

PETITION FOR ZONING RE-CLASSIFICATION AND VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, C. E. Utermohle, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an B-1 zone; for the following reasons:

Need in area for stores due to change in the neighborhood.

See attached description.

and for variance under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property to permit zero (0) foot side yard set back in lieu of the twelve (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 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.

MEMORANDUM FOR THE ZONING COMMISSIONER
BY C. E. Utermohle, Jr.
Contract Purchaser
Address: 3001 York Road
Baltimore, Maryland 21204

BY C. E. Utermohle, Jr.
Legal Owner
Address: 312 Morris Road
Baltimore, Maryland 21093

ORDERED By The Zoning Commissioner of Baltimore County, this 17th 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 March, 1969, at 11:00 o'clock A.M.

W. Lee Harrison
Zoning Commissioner of Baltimore County.
(over)
MICROFILMED
11:00 A
3/17/69
4-20

PETITION TO ACCOMPANY
ORDER FOR APPEAL
For Variance from Section 232.2
of the Baltimore County Zoning
Regulations.
NE corner of Liberty Road and
Florida Road, 2nd District,
C. E. Utermohle, Jr., Petitioner,
Contract Purchaser
MISCELLANEOUS

PETITION TO ACCOMPANY ORDER FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

C. E. Utermohle, Jr., Petitioner and Menlo Enterprises, Inc.
by W. Lee Harrison, their attorney, pursuant to Chapter 1100, subtitle
B of the Maryland Rules of Procedure, respectfully represents unto
your honor:

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 of Baltimore County in case no. 69-190-RA dated the eleventh day of June, 1970, which denied the granting of a variance from section 232.2 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 denying the requested variance from section 232.2 of the Baltimore County Zoning Regulations as aforesaid in that:

- The order was arbitrarily illegal and capricious
- The order of the Board is contrary to the evidence and weight of evidence
- The Board has substantial evidence before it from which it should have found that strict compliance with the aforesaid section 232.2 of the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship upon the petitioners.

EX PARTE IN THE MATTER OF
THE PETITION FOR RECLASSIFICATION : FOR BALTIMORE COUNTY
AND VARIANCE OF : AT LAW
C. E. UTERMÖHLE, JR. : Misc. Case No. 69-190-RX

OPINION

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-1, 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 appeals 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 alleged hardship was solely economic. A review of the transcript of testimony and of the exhibits in the case demonstrates that Petitioner contemplates the acquisition on the southeasterly 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 a fallen property which adjoins on the southeast. If the fallen property is acquired, such extension can be accomplished by extending the building to be erected thereon so that it lines in with the property to be erected on the subject property.

The testimony of Mr. Soley on the hardship question is

3. That the County Board of Appeals committed such other and further errors as will be presented to the Honorable Court at the oral hearing hereon.

WHEREFORE, the appellant, (Petitioner) prays that this Honorable Court reverse that portion of the order of the County Board of Appeals of Baltimore County which denied the granting of a variance from section 232.2 of the Baltimore County zoning Regulations to permit a zero foot setback instead of the required 12 foot setback.

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

I HEREBY CERTIFY THAT on this 10th day of July, 1970 that a copy of the foregoing Petition was mailed to Harry S. Swartzwelder, Jr., Esq., 341 St. Paul Place, Baltimore, Maryland 21202 and to the County Board of Appeals, County Office Building, Towson, Maryland 21204.

W. Lee Harrison

inconclusive.

On cross examination, Mr. Kinsu's testimony on hardship was completely negated by this question and answer:

"Q 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."

Also, Mr. Soley in response to a question on cross examination at page 27 of the transcript by a Board member, testified that he would want the variance even if Baltimore County were 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 economic that there is no hardship in fact, and that the variance should be denied.

I'll sign an order denying the variance.

JUDGE

November 17, 1970.

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW
341 ST. PAUL PLACE
BALTIMORE, MARYLAND 21204
727-4888

September 4, 1969

28 COUNTLAND WOOD
861 AVE. SW. 21014
333-5543

2700 WILSON AVENUE
BALTIMORE, MD. 21207
7-2888

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

Dear Sir:

Please enter an appeal from the Order granting zoning the above case passed on August 14, 1969, on behalf of Jil Williams, protestant.

