

GUSTAV LACHNIT, JR.
and
MILDRED LACHNIT
VS.
G. MITCHELL AUSTIN,
W. GILES PARKER,
WILLIAM S. BALDWIN,
Constituting the COUNTY
BOARD OF APPEALS OF
BALTIMORE COUNTY

IN THE HONORABLE THE JUDGE OF SAID COURT:

The Petitioners, Gustav Lachnit, Jr. and Mildred Lachnit,
by their attorney, Robert J. Romadka, hereby disavow the above
entitled case.

Robert J. Romadka,
Attorney for Petitioners
305 Eastern Boulevard
Baltimore, Maryland (21221)
M-J 10-1-1974

6-5-33-RX
JULY 14 1964
BALTIMORE COUNTY, MARYLAND
CLERK OF THE COURT

CHASLES LEIMBACH
and
NAOMI LEIMBACH
VS.
G. MITCHELL AUSTIN
W. GILES PARKER
WILLIAM S. BALDWIN
Constituting the COUNTY
BOARD OF APPEALS OF
BALTIMORE COUNTY

MR. CLERK:

Please enter an Order of Appeal in the above entitled matter.

JOHN E. BOHLEN, JR.
ATTORNEY FOR COMPLAINANTS
6708 Belair Road
Baltimore, Maryland.
MO-9477

I HEREBY CERTIFY that in compliance with Chapter 1100, subtitle B
of Maryland Rules of Procedure, a copy of this Order was mailed to the
County Board of Appeals of Baltimore County on this day of January,
1965.

I HEREBY CERTIFY, that on this day of January, 1965, a copy of
this Order of Appeal was mailed to Robert J. Romadka, Jr., Esquire,
800 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for the
Petitioners for Reclassification.

JOHN E. BOHLEN, JR.
Attorney for Complainants

JOHN E. BOHLEN, JR.
Attorney for Complainants.

RE: PETITION FOR RECLASSIFICATION
from "R-6" Zone to "B-1" Zone,
SPECIAL EXCEPTION for a
Service Garage
SW corner Kenwood Avenue and
Golden Ring Road,
14th District
Gustav Lachnit Jr.,
Petitioner
VS.
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-33-RX
MPP
#1114A
BL

OPINION

The subject petition was a request to reclassify from an "R-6" Zone to a "B-1" Zone with a special exception for a Service Garage, a tract of ground on the southwest corner of Kenwood Avenue and Golden Ring Road in the Fourteenth Election District of Baltimore County.

The property is a boomerang shaped piece of ground with its eastern most point fronting on Kenwood Avenue, bounded on the south by Corkley Avenue and on the north by Golden Ring Road. The property comprises a finger constituting one of the five points of an intersection where the above described roads converge. To the immediate north of the tract, across from Golden Ring Road, is a shopping center wherein is located a large national chain food store, and to the south is a drive-in restaurant known as the Village Sub Shop. To the southeast, on two points of the intersection, two gasoline service stations are located with another gasoline service station and tavern to the immediate east across the intersection.

There was testimony to the effect that all of the property comprising this intersection is now zoned "B-1" with the exception of this one tract, and all of these changes were effected since the adoption of the land use map. The petitioner wishes to operate a welding shop and automobile repair shop on his property.

The protests to the immediate southwest and west commented that the operation of such a shop would disturb the quiet possession and enjoyment of their homes. The Board feels that it can give credence to their fears and feels that Section 502.1 of the Baltimore County Zoning Regulations was not sufficiently proved.

The Board also feels that the request for a change from an "R-6" Zone to a "B-1" Zone is a reasonable one and is substantiated by the above mentioned changes since the adoption of the map. To grant the change to "B-1" in this petition would serve to round out the intersection making all the uses harmonious with each other, and that to deny this petitioner the commercial use of his ground would be arbitrary and not in keeping with prior decisions in this locale.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of December, 1964 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted; and that the special exception 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

G. Mitchell Austin, Chairman
W. Giles Parker

William S. Baldwin

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 24, 1964
FROM: Mr. George E. Corvillo, Director
SUBJECT: RE: Petition for Reclassification from R-6 to B-1 and Special Exception for Service Garage, Southwest corner of Kenwood Avenue and Golden Ring Road, Being property of Gustav Lachnit Jr.
14th District
HEARING: Monday, August 3, 1964 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B-1 zoning together with a Special Exception for a service garage. It has the following advisory comment to the staff with respect to pertinent planning factors:

1. The planning staff is opposed to the extension of commercial zoning here. It notes that the subject property is extremely irregular in shape and that it is topographically not related to either Golden Ring Road or Kenwood Avenue. Access is possible only by means of Corkley Avenue - a residential street. Under the unique physical circumstances pertaining to the subject property, it is the opinion of the planning staff that commercial zoning here would not be in conformity with a well considered plan of zoning for the area and that such commercial zoning would set up land use potentials not in conformity with those of its immediate residential neighbors.

