PETITION FOR ZONING RE-CLASSIFICATION AND WARTANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Need in area for stores due to charge in the reighborhood. Western 650

and for variance under the said Zoning Law and Zoning Regulations of Saltimore County, to use the horein described property to permit zero (68) foot side yard set back in lieu of the twelve (121) feet required under Section 326.2

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Ba

Presenty is to be nosted and advertised as prescribed by Zering Regula

I, or we, agree to pay expenses of above re-classification and/or Special Exception adver-I, or we, agree to pay expenses of above reclassification and of operations acting etc., upon filing of this petition, and further agree to and are to be bound by the soning total time and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

MERICO ENTERPRISES, Inc. C. E. Uternohle, Jra. by back I also Fresident CE Ulirmoble J Address 2001 York Road

Baltimore, Maryland 21204 30c w Petitioner & Altorney

Address 312 Merrie Hunt Drive

Baltimore, Maryland 21093

Harry Sweets welder Esq

ore County, that property be posted, and that the public hearing be had before the Zoning ner of Baltimore County in Room 108 County Office Property of the Zoning ner of Baltimore County in Room 108 County Office Property County, on the 17th day of March

ofm

MICROFILMED

0

PETITION TO ACCOMPANY ORDER FOR APPEAL For Variance from Section 232.2 of the Baltimore County Zoning

IN THE CIRCUIT COURT FOR BALT MORE COUNTY

113/17/69

of segu

......... PETITION TO ACCOMPANY ORDER FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

- C. E. Utermohle, Jr., Petitioner and Menle Enterprises, Inc. by W_{\star} by W_{\star} Les Harrison, their attorney, pursuant to Chapter 1100, subtitle B of the Maryland Rules of Procedure, respectfully repres
- 1. That the action appealed from in the above entitled case is that portion of the Opinion and Order of the County Board of Appeals June, 1970, which denied the granting of a variance from section 232. of the Baltimore County Zoning Regulations to permit a side yard set back of zero (0) feet instead of the required twelve (12) feet,
- 2. That the error committed by the County Board of Appeals was error of law and fact in denvine the requested variance from section 232.2 of the Raltimore County Youing Regulations as aforesale
 - (a). The order was arbitrarily illegal and capricious
- section 232.2 of the Baltimore County Zoning Regulations would resul in practical difficulty or unreasonable hardship upon the petitioners

EX PARTS IN THE NATTER OF

THE PETITION FOR RECLASSIFICATION

IN THE CIPCUIT COURSE

C. E. UTERMOHLE, JR. #49-190-8X **********

- NOV 20 70 AN

This is an appeal from an order of the County Board of Appeals, dated June 11, 1970, by which the property in question was reclassified from R-6 to B-L, and by which the requested variance for a zero side yard setback on the southeasterly property line was denied. The appeal was taken by the Petitioner from the latter part of the order.

The same rule applies to this appeal from the denial of a variance as applies generally to oppeals in zoning cases, namely, was there testimony from which the administrative board could reasonably make the determination which it did. The determination of the Board was that the variance should be denied because the alloged hardship was solely economic. A review of the transcript of testimony and of the exhibits in the case domonstrates that Petitioner contemplates the acquisition on the southenaterly side, and desires the zero setback so he can, upon acquisition and rezoning of that property, extend the building to be erected on the subject property into t . Fallon property which adjoins on the coutheast. If the Fallon property is acquired, such extension can be accomplished by extending the building to be exected thereon so that it then in with the property to be erected on the subject property.

The testiony of Mr. Soley on the hardship question is

3. That the County Board of Appeals committed such other

Court reverse that portion of the order of the County Board of Appeals

232.2 of the Baltimore County zoning Regulations to permit a sere

1970 that a copy of the foregoing Petition was mailed

6 Harry S. Swartzwelder, Jr. , Esq., 341 St. Paul Place, Baltimore,

Maryland 21202 and to the County Board of Appeals. County Office

On cross examination, Mr. Klaus' testimony on hardship was completely negated by this question and enswers

Now this so-called hardship could be removed, this hardship imposed by Baltimore County could be removed by building a smaller building, couldn't it?

"A You could keep the building that is there right now. and perhaps spend a few thousand dollars and convert it, but that is not the highest and best use for this property."

not taking the 10-foot widening strip on the northwesterly side of the property for the improvement of Florida Road.

It seems to me that this case falls within the general rule that where the alleged hardship is solely economical that there is no hardship in fact, and that the variance should be

I'll sign an order desying the variance.

HARRY S. SWARTSWELDER, JR.

ATI. '.Y AT LAW

341 ST. PAUT. PLACE

SALTIMORE, MARYLAND 21202

Please enter an appeal from the Order granting zoning the above case passed

November 17, 1970.

EX PARTE IN THE MATTER OF

FOR BALTIMORE COUNTY MISCEL LANGOUS

****************** ORDER FOR APPEAL

Please note an appeal to the Circuit Court for Baltimore County from that portion of the Opinion and Order of the Board of Appeals of Baltimore

> W. LEE HARRISON 306 W. Joppa Road Towson, Maryland 21204 523-1200 Attorney for Petitioner

IN THE

CIRCUIT COURT

hereby certify that on this /o day of July. 1970, copy of the foregoing Order for Appeal was sent to Harry S. Swartzweider, Jr., Esq., 341 St. Paul Place, Baltimore, Maryland 21202 and to the County Board of Appeal County Office Building, Towson, Maryland 21204

Recidion 0.500

July 16, 1968

1000

Description to tecompany duning Patition on property of Charles adward Stermonle, Jr. and wife.

All that piece or parcel of land situate, lying and being in the steemed Election District of Beltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the corner formed by the intersection of the marchest side of liberty Read with the southeast side or Florids Read and Franklag thence and binding on Mo northest also of therey lood, south 55 days and binding on Mo northest also of therey lood, south 55 days and the standard of the second of the s

Containing 0.45 of an Acre of land more or less.