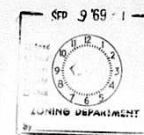
Very truly yours,

Harry S. Swartzwelder, Jr.
HARRY S. SWARTZWELDER, JR.

HSS/be

Enclosure

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



MICROFILMED

EX PARTE IN THE MATTER OF
PETITION FOR RECLASSIFICATION
FROM AN R-6 ZONE TO A B-1 ZONE AND
VARIANCE FROM SECTION 232.2 OF
THE BALTIMORE COUNTY ZONING
REGULATIONS.
NE corner Liberty Road and
Florida Road, 2nd District,
C. E. Utermohle, Jr., Petitioner,
Menlo Enterprises, Inc.,
Contract Purchaser

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
MISCELLANEOUS

ORDER FOR APPEAL

Mr. Clerk:

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 County denying the variance petitioned for.

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

I hereby certify that on this 10th day of July, 1970, copy of the foregoing Order for Appeal was sent to Harry S. Swartzwelder, Jr., Esq., 341 St. Paul Place, Baltimore, Maryland 21202 and to the County Board of Appeals, County Office Building, Towson, Maryland 21204.

W. Lee Harrison
W. Lee Harrison

DOLLENBERG BROTHERS
Registered Professional Engineers & Surveyors
708 WASHINGTON AVENUE AT YORK ROAD
TOWSON, MD. 21204

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 Baltimore County, State of Maryland and de-
scribed as follows to wit:

Beginning for the same at the corner formed by the intersection of the
northeast side of Liberty Road with the southeast side of Florida Road and
running thence and binding on the northeast side of Liberty Road, South
53 degrees 08 minutes East 82 feet, thence leaving said Liberty Road and
running the two following courses and distances: North 49 degrees
02 minutes East 230 feet and North 16 degrees 13 minutes East 58 feet to
a point on the southeast side of Florida Road and thence binding on the
southeast side of Florida Road, South 16 degrees 13 minutes East 250 feet
to the place of beginning.

Containing 0.45 of an Acre of land more or less.

Beings the property of Charles Edward Utermohle, Jr. and wife as shown
on the plat plan filed with the Zoning Department.

82 x 236

02-03-71

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of substantial changes 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 Zoning Regulations 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 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 14

day of August, 1969, that the herein described property or area should be and the same is hereby reclassified, from a R-6 zone to a B.L. zone, and the Variance to permit a zero foot side yard setback instead of the required twelve feet

granted, from and after the date of this order, subject to approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of June, 1970, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone, and/or the Special Exception for, be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

MICROFILMED

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

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

2nd District

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

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

- The staff commented on this property previously in connection with Petitions Nos. 69-778A and 69-147-RA. We reaffirm the comments made previously in connection with those petitions as they pertain 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 potentials which are not consistent or in harmony with those of adjoining properties.

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to a B.L. zone, and
VARIANCE from Section 232.2 of
the Baltimore County Zoning
Regulations
NE corner Liberty Road and
Florida Road,
2nd District
C. E. Utermohle, Jr.,
Petitioner
Manfo Enterprises, Inc.,
Contract Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 69-190-RA

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 Milford 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 northeast corner of Liberty and Florida Roads, just east of the shopping complex located 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 several 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 in 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 adjoined 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 joined on their northern boundary by a large garden type apartment complex. South of the subject, immediately across Liberty Road, is a newly developed Esso Car Care Center, which operates 24 hours a day.

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 available 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 zoning 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 cited. Each was a change from R-6 to B.L. classification, and each is in close proximity to the subject property. Without going into detail here, these changes may be examined in zoning case files #64-173, #63-165, #66-174, #65-381 and #69-111-R. Case #69-111-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 sole 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 commercial usages on Liberty Road, and to the possible detrimental effect some 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 for many years.

