

IN THE MATTER OF THE APPLICATION OF BECKER FAMILY LTD. PARTNERSHIP FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NORTH END OF WALLY COURT, 1075' N OF CENTERLINE OF BERANS ROAD (PROPOSED 31 AND 33 WALLY COURT AND PARCELS A & B OF THE BECKER PROPERTY 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

OPINION

This matter comes before the Board on a Petition for Special Hearing filed by the owners of the subject property, The Becker Family Limited Partnership, by Arthur Becker. This Petition was granted in part and dismissed in part as moot by Order of the Deputy Zoning Commissioner dated February 18, 1994, and subsequently appealed to this Board. The Petitioners seek approval of the following: (1) to create two (2) non-density parcels in the R.C. 4 and R.C. 5 zones; (2) the construction of two dwellings that straddle the R.C. 4 and R.C. 5 zone lines; (3) that the septic areas for the two dwellings may be located in a zone other than that which the principle dwelling is located; and (4) two undersized lots in an R.C. 5 zone. The relief requested is more particularly described on the site plans submitted into evidence as Petitioners' Exhibits 2, 3 and 4.

Appearing on behalf of the Petitioners, represented by Stuart D. Kaplow, Esquire, was Bruce E. Doak, Registered Professional Engineer. Appearing on behalf of Protestants in the matter was Howard L. Alderman, Jr., Esquire. The Board heard testimony and received evidence. From that, we make the following factual findings and apply the law.

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The subject property consists of 14.13 acres, more or less, and is split zoned R.C. 4 and R.C. 5. This property, which has been in the Becker family for many years, has been the subject of prior CRG and minor subdivision requests. Due to problems with locating wells on the site, the Beckers have had difficulty subdividing the property to create building lots for family members. The Petitioners originally proposed to subdivide the property into five (5) lots; however, adequate wells were found in only two locations on the entire 14.13-acre parcel. Due to the lack of adequate water supply, the Petitioners have had to redesign the layout of the property. In addition, the Petitioners had to set aside nearly 70 percent of the buildable area in the R.C. 4-zoned portion of this site into a conservancy area as mandated by the R.C. 4 regulations. This conservancy area accounts for 7.699 acres. The Petitioners have created two lots, Lot 1 of which will contain approximately 2.100 acres, and Lot 2, approximately 2.081 acres. Both lots contain suitable septic reserve areas and adequate wells for a single-family dwelling to be constructed thereon; however, due to the fact that the R.C. 4/R.C. 5 zoning line traverses the property, the relief requested in the Petition for Special Hearing is necessary in order to proceed.

By virtue of the proposed subdivision, two small parcels of land have been created for which the Petitioners seek approval of as non-density parcels. One small parcel consists of 0.312 acre and is located on the southeastern portion of the site within the R.C. 5 zone. This parcel is identified as Parcel B on the plan. The other small parcel contains 0.437 acre and is located at the

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northwest end of the subject site within the R.C. 4 zone. That parcel has been identified as Parcel A on the plan. On behalf of the Petitioners, Mr. Doak pointed out that the boundary line of Parcel A is an easement line designating the conservancy area for the overall tract, and that this easement line is not necessarily a lot line.

Counsel for Protestants indicated he had no quarrel with the septic areas, nor with the lots straddling the zones, nor with the two non-density parcels with one in R.C. 4 and one in R.C. 5. Taking that into consideration and the reasons given above, we rule as follows:

Parcel A does not, in and of itself, create a non-density parcel. The Petitioners' request for approval of a non-density parcel in the R.C. 4 zone is not necessary and shall be dismissed as moot. Given the purpose for which the dwellings were situated on the two lots, the Petition for Special Hearing on this issue shall be granted. The Petitioners had no alternative but to lay out the proposed development in the fashion set forth on Petitioners' Exhibit 4, in locating the septic reserve areas. Therefore, the special hearing relief sought on this issue shall be granted.

The final special hearing request is to approve two undersized lots in the R.C. 5 zone. While both Lots 1 and 2 consist of more than 2.0 acres each, that portion of each lot which is zoned R.C. 5 is less than the 1.0-acre minimum requirement for R.C. 5-zoned land. Again, this dilemma is as a result of the property's split zoning. Inasmuch as both lots contain sufficient acreage to

Case No. 94-256-SPH Becker Family Ltd. Partnership 4

support a single-family dwelling, well and septic reserve area, the Petitioners' request to approve these undersized lots shall be granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the testimony and evidence received, and for the reasons given above, the special hearing should be granted.

ORDER

IT IS THEREFORE this 9th day of January, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve the creation of one (1) non-density parcel (Parcel B) in the R.C. 5 zone, the construction of two dwellings that will straddle the R.C. 4 and R.C. 5 zone lines, the location of the septic areas for the two dwellings to be in a zone other than that in which the principle dwelling is located, and two undersized lots in an R.C. 5 zone, in accordance with Petitioners' Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this

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time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) In the event the Petitioners are able to create a third building lot adjacent to the Trader property, the Petitioners shall be required to provide appropriate screening at that time between that development and the Trader property.

3) When applying for any permits, the site and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a non-density parcel (Parcel A) in the R.C. 4-zoned portion of the site, in accordance with Petitioners' Exhibit 4, be and is hereby DISMISSED AS MOOT.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Judson H. Lipowitz

William Clark



County Board of Appeals of Baltimore County

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

January 9, 1995

Howard L. Alderman, Jr., Esquire LEVIN & GANN, P.A. 305 W. Chesapeake Avenue Towson, MD 21204

RE: Case No. 94-256-SPH Becker Family Ltd. Partnership

Dear Mr. Alderman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours, Charlotte E. Redcliffe for Kathleen C. Weidenhammer Administrative Assistant

encl.

cc: Stuart D. Kaplow, Esquire Arthur Becker Thomas D. Dawes, et al Steven Diamond Sheldon Bearman Gee Gee Pfeiffer People's Counsel for Baltimore County Pat Keller Lawrence E. Schmidt W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM Arnold Jablon, Director/ZADM

IN RE: PETITION FOR SPECIAL HEARING N/end of Wally Court, 1075' N of the c/l of Berans Road (Proposed 31 & 33 Wally Court and Parcels A and B of the Becker Property) 8th Election District 3rd Councilmanic District The Becker Family Ltd. Part. Petitioners

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-256-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, The Becker Family Limited Partnership, by Arthur Becker. The Petitioners seek approval of the following: 1) to create two (2) non-density parcels in the R.C.4 and R.C.5 zones, 2) the construction of two dwellings that straddle the R.C.4 and R.C.5 zone lines, 3) that the septic areas for the two dwellings may be located in a zone other than that which the principle dwelling is located, and, 4) two undersized lots in an R.C. 5 zone. The relief requested is more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1 through 4.

Appearing on behalf of the Petition were Arthur H. Becker, Sr. and his son, Arthur H. Becker, Jr. Also appearing on behalf of the Petitioners was Bruce E. Doak, Registered Professional Engineer. Appearing as Protestants in the matter were Steven Diamond, Sheldon Bearman, Gee Gee Pfeiffer, and Lynn Trader, who was represented by Neil Lanzl, Esquire.

Testimony indicated that the subject property consists of 14.13 acres, more or less, and is split zoned R.C.4 and R.C.5. This property, which has been in the Becker family for many years, has been the subject of prior CRG and minor subdivision requests. Due to problems with locating wells on the site, the Beckers have had difficulty subdividing the property

to create building lots for family members. Testimony indicated that the Petitioners originally proposed to subdivide the property into five (5) lots; however, adequate wells were found in only two locations on the entire 14.132 acre parcel. Due to the lack of adequate water supply, the Petitioners have had to redesign the layout of the property. In addition, the Petitioners had to set aside nearly 70% of the buildable area in the R.C.4 zoned portion of this site into a conservancy area as mandated by the R.C.4 regulations. This conservancy area accounts for 7.699 acres. The Petitioners have created two lots, Lot 1 of which will contain approximately 2.100 acres, and Lot 2, approximately 2.081 acres. Both lots contain suitable septic reserve areas and adequate wells for a single family dwelling to be constructed thereon; however, due to the fact that the R.C.4/R.C.5 zoning line traverses the property, the relief requested in the Petition for Special Hearing is necessary in order to proceed.

By virtue of the proposed subdivision, two small parcels of land have been created for which the Petitioners' seek approval of as non-density parcels. One small parcel consists of 0.312 acre and is located on the southeastern portion of the site within the R.C.5 zone. This parcel is identified as Parcel B on the plan. The special hearing relief sought in this instance is necessitated by virtue of the split zoning of the property and as such, should be granted. The other small parcel contains 0.437 acres and is located at the northwest end of the subject site within the R.C.4 zone. That parcel has been identified as Parcel A on the plan. On behalf of the Petitioners, Mr. Doak pointed out that the boundary line of Parcel A is an easement line designating the conservancy area for the overall tract and that this easement line is not necessarily a lot line. As such, Parcel A does not, in and of itself, create a non-density parcel.

ORDER RECEIVED FOR FILING Date 1/13/95 By [Signature]

ORDER RECEIVED FOR FILING Date 1/13/95 By [Signature]

County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

June 16, 1994  
**SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT**  
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. 94-256-SPH  
BECKER FAMILY LTD. PARTNERSHIP  
W/end of Wally Court, 1075' W of c/l of Berans Road (Proposed 31 and 33 Wally Court and Parcels A & B of the Becker Property)  
8th Election District  
3rd Councilmanic District  
SPH -to create two nondensity parcels in RC 4 and RC 5; construction of two dwellings /straddle RC 4 and RC 5 lines; septic areas for two dwellings /located in zone other than principal dwelling; two undersized lots in RC 5 zone.

2/18/94 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED in part and DISMISSED as moot in part.

which was scheduled for hearing on August 23, 1994 has been POSTPONED at the request of Counsel for Petitioner due to schedule conflict, without objection from Counsel for Protestants; and has been

REASSIGNED FOR: **WEDNESDAY, SEPTEMBER 14, 1994 at 10:00 a.m.**

cc: Stuart D. Kaplow, Esquire Counsel for Petitioner  
Mr. Arthur Becker Petitioner  
Howard L. Alderman, Jr., Esquire Counsel for Appellants /Protestants  
Mr. Thomas D. Dawes, et al Appellants /Protestants  
Mr. Steven Diamond Protestant  
Mr. Sheldon Bearman "  
Ms. Gee Gee Pfeffer "  
People's Counsel for Baltimore County "  
Pat Keller "  
Lawrence E. Schmidt "  
Timothy H. Kotroco "  
W. Carl Richards, Jr. /ZADM "  
Docket Clerk /ZADM "  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

LAW OFFICES  
**LEVIN & GANN**  
A PROFESSIONAL ASSOCIATION  
305 W CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
410-321-0660  
TELEPHONE 410-625-9090  
TELECOPIER 410-296-2901

ELLIS LEVIN (1983-1990)

HOWARD L. ALDERMAN, JR.  
February 10, 1994

Lawrence E. Schmidt, Esquire  
Zoning Commissioner for Baltimore County  
Court House  
Townson, MD 21204

RE: Case No. 94-256-SPH  
12170 Wally Court

Dear Commissioner Schmidt:

We represent Mr. Thomas D. Dawes and several of his family members. The Dawes' family owns property in the immediate neighborhood of, and possibly adjoining, the property which was the subject of the above-referenced case. As such, our clients are persons interested, pursuant to Baltimore County Code Section 26-132, in any order or decision that you or Deputy Commissioner Kotroco may issue in this case.

I would respectfully request that I be provided a copy of any decision or order in the above-referenced case when issued. Our clients reserve any and all rights afforded them under County Code Section 26-132 with respect to any such decision or order.

Should you need any additional information in this regard please contact me at your earliest convenience. Thank you for your cooperation in this matter.

Very truly yours,  
*Howard L. Alderman, Jr.*  
Howard L. Alderman, Jr.

HLA/gk  
cc: Mr. Thomas D. Dawes  
Stuart D. Kaplow, Esquire

LAW OFFICES  
**LEVIN & GANN**  
A PROFESSIONAL ASSOCIATION  
305 W CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
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TELEPHONE 410-625-9090  
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ELLIS LEVIN (1983-1990)

HOWARD L. ALDERMAN, JR.  
March 17, 1994

**HAND DELIVERED**

Arnold Jablon, Director  
Office of Zoning Administration and  
Development Management  
111 West Chesapeake Avenue  
Room 109  
Townson, MD 21204

RE: Becker Family Limited Partnership  
Case No. 94-256-SPH  
Notice of Appeal

Dear Mr. Jablon:

I represent Mr. Thomas D. Dawes and members of his immediate family that own property and pay taxes thereon in the immediate vicinity of the property which was the subject of the above-referenced case. After review of the February 18, 1994 decision of the Deputy Zoning Commissioner, my clients are aggrieved persons and further "feel aggrieved" and hereby note an appeal of that decision pursuant to Baltimore County Code Section 26-132.

I have enclosed our clients' check in the amount of \$210.00 to cover the cost of filing this appeal and for the required sign. Please have all correspondence related to this appeal directed to my attention at the address above.

Thank you for your cooperation in this matter.

Very truly yours,  
*Howard L. Alderman, Jr.*  
Howard L. Alderman, Jr.

HLA/gk  
Enclosure  
cc: Mr. Thomas D. Dawes  
Stuart D. Kaplow, Esquire

LAW OFFICES  
**LEVIN & GANN**  
A PROFESSIONAL ASSOCIATION  
305 W CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
410-321-0660  
TELEPHONE 410-625-9090  
TELECOPIER 410-296-2901

ELLIS LEVIN (1983-1990)

HOWARD L. ALDERMAN, JR.  
March 17, 1994

Case No. 94-256-SPH  
Postponement Request  
Dawes Property  
Case No. 94-256-SPH  
Request for consolidation

Dear Mr. Hackett:

As you are aware, I represent the Dawes Family in connection with the property that they own on Ridgemoor Road. Their property adjoins the Becker Family, Ltd. Partnership property. I am in receipt of a letter dated April 26, 1994 from J. Neil Lanzi, Esquire which indicates that he represents other persons in opposition to the relief requested by Petitioner Becker and that he will be unable to appear at the hearing scheduled for July 16, 1994. I have no opposition to the continuance request by Mr. Lanzi, however, I would request that this case be set in as soon after the scheduled hearing date as possible. With respect to the out of the State during the entire week of August 8 and should be returning to the office on Wednesday, August 17, 1994. In order to prepare properly for the upcoming hearing I would request that any rescheduling be made at least two days after August 17th.

Mr. Arthur Becker has noted an appeal of a decision of the Zoning Commissioner for Baltimore County applicable to the Dawes family property. That case is captioned as Case No. 93-131-SPH and was filed on or about May 7, 1993 and has yet to be heard by this Board. While I did not represent Mr. Dawes in this action before the Zoning Commissioner, I believe that since it involves issues pertaining to property immediately adjoining the Becker family property, it should be consolidated with Case No. 94-256-SPH. Therefore, I would respectfully request that this case be consolidated and heard on the same rescheduled date as the Becker case.

**J. NEIL LANZI**  
ATTORNEY AT LAW  
300 ALLEGHENY AVENUE  
TOWSON, MARYLAND 21204  
(410) 337-8939  
FAX (410) 337-8932

ELLICOTT CITY  
3460 Ellicott Center Drive  
Suite 101  
Ellicott City, Maryland 21043  
(410) 337-9039

J. Neil Lanzi  
OF COUNSEL  
Fred L. Coover\*

\*Also Admitted in District of Columbia

April 26, 1994

Reply to Towson

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Townson, MD 21204

Re: Case No. 94-256-SPH

Dear Mr. Hackett:

Please be advised that I represent Mr. & Mrs. Richard L. Trader, protestants in the above-captioned case which is presently scheduled for hearing on Wednesday, July 13, 1994 at 10:00 a.m. My clients' property is immediately adjacent to petitioner's property, and therefore my clients will be impacted by any Board decision. I appeared on behalf of the traders at the hearing before the Zoning Commissioner on February 2, 1994 and intend to be present on their behalf at the appeal hearing. However, I have a pre-paid and long-planned out-of-town vacation scheduled for the week of July 9 through July 16, 1994 and will be unable to appear at the presently scheduled hearing. Accordingly, on behalf of my clients, I would respectfully request a postponement from the present hearing date.

Your consideration is greatly appreciated.