Being the property of Charles Sdugrd Stermohle, Jr. and wife as shown on the plan filed with the boning Lapartaent,

82 x 236

on August 14, 1969, on behalf of Jil Williams, protestant.

25 COUNTLAND WEST BEL AIR, Mr. 21014

ZONING COMMISSIONER County Office Building Towson, Maryland 21204

cc: W. Lee Harrison, Esquire 306 West Joppa Road Towson, Maryland 21204

- SED 9'69 PM -

- CFP 9 69 - 1

MICROFILMED

Re: Petition for Reclassification and

Variance
NE/corner of Liberty Road and
Florida Road - 2nd District
C. E. Utermohle, Jr. - Petitione:
No. 69-190-RA

(b). The order of the Board is contrary to the evidence

02-08 71

9 0

MICROFILMED

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date March 7, 1969. FROM George E. Gavrelis, Director of Planning

SUBJECT Petition #69-190-RA. Reclassification from R-6 to B.L. Variance to pc.mit a zero foot side yard instead of the required 12 feet. Northeast corner of Liberty and Florido Roads. C.E. Utermohle, Jr., Petitioner.

2nd District

HEARING: Monday, March 17, 1969 (11:00 A.M.)

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

The stoff commented on this property previously in connection with Petitions Not. 69-77RA and 69-147-RA. We reaffirm the comments made previously in connection with those patitions as they partain to the inappropriateness of commercial zoning here. We point out again that residential zoning exists on 3 sides of the subject property Creation of commercial zoning here would result in land use potential which are not consistent or in harmony with those of adjoining propert

GEG:bm

MICROFILME ..

RE: PETITION FOR ECLASSIFICATION from an R-6 tone to a B.L. zone, and VARIANCE from Section 232.2 of BEFORE the Baltimore County Zoning COUNTY BOARD OF APPEALS Regulations NE come: Liberty Road and OF 2nd District
C. E. Utermohle, Jr.,
Petitioner BALTIMORE COUNTY Mento Enterprises, Inc., Contract Purchaser No. 69-190-RA

BA

OPINION

This case comes before the Board on an appeal by the protestant from an Order of the then Deputy Zoning Commissioner. Said Order granted the requested reclassification from R-6 to B.L., and also granted a variance so as to allow an east side yard setback of 0 feet instead of the required 12 foot side yard setback. The subject property is located on the north side of Liberty Road, approximately two blocks east of Mi ford Mill Road, in the Second Election District of Baltimore County. The property contains approximately 0.45 of an acre, having a frontage on Liberty Road of 82 feet, with a depth of approximately 236 feet on Florida Road, being located at the portheast corner of Liberty and Florida Roads, just east of the shopping complex (coated on Liberty Road at Milford Mill Road. It is improved by an old two-story residence. If this petition is granted, the owner proposes to develop a small neighborhood shopping area with reveral small specialty stores. The proposed improvements would total approximately 5400 square feet, according to the testimony of the petitioner.

The uses surrounding the subject are as follows: Immediately across Florida Road to the west is a parcel of .75 of an acre which was recently zoned B.L., said Order is now final. Easterly, on the north side of Liberty Road, remains one single lot now in residential use, which lot is adjained on the east by a B.L. parcel, now improved by a Burger King restaurant. Northerly, behind the subject lot, are a few older residential homes, which are then juined on their northern boundary by a large garden type apartment complex. Scuth of the subject, immediately across Liberty Road, is a newly developed Esso Car Care Center, which operates 24 hours a day.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. John G. Rose, Zoning Commissioner Date April 11, 1969

FROM George E. Gavrelis, Director of Planning

SUBJECT ... Petition 69-190-RA (Continued Hearing) - Northeast corner of Liberty and Floride Roods. Petition for Reclassification from R-6 to 8.L. Zone. Petition for Variance to permit a side yard setback of Zero feet inst the required 12 feet. C. E. Utermohle, Jr. - Peti"oner

2nd District

HEARING: Monday, April 21, 1969 (10:00 A.M.)

We have been informed by the Zoning Administration Division that no change has been made in the subject petition since it was last submitted to us. Therefore, cur comments of March 7, 1969 still stand.

MICROFILMEDI

C. E. Utermohle, Jr. - 69-190-RA

Other commercial uses totally cover the area across from the subject property on the south side of Liberty Road.

Testimony disclosed that all utilities necessary to serve the proposed use are rvallable at the location, and in such capacity so as to adequately serve said use.

Testimony regarding change in this area was brought to the attention of this Board by Frederick P. Klaus, a well recognized zoning consultant. These included the actual physical widening of Liberty Road which has taken place since the adoption of the coning map in 1962; a series of zoning reclassifications which created many acres of R-A land in close proximity to the subject tract, and in fact the actual development of some of the R-A land, which creates additional demand for B.L. uses. In addition to these changes, this Board was particularly impressed with five specific changes that Mr. Klaus Each was a change from R-6 to B.L. classification, and each is in close be examined in zoning case files \$64-173, \$63-165, \$66-174, \$65-381 and \$69-111-R. Case 169-111-R is immediately adjacent to the west side of the subject property; Case \$64-173 is now improved by a Burger King restaurant and is just one lot removed from the east side of the subject, and Case \$65-381 is now the site of a four bay, twenty-four hour Esso Car Care Center, and is located directly across Liberty Road from the subject property.

The sale protestant in this case was a resident of Florida Road, who lives directly across said street from the subject property. Her home is the first house off of Liberty Road. The objections raised by this protestant were to the increase in the nercial usages on Liberty Road, and to the possible detrimental effect same might have on her residential property. While understanding the feelings of this protestant, it is the opinion of this Board that this section of Liberty Road has been commercial in nature

Considering the above and the other testimony, and evidence set out in this case, it is the judgment of this Epard that the changes are of a substantial nature, and have so altered the character of this neighborhood as to warrant the granting of this reclassifica-With regard to the request for a side yard setback variance, the evidence

BALLIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The revised plan for the subject property has been

RICHARD B. WILLIAM

Date Pebruary 27, 1969

Pebruary 19, 1969 C. E. Utermohle, Jr. N/E cor. Liberty Rd. 5 Florida Ave.

