IN THE MATTER OF:

GEORGE BECK-LEGAL OWNER

W/S FORK ROAD, 270' S OF BOTTOM ROAD

(13230 FORK ROAD)

11<sup>TH</sup> ELECTION DISTRICT

5<sup>TH</sup> 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;

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

i

#### 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

Mr. Beck, Sr. testified that he acquired the neighboring 380 feet deep. property, known as 13240 Fork Road many years ago. Subsequently, 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. 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.

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 transfered 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

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. over, 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 Moreover, it appears that the house could be owner and his property. 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

۲٠,

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 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.

ZAWRENCE E. SCHMIDT Zoning Commissioner

LES:bjs for Baltimore County



## 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 COMPLANCE WITH DISTANCE FROM RUAD, 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:			Legal Owner(s):
(Type or Print Name)			GEORGE S. BECK
Signature	N. S. C.		Signature
Address			(Type or Print Name)
City	State	Zipcode	` Signalure
Attorney for Petitioner:	a		13240 FORK RD 592-2234
(Type or Print Name)			Address Phone No.
			BALDWIN 11/15 21013  City State Zipcode
Signature			City State Zipcode Name, Address and phone number of representative to be contacted.
			GEORGE P BECK
Address	Phone No.		122110 FOON PD 4223859
City	State	Zipcode	Address Phone No.
		Agricul Administration of	ESTIMATED LENGTH OF HEARING unavailable for Hearing
			the following dates Next Two Months
		<b>*</b> 4 _	ALLOTHER

DER RECEIVED FOR FILING

ZONING DESCRIPTION (82)
13230 FORK Road
1, # E.Z. 5-theo, 94-82-A

Beginning at a point on the West side of Fork Rd, 270.13 ft. South of Bottom Rd., thence running \$ 2767 49 E 97.97 ft., thence \$ 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 genes t.

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Town, Maryland

94-92-14

Posted for: Variance	Date of Posting 9/17/93
Posted for: Variance	,
Petitioner: George S. Beck	
Location of property: 13230 Form	Rdy 11/5, 270' 5/Bottom Rd
Location of Signa Facing Toads	og, on property of Alikover
Remarks:  Posted by Modification Signature	Date of return: 9/24/93
Signature Number of Signs:	Date of return:

#### 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

NOTES: (1)Hearings are Handi-papped Accessible; for special ac-commodations Please Cali 187-3353, (2)For information concerning he File and/or Hearing, Please Cali 187-3391, 1055 Sept. 2.

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Acad , 192
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 ofsuccessive weeks, the first publication appearing on
weeks, the first publication appearing on $\frac{1}{2}$ , $\frac{19}{2}$

THE JEFFERSONIAN,

MON, M. 1799. March 1980

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

No. 117454

DATE 11/9/93ACCOUNT R-001-6150	
AMOUNT_\$ 175.00	
FROM: MARK P. HANLEY	
FOR: 13230 FORK RD - APPEAL	
VALIDATION OR SIGNATURE OF CASHIER	
STRIBUTION HITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	7455
DATE 11/9/93 ACCOUNT R-001-6/50	
AMOUNT \$ 35,00	
FROM: MARK P. HANLEY	
FOR: 13230 FORK RD - APPEAL SIGN	
STRIBUTION OR SIGNATURE OF CASHIER	

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townen, Maryland

94-82-1

District.	Date of Posting 11/12/93
Posted for:	
Posted for: George S. Beck	
Location of property: 13 230 Fork Rd.	W/S 170' S/ Bottom RA
Location of Signe Tostad Facing roadway o	n proporty being
appealed for Zoning	·
Remarks:	
Posted by M. J. Sleasley	Date of return: 11/19/93
Signature / Number of Signa:	





## 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 POSTPONÈMENTS 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

George S. Beck George R. Beck

Paul A. Harper, Esquire

Counsel for Appellant /Petitioner
Appellant /Petitioner

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 APPEALSOS WASHINGTON AVENUE

94 JAN 12 PM 2: 33<sub>towson, Maryland 21204</sub>

TELEPHONE (410) 823-1174

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

> 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

George S. Beck George R. Beck Counsel for Appellant /Petitioner Appellant /Petitioner

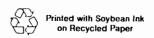
Paul A. Harper, Esquire

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 <u>only to the filing of future</u> <u>zoning petitions</u> 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.

