

SCALE _____ ft. = 1 inch
File No. 1764-104

PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Joseph W. Lazinsky, 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 CS-1 to A-1 and (2) for the following reasons:

The Planning Department of Baltimore County has proposed the subject property for a CS-1 District. Reisterstown Road at this point is commercially developed. Said commercial development includes all four (4) corners at the intersection of Colby Road and Reisterstown Road.

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, 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.

James L. Larkin Contract purchaser
Address: 149 Equitable Bldg.
Joseph W. Lazinsky Legal Owner
Address: 149 Equitable Bldg.

W. Lee Harrison, Esq. Petitioner's Attorney
Address: 22 W. Pennsylvania Ave. 21204
Charles Lee, Chief Development Engineering Section
Address: 22 W. Pennsylvania Ave. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of July, 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 15th day of August, 1968, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Joseph W. Lazinsky, 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 for a Variance from Section 405.4.1 of the Baltimore County Zoning Regulations, to permit a 120 foot frontage on Reisterstown Road in lieu of the required 130 foot frontage.

The frontage on Reisterstown Road, U.S. Route 140, imposes practical difficulty on the owner and the owner will suffer extreme hardship and practical difficulty unless said Variance is granted.

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

James L. Larkin Contract purchaser
Address: 149 Equitable Bldg.
Joseph W. Lazinsky Legal Owner
Address: 149 Equitable Bldg.

W. Lee Harrison, Esq. Petitioner's Attorney
Address: 22 W. Pennsylvania Ave. 21204
Charles Lee, Chief Development Engineering Section
Address: 22 W. Pennsylvania Ave. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of July, 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 15th day of August, 1968, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

REQUESTED VARIANCES

Section 405.4.1 - To permit frontage of 120 feet on Reisterstown Road in lieu of the required 130 feet.

Section 405.2.5 - To permit access for a CSI District to a road not designated a Class 1 Commercial Motorway.

Section 405.2.5 - To permit an entrance on a secondary street in a CSI District which is not designated as a Class 1 Commercial Motorway.

Section 405.4.5 - 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.



Mr. John G. Rose
Zoning Commission
Baltimore County Office Building
Towson, Maryland 21204

Re Route 140
Baltimore County
PROPOSED SERVICE STATION
(Southeast corner Colby Rd.)

Dear Mr. Rose:

To clarify the State Roads Commission's comments relative to channelization required for the parcel located in the southeast corner of the intersection of Route 140 and Colby Road, we are attaching a plan showing a scheme of entrances that is acceptable to the State Roads Commission.

You will note that our scheme is the same as that submitted by the applicant, except for the following:

- 1) The northernmost entrance is 40' south of Colby Road instead of 33 ft.
- 2) The southern entrance is 7' north of the property line instead of 10 ft.

It is my understanding that the County will not require widening or improvement of Colby Road. Predicated on this assumption the State Roads Commission will not require the enlargement of the radius return at this time, but with the initial entrance 40' south of Colby Road, there will be sufficient room to install the proper radius if, and when, traffic demands and at the same time not interfere with the proper operation of the Service Station.

Should you and/or the applicant have any questions or objections to this scheme, I would appreciate the opportunity to personally discuss this with you or the Developer.

With kindest regards, I remain,

Very truly yours,
Charles Lee, Chief
Development Engineering Section

cc: Mr. W. Lee Harrison, Esq.
22 W. Penna. Ave., Towson, Md.

Mr. D. H. Fisher

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: August 2, 1968

FROM: George E. Gavett, Director of Planning

SUBJECT: Petition #69-38-XASP. Special Exception for Automotive Service Station and Petition for Special Hearing for off-street parking in a residential zone. Southwest corner of Reisterstown & Colby Roads. Joseph W. Lazinsky, Petitioner.

3rd District

HEARING: Thursday, August 15, 1968 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for an automotive service station together with variances to the frontage entrance, and lighting requirements and a request for off street parking in a residential zone.

1. With regard to the Special Exception for an automotive service station, is there a probability of reasonable public need for yet another service station along this portion of Reisterstown Road? The planning staff notes that there are already 7 existing service stations within this C.S.-1 strip, that there are 12 existing stations along Reisterstown Road including Fikeville center, and that there are 17 stations between the City line and the Beltway. These figures do not include additional stations in Baltimore City.
2. We note that the State Road Commission has requested provision of a 25 foot radius for the curb return at Colby Road. The Bureau of Traffic Engineering has concurred with this requirement. The effect of a larger curb radius here would be that of making substantial the entrance on Reisterstown Road and requiring the relocation of the entrance on Colby Road. A larger curb radius at the intersection of the 120 foot frontage is substantial and lessening its width requirement poses problems with respect to safe access to this site.
3. It appears that the lighting fixtures on the pump islands are sufficiently removed from the residentially-zoned boundary so as to allow a 9 foot height and that no variance is required. We don't have an image or details on the other lighting fixtures proposed for variances to comment on the desirability of the variances. We note, however, that recently constructed service stations in Baltimore County have successfully demonstrated that lighting lower than 9 feet can be successfully used. After all, the intent of the Regulations is to absolutely minimize the adverse effects of spill-over lighting on residential premises.