JOHN G. ROSE TO Zoning Commissioner

RBW: vh

FROM PROJECT PLANNING DIVISION

SUBJECT Zoning Advisory Agenda Item #177

reviewed and there are no site problems involved.

C. E. Utermohle, Jr. - 69-190-RA

469-190R

sted to this Board would seem to indicate that the only hardship that might be suffered by the petitioner if this variance be denied, would be a hardthip of mere economics. Such is not sufficient in the eyes of this Board to warrant the granting of a variance. It is the judgment of this Board that the petitioner will suffer no unreasonable hardship nor practical difficulty if the variance be denied.

For the above reasons, the reclassification requested will be granted and the variance will be denied.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this $\underline{\hspace{1cm}}_{\mathcal{U}}$ of June, 1970 by the County Board of Appeals, OR DERED that the reclassification from an R-6 zone to a B.L. zone petitioned for, be and the same is hereby GRANTED, and it is FURTHER ORDERED that the variance 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

69-12071

251625 CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNT

District 2 Nd	Date of Posting SEPT. 27-19
Posted for APPEAL	
Petitioner: CF WIERMOHIE	· Jr.
Location of property: NE CORN	en of Liberty and Florida Rds
Location of Signs: (3028)	LEERTY Rd. OSIS OF FLORINA Rd.
Remarks:	
Posted by Charle M. Meel	Pate of return DET 3 1969

69-190 RA

CENTIFICATE OF POSTINI ENT OF BALTIMORE COUN

1.000
Dutice 1 2 2d Date of Protect for Alexandrea from & Variance Petitioner: C.E. Uternachle II. Location of property: NEffect: of Liberty Ld. & Flatida Me
Posted for: LECTRENTICE TON & CHETANCE
Petitioner: C.E. Utermobile Jr.
Location of property: NE feet of Liberty Ld & Florida Me
Justin of sign 50 " What before y ld on Staf French Ave
Remarks:
Posted by Allark Date of return: 3-6-69

MICROFILMED

02-08-71

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, BR. WEX. C. E. UTERHOHLE, 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, parsuant zone, for the following reasons: See attached description

and for variance under the self-Zoning Law and Zoning Regulations Saltimore Jounty, to use the barein described property to permit zone (*) fout side yard set back in lieu of the tweave (12') feet required under Section 232.2

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

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 or the petition, and further agree to and are to be bound by the zoning regulations and restrictions of B. ltimore County adopted pursuant to the Zoning Law for Baltimore

.... G. E. Utermohle. Jr.

CE Uternoble J.

Address 312 Werrie Hunt Drive

Zoning Commissioner of Baltimore County.

February 19, 1969

Baltimore, Maryland 21093

SMENLO TITLEPRISES. And. Byl Christian L. Solar, Speciant Address 8001 Nork Road

Paltimose, Maryland 21204

300 w Petitioner's Attorney

Harry hours, welder Eng. ORDERED By The Zoning Commissioner on Saltimore County, this 4th day

of February ..., 1969..., 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 17th day of Marich 0/000

.A. ... M. FEB . - 189 PM __

113/17/69 of segui

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Jain 5. Ros

W. Lee Harrison, Esq., 306 W. Joppa Road Baltimore, Haryland 21204

RE: Type of Keering: Reclassification from an R-6 zone to a BL zone Location: NE Cor. Liberty Rd. 6 Florida Avenue 2nd District Petitioner: C. E. Utermohle, Jr. Committee Meeting of Feb. 4th, 1969 Item 177

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

are a result of this review and inspection.

Subject property was recently filed for zoning under
Case No. 50-10-26. It was subsequently withdraws and an
Order of Dismissal was subsequently withdraws and an
Order of Dismissal was the subsequently active represents
a new petition with a different site bettlen represently
a bounded on the north, east and west by residential homes
in residential zoning. Property on the west fronting on
Liberty Read between Florida Avenue and Kennare Read was
also recently filed but has been withdrawn and has not been
saled recently filed but has been withdrawn and has not been
acciden read this date. Florida Avenue is a narrow
acciden read this date. Florida Avenue is a narrow
acciden read in this side. Florida Avenue is a
liberty Read in this side and the side of the

BUREAU OF ENGINEERING:

Highways: Access to this site is from Liburty Road and Florida Road, Liberty Road has recently been improved and State Roads Commission requirements apply concerning the proposed entrance. Floride Road has only a 20' right-f-way and terminates

Pursuant to the advertisement mosting of preperty, and public hearing on the above pedition and it appearing that by reason of substantia, change in the character of the neighborhood the above Reclassification should be had; and it further appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zonine Regula. inding of facts (not, strict compitance with the Battimere county zoning Regult tions would result in practical difficulty and unreasonable hardship upon the Petitioner and the Variance requested would grant relief without substantial injury to the public health, safety and general welfare of the locality involved. Variance
a Special-Exception decay, to permit a zero foot side yard setback, should be granted instead of the required twelve feet
IT IS ORDERED by the Zoning Commissioner of Baltimore County this. day of August, 196.9., that the herein described property or area should be and nt to the advertisement, posting of property and public hearing on the above retition ppearing that by reason of ... the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE IT IS ORDERED by the Zoning Commissioner of Baltimore County, this., 196.... that the above re-classification be and the same is i:ereby DENIED and that the above described property or area be and the same is hereby continued as and zone; and/or the Special Exception for_ be and the same is hereby DENIED

MICROFILMED

Zoning Commissioner of Baitimore Counts

- Page 2 -

W. lee Harrison, Esq., 306 W. Joppa Road Baltimore, Haryland 21204 RE: Item 127

February 18, 1969

BUREAU OF ENGINEERING: (Continued)

on the north at an improved apartment site. An additional 10' widening must be provided along the frontage of this site to create a 40' right-of-say by taking 10' from the northwest side also. Curb and gutter, paving undening and sidenalise placed in the ultimate location for a 10' paving section on a 40' right-of-way must be constructed with the februarement of this site.

ater exists in Florida Road and 12" water exists on the north side of Liberty Road. A service connection may be applied for from either main.

