

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION AND VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Muriel Betty Kaufman, James H. Thompson and Helen E. Thompson I or we, Ellis Kaufman, 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 R-6B zone, for the following reasons:

Error in original zoning and genuine change in conditions.

Section 405.4.B.5 - To permit a colonial lantern approach light of 12' high, a colonial lantern island light of 9' high, and a vapor TF-1 floodlight of 18' high instead of the required 8' high.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for an Automotive Service Station.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above reclassification 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.

Ellis Kaufman, Muriel Betty Kaufman, James H. Thompson and Helen E. Thompson Legal Owners James H. Thompson and Helen E. Thompson Contraci Purchaser Address: 3900 Tulsa Road

W. Lee Harrison Petitioner's Attorney Address: 22 W. Pennsylvania Avenue 21204 823-1200

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of January, 1968, 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 29th day of February, 1968, at 1:00 o'clock P.M.



PETITION OR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Muriel Betty Kaufman, James H. Thompson and Helen E. Thompson I or we, Ellis Kaufman, 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-districted, pursuant to the Zoning Law of Baltimore County, from an undistricted area to a C.N.S. district, for the following reasons:

This property lies within a commercial neighborhood shopping area in that both sides of Liberty Road at its intersection with Tulsa Road are fully developed for commercial use and proposed as a C.N.S. District.

Standard 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 an Automotive Service Station.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above re-districting 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.

Ellis Kaufman, Muriel Betty Kaufman, James H. Thompson and Helen E. Thompson Legal Owners James H. Thompson and Helen E. Thompson Contraci Purchaser Address: 3900 Tulsa Road

W. Lee Harrison, Esq. Petitioner's Attorney Address: 22 W. Pennsylvania Avenue 21204 823-1200

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BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

W. Lee Harrison, Esq. 22 W. Pennsylvania Avenue Baltimore, Maryland 21204 SUBJECT: Reclassification from an R-6 to a B-L zone and undistricted zone to a C.N.S. District and Special Exception for an Automotive Service Station, for Ellis Kaufman, et al., located on the NE/4 of Liberty Heights between Tulsa Road and Kelox Road 3rd District (Item 67, January 9, 1968)

The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

BUREAU OF ENGINEERING: Water - Existing 12" water in Liberty Road Adequacy of existing utilities to be determined by developer or his engineer. Sewer - Existing 8" sanitary sewer in Liberty Road. Road - Tulsa Road is to be developed as a minimum 30' road on a 40' R/W.

HEALTH DEPARTMENT: Since public water and sewer are available to subject site, this office has no comment.

TRAFFIC ENGINEERING: The entrances as shown conform to 8111 40.

STATE ROADS COMMISSION: The width of the transition area of the depressed curb entrances must be increased from 18" to 24". Entrances are subject to State Roads approval and permit.

ZONING ADMINISTRATION DIVISION: If the petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer: Project Planning Division, Bureau of Fire Prevention, Building Engineer, Board of Education, Industrial Development

Very truly yours, James E. Oyer, Zoning Supervisor

cc: Corlyle From-Bur. of Engrs; Health Dept., William Graemelt, C. Richard Moore - Traffic Engrs.; John Meyers-State Roads Com.

RE: PETITION FOR RECLASSIFICATION, RE-DISTRICTING, SPECIAL EXCEPTION, AND VARIANCE NE/4 of Liberty Road between Tulsa Avenue and Kelox Avenue - 3rd District Ellis Kaufman, et al - Petitioner NO. 68-185-RX BALTIMORE COUNTY

The Petitioner seeks a Reclassification of his property, consisting of one-half acre, from an R-6 zone to a B-L zone. The Petitioner also requests that his property be re-districted from an undistricted zone to a C.N.S. (Commercial, neighborhood shopping) district. A Special Exception to use the said tract for an Automotive Service Station, and a sign Variance.

Without reviewing the evidence in detail, the Deputy Zoning Commissioner is of the opinion that the Petitioner has failed to show error in the original zoning map or such substantial changes in the character of the neighborhood to justify the requested zoning. In view of this finding, it is not necessary to pass on the merits of the requests for a C.N.S. district, the Special Exception, or the sign Variance.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 16 day of August, 1968, that the above Reclassification, Re-districting, and Variance be and the same are 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. The Special Exception for an Automotive Service Station be and the same is hereby DENIED.

