Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon fil-ing of this Petition, and further agree to and are to be bound by the zoning regulations and restric-tions 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.

(Type or Print Name)  (Type or Print Name)  (Type or Print Name)  M. Shirley Kraus (Type or Print Name)  M. Shirley Kraus (Type or Print Name)  M. Shirley Kraus (Type or Print Name)  Address  C. Beprilee Winkler (Type or Print Name)  C. Beprilee Winkler (Type or Print Name)  Signature  C. Beprilee Winkler (Type or Print Name)  Address  Phone No.  Signature  City and State  Name, address and phone number of legal owner, contract purchaser or representative to be contacted  A. Louis Winkler  Name  6636 Blackheai Boad			
(Type or Print Name)  Signature  A Signature  Louis Winkler C. Berniese Winkler C. Ber	ontract Purchaser:		
Address  Address  Color and State  City and State  Name, address and phone number of legal owner, contract purchaser or representative to be contacted  A. Louis Winkler  Name  Address  A. Louis Winkler  Name  636 Blackheai Boad  Baltimone, Maryland 21220 335-5523  Address  Phone No.	(Type or Print Name)		 ! K
Address  Chand State  Ittorney for Petitioner:  Address  City and State  City and State  Name, address and phone number of legal owner, contract purchaser or representative to be contacted  Address  Address  Attorney's Telephone No.:  City and State  Name  6636 Blackheai Boad  Baltimone, Maryland, 21220, 135-4523  Address  Phone No.	Signature	Louis Winkler	· yraw
Signature  Signature  Signature  Address Phone No.  City and State  Name, address and phone number of legal owner, contract purchaser or representative to be contacted  A. Louis Winkler  Name  636 Blackheai Boad  Baltimone, Maruland 21220 335-5523  Address Phone No.	Address	(Time or Dring Name)	 Wend
Address Print Name)  City and State  Name, address and phone number of legal owner, contract purchaser or representative to be contacted  A. Louis Winkler  Name  6636 Blackheai Boad  Baltimore, Maruland 21220 335-4523  Address Phone No.	and State	/ Brand - C. / Trans App / Dec property	#a-
City and State  Name, address and phone number of legal owner, contract purchaser of representative to be contacted  A. Louis Winkler  Name  6636 Blackheai Boad  Baltimone, Maryland 21220 335-5523  Address Phone No.	attorney or Petitioner:		MAR 5/
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  A. Louis Winkler  Name  6636 Blackheai Boad  Baltimone, Namuland 21220 335-4523  Address Phone No.	ME	15-54-755-5	MICHER MERCER
At Louis Winkler  Name 6636 Blackheai Boad Baltimone, Maryland 21220 335-1523 Address  Red State	Carpatero	City and State	4/
Name 6636 Blackheai Boad Baltimore, Maryland 21220 335-9923 Address Phone No.		Name, address and phone number of legal owner, tract purchaser or representative to be contacted	con-
Attorney's Telephone No.: 6636 Blackheai Road Baltimone, Maryland 21220 335-4423 Address Phone No.			IBLAL P
Address	ad State	cost minalshand Boad	hh22
	Attorney's Telephone No.:	Paltimore, Maryland 21220 1351 Address Phone No	=9945 \
	≿'	77	

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ist\_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_, 1982 , 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 \_\_\_August

Z.C.O.-No. 1

FOR

RECEIVED

ORDER

IN THE MATTER OF THE APPLICATION OF JOSEPH C. KRAUS, ET AL FOR SPECIAL HEARING TO APPROVE THE SUB-DIVISION OF 3 LOTS IN AN RC 2 ZONE ON PROPERTY LOCATED ON THE NORTHWEST CORNER OF PHEASANT AND CROOKS ROADS 15th DISTRICT

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

BEFORE

coning Commissioner of Baltimore County.

No. 83-36-SPH

OPINION

The Petitioner came before this Board seeking approval to resubdivide the property on the northwest corner of Pheasant Road and Crooks Road. The property consists of approximately 3.9 acres and is currently divided into three (3) irregularly shaped lots, one of which is unusable because it failed the perc test. The owner wants to resubdivide the property, presently zoned R.C. 2, into three (3) lots of desirable shapes and sizes.

This case has been before the County agencies since October, 1980, and, for whatever reasons, a decision from the Zoning Commissioner was not rendered until December 20, 1983. That delay in and of itself has certainly caused an unreasonable hardship on the Petitioner, now retired and anxious to utilize the parcel for his own use. Bill No. 56-82(B), Section 22-47, states that: "If any County agency fails to act on any plan or plat submitted in accordance with these regulations within the prescribed time, the plan or plat shall be deemed to have been approved by the agency unless failure to act has been excused by the Administrative Officer, in writing, no later than seven (7) days after the expiration of the prescribed time."

If this parcel were of considerable size and involved a request for high density zoning and the proposed building of many residences, this case would have to be considered with an eye toward a significant, potentially negative impact on the neighborhood. The facts are that: the Petitioner is not seeking a higher density zone; the adjacent property is zoned RC 2 and is subdivided into 25 foot lots: no new streets would be involved if the land were to be resubdivided; and a resubdivision of the property would not materially alter the complexion of the neighborhood, since such a resubdividing would allow for larger

lots with an inherent limit on potential building.

RE: PETITION FOR SPECIAL HEARING NW/corner of Pheasant and Crooks Roads - 15th Election District Joseph C. Kraus, et al - Petitioners NO. 83-36-SPH (Item No. 240)

would allow rearrangement of lot lines by resubdivision.

BEFORE THE ZONING COMMISSIONER

BALTIMORE COUNTY

111 111 111

The petitioners herein, owners of the subject contiguous lots or parcels of ground, seek an interpretation of the Baltimore County Zoning Regulations, as such are or may be applicable to the R.C.2 (Resource Conservation-agriculture) Zone, which

Testimony in behalf of the petitioners indicated that Joseph C. and M. Shirley Kraus are the owners of Lot 3 and the parcel lying to the east and that A. Louis and C. Berniece Winkler are the owners of Lots I and 2, all as shown on the site plan prepared by Sepliman, Larson and Associates, Inc., dated February 5, 1982, and marked Petitioners' Exhibit 1. Petitioners' Exhibit 2, Plat of Section No. 2, Bird River Beach, as surveyed and platted by William M. Lee & Co., dated August 16, 1923, depicts these parcels or lots as being Lots 186 and 187 and a back parcel bordering on the rear lot lines of Lots 147 through 157 and Lots 186 and 187. Testimony further indicated that the subject property was originally intended to be resubdivided according to the lot layout depicted on Petitioners' Exhibit 4, but upon seeking the required County approvals, it was determined that the property in the rear would not "perc" and, therefore the lot layout depicted on Petitioners' Exhibit 5 is proposed.

Section 1A01.3B.1. of the zoning regulations reads as follows:

"Subdivision Lot Density.

No lot of record lying within an R.C.2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area." (emphasis added)

of the guides and standards established in this section relate to "lot of record", which is defined in Section 101 as follows:

> "A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

In this regard, Petitioners' Exhibit 2 is recorded among the Plat Records of Baltimore County, Liber 7, folio 85, and was recorded prior to the effective date of Bill No. 98-75 (R.C. Zones).

Joseph C. Kraus, et al Case No. 83-36-SPH

Bill 56-82, Section 22-43, provides for waivers of the regulations and the reasons why those waivers may be granted. The law states that a waiver may be granted if the size, scope, and nature of a proposed development does not justify s with the regulations, and a waiver would be within the scope, purpose, and intent of the regulations, and if all other county laws, etc. have been complied with.

There are thirteen (13) provisions for waivers listed in the law. A waiver may be granted for the following reasons according to Bill 56-82, Section 22-43. "(1) Lot line adjustment, including the combination of lots or parcels; (3) Amendments to an approved plan or plat which do not materially after the proposed development; (6) The subdivision of land in an R.C. zone if no new roads are required; and (13) Any proposed development, if the director finds that compliance with these regulations would cause unnecessary hardship."

Although Bill No. 56-82 specifies the process whereby the director may grant a waiver, this Board finds that to require the Petitioner to begin the process all over again would create additional hardship for him. Therefore, this Board reverses the Order of the Zoning Commissioner and grants the Petitioner his request for a special hearing to determine whether the subdivision of three (3) lots in an R.C. 2 zone should be approved. This Board finds that he can resubdivide his property as proposed in the Board of Appeals ' Exhibit No. Four (4).

## ORDER

For the reasons set forth in the aforegoing Opinion, it is this 12th day of July, 1984, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner dated July 12, 1983, be REVERSED, and that the Petitioner's request to resubdivide his property according to the Board of Appeals' Exhibit No. 4, be GRANTED. Any appeal from this decision must be in accordance with Rules B-1 thru

B-13 of the Maryland Rules of Procedure.

