PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION 72-158-XA TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY. L or we, CHRYSLER REALTY / legal owners, of the property situate in B. County and which is described in the description and plat stacked hereto and made a part hereof, hereby petition (i) that the coning status of the herein described property he re-classified, pursuant to the Zoning Law of Baltimore County, from an ... _zone; for the following reasons for the following variances; Sect. 405-285 -- To permit two entrances on a street other than the required class I commercial motorwary to prevent traffic hazard, facilitate traffic flow, and better serve the public. Sect. 238-2 -- Rear property line set back of 42" instead of required 30', because of hardship and practical difficulty 2. Sact. 405.4%a -- To permit tangent distances at the intersect of 16'-6" on Reinterstown Road and 16' on Seven Hile Lane in lieu of the required 20'. See attached description and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of B County, to use the herein described property, for . At Automobile filling statisfies 20 and car wash in corbination Property is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above re-classification and/or Special Except esting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning w 6/13/2 County. Oil & Rafining Co. OPDERED By The Zoning Co ..., 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 through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning nativations of Baltimore County in Room 106, County Office Building in Towson, Balt _, 197 2, at __10:00 clock _day cf__January 13th Di Planes 1/13/72

RE: PETITION FOR SPECIAL EXCEP- : NE/corner of Reisterstown Road and Seven Mile Lane 3rd District Chrysler Realty Corporation - Petitioner NO. 72-158-XA (Item No. 70)

...

5/172

REPORE THE ZONING COMMISSIONER 02

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The Petitioner requests a Special Exception for an Automotive Service Station and Car Wash in Combination, and Variances from Section 405.28.5. to permit two (2) entrances on a street other than the required Class 1 Commercial Motorway: Section 238.2 to permit a rear yard setback of forty-two inches (42") instead of the required thirty feet (30'); and, Section 405.4A.3.a. to permit tangent distances at the intersection of sixteen feet (16'), six inches (6") on Reisterstown Road and sixteen feet (16') on Seven Mile Lane in licu of the required twenty feet (20'). The property is located at the northeast corner of Reisterstown Road and Seven Mile Lane, in the Third District of Baltimore County, containing

Testimony on behalf of the Petitioner indicated that the property is zoned B.R. and enjoys a C.S-1 District. The Petitioner's proposal is that Humble Oil and Refining Company, the Contract Purchaser, will operate a car wash and gasoline facility. They have allotted forty (40) stacking spaces for the car wash. The car wash equipment can handle approximately eighty (80) automobiles per hour. The hours of operation were indicated as 8:00 A. M. to 8:00 P. M., seven (7) days per week. It was stated that most of the waste water from the car wash would be recycled and only the rinse water would up into the sanitary sewer system. It was further indicated that the Variances requested were necessary to give proper and better circulation of automobiles using the car wash-gasoline combination station

Reisterstown Road, in this area, is strictly commercial. and Seven Mile Lane, in an easterly direction, is strictly residential.

It was argued by the Petitioner that the property, in its present classification, could be used in any commercial capac ity, some of which might generate more traffic than the car washgasoline combination scation.

Dr. W. Worthington Ewell, a traffic expert testifying behalf of the Petitioner, indicated the growing volume of traffic is the area by citing approximately twenty-seven thousand (27,000) trips per day in 1966 as compared to thirty-two thought (32,000) trips per day in 1970 on Reisterstown Road. At present, approximately one thousand (1,000) automobiles per hour use Reisterstown Road in each direction. It was conceded that Reisterstown Road is at capacity as far as traffic is concerned at this time. He further indicated that this is the best site in which to put traffic onto Reisterstown Road from any tributary or side road. It has an automatic signal which would indicate a safer manner of entering Reisterstown Road than at an uncontrolled intersection.

The property is serviced by a sanitary sewer system and has public water.

Photographs of other similar sites were introduced into evidence showing the Zoning Commissioner what such an establishment would look like

The subject property lies very close to the Baltimore City-Baltimore County Line and many residents of the area from both Baltimore City and Baltimore County attended the hearing in protest of the subject Petition. Counsel for the Petitioner moved that Baltimore City residents be precluded from participating and protesting the subject Petition. The Zoning Commissioner ruled that if the Baltimore City residents lived in close proximity to the subject property and could possibly be affected by the Petition, they would have a right to participate in the hearing. The Baltimore City-Baltimore County Line indicates the jurisdictions of the subdivisions of Baltimore County and Baltimore City. It is not a barrier or wall as to the use of the property and what affect it may have upon residents of both subdivisions

MARYLAND SURVEYING AND ENGINEETING CO., INC.

