

RE: PETITION FOR SPECIAL EXCEPTION :
for a Boatyard (Marina)
End of Elsing Road, 352' SW of
Rose Garden Road,
15th District
Chris W. Stokes, Sr., et al,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 63-98-X

OPINION

This matter comes before the Board of Appeals on petition of Chris W. Stokes, et al, for a special exception for the operation of a Marina on the waters of Muddy Gul, a small tributary of Back River. Mr. Stokes' property comprises approximately three acres with considerable water frontage along Muddy Gul. By land, the property is reached by proceeding west along Cherry Garden Road from the Back River Neck Road to either Elsing Road or Denton Road, either one of which lead to the proximity of the subject property.

In order for the Board of Appeals to grant the requested special exception to operate the Marina on the subject property it is necessary for us to find that the requirements under Section 502.1 of the Zoning Regulations have been satisfied. One of the requirements of this section is that it must appear that the use for which the special exception is requested will not "tend to create congestion in roads, streets or alleys therein". From the testimony offered on behalf of both the petitioner and the protestants in this case, it is the finding of the Board that there is a traffic problem along the narrow roads in this area which would be intensified by the establishment of a Marina on the subject property to a point of congestion. In fact, the Board was satisfied from the testimony that the petitioner in this case himself appeared at a previous hearing before the Zoning Commissioner to protest the establishment of a bus storage area on property in the immediate vicinity of the subject property on the basis that Cherry Garden Road could not handle the additional traffic which would have been created.

Since the satisfactory proof of the requirements of Section 502.1 is an absolute necessity before the Board can grant a special exception, and since it is our opinion that the requirement pertaining to traffic has not been satisfied, it is our opinion that the special exception requested in this case should be and the same is hereby denied.

Chris W. Stokes, Sr., et al
No. 63-98-X

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of October, 1965 by the County Board of Appeals, ORDERED 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

William S. Baldwin, Chairman

R. Bruce Alderman

Karl T. McHenry, Jr.

PETITION FOR ZONING RECLASSIFICATION
AND/OR SPECIAL EXCEPTION
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
CHRIS W. STOKES, SR. and
I, or we, FLOESSIE H. STOKES, wife, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone for the following reasons:

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 a Boat Yard (Marina).

Property is to be posted and advertised as provided 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 of Baltimore County.

Contract purchaser: Chris W. Stokes, Jr. and Floessie H. Stokes, Legal Owners
Address: 31 Cherry Garden Road #21

Protestant's Attorney: JOSEPH W. LAUENSTEIN, Esq.
Address: 809 Eastern Boulevard #21

ORDERED BY The Zoning Commissioner of Baltimore County, this 25th day of July, 1965, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of October, 1965, at 11:00 A.M.



Chris W. Stokes, Jr.
Zoning Commissioner of Baltimore County
over
new hearing date 10/30/65 9:30 AM

to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone for the following reasons:

the above Reclassification should be had; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1965, that the herein described property or area should be and the same is hereby reclassified from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of _____ location and road system being inadequate to support a boatyard on the subject property _____

the above reclassification should be had; and it further appearing that by reason of _____ the above Reclassification should be had; and it further appearing that by reason of _____

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of November, 1965, that the above reclassification be and the same is hereby granted.

AND it is further ordered that the herein described property be and the same is hereby reclassified from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 27, 1965

FROM: Mr. George A. Savatella, Deputy Director

SUBJECT: #63-98-X, Special Exception for a Boat Yard (Marina),
End of Elsing Road 352 feet Southwest of Cherry Garden Road, being property of Chris Stokes.

15th District

REMARKS: Wednesday, October 6, 1965 (11:00 A.M.)

Due to the exigencies of time the Planning staff was unable to complete the comments on the subject petition.

CMJ:ms

NORMAN W. LAUENSTEIN
ATTORNEY AT LAW
GERMANIA FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, BALTIMORE 21201
MINNESOTA 7-2888

November 26, 1965

Mr. John G. Rose
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Dear Mr. Rose:

Re: Petition for Special Exception
for Boat Yard - End of Elsing
Road 352' S.W. Rose Garden Road,
15th Dist., Chris W. Stokes, Sr.,
and Floessie H. Stokes,
Petitioners - No. 63-98-X

Please enter an appeal in the above entitled case.

Very truly yours,
Norman W. Lauenstein

NNL:mc

WILLARD M. LEE
REGISTERED CIVIL ENGINEER
4804 MARFIELD AVENUE
BALTIMORE 14, MARYLAND

June 21, 1965

C.W. Stokes Sr. property
End of Elsing Road 352 feet S.W. Rose Garden Road
15th District Baltimore County, Maryland

Beginning for the same at a point in the outline of the 3 acre tract of land at the end of Elsing Road also point being at the distance of 352 feet, measures southwesterly along the southwest side of Elsing Road from Rose Garden Road and thence running and plining on part of Boat Yard Iron Road 400 feet more or less to the outline of Cherry Garden Road and thence running and plining on said outline South 45 degrees 20 minutes East 302 feet more or less to intersect the outline first above referred to and thence running and plining on said outline South 45 degrees 20 minutes East 204.02 feet to the northeast side of Elsing Road and thence continuing the same direction 13.10 feet to the place of beginning.

Containing 3 acres of land.

#63-98-X
MAP
15-C
"X"
9/25/65

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: October 24, 1965

FROM: Mr. George A. Savatella, Deputy Director

SUBJECT: #63-98-X, Special Exception for a Boat Yard (Marina),
End of Elsing Rd. 352 feet Southwest of Rose Garden Road,
being property of Chris Stokes.

15th District

REMARKS: Tuesday, November 5, 1965 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for a boat yard in connection with the reclassified hearing date. It has the following advisory comments to make with respect to pertinent planning factors:

1. The Planning staff questions the quality and quantity of access to the subject property. Will the proposed Marina here cause undue traffic congestion or hazard?
2. The Planning staff questions whether or not the proposed Marina here will adversely affect the rights of adjacent property owners to use and enjoy their property.
3. The Planning staff notes that the petition, as presented, does not comply with the standards recently put into effect for waterfront construction. The plans as proposed extend more than one-third the width of the stream. The Planning staff also notes that sufficient parking - one off-street parking space per slip, has not been provided.
4. Inasmuch as public sanitary sewerage facilities do not as yet exist in the area, the Planning staff suggests that the petitioner affirmatively show that he can handle his problems of sewage disposal both on shore and in connection with boating activities.

CMJ:ms

HYDROGRAPHIC SURVEY
ATLANTIC OCEAN, FLEET AND SUBVIEWS
NOTE
 All documents and papers are referred to the
 name of the ship, station, cruise, date, and bottom
 number.
 Reference list - No. 12345, 12346, 12347
NOTE
 (1) All data must be entered on the same sheet as the
 data of the same station.
 (2) All data must be entered on the same sheet as the
 data of the same station.

PRESENT USE - RESIDENTIAL
 PROPOSED USE - BOAT MARINA
 PRESENT ZONING - R-2
 PROPOSED ZONING - R-2 - SPECIAL EXCEPTION
 AREA OF IMPACT - 3.5 ACRES
 1. ONE SPACES - 95
 2. BOAT SLIPS - 95

PROPERTY OF
C W STOVES SR
97th District T BOUTWORTH, G. HAZARD
Serial 1-10 X Date 8-7-20-22

