

**PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

76-132-A
(Barn No. 98)

WE, Roger T. & Helen E. Stultz, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure (garage) on a corner lot to be located outside of the third of the lot farthest removed from both streets.

To meet the requirements of Section 400 which require the garage to be located in an area subject to intensive flooding from storm runoff from adjoining apartment areas.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, the undersigned, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: Roger T. Stultz
 Legal Owner: Helen E. Stultz
 Address: 3405 Liberty Gardens Rd
Baltimore, Md 21207

Protestant's Attorney: _____
 Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____ 1975, 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 _____ day of _____ 1976, at _____ o'clock _____ A.M.

Zoning Commissioner of Baltimore County.
(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 Southeast corner of Liberty Gardens : OF BALTIMORE COUNTY
 Road and Bexhill Road, 2nd District
 ROGER T. STULTZ, Petitioner : Case No. 76-132-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kountz, Jr.
 Deputy People's Counsel

John W. Hession, III
 People's Counsel
 County Office Building
 Towson, Maryland 21204
 494-2188

I hereby certify that on this 22nd day of December, 1975, a copy of the foregoing Order was mailed to Augustine J. Muller, Jr., Esquire, 511 West Joppa Road, Towson, Maryland 21204, Attorney for Petitioner.



Augustine J. Muller, Esquire
 511 West Joppa Road
 Towson, Maryland 21204

RE: Petition for Variance
 SE/corner of Liberty Gardens
 Road and Bexhill Road -
 2nd Election District
 Roger T. Stultz, et ux -
 Petitioners
 NO. 76-132-A (Barn No. 98)

Dear Mr. Muller:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
 Zoning Commissioner

SED/scw

Attachments

cc: John W. Hession, III, Esquire
 People's Counsel

AUGUSTINE J. MULLER
 PROFESSIONAL ENGINEER - REAL ESTATE APPRAISER
 511 WEST JOPPA ROAD
 TOWSON, MARYLAND 21204

DESCRIPTION

PROPERTY OF
 Roger T. & Helen E. Stultz

Beginning for the same at the easternmost intersection of Liberty Gardens and Bexhill Roads in the 2nd. Election District of Baltimore County, Maryland and running thence binding on the easternmost side of said Liberty Gardens Road N 45° E 120 feet, thence leaving said road and running at right angle thereto S 45° E 240 feet thence S 45° W 120 feet to the easternmost side of Bexhill Road, thence binding on said Bexhill Road N 45° W 240 feet to the beginning. Being the property of Roger T. and Helen E. Stultz, recorded among the land records of Baltimore County in Liber 4B 2041, Folio 157 and known as 3405 Liberty Gardens Road.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: December 24, 1975
 FROM: William D. Fromm, Director of Planning
 SUBJECT: Petition 76-132-A, Petition for Variance for an Accessory Structure. (Garage). Southeast corner of Liberty Gardens Road and Bexhill Road. Petitioners - Roger T. Stultz and Helen E. Stultz

2nd District

HEARING: Monday, January 5, 1976 (10:15 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has no comment to offer on this petition.

William D. Fromm
 William D. Fromm
 Director of Planning

WDF:NEG:fw

**Baltimore County, Maryland
 Department of Public Works
 COUNTY OFFICE BUILDING
 TOWSON, MARYLAND 21204**

Bureau of Engineering
 ELLSWORTH N. DIVER, P.E. - CHIEF

January 2, 1976

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item #98 (1975-1976)
 Property Owner: Roger T. & Helen E. Stultz
 N/E cor. of Bexhill & Liberty Gardens Roads
 Existing Zoning: D.R. 5,5
 Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (garage) on a corner lot to be located outside of the third of the lot farthest removed from both streets.
 No. of Acres: 240 x 120 District: 2nd

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Liberty Gardens Road, an existing County road, is proposed to be improved in the near future as a 40-foot closed section roadway on a 60-foot right-of-way (55-foot minimum in the vicinity of the properties east of Bexhill Road). Any additional highway right-of-way widening, sight distance fillet, and reversible easements for slopes as necessary will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering; the submitted plan must be revised accordingly.

Bexhill Road, an existing County road, is improved with dual 24-foot closed section roadways on an 80-foot right-of-way at this location.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

This property is subjected to flooding as indicated on the submitted plan. Provisions for accommodating storm water or drainage are contemplated in conjunction with the future highway improvements for Liberty Gardens Road, which when completed, are expected to eliminate the flooding of this property.

Item #98 (1975-1976)
 Property Owner: Roger T. & Helen E. Stultz
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 January 2, 1976

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) 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 improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are serving this property.

Very truly yours,

Ellsworth N. Diver
 ELLSWORTH N. DIVER, P.E.
 Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
 D. Grise
 R. Covahey (Oakview Apts.)