Edward D. Hardisty, DEPUTY ZONING COMMISSIONER

ORDER RECEIVED FOR FILING DATE 8/1/68 BY J. Harrison

RE: PETITION FOR RECLASSIFICATION: from an R-6 zone to a B.L. zone, and from Undistricted to a C.N.S. District; SPECIAL EXCEPTION for an Automotive Service Station; and VARIANCE from Section 405.4.B.5 of the Zoning Regulations NE/S Liberty Road between Tulsa Road & Kelox Avenue, 3rd District Ellis Kaufman, et al, Petitioners Siborco Steffians, Inc., Contraci Purchaser

ORDER OF DISMISSAL

Petition of Ellis Kaufman, et al, for reclassification from an R-6 zone to a B.L. zone, and from Undistricted to a C.N.S. District; a special exception for an Automotive Service Station; and a variance from Section 405.4.B.5 of the Zoning Regulations of Baltimore County, on property located on the northeast side of Liberty Road between Tulsa Road and Kelox Avenue, in the Third Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Letter of Dismissal of Appeal filed February 27, 1969, a copy of which is attached hereto and made a part hereof, from the attorney representing the petitioner-appellant (Thompson) in the above entitled matter.

WHEREAS, the Board of Appeals is in receipt of a Letter of Dismissal of Appeal filed March 5, 1969, a copy of which is attached hereto and made a part hereof, from the petitioner-appellant (Kaufman) in the above entitled matter.

WHEREAS, the said attorney for the said petitioner-appellant requests that the appeal filed on behalf of said petitioner be dismissed and withdrawn as of February 27, 1969, and

WHEREAS, the said petitioner-appellant requests that the appeal filed on behalf of said petitioner be dismissed and withdrawn as of March 5, 1969.

It is hereby ORDERED this 6th day of March, 1969 that said appeal be and the same is dismissed.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY William S. Baldwin, Chairman W. Giles Parker John A. Slowik

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: August 2, 1968 FROM: George E. Gavettis, Director of Planning

SUBJECT: Petition #68-185-RX, Redistricting from Undistricted to C.N.S. District. Special Exception for an Automotive Service Station. Variance from the regulations to permit a colonial lantern approach light of 12 feet high, a colonial lantern island light of 9 feet high, and a vapor TF-1 Floodlight of 18 feet high instead of the required 8 feet high. Northeast side of Liberty Road between Tulsa Road and Kelox Avenue. Ellis Kaufman, et al., Petitioners.

3rd District HEARING: Thursday, August 15, 1968 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following advisory comments to make with respect to pertinent planning factors:

- 1. The planning staff believes that the adopted Comprehensive Zoning Map is and was absolutely correct in not establishing commercial zoning on the subject property. No changes have occurred in the immediate area since the adoption of the Comprehensive Zoning Map which warrant or justify the adoption of the Comprehensive Zoning Map which warrant or justify the adoption of the Comprehensive Zoning Map with a Special Exception for a post office has occurred across the street on Liberty Road. This fact should have no bearing whatsoever in this case since the granting of a Special Exception there had to be based on the facts required in Section 502.1 of the Zoning Regulations - essentially showing that the post office would not adversely affect any vicinal properties. The planning staff is opposed to any extension of commercial zoning here. Such extension would be detrimental to the use and enjoyment of their homes and property by abutting property owners. Such extension could only lead to continued requests to extend commercial zoning along Liberty Road with all the evils and aspects of strip development. Liberty Road is classified as a Class II Commercial Motorway. This means that additional strip zoning should not be fostered. The intent of the comprehensive zoning plan here was to preserve and protect the residential sector along this portion of Liberty Road and to further preserve the ability of Liberty Road to carry traffic without the degenerative effects of strip commercial development.
- 2. With the above objections in mind, we find it difficult to comment on the appropriateness of C.N.S. districting on the Special Exception for an automotive service station with variances. If the zoning reclassification is improper, certainly so are the requests for districting and Special Exception.

GEG:hm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 2, 1968 FROM: George E. Gavettis, Director of Planning

SUBJECT: Petition #68-185-RX, Northeast corner of Liberty Heights Avenue & Tulsa Road. Petition for Redistricting from Undistricted to C.N.S. District. Petition for Reclassification from R-6 to B.L. Petition for Special Exception for Automotive Service Station Ellis Kaufman, et al - Petitioners

3rd District HEARING: Wednesday, February 14, 1968. (1:00 P.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