Mr. John G. Rose,
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland (21204)

RE: Petition for Reclassification
P-6 to B-1 Zone and Special
Exception for a Service Garage
SW corner of Kenwood Avenue &
Golden Ring Road-14th District
Gustav Lachnit, Jr.-Petitioner
No. 65-33RX

Dear Mr. Rose:

On behalf of my client, Gustav Lachnit, Jr., would you please note an appeal to the Board of Appeals from a decision of the Deputy Zoning Commissioner dated August 6, 1964, in which he denied the above-captioned Petition for Reclassification.

I have enclosed herewith check in the amount of \$75 to cover cost of filing said appeal.

Thank you.

Very truly yours,

Robert J. Romadka

RJR:pm
Enclosure

RE: PETITION FOR RECLASSIFICATION
from "R-6" Zone to "B-1" Zone,
SPECIAL EXCEPTION for a
Service Garage
SW corner of Kenwood Avenue and
Golden Ring Road, 14th District
Gustav Lachnit Jr.-Petitioner
VS.
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-33-RX

The petitioner seeks a reclassification from an R-6 Zone to a B-1 Zone and a Special Exception to operate a Service Garage.

Without going into a detailed discussion of the evidence, pro and con, as presented at the hearing, the Deputy Zoning Commissioner is of the opinion the petitioner has failed to meet the burden of proof in justifying the rezoning sought.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 6th day of August, 1964, that the above reclassification 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 an R-6 Zone and the Special Exception for a Service Garage be and the same is hereby DENIED.

Deputy Zoning Commissioner
of
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 24, 1964
FROM: Mr. George E. Corvillo, Director

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PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Gustav Lachnit, Jr. legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an B-L zone; for the following reasons:

SERVICE GARAGE

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 SERVICE GARAGE

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

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser

Address

Robert J. Romacka Petitioner's Attorney

Address 809 Eastern Blvd., (21221)

Gustav Lachnit, Jr.
Legal Owner

Address 6323 Kenwood Avenue

Baltimore, Md. (21206)

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day

of June, 1964, 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 3rd day of August, 1964, at 10:00 o'clock A.M.

John J. Lee
Zoning Commissioner of Baltimore County.



TOPOGRAPHICAL SURVEYS
SURVEYS FOR EXCAVATING

PHONE: - HAMILTON 6-2813

WILLARD M. LEE

REGISTERED CIVIL ENGINEER
4604 MAINFIELD AVENUE
BALTIMORE 14, MARYLAND

June 3, 1964

#6323 Kenwood Avenue

S.W.C. Kenwood Avenue and Golden Ring Road

Beginning for the same at the corner formed by the intersection of the west side of Kenwood Avenue with the south side of Golden Ring Road and thence running and binding on the south side of Golden Ring Road North 61 degrees 30 minutes West 278 feet thence leaving Golden Ring Road for two lines of division as follows:- South 56 degrees 30 minutes West 57 feet and South 42 degrees 47 minutes East 163.50 feet thence running North 88 degrees 55 minutes East to the north side of Corkley Avenue and continuing the same direction in all along the north side of Corkley Avenue 180.32 feet to the west side of Kenwood Avenue and thence running and binding on the west side of Kenwood Avenue North 2 degrees 00 minutes East 14 feet to the place of beginning.

Containing 0.45 acres of land more or less.



INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Robert J. Remick, Esq.
809 Eastern Avenue
Baltimore 20, Maryland

Office of Planning & Zoning
317 County Office Bldg.
Towson 4, Maryland

DATE 4/14/64

DEPOSIT TO ACCOUNT NO. 03-622

QUANTITY

DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

COST

Cost of appeal - Property of Owner = \$70.00

No. 65-33-82

posting 5.00

PAID - Baltimore County, Md. - Office of Finance

8-204 5279 * 24206 TIF- 7500

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Mr. John H. Lashley, Jr.
4833 Remond Ave.
Baltimore 6, Maryland

Planning Department of
Baltimore County

DATE 4/14/64

DEPOSIT TO ACCOUNT NO. 03-622

QUANTITY

DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

COST

Advertising and posting of your property \$25.00

No. 65-33-82

PAID - Baltimore County, Md. - Office of Finance

8-204 5279 * 25231 TIF- 250

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: John E. Babin, Jr., Esq.
4700 Baker Road
Baltimore, Md. 21206

County Board of Appeals
(Zoning)

DATE 2/16/64

DEPOSIT TO ACCOUNT NO. 03-712

QUANTITY

DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

COST

Cost of Certified Documents - No. 65-20-82 \$6.00

Owner Lashley, Jr.
809 Eastern Avenue &
Golden Ring Road
14th District

PAID - Baltimore County, Md. - Office of Finance

2-166 319 * 24708 TIF- 600

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Robert J. Remick, Esq.
809 Eastern Avenue
Baltimore, Md. 21201

County Board of Appeals
(Zoning)

DATE 2/16/64

DEPOSIT TO ACCOUNT NO. 03-712

QUANTITY

DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

COST

Cost of Certified Documents - No. 65-20-82 \$6.00

Owner Lashley, Jr.
809 Eastern Avenue &
Golden Ring Road
14th District

PAID - Baltimore County, Md. - Office of Finance

2-240 5279 * 24708 TIF- 600

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Robert J. Remick, Esq.
809 Eastern Avenue
Baltimore, Md. 21201