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

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

presented 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 hardship 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 foregoing Opinion, it is this day of June, 1970 by the County Board of Appeals, ORDERED 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

John A. Slawik, Acting Chairman

Walter A. Keller, Jr.

John A. Miller

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 11, 1969
FROM: George E. Gavrellis, Director of Planning

SUBJECT: Petition #69-190-RA (Continued Hearing) - Northeast corner of Liberty and Florida Roads. Petition for Reclassification from R-6 to B.L. Zone. Petition for Variance to permit a side yard setback of Zero feet instead of the required 12 feet. C. E. Utermohle, 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 comments of March 7, 1969 still stand.

GEC:cm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JOHN G. ROSE
TO: Zoning Commissioner Date: February 27, 1969

FROM: PROJECT PLANNING DIVISION

SUBJECT: Zoning Advisory Agenda Item #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.

RBW:vh

RICHARD B. WILLIAMS
Planner

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: SEPT. 27, 1969
Posted for: APPEAL
Petitioner: C. E. UTERMOTHE, JR.
Location of property: NE CORNER OF LIBERTY AND FLORIDA RD.
Location of Signs: @ 3011 LIBERTY RD. @ S/E COR. FLORIDA RD.
100 FT. E. OF LIBERTY RD.
Remarks:
Posted by: Charles M. Neal Date of return: SEPT. 3, 1969

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: 7-27-69
Posted for: RECLASSIFICATION & VARIANCE
Petitioner: C. E. UTERMOTHE, JR.
Location of property: NE COR. OF LIBERTY RD. & FLORIDA RD.
Location of Signs: @ 3011 NE of Liberty Rd. on S/E of Florida Ave.
@ 3011 S/E of Florida Ave. on NE of Liberty Rd.
Remarks:
Posted by: Michael Date of return: 3-6-69

GEC:cm

MICROFILMED

MICROFILMED

MICROFILMED

02-08-71

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, **W. Lee Harrison, Esq.**, 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 **R-6** zone to an **R-4** zone, for the following reasons:

Need in area for stores due to change in the neighborhood.

See attached description

and for variance under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property to permit **zero (0) foot side yard setback** in lieu of the twelve (12') feet required under Section 232-42

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 reclassification and/or Special Exception advertising, posting, etc., upon filing of the 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.

W. Lee Harrison, Esq.
306 West Joppa Road
Baltimore, Maryland 21204
Attorney
306 West Joppa Road
Baltimore, Maryland 21204

C. E. Utermohle, Jr.
Legal Owner
312 Maple Run Drive
Baltimore, Maryland 21093
Protestant's Attorney
Harry S. Swartzwelder, Jr.
306 West Joppa Road
Baltimore, Maryland 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this **14th** 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 **March**, 1969, at 11:00 o'clock A.M.

W. Lee Harrison, Esq.
Zoning Commissioner of Baltimore County.

(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of substantial 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 Zoning Regulations 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, a Special Exception is hereby granted to permit a zero foot side yard setback instead of the required twelve feet

IT IS ORDERED by the Zoning Commissioner of Baltimore County this **14** day of **August**, 1969, that the herein described property or area should be and the same is hereby reclassified from a **R-6** zone to a **R-4** zone and a Variance to permit a zero foot side yard setback instead of the required twelve feet should be and the same is granted, from and after the date of this order, subject to approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning. **EDWARD D. HARDESTY** DEPUTY 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

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this **14th** day of **February**, 1969, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a **R-6** zone; and/or the Special Exception for **zero** be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

MICROFILMED

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW
341 ST. PAUL PLACE
BALTIMORE, MARYLAND 21202
727-4229

September 4, 1969

3750 WILSON AVENUE
BALTIMORE, MD. 21207
481-6397

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

Dear Sir:

Please enter an appeal from the Order granting zoning the above case passed on August 14, 1969, on behalf of Jil Williams, protestant.

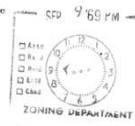
Very truly yours,

Harry S. Swartzwelder, Jr.
HARRY S. SWARTZWELDER, JR.