Subsidiary of LYON ASSOCIATES, INC. BALTIMORE, MARYLAND 21207 . PLANNIN ENGINEERING

\$ 70.89

DESCRIPTION FOR HUMBLE OIL & REFINING DOMPANY

Beginning for the same at a point on the Northeast side of Reinstrates, Boad, said point being situated % 37 23 00° W, 16.69 feet from the Segioning point described in a conveyance to Burnler for the Segioning point described in a conveyance to Burnler for the Segioning and Secretal Secreta

Containing 0.6606 Acres more or less.

SCALE___ft. - 1 inch

Send copy of Order

Send copy of Order

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Soul Oil Company

600 Drumbett Ra

Colly Park, Min.

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Being part of Parcel 1 and part of Parcel 6 as described in a conveyance to Hutzler Brothers Company by Beed dated 15 November 1965 and among the Land Records of Baltimore County in Liber 4547, Folio 311.



Signed This 20 th Dec 1971

Residents of the area, in protest, were very concerned with the traffic along Reisterstown Road and indicated through ex pert testimony that Reisterstown Road is at capacity during peak hours. It was further stated by Mr. C. Richard Moore, Assistant Traffic Engineer for Baltimore County, that Reisterstown Road is at capacity, and any additional cars would cause an increased back up and delay traffic.

The Protestants were further concerned with the use of water at the station indicating that the extreme amount of gillon age used could have a detrimental affect on the water supply in

Mr. George E. Gavrelis, Director of the Office of Planning and Zoning, under comments dated January 12, 1972, to the Zoning Commissioner, and further testimony by Mr. Leslie H. Graef Deputy Director of the Office of Planning and Zoning, indicated that their investigation of the area revealed that there were eleven (11) operating service stations within one-half (1/2) of a mile and twenty-four (24) operating service stations within a one (1) mile radius of the site. Furthermore, there is one (1) abandoned servic station within one-half (1/2) of a mile and two (2) abandoned service stations within one (1) mile of the subject property. Mr. Leonard Levi, a resident of the area in protest. stated that he counted eight (8) service stations within one (1) block of the subject site on either side if Reisterstown Road.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the opinion of the Zoning Commissioner, the Petitioner has not met the burden necessary for the granting of this Petition of a Special Exception for an Automotive Service Station and Car Wash in Combination. The question of need arises and under Section 405.30, of the Baltimore County Zoning Regulations it states:

"That, at the time the Petition is heard, there is evidence of the probability of a reasonable public need for Coning Commissioner shall consider that the presence of one abandoned scruce station within a one-half mile radius or two

such stations within a one mile radius of the site of the proposed service "tation establishes, absent evidence to the contrary, a prima facie presumption that there is no evidence of the probability of a reasonable public nead for such proposed service station. The Zoning Commissioner may find, however, that this prima facie presumption is robutted by market date or other evidence submitted by the petitioner.

The prima facie presumption that there is no evidence of probability of a reasonable public need for such a station has not been rebutted by an adequate market data or other evidence submitted by the Petitioner. Furthermore, the traffic along Reisterstown Road at the present time is a prize factor. It is true that there are other uses that are allowed in a B.R. Zone that might generate as much if not more traffic, but the proposed use is one of the highest generators of traffic in any type zone. It is the feeling of the Zoning Commissioner that the granting of this Special Exception would be detrimental to the health, safety, and

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of May, 1972, that the prerequisites of Sections 502.1 and 405.3 of the Baltimore County Zoning Regulations not having been ret, the Special Exception for an Automotive Service Station and Car Wash in Combination be and the same is hereby DENIED. Furthermore, by necessity and by reason of the lack of evidence indicating an unreasonable hardship and practical difficulty, the request for the Variances is also

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DENTED.

welfare of the community.

He: Corn. Prol. Plan Penn Pros. Car Dealership F/S Helaberstean Read M/S Seven File Iana Bistrick 3

In addition to economic chied November 10, 1570, this Surcan wishes to convey the following.

