

1649-RS

RE: PETITION FOR RECLASSIFICATION FROM AN "R" RESIDENCE ZONE TO AN "C" COMMERCIAL ZONE AND SPECIAL PERMIT FOR GASOLINE SERVICE STATION - N. S. LINCOLN AVENUE WEST OF LODGE FARM ROAD, BALTIMORE, DANIEL F. STRAUBACH AND MARIE F. STRAUBACH, PETITIONERS

Appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on March 10, 1950 from the Order and decision of the Zoning Commissioner of Baltimore County, dated March 10, 1950, denying the petition for reclassification from an "R" Residence Zone to an "C" Commercial Zone and for a special permit for a gasoline service station, and it appearing from the facts and evidence adduced at the appeal hearing that the granting of the petition would not be detrimental to the health, safety, morals and the general welfare of the community:

It is this 6th day of April, 1950, by the Board of Zoning Appeals of Baltimore County, ORDERED that the aforesaid petition for reclassification be and the same is hereby granted, subject to at least two and one-half square feet of off-street parking area for every square foot of land to be covered by commercial buildings, and, also a special permit for a gasoline service station, subject to the provision that the setback for the gasoline service station, or any structures to be erected, and the island for the gasoline pumps, shall be approved by the Buildings and Zoning Department. It is, therefore, directed that the Zoning Commissioner grant the petition for reclassification and a special permit as aforesaid.

Approved:
County Commissioners
of Baltimore County
By *Harry C. Sartorius*
Secretary
Date: May 17, 50

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Samuel F. Straubach and Marie F. Straubach, his wife, owners of the property described in the petition from the Order and decision of the Zoning Commissioner of Baltimore County, dated March 10, 1950, by which Order the petition for reclassification of the firstly described parcel, from an "R" Residence Zone to an "C" Commercial Zone and to use the secondly described parcel for a gasoline service station was denied.

The case came on for hearing before the Board testimony was taken on behalf of the petitioner, no protestants being at the hearing, and the petitioner and counsel for the petitioner were heard. The property which is the subject of the petition is located on the north side of Lincoln Avenue, in the Fifteenth District of Baltimore County, beginning 334.45 feet west of Lodge Farm Road, thence westerly, on said side of Lincoln Avenue 333.7 feet, thence northwesterly 36.2 feet, thence "S 15° 45' east 131.9 feet, thence S 89° 13' east 105 feet and thence S 19° 45' west 86.5 feet to beginning. Being lot No. 103 as shown on plat of Chesaco Terrace. The parcel to be used for the gasoline service station being described as follows: North side of Lincoln Avenue 100 feet with an average rectangular depth northwesterly of 103 feet. Being part of lot No. 103 on aforesaid plat.

The purpose which the petitioners have in mind is for an approved use for the first parcel and a gasoline service station for the secondly described parcel. The testimony before the Board disclosed that a portion of this property has been used for some time as a garage under a nonconforming commercial use and the granting of this reclassification would

merely be an approval of the use to which part of the property has already been subjected.

The Board also feels that there is a need for such a commercial use in this area and the granting of the reclassification would seriously affect the traffic on Lincoln Avenue.

The Board, therefore, finds that the lowering of the classification to an "C" Commercial Zone and the granting of a special permit for a gasoline service station would not lessen safety from fire, panic, traffic and other dangers, would not affect the health, morals and the general welfare, would not cause over-crowding of land and undue concentration of population, would not interfere with adequate provisions for schools, parks, water, sewerage, transportation and other public requirements, convenience and improvements and the Board will sign an Order in accordance with this opinion.

Samuel F. Straubach
Petitioner
Marie F. Straubach
Petitioner
Board of Zoning Appeals
of Baltimore County

PRINTED FOR THE BALTIMORE COUNTY BOARD OF ZONING APPEALS

To the Zoning Commissioner of Baltimore County
XEROX No. *Samuel F. Straubach* Legal Owner

First Parcel: (Per Approved Commercial Use)

North side of Lincoln Ave., in the 15th District of Baltimore Co., beginning 334.45 feet west of Lodge Farm Road, thence westerly, on the north side of Lincoln Ave., 333.7 feet, thence northwesterly 36.2 feet, thence S 15° 45' east 131.9 feet, thence S 89° 13' east 105 feet and thence S 19° 45' west 86.5 feet to beginning. Being lot No. 103 as shown on plat of Chesaco Terrace.

Second Parcel: (Gasoline Service Station)

North side of Lincoln Ave., beginning 340.5 feet west of Lodge Farm Road, thence westerly, on the north side of Lincoln Ave., 100 feet with an average rectangular depth northwesterly of 103 feet. Being part of lot No. 103 on aforesaid plat.