HSS/bb

Enclosure

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



August 14, 1969

W. Lee Harrison, Esquire
306 West Joppa Road
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

Dear Mr. Harrison:

I have this date passed my Order granting the above Reclassification from a R-6 zone to a R-4 zone and a Variance to permit a zero foot side yard setback instead of the required twelve feet, subject to approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

Very truly yours,

Edward D. Hardesty
EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH/vl

Enclosures

cc: Harry S. Swartzwelder, Jr., Esquire
341 St. Paul Place
Baltimore, Maryland 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

February 19, 1969

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

RE: Type of Hearings: Reclassification from an R-6 zone to a R-4 zone. Location: NE Cor. Liberty Rd. & 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.

Subject property was recently filed for zoning under Case No. 69-140-RA. It was subsequently withdrawn and an Order of Dismissal was written. This petition represents a new petition with a different site plan. The property is bounded on the north, east and west by residential homes in residential zoning. Property on the west fronting on Liberty Road between Florida Avenue and Kenmore Road was also recently filed but has been withdrawn and has not been submitted as of this date. Florida Avenue is a narrow macadam road with no curb and gutter approximately 15 or 16 ft. wide. It is improved with a large two-story, single dwelling in fair condition, in which zoning permits have been issued for their destruction. Topography is level. 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' right-of-way and terminates

- Page 2 -

W. Lee Harrison, Esq.
306 W. Joppa Road
Baltimore, Maryland 21204
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-way by taking 10' from the northeast side also. Curb and gutter, paving widening and sidewalks placed in the ultimate location for a 30' paving section on a 40' right-of-way must be constructed with the improvement of this site.

Waters: 6" water exfiltrates 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 Developer 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 Developer.

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

PROJECT PLANNING DIVISION:

This plan has been reviewed and the parking arrangement is inadequate by dimension. Thirty-eight (38) feet total length is not enough to maneuver a vehicle in and out of a space eight and one-half feet wide and by the access to the rear most seven spaces where eight (8) foot strip requires severe turns tight against the entrance way.

BUREAU OF TRAFFIC ENGINEERING:

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 the spaces required, the proposed use should create no major traffic problem.

BOARD OF EDUCATION:

Acres too small to have an effect 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.

- Page 2 -

W. Lee Harrison, Esq.
306 W. Joppa Road
Baltimore, Maryland 21206
RE: Item 177

February 18, 1969

HEALTH DEPARTMENT:

Public water and sewers are available to the site.

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

STATE ROADS COMMISSION:

This office has reviewed the subject plot plan and the following comments are with respect thereto:

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 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 curb and gutter.

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 30 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

OLM:JD
Enc.



STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PRENTON STREET
BALTIMORE, MD. 21201

February 6, 1969

Mr. John G. Rose, Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: Mr. Oliver L. Myers

Re: Zoning Advisory Comm. Meeting Feb. 4, 1969
Owners: C. E. Utermohle
Location: NE Cor. Liberty Road & Florida Road - Route 26
Present Zoning: R-6
Proposed Zoning: R-4

Dear Mr. Rose:

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 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 curb and gutter.

The dimension of the radius 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
Charles Lee, Chief
Development Engineer
Section
John E. Myers
Asst. Development Engineer

CLJ:JEN:sk

PETITION FOR RECLASSIFICATION AND VARIANCE

2nd District

TO: From R-6 to B.L. Zone.
Petition for Variance for a side yard.
LOCATION: Northeast corner of Liberty and Florida Roads.
DATE & TIME: MONDAY, MARCH 17, 1969 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: R-6
Proposed Zoning: B.L.
Petition for Variance from the Zoning Regulations of Baltimore County to permit a Zero Foot Side Yard set back instead of the required 12 feet.

The Zoning Regulation to be excepted as follows:

Section 232.2 - Side Yards - For commercial buildings, none required on interior lots, except that where the lot abuts a lot in a residence zone there must be a side yard not less than the greater minimum width required for a dwelling on the abutting lot and on corner lots the side yard on the street side shall be no less than 10 feet in width.

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

Being the property of C. E. Utermohle, Jr., as shown on plat plan filed with the Zoning Department.