According to the lot layout depicted on Petitioners' Exhibit 3, Lot 186 contains 0.34 of an acre, Lot 187 contains 2.12 acres, and the back parcel contains 1.86 acres. The petitioners propose to resubdivide the subject lots or parcels by rearranging the lot lines so that Lot I will include 165 feet of Lot 187 and a part of the rear parcel and contain 1.10 acres; Lot 2 will include 125 feet of Lot 187 and part of the rear parcel and contain 1.01 acres; and Lot 3 will include the remaining 156 feet of Lot 187, the remaining portion of the rear parcel, and all of Lot 186 and contain 2.21 acres.

It is the opinion of this Commissioner that Section 1A01.3B.1 prevents Lot 186 and the back parcel from being resubdivided since both have a gross area of less than two acres, thereby leaving only Lot 187 subject to being resubdivided into two equal lots of slightly more than one acre each and meeting the requirements of Section 1A01.3B.2. As a result, the back parcel is not subject to being resubdivided directly and it would seem that to allow its resubdivision indirectly by incorporation into other newly created lots would not meet the spirit and intent of the zoning regulations.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of July, 1983, that rearrangement of lot lines by resubdivision of the subject lots or parcels, zoned R.C.2, does not fall within the purview of Section 1A01.3B.1. of the Baltimore County Zoning Regulations and, as such, the Petition for Special Hearing is hereby DENIED.

> Skillende Com Zoning Commissioner of **Baltimore County**

DA

RE: PETITION FOR SPECIAL HEARING NW corner Pheasant Rd. & Crooks Rd., 15th District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 33-36-SPH JOSEPH C. KRAUS, et al, Petitioners

ORDER TO ENTER APPEARANCE

111111

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Pete Max Zimmerman Deputy People's Counsel

John W. Hessian, III People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 23rd day of July, 1982, a copy of the foregoing Order was mailed to Joseph C. Kraus, M. Shirley Kraus, A. Louis Winkler, and C. Berniece Winkler, 6636 Blackhead Road, Baltimore, Maryland 21220, Petitioners.

John W. Hessian, III

Case No. 83-36-SPH

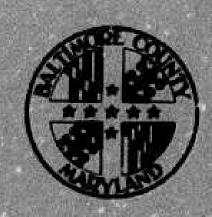
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

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BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

William E. Hammond TO Zoning Commissioner August 9, 1982

Norman E. Gerber, Director PROM Office of Planning and Zoning Zoning Petition No. 83-36-SpH SUBJECT Petitioner: Jeseph C. Kraus, et al

Three separate parcels are to be resubdivided into three lots, and there will be no increase in density; consequently, this office would not be concerned if the findings were in favor of the petitioner. This comment, however, should not be construed as an attempt to rule on the subject of this special hearing.

Director of Planning and Zoning

MEG:JGH:dme

BALTIMORE COUNTY DEPARTMENT OF HEALTH TOWSON, MARYLAND 21204

DONALD I ROOP, M.D., M.P.H. DEPUTY STATE & COUNTY HEALTH OFFICER

Mr. William E. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. Harmond:

Comments on Item #240, Zoning Advisory Committee Meeting of June 1, 1982, are as follows:

> Property Owner: Location:

Joseph C. Kraus, et al MW/Cor. Pheasant Road and Crooks Road

Existing Zoning: Proposed Zoning:

R.C. 2 Special Hearing to approve the subdivision of 3 lots in a R.C. 2 zone from 3 separate parcels containing 1.86 Ac., 2.12 Ac. and

August 10, 1982

.34 Ac. regardless of the number of times any one parcel is subdivided.

Acres: 15th District:

The existing dwelling is served by a drilled well and septic system, both of which are functioning properly. The two proposed lots will be served by individual wells and septic systems. Soil percolation tests for the lots have been conducted with favorable results. Slight revisions to the existing plan will be necessary prior to final approval of the subdivision, however, the plan as submitted generally appears to be in conformance with applicable Baltimore County Department of Health regulations.

Very truly yours.

Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

IJF/als

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 6, 1982

COUNTY OFFICE BLDG. 111 W. Chesapeate Ave. Towson, Maryland 21204

Chairman

MEMBERS

Department of

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Traffic Engineering

State Roads Commission

Bureau of

Engineering

Bureau of

Industrial

Development

Nicholas B. Commodar

Mr. A. Louis Winkler 6636 Blackhead Road Baltimore, Maryland 21220

> HE: Item No. 240 - Case No. 83-36-SPH Petitioner - Joseph C. Kraus, et al Special Hearing Petition

Dear Mr. Winkler:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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 suitability of the requested zoning.

In view of your proposal to resubdivide the existing three parcels of ground by rearranging the property lines, this hearing is required. If the petition is granted, you must comply with the applicable subdivision regulations. For more information concerning this matter, you may contact Mr. Jack Wimbley at 494-3335.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Richalas D. Cannodace;

NICHOLAS B. COMMODARI, Chairman Zoning Plans Advisory Committee

NBC:bsc Enclosures co: Spellman, Larson & Associates W. Chesapeake Avenue Jefferson Bldg Towson, Md. 21204

DALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204 NORMAN E. GERBER DIRECTOR

August 10, 1982

Mr. William E. Hammond, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning **Baltimore County Office Building** Towson, Maryland 21204

Dear Mr. Hammond:

JLW:rh

Comments on Item #240 , Zoning Advisory Committee Meeting, June 1, 1982

Property Owner: Joseph C. Kraus, et al Location: N/W corner Pheasant Road and Crooke Road Acres: 4.3 District: 15th

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.

The subject property must comply with the Baltimore County Development Regulations (Bill 56-82).

John sumbles John L. Wimbley Planner III Current Planning & Development



BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204

STEPHEN E. COLUNS DIRECTOR

June 9, 1982

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

AE: ZAC - April 20, 1982

Lear Mr. Hammond:

The Department of Traffic Engineering has no comment concerning

items #237 through item #245.



CRM/GMJ/rlj

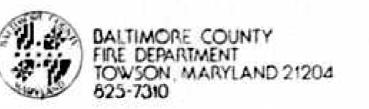
C. kichard Moore

Assistant Traffic Engineer

JK/mb / cm

REVIEWER: Patt Gray Tille 6-16-19 Approved: Leege 17 1/ Ecomoly

Special Inspection Division



FAUL H REINCKE

June 14, 1982

Mr. William Hammond Coming Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Joseph C. Kraus, et al

Location: NW/Cor. Pheasant Road and Crooks Ro-4

Item No.: 240

Zoning Agenda: Meeting of June 1, 1982

Centlemen:

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.

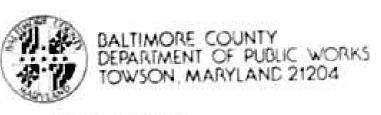
- ( ) 1. Fire hydrants for the referenced property are required and shall be feet along an approved road in located at intervals or accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or reginning of operation. Roadways to Lot #1, #2, #3, shall have a minimum width of 16 feet.
- ( x) 5. 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 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

Fire Prevention Bureau



HARRY I PISTEL P. E.

Mr. William E. Hammond Zoning Commissioner County Office Building Towsen, Maryland 21204

> Re: Item #240 (1981-1982) Property Owne : Joseph C. Kraus, et al N/W corner Pheasant Rd. and Crooks Rd. Acres: 4.3 District: 15th

Dear Mr. Hammond:

DIRECTOR

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.

General:

The comments supplied August 14, 1980 by the Baltimore County Joint Subdivision Planning Committee in conjunction with their review of this property, and the comments supplied March 23, 1982 by the Baltimore County Bureau of Fublic Services in connection with the Preliminary Plan of this proposed subdivision "Resubdivision of Lots 186 and 187 and a Parcel Section No. 2 Bird River Beach, W.P.C. 7 Polio 85", (Project 801555) are referred to for your consideration.

June 7, 1982

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 240 (1981-1982).

Very truly yours,

Bureau of Public Services

RAM: EAM: FWR: SE

83 Tax Map

cc: Jack Wimbley, Harris Shalowitz

MM-SW Key Sheet 28 & 29 NE 43 Pcs. Sheets NE 7 & 8 K Topo

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

June 16, 1982 W. Hammond Nick Commodari Charles E. Burnham FROM.... Zoning Advisory Committee

SUBJECT Meeting June 1, 1982 ITEM NO. 238 See comments. ITEM NO. 239 See comments. ITEM NO. (240) Standard comments.

ITEM NO. 241 Standard comments. ITEM NO. 242 See comments. ITEM NO. 243 See comments. ITEM NO. 214 See comments. ITEM NO. 245 Standard comments.