Zoning Coordinator

WCR:cmm Enclosure



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
Toward Maryland 21204

Re: Baltimore County
Item No.: \* (35 (773)

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,
Bol Small

John Contestabile, Chief Engineering Access Permits

Division

#### BALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

September 9, 1993

T0:

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 septics 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

DATE: August 30, 1993

Zoning Administration and Development Management

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:

Division Chief:

PK/JL:lw

RECEIVED COUNTY BOARD OF APPEALS

Baltimore County Government Office of Zoning Administration and Development Management



## JUNIY BUAKU UP APPEAL

93 NOV 10 AM 9: 19

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,

ARNOLD JABLÓN

Director

AJ:jaw

cc: Ms. Rosemary Gomez
People's Counsel

Printed with Soybean Ink on Recycled Paper 93 NOV 10 AM 9: 19

#### APPEAL



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.

<sup>1/13/94 -</sup>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.)

LAW OFFICES

#### MARK P. HANLEY, JR.

206 WASHINGTON AVENUE P. O. BOX 5506

TOWSON, MARYLAND 21204

11/8/93 TELEPHONE (410) 823-1174 JW

November 4, 1993

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

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,

MPH/jae Enclosure(s)

Mr. George S.

Beck



## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS	•
Mark Howley	206 M/pst. XV	E. Tousen
MARK HON/EY GEORGE BECK	306 Mast. AV 13240 FORKLI	BADWIN I Y
GOLGE DECK	130 10 10101	
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### PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Vaul A Harper	7206 BELAIR RD
	BALTIMORE MD ZIZOG
John A. Staley	102 H. MAIN ST BELAIR ZIOIY
Et Hendrick san	1419 LARCH RD
	SeverN MD 21144 -
Rosemary Somoz	13218 Fork Rox Beldure
Jaan in Lyompoo	13218 Fork Rel Baldwar
Patricia H. WAlker	1309 Currier St HAURE De GIO
ERICA H. STEVENS	700 GREENWOOD RD.
	PIKESVILLE MP 21208
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North date: 17-14-93 prepared by: GRB Scale of Drawing: 1'= 100'	270. 100'	380.05  PROF 2: 385.05  Frequency 2: 385.05  Lot s.	101708 500 (z.	Hat#,section#	PROPERTY ADDRESS: 132 30 FORK CD PRIGOR & & 6 of the CHECKLIST
ng Office USE ONLY!	SEWER: SE	LOCATION INFORMATION  Election District:     TH  Councilmanic District: 5  1'-200' scale map#: NE-/8H  Zoning: RC-2  Lot size: 1.095 47,698 ±  acreage square test	SUBJECT PROPERTY  PROPERTY	FORK RD	Pages 5 & 6 of the CHECKLIST for additional required information

\* BEFORE THE

\* WONING COMMISSIONER • OF BALTIMORE COUNTY 5th Councilmanic District

\* Case No. 94-82-A George S. Beck, et un Potitioners

## . . . . . . . . . . . . .

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zening 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. Back, 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 Fetition, 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

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 neces-

380 feet deep. Mr. Beck, Sr. testified that he acquired the neighboring

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.

- 2-

sary that detailed information be provided.

None of Mr. Harper's clients tentitied. Instead, Mr. Harper arqued 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 Woning 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 transfered 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

H.C.Z.R. make ofear that the property emper (fetal oner) corrido the asset dem of providitor any variance request to be approved.