Hearing Date: Monday, March 17, 1969 at 11:00 A.M.
Public Hearing: Room, 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER OF
BALTIMORE COUNTY

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

NOTICE OF HEARING

Re: Petition for Reclassification and Variance for
C. E. Utermohle, Jr. (Continued Hearing)

TIME: 10:00 A.M.
DATE: Monday, April 21, 1969
PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue,
TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 11, 1969
FROM: George E. Gavett, Director of Planning
SUBJECT: Petition #69-190-BA (Continued Hearing) - Northeast corner of Liberty and Florida Roads. Petition for Reclassification from R-6 to B.L. Zone. Petition for Variance to permit a side yard setback of Zero feet instead of the required 12 feet. C. E. Utermohle, 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 comments of March 7, 1969 still stand.

GEG:cm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 11, 1969
FROM: George E. Gavett, Director of Planning
SUBJECT: Petition #69-190-BA (Continued Hearing) - Northeast corner of Liberty and Florida Roads. Petition for Reclassification from R-6 to B.L. Zone. Petition for Variance to permit a side yard setback of Zero feet instead of the required 12 feet. C. E. Utermohle, 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 comments of March 7, 1969 still stand.

GEG:cm

March 13, 1969

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

Re: Petition for Reclassification and
Variance for C. E. Utermohle, Jr.
#69-190-BA

Dear Sir:

This is to advise you that \$54.26 is due for advertising and posting 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.

Very truly yours,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/ba

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

March 7, 1969

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
1A, 2ND FLOOR

GEORGE E. GAVETT
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

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

Dear Sir:

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.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/ba
Encl:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: March 7, 1969
FROM: George E. Gavett, Director of Planning
SUBJECT: Petition #69-190-BA. Reclassification from R-6 to B.L. Variance to permit a zero foot side yard instead of the required 12 feet. Northeast corner of Liberty and Florida Roads. C. E. Utermohle, Jr., Petitioner.
2nd District
HEARING: Monday, March 17, 1969 (11:00 A.M.)

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

1. The staff commented on this property previously in connection with Petitions Nos. 69-778A and 69-147-BA. We reaffirm the comments made previously in connection with those petitions as they pertain 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 potentials which are not consistent or in harmony with those of adjoining properties.

GEG:bms

February 28, 1969

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

NOTICE OF HEARING

Re: Petition for Reclassification and Variance for C. E. Utermohle, Jr.
#69-190-BA

TIME: 11:00 A.M.
DATE: Monday, March 17, 1969
PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue,
TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JOHN G. ROSE
TO: Zoning Commissioner Date: February 27, 1969
FROM: PROJECT PLANNING DIVISION
SUBJECT: Zoning Advisory Agenda Item #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.

RBW:vh

RICHARD B. WILLIAMS
Planner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. John Rose
TO: Zoning Commissioner Date: February 27, 1969
FROM: John France
SUBJECT: 177 - C. E. Utermohle

No change to from Buildings Engineer's office.

JF:ef

John France
John France
Buildings Inspector

BALTIMORE COUNTY BOARD OF EDUCATION

ZONING ADVISORY COMMITTEE MEETING
OF Feb 4, 1969

Petitioner: C. E. Utermohle
Location: N/E cor. Liberty Rd.
District: 2
Present Zoning: R-6
Proposed Zoning: B-1
No. of Acres: 0.45

Comments: AIRSPACE TO BE USED TO HAVE AN EFFECT ON
SCHOOL POPULATION

INTER-OFFICE CORRESPONDENCE
BUREAU OF TRAFFIC ENGINEERING
Baltimore County, Maryland
Towson, Maryland 21204

Mr. John G. Rose
TO: Attn: Oliver L. Myers
FROM: C. Richard Moore
SUBJECT: Item 177 - ZAC - February 4, 1969
Property, Owner: C. E. Utermohle
Liberty Road & Florida Road
R-6 to BL

Date: February 4, 1969

Since 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 those required, the proposed use should create no major traffic problem.