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1. Souliery Scoop

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BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

common of Sevan Hills Larse and Sevan Hall Sevan Hall Sevan Hills Larse and Selsterstonn Road, It is currently I, round with an old ens-story Lited building that was used as a service garage. This buttons is no lenger in the season of the sevan Hills Larse this specific coulding any Missisterstone food or Sevan Hills Lanse this specific coulding any Missisterstone of the property is northly covared with high grass and trees. In the fount of the subject site there is conserved properties, as to the used of the subject site there is conserved properties, and on the morth and of this treet they are contrading their northing the subject site they are contrading their northing the subject sites building.

The following community are furnished in regard to the plat submitted to this office for review by the Zoming Advisory Committee in communities with the subject itses.

It appears that a subdivision or record plat remains a requirement in connection with the subdivision and development of the overall property of which this size is a part. A Custoccial Meliding Fermit Application #125-71 was reviewed by the Bureau of Public Services and that office fundamed to Eccalogue, Chrysler Menty Corporation with

Austin W. Brizendine, Esq.,

607 Bonley Avenue Torson, Maryland 21204

BUREAU OF ENGINEERING:

December 1971

Rf: Type of Hearings Special Exception and Variance
Location: Intersection of the NEAS of Releasement, NA/S of Saven
Mile Laurence Head, NA/S of Saven
Petitioners Chryster Reality Corporation
3rd District
Item 70

Re: Cosm. Frel. Plan From Bros. Car Pestership District 3

3. Water Comments, Centde

for the bout part are in Faltheere County. Even with the construction of the improvement, proposed in that report, prossures are not expected to substantially isprove.

January 20, 1971

All installation of ours, ours and gatter, driveways, footneys, and all ne-dactments to the existing rating whiching been disturbed, will be in accord-ance with the latest City Swelfications of the Department of while Norma and as the entire organs of the developer.

At locations where a drivency is to be constructed, the entrance is to be smetalled without cure driveles. This curb is to be *mosed down* and depressed comes the curb lime. Opening in curbs whell be, randers of thirty-five (15) feet. Also, driveneys what have a minimum of filtern (15) feet between mecanical curb perhaps what have a minimum of filtern (15) feet between mecanical curb perhaps the second perhaps of the curb perhaps of the curb

when the developer is ready to come or operations, he should notify this

The developer checké also scenre a panels from the Eureau of Communer Gorvicous, Been 16, Fundelpal Lilding. It has been brought to air attordism that the positioning ret to plan that was much to the office to be reclared, does not nerform with our decign plane. I would suggest that you have conserned our little party design plane in the blane's factor maken.

The developer's attention should be directed to the last mentenes of the Starm later Frairs comments in regard to the maject wite.

Very fully your Reins on not a full of the full of the

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2: Melson, digiran Appelates H. L. Masse Construction to., I thingstormer to Attraction Co., There A. Haberbook V

Baltimore County Bepartment Of Holdie Blocks TOWSON, MARYLAND 21204

Bureau of Politic Service GEORGE A. REIGH P.E.

February 26, 1971

Chrysler Realty Corporation P. O. Box 500 Troy, Michigan 48004

Re: Coma. Bldg. App. #126-71 Automobile Dealership E/S Reistorstown Rd. G M/S Seyon Mile Lane - District 3 Kenn Bracher

Centlement

The captioned application has been reviewed and the comments are as follows: DUNEAU OF PUBLIC SERVICES COUNTRYS:

Comments for this site from various Saltimure County agencies were provided to Panis Brothers, Inc. under data of News abor 19, 1970.

Baltimore City comments for this site were forwarded to Pena Brothers, Inc. by this office under Cate of January 28, 1971.

All of the ohPve comments were based on the preliminary plan submitted by Malson, Tilghama Associatos.

Copies of the abovementioned cornents are enclosed for your rayles. It can be noted in these communits that newsrows lives were indicated requiring chaffication and follow-up by the bayaloper. Yo date we have received an response from those communits.

Prior to release of the referenced application, several lices sust be

An overall development plan for the total tract rust be substitud for review and approved by falthere County, Balthare City, and the State Hends Counts: All appears of vator and some torsion, storm drain facilities, reads, and site access must be resolved as part of this review.

All applicable bands and permits must be secured with Beltimore City and the State Lieds Complision prior to release of the referenced application.

A Posite theria Agreement east be examined by the haveleger and by biltimore only for the improvement of fewom Mile time as indicated in the community of coder 10, 1970 and for utility emattentia as required. RECEIVED

FE8 23 1971

Automobile Dealership

Bureau of Public Services Coments: (Contd.)

upon compliance by the Developer with all the foregoing comments, the building poralt application may be considered for release from this office.