Property to be posted as prescribed by Zoning Regulations.

XEROX No. agree to pay expenses of the above reclassification and Special Permit, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the Zoning Regulations and Regulations of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

Samuel F. Straubach
Marie F. Straubach
246 Lincoln Ave. (19)
Address

ORDERED by the Zoning Commissioner of Baltimore County this 25th day of January, 1950, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 17th day of February, 1950, at 11:00 o'clock A.M.

Upon hearing on petition for reclassification of the entire parcel of land firstly described therein, from an "R" Residence Zone to an "C" Commercial Zone and for a special permit to use the property secondly described, in said petition, for a gasoline service station, and it appearing that by reason would be "spot zoning". There is also existing at the present time some commercial zones in this area which have not been fully utilized. Lincoln Avenue is a very narrow thoroughfare, the paved portion being less than 20 feet in width with ditches on both sides, which would cause congestion in the roads and create a traffic hazard, therefore:

It is this 17th day of March, 1950, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid petition be and the same is hereby denied, the first for reclassification as aforesaid and the second for a special permit for a gasoline service station.

March 30, 1950

DECLINED OF Carroll E. Rayburn, Attorney for Samuel F. Straubach, et al, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner in denying the petition for reclassification of property on the north side of Lincoln Avenue, 15th District of Baltimore County.

PAID
MAR 31 1950
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

DECLINED OF Samuel F. Straubach the sum of Twenty Two (\$22.00) Dollars, being cost of reclassification, advertising and posting of property on the north side of Lincoln Avenue, 15th District of Baltimore County.

PAID
FEBRUARY 23, 1950
AT 11:00 A. M.

PAID
FEB 23 1950
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

NOTICE OF ZONING PETITION FOR RECLASSIFICATION AND SPECIAL PERMIT

Whereas the Zoning Commissioner of Baltimore County has received a petition for reclassification from an "R" Residence Zone to an "C" Commercial Zone of the parcel of land hereby after duly described and has

SPECIAL PERMIT to use the parcel of land hereby described for a Gasoline Service Station, the Zoning Commissioner of Baltimore County, will hold a public hearing in the Zoning Office, in the Second District, Towson, Baltimore County, Maryland, on Friday, Feb. 17, 1950, at 11:00 A. M.

On Friday, Feb. 17, 1950, to determine whether or not the following petitioned and described property should be changed or reclassified and whether a SPECIAL PERMIT should be granted as requested or not.

First Parcel: (Per Approved Commercial Use) North side of Lincoln Ave., in the 15th District of Baltimore Co., beginning 334.45 feet west of Lodge Farm Road, thence westerly, on the north side of Lincoln Ave., 333.7 feet, thence northwesterly 36.2 feet, thence S 15° 45' east 131.9 feet, thence S 89° 13' east 105 feet and thence S 19° 45' west 86.5 feet to beginning. Being lot No. 103 as shown on plat of Chesaco Terrace.

Second Parcel: All the parcel of land on the north side of Lincoln Ave., beginning 340.5 feet west of Lodge Farm Road, thence westerly, on the north side of Lincoln Ave., 100 feet with an average rectangular depth northwesterly of 103 feet. Being part of lot No. 103 as shown on plat of Chesaco Terrace.

By Order of Chas. H. Dones, Zoning Commissioner of Baltimore County, Jan. 27, 1950.

FEB 7 1950 OFFICE
THE BALTIMORE COUNTMAN
THE COMMUNITY NEWS
Baltimore, Md.
THE HERALD-ARGUS
Catonsville, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.

January 6, 1950
THIS IS TO CERTIFY, that the annexed advertisement of *Charles H. Dones, Zoning Commissioner of Baltimore County* was inserted in THE BALTIMORE COUNTMAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 6th day of January, 1950, that is to say the same was inserted in the issues of January 27, January 3, 1950
THE BALTIMORE COUNTMAN
By *R. V. Myer*
Editor and Manager.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

By Order of *Samuel F. Straubach* Date of Posting *Feb. 2, 1950*
Petitioner: *Samuel F. Straubach*
Location of property *North side Lincoln Ave. 250' west of Lodge Farm Road*
Location of signs *North side of Lincoln Ave. 250' west of Lodge Farm Road*
Remarks: *Harry C. Sartorius* Date of return *Feb. 7, 1950*

JONES CREEK

Marsh

DEMPSKI'S FARM

Schlutz

Schlutz

#103

Burgess

#104

Lincoln Ave

Lodge Farm Road

Surveyors & Civil Engrs.
Herman K. Kimmel
Scale 40'-1" Aug 10, 1940. Balto. Md.

CHESAPEAKE TERRACE

SECTION "B"

1121 7th Ave. N.W. Wash. D.C.