C. Richard Moore
C. Richard Moore
Engineer II

CRM:mr

BUREAU OF ENGINEERING
Zoning Plat - Comment

177. Property Owner: C. E. Utermohle
Location: N/E cor. Liberty Rd. and Florida Rd.
District: 2nd
Present Zoning: R-6
Proposed Zoning: BL
No. Acres: 0.45

No changes are required from the engineering comments furnished for this rezoning as originally presented for review December 10, 1968. They are as follows:

Highways

Access to this site is from Liberty Road and Florida Road. Liberty Road has recently been improved and State Road Commission requires made sure concerning the proposed entrance. Florida Road has only a 20' right-of-way and terminates on the north at an improved apartment site. An additional 10' widening must be provided along the frontage of this site to create a 30' right-of-way by taking 10' from the north side also. Curb and gutter, paving widening and sidewalks placed in the ultimate location for a 20' paving section on a 50' right-of-way must be constructed with the improvement of this site.

Water

6" water 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 Drainage

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

The Developer must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damage 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 Developer.

Grading

A grading permit may be required for this site.

CIS:ew

Sept. 15, 1969

No. 69-190-BA -- C. E. Utermohle, Jr.

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

Certificate of zoning

Certificate of advertisement

Comments of the Advisory Zoning Committee

Comments of Office of Planning dated 3/7/69

" " " " " 4/11/69 2 signs

List of zoning changes in vicinity of 8028 Liberty Road

Order of appeal

Plat filed with petition

W. Lee Harrison, Esq.,
304 W. Joppa Road
Towson, Md. 21204

Counsel for petitioner

Harry S. Schwartz, Jr., Esq.,
341 St. Paul Place,
Baltimore, Md. 21202

for protestants

COLLEENBERG BROTHERS
Registered Professional Engineers & Land Surveyors
108 WASHINGTON AVENUE AT YORK ROAD
TOWSON, MD. 21204

July 16, 1968

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

All that piece or parcel of land situated, lying and being in the
Second Election District of Baltimore County, State of Maryland and de-
scribed as follows to wit:

Beginning for the same at the corner formed by the intersection of the
northeast side of Liberty Road with the southeast side of Florida Road and
running thence and binding on the northeast side of Liberty Road, South
58 degrees 08 minutes East 62 feet, thence leaving said Liberty Road and
running the two following courses and distances: viz: North 49 degrees
02 minutes East 230 feet and North 40 degrees 11 minutes East 62 feet to
a point on the southeast side of Florida Road and thence binding on the
southeast side of Florida Road, South 48 degrees 43 minutes East 250 feet
to the place of beginning.

Containing 0.45 of an acre of land more or less.

Being the property of Charles Edward Utermohle, Jr. and wife as shown
on the plat plan filed with the Zoning Department.

CERTIFICATE OF PETITION
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Petition: 7-27-68
Posted for: 2 weeks
Petitioner: C. E. Utermohle, Jr.
Location of property: NE cor. of Liberty Rd. & Florida Ave.
Location of Sign: 304 W. Joppa Rd. & 341 St. Paul Pl.
Remarks: 304 W. Joppa Rd. & 341 St. Paul Pl.
Posted by: [Signature] Date of return: 8-2-68

CERTIFICATE OF PUBLICATION

Pikeville, Md. Feb. 27, 19 69

THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper printed and published in Pikeville, Baltimore County, Maryland, once in each of one time before the 17th day of March, 19 69, the first publication appearing on the 27th day of February, 19 69.