Very Gruly yours. Keongo C. Rein George A. Reier, Chief Burond of Public Services

. A.Mitas

cc: Los-NI Construction Corp. P.O. Box 2335 Columbus, Chio (53216) Attn: Nr. Pobert A. Das c

James Thomas Jones 1350 W. Fifth Ave. Columbus, Chio (43212)

Pon Prov., inc. 42ul Holsterstown Rd. (15)

B.A.k.b. NeDemough File #125-71

orn men

Austin W. Brizendine, Esq. Page 2 December 6, 1971

written comments dated February 26, 1971. Public Vorks Agreement #37104 has been executed in connection with Commercial Building Permit Application #126-71.

The Bureau of Public Services furnished the Developer with written comments dated July 23, 1971 in connection with a revised preliminary plan under date of April 20, 1971.

Copies of those comments, and previous comments referred to therein, are attached for your consideration as they remain generally applicable.

HEALTH DEPARTMENT:

Matropolitan water and sower are available to the site,

<u>Department of Mater Resources Comments</u>: If jubrication work and oil changes are performed at this location, revised plans cust be submitted showing match providing for the climination of waste oil in accordance with the Department of Mater Resources requirements.

PROJECT PLANNING DIVISION:

This plan has been reviewed and this office offers the following

Under Bill #80 the service station would not be parmitted as part of a planned shopping center buckure of the number of entrences that they are requesting. This office feals that this station would work with interfor means of access if the whole site were planned as a unit instead of cutting it up in pieces indicarchimately.

FIRE DEPARTMENT:

The Fire Department has no comment on the proposed site.

STATE HIGHMAY ADMINISTRATION:

There is a County street (Colonial Boad) on the west side of Roistertues Road, equation the subject site. The location of the preposed entraces would cove a Copiley with the street intersection. To empound the problem, the street intersection is signalized. In order to avoid an income of the problem, the street intersection is substituted which the control of the substitute of the substi

Austin W. Brizendine, Esq. Page 3 December 6, 1971

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The entrances must be depressed curb-type with 36" transitions. The entrances on Relatorstown Road will be subject to State Highway Administration approved and permit.

DEPT. OF TRAFFIC ENGINEERING:

The northern entrance to this site must be closed if the area in front of the entrance on site is to be used for stacking spaces for the

ZONING ADMINISTRATION DIVISION:

This office in reviewing the petition has found soveral problems with both the petition and plats. The third varience request, Saction 405,43 a, to paraft a tangont distance at the intersection of Relstanstoon Road is incorrect. It should be - to permit tangent distances of 16 feet at the southern entrance on Reisserstoon Road and 16:0° on the wastermost entrance on Seven Mile Lane in 12:0 of the required 20 feet; and to permit a tangent distance of 4 feet on him northern property Hane in Heu effects and the permit of the test incofer as the plats that have been submitted are concerned to have the following recommendations:

1. We concur with the Traffic Engineering and the State Mijkway Administration that the tro-entrences on Relatorstown Read could possibly create a severe traffic problem in that they are not opposite Colonial Read. Colonial Read should be indicated on this plan.

The servicing spaces at the pump islands may not be included in the stacking spaces as shown on the plan.

3. Since we look at these plans at a peak condition we are concerned by the fact that there is no by-pass lane around the chr wash after a car has been fueled. We urge the patitioner to attempt to redesign bits can much building to allow it by-pass lane.

4. Also, a curb should be constructed from the exit of the car 4. Also, a cure should be constructed from the exit of the cash to the sext ento Sexum Hills Lane. Without this cure barrier: I' presents a possible collision situation should a case and casting from the casting, from show and a care entaring from Sexum be exiting from the special part that the location. Decause of the change in the packing for the stacking space requirements, it repears that another writines util also be, resided to allow \$2\$ stacking spaces fasted of the required Sex. Austin W. Brizendine, Esq. Page 4 December 6, 1971

This office is accepting the petition for a learing; however, we are requesting revired plans be submitted prior to the hearing that indicate the corrections as requested by the Dept. of Traffic Engineering and State Highway Administration.

This partition is accepted for riling on the date of the enclosed filing cartificate. Noti e of the hearing date and time, which will be held not less than 30, nor more than 50 days efter the date on the filing cartificate, will be forwarded to you in the near future.