Sanitary Sewer: 8" sanitary sewer exists in both Florida Road and Liberty Road.

Storm Drain: No storm drain problems are evident. The property falls generally easterly and toward Liberty Road. State Roads Commission requirements must be met regarding drainage into Liberty Road.

The Daveloper must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or other drainage facilities, would be the full responsibility of the Daveloper.

urading: A grading permit may be required for this site.

PROJECT PLANEIRS DIVISIONS
This plan has been reviewed and the parking errangement is inadequate by
This plan has been reviewed and the parking errangement is inadequate by
whice in an out of a space eight and one-half feet wide and by the
access to the rearmost seven spaces where eight (8) foot strip requires
severe turns (19th against the entrance way.

BUREAU OF TRAFFIC ENGINEERING: The subject property has been reviewed several times in the past. Since the partitioner is no longer asking for a parking variance and the number of spaces shown are greater than the spaces required, the proputed use should create no major traffic problem.

BOARD OF ENUGATION:
Acreage too small to have an affect on school consistion.

BUILDING ENGINEER'S OFFICE: This office has no comments.

FIRE DEPARTMENT: Owner shall be required to meet all Fire Department requirements when construction plans are submitted for approval.

25 COURTLAND WEST BEL AIR, MC 21014 838-6343

September 4, 1969

ZONING COMMISSIONER County Office Building Towson, Maryland 21204

> Re: Petition for Reclassification and Variance NE/corner of Liberty Road and Florida Road - 2nd District C. E. Utermohle, Jr. - Petitioner No. 69-190-RA

Please enter an appeal from the Order granting zoning the above case passed

on August 14, 1969, on behalf of Jil Williams, protestant.

- Page 2 -

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Wealth Air Pollution Central Regulations. Additional information may be obtained from the Division of Air Pollution, Baltioner County Oppartment of Neolin.

STATE ROADS CONSISSION: This office has reviewed the subject plot plan and the following comments are with respect therefor:

There must be a minimum of 10 ft, from the P.C. of the radius return into Florida Road to the beginning of the depression transition of the extrance on tiberty Road, If is distance scales γ' on the plan. The width of the transitions at the curb line may be reduced to 2 ft.

The frontage on Liberty Road must be curbed with combination curb and

The entrance on Liberty Road will be subject to State Roads Commission

This potition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be formerded to you in the mear future.

Very truly yours,

OLIVER L. MYERS, Chairman

The dimension of the radius at the corner must be indicated.

HEALTH DEPARTY" : Public water and severs are available to the site.

Lany S. Swarfweller ger

HSS/bs

W. Lee Harrison, Esq. . .

Baltimore, Maryland 21206 RE: Item 177

ZONING ADMINISTRATION DIVISION:

OLM: JD

cc: W. Lee Harrison, Esquire SEP 9'69 FM -306 West Joppa Re.d Towson, Maryland 21204



- GED 9 69 - 1 -

To Park LUNING DEPARTMENT

February 18, 1969

Augus: 14, 1969

W. Loe Harrison, Esquire 306 West Joppa Road Towson, Maryland 21204

RE: Petition for Reclassification and Variance
NE/corner of Liberty head and
Florida Road - 2nd District G. E. Utermoble, Jr. - Petitione NO. 69-190-RA

Dear Mr. Harrison

I have this date passed my Order gracting the above Re-classification from a R-6 some to a BL some and a Variance to parmit a zero (not side pard setback instead of the required (welve feet), subject to approval of the site plan by the State Reads Commission, the Rureau of Vablic Services and the Office of Planning and Zening.

Very truly yours

Thered D. Harbory EDWALD D. HARDESTY

EDM/ert

cc: Harry S. Swartswelce, Jr. Esquire 341 St. Paul Place Beltimore, Maryland 21202

STATE OF MARYLAND STATE ROADS COMMISSION BALTIMORE, MD. 21201



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

Att: Mr. Uliver L. Myers

Rei Zoning Advisury Comm. Meeting Feb. 4, 1969 Owner: C. E. Utermohl Location: NE For. Liberty Road & Florida Moad - Route 26 Present Zoning: R-6 Froposed Zoning: 8-6

There must be a minimum of 10 ft. from the F.C. of the radius return into Florida Road to the beginning of the depression transition of the entrance on Liberty Road. This distance scales 7' on the plan. The width of the transitions at the curb line may be reduced to 2 ft.

The frontage on Liberty Road must be curbed with combination

The dimension of the redius at the corner must be indicated.

The plan must be revised prior to a hearing date being assigned.

The entrance on Liberty Road will be subject to State Roads Commission approval and permit.

The aforementioned comments were made on or about December 10, 1968, in reference to a previous petition; Item 136. The current plan does not reflect these comments.

Very truly yours,

Charles Lee, Chief Development Engineer ng Section Meyersy by: John E. Mayers
Asst. Development

CL: JEN:bk

- FEB 10 'E9 AM --

date \$ The PUBLIC HEARTHGE

MONDAY, MARCH 17,1969 at 11:00 A.M. Rorn 108, County Office Building, Ill is Chesapeake /wenur, Towson, Haryland,

The Zoning Commissioner of Szitimore County, by authority of the Zoning Act and Revisations of Baltimore County, will hold a public heering:

Present Zoning: R-6 Proposed Zoning: E.L. Pretition For Variance from the Zoning Raguiations of Saltimore County to parmit a Zero Foot Side Yard set back instead of the required ES Foot.