This is entirely consistent with the wave less to be treated to Board of Appendic, Town of Champenke Heart, 17 Mg. 18, 177 Ann 175 Charte, The Court of Openial Appeals fully described the definitions for a section difficulty for an area variance which must be not by a bedingeneral and so ower, as Carsey W. Cary of Bost score, MCC Md. 180, W. Avd March 180, See Avd March 180, See Court of Appeals pointed out that a susquarrie state is be granted coly by substantial and orgent need and not enough for the conversesse of the Petitioner, In this case, quite sumply, the vetitioner, two tailed o statisty his burden at law. There was no testimony offered as to way a denial of the Petition would couse practical difficulty generate protecty. Owner and his property. Moreover, it appears that the house could be pushed further back on the lot and/or reduced to width in order to vibreve compliance with the methack requirements of the B.C.Z.F. If the Pet tion er did consider these options, there was an testimony as to why they were rejected.

I am in agreement than the Zoning Commissioner's proceedings in a Petition for Variance are administrative proceedings which case the for mality of a court room. Nonetheless, the Potitioner 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 pointed 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 dealed.

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.

LES:bjs

Zoning Commissioner for Baltimore County **Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

October 12, 1993

(410) 887-4386

Mark P. Hanley, Esquire 206 Washington Avenue Towson, Maryland 21204

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. Hanley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Paul A. Harper, Esquire 7206 Belair Road, Baltimore, Md. 21206

> Ms. Rosemary Gomez 13218 Fork Road, Baldwin, Md. 21013 People's Counsel

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 COMPLANCE 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. . UWe do solumnly declare and affilm, under the penalties of perjucy, that have are the Contract Purchaser/Lessee: BEORGE S. BECK (Type or Print Name) Atturney for Petitioner 13240 FORK RD 592 2234 -GEORGE & BECK 13240 FORK RD 4833859

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 13230 FORK ROAD

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat ettached

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

This Petition shall be filed with the Office of Zoning Administration & Development Management.

hereto and made a part hereof, hereby petition for a Variance from Section(s)

CERTIFICATE OF POSTEM Location of Signer Facing Total way for property of Philipper 

capted Accessible, for special accommodations Please Call 187-3353.

(2) Of information concerning the ender Hearing, Please Call 187-2391

(055 Sept. 2)

CERTIFICATE OF PUBLICATION

TOWSON, MD., 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 / successive weeks, the first publication appearing on Acot. 2. 1993

THE JEFFERSONIAN.

- 5**-**

which is presently zoned RC.2

2000 DESCRIPTION (52) 13230 FORK KIND (14-82-1)

Beginning at a reinstein the locat side

of Fork Roy 200,13 Pt, South of Bottom Roy

thence running S 2 850 49E 97.97 M. Thence

S 58° 54 55° W Block M. Thence N 31° 31'

19 10 125 M. Thence N 58° 84 55° E 385,45°

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1,095 200000 to

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Zoning Administration B

Development Management

111 West Chosopeake Avenue

ton son, Maryland 21201

Date \$ - 20 - 93

Site: 13230 Fork Rd. (21013)

# 010 - Variance - \$50.00 # 080 - Signé posting - 35.00

.

POR: 13230 FOCK KD - APPEAL 99-89-A

VALIDATION OR SIGNATURE OF CASHIER

rantediuvaniamen Elvinium

No. 41745/

9060280127812HRC #85.
PA PANTICVARDE 20-0:
Please Make Checks Payable To: Baltimore County

lon

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

DATE 11 9 93 \_\_\_\_\_\_\_ACCOUNTY

RECEIVED MARK F. HAKLEY

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

AMOUNT \$35.00

FOR: 13230 FORE RD - AFTEAL SIGN 9982-A

(1.)0180195M10H60 \$35.00

VALIDATION OR SIGNATURE OF CASHIER
WHITE-CASHER PINK-AGENCY YELLOW-CUSTOMER

TO: PUTUXENT PUBLISHING COMPANY
September 2, 1993 Issue - Jeffersonian

George Beck 13240 Fork Road Baldwin, Maryland 21013 410~592-2234

Please foward billing to:

COPY

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 Townson, Maryland 21204

or
Room 118, 0ld Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-82-A (Item 82) 13230 Fork Road

W/S Fork Road, Z/O<sup>+</sup>+/- 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

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimatic Consists Gravepoleopoly Officer of Zonning Astronomic mode met Developenders Managers on s

10 A

· **Sec. M**AN (1995) A Mark Bellinder - Mark Bellinde

Application (T. See)

D1 West Charapache Avanage.