GE:bm

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Joseph W. Lazinsky, 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 for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve, a parking use permit in accordance with Section 405.4 of the Zoning Regulations of Baltimore County.

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

James L. Larkin Contract purchaser
Address: 149 Equitable Bldg.
Joseph W. Lazinsky Legal Owner
Address: 149 Equitable Bldg.

W. Lee Harrison, Esq. Petitioner's Attorney
Address: 22 W. Pennsylvania Ave. 21204
Charles Lee, Chief Development Engineering Section
Address: 22 W. Pennsylvania Ave. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of July, 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 15th day of August, 1968, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County

INVOICE		No. 56395	
BALTIMORE COUNTY, MARYLAND		DATE 11/18/68	
OFFICE OF FINANCE		BILLED TO:	
Division of Collection and Receipts		Office of Planning & Zoning	
COURT HOUSE		119 County Office Bldg.	
TOWSON, MARYLAND 21204		TOWSON, Md. 21204	
TO: W. Lee Harrison, Esq., 306 W. Joppa Road, Towson, Md. 21204		TOTAL AMOUNT	\$0.00
AMOUNT TO ACCOUNT NO. 01-622		DETAILS OF ACCOUNTING AND KEEP THIS PORTION FOR YOUR RECORDS	
QUANTITY			
Cost of appeal - Reisterstown & Colby Roads	2 signs	\$70.00	\$70.00
69-38 XASP		\$10.00	\$80.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

W. Lee Harrison, Esq.,
22 W. Pennsylvania Avenue
Baltimore, Maryland 21205

SUBJECT: Special Exception for a service station CS-1 District, Special Hearing for parking in a residential zone, and variances, for Joseph W. Lazinsky, located on the SW of Reisterstown Rd. & S of Colby Rd. 3rd District (Item 85, January 30, 1968)

Dear Sir:

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

BUREAU OF ENGINEERING:
Water - Existing 6" water in Colby Road
Water - Existing 12" and 36" water in Reisterstown Road
Sewer - Existing 8" sanitary sewer in both Colby and Reisterstown Roads.

FIRE BUREAU:
The plan must meet all Fire Dept. regulations at the time of construction.

STATE ROADS COMMISSION:
The radius of the curb return into Colby Road must be a minimum of 25'. At present there is no storm water from this site that reaches Reisterstown Road; therefore, there is no storm water to drain up through Reisterstown Road. Access will be subject to State Roads approval and permit.

TRAFFIC ENGINEERING:
This office is in complete agreement with the State Roads Commission. In addition, the entrances to Reisterstown Road do not conform to 8111 40. The tangent distance as shown on the plan is 17' instead of 20'. This distance must be measured to the depression transition.

HEALTH DEPARTMENT:
Since public water and sewer are available, this office will have no comment.

ZONING ADMINISTRATION DIVISION:
Since it is apparent that the petition and/or plans will need revising prior to the hearing, it is suggested that the petitioner's attorney contact the writer prior to any further processing of this petition.

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:

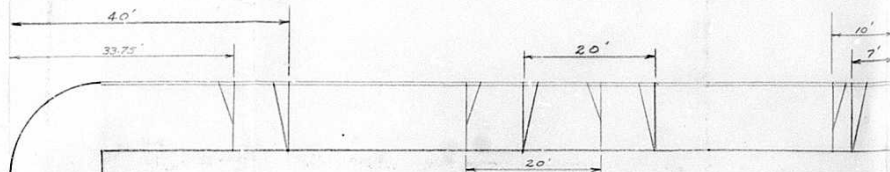
Project Planning Division
Bureau Industrial Development
Building Engineer
Board of Education

Very truly yours,
James L. Larkin
James L. Larkin
Larkin Supervisor

cc: Carole Brown-Burr, of Engr.; Capt. Charles Morris-Fire Dept.; John Meyers-Strite Rd. C. Richard Moore-Traffic Engr.

USE THESE LINES TO
OVERLAY ON DEVELOPMENT
PLANS

U.S. 140



— ENTR. PROPOSED BY DEVELOPER
— ENTR. RECOMMENDED BY SRC

CORBY ROAD

Kimmel Tire Co

ORDER RECEIVED FOR FILING

DATE 10/14/68
BY J. G. Harrison
J. G. Harrison, Esq.

