

IN THE MATTER OF:
GEORGE BECK-LEGAL OWNER
W/S FORK ROAD, 270' S OF BOTTOM ROAD
(13230 FORK ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 94-82-A

* * * * *

ORDER OF DISMISSAL

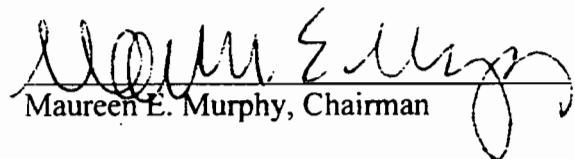
This matter having come before this Board on appeal dated November 8, 1993 from the decision of the Zoning Commissioner wherein the Petition for Variance requesting relief from Section 1A01.3 of the Baltimore County Zoning Regulations to permit side yard setbacks of 25 feet each in lieu of the minimum required 35 feet for a proposed dwelling was denied.

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible; and

WHEREAS, the subject matter has been held on the Board's docket since January 13, 1994, and no further action has occurred in this matter;

IT IS THEREFORE ORDERED, this 16th day of June, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 94-82-A, be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman

IN RE: PETITION FOR VARIANCE
W/S Fork Road, 270' S of
Bottom Road
(13230 Fork Road)
11th Election District
5th Councilmanic District

George S. Beck, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-82-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 13230 Fork Road located near Baldwin in northern Baltimore County. The Petition was filed by George S. Beck, owner of the property. The Petitioner seeks relief from Section 1A01.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 25 feet each in lieu of the minimum required 35 feet for both for a proposed dwelling, as more particularly shown on Petitioner's Exhibit 1, the plat which accompanied the Petition filed.

Appearing at the requisite hearing held in this case was George R. Beck, the Petitioner's father and adjoining property owner. Mr. Beck was represented by Mark P. Hanley, Jr., Esquire. Several individuals appeared in opposition to the Petition, including John A. Staley, Ed Hendrickson, Rosemary Gomez, Sean M. Thompson, Patricia H. Walker and Erica H. Stevens. Some of the Protestants were represented by Paul A. Harper, Esquire.

Testimony and evidence presented established that the subject property consists of 1.095 acres, more or less, zoned R.C. 2 and is presently unimproved. The property is best described as a long, narrow lot which is approximately 98 feet wide at its frontage on York Road and 125 feet wide across the rear property line. The property is approximately

ORDER RECEIVED FOR FILING
Date 10/29/93
By [Signature]

380 feet deep. Mr. Beck, Sr. testified that he acquired the neighboring property, known as 13240 Fork Road many years ago. Subsequently, that property was improved with a dwelling which serves as Mr. Beck, Sr.'s residence. More recently, Mr. Beck's son, the Petitioner in this matter, acquired the property which is the subject of this case. He proposes to construct a single family dwelling on the property as shown on the site plan. The site plan, which was prepared by Mr. Beck, Sr., shows that the proposed dwelling will be approximately 120 feet from the front property line and 200 feet from the rear property line, with the proposed setbacks of 25 feet each on each side. Mr. Beck, Sr. was less than clear as to the precise plans for the proposed dwelling. He indicated that he proposed to place the dwelling in the location shown on the site plan so as to maintain a consistent average setback distance with neighboring houses on Fork Road. However, it is noted that the proposed dwelling sits further back than either Mr. Beck, Sr.'s dwelling or the neighbor's dwelling on the other side. Mr. Beck was also less than precise as to the dimensions of the proposed dwelling. He was not certain of the proposed width or the precise distances of the setbacks which would be maintained. In Mr. Beck's view, he is requesting only "an informal variance" and did not believe it necessary that detailed information be provided.

Ms. Rosemary Gomez, one of the Protestants not represented by Mr. Harper, testified that she opposes the requested variance. She testified that she moved to this area from Baltimore City to have the openness and enjoy the uncluttered landscape the locale offers. She believes that the granting of the relief sought would be inconsistent with the surrounding community.

ORDER RECEIVED FOR FILING
Date 10/22/93
By [Signature]

None of Mr. Harper's clients testified. Instead, Mr. Harper argued that the Petitioner failed to satisfy his burden at law. That is, Mr. Harper noted that the Petitioner did not produce sufficiently detailed testimony in support of the variance. He also noted that within their Zoning Plans Advisory Committee comments the Department of Environmental Protection and Resource Management (DEPRM) observed that no soil percolation tests were found for this property. As DEPRM noted, in order to build on the subject lot, soil percolation tests must be performed to demonstrate the suitability of the septic system installation. Mr. Harper believes that requesting the variance without percolation tests is premature.

It is also to be noted that Mr. Harper's clients have apparently filed a Petition for Special Hearing relating to the subject property. At this time, the Petition has not yet been scheduled for public hearing; however, Mr. Harper's clients apparently question whether a density unit was transferred to the younger Mr. Beck when he acquired the subject property allowing him to build thereon. As I indicated at the public hearing, that issue is not before me at this time.

Consideration of variances is governed within Section 307 of the B.C.Z.R. Therein it is provided that variances shall be granted from height and area regulations only in cases where special circumstances or conditions exist which are peculiar to the land involved. Moreover, variances may be approved only if in strict harmony with the spirit and intent of the aforementioned regulations and only in such a manner as to grant relief without injury to the public health, safety and general welfare. Moreover, Section 26-127 of the County Code provides for the authority of the Zoning Commissioner to provide for variances. Both the Code and the

ORDER RECEIVED FOR FILING
Date 10/12/93
By [Signature]

B.C.Z.R. make clear that the property owner (Petitioner) carries the burden of proof for any variance request to be approved.

