#65-33 PX IN THE

GUSTAV LACHNIT, JR. and HILDRED LACHHIT

((

CIRCUIT COURT

C. MITCHELL AUSTIN, W. GILES PARKER, WILLIAM S. BALDWIN, Constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY BALTIMORE COUNTY file No. 3175

. . . . . . .

TO THE HONOSABLE, THE JUDGE OF SAID COURT:

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

toburt J. Romadka, Attorney For Petitioners 309 Partern Boulevard Baltimore, Maryland (21221) Wirdook 5-3279

CHARLES LEIMBACH NAOMI LEIMBACH

G. MITCHELL AUSTIN W. GILES PARKER WILLIAM S BALDWIN Constituting the COUNTY BOARD OF APPEALS OF

FOR BALTIMORE COUNTY No. 65-33-RX BALTIMORE COUNTY

MR. CLERK

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

IN THE

CIRCUIT COURT

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

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.

> JOHN E. BOHLEN, JR. Attorney for Complainants

I HEREBY CERTIFY, that on this da. day of January, 1965, a copy of this Order of Appeal was mailed to Robert J. Romadka, Jr., Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for the Petitioners for Leclassification.

JOHN E. BCHLEN, JR.

RE: PETITION FOR RECLASSIFICATION : from "R-6" Zone to "B-L" Zone, SPECIAL EXCEPTION for a Service Garage SW corner Kenwood Golden Ring Road, 14th District Gustav Lachn it, Jr.,

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY /mPP #11 14A No. 65-33-RX

BL OPINION

The subject petition was a request to reclassify from an "R-6" Zone to a "B-L" 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 Baltima County.

The property is a boomerong shaped piece of ground with its eastern most point fronting on Kenwood Averue, 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

There was testimony to the effect that all of the property comprising this intersection is now zoned "B-L" 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 protestants 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-L" 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-L" 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 aforegoing Opinion, it is this 174 day of December, 1964 by the County Board of Appeals, OR DERED that the reclassification petitioned for, be and the same is hereby granted; and that the special exception petitioner 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

W. Giles Parker

William S. Baldwin

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Reers, Zening Constanter Date Paly 2h, 1964

FROM Mr. George E. Gerrelie, Director

SURJECT. 8.6 to b., and Spotial Emeration for Service Garage Southward corner of Yeswood Avenue and Golden Ring Reed, Being property of Guster Lachmit Jr.

14th District

Honday, August 3, 1964 (10:00 A.M.)

The staff of the Office of Planning and Joning has reviewed the subject putting for realization-don from heb to bot secting the property of the property of the property of the property of the following advisory comment to ; the with respect to particular planning factors:

The planning right is opposed to the extension of commutation from planning right is exposed to the extension of commutation locating here. It notes that the unique to require the planning of the transfer of the control of the cont

ROBERT J. ROMADKA ATTORNEY AT LAW 809 EASTEPH SOULEVARD ERAEN, MARYLAND 2122



August 17, 1964

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

Petition for Reclassification R-6 to B-1. Zone and Special Exception for a Service Garage SW corner of Kenwood Avenue & Golden Ring Road-19th District Gustav Lachnit, Jr.-Petitioner No. 65-38rX

Dear Mr. Rose:

9.00 AM

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 8, 1864, in which he denied the above-captioned Pattion 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 Comadka

RJR:pm Enclosure

RE: PETITION FOR RECLASSIFICATION R-6 to B.L. Jorn and Special Exception for Service Garage SW corner of Kenwood Avenue and wolden Bing Road lith District Gustav Lachnit Jr-Petitioner

SEFORE THE DEFUTY ZONING COMMISSIONER OF V BALTIMORE COUNTY No. 65-33-CONTRACTOR OF CO.

The petitioner seeks a reclassification from an N-6 Zorn to a B.L. Zone and a Special Exception to operate a Service Corage.

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 resoning seaght.

Deputy Zoning Courissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John C. Rose, Zoning Commissioner Date July 24, 1964

FROM Mr. George E. Gavrelis, Director

SUBJECT #65-215-WA 8-6 to R-4 and Special Exception for Service Garage. Southwest corner of Kemwood Avenue and Golden Ring Road, Being property of Gustav Lachnit Jr.

14th District

Honday, August 3, 196h (10:00 A.M.) HEARTNO:

The staff of the Office of Flanning and Zoning has reviewed the subject petition for reclassification from N-6 to S-L soning together with a Special Exception for a sorvice grazage. It has the following advisory domaint to make with respect to pertinent planning factors:

To planning staff is opposed to the ortension of commercial
soming here. It notes that the subject property is entremely
subject to the subject property is entremely
to start of close ring fact or famous Areams, Access is
possible only by means of Cortica Areams - a residential street,
under the unique physical informationes perstaining to the
subject property, here would not be in conformity with a well
consider of plan of soming for the area and that such consectial
soming would set up land use potentials not in conformity with
those of its inscendance residential notifications.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

MAP 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 all \_\_\_\_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.

| Cartest and                               | Sustan Lachnit & Legal Owner |
|---|------------------------------|
| Contract purchaser                        | Legal Owner                  |
| Address                                   | Address 6323 Kenwood Avenue  |
| -/-A-A-                                   | Baltimore, Md. (21206)       |
| Robert J. Romadk Petitioner's Attorney    | Protectival Au               |
| KODEL O. KOMACK entioner's Attorney       | Protestant's Attorney        |
| Address 809 Eastern Blvd., (21221)        |                              |
| (1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1 |                              |

ORDERED By The Zoning Commissioner of Baltimore County, this\_\_\_\_\_ 2th\_\_\_\_\_\_day of\_\_\_\_Lune\_\_\_\_\_, 196\_4, 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 \_\_\_day of \_\_ugust at 10:00 c'clock

Zoning Commissioner of Baltimore County.