However, the Deputy Zoning Commissioner feels that the Variance to Section 405.2B.5, to permit an entrance on a secondary street not designated as a Class I Commercial Motorway and the request for a special use parking permit in a residential zone should be denied. Colby is a residential street and should remain this way. It also appears that the Petitioner can develop his property as an Automotive Service Station without using the rear portion of the property for Off-Street Parking.

For the foregoing reasons, it is ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14 day of October, 1968, that the Special Exception for an Automotive Service Station should be and the same is GRANTED, from and after the date of this Order, and the Variances 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; and to permit a frontage of 120 feet along Reisterstown Road instead of the required 130 feet should be and the same are GRANTED, from and after the date of this Order, subject to the following:

1. Shrubbery at least 4 feet in height shall be planted along the rear property line.
2. There shall be no ingress or egress to the proposed station by means of Colby Road.
3. The site plan is subject to approval of the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

The Variance to permit an entrance on a secondary street not designated as a Class I Motorway and permission to use the rear tract as Off-Street Parking in a residential zone should be and the same are hereby DENIED.

Edward D. Harrison
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR SPECIAL EXCEPTION, VARIANCE AND SPECIAL HEARING
SW Corner of Reisterstown Road and Colby Road - 3rd District
Joseph W. Lazinsky - Petitioner
NO. 69-38-XASPH
BEFORE THE DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner seeks certain Variances to the Baltimore County Zoning Regulations, permission to use a residential tract for Off-Street Parking and a Special Exception to use his property for an Automotive Service Station.

The subject tract is presently zoned Business Local, although it is now occupied by a private residence and a clothing store. The immediate neighborhood fronting on Reisterstown Road is heavily commercialized and has been designated as a CS-1 District. Reisterstown Road, at this Location, has been designated as a Class I Commercial Motorway. Under Section 405.2B.5, an Automotive Service Station is a CS-1 District with excess solely to a Class I Commercial Motorway is permitted by way of a Special Exception. The Petitioner submitted evidence meeting the requirements of Section 405.3 and 502.1, and, therefore, the Special Exception should be granted.

Practical difficulty and unreasonable hardship having been shown, the request for a Variance to Section 405.4B.5, 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 should be granted. The Petitioner also requests a Variance to permit a frontage of 120 feet along Reisterstown Road instead of the required 130 feet. Practical difficulty and unreasonable hardship having been shown, this Variance should also be granted.

Joseph W. Lazinsky

- 2 -

and the same are Dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Bolwin, Chairman

John A. Slowik

Walter A. Reiter, Jr.

RE: PETITION FOR SPECIAL EXCEPTION
for Automotive Service Station;
VARIANCES from Section 405.4.A.1,
405.2.B.5 and 405.4.B.5 of the
Baltimore County Zoning Regulations;
SPECIAL HEARING to permit off-street
parking in accordance with Section
409.4 of the Baltimore County Zoning
Regulations
Southwest Corner of Reisterstown and
Colby Roads
3rd District
Joseph W. Lazinsky
Sibarco Stations, Inc., contract purchaser
Petitioner
BEFORE
COUNTY BOARD OF APPEALS
FOR
BALTIMORE COUNTY
No. 69-38-XA-SPH

ORDER OF DISMISSAL

Petition of Joseph W. Lazinsky (Sibarco Stations, Inc., contract purchaser)

for Special Exception for Automotive Service Station, Variances from Sections 405.4.A.1, 405.2.B.5, and 405.4.B.5 of the Baltimore County Zoning Regulations, and Special Hearing for parking use permit in accordance with Section 409.4 of the Baltimore County Zoning Regulations, on property located on the southwest corner of Reisterstown and Colby Roads, in the Third Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed April 25, 1969 (a copy of which is attached hereto and made a part hereof) from the attorney representing the petitioners-appellants in the above entitled matter.

WHEREAS, the said attorney for the said petitioners-appellants requests that the appeal filed on behalf of said petitioners be dismissed and withdrawn as of April 25, 1969.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed April 25, 1969 (a copy of which is attached hereto and made a part hereof) from the attorney representing the protestants-appellants in the above entitled matter.

WHEREAS, the said attorney for the said protestants-appellants requests that the appeal filed on behalf of said protestants be dismissed and withdrawn as of April 25, 1969.