This is entirely consistent with the case law. In Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. 28, 322 A2d 220 (1974), the Court of Special Appeals fully described the definition for practical difficulty for an area variance which must be met by a Petitioner. Moreover, in Carney v. City of Baltimore, 201 Md. 130, 93 A2d 74 (1952), the Court of Appeals pointed out that a variance should be granted only by substantial and urgent need and not merely for the convenience of the Petitioner. In this case, quite simply, the Petitioner, has failed to satisfy his burden at law. There was no testimony offered as to why a denial of the Petition would cause practical difficulty upon the property owner and his property. Moreover, it appears that the house could be pushed further back on the lot and/or reduced in width in order to achieve compliance with the setback requirements of the B.C.Z.R. If the Petitioner did consider these options, there was no testimony as to why they were rejected.

I am in agreement that the Zoning Commissioner's proceedings in a Petition for Variance are administrative proceedings which lack the formality of a court room. Nonetheless, the Petitioner must comply with the burdens set forth at law. To suggest that a variance should be granted because "I want it and it's a good idea" would be to subvert the intention and standards of the B.C.Z.R. For these reasons, the instant Petition for Variance must and shall be denied.

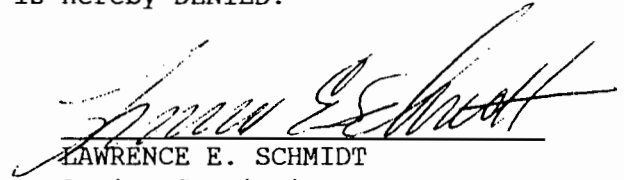
Pursuant to the advertisement and posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested shall be denied.

ORDER RECEIVED FOR FILING

Date

By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of October, 1993 that the Petition for Variance requesting relief from Section 1A01.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 25 feet each in lieu of the minimum required 35 feet for both for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13230 FORK ROAD
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & 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 Variance from Section(s)

Sec. 1A01.3 To allow a (proposed) dwelling with side yard setbacks of 25 feet each in lieu of the minimum required 35 feet each

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

DUE TO THE LOCATION OF SURROUNDING DWELLINGS, TO STAY IN COMPLIANCE WITH DISTANCE FROM ROAD, I WOULD LIKE TO BE PERMITTED A SIDE YARD SET BACK OF 25' AND 25' IN LIEU OF REQUIRED 35'

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By



#82

94-82-A

1 hr

8-20-93

ZONING DESCRIPTION

#

82

13230 Fork Road

11th E. D.

5th CO.

94-82-A

Beginning at a point on the West side of Fork Rd, 270.13 ft. South of Bottom Rd, thence running S 27° 57' 49" E 97.97 ft., thence S 58° 54' 55" W 380.05 ft., thence N 31° 31' 19" W 125 ft., thence N 58° 54' 55" E 385.45 ft. to the point of beginning; containing 1.095 acres ±.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

PH-92-H

District 11th Date of Posting 9/17/93

Posted for: Variance

Petitioner: George S. Beck

Location of property: 13230 Fork Rd, w/s, 270' s/BOTTOM RD

Location of Signs: Facing road side, on property of Petitioner

Remarks: _____

Posted by M. Stealy Date of return: 9/24/93
Signature

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #94-82-A (Item 82)
13230 Fork Road
W/S Fork Road, 270 +/- S of
Bottom Road
11th Election District
5th Councilmanic
Petitioner(s):
George S. Beck
Hearing: Wednesday,
October 6, 1993 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Variance to allow a (proposed) dwelling with side setbacks of 25 feet each in lieu of the minimum required 35 feet each.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

VOTES: (1) Hearings are Handi-apped Accessible; for special accommodations Please Call 87-3353.

(2) For information concerning the File and/or Hearing, Please Call 87-3391.

7055 Sept. 2.

TOWSON, MD.,

Sept. 2, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 2, 1993.

THE JEFFERSONIAN,

[Handwritten Signature]
REG. CLERK

~~REG. CLERK~~

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117454

DATE 11/9/93 ACCOUNT R-001-6150

AMOUNT \$175.00

RECEIVED FROM: MARK P. HANLEY

FOR: 13230 FORK RD - APPEAL

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117455

DATE 11/9/93 ACCOUNT R-001-6150

AMOUNT \$35.00

RECEIVED FROM: MARK P. HANLEY

FOR: 13230 FORK RD - APPEAL SIGN

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-82-A

District 11Eh Date of Posting 11/12/93

Posted for: Appeal

Petitioner: George S. Beck

Location of property: 13730 Fork Rd, w/s, 270' s/ Bottom Rd

Location of Signs: Posted facing roadway on pro party being appealed for zoning

Remarks: _____

Posted by M. L. Stealy Date of return: 11/19/93
Signature

Number of Signs: 1





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 15, 1993

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-82-A

GEORGE S. BECK /PETITIONER
W/s Fork Road, 270' S of Bottom Road
(13230 Fork Road)
11th Election District
5th Councilmanic District

*pp'd at
reg. of Council
for Appell/Petitioner
1/13/94*

VAR -To permit side yard setbacks of 25 feet each in lieu of the minimum required 35 feet for both for a proposed dwelling.

10/12/93 -Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: THURSDAY, FEBRUARY 17, 1994 at 10:00 a.m.

cc: Mark P. Hanley, Esquire Counsel for Appellant /Petitioner
George S. Beck Appellant /Petitioner
George R. Beck

Paul A. Harper, Esquire Counsel for Protestants

Ms. Rosemary Gomez

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



LAW OFFICES
RECEIVED MARK P. HANLEY, JR.
COUNTY BOARD OF APPEALS
206 WASHINGTON AVENUE
P. O. BOX 5506
TOWSON, MARYLAND 21204

TELEPHONE
(410) 823-1174

94 JAN 12 PM 2:33

January 11, 1994

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: GEORGE S. BECK, PETITIONER
W/S Fork Road, 400' S of Bottom Road
(13230 Fork Road)
11th Election District-6th Councilmanic District
Case No.: 94-82-A

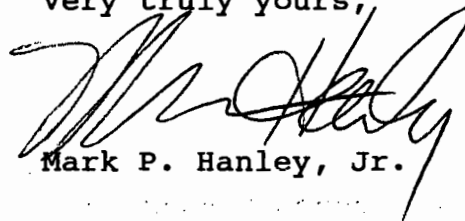
Dear Ms. Weidenhammer:

Please postpone the above captioned matter presently scheduled for Thursday, February 17, 1994 at 10:00 a.m. in that there has been an appeal filed concerning the density of the subject lot of the variance. It is requested that this matter be postponed until after the density hearing has been heard.