Very truly yours,  
*Mad Ann*  
J. Neil Lanzi

cc: Mr. & Mrs. Richard L. Trader  
Howard L. Alderman, Jr., Esq., Counsel for Appellants  
Mr. Arthur Becker, Petitioner

**J. NEIL LANZI**  
ATTORNEY AT LAW  
300 ALLEGHENY AVENUE  
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(410) 337-9039

J. Neil Lanzi  
OF COUNSEL  
Fred L. Coover\*

\*Also Admitted in District of Columbia

June 3, 1994

Reply to Towson

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Townson, MD 21204

Re: Case No. 94-256-SPH Becker Family Limited Partnership

Dear Mr. Hackett:

You may recall receiving correspondence from me dated April 26, 1994 at which time I requested a postponement of the above-captioned case from the presently scheduled hearing date of Wednesday, July 13, 1994. Subsequent to my correspondence to you, I received a copy of a letter dated April 29, 1994 addressed to you from Howard Alderman, Jr., which indicated he had no objection to my postponement request. Further, I have received verbal communication from Stuart Kaplow, Esq. who represents the Becker Family Limited Partnership and he advised me the above appeal may be dismissed at which time my postponement request would become moot.

Would you kindly advise at your earliest convenience whether the case is either dismissed or postponed.

Very truly yours,  
*Mad Ann*  
J. Neil Lanzi

cc: Mr. & Mrs. Richard L. Trader  
Howard L. Alderman, Jr., Esq., Counsel for Appellants  
Stuart D. Kaplow

**J. NEIL LANZI**  
ATTORNEY AT LAW  
300 ALLEGHENY AVENUE  
TOWSON, MARYLAND 21204  
(410) 337-8939  
FAX (410) 337-8932

ELLICOTT CITY  
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Suite 101  
Ellicott City, Maryland 21043  
(410) 337-9039

J. Neil Lanzi  
OF COUNSEL  
Fred L. Coover\*

\*Also Admitted in District of Columbia

June 17, 1994

Reply to Towson

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Townson, MD 21204

Re: Case No. 94-256-SPH Becker Family Limited Partnership

Dear Mr. Hackett:

As you know I represent Mr. and Mrs. Trader who were interested parties to the above listed case at the Zoning Commissioner level. This case was recently postponed although it was my understanding it was to have been dismissed. In any event, my clients have decided they are no longer interested parties to this case and accordingly it will not be necessary to consider them in future scheduling matters or otherwise.

Any inconvenience to any of the parties involved is sincerely regretted and your cooperation with the scheduling was greatly appreciated.

Very truly yours,  
*Mad Ann*  
J. Neil Lanzi

cc: Mr. & Mrs. Richard L. Trader  
Howard L. Alderman, Jr., Esq., Counsel for Appellants  
Stuart D. Kaplow

**STUART D. KAPLOW, P.A.**  
ATTORNEYS AT LAW  
5125 ROLAND AVENUE  
BALTIMORE, MARYLAND 21210  
TELEPHONE (410) 435-5632  
FACSIMILE (410) 435-6134

STUART D. KAPLOW  
June 14, 1994

County Board of Appeals  
of Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Townson, Maryland 21204

Re: Becker Family Limited Partnership  
Case No. 94-256-SPH

Dear Sirs:

By this letter I am requesting a postponement of the currently scheduled Tuesday, August 23rd hearing date for the above noted matter.

While I recognize that this matter has been previously postponed, upon a request of counsel for a protestant below, I must request this postponement because I have longstanding plans to be out of Maryland on the new date through the end of August.

I have confirmed with Howard L. Alderman, Jr., counsel for the Protestants, that he does NOT object to this requested postponement. Please schedule the new hearing at the earliest possible date in September.

Thanking you in advance for your courtesies, be assured that I appreciate your efforts with this matter.

Sincerely,  
*Stuart D. Kaplow*  
Stuart D. Kaplow

cc: Howard L. Alderman, Esquire  
SDK:tbm

23 Wally Court  
Lutherville, Md. 21093  
April 12, 1994

Baltimore County Government Office of Zoning Administration and  
Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Partition for Special Hearing Case #94-256-SPH

Board of Appeals:

I am in receipt of the findings, facts and conclusions of law prepared by the Deputy Zoning Commissioner in response to a partition for special hearing by Mr. Arthur Becker rendered to 2/18/94. My property is immediately adjacent to the Becker property and, in my judgement, is most affected by any zoning decision. Page 4 of Timothy Kotroco's zoning decision pertains particularly to my property and reads as follows: "Mr. Bearman, whose property is located south of the subject site and is probably most affected by the proposed 2 lot subdivision, testified that he would appreciate if the screening which currently exists between the property lines of lots 1 and 2 and his property, identified as lot 9 on the site plan, would remain. The parties agreed that screening would remain along the southern party line between proposed lots 1 and 2 and Mr. Bearman's property, the amount and sufficiency of which would be determined by Mr. Bearman and the Becker family. I will leave the issue of screening to be discussed and resolved by the partitioners and Mr. Bearman; however, in the event that they cannot agree on the amount and sufficiency of screening to remain, then either party shall have the right to partition this Deputy Zoning Commissioner for a determination as to what type screening would be appropriate".

If the Board of Appeals grants the relief requested by the Becker family, I would appreciate that they incorporate the substance of the Deputy Zoning Commissioner for Baltimore County I referred to in the above paragraph. In addition, I would appreciate your forwarding to me a copy of the final decision.

Thank you very much for your kind consideration.

Yours truly,

*Sheldon Bearman*  
Sheldon Bearman

RECEIVED  
APR 15 1994

ZADM

County Board of Appeals of Baltimore County  
ROOM 49 OLD COURTHOUSE  
TOWSON, MARYLAND 21204

PLEASE FORWARD

Ms. Gee Gee Pfeffer  
12041 Falls Road  
Lutherville, Md. 21093

RECEIVED IN 05/21/94  
RETURN TO SENDER  
NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER

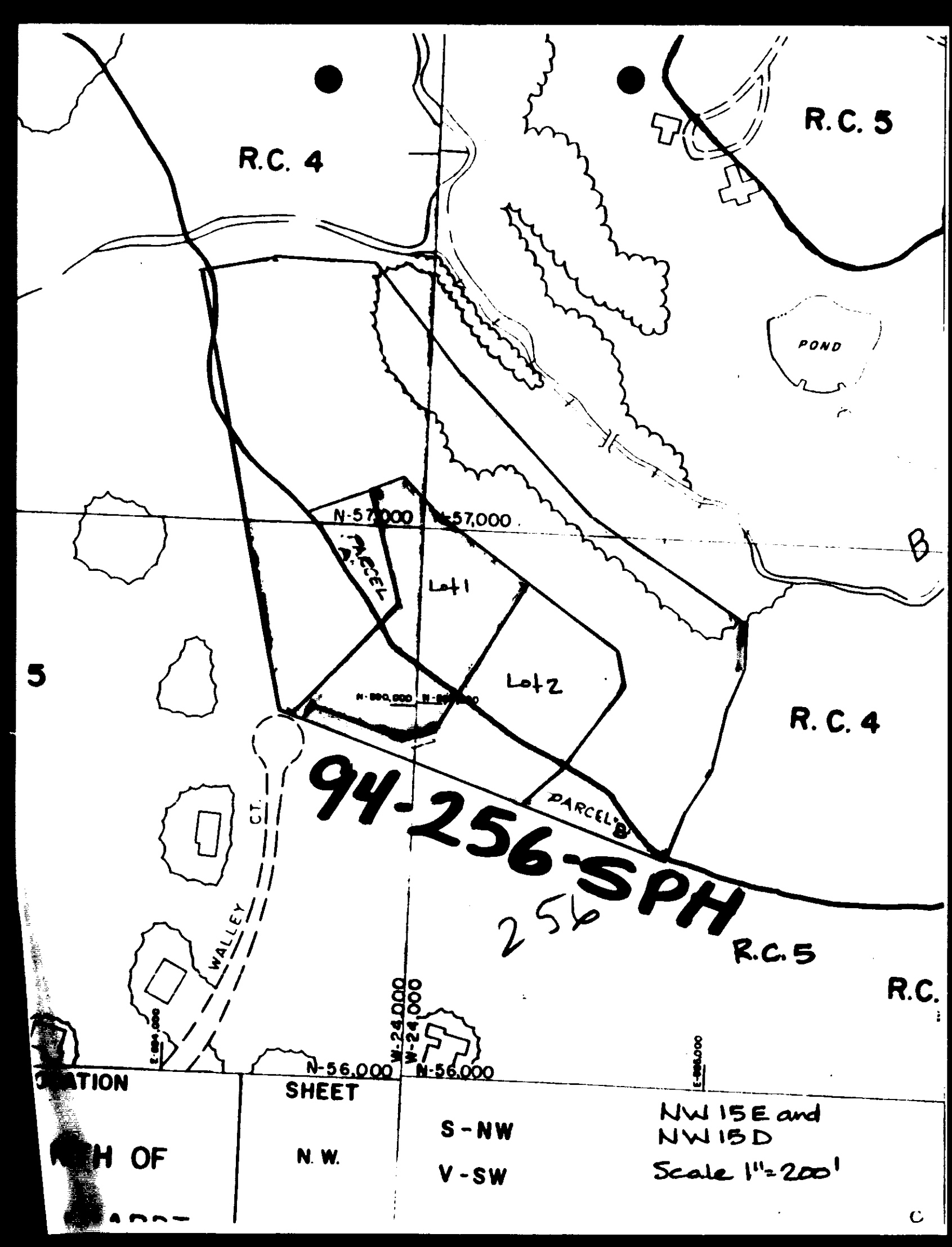
PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
ARTHUR H. BECKER JR.	544 TEPPER RD SEVERN MD
ARTHUR H. BECKER SR.	12170 FALLS RD COCKEYSVILLE MD
BRUCE E. DANK - GRANOLA, CROSS & ETZEL	3025 TOWSON BLVD. TOWSON MD 21286

7/11/94  
Please send copy to  
Jackie McMillan to  
Pleasney on case #  
94-256-SPH

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Neil Conzi	300 Thibault Ave Towson 21284
STEVEN DIAMOND	16 Wally Ct. Lutherville 21093
Sheldon Bearman	23 Wally Ct
GEE GEE PFEFFER	12041 Falls Rd



Petitioner's Ex. #1  
I.D. ONLY

SPECIFICALLY, WE ARE REQUESTING APPROVAL OF:

- NO DISPUTE THE CONSTRUCTION OF TWO DWELLINGS THAT WILL STRADDLE THE RC 4 AND RC 5 ZONE LINE;
- DISPUTE TWO LOTS IN THE RC 5 ZONED PORTION OF THE PROPERTY THAT DO NOT MEET THE MINIMUM LOT AREA, WIDTH AND SETBACK REQUIREMENTS;
- NO DISPUTE SEPTIC AREAS THAT MAY BE LOCATED IN A ZONE OTHER THAN IN WHICH THE PRINCIPLE DWELLING IS LOCATED;
- NO DISPUTE TWO NON DENSITY PARCELS IN THE RC 4 AND RC 5 ZONES;

ALL AS MORE PARTICULARLY DESCRIBED ON THE PLAN TO BE SUBMITTED AT THIS HEARING.

Add restrictions from 1964 BZC Ordinance.

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204  
823-4470

August 10, 1988

14.132 Acres Parcel

All that piece of parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a pipe now set in the center of a stream and in the first line of a parcel of land which by deed dated January 29, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 5069 folio 151 was conveyed by Frederick A. Savage, Jr. and wife to Arthur Herbert Becker and wife said pipe being distant, as Block B Re subdivision of Part of Section 11 "The Bearman Prop." which plat is recorded among the Plat Records of Baltimore County in Plat Book E.H.K. Jr. No. 50 folio 48, from a stone heretofore set at the beginning of said parcel of land, and running thence with and binding on a part of said first line and binding on a part of the second line of said parcel of land which was conveyed by Savage to Becker, the two following courses and distances viz: North 71 degrees 06 minutes 30 seconds West 203.42 feet, measured along said first line with and binding on a part of said first line and binding on a part of the second line and distances viz: North 71 degrees 06 minutes 30 seconds West, binding for a part on set at the end of said first line and North 12 degrees 36 minutes 30 seconds West 798.97 feet to an intermediate pipe heretofore set in said second line, and thence leaving said second line and running for lines of division now made the five following courses and distances viz: North 73 degrees 59 minutes 30 seconds East 142.70 feet to a pipe, South 88 degrees 39 minutes 10 seconds East 183.46 feet to a pipe, South 39 degrees East 356.14 feet to a pipe, and South 58 degrees 56 minutes 02 seconds East 336.59 feet to a pipe set in the center of the herein mentioned stream and thence continuing to run following courses and distances viz: South 3 degrees 03 minutes 23 seconds West 74.97 feet to a pipe, South 18 degrees 59 minutes 38 seconds West 78.95 feet to a pipe, South 01 degrees 47 minutes 49 seconds West 125.26 feet to a pipe, South 30 degrees 39 minutes 07.50 feet to the place of beginning.

Containing 14.132 Acres of Land, more or less.

Being a part of a parcel of land which by deed dated January 29, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 5069 folio 151 was conveyed by Frederick A. Savage, Jr. and wife to Arthur Herbert Becker and Dorothy Elizabeth Becker, his wife.

Petitioner's Ex. 5

shall not in itself be sufficient grounds to reclassify property. [Bill No. 98-1975]

1A00.4--Plans and Plats. [Bill No. 98-75]

Development Plans and Final Subdivision Plats shall be required in the manner prescribed under subsection 1B01.3 and for the purpose of this subsection all references to D.R. zones shall include the R.C. zones. [Bill No. 98, 1975]

1A00.5-Application to tract divided by zone boundary. [Bill No. 98-75]

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and for the purpose of these regulations shall be considered as separate parcels. [Bill No. 98, 1975]

Section 1A01--R.C. 2 (AGRICULTURAL) ZONES [Bill No. 98-75]

1A01.1--General provisions. [Bill No. 98-75] 91-405 SPH

A. Legislative Statement of Findings.

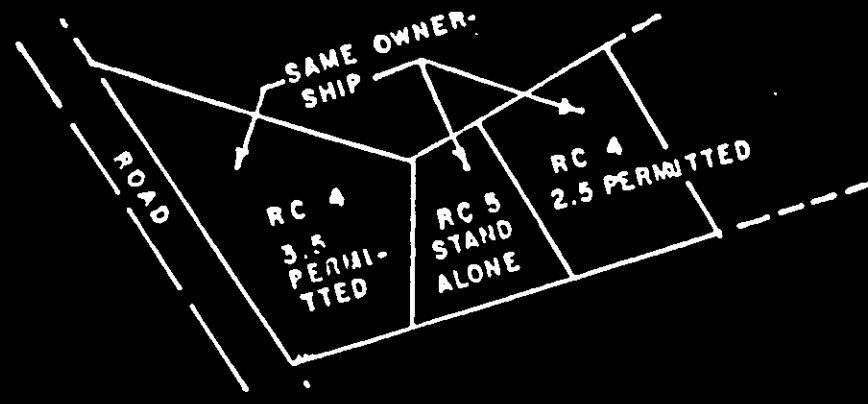
1. Declaration of findings. It is found:

- that Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development; [Bill No. 98, 1975.]
- that the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry; [Bill No. 98, 1975]
- that scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land; [Bill No. 98-75]
- that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs

1A-3  
APPROVED JUL 01 1989  
Petitioner's # 6

1A00.5.a TRACTS DIVIDED BY ZONE BOUNDARIES - If R.C. zoned land under the same ownership is separated by a different R.C. zone, then the density should be calculated and utilized by each zone parcel. In the following example the R.C. 4 density would be two for one parcel and three for the other. The five lots would have to be located in the respective permitted density parcels of the property. The R.C. 5 area would be figured and utilized separately.

(1) If R.C. zoned land is proposed to be clustered in the same zone, on the same property, across another zone, a special hearing would be required before the Zoning Commissioner. In the following example a special hearing would be required to request that density units be clustered in either of the R.C. zoned land.



1A00.5.b LOTS DIVIDED BY ZONE LINES - The following guidelines have been formulated so that this matter can be handled consistently:

- (1) CONDITIONS:
  - a. A house may not straddle an R.C. zone line.
  - b. Any lot must meet the minimum lot area, width and setback requirements of the zone in which the house is to be located.
  - c. The well and septic system must be located in the same zone as the house.
    1. setbacks are measured to the property or street right-of-way and not the zone line.
  - d. When calculating density, if a lot contains enough area to meet the minimum lot size in each of the R.C. zones into which it extends; it counts as two density units used and not just one (i.e. one density unit subtracted from that allowed in each separate R.C. zone.)
- (2) INTERPRETATION - This determination may be subject to a special hearing at the discretion of the Zoning Commissioner.
- (3) See the following case: 09-52-SPH

1A-3.1

Petitioner's Ex. #7

the Zoning Commissioner for a use permit, upon such form as the Zoning Commissioner may prescribe. If such use is permissible the Zoning Commissioner may issue a use permit, conditioned by other provisions contained in the Regulations which shall indicate that it authorizes particular use applied for. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

500.5--In cases of petitions for Special Exceptions under Section 502 of these regulations, the Zoning Commissioner shall receive such petitions in such form as he may prescribe. He shall hold a public hearing thereon after giving public notice of such hearing as above provided with respect to petition for reclassification. After such a hearing he shall pass his Order granting or refusing such Special Exception. [B.C.Z.R., 1955.]