A.\_\_\_M.

TOPOGRAPHICAL SURVEYS SURVEYS FOR EXCAVATING

WILLARD M. LEE

REGISTERED CIVIL ENGINEER 4604 MAINFIELD AVENUE BALTIMORE 14. MARYLAND

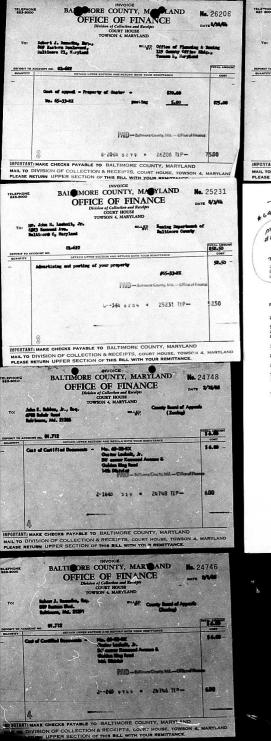
#64-218 RX June 3,1964

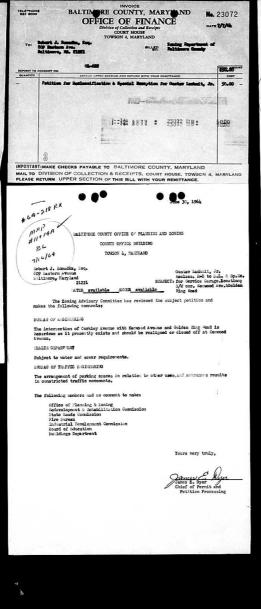
#6323 Kenwood Avenue S.W.C. Kenwood Avenue and Golden Ring Road

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 Tollows: - 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.

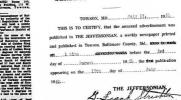
Containing 0.45 acres of land more or less.













Cappeal

CERTIFICATE OF POSTING O DEPARTMENT OF BALTIMORE COUNT

4 sign

#64-218-RX

CERTIFICATE OF POSTING ING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland Date of Posting 9464 District. 14/1 Posted for Justov Frehnit J. Location of property SWGow house of land & Jolch May Red.

Location at Signal Mark on Projecting That 2511 from Down!

If projectly and opposed 10th from Carthay Rd.

Houghts Again Scrattery Kenneral Mark

Posted by Relation Charles Date of return 9 19 64

THE BALTIMORE COUNTIAN THERE FOR SECURITY AND A SECURN ASSESSMENT AS A SECURITY AS A SECURATION AS A SECURITY AS A SECURA

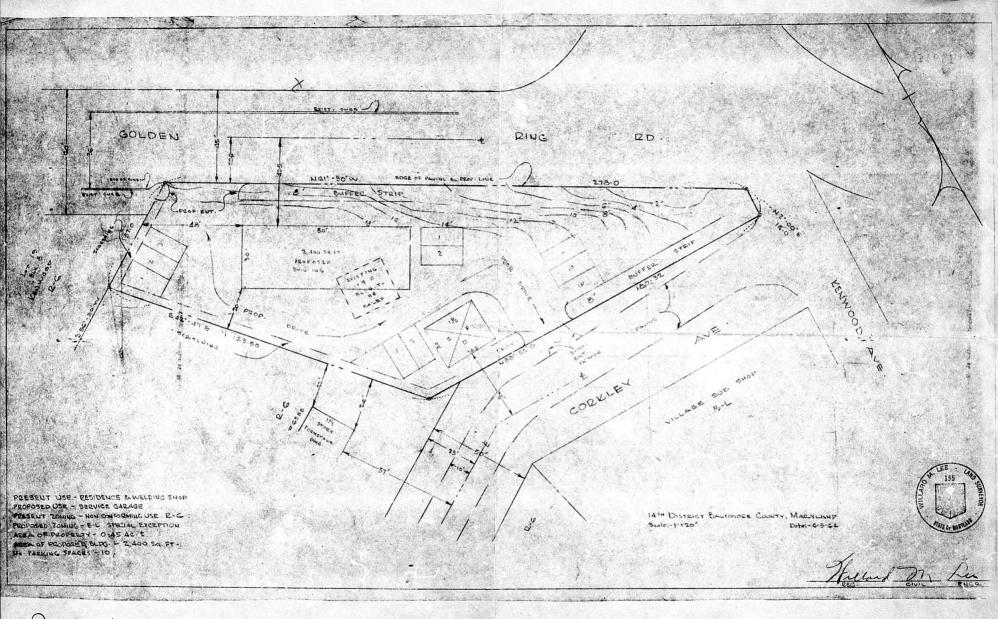
BY ORDER OF JOHN G. ROSE

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Conmissioner of Builtimore County was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week successive weeks before 19:4 , that is to say

the 20th day of July, the same was inserted in the issues of July 17, 1964. THE BALTIMORE COUNTIAN

By Paul J. Morgany

CATONSVILLE, MD.



Pur. Ex. 1.
65-33 RX