Please advise my office of the outcome of this postponement request as soon as possible.

Thank you for your anticipated cooperation.

Very truly yours,



Mark P. Hanley, Jr.

MPH/jae
cc: Mr. George S. Beck



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 13, 1994

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-82-A

GEORGE S. BECK /PETITIONER
W/s Fork Road, 270' S of Bottom Road
(13230 Fork Road)
11th Election District
5th Councilmanic District

VAR -To permit side yard setbacks of 25 feet each in lieu of the minimum required 35 feet for both for a proposed dwelling.

10/12/93 -Z.C.'s Order in which Petition for Variance was DENIED.

which was scheduled for hearing on February 17, 1994, has been POSTPONED at the request of Counsel for Appellant /Petitioner; to be reassigned after Case No. 94-139-SPH (Estate of Rita Holland /Elizabeth Hendrickson, P.R.) has been heard by the Board.

cc: Mark P. Hanley, Esquire Counsel for Appellant /Petitioner
George S. Beck Appellant /Petitioner
George R. Beck

Paul A. Harper, Esquire Counsel for Protestants

Ms. Rosemary Gomez

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 27, 1993

Mr. George S. Beck
13240 Fork Road
Baldwin, Maryland 21013

RE: Case No. 94-82-A, Item No. 82
Petitioner: George R. Beck
Petition for Variance

Dear Mr. Beck:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 20, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Zoning Plans Advisory Committee Comments

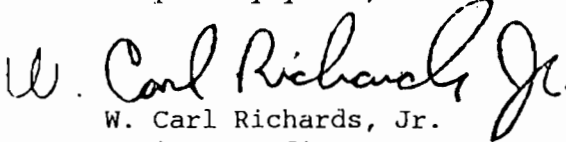
Date: September 27, 1993

Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:cmm
Enclosure



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-26-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: * ~~82~~ (JJ3)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 9, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #82, Beck Property
13230 Fork Road
Zoning Advisory Committee Meeting of August 30, 1993

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

No soil percolation tests were found for this property. In order to be able to build on this lot, soil percolation tests must demonstrate the suitability of a septic system installation.

Location of wells and septic systems on adjacent lot must be shown on an application plot plan for soil percolation tests.

✓
JLP:sp

BECK/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 30, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL:lw

RECEIVED
COUNTY BOARD OF APPEALS

93 NOV 10 AM 9:19

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 9, 1993

Paul A. Harper, Esquire
7206 Belair Road
Baltimore, MD 21206

RE: Petition for Variance
W/S For Road, 270 ft. S of Bottom Road
(13230 Fork Road)
11th Election District
5th Councilmanic District
George S. Beck - Petitioner
Case No. 94-82-A

Dear Mr. Harper:

Please be advised that an appeal of the above-referenced case was filed in this office on November 8, 1993 by Mark P. Hanley, Esquire, on behalf Mr. George S. Beck. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Arnold Jablon".

ARNOLD JABLON
Director

AJ:jaw

cc: Ms. Rosemary Gomez
People's Counsel



93 NOV 10 AM 9:19

Petition for Variance
W/S Fork Road, 270 ft. S of Bottom Road
(13230 Fork Road)
11th Election District - 5th Councilmanic District
George S. Beck - PETITIONER
Case No. 94-82-A

- ✓ Petition(s) for Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Petitioner(s) and Protestant(s) Sign-In Sheets
- ✓ Petitioner's Exhibits: 1 - Plat to accompany Petition for Zoning Variance
- ✓ Zoning Commissioner's Order dated October 12, 1993 (Denied)
- ✓ Notice of Appeal received on November 8, 1993 from Mark P. Hanley, Jr., Esquire on behalf of Mr. George S. Beck.

* cc: Mark P. Hanley, Esquire, 206 Washington Avenue, Towson, MD 21204
George S. Beck, 13240 Fork Road, Baldwin, MD 21013
Paul A. Harper, Esquire, 7206 Belair Road, Baltimore, MD 21206
George R. Beck, 13240 Fork Road, Baldwin, MD 21013
Ms. Rosemary Gomez, 13218 Fork Road, Baldwin, MD 21013

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

✓/E

12/15/93 -Notice of Assignment for hearing scheduled for Thursday,
February 17, 1994 at 10:00 a.m. sent to following:

Mark P. Hanley, Esquire
George S. Beck
George R. Beck
Paul A. Harper, Esquire
Ms. Rosemary Gomez
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

1/12/94 -Letter requesting postponement from M. Hanley, Esquire --requests that
matter be held pending completion of hearing in Case No. 94-139-SPH
which involves the subject property. Postponement to be granted and
notices to be sent.

1/13/94 -Notice of PP sent to parties; matter to be held pending completion of
94-139-SPH (scheduled for hearing on March 22, 1994 at 10:00 a.m.)

8257-73
WCR

LAW OFFICES
MARK P. HANLEY, JR.
206 WASHINGTON AVENUE
P. O. BOX 5506
TOWSON, MARYLAND 21204

11/8/93
Y
TO JW

TELEPHONE
(410) 823-1174

November 4, 1993

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
W/S Fork Road, 270' S of Bottom Road
(13230 Fork Road)
11th Election District-5th Councilmanic District
George S. Beck - Petitioner
Case No.: 94-82-A

Dear Commissioner Schmidt:

Please note an appeal of the decision rendered in the above on
October 12, 1993. Enclosed herewith please find my check in the
amount of \$210.00 to cover the cost of said appeal.

Very truly yours,

Mark P. Hanley, Jr.
Mark P. Hanley, Jr.