It is hereby ORDERED this 30th day of April, 1969 that said appeals be

LAW OFFICES
W. LEE HARRISON

306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204

November 12, 1968



Mr. John G. Rose,
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Special Exception for a service station, CS1 District, Special Hearing for Parking in a Residential Zone and Variances for Joseph W. Lazinsky located on the southwest side of Reisterstown Road and the southeast side of Colby Road, 3rd District No. 69-38-XASPH

Dear Mr. Commissioner:

Please note an appeal to the County Board of Appeals from that portion of the Decision and Order of the Deputy Zoning Commissioner of Baltimore County dated October 14, 1968 in the above captioned matter denying a Variance from Section 405.2B5 to permit an entrance on a secondary street not designated as a Class I Commercial Motorway and denying the Petitioner's request for parking for a use permit not in accordance with Section 409.4 of the Zoning Regulations for Baltimore County.

Sincerely,

Charles E. Brooks
Charles E. Brooks

CEB:ck

EVERETT L. BUCKMASTER
GEORGE W. WHITE, JR.
CHARLES E. BROOKS
JOSEPH L. CLARKE
SAMUEL E. HILL
JOSEPH L. JOHNSON
JOHN F. KELLEY, JR.
ROBERT P. MITCHELL
PHILIP G. ROACH
PAUL L. RETZ
FREDERICK W. STALFORD
STEPHEN C. WINTER

BUCKMASTER, WHITE, MINDEL & CLARKE

305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

TELEPHONE: 685-6747

April 25, 1969

MORTON E. ROWE
TOWSON
BALTIMORE, MD. OFFICE
10 LIGHT STREET

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Joseph W. Lazinsky -
Sibarco Stations, Inc.
SW Corner Reisterstown and
Colby Roads, 3rd District
Case No. 69-38-XA-SPH

Gentlemen:

On behalf of the Protestants in the above entitled case, we ask that our Appeal from the Zoning Commissioner's decision of March 7, 1968, be dismissed.

Very truly yours,

George W. White, Jr.

GWMJr:jle
cc: W. Lee Harrison, Esq.

EVERETT L. BUCKMASTER
GEORGE W. WHITE, JR.
CHARLES E. BROOKS
JOSEPH L. CLARKE
SAMUEL E. HILL
JOSEPH L. JOHNSON
JOHN F. KELLEY, JR.
ROBERT P. MITCHELL
PHILIP G. ROACH
PAUL L. RETZ
FREDERICK W. STALFORD

BUCKMASTER, WHITE, MINDEL & CLARKE

305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

TELEPHONE: 685-6747

October 23, 1968

MORTON E. ROWE
TOWSON
BALTIMORE, MD. OFFICE
10 LIGHT STREET

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

Re: Petition for Special Exception Variance and Special Hearing SW corner of Reisterstown Road and Colby Road - 3rd District
Joseph W. Lazinsky - Petitioner
No. 69-38-XASPH

Dear Mr. Rose:

Please note an appeal to the County Board of Appeals from the decision and order of the Deputy Zoning Commissioner in the above matter dated October 14, 1968.

Very truly yours,

George W. White, Jr.
George W. White, Jr.
Attorney for Protestants

GWMJr:jle
cc: W. Lee Harrison, Esquire

Protestants: Mr. Irving Katz, 4101 Colby Road, 21208
Mr. William Duer, 4103 Colby Road, 21208
Mr. Ulm Southart, 4105 Colby Road, 21208
Mr. Harold Helfman, 4107 Colby Road, 21208
Mr. Charles Rader, Jr., 4109 Colby Road, 21208
Mr. Vernon Cashman, 4100 Colby Road, 21208
Mr. Samuel McCurdy, 4106 Colby Road, 21208
Mr. George Arnold, 4108 Colby Road, 21208
Mr. Robert Bradford, 4110 Colby Road, 21208
Mr. Andrew Mueller, 4114 Colby Road, 21208
Mr. Bernard Rodgers, 4118 Colby Road, 21208
Mr. Marion Restivo, 4120 Colby Road, 21208
Mr. Frank Waesche, 4102 Colby Road, 21208

LAW OFFICES
W. LEE HARRISON

306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204

April 25, 1969

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Special Exception for a Service Station, CS1 District, Special Hearing for Parking in a Residential Zone and Variances for Joseph W. Lazinsky located on the southwest side of Reisterstown Road and the Southeast side of Colby Road, 3rd District No. 69-38-XASPH

Gentlemen:

Please dismiss the appeal filed on behalf of my client, Joseph W. Lazinsky, to the Order and Decision of the Deputy Zoning Commissioner of Baltimore County dated October 14, 1968.

Very truly yours,

LAW OFFICES OF W. LEE HARRISON

Charles E. Brooks
Charles E. Brooks

CEB:cc

Oct 4/15/69
12:30 PM