Very truly yours, Oliver & Myers

OLIVER L. MYERS, Chairman

JJ0:J0

Enc.

DIDESTRUAL DEVIDENCES

The losing Advisory Condittee has reviewed the plans submitted with the chave referenced polition and has under an ensite field impaction of the property. The following comments are a result of this review and "magnetion.

PERFECT OF MEAT DUDING AND ON PROJECT PLANNING BOALD OF TOUCSTRO ZONING ADDISONDED

TRULE CONTRACTOR

STABLE PRINTS CON

FOUNTY OPERS AND

DALTIME RE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mc. S. Eric Di Nema, Loning Commissioner Date January 12, 1572

FROM George E. Gavrelis, Director of Planning

STILLECT Polition *72-158NA. Northeast carner of Satistentown Road and Seven Mile Lane.
Fettition for Special Exception for Automobile Service Station and Car Wash in combination.
Fettition for Variance for now yard, entrances and tangent cistances.
Chyster & oity Carporation - Politioners

3rd District

HEARING: Thursday, January 13, 1972 (10:00 A.M.)

The staff of the Office of Planning and Zonitzy has reviewed the subject polition and has the following advicary comments to make relative to pertinent planning factors:

The site plan which accompanied petition 470-128 SPH for B.R. zoning and a parking permit indicated that this property was to be a used car sales area in conjunction with a new car declarable to be constructed here.

Investigation of the uses reveals that time are 11 operating service stations within 1/2 said and 24 operating service stations within 1 mile of this site. Additionally, there is 1 abundanced service station within 1/2 mile and 2 abundanced service stations within 1 mile of this site.

There was not expear to be a demonstrated need for an additional service station at this time.

The major ting of a varience to the rear yerd selective equipments of the Zoning Code implies that the property is no longer intended to be in one constraint as were the code when partition PVD-122 SPI was geneted. If this is so, there may be a violation of the Editions County Code of the Editions County of the Code of the Editions County (Spiritual Public Code) are very this processing of a spiritual have coded only "handhigh" which are now claimed. See also Section 230, 12e of the Zoning Regulations.

Decrease of improvements to Seven Mile Lane and the construction of apartments on other partient of this original toot, the traffic volumes will increase at this intersection.

The genetics of variances to the requirements of section 405-265 and 45e will destroy the intent of these regulations to protect traffic transite because of vehicles entering the street to close to the intercetion. Its Sets Highway Administration has pointed out in its comments that the present was use protectifully learned out intercetion.

The staff propes that there requests be denied.

GEG:NEC seth

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

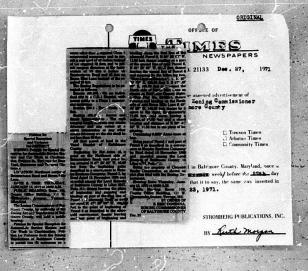
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CERTIFICATE OF PUBLICATION

TOWSON MD December 23 THIS IS TO CERTIFY, that the annexed adverti published in THE JEFFERSONIAN, a weekly newspaper printed 19.72., the see publication appearing on the ___ 23rd ____ day of ____ December. 19. TA.

Cost of Advertisement, \$_



PETITION MAPPING PROGRESS SHEET Descrip outline Grantes Review Previou

INCTION	date	by	date	by	dote	57	GOILE	- Oy		
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CERTIFICATE OF POSTING PARTMENT OF BALTIMORE COUNTY

45160

72-158- XA

	Townen, Maryland
District 3 2.	Date of Posting DEC 24-1971
Posted for SPICIAL EXCEPT	TOU + A KARIANCE
Petitioner: CHRYSLER REAL	TY CORT. PERSTERATORN RI AND SELEN MIK LAKE
Location of Signs: 1+2 - E/S 01	REBIERSTONNEL SEFTI - NOF SEIN MALON
3+4 N/S OF SEVEN MI	IE LANK 100FT. 1 - F OF CESTERSONE CA.
Pusted by Charles 11. 124	L Late of return

Dec. 20, 1971 PISTRIBUTION

BALTIMORE COUNTY, MARYLAND

BALTIMORE COUN OFFICE OF FINANCE - I MISCELLANEOUS	EVENUE DIVISION	No. 1486
DATE Jan. 13, 1	972 ACCOUNT 61-	662 /
	AMOUNT_\$94	1.25
WHITE - CASHIER	PHR - AGENCY	TELLOW - CUSTOMER
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