The Zoning Regulation to be excepted as follows:

Section 232.2 - Side Yards -For conservial buildings, none roturned on interfor lots, except that where the lot abuts a lot in a residence zone there must be a side yard not less than the greater airlineau width required for a dwolling on the abuting lot and on corner lots the side yard on the atreet side shall be no? less than 10 feet in width.

All that percel of land in the Second District of Baltimore County

Being the property of C. E. Utermohle, S^{*} ., as shown on plat pian filed with the Zoning Department.

Hearing Sates Honday, herch 17, 1969 at 11:00 A.H. Public Hearing: Room, 108, Lounty Office Suilding, 111 W. Chesapeake Avenue, Touson, Hd.

BY ORDER OF JOHN G. ROSE SHING COMMISSIONER OF BALTSHORE COUNTY

NOTICE OF HEARING Re: Petition for Reclassification and Variance for C. E. Utermohle, Jr. (Continued Harfing)

DATE: Monday, April 21, 1969

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue,

TOWSON MARYLAND

W. Lee Harrison, Usq. 306 W. Joppa Roud Towson, Md. 21204

ZONING COMMISSIONER OF BALTIMORE COUNTY

March 31, 1969

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO. Mr. Join G. Rose, Zoning Commissioner Date opril 11, 1969

FROM George E. Gavrells, Director of Planning

SUBJECT Polytics (7.01 No. PA. (C. callinged Hearing) - Northeast corner of Liberty and Trainer Record. Falling for Records the required 12 feet.

C. E. Ulermohle, Jr. - Petitioner

2nd District

HEARING: Monday, April 21, 1969 (10:00 A.M.)

We have been informed by the Zoning Administration Division that no change has been made in the subject petition since it was last submitted to us. Therefore, our examents of March 7, 1569 still stand.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Scse, Zoning Commissioner Date Merch 7, 1969

HEARING: Monday, March 17, 1969 (11:00 A.M.)

SUBJECT Polition #39-190-RA. Reclassification from R-6 to E.L. Variance to permit a zero foor side year finited of the required 12 feet. Northeast corner of Liberty and Florida Roads. C.E. Utermohle, Jr., Petitioner.

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

The staff commented on this property previously in connection with Petitians Not. 69-77RA and 69-147-KA. We reaffirm the comments mode previously in connection with those petitions as they pertain to the inappropriateness of commercial soning here. We point out again that residential zoning exists on 3 sides of the subject property. Creation of commercial soning here would result in land use potentials which are not consistent or in harmony with those of adjoining properties.

FROM George E. Gayrelis, Director of Planning

2nd District

GEG:cm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. John G. Ross, Zoning Commissioner Date April 11, 1969 FROM .. George E. Gavreits, Director of Planning

SUBJECT Petition f.p. 100. By (Continued Hearing) - Northwest comes, of Liberty and Farther town. In the property of the ry Petition for Versions to parall a side yard as back of Zero fee' (raised of C. E. Utermohle, Jr. - Petitioner

HEARING: Monday, April 21, 1969 (10:00 A.M.)

We have been informed by the Zoning Administration Division that no charge has been made in the adject patition since !! was lot submitted to us. Therefore, our comments of March 7, 1969 still store.

GEG:cm

March 13, 1969

Re: Petition forReclassification and Variance for C. E. Utermohle, Jr. #59-190-RA

This is to advise you that \$54.26 is due for advertising and positing of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson, Room 119, County Office Building, before the hearing.

Vev truly yours.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

March 7, 1969

COUNTY CAPICE THE 111 W. CHESAPEARE TOWSON, MS. 51804

GEORGE E GAVREL

W. Lee Herrison, Esq. 306 W. Joppa Road Towson, Md. 21204

JOHN G. ROSS

Dear Sire

IGR/ba

The enclosed memorandum is sent to you in compliance with Section 23-22 of the 1961 Supplement of the Baltimore County Code.

Any questions of correspondence in regard to the enclosed subject matter must be directed to the Director of Planning and Zoning (or his Deputy) and NOT to the Zoning Commissioner.

If you desire to have a member of the Planning Staff testify, it will be necessary for you to summons him through the Sheriff's Office.

JOHN G. ROSE ZONING COMMISSIONER GEGA

W. Less Har ison, Esq. 306 W. Joppa Road Towson, Md. 21204

NOTICE OF HEARING

Res Petition for Reclassification and Variance for C. E.

TIME: 11:00 A-H-

DATE: Monday, March 17, 1969

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue,

TOWSON, MARYLAND

ZONING COMMISSIONER OF BALTIMORE COUNTY

INTER-OFFICE CORNESPONDENCE

JOHN G. ROSE TO Zowing Commissioner

Date. February 27, 1969

FROM PROJECT PLANNING DIVISION

SUBJECT. Zoning Advisory Agenda 1tem #177

February 19, 1969 C. E. Utermohle, Jr. N/E cor. Liberty Rd. & Florida Ave.

The revised plan for the subject property has been reviewed and there are no site problems involved.

MINERU OF ENDINEERING

Zoning Plat - Commont

117. Property Namer: C. E. Stermoble Location: M/E for, Mberry Ed. and Florida Ed.

District: 2nd District: 2nd
Prozent Zoning: R-6
Proposed Zoning: HL
Wo. Acres: 0.45 *

No changes are required from the engineering communic furnished for this recently as originally processed for review December 10, 1968. They are as follows:

Hehraya

Minutes.

About to this site is from Minuty Read and Florida Read.