MPH/jae
Enclosure(s)
cc: Mr. George S. Beck

RECEIVED

NOV 8 1993

ZADM

RECEIVED
5 1993
ZONING COMMISSIONER

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MARK HANLEY
GEORGE BECK

206 WASH. AVE. TOWSON
13240 FORK RD BARDWIN, MD



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Paul A Harper

7206 BELAIR RD
BALTIMORE MD 21206

John A. Staley

102 N. MAIN ST BELAIR 21014

Et/Hendrickson

1419 LARCH RD

Rosemary Gomez

SEVERN MD 21144
13218 Fork Rd. Belair Md

Deon M Thompson

13218 Fork Rd Belair Md

Patricia H. Walker

1309 Currier St Havre De Grace
MD

ERICA H. STEVENS

700 GREENWOOD RD.
PIKESVILLE MD 21208

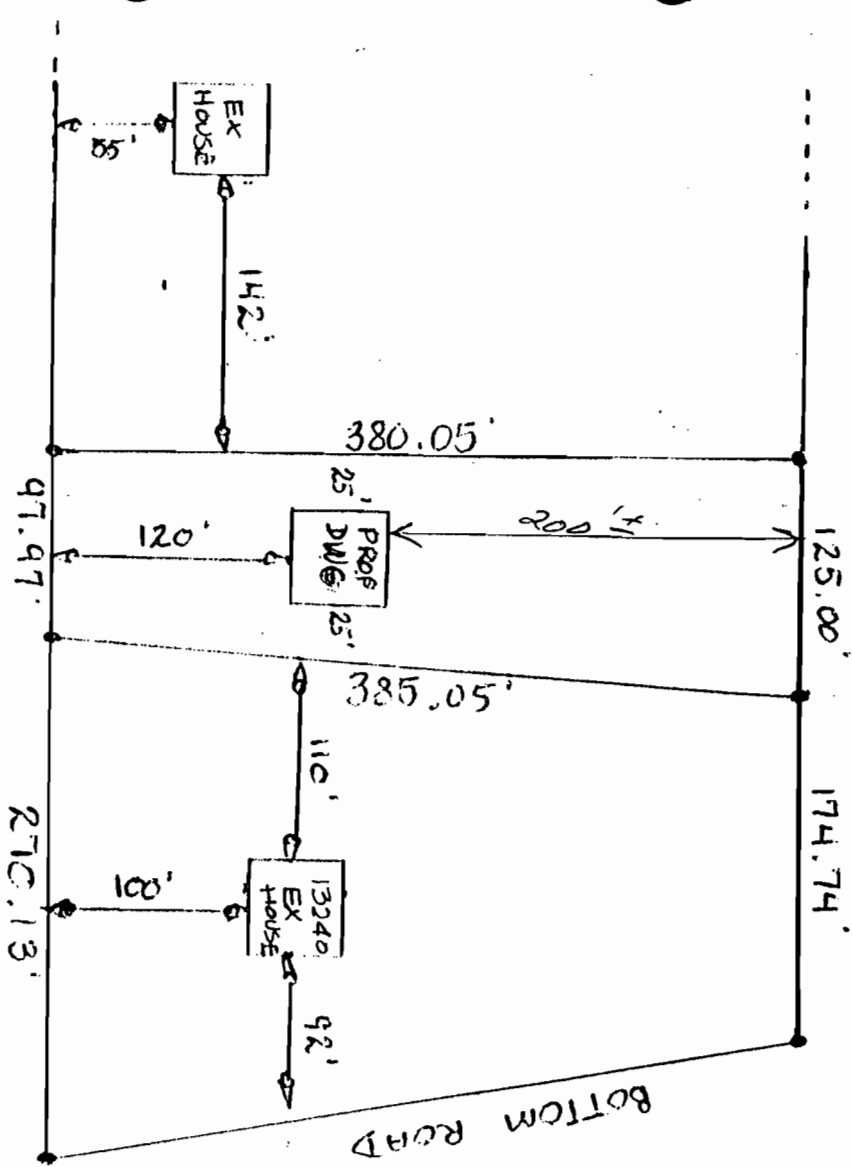



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 13230 FORK RD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____
 plat book# _____, folio# _____, lot# _____, section# _____
 OWNER: GEORGE S. BECK

94-82-A

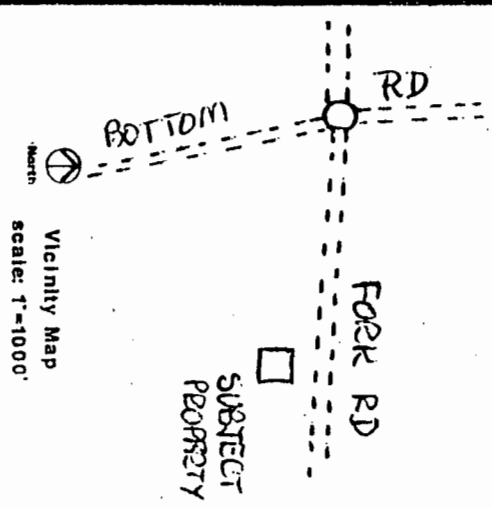


North 
 date: 7-14-93
 prepared by: GRB

Scale of Drawing: 1" = 100'

FORK ROAD

BOTTOM ROAD




LOCATION INFORMATION

Election District: 11TH
 Councilmanic District: 5
 1"-200' scale map#: NE-18H
 Zoning: RC-2
 Lot size: 1.095 476,988 ±
 acreage square feet

SEWER: PUBLIC PRIVATE
 WATER:
 Chesapeake Bay Critical Area: Yes No
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

Reviewed by:  ITEM #: _____ CASE#: _____

Not No!