THE NORTHWEST STAR

Arnold Landon
Manager

Cost of Advertisement, \$

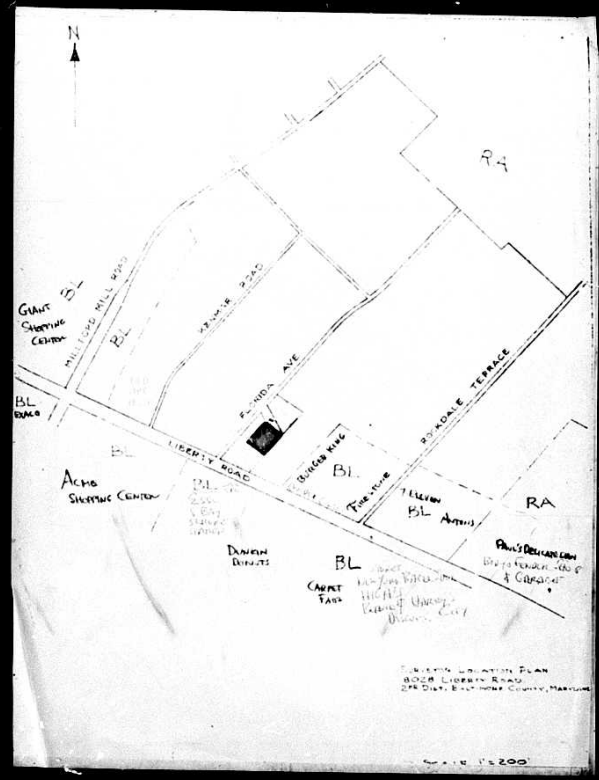
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this day of February, 1969.

John G. Rose
Zoning Commissioner

Petitioner's Atty. may be heard before the Board of Zoning Appeals.



BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

INVOICE No. 60855 DATE: 2/27/69

To: *G. E. Harrison, Esq.*
255 N. Jones Road
Baltimore, Md. 21205

Being Dept. of Baltimore County

ACCOUNT TO DEBIT	AMOUNT	ACCOUNT TO CREDIT	AMOUNT
Paid for Collection and Receipts for G. E. Harrison, Jr.	\$2.00		

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

CERTIFICATE OF PUBLICATION

Pikeville, Md. Feb. 27, 19 69

THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper printed and published in Pikeville, Baltimore County, Maryland, once in each of one time before the 17th day of March, 19 69, the first publication appearing on the 27th day of February, 19 69.

THE NORTHWEST STAR

Arnold Landon
Manager

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

INVOICE No. 62115 DATE: 2/27/69

To: *G. E. Harrison, Esq.*
255 N. Jones Road
Baltimore, Md. 21205

Being Dept. of Baltimore County

ACCOUNT TO DEBIT	AMOUNT	ACCOUNT TO CREDIT	AMOUNT
Advertising and printing of property for G. E. Harrison, Jr.	\$2.00		

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

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

INVOICE No. 64703 DATE: 2/27/69

To: *Harry S. Swartzwelder, Jr., Esq.*
54 N. Paul Place
Baltimore, Md. 21205

Being Dept. of Baltimore County

ACCOUNT TO DEBIT	AMOUNT	ACCOUNT TO CREDIT	AMOUNT
Cost of appeal - Property of G. E. Swartzwelder, Jr.	\$99.00		