L-NE Key Sheet
 17 NW 25 Pos. Sheet
 NW 5 G Topo
 87 Tax Map

**BALTIMORE COUNTY
 ZONING PLANS**

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it 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 Petitioners, the Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit an accessory structure (garage) on a corner lot to be located outside of the third of the lot farthest removed from both streets should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6th day of January, 1976, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works 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 Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 197____, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Item 98

Augustine J. Muller, Esq.
511 W. Joppa Road
Towson, Md. 21284

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 1st day of December, 1975

S. Eric DiNenna,
Zoning Commissioner

Petitioner: Roger T. & Helen E. Stultz
Petitioner's Attorney: Augustine J. Muller

Reviewed by: Franklin T. Hogans, Jr.
Chairman,
Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Franklin T. Hogans,
XXXXXXXXXXXXXXXXXXXX
Chairman

December 23, 1975

Augustine J. Muller, Esq.
511 W. Joppa Road
Towson, Maryland 21204

RE: Variance Petition
Item 98
Roger T. & Helen E. Stultz -
Petitioners

Dear Mr. Muller:

The Zoning Plans 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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northeast corner of Bexhill and Liberty Gardens Roads, and is currently improved with a single family dwelling.

The petitioner is requesting a Variance to permit an accessory structure (garage) to be located outside of the rear third of the lot farthest removed from both streets.

This property abuts to the north single family residences along its rear property line, across Bexhill Road, and across Liberty Garden Road.

The petitioner's plan indicates "an" area subject to flooding. Field inspection revealed this

- MEMBERS
- ZONING ADMINISTRATION
 - HEALTH DEPARTMENT
 - BUREAU OF FIRE PREVENTION
 - DEPARTMENT OF TRAFFIC ENGINEERING
 - STATE HIGHWAY ADMINISTRATION
 - BUREAU OF ENGINEERING
 - PROJECT AND DEVELOPMENT PLANNING
 - INDUSTRIAL DEVELOPMENT COMMISSION
 - BOARD OF EDUCATION
 - OFFICE OF THE BUILDINGS ENGINEER

Augustine J. Muller, Esq.
Re: Item 98
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December 23, 1975

situation to exist, apparently as a result of improper storm drainage facilities, located along Liberty Gardens Road in conjunction with the apartment development.

The petitioner should note with particular interest the comments of the Bureau of Engineering.

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

Very truly yours,
Franklin T. Hogans,
FRANKLIN T. HOGANS, JR.
Chairman, Zoning Plans
Advisory Committee

FTH:JD
Enclosure

Baltimore County Fire Department



J Austin Deitz
Chief
Towson, Maryland 21204
833-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owners: Roger T. & Helen E. Stultz
Location: NE/C of Bexhill & Liberty Gardens Roads
Item No. 98 Zoning Agenda November 25, 1975

- Gentlemen:
- Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.
1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
 2. A second means of vehicle access is required for the site.
 3. The vehicle dead-end condition shown at _____
 4. EXCESS the maximum allowed by the Fire Department.
 5. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
 6. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
 7. The Fire Prevention Bureau has no comments at this time.

Reviewed by: _____ Noted and Approved: _____
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
3011 484-3650

STEPHEN E. COLLINS
DIRECTOR

December 4, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 98 - ZAC - November 25, 1975
Property Owner: Roger T. & Helen E. Stultz
Location: NE/C of Bexhill & Liberty Gardens Rds.
Existing Zoning: D.R. 5.5
Proposed Zoning: Var. from Sec. 400.1 to permit an accessory structure (garage) on a corner lot to be located outside of the third of the lot farthest removed from both streets
No. of Acres: 240 X 120
District: 2nd

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the requested variance to permit an accessory structure on a corner lot to be located in the outside third of the lot.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

baltimore county
department of health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

December 8, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #98, Zoning Advisory Committee Meeting, November 25, 1975, are as follows:

Property Owner: Roger T. & Helen E. Stultz
Location: NE/C of Bexhill & Liberty Gardens Rds.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (garage) on a corner lot to be located outside of the third of the lot farthest removed from both streets.
No. of Acres: 240 x 120
District: 2nd

Public water and sewer are existing.

Very truly yours,
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD:dla

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
3011 484-3211

WILLIAM D. FROMM
DIRECTOR

December 4, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #98, Zoning Advisory Committee Meeting, November 25, 1975, are as follows:

Property Owner: Roger T. and Helen E. Stultz
Location: NE/C of Bexhill and Liberty Gardens Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (garage) on a corner lot to be located outside of the third of the lot farthest removed from both streets
No. of Acres: 240 x 120
District: 2nd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