Charles E. Burntes

Plans Review Chief

CEBITT

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: May 27, 1982

Mr. William E. Hammond Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: June 1, 1982

RE: Item No: 237, 238, 239 (240) 241, 242, 243, 244, 245 Property Owner: Location: Present Zoning: Proposed Zoning:

District: No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours Va with teleout Wm. Nick Petrovich, Assistant Department of Planning

PETITION FOR SPECIAL HEARING

15th Election District

ZONING:

Petition for Special Hearing

LOCATION:

Northwest corner of Pheasant and Crooks Roads

DATE & TIME:

Tuesday, August 17, 1982 at 10:00 A.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 W. Chesapeake

Avenue, Towson, Mary land

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

> Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the subdivision of 3 lots in a R.C. 2 zone from 3 separate parcels containing 1.86 acres, 2.12 acres and .34 acres, irregardless of the number of times any one parcel is subdivided. See Sections 1A01. 3B, 304 and 101 "Lot of Record" of the Zoning Regulations

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

Being the property of Joseph C. Kraus, et al, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, August 17, 1982 at 10:00 A. M. Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

> BY ORDER OF WILLIAM E. HAMMOND ZONING COMMISSIONER OF BALTIMORE COUNTY

Mr. A. Louis Winkler 6636 Blackhead Road Baltimore, Maryland 21220

> BOTICE OF REARING Re: Petition for Special Hearing NW/corner of Pheasant & Crooks Roads Joseph C. Kraus, et al - Petitioners Case #83-36-SPH Item #240

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

request, I am forwarding to you the pertinant parts of the

e for Bird River Beach, Resub of Lots 186 & 187 and a parcel

EB. lev

Eugene A. Bober, Chief

Current Planning and Development

ZOHING DEPARTMENT

(File # XV-nisc.). The comments were prepared pursuant to the Preliminary

Plan dated February 5, 1982 also attached. This plan did not receive approval

10:00 A. M. Tuesday, August 17, 1982 PLACE: ROCH 106 COUNTY OFFICE BUILDING, 111 V. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

County Board of Appeals

Subdivis

EAB:rh

Enclosure

by the County Agencies.

TO Joanne L. Suder, Acting Chairperson

SUBJECT. Joseph C. Kraus, et al Zoning Case No. 83-36-SPH (Item 249)

Eugene A. Bober, Chief PROM Current Planning and Development

I hope this information is helpful.

cc: Peter Max Zimmerman, Deputy People's Council

Mr. A. Louis Winkler

Arnold Jablon

James Hoswell

HALFIMORE COUNTY

Date.... December 27. 1983.....

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204 494-3353

WILLIAM E. HAMMOND ZONING COMMISSIONER

August 5, 1982

Mr. A. Louis Winkler 6636 Blackhead Road Baltimore, Maryland 21220

> Re: Petition for Special Hearing NW/corner Pheasant & Crooks Rds. Juseph C. Kraus, et al - Petitioners Case #83-30-5PH Item #240

Dear Mr. Winklers

This is to advise you that \$57.15 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND Zoning Commissioner

BALTIMORE COUNTY, MARYLAND No. 108947 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE 8/18/82 ACCOUNT 01-662 AMOUNT \$57.15 ALLEVED C. Berniece Winkler Advertising & Fosting Case #83-36-SPH (Joseph C. Kraus, et al)

@ 032 \*\*\*\*\* 573515 5162A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS TOWSON MARYLAND 21204

HARRY I PISTEL P. E. DIRECTOR

\* March 23, 1941

Mr. Joseph Kraus 4120 Baker Lane Baltimore, Maryland 21236

> Re: Bird River Beach Resub. of Lots 186 & 187 District 15

Dear Mr. Kraus:

The preliminary plan for the referenced subdivision has been reviewed and comments are enclosed for your information and guidance as provided by the following agencies:

- 1. Developer's Design Approval Section comments, dated March 4, 1982. 2. Office of Current Planning and Development comments, dated Narch 10, 1982.
- 3. Department of Traffic Engineering comments, dated March 8, 1982.
- 4. Fire Prevention Bureau comments, dated February 19, 1982.

These comments are based on such information as shown on the proliminary plan and are subject to change and/or addition with submission of a more complete plan. They shall not be construed to indicate tentative approval, which is obtained only with the signatures of authorized County officials on the plan itself.

DIVISION OF LAND DEVELOPMENT COMMENTS!

Upon compliance with the enclosed comments, the plan may be submitted for tentative approval.

In order to process this project in accordance with current procedure, a fee is being charged for processing. The fee is determined by the number of lots. For processing this plan to tentative approval, the developer shall submit a cartified or cashier's check in the amount of \$210.00 for four (4) lots payable to Baltimore County, Maryland. The developer shall be responsible to pay the fees for subsequent steps to Ballimore County in accordance with procedure as the project is processed.

Kraus

The developer is cautioned to review the provisions of Bill #178-79 to determine its impact on this development proposal before continuing sub-

-2-

PETITION FOR SPECIAL HEARING

All that parcel of land in the Fifteenth District of Baltimore

County beginning for the same at the Northwest corner of Pheasant

Being the property of Joseph C. Kraus, M. Shirley Kraus, A. Louis Winkler and C. Berniece Winkler as shown on a plat filed with the

Location: Northwest Corner of Pheasant and Crooks Road.

(1) S 65° 04' 07" W 526.65' therce (2) N 12° 02' 35" W 417.96' thence (3) N 85° 01' 43" E 546.47' thence (4) S 04° 58' 17" E 235.00' to the place of heginning.

and Crooks Road running thence

zoning department.

Containing 4.3 acres of land more or less

Very truly yours.

(SIGNED) ROBERT A MORTON

Robert A. Morton, P.E., Chief Bureau of Public Services

RAII: CEB: pmg

Bird River Beach

Resub. of Lots 186 & 187

division process.

cc: Spellman, Larson & Associates 110 Jefferson Building Towson, Maryland 21204

Messrs. McDonough, Bober, Stafford

Permits & Licenses

File

BALTIMOFE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW CONCENTS

DATE: March 4, 1982

FPCK: Edward A. McDonough, P.E., Chief Developers Engineering Section

		PIP PLAN	
PROJECT NAVE: _	Bird River Beach Resub. Lots 186	PRELIMINARY PLAN	x
PROJECT MINERA	#80027	TENTATIVE PLAN	
TO CATION:	N. of Bird River Beach Rd., W. of Crooks Rd. & S. of Bird River	DEVELOPMENT PLAN	
DISTRICT:	Subd. Sec. 2 15C5	FIMAL PLAT	-

The preliminary plan for the subject site, dated February 5, 19-2, has been reviewed by the Developers Engineering Section and we comment as follows:

### HIGHWAY COMMENTS:

Bird River Beach Road and Crooks Road are existing County roads which shall ultimately be improved with 30-foot curb and gutter cross-sections on 50-foot rights-of-way. No road improvements will be required of this Developer at this time, as long as he does not exceed 3 lots in the subdivision. However, he will be responsible for:

- a. The dedication of any widening, slope easements and road fillets at no cost to the County.
- b. Grading to the ultimate cross-section in all areas where driveways intersect Bird River Beach Road and Crooks Road, to provide adequate sight distance.

Sidewalks are not required for this subdivision.

Driveways shall be constructed in accordance with Baltimore County Standards (Detail R-15), with depressed curb and 7-inch concrete aprons within the right-of-way.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of al. necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

BALTIMORE COUNTY, MARYLAND

DATE: February 19, 1982

SUBJECT: SUBPTIVISION REVIEW COMMENTS

BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU

DISTRICT:

Contain Joseph Kelly

PRELIMINARY PLAN PROJECT NAME River Beach - Resub TENTATIVE PLAN PROJECT NUMBER ROOSE Pheasant Road (Rive River Beach PA) DEVELOPMENT PLAN

1. Buildings must conform to NFPA 101, Life Safety Code 1976 Edition.

MICROFILMED

Project #80027 Bird River Beach Resub. Lots 186 and 187 March 4, 1982

SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond ported prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

This property is exempt from storm water management requirements, since it contains only 3 residential lots.

#### WATER COMMENTS:

Public water is not available to serve this property. Therefore, private well systems must be provided in conformance with Health Department requirements. A water appropriation permit must be approved prior to signature on the record plat.

#### SANITARY SEWER COMMENTS:

Public sewers are not available to serve this property; therefore, private sewage systems must be provided. Soil tests must be conducted on each lot prior to approval of a tentative and/or record plat in accordance with Department of Health requirements.

. . . . . .

It does not appear that any public facilities will be required to serve this site. If later studies show that storm drain improvements are required, a Public Works Agreement must be executed by the owner and Baltimore County before a record plat is recorded.

> EDWARD A. MCDONOUGH, P.E., Chief Developers Engineering Section

EAM: HWS: SS

cc: File

494-3180

County Board of Apprais Room 219, Court House Towson, Maryland 21204 September 20, 1983 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 21-1 DUNTY COUNCIL BILL \$108

CASE NO. 83-36-SPH

C. KRAUS, ET AL

NW/comer Pheasant and Crooks Rds.

15th District

SPH-to determine whether the subdivision of 3 lots in an RC. 2 zone should be approved

7/12/83 - Z. C. 's Order-DEN IED

TUESDAY, DEC. 20, 1983, at 10 a.m.

ASSIGNED FOR:

cc: Joseph C. Kraus, et ux Petitioners A. Louis Winkler, et ux

People's Counsel J. W. Hessian, Esq.

N. Gerber

J. Hoswell

A. Jabla.

J. Dyer

June Holmen, Secy.