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

CERTIFICATE OF PUBLICATION

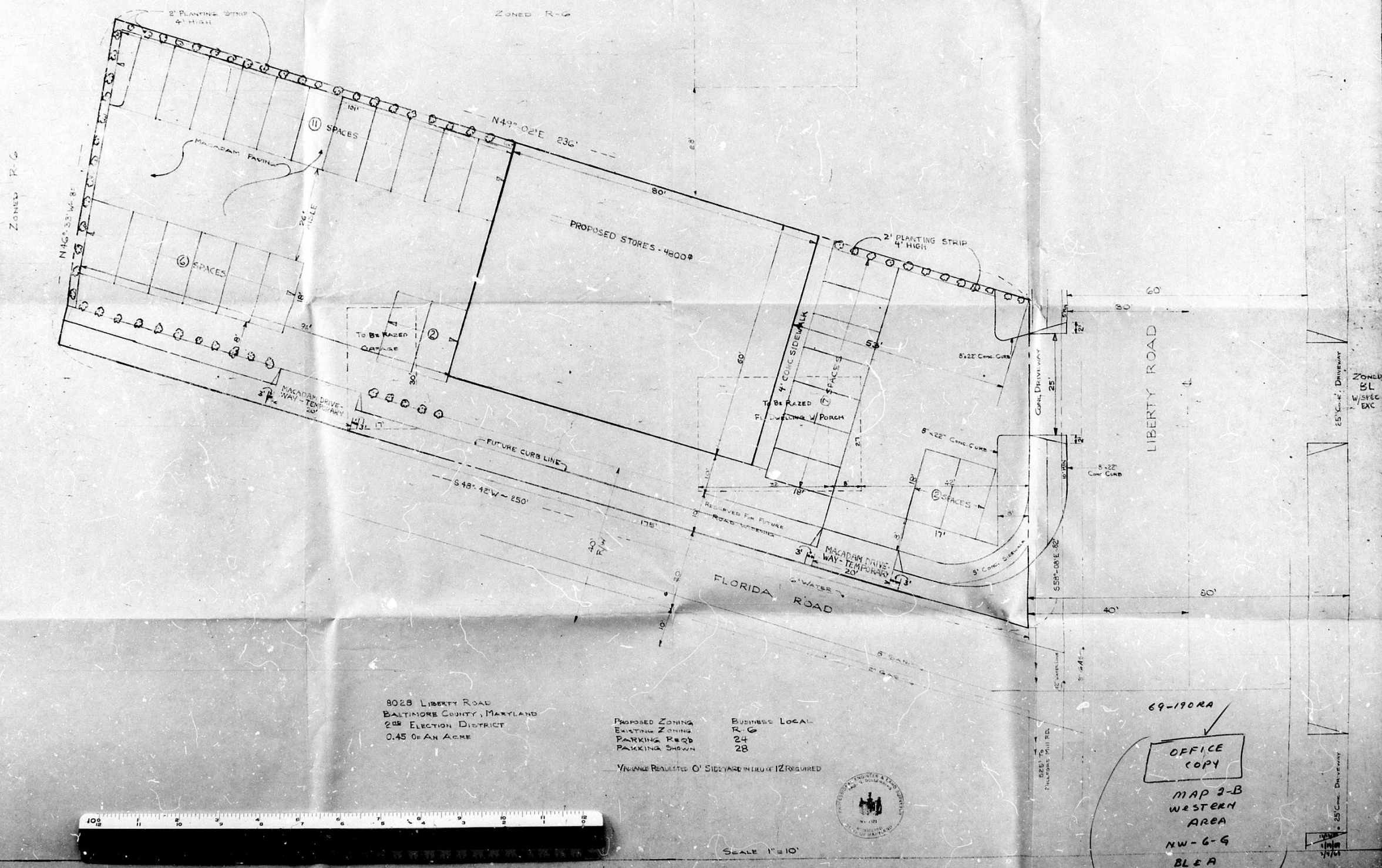
TOWSON, MD. FEB 27 1969

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 time before the 17th day of March, 19 69, the first publication appearing on the 27th day of February, 19 69.

THE JEFFERSONIAN

Arnold Landon
Manager

Cost of Advertisement, \$



Zoned R-S

N49°-02'E 236'

PROPOSED STORES - 48000

2' PLANTING STRIP
4' HIGH

4' CONC SIDEWALK

TO BE RAZED

8"x22" Conc. CURB

CONG DRIVEWAY

LIBERTY ROAD

ZONEL
BL
W/SPEC
EXC

FUTURE CURB LINE

S 48° 42' W ~ 250'

FLORIDA
G.WATER
ROAD

8028 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND
2ND ELECTION DISTRICT
0.45 OR AN ACRE

PROPOSED ZONING
EXISTING ZONING
PARKING REQ'D
PARKING SHOWN

BUSINESS LOCAL
R-6
24
28

VIGILANCE REQUESTED 01 SIDETARD IN LIEU OF 12 REQUIRED



SCALE 1" = 10'

MICROFILMED

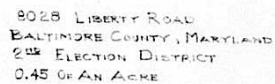
64-190 RA

OFFICE
COPY

MAP 2-B
WESTERN
AREA
NW-6-G
BLEA

02-08

N



VARIANCE REQUESTED: 0' SIDEYARD IN LIEU OF 12' REQUIRED



SCALE 1" = 10'

MICROFILMED

MIC