Minuty Boad has recently been improved and State Read Considerion requirements apply concurring the proposed extremes. Florida Read has only a 10 right-o-lawy and terminates on the north at an experted spartness attaches an additional 10 videnting must be provided along the frontene of this site occasion 10 videnting must be provided along the frontened ends the control to 10 vigetin-from by taking 10 from the noticent ends the control and patter, proving withing and addensities placed in the willington location for a 10 purple, scatter on a 50 viget-o-lawy must be constructed with the improvement of this site.

Entors

6° unter exists in Florida Read and 12° water exists on the north side of Miberty Read. A service connection may be applied for from either main.

Senitery Source

8" senitary sower exists in both Florida head and Miberty Road.

Storn Brains:

No storm drain problems are evident. The property fells generally easterly and toward Liberty Road. State Road Commission requirements must be not regarding drainage into Liberty Road.

The Preloger must provide necessary draining facilities (superary or otherwise) to prevent creating any missions or changes to adjacent proporties, expecially by the consumeration of curries unders. Correction of any problem tich may would, due to incompare greating or making change facilities, would be the fall proposal builty of the Peruloger.

A grading permit may be required for this site.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Ar. John Hoss Attention: Mr. C. S. Agers

Date February 5, 1969

FROM John France SUBJECT 177 - G. S. Uterhole

No comme to from Buildings Engineer's Office.

JF:gfc

BALTIMORI COUNTY BOARD OF EDUCATION

Z G ADVISORY CONTITUE MEETING OF Fee 4, 1969

Petitioner: CE. Urcanonce

Location: WE COR LIBERTY RO

District: 2

Present Zoning: RC

Proposed Zoning: Bc No. of Acres: 0.45

Comments: MERCAGE TO SMILL TO HAVE AN EFFECT ON SCHOOL POPULATION

The subject property has been reviewed several times in the past. Since the petitioner is no longer asking for a parking variance and the number of spaces shown are greater than "sources required, the proposed use should create no major traffic problem.

INTER-OFFICE CORRESPONDENCE

BUFEAU OF TRAFFIC ENGINEERING Baltimore County, Margland

Towson, Maryland 2120

Daty February 4, 1969

CRM; nr

Mr. John G. Rose Attn: Oliver L. Myers

SUBJECT: Item 177 - ZAC - February 4, 1969 Propert, Owner: C.E. Utermohle Liberty Road & Florida Road R-6 to BL

C. Richard Moore

FROM

CERTIFICATE OF COLUTION

Tourne, Maryland
District 2 3-d posted for Responding two of Persons
Petitioner: C.E. Ofer nochle - II. Location of property: MEDICA: S. L.
Location at Signa 56 May Labor Was 1 May 1
Remarks

DOLLENBERG BROTHERS Repaired Professional Engineers & Land Surveyors ----TOWEON, MD 21204

#69-190 RA

July 16, 1968

Description to accompany Zoning Petition on property of Charles Edward Utermohle, Jr. and wife.

All that piece or parcel of land situate. Lying and being in the Second Election District of Reltimore County, State of Maryland and described as follows o wit:

Beginning for the same at the corner formed by the intersection of the mortheast side of liberty Road wish the coutheast side of Florida Road and rymning thence and binding on pin orntheast side of fliberty Road South 55 degrees of samtes want 62 feet, thence leading said Liberty Road and 55 degrees of samtes want 62 feet in the same of the

Containing 0.45 of an Acre of lend more or less.

Being the property of Charles Sdward Mtermohle, Jr. and wife as shown on the plat plan filed with the Bontag Department.

2 signs

Y for protestants

Sept. 15, 1969

No. 69-190-RA -- C. E. Witz Uterrachie, Jr.

Comments of the Advisory Zoning Committee Comments of Office of Planning dated 3/7/69

List of soning changes is vicinity of 8023 Liberty Road

Certificate of porting

Order of appeal Plat filed with petition

W. Lee Harrison, Esq., 30% W. Joppa Road Towson, Md. 21204

Harry S. Swartswelder, Jr., Eq., 341 St. Paul Place, Baltimore, Md. 21202

Petition, description of property. Order of Dep. Zon. Commissioner

" 4/11/69

.......

CIStow

GEORGE E GAYNE

W. Lee Harrison, Esq., 306 W. Joppe Road Baltimore, Naryland 21204

RE: Typo of Mearing: Reclassification from an R-6 zone to a 3L zone Leation: NE Cor. Liberty Rd. & Florida Avenue 2nd District Pattioner: C. E. Uternohle, Jr. Committee Keeting of Feb. 4th, 159 Item 172

February 19, 1969

The Zening Advisory Committee has reviewed the pions submitted with the above referenced potition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

are a result of this review and (Inspection,

Subject property was recently filled for zening under
Case Ro. 65-187-RR. It was subsequently withdrawn and an
Order of Dismissal was efficien. This pecify in the coninterpretation of the control of the control of the control
is bounded on the north, east and west by residential heads
in residential zening. Property on the west fronting on
Liberty, Read between Flareth Avenue and Remore Read was
also recently filled but his been withdrawn and his not been
subcited as of this date. Flarica Avenue is a arrow
macechan road with no curb and gutter approximately 15 or
machine and the control of the control of the control
according to the control of the control of the control
dealling in fair condition, in which reading permits have
been issued for their destruction. Topography is level.
Liberty, Road has recently been widened in this area and
improved with curb and gutter along the frontage of the site.

BUREAU OF ENGINEERING:

Highways: Access to this site is from Liberty Road and Florida Road. Liberty Road has recently been improved and State Roads Commission requirements apply concerning the proposed entrance. Florida Road has only a 20 ir right-of-may and terminates

MICROFILMED

W. Lee Harrison, Esq., . 305 W. Jeppa Road Baltimore, Maryland 21206 RE: Item 177

February 18, 1969

BUREAU OF ENGINEERING: (continued)

on the north at an improved apartment site. An additional 10* widening must be provided along the frontage of this site to create a 40° right-of-ray by taking 10° from the northwest sice aito. Curb and gutter, paving widening and sidenalise, placed in the ultimate location for a 30° paving section on a 40° right-of-way must be constructed with the lapprovement of this site.