- 1. We note that the hearing announcement for this petition indicates that the subject property is located on the "Northeast corner" of "Liberty Heights Avenue" and Tulsa Road. It is our understanding that the street upon which the subject property fronts is, in fact, Liberty Road and not "Liberty Heights Avenue." Advertisement of this petition as being related to Liberty Heights Avenue would appear to be misleading, in that Liberty Heights Avenue is in Baltimore City. Further, judging from the petitioner's plan, this property, although located on the northeast side of Liberty Road, would be more properly described as being located on the northwest corner of Liberty and Tulsa Roads. Has the petition been properly advertised?
- Also, if the intent of the petitioner is to construct a service station in accord with the site plan submitted to us, we note that an 18-foot-high mercury vapor floodlight is proposed; this light is in excess of 1/8th the distance between the proposed light and Liberty Road, and no variance has been requested.
- 2. Reclassification as requested would extend strip-commercial zoning. It is a recognized principle that strip-commercial zoning is neither good planning nor good zoning; this principle has been enunciated by the Planning Board and has been promulgated as land-use policy by the County Council.
- 3. Since a C.N.S. District is actually a type of commercial zone, and since commercial zoning would be improper at the subject location, it follows that application of a C.N.S. District would be improper here also. Therefore, we see no need, at least at this time, to comment upon the request for a special exception for an automotive-service station.



PETITION FOR REDEVELOPMENT, RECONSTRUCTION AND SUBDIVISION

ZONING: Petition for Redevelopment, Reconstruction and Subdivision for Special Exception for an Automobile Service Station at the intersection of the North Side of Liberty Highway, Avenue 10, and the West Side of Tuba Road, 40 feet wide, in the 3rd District of Baltimore County.

Present District: Undeveloped Property District C-3-B
Proposed District: B-1
Proposed Zoning: B-1
Public Hearing: Room 108, Public Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21284, August 15, 1968 at 1:00 P.M.

Public Hearing: Room 118, Court House Building, 111 W. Chesapeake Avenue, Towson, Md. 21284, August 15, 1968 at 1:00 P.M.

John C. Moore
 Baltimore Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. JAN 25 1968

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 in each of one (1) consecutive weeks before the 15th day of February 1968, the first publication appearing on the 15th day of January 1968.

THE JEFFERSONIAN,

Cost of Advertisement, \$.....

PETITION FOR REDEVELOPMENT, RECONSTRUCTION AND SUBDIVISION

SPECIAL EXCEPTION AND VARIANCE

ZONING: Petition for Redevelopment, Reconstruction and Subdivision for Special Exception for an Automobile Service Station at the intersection of the North Side of Liberty Highway, Avenue 10, and the West Side of Tuba Road, 40 feet wide, in the 3rd District of Baltimore County.

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John C. Moore
 Baltimore Commissioner of Baltimore County

THE TOWSON TIMES

TOWSON, MD. 21204 July 29, 1968

THIS IS TO CERTIFY that the annexed advertisement of John G. Moore, zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one (1) week before the 29th day of July, 1968, that is to say, the same was inserted in the issue of July 25, 1968.

STROMBERG PUBLICATIONS, Inc.

By *Beth Morgan*

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd Date of Posting: 7-25-68

Posted for: *Redistributing - Redistributing - Unvarnished*

Petitioner: *Ellis R. Kautson*

Location of property: *NE 1/4 of Liberty Highway West Side of Tuba Rd*

Location of Signs: *(1) 90' E. of Liberty Highway on N. 1/2 of Tuba Rd*
(2) 100' N. of Tuba Rd on E. 1/2 of Liberty Highway

Remarks:

Posted by: *Ellis R. Kautson* Date of return: 8-1-68

7/10/68
 The Cook only paid
 2 signs on 2nd
 property.

ORIGINAL

TELEPHONE 823-3000 EXT. 307

INVOICE
 BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 TOWSON, MARYLAND 21204

No. 56223

DATE Aug. 16, 1968

TO: *V. Leo Harrison, Esq.*
607 Lyola Federal Building
Towson, Md. 21284

Billing Dept. of Balto. Co.

QUANTITY	REPORT TO ACCOUNT NO.	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT \$193.50
1	01-622	Advertising and posting of property for Ellis Kautson, et al 68-185-RXA	193.50

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd Date of Posting: 7-29-68

Posted for: *Redistributing - Special Exception - Unvarnished*

Petitioner: *Ellis R. Kautson*

Location of property: *N 1/2 of Liberty Rd between Tuba Rd & N 1/2 of Tuba Rd*

Location of Signs: *(1) 90' E. of Liberty Rd on N 1/2 of Tuba Rd*
(2) 100' N. of Tuba Rd on E 1/2 of Liberty Rd

Remarks:

Posted by: *Ellis R. Kautson* Date of return: 8-1-68

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd Date of Posting: 7-26-68

Posted for: *Apparel*

Petitioner: *Ellis R. Kautson*

Location of property: *NE 1/4 of Liberty Rd between Tuba Rd & N 1/2 of Tuba Rd*

Location of Signs: *(1) 90' E. of Liberty Rd on N 1/2 of Tuba Rd*
(2) 100' N. of Tuba Rd on E 1/2 of Liberty Rd

Remarks:

Posted by: *Ellis R. Kautson* Date of return: 8-1-68