BALTIMORE COUNTY, MARYLAND

UBJECT: SUBDIVISION REVIEW COMMENTS

DATE: March 10, 1982

XXXXXXXXXX

\_\_\_\_

ROM: CURRENT PLANNING AND DEVELOPMENT

Bird River Beach - Kesub of Lots 186 'ROJECT NAME: & 187 and a parcel Section 2 PRELIMINARY PLAN

ROJECT NUMBER: TENTATIVE PLAN

OCATION DEVELOPMENT PLAN \_\_\_\_ COUNCIL & ELECTION DISTRICT XV-Misc C-5 FINAL PLAT \_\_\_\_

The Division of Current Planning and Development has the following comments on the subject plan, which proposes 3 lots on 3.9 acres zoned RC-2:

This plan does not meet the requirements of Section 1A01.3 of the Zoning Regulations.

Section 1A01.38.1 states that "No lots of record lying within an RC-2 zone and having a gross area of less than two acres may be subdivided." If 1.86 pares is the gross acreage of deed L.McL.M. 860-268, it may not be subdivided. Deed W.P.C. 609-445 may be subdivided into two lots; however, the area of the two lots must be contained within the boundary of the deed.

A Development Fign is not required for subdivision of 3 lots or less.

Susan Careell per AH
Susan Carrell

MICROFILMED

BALTIMORE COUNTY, MARYLAND

DATE: March 8, 1982

To: Mr. Robert Morton, Public Services

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: C. Richard Moore

Bird River Beach Resub Lot 1865187 PRELIMINARY PLAN PROJECT NUMBER: 80155 TENTATIVE PLAN LOCATION: Bird River Beach Rd. & C.ooks Md. DEVELOPMENT PLAN DISTRICT: FINAL PLAT

The plan as shown appears satisfactory as it pertains to this department.

Assistant Traffic Engineer

CRM/GMJ/rlj

MICROFILMED

Marie Marie Company of the Company o

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

TO..... Susan S. Carrell, Current Planning
& Development Division, OPZ Date December 20, 1983

FROM Peter Max Zimmerman, Deputy People's Coursel

SUBJECT Joseph C. Kraus, et al., Petitioners - Zoning Case No. 83-35-52H (Item 240)

Attached is a copy of the Zoning Commissioner's Opinion in the above case. I should appreciate your forwarding to the Board of Appeals, Joanne L. Suder, Acting Chairperson, copies of the pertinent parts of the subdivision file of the Bird River Beach Plan submitted by Spellman, Larson and Associates, Inc. on behalf of A. Louis Winkler, 6636 Blackhead Road, Baltimore, MD 21220, and Joseph C. Kraus, same address. The question has been raised whether the Planning or Zoning Office ever gave approval to a preliminary plan, involving four lots, despite Section 1A01.3B.1. of the zoning regulations concerning lot density. I should appreciate a brief summary comment from you on this issue, based on the file and your experience with it.

The deadline for submittal is January 9, 1984, but I should appreciate your response at your earliest convenience.

> Peter Max Zimmerman Deputy People's Counsel

Enclosure ZC Opinion dtd. 7/12/83

cc: County Board of Appeals Mr. A. Louis Winkler

PMZ:sh

ail 12 PM

9/20/83 - Following were notified of hearing set for Tues., Dec. 20, 1983, at 10 a.m.:

Jos. Kraus, et ux A. Louis Winkler, et ux

J. Hessian N. Gerber J. Hoswell

IF ANY, OR OR BEFORE JANUARY 13, 1984.

A. Jablon J. Dyer

12/20/83 - PER J. L. SUDER -

BT AGREEMENT AND REQUEST OF BOTH PARTIES, THIS BOARD SHALL HOLD THIS CASE OPEN UNTIL JANUARY 13, 1984. FOR THE PURPOSE OF RECEIVING DOCUMENTARY EVIDENCE FROM BOTH SIDES CONCERNING THE ISSUE OF WHETHER OR NOT PETITIONER'S EXHIBIT #3 (SUBDIVISION OF FOUR LOTS) WAS EVER APPROVED BY ZONING. PROPLE'S COUNSEL SHALL SUBMIT ITS EVIDENCE ON UR

BEFORE JANUARY 9, 1984, AND PETITIONER SHALL SUBMIT THEIR EVIDENCE.

cc: W. T. HACKETT

JSV

WINKLER-KRAUS MEMO

My Name is Albert Louis Winkler. I reside at 6636 Blackhead Road, Beltimore, Maryland 21220.

I am a part owner of the property at the NW/corner of Pheasant and Crooks Rd. cited in case no. 83-36-5PH

I am aware that zoning regulations limit the division of land in an RC 2 Zone to a minimum one acre lot and that regardless of size, the parcel can be divided one time only.

I am also aware that under certain conditions variances may be granted by the Zoning Commissioner and by the Appeal Board.

We are seeking the redistribution of the property lines from three (3) irregular parcels of land ( a portion of which is unusable) to three (3) lots of desireable shapes and sizes which have already been approved by all county departments except zoning.

A previous hearing was held before the Zoning Commissioner on Tuesday, August 17, 1982 and I was hoping to use some of the comments and testimony in this case today; however, my memory is not adequate to quote verbatum from a hearing which occurred a year prior to the rendering of a decision. In trying to obtain the recording of the proceedings, I find that either the recorder was not working, or the tape was lost as were a portion of the exhibits. A Mr. Ron of the zoning department and my wife and I spent considerable time trying to locate the tape recording, but it is not available. Most comments at the hearing leaned toward an approval. I feel that the lapse of time between the hearing and the decision had an adverse affect on the outcome as all this evidence was not available when the decision was rendered.

- 1. I will prove that the re-distribution will not result in increased density.
- It will result in an improvement of the land pattern (Bill No. 56-82 Sec 22-38).
- 3. To deny will result in an unreasonable hardship to me and my family.
- 4. Granting of a variance will be in strict harmony with the spirit and intent of zoning policies and will have only beneficial affects on health, safety and general welfare.

I would like to introduce the following items for reference in the event they are not available in file from the previous hearing before the Commissioner:

- A plot layout of the area.
- Layout 1" = 50' of the existing parcels.
- 3. Layout 1" 50' of initially proposed sub-division as approved by the
- 4. Layout 1" 50' of currently proposed redistribution of property lines.
- 5. A tentative plan by Spellman and Larson for the initial division (10/17/80).

· 1/12/84

6. Preliminary plan by Spellman and Larson for current plan (2/15/82).

ON THE BASIS OF THE ATT ACHED

DATED JULY 30, 1980; WE INVESTED THOUSANDS

ENGINEERING, DESIGN COSTS AND THE

HOLES IN DEVELOPING THE TENTATIVE PLAN

IT IS THE OPINION OF MR CY

PLE, 25E CALL AND CONFIENTHIS WITH

EXCAVATION OF APPROX, 18 PEEC TEST

BENSON WHO CHAIRED THE BUNSPIC.

MEETING THAT THE STATEMENTS IN

THE MINUTES OF THE NEETING DATED

AUGUST 14, 1980 INDICATED APPROVAL OF

APPROVAL OF THE PRELIMINARY PLAN

OF DOLLARS IN SURVEYING COSTS

FOR FOUR LOTS. A. Tiller

THE PRELIMINARY PLAN,

MR CY BENSON

Please compare exhibits 2, 3 & 4 and you will determine that the current proposal

will not result in increased density.

Again, by comparison you will note that the current proposal will result in an improvement of the land pattern.

(2)

On the basis of the initial approval of the 1980 sub-division I decided to retire intending to do garden farming on a parcel of the land and sell one of the lots to my step son for building a shouse, thus supplementing my retirement income. The remaining two lots would become the property of the co-owners, Mr. & Mrs. Krause (my bother-in-law and sister-in-law). We would thus affect an amicable division of the property which was obtained by will from my wife and sister-in-laws mother.

To this time no other property in the vicinity had failed a percolation test.

Apparently this was a hasty decision as the rear lot failed to percolate and the division could thus not be made. To partially recover the loses involved to this time, we have now proposed the redistribution of the property lines.

In addition to not supplementing my retirement income, I will face additional losses if the current plan is not approved and this will be an increased hardship

If you will refer to exhibit I you will note that the majority of lots in the area were laid out in 25' widths, the result being that the majority of houses in the area are built on 50 # 75 foot lots.

The lots as proposed will be the largest in the origional Requard and Hammond

Note: The lots to the north and east of the layout were also part of the origional development and consist mainly of houses built on 50 2 75 foot lots.

Failure to approve the request will result in the parcel of land in the center becoming valuless, unbuildable lot. It will not perk, is partially an old unused gravel pit and has in the past been used as a catch all for trash. As such it detracts from the overall value of the neighborhood. There will be a marked enhancement of this parcel if the request in this appreal is granted.

In conclusion I would like to appeal to the Board to exercise its rights to grant the waiver as requested and thus exercise its powers as provided in Bill No. 56-82 as amended and in effect on June 11, 1982 and section 307 -variances (B.C.Z.R. 1955 Bill No. 107, 1963).

I would also like to cite the following portions of the aforementioned Bill no. 56-82 for your reference:

Sec. 22-38, (D), (E), (H) Sec. 22-41, (6)

JOHN W. HESSIAN, II

People's Counsel

PETER MAX ZIMMERMAN

Deputy People's Counsel

The Honor-11-

Court House

Dear Mrs. Suder:

up a Pandora's box.

cc: Mr. A. Louis Winkler

PMZ:sh

Towson, Maryland 21204

. . .