500.6--In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or non-compliance with any zoning regulations, or the proper interpretation thereof, and to pass his Order thereon, subject to the right of appeal to the Board of Zoning Appeals as hereinafter provided. [B.C.Z.R., 1955.]

500.7--The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these Regulations.

With respect to any zoning petition other than a petition for a special exception, variance, or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing, whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the County. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning

REV 3/89

5-2

Petitioner's Ex. #8

less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above. [B.C.Z.R., 1955.]

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955.]

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided: [B.C.Z.R., 1955.]

- a. That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and [B.C.Z.R., 1955.]
- b. That all other requirements of the height and area regulations are complied with; and [B.C.Z.R., 1955.]
- c. That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements. [B.C.Z.R., 1955.]

Section 305--REPLACEMENT OF DESTROYED OR DAMAGED DWELLINGS [B.C.Z.R., 1955.]

In case of complete or partial casualty loss by fire, windstorm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling may be restored provided area and/or height deficiencies of the dwelling are not increased in any respect, and such restoration is subject to the limitations imposed by section 104.2 of the Baltimore County Zoning Regulations. [B.C.Z.R., 1955; repealed by Bill No. 124, 1991; re-enacted by Bill No. 214, 1991.]

Section 306--MINOR PUBLIC UTILITY STRUCTURES [B.C.Z.R., 1955.]

Minimum lot area regulations in any zone shall not apply to repeater, booster, or transformer stations, or small community dial offices. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

Section 307--VARIANCES [B.C.Z.R., 1955; Bill No. 107, 1963.]

307.1--The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential

REV 2/92

3-3

Petitioner's Ex. #9

26-124

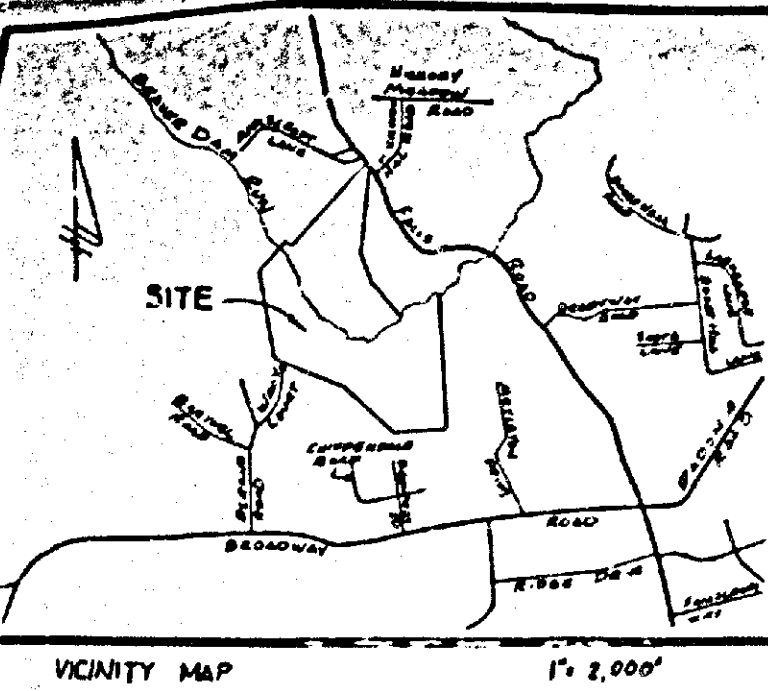
density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance the Zoning Commissioner shall require public notice to a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance. [B.C.Z.R., 1955; Bill No. 107, 1963; No. 32, 1988; Bill No. 2, 1992.]

307.2--In addition to the authority and limitations set forth in Section 307.1 above, within the Chesapeake Bay Critical Area, the Zoning Commissioner, or upon appeal, the Board of Appeals of Baltimore County, shall have the power to authorize the expansion of those uses in existence at the time of the effective date of this subsection; any order granting a variance pursuant to this subsection shall contain findings of fact which shall include the following: [Bill No. 32, 1988.]

1. That special conditions or circumstances exist that are peculiar to the land or structure within the critical area of the county; [Bill No. 32, 1988.]
2. That strict compliance with the critical area regulations would result in practical difficulty, unreasonable hardship or severe economic hardship; [Bill No. 32, 1988.]
3. That strict compliance with the critical area regulations will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the critical area of the county; [Bill No. 32, 1988.]
4. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by the critical area regulations to other lands or structures within the critical area of the county; [Bill No. 32, 1988.]
5. That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property; [Bill No. 32, 1988.]

REV 2/92

3-4

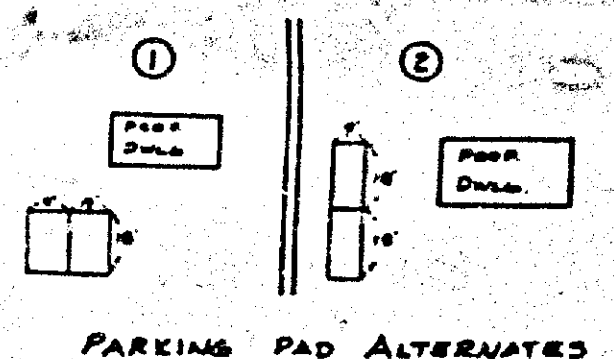


BALTO. CO. GRID MERIDIAN



NOTES

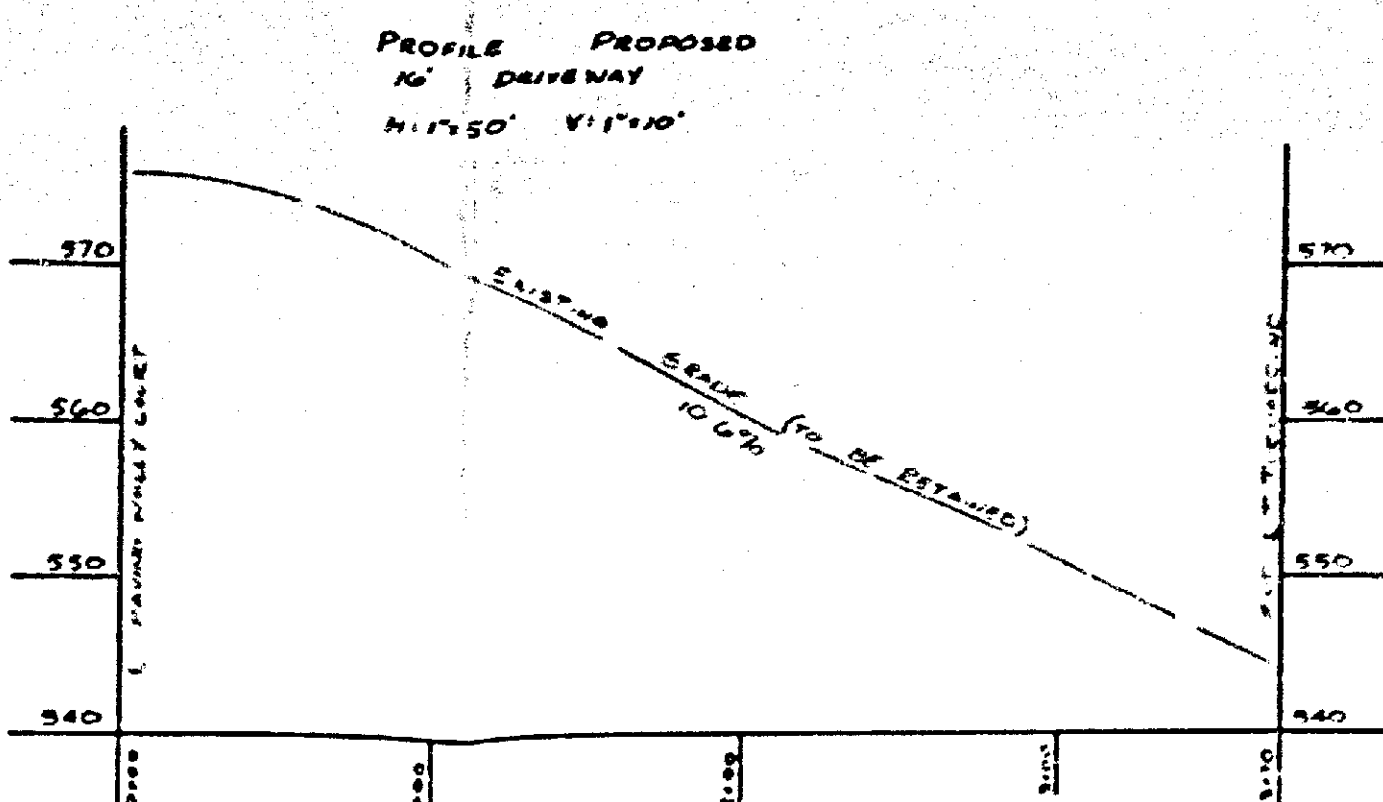
- 1 GROSS AREA 75,107 AC.
- 2 NET AREA 75,118 AC.
- 3 ZONED R.C. 4 & R.C. 5
- 4 NUMBER OF LOTS PROPOSED 54 TRACT
- 5 NUMBER OF LOTS ALLOWED IN R.C. 4 0 2,153,10 G LOTS
- 6 NUMBER OF LOTS ALLOWED IN R.C. 5 0 662,140 S 6 LOTS
- 7 TAX ACCOUNT NUMBER OR-02 021100 121 00-120213
- 8 WATERSHED II
- 9 SUBWATERSHED 3
- 10 CENSUS TRACT 4083
- 11 MINIMUM OF TWO OFF STREET PARKING SPACES PER DWELLING
- 12 NO HISTORIC BUILDINGS ON SITE
- 13 NO CRITICAL AREAS
- 14 NO ARCHEOLOGICAL SITES
- 15 NO ENDANGERED SPECIES HABITAT
- 16 NO HAZARDOUS MATERIALS ON SITE
- 17 A DT: 17.4 x 5.62
- 18 PRINCIPAL BUILDING SETBACKS TO BE:
  - 75' MINIMUM FROM CENTERLINE OF STREETS
  - 50' MINIMUM FROM INTERIOR LOT LINE
- 19 LOTS ARE FOR SALE FOR SINGLE FAMILY DWELLINGS
- 20 ENTIRE SITE WOODS
- 21 BY COUNCILMANIC DISTRICT
- 22 SEPTIC AREAS SHOWN THIS
- 23 WELL AREAS SHOWN THIS
- 24 MAINTENANCE AGREEMENT FOR PANHANDLE DRIVEWAY IS REQUIRED
- 25 PANHANDLE DRIVEWAY TO BE PAVED WITH A DURABLE DUSTLESS MATERIAL
- 26 THIS DEVELOPMENT IS EXEMPT FROM STORM WATER MANAGEMENT DUE TO LOT SIZE
- 27 OPEN SPACE NOT REQUIRED IN RC ZONES
- 28 A NUMBER OF LANDSCAPE REQUIREMENTS TO BE APPLIED FOR
- 29 CLEARING & GRADING WILL BE PERMITTED FOR THE CONSTRUCTION OF HOMES DRIVEWAYS, SEPTIC SYSTEMS ONLY AS PERMITTED BY BALTO. CO. DEP. RM
- 30 REFUSE COLLECTION SUCH REMOVAL, ROAD MAINTENANCE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND STREET RIGHT OF WAY LINE ONLY NOT ONTO THE PANHANDLE DRIVEWAY
- 31 RESTRICTIVE COVENANTS SHALL BE RECORDED IN THE RECORDS OF ALL LOTS GUARANTEEING PRESERVATION OF REMAINING VEGETATION



NOTE: One or both spaces may be enclosed or covered by a car port or open. The final location and type may be reviewed as a result of the proposed house location and/or at the request of the original home buyer.

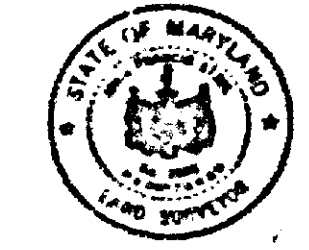
SOIL TYPES

SOIL	SEVERE FLOODING	MODERATE SLOPE	SEVERE SLOPE	STREETS/PARKING
HU	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD
ML1	MODERATE SLOPE	MODERATE SLOPE	MODERATE SLOPE	MODERATE SLOPE
ML2	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
MJE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE



PERC PLAT  
**C.R.G. PLAN**  
**BROADRIDGE ESTATES**  
 LOCATED IN  
 6TH ELECTION DISTRICT - BALTO. CO., MD.  
 CONTAINING 75,118 AC.  
 DEED REF: O.T.G. 5064-151 & S.M. 8043-031  
 TAX NO. 1 06-02-031400 & 21-00-008223  
 ZONED: R.C. 4, R.C. 5  
 OWNER: BECKER FAMILY LIMITED PARTNERSHIP  
 AND ARTHUR BECKER & WIFE  
 18170 FALLS ROAD  
 COCKEYSVILLE, MD. 21030  
 252-5367

PETITIONER'S EXHIBIT 1



SCALE 1"=100'  
 FEBRUARY 7, 1989  
**GERHOLD, CROSS & ETZEL**  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 412 DELAWARE AVENUE  
 TOWSON, MARYLAND 21284  
 813-4470

REVISION BLOCK

DATE	REMARKS
11-27-88	REVISED PER PLAN 2-20-89
11-27-88	REVISED PER PLAN 2-20-89
11-27-88	REVISED PER PLAN 2-20-89

- KEY
- ▲ EXISTING WELL
  - DEPTH
  - PASSED PER TEST
  - FAILED PER TEST
  - PERC TO BE TESTED

GROSS AREA 14,132 AC. +-  
 ZONED RC-5 AND RC-4, MAPS NW 15D AND NW 15E  
 AREA IN RC-5 3,141 AC. +-  
 AREA IN RC-4 10,991 AC. +-  
 DENSITY CALCULATIONS  
 RC-5 LOTS ALLOWED  $3,141 \times 0.667 = 2$   
 LOTS PROPOSED 0  
 RC-4 LOTS ALLOWED  $10,991 \times 30\% = 3,297 / 1 = 3$   
 LOTS PROPOSED 2  
 CONSERVANCY AREA  $10,991 \times 70\% = 7,694$  AC. +-  
 REMAINING AREA  $10,991 \times 30\% = 3,297$  AC. +-

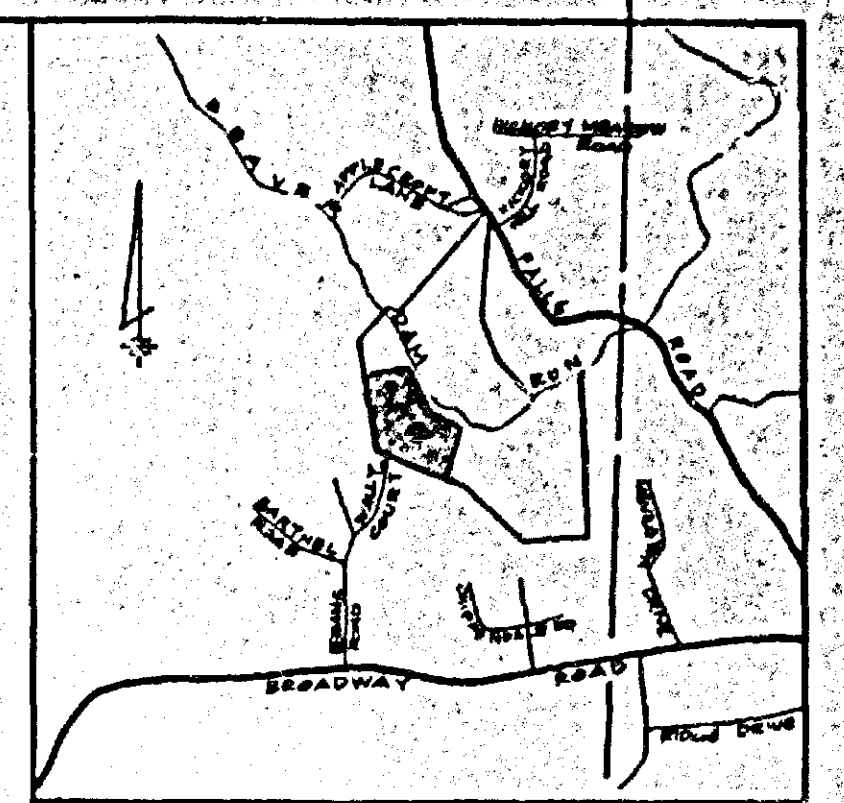
OWNERS: BECKER FAMILY LIMITED PARTNERSHIP  
 12170 FALLS ROAD  
 COCKEYSVILLE, MARYLAND 21030