ZONING DESCRIPTION (12)
 13230 Fork Road
 AT END SECTION 94-82-A

Beginning at a point on the west side
 of Fork Rd. 200' N. of South of Bottom Rd.,
 thence running S 2 1/2° 45' 48" E 97.9' to thence
 S 80° 54' 55" W 31.0' to thence N 31° 31'
 18" W 125.7' thence N 81° 54' 25" E 38.6' to
 the point of beginning containing
 1.00 acre.

receipt
 94-82-A
 Account: R0016150
 Item Number 82
 Taken in by: [Signature]

Date: 8-20-93
 George S. Beck
 13230 Fork Rd. (2/12)

010 - Variance - \$50.00
 # 080 - Signposting - \$35.00
 \$ 85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
 OFFICE OF REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 17456

DATE: 11/9/93 ACCOUNT: 450016150
 AMOUNT: \$ 85.00

RECEIVED FROM: MARK L. HANLEY

FOR: 13230 Fork Rd. - Variance 94-82-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
 OFFICE OF REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 17455

DATE: 11/9/93 ACCOUNT: 450016150
 AMOUNT: \$ 35.00

RECEIVED FROM: MARK L. HANLEY

FOR: 13230 Fork Rd. - Signposting 94-82-A

VALIDATION OR SIGNATURE OF CASHIER

COPY

THE PITTHER PUBLISHING COMPANY
 September 2, 1993 Issue - Information

Please Forward Billing to:
 George Beck
 13230 Fork Road
 Baltimore, Maryland 21013
 410-992-2294

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-82-A (Item 82)
 13230 Fork Road
 W/S Fork Road, 200' N. of Bottom Road
 11th Election District - 5th Councilmanic
 Petitioner(s): George S. Beck
 HEARING: MONDAY, OCTOBER 6, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a (proposed) dwelling with side setbacks of 25 feet each in lieu of the minimum required 35 feet each.

LAWRENCE E. SCHULTZ
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3353.
 (3) FOR INFORMATION CONCERNING THE ZONING ACT AND REGULATIONS, CONTACT THE ZONING DIVISION AT 867-3353.

Baltimore County Government
 Office of Zoning Administration and
 Development Management

111 West Chesapeake Avenue
 Towson, MD 21284

August 10, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

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Variance to allow a (proposed) dwelling with side setbacks of 25 feet each in lieu of the minimum required 35 feet each.

Arnold Jablon
 Director

George S. Beck

NOTES: (1) ZONING ITEM #82 MUST BE RETURNED TO THE 111 WEST CHESAPEAKE AVENUE, TOWSON, MD 21284
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353
 (3) FOR INFORMATION CONCERNING THE ZONING ACT AND REGULATIONS, CONTACT THE ZONING DIVISION AT 867-3353

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

September 27, 1993

Mr. George S. Beck
 13240 Fork Road
 Baldwin, Maryland 21013

RE: Case No. 94-82-A, Item No. 82
 Petitioner: George R. Beck
 Petition for Variance

Dear Mr. Beck:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 20, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
 State Highway Administration

O. James Lighthizer
 Secretary
 Hal Kassoff
 Administrator

8-26-93

Re: Baltimore County
 Item No. 82 (JJS)

Ms. Helene Kehring
 Zoning Administration and
 Development Management
 County Office Building
 Room 109
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
 Bob Small
 for John Contestabile, Chief
 Engineering Access Permits
 Division

My telephone number is _____
 Teletypewriter for Impaired Hearing or Speech
 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
 INTER-OFFICE CORRESPONDENCE

September 9, 1993

TO: Mr. Arnold Jablon, Director
 Zoning Administration and
 Development Management

FROM: J. Lawrence Pilson
 Development Coordinator, DEPRM

SUBJECT: Zoning Item #82, Beck Property
 13230 Fork Road
 Zoning Advisory Committee Meeting of August 30, 1993

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

No soil percolation tests were found for this property. In order to be able to build on this lot, soil percolation tests must demonstrate the suitability of a septic system installation.

Location of wells and septic on adjacent lot must be shown on an application plot plan for soil percolation tests.

JLP:sp
 BECK/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration and
 Development Management

DATE: August 10, 1993

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
 Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Lane in the Office of Planning at 867-4400.

Prepared by: Jeffrey W. Lane
 Division Chief: [Signature]

PK/JL:lw

ZAC-62/PZONE/ZAC1

TO: Timothy M. Kotroco
Deputy Zoning Commissioner
DATE: September 29, 1993
FROM: John J. Sullivan
Planner II
SUBJECT: Case No. 94-82-A

On September 24, 1993, a petition was filed (Item No. 137) for a special hearing for a determination of non-density transfers of a 1.09 acre parcel and a .46 acre parcel zoned R.C.2 (Estate of Rita S. Holland). The 1.09 acre parcel is the subject of this variance case, No. 94-82-A.

I would suggest that any decision be held until the outcome of the special hearing (Item No. 137) and have suggested that both be heard by you. Note attached copy of deeds and letters to and from this office allowing the filing of this variance petition

JJS/cmm

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

November 9, 1993

Paul A. Harper, Esquire
7206 Belair Road
Baltimore, MD 21206

RE: Petition for Variance
W/S Fork Road, 270' S of Bottom Road
(13230 Fork Road)
11th Election District
5th Councilmanic District
George S. Beck - Petitioner
Case No. 94-82-A

Dear Mr. Harper:

Please be advised that an appeal of the above-referenced case was filed in this office on November 8, 1993 by Mark P. Hanley, Esquire, on behalf Mr. George S. Beck. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Wintarski at 887-3191.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

At:jaw

cc: Ms. Rosemary Gomez
People's Council

Petition for Variance
W/S Fork Road, 270' S of Bottom Road
(13230 Fork Road)
11th Election District - 5th Councilmanic District
George S. Beck - PETITIONER
Case No. 94-82-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestants (n) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to accompany Petition for Zoning Variance

Zoning Commissioner's Order dated October 12, 1993 (Denied)

Notice of Appeal received on November 8, 1993 from Mark P. Hanley, Jr., Esquire on behalf of Mr. George S. Beck.

cc: Mark P. Hanley, Esquire, 206 Washington Avenue, Towson, MD 21204

Paul A. Harper, Esquire, 7206 Belair Road, Baltimore, MD 21206

Ms. Rosemary Gomez, 13230 Fork Road, Baldein, MD 21013

People's Council of Baltimore County
Rm. 404, County Office Bldg., Towson, MD, 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Buckley Clerk
Arnold Jablon, Director of ZADM

111 West Chesapeake Avenue
Towson, MD 21284

Mr. Mark P. Hanley, Esquire
206 Washington Avenue
Towson, MD 21204

Dear Mr. Hanley:

The Board of Appeals has received the appeal of the above-referenced case. The hearing was held on November 8, 1993. The Board of Appeals has denied the appeal of the above-referenced case. The Board of Appeals has denied the appeal of the above-referenced case.

