FROM: Ian J. Forester  
SUBJECT: Item 155 - Zoning Advisory Committee Meeting, May 4, 1971

155. Property Owner: Millard Spravey, et al  
Location: NW/C Pennsylvania Ave. & Towson Blvd.  
Present Zoning: B-1  
Proposed Zoning: Variance from 405.2A (2) - access  
to town center distributor bypass;  
redistrict from CT to CSA  
District: 9  
No. Acres: 0.5233

Public water and sewer are available to the site.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Chief  
Water and Sewer Section  
BUREAU OF ENVIRONMENTAL HEALTH

IJF/ca

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardisty  
ATTN: Oliver L. Myers  
FROM: ELLSWORTH N. DYER, P.E.  
SUBJECT: Item 16 (1970-1971)  
Property Owner: Millard and Thomas S. Spravey  
1700 Corner E. of Penn. Ave. & Towson Blvd.  
Present Zoning: B-1, C-1  
Proposed Zoning: Variance to permit direct access to  
a town center distributor bypass  
District: 9th  
No. Acres: 126' x 162'

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.

Highways

Towson Blvd (formerly Fairmount Avenue, an existing County street) is proposed to be improved by a dual lane highway with closed running medians within a 1/2-mile section. This project is currently scheduled for construction in 1975-76 under the Capital Improvement Program as a Federal aid project.

No median openings will be permitted along the frontage of this property or at the intersection with Pennsylvania Avenue, and all entrances to this site are subject to the approval of the Office of Planning and Zoning and the Department of Public Engineering.

Highway right-of-way widening has already been acquired from the subject property, however, a variable slope easement will be provided along the frontage of the site in connection with any subsequent grading or building permit application.

Pennsylvania Avenue, an existing County street, has been previously widened within a 50-foot right-of-way and is proposed to be closed in part in conjunction with the construction of the highway improvement project for Towson Blvd. That portion of Pennsylvania Avenue proposed to be closed would extend from Towson Blvd westward to a point near the southeastern corner of the subject property. Pennsylvania Avenue is proposed to be improved as a 20-foot closed roadway section within the existing 50-foot right-of-way with a standard cut-slope being constructed at the boundary adjacent to this site. Additional highway right-of-way would be required from this property to permit construction of the proposed cut-slope.

Item 16 (1970-1971)  
Property Owner: Millard and Thomas S. Spravey  
Page 2  
August 11, 1970

Highways (Cont'd)

Since considerable horizontal and vertical alignment changes are proposed in conjunction with the highway improvements planned for the streets adjacent to this property, the petitioner or his engineer should contact the Chief of the Street, Road and Bridge Section of the Bureau of Engineering to obtain more definite details in this regard. The chief of the development's responsibilities in connection with proposed highway improvements regarding adjacent to the subject property would be fully determined upon application for a grading or building permit.

Setback

Development of this property through striping, grading and stabilization could result in a reduced pollution problem, clearing paths to and stable building construction of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

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

Storm Drainage

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

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. Construction of any public utility or any structure, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water

Public water supply is available to serve this property.

Sanitary Sewer

Public sanitary sewer is available to serve this property.

ELLSWORTH N. DYER, P.E.  
Chief, Bureau of Engineering

ENR:RAM:PW:tag

WM - H.W. Key Sheet  
36 NW 4 Position Sheet  
NS 104 Topo  
TO & TOA Tax

cc: John J. Trimmer

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 25, 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., once each week, before the 13th day of December, 1971, the last publication appearing on the 25th day of November, 1971.

THE JEFFERSONIAN

Manager

Cost of Advertisement, \$.....

OFFICE OF  
THE TOWSON TIMES  
TOWSON, MD. 21204 November 29 - 1971

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric Dineen, 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 before the 29 day of November 1971 that is to say, the same was inserted in the issue of November 25, 1971.

STROMBERG PUBLICATIONS, Inc.

By: Beth Morgan

*4 Signs*

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

*#72-148-RA*

District: *9th* Date of Posting: *Dec. 26-71*  
 Posted for: *Millard Spivey and Arthur Spivey*  
 Petitioner: *Millard Spivey*  
 Location of property: *N/W Cor. Townsontown Blvd. & Fairmount Ave.*  
*and Townsontown*  
 Location of Signs: *On 2nd Corner on 2nd Fairmount Ave.*

Remarks: *Paul H. Kline* Date of return: *Dec. 2-71*  
 Posted by: *Paul H. Kline*

*2 Signs*

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

*72-148-RA*

District: *9th* Date of Posting: *4-13-72*  
 Posted for: *Millard Spivey and Arthur Spivey*  
 Petitioner: *Millard Spivey and Arthur Spivey*  
 Location of property: *N/W Cor. Townsontown Blvd. & Fairmount Ave.*  
 Location of Signs: *On 1st Corner on 1st Townsontown Blvd.*

Remarks: *Paul H. Kline* Date of return: *4-20-72*  
 Posted by: *Paul H. Kline*

*SP1057*

**PETITION MAPPING PROGRESS SHEET**

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, RA, CC, CA										

Reviewed by: *JBH* Revised Plans: *Change in outline or description* Yes ☐ No ☐  
 Previous case: \_\_\_\_\_ Map # \_\_\_\_\_

*Frank E. Ciccone, Esq.*  
First National Bank Building  
Towson, Maryland 21204

**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 *26th* day of *November* 1971

*Paul H. Kline*  
Zoning Commissioner

Petitioner: *Millard Spivey, et al*  
 Petitioner's Attorney: *Frank E. Ciccone* Reviewed by: *Paul H. Kline*  
 Chairman of Advisory Committee