Mater: 6" water exists in Florida Road and 12" water exists on the morth side of Liberty Road. A service connection may be applied for from either main.

Sanitary Sewer: 8" sanitary sewer exists in both Florida Read and Liberty Road.

Storm Drain: No storm drain problems are evident. The property falls generally easterly and toward Liberty Road. State Roads Commission requirements must be met regarding drainage into Liberty Road.

The Dovelop: must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nufsances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to impropar grading or other drainage facilities, would be the full responsibility of the Developer.

Grading: A grading permit may be required for this site.

PROJECT PLANNIES DIVISION
This plan has been reviewed and the parking arrangement is inadequate by dimension. Thirty-sight 1939 feet total length is not enough to moneure vehicle in and out of a space eight and one-half feet vide and by the access to the rearmost seven spaces where clight (8) foot strip requires severe turns tight against the entrance way.

BUREAU OF TRAFFIC ENCINEERING: The subject property has been reviewed several times in the past. Since the patitioner is no longer asking for a parking variance and the number of appaces shoun are greater than the spaces required, the proposed use should create no major traffic problem.

BOARD OF EDUCATION: Acresce too small to have an affect on school population.

BUILDING ENGINEER'S OFFICE: This office has no comments.

FIRE DEPARTMENT:

Owner shall be required to meet all fire Department requirements when construction plans are submitted for approval.

TELEPHONE 823-3000 EXT. 387 BALT AORE COUNTY, MARY AND No. 65669 OFFICE OF FINANCE Devision of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204 \$7.m

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS COURT HOUSE, TOWSON, HARVLAND 212:14

823-3000 EXT. 367	OFFICE OF FINANCE	te. 64703 - 9/10/60
Altroper vo	Marry S. Sunrumabler, Jr., Eq., Office of Final Id. S., Peel Pines, 100 Compty Off Townson, Md. 2002 Townson, Md. 2002	11304 170 'AL ANOUN
овынич	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR REN	
	Cost of appeal - Proposty of C. E. Varmable, Sr.	\$70.00
7000		
	MICROFILMED	

EXT. 567	BAL' P	PRE COUNTY, MAF 1 11 FICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWNON, MARYLAND 21204	ND 60855
TO: M	Lan Herrison, Sug. Non Seed M. 21204	Zerfag Days	of Initiare County
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to mine	Potition for declaratific #50-190-84		MINISTRATION AND STREET
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a .		MICROFILMI	D C
	4		

Las Merica, Con.		
bluisers, feryland	BALTIMORE COUNTY OFFICE OF PLANNING A	NID ZONING
	County Office Building 111 W. Chesaperke Avenue Towson, Maryland 21204	
	Your Petition has been received and	accepted for filing this
	day of habourg	OHN G. ROSE, Coning Commissioner
Petitioner's Attorne		Niver of Mysel

M. Lee Harrison, Esq., . 306 M. Jeppe Road Baltimora, Maryland 21206 RE: Item 177

Enhance 18, 1969

HEALTH DEPARTMENT:

Air Pollution Comments: The building or building on this site may be subject to registration and compliance with the Rizyland State Wealth Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltionar County Opportunent of Health.

STATE ROADS CONNISSION:

There must be a minimum of 10 ft. from the P.C. of the radius return into Florida Road to the beginning of the degression transition of the entrance on Liborty Road. This distance scales 7 on the plan. The width of the transitions at the curb line day be reduced to 2 ft.

The frontage on Liberty Road must be curbed with combination curb and

The dimension of the radius at the corner must be indicated.

The entrance on Liberty Road will be subject to State Roads Commission approval and permit.

ZONING ADMINISTRATION DIVISION:

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 says after the date on the filing certificate, will be formatched to you in the near future.

DLIVER L. MYERS, Chairman

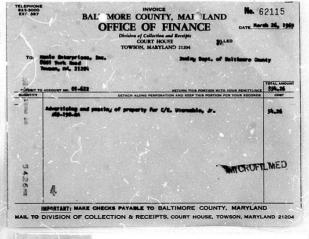
CERTIFICATE OF PUBLICATION

Pikesville, Hd. Feb. 27 . 19 69

THIS IS TO CERTIFY, that the annexed advertisemost one sublished to THE MODTHUEST STAP . the first publication appearing on the 27th day of February , 19 69.