Sec. 22-43, (A), (1), (6), (7), (13)

and suggest a review of the comments from the other affected county departments.

Caltimore County, Maryland

PEOPLE'S COUNSEL

RM 223, COURT HOUSE

TOWSON, MARYLAND 21204

Acting Chairperson

/ Board of Appeals

January 11, 1984

By memorandum dated December 27, 1983, the Office of Planning and Zoning

This case appears to be a test case involving the density regulations in R.C.

Very truly yours,

Deputy People's Counsel

transmitted pertinent portions of the Subdivision File for Bird River Beach, Resubdivision

of Lots 185 and 187. It there appears, contrary to the Petitioners' contention, that no

previous approva' has ever been granted for four lots. Nor does the 1980 exhibit sub-

2 zones. To grant this special hearing would be to set a terrible precedent and open

mitted by Petitioners received January 11, 1984 indicate any approval.

RE: Joseph E. Kraus, et al, Petitioners

Zoning Case No. 83-36-SPH (Item 240)

I pray that the court will carefully consider my request and find in my favor.

REVIEWED BY THE BALTIMORE COUNTY JOINT SUBDIVISION MANNING COMMITTEE

BIRD RIVER BEACH RESUB LOTS 186 & 187

SUBMITTED

AUGUST 14, 1980

Engineer:

Lot Type:

Joseph Kraus, 4120 Baker Lane, Baltimore, Maryland 21236 Developer:

Spellman, Larson & Associates, 110 Jefferson Bldg., 21204

District:

North of Bird River Beach Road, West of Crooks Road, and

Location:

South of Bird River Subdivision Section 2

4 lots

4.3 Acres

Facilities:

Private wells and septic systems

Mary S. Kraus, Developer

Representatives:

Berniece Waller, Developer Joseph Kraus, Developer Mark C. Martin, Developer's engineer

Edward A. McDonough, Developers Review Section

Developer presented a 50 scale plan dated July 30, 1980 of the proposed subdivision located as stated above. The following comments were made:

Developer stated that he proposes to devel p the proposed tracts and or lots into four new lots. One lot will contain the existing dwelling, the other three lots are planned for new dwellings.

The Office of Planning stated that Developer's engineer must indicate deed reference of the tracts of land and acreage of each lot or tract, and indicate the adjacent ownership. A Development Plan is required for this four lot subdivision. A panhandle is proposed to serve Lot 2, therefore a profile, width of paving, and panhandle width to be shown.

The Office of Zoning stated that the Developer to indicate the adjacent zoning and uses. Setbacks to be 35', and the density calculations should indicate the number of lots allowed and the number of lots proposed.

The Bureau of Engineering stated that Bird River Beach River and Crooks Road are proposed to be improved with a 50 foot right-of way. Developer will be responsible for the dedication of the right-of-way widening and revertible slope easement. A fillet will be required at the intersection of Bird River Beach Road and Crooks Road. Developer to indicate the location of the existing street lights, if additional street lights are required, it will be Developer's cost. Drainage and utility easements are required for this subdivision, if any storm drain improvements are required, it will be Developer's full cost. Storm Water Management and Sediment Control requirements apply to this subdivision.

Private water and sewerage disposals to be employed. In addition to showing location, Developer must meet all requirements of Baltimore County Health Department and indicate on each lot prio to tentative approval.

THIS INDICATES APPROVAL OF THE PRELIMINARY MS 608 WITED ADG 14, 1980

a. L. Willer

TEL 494-2188

County Board of Appeals of Baltimore County Room 200 Court Mouse Comson, Karpiand 21204

(301) 494-3180

July 12, 1984

Joseph C. Kraus, et us Louis Winkler, et ux c/o A. Louis Winkler 6636 Blackhead Road Baltimore, Md. 21220

Gentlemen:

Re: Case No. 83-36-SPH Joseph C. Kraus, et al

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

cc: People's Counsel

N. Gerber J. Hoswell

A. Jablon J. Dyer



County Board of Appeals of Baltimore County Room 200 Court Mouse Comeon, Margland 21204

(301) 494-3180 July 19, 1984

Joseph C. Kraus, et ux A. Louis Winkler, et ux c/o A. Louis Winkler 6636 Blackhead Road Baltimore, MD 21220

JSPC MINUTES - AUGUST 14, 1980

easements and or right-of-ways.

County for further processing.

April 30th of the year.

GSB:bjn

August 18, 1980

BIRD RIVER BEACH RESUB LOTS 186 6 187

Existing systems must be shown within 100 feet of this subdivision.

imum of 200 feet from any stream. All systems must be 10 feet from all utility

posed subdivision. It was also stated by the Health Department that perc tests

report, a copy of which was given to all representatives present. A grading plan

the requests and suggestions of the committee, this plan may be resubmitted to the

and sediment control plan will be required for this subdivision.

within this area of Baltimore County can only be made between February 1st and

10,000 square feet area for private septic sytems must be located a min-

A hydrogeological environmental effects report is required for this pro-

The Soil Conservationist presented a soils report and sediment control

Developer was advised that after plan has been revised in accordance with

Re: Case No. 83-36-SPH \_\_\_\_Joseph C. Kraus, et al

Gentlemen:

Enclosed herewith is a copy of the corrected first page of the Opinion and Order filed July 12, 1984 in the above entitled

Very truly yours,

Encl.

cc: Phyllis Cole Friedman Norman E. Gerber James G. Hoswell Arnold Jablon James E. Dyer

WILLIAM E HAMMOND ZONING COMMISSIONER

July 12, 1983

Mr. A. Louis Winkles 6636 Blackhead Road Baltimore, Maryland 21220

> RE: Petition for Special Hearing NW/corner of Pheasant and Crooks Roads -15th Election District Joseph C.Kraus, et al - Petitioners NO. 83-36-SPH (Item No. 240)

Dear Mr. Winkler:

I have this date passed my Order in the above referenced matter in accordance with the attached.

> WILLIAM E. HAMMOND **Zoning Commissioner**

WEH/srl

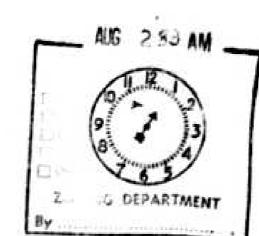
Attachments

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

for special hearing in the following Casl

NW/CORNER OF PHERSANT & CROOKS ROADS - 15th ELECTION DISTRICT JOSEPH C. KEAUS, ET AL- PETITIONERS NO. 83-36-SPH (ITEM NO. 240) 80.00 Enclosed for this fee.

a. Jours Wenkler 6636 BLACKHEAD 20 BALTO. MO. 21220 335-4423



■ August 2,1983

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

August 3, 1983

John W. Hessian, III, Esquire People's Counsel Room 223, Courthouse Towson, Maryland 21204

> Re: Petition for Special Hearing NW/corner of Pheasant and Crook Roads Joseph C. Kraus, et al - Petitioners Case No. 83-36-SPH

Dear Mr. Hessian:

Please be advised that an appeal has been filed by one of the petitioners, A. Louis Winkler, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Zoning Commissioner

AJ:aj

Dear Commissioner for special heaving in the following NULCORNER OF PHEPSANT & CROOKS ROADS - 15th ELECTION DISTRICT JOSEPH C. KERUS, ET AL-PETITIONERS NO. 83-36-SPH (ITEM NO. 240) 80.00 Enclosed for this fix. A. Foris Hendler 6636 BLACKHEAD P.D.

Quegree 2, 1983

CERTIFICATE OF PUSTING

Number 15			8/2/32
Posted for: Seteties.	for Replied	nearing	7
Location of property: NA	16 Sken	rent 1	(nacht id.
Location of Signa frace.	g interner	611	earant t
CHARL.			
Posted by	2 delenas	Date of return:	2/6/22



# 83-36-5PA CERTIFICATE OF PUBLICATION

TOWSON, MD., \_\_\_\_\_July 29\_\_\_\_\_, 19\_82\_ THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., was because one time assessment before the \_17th\_\_\_\_ day of \_\_\_\_\_ August\_\_\_\_, 19\_82\_, the and publication appearing on the 29th day of July

A. Frank Structur

**Times** 

This is to Certify, That the annexed

was inserted in Og Times, a newspaper printed and published in Baltimore County, once in each

41	
	BALTIMORE COUNTY, MARYLAND OFFICE CHINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT
	DATE August 2, 1983 ACCOUNT R-01-615-000
	AMOUNT \$80.00
	RECEIVED A. Louis Winkler
	ron Appeal fee on Case 83-35-SPH
	( 05)
	VALIDATION OR SIGNATURE OF CASHIER
	**************************************