Towson, MD 21203

The Zoning Communication of Bastimore County, by authority of the Boning Act and Regisary as County of the County, will haid a public rearing on the property identified never in Room 106 of the County Office Building, III W. Therapeake Avenue in I work, Argund 2019

Powm 118, Gid Courthouse, Wib Washington Avenue, Towown, Maryland State of State Wood

INVESTIGE OF BEARING

CASE NUMBER: 94-82-A (Stem 83)
13230 Fork Wood
W/C Fork Road, 270'\*/- S of Sottom Food
11th Election District - 5th Councilmanic
Petitioner(a): George D. Beck
HEARING: WEDNESDAY, OCTOBER 6, 1993 at 11:00 a.m. in Fm. (18, out describes

Variance to allow a (proposed) deciling with olde betraces of Validet each last each in lieu is the minimum regained 35 feet each.

Arnoid Jabion
Director

oci George S. Be

MOTES: (1) ZONING GIGN & POST MUST BE RETURNED TO PM. 174, 111 W. CHESAPEAKE AVENUE ON THE HEARTHO LATS.
(2) HEARINGS ARE HANDICAPPED ACCEDIBLE; FOR SPECIAL ACCOMPRODATIONS BLEADE CALL 557-110.

(3) FOR INFORMATION GENCERING THE FILE AND/OR HEARING, CONTACT THEO LYFECE AT RE7-1101.

es Transcot with Sowbe

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 <u>only to the filing of future</u> <u>zoning petitions</u> 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.

SMA

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff

8-26 93

Re: Baltimore County
Item No.: \* 155 (JJ3)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Toward 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.

For John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech

383-7555 Baitimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baitimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 9, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

ROM: 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 septics on adjacent lot must be shown on an application plot plan for soil percolation tests.

JLP:sp

BECK/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

DATE: August 30, 1991

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

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 887-6480.

Prepared by: Chan W. L. Division Chief: Change Lenn

PK/JL:lw

BAC.62/PRONE/RACL

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

PATE: September 29, 1993 Timothy M. Kotroco Deputy Moning Commissioner

FROM: John J. Sullivan Flanner 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 <u>non-density</u> transfers of a 1.09 acre<u>+</u> parcel and a .46 acre <u>+</u> parcel moned 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 requested that both be heard by you.

Note <u>attached</u> copy of deeds and letters to and from this office allowing the filing of this variance petition

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

It has come to my attention that there has been a petition for a

Should you have any questions, please do not hesitate to contact

Sincerely,

CATHERINE A. MILTON

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

September 29, 1993

RE: George S. Beck Property

Fork Rd near Bottom Rd

11th Election District

(410) 887-3353

JJS/cmm

Baltimore County Government Office of Zoning Administration and Development Management

11 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 (43230 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.

Director

AJ:jaw

cc: Ms. Rosemary Gomez People's Counsel

Printed with Soybean link

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

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 George S. Beck George R. Beck

Counsel for Appellant /Petitioner Appellant /Petitioner

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



Printed with Soybean Ink on Recycled Paper

Kathleen C. Weidenhammer Administrative Assistant

Printed on Recycled Paper

(Revised 04/09/93)

Baltimore County Government Office of Zoning Administration and Development Management

APPEAL

Detition for Variance W/S Fork Road, 270 ft. B of Bottom Road (13230 Fork Road)

Alth Election District - 5th Councilmanic District

George G. Bock PETITIONER

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

Notice of Appeal received on November 8, 1993 from Mark P. Hanley,

cc: Mark P. Hanley, Esquire, 206 Washington Avenue, 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., Moning Coordinator

Arnold Jablon, Director of ZADM

Ms. Rosemary Gomez, 13218 Fork Road, Baldwin, MD 21013

Rm. 304, County Office Bldg., Towson, Md. 21204

Docket Clerk

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

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

Variance

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

Jr., Esquire on behalf of Mr. George S. Beck.