TAX ACCOUNT NUMBER: 21-00-008523  
 LIBER S.M. 8043 FOLIO 030  
 TAX MAP 50 GRID 23 PARCEL 157  
 CENSUS TRACT 4083  
 REGIONAL PLANNING DISTRICT 307A  
 SCHOOL DISTRICT 11  
 WATERSHED SUB-SEWERHED 36

DEVOLUTION OF TITLE

S.M. 8043-030 NOVEMBER 15, 1988 14,132 AC. +-  
 ARTHUR HERBERT BECKER AND DORTHY ELIZABETH BECKER  
 TO  
 THE BECKER FAMILY LIMITED PARTNERSHIP  
 O.T.G. 5069-151 JANUARY 29, 1970 93,1177 AC. +-  
 FREDERICK A. SAVAGE, JR. AND CAROL BRADLEY SAVAGE  
 TO  
 ARTHUR HERBERT BECKER AND DORTHY ELIZABETH BECKER

OVERALL DENSITY CALCULATIONS  
 (O.T.G. 5069-151)  
 GROSS AREA 93,1177 AC. ±  
 AREA IN RC4 52.46 AC. ±  
 AREA IN RC5 40.66 AC. ±  
 RC4 LOTS ALLOWED  $52.46 \times 0.2 = 10.6$   
 RC5 LOTS ALLOWED  $40.66 \times 0.667 = 27.1$

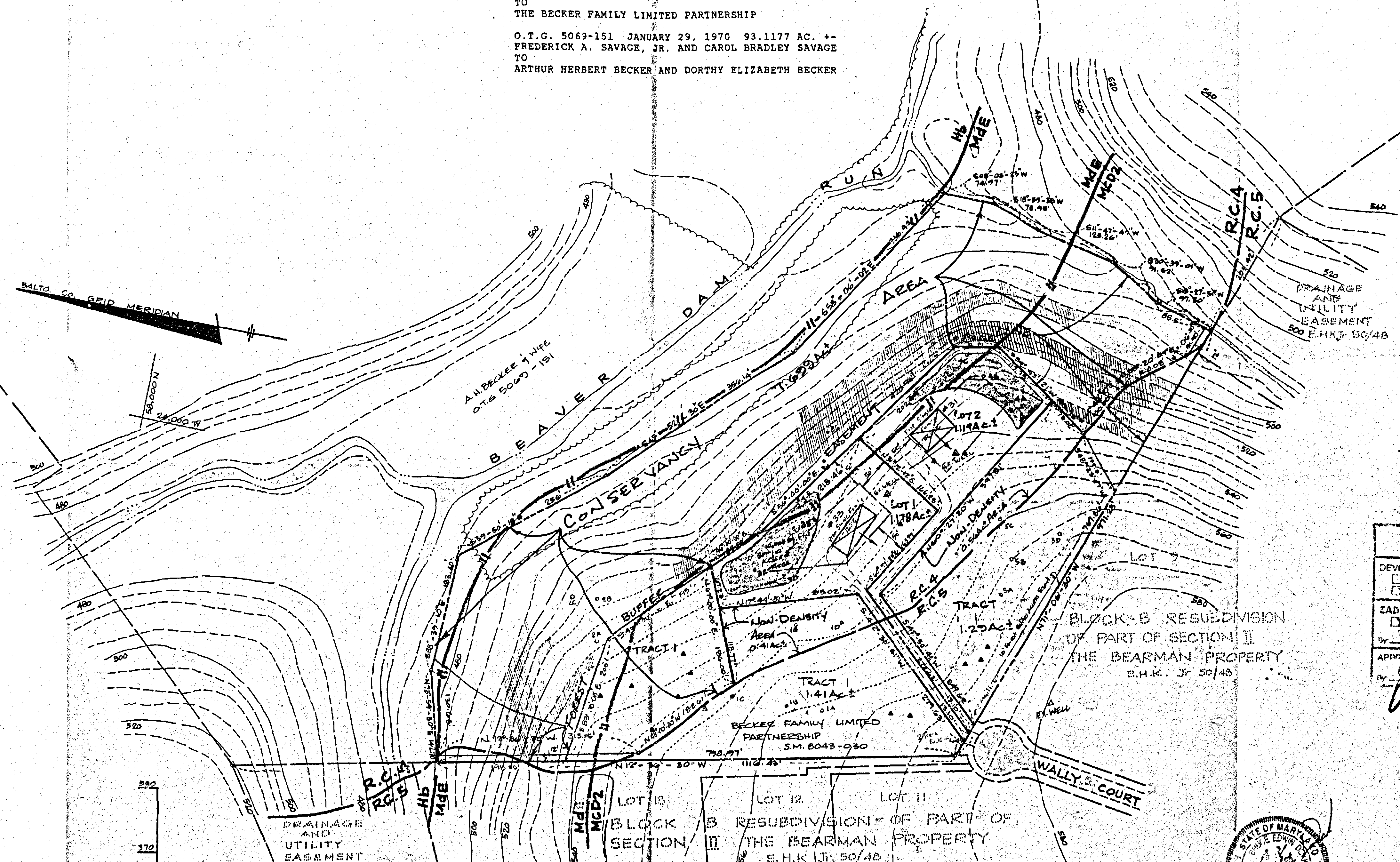
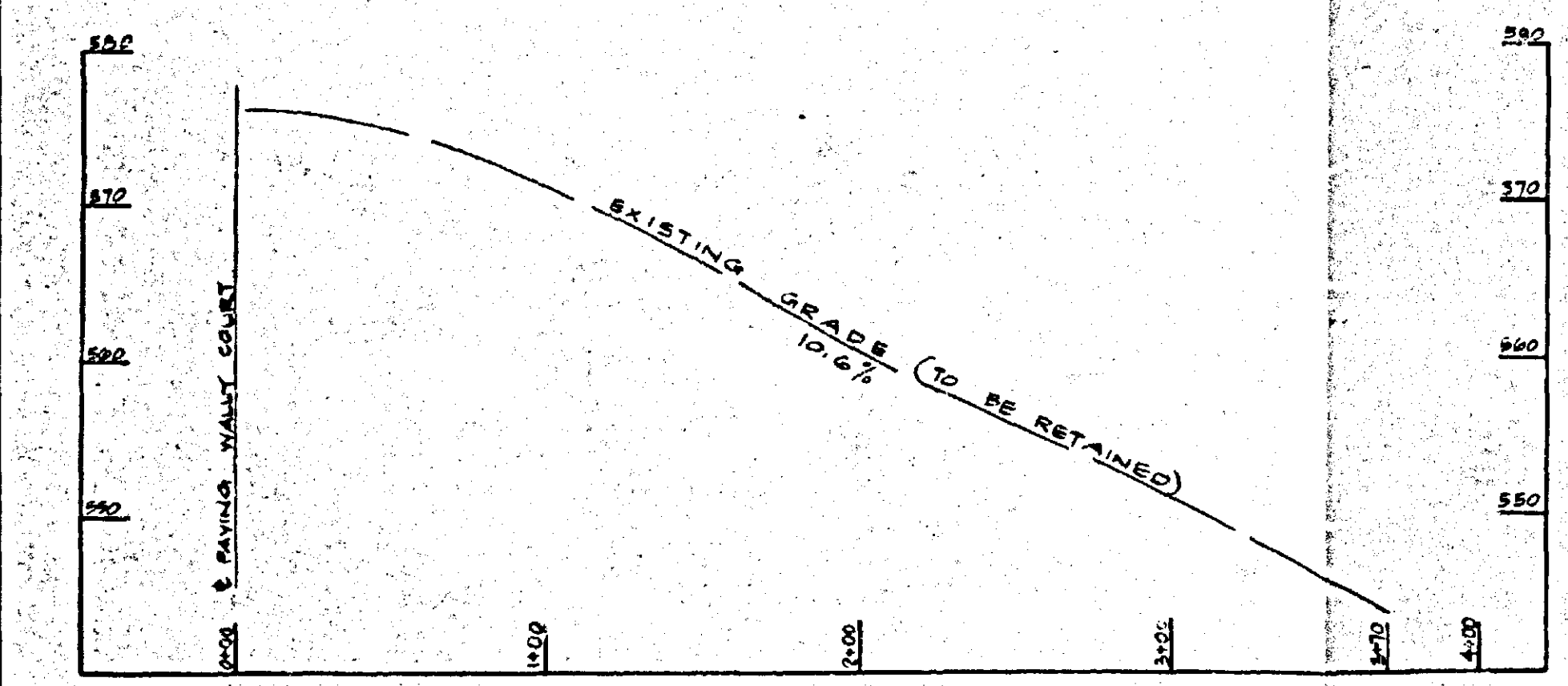


VICINITY MAP  
 SCALE: 1" = 2000'

- GENERAL NOTES
1. THE OUTLINES SHOWN HEREIN WERE COMPILED FROM REELS AND OTHER TITLE INFORMATION.
  2. TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 240 SCALE PHOTOGRAMMETRIC MAPS.
  3. ALL LOTS SHOWN HEREIN TO BE SAVED BY PRIVATE WELL AND SEPTIC.
  4. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 100.
  5. ANY FOREST BUFFER REQUIREMENT SHOWN HEREIN IS SUBJECT TO FUTURE REGULATIONS WHICH MAY BE PASSED BY BALTIMORE COUNTY, BALTIMORE AND WHICH AFFECTS DISTURBANCE AND USE OF THESE AREAS.
  6. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER AREAS, EXCEPT AS PROVIDED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
  7. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD IN CONTACT BY THE OWNERSHIP SINCE NOVEMBER 15, 1988. THE DEVELOPER ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, ACCRUED, OR REDEVELOPED AS SEPTIC OR AREA TO SUPPORT ANY OFF-PIECE DWELLINGS.
  8. THERE ARE NO KNOWN UNDERGROUND PUMP, STORAGE TANKS LOCATED ON THE SITE.
  9. ALL EXISTING SEPTIC SYSTEMS, PIPES, AND PRECIPITATION TRENCHES ARE LOCATED.
  10. NO CLEARING IS TO BE DONE IN THE SEPTIC SERVICE AREA.
  11. ACCESS TO EXISTING DWELLINGS MUST BE MAINTAINED AT ALL TIMES.
  12. THE PARADELS SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.

LEGEND

- FROM 200 SCALE PHOTOGRAMMETRIC MAPS
- SOILS DELINEATION
- 2% OR GREATER STEEP SLOPES
- FIELD RUN TOPS
- EXISTING WELL
- PASSED PERC. TEST
- FAILED PERC. TEST
- WOODS LINE
- 200' STREAM BUFFER LINE
- DRY WELL HOLE



BALTIMORE COUNTY PLAT SUBDIVISION  
 Plat No. 92-305 MP  
 DEVELOPMENT REGULATORY  
 Extension from Ordinance  
 Petition from Applicant  
 Ordinance No. 2012 & 25-206  
 ZONING CERTIFICATION  
 Approved  
 Disapproved  
 By: [Signature] Date: 5-26-93  
 APPROVED: [Signature] Date: 5-26-93



PETITIONER'S EXHIBIT 2

92-305 MP  
 MINOR SUBDIVISION PLAT  
 PROPERTY OF  
 BECKER FAMILY LIMITED PARTNERSHIP  
 76 ARTHUR BECKER  
 8TH ELECTION DISTRICT, 2ND CONGRESSMANIC DISTRICT  
 BALTIMORE COUNTY, MARYLAND  
 ZONED RC-4/RC-5  
 SCALE: 1" = 100' NOVEMBER 11, 1992  
 OWNERS: BECKER FAMILY LIMITED PARTNERSHIP  
 76 ARTHUR BECKER  
 12170 FALLS ROAD  
 COCKEYSVILLE, MD 21030

DATE	REVISION
4-23-93	Revision per Depem's request
4-6-93	Added areas to RC5 areas
3-8-93	3rd Submittal Comments Addressed
12-30-92	FIRST SUBMITTAL COMMENTS ADDRESS

GERHOLD CROSS & STZIEL  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 SUITE 100  
 850 TOWHANTOWN BOULEVARD  
 TOWHANTOWN, MARYLAND 21286  
 (410) 823-4170

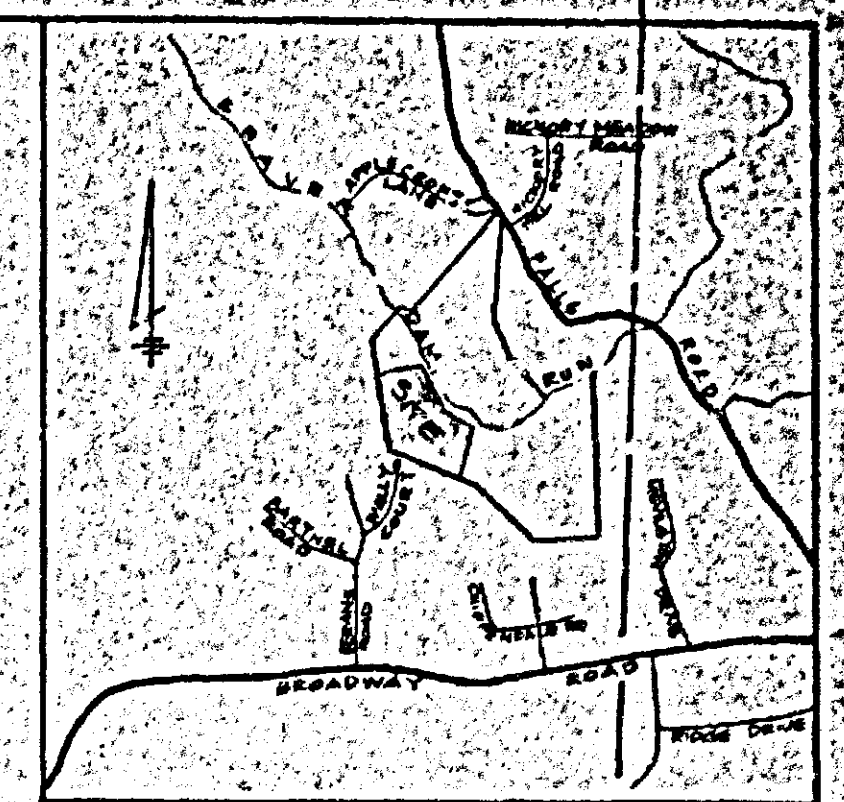
GROSS AREA 14.132 AC. +-  
 ZONED RC-5 AND RC-4 MAPS NW 15D AND NW 15E  
 AREA IN RC-5 3.141 AC. +-  
 AREA IN RC-4 10.991 AC. +-  
 DENSITY CALCULATIONS  
 RC-5 LOTS ALLOWED  $3.141 \times 0.667 = 2$   
 LOTS PROPOSED 0  
 RC-4 LOTS ALLOWED  $10.991 \times 2 = 2$   
 LOTS PROPOSED 2  
 CONSERVANCY AREA  $10.991 \times 70\% = 7.694$  AC.+-  
 REMAINING AREA  $10.991 \times 30\% = 3.297$  AC.+-

OVERALL DENSITY CALCULATIONS  
 (O.T.G. 5066/151)  
 GROSS AREA 93.1177 AC.±  
 AREA IN RC4 52.46 AC.±  
 AREA IN RC5 40.66 AC.±  
 RC 4 LOTS ALLOWED  $52.46 \times 0.2 = 10.5$   
 RC 5 LOTS ALLOWED  $40.66 \times 0.667 = 27.1$

AREA IN RC5 - Lot 1 0.691 AC.±  
 AREA IN RC5 - Lot 2 0.714 AC.±

OWNERS: BECKER FAMILY LIMITED PARTNERSHIP  
 12170 FALLS ROAD  
 COCKEYSVILLE, MARYLAND 21030  
 TAX ACCOUNT NUMBER: 21-00-008523  
 LIBER S.M. 8043 FOLIO 030  
 TAX MAP 50 GRID 23 PARCEL 157  
 CENSUS TRACT 4083  
 REGIONAL PLANNING DISTRICT 307A  
 SCHOOL DISTRICT  
 WATERSHED 11  
 SUB-SEWERSHED 36