PETITION	M	APPI	NG	PRO	GRE	ŠS	SHEE	:T		
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Descriptions checked and outline plotted on map										
Petition number added to outline										
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BALTIMORE COUNTY, MARYLAND DIFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT  DATE ACCOUNT AMOUNT 35	1-66	2			l Pla in ou	C-01-61-1	or desc	riptic		Yes No
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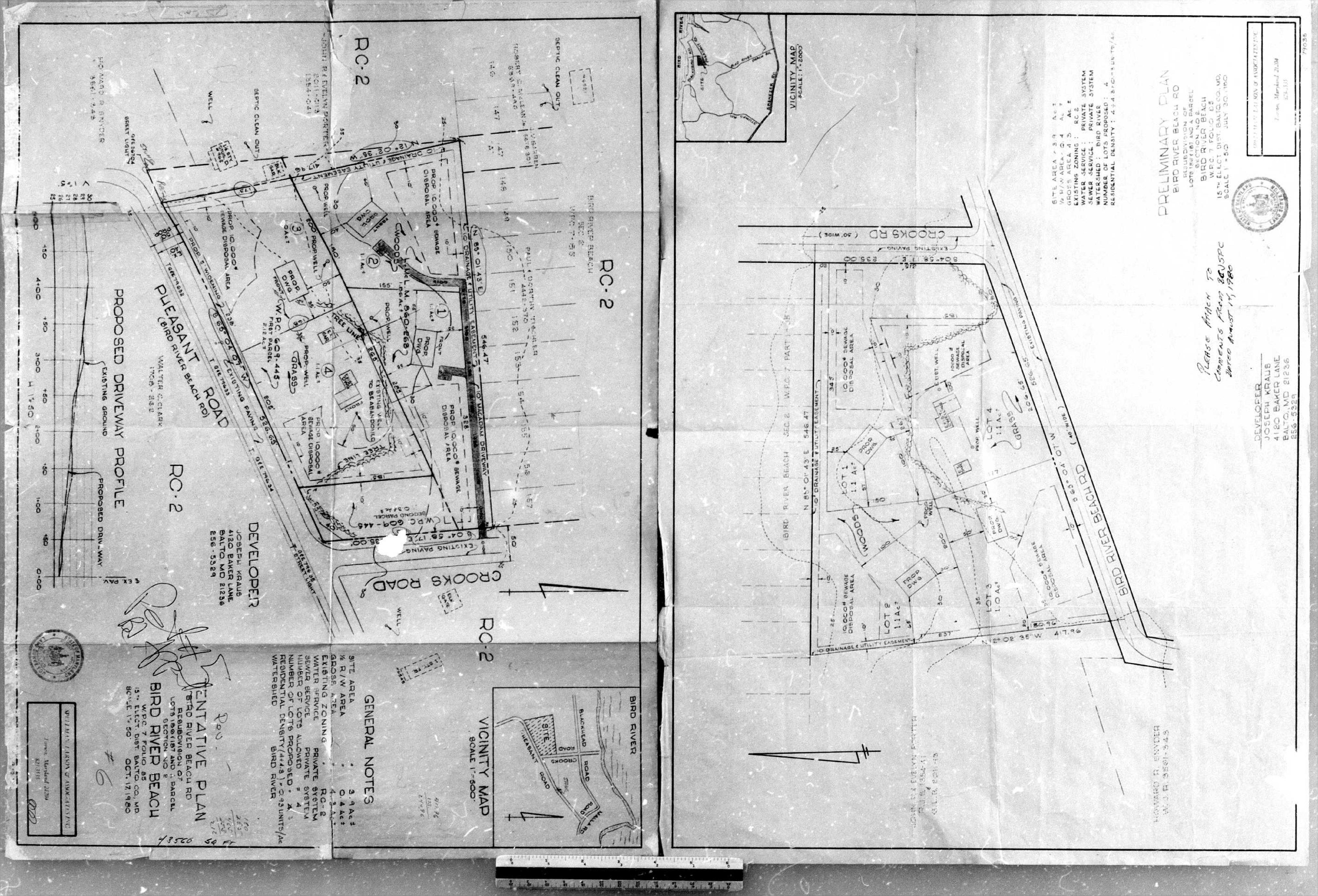
83-36 SPH