People's Counsel of Baltimore County

Came No. 94 BP 🔥

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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.

For newspaper advertising:	
Item No.: (8.2)	
Petitioner:	
Focation:	
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: GEORGE BECK	
ADDRESS: 13240 FORK RD	
BALDWIN, MP 21013	
PHONE NUMBER: 592-2234 (4)	

401 Bosley Avenue

Towson, Maryland 21204

Suite 406

Committee Commit

Mr. Mark H. Harley, Empley

Make Washington Carroster

The an interpretations

Charles, Michigal

Chrone Mr. Barley:

MARK P. HANLEY, JR. i galaga i 🔊 🗷 🔊 gasarrang bagbara i 🧸 ara ikuran

TOMOSON MARYEAND SERVER

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TRANSMILLER SEED OF CORE RESERVED.

CAM/ aw

Lawrence Schmidt, Zoning Commissioner

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:

Department of Zoning & Planning

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. Raphel & 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 238, 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.

「大文() 「大文) Pripara on Recycled Paper -

111 West Chesapeake Avenue

Mr. Mark P. Hanley, Jr., Esquire

206 Washington Avenue

P.O. Box 5506

Towson, MD 21204

building permit.

me at 887-3391.

CAM/jaw

c: **√Item 137** 

Case 94-82-A (Item 82)

Towson, MD 21204

EAW OF FRANCE MARR P. HANLEY, JR. CONTRACTOR AND NOT 15 (5) (\$4,5% (55%)\$24)

TOWSON, MARYLAND 21204

- 3 1993 ZONING COMMISSIONER

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

August 31, 1993

Dear Commissioner Schmidt:

I enclose herewith a copy of a letter dated March 8, 1993 from Catherine A. Milton granting Mr. Beck authorization to apply for a building permit.

I would at this time request a hearing be scheduled at the earliest available date concerning the proposed side variance and setbacks as set out in Ms. Milton's letter of March 8, 1993.

Very truly yours,

HBER 8 5 5 4 PAGE 6 8 9

THIS DEED, Made this 10 day of December, in the year

WITNESSETH, that in consideration of the sum of Sixteen

NO TITLE SEARCH

one thousand nine hundred and eighty-three, by and between RITA

STREETTHOLLAND of Baltimore County in the State of Maryland,

party of the first part, and GEORGE R. BECK, party of the

Thousand and 00/111 (\$16,000.00) Dollars, the party of the

first part does hereby grant and convey unto the party of the

second part, his heirs, personal representatives, successors

and assigns, in fee simple, all that lot of the ground,

situate, lying and being in Baltimore County, State of

Maryland, aforesaid, and described by the following courses and

Road (formerly known as Joppa Road) at the end of the third

line of the land which by deed dated December 22, 1977 and

recorded among the Land Records of Baltimore County in Liber

E.H.K.Jr. 5840, folio 404, was conveyed by Rita S. Holland

(widow) to George R. Beck and Kathleen A. Beck, said point

being also in the last or N 30%° W 23-2/5 perch line of the

land which by deed dated October 29, 1914 and recorded among

the Land Records of Baltimore County in Liber W.P.C. 436, folio

384, was conveyed by Wellington W. Smith to Bernie C. Holland,

running thence in the center of Fork Road and reversely on part

of the last or sixth line and reversely on part of the fifth

line of the last mentioned deed, as now surveyed, the two

following courses and distances (1) S 27°57'49" E 97.97' and

(2) S 32°57'49" E 27.18' thence leaving the center of Ford Road

and the fifth line of the aforesaid deed and running for lines

Beginning for the same at a point in the center of Fork

Enclosure(s) cc: Mr. George Beck

distances viz:

LAW CHILD by MARK P. HANLEY, JR. COO WASHINGTON AVENUE. 12.05 13028 323039

TOWSON, MARYLAND 2120 F

11/8/03 14.4.4.4.440.0NE GHAS DOES CONTRACTOR  $-r_0$  Jud

166-1

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:

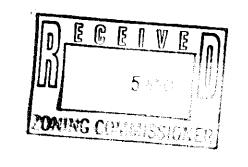
Please note an appeal of the decision rendered in the above on October 12, 1993. Enclosed herewith please find my check in the amount of \$210.00 to cover the cost of said appeal.

Very truly yours,

Miller Haly Mark P. Hanley, Jr.

Enclosure(s) cc: Mr. George S. Beck





13219 Fork Road Baldwin, Margland 21013

October 1, 1993

Judge Arnold Jablon County Office Building Chesapesko Avenue Towson, Maryland 2120h

Dear Sir:

Since I could not be present at the hearing of case #94-82A, I would like to go on record as opposing this rezoning.

I had understood that when the preperty was purchased in 1983, it with the agreement that no buildings be built between the garage on the Holland property and the old Holland property (now the Beck property).

If the county needs 35 foot variance, how can you build on only 25 foo**t?** Also, do the county regulations now permit a house to be

built on a one acre lot where there is no water or sewage provided by the county?

I do hope that we respect the Baltimore County laws.

Very truly yours - Who will freezel-

ALVAN G. EMMEL

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Registered Professional Land Surveyors 201 COURTLAND AVENUE TOWSON, MARYLAND 21204 ACRE PARCEL OF LAND

PART OF PROPERTY OF RITA S. HOLLAND (WIDOW) RESIDENCE: 771.4592 December 2, 1983

Beginning for the same at a point in the center of Fork Road . (formerly known as Joppa Road) at the end of the third line of the land which by deed dated December 22, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. 5840, folio 404, was conveyed by Rita S. Holland (widow) to George R. Beck and Kathleen A. Beck, seid point being also in the last or N  $30\frac{10}{2}$  W 23  $^2/5$  perch line of the land which by deed dated October 29, 1914, and recorded among the Land Records of Baltimore County in Liber W.P.C. 436, folio 384, was conveyed by Wellington W. Smith to Bernie C. Holland, running thence in the center of Fork Road and reversely on part of the last or sixth line and reversely on part of the fifth line of the last mentioned deed, as now surveyed, the two following courses and distances (1) S 27° 57' 49" E 97.97' and (2) S 32° 57' 49" E 27.18' thence leaving the center of Fork Road and the fifth line of the aforesaid deed and running for lines of division through the lands of the Grantor the two following courses and distances (1) S 58° 54' 55" W 380.05' and (2) parallel to and 24' distance from the second line of the land which by deed dated September 3, 1969 and recorded among the Land Records of Baltimore County in Liber O.T.G. 5031, folio 288, was conveyed by Edgar B. Stricklin

I I LINE OF WPC 436/ 384 GEO. R. , 4KATH, BECK אונטטענין איני פונטטעניעלע ENK 1, 5840 / 404 ರಾಭ ಕರಿತಿ//ಪಡಿಕ N 58° 54' 55' E 38545' 1.095 Act - 5.30°51 49″E 5 58 54 55 W 380.05 5" LINE WPC 456/384 RITA S. HOWAND ENK 5607/201 FARCEL TO BE CONVEYED HY E. F. RAPHEL & ASSOCIATES Registered Professional Land Surveyors HELECT. DIST. 34470.00.MD 201 Courtland Avenue 50ALE /" /000" DEC 1, 1988. Towson, Maryland 21204

AGRICULTURAL TRANSFER TAX
AMOUNT 6646

SIGNATURE

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