Planning Department of
Baltimore County

DATE 7/7/64

DEPOSIT TO ACCOUNT NO. 03-622

QUANTITY

DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

COST

Petition for Replatment/Division & Special Exception for Owner Lashley, Jr. \$0.00

PAID - Baltimore County, Md. - Office of Finance

1-144 8878 * 23072 TIF- 5000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Robert J. Remick, Esq.
809 Eastern Avenue
Baltimore, Maryland
21201

Planning Department of
Baltimore County

DATE 30, 1964

DEPOSIT TO ACCOUNT NO. 03-622

QUANTITY

DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

COST

Advertising and posting of your property \$25.00

No. 65-33-82

PAID - Baltimore County, Md. - Office of Finance

8-204 5279 * 25231 TIF- 250

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BUREAU OF ENGINEERING

The Intersection of Cordley Avenue with Remond Avenue and Golden Ring Road is hazardous as it presently exists and should be realigned or closed off at Remond Avenue.

HEALTH DEPARTMENT

Subject to water and sewer requirements.

BUREAU OF TRAFFIC & ENGINEERING

The arrangement of parking spaces in relation to other uses, and entrance results in congested traffic movements.

The following members had no comment to make:

Office of Planning & Zoning
Development & Rehabilitation Commission
State Roads Commission
Fire Bureau
Industrial Development Commission
Board of Education
Buildings Department

Yours very truly,

James E. Byer
Chief of Permit and
Petition Processing

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Robert J. Remick, Esq.
809 Eastern Avenue
Baltimore, Md. 21201

County Board of Appeals
(Zoning)

DATE 2/16/64

DEPOSIT TO ACCOUNT NO. 03-712

QUANTITY

DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

COST

Cost of Certified Documents - No. 65-20-82 \$6.00

Owner Lashley, Jr.
809 Eastern Avenue &
Golden Ring Road
14th District

PAID - Baltimore County, Md. - Office of Finance

2-240 5279 * 24708 TIF- 600

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyck, Chairman
Zoning Advisory Committee
111 S. Charles St. Morris, Sr. Fire Bureau
District 214

DATE: June 24, 1964.

FROM: S. W. Connor of Newwood Avenue
District 214

SUBJECT: Gustave Jacobus, Jr.

MAP
H1114A
BL
7/16/64

1 - Advise, showing size water mains, location of fire hydrants in relation to proposed site of building to be constructed.

Contact Lt. Charles F. Morris, Sr., At Valley 5-7310 for information concerning above comments.

CERTIFICATE OF PUBLICATION

TOWSON, MD. JULY 17, 1964.

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 or about the 11th day of July, 1964, the first publication appearing on the 11th day of July, 1964.

THE JEFFERSONIAN
B. L. Lashley, Jr.
Manager.

Cost of Advertisement, \$...

PETITION FOR RECLASSIFICATION AND A SPECIAL EXCEPTION

IN DISTRICT 214

FROM: S. W. Connor of Newwood Avenue
District 214

TO: Mr. James A. Dyck, Chairman
Zoning Advisory Committee
111 S. Charles St. Morris, Sr. Fire Bureau
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Contact Lt. Charles F. Morris, Sr., At Valley 5-7310 for information concerning above comments.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 14th

Date of Posting 7/17/64

Posted for: Gustave Jacobus, Jr.

Petitioner: Gustave Jacobus, Jr.

Location of property: S.W. corner of Remond Ave. & Golden Ring Rd.

Location of Sign: 2 signs at the intersection of 6333 Remond Ave. and S.W. corner of Remond Ave. & Golden Ring Rd. One sign on top of each house.

Signs: 2 signs at the intersection of 6333 Remond Ave. and S.W. corner of Remond Ave. & Golden Ring Rd. One sign on top of each house.

Posted by: Robert J. Remick, Esq.

Date of return: 7/24/64

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 14th

Date of Posting 7/24/64

Posted for: Gustave Jacobus, Jr.

Petitioner: Gustave Jacobus, Jr.

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Posted by: Robert J. Remick, Esq.

Date of return: 7/24/64

OFFICE OF THE BALTIMORE COUNJIAN

THE COMMUNITY NEWS
Ridgely, Md.

THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue

CATONVILLE, MD.

July 20, 1964.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNJIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for successive weeks before the 20th day of July, 1964, that is to say the same was inserted in the issues of July 17, 1964.

THE BALTIMORE COUNJIAN

By Paul S. Morgan
Editor and Manager

PETITION FOR RECLASSIFICATION AND A SPECIAL EXCEPTION

IN DISTRICT 214

FROM: S. W. Connor of Newwood Avenue
District 214

TO: Mr. James A. Dyck, Chairman
Zoning Advisory Committee
111 S. Charles St. Morris, Sr. Fire Bureau
District 214

DATE: June 24, 1964.

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