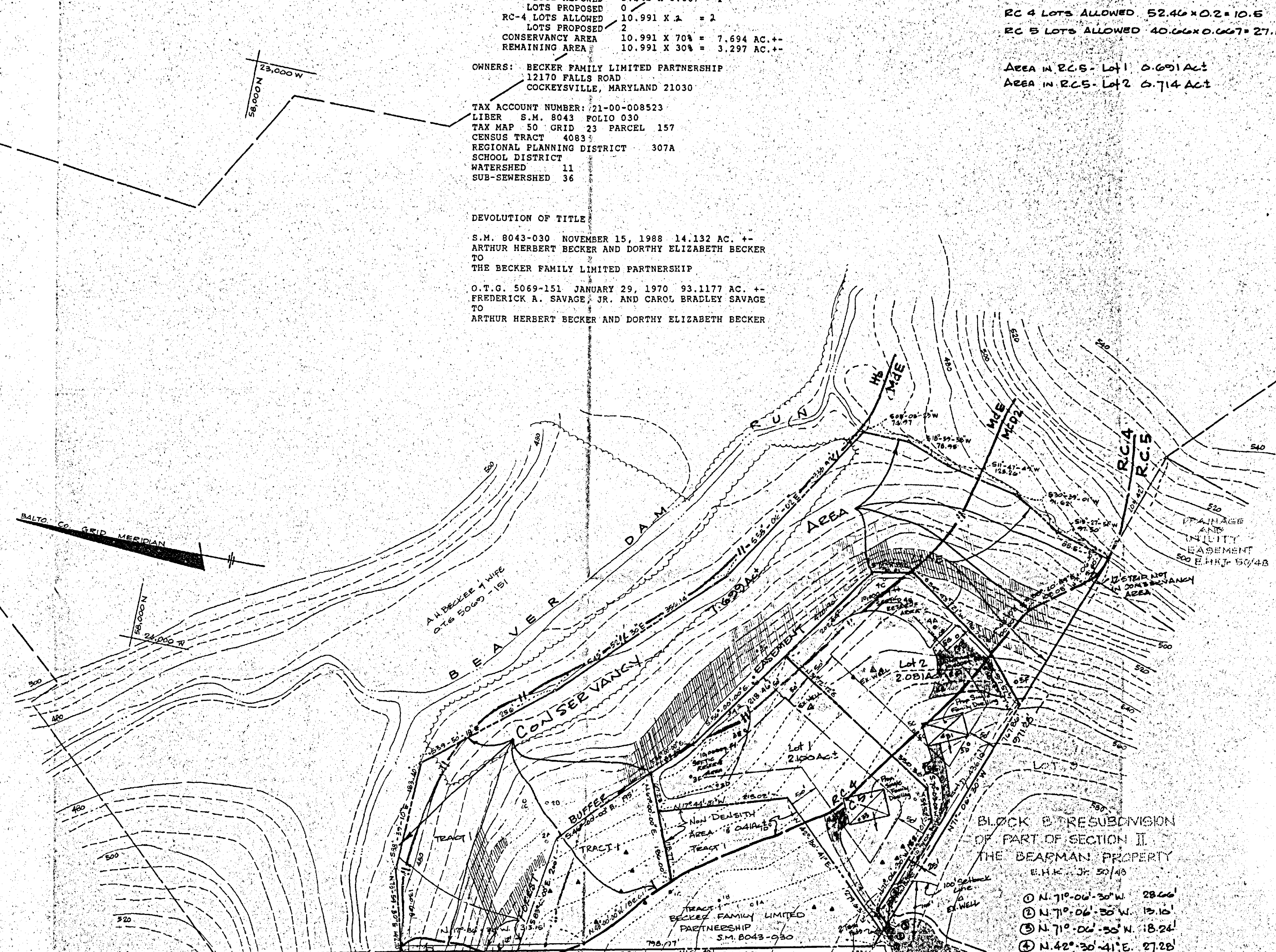
DEVOLUTION OF TITLE  
 S.M. 8043-030 NOVEMBER 15, 1988 14.132 AC. +-  
 ARTHUR HERBERT BECKER AND DORTHY ELIZABETH BECKER  
 TO  
 THE BECKER FAMILY LIMITED PARTNERSHIP  
 O.T.G. 5066-151 JANUARY 29, 1970 93.1177 AC. +-  
 FREDERICK A. SAVAGE, JR. AND CAROL BRADLEY SAVAGE  
 TO  
 ARTHUR HERBERT BECKER AND DORTHY ELIZABETH BECKER



VICINITY MAP  
 SCALE 1" = 2000'

- GENERAL NOTES
1. THE OUTLINES SHOWN HEREON WERE COMPILED FROM DEEDS AND OTHER TITLE INFORMATION.
  2. TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 2ND SCALE PHOTOGRAMMETRIC MAPS.
  3. ALL LOTS SHOWN HEREON TO BE COVERED BY PER-PAVED WELLS AND SEPTIC.
  4. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 1000.
  5. ANY FOREST BUFFER CASSETTE SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, BALTLAND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
  6. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER AREAS, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
  7. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN IN CONTACT BY THE OVERLAPPING GROVE SINCE NOVEMBER 15, 1988. THE DEVELOPER ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN WILLIAMS, RECORDED, OR REPRESENTED AS DENSITY OF AREA TO SUPPORT ANY OFF-LINE DWELLINGS.
  8. THERE ARE NO KNOWN UNDERGROUND POOL STORAGE TANKS LOCATED ON THE SITE.
  9. ALL EXISTING SEPTIC SYSTEMS, PITS, AND PERCOLATION TESTS WERE FIELD LOCATED.
  10. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREA.
  11. ACCESS TO EXISTING DWELLINGS MUST BE MAINTAINED AT ALL TIMES.
  12. THE PARAPHS SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT OF THE LOTS TO BE SAVED, INDICATED CONDS FIRST.

- LEGEND
- FROM 200 SCALE PHOTOGRAMMETRIC TOPO
  - SOILS DELINEATION
  - 20% OR GREATER STEEP SLOPES
  - FIELD RUN TOPO
  - EXISTING WELL
  - PASSED PERC TEST
  - FAILED PERC TEST
  - WOODS LINE
  - 200' STREAM BUFFER LINE
  - DEW WELL HOLE



BLOCK B RESUBDIVISION  
 OF PART OF SECTION II  
 THE BEARMAN PROPERTY  
 E.H.K. 37-50/40  
 ① N. 71°-00'-30" W. 28.66'  
 ② N. 71°-06'-30" W. 19.16'  
 ③ N. 71°-06'-30" W. 18.24'  
 ④ N. 42°-30'-41" E. 27.28'

BLOCK B RESUBDIVISION OF PART OF  
 SECTION II THE BEARMAN PROPERTY  
 E.H.K. 37-50/40

PETITIONER  
 EXHIBIT 3

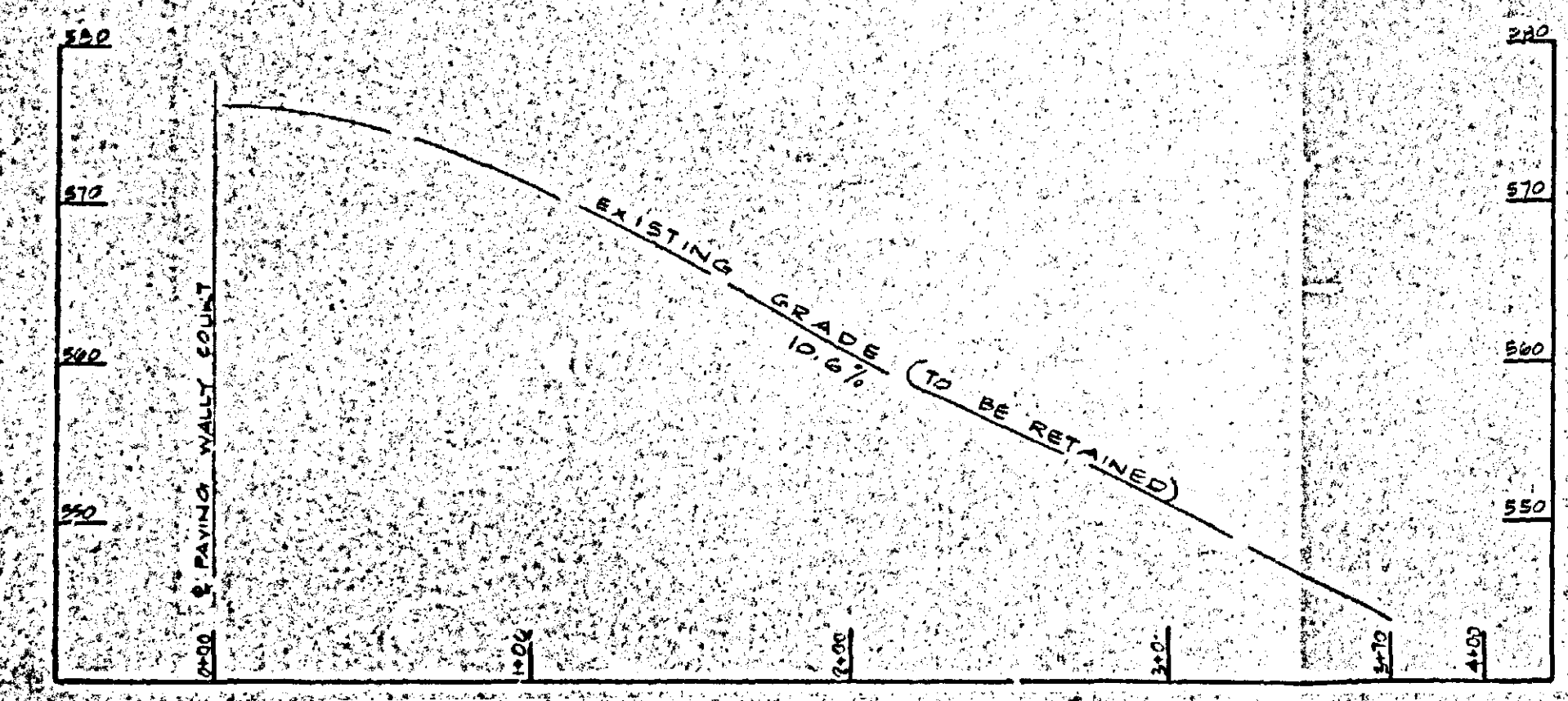
ZADM # V III - 625

1st AMENDED  
 92-305 MP  
 MINOR SUBDIVISION PLAT  
 PROPERTY OF  
 BECKER FAMILY LIMITED PARTNERSHIP  
 % ARTHUR BECKER  
 8TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT  
 BALTIMORE COUNTY, MARYLAND  
 ZONED RC4/RC5  
 SCALE: 1" = 100' NOVEMBER 11, 1992

OWNERS: BECKER FAMILY LIMITED PARTNERSHIP  
 % ARTHUR BECKER  
 12170 FALLS ROAD  
 COCKEYSVILLE, MD 21030

GERHOLD CROSS & ETZEL  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 SUITE 100  
 820 TOWNSHOP BLDG. BOULEVARD  
 TOWSON, MARYLAND 21286  
 (410) 825-4470

DATE	REVISION
11-16-93	Rev. per County Comments - 1st Amended
1-21-95	Revised Lot Line Configuration
4-23-95	revision per Dep. perm request
4-6-95	added areas to RC5 areas
3-8-95	2nd Submittal Comments Addressed
12-30-92	FIRST SUBMITTAL COMMENTS ADDRESSED



GROSS AREA 14,132 AC. +-  
 ZONED RC-5 AND RC-4, MAPS NW 15D AND NW 15E  
 AREA IN RC-5 3,141 AC. +-  
 AREA IN RC-4 10,991 AC. +-  
 DENSITY CALCULATIONS  
 RC-5 LOTS ALLOWED 3,141 X 0.667 = 2  
 LOTS PROPOSED 0  
 RC-4 LOTS ALLOWED 10,991 X 1 = 10,991  
 LOTS PROPOSED 2  
 CONSERVANCY AREA 10,991 X 70% = 7,694 AC. +-  
 REMAINING AREA 10,991 X 30% = 3,297 AC. +-

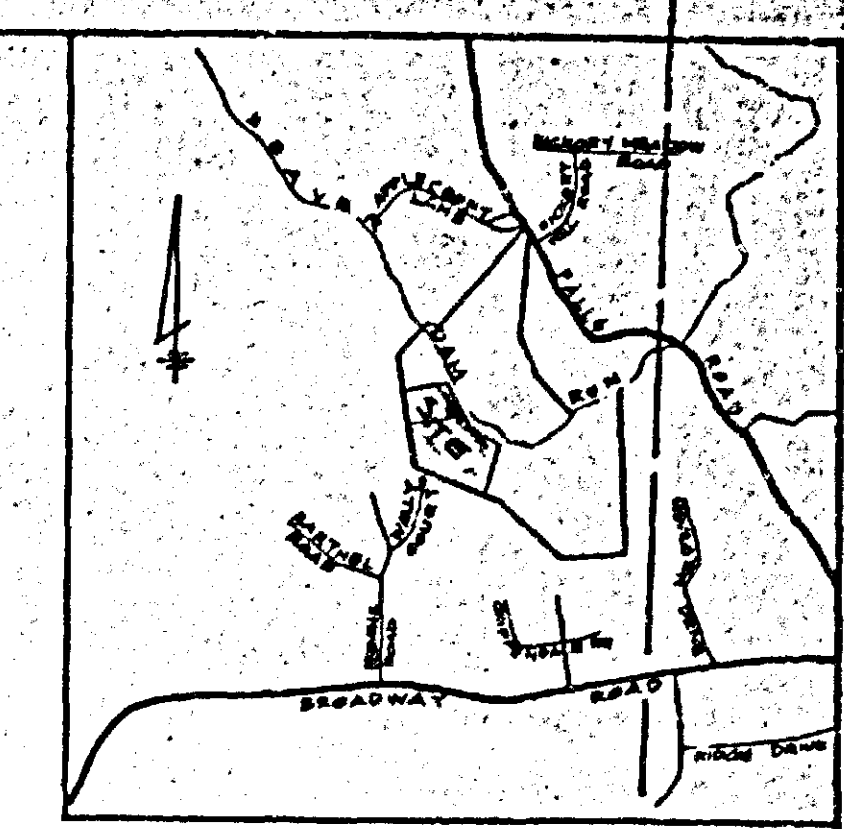
OWNERS: BECKER FAMILY LIMITED PARTNERSHIP  
 12170 FALLS ROAD  
 COCKEYSVILLE, MARYLAND 21030

TAX ACCOUNT NUMBER: 21-00-008523  
 LIBER S.M. 8043 FOLIO 030  
 TAX MAP 50 GRID 23 PARCEL 157  
 CENSUS TRACT 40831  
 REGIONAL PLANNING DISTRICT 307A  
 SCHOOL DISTRICT 11  
 WATERSHED 11  
 SUB-SEWERED 36

DEVOLUTION OF TITLE  
 S.M. 8043-030 NOVEMBER 15, 1988 14,132 AC. +-  
 ARTHUR HERBERT BECKER AND DORTHY ELIZABETH BECKER  
 TO  
 THE BECKER FAMILY LIMITED PARTNERSHIP  
 O.T.G. 5069-151 JANUARY 29, 1970 93,1177 AC. +-  
 FREDERICK A. SAVAGE, JR. AND CAROL BRADLEY SAVAGE  
 TO  
 ARTHUR HERBERT BECKER AND DORTHY ELIZABETH BECKER