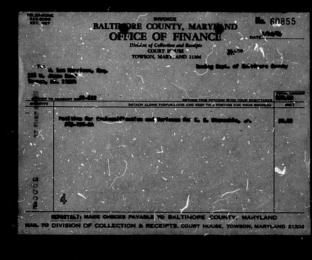
THE NORTHWEST STAR

Cost of Advertisement &



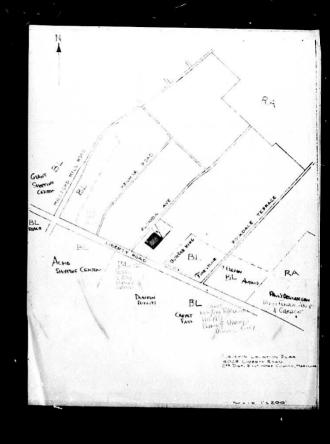
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LEGALS	CERTIFICATE OF PUBLICATION
RECLASSIFICATION AND VARIANCE 2 of DISTRICT	
ZOMING: From R-6 to B.L. Zone- Potrice for Verlaces for a Side Yard LOCATION: Northeast sormer of	Pikesville, Md. Feb. 27 , 19
ZOMING 2nd DISTRICT ZOMING THE RES OF BL. Zeng- LOCATION - Marchant rever a LOCATION - Marchant rever a ATT of TIME (MIDDLY MARCH 17. of 11.00 Aut. 18. of 10.00 Aut. 18. of 10.00 Aut. 18. of 10.00 Aut. 18. of 10.00 Aut. 2. of	THIS IS TO CERTIFY, that the annexed advertise-
namels Avenue, Towen, Maryland, The Zening Commissioner of Balti- mer County, by contactly of the	ment was published in THE NORTHWEST STAR, a
Zoning Act and Regulations of Bol- timore County, will hold a public haging:	weekly newspaper priried and published in Fikes-
The state of the s	ville, Baltimore County, Maryland, once in each
County to permit a Zero Foot Life Ford not back instead of the required 12 feet.	of one time before the 17th
The Zening Regulation to be ex- cepted as follows: Section 232-2 - Side Yards - For	day of Harch , 19 69
an interior lets, except that where the let abuts a let in a residence	the first publication appearing on the 27th
iess than the greater minimum width required for a dwalling on the abut- ing let and an corner lets the side	day of, 19_59.
the control of the co	THE NORTHWEST STAR
Beginning for the same at the corner formed by the intersection of the northeast side of Liberty Read	THE NORTHWEST STAR
with the southeast side of Florida Road and running thance and binding on the northeast side of Liberty	Genety Landan
East 82 feet, thence leaving said Liberty Reed and running the two	Hanager Armord Language
vis: North 49 degrees 02 minutes East 236 feet and North 66 degrees 33 minutes West 82 feet to a point	Cost of Advertisement, \$
on the coutheast side of Florida Road and thence binding on the southeast lide of Florida Road,	
250 feet to the place of beginning. Containing 0.45 of an Acre of	
Being the property of C.E. Uter- nable, Jr., on them on plot plan lied with the Zening Department, Housing Date: Manday, North 17, 199 of 11 Of Adv.	
1969 of 11:00 A.M. Public Hearing: Room, 106, County Office Building, 111 W. Changes do	
1999 et 11 00 Aug. Public Hearing: Room, 106, County Office Building, 111 W. Chasapanke Avenue, Taston, MA. BY ORDER OF JOHN G. ROSE ZONING COMMISSIONER OF	
BALTIMORE COUNTY	

	CERTIFICATE OF PUBLICATION	7
Lagus	CERTIFICATE OF PUBLICATION	J.
PETITION FOR		
PLOCASSPICATION AND VARIANCE Zold District Zoneliss. From R-6 to B.L. Zone. Festives by Variance by a Side York Festives by Variance by a Side York Festives by Variance by a Side York Festives by Variance by Career of	Pikesville, Hd	
Liberty and Fryid, Foods. DATE & TIME HOMDAY, MARCH	THIS IS TO CERTIFY, that the annexed advert	isc-
17. 1946 of 11.00 American Ida Course by Office Brilding, 111 K. Chengale Arabas, Terrain largerised.	ment was published in THE NORTHWEST STAR, a	•
care County, by eatherity of the Zuning Act and Regulations of Bol-	weekly newspaper printed and published in P.	ikes-
Pasters Zoning: R-d Pasters Zoning: R-d Pasters Zoning: R-L. Pasters for Versions hum the	ville, Baltimore County, Maryland, once in	each
Earing Regulations of Bulliners County to permit a Zero Foot	of one time before the17th	
the required 12 feet. The Zaniny Reget on to be on-	day of March , 19	60
Section 236.2 - Side Yards - For	27 27	th .
on letterier lett, extent that where the let abute a let in a residente	the first publication appearing on the 27	
spec there must be a side you width increase for a dwelling on the abusing in the abusing lat and on exempt lat the side	day of	6
less than 10 feet in width.	THE NORTHWEST STAR	
District of Baltimera County Beginning for the same of the		
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Road, South 3d deprets to my naid East \$2 loar, thosen leaving hard	Hanager Artiste Lan	
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Rood and thence binding on the	at the second second second	
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land many or host.		
makin, Jr., on shown on plot plots filed with the Zening Dog over at.		
1900 of 11:00 A.M.		
Office Building, 111 W. Chesapooks		
BY ORDER OF JOHN G. ROSE		
ZOMING COMMISSIONER OF BALTIMORE COUNTY		
THE WAS TRANSPORTED TO THE		
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LEGALS	CERTIFICATE OF PUBLICATION	
PETITION FOR	4	
RECLASSIFICATION AND VARIANCE	Feb. 27	69
CONING: From R-6 to B.L. Zone.	Pikesville, Md. Feb. 27	_, 19_69
LOCATION: Northwest corner of Liberty and Florids Reads.		
17, 1969 of 11 00 A.M.	THIS IS TO CEPTIFY, that the annexed adver	tise-
ty Office Building, 111 W. Ches-	ment was published in THE MORTHWEST STAR.	
	man and boostones in the morning of their	



ORE COUNTY OFFICE OF PLANNING AND COMING County Office Building 111 M. Chesapekke Avenue Towson, Maryland 21204

Your Petition has been received and accepted for filing this



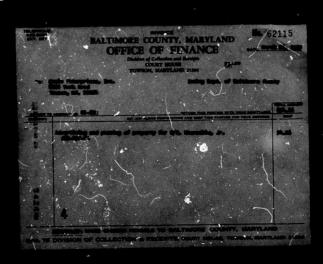
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Managar Priorid	STAR	
	Land	au_
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 weekly newspaper printed and published in Pikes

 ville, Baltimore County, Maryland, once in each

 of --- one time before the day of ____ March ___ , 19 69

 the first publication appearing on the ____ 27th



The series	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCA Diction of Collection of Records OCULT HALE TOWNON, MARYLAND 21204
To.	M. D. Pour Process. D. Pour Process. State of the Control of the
	Consideration - Property of C. S. Promotion St. (19-190 - R
70,00=	4
	MPORTANT MAKE CHECKS VAYABLE TO BALTIMORE COUNTY, MARYLAND



