

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N side of Barthel Road, 1170 feet NW		
from c/l of Berans Road	*	DEPUTY ZONING
8 th Election District		
2 nd Councilmanic District	*	COMMISSIONER
(1612 Barthel Road)		
	*	FOR BALTIMORE COUNTY
Charles and Cynthia Sturm		
<i>Petitioners</i>	*	Case No. 2009-0132-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Charles and Cynthia Sturm, the legal property owners. Special Hearing relief is requested in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a portion of the existing septic system in a different zone than the dwelling. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief on behalf of Petitioners Charles and Cynthia Sturm was Scott Lindgren with Gerhold Cross & Etzel, Ltd., the professional land surveyor who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular-shaped and consists of approximately 6.31 acres, more or less, with 4.036 acres zoned R.C.4 and 2.274 acres zoned R.C.5. The property is a panhandle lot located on the north side of Barthel Road, north of Broadway road, west of Falls Road and east of Greenspring Avenue, in the Greenspring area of Baltimore County. The property is known as Lot 20 Section II of the "Bearman Property." The subdivision was recorded on September 26, 1979. At that time, the entire property was zoned

~~NOTED FOR FILE~~
 2-17-09
 [Signature]

R.C.5; however, during the 2000 Comprehensive Zoning Map Process ("C.Z.M.P."), a portion of the property was re-zoned R.C.4 because, according to Mr. Lindgren, a stream system traveled through the subject property and other nearby properties that eventually drained into the Loch Raven Reservoir. As a result of this re-zoning, the subject property became split zoned and most of the existing septic reserve area for the existing home that was built in 1986 now lies in the R.C.4 Zone, with a small portion of the septic reserve area and the dwelling still located in the R.C.5 Zone.

At this juncture, Petitioners are proposing a minor subdivision of their property, in which proposed Lot 20A would encompass the existing two-story single-family brick dwelling and consist of approximately 2.565 acres situated primarily in the R.C.5 Zone; and proposed Lot 20B would encompass a proposed single-family dwelling and septic reserve area and consist of approximately 3.782 acres situated primarily in the R.C.4 Zone. Because of the proposed minor subdivision, the entire property now needs to be in compliance with the current Zoning Map and the applicable Zoning Regulations. In particular, Section 1A00.5 of the Zoning Commissioner's Policy Manual ("Z.C.P.M.") expounds upon Section 1A00.5 of the Zoning Regulations pertaining to tracts divided by R.C. Zone boundaries. As is applicable to the instant matter, Section 1A00.5.b of the Z.C.P.M. states that, for lots divided by Zone lines, "the following guidelines have been formulated so that this matter can be handled consistently." Subsection 1(c) states that "[t]he well and septic system must be located in the same zone as the house."

Obviously, in the instant matter, the existing septic reserve area is not in the same zone as the home. Hence, under the circumstances, Petitioners request special hearing relief to approve this configuration.

STATION RECEIVED FROM PLANNING
2-17-09
[Signature]

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office Planning dated November 28, 2008 which indicate that they do not oppose Petitioners' request as the septic area is an existing condition and the acreage in each Zone supports one dwelling. Petitioners are currently processing a minor subdivision plan (08092 M) and will be required to record a plat. Comments were received from the Department of Environmental Planning and Resource Management dated December 23, 2008 which indicate that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and must comply with the Forest Conservation Regulations.

Considering of all the testimony and evidence presented, I am persuaded to grant the requested relief. The evidence indicates that the existing lot was recorded in 1979 and the home built in 1986. At that time, the septic area and home were situated in the same R.C.5 Zone. Thereafter, in 2000, a portion of Petitioners' property was re-zoned so that the septic area now lies mostly in the R.C.4 Zone. This situation has now come to a head with Petitioners' proposed minor subdivision; however, this issue arose because of an intervening circumstance not attributable to Petitioners -- the re-zoning of property near streams which resulted in portions of Petitioners' property being re-zoned. Under the definition of "nonconforming use" in Section 100.1 of the B.C.Z.R. and "continuation of nonconformance" in Section 104.1 of the B.C.Z.R., in my view, the location of Petitioners' septic area and dwelling in both the R.C.4 and R.C.5 Zones, respectively, is nonconforming and should be permitted to continue as such.

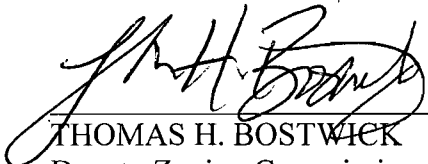
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' request for special hearing should be granted.

~~COPIES DESTROYED FOR FILING~~
2-17-09
m

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 17th day of February, 2009 that Petitioners' request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a portion of the existing septic system in a different zone than the dwelling be and is hereby GRANTED, subject to the following:

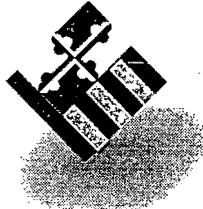
1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR PLANNING
2-17-09
183



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 17, 2009

CHARLES AND CYNTHIA STURM
1612 BARTHEL ROAD
LUTHERVILLE MD 21093

Re: Petition for Special Hearing
Case No. 2009-0132-SPH
Property: 1612 Barthel Road

Dear Mr. and Mrs. Sturm:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Scott Lindgren, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100,
Towson, MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1612 Barthel Road, Lutherville, MD 21093
which is presently zoned RC4 & RC5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

A portion of the existing septic system in a different zone than the dwelling

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Charles A. Sturm, Jr.
Name - Type or Print _____
Signature _____
Cynthia K. Sturm
Name - Type or Print _____
Signature _____
410
1612 Barthel Road 561-1844
Address _____ Telephone No. _____
Lutherville, MD 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

Scott A. Lindgren
Gerhold, Cross & Etzel, Ltd.
Name _____ Suite #100
320 E. Towsontown Blvd 823-4470
Address _____ Telephone No. _____
Towson MD 21206
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2009-0132-SPH

REV 9/15/98

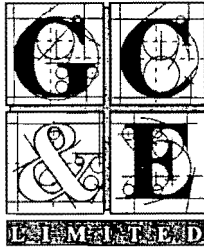
UNAVAILABLE FOR HEARING

Reviewed By JF Date 10/31/02

RECEIVED FOR PLANNING

2-17-09

m



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 29, 2008

ZONING DESCRIPTION 1612 Barthel Road

Beginning for the same at a point on the northeast right of way line of Barthel Road, 1,170 feet, more or less, northwest of the center of Berans Road, thence binding on the northeast right of way line of Barthel Road, 1) North 48 degrees 42 minutes 36 seconds West 21.89 feet, thence leaving said right of way line and 2) North 17 degrees 17 minutes 04 seconds East 568.75 feet, 3) North 01 degree 01 minute 45 seconds West 196.55 feet, and 4) North 54 degrees 22 minutes 41 seconds East 487.03 feet to a point on the west right of way line of Berans Road, thence binding on the west right of way line of Berans Road the four following lines, viz: 5) South 17 degrees 03 minutes 10 seconds East 62.92 feet, 6) Southerly by a line curving to the left, having a radius of 5025.00 feet, for an arc distance of 201.80 feet, (the chord of said arc bearing South 18 degrees 12 minutes 12 seconds East 201.79 feet), 7) Southerly by a line curving to the left, having a radius of 50.00 feet, for an arc distance of 89.04 feet, (the chord of said arc bearing South 10 degrees 28 minutes 46 seconds East 77.73 feet), 8) Southerly by a line curving to the right, having a radius of 50.00 feet, for an arc distance of 32.80 feet, (the chord of said arc bearing South 43 degrees 10 minutes 10 seconds East 32.22 feet), thence leaving said right of way line and running for lines of the subject property the four following courses and distances, viz: 9) South 69 degrees 26 minutes 04 seconds West 69.89 feet, 10) South 27 degrees 26 minutes 08 seconds West 489.30 feet, 11) North 84 degrees 39 minutes 23 seconds West 293.78 feet, and 12) South 17 degrees 17 minutes 04 seconds West 266.49 feet to the point of beginning.

Containing 6.310 Acres of land, more or less.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.

X:\S\Sturm\Barthel\zonedescript.doc



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **22885**

Date: **10-31-08**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	800	0000		6150					65.00

Total: **65.00**

Rec
From

C. STURN

For:

**1612 Boothel Rd.
 Police for Special Hearing**

CASE # 2009-0132-SPH

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DOW
 11/3/08 10/31/2008 11:05:37 5

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 00000000000000000000

Receipt Tot: \$65.00
 065.00 UK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2009-0132-SPH
1612 Barthel Road
N/side of Barthel Road at a distance of 1,170 +/- feet n/west from centerline of Berans Road
3rd Election District
2nd Councilmanic District
Legal Owner(s): Charles & Cynthia Sturm, Jr.

Special Hearing: to permit a portion of the existing septic system in a different zone than the dwelling.

Hearing: Thursday, January 22, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/23 Jan. 6 191718

CERTIFICATE OF PUBLICATION

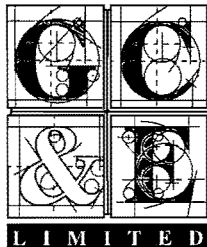
1/8/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/6/, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2009-0132-SPH

OWNER/DEVELOPER:
Charles Sturm, Jr. & Cynthia Sturm

DATE OF HEARING:
January 22, 2009

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:
1612 Barthel Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 1/05/09



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 12, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0132-SPH

1612 Barthel Road

N/side of Barthel Road at a distance of 1,170 +/- feet n/west from centerline of Berans Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Charles & Cynthia Sturm, Jr.

Special Hearing to permit a portion of the existing septic system in a different zone than the dwelling.

Hearing: Thursday, January 22, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Sturm, 1612 Barthel Road, Lutherville 21093
Scott Lindgren, 320 E. Towsontown Blvd., Ste. 100, Towson 21286 ✓

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 7, 2009**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

ZONING NOTICE

CASE # :2009-0132-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.**

PLACE: Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson, MD

TIME : 9:00 am Thursday, January 22, 2009

**Special Hearing: to permit a
portion of the existing septic
system in a different zone than
the dwelling.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



ZONING NOTICE

CASE # 2009-0132-SPH

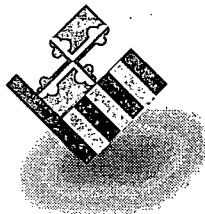
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THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 104, Jefferson Building
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TIME: 9:00 am Thursday, January 22, 2009

Special Hearing: to permit a
portion of the existing septic
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the dwelling.

HEARINGS ARE HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 12, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Sturm, 1612 Barthel Road, Lutherville 21093
Scott Lindgren, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 7, 2009**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 6, 2009 Issue - Jeffersonian

Please forward billing to:
Charles Sturm
1612 Barthel Road
Lutherville, MD 21093

410-561-1844

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0132-SPH

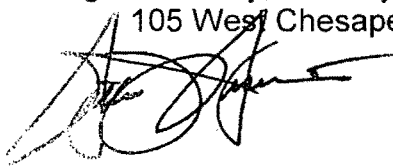
1612 Barthel Road

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3rd Election District – 2nd Councilmanic District

Legal Owners: Charles & Cynthia Sturm, Jr.

Special Hearing to permit a portion of the existing septic system in a different zone than the dwelling.

Hearing: Thursday, January 22, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

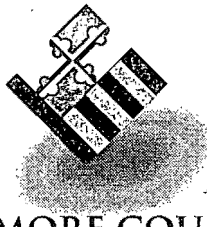
For Newspaper Advertising:

Item Number or Case Number: 2009-0132-JPH
Petitioner: CHARLES & CYNTHIA STURM
Address or Location: 1612 BARTHEL ROAD, LUTHERVILLE MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES STURM
Address: 1612 BARTHEL ROAD
LUTHERVILLE, MD 21093

Telephone Number: 410-561-1844



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
January 15, 2009

Charles & Cynthia Sturm
1612 Barthel Rd.
Lutherville, MD 21093

Dear: Charles & Cynthia Sturm

RE: Case Number 2009-0132-SPH, 1612 Barthel Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 31, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Scott A. Lindgren: Gerhold; Cross & Etzel LTD; 320E. Towsontown Blvd.; Towson, MD 21286

TB 1/22 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 28, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

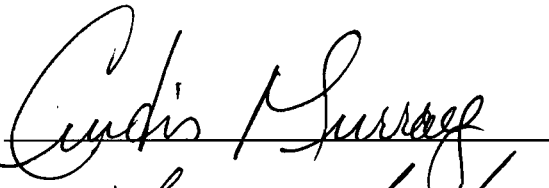
BY:.....

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-132- Special Hearing

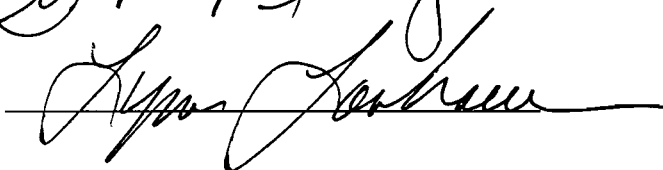
The Office of Planning has reviewed the above referenced case(s) and does not object to the Special Hearing as the septic area is an existing condition, and the acreage in each zone supports one dwelling. The applicant is currently processing a minor subdivision plan (08092 M) and will be required to record a plat.

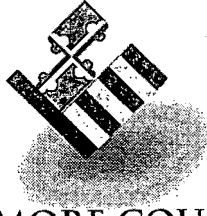
For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 20, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 17, 2008

ItemNumbers 0111,0126,0127,0128,0129,0130,0131, ~~0132~~ 0133,0135,0137,0138,0140

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: November 24, 2008

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 24, 2008
Item No.: 2009-111, 121, 126, 127,
128, 130, 131, **132**, 133, 137, 138 & 140

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab
cc: File

ZAC-11242008-NO COMMENTS



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: Nov. 18, 2009

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2009-0132-SPH
1612 BARTHEL RD
STURM PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0132-SPH

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

^{Foster} Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

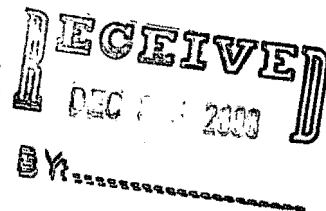
My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 23, 2008

SUBJECT: Zoning Item # 09-132-SPH
Address 1612 Barthel Road
(Sturm Property)

Zoning Advisory Committee Meeting of November 17, 2008

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer(s): Michael S. Kulis, EIR

Date: December 8, 2008

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1612 Barthel Road; N/S Barthel Road, 1,170' *
NW c/line of Berans Road * ZONING COMMISSIONER
8th Election & 2nd Councilmanic Districts *
Legal Owner(s): Charles & Cynthia Sturm * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-132-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 24 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to Scott Lindgren, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 1612 BARTHEL ROAD
CASE NUMBER 2009-0132-SPH
DATE JANUARY 22, 2009

CASE NAME 1612 BARTHEL ROAD
CASE NUMBER 2009-0132-SPH
DATE JANUARY 22, 2009

[illegible]

Case No.:

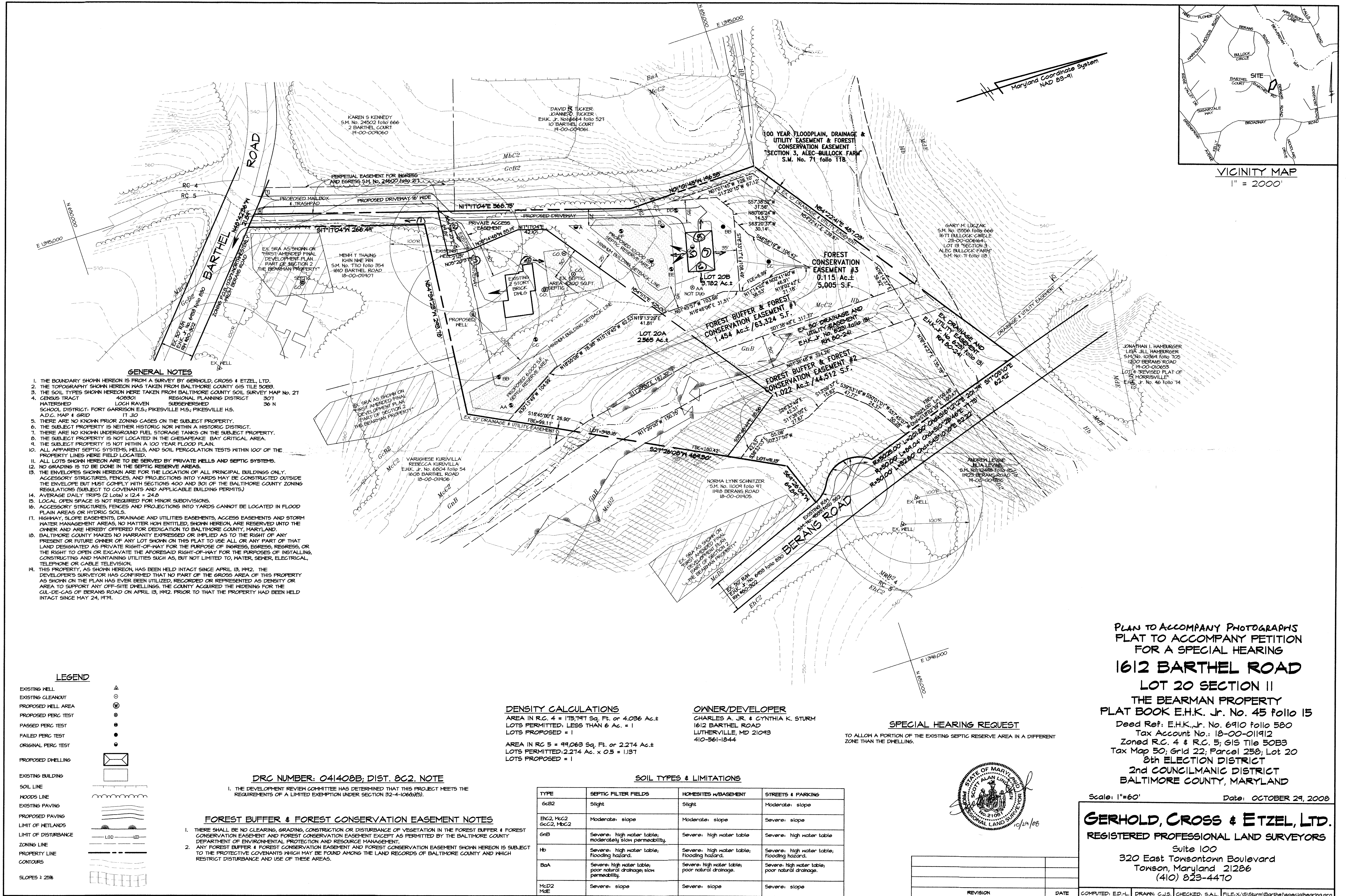
2009-0132-SPH

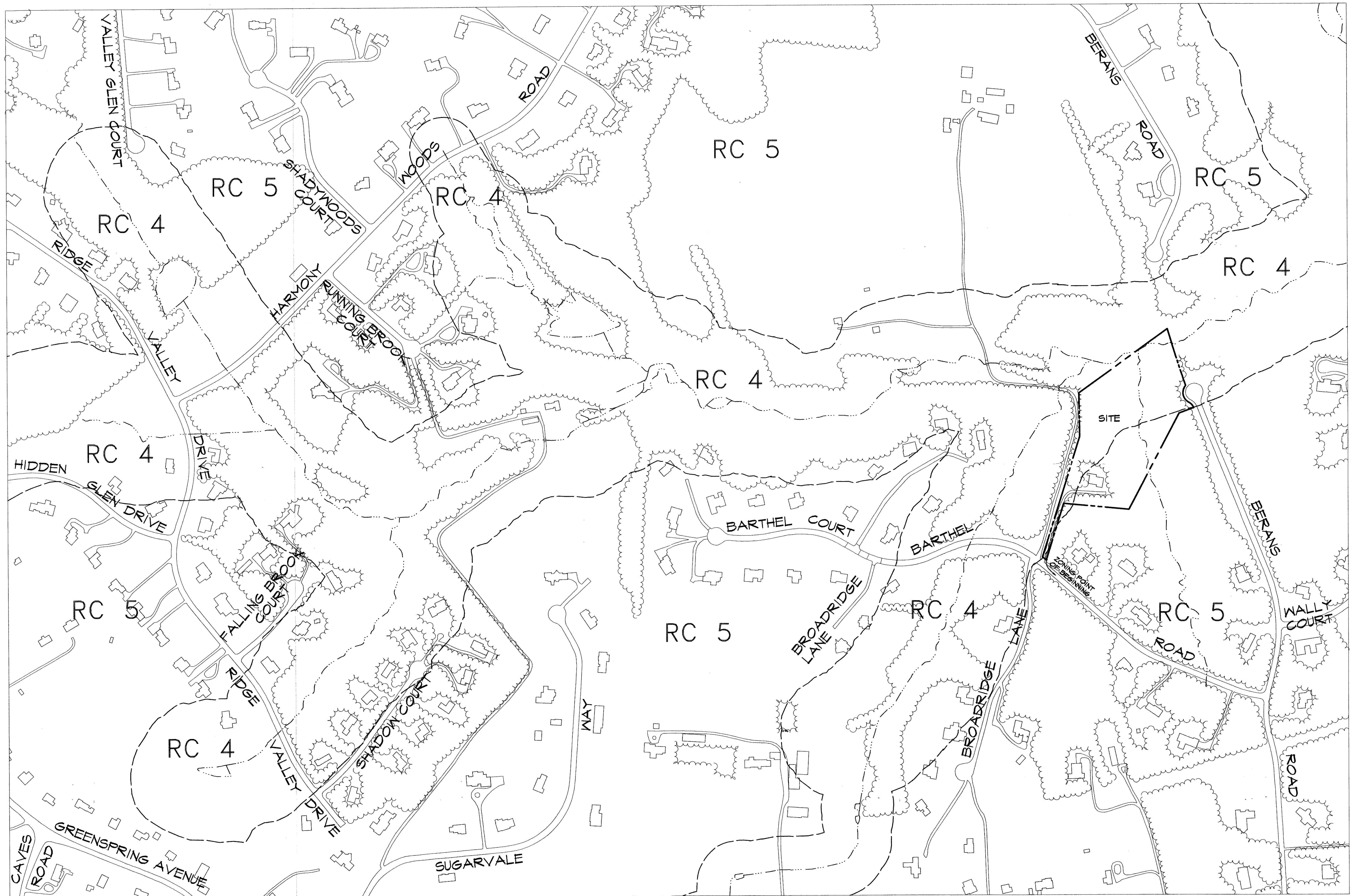
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



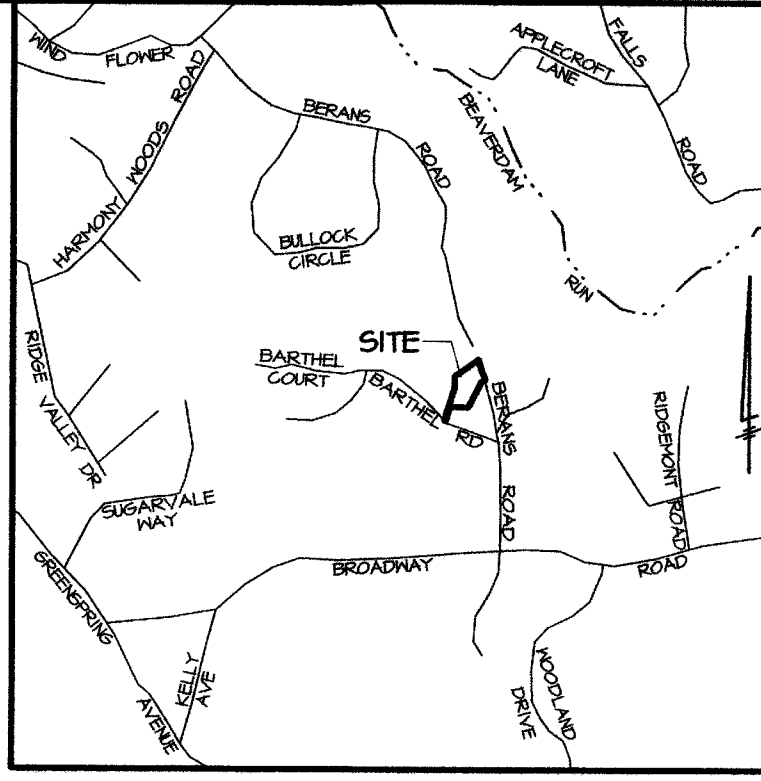
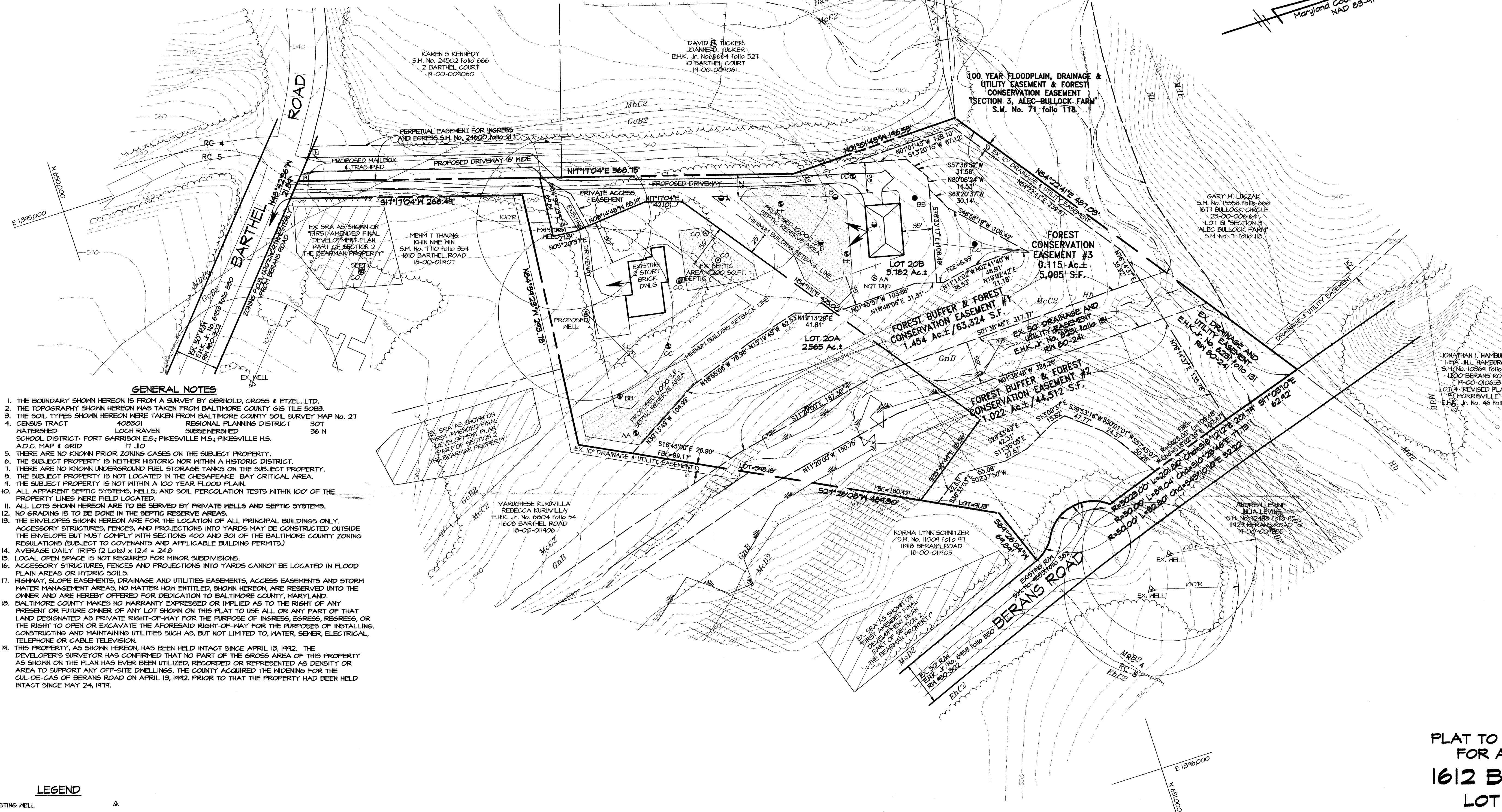


MARYLAND COORDINATE SYSTEM
NAD83(11)

ZONING MAP

GIS TILE: 050B3

SCALE: 1" = 200'



- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM A SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 50B3.
 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 27.
 4. CENSUS TRACT 408301 REGIONAL PLANNING DISTRICT 307 WATERSHED LOCH RAVEN SUBEMERSED 36 N SCHOOL DISTRICT, FORT GARRISON ES, PIKEVILLE MS, PIKEVILLE HS, A.D.C. MAP 4 GRID IT JO
 5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
 6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
 7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
 8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
 10. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
 11. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
 12. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
 13. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
 14. AVERAGE DAILY TRIPS (2 Lots) x 12.4 = 24.8
 15. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
 16. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
 17. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
 18. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT-OF-WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TELEVISION.
 19. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE APRIL 13, 1942. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. THE COUNTY ACQUIRED THE WIDENING FOR THE GUL-DE-CAS OF BERANS ROAD ON APRIL 13, 1942. PRIOR TO THAT THE PROPERTY HAD BEEN HELD INTACT SINCE MAY 24, 1914.

- LEGEND**
- EXISTING WELL
 - EXISTING CLEANOUT
 - PROPOSED WELL AREA
 - PROPOSED PERC TEST
 - PASSED PERC TEST
 - FAILED PERC TEST
 - ORIGINAL PERC TEST
 - PROPOSED DWELLING
 - EXISTING BUILDING
 - SOIL LINE
 - WOODS LINE
 - EXISTING PAVING
 - PROPOSED PAVING
 - LIMIT OF WETLANDS
 - LIMIT OF DISTURBANCE
 - ZONING LINE
 - PROPERTY LINE
 - CONTOURS
 - SLOPES 2 25%

DENSITY CALCULATIONS

AREA IN R.C. 4 = 175,797 Sq. Ft. or 4.036 Ac.±
LOTS PERMITTED: LESS THAN 6 Ac. = 1
LOTS PROPOSED = 1

AREA IN RC 5 = 99,063 Sq. Ft. or 2.274 Ac.±
LOTS PERMITTED: 2.274 Ac. x 0.5 = 1.137
LOTS PROPOSED = 1

OWNER/DEVELOPER

CHARLES A. JR. & CYNTHIA K. STURM
1612 BARTHEL ROAD
LUTHERVILLE, MD 21043
410-561-1844

SPECIAL HEARING REQUEST

TO ALLOW A PORTION OF THE EXISTING SEPTIC RESERVE AREA IN A DIFFERENT ZONE THAN THE DWELLING.

SOIL TYPES & LIMITATIONS

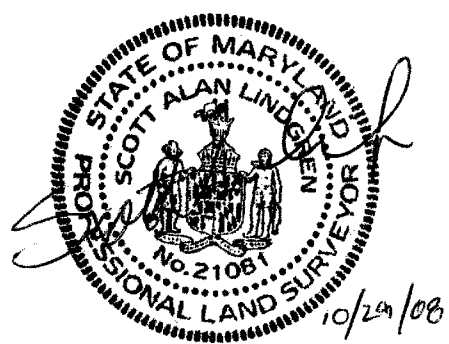
TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
GcB2	Slight	Slight	Moderate: slope
Hc2, Mc2, GcC2, MbC2	Moderate: slope	Moderate: slope	Severe: slope
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table
Hb	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.
BaA	Severe: high water table; poor natural drainage; slow permeability.	Severe: high water table; poor natural drainage.	Severe: high water table; poor natural drainage.
McD2, Mde	Severe: slope	Severe: slope	Severe: slope

DRG NUMBER: 041408B; DIST. 8C2. NOTE

1. THE DEVELOPMENT REVIEW COMMITTEE HAS DETERMINED THAT THIS PROJECT MEETS THE REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 32-4-106(b)(5).

FOREST BUFFER & FOREST CONSERVATION EASEMENT NOTES

1. THERE SHALL BE NO CLEARING, GRADINGS, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER & FOREST CONSERVATION EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ANY FOREST BUFFER & FOREST CONSERVATION EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO THE PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.



PLAT TO ACCOMPANY PETITION FOR A SPECIAL HEARING

1612 BARTHEL ROAD

LOT 20 SECTION II

THE BEARMAN PROPERTY

PLAT BOOK E.H.K. Jr. No. 45 folio 15

Deed Ref: E.H.K. Jr. No. 6910 folio 580
Tax Account No.: 18-00-011912
Zoned R.C. 4 & R.C. 5; GIS Tile 50B3
Tax Map 50; Grid 22; Parcel 258; Lot 20
8th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=60' Date: OCTOBER 24, 2008

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towson Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: E.D.-L.	DRAWN: C.J.S.	CHECKED: S.A.L.	FILE: X:\S\Sturm\Barthe\SpecialHearing.prc
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PETITIONER' S

EXHIBIT NO. 2