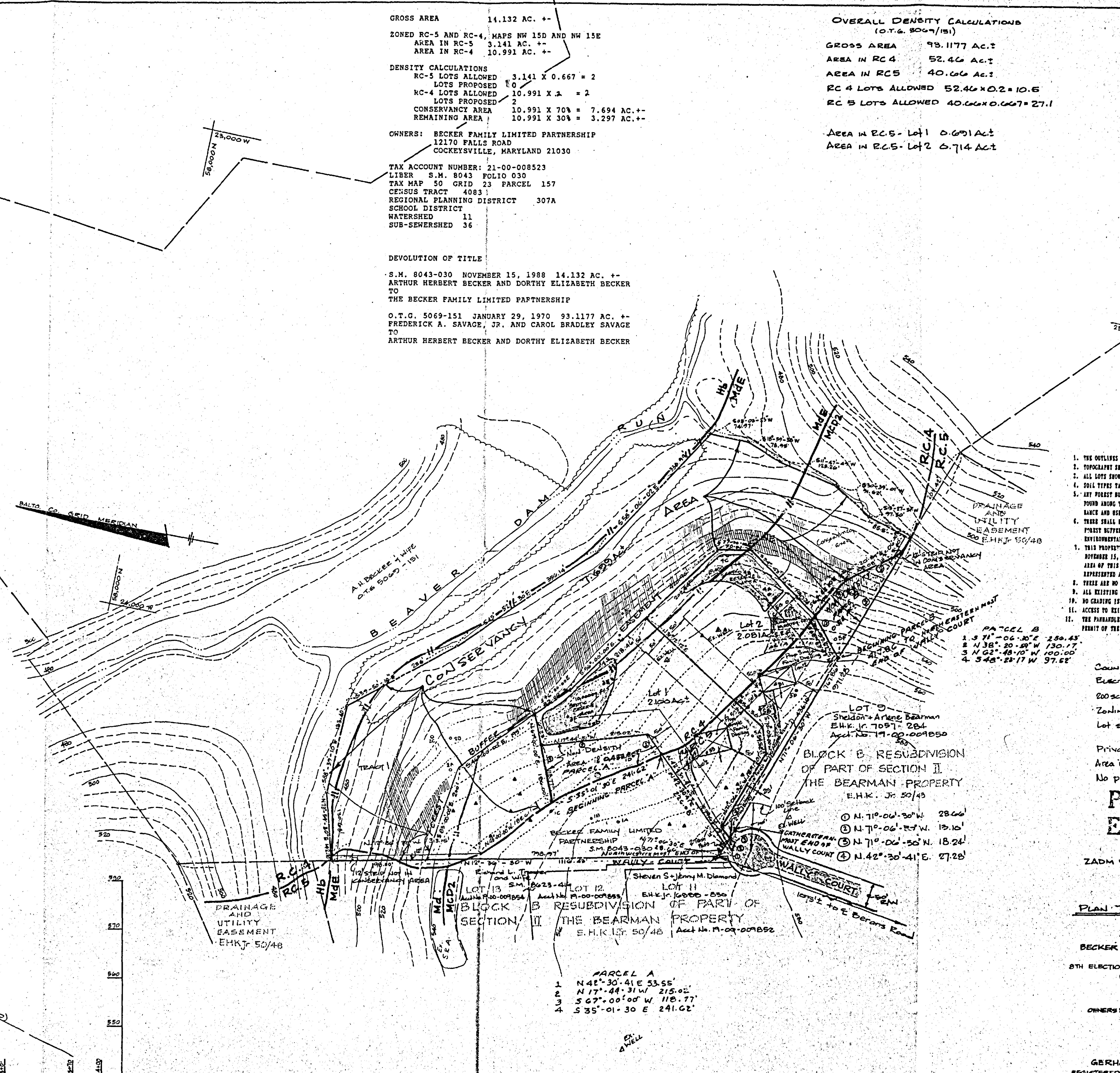
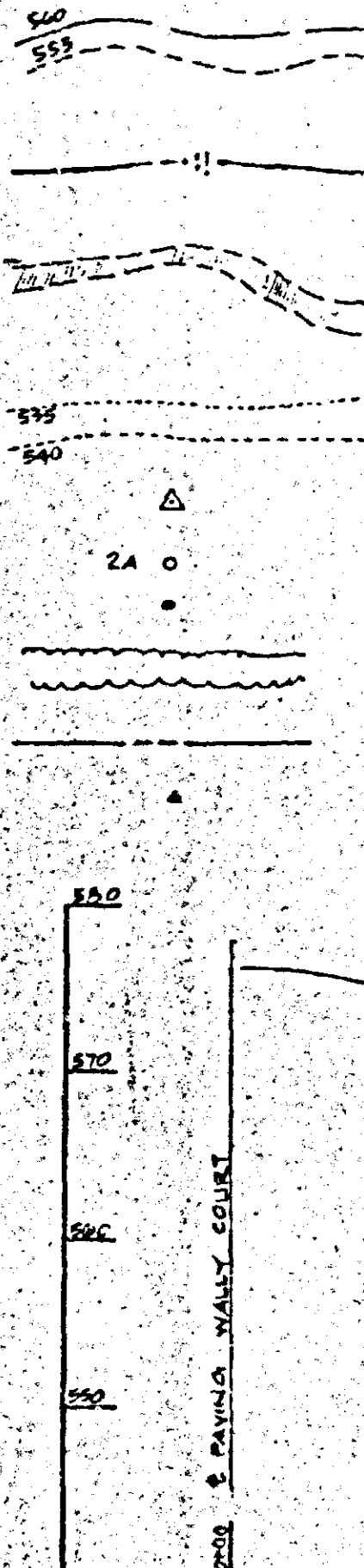
OVERALL DENSITY CALCULATIONS  
 (O.T.G. 5069/151)  
 GROSS AREA 93,1177 AC. +/-  
 AREA IN RC 4 52.46 AC. +/-  
 AREA IN RC 5 40.66 AC. +/-  
 RC 4 LOTS ALLOWED 52.46 X 0.2 = 10.6  
 RC 5 LOTS ALLOWED 40.66 X 0.667 = 27.1

AREA IN RC-5 - Lot 1 0.691 AC +/-  
 AREA IN RC-5 - Lot 2 0.714 AC +/-



**LEGEND**

- FROM 200 SCALE PHOTOGRAMMETRIC TOPS
- SOILS DELINEATION
- 2% OR GREATER STEEP SLOPES
- FIELD RUN TOPS
- EXISTING WELL
- PASSED PERC TEST
- FAILED PERC TEST
- WOODS LINE
- 200' STREAM BUFFER LINE
- DEY WELL HOLE



- GENERAL NOTES**
1. THE OUTLINES SHOWN HEREIN WERE COMPILED FROM REELS AND OTHER TITLE INFORMATION.
  2. TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS.
  3. ALL LOTS SHOWN HEREIN TO BE SERVED BY PRIVATE WELL AND SEPTIC.
  4. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 1.
  5. ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, BALTIMORE AND WHICH RESTRICTLY DISTURBANCE AND USE OF THESE AREAS.
  6. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENTS, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
  7. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD CONTACT BY THE OVERSIGHT SINCE NOVEMBER 15, 1988. THE DEVELOPER ENGINEER HAS COMPLETED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS SUBJECT OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
  8. THERE ARE NO KNOWN UNDEVELOPED PEARL STORAGE PLOTS LOCATED ON THE SITE.
  9. ALL EXISTING SEPTIC SYSTEMS, WELLS, AND PERCOLATION TESTS WERE FIELD LOCATED.
  10. NO GRADING IS TO BE MADE IN THE SEPTIC RESERVE AREA.
  11. ACCESS TO EXISTING DWELLINGS MUST BE MAINTAINED AT ALL TIMES.
  12. THE PARAPHRASE SHALL BE PAID WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.

PARCEL B  
 1. 371'-06" x 280'-43"  
 2. 138'-20" x 130'-17"  
 3. 102'-48" x 100'-00"  
 4. 348'-28" x 97'-52"

BLOCK B RESUBDIVISION  
 OF PART OF SECTION II  
 THE BEARMAN PROPERTY  
 E.H.K. JR. 50/48

- ① N. 71°-06'-30" W. 28.66'
- ② N. 71°-06'-25" W. 13.16'
- ③ N. 71°-06'-50" N. 18.24'
- ④ N. 42°-30'-41" E. 27.25'

PARCEL A  
 1. N 42°-30'-41" E 53.55'  
 2. N 17°-44'-31" W 215.02'  
 3. S 67°-00'-00" W 118.77'  
 4. S 35°-01'-30" E 241.02'

Councilmanic District 3  
 Election District B  
 200scale Topo NW, 15E, NW, 15D  
 Zoning R.C.-4 and R.C.-5  
 Lot size 1 - 2.100 AC +/- 91476 sq. ft.  
 2 - 2.081 AC +/- 90648 sq. ft.  
 Private Water and Sewer  
 Area is Not in the Chesapeake Bay Critical Area  
 No prior Zoning Hearings

**PETITIONER'S EXHIBIT 4**

ZADM # V 111-625

**PLAN TO ACCOMPANY SPECIAL HEARING**  
 11-30-93

PROPERTY OF  
 BECKER FAMILY LIMITED PARTNERSHIP  
 96 ARTHUR BECKER  
 8TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT  
 BALTIMORE COUNTY, MARYLAND  
 ZONED R.C.4 R.C.5  
 SCALE: 1" = 100' NOVEMBER 11, 1993  
 OWNERS: BECKER FAMILY LIMITED PARTNERSHIP  
 96 ARTHUR BECKER  
 12170 FALLS ROAD  
 COCKEYSVILLE, MD 21030

GERHOLD CROSS & BTZEL  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 SUITE 100  
 300 TOWNSHOWN BOULEVARD  
 TOWSON, MARYLAND 21286  
 (410) 823-4470



GROSS AREA 14.132 AC. +-  
 ZONED RC-5 AND RC-4, MAPS NW 15D AND NW 15E  
 AREA IN RC-5 3.141 AC. +-  
 AREA IN RC-4 10.991 AC. +-  
 DENSITY CALCULATIONS  
 RC-5 LOTS ALLOWED  $3.141 \times 0.667 = 2$   
 LOTS PROPOSED 0  
 RC-4 LOTS ALLOWED  $10.991 \times 2 = 2$   
 LOTS PROPOSED 2  
 CONSERVANCY AREA  $10.991 \times 70\% = 7.694$  AC.+-  
 REMAINING AREA  $10.991 \times 30\% = 3.297$  AC.+-

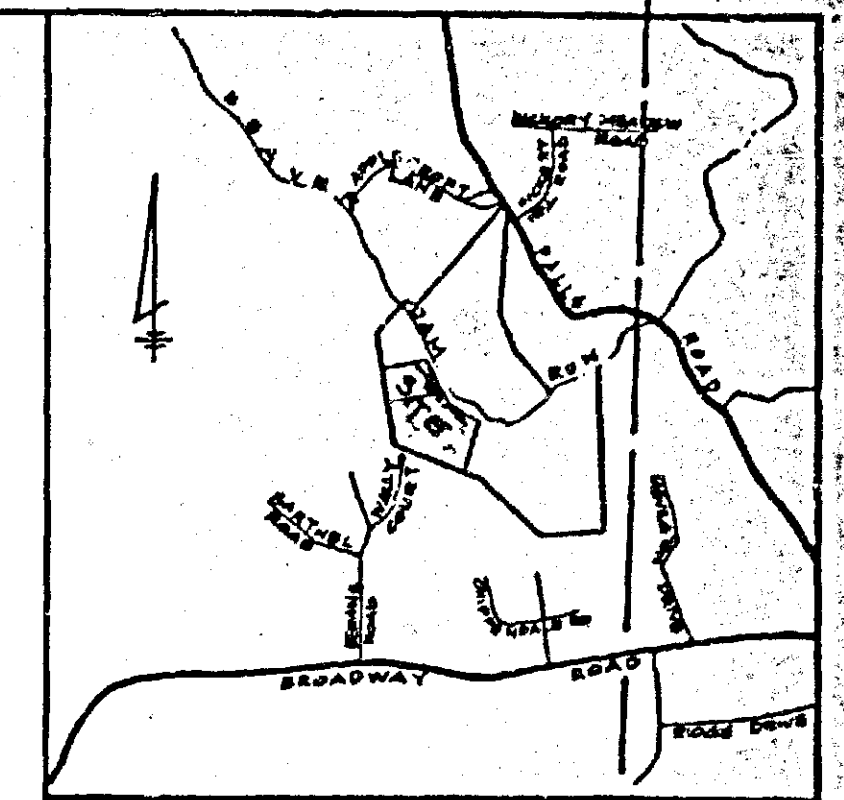
OWNERS: BECKER FAMILY LIMITED PARTNERSHIP  
 12170 FALLS ROAD  
 COCKEYSVILLE, MARYLAND 21030

TAX ACCOUNT NUMBER: 21-00-008523  
 LIBER S.M. 8043 FOLIO 030  
 TAX MAP 50 GRID 23 PARCEL 157  
 CENSUS TRACT 4083  
 REGIONAL PLANNING DISTRICT 307A  
 SCHOOL DISTRICT  
 WATERSHED 11  
 SUB-DENVERSHED 36

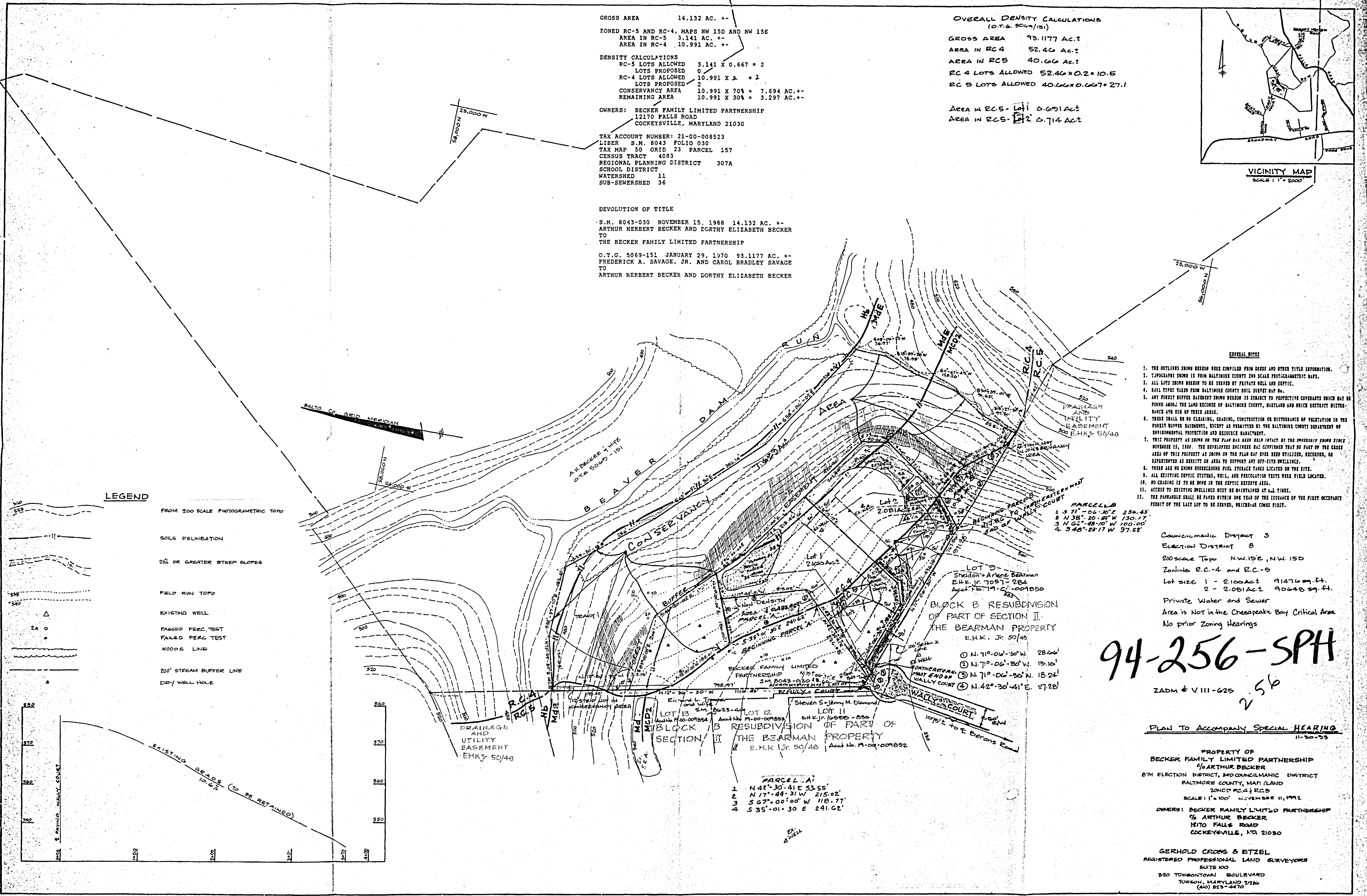
DEVOLUTION OF TITLE  
 S.M. 8043-030 NOVEMBER 15, 1988 14.132 AC. +-  
 ARTHUR HERBERT BECKER AND DOROTHY ELIZABETH BECKER  
 TO THE BECKER FAMILY LIMITED PARTNERSHIP  
 O.T.G. 5069-151 JANUARY 29, 1970 93.1177 AC. +-  
 FREDERICK A. SAVAGE, JR. AND CAROL BRADLEY SAVAGE  
 TO ARTHUR HERBERT BECKER AND DOROTHY ELIZABETH BECKER

OVERALL DENSITY CALCULATIONS  
 (O.T.G. 5069/151)  
 GROSS AREA 93.1177 AC.±  
 AREA IN RC-4 52.46 AC.±  
 AREA IN RC-5 40.66 AC.±  
 RC-4 LOTS ALLOWED  $52.46 \times 0.2 = 10.5$   
 RC-5 LOTS ALLOWED  $40.66 \times 0.667 = 27.1$

AREA IN RC-5 - Lot 1 0.691 AC.±  
 AREA IN RC-5 - Lot 2 0.714 AC.±



VICINITY MAP  
 SCALE: 1" = 2000'



LEGEND

- FROM 200 SCALE PHOTOGRAMMETRIC TOPS
- SOILS DELINEATION
- 20% OR GREATER STEEP SLOPES
- FIELD RUN TOPS
- EXISTING WELL
- PASSED PERC. TEST
- FAILED PERC. TEST
- WOODS LINE
- 200' STREAM BUFFER LINE
- DEY WELL HOLE

GENERAL NOTES

1. THE OUTLINES SHOWN HEREON WERE COMPILED FROM DEEDS AND OTHER TITLE INFORMATION.
2. TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS.
3. ALL LOTS SHOWN HEREON TO BE SERVED BY PRIVATE WELL AND SEPTIC.
4. SOIL TYPES SHOWN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 10.
5. ANY FOREST BUFFER EXISTENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, BALTIMORE AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
6. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER AREAS, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
7. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD IN TRUST BY THE OWNERSHIP SHOWN SINCE NOVEMBER 15, 1988. THE DEVELOPER ENGINEER HAS CONFIRMED THAT NO PART OF THE CROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS ORSHITT OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
8. THERE ARE NO KNOWN UNDERGROUND PUMP STORAGE TANKS LOCATED ON THE SITE.
9. ALL EXISTING SEPTIC SYSTEMS, WELLS, AND PERCOLATION TESTS WERE FIELD LOCATED.
10. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREA.
11. ACCESS TO EXISTING DWELLINGS MUST BE MAINTAINED AT ALL TIMES.
12. THE PARADISE SHALL BE PAID WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHETHER CONVEYED FIRST.