The Board of Appeals has denied the appeal of the above-referenced case. The Board of Appeals has denied the appeal of the above-referenced case.

The Board of Appeals has denied the appeal of the above-referenced case. The Board of Appeals has denied the appeal of the above-referenced case.

Should you have any questions concerning this matter, please do not hesitate to contact me at 887-3191.

Arnold Jablon
ARNOLD JABLON
Director

JJS/cmm

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

September 29, 1993

Mr. Mark P. Hanley, Jr., Esquire
206 Washington Avenue
P.O. Box 5506
Towson, MD 21204

RE: George S. Beck Property
Fork Rd near Bottom Rd
11th Election District

Dear Mr. Hanley:

It has come to my attention that there has been a petition for a Special Hearing filed with this office. The hearing is to request that the above referenced property be declared non-density or unbuildable (Item 137). In light of this fact, this office is of the opinion that this property should not be granted a conditional building permit.

Should you have any questions, please do not hesitate to contact me at 887-3391.

Sincerely,

Catherine A. Milton
CATHERINE A. MILTON
Planner I

CAM/jaw

cc: Item 137
Case 94-82-A (Item 82)



County Board of Appraisals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
December 15, 1993

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-82-A GEORGE S. BECK /PETITIONER
W/S Fork Road, 270' S of Bottom Road
(13230 Fork Road)
11th Election District
5th Councilmanic District

VAR - To permit side yard setbacks of 25 feet each in lieu of the minimum required 35 feet for both for a proposed dwelling.

10/12/93 - Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: THURSDAY, FEBRUARY 17, 1994 at 10:00 a.m.

cc: Mark P. Hanley, Esquire Counsel for Appellant /Petitioner
George S. Beck Appellant /Petitioner
George R. Beck

Paul A. Harper, Esquire Counsel for Protestants

Ms. Rosemary Gomez

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. 92

Petitioner:

Location:

PLEASE FORWARD ADVERTISING BILL TO:

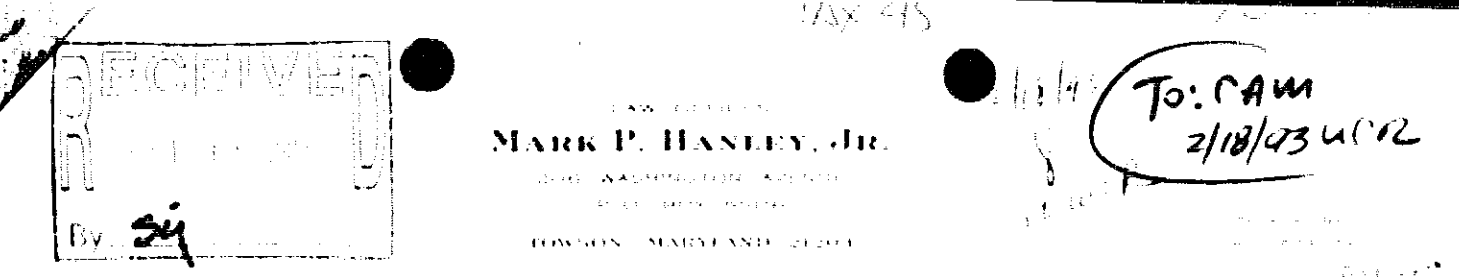
NAME: GEORGE BECK

ADDRESS: 13240 FORK RD

BALDWIN, MD 21013

PHONE NUMBER: 592-2234

At:egs



MARK P. HANLEY, JR.
ZONING COMMISSIONER

February 18, 1993

Lawrence Schmidt, Zoning Commissioner
Department of Zoning & Planning
401 Bosley Avenue
Suite 406
Towson, Maryland 21204

RE: Lot 1,095 Acres on Fork Road Near Bottom Road Titled in the Name of George S. Beck
Application for Building Permit

Dear Commissioner Schmidt:

On behalf of the above and in conformity with the Commissioners Policy Manual Section 1A01.3.B.1 concerning subdividing existing lots, and since the above parcel is located in an RC2 zoned area and in conformity with B, Section (6) I am submitting the following documents in an effort to obtain a building permit for Mr. George S. Beck:

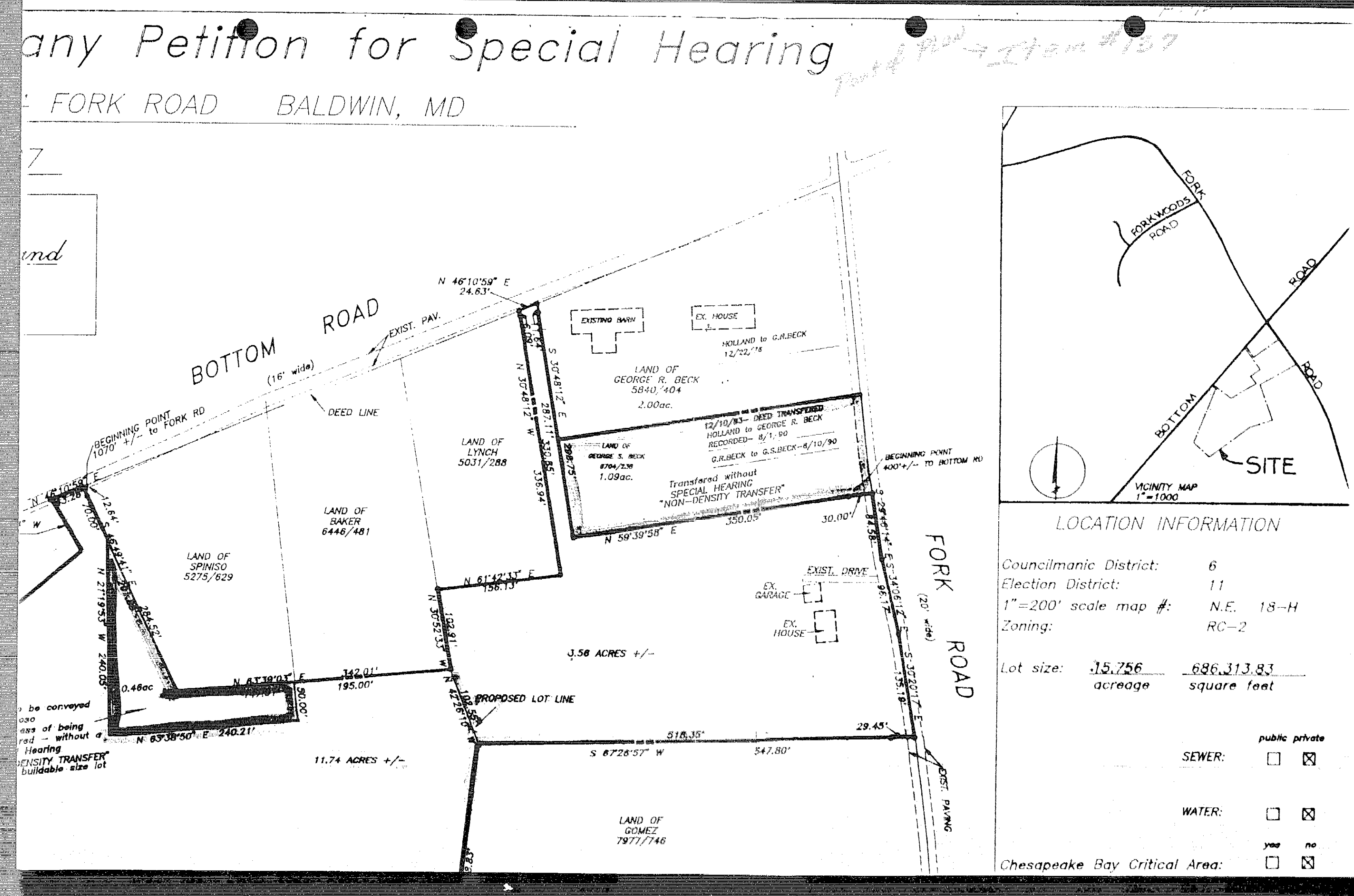
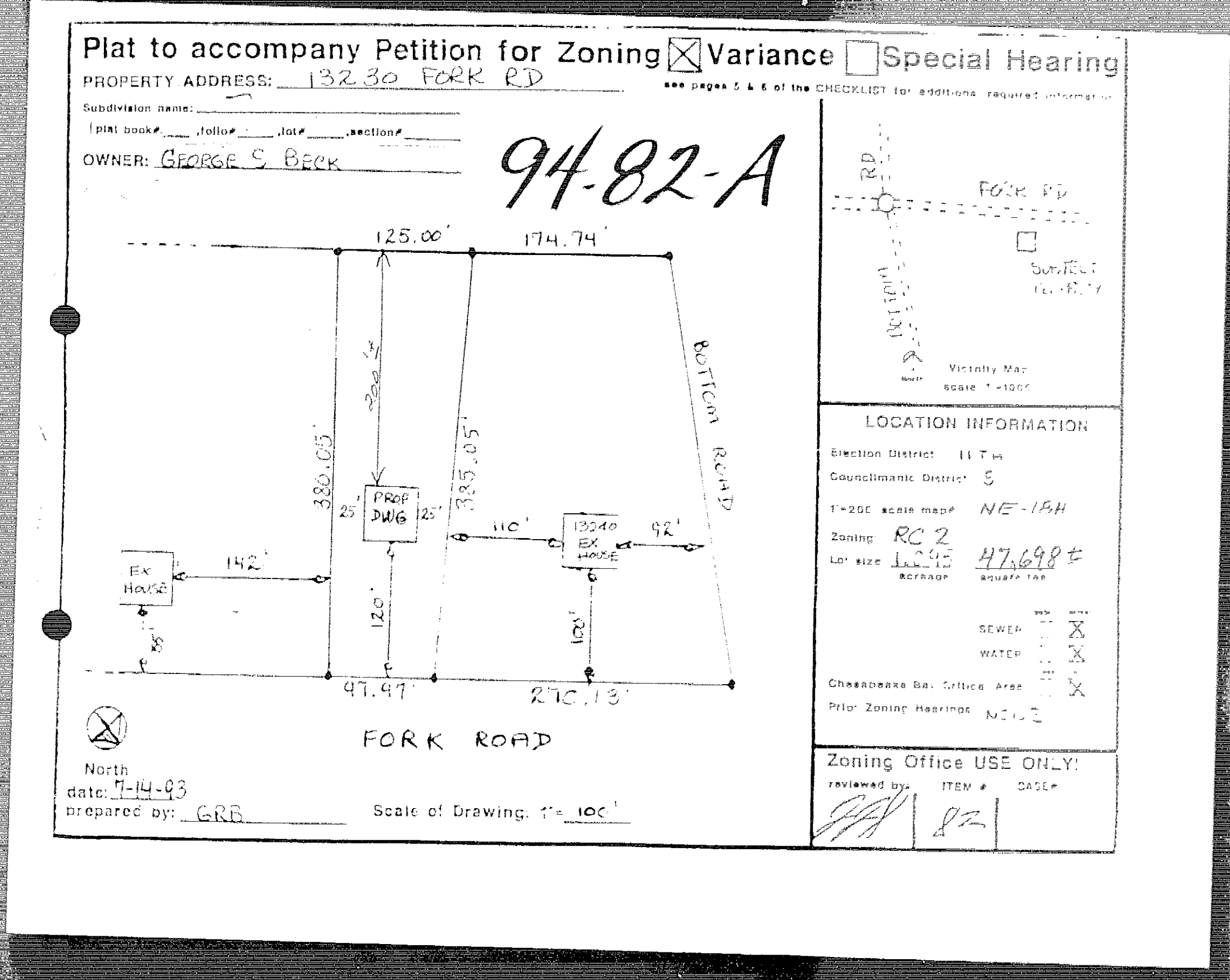
1. The subject lot was conveyed out of a larger parcel which was originally conveyed to Rita Streett Holland under Deed dated February 9, 1976 at Liber 5607, page 201, copy of which is attached;
2. The subject lot was conveyed out of the aforementioned parcel under Deed dated December 10, 1983 to George R. Beck, father of George S. Beck, under Liber 8554, page 689, copy of which is attached;
3. Also attached is a description prepared by E. F. Raphael & Associates and plat which is dated December 1, 1983 of the subject lot;
4. The subject lot was then conveyed by George R. Beck to his son, George S. Beck under Deed dated August 10, 1990 and recorded on Liber 8704, page 218, a copy of that Deed is attached hereto; and
5. This is to further certify that no other conveyances were parcelled out of the original lot owned by Rita Streett Holland of February 9, 1976.