**BALTIMORE COUNTY, MARYLAND**  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

1415

DATE: *Nov. 26, 1971* ACCOUNT: *01-662*

AMOUNT: *\$20.00*

DISTRIBUTION  
 WHITE - CASHIER  
 MILLARD A. SPIVEY  
 915 BROADVIEW ROAD  
 TOWSON, MD. 21204  
 Petition for Redistricting & Variances - #72-148-RA  
 79 DEC 26 5 UDC NSC

**BALTIMORE COUNTY, MARYLAND**  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

2330

DATE: *April 6, 1972* ACCOUNT: *01-662*

AMOUNT: *\$250.00*

DISTRIBUTION  
 WHITE - CASHIER  
 FRANK E. CICCONI  
 915 BROADVIEW ROAD  
 TOWSON, MD. 21204  
 No. 72-148-R - Cost of appeal - property of Millard Spivey - N/W Cor. Townsontown Blvd. & Fairmount Ave.  
 Frank E. Ciccone, Esq.  
 1 MAR 7 8 UDC NSC

**BALTIMORE COUNTY, MARYLAND**  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

1445

DATE: *Dec. 13, 1971* ACCOUNT: *01-662*

AMOUNT: *\$56.25*

DISTRIBUTION  
 WHITE - CASHIER  
 MILLARD A. SPIVEY  
 915 BROADVIEW ROAD  
 TOWSON, MD. 21204  
 Advertising and posting of property - #72-148-RA  
 13 DEC 13 56.25 NSC

NET AREA: 0.52 AC.  
GROSS AREA: 0.52 AC.  
EXISTING ZONING: BM  
PROPOSED ZONING: BM  
EXISTING DISTRICT: CT  
PROPOSED DISTRICT: C-2A  
2. DISPENSER STANDS WITH 5 VENDED DISPENSER BUNKS  
CAPABLE OF SERVING 2 CARS AT ANY ONE TIME

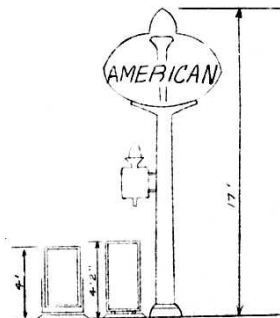
AREA OF BUILDING = 1,087  
PERCENT OF LOT COVERED = 8.7%  
AREA OF SIGN, FACE = 17.30 SQ. FT.  
HEIGHT OF SIGN POLE = 17 FT.

SITE AREA REQUIRED: 13,500  
TOTAL AREA OF TRACT: 28,294  
NUMBER OF DRIVEWAYS ON FRONT STREET: 2  
TIMES: 150 (REQUIREMENT)  
ACTUAL SITE WIDTH: 173.12'  
LANDSCAPING: AREA = 1,200 SQ. FT.  
TOTAL = 1,200 SQ. FT. = 4% OF TRACT  
5% OF TRACT = 1,150.75 SQ. FT.  
LANDSCAPING CONSISTS OF:  
SPRINKLING PUMP  
LIGHTING

TYPE: 1.5 D. HEIGHT: 18' COLONIAL  
TYPE: AREA HEIGHT: 18' COLONIAL  
PARKING  
PARKING SPACES REQUIRED:  
THREE SPACES FOR EACH  
DAY: 3  
PARKING SPACES PROVIDED:  
3  
(ALL PARKING MUST BE SET  
BACK 5 FT. FROM STREET  
PROPERTY LINES)  
SIGNAGE  
IDENTIFICATION SIGN: 1 X 57 SQ. FT.  
PRODUCT PRICE SIGN: 1 X 10.2 SQ. FT.  
AMERICAN MOTOR CLUB: 1 X 13.5 SQ. FT.  
TOTAL IDENTIFICATION: 30.0 SQ. FT.  
TOTAL BUSINESS: 22.0



VARIATION TO SECTION 405.842 TO  
PERMIT AN AUTOMOTIVE SERVICE  
STATION IN A C-2A DISTRICT DIRECT  
ACCESS TO A TOWNSHIP DISTRICT  
DISTRIBUTOR BYPASS RAMP IN LIEU OF  
THE REQUIRED AL DIRECT ACCESS  
TO A TOWN-CENTER DISTRIBUTOR  
BYPASS ROAD.



VEHICLE ALPHAS SERVICES INCLUDING SELF-  
SERVICE REPAIR FACILITIES: BUT BODY  
AND FENDER WORK AND PAINT SPRAYING  
ARE NOT PERMITTED.

SALE OF CIGARETTES, CANDY, SOFT DRINKS AND  
OTHER ITEMS FROM VENDING MACHINES.

TIRE SALES AND INSTALLATION.

SALES OF SMALL AUTO PARTS AND  
ACCESSORIES.

LAWN/MOWER SALES AND REPAIRS.

CHRISTMAS - TREE SALES.

MINOR ACCESSORY USES, SUCH AS REST  
ROOMS, SALE OF MOTOR OIL, ANTIFREEZE, AND  
ALLIED PRODUCTS.

PLAT FOR ZONING  
TOWSONTOWNE BLVD.  
BALTIMORE CO., MD.  
9<sup>TH</sup> DISTRICT SCALE 1"=20'

JOSEPH D. THOMPSON  
ENGINEERS AND SURVEYORS  
101 SHELL BLDG. 3000 CAMPBELL AVE.  
TOWSON, MD. APRIL 15, 1971  
SCALE 1"=20'