PARCEL B  
 1 S 71°-06'-30"E 250.43'  
 2 N 38°-20'-50"W 130.17'  
 3 N 62°-48'-10"W 100.00'  
 4 S 48°-28'-17"W 37.62'

Councilmanic District 3  
 Election District 8  
 200scale Topo NW.15E, NW.15D  
 Zoning R.C.-4 and R.C.-5  
 Lot size 1 - 2.100 AC.± 91476 sq. ft.  
 2 - 2.081 AC.± 90648 sq. ft.  
 Private Water and Sewer  
 Area is Not in the Chesapeake Bay Critical Area  
 No prior Zoning Hearings

94-256-SPH  
 ZADM # V III-625 56  
 2

PLAN TO ACCOMPANY SPECIAL HEARING  
 11-20-93

PROPERTY OF  
 BECKER FAMILY LIMITED PARTNERSHIP  
 % ARTHUR BECKER  
 8TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT  
 BALTIMORE COUNTY, MD./LAND  
 ZONED RC-4/RC-5  
 SCALE: 1" = 100' NOVEMBER 11, 1992  
 OWNERS: BECKER FAMILY LIMITED PARTNERSHIP  
 % ARTHUR BECKER  
 12170 FALLS ROAD  
 COCKEYSVILLE, MD 21030

GERHOLD CROSS & ETZEL  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 SUITE 100  
 320 TOWNSTOWN BOULEVARD  
 TOWSON, MARYLAND 21286  
 (410) 823-4470

Therefore, the Petitioners' request for approval of a non-density parcel in the R.C.4 zone is not necessary and shall be dismissed as moot.

Further testimony by Mr. Doak revealed that the proposed dwellings on Lots 1 and 2 have been situated in such a manner that they straddle the R.C.4/R.C.5 zoning line. The position of the proposed dwellings on the lots in this fashion was done at the request of the Zoning Administration and Development Management (ZADM) office to eliminate any future confusion over whether a second dwelling could be situated elsewhere on these lots. Given the purpose for which the dwellings were situated on the two lots, the Petition for Special Hearing on this issue shall be granted.

The Petitioners also sought special hearing relief due to the fact that the septic reserve areas for the two lots in question are located in the R.C.4 zoned portion of the site, whereas the dwellings themselves will be situated predominantly in the R.C.5 zone. The Petitioners had no alternative but to lay out the proposed development in the fashion set forth on Petitioners Exhibit 4. Therefore, the special hearing relief sought on this issue shall be granted.

The final special hearing request is to approve two undersized lots in the R.C.5 zone. While both lots 1 and 2 consist of more than 2.0 acres each, that portion of each lot which is zoned R.C.5 is less than the 1.0 acre minimum requirement for R.C.5 zoned land. Again, this dilemma is as a result of the property's split zoning. Inasmuch as both lots contain sufficient acreage to support a single family dwelling, well and septic reserve area, the Petitioners' request to approve these undersized lots shall be granted.

As noted above, several residents of the surrounding community appeared, more out of confusion than in opposition. At first, the neighbors

feared the Petitioners were seeking approval of more lots than that actually requested. After hearing the testimony and reviewing the evidence presented, it was clear that all of the Petitioners' relief was necessitated by the R.C.4/R.C.5 zoning line traversing the property. This same zoning line affects many of the neighbors who were in attendance at the hearing. After seeing that the zone line was the cause of the special hearing request, and having had an opportunity through the public hearing process to better understand the Petitioners' request, the neighbors were not as opposed to the relief requested.

Mr. Bearman, whose property is located south of the subject site and is probably the most affected by the proposed two-lot subdivision, testified that he would appreciate if the screening which currently exists between the property lines of Lots 1 and 2 and his property, identified as Lot 9 on the site plan, would remain. The parties agreed that screening would remain along the southern property line between proposed Lots 1 and 2 and Mr. Bearman's property, the amount and sufficiency of which would be determined by Mr. Bearman and the Becker family. I will leave the issue of screening to be discussed and resolved by the Petitioners and Mr. Bearman; however, in the event that they cannot agree on the amount and sufficiency of screening to remain, then either party shall have the right to Petition this Deputy Zoning Commissioner for a determination as to what type of screening would be appropriate.

The same concern over screening was voiced by Ms. Lynn Trader on behalf of herself and her husband. As noted earlier, Ms. Trader was represented by Neil Lanzi, Esquire. Mr. & Mrs. Trader would also like to see appropriate screening provided between their property, which is located west of the subject site, and any future development which might occur on

the Becker property adjacent thereto. Testimony offered by Mr. Becker was that in the event another well can be located on the property, he would wish to create a third building lot for his children. That is not the case at this time in that sufficient screening exists between the Trader property and proposed Lots 1 and 2. However, in the event Mr. Becker is able to construct another dwelling on his property adjacent to the Trader property, sufficient screening will be required at that time to buffer that development from the Trader property.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18<sup>th</sup> day of February, 1994 that the Petition for Special Hearing to approve the creation of one (1) non-density parcel (Parcel B) in the R.C.5 zone, the construction of two dwellings that will straddle the R.C.4 and R.C.5 zone lines, the location of the septic areas for the two dwellings to be in the zone other than that which the principle dwelling is located, and two undersized lots in an R.C.5 zone, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners and Mr. Bearman, shall meet to discuss the appropriate amount and sufficiency of screening to be placed between the property lines of proposed Lots 1 and 2 and Mr. Bearman's property. In the event no agreement can be reached concerning this screening, either party shall have the right to Petition this Deputy Zoning Commissioner for a resolution of the dispute.
- 3) In the event the Petitioners are able to create a third building lot adjacent to the Trader property, the Petitioners shall be required to provide appropriate screening at that time between that development and the Trader property.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a non-density parcel (Parcel A) in the R.C.4 zoned portion of the site, in accordance with Petitioner's Exhibit 4, be and is hereby DISMISSED AS MOOT.

*Timothy M. Kotrood*  
TIMOTHY M. KOTROOD  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjjs

ORDER RECEIVED FOR FILING  
Date 2/18/94  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 2/18/94  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 2/18/94  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 2/18/94  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

February 18, 1994

(410) 887-4386

Mr. Arthur Becker  
12170 Falls Road  
Cockeysville, Maryland 21030

RE: PETITION FOR SPECIAL HEARING  
N/end of Wally Court, 1075' N of the c/l of Berans Road  
(Proposed 31 & 33 Wally Court and  
Parcels A and B of the Becker Property)  
8th Election District - 3rd Councilmanic District  
The Becker Family Ltd. Part. - Petitioners  
Case No. 94-256-SPH

Dear Mr. Becker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted 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.

Very truly yours,  
*Timothy M. Kotrood*  
TIMOTHY M. KOTROOD  
Deputy Zoning Commissioner  
for Baltimore County

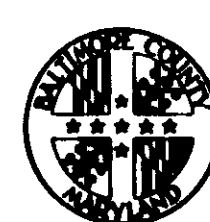
cc: Mr. Steven Diamond  
16 Wally Court, Lutherville, Md. 21093

Mr. Sheldon Bearman  
23 Wally Court, Lutherville, Md. 21093

Ms. Gee Gee Pfeiffer  
12031 Falls Road, Lutherville, Md. 21093

Neil Lanzi, Esquire  
300 Allegheny Avenue, Towson, Md. 21204

People's Counsel; File



### Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at the end of Wally Court  
94-256-SPH which is presently zoned RC-4 & RC-5

This Petition shall be filed with the Office of Zoning Administration and Development Management. The undersigned, legal owner of the property, hereby petitions for a Special Hearing under Section 920.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 1. approval of the creation of non-density parcels in RC-4 and RC-5 zones, 2. approval of the construction of dwellings that straddle the RC-4 and RC-5 zoning line, 3. approval of a septic area located in a zone (RC-4) other than that which the principle dwelling is located (Zone RC-5), 4. approval of 2 undersize lots in a RC-5 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, do hereby agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner: The Becker Family Limited Partnership

Legal Owner: Arthur Becker, for Partnership

Signature: *Arthur Becker*

Address: 12170 Falls Road, Cockeysville, MD 21030

City: Cockeysville, MD 21030

Address: 12170 Falls Road, Cockeysville, MD 21030

City: Cockeysville, MD 21030

ORDER RECEIVED FOR FILING  
Date 2/18/94  
By [Signature]

GORDON T. LARSON  
DENNIS H. MILLER  
EDWARD F. DEIACK-LIHA  
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-3318  
410-823-4470  
FAX 410-823-4473

GORDON T. LARSON  
DENNIS H. MILLER  
EDWARD F. DEIACK-LIHA  
BRUCE E. DOAK  
PHILIP E. CROSS  
JOHN F. ETEL  
WILLIAM S. ULRICH

94-256-SPH November 30, 1993

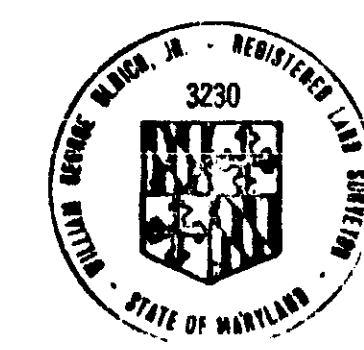
ZONING DESCRIPTION FOR 31 WALLY COURT  
Eighth Election District Third Councilmanic District

Beginning at a point on the north end of Wally Court distant, North 71 degrees 06 minutes 30 seconds West 41.76 feet from the northwesternmost end of Wally Court, thence for lines of division through the subject property the following eight courses and distances, viz:

- North 42 degrees 30 minutes 41 seconds East 27.28 feet
- South 71 degrees 06 minutes 30 seconds East 182.01 feet
- North 70 degrees 03 minutes 00 seconds East 54.52 feet
- North 31 degrees 12 minutes 12 seconds East 330.30 feet
- South 56 degrees 00 minutes 00 seconds East 202.44 feet
- South 77 degrees 00 minutes 00 seconds East 70.01 feet
- South 34 degrees 43 minutes 21 seconds West 190.74 feet
- South 48 degrees 23 minutes 17 seconds West 97.52 feet

to intersect the outline of the subject property, thence North 71 degrees 06 minutes 30 seconds West 436.10 feet to the point of beginning.

Containing 90648 square feet or 2.081 acres of land, more or less.



*William S. Ulrich*

GORDON T. LARSON  
DENNIS H. MILLER  
EDWARD F. DEIACK-LIHA  
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
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EDWARD F. DEIACK-LIHA  
BRUCE E. DOAK  
PHILIP E. CROSS  
JOHN F. ETEL  
WILLIAM S. ULRICH

94-256-SPH November 30, 1993

ZONING DESCRIPTION FOR 33 WALLY COURT  
Eighth Election District Third Councilmanic District

Beginning at a point on the north end of Wally Court distant, North 71 degrees 06 minutes 30 seconds West 28.66 feet from the northwesternmost end of Wally Court, thence for lines of division through the subject property the following nine courses and distances, viz:

- North 42 degrees 30 minutes 41 seconds East 279.63 feet
- North 17 degrees 44 minutes 31 seconds West 215.02 feet
- North 67 degrees 00 minutes 00 seconds East 67.23 feet
- South 46 degrees 00 minutes 00 seconds East 82.00 feet
- South 56 degrees 00 minutes 00 seconds East 218.46 feet
- South 31 degrees 12 minutes 12 seconds West 330.30 feet
- South 70 degrees 03 minutes 00 seconds West 54.52 feet
- North 71 degrees 06 minutes 30 seconds West 182.01 feet and
- South 42 degrees 30 minutes 41 seconds West 27.28 feet

to intersect the outline of the subject property thence North 71 degrees 06 minutes 30 seconds West 13.10 feet to the point of beginning.

Containing 91476 square feet or 2.100 acres of land, more or less.



*William S. Ulrich*

GERHOLD, CROSS & ETZEL  
 Registered Professional Land Surveyors  
 SUITE 100  
 330 EAST TOWSONTOWN BOULEVARD  
 TOWSON, MARYLAND 21286-8318  
 410-823-4470  
 FAX 410-823-4473

December 8, 1993  
**94-256-SPH**  
 Zoning Description for Non-Density Parcel (A)  
 in RC 4 Zone

Beginning at a point where the division line between the RC 4 and the RC 5 Zones is intersected by the westerly or North 42 degrees 30 minutes 41 seconds East 279.63 foot line of Lot No. 1 as shown on the proposed Minor Subdivision Plan of the property of Becker Family Limited Partnership said point of beginning being distant the two following courses and distances viz: North 71 degrees 26 minutes 30 seconds West 28.66 feet and North 42 degrees 30 minutes 41 seconds East 226.08 feet from the northwesternmost end of Wally Court, thence running through the lands of the petitioners the four following courses and distances viz: North 42 degrees 30 minutes 41 seconds East 53.55 feet, North 17 degrees 44 minutes 31 seconds West 215.02 feet, South 67 degrees 00 minutes 00 seconds West 118.77 feet and thence binding on the aforesaid zoning line South 35 degrees 01 minute 30 seconds East 241.02 feet to the place of beginning.

Containing 18,974 square feet or 0.437 of an acre of land, more or less.



256

GERHOLD, CROSS & ETZEL  
 Registered Professional Land Surveyors  
 SUITE 100  
 330 EAST TOWSONTOWN BOULEVARD  
 TOWSON, MARYLAND 21286-8318  
 410-823-4470  
 FAX 410-823-4473

December 8, 1993  
**94-256-SPH**  
 Zoning Description for Non-Density Parcel (B)  
 in RC 5 Zone

Beginning at a point at the southeasternmost corner of Lot No. 2 as shown on the proposed Minor Subdivision Plan of the Property of Becker Family Limited Partnership at the distance of South 71 degrees 06 minutes 30 seconds East 417.86 feet from the northeasternmost end of Wally Court, thence running through the lands of the petitioners, South 71 degrees 06 minutes 30 seconds East 256.43 feet, thence running on the division line between the RC 4 and the RC 5 zones the two following courses and distances viz: North 38 degrees 20 minutes 59 seconds West 130.17 feet and North 62 degrees 48 minutes 10 seconds West 100.00 feet and thence leaving said zoning line South 48 degrees 23 minutes 17 seconds West 97.52 feet to the point of beginning.

Containing 13,577 square feet or 0.312 of an Acre of land, more or less.



256

William S. Ullrich

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 9th Date of Posting: 3/15/94  
 Posted for: Approval  
 Petitioner: Becker Family Limited Partnership  
 Location of property: 12170 Falls Rd., 1075' +/- from c/d across road, N/S, Wally Court  
 Location of Sign: At end of Wally Ct. on property being acquired  
 Remarks:  
 Posted by: M. J. Jahn Date of return: 4/1/94  
 Number of Signs: 1

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 9th Date of Posting: 4/14/94  
 Posted for: Special Hearing  
 Petitioner: Becker Family Limited Partnership  
 Location of property: 12170 Falls Rd., 1075' +/- from across road, N/S, Wally Court  
 Location of Sign: At end of Wally Ct. on property being acquired  
 Remarks:  
 Posted by: M. J. Jahn Date of return: 4/24/94  
 Number of Signs: 1

**CERTIFICATE OF PUBLICATION**  
 TOWSON, MD. Jan 13, 1994  
 THIS IS TO CERTIFY that the attached 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 Jan 13, 1994.

THE JEFFERSONIAN  
 A. Henrichsen  
 LEGAL AD - TOWSON  
 Publisher

**receipt**  
 Item 25  
 Zoning Administration & Development Management  
 111 West Chesapeake Avenue  
 Towson, Maryland 21286

Date: 12-21-93 94-256-SPH  
 Account: R-01-6190  
 Number: JCM

ARTHUR BECKER - 12170 FALLS RD.  
 SP. HRL (040)  
 POSTING (040)

Please Make Checks Payable To: Baltimore County  
 4285.00

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. **4383**  
 DATE: 3/21/94 ACCOUNT: R-001-6150  
 AMOUNT: \$35.00  
 RECEIVED BY: Thomas D. Davis  
 FOR: Approval 94-256-SPH  
 VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. **4382**  
 DATE: 3/21/94 ACCOUNT: R-001-6150  
 AMOUNT: \$175.00  
 RECEIVED BY: Thomas D. Davis  
 FOR: Approval 94-256-SPH  
 VALIDATION OR SIGNATURE OF CARRIER

Baltimore County Government  
 Office of Zoning Administration and Development Management  
 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:

- Posting fees will be assessed and paid to this office at the time of filing.
- 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.

Carl Jahn  
 ARNOLD JAHN, DIRECTOR

For newspaper advertising:  
 Item No.: 256  
 Petitioner: Arthur Becker  
 Location: 12170 Falls Rd., Bal Co, Md. 21030

PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: SAME  
 ADDRESS: SAME  
 PHONE NUMBER: 252-3367

At: ggs (Revised 04/09/93)

Item Number: 256  
 Planner: JCM  
 Date Filed: 12-21-93

**PETITION PROCESSING FLAG**

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only     submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)  
 11/17/93

Baltimore County Government  
 Office of Zoning Administration and Development Management  
 111 West Chesapeake Avenue  
 Towson, MD 21204 (410) 887-3353

JANUARY 10, 1994  
**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 NUMBER: 94-256-SPH (Item 256)  
 12170 Falls Road  
 1/2 Wally Court, 1075' +/- from c/d across road  
 8th Election District - 3rd Councilmanic  
 Petitioner(s): The Becker Family Limited Partnership  
 HEARING: WEDNESDAY, FEBRUARY 2, 1994 at 11:00 a.m. in Rm. 118, Courthouse.

Special Hearing to approve the creation of non-density parcels; to approve the construction of dwellings that straddle the zone line; to approve a septic area located in a zone other than that which the principal dwelling is located; and to approve 2 undersized lots.

Carl Jahn  
 Arnold Jahn  
 Director

cc: Arthur Becker

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 21, 1994

Mr. Arthur Becker  
The Becker Family Limited Partnership  
12170 Falls Road  
Cockeysville, Maryland

RE: Case No. 94-256-SPH, Item No. 256  
Petitioner: The Becker Family Limited Partnership  
Petition for Special Hearing

Dear Mr. Becker:

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 December 21, 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.



1-3-94

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

Re: Baltimore County  
Item No: 256 (JCL)

Dear Ms. Minton:

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 project.

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,

*Robert Small*  
for DAVID N. BARRON, ACTING CHIEF  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: January 5, 1994

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 No. 243, 248, 250, 251, 253, 255, 256, 257, and 259.

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 N. Long*  
Division Chief: *David L. Keran*

PK/JL:lw

ZAC 243/PZONE/ZAC1



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-1500

ZADM

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE: March 6, 1995

FROM: Charlotte E. Radcliffe  
County Board of Appeals

SUBJECT: Closed File: Case No. 94-256-SPH  
THE BECK FAMILY LTD. PARTNERSHIP  
8th E; 3rd C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 21, 1994

Mr. Arthur Becker  
12170 Falls Road  
Cockeysville, MD 21030

RE: Petition for Special Hearing  
W/end of Wally Court, 1075 ft.  
N of the c/l of Berens Road  
(Proposed 31 7 33 Wally Court and  
Parcels A and B of the Becker Property)  
8th Election District  
3rd Councilmanic District  
The Becker Family Ltd Part.-Petitioner  
Case No. 94-256-SPH

Dear Mr. Becker:

Please be advised that an appeal of the above-referenced case was filed in this office on March 17, 1994 by Howard L. Alderman, Esquire on behalf of Mr. Thomas D. Dawes and family. 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 Jablon*  
ARNOLD JABLON  
Director

AJ:jaw

cc: Mr. Steven Diamond  
Mr. Sheldon Bearman  
Ms. Gee Gee Pfeiffer  
Neil Lanzl, Esquire  
People's Counsel

Petition(s) for Special Hearing  
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 - Broadridge Estates CRG Plan  
2 - Minor Subdivision Plat. 92-305-MP  
3 - 1st Amended Minor Subdivision Plat. 92-305-MP  
4 - Plan to Accompany Special Hearing  
Deputy Zoning Commissioner's Order dated February 18, 1994 (Granted)  
Notice of Appeal received on March 17, 1994 from Howard L. Alderman, Jr. on behalf of Mr. Thomas D. Dawes and Family

cc: Howard L. Alderman, Jr., Levin and Gann, 305 W. Chesapeake Avenue, Towson, MD 21204

Mr. Arthur Becker, 12170 Falls Road, Cockeysville, MD 21030

Mr. Steven Diamond, 16 Wally Court, Lutherville, MD 21093

Mr. Sheldon Bearman, 23 Wally Court, Lutherville, MD 21093

Ms. Gee Gee Pfeiffer, 12031 Falls Road, Lutherville, MD 21093

Neil Lanzl, Esquire, 300 Allegheny Avenue, Towson, MD 21204

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  
Timothy M. Kotrocco, Deputy Zoning Commissioner  
M. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of ZADM

APPEAL

Petition for Special Hearing  
N/end of Wally Court, 1075 ft. N of the c/l of Berens Road  
(\*Proposed 31 & 33 Wally Court and  
Parcels A and B of the Becker Property)  
8th Election District - 3rd Councilmanic District  
The Becker Family Ltd Part.-PETITIONER  
Case No. 94-256-SPH

County Board of Appeals of Baltimore County



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

March 6, 1995

Howard L. Alderman, Jr., Esquire  
LEVIN & GANN, P.A.  
Suite 113  
305 W. Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 94-256-SPH  
BECKER FAMILY LTD. PARTNERSHIP

Dear Mr. Alderman:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

cc: Stuart D. Kaplow, Esquire  
Arthur Becker  
Thomas D. Dawes, et al  
c/o Howard L. Alderman, Jr., Esquire  
People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

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

September 15, 1994

NOTICE OF DELIBERATION

As indicated at the conclusion of the hearing on September 14, 1994, the Board has scheduled the following date and time for deliberation in the matter of:

BECKER FAMILY LTD. PARTNERSHIP  
CASE NO. 94-256-SPH

DATE AND TIME : Thursday, October 6, 1994, at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Stuart D. Kaplow, Esquire Counsel for Petitioner  
Mr. Arthur Becker Petitioner  
Howard L. Alderman, Jr., Esquire Counsel for Appellants /Protestants  
Mr. Thomas D. Dawes, et al Appellants /Protestants  
Mr. Steven Diamond Protestant  
Mr. Sheldon Bearman "  
Ms. Gee Gee Pfeffer "  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Becker Family Ltd. Partnership -Petitioner  
Case No. 94-256-SPH

DATE : October 6, 1994 @ 9:00 a.m.

BOARD /PANEL : William T. Hackett (WTH)  
C. William Clark (CWC)  
Judson H. Lipowitz (JHL)

SECRETARY : Kathleen C. Weidenhammer  
Administrative Assistant

Among those present at the deliberation were Stuart D. Kaplow, Esquire, on behalf of Petitioner; and Thomas D. Dawes, Appellant /Protestant.

PURPOSE --to deliberate issues and matter of petition for special hearing presented to the Board; testimony and evidence taken at hearing on September 14, 1994. Written Opinion and Order to be issued by the Board.

Opening comments by Chairman Hackett as to case name and number; matter before the Board is special hearing to create two non-density units in R.C. 4 and 5 for two dwellings straddling lines and two wells located in zone other than principal dwelling.

WTH: Reviewed testimony presented to Board day of hearing from registered surveyor; he approved plan that went to ZADM; amended plat was as good as could be obtained under conditions; reviewed property and zoning; entire situation is created by a zoning line over which Petitioner has no control; no detriment to anyone whatsoever; special hearing should be granted.

Summary: Would grant Petition for Special Hearing as requested.

JHL: Agrees with WTH; evidence indicated problems locating wells on site; subdivision problems. Reviewed history of property, number of lots originally; two buildable lots for family members; zoning actually required that house straddle the line; one large parcel; inclined to grant relief requested. Written opinion will make findings of fact to support that conclusion.

Summary: Concurs with WTH; Petition should be granted.

Deliberation /The Becker Family Ltd. Partnership 94-256-SPH

CWC: Also agrees; unique factors and conditions that arise from this lot and proposed use that permit the granting of relief; reviewed testimony presented to Board and notes; no difficulty from legal issues raised; Board has authority to grant relief requested. Would grant petition.

Closing statement by Chairman Hackett: Board will issue written Opinion and Order in the very near future indicating results of this deliberation; special hearing to be granted.

Note: appellate period runs from date of written Opinion and Order and not from today's date.

Respectfully submitted,

Kathleen C. Weidenhammer  
Administrative Assistant

4/13/94 -Notice of Assignment for hearing scheduled for Wednesday, July 13, 1994 at 10:00 a.m. sent to following:

Mr. Arthur Becker  
Howard L. Alderman, Jr., Esquire  
Mr. Thomas D. Dawes, et al  
Mr. Steven Diamond  
Mr. Sheldon Bearman  
Ms. Gee Gee Pfeffer  
Neil Lanzl, Esquire  
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

4/29/94 -Letter requesting postponement from 7/13/94 hearing date from J. Neil Lanzl, Counsel for Mr. & Mrs. Trader, Protestants. Mr. Lanzl scheduled to be on vacation week of 7/09/94 (long-standing plan) and requests postponement to date after 7/16/94.

5/03/94 -Letter from Howard Alderman, Counsel for Mr. Dawes, et al; no problem with PP request; however, will be out of town 9/09 through 9/17/94; requests date after 8/19/94. Also references Case No. 93-131-SPH; unable to locate case under this number; no name given. Will investigate number given.

6/07/94 -T/C to S. Kaplow; not in office; left message with secretary re: letter received this date from Neil Lanzl regarding his postponement request of 4/26/94. Kaplow had indicated previously that at least part of this matter may be settled; would get back to me regarding postponement. Have heard nothing to date. Left message with Kaplow's secretary to clarify status and discuss postponement request.

6/10/94 -Postponement request of N. Lanzl granted; case postponed and rescheduled to Tuesday, August 23, 1994 at 10:00 a.m.; Notice of PP and Reassignment sent to parties. Also sent letter to H. Alderman in response to his request of 4/29/94 to consolidate CBA-93-131 /Ridgemont West Section 2 with this case. Consolidation denied; however, will schedule CBA-93-131 for hearing upon request.

6/15/94 -Letter from S. Kaplow requesting postponement from 8/23/94 hearing date / will be out of town on that date; no objection by H. Alderman. Postponement granted; notice of pp and reassignment sent to parties; reset to Wednesday, September 14, 1994 at 10:00 a.m.

T/C from N. Lanzl --will be submitting letter to CBA --to remove his clients from file; no longer interested parties.

6/21/94 -Letter dtd 6/17/94 from N. Lanzl --his clients are no longer interested parties to this case.

Page 2 - 94-256-SPH Becker Family Ltd. Partnership

7/14/94 -Hearing concluded before Board; matter to be scheduled for deliberation by Board; deliberation to be scheduled for Thursday, October 6, 1994 at 9:00 a.m.; notices to be sent.

9/15/94 -Notice of Deliberation sent to parties; to be deliberated on Thursday, October 6, 1994 at 9:00 a.m. (H.L.C.)

10/06/94 -Deliberation completed; Petition for Special Hearing granted; written Opinion and Order to be issued by Board.



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  
April 13, 1994

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. 94-256-sph BECKER FAMILY LTD. PARTNERSHIP  
N/end of Wally Court, 1075' N of c/l of Berans Road (Proposed 31 and 33 Wally Court and Parcels A & B of the Becker Property)  
8th Election District  
3rd Councilmanic District

SPH -To create two nondensity parcels in RC 4 and RC 5; construction of two dwellings /straddle RC 4 and RC 5 lines; septic areas for two dwellings /located in zone other than principal dwelling; two undersized lots in RC 5 zone.

2/18/94 -D.I.C.'s Order in which Petition for Special Hearing was GRANTED in part and DISMISSED as moot in part.

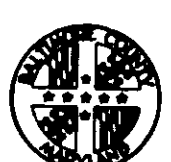
ASSIGNED FOR: WEDNESDAY, JULY 13, 1994 at 10:00 a.m.

cc: Mr. Arthur Becker Petitioner  
Howard L. Alderman, Jr., Esquire Counsel for Appellants /Protestants  
Mr. Thomas D. Dawes, et al Appellants /Protestants  
Mr. Steven Diamond Protestant  
Mr. Sheldon Bearman "  
Ms. Gee Gee Pfeffer "  
Neil Lanzl, Esquire "

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  
Stuart D. Kaplow, Esquire

Kathleen C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



County Board of Appeals of Baltimore County

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

June 10, 1994

Howard L. Alderman, Jr., Esquire  
LEVIN & GANN, P.A.  
Suite 113  
305 W. Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 94-256-SPH /Becker Family Ltd. Partnership and Case No. CBA-93-131 /Ridgemont West Section 2

Dear Mr. Alderman:

Regarding the subject Case No. 94-256-SPH, enclosed is a copy of the Notice of Postponement & Reassignment whereby the request of Mr. Lanzl has been granted and the matter rescheduled for hearing on Tuesday, August 23, 1994. However, please note that your request for consolidation of this matter with Case No. CBA-93-131 (Ridgemont West, Section 2) pursuant to your letter of April 29th has been denied.

With further regard to Case No. CBA-93-131, the Board notes that this matter was postponed in October of 1993 by joint request of the parties involved, with anticipated dismissal after December 21, 1993. Should you wish to have Case No. CBA-93-131 (Ridgemont West, Section 2) scheduled for hearing, please advise and a hearing date will be assigned during the normal course of scheduling.

Should you have any questions, please don't hesitate to call me.

Very truly yours,

Kathleen C. Weidenhammer  
Administrative Assistant

encl

cc: Stuart D. Kaplow, Esquire  
J. Neil Lanzl, Esquire  
People's Counsel for Baltimore County



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  
June 10, 1994

NOTICE OF POSTPONEMENT & REASSIGNMENT  
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. 94-256-SPH BECKER FAMILY LTD. PARTNERSHIP  
N/end of Wally Court, 1075' N of c/l of Berans Road (Proposed 31 and 33 Wally Court and Parcels A & B of the Becker Property)  
8th Election District  
3rd Councilmanic District

SPH -To create two nondensity parcels in RC 4 and RC 5; construction of two dwellings /straddle RC 4 and RC 5 lines; septic areas for two dwellings /located in zone other than principal dwelling; two undersized lots in RC 5 zone.

2/18/94 -D.I.C.'s Order in which Petition for Special Hearing was GRANTED in part and DISMISSED as moot in part.

which was scheduled for hearing on July 13, 1994 has been POSTPONED at the request of Counsel for Protestants (Mr. & Mrs. Trader); and has been

REASSIGNED FOR: TUESDAY, AUGUST 23, 1994 at 10:00 a.m.

cc: Stuart D. Kaplow, Esquire Counsel for Petitioner  
Mr. Arthur Becker Petitioner  
Howard L. Alderman, Jr., Esquire Counsel for Appellants /Protestants  
Mr. Thomas D. Dawes, et al Appellants /Protestants  
Mr. Steven Diamond Protestant  
Mr. Sheldon Bearman "  
Ms. Gee Gee Pfeffer "  
Neil Lanzl, Esquire /

Counsel for Mr. & Mrs. Richard L. Trader "  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.