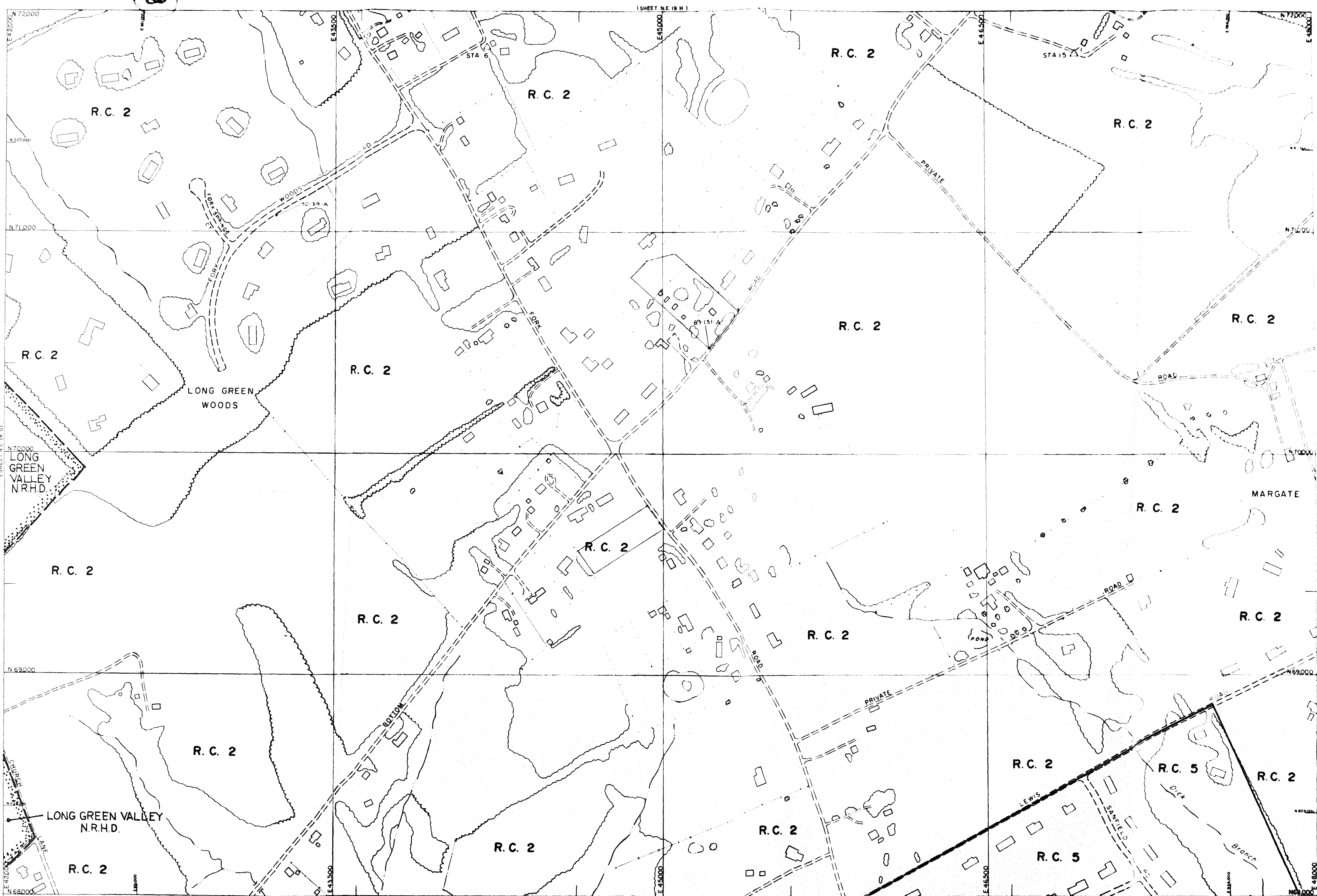
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>[Signature]</i>	<i>[Address]</i>

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Mark HALEY</i>	<i>206 West The Tides</i>
<i>GEORGE BECK</i>	<i>13230 Fork Rd BALDWIN MD</i>





UU-SW UU-SE
 UU-NW UU-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 October 13, 1988
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Bill Nos. 163-92, 164-92, 165-92, 166-92, 167-92, 168-92, 169-92

 Chairman, County Council

SCALE 1" = 200'	LOCATION NORTHWEST OF FORK	SHEET N E 18-H
DATE OF PHOTOGRAPHY JANUARY 1986		

94-82-A