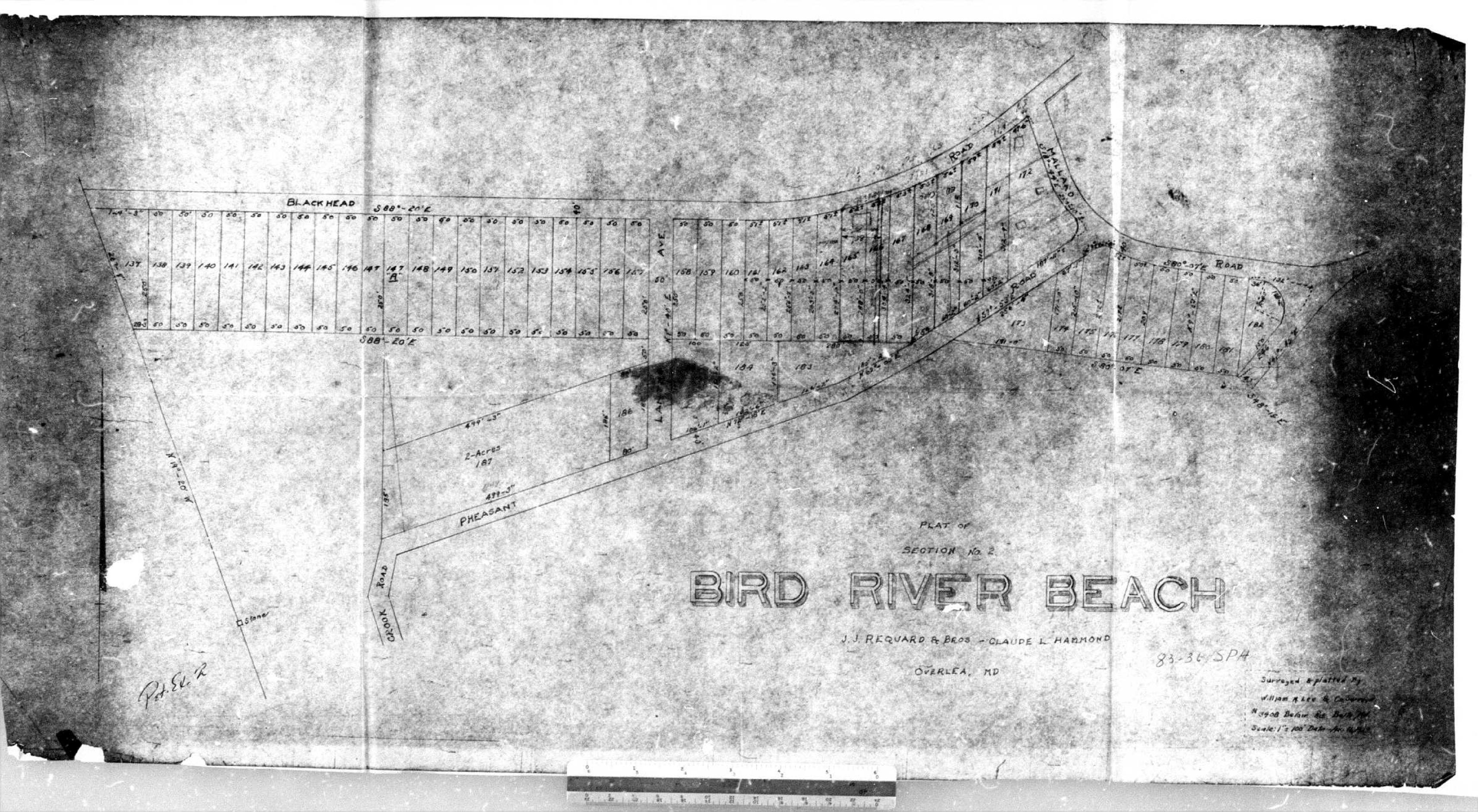
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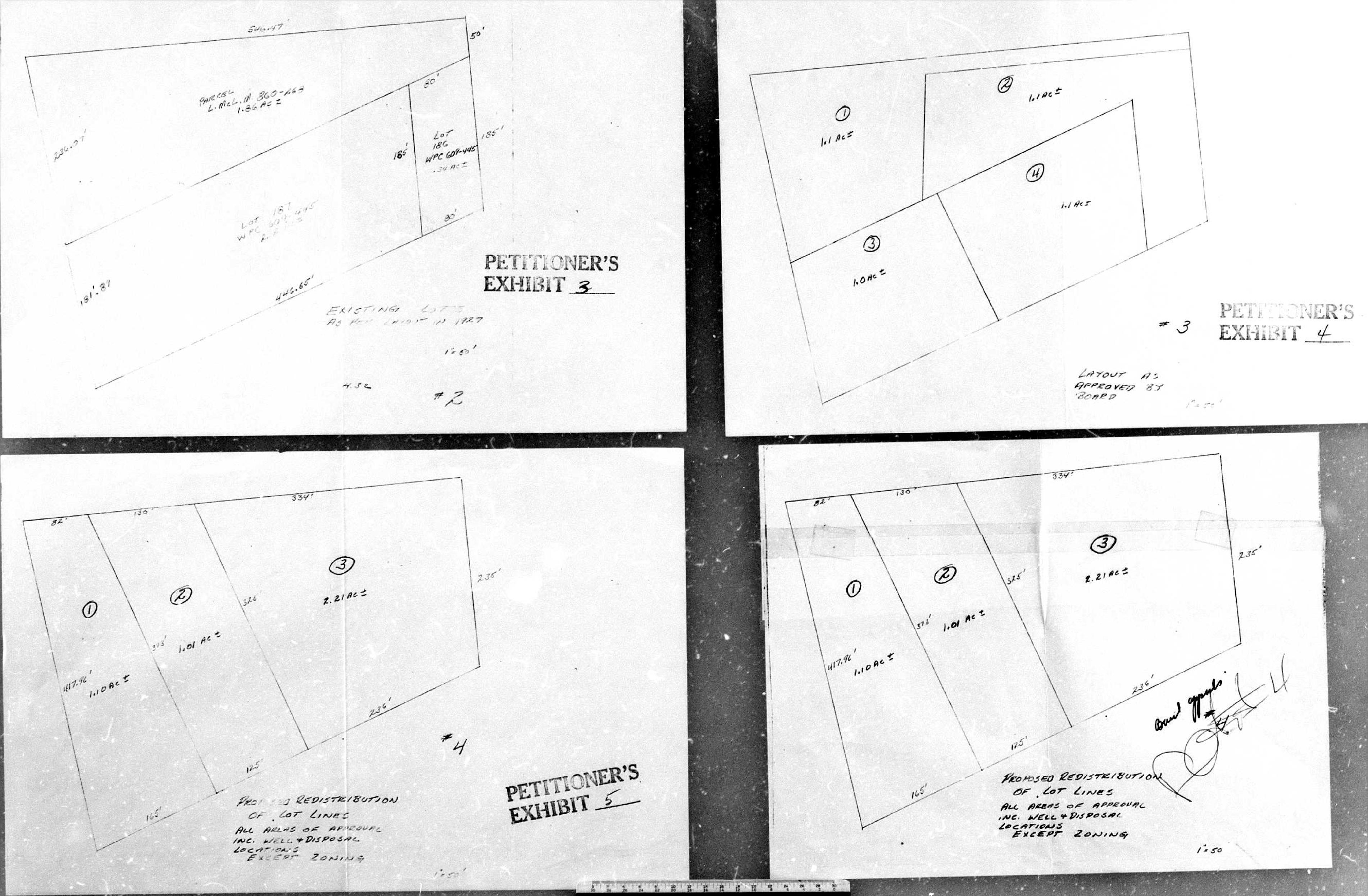
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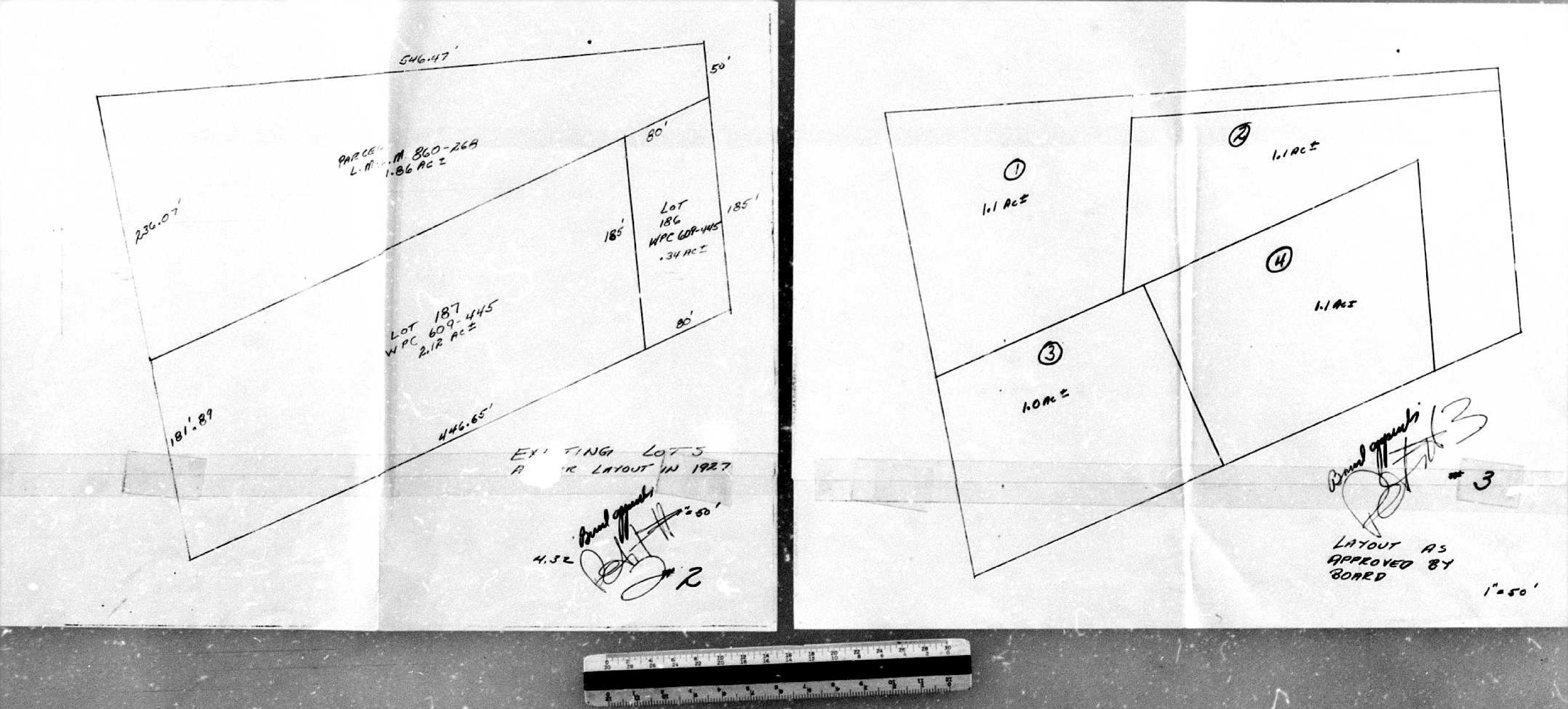
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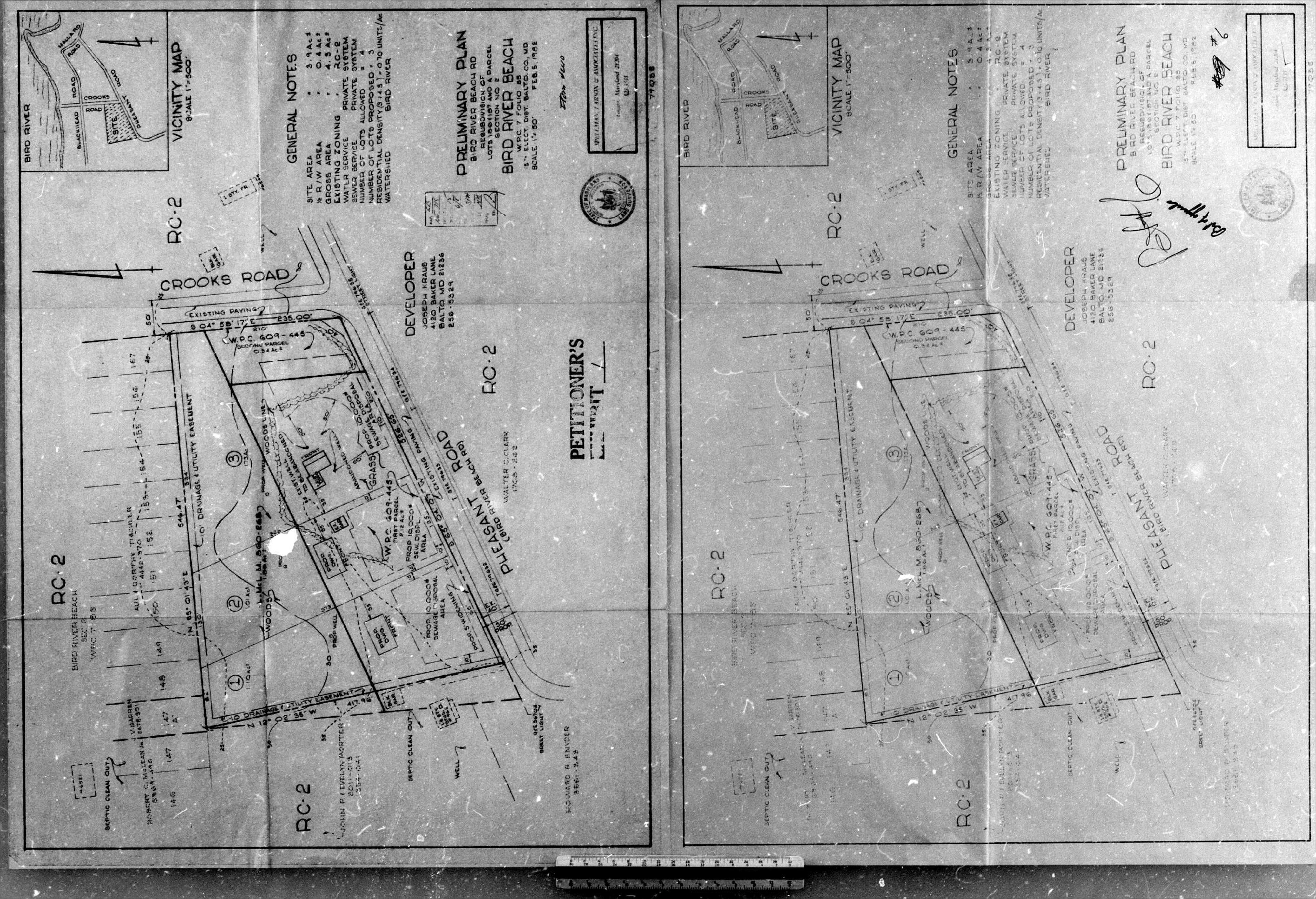
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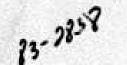












### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

County Board of Appeals

TO Joanne L. Suder, Acting Chairperson Date \_\_\_\_December 27. 1983\_\_\_\_\_

Eugene A. Bober, Chief FROM Current Planning and Development

SUBJECT. Joseph C. Kraus, et al Zoning Case No. 83-36-SPR (Item 240)

As per your request, I am forwarding to you the pertinant parts of the Subdivision File for Bird River Leach, Resub of Lots 186 & 187 and a parcel (File # XV-Misc.). The comments were prepared pursuant to the Preliminary Plan dated February 5, 1982 also attached. This plan did not receive approval by the County Agencies.

I hope this information is helpful.

EB. G Fugene A. Bober, Chief Current Planning and Development

12/20187

EAB: Th

Enclosure

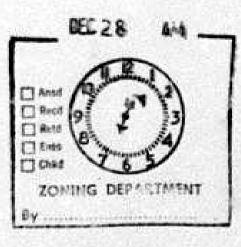
cc: Peter Max Zimmerman, Deputy People's Council Mr. A. Louis Winkfer Arnold Jablon James Hoswell

Bird River Beach Resub. Lots 186 and 187

contains only 3 residential lots.

SEDIMENT CONTROL AND STORM WATER M WAGEMENT COMMENTS: (Cont'd)

shall be indicated on the sediment control drawing.



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY I PISTEL P. E.

March 23. 194.

Mr. Joseph Kraus 4120 Baker Lane Baltimore, Maryland 21236

> Re: Bird River Beach Resub. of Lots 186 & 187 District 15

Dear Mr. Kraus:

The preliminary plan for the referenced subdivision has been reviewed and comments are enclosed for your information and guidance as provided by the following agencies:

- 1. Developer's Design Approval Section comments, dated March 4, 1982.
- 2. Office of Carrent Planning and Development comments, dated March 10, 1982. 3. Department of Traffic Engineering comments, dated March 8, 1982.
- 4. Fire Prevention Bureau comments, dated February 19, 1982.

These comments are based on such information as shown on the preliminary plan and are subject to change and/or addition with submission of a more complete plan. They shall not be construed to indicate tent tive approval, which is obtained only with the signatures of authorized County officials on the plan itself.

DIVISION OF LAND DEVELOPMENT COMMENTS:

Upon compliance with the enclosed comments, the plan may be submitted for tentative approval.

In order to process this project in accordance with current procedure, a fee is being charged for processing. The fee is determined by the number of lots. For processing this plan to tentative approval, the developer shall submit a certified or cashier's check in the amount of \$210.00 for four (4) lots payable to Baltimore County, Maryland. The developer shall be responsible to pay the fees for subsequent steps to Baltimore County in accordance with procedure as the project is processed.

BALTIMORE COUNTY, MARYLAND

UBJECT: SUBDIVISION REVIEW COMMENTS

DATE: March 10, 1982

ROM: CURRENT PLANNING AND DEVELOPMENT

Bird River Beach - Kesub of Lots 186 ROJECT NAME: & 187 and a parcel Section 2 PRELIMIT . ... XXXXXXXXX LAN PROJECT NUMBER: .OCATION DEVELOPMENT PLAN COUNCIL & ELECTION DISTRICT XV-Misc C-5 FINAL PLAT

A water appropriation permit must be approved prior to signature on the record plat. SANITARY SEWER COMMENTS:

March 4, 1982

WATER COMMENTS:

Public sewers are not available to serve this property; therefore, private sewage systems must be provided. Soil tests must be conducted on each lot prior to approval of a tentative and/or record plat in accordance with Department of Health requirements.

In accordance with Baltimore County Council Grading Ordinance (Bill No.

This property is exempt from storm water management requirements, since it

Public water is not available to serve this property. Therefore, private

well systems must be provided in conformance with Health Department requirements.

10-77) a grading plan shall be approved and a Performance Bond posted prior

to issuance of a grading permit. The number of square feet of land disturbed

. . . . . .

It does not appear that any public facilities will be required to serve this site. If later studies show that storm drain improvements are required, a Public Works Agreement must be executed by the owner and Baltimore County before a record plat is recorded.

> EDWARD A. MCDONGUGH, P.E., Chief Developers Engineering Section

EAM: HWS: SE

cc: Pile

The Division of Current Planning and Development has the following comments on the subject plan, which proposes 3 lots on 3.7 acres zoned RC-2:

This plan does not meet the requirements of Section 1A01.3 of the Zoning Regulations.

Section 1A01.38.1 states that "No lots of record lying within an RC-2 zone and having a gross area of less than two acres may be subdivided." If 1.86 acres is the gross acreage of deed L.McL.M. 860-268, it may not be subdivided. Deed W.P.C. 609-445 may be subdivided into two lots; however, the area of the two lots must be contained within the boundary of the deed.

A Development Plan is not required for subdivision of 3 lots or less.

Susan Carrell puch to

BALTIMORS COUNTY, MARYLAND

TO: Mr. Robert Morton, Public Services

SUPJECT: SUBDIVISION REVIEW COMMENTS

h Kraus

Bird River Beach

Resub. of Lots 186 & 187

division process.

RAH: CEB: pmg

File

cc: Spellman, Larson & Associates

Towson, Maryland 21204

Messrs. McDonough, Bober, Stafford

110 Jefferson Building

Permits & Licenses

DATE: March 8, 1982

The developer is cautioned to review the provisions of Bill #178-79 to determine its impact on this development proposal before continuing sub-

FROM: C. Richard Moore

PRELIMINARY PLAN Bird River Beach Resub Lot 1866187 TENTATIVE PLAN PROJECT NUMBER: DEVELOPMENT PLAN LOCATION: Bird River Beach Rd. & Crocks Rd. DISTRICT: 15-C5 FINAL PLAT

> The plan as shown appears satisfactory as it pertains to this department.

> > Assistant Traffic Engineer

CRE/GMJ/rlj

BALTIMORE DOUBLY, MARYLAND

SUBJECT: SUBDIVISION REVIEW CONCENTS

March 2 . Core

Very truly yours,

(SIGNED) ROBERT A MORTON

Robert A. Morton, P.E., Chief

Bureau of Public Services

DATE:	March	4.	1982

FPCK: Edward A. NcDonough, P.E., Chief
Developers Engineering Section

DOCTOR VINE.	Bird River Beach Resub. Lots 186	PIP PLAN PRELIMINARY PLAN	x
PROJECT NUMBER:	ANR 18/ #80027	TENTATIVE PLAN	
IOCATION:	N. of Bird River Beach Rd., W. of Crooks Rd. & S. of Bird River	DEVELOPMENT PLAN	
DISTRICT:	Subd. Sec. 2 15C5	FINAL PLAT	

The preliminary plan for the subject site, dated February 5, 1982, has been reviewed by the Developers Engineering Section and we comment as follows:

### HIGHWAY COMMENTS:

Bird River Beath Road and Crooks Road are existing County roads which shall ultimately be improved with 30-foot curb and gutter cross-sections on 50-foot rights-of-way. No road improvements will be required of this Developer at this time, as long as he does not exceed 3 lots in the subdivision. Nowever, he will be responsible for:

- a. The dedication of any widening, slope easements and road fillets at no cost to the County.
- b. Grading to the ultimate cross-section in all areas where driveways intersect Bird River Beach Road and Crooks Road, to provide adequate sight distance.

Sidewalks are not required for this subdivision.

Driveways shall be constructed in accordance with Baltimore County Standards (Detail R-15), with depressed curb and 7-inch concrete aprons within the right-of-way.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiato such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abundonment of these rights-of-way.

•		BALTIMORE COUNTY,	NARYLAND
			DATE: February 19, 1982
BJECT:	THE RESIDENCE	SION REVIEW COMMENTS	
OH:		RE COUNTY FIRE DEPARTMENT, FIR	E PREVENTION BURSAU
	Captair		PRELIMINARY PLAN
PROJECT	Captair	Joseph Kelly  Rind River Beach - Resub	
	Captais  NAME_ NUMBER	Joseph Kelly  Rind River Beach - Resub	PRELIMINARY PLAN

1. Buildings must conform to NFPA 101, Life Safety Code 